

Planning Obligations

Supplementary Planning Document





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A paper copy of the SPD costs £12 (including P & P).

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Commonly Used Definitions

Certificate of Completion of Build: issued on completion of the building works and shows that the work meets the Building Regulations standards.

Community Infrastructure: facilities or services that are required to support the needs of the new community, usually off site e.g. sports facilities.

Deed of Variation: formal process where the developer submits an application to change a s106 legal agreement

Design and Access Statement: submitted as part of most full and outline planning applications to show that all relevant aspects of design, access and sustainability have been incorporated in a planning application.

Gross Development Area: gross external measurement of all floor areas in a building.

Heads of Terms: sets out the headlines of the S106 agreement before it is signed.

Full Planning Application: includes all the details of the proposed development, including site and building plans. Approval may be subject to conditions or a S106 agreement.

In Perpetuity: the provision will continue indefinitely, regardless of changes in ownership.

Major Development: Housing development that has 10 or more dwellings or is on a site of 0.5 hectare or more, or for all other development with a floor area of 1000 square metres or 1 hectare or more.

Outline Planning Application: used to obtain planning permission for the principle of developing a site for a particular use. Full details are not submitted at this stage. For development to commence, approval must be granted for all outstanding Reserved Matters (see below). Outline permission may be granted subject to conditions or a S106 agreement.

Planning Condition: applied to the grant of planning permission to limit and control the way in which the planning permission may be implemented or operated.

Planning Obligations (developer contributions/s106 agreement): legal agreement negotiated between the Council and developers/landowners as a result of a planning application to secure infrastructure to help mitigate the impact of new development.

Reserved Matters Application: following the grant of outline planning permission further details are submitted for approval to make sure that the development is acceptable in planning terms including details relating to access, appearance, landscaping, layout and scale.

Significant Development: housing development of 100 dwellings or 5 hectares or more, or other development with a floor area over 2000 square metres or 2 hectares or more.

Site Related Infrastructure: infrastructure on or close to the development site that is necessary to prepare a site for development and make it safe and sustainable e.g. new access junction.

Trigger Point: specific time set out in a legal agreement when infrastructure should be provided.

Use Class: Town and Country Planning (Use Classes) Order 1987 puts different types of land and buildings into categories, grouped by similar characteristics and impacts in planning terms. Planning permission may be required to change between some use classes.

Planning Obligations Supplementary Planning Document 2013



1.0 INTRODUCTION

1.1 WHAT IS THIS DOCUMENT AND WHY IS IT IMPORTANT?

- 1.1.1 This Planning Obligations Supplementary Planning Document (Planning Obligations SPD) provides clarity and detail about the Council's approach to securing planning obligations, which are also known as developer contributions or s106 agreements. These are legal agreements negotiated between the Council and developers or landowners as a result of a planning application, to secure infrastructure required to help mitigate the impact of new residential or non residential development.
- 1.1.2 This SPD has been developed in accordance with national and local planning policy. Developers will be expected to have considered this SPD prior to the submission of a planning application. Its adoption means that the Planning Obligations SPD is a material consideration, which has weight in making decisions on planning applications.
- 1.1.3 The need for this document has arisen because the Council wishes to make sure that all necessary physical, social and green infrastructure is provided to meet the reasonable needs of new development. It provides more details to secure the site related and community infrastructure expected to be commonly sought by planning obligations from new development in the future. Identified in policy CS4¹ of the Darlington Core Strategy, these can include:

Physical Infrastructure	
Transport	
Cycling and walking facilities Public Transport	Highways Travel Plans
Utilities	
Renewable energy	Carbon Management Fund
Social infrastructure	
Education	
Early years provision Primary education	Secondary education Higher education
Housing	
Affordable housing	
Sport and recreation	
Playing pitches	Indoor and outdoor sports facilities
Employment	
Employment skills and training places	
Green Infrastructure	
Open spaces	Children's Play facilities

- 1.1.4 Planning obligations may still be sought for other types of infrastructure to address the specific needs of a development e.g. flood mitigation or health care facilities. Other infrastructure may be secured by planning conditions e.g. sustainable drainage systems, or, for transport infrastructure, by Section 278 and/or Section 38 agreements.

¹Darlington Core Strategy, DBC, 2011

Section 278 agreement: between the developer and the Highways Authority for works to be carried out on the adopted highway

Section 38 agreement: between the developer and the Highways Authority for works to be carried out that will need adoption and maintenance



- 1.1.5 This document sets out an efficient and effective process of securing planning obligations from new development. It sets out when planning obligations will be sought, how they will be calculated, and in what way the Council expects planning obligations from new development to be delivered. By setting out consistent and transparent guidance that takes into account Borough wide land values and other costs associated with development, developers and landowners will be aware from an early stage in the development process planning obligation requirements, so that the costs can be taken into account when land is bought and development schemes are being prepared.
- 1.1.6 Where new development is promoted in parts of the Borough where infrastructure provision cannot cope with the additional demands from new development, planning obligations may be used to help deliver relevant infrastructure; site related and/or community infrastructure may be required for the development to go ahead. But obligations will not be used to fill existing infrastructure gaps or to achieve wider objectives that are not necessary to grant planning permission. All funding will be additional to Council funding for capital and revenue works.
- 1.1.7 This Planning Obligations SPD elaborates on several Core Strategy¹ policies. Key policy CS4 (Developer Contributions) applies to all planning obligations (see **APPENDIX 1**) while several other theme based policies include planning obligations as one element of the policy. These should be referred to where appropriate: policy CS3 (Promoting Renewable Energy), policy CS11 (Meeting Housing Needs), policy CS12 (Existing Housing), policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity), policy CS17 (Delivering a Multifunctional Green Infrastructure Network), policy CS18 (Promoting Quality, Accessible Sport and Recreation Facilities) and policy CS19 (Improving Transport Infrastructure and Creating a Sustainable Transport Network). All can be viewed in the Core Strategy¹ on the Council's website: www.darlington.gov.uk/planningpolicy
- 1.1.8 The emerging Making and Growing Places DPD will show where the majority of new housing, employment, shops and services are expected to go in the Borough to 2026. This SPD will help identify the specific infrastructure requirements that are needed to support the development sites identified.
- 1.1.9 This SPD replaces the Council's Affordable Housing SPD², the SPG: Commuted Sums from New Housing Development to Enhance Children's Equipped Play Areas³ as well as Open Space Strategy⁴ policies 19, 20 and 21.
- 1.1.10 References in the right hand column are links to relevant guidance elsewhere in the SPD. References to other documents and explanation of terms are set out in the left hand column. Commonly used definitions are set out at the start of the SPD. Planning obligation assumptions and information about the viability of land will be updated each financial year – these are highlighted in bold throughout the SPD.

Section 4.2

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 1.1.11 This SPD will provide interim guidance until at least Autumn 2014 when the Community Infrastructure Levy is expected to be introduced. This new planning charge will then become a key way of providing, improving and maintaining infrastructure needed by new development. CIL will not replace planning obligations, but it will reduce their scope. So that this Planning Obligations SPD remains relevant in the long term, it has been designed so that only small parts of the document will need revising in 2014, to avoid duplication with CIL. The community and stakeholders will be able to comment on the content of CIL and any subsequent changes made to this SPD at that time.

² Affordable Housing SPD, DBC, 2007

³SPG: Commuted Sums from New Housing Development to Enhance Children's Equipped Play Areas, DBC, 2001

⁴Open Space Strategy, DBC, 2007

⁵Central Park was granted planning permission in 2013 so its infrastructure has already been secured.

1.1.12 Given the timescales for delivery of new development in the Core Strategy strategic development locations (excluding Central Park⁵ and the Rest of the Urban Area), it is expected that most of their infrastructure will be secured through CIL. For development in the Rest of the Urban Area location, or where a proposal comes forward in the other locations before 2014, this SPD will be used as the basis for negotiating infrastructure.

1.2 EQUALITIES IMPACT ASSESSMENT AND DISABILITIES EQUALITIES IMPACT ASSESSMENT

1.2.1 An Equalities Impact Assessment and Disabilities Equalities Impact Assessment have been undertaken for this SPD during its preparation. Both reports are available and can be viewed or downloaded at: www.darlington.gov.uk/planningpolicy



2.0 WHAT ARE PLANNING OBLIGATIONS?

2.0.1 Planning obligations, also known as developer contributions or s106 agreements, are a legal agreement negotiated between the Council and a developer/landowner as part of a planning application. They will only be used to secure site related and/or community infrastructure required by new development where they are:

- **necessary to make the development acceptable in planning terms;** they will not be used to fill existing infrastructure gaps or to achieve wider objectives that are not necessary to grant planning permission;
- **directly related to the proposed development;** there must be a functional or geographical link between the development and the infrastructure being sought; and
- **fairly and reasonably related in scale and kind to the development**⁶.

APPENDIX 2 shows how the different types of infrastructure sought by this SPD are consistent with these three tests.

2.0.2 Planning obligations may be used to:

- **Prescribe the nature of a development:** e.g. require a proportion of housing to be affordable;
- **Compensate for loss or damage caused by a development:** e.g. require that new open space is created to replace the loss of open space;
- **Mitigate the impact of a development:** e.g. provide new sports facilities to be used by the people living or working in the new development.

2.0.3 Planning obligations can be used to provide:

- the infrastructure itself; and/or
- land on or off the application site to be used for infrastructure; and/or
- a standard charge, financial contribution or maintenance sum to provide or improve infrastructure.

In some cases, pooling monies may be the most effective way to provide larger pieces of infrastructure fairly and equally to meet the needs of several new smaller developments.

4.1

2.1 CONTEXT

2.1.1 This Planning Obligations SPD sets out in detail how the Council expects the range of national and local guidance and standards relating to planning obligations to be addressed in Darlington. A full list is set out in APPENDIX 3. Specific matters that this SPD takes account of include:

NATIONAL PLANNING POLICY FRAMEWORK⁷:

states that planning obligations may be used to make otherwise unacceptable development acceptable in planning terms. Obligations should take account of changes in market conditions so as not to stifle development.

DARLINGTON CORE STRATEGY¹:

key policy CS4: Developer Contributions enables planning obligations to be sought for the direct provision of infrastructure or to secure standard charges

⁶Community Infrastructure Levy, DCLG, 2010

⁷NPPF, DCLG, 2012

⁸Infrastructure Delivery Plan, DBC, 2011

⁹One Darlington: Perfectly Placed, Darlington Partnership, 2008

¹⁰Joint Single Needs Assessment, DBC, 2010

to secure site related and/or community infrastructure to support new development. Other relevant policies will be referred to, where appropriate in this SPD.

INFRASTRUCTURE DELIVERY PLAN⁸:

details the existing mix of infrastructure in the Borough as well as the different infrastructure needed to help deliver the Core Strategy policies by 2026. Planning obligations are identified as an important source of funding to help deliver infrastructure within identified timescales.

- 2.1.2 Where sites or areas are subject to other guidance prepared by the Council e.g. a development brief or a masterplan, developers must consider planning obligation requirements carefully to reflect all appropriate guidance.

LOCAL POLICY

- 2.1.3 **ONE DARLINGTON: PERFECTLY PLACED⁹:**

aims to develop high quality, sustainable neighbourhoods with easy access to a range of local facilities. Its objectives will help inform this SPD's community infrastructure targets (see **APPENDIX 6**).

JOINT SINGLE NEEDS ASSESSMENT¹⁰:

identifies the top ten issues facing Darlington's community, at a Borough, locality and ward level. These will inform the locality specific community infrastructure targets in **APPENDIX 6**.



3.0 HOW TO USE THIS SPD

3.1 Developers are expected to use the following approach as part of ongoing discussions with officers:

STAGE 1

CONFORMITY WITH RELEVANT ADOPTED PLANNING POLICY

All proposals should be in accordance with relevant national planning policy and the adopted development plan.

PRE-APPLICATION AND PLANNING APPLICATION DISCUSSIONS

Pre-application discussions are encouraged with officers for all planning applications, particularly major and significant development proposals, through the One Stop Shop and through consultation with the community, in accordance with the Statement of Community Involvement¹¹. These discussions are entered into on a without prejudice basis, to seek agreement on the scope of planning obligations required and to discuss other planning related issues. Where planning obligations are required, the process to be used is set out in **APPENDIX 4**.

CONFORMITY WITH PLANNING OBLIGATIONS GENERAL GUIDANCE

The general guidance set out in this SPD should be used to ensure the basic principles and approach to planning obligations is understood.

4.0

STAGE 2

IDENTIFY RELEVANT LOCALITY FROM LOCALITY MAP

Developers should identify from the Darlington Locality Map (see **APPENDIX 5**), the locality their development lies in.

IDENTIFY INFRASTRUCTURE NEEDS OF DEVELOPMENT

Through pre-application discussions, developers should identify any impacts generated by the development and the infrastructure required to mitigate these impacts. To make sure that development is viable, infrastructure will be secured:

1. firstly to prepare a site for development and make it sustainable and safe e.g. new junction to access the site; then
2. to help deliver other relevant local and/or strategic community infrastructure. The community infrastructure targets (see **APPENDIX 6**) should be used to establish the types of infrastructure a development of that type and size is expected to have an impact upon in that part of the Borough.

REFER TO INFRASTRUCTURE PROJECTS LIST

Developers should refer to the Infrastructure Projects List (www.darlington.gov.uk/planningpolicy) to see which community infrastructure projects will be delivered with the planning obligations sought from their development.

5.0

STAGE 3

INCORPORATE DETAILED INFRASTRUCTURE SPECIFIC GUIDANCE

The detailed technical infrastructure guidance should be used to establish the requirements, costs and delivery approach for different types of infrastructure. It also identifies any supporting information that should be submitted with a planning application.

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¹¹Statement of Community Involvement, DBC, 2010

4.0 PLANNING OBLIGATIONS: GENERAL GUIDANCE

- 4.0.1 The general guidance applies to all planning obligations sought in this SPD. But it should be read with the detailed infrastructure specific guidance in Section 7.0. 7.0

4.1 STANDARD CHARGES AND FORMULAS

- 4.1.1 It is important for everyone involved in the development process in Darlington that the planning obligations system is effective, transparent and predictable. Using standard formula and/or standard charges will provide a consistent but flexible basis from which to negotiate planning obligations, appropriate to the size and type of development. Where infrastructure is provided on site, an equivalent reduction in a standard charge/financial contribution or off site provision will be made. Where viability is an issue, the formulas and charges will be used as a starting point for negotiation. 4.2

- 4.1.2 Developers should complete the Planning Obligations Calculator at www.darlington.gov.uk/planningpolicy to establish the sum sought for community infrastructure for their development (to be updated each financial year). It will only include charges for infrastructure that a new development is expected to have an impact upon in that locality. Any site related infrastructure identified through pre-application discussions will be an additional cost.

- 4.1.3 All standard charges will be index linked in each s106 agreement to the Retail Price Index from the date planning permission is granted until the date of receipt, so that the obligation keeps its value and reflects changes in costs over time. In general, they will be held for 10 years in infrastructure specific ring fenced accounts, after which time any remaining funds will be returned to the developer. Interest from contributions will also be held in the relevant account. Appropriate clauses will be included in a s106 agreement to secure interest for late payment from the relevant trigger point in the agreement.

4.2 LAND VALUES

- 4.2.1 The type and mix of planning obligations required can reduce the value of land. Values vary across the Borough; previously developed land and greenfield land have different values as do residential and non residential land¹². Values can also change to reflect the economic climate. As a result this SPD must be flexible enough to provide the basis for negotiating planning obligations in the current, challenging economic market as well as in an improving economic market when land values may be different. 5.0

ASSUMPTIONS

- 4.2.2 So that development remains viable and deliverable, and so that the type and mix of planning obligations continues to meet the identified needs of new development, certain assumptions (in bold throughout the SPD) relating to the detailed operation of all planning obligations have been made. These are based on viability assessments submitted for schemes progressed in the last two years supported by evidence in the Infrastructure Delivery Plan⁸. Assumptions and information about the viability of land will be updated each financial year.
- 4.2.3 **But there are some parts of Darlington where development is unlikely to be viable with planning obligations¹². During 2012-2014, the Council will only seek planning obligations for community infrastructure in these locations in exceptional circumstances, where there is sufficient evidence**

Retail Price Index: measure of inflation published by the Office of National Statistics

Ring fenced account: funds only used for that type of infrastructure

Interest: secured at 4% above the interest base rate

¹²Economic Viability of Housing Land 2010 and Addendum, Levvels, 2012 and Economic Viability of Non Housing Land, Levvels, 2010



to support economic viability. Planning obligations may still be required to prepare a site for development and make it safe and sustainable.

- 4.2.4 While planning obligation assumptions and requirements have been set so as not to undermine developer confidence in the Darlington market, developers are expected to be familiar with the approach and content of this SPD so that the financial implications of providing planning obligations are identified early in the development process. These costs can then be considered when purchasing land for development as would all other significant foreseeable costs like remediating contamination, flood mitigation, piling and demolition.

DEVELOPER VIABILITY ASSESSMENT

- 4.2.5 In exceptional circumstances where a developer considers that a development with planning obligations will be unviable, a comprehensive, open book viability assessment must be submitted. Preferably, this should form part of the pre-application negotiations but must be submitted with a planning application (see **APPENDIX 7**). Failure to provide this information may delay the determination of the application or the completion of any legal agreement. The Council's chosen independent consultant will consider the assessment. Where other professional advice is required e.g. traffic or ecological advice, other specialist consultants may need to be involved. All costs associated with these assessments will need to be met by the developer.

S106 AGREEMENT REVIEW MECHANISM

- 4.2.6 Over time, if land values change, planning obligation requirements may also change. Where there is an expectation that a site will be delivered over several years, a review mechanism for planning obligations will be incorporated into the s106 agreement to allow for the re-assessment of viability, linked to the substantive delivery of the scheme or phases of a scheme to a specified timetable. Re-negotiation at a specified date will amend planning obligation requirements, where appropriate.
- 4.2.7 In all other cases, the re-negotiation of a s106 agreement will only be considered where the viability of the scheme has been proven to have substantially changed. Variation and discharge of obligations will be considered formally, either by a deed of agreement or a planning application.

