

REGENERATION SERVICES COMMITTEE AGENDA



Friday 23 October 2015

at 9.30 am

in Committee Room B,
at the Civic Centre, Hartlepool

MEMBERS: REGENERATION SERVICES COMMITTEE

Councillors S Akers-Belcher, Clark, Cook, Cranney, Lindridge, Morris and Thompson

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

- 3.1 To receive the minutes of the meeting held on 24 September 2015
(previously published)

4. **BUDGET AND POLICY FRAMEWORK**

- 4.1 Revision to the Hartlepool Local Development Scheme (LDS) - *Assistant Director, Regeneration*
- 4.2 Planning Obligations Supplementary Planning Document (SPD) - *Assistant Director, Regeneration*

5. **KEY DECISIONS**

None.

6. **OTHER ITEMS REQUIRING DECISION**

None.



7. ITEMS FOR INFORMATION

7.1 Quarterly Update Report for Public Protection – *Director of Public Health*

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

9. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

10. OTHER ITEMS REQUIRING DECISION

10.1 Shades, 16 Church Street – *Assistant Director, Regeneration (para 6)*

11. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

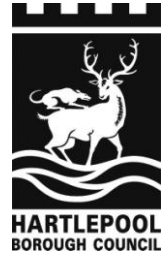
FOR INFORMATION:

Date of next meeting – Friday 20 November 2015 at 2.00 pm am in the Civic Centre, Hartlepool



REGENERATION SERVICES COMMITTEE

23rd October 2015



Report of: Assistant Director (Regeneration)

Subject: REVISION TO THE HARTLEPOOL LOCAL
DEVELOPMENT SCHEME (LDS)

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Part of the Budget and Policy Framework.

2. PURPOSE OF REPORT

2.1 To seek approval for a revision to the current Local Development Scheme (LDS) which are necessary to reflect the amended timetable for delivering a new Local Plan.

3. BACKGROUND

3.1 The preparation of a Local Development Scheme is a requirement under the planning system. Its main purpose is to identify a rolling programme for the Council's proposals for producing planning policy documents over the next three years and to highlight the stages in the preparation of planning policy documents particularly with regard to public participation with the community and major stakeholders.

4. PROPOSALS

4.1 It is important that the Local Development Scheme is kept up to date and is revised periodically to ensure that it is rolled forward and that milestones are as realistic as possible.

4.2 The LDS should be a definitive programme management document which should only be departed from in exceptional circumstances or as agreed in response to the Authorities Monitoring Report.

4.3 The fundamental reason for reviewing and revising the LDS this time resulted from the previously agreed timetable slipping and the introduction

of the requirement from the Government to produce a Local Plan by early 2017 or face being put into special measures.

- 4.4 Technically, Supplementary Planning Documents do not need to be included within the LDS and are only referred to rather than having timetables included. This will help reduce the frequency of updating the LDS.

- 4.5 A revised LDS which incorporates the proposed changes outlined above is attached as **Appendix 1**.

5. RISK IMPLICATIONS

- 5.1 The LDS is a programme management document that simply sets out the timetable and milestones for delivering planning policy documents and principally the Local Plan. Therefore there are negligible risks associated with the amendments to the LDS, however, it should be noted that failure to meet the Government's target date of early 2017 (informal advice from Department for Communities and Local Government (DCLG) has suggested this means the 27th March 2017 which is 5 years from the publication of the National Planning Policy Framework) would result in the Council being put into Special Measures.

6. FINANCIAL CONSIDERATIONS

- 6.1 There are no financial implications relating to the proposed LDS amendments.

7. LEGAL CONSIDERATIONS

- 7.1 There is a statutory duty on the Local Authority to have an up-to-date LDS.

8. CHILD AND FAMILY POVERTY

- 8.1 There are no child and family poverty implications relating to this report.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 There are no equality and diversity considerations relating to this report.

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 10.1 There are no Section 17 considerations relating to this report.

11. STAFF CONSIDERATIONS

- 11.1 There are no staff considerations relating to this report.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 There are no asset management considerations relating to this report.

13. RECOMMENDATIONS

- 13.1 Members are requested to approve the amendments to LDS.

14. REASONS FOR RECOMMENDATIONS

- 14.1 The LDS, forms part of the Hartlepool Local Development Framework. There is a statutory duty on the Local Authority to have an up-to-date LDS and it provides a definitive project management for the planning policy documents over coming years.

15. BACKGROUND PAPERS

- 15.1 The Revised Local Development Scheme is attached as **Appendix 1**.

16. CONTACT OFFICER

Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

Matthew King
Planning Policy Team Leader
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284084
E-mail: matthew.king@hartlepool.gov.uk

