

APPENDIX 2 - PLANNING OBLIGATIONS SPD CONSULTATION STATEMENT January 2015

Consultee	General Comment/ Paragraph in SPD	Comment	HBC Response
PO01 – Sport England	General Comment	Sport England seeks to ensure that communities have access to sufficient high quality sports facilities that are fit for purpose. Using evidence and advocacy, we help to guide investment into new facilities and the expansion of existing ones to meet new demands that cannot be met by existing provision.	Noted.
	General Comment	Hartlepool Council is in a strong position to be able to understand the needs of sport in its area having undertaken a Playing Pitch Strategy in 2012, and an assessment of built sports facilities last year. It is clear that both these documents have informed the decision to include playing pitches and built sports facilities within the scope of the draft SPD. Sport England supports the scope of the SPD, and considers that it is a sound and justified document in respect of sport.	Noted and agreed that these are both justifiable obligations to be sought.
	Section 22 & 23.	<p>Both the PPS and Needs Assessment will have identified recommended standards of provision for pitches and sports facilities, and the needs arising from that. The section on built sports facilities clearly articulates these findings. What is not clear however is how these standards or needs have been translated in the costs per dwelling set out in the draft SPD. It is important that there is transparency in the process established by the SPD, and its subsequent robustness will be dependent on there being a clear link between the documents that inform it and value of financial contribution sought. As such we would strongly suggest that the clarity of the SPD is enhanced in this area. Sport England keeps an up to date register of facility costs, the latest of which can be found <a href="#">here</a>. We would be happy to help you translate your adopted standards / identified needs into a cost figure per dwelling / person should you require.</p> <p>Additional comments provided 15.01.2015  <i>“Having read the document I’m presuming you’re seeking our help in costing the standards established at the front end of the document for playing pitches, tennis courts, and bowling greens.</i></p> <p><i>The table specifies the following sports facility standards;</i></p> <p><i>The quantity standard for playing pitches 0.9 Hectares per 1000 population.</i>  <i>The quantity standard for Tennis Courts is 0.02 hectares per 1000 population.</i>  <i>The quantity standard for Bowling Greens is 0.03 hectares per 1000 population.</i></p>	<p>Noted. Sport England have been approached to provide a cost per dwelling based on their figures, this information will contribute towards the evidence base for justification of the £250 figure per dwelling for built sports.</p> <p>Additional threshold evidence provided on 15.01.2015 – to be reflected in SPD.</p>

		<p><i>Sport England's facility costs can be found at the following location on our website;</i></p> <p><a href="http://www.sportengland.org/media/198443/facility-costs-4q13.pdf">http://www.sportengland.org/media/198443/facility-costs-4q13.pdf</a></p> <p><i>The playing pitch standard is 9000sq.m per 1000 population which equates to 9sq.m per person. I have averaged out the cost per square metre for constructing varying sizes of football pitches, and rugby pitches, and it equates to £11.27 per sq.m. So the cost per person of Hartlepool's playing pitch standard is £11.27 x 9 = £101.43</i></p> <p><i>The tennis court standard is 200 sq.m per 1000 population which equates to 0.2sq.m per person. The costs for tennis courts include floodlighting (as a rule of thumb this approximately doubles the cost) and averages out at £123.94 per sq.m. So the cost per head of Hartlepool's tennis court standard is £123.94 x 0.2 = £24.79</i></p> <p><i>Finally the bowling green standard is 30sq.m per 1000, which equates to 0.03sq.m per person. The cost of a bowling green (flat or crown green) works out at £71.86 per sq.m. The cost per head of the standard is therefore £71.86 x 0.03 = £2.16."</i></p>	
	General Comment	<p>Finally I am not aware of the Council's position on Community Infrastructure Levy and whether the proposed SPD signals your intention not to use CIL at all. There are pros and cons to each approach in respect of sports facilities, and our advice to Local Authorities is that where their strategies have identified the need for "big ticket" sports facilities such as pools or sports halls then a CIL mechanism offers clear benefits because of the 5 development limit (per a single piece of infrastructure) on the use of S.106 agreements. Clearly the replacement of the Millhouse Centre and the expansion of provision at Brierton would fall within the scale of development normally delivered by CIL. If you intend to use S.106 money to help deliver these schemes you may have to break them down into key phases or constituent elements to overcome the 5 scheme rule, or have a clear understanding as to the key sites which will help you achieve your aspirations.</p>	<p>At present the Council is unclear whether it will proceed with CIL due to viability issues in development in the town. Setting a CIL level at a high enough level to bring in meaningful levels of finance towards the provision of infrastructure such as a new swimming pool would probably deter development as it would be seen as unviable. Measures are in place to effectively manage the 5 scheme rule.</p>
<b>PO02 – Greatham Parish Council</b>	Para 21.9	<p>States 'affordable housing will be required on all planning applications for residential development that consist of a gross addition of 15 dwellings or more' In the rural area a gross addition of 15 dwellings or more would be relatively rare and large addition to the small villages. In order that the need for affordable housing in the rural area is more likely to</p>	<p>The concern is noted. Lower threshold in designated rural areas is recognised in the recent changes to PPG</p>

		be addressed the Parish Council would suggest a lower figure of 5 dwellings be used in the rural area.	(28.11.2014). SPD to be updated to reflect changes to NPPG.
<b>PO03 – Taylor Wimpey</b>	General comments	The Community Infrastructure Levy is a system of agreeing planning contributions and obligations between local councils and developers under section 106 of the Town and Country Planning Act 1990. Regulation 122 of the Community Infrastructure Levy (Amended) Regulations, 2014, specifies limitations to the use of obligations by LPAs in the determination of planning permission. Regulation 122 states that; for a planning obligation to be lawful it must pass three statutory tests and be: a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; and c) Fairly and reasonably related in scale and kind to the development.	Noted and comments to be reflected in SPD.
	Section 23	We contend that the requirement to contribute to the provision of ‘built sports facilities’ as laid out in section 23 of the Planning Obligations SPD fails to pass the second test. Test ‘b’ ensures that any obligation required goes to addressing any <i>direct</i> need or impact generated by a development. The requirement to contribute to sports facilities that may be located several miles away from a development cannot be supported as it cannot be reasonably expected that residents of said development will lead to increased pressure on their usage or indeed, derive any benefit from improvement to the facilities.	Noted. HBC do not agree with statement. Evidence available to support the provision of ‘built sports facilities’ through planning obligations as a direct means of achieving sustainable development (para 7 of NPPF). Obligations contribute towards town offer of built sports facilities which will be in strategic locations.
<b>PO04 – Persimmon homes</b>	General comments <b>Economic Climate</b>	Persimmon Homes are pleased that the Council recognise that the SPD is being prepared “during hard economic times” and that this is “reflected in the levels of contributions that are required from developers.” The recent house price fluctuations across the north east of England have highlighted the need for Local Authorities to be acutely aware of the challenges and precarious nature of the housing market. A failure to do so by adopting unrealistic targets for financial contributions or applying obligations incorrectly will result in drawn out negotiations, possible appeals and delays, and potentially prevent new housing from being delivered. Considering that one of the core purposes of the SPD is to provide greater clarity to the planning system in an attempt to speed up the decision making process, if the current economic conditions are not taken into account then the document could be counter productive. It is therefore imperative given the current economic uncertainty that housing obligations are just,	Noted. If planning obligations result in an unviable. Development. Developers are encouraged to submit a viability assessment to evidence this. Following this, a process for negotiation will take place.