4.3 QUALIFYING SCHEMES

- 4.3.1 All development proposals with a net increase of **5 or more dwellings or 500m² or more** of non residential floorspace (gross) may need to contribute to planning obligations. This is a minimum threshold; different size developments are likely to have an impact on different types of infrastructure - specific infrastructure thresholds are set out in Section 7.0. Larger developments are also more likely to be able to fund a wider range of infrastructure than smaller developments. As a result the thresholds in section 7.0 are based on the anticipated impacts that different size developments can have on a range of infrastructure, and their ability to deliver the infrastructure identified.
- 4.3.2 All requirements are based on the gross developable area of the red lined site boundary identified in a planning application. This includes access roads within the site, car parking areas serving the development and green space. Major distributor roads and existing private driveways will be excluded.
- 4.3.3 In exceptional cases, planning obligations may be required from developments above or below the thresholds identified to meet specific development needs. For mixed use development, thresholds will be applied separately for residential and non residential development.

7.0

- 4.3.4 For schemes that involve demolition, the existing number of dwellings or floorspace will be deducted from the new development. If a development has been demolished in the last three years the figures from the previous development will be used. For a scheme that involves the redevelopment or extension of development in the same Use Class, planning obligations will only apply to the additional new development. Where a proposal involves changing between use classes, planning obligation requirements will be negotiated on a site by site basis.

4.4 EXCEPTIONS

- 4.4.1 Planning obligations will only be sought for infrastructure that is likely to be used by people living and/or working in the development e.g. children's play areas will not be required from housing for older people, one bedroom dwellings or non residential development.

- 4.4.2 In general planning obligations in this SPD will not be sought from:

- affordable housing: as it generally houses people already resident in the Borough;
- the development of agricultural buildings required in connection with an agricultural holding;
- householder development;
- listed building, conservation area, advertising or tree preservation order applications: planning obligations requirements may apply to the planning application for the wider scheme;
- community facilities that are provided on a not for profit basis e.g. community halls;
- replacement dwellings (except where there is an increase in bedrooms);
- specialist housing for the elderly in Use Class C2;
- purpose built hostel or holiday accommodation which are incapable of occupation for general residential purposes because of their layout, ownership, management or occupancy restrictions;
- residential or staff accommodation which is incidental to the main dwelling;
- **cafes (Use Class A3): for community infrastructure;**
- **Light industrial development (Use Class B1): for community infrastructure;**
- **General industrial development (Use Class B2): for community infrastructure;**
- **Storage and warehousing development (Use Class B8): for community infrastructure.**

Additional specific infrastructure exceptions will be set out in Section 7.0.

7.0

Use Class C2: Residential care homes



4.5 OCCUPANCY RATES

4.5.1 Planning obligations must be applied equally and fairly across the Borough. Standard occupancy rates will be used as the basis for the standard formulas, charges and financial contributions:

Dwelling Size	Occupancy ¹³
1 bed	1.28
2 bed	1.79
3 bed	2.42
4 bed or more	2.93
<ul style="list-style-type: none"> Any habitable room that is capable of being used or converted into a bedroom should be included For dwellings with five or more bedrooms the four bedroom rate will apply 	
Employment Type (by Use Class ¹⁴)	Sqm per worker ¹⁵
High Street Retail (A1)	19
Food Superstore (A1)	17
Other Superstore/Retail Warehouse (A1)	90
Financial/Professional Services (A2)	16
Restaurant & Cafes (A3)	18
General Office (B1a)	12
Call Centre (B1a)	8
IT/Data Centre (B1a)	47
Business Park (B1a)	10
Serviced Office (B1a)	10
Research & Development (B1a)	67
Light Industrial (B1c)	47
General Industrial (B2)	36
General Storage & Distribution (B8)	70
Large Scale and High Bay Warehousing (B8)	80
Hotel (C1)	1 employee per 3 bedrooms
Cinema (D2)	90
Amusement & Entertainment Centre (D2)	70
Sport Centre & Private Sports Club (D2)	65
General information <ul style="list-style-type: none"> Results of 0.5 or more will be rounded up; a figure below 0.5 will be rounded down 	

¹³Census 2001 data, Office of National Statistics

¹⁴Town and Country Planning (Use Classes) Order 1987

¹⁵Employment Densities Guide, Homes & Communities Agency, 2010

4.6 OUTLINE PLANNING APPLICATION

4.6.1 At this stage details relating to the size and mix of the scheme might not be available. Through negotiation with the developer, the s106 agreement will be based on the predicted dwelling mix, floorspace or employee numbers for that site. If thresholds change, a Deed of Variation will be sought through the Reserved Matters planning application so that appropriate planning obligation requirements can be secured.

4.7 SUB DIVISION OF SITES

4.7.1 Planning obligations will reflect the full use of each site, whether or not subject to phased development and regardless of ownership. Sites should not be sub divided or phased inappropriately so that the requirements of this SPD cannot be met. Where the Council considers a site has been artificially limited or subdivided, the relevant planning obligation requirements will be applied to the whole curtilage.

Curtilage: land immediately surrounding a house or dwelling, including any closely associated buildings and structures

Outside the Borough:
Stockton, Hartlepool,
Middlesbrough, Redcar &
Cleveland, Hambleton,
Richmondshire and South
Durham

Enabling development: would
not normally be permitted but
brings sufficient public
benefits to a significant
historic asset to justify the
development taking place

Significant historic building or
feature: part of the historic
environment with significant
heritage value; scheduled
monuments, archaeological
remains, listed or locally
significant buildings &
settings, conservation areas,
registered parks and gardens

4.8 CUMULATIVE IMPACT OF DEVELOPMENT

- 4.8.1 One small development on its own may only have a limited impact, which will not, on its own, be enough to require new infrastructure. But the combined impact of several smaller developments in a locality may result in the cumulative need for infrastructure. In these circumstances, it would be unreasonable for one development to fund the total cost of the infrastructure; pooling planning obligations from several smaller developments will allow a more costly piece of infrastructure to be provided fairly and equally. Where infrastructure is provided before all schemes have come forward, later developers may still be required to contribute to a proportion of the costs.
- 4.8.2 In exceptional circumstances, development in Darlington may together with other development outside the Borough, have an impact on strategic infrastructure, within or outside the Borough e.g. A66 (T). In these cases it may be appropriate for development in Darlington to contribute to infrastructure elsewhere. **Over the next two years the level of development expected will not generate enough obligations to support sub-regional infrastructure.** But in the long term should such funding be required, detailed, robust evidence will need to be provided to justify the use of planning obligations funding and to ensure that the costs are divided fairly between all relevant developments.

4.9 ENABLING DEVELOPMENT

- 4.9.1 Where a proposal involves a significant historic building or feature, it may be considered to be enabling development. In these exceptional cases, planning obligation requirements may be reduced or waived as long as there are sufficient public benefits generated by the scheme which would not otherwise be achieved if the development did not take place.

4.10 PROVISION OF LAND

- 4.10.1 Where a planning obligation requires land to be provided off site, evidence should be submitted with the planning application showing that it:
- will be free and serviced; electricity, gas, water, sewerage, telephone, broadband, boundary treatment and lighting should be provided to the site boundary;
 - is owned by the developer;
 - is available for development and that the size, shape and area are equivalent to, or can accommodate the required infrastructure.
- 4.10.2 The planning obligation requirement to be provided on the land e.g. affordable housing or open space, will be applied to the total number of market homes to be provided on the application site, including any increase in homes on the application site resulting from the provision of the infrastructure off site. No additional public subsidy should be required for delivery. Developers should not benefit financially by providing planning obligations in this way.

7.1

7.4

7.5

4.11 SECURING INFRASTRUCTURE

- 4.11.1 The type and scale of development, the impacts it is likely to have, as well as the type of infrastructure required affect the timing of delivery. Established trigger points exist:
- on the date that the agreement is signed;
 - on or prior to commencement of the development;
 - on or prior to practical completion of the development, a percentage of market housing or a specific amount of floorspace will be provided; or,
 - on or prior to occupation of the development.



Bonds: developers are obliged to provide a sum before commencement covering infrastructure costs

¹⁶Design of New Development SPD, DBC, 2011

¹⁷for open space refer to Open Space Maintenance Guidelines, DBC, 2013

The most appropriate will be chosen to reflect the type of obligation and the stage at which the infrastructure is required. In exceptional circumstances infrastructure specific triggers will be used (see section 7.0).

7.0

- 4.11.2 In some cases strategic infrastructure may need to be in place before development can start. As a result the s106 agreement will need to be in place to grant planning permission, subject to the completion of the strategic infrastructure. In exceptional circumstances, a bond may be used to ensure that infrastructure, e.g. open space, is provided at the right time in the development programme.
- 4.11.3 Where standard charges/financial contributions are sought, details of how to make the payment will be provided in the s106 agreement. All payments should be made using a standard payment form. Payment should be made by electronic transfer and/or by cheque. Once received, the payment will be logged onto the Council's planning obligations system.

4.13 DESIGN OF NEW DEVELOPMENT

- 4.13.1 As required by the Council's Design SPD¹⁶ the design of new development, including infrastructure secured through a planning obligation, should be high quality, safe, sustainable and reflect local character and distinctiveness.

4.14 MAINTENANCE COSTS

- 4.14.1 It is important that the quality of open space, sports facilities and public art is not lost as a result of use by people from new development. As a result developers are encouraged to discuss maintenance options at pre-application stage either:

7.4

7.5

7.8

- With the Council/Parish Council: where agreed, the developer should lay out and establish maintenance for 12 months, to an agreed design and specification¹⁷ before the infrastructure is transferred, in perpetuity, at nil cost, to the Council/Parish Council. They will then adopt it and have responsibility for its maintenance and replacement. The developer will be expected to provide a one off maintenance sum prior to completion of the transfer, equivalent to the cost of maintaining the new infrastructure for 10 years. Land transfers will only be accepted by the Council for spaces of 0.40ha or more;
- With a management company: where alternative maintenance arrangements are proposed the infrastructure must remain in the agreed use, with public access, in perpetuity. Developers of significant developments are strongly encouraged to use a management company for future maintenance. A maintenance plan will need to be submitted with a planning application to show:
 - to scale on a layout plan all maintenance responsibilities, including for boundaries, equipment, lighting and features for the first 20 years, subject to review and approval by the Council every 5 years;
 - all areas that are proposed for transfer in the future; and
 - that appropriate access is provided for maintenance equipment.

Administration cost: 75% compliance and monitoring, 25% administering

4.15 ADMINISTRATION, MONITORING AND LEGAL COSTS

4.15.1 Developers will be expected to pay an administration cost of up to 2.5% of the total value of any financial contributions. This will help fund officer time to make sure that the obligations are collected, allocated and spent appropriately. The fee will be payable on completion of the s106 agreement and are additional to the final cost. As the process for financial contributions can be lengthy and complex – the higher the total value the more complex the financial contributions package is likely to be - a sliding scale will be used:

Total Value of Financial Contributions	Fee
Below £15,000	Fixed charge of £200
£15,000 to £35,000	1.5% on the total value
35,001 to £55,000	2.0% on the total value
More than £55,000	2.5% on the total value
For an agreement with non financial obligations	Fee
All Obligations	Separate fixed fee of £200

4.15.2 If an agreement is very complicated e.g. more than 10 Heads of Terms or for a variation on an existing agreement which are more difficult to monitor, the fee will be 3.0% of the total value of the financial contribution(s).

4.15.3 In addition developers are also expected to pay the Council's legal fees in drafting and preparing a s106 Agreement, including any work for an agreement that is not signed. Legal fees will be charged at the hourly rate for the Council's Borough Solicitor.

4.16 COMMUNITY CONSULTATION

4.16.1 It is important that local people who might be affected by a development help make sure that the right type and amount of infrastructure is provided to mitigate identified impacts in their local area. Significant planning applications are most likely to require planning obligations - developers will be expected to hold a pre-application consultation event and invite appropriate and affected community groups and individuals. Any impacts and the planning obligations proposed to address them should be identified, for comment, at that stage. Further opportunities to comment will be provided during the planning application consultation (see Statement of Community Involvement¹¹ for information).

4.16.2 Most significant planning applications are assessed by Planning Applications Committee, who will be able to see if the proposed planning obligation requirements satisfactorily mitigate the impact of the development. They will also be able to make sure that the standard charges/financial contributions appropriately help deliver projects on the Infrastructure Projects List.

5.0

4.16.3 The Making and Growing Places DPD¹⁸ will identify new sites for housing, employment, shops and services for Darlington to 2026. It will also identify the different pieces of infrastructure needed to deliver the sites. The community and other stakeholders will have several opportunities to engage in the plan preparation process, and the feedback from these consultations will also help inform the community infrastructure targets (in APPENDIX 6) as well as the content of the Infrastructure Projects List in the long term.

Local People: includes but not exclusively local residents, Councillors, Parish Councils, community groups, tenant boards

¹⁸Making and Growing Places DPD: Preferred Options, DBC 2013



Locality Area: North West, South West, South East, Central, North East and Rural Area

¹⁹taken from Joint Single Needs Assessment, One Darlington: Perfectly Placed and the Infrastructure Delivery Plan

Regulation 123 List: A list of infrastructure and/or projects that the Council intends to fund through CIL

5.0 INFRASTRUCTURE PROJECTS LIST

- 5.0.1 Each locality has specific community infrastructure needs¹⁹ as well as committed infrastructure projects planned⁸. As a result the ability of existing infrastructure to cope with increased use from the level of new development expected over the next two years varies in different parts of the Borough. These have been translated into a range of community infrastructure targets (in **APPENDIX 6**); those identified will be unable to cope with the demand from the predicted level of development in that area over the next two years. The community infrastructure targets have then been translated into locality specific projects on the Infrastructure Projects List (www.darlington.gov.uk/planningpolicy). Where a development is expected to have an impact on that type of community infrastructure, financial contributions will be sought to help deliver that project. 4.3
- 5.0.2 The Infrastructure Projects List will be revised each financial year to ensure that changing infrastructure priorities and projects can be addressed and completed projects removed. Should CIL be introduced in Autumn 2014, the List will be revisited to avoid duplication with the CIL Regulation 123 List. In the meantime the List will include projects that: 1.1.11
- deliver Core Strategy planning policies;
 - are accompanied by a costed scheme, set out by the Council or another infrastructure provider;
 - realistically should be delivered by Autumn 2014.
- 5.0.3 The content of the Infrastructure Projects List does not affect the total financial contribution sought from a new development. Financial contributions are based on the number of dwellings or amount of floorspace in a scheme and the community infrastructure targets identified in this SPD, whereas the Infrastructure Projects List only identifies the type of project and its location.

Locality Area: North West,
South West, South East,
Central, North East and Rural
Area

6.0 MONITORING AND REVIEW

- 6.1 The parts of this SPD that are in bold and the Infrastructure Projects List will be updated every April to reflect changes in assumptions, community infrastructure targets, costs and infrastructure projects. An annual report to the Council's Place Scrutiny Committee will summarise planning obligations negotiated, infrastructure provided and financial contributions spent in the last financial year, as well as those planned for the coming year.
- 6.2 A review of this SPD will be considered if:
- There are significant changes to local circumstances, including the introduction of the Community Infrastructure Levy or to the Local Plan's evidence base; 1.1.10
 - There is a significant change in national planning guidance; or
 - The Council considers that the SPD is insufficiently effective in using planning obligations to deliver infrastructure from new development.
- 6.3 The Council is anticipating introducing the Community Infrastructure Levy in Autumn 2014. Key stakeholders and the community will be engaged in the preparation of CIL as well as any subsequent review of this SPD, in accordance with the Statement of Community Involvement¹¹. 1.1.10



7.0 INFRASTRUCTURE SPECIFIC GUIDANCE

PLANNING OBLIGATION REQUIREMENTS: SUMMARY

Section	Infrastructure Type	Type of Development		Formula Based	Standard Charge
		Residential	Non Residential		
7.1	Affordable Housing	Urban Area: 15 dwellings (or 0.5ha) or more Elsewhere: 5 dwellings (or 0.2ha) or more	X	✓	X
7.2	Transport	5 dwellings (or 0.1ha) or more	500m ² or more gross floorspace	✓	✓
7.3	Education	5 dwellings (or 0.1ha) or more	X	X	✓
7.4	Green Infrastructure	5 dwellings (or 0.1ha) or more	500m ² or more gross floorspace	✓	✓
7.5	Sport and Recreation	10 dwellings (or 0.2ha) or more	1000m ² or more gross floorspace	X	✓
7.6	Renewable Energy	10 dwellings (or 0.2ha) or more	1000m ² or more gross floorspace	✓	✓
7.7	Employment and Training Placements	50 dwellings (or 1.0ha) or more	See section 7.7	✓	X
7.8	Public Art	50 dwellings (or 1.0ha) or more	1000m ² or more gross floorspace	✓	X

Developers should use this table with the Locality Map in APPENDIX 5 and the community infrastructure targets in APPENDIX 6 to establish the type and mix of planning obligations required in each part of Darlington from each development.

So that development remains viable and deliverable, and so that the type and mix of planning obligations continues to meet the identified needs of new development, certain assumptions (**in bold throughout the SPD**) relating to the detailed operation of all planning obligations have been made. These will be updated each financial year.

7.1 AFFORDABLE HOUSING

- 7.1.1 Any household paying more than 30% of their gross household income on rent or mortgage are considered to be living in unaffordable accommodation and may be eligible for affordable housing²⁰. There are many different affordable housing products available; social rented, affordable rented and intermediate housing, including shared ownership and shared equity housing⁷ as well as those provided without grant funding can be affordable housing.

NEEDS AND PRIORITIES

- 7.1.2 Affordable housing needs in Darlington far exceed the 7500²¹ existing Council and/or Registered Provider homes, and any other new affordable homes that are expected to be provided over the next few years. **Needs are most acute in the rural area and the south-west urban area, are high in and around the central, north west and north urban area²¹ but homes are also required elsewhere. Demand outstrips supply across the Borough for intermediate tenure housing, bungalows, homes for older people and those with physical disabilities, while demand is strong for three or four bed family homes.**

Relevant Core Strategy policies: CS4, CS10, CS11

²⁰Darlington Local Housing Assessment, Arc4 2005, refreshed in 2008/9.