		necessary and deliverable so as not to act as a barrier and prevent new development within the Borough.	
	<b>Viability Appraisals</b>	<p>Persimmon Homes are satisfied that the council acknowledge that there will be occasions when the scale of contributions will make a development unviable and in such circumstances a viability assessment can be submitted to the council to demonstrate this issue. However, we wish to reiterate the tests outlined within paragraph 204 of the NPPF which state that planning obligations must be:</p> <ol style="list-style-type: none"> <li>1. Necessary to make the development acceptable in planning terms</li> <li>2. Directly related to the development</li> <li>3. Fairly and reasonably related in scale and kind to the development</li> </ol> <p>With this in mind, upon adoption of the Planning Obligations SPD, viability assessments should not be used as the mechanism to justify the council applying all planning obligations to every planning application. It is essential that only those planning obligations that directly relate to the development and are necessary to make the scheme acceptable in planning terms should be enforced to avoid unjust burdens on developers and risk the delivery of schemes. In the event that viability assessments are required to determine the extent of any planning obligation, such as affordable housing, the mechanism for evaluating 'viability' must be properly documented within the SPD and be clear and transparent to prospective applicants. It is not sufficient to say that such assessments will be dealt with on a case by case basis. Persimmon Homes would therefore be happy to assist the council further in the creation of a suitable viability assessment mechanism using industry standards to help accurately assess viability.</p>	<p>Noted. Agree with comments, SPD reflects comments made.</p> <p>In terms of planning obligations, the contributions outlined in the SPD are to support areas where there is always a continual requirement to develop and improve provision / facilities as additional development occurs.</p> <p>Within the detail of the SPD, there is flexibility to allow for developers to query contributions in terms of viability, information will be required to evidence this. HBC use the HCA model for viability assessments.</p>
	<b>Financial Contributions and Pooling of Contributions</b>	<p>Whilst Persimmon Homes have no objections to the pooling of contributions we believe that there should be clearly agreed timeframes as to when the money is expected to be spent and how. This should be agreed between the developer and the council and set out within the Section 106 Agreement.</p> <p>In terms of pooling contributions, Persimmon Homes would also like to draw the Council's attention to the CIL Regulations which in view of the role and nature of CIL have attempted to scale back the way planning obligations operate. Limitations are therefore in place restricting the pooling of contributions from a maximum of five separate planning obligations for an item of infrastructure that is not locally intended to be funded by the levy. The limit of five also applies to types of general infrastructure contributions, such as education and transport so it is important any pooling of contributions is clearly documented by the council and shown to accord with the regulations. Published in May 2011 by DCLG, the document entitled "Community Infrastructure Levy: An overview" clarifies that when assessing whether five separate planning obligations have already been entered into for a specific</p>	<p>Noted.</p> <p>Covered in 10.1 of the SPD. SPD to be updated to include position on unspent funds / change in needs.</p> <p>Section 106 Agreements are managed and monitored by the Development Control Team. A useful contact list will be included as an appendix to the SPD.</p> <p>Reference to CIL included in</p>

		<p>infrastructure project or a type of infrastructure, local planning authorities must look over agreements that have been entered into since 6 April 2010. In finalising the details of this SPD, it is therefore essential that the Council refer back to and check that the document accords with the policies and principles of the CIL regulations and any associated documentation.</p> <p>In the event that the infrastructure should be found to be no longer necessary, or the contribution is not spent in the prescribed timeframe agreed within the Section 106, then the money should be returned to the developer. As a result, further reference should be given within the SPD as to how unspent monies will be remitted back to the developer.</p>	the SPD.
	<b>Existing Uses</b>	<p>The SPD states that the existing use of the site will be taken into consideration when determining the levels of contribution. Persimmon Homes strongly agree with this principle, particularly on brownfield sites to ensure that the development only contributes to the additional pressures on the surrounding infrastructure resulting from the development itself, and is not used to cover existing, unrelated efficiencies in infrastructure.</p>	Noted
	<b>Maintenance Costs</b>	<p>Whilst Persimmon Homes are pleased to see that developer contributions for the maintenance of certain forms of infrastructure will be determined on a case by case basis and will take into account viability, it would provide greater clarity if the council published a maintenance schedule outlining the cost of the possible charges. This would help developers consider the wider implications of planning obligations on viability at an earlier stage of the planning process.</p>	<p>Noted.</p> <p>To date maintenance costs have only been sought on significant strategic sites – HBC is not persuaded that this is viable within smaller developments. Inclusion of a schedule within the SPD is not considered appropriate as this will quickly be out dated and maintenance costs are site / project specific. Planning obligations are discussed at an early stage in the development management process, either through the one stop shop or planning application process.</p>
	<b>Economics of Provision</b>	<p>Paragraph 16.1 of the SPD states that “for those developments listed in table 1, both residential and non residential, the Local Authority expects the full relevant Planning Obligation requirements, as outlined in this document, to be taken into account when negotiating the price of the land.”</p> <p>Persimmon Homes strongly object to this statement. It should not be the role of the Local Planning Authority to set what is an acceptable sale price. Paragraph 173 of the NPPF</p>	<p>Noted</p> <p>Section 16.1 SPD refers to Planning Obligation required, there are no specific levels detailed in the SPD. Para 16.1 of the SPD is not</p>

	<p>makes clear that there needs to be competitive returns to a willing land owner and a willing developer to enable the development to be deliverable. If an acceptable land value can not be agreed with the landowner that in turn provides accept returns for the developer then development will not go ahead. Therefore, rather than attempt to influence the market and land values, the SPD should be respondent to the market and sufficiently flexible as to ensure it does not prevent the delivery of much need housing given any changes to the market at the time. If a contribution is shown through viability assessments not to be viable, then an alterative solution or contribution should be found.</p> <p>In regards to what amounts to “competitive returns for a willing landowner”, this will vary on a case by case basis. However it is imperative that the council understand that for the majority of landowners such a sale of land is a once in a lifetime opportunity and therefore in terms of Land Value they attempt to get as much as possible from developers based on the market conditions at the time of the sale. If a landowner does not feel they will receive an acceptable land value, they will simply not sell the land at that time. If an acceptable land value cannot be achieved once planning obligations have been incorporated, it demonstrates that any policies requiring contributions or provisions are undeliverable and therefore unsound. It is therefore imperative that the Planning Obligations SPD is flexible enough to respond to changing market conditions to allow acceptable land values to be achieved in order to facilitate and protect the supply and delivery of housing within the borough. The bottom line is that if policies do not tempt landowners to sell, housebuilders can not build and then the council can not achieve their aims and objectives outlined within the Local Plan which form the basis of their ‘vision’.</p> <p>In terms of “competitive returns for a willing developer” Persimmon Homes consider this to be 20% GDV. In the Delivery of Local Plan Sites (2012) published by the council as evidence into the viability testing of the previous local plan which was withdrawn in late 2013, the council set the developer profit margin at 18%. In the production and testing of this SPD and the future policies, Persimmon Homes strongly object to this figure and strongly recommend 20% GDV as a more suitable benchmark inline with recognised industry standards and case law.</p> <p>In the current economic climate where many lenders remain risk averse they are unlikely to lend unless reasonable profit margins can be demonstrated i.e. 20% GDV. Support for this statement is provided in the BNP Paribas Review of Stockton Borough Council Economic Viability Appraisal for the Planning Inspectorate, August 2009, in which it was stated; <i>“banks will not provide funding for a scheme that shows a profit of less than 20% on gross development value”</i>.</p> <p>In an appeal, APP/T3535/A/11/2147958, against Waveney District Council for the construction of 7 terraced houses, 10 detached houses and 1 bungalow the inspector noted;</p> <p><i>“also note that the DV sets the level of profit required as 18%, whereas I would expect a figure of 20% to be used, bearing in mind the risks associated with the</i></p>	<p>contradictory to para 173 of the NPPF.</p> <p>Levels of GDV consistent with national levels. Viability is assessed on a case by case basis; there is flexibility within the scope of the SPD to allow for negotiation.</p> <p>Reference to the appeals is welcomed and noted, however notwithstanding the outcome of the appeals, HBC currently uses an accepted viability assessment method which considers viability on a site by site basis, and offers opportunity for negotiation.</p>
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	<b>Legal, Admin and Monitoring Costs</b>	<p>In terms of the costs associated with the legal, admin and monitoring aspects of Section 106 agreements, Persimmon Homes believe that these should be negotiated on a site by site basis between the developer and the council. Any costs should be proportionate the work and time involved on the planning officers behalf in respect to the obligations to ensure that any burden is reasonable and justified. These costs should be agreed between the council and developer prior to the signing of a Section 106 agreement.</p>	<p>Noted.</p> <p>The fee in terms of the monitoring is a set fee which can be found at <a href="http://www.hartlepool.gov.uk/info/608/development_control/107/development_control/5">http://www.hartlepool.gov.uk/info/608/development_control/107/development_control/5</a>.</p> <p>Will look to reference this in the SPD.</p> <p>In terms of the legal agreement this is the hourly rate of the Legal Officer / Solicitor, available at request. A useful contact list will be included as an appendix to the SPD.</p> <p>Early liaison with HBC is advised during the application process.</p>
	Section 21.0	<p>The SPD states that affordable housing will be required on all planning applications for residential development that consist of a gross addition of 15 dwellings or more, including renewal of lapsed unimplemented planning permissions, changes of use and conversions. This threshold is inline with other Local Planning Authorities across the Tees Valley and County Durham region and therefore we support this figure.</p>	<p>Noted.</p> <p>The 27.5% affordable housing contribution is based on need which is evidenced in Tees Valley</p>