²¹Tees Valley Strategic Housing Market Assessment 2009

- 7.1.3 Needs are likely to increase as wages and benefits stagnate or reduce, access to finance for first time buyers continues to be limited, unemployment rises and private sector rents increase. In areas like the Town Centre Fringe, even though house prices are relatively low and have recently fallen, the average price for a terraced house was £81,735 (February 2011), still eight times the median household income in the area, making home ownership well out of reach for many. Across the Borough, even assuming lower quartile house prices 20% below the 2007 peak, there will be a shortfall of 513 dwellings per year²¹.
- 7.1.4 But with Government funding for affordable housing reducing, delivery as part of private housing development is key to sustaining output. Recognising that local market conditions can impact upon a scheme's ability to deliver affordable housing, the Core Strategy sets a minimum target of 35 new affordable homes a year to 2016 and 50 each year after that¹. Consequently, they go only a little way towards meeting needs. So a flexible approach to delivering suitable new affordable housing to better meet local needs in viable and deliverable schemes is set out in this SPD.

Tees Valley Choice Based Lettings Policy: Tees Valley Councils and housing providers have adopted a Common Allocation Policy so that people are consistently assessed when they apply for housing.

GOOD PRACTICE: WOODLAND VIEW

30% (34) new social rented homes have been provided by Fabrick Housing Group as part of a new development of 106 homes at Woodland View, north Darlington. Built to meet an identified local need, the scheme consists of two, three and four bed family homes. A range of home ownership options were available to help people buy e.g. Homebuy and intermediate market rent products. All homes will be allocated in accordance with the Tees Valley Choice Based lettings policy.



²²rather than up to 30% as stated in Policy CS11

Enhanced Darlington standard: renewal to a decent homes standard includes updating of bathrooms, kitchens, rewiring and central heating.

AFFORDABLE HOUSING: AMOUNT, TYPE AND MIX

THRESHOLD

- Urban Area: 15 dwellings (or 0.5ha) or more
- Elsewhere: 5 dwellings (or 0.2ha) or more

REQUIREMENT

Up to 20% affordable housing²² to include 90% social rented and 10% intermediate housing unless the Council has up to date viability information to show that a higher percentage target or a different mix will be deliverable for that size development in that location.

SUMMARY OF APPROACH (SEE 7.1.5)

Affordable housing can be provided in three ways, in order of priority:

1. on the development site;
2. off site, on developer owned land;
3. off site, as a financial contribution to be used to deliver projects on the Infrastructure Projects List for:
 - a. new affordable housing in the Borough;
 - b. improvements to Council owned housing to meet the enhanced Darlington standard in Cockerton West, Park East and Haughton East;
 - c. improvements to private sector housing in Northgate, North Road, Central and Bank Top.



Live work units: single unit designed for residential and employment where the resident works in the employment space

Lifetime Homes: built to be accessible for all people, with a flexible layout which can be adapted over time to meet a household's changing needs

Homes for older people: include housing capable of being adapted to meet a range of needs, sheltered or extra care housing

Homes and Communities Agency: National housing and regeneration delivery agency for England

EXCEPTIONS

Affordable housing will not be sought from schemes, or parts of schemes for:

- Student accommodation;
- Live-work units where the development is predominantly employment, with supporting residential accommodation attached. Where the development has a predominantly residential character, with offices incorporated, affordable housing requirements will apply;
- Gypsy and Traveller accommodation;
- Non residential development.

SUPPORTING INFORMATION

- Viability assessments submitted for schemes over the last 12-18 months have secured affordable housing; from 6% (Central Park Phase 1), 10% (Whessoe Road) and 13.6% (Hopetown House). **No marked improvement in viability is expected in 2013-14.**
- If an affordable housing mix is proposed which differs from the needs identified by the Council, a housing needs assessment should be submitted to support the proposal;
- All development must make sure that eligible households can afford to rent or buy affordable housing in perpetuity;
- Low cost market housing for sale below market prices and key worker housing is not affordable housing;
- Specialist housing for people with physical or learning disabilities (Lifetime Homes, homes for wheelchair users and/or for older people) will be negotiated on a site by site basis to reflect need;
- Schemes providing for only one age group, e.g. for older people will only be expected to provide affordable housing for that age group;
- Developers should assume that no grant will be available for affordable housing unless an agreement has been made with the Homes and Communities Agency (HCA). Bids for funding to the HCA will be supported for mixed tenure and 100% affordable schemes if the amount, type or standard of affordable housing would not be deliverable without it. Bids for intermediate housing schemes will not be supported unless they are part of wider regeneration initiatives;
- Developers will be notified as soon as possible after the completion of the scheme and acknowledged in any publicity associated with the affordable housing.

APPROACH ON SITE PROVISION

- 7.1.5 In the first instance, to help create mixed communities⁷ affordable housing should be provided on the application site to deliver the identified target and mix. Where a developer can demonstrate that the identified target and mix is not feasible or viable on site, **the percentage target of affordable housing required will be re-considered to ensure that the range of property types and tenures provides a mixed community.**

RURAL EXCEPTION SITES

- 7.1.6 In the rural area, small sites that are within or physically adjoining the development limits of villages (as shown on the Local Plan Policies Map at

Rural Exception Site: for people who are resident, have existing family or are employed in the village or parish whose needs are not met by the market

www.darlington.gov.uk/planningpolicy) that are reasonably accessible to village services may be classed as rural exception sites. These may be appropriate solely for affordable housing in perpetuity if a proposal is supported by:

- A local needs survey: showing evidence of need in the Parish or village for the next 5-10 years, based on data collected in the year prior to submission of the planning application as well as evidence from the housing register. The survey should be carried out by a Registered Provider or other qualified organisation; and
- A land availability assessment: of land in and adjoining the Parish or village to show that there are no reasonably available, alternative, more suitable sites e.g. within development limits, close to village services or as part of a site allocated for residential development.

7.1.7 Acceptable sites should be capable of providing the amount and type of housing identified, up to the maximum that can be accommodated in the local community, taking into account the type and size of village, the character of its built area and the level of services available. Extensions to existing 'exception' sites will be assessed in the same way. Provision should not lead to an overconcentration of affordable housing in one part of a village.

OFF SITE PROVISION

7.1.8 Exceptionally, if a developer can demonstrate through a viability assessment that on-site provision, of all, or part of, the affordable housing requirement is not viable, or where there are justifiable planning, design, site or community reasons resulting in a better housing choice and social mix, e.g. to widen the concentration of social rented homes, consideration will be given to provision elsewhere. Provision can be delivered off site anywhere in that market area; a development in the urban area should provide for homes in that market, development elsewhere should provide for homes in the rural area.

7.1.9 Off site provision must maintain the required ratio of open market to affordable homes. There must be enough value in the land to support the size, type and tenure of homes to meet the identified needs in that part of Darlington. Off site provision can be delivered through:

1. DEVELOPER OWNED LAND

7.1.10 Where a developer owns a second site in the Borough, the percentage target will be applied to the total number of market dwellings to be provided across both sites, including any increase in market units on the application site resulting from the provision of affordable units off site. The tenure mix, including the need for specialist housing, will depend on the needs and existing housing mix in the off-site location. Off-site provision will not be permitted if it will result in the overconcentration of certain house types/tenures in that location.

7.1.11 Developers should make sure that:

- Outline or full planning permission is secured for the off-site affordable housing scheme before the on site market housing is occupied. Where outline permission is approved, a condition tied to the application will require details of the size, type and tenure mix as part of the Reserved Matters planning application;
- A Registered Provider is committed to providing the affordable housing within five years of commencement of the development on the application site.



²³Darlington housing priority investment areas

Enhanced Darlington standard: renewal to a decent homes standard includes updating of bathrooms, kitchens, rewiring and central heating.

Expected on site market price: the average of recently achieved sales prices for the same size house in that local area

Transfer Price: equivalent to the reasonable build cost of the property

Code for Sustainable Homes: homes built to the national standard for sustainable design

²⁴www.homesandcommunities.co.uk

2. PURCHASE OF PRIVATE VACANT HOMES FOR AFFORDABLE HOUSING

7.1.12 Instead of providing new affordable homes, in exceptional circumstances, developers may be able to buy private, long term vacant homes to widen the housing choice in the **wards of Cockerton West, Park East, Eastbourne, Lascelles, Bank Top, Central, Northgate, North Road and Haughton East**²³. This should not concentrate people with low incomes or those experiencing deprivation in particular parts of the urban area. The 'spot purchase' of private homes elsewhere will only be considered where the property meets an identified need, e.g. suitable for a person with disabilities.

7.1.13 Developers should make sure that:

- All homes are renovated to at least the enhanced Darlington Standard. Exceptionally, an additional payment will be required to cover the costs to the Council to undertake the work to bring them up to the required standard;
- Once renovated, each dwelling is transferred to a Registered Provider/Council for £1 to be managed as affordable homes in perpetuity.

PROVISION OF LAND

7.1.14 Exceptionally where the requirement is for no more than six dwellings and to allow affordable housing to be delivered more effectively, the provision of free, serviced land on the application site or on a second site will be acceptable. In addition to the requirements in 4.10 the developer will also need to demonstrate that:

- a Registered Provider is committed to providing the affordable housing within five years of the commencement of development on the application site;
- the dwellings will create a mixed community; and
- other affordable housing options are not feasible.

3. FINANCIAL CONTRIBUTION

7.1.15 Using the following formula, the financial contribution will be equivalent to the value of the affordable housing element of a notional scheme that would have been provided on the application site:

Developer contribution = Expected on site market price for each affordable unit – 70% (the maximum Registered Provider transfer price) for each unit (see 7.1.18)

7.1.16 Contributions will be used to:

- provide affordable housing;
- enable the provision of affordable housing e.g. to provide infrastructure, remediation or re-provision of open space to allow the release of a suitable site;
- to deliver an affordable housing project on the Infrastructure Projects List.

DELIVERING AFFORDABLE HOUSING

DEVELOPERS WILL BE EXPECTED TO:

DESIGN HIGH QUALITY AFFORDABLE HOUSING so that all homes, including those purchased for improvement, are indistinguishable from market properties, particularly in terms of quality of materials, finishing and detailing. Homes should achieve appropriate building and sustainability standards (e.g. the Code for Sustainable Homes, Lifetime Homes, enhanced Darlington Standard and for publicly funded schemes the relevant HCA Design and Quality Standards²⁴). In some cases achieving a higher Code for Sustainable Homes standard may be sought to reduce fuel costs for residents, even if this results in

fewer affordable homes being built. The location of affordable plots should be clearly identified on submitted plans; homes should be spread across the site in small groups of 6-8, by 'pepperpotting' to achieve an appropriate mix with market homes or in flatted schemes by vertical grouping. These should be agreed with the Council and the Registered Provider at pre-application stage. All homes should have easy access to open space and parking areas on or near the site.

SELECT A REGISTERED PROVIDER PREFERRED PARTNER with approved Developer Status with the Homes and Communities Agency and nomination agreement rights with the Council, early in the development process so that the affordable housing meets all planning requirements and the rents and service charges are affordable to future residents. In exceptional cases where another affordable housing provider is proposed they must be approved by the Council; evidence of equivalent accountability, funding for the scheme and long-term management and maintenance arrangements will be required.

CONSIDER CROSS SUBSIDY (BETWEEN TENURE) WHERE APPROPRIATE particularly where the subsidy requirement for intermediate housing is less than that for social rented or affordable rented housing so that it is easier for one provider to deliver the required mix of affordable housing. If more than one provider is involved, any cross subsidy should help deliver the whole affordable housing requirement or improve overall affordability so that more subsidy is not required. Using additional subsidy to increase the transfer price paid to a developer will not be appropriate.

USE REASONABLE TRANSFER PRICES within limits set by the Homes and Communities Agency – these should not exceed the maximum transfer prices for affordable properties in Darlington below. An uplift will be applied to affordable homes for disabled people.

Unit Type	Size (sq m)	Price to Developer (£)	Transfer (of Open Market Value)	Weekly affordable rent
1 bed flat	50	£40,000	Max 70%	69.20
2 bed flat	68	£56,000	Max 70%	89.09
2 bed house	73	£56,000	Max 70%	89.09
3 bed house	88	£68,500	Max 70%	108.24
4 bed house	100	£77,500	Max 70%	117.60

THE COUNCIL WILL BE EXPECTED TO:

ENSURE RENTS ARE AFFORDABLE TO ALL ELIGIBLE TENANTS now and in the future - mortgage costs and rents for intermediate housing should be set at approximately no more than 30% of gross household income, within any relevant ceiling set by the Housing Benefit system.

RECYCLE THE NET CAPITAL RECEIPTS FROM THE SALE OF AFFORDABLE HOMES to provide affordable housing elsewhere in the Borough, if in the long term the tenant buys their property. Receipts from rural exception sites must be recycled in that village or Parish. If homes were built with grant funding, the recovered sum should either be repaid to the Homes and Communities Agency²⁵ or recycled into the existing scheme to improve affordability for those in need of intermediate housing.

ENSURE THAT APPROPRIATE OCCUPANCY AND MANAGEMENT ARRANGEMENTS ARE IN PLACE by signing a Nominations Agreement with the

Transfer Price: equivalent to the reasonable build cost of the property

Target rent: using a government formula, is based on affordability in Darlington and the value of the home

Mortgage costs: based on a 30 year repayment mortgage at a standard variable rate

Intermediate housing rents: depend on the viability of each site, but should not exceed 1% a year of the retained equity, to allow occupants to pay their mortgage

²⁵in accordance with the HCA Recycled Capital Grant Fund Guide



Housing need: people nominated by the Council from its Housing Needs Register, those nominated by a Housing Association and those nominated from other registers of housing need, as agreed by the Council.

Lender: a person/body who has entered into a mortgage and has taken action when the borrower defaults in repaying the mortgage

Relevant Core Strategy policies: CS4, CS19

²⁶Third Local Transport Plan, DBC, 2011

²⁷Circular 02/2007 Planning and the Strategic Road Network, DfT, 2007

Local road network: managed by the Council

Strategic road network: managed by the Highways Agency

²⁸Guidance on Transport Assessments, DfT, 2007

Registered Provider or other affordable housing provider so that the Council has 100% nomination rights on the first lets/sales of all affordable homes. Subsequent occupancy will be the responsibility of the Registered Provider, with the nominations coming from the Council. Applicants are nominated according to housing need, in accordance with the Council's published local lettings policy. In areas of acute housing need, the nominee or someone who is usually a member of their household must:

- have previously lived in Darlington for at least 12 months; or
- be currently living in Darlington and have been doing so for at least 12 months; or
- be a full time carer for a person living in Darlington; or
- be in full time employment in Darlington.

ENSURE MARKETING OF A SCHEME IS UNDERTAKEN IN ACCORDANCE WITH THE LOCAL LETTINGS POLICY once homes are ready to be occupied, with the Registered Provider, at their expense for a minimum of six months.

LEGAL AGREEMENTS INCORPORATE MORTGAGEE IN POSSESSION CLAUSES appropriately, to protect the lender's investment. Where a Registered Provider fails to repay a mortgage and the lender takes possession of the property(s), the lender can then sell the homes as market housing. These clauses are not permitted for homes on Rural Exception Sites.

7.2 TRANSPORT

7.2.1 Focussing heavily on improving accessibility and greater use of sustainable modes of transport particularly between home and jobs, shopping and leisure facilities should make sure that Darlington's transport system is reliable, safe, secure, sustainable and responds efficiently to the needs of residents and business²⁶. New development can generate additional trips to and from a site, which can add pressure to roads, pedestrian and cycle routes and public transport facilities in the local area. But the impact from increased trips may also be experienced some distance from new development. Both may need to be addressed through planning obligations²⁷.

NEEDS AND PRIORITIES

7.2.2 All development, irrespective of size, must be capable of being accessed and used safely by vehicles, including public transport, as well as by pedestrians, cyclists and people with disabilities. Investment in the local and/or strategic transport network is fundamental to sustaining new development and the level of growth that is planned to 2026. Evidence from the developer's up to date Transport Assessment²⁸ or Transport Statement and the Council's own evidence will help identify the impact traffic from a new development is likely to have; increased delays to public transport, development related traffic congestion or increases in road traffic will all require mitigation. Safe access for those who wish to walk, cycle or use the private car, and appropriate parking for vehicles and bicycles may also be required.

Transport Assessment: for developments with significant transport impacts

Transport Statement: for developments with small transport impacts

Both identify measures to deal with predicted transport impacts to improve accessibility and safety for all

GOOD PRACTICE: NORTH WOOD SCHOOL

North Wood is a new primary school in a densely developed part of the urban area. Central to its success is the ability of children of all ages to get to and from school easily. Secured through a s106 agreement, its Travel Plan focuses on sustainable, safe routes to school; segregated pedestrian and cycle routes link to nearby housing areas and the River Skerne green corridor make travelling sustainably more enjoyable. New bike shelters accommodate the increase in cycling from pupils to the school.



TRANSPORT INFRASTRUCTURE: AMOUNT, SIZE AND MIX

THRESHOLD

- Residential development: 5 dwellings (or 0.1ha) or more;
- Non residential development: 500m² gross floor area (or 0.4ha) or more

REQUIREMENT

Provide or contribute towards the provision of transport infrastructure to meet the identified needs of the development:

- **For sustainable transport and public transport the focus will be to improve access to areas with poor and/or low accessibility;**
- **Revenue 'pump priming' of new or extended local bus services will only be sought from developments of 50 or more dwellings or 1000m² or more gross development floorspace;**
- Highways works will only be secured via planning obligations in exceptional cases where other agreements have not been used (see Supporting Information below).

SUMMARY OF APPROACH (SEE 7.2.3)

Requirements will be negotiated on a site by site basis to reflect the developers up to date Transport Assessment/Statement submitted with a planning application and the Council's own evidence. The type and scale of development, its location, the needs of future occupiers, the level of trips generated, access to existing transport infrastructure and the level of works secured by other agreements will influence provision (see Supporting Information below). This can include:

1. On a development site: measures so that pedestrians, cyclists, vehicles and people with disabilities can access, egress and move around the site safely and easily;
2. Off site in the surrounding network:
 - **Sustainable Transport contribution; and/or**
 - **Public Transport contribution; and/or**
 - Local and/or strategic highways works.