		<p>Whilst we do however object to the requirement for a 27.5% contribution given the current market conditions in the North East of England, we are pleased to see that a lower contribution can be provided when supported by a viability assessment. However as one of the core aims of the SPD is to provide certainty to developers and speed up the decision making process, we strongly believe that a more deliverable and achievable level of contribution should be sought. Therefore, whilst we understand that the figure is derived from the Tees Valley Strategic Housing Market Assessment 2012 (TVSHMA), we do not consider this to be an accurate representation of the current housing market due to the lack of developer involvement during its production and the fact it was produced during an economic downturn. In the years since it was published, the economic climate and housing market has changed significantly and therefore we feel that it is now outdated. We would therefore question the whether the 27.5% requirement is either justified, deliverable or consistent with national policy.</p> <p>The TVSHMA concludes that there is an affordable housing shortage of 89 dwellings per annum within the Hartlepool area. The method behind this figure is explained in detail within Appendix D, 'Table D1: CLG Needs Assessment Summary' of the TVSHMA. It basically combines the Existing Backlog which it aims to eliminate over a 5 year period, and the Newly Arising Need to form the Total Annual Affordable Need. The Annual Social Rented Capacity (based on a 3 year average of households moving within the stock) is then subtracted from this need to arrive at the Net Annual Shortfall. The information, as currently presented within the TVSHMA, is shown below:</p> <p>Total Backlog Need 1125  Quota to reduce over 5 Years 20%  Annual Backlog Reduction 225  Newly Arising Need 386  Total Annual Affordable Need 611  Annual Social Rented Capacity 523  <b>New Annual Shortfall 89</b></p> <p>The Council have subsequently converted this figure of 89 into a percentage of the annual housing requirement which it is claimed to be 320 units per annum to arrive at the 27.5% affordable housing requirement. As the table below demonstrates, a minor alteration to the way in which the backlog is addressed throughout the plan period significantly alters the affordable housing need. For example, should the backlog be tackled at 15% per annum, rather than the 20% proposed by the TVSHMA, the impact upon the affordable housing shortfall is dramatic, as the table below demonstrates using the same rational as above.</p> <p>Total Backlog Need 1125  Quota to reduce over 6.7  Years</p>	<p>SHMA 2012.</p> <p>This figure will be updated following the Hartlepool SHMA for the new Local Plan.</p> <p>Assessments made using open market value (OMV).</p> <p>Should the outcome of the Standards Review on housing design have any significant impact on the content of the SPD and review will be undertaken.</p> <p>Deliverability on housing need is dealt with in the Deliverability Risk Assessment; this is currently being updated for the emerging plan. Viability is considered as part of this.</p> <p>Thresholds to be lowered in line with the new National Planning Practice Guidance on Planning Obligations published 28/11/2014.</p>
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15%  
Annual Backlog Reduction 169  
Newly Arising Need 386  
Total Annual Affordable Need 555  
Annual Social Rented  
Capacity  
523

**New Annual Shortfall 32**

As the table above demonstrates, addressing the backlog at 15% per annum rather than 20% results in an additional 169 dwellings on top of the estimated Newly Arising Need of 386 units. This is a reduction of 57 dwellings to create a Total Annual Affordable Need of 555 dwellings. When this figure is subtracted from the capacity of the social rented sector in the town this results in a far greater Annual Shortfall of 32 units.

Using the Council's method of converting this annual shortfall into a percentage of the overall housing requirement to create the affordable housing need, this results in an affordable housing requirement of 10%, rather than 27.5% currently sought by the council. Using this method, the current backlog will be addressed over 6.7 years rather than 5 years but given the current housing stock within the borough, this figure is a more realistic and credible affordable housing requirement. It is also more deliverable and in line with other Local Authorities approaches within the region.

Table 4.23 of the TVSHMA clearly identifies Hartlepool as having the lowest net affordable housing need yet the council currently request the highest affordable housing contribution. In contrast to Hartlepool, neighbouring Local Planning Authorities have set more realistic targets in view of viability in an attempt to encourage and promote sustainable residential development. Using the approach above outlined by Persimmon Homes, it is recommended that Hartlepool follow other Local Authorities examples to ensure that its plan remains deliverable.

In accordance with the 2012 TVSHMA, the SPD states that developers will be expected to achieve an aspiration target of 70% social rented or affordable rented and 30% intermediate tenure mix on each site. It is Persimmon Homes' view that whilst this is a satisfactory aspirational target, the precise mix of affordable dwellings on any housing development should be a matter for negotiation between developers and the Council on a site by site basis. This will allow for the any site specific characteristics such as the composition of the existing housing stock in the area to be taken into account to help create a more balanced community. This could include the introduction of Discount OMV units rather than rented properties to diversify the housing stock and as such Persimmon Homes feel that the policy should be worded in a manner which allows flexibility in the delivery of affordable housing to

		<p>ensure viability does not become an issue and that developments maximise their potential and contribute greater to the creation of sustainable, balanced communities.</p> <p>In the unlikely event that off-site provision is proposed, we do not have any concerns with the proposed formula for calculating the financial contribution but would re-iterate the importance of the Council using “average sales price” rather than “average asking price”. In terms of the design and specification of affordable units, Persimmon Homes strongly believe that it would be inappropriate to comment on such a requirement in view of the on-going Standards Review which proposes the phasing of out ‘Code for Sustainable Homes’ and a move towards integrating standards directly into the Building Regulations. If this is implemented it would rationalise and simplify the house building process in respect to technical standards. Therefore, until the current issue has been resolved, we do not feel that we could support any policy requiring development to be constructed over and above Building Regulations. The Council should therefore await the outcome of the Standards Review before progressing with this issue.</p> <p>Finally, paragraph 21.32 states that, “the council will seek to negotiate, on a site-by- site basis, transfer prices as these are likely to fluctuate depending on housing market and site conditions.” Persimmon Homes object to this position as we currently already negotiate with numerous Registered Providers in the region on each of our sites. The council should only therefore negotiate transfer prices if requested to do so by the applicant.</p> <p>Based on the comments above in relation to Affordable Housing, Persimmon Homes would like to see further justification and testing of the scale of requirements set out within the SPD to ensure that the plans are deliverable and grounded within a strong evidence base so that viability assessments are not used as a tool to retain unsound policies. If it is found that a 27.5% affordable housing contribution alongside 20% developer profit can not provide an acceptable land value then the SPD is not viable and so should be amended to a more realistic and deliverable level. In addition, we would also like to see greater flexibility in the way affordable housing contributions are delivered in terms of tenure and Discount OMV units to ensure that the SPD does not create a barrier to the supply of new homes or the creations of sustainable communities.</p>	<p>Document doesn’t require building to above code standards.</p> <p>Noted, in the first instance the local authority would expect the developer and Registered Provider to negotiate, if required the local authority may get involved.</p>
	Section 22.0	<p>The SPD proposes that the level of contribution for Open Space, Outdoor Sport / Recreation &amp; Play Facilities will be £250 per unit. This will be applied to all developments of 5 units or more where necessary and in accordance with the tests outlined within the NPPF. This figure is similar to other recent obligations the company have agreed to in the Borough and around the region so we have no objections to the scale of this contribution.</p> <p>The document states that on larger sites of over 100 units the development will be expected</p>	<p>Noted. No objections to contribution for 5+ units. <i>(Will be updated in response to NPPG revisions)</i></p> <p>On larger sites (100 plus) –</p>

		<p>to incorporate on site provision. Persimmon Homes object to this requirement and believe that each site should be assessed on its own merits taking into account its location and proximity to existing facilities. We believe that in the event a larger site does provide an on-site provision of open space, outdoor sport, recreation and play facilities the development should not get charged twice by way of a further contribution for additional offsite works over and above its 'impact'. In order to provide further clarity the SPD should include the criteria used to assess the need for open space as well as the formula used to calculate the amount of open space a development should provide on site to allow developers and landowners to factor this into their scheme early in the plan process. Any criteria or formula should be agreed with relevant stakeholders and developers prior to the adoption of the SPD.</p> <p>In terms of the future maintenance of facilities, the SPD states that developers will be expected to pay a commuted sum for the maintenance of the facilities for a 20 year period from the point at which the facility is completed. Persimmon Homes believe this figure should be negotiable on a site by site basis to take account of viability. It will be important that when a number of developments have contributed towards the infrastructure, the maintenance contributions are split accordingly to ensure fairness. In order to assist developers, the council should also publish a standard schedule of maintenance outlining the associated costs to give greater certainty to developers earlier in the planning process. This should be included within the SPD.</p> <p>Finally the SPD states that the contributions are expected to be paid to the local authority on commencement of the development. Persimmon Homes however would like to see flexibility and allow for the timescales for each contribution to be determined on a case by case basis. This will assist developer's cashflow and help overcome the most economically challenging period of a build, the initial start up.</p>	<p>developers would be required to provide a play park rather than contribute towards off site provision.</p> <p>20 year maintenance figure determined by expected lifetime of play facilities, this will be negotiated at planning application stage. HBC is not proposing to include a maintenance schedule due to such information quickly going out of date.</p> <p>Proposed inclusion of sentence such as the following to ensure facilitate cashflow if there is a need – to be negotiated case by case?  <i>"In the case of a large-scale development, it may be that the payments or provision would be phased in order to meet the proportional impact of each phase. Trigger</i></p>
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			<i>points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.”</i>
	Section 23.0	<p>The SPD proposes that the level of contribution for Built Sport Facilities will be £250 per unit. This will be applied to all developments of 5 units or more where necessary and in accordance with the tests outlined within the NPPF. This figure is similar to other recent obligations the company have agreed to in the Borough and around the region so we have no objections to the scale of this contribution. However, despite the above, there is a concern that this section of the SPD is, at least in part, more concerned with 'addressing areas of existing deficiency' and 'sustaining existing services' than meeting new needs. As set out within the NPPF, planning obligations should be necessary to make the development acceptable, directly related to the development, and fairly and reasonable related in scale and kind to the development so should not be used as a tool to levy funds towards the ongoing upkeep of existing facilities. They should only be used to address new needs.</p> <p>Once again Persimmon Homes would request that the payment of any contribution is negotiated on a site by site basis to allow flexibility particularly if the contribution is being directed towards a long term element of infrastructure.</p>	<p>Noted.</p> <p>Consider inclusion of similar wording to above?</p> <p>The SPD outlines where the current need, facilities continually require updating and repair especially with additional users demand created by new residential development. This SPD sets out policy to help address this.</p>
	Section 24.0	<p>The SPD proposes that the level of contribution for Green Infrastructure will be £250 per unit. This will be applied to all developments of 5 units or more where necessary and in accordance with the tests outlined within the NPPF. This figure is similar to other recent obligations the company have agreed to in the Borough and around the region so we have no objections to the scale of this contribution. Whilst the Hartlepool Green Infrastructure SPD is used as the evidence to align contributions to specific areas of green infrastructure, Persimmon Homes would like to reiterate the importance of the planning obligation being necessary to make the development acceptable in planning terms and directly related to development in accordance with paragraph 204 of the NPPF. It will be important that where green infrastructure is provided on site, such as at Upper Warren and the South West Extension, then the requirement to provide a contribution for offsite works is negated or balanced against the onsite provision to ensure that any obligation is fair and the development only contributes towards its 'impact' on such infrastructure</p>	<p>Noted.</p> <p>The evidence outlined in the SPD demonstrates the need for planning contributions from all new developments as defined by the thresholds set out in the SPD.</p> <p>It is the case that where large development includes onsite provision – this will be included in the assessment of the requirement of any additional contributions.</p>
	Section 25.0	The SPD proposes that the level of contribution for Highway Infrastructure for offsite	Noted.

		<p>highway works can only be determined on a site by site basis. Persimmon Homes support this statement and wish to reiterate the need, especially on brownfield developments to take into account the existing use of the site to determine the impact of the new proposal. Whilst significant highway improvements may be needed across the borough, it is important that the council's approach is 'impact based'. For example, if a road junction needs to be altered then the additional traffic created from the site should be assessed against the wider usage and the financial contribution calculated in the light of the overall situation with any contribution being reasonable and in scale to the proposed development. If more than one development impacts upon a junction then the costs should be shared proportionately.</p>	<p>This is the approach undertaken.</p>
	<p>Section 26.0</p>	<p>The SPD proposes that the level of contribution for Community Infrastructure will be determined on a site by site basis to allow the impact of the development to be assessed against the need for particular facilities which such a development would create. Whilst Persimmon Homes are pleased with this approach, it contradicts Table 1 on page 8 of the SPD which states that the threshold number for education facilities will be 5 units. Whilst the document specifically points to education provision and community centres as likely sought after community contributions, the actual definition and scope of community facilities is vague and uncertain. Persimmon Homes understand that the contribution will be determined on a site by site basis, however we feel that it would be useful to provide greater clarification as to the other possible "community facilities" a contribution could be required for. This should therefore be included within the SPD to provide developers with greater information of the potential costs associated with their development alongside any associated costs or formulas which would be used to determine the scale of the contribution.</p> <p>In terms of education provision the SPD states that contributions will only be sought on developments where there is insufficient capacity in existing local schools to cope with the pressures associated with development in the area. The contribution will either be a commuted sum towards expanding an existing education establishment or, if the development is of a sufficient size (750 units), to provide a new school altogether within the development. Persimmon Homes fully acknowledge our role and responsibility in creating sustainable developments benefitting from the necessary facilities so therefore do not object to this 750 unit threshold requirement for new schools when there is an identified need providing it does not undermine the viability of the development.</p> <p>Where there is an identified need for improvements to a school as a result of a development, the council have identified a local formula which they will use for calculating the financial contributions for both primary and secondary provision. These formulas, outlined within paragraphs 26.10 – 16.13, are considered to be acceptable by Persimmon Homes. As touched upon above, the SPD also outlines the threshold above which community centres will be sought. Whilst Persimmon Homes accept that there may be a need for a community centre on larger sites, we believe that this should once again be</p>	<p>Noted.</p> <p>As a point of clarity the amounts of contribution will be added to the table presented on page 8 (although this may be repositioned within the SPD). Assessment of level of contribution will be determined once a development meets the threshold level.</p> <p>Examples of community facilities are provided in 26.1.</p> <p>All planning contributions can be discussed should a developer evidence that provision requested in the SPD is not viable.</p>