SUPPORTING INFORMATION

- The Transport Assessment/Statement should calculate the trip generation of the existing and proposed use for cycling and car use as well as the likely demand for public transport services;



S278 agreement: between the developer and the Highways Authority for works to be carried out on the existing adopted highway (identified in the 1980 Highway Act)

S38 agreement: between the developer and the Highways Authority for works to be carried out that require adoption and maintenance (identified in the 1980 Highway Act)

²⁹National best practice

³⁰allocated in the Borough of Darlington Local Plan, DBC, 1997

- Developers will only be required to provide infrastructure to support additional trips that are generated by the development;
- Highways works, including maintenance will only be secured through planning obligations in exceptional cases where planning conditions, Section 278 Agreement and/or Section 38 Agreement have not been used;
- The approval of any plans, inspection of highways works, administration and any public consultation costs will be at the developer's expense.

APPROACH SUSTAINABLE TRANSPORT

- 7.2.3 All new development should provide safe, easy access for those who wish to walk or cycle in the Borough. The charge for sustainable transport reflects the accessibility of different locations: a good proxy to measure traffic impact is the number of on site car parking spaces. A site in a location with good accessibility will need fewer spaces; the fewer the number of spaces, the lower the traffic impact. The Town Centre, local service and transport nodes¹⁶ have high levels of accessibility so the charge will be less in these locations, while the rural area has a lower level of access, and the charge will therefore be higher.
- 7.2.4 As a result the cost of a single car parking space, including garages for a 2 bed home is £400 in the town centre and £600 in the rural area²⁹. The contribution sought for a one bed home will be 50% less and for three and four bed homes it will be 50% and 100% higher respectively.

RESIDENTIAL DEVELOPMENT

Residential Development	Per Dwelling (£)			
	1 Bed	2 Bed	3 Bed	4 Bed+
Town Centre, Local Service and Transport Node	£200	£400	£600	£800
Rest of Urban Area	£250	£500	£750	£1000
Rural Area	£300	£600	£900	£1200

NON RESIDENTIAL DEVELOPMENT

A similar approach will be used for non residential development. **Lower charges will be generated by more accessible sites; non residential development in the Town Centre, a Local Service and Transport Node or an existing employment area³⁰ will be calculated at £200 per parking space. Elsewhere provision will be calculated at £400 per parking space.**

- 7.2.5 Financial contributions will be used to help reduce the overall number of private car trips to and from a development through schemes identified on the Infrastructure Projects List; new footpaths/cycle routes and/or improvements, bridges or underpasses, secure cycle parking, lockers and showers, safer routes to school, home zones and other road safety measures could all be provided.

PUBLIC TRANSPORT

- 7.2.6 All new development should provide easy access for those who wish to use public transport. Accessibility is based on 80% or more of the site being within 400m walking distance of a bus stop. While developments in areas with low public transport accessibility are more likely to require public transport improvements, even where existing services run close to a site, frequency levels may not be appropriate for the type of development proposed.

Trip Rates Information Card System (TRICS): a database of trip rates used to quantify the trip generation of new developments.

7.2.7 Using the nationally recognised Trip Rates Information Card System (TRICS), the estimated level of trip generation from a development has been weighted (see table below) to reflect different levels of public transport accessibility in the Borough. The charge sought will be calculated using the following formula:

$$\text{No of dwellings/size of development} \times \text{the number of trips (per dwelling/per 100m}^2 \text{ from TRICS)} \times \text{actual unit cost for accessibility zone} = \text{public transport contribution}$$

Zone Within 400m	Unit Cost 2013	Accessibility Contribution	Actual Unit Cost
One: high accessibility or 6+ bus routes	£1.93	10%	£0.19
Two: reasonable accessibility or 3 - 5 bus routes	£1.93	40%	£0.77
Three: limited accessibility or 1 - 2 bus routes	£1.93	70%	£1.35
Four: poor accessibility or no bus routes	£1.93	100%	£1.93

7.2.8 Financial contributions will be used to improve public transport infrastructure, services and accessibility projects on the Infrastructure Projects List including:

- revenue 'pump priming' of new or extended local bus services, and/or increased service frequencies: where a significant development increases the use or demand of an existing bus service, any charge sought will help subsidise the bus service for a five year period;
- bus priority measures and improvements to bus stop facilities e.g. raised kerbs and bus shelters;
- new bus stops: may be required where 80% or more of the site is not within 400m walking distance of a bus stop;
- access and other improvements to railway stations;
- associated street furniture;
- improving the capacity at strategic transport interchanges and local transport nodes to help people move between different types of transport;
- provision or improvements to community based transport and taxis;
- feasibility, scoping and design studies for major public transport infrastructure projects.

HIGHWAYS WORKS

7.2.9 Requirements to the local and/or strategic highway are specific to each development and will vary to reflect the content of the developers Transport Assessment/Statement but are generally required to reduce the impact of additional vehicle trips and/or to ensure that vehicles can access the highways network so that it can continue to flow and operate safely. Planning obligations will only be used in exceptional circumstances, to fund works not provided by other mechanisms (see Supporting Information):

TRAFFIC MANAGEMENT MEASURES: used to help calm traffic to create a safer environment for road users e.g. safe crossing facilities, traffic calming, road closures, diversions and other traffic orders, street lighting or signalisation of junctions;

CAR PARKING: without appropriate provision, new development can create high parking demand which encourages drivers to circulate around an area seeking empty spaces causing unnecessary congestion and noise. Others may park in dangerous or inconvenient locations, which can create difficulties for older or disabled residents or those with young children. Developers may be



Controlled Parking Zone: area where on-street parking is restricted during specified times; residents use parking permits

Sustainable drainage systems (SUDS): imitate natural drainage processes by reducing and slowing the quantity and rate of surface water run off from new development, dealing with it as close to the source as possible

Travel Plan: package of actions to increase the travel choices associated with a site in order to reduce the impact of single occupancy car travel as part of a new development.

required to fund Controlled Parking Zones in appropriate locations, so that a development does not create adverse parking impacts on nearby streets. For sites within existing or proposed zones, a residential development will only be permitted if parking is provided within the development site. Waiting and parking restrictions, parking permit eligibility restrictions and permit free housing may also be promoted;

HIGHWAYS WORKS, REINSTATEMENT AND MAINTENANCE: the quality of highways around a development can make a significant contribution to its appearance and feel. Where these are damaged during construction, developers will be required to fund the replacement of agreed areas; reinstatement works, street furniture and the removal of redundant crossovers may be required;

SUSTAINABLE DRAINAGE SYSTEMS (SuDS): appropriate systems should be incorporated into the design of all new highways works. The adopting authority (either the Council or the Highways Agency) will be responsible for long term maintenance where they have been completed to the appropriate standards and are seen to function as approved in the original plans.

7.4

MAJOR TRANSPORT INFRASTRUCTURE

- 7.2.10 Development which is expected to generate a significant impact on the surrounding transport system will result in major transport infrastructure works. These will be negotiated at the time of the application and will depend on the scale and impact of the proposed development and its relationship with the existing network capacity.

TRAVEL PLANS

- 7.2.11 Travel plans are useful incentive based tools that monitor car use, travel patterns and set out annual targets for car reduction to encourage residents and occupiers to reduce car use. Travel plans will be required for applications for:
- All major employment, retail and leisure development;
 - Smaller employment, retail and leisure development which would generate significant amounts of travel;
 - New or expanded education facilities;
 - A development where a planning application might otherwise be refused on local traffic grounds; and
 - Significant residential developments.
- 7.2.12 The format and content varies depending on the type, size and nature of the development. For non residential development a Workplace Travel Plan should include practical actions to encourage sustainable travel to and from work. It should include:
- The contact details of the Travel Plan Coordinator from the organisation;
 - An assessment of existing and/or proposed transport links to the site, on site facilities, existing access policies for all, including disabled people;
 - Results from an initial staff travel to work survey;
 - Defined aims and objectives in relation to travel modes and other outcomes;
 - Ongoing targets for staff travel by car, walking, cycling and public transport;
 - A yearly action plan;
 - Senior management and staff responsibilities in the implementation of the Plan;
 - Details for monitoring and review.

Highways Works Estimate: expected cost of highway improvement works

S38 Part 1 Certificate: issued by the Council to developer 20 days after satisfactory completion of highways drainage, kerbs, road & carriageway base, operational street lighting

S38 Part 2 Certificate: issued by the Council to the developer 20 days after Part 1 for completion of kerbs, foot/cycleways, carriageways, speed restraint measures, vision splays, road markings

S278 Certificate: issued by the Council to the developer once works in the adopted highway have been completed

- 7.2.13 If the end-user is unknown, an Interim Travel Plan should be submitted with a planning application. A full Travel Plan will be required within six months of first occupation of the site, followed by an annual monitoring update.
- 7.2.14 In those cases where measures have not been implemented or where a predicted modal shift or target modal share has not been met it may be necessary to secure a contribution to fund the actions. **A maximum charge of £11,500 per year** will be sought, on a sliding scale to take account of the degree to which the target has been missed.

DELIVERING TRANSPORT INFRASTRUCTURE

DEVELOPERS WILL BE EXPECTED TO:

UNDERTAKE RELEVANT HIGHWAYS CONSULTATIONS with stakeholders and the local community, particularly for developments that are likely to generate a significant amount of extra traffic and disruption to the movement of traffic.

CONSTRUCT HIGHWAYS TO AN AGREED DESIGN AND SPECIFICATION, provide maintenance for a minimum of 12 months and then ensure transfer in adoptable condition to the Council or the Highways Agency. Where the Council undertakes the works, the developer will be required to pay the cost of preparing a Highways Works Estimate (even if the development does not go ahead) as well as the full cost of the works.

SUBMIT A PARKING MANAGEMENT STRATEGY for schemes that involve private off-street residential or workplace parking.

SECURING TRANSPORT INFRASTRUCTURE

Type of Infrastructure	Trigger
Adopted Highways	<ul style="list-style-type: none"> Development should not be occupied until the adoptable highway works are completed and the Council issues a S38 Part 1 Certificate. Phased development: occupation will be linked to an agreed phasing plan, subject to the completion of necessary highway works for each phase.
Highways Maintenance	<ul style="list-style-type: none"> Maintenance contributions should be paid once the S38 Part 2 Certificate and/or the S278 Certificate of Completion has been issued.
Controlled Parking Zones	<ul style="list-style-type: none"> Must be completed prior to the occupation of the first dwelling/specific amount of floorspace.
Traffic Calming	<ul style="list-style-type: none"> The scheme must be approved, including consultation with the public, prior to commencement of the development.



Relevant Core Strategy policy:
CS4

Early years 2-4 years, Primary 4
- 11 years, Secondary 11-18
years, Sixth Form 16-18 years

³¹Darlington Childcare
Sufficiency Assessment 2011

³²OSR 15/2010 Statistical
Release, DoE, 2010

³³Audit Commission

³⁴DBC figures

³⁵Education and Skills Act 2008

7.3 EDUCATION

7.3.1 The Council is required to improve the life chances of all children and help reduce inequalities between them; enough childcare should be provided so that parents are able to work, while 'great importance'⁷ is placed upon making sure that there are enough places in primary and secondary schools and at Sixth Form College⁸ so that all children and young people in the Borough have a quality education.

NEEDS AND PRIORITIES

7.3.2 Parents are willing to travel around the Borough to access the childcare they want. **But they have identified a need for more childcare for under 3's in school nurseries and more affordable after school childcare and holiday care for older children and those with disabilities**³¹. Ongoing changes to the welfare system to encourage parents to return to work may also impact on provision in the long term.

7.3.3 Primary schools in Darlington are nearly at capacity; **the reception year in most primary schools is full and over the next two years, primary school numbers are expected to follow the national trend and rise by 8%**³². **Without intervention, by 2014 all primary schools will be full.**

7.3.4 So that parents are able to choose the school their child attends, to keep class sizes at 30 pupils and to allow the Council to have flexibility in the allocation of school places, the accepted reasonable level of surplus school places is between 5% and 10%³³. **Darlington's surplus is below this at 4%**³⁴. New development is likely to add to the pressure on primary places available, so it is reasonable for a contribution to be sought for any impact at local primary schools.

7.3.5 **Darlington's secondary schools currently have an acceptable surplus of 6.4%**³⁴. **But after the high intake from primary schools in 2019, the secondary school population is expected to increase by 20%**³⁴. New development will add to this demand for places - **an additional 500 secondary school places may then be required.**

7.3.6 The minimum age at which young people can leave learning is now 17 and will rise to 18 from 2015³⁵. This will have an impact on the capacity at the QE Sixth Form College, Darlington College and Carmel College who will need to expand to meet this demand. **Consequently in the long term each would expect to see a 10% increase in students⁸; a proportionate increase in college space will be required to accommodate them in the long term.**

GOOD PRACTICE: WEST PARK ACADEMY

West Park is a significant new community for 700 new homes, the majority of which are new family houses. Secured by a s106 agreement a new primary school and nursery were provided to meet the needs of the new community. Access to the school's sports and communal facilities were also secured for use by local people outside school hours.



EDUCATION FACILITIES: AMOUNT, SIZE AND MIX

THRESHOLD

- Residential development: 5 dwellings (or 0.1ha) or more

REQUIREMENT

Provide or contribute towards the provision of education facilities to meet the identified needs of the development:

- The focus will be to secure sufficient primary school places to meet the needs of new development. A standard charge of £3055 per dwelling will be sought;
- Early years, secondary and tertiary provision will only be sought in exceptional circumstances where the Council has sufficient evidence to demonstrate that a development will have a significant impact on existing provision.

SUMMARY OF APPROACH (SEE 7.3.6)

- In general a standard charge will be sought as a contribution towards education places;
- For a development with 500 or more pupil generating homes, a new school on site may be appropriate. Details will be negotiated on a site by site basis to meet the needs of the new development.

EXCEPTIONS

Education contributions will not be sought from development where it is unlikely that children would be living, including:

- nursing homes (Use Class C2), sheltered and retirement housing and self contained apartments like Extra Care and Assisted Living (Use Class C3);
- one bedroom dwellings and housing in multiple occupation for single people which are incapable of being enlarged into units with two or more bedrooms;
- non residential development.

SUPPORTING INFORMATION

- New development will only be required to provide for primary school places where the nearest primary school (within a 30 minute walk) does not have the accepted level of surplus school places (5%). Demand for school places in the following years will also be taken into account;
- Where there is more than one primary school close by charges will only be secured for the school(s) with less than 5% surplus school places;
- The total cost of providing a child with a school place is based on a pupil being in a class of 30 and includes the cost of providing communal space for each pupil e.g. in a sports hall and kitchen;



- The surplus capacity for early years, secondary school and tertiary provision is assessed Borough wide;
- Standard charges will not be used to revenue fund the cost of teaching staff or any other non-capital equipment which are not connected with the initial construction and fitting out of the school and its facilities.

APPROACH

- 7.3.7 The following formula will be used to secure a standard charge per dwelling for school places:

No of school places (2012-2015)³⁶ (a) x cost of a primary school place (b)³⁷ / no of additional market houses expected to be developed to 2014 (c)³⁸ = charge per dwelling (d)

This is equivalent to:

15 places (a) x £14,486 (b) / 64 homes (c) = £3055

EARLY YEARS, PRIMARY, SECONDARY AND TERTIARY PLACES

- 7.3.8 The standard charge may be used to:

- provide additional places to accommodate extra pupils including improved access for those with disabilities;
- provide new permanent and temporary classroom space;
- improve or expand the school playground and internal or external leisure spaces, including equipment and maintenance;
- provide and/or improve toilet and kitchen facilities, and improve access for children with disabilities;
- enable private and voluntary sector providers to deliver after school and holiday care;
- enhance outdoor learning areas;
- provide space to deliver before and after school programmes.

PROVISION OF A NEW SCHOOL

- 7.3.9 Where a new school is appropriate as part of a significant development, developers will be expected to set aside sufficient land to accommodate the school and associated outdoor space, in an appropriate location. It should be constructed to a design and specification agreed with the Council.
- 7.3.10 In exceptional circumstances the Council may be willing to accept a parcel of free, serviced land on a site for a new school, together with a financial contribution to cover the construction costs. The cost of providing a new school will be assessed on a site by site basis to reflect local land values and other project specific factors.

³⁶Based on DBCs school places calculator using DFE location factor

³⁷Based on regionally adjusted DFE cost multiplier. Tertiary calculations based on staying on rate

³⁸Based on DBCs 2012 housing trajectory, discount for demolitions, single dwellings & affordable housing & for children that may go to other primary schools or may not transfer school

Significant development: 500 or more pupil generating homes (2, 3, 4+ bed homes)

DELIVERING EDUCATION PROVISION

DEVELOPERS ARE EXPECTED TO:

ENSURE A COMMUNITY USE AGREEMENT IS SECURED to guarantee access, in perpetuity, for community groups and organisations to the school and its sports facilities outside the school day;

DESIGN NEW SCHOOLS WITH ACCESSIBLE, FLEXIBLE SPACE to enable a range of different uses to take place during the school day, which can also be easily used by early years groups and before and after schools programmes. Design should ensure that toilets and changing facilities are appropriately located in the school building so that users of facilities out of hours, particularly from outdoor sports facilities will have access without having to go through the school building.

SECURING EDUCATION PROVISION

Type of Infrastructure	Trigger
On Site Provision	Must be completed and available for use by the time the required number of children in a class and/or year group are living in the development.

7.4 GREEN INFRASTRUCTURE

7.4.1 Good quality, multifunctional, well-planned open spaces provide opportunities for the community to relax, exercise, play, move around and learn about wildlife. Natural, attractive, high quality green space is 'increasingly seen'³⁹ as providing quality settings for new development, encouraging people to buy a home or premises nearby.

NEEDS AND PRIORITIES

7.4.2 Well connected, high quality, multifunctional green infrastructure should be provided to meet the needs of those living or working in new development. Provision should help meet the Borough's standard of accessible open space⁴⁰ and targets for priority habitats and species⁴¹. **Providing new children's play space will be the priority in the Central, South West and North East urban area, while wildlife friendly greenspace will also be the focus from new development in these areas and the South East⁴⁰.**

7.4.3 In some parts of the Borough, improving the quality of existing green space may be required to meet the needs of new development e.g. incorporating children's play space on existing amenity green space or to make sure all spaces can safely accommodate the increase in use; equipment, paths, drainage and planting may be improved to widen attractiveness and multifunctionality. This will be particularly important alongside the Borough's strategic and local green corridors⁴² e.g. River Skerne and River Tees. Residents and users of new development can also generate additional 'wear and tear' on the environment; securing maintenance contributions to promote long term quality is essential.

Relevant Core Strategy Policies: CS4, CS15, CS17

³⁹Building natural value for sustainable economic development: The green infrastructure valuation toolkit user guide, Genecon LLP, 2011

⁴⁰Open Space Strategy Update, DBC, 2011

⁴¹in the Tees Valley Biodiversity Action Plan, Tees Valley Biodiversity Partnership, 2011

Wildlife friendly greenspace: wildlife rich space suitable for low key recreation and education

Children's play: equipped, natural and adventurous play space for toddlers (0-3 years), juniors (3-12 years) and young people (12-16 years)

⁴²Identified in the Darlington Green Infrastructure Strategy, DBC, 2013



GOOD PRACTICE: WEST PARK

A significant amount of green space is being integrated into the West Park development to support the delivery of 700 new homes. A network of wildlife friendly green space and green corridors connects the central 14ha park to surrounding homes. With ample space for informal recreation, adventurous play and downhill cycling, the park has quickly become an attractor for residents and visitors alike. Innovatively, the West Park Levy requires all homeowners to contribute annually to an independently managed maintenance fund so that the high quality of the green infrastructure is maintained in perpetuity.



Informal recreation space: area for jogging, walking, relaxation

Street trees: trees situated in areas outside the highway grass verge

GREEN INFRASTRUCTURE: AMOUNT, SIZE AND MIX

THRESHOLD

- Residential development: 5 dwellings (or 0.1ha) or more
- Non residential development: 500m² gross floor area or more

REQUIREMENT

The type and mix of green infrastructure required will reflect the mix of uses in a development, the mix of future residents/users and the existing provision in the locality:

- **Requirement on site provision will only be required from developments of 20 dwellings or more /1000m² or more gross floorspace, where beneficial for design, amenity or community reasons;**
- In all other cases a financial contribution will be sought to improve open space in the locality. The charge will be 50% less than that to provide new space;
- Maintenance contributions will be a one off payment, equivalent to 10 years provision. Charges to maintain quality improvements will be 50% less than that for new space;
- The standard of provision required from non residential development will be a third of that for residential development.

SUMMARY OF APPROACH (SEE 7.4.4)

- The priority is to secure new open space to meet the needs of each development to help achieve the accessible open space quantity standard (in **APPENDIX 8**) for that locality. This can either be:
 - On a development site; and/or
 - Off site on developer owned land.
- Where provision is consistent with the quantity standard, a financial contribution may be sought to improve a local space (identified on the Infrastructure Projects List) that the development is expected to have an impact upon;
- Maintenance contributions are based on the average cost of maintaining informal recreation and wildlife friendly greenspace. Where children's play space and street trees have been provided/improved additional costs will be sought.

EXCEPTIONS

Children's play space will not be sought from development where it is unlikely that children would be living, including:

⁴³see Core Strategy policy CS17

⁴⁴Natural Environment and Rural Communities Act 2006

Sustainable drainage system: imitate natural drainage by reducing and slowing the quantity and rate of surface water run off from new development dealing with it as close to source as possible

- nursing homes (Use Class C2), sheltered and retirement housing and self contained apartments like Extra Care and Assisted Living (Use Class C3);
- one bedroom dwellings and housing in multiple occupation for single people which are incapable of being enlarged into units with two or more bedrooms;
- non residential development.

SUPPORTING INFORMATION

- Two types of green infrastructure may be sought; children’s play and wildlife friendly green space (which also incorporate informal recreation space). Both are found in parks and green corridors - planning obligations may be used to improve these spaces;
- Any green space that exists on site should be incorporated into the design of the development. This will be deducted from any requirement sought. The loss of green space will only be permitted in exceptional cases⁴³ - re-provision will be in addition to the planning obligation requirements set out in this SPD;
- Green infrastructure excludes land set aside for landscaping buffers, highway verges and visibility splays. Developers are expected to incorporate these in the design of a scheme;
- The Council has a statutory obligation⁴⁴ to ensure that there is no direct or indirect, permanent or temporary impact on biodiversity - equivalent compensatory provision will be in addition to the requirements in this SPD;
- Publicly accessible sustainable drainage systems and street trees that are integrated into the green infrastructure network will be deducted from any wildlife friendly greenspace requirement.

APPROACH

7.4.4 Green infrastructure will only be sought where the existing network is unable to cope with the additional demand from new development. In each locality the priority is securing new open space to meet the quantity standard for accessible open space (in **APPENDIX 8**), either on or off site so that the residents or employees can easily access quality greenspace. In exceptional circumstances, where it is appropriate to deliver a high quality, innovative design, alternatives to the standards may be acceptable. The open space standards in **APPENDIX 8** will be used as a starting point for negotiation.

7.4.5 In those locality areas where the quantity standards have been met, the focus will then be to improve the quality of open space in that locality. Spaces requiring improvements will be identified on the Infrastructure Projects List.

RESIDENTIAL DEVELOPMENT

7.4.6 The following formula has been used to establish the amount of open space to be provided by each home and the cost of provision. Quality improvement costs are 50% less than the cost of providing new open space. Full details are in **APPENDIX 8**. Developers should use the charges in the table below to establish the cost of providing different types of open space from different size homes.

$$\begin{aligned}
 & \textit{Dwelling occupancy} \times \textit{standard for open space per resident} \\
 & = \textit{amount of open space required per house} \\
 & \times \textit{cost of open space provision} \\
 & = \textit{standard charge} / 2 = \textit{quality improvement cost}
 \end{aligned}$$



	Type of greenspace (m2)			
	Wildlife friendly greenspace		Children's play	
Type of house	Provision	Quality	Provision	Quality
	Cost (£)			
1 bed	832	416	–	–
2 bed	1170	585	875	438
3 bed	1573	787	1183	592
4+ bed	1820	910	1365	683
	Street Trees (per tree)			
1 tree/5 dwellings	300			

NON RESIDENTIAL DEVELOPMENT

- 7.4.7 Charges for non residential development will vary to reflect the number of employees in the development. As employees could reasonably be expected to use open space less than residents the standard of provision per person has been reduced to a third. Charges will be identified at pre-application stage when the employee occupancy is known.

ON SITE PROVISION

- 7.4.8 For developments of **20 or more dwellings or 1000m2 or more gross floorspace** the identified amount and mix of open space should be provided on site to help meet the new community's needs. Exceptionally, if a developer can demonstrate through a viability assessment that on-site provision, of all, or part of the requirement is not viable, or where there are justifiable planning, design, site and community reasons resulting in a better quality development, consideration will be given to provision elsewhere. Where only part can be provided on site, the remaining amount should be provided off site.

OFF SITE PROVISION DEVELOPER OWNED LAND

- 7.4.9 Where a developer owns a second site in the Borough, the green space requirement may be provided off site providing that it:
- has a visual link with the application site;
 - will be laid out to the design and specification¹⁷ agreed with the Council;
 - will be available for use to meet the agreed timescale for delivery;
 - has the relevant planning permission secured prior to the occupation of any of the on site housing.

4.14

- 7.4.10 The open space requirement will be applied to the total number of market dwellings to be provided across both sites, including any increase in market units on the application site resulting from the provision of green space off site. The type of open space will depend on the needs and existing provision in the off-site location.

QUALITY IMPROVEMENTS TO EXISTING OPEN SPACE

- 7.4.11 Some green spaces may benefit from improvements to cope with the extra use generated from a new development. In these cases, a financial contribution will be secured to improve the quality of green spaces in the locality of the

development identified on the Infrastructure Projects List. These could be used to:

- Lay out open space;
- Improve the quality of the environment e.g. new equipment and planting;
- Improve the ground quality e.g. drainage or safety surfaces to meet relevant standards;
- Provide street furniture e.g. seating, lighting, litter and dog bins to enable the safe, practical use of the space;
- Enhance biodiversity e.g. creating new habitats, improving existing features, improving public access and interpretation, managing wildlife corridors.

MAINTENANCE CONTRIBUTIONS

- 7.4.12 All green spaces should be multifunctional; space for recreation, biodiversity and amenity should be provided. As a result, maintenance sums are based on the average cost of maintaining informal recreation and wildlife friendly greenspace. Additional sums will be required for maintenance of children's play facilities and street trees. Maintenance of ponds and slopes (with a gradient greater than 1 in 3) will be negotiated on a site by site basis so that specialist maintenance can be agreed.

4.14

RESIDENTIAL DEVELOPMENT

- 7.4.13 Using the formula below, the maintenance sum per home has been established (see APPENDIX 8). This has been multiplied by 10 - equivalent to the provision of 10 years maintenance. Where quality improvements have been made the maintenance sum for that type of open space will be reduced by 50%.

Dwelling occupancy x average maintenance cost⁴⁵

= maintenance cost per dwelling

x 10

= one off maintenance sum / 2 = quality improvement maintenance sum

⁴⁵local costs of maintaining open space 2013-2014

Type of Open Space	Type of Home	Maintenance Sum (£)	Quality Improvement Sum (£)
		Equivalent to 10 years maintenance	
Multifunctional Greenspace	1 bed	1805	903
	2 bed	2520	1260
	3 bed	3410	1705
	4 bed	3930	1965
Children and Young People	1 bed	–	–
	2 bed	380	190
	3 bed	510	255
	4 bed	590	295
Street Trees		850 per tree	–

Street trees: includes planting, watering 5x a season for 10 seasons, mulching, tree stakes and ties



Rootballed: roots of larger trees are wrapped in hessian to keep native soil in place to encourage better growth

NON RESIDENTIAL DEVELOPMENT

- 7.4.14 Maintenance costs for open space provided by non residential development will be identified at pre-application stage once the type and mix is known.

SUSTAINABLE DRAINAGE SYSTEMS (SUDS)

- 7.4.15 Regular and effective maintenance of SUDS is essential so that they perform satisfactorily throughout their design life. Maintenance contributions for SUDS will reflect the size, scale and type of system proposed and the type of maintenance required. Where more than one development drains into a larger system the cost of maintenance will be split proportionately to reflect the drainage requirements of each development. A one off maintenance contribution will be negotiated during pre-application negotiations, equivalent to 10 years provision.

DELIVERING GREEN INFRASTRUCTURE

DEVELOPERS ARE EXPECTED TO:

USE NATIVE TREES; feathered trees, transplants and small groups should be from established nursery stock, root balled and planted in well drained soil. Street trees should be containerised stock size and staked with wire tree guard. All trees should be maintained appropriately for a year prior to adoption;

TRANSFER SUDS IN APPROPRIATE CONDITION a year after completion of the development to the adoption body for long term management and maintenance.

SECURING GREEN INFRASTRUCTURE

Type of Infrastructure	Trigger
Greenspace	<ul style="list-style-type: none"> Development should not start until details of the greenspace scheme have been submitted and received written approval from the Council; Two trigger points will be used: one for start of work and one for issue of Certificate of Completion of Build prior to occupation of a specified number of market dwellings/amount of gross floorspace; For phased sites: the greenspace shall be provided concurrently with the part of the development it is intended to serve. Play space should be delivered in the early phases.
Maintenance Contributions	<ul style="list-style-type: none"> Should be paid prior to completion of the title transfer and used within the 10 year period; Strategic SUDS: development will only be allowed to commence once the off-site SUDS has been completed. This will be secured by a planning condition tied to a planning permission.

7.5 SPORT AND RECREATION

- 7.5.1 For a town of its size Darlington has a wide variety of indoor and outdoor sports facilities which provide for pitch sports, court sports, swimming, health and fitness, bowling, athletics, golf, gymnastics and boxing. As a result Darlington has the highest participation rate in physical activity in the Tees Valley¹⁰. Having easy, affordable access to a wide range of high quality indoor and outdoor sports facilities, for team and individual activities, will continue to encourage participation by adults and juniors to help reduce any health inequalities that may exist across the Borough.

Relevant Core Strategy policies: CS4, CS17, CS18

⁴⁶Playing Pitch Strategy, PMP, 2009

⁴⁷Sport and Recreation Facilities Strategy, PMP, 2009

Secure community access: guaranteed access to the facility out of hours for organised community groups and teams

NEEDS AND PRIORITIES

- 7.5.2 There are 114 playing pitches in the Borough. Pitches within parks and other open spaces tend to be lower quality, and those that are high quality are often overused, reducing their overall quality in the long term. **As a result many pitches are unable to accommodate the required number of matches each week⁴⁶.**
- 7.5.3 **65 pitches are at school sites – while 58% have secure community access out of school hours**, it is important that access continues to be secured to other education facility pitches, particularly those in parts of the Borough where access to facilities is limited outside of school hours e.g. the villages. **As a result there are not enough good quality pitches for junior football and rugby union at peak times. A shortfall of 12 pitches is likely to increase to 15.9 pitches by 2021⁴⁶** unless access to existing pitches can be increased, quality improved or new provision is made. Provision for cricket and hockey meets demand. New development is expected to contribute to the need for more pitches and can also add to the wear and tear of existing pitches.
- 7.5.4 Access to other sports facilities varies, as does its quality and spare capacity. Newer facilities, like Haughton Education Village, are operating at full capacity and have secure community access. Older facilities, like the Darlington School of Mathematics and Science have lower use and limited access⁴⁷. As a result some venues would benefit from improvements so that they can cope with the extra demand from new development⁴⁷. Changing rooms and car parking may also be required, where appropriate.

GOOD PRACTICE: THE PASTURES

A new playing pitch was secured through the major development at 'The Pastures' to meet the needs of the residents from the 149 new homes. Ancillary accommodation was available at the adjacent Community Centre. Long term maintenance was also secured through a s106 agreement.



SPORT AND RECREATION: AMOUNT, TYPE, MIX

THRESHOLD

- Residential development: 10 or dwellings (or 0.2ha) or more
- Non residential development: 1000 sqm of gross floorspace (0.8ha) or more

REQUIREMENT

- On site provision will only be required from significant developments. This can either be:
 - On the development site; and/or
 - Off site on developer owned land.
- In all other cases, a financial contribution will be sought to improve the provision of publicly accessible sports facilities identified on the Infrastructure Projects List. The charge for improvements will be 50% less than that to provide new space;
- Maintenance contributions will be a one off payment, equivalent to 10 years provision. Charges to maintain quality improvements will be 50% less than that for new space;



- Contributions from non residential development will be based on the employee density and mix and will be negotiated during pre-application discussions.

SUMMARY OF APPROACH (SEE 7.5.5)

- The priority will be to secure a financial contribution to provide or improve playing pitches to help deliver the playing pitch standard;
- Where this standard has been met, or where the community targets (see **APPENDIX 6**) identify the need to provide or improve other sports facilities in that locality, a contribution will be used to help secure its delivery;
- Contributions will be required to help maintain the new or improved facility provided.

SUPPORTING INFORMATION

- The loss of sports facilities will only be considered in exceptional circumstances, in accordance with Core Strategy policy CS18¹ - re-provision will be in addition to the planning obligation requirements set out in this SPD;
- Provision of playing pitches includes circulation space and run off areas;
- Non residential development will only make provision for sports facilities that its employees will reasonably be expected to use on a lunchtime and early evening;
- It is impracticable to provide costs for every type of sports facility, costs will be set out for those facilities that new development are likely to impact upon in the Borough.

APPROACH

- 7.5.5 Sports facilities will only be sought where the existing facilities are unable to cope with the additional demand from new development. **The priority is securing a financial contribution to help provide or improve publicly accessible playing pitches in the Borough. Alternatively where the development is within a locality (see APPENDIX 6) where it is anticipated that new development would have an impact on other sports facilities, the contribution will be used to help deliver it.**

ON SITE PROVISION

- 7.5.6 New playing pitches/sports facilities will only be appropriate as part of a significant development - the site will large enough to accommodate the proposed facility and the development would generate sufficient demand to make good use of it. The type of facility will reflect the type and mix of development proposed and the likely mix of residents/occupiers.
- 7.5.7 Where a new school is required as part of a significant development, sufficient playing pitches and sports facilities should be provided to deliver the school's curriculum needs. This provision will be deducted from other sports related planning obligations requirements for the development, as long as community use is secured out of school hours.

4.10

OFF SITE PROVISION

- 7.5.8 Where a developer owns a second site in the Borough, the sports requirement may be provided off site providing that:
- the location is consistent with the sports hierarchy of provision in Core Strategy policy CS18¹;



- the facility will be laid out to a design and specification agreed with the Council and Sport England and meets the relevant National Governing Body standards;
- it will be available for use by the agreed delivery date;
- it has the appropriate planning permission secured, prior to the occupation of any of the on site market housing.

7.5.9 In exceptional circumstances, the provision of fully serviced land on site or as off site provision with a financial contribution may be acceptable, to enable the Council to construct the new sports facilities.

QUALITY IMPROVEMENTS TO SPORTS PROVISION

7.5.10 Some sports facilities may benefit from improvements to cope with the extra use generated from a new development. In these cases, a financial contribution will be secured to improve playing pitch provision in the Borough or other sports facilities in the locality of the development identified on the Infrastructure Projects List, including:

- Buying land or facilities;
- Laying out and constructing sports facilities;
- Providing and/or improving pavilions and changing rooms where they are unable to meet demand, are of a poor standard, or do not meet safety standards;
- Improving or upgrading playing pitches, other sports facilities and/or equipment for sport;
- Providing seating, lighting and other street furniture so that the venue can be enjoyed safely by all.

RESIDENTIAL DEVELOPMENT

7.5.11 Contributions for new sports facilities are based on the additional 10,300 people that are expected to be living in the Borough by 2026⁴⁸ and the amount of space each person would reasonably be expected to use for different sports.