		determined on a site by site basis on developments over of 750 units.	
	Section 27.0	<p>The SPD proposes that the council will seek training and employment opportunities on developments of over 10 units. For reasons not identified, this has been reduced from the 20 unit threshold proposed within the previous Draft Planning Obligations SPD published in 2009. Unless further justification can be provided, we would wish to see the threshold increased to its previous level.</p> <p>Whilst the SPD states that the Council's adopted Targeted Training and Employment Charter 2007 allows the local authority to incorporate targeted training and employment matters in planning and development proposals where it is appropriate and affordable to do so, Persimmon Homes cannot find any published version of the document. Before progressing with the SPD, we would therefore wish to have the opportunity to appraise this document in detail before agreeing to any form of planning obligation relating to Training and Employment to ensure that any requirement is properly justified by a sound evidence base.</p> <p>In any case, Persimmon Homes already proactively employ local residents whether they are school leavers or graduates in many different roles throughout the company. These roles vary and include many different aspects of the company including within our in-house development and design departments, our onsite construction teams or within our sales and customer care offices. We therefore believe that any policy requiring such an obligation should be flexible so as to allow the council to work with the applicants and adapt to their needs and method of operating to ensure that any employment is beneficial to all parties involved.</p> <p>As Persimmon Homes do not consider such an obligation to be 'necessary' to make the development acceptable in planning terms in line with paragraph 204 of the NPPF, then we feel that such an obligation should only be 'encouraged' by the council through negotiation with developers rather than be an explicit 'requirement' on all sites.</p>	<p>The reduction in threshold offers the opportunity for training and employment opportunities to be sought on smaller developments in the borough. These are generally undertaken by smaller local builders, from which there have not been any negative comments about the level of this threshold. In addition these changes are inline with the recent NPPG revisions on Planning Obligations.</p> <p>Should the developer determine that the requirement makes a development unviable, the SPD allows for discussion relating to the level of contribution, this can consider evidence provided.</p>
	General comments	<p>Is noted that within the SPD, Hartlepool Borough will consider the introduction of the Community Infrastructure Levy (CIL) as part of the on-going arrangements for the new Local Plan. It is important that the Council undertake a thorough viability assessment of all plan policies prior to its introduction and methodically engage with local stakeholders and developers at every stage so that the levy is not be set at the margins of viability which is likely to jeopardise plan delivery. If CIL is adopted this should be the only tool for collecting "area-wide" funds to address the cumulative impacts of development on types of infrastructure. Where a levy is in place the local Council may still secure "site specific" planning obligations through Section 106 agreements in some instances but, will need to clearly publish what infrastructure will be financed through S106 agreements and what will be financed through CIL to avoid any duplication or "double counting" of obligations inline with CIL Regulations .</p> <p>Where additional costs such as planning obligations are placed on top of CIL it may</p>	<p>When CIL is considered by HBC, viability will be calculated as part of the assessment to develop the levy, this is a key element of the development of CIL.. If CIL comes into force, the levy and planning contributions will be applied as set out in policy.</p>

		<p>adversely impact upon a development's viability and as such may not create the conditions that support local economic growth, which is a primary objective of the Government's growth agenda (Written Ministerial Statement by Rt Hon Eric Pickles MP, 6 October 2012) and the NPPF. The SPD should therefore make specific reference to the viability of a scheme, and only seek to capture additional obligations where viability allows.</p>	
	<p>General comments</p>	<p>There is clearly an obligation on developers to mitigate the impact of new development and to contribute to the provision of infrastructure in respect of that growth. Whilst Persimmon Homes support the principle of the Planning Obligations SPD to provide greater clarity for developers and applicants, the fact remains that it is imperative that each development is assessed on its own merits.</p> <p>Persimmon Homes believe that the Council have created the foundations from which to now take on board feedback from the industry and alter the SPD accordingly to ensure that it delivers clear, coherent and justified guidance on the use of planning obligations within the Borough. However, it must be repeated that given the current Local Plan predicament, we feel that it would be more logical for the Planning Obligations SPD to follow the emerging Local Plan. This way it would ensure that the current policy position is up-date and based on policy which is compliant with the NPPF, whilst it would also allow for the contributions contained within the document to be thoroughly tested against the other local plan requirements to ensure that it is deliverable and will not prevent development.</p> <p>As stated in the NPPF, development should not be subject to such a scale of obligations and policy burdens that its ability to be developed viably is threatened. To ensure viability, the NPPF states that the costs of any requirements likely to be applied to development, such as requirements for affordable housing and infrastructure contributions, should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. We would therefore like to see further evidence of testing which shows that the policies can be delivered as they say they can given the current market conditions and that developers and landowners expectations in respect to profit and land value can be realistically achieved.</p> <p>Persimmon Homes currently have concerns that some areas of the document, as outlined within the preceding paragraphs, do not meet some of the objectives and principles of the NPPF. Persimmon Homes therefore request that the council give due consideration to these Representations herewith and adjust the SPD accordingly in order to avoid an undeliverable, unjustified and therefore unsound SPD. It is therefore essential that the SPD is amended to take account of the following points;</p> <ul style="list-style-type: none"> <li>• The need for all contributions to be flexible and negotiable on a site by site basis in order to take account of a development's viability and any mitigating site specific characteristics.</li> <li>• A more realistic, achievable and deliverable target for affordable housing should be</li> </ul>	<p>Noted.</p> <p>The SPD is being developed in advance of the emerging the Local Plan. This is consistent with best practice detailed in recent Local Plan Examinations in Public where Planning Inspectors have shown preference to the development of SPD's in advance to inform policy for the new local plan. The SPD is compliant with GEP9 a saved policy of the 2006 Local Plan.</p> <p>The SPD does allow for negotiation in planning contributions should viability impact upon the deliverability of a development.</p> <ul style="list-style-type: none"> <li>• Standard has been set and negotiation is an option if required.</li> <li>• The need of 27.5% for</li> </ul>