FINANCIAL CONTRIBUTIONS: NEW PROVISION

7.5.12 Based on adopted Strategies^{46,47}, the requirement for new sports facilities over the next two years is expected to be for new **playing pitches and tennis courts**. Where the Infrastructure Project List identifies a need for new facilities the following formula (see APPENDIX 9) will be used:

$$\begin{aligned}
 & \text{Total cost of each sports facility / typical size of each facility} = \text{cost per sqm} \\
 & \times \text{standard per 1000 population} \\
 & = \text{amount of space required per person} \\
 & \times \text{dwelling occupancy rate} \\
 & = \text{cost of provision per dwelling type}
 \end{aligned}$$

Developers should use the charges in the table overleaf to establish the provision cost associated with different size homes.

⁴⁸The mid 2009 ONS estimates the current Darlington population to be 100,100.

Total cost: based on local costs of provision

Typical size: Sport England's recommended minimum size with allowance for circulation, reception, changing accommodation and run-off areas



Costs: exclude site remodelling, pumps, SUDS, inflation beyond 2nd Quarter 2013 prices, site abnormalities, VAT, land acquisition costs, regional variations in materials and labour.

Type of Facility	Type of Dwelling	Cost (£)
Grass Playing Pitch	1 bed	93
	2 bed	130
	3 bed	176
	4 bed	213
Tennis Courts (2 court)	1 bed	334
	2 bed	467
	3 bed	631
	4 bed	764

FINANCIAL CONTRIBUTIONS: IMPROVING EXISTING FACILITIES

7.5.13 Where the Infrastructure Project List identifies a need to improve existing facilities the following formula (see APPENDIX 9) will be used:

$$\begin{aligned} \text{Total cost of each sports facility} / 10,300 &= \text{amount of space required per person} \\ &\times \text{dwelling occupancy rate} \\ &= \text{cost of provision per dwelling type} / 2 = \text{quality charge} \end{aligned}$$

7.5.14 Developers should use the charges in the table below to establish the

Type of dwelling	Grass pitch	Tennis courts	Synthetic Turf Pitch	Multi Use Games Area	Swimming Pool	Sports Hall
1 bed	47	167	50	7	183	1211
2 bed	65	234	70	10	256	1694
3 bed	88	316	94	14	346	2290
4 bed	107	382	114	17	418	2772

improvement cost that different size homes generate for different sports facilities.

NON RESIDENTIAL DEVELOPMENT

7.5.15 Non residential development will only be required to contribute to sports facilities that its mix of employees would reasonably be expected to use. As a result the contribution will be negotiated during pre-application discussions when the employee mix is known.

4.14

MAINTENANCE CONTRIBUTIONS

7.5.16 Using the formula below, the maintenance sum per home has been established (see APPENDIX 9). This has been multiplied by 10 – equivalent to the cost of 10 years maintenance (see table overleaf). Where quality improvements have been made the maintenance sum for that type of sports facility will be reduced by 50%.

$$\begin{aligned} \text{annual cost of maintenance for the facility} / 10,300 &= \text{maintenance cost} \\ &\text{per person} \\ &\times \text{dwelling occupancy} \\ &= \text{annual maintenance cost per sqm a year} \times 10 = \text{maintenance sum per sqm} \end{aligned}$$

Type of Facility	Type of Dwelling	One off Maintenance Sum per Dwelling (£)
Playing Pitches	1 bed	100
	2 bed	139
	3 bed	188
	4 bed	228
Tennis Courts	1 bed	12
	2 bed	17
	3 bed	23
	4 bed	28
Synthetic Turf Pitch	1 bed	19
	2 bed	26
	3 bed	36
	4 bed	43
Swimming Pool	1 bed	62
	2 bed	87
	3 bed	118
	4 bed	142
Sports Hall	1 bed	25
	2 bed	35
	3 bed	47
	4 bed	57

DELIVERING SPORTS FACILITIES

DEVELOPERS WILL BE EXPECTED TO:

MAKE PROVISION FOR MULTI PITCH OR MULTI SPORT SITES with quality changing rooms, parking and flood lighting where appropriate. When designing grass pitches, care should be taken to ensure different pitches do not overlap; the overlapping summer and winter seasons can create conflict for sports like football and cricket. Appropriate access to a water supply must also be provided for outdoor maintenance;

SECURE COMMUNITY USE to all education facilities so local people have access in perpetuity outside school hours;

ENSURE ALL NEW FACILITIES MEET RELEVANT GOVERNING BODY AND BSEN STANDARDS for construction, drainage, orientation and gradient of all pitches, equipment and ancillary accommodation. Where the Council or another body has agreed to adopt the facility a specialist consultant should undertake a Governing Body Performance Quality Assessment to make sure that it is fit for purpose;

INSTALL FLOODLIGHTS APPROPRIATELY to extend use into the evening and throughout the year. Provision should create no nuisance to local residents or wildlife;

ALLOW SUFFICIENT TIME FOR FACILITIES TO BE LAID OUT; pitches and greens should be laid out by sports turf experts at least two years before transfer is expected, allowing one year for construction and one year for the pitches to become established.

BSEN Standards: national quality standards for goods and services



SECURING SPORT AND RECREATION PROVISION

Type of Infrastructure	Trigger
On Site Provision	<ul style="list-style-type: none"> Development should not start until the sports facility details have been submitted and received written approval from the Council; Two trigger points: one for start of work and one for issue of Certificate of Completion of Build to an adoptable standard prior to the occupation of a specified number of market homes/amount of floorspace; For phased sites: facilities should begin construction/laying out in an early phase so that they are at an adoptable standard at the right time for use.
Maintenance Contributions	<ul style="list-style-type: none"> Should be paid prior to completion of the title transfer and used within the 10 year period.

Relevant Core Strategy policies: CS2, CS3, CS4

⁴⁹UK Renewable Energy Strategy, 2009

⁵⁰Darlington Decentralised, Renewable and Low Carbon Strategy Update, Entec, 2010

Renewable sources: energy that occurs naturally and repeatedly in the environment from wind, water, sun and biomass including decentralised energy (range of technologies that locally serve a building, development or community) and low carbon technology: helps reduce carbon emissions e.g. biomass, combined heat and power, ground source heat pumps, photovoltaics and wind

7.6 RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND

7.6.1 Darlington is committed to playing its part in tackling climate change by reducing demand for energy from fossil fuels, particularly for heat and electricity. This will help achieve the national target to cut carbon dioxide emissions by 80% by 2050 and help contribute towards achieving 15% of the UK's energy from renewable sources by 2020⁴⁹.

7.6.2 Planned growth in Darlington to 2026 is projected to increase energy demand by two and a half times⁵⁰. A range of renewable energy technologies will be needed to help meet the anticipated 10% increase in electricity and 13% increase in heat demand arising from the Borough's growth strategy⁵⁰. Existing buildings particularly older homes generate a further 538,000 tonnes of carbon dioxide annually, adding to the Borough's carbon footprint⁵⁰.

NEEDS AND PRIORITIES

7.6.3 A flexible approach to providing renewable energy in new development will be promoted in Darlington. On site provision of decentralised, renewable or low carbon technologies or connection to an existing facility nearby will help deliver national targets. A range of technologies appropriate to the type, scale and nature of the development should be used. Typically, high energy users will generate more carbon dioxide so should expect to contribute more.

7.6.4 A high proportion of housing in the priority **Central, Northgate, North Road and Bank Top** wards, particularly those constructed before 1919, have high levels of non-decency. These houses and other **older properties in parts of the Rural Area** are considered to be in fuel poverty¹⁰. Financial contributions from new development can secure energy efficiency improvements in these areas and reduce the Borough's energy demand.

Fuel poverty: a household that spends more than 10% of its income on fuel to maintain heating at 21o for the main living area, and 18o for other rooms

Includes sites in the Rest of the Urban Area strategic location, windfall sites and major developments within strategic locations that come forward after the adoption of the Making and Growing Places DPD

⁵¹UK Carbon Reduction Commitment 2011

Predicted energy supply: calculated by determining the total energy consumption of a site (baseline)

Regulated energy: for space heating, hot water and internal lighting

Energy service company: provides and maintains infrastructure and energy supply from renewable sources

RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND

THRESHOLD

- Residential development: 10 or more dwellings (or 0.2ha) or more (including the Rest of the Urban Area strategic location)
- Non residential development: 1000m² non residential gross floorspace (or 0.8ha) or more

REQUIREMENT

- At least 10% of the predicted energy supply to be secured from the on site provision of decentralised and renewable or low carbon sources¹; and/or
- Where specific opportunities exist, connect to existing biomass or combined heat and power installations or district heating schemes; and/or
- Provide a financial contribution between **£240-£300 per tonne** of carbon dioxide⁵¹ to the **Carbon Management Fund**

SUMMARY OF APPROACH (SEE 7.6.5)

Developers should:

1. secure at least 10% of a development's predicted energy supply from on site decentralised and renewable or low carbon sources. This is secured via planning condition (see the Design SPD¹⁶); or
2. Where specific opportunities exist, connect to a facility in the locality.

Where the developer can show that all or part of the percentage target is not feasible or viable on or off site:

3. a contribution will be sought to the Carbon Management Fund to deliver schemes identified on the Infrastructure Project List.

EXCEPTIONS

Provision will not be sought from:

- Gypsy and Traveller accommodation (renewable energy and/or financial contribution)
- Non residential development (financial contribution)

SUPPORTING INFORMATION

- Developers will need to submit the renewable energy matrix (in **APPENDIX 10**) with a Design and Access Statement to show how the proposed development will achieve the requirements;
- Reductions in carbon dioxide emissions will be calculated based on gross regulated carbon emissions;
- Energy efficient measures that are higher than Building Regulation requirements will be deducted;
- The supply of energy from a green tariff scheme should not be used to meet these requirements;
- A s106 agreement will make sure that renewable energy is secured in perpetuity with an Energy Service Company or other appropriate provider.

APPROACH

- 7.6.5 Provision of renewable energy should be considered from the design stage of a scheme when the solution is likely to be more cost effective. The approach and technologies used should be appropriate to the site and its location and reflect the type, size and density of development as well as generating maximum benefits to the user.



Renewable energy technology
lifetime: between 20 years

OFF SITE CONNECTION TO AN EXISTING FACILITY

- 7.6.6 In those cases where it is not feasible or viable to provide renewable energy on site, and where an opportunity exists, development should connect to an off site biomass or combined heat and power installation or district heating scheme.
- 7.6.7 Developers will be expected to complete the renewable energy matrix in **APPENDIX 10** to show how the development will achieve the appropriate percentage target. The matrix should be submitted with the Design and Access Statement as part of the planning application.

CARBON MANAGEMENT FUND

- 7.6.8 Where the developer can show through the renewable energy matrix in **APPENDIX 10** that all or part of the percentage target is not feasible or viable on or off site a financial contribution will be sought to the Carbon Management Fund. Developers should complete the renewable energy matrix to show how much carbon dioxide will be generated by the development. Any renewable energy provision should be deducted. The financial contribution will be equivalent to the total outstanding carbon dioxide (CO₂) emissions generated by the development (kg/CO₂ per year). The contribution will be **£240 per tonne of carbon dioxide, equivalent to paying £12 per tonne a year**⁵¹ over the predicted lifetime of the renewable energy technology.
- 7.6.9 The Fund will help deliver schemes on the Infrastructure Projects List that make significant carbon savings for people living in the **Central, Northgate, North Road and Bank Top wards and the Rural Area**, who are suffering from fuel poverty. This includes:
- retrofitting existing housing e.g. loft and cavity wall insulation, installation of efficient condensing boilers;
 - installing or upgrading Combined Heat and Power/ boiler units fuelled by low or zero carbon energy;
 - delivering low or zero-carbon district heating infrastructure; and
 - installing renewable energy technologies e.g. solar water heating, solar photovoltaic panels and small scale wind turbines.

DELIVERING RENEWABLE ENERGY

DEVELOPERS ARE EXPECTED TO:

INVOLVE ENERGY PROVIDERS early in the design process so that the infrastructure proposed is designed to meet the energy needs of the development.

PLAN FOR THE LONG TERM to make sure that the infrastructure is capable of accommodating additional connections from later phases of the development.

SECURING RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND

Type of Infrastructure	Trigger
Off Site Renewable Energy	<ul style="list-style-type: none"> • Plant and initial infrastructure should be installed at an early stage in the construction alongside the provision of other utilities infrastructure e.g. water and sewerage, electricity and gas; • Additional provision should reflect the delivery and/or phasing of development.

7.7 EMPLOYMENT AND TRAINING PLACEMENTS

7.7.1 New development can provide a range of employment and training opportunities for Darlington's residents. Suitably trained people are required to help construct new development and to work in completed developments e.g. shops, cinema or restaurants. Valuable skills can be gained by those who are currently unable to find work which can have a positive impact on people's lives, improving the life chances of many. Employers will also benefit as recruitment difficulties will be eased, businesses will continue to grow while the availability of a skilled workforce can help attract new development to the Borough.

NEEDS AND PRIORITIES

7.7.2 Unemployment currently affects many of the Borough's households. But the impacts are more acutely experienced in the **Bank Top, Central, Cockerton West, Eastbourne, Haughton East, Lascelles, North Road, Northgate, Park East and Pierremont wards** where Jobseekers Allowance claimant levels are higher than the national level¹⁰. There is also a skills mismatch in the Borough, with new employment opportunities requiring skills which are not widely available.

7.7.3 Development in these areas provides significant opportunities to reduce this imbalance; opportunities for local employment, apprenticeships and work experience placements can be provided during both the construction and end user stages of development. Training opportunities, particularly apprenticeships and work experience placements that enable residents to up-skill or develop an appropriate skill-set so that they are better able to compete for jobs within the Borough will be encouraged.

GOOD PRACTICE: LINGFIELD POINT

A significant mixed use regeneration scheme; 1,220 dwellings, 2,900m² of offices as well as local shops and services covering 32ha, will create a new community at Lingfield Point in eastern Darlington. The development will be built in several phases; approximately 400 dwellings are expected to be built every five years until 2026 while offices will be developed in the later phases from 2021. To enable this development to progress well, the developer will engage local residents during the construction of the development, ensuring that the local community benefits from the development of this redundant industrial site.



EMPLOYMENT AND TRAINING SKILLS: AMOUNT, SIZE AND MIX

THRESHOLD

- Residential development: 50 dwellings (or 1.0ha) or more
- Non residential development:
 - development of 1000m² and above (0.8ha or more); or
 - hotels with 50 bedrooms or over,
 - restaurants (Use Class A3), leisure (Use Class D2) or Sui Generis uses of 500m² or more gross development floorspace.

REQUIREMENT

The following requirements will be a starting point for negotiations with the Council's Business Engagement Officer to ensure local employment needs are addressed flexibly:



Targeted Recruitment and Training Programme: regionally recognised toolkit, Anthony Collins Solicitors and Richard Macfarlane, using Davis Langdon Skills Forecasting Model

Capital cost: to cover services provided by DBC's Business Engagement Officer

Person years: equivalent of one person working 5 days a week on-site, or a mix of on-site work and off-site training a year.

Forecast training: at new entrant trainee level for a person that is leaving education, a training provider, or a non-employed person that is seeking employment.

- **Construction stage:** a minimum of 10% of the workforce is required to be delivered by new entrant trainees; and/or
- **End User stage:** for non residential development a minimum of 20% of the workforce should be secured through the local labour market.
- **For a significant development with a construction timescale over 52 weeks, construction apprenticeship(s) will be sought.**

SUMMARY OF APPROACH (7.7.4)

- The type and mix of employment and/or training sought will reflect the mix of uses in a development and be influenced by:
- The nature and scale of development, including likely employment generation;
- The location of the development in terms of accessibility and an identifiable need for training;
- The number of jobs and gross floorspace to be lost or replaced.
- Local long term unemployed should be prioritised. But this will vary in accordance with the work programme and the number of employees and/or trainees available in the skill areas offered.

EXCEPTIONS

- Gypsy and traveller accommodation
- End user provision from residential development

SUPPORTING INFORMATION

- The approach is based on the Targeted Recruitment and Training Toolkit.
- Where a company relocates in Darlington, provision will only be sought for the additional floorspace provided.

APPROACH

- 7.7.4 Developers should contact the Council's Business Engagement Officer at an early stage in the development process, so that the employment and/or training needs can be tailored to the special circumstances of each developer. Requirements may vary for different stages in the contract.

EMPLOYMENT AND TRAINING: CONSTRUCTION

- 7.7.5 The number of placements sought is based on the estimated number of construction jobs likely to be created by a development. **A minimum of 10%** of the construction workforce should be delivered by new entrant trainees. Provision should match the opportunities that can be achieved through the development. Developers should complete the table below to give an indication of the likely requirements:

Construction	Enter Figure
A. Capital Cost of Development	£
B. 0.5% capital cost	£
C. Forecast labour requirement	Person-years
D. Forecast training requirement at 10%	Person-years
E. Contribution/cost per construction training job	£
F. Contribution/cost per dwelling/sqm	£

7.7.6 Provision could include:

- apprenticeships;
- general construction employment;
- specialist short-course training jobs;
- a financial contribution towards an 'On-Site' Local Labour Initiative;
- holding job fairs aimed at disadvantaged local residents, working with Jobcentreplus and through local training/employment organisations;
- direct provision of employment and training initiatives by the developer; and
- provision of premises for training to take place.

END USER EMPLOYMENT AND TRAINING

7.7.7 Opening up employment opportunities in new development to local unwaged and unemployed people is equally important. **A minimum 20% target** for end-user employment is realistic and achievable. Opportunities will be limited to those developments that are likely to make employment reasonably and practically possible e.g. hotels, contact centres and supermarkets. In some cases, a developer could design an employment and training scheme for local residents to suit their needs. This could include retail based training for large retail developments.

DELIVERING EMPLOYMENT SKILLS AND TRAINING

DEVELOPERS WILL BE EXPECTED TO:

ENSURE PLACEMENTS LAST AN APPROPRIATE PERIOD OF TIME; construction work placements should last a minimum of 13 weeks, whereas from significant developments that are expected to last at least 52 weeks an apprenticeship will be sought;

ENSURE ALL PLACEMENTS ARE IN ACCORDANCE WITH THE WORKING RULE AGREEMENT so that pay, terms and conditions of employment are fair and reasonable;

FOLLOW AN ACCREDITED FRAMEWORK providing trainees with the right level of skills to enter and sustain employment in the construction industry. A minimum of NVQ Level 2 for trainees will be sought. Directly or via the supply chain, College release arrangements should also be supported until the qualification is achieved.