		<p>set using an up to date and sound evidence base to ensure that the council requirements to not prohibit the delivery of new housing.</p> <ul style="list-style-type: none"> <li>• Greater flexibility towards the payment and delivery of contributions to assist with developer cashflow and the delivery of the scheme for example with regards to the tenure of affordable units or timing of payments.</li> <li>• Further clarification on what “community facilities” can include to provide greater transparency to developers.</li> <li>• The need to create and publish any criteria or formulas which are used to assess the need for contributions and then the scale of any such a provision to provide transparency and clarity to developers, landowners and interest parties earlier in the application process.</li> </ul> <ul style="list-style-type: none"> <li>• Full and proper testing of the contributions contained within the SPD to ensure they do not inflict undue financial burdens on developers when coupled with Local Plan Policies.</li> </ul> <ul style="list-style-type: none"> <li>• <input type="checkbox"/>The need to base any assessment of viability on the industry’s expectation of at least 20% developer profit to provide sufficient reward to award the risk to ensure the development goes ahead unless otherwise agreed with the applicant.</li> </ul> <ul style="list-style-type: none"> <li>• <input type="checkbox"/>Be flexible enough to accommodate changes in the market to ensure that Land Values subject to the necessary obligations and levies continue to incentivise landowners to sell so as not to prevent the supply and delivery of new homes.</li> <li>• The need for all planning obligation thresholds to be correctly evidenced and justified.</li> <li>• <input type="checkbox"/>Await the outcome of the Standards Review before committing to policies which require specific technical design related standards to be met.</li> </ul> <ul style="list-style-type: none"> <li>• <input type="checkbox"/>Finally, the SPD needs to be fully assessed in terms of its compliance with both the CIL Regulations and NPPF to ensure that: the council operates within its limits; obligations are applied to development correctly in accordance with the statutory tests; developers, landowners and stakeholders understand the processes involved;</li> </ul>	<p>affordable housing is based on sound evidence.</p> <ul style="list-style-type: none"> <li>• Sentence to be added to SPD.</li> </ul> <ul style="list-style-type: none"> <li>• This is detailed in Section 26 of the SPD.</li> <li>• It would be up to developers to evidence should they feel a site is undeliverable. Viability information is set out in the SPD.</li> <li>• This will be done when the CIL is tested and considered. Levels of contributions have been proven to be broadly acceptable through historical achievement of planning obligations.</li> <li>• The margin of acceptable profit is something which is considered on a case by case basis.</li> <li>• There is the flexibility within the SPD to accommodate this.</li> <li>• The thresholds have been applied and market tested at this level, obligations have been successfully secured at this level.</li> <li>• Noted. HBC are confident that this is the case and the SPD is compliant.</li> </ul>
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		<p>and developments will not be double charged through both the CIL and Section 106 obligations.</p> <p>Therefore, until further work has been carried out to address the issues raised above and within this document, Persimmon Homes believe that the SPD should not influence the company's existing and ongoing interests within the Borough at Upper Warren, Britmag, Elwick and the South West Extension. Persimmon Homes are subsequently happy to discuss with the council any of the comments made within this representation and would request to be kept informed of all future consultations on the local plan and supplementary planning documents.</p>	
<b>PO05 – Environment Agency</b>	Section 24.0	We welcome the section requiring developers to contribute towards the provision of green infrastructure. This is consistent with the objectives of paragraph 109 of the National Planning Policy Framework, which state that 'the planning system should contribute to and enhance the natural and local environment'.	Noted
	General Comments	<p><b>Drainage and Flood Prevention</b></p> <p>It is recommended that the Council includes a section in relation to flood prevention and drainage, requiring developers to enter into a planning obligation where a Sustainable Drainage System (SuDS) is required off site or where a financial contribution is required to deliver SuDS or flood alleviation schemes.</p> <p>References should also be made to providing compensatory storage for water during flood events, improving flood defences and providing mitigation works such as restoration and maintenance.</p> <p>Where appropriate, contributions should also be made towards a fund to an external provider to ensure the maintenance of SuDS systems is carried out and/or where the systems are due to be adopted.</p>	<p>SuDS schemes would be discussed as part of the application process and addressed through a Section 106 where an offsite requirement exists on land not owned by the developer.</p> <p>Agree to add a section within the green infrastructure element to cover SuDS.</p>
<b>PO06 – Onsite</b>	Section 2	<p>Section 2 sets out the purpose of the SPD which is to "set out comprehensively the local authority's approach, policies and procedures in respect of Planning Obligations". The NPPF states in paragraph 153 that "supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burden on development".</p> <p>The Government's objectives through the NPPF are sustainable development and growth. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 14 stresses the need for Local Plans to meet objectively assessed needs of an area. The core planning principles are set out in paragraph 17. This states that planning should be a positive tool, proactive and meet identified needs. Plans should take account of market signals and allocate sufficient land to accommodate development in their area. The focus</p>	Noted.

		<p>through the NPPF is to build a strong, competitive economy and to deliver a wide choice of high quality homes.</p> <p>The Government’s aim through the NPPF is to “boost significantly the supply of housing”. Local authorities should use a robust evidence base to meet “the full, objectively assessed needs for market and affordable housing”. In doing so they must identify a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirement with an additional buffer of 5% to ensure choice and competition in the market for land. In identifying and allocating housing local authorities should “plan for a mix of housing based on demographic trends, market trends and the needs of different groups in the community” including older people (paragraph 50).</p> <p>The NPPF indicates that Local Plans should concentrate on a strategy for delivery and that it is not a document which seeks to reformulate national policies and other guidance for development control purposes. In addition, the ethos relating to Local Plans is to include clear policies that set out the opportunities for development and clear policies on what will and will not be permitted.</p>	
General comment		<p>OnSite <b>object</b> to the lack of reference to viability throughout the SPD which is considered to be inflexible as it indicates that “affordable housing will be required on all planning applications”. Whilst it makes reference to viability in paragraph 2.2, reference to viability testing is not included in relation to specific obligations contained within the document and as such could have a detrimental impact upon the viability of schemes which will then affect delivery.</p> <p>The content of the Planning Obligations Supplementary Planning Document need to ensure that full account is taken of the need for viability and deliverability. OnSite considers that the key issue facing the area is deliverability of development schemes taking into account their viability. OnSite therefore consider that (where relevant) reference to viability should be taken into account in each element of the Guidance in relation to ALL proposed obligations to ensure that developments do not become undeliverable due to a lack of flexibility within the SPD. Consequently, OnSite consider changes should be made to make reference to the deliverability of contributions and components of the scheme which take into account the viability of each scheme. This is supported by paragraph 173 of the NPPF:  <i>“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”</i></p> <p>The SPD as currently drafted offers no flexibility and states “the development will” deliver</p>	<p>Viability is mentioned comprehensively in section 16.0 of the SPD. Accepted that this section could be strengthened and will be address in the development of the SPD to set out a clear process which considers viability.</p> <p>Viability is also referred to at 2.2, 4.6, 4.8, 4.9, 15.1, 21.8, 21.11, 23.15, 24.17, 25.18, 26.8, 26.16 and 26.18.</p> <p>Agree to add reference to</p>

		with regards to the various obligation(s). There is no reference to viability in any of the Tables which convey the level of contribution payable. OnSite consider that this is approach is inflexible, unclear as it is referred to elsewhere in the SPD and allows no basis for negotiations for development on a site by site basis to consider matters such as abnormal costs that could affect the amount of affordable housing a scheme can viably provide for example. As such, OnSite <b>object</b> to the SPD and consider that it is not clear or consistent and is therefore considered to be ineffective in its present form, nor justified or consistent with national policy and is therefore unsound.	viability into the table, however disagree that the SPD is inflexible and it mentions viability throughout the document.
<b>PO07 – Rural Plan</b>		<p>States 'affordable housing will be required on all planning applications for residential development that consist of a gross addition of 15 dwellings or more' In the rural area a gross addition of 15 dwellings or more would be relatively rare and large addition to the small villages. In order that the need for affordable housing in the rural area is more likely to be addressed the Parish Council would suggest a lower figure of 5 dwellings be used in the rural area. In order to better ensure the need for affordable housing provision in rural communities the Rural Plan is proposing such be required in all applications or proposals for residential development that consist of a gross addition of 5 or more dwellings (or 0.4 hectares). Currently the Rural Plan is also proposing a minimum affordable housing target of 10% to be required on all sites.</p> <p>A community's need for an appropriate balance and mix of housing, including the provision of affordable housing, is recognised at national level as a material consideration in determining planning applications for housing development. Government policy seeks to create sustainable communities that offer a wide range of housing types and tenures and are socially inclusive. This must surely also seek to include rural communities The Tees Valley Strategic Housing Market Assessment 2012 showed that the Hartlepool Rural Area has a good mix of housing sizes, types and tenures. The neighbourhood plan seeks to continue to ensure that this balanced housing stock is maintained so that there is a good choice of housing available that meets the needs of people at all stages of their lives from those setting up home for the first time, to growing families and those seeking homes to meet their needs in older age. It is recognised that there is a need to attract young and growing families to the villages to help support schools and community organisations. Also with improving longevity, housing that meets the needs of older people will be increasingly important so that they can maintain their independence. Consequently, a good range of housing that meets local needs is vital.</p>	Noted. SPD to be updated to reference Neighbourhood Planning, as this develops and starts to hold weight to SPD will implement a reduced threshold in line with the Neighbourhood Plan. Thresholds to be lowered in line with the new National Planning Practice Guidance on Planning Obligations published 28/11/2014.
<b>PO08 - Sainsbury's</b>	General comments	<b>Development required to provide planning obligations</b> Retail developments may trigger S106 obligations relating to training and employment, highways infrastructure and green infrastructure. However, it is not considered that Sainsbury's developments would normally require an open space I outdoor recreation and	Disagree, open space surrounding A1 developments is essential for the high quality landscaping.

		<p>play facilities planning obligation due to the nature of the development and impacts arising. This type of planning obligation would not meet the tests set out in the NPPF. Paragraph 204 of the Framework states 'Planning obligations should only be sought where they meet all of the following tests;</p> <ol style="list-style-type: none"> <li>1) Necessary to make the development acceptable in planning terms;</li> <li>2) Directly related to the development; and</li> <li>3) Fairly and reasonably related in scale and kind to the development.'</li> </ol> <p>Therefore, the requirement for open space, outdoor sport I recreation and play facilities planning obligation should be omitted for Class <b>A1</b> developments.</p>	<p>Provision of these facilities can complement A1 developments.</p> <p>It may be for examples that a local centre with a number of units were developed – it would not be unreasonable to seek a small children’s play areas as part of the scheme.</p>
<b>PO09 – North Tees and Hartlepool NHS</b>	General comments	<p>The view of the Trust is that the guidance is welcomed as it provides a framework and clarity in understanding the local authority’s approach towards securing planning obligations associated with proposed developments within the Borough. The broad principles of the document are supported.</p> <p>With respect to the specific thresholds and values of the contributions indicated in the document they do appear to be significant and may well result in an increased submission of viability assessments. This has the potential to incur additional planning costs, slowing down the approval process and introducing uncertainty. The document implies these developer contribution thresholds will only increase as the economy improves and would not reduce should viability assessments evidence that schemes are otherwise unviable.</p> <p>The document also suggests that new developments often put pressure on already over-stretched infrastructure and that developers will compensate for the impact of their proposals and that there will be a direct correlation between developer contributions and the proposed development. It is unclear that should such infrastructure pressures related to the proposed scheme not exist would the contributions be reduced accordingly and not ‘pooled’ to contribute to unrelated infrastructure improvement.</p>	<p>Noted. Viability is mentioned on a number of occasions in the SPD. Accepted that this section could be strengthened and will be address in the development of the SPD to set out a clear process which considers viability.</p> <p>Justification for any contribution is required and planning obligations are only applied if an application creates or adds to a provision requirement.</p> <p>HBC will always seek to determine applications within the timescales whether a viability assessment is needed or not.</p>
<b>PO10 – Cleveland police</b>	General comments	<p>Further to our conservation although I understand there is to be a separate document with regard designing out crime in relation to residential developments.</p> <p>Designing out crime and promoting community safety should be considered in all planning applications where there is any likelihood of an impact on crime and disorder.</p> <p>I can see no reference in the document to any guidance for developers or planners to</p>	<p>Noted. This should be something which is incorporated as part of the design of the scheme rather than requiring a legal agreement to secure it.</p>

		ensure that all developments where appropriate incorporate the principles of designing out crime and no explanation how crime prevention measures can be incorporated into a development from the start of the planning process and the benefits of doing so	
<b>PO11 – Highways agency</b>	General comments	The Agency is generally supportive of securing developer contributions through the use of planning obligations and as such is generally supportive of the SPD. It is understood that the SPD expands on established national and regional planning policies and also policies contained within the adopted Hartlepool Local Plan 2006, but as stated within Paragraph 4.6 of the SPD, the requirements set out have been recently tested at examination for the Hartlepool Local Plan 2012 which was found sound subject to modifications (not relating to obligation requirements) but then subsequently withdrawn. The SPD therefore considers that the requirements made have been robustly tested and examined and are flexible in viability terms. During the consultation process for the Local Plan 2012, the Agency had previously raised no concerns with the approach and that it was generally supportive of securing developer contributions through the use of planning obligations. This remains the case. Paragraph 8.1 of the SPD identifies the thresholds for seeking planning contributions, which are set out within Table 1 of the document. The Agency has no particular concerns with the thresholds proposed or the intention to judge each planning application on its own merits to allow for obligations to be sought for some developments below the threshold level if the local authority considers is justified by the consequential impact of the development. Similarly, the Agency welcomes the provisions of Paragraph 8.2 which goes on to state that when determining contributions, the local authority will look at the cumulative impact of a number of adjoining small developments and where necessary will require a masterplan to be developed for an area to prevent the sub-division of a site to avoid the threshold for contributions. Paragraph 10.1 sets out the requirements and intentions for the pooling of contributions, which is also supported by the Agency, particularly where contributions are required for significant infrastructure improvements or where the impacts of development requiring an infrastructure improvement are cumulative.	Noted and support welcomed.
	Section 25.0	Of specific interest to the Agency is Section 25.0 of the SPD, Highway Infrastructure. Paragraph 25.11 details the LIP that was developed to support the production of the withdrawn Local Plan. As stated, the Agency was thoroughly involved in its preparation to ensure the issues relating to key areas of the SRN were understood in order to help focus future investment required to support the Plan's development aspirations. The Agency welcomes the intention to refresh the LIP as the intentions for the new Local Plan are developed. The Agency welcomes the recognition in Paragraph 25.12 that it is likely that the continued or increase in car ownership alongside new development will increase the number of trips and therefore the potential for detrimental impacts on the road network, that will require mitigation through works or contributions to such works. The Agency therefore welcomes the Councils intention, as referred to in Paragraph 25.13, to looking at the impact that	Noted and support welcomed.

		<p>developments within the Local Plan will have on the road network in collaboration with the Highways Agency. This should help to ensure that developments that are ultimately proposed in the Plan will not adversely impact on the safe and efficient operation of the SRN.</p> <p>The Agency is supportive of Paragraph 25.17 and its intention to include Travel Plans within Planning Obligation Agreements where there is a particular concern with the targets set within the Plan and whether they will be met, or where they are so important to the decision to grant planning permission that they must be adhered to. The Agency is also supportive of the development thresholds requiring a Travel Plan as identified in Table 6. This along with suitably worded planning policy in the forthcoming Local Plan should help to contribute towards ensuring that the impact from proposed development on the SRN can be minimised. The Agency also welcomes the requirement placed on developers to submit annual reports on whether or to what extent the Travel Plan targets have been met, which should help to ensure that Travel Plans are successfully implemented.</p>	
<p><b>PO12 – English Heritage</b></p>	<p>General</p>	<p>English Heritage recognises the importance of planning obligations as a source of funding to deliver the infrastructure required to underpin the sustainable development of Hartlepool. Planning obligations and other funding streams can be used to implement the strategy and policies, within your emerging Local Plan, aimed at achieving the conservation and enhancement of the historic environment, heritage assets and their settings, in accordance with paragraphs 6, 126 and 157 of the National Planning Policy Framework (NPPF). In my view such assets are a legitimate recipient of receipts where they may otherwise be impacted upon by a development.</p> <p>In terms of what can be funded and is needed to support the development of the area, I would suggest you include the following:</p> <ul style="list-style-type: none"> <li>• ‘In kind’ payments, including land transfers: this could include the transfer of an ‘at risk’ building;</li> <li>• Repairs and improvements to, and the maintenance of, heritage assets where they are an infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities, transport infrastructure such as historic bridges, and green and social infrastructure such as parks and gardens.</li> <li>• Opportunities for funding improvements to, and the mitigation of adverse impacts on, the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets.</li> </ul>	<p>Noted. Include a section on Heritage Assets in the SPD reflecting these comments.</p>