ENSURE THAT REQUIREMENTS ARE MET THROUGH THE SUPPLY CHAIN – all relevant contractors and sub-contractors must also meet agreed local labour and training targets.

SECURING EMPLOYMENT SKILLS AND TRAINING PROVISION

Type of Infrastructure	Trigger
Construction Training	<ul style="list-style-type: none"> • Provided at the start of the development or phased appropriately to match the development timetable.
End User Training	<ul style="list-style-type: none"> • At a pre specified stage before completion of the whole development. It will be a once only provision, fixed at the time of agreement.

Working Rule Agreement:
Building and Civil Engineering
Industry rules that set out
terms and conditions of
construction employment



Relevant Core Strategy policies: CS2, CS4

Public art: publicly accessible permanent, stand alone or integrated into a building. Includes stained glass, lighting, decorative paving, mosaics, metalwork, sculptures, signage, earthworks, landmarks, gates, fencing, seating, paving, painting, kinetic sculpture, banners, wall hangings

7.8 PUBLIC ART

7.8.1 Public art, in its many different forms, including sculpture, water features and street furniture can add value and interest to Darlington’s townscape and landscape. Increasingly, public art is being integrated into new development, public realm and open spaces, which can help to create a unique identity and focal points for new neighbourhoods, and can encourage people to use development in different ways.

NEEDS AND PRIORITIES

7.8.2 High quality public art, like a water feature or sculpture, can create a distinctive setting for investment, development and tourism to thrive. Other types of public art, such as the use of decorative security grilles, balconies or even decorative door handles can be used to promote places or provide attractive solutions to very practical problems at minimal cost. Other types of public art can help people interpret and understand their local natural and historic environment.

GOOD PRACTICE: WEST PARK

Public art has been built into every aspect of the West Park development. Artists David Edwick, Bridget Jones, David Paton and poet Bill Herbert developed a range of public art to reflect the site’s past in a contemporary way. In the Park the Amphitheatre and the surrounding three sets of three Trinity Stones celebrate the three protected species that were found on the site, while the Bridges connect the Park to the surrounding homes resemble trains, representing Darlington’s railway heritage. This distinctive setting created a unique selling point for the development and attracts visitors in its own right.



PUBLIC ART: AMOUNT, SIZE AND MIX

THRESHOLD

- Residential development: 50 dwellings (1.0ha) or more
- Non residential development: 1000sqm gross floorspace or more

REQUIREMENT

A percentage requirement of the gross development value of a scheme will be applied on a sliding scale to reflect land values in different parts of the Borough¹²:

Residential development:

- Bank Top, Central (excluding the Town Centre) Eastbourne, Haughton East, Lascelles, Lingfield, Northgate, North Road and Pierremont: up to 0.1%;
- Cockerton East, Cockerton West and Harrowgate Hill: 0.1- 0.2%;
- Haughton North, Haughton West and Sadberge & Whessoe: 0.2-0.3%
- Faverdale, Heighington & Coniscliffe, Hurworth and Middleton St George: 0.4-0.5%
- College, Hummersknott, Mowden, Park West, Town Centre: 0.5%

Non residential development:

At least 1% of the gross development value of the scheme to be used for public art

SUMMARY OF APPROACH (SEE 7.8.3)

- The priority is to integrate public art that reflects local character and distinctiveness into new development;
- Where the developer can show that it is not viable or practicable to use public art on site, the artwork should be provided off site e.g. in a nearby greenspace, to add significant community, aesthetic and amenity value;
- Only in exceptional cases will a financial contribution toward public art be acceptable to be used to improve the quality of the local environment;
- Where appropriate a one off maintenance sum may also be required to help maintain the artwork in the long term.

APPROACH

7.8.3 Public art should be considered from an early stage so that it can be integrated into the design of the development. All appropriate developments should submit a Public Art Statement as part of the Design and Access Statement. The level of detail should reflect the scale and type of development and the extent of public art proposed but could include:

- the type and purpose of public art: conceptual and material details of artwork and its relationship to the site;
- a Management Plan: summarising the knowledge, skills and time allowed for public art project management;
- a Public Art Brief: for the involvement of artists where public art is not already included in the architecture or landscaping;
- a description of the commissioning and procurement process;
- budget details: with an estimate of the construction costs so that the percentage target can be verified;
- the ownership and decommissioning scheme, where appropriate;
- a community engagement plan: undertaken and proposed;
- delivery requirements: timescales for implementation, either as a one off provision or in phases;
- maintenance responsibilities.

ON AND OFF SITE PROVISION

7.8.4 The priority is to secure original, permanent public art on a development site. Its value should reflect the percentage requirement for the ward the development lies in. Artwork should be seamlessly integrated into the physical form, function, style, architecture, landscape or content of a place, space, building or a development and be visible and accessible to local people. It does not need to be an expensive; porches, framing of front entrances, balconies, architectural glass, railings, paving, lighting and/or the surrounding public space often add the most character. Art can include:

- Permanent works: large scale three-dimensional artworks e.g. sculpture, gateway and water features, kinetic works, landmarks, architectural sculpture, land art, commemorative works e.g. memorials, inscriptions, plaques, street furniture or integrated two and three-dimensional works e.g. painted works, mosaic or ceramics;
- Interior Commissions (for public buildings): fine and applied art, craft, sculpture, architectural glass, floor treatments, screens, installations and murals.

Kinetic art: contain moving parts or depends on motion for its effect

Land art: created in landscape and nature, using natural materials



- 7.8.5 All artwork should be delivered in collaboration with a qualified, notable, preferably regional artist as they will have the necessary skills to successfully take a project from inception to realisation. The artist should be part of the design team working with the developer, local community and where appropriate, users of the development.

FINANCIAL CONTRIBUTION

- 7.8.6 A financial contribution will only be appropriate where the developer can clearly demonstrate that it is not feasible or viable to commission public art on or off site. The financial contribution would be equivalent to the percentage value sought and will be used to commission artwork in the public realm or open space near the site.

MAINTENANCE

- 7.8.7 Durable, permanent, well constructed artwork should have a minimum design life of 25 years and require little maintenance. But where necessary, part of the percentage contribution should be set aside so that maintenance can be undertaken. Where public art is within open space or the public realm and is to be adopted by the Council, an additional commuted sum for its maintenance may be required. This will be equivalent to the cost of 10 years maintenance and will be negotiated on a site by site basis.

4.14

DELIVERING PUBLIC ART

DEVELOPERS ARE EXPECTED TO:

SECURE ALL APPROPRIATE PERMISSIONS for public art e.g. a separate planning application may be required for freestanding public art.

SECURING PUBLIC ART

Type of Infrastructure	Trigger
Public Art	<ul style="list-style-type: none"> Should be provided no longer than one year after completion. If public art is within the public realm or greenspace it may be appropriate for the delivery to be tied to the delivery of that feature.
Maintenance Contributions	<ul style="list-style-type: none"> Paid prior to completion of the title transfer and used within the 10 year period.

APPENDIX 1: KEY CORE STRATEGY POLICY

POLICY CS4 DEVELOPER CONTRIBUTIONS

Developer contributions will be negotiated to secure the necessary physical, social and environmental infrastructure required as a consequence of development. Developer contributions must be consistent with national planning guidance and appropriate to the type and scale of development and should mitigate any additional impacts the development will have on the locality.

The appropriate range and level of developer contributions sought will be assessed in a comprehensive manner, taking into account the viability of the development and any additional unforeseen costs associated with the development. Infrastructure provision will be sought, where appropriate, through the use of standard charges, tariffs and formula.

The provision of infrastructure will be linked directly to the phasing of development on land throughout the Borough to ensure that appropriate enabling infrastructure is delivered in line with future growth. Site related infrastructure will be prioritised to reflect the identified needs in that locality to include, but will not be limited to:

1. affordable housing provision;
2. early years, primary, secondary and tertiary education and extended services provision to serve new and existing communities;
3. provision and enhancement of multifunctional green infrastructure;
4. providing for and improving accessibility within the Borough by a variety of modes of sustainable transport;
5. provision, enhancement and management of protected and priority species and habitat networks;
6. employment skills and training opportunities as part of the construction of major new development;
7. road and highways improvements; and
8. utilities infrastructure including off site renewable energy projects

Developer contributions may be sought, where appropriate, from major developments to contribute to the delivery of strategic infrastructure to enable the cumulative impacts of developments to be managed in a sustainable and effective manner. These will include, but will not be limited to:

9. a carbon management fund to improve energy efficiency of existing development;
10. sport and recreation provision and enhancement;
11. improvements to the public realm and provision of public art; and
12. strategic road and highway improvements.

Infrastructure will, where necessary, be coordinated and delivered in partnership with other authorities and agencies.

All other Core Strategy policies can be viewed or downloaded in the Core Strategy on the Council's website www.darlington.gov.uk/planningpolicy



APPENDIX 2: COMPLIANCE WITH NATIONAL PLANNING POLICY FRAMEWORK TESTS

Infrastructure Type	Test 1: Necessary to make development acceptable in planning terms?	Test 2: Directly Related to the development?	Test 3: Fairly and reasonably related in scale and kind?
Affordable housing	Yes: to support the delivery of a balanced housing offer taking account of the Darlington Strategic Housing Market Assessment, the Darlington Economic Viability of Housing Land and Addendum and the targets of the Darlington Housing Strategy.	Yes: provision relates to housing need within the Borough's housing market. The urban area operates as a single housing market; off site provision will go towards the provision of affordable housing in that area. Provision in the rural area will remain in that market area.	Yes: there is a direct correlation between the amount of development being provided and the level of affordable housing provision/contribution which the developer will be required to provide.
Transport	Yes: they will mitigate the impact of development on existing highway, sustainable and public transport infrastructure to ensure that the safe operation, reliability and usage of the network is not adversely affected.	Yes: requirements will be based on the developers Transport Assessment/Transport Statement to mitigate the impact that the development will have on existing infrastructure. Works/charges will go towards infrastructure in the locality. Strategic infrastructure will benefit users of the development.	Yes: it is based on the existing accessibility of the locality in which the development is located and on the impact of development in terms of number of trips it is likely to generate.
Education	Yes: most new residential development creates additional demand for places at existing nearby schools and associated space that would not exist without the development.	Yes: charges towards primary places are for schools within walking distance of the site. Secondary and tertiary education operates over a strategic area; contributions in the urban area will go towards provision in that area, development elsewhere will fund places in the rural area.	Yes: they are based on the actual impact or level of new demand that the development generates.
Green Infrastructure	Yes: new development can put pressure on existing green infrastructure or creates demand for infrastructure that would not exist without the development.	Yes: they focus on the provision and/or improvement of infrastructure within the locality that will benefit residents/users.	Yes: they are based on the actual impact or level of new demand that the development generates.
Sport and Recreation	Yes: increased development puts pressure on existing sports facilities and creates demand for facilities that would not exist without the development.	Yes: sports facilities operate over a strategic area; contributions in the urban area will go towards provision in that area, development elsewhere will fund facilities in the rural area.	Yes: they are based on the actual impact or level of new demand that the development generates.
Renewable Energy and the Carbon Management Fund	Yes: new development generates carbon dioxide which has an impact on the Borough's carbon footprint which would not exist without the development.	Yes: focuses on connection to local decentralised energy facilities to reduce emissions for each qualifying development. The Borough's carbon footprint is considered strategically so the carbon management fund will go towards energy efficiency projects in the Borough.	Yes: it is based on the actual potential to connect to existing decentralised energy infrastructure in the locality and the actual level of carbon dioxide emissions generated by the new development.
Employment and Training Placements	Yes: construction of new development creates demand for jobs that would not exist without the development.	Yes: focus on placements at the development which will benefit local people in a more strategic sense.	Yes: it is based on the actual impact or level of new jobs that the development generates.
Public Art	Yes: development can have an adverse impact on the physical environment that would not exist without the development.	Yes: they focus on the provision of artwork at the development which will benefit residents/users of the development and the immediate environment.	Yes: it is based on the actual value of the development and the site.

APPENDIX 3: REFERENCE LIST

- Government Guidance www.communities.gov.uk
- National Planning Policy Framework, DCLG, 2012
- Circular 02/2007 Planning and the Strategic Road Network, DfT, 2007
- Community Infrastructure Levy Regulations 2010
- Definition of Zero Carbon Homes and Non-Domestic Buildings: Consultation, DCLG, 2008
- Employment Land Reviews: Guidance Note, ODPM, 2004
- Guidance on Transport Assessments, DfT, 2007
- Natural Environment and Rural Communities Act 2006
- 1980 Highway Act
- OSR 15/2010 Statistical Release, DoE, 2010
- Town and Country Planning (Use Classes) Order 1987
- UK Carbon Reduction Commitment, 2010
- UK Low Carbon Transition Plan, 2009
- UK Renewable Energy Strategy, 2009

- Census 2001 data, Office of National Statistics www.statistics.gov.uk

Other Stakeholders Guidance

- Building Natural Value For Sustainable Economic Development: The Green Infrastructure Valuation Toolkit User Guide, Genecon LLP, 2011 www.greeninfrastructurenw.co.uk
- Green Infrastructure Guidance, Natural England, 2010 www.naturalengland.org.uk
- Tees Valley Biodiversity Action Plan, Tees Valley Biodiversity Partnership, 2011 teesvalleynaturepartnership.org.uk

Local Plans and Strategies www.darlington.gov.uk

- Darlington Core Strategy, DBC, 2011
- Darlington Design of New Development SPD, DBC, 2011
- Darlington Infrastructure Delivery Plan, DBC, 2011
- Darlington Open Space Strategy Update, DBC, 2011
- Statement of Community Involvement, DBC, 2010

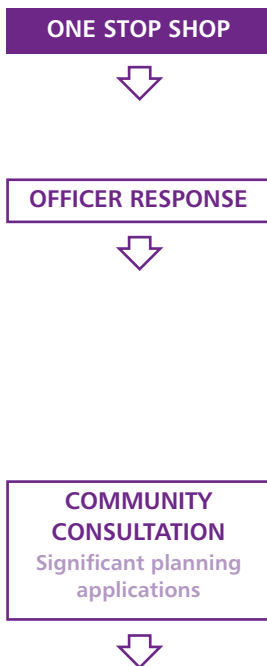
- Darlington Childcare Sufficiency Assessment 2011
- Darlington Decentralised, Renewable and Low Carbon Strategy Update, Entec, 2010
- Darlington Local Housing Assessment, Arc4 2005, refreshed in 2008/9.
- Darlington Playing Pitch Strategy, PMP, 2009
- Darlington Sport and Recreation Facilities Strategy, PMP, 2009
- Economic Viability of Housing Land and Addendum, Levvels, 2012
- Economic Viability of Non Housing Land, Levvels, 2010
- Tees Valley Strategic Housing Market Assessment 2009
- Third Local Transport Plan, DBC, 2011

- One Darlington: Perfectly Placed, Darlington Partnership 2008
- Joint Single Needs Assessment, DBC, 2010



APPENDIX 4: PROCEDURE FOR NEGOTIATING PLANNING OBLIGATIONS

To make sure that planning applications requiring planning obligations are dealt with as quickly and effectively as possible a clear process has been identified:



STAGE 1: PRE- APPLICATION DISCUSSIONS

Developers are encouraged to provide as much information as possible at an early stage, including dwelling mix and/or the amount of floorspace proposed so that planning obligation requirements can be identified. The Planning Obligations Summary and Community Infrastructure Targets are a starting point for negotiations.

Information will reflect the level of detail provided and will identify:

- The range of impacts to be addressed;
- Type of infrastructure required on site, off site or through standard charge;
- Priorities for delivery;
- The level of standard charges/financial contributions required;
- Details of how standard charges/financial contributions will be used; and
- The trigger point(s) for provision.

All discussions are entered into on a without prejudice basis.

The community and other people with an interest in the development should be consulted before a significant planning application is submitted. It should identify the likely impacts of the development and the types of planning obligations proposed to reduce these impacts. Any comments made should be considered by the developer in finalising the planning application. Evidence should be provided showing how the comments received have influenced the submitted planning application.



STAGE 2: PLANNING APPLICATION

The planning application should show how planning obligation requirements will mitigate the impact of the development using the guidance in this SPD. The planning application will not be valid if this information is not provided. Draft Heads of Terms should be included. Where planning obligations are considered to affect the viability of a scheme a viability assessment should be submitted (**APPENDIX 7**).

A range of other Council services, infrastructure providers and the local community will be consulted where appropriate, to help identify and assess the impact of development on existing infrastructure and whether the infrastructure/charges proposed by the developer are appropriate.

In response to the consultation, the draft Heads of Terms may need to be revised. They must be agreed in writing before the application is determined so the Council can be sure of securing the planning obligations required to mitigate the impact of the development.

The planning application will be determined based on the information available at the time, including the agreed draft Heads of Terms. They will be reported to Planning Applications Committee where appropriate. If they are not agreed, the application could be refused. If planning permission is granted, it will be subject to the completion of a s106 agreement.

PREPARATION OF LEGAL AGREEMENT

SIGNING LEGAL AGREEMENT



PLANNING OBLIGATIONS DATABASE



PROVISION OF INFRASTRUCTURE



DELIVERY



STAGE 3: COMPLETION OF LEGAL AGREEMENT

The Council's Borough Solicitor with the developer's solicitor and Planning Officers will put together the s106 agreement. All negotiations will be confidential. Third parties, such as mortgagees may have to be party to the agreement. The s106 agreement will set out the detail of the planning obligations, including the trigger points for delivery, schedule of works and other commitments to be undertaken by the developer. If the agreement is not signed within three months it could lead to a recommendation to refuse the scheme. A revised timetable will be considered if the delay is unavoidable.

Once signed, planning permission will be formally granted and a Decision Notice will be sent to the developer. The s106 agreement will be put on the public Planning Register and registered against the title of the property on the Local Land Charges Register. Details will be sent to the Council's Planning Obligations Officer, finance department and other relevant departments. The Council will retain an original agreement, another will be sent to the developer.

STAGE 4: IMPLEMENTATION

The Planning Obligations Officer will enter relevant information from the s106 agreement onto a database so that monitoring can take place. A summary of the planning obligations required and their delivery triggers will be sent to the developer, including any obligations requiring compliance before development commences, like remediation work. Details will also be added to the Infrastructure Delivery Plan.