		<ul style="list-style-type: none"> <li>Schemes requiring contributions in the form of training and employment opportunities in order to build capacity in terms of traditional crafts and skills which are in short supply in the North East region generally.</li> </ul> <p>English Heritage is concerned that, in pursuit of planning obligations for development which affects heritage assets or their settings, harm may be caused to their historic significance. For example, there could be circumstances where the viability of a scheme (otherwise designed to respect the setting of a heritage asset in terms of its quantum of development) could be threatened by greater demands for receipts. Equally, there could be issues for schemes which are designed to secure the long term viability of the historic environment (either through re-using a heritage asset or through enabling development).</p> <p>Paragraph 126 of the NPPF requires the local planning authority to set out, in its Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to planning obligations, this means ensuring that the conservation of the Borough's heritage assets is taken into account when considering whether, or at what level, to use planning obligations so as to safeguard and encourage appropriate and viable uses for the historic environment.</p> <p>I would therefore encourage the local authority to provide, within the SPD and the Schedule of Obligation Types and Thresholds, the right to offer relief in exceptional circumstances where development which affects heritage assets and their settings may otherwise become unviable.</p>	This will be included as part of the emerging Local Plan.
	SA General	Crucial is the need to ensure the careful <i>integration</i> of social and environmental objectives with economic ones. The NPPF places a presumption on development being sustainable. Consisting of three dimensions, one is the need for development to contribute to protecting and enhancing our natural, built and historic environment – improving biodiversity, using resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Sustainable development requires economic, social, and environmental objectives to be jointly and simultaneously sought because they are regarded as mutually dependent. It follows that development which does not do this will not be sustainable and might reasonably be resisted. (NPPF paragraphs 7, 8 and 9.)	Noted
	SA Section 4	Section 4 of the document deals with baseline conditions and key sustainability issues in Hartlepool. Whilst it contains a brief outline of the numbers of some heritage asset types in the Borough, it remains silent with regard to the issues which accompany those headline figures. I would suggest that issues for the SPD to address should include the extent to which:	Noted. Historically through the consideration of planning obligations as part of planning applications there have been examples where

		<ul style="list-style-type: none"> <li>• sufficient is known of the heritage interest of a building, site or area to be able to safeguard it appropriately or make best use of the opportunities it might otherwise present</li> <li>• there is an under-appreciation of the various ways in which the historic environment and its heritage assets can assist with achieving other social and economic objectives</li> <li>• there is access to the historic environment, both physically and intellectually, and an ability for everyone to enjoy it</li> <li>• heritage assets (designated or otherwise) are adjudged to be at risk or vulnerable to deterioration. The NPPF encourages Local Plans to include a positive strategy for the removal of heritage from risk</li> <li>• brownfield sites are overlooked in favour of development on previously undeveloped land which may possess archaeological potential. The government is again pressing for better use to be made of previously developed land.</li> <li>• planning decisions are taken which fail to safeguard heritage assets in a manner appropriate to their significance in order to allow development the need for which could be met in more acceptable ways, and perhaps in other locations</li> </ul> <p>These sustainability issues effectively form the basis of measures by which to judge the achievement of sustainability objectives and the success of the SPD and, ultimately, the delivery of Development Plan policy.</p>	contributions have not been requested as this would impact upon the viability of the scheme where the preservation and enhancement of heritage assets has been the incorporated into the development. Section 16 will be strengthened to include this.
	SA Section 5	Section 5 deals with other strategies, plans and programmes which have a bearing on the SPD. One omission at an international level is the European Landscape Convention. At a national level I would advise that the Practice Guide accompanying the now superseded PPS5: <i>Planning for the Historic Environment</i> is still extant as tertiary guidance material.	Noted. Will update SPD to reflect.
	SA Section 6	Section 6 assesses the sustainability of the SPD. Table 1 sets out the Sustainability Objectives and assessment criteria. English Heritage welcomes reference to the historic environment in SA Objective 7, but observes an inherent problem within it. Because the objective concerns both the built and 'natural' environment, it is not possible to readily discern the separate and distinct effects specifically on the historic environment. Such effects, if any, remain invisible. Furthermore, there may be circumstances in which effects upon SA Objective 7 could be contradictory as regards the built and natural environment. To this extent the SA is flawed and does not satisfy the Strategic Environmental Assessment Directive (EC/2001/42), which requires an assessment of the likely significant effects of the SPD on, amongst other things, cultural heritage, including architectural and archaeological heritage and for this reason I would urge separation.	Noted



	<p>SA Assessment Criteria</p>	<p>In terms of Assessment Criteria, I would additionally suggest that the success or otherwise of the SPD be measured against the extent to which the sustainability issues above are addressed.</p> <p>Table 2 looks at the compatibility of the Sustainability Objectives, and it is here where we perhaps see the difficulty of conflating natural and historic environmental matters into a single objective. We are shown that the relationship between SA Objective 7, and Objectives 6 and 11 is neutral, and that between SA Objectives 7 and 1 the relationship is negative.</p> <p>However, the quality of the built and historic environment is crucial to the economic wellbeing of the Borough. It is especially important to the tourism sector. Indeed, the NPPF makes clear that economic development which does not jointly and simultaneously seek to additionally achieve social and environmental objectives will not be sustainable and might therefore expect to be resisted.</p> <p>Repair and maintenance is an essential part of the conservation of the historic environment, and is an important part of the construction industry. All repair and maintenance accounted for about a third (£34.8 billion) of construction output in Britain in 2010. A meaningful proportion of this output will have been on pre-1919 buildings which make up a fifth of all dwellings in England.</p> <p>Approximately a fifth of visitors to areas which had received investment in the historic environment, in a survey of 1000, stated that they spent more in that area after investment in the historic environment than they did before. A quarter of those surveyed stated that such investment had led to an increase in business revenue.</p> <p>It is also acknowledged that heritage allows the UK to benefit from the expanding international tourism market, growing from 25 million in 1950 to over 940 million today. It is estimated that, in 2010, UK heritage tourism directly accounted for £4.3 billion of GDP and created jobs for 113,000 people – larger than the UK film industry and only somewhat smaller than the motor vehicle manufacturing industry (£5.5 billion).</p> <p>With regard to Transport, managing the movement of people and goods is critical to achieving a successful and thriving town. Minimising the need to travel, and reducing the distances covered, however, is as fundamental to business economies as it is to enhancing quality of life for many who endure time-consuming commutes or have to live and work in, or visit, places made unpleasant and unappealing by avoidable levels of motorised transport. The townscape quality of our historic towns and villages can be generally improved by careful traffic management.</p>	<p>Noted</p>
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	SA Section 6.4	Section 6.4 involves appraising the effect of the objectives of the SPD on the SA Objectives. Increased opportunities for training and employment, whilst perhaps increasing the need to travel, could be offset by improvements to public transport and promoting non-motorised movement. If training and employment helps with enhancing the condition of the historic environment and the heritage assets of the Borough the effects on SA Objective 7 could be positive, or at least neutral. Receipts spent on community facilities which are of heritage value would be a positive effect.	Noted