The Planning Obligations Officer will make sure that infrastructure is delivered at the right time to meet the needs of the development. Payment of standard charges/contributions should be made by electronic transfer and/or by cheque.

Completion and discharge of obligations will only be considered formally, whether by deed of variation or by planning application. Where infrastructure is not delivered the Planning Obligations Officer will contact the developer in writing to remind them of their requirements. The Enforcement Officer will take appropriate action to secure outstanding infrastructure and compliance with the legal agreement should any reminder letters not be acted upon.

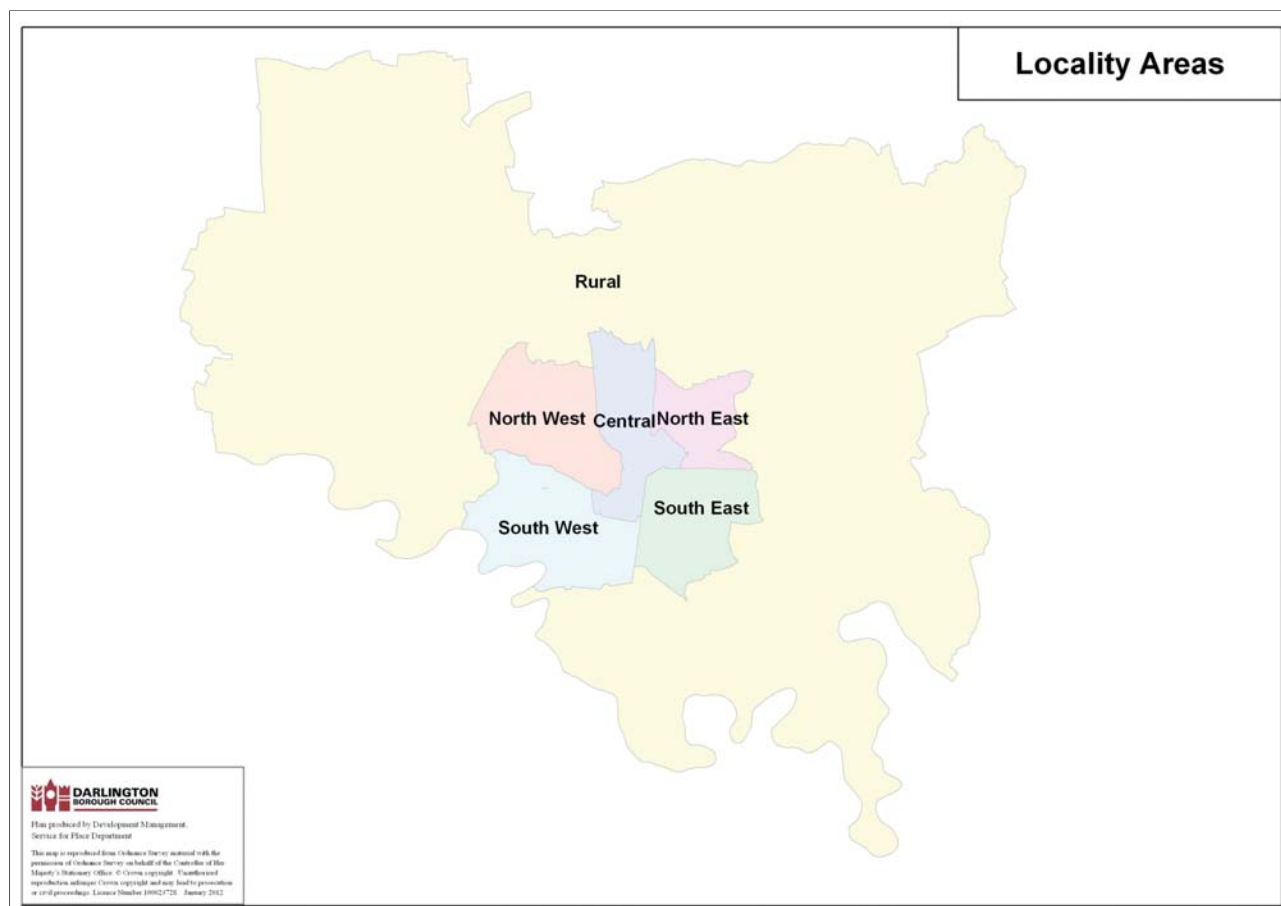
All charges/contributions will be held in relevant ring fenced account(s), the database updated and the relevant Council service or other infrastructure providers involved in expenditure informed. Sums will be released to project teams and infrastructure partners in accordance with the legal agreement, this SPD and the Infrastructure Projects List. Completion of works will be notified to the Planning Obligations Officer who will inform the developer. If obligations are time limited and cannot be delivered within the time period then any unspent sums will be returned to the developer with interest, where appropriate. An annual monitoring report to the Council's Place Scrutiny Committee will summarise provision.

DBC

 Both



APPENDIX 5: LOCALITY MAP



Locality	Wards
North West	Faverdale, Cockerton West, Cockerton East, Pierremont
Central	Harrowgate Hill, North Road, Northgate, Central
South East	Bank Top, Lascelles, Lingfield, Eastbourne
South West	Hummersknott, Mowden, Park East, Park West, College
North East	Haughton East, Haughton West, Haughton North
Rural Area	Heighington & Coniscliffe, Sadberge & Whessoe, Middleton St George, Hurworth

APPENDIX 6: RESIDENTIAL COMMUNITY INFRASTRUCTURE TARGETS 2013-2014

Type of Infrastructure	North West				Central				South West				South East				North East				Rural Area				
	No. dwellings				No. dwellings				No. dwellings				No. dwellings				No. dwellings				No. dwellings				
	5+	10+	15+	50+	5+	10+	15+	50+	5+	10+	15+	50+	5+	10+	15+	50+	5+	10+	15+	50+	5+	10+	15+	50+	
HOUSING*																									
Affordable Housing																									
Improvements to Council Owned Building																									
Improvements to Private Housing																									
TRANSPORT																									
Sustainable Transport																									
Public Transport																									
Highways**																									
Travel Plan																									
EDUCATION																									
Early Years																									
Primary																									
Secondary																									
Tertiary																									
GREEN INFRASTRUCTURE																									
Informal Recreation																									
Children's Play																									
Wildflower Amenity																									
SPORT & RECREATION																									
Playing Pitches																									
Other Sports Facilities																									
RENEWABLE ENERGY																									
Off Site																									
Carbon Management Fund																									
EMPLOYMENT & TRAINING																									
Construction																									
PUBLIC ART																									
Public Art																									

*will only be applied if on site provision is not feasible or viable
 **will only be applied if not secured via S278/S78 agreement





NON RESIDENTIAL DEVELOPMENT INFRASTRUCTURE TARGETS 2013-2014

NON RESIDENTIAL DEVELOPMENT	North West		Central		South West		South East		North East		Rural Area	
	Size of development m ²	Size of development m ²	Size of development m ²	Size of development m ²	Size of development m ²	Size of development m ²	Size of development m ²	Size of development m ²	Size of development m ²	Size of development m ²	Size of development m ²	
Type of Infrastructure	500m ²	1000m ² +	500m ² +	1000m ² +	500m ² +	1000m ² +	500m ² +	1000m ² +	500m ² +	1000m ² +	500m ² +	1000m ² +
	TRANSPORT											
Sustainable Transport												
Public Transport												
Highways**												
Travel Plan												
GREEN INFRASTRUCTURE												
Informal Recreation												
Wildlife Friendly Greenspace												
SPORT & RECREATION												
Playing Pitches												
Other Sports Facilities												
RENEWABLE ENERGY*												
Off Site												
EMPLOYMENT PLACEMENTS												
Construction												
End User												
PUBLIC ART												
Public Art												

*will only be applied if on site provision is not feasible or viable

**will only be applied if not secured via S278/S278 agreement

KEY



Critical



Necessary



Desirable

APPENDIX 7: INFORMATION REQUIRED FOR ASSESSING FINANCIAL VIABILITY

4.3

Where a developer considers that there are exceptional unforeseen costs (in addition to costs like highways works, remediating contamination, known flood mitigation, piling and demolition) that together with the provision of planning obligations would make a proposed scheme unviable, the onus will be on the developer to demonstrate this.

The developer will be expected to provide sufficient appropriate financial evidence to enable the Council through its Viability Assessment Model or through an independent consultant, chosen by the Council, but paid for by the developer, to assess the information and provide the Council with an interpretative report, capable of publication, indicating whether the costs attributed are reasonable. The financial evidence should contain calculations of the main factors in sufficient detail for viability to be properly assessed, including the expected profit margins for the developer.

Information provided should make it clear how the value and percentages have been reached but the format is left to the developer. Developers are encouraged to complete the sheet below. For exceptional costs such as ground conditions or asbestos these will need to be quantified by an independent professional report. Failure to provide this information may delay the determination of the application, or the completion of any legal agreement.

ECONOMIC VIABILITY TEST

APPRAISAL SUMMARY	Gross Development Value	Gross Development Costs	Net Development Value
GROSS DEVELOPMENT VALUE	£		
Unit numbers and sizes (bedrooms/sqm)			
Unit mix (detached, semis, flats/B1, B2, B8)			
Unit price/rental value			
GROSS DEVELOPMENT COSTS		£	
Site Acquisition Costs			
Legal fees			
Agent fees			
Stamp duty			
Price paid for land			
Construction Costs			
Construction			
Contingency costs			
Infrastructure costs			
Professional fees			
Abnormal costs - specify			
Planning obligation costs			
Disposal Costs			
Sales/Letting fees			
Legal fees			
Marketing fees			
Finance			
Land			
Construction			
Total Finance Cost			
Profit			
BALANCE			£



APPENDIX 8: OPEN SPACE FORMULAS

RESIDENTIAL DEVELOPMENT: FORMULA FOR OPEN SPACE COSTS

Dwelling occupancy (a) x standard for open space per resident (b) = amount of open space required per house (c)

*x
cost of open space provision (d) = standard charge (e)
/2 quality improvement cost (f)*

Residential Development			Non Residential Development	
Type of Open Space	Standard of Provision	Cost (£) of open provision (m ²) (d)	Standard of provision (m ²) per person	Cost (£) of provision per (m ²)
Informal Recreation Space	0.006ha/1000 people	£9		£9
	60m ² per person (b)		7m ²	
Wildlife Friendly Space	0.005ha/1000 people	£13		£13
	50m ² per person (b)		6m ²	
Children & Young People's Space	0.007ha/1000 people	£7		-
	70m ² per person (b)		-	
Street Trees	1 tree / 5 dwellings	£300 per tree	1 tree/1000m ²	£300 per tree

Residential Development: Standard Open Space Charges

(a) Dwelling occupancy	(c) Wildlife Friendly Greenspace (m ²)	(e) Cost of provision £	Quality Cost £	(e) Cost of provision £	Quality Cost £
1.28	64	832	416	-	-
1.79	90	1170	585	125	438
2.42	212	1573	787	1183	592
2.79	140	1820	910	1365	683

RESIDENTIAL DEVELOPMENT: FORMULA FOR OPEN SPACE MAINTENANCE COSTS

Dwelling occupancy (a) x 2013-2014 average maintenance cost (b) = maintenance cost per dwelling

*x
10 = one off maintenance sum (c)
/2 quality improvement (d)*

	Residential Development	Non-Residential Development
Type of Open Space	Maintenance Costs (£) 2012-13 per ha (b)	
Multifunctional Greenspace	141	47
Children and Young People	21 per site	-
Street trees	850 per tree	850

Type of Open Space	(a)	Maintenance Cost per dwelling (c) per year	X 10 (c)	Quality Improvement Maintenance
Multifunctional Greenspace	1.28	180	1805	903
	1.79	252	2520	1260
	2.42	341	3410	1705
	2.79	393	3930	1965
Children & Young People	1.28	-	-	-
	1.79	38	380	190
	2.42	51	510	255
	2.79	59	590	295

APPENDIX 9: SPORT AND RECREATION FORMULAS

RESIDENTIAL DEVELOPMENT: FORMULA FOR NEW SPORTS PROVISION

Total cost of each sports facility (b) / typical size of each facility (a) = cost per sqm (c)

x

standard per 1000 population (n)

= amount of space required per person (d) x dwelling occupancy rate (e) = cost of provision per dwelling type (f)

/ 2 = cost of quality improvements (g)

RESIDENTIAL DEVELOPMENT: FORMULA FOR IMPROVEMENTS TO SPORTS PROVISION

Total cost of each sports facility (b) / 10,300 = amount of space required per person (d)

x

dwelling occupancy rate (e)

= cost of provision per dwelling type (f)/2 = quality charge (g)

SPORTS FACILITIES: STANDARD CHARGES

Typical Size m ² (a)	Cost (£) (b)	Cost (£) per m ² (c)	Cost (£) per Person to Local Standard (d)	Dwelling Occupancy Rate (e)	Provision Cost (£) per Dwelling (f)	Quality Cost (£) per Dwelling (50% Discount) (g)
Grass playing pitch 0.76ha per 1000 pop (7m²)						
72100	749119	10.39	72.73	1.28	93	47
				1.79	130	65
				2.42	176	88
				2.93	213	107
Tennis Courts (2 court) 0.25ha per 1000 people (2m²)						
1227	160000	130.39	260.78	1.28	334	167
				1.79	467	234
				2.42	631	316
				2.93	764	382
Quality Improvements						
Synthetic Turf Pitch (STP) (senior football)						
7526	800000		77.66	1.28	99	50
				1.79	139	70
				2.42	188	94
				2.93	228	114
Multi Use Games Areas (MUGA)						
782	115000		11.17	1.28	14	7
				1.79	20	10
				2.42	27	14
				2.93	33	17
Swimming Pool (4 lane)						
1084	2940000		285.43	1.28	365	183
				1.79	511	256
				2.42	691	346
				2.93	836	418
Sports Hall (4 court)						
1435	2715000		1891.98	1.28	2422	1211
				1.79	3387	1694
				2.42	4579	2290
				2.93	5544	2772



RESIDENTIAL DEVELOPMENT: FORMULA FOR MAINTENANCE OF SPORTS FACILITIES

annual cost of maintenance for the sports facility (b) / 10,300 = maintenance cost per person (c)

x

dwelling occupancy (d)

= annual maintenance cost per sqm a year (e) x 10 = maintenance contribution per sqm (f)

SPORTS FACILITIES: MAINTENANCE CHARGES

Maintenance Cost a Year (£) (b)	Cost (£) per Person for Additional Pop (c) a year	Dwelling Occupancy Rate	Cost (£) per Dwelling (e) a year	Cost (£) per Dwelling x10 (f)
Playing Pitch				
80,000	7.76	1.28	9.93	100
		1.79	13.89	139
		2.42	18.77	188
		2.93	22.74	228
Tennis Courts / MUGAS				
10,000	0.97	1.28	1.24	12
		1.79	1.73	17
		2.42	2.34	23
		2.93	2.84	28
STP				
15,000	1.46	1.28	1.87	19
		1.79	2.61	26
		2.42	3.53	36
		2.93	4.28	43
Swimming Pool				
50,000	4.85	1.28	6.21	62
		1.79	8.68	87
		2.42	11.74	118
		2.93	14.21	142
Sports Hall				
20,000	1.94	1.28	2.48	25
		1.79	3.47	35
		2.42	4.69	47
		2.93	5.68	57

APPENDIX 10: RENEWABLE ENERGY MATRIX

Developers or housebuilders should use the following approach to demonstrate how their development proposals meet the requirements for sustainable energy:

1. CALCULATE THE PREDICTED ENERGY SUPPLY FOR REGULATED ENERGY

This is the total baseline energy (electrical and heating) that would be consumed by the development when occupied per year, built to the current CSH3 requirements. There are a number of tools that can be used to calculate the regulated energy baseline including the National Home Energy Rating (NEHR) for residential development and Energy Consumption Guide ECON 19 for non residential development.

ENERGY FIGURES SHOULD BE EXPRESSED IN KWH/YEAR

2. CALCULATE THE APPROPRIATE AMOUNT OF RENEWABLE ENERGY TO BE GENERATED

This will need to be at least 10% for major developments and the Rest Of the Urban Area strategic location. Each site within each of the following strategic locations: the Town Centre, Town Centre Fringe, Central Park, North Western Urban Fringe, Eastern Urban Fringe and Durham Tees Valley Airport will contribute towards the overall minimum target of 20% for each broad location. The percentage target for each site within these locations will be set out in the Making Places/Accommodating Growth DPD.

3. DECIDE WHAT MEASURES WILL BE USED TO GENERATE THE RENEWABLE ENERGY

A range of options must be considered to demonstrate the viability of the chosen solution. Viability considerations include solar orientation, solar and wind resource, supplies of fuel (for biomass), visual impact and installation and running costs.

4. COMPLETE THE RENEWABLE ENERGY MATRIX

A copy is overleaf or can be viewed or downloaded from the Council's website www.darlington.gov.uk/planningpolicy
This should be submitted with the Design and Access Statement as part of a planning application.



RENEWABLE ENERGY MATRIX

Type of Fuel (delete as appropriate)			Predicted annual delivered energy requirements for:				Total predicted energy consumption
			Space Heating	Water Heating	Lighting		
Units	No. units/sqm floorspace	X	Gas/Elec	Gas/Elec	Elec		
Source of energy consumption on the development site	Building type 1		kWh/yr				
	Building type 2		kWh/yr				
	Building type 3		kWh/yr				
	Add lines as needed						
	SITE TOTAL (Baseline)		kWh/yr (1)	(1) + (1) x 0.2 = (2)			(1)
	Add 20% for unregulated energy e.g. appliances			(1) x 20/100 + (1) = (2)			(2)
	10% Requirement (3)			(2)* 0.1 = (3)			(3)

Renewable Energy	Proposed Technology	Amount proposed (e.g 4 x solar thermal panels at 2m ² each)	Annual energy proposed from renewable technology (kWh/yr) (5)	At least 10% from renewable technology. This should be more than (4)
			(5)	

*This is the predicted energy consumption of the development after deducting the energy efficiency measures at CSH3. The matrix may be revised to reflect any changes to national guidance or Building Regulations.