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1. INTRODUCTION

- 1.1 This Local Development Scheme sets out a rolling programme for the preparation of documents relating to forward planning in Hartlepool. It is specifically concerned with documents being prepared over the next three years or so. The scheme will be reviewed as necessary as circumstances change (see section 10).
- 1.2 Hartlepool's Local Development Scheme was first published in March 2005. It was subsequently reviewed in July 2006 to take account of the proposal to prepare joint Minerals and Waste Development Plan Documents and also to exclude from the programme, the Hartlepool Local Plan, which had been adopted in April 2006. The 2008 review related to changes to the timetable for the preparation of the Planning Obligations SPD and the preparation of a new SPD on Transport Assessment & Travel Plan Guidance. The 2009 review took account of the need to include several new documents including the Affordable Housing Development Plan Document and the Victoria Harbour Supplementary Planning Document. The reasons for the 2010 update included that the Affordable Housing DPD was incorporated into the Core Strategy and also that a Housing Allocations DPD would not be produced as it was adequately covered by the housing policies within the emerging Core Strategy at the time.
- 1.3 The 2011 update was necessary due to delays in the production of the Core Strategy Publication stage as a result of high levels of representations to the 2nd Preferred Options Stage and ongoing uncertainty around national and regional policy. Work continued on the draft Local Plan (formerly referred to as the Core Strategy) and it was submitted to the Secretary of State in 2012 and examined in public at a hearing held in January/February and September 2013. The LDS was amended in November 2012 to reflect the dates for the Local Plan inquiry that was held in January and February 2013. A review was then needed in 2014 to reflect a timetable for a new Local Plan following the Council's decision to withdraw the previous Local Plan in November 2013 following the Inspectors findings from the Examination into that Plan.
- 1.4 This 2015 review has been triggered due to the previously agreed timetable slipping and the need to produce an accurate timetable for the Local Plan preparation, working towards meeting the Government requirement to produce a Local Plan by early 2017.
- 1.5 The Local Development Scheme acts as the starting point for the community, key stakeholders and others with an interest in the development process, who wish to find out about the status of existing and emerging planning policies. It sets out the timetable and highlights the key stages for the preparation of new policy documents and when they are proposed to be, subject to public consultation. Acronyms and terminology used in this document are explained in Appendix 1.
- 1.6 Statutory planning policies for Hartlepool are presently set out in the saved policies of the Hartlepool Local Plan (adopted 2006 with certain policies

saved beyond 13 April 2009) and the Tees Valley Minerals and Waste DPD which was formally adopted on the 15th September 2011.

- 1.7 The Planning and Compulsory Purchase Act 2004 resulted in major changes to the way the planning policy system operates and how planning documents will be prepared. Local Development Documents (LDDs) contained within Local Development Frameworks (LDF) were progressively replacing the Local Plans and Supplementary Planning Guidance. Since the introduction of the changes to the planning system under the 2004 Act further revisions in procedures and requirements have been brought in under the Planning Act 2008 and associated regulations.
- 1.8 Things have changed again with the enactment of the Localism Act, the publication of the National Planning Policy Framework and the coming into force of The Town and Country Planning Regulations 2012 the system has now been simplified and the Regional tier of planning abolished. The system is now focused on a local plan for each Local Planning Authority Area. A new tier of planning was created by these changes called Neighbourhood Planning. Neighbourhood plans are not the responsibility of a Local Authority to produce but instead a parish council or constituted community forum. A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development.
- 1.9 The Local Development Scheme describes the main features of the planning system and then sets out the programme for the production of future planning policies. Important aspects related to the process for the development of planning policies are highlighted in sections 4 to 8 of the Scheme and the final section identifies circumstances in which the scheme will be reviewed.

2. THE DEVELOPMENT PLANNING SYSTEM FOR HARTLEPOOL

- 2.1 The local planning system brings together and integrates policies for the use and development of land with other policies and programmes which influence the nature of places and how they function. Documents within what is known as the “Local Development Framework” (LDF) will ensure the most efficient use of land by balancing competing demands in accordance with a clear, distinctive and realistic vision of how the area will develop and change within a demonstrable context of sustainable development.
- 2.2 The Local Development Framework will comprise a number of documents as shown in Diagram 1 below. These documents known as Development Plan Documents (DPD`s) and Supplementary Planning Documents (SPD`s) form the statutory Development Plan for Hartlepool and will essentially replace the 2006 Hartlepool Local Plan.
- 2.3 The Development Plan Documents establish the main policy framework and includes:
- A Local Plan setting out the spatial vision, spatial objectives and core strategic policies and allocations for the area;
 - Tees Valley Joint DPDs containing waste and minerals policies;
 - Neighbourhood Plans; and
 - A Proposals Map which will be updated as each DPD is adopted.
- 2.4 Currently the Borough Council is working on a number of additional documents within its LDF which are intended to provide further advice and information to developers and decision makers, and are not intended as an undue burden upon development. These include:
- Planning Obligations SPD
 - Residential Design and Sustainability SPD
 - Central Area Regeneration SPD
- 2.5 The Borough Council has already adopted the following documents within its LDF:
- Transport Assessments & Travel Plans SPD (January 2010)
 - Statement of Community Involvement (SCI) (January 2010)
 - Tees Valley Joint Minerals & Waste DPDs (September 2011)
 - Local Development Scheme (LDS) (January 2012)
 - Authorities Monitoring Report (AMR) (December 2013)
 - Trees and Development SPD (2013)
 - Green Infrastructure SPD (February 2014)
 - Shop Fronts SPD (2014)
 - New Dwellings outside of Development Limits (August 2015)
 - Seaton Carew Regeneration SPD (September 2015)

Diagram 1: Hartlepool Local Development Framework

LOCAL DEVELOPMENT FRAMEWORK											Other Documents		
A portfolio of local development and other documents													
Local Development Documents											Other Documents		
Development Plan Documents			Supplementary Planning Documents										
Hartlepool Local Plan	Tees Valley Minerals & Waste DPD	Hartlepool Local Plan Proposals Map	Travel Plans and Transport Assessments SPD	Hartlepool Green Infrastructure SPD	Trees and Development SPD	Planning Obligations SPD	Shop Fronts SPD	Residential Design SPD	New Dwellings outside of Development Limits SPD	Seaton Carew Masterplan SPD	Neighbourhood Plans	Statement of Community Involvement	Authorities Monitoring Report
These documents will comprise the Development Plan for the area and ultimately replace the 2006 Local Plan.			These documents help to give further information and detail to support the Development Plan Documents.								These Documents and the highlighted Development Plan Documents must be prepared.		

2.2 Other documents that comprise the Local Development Framework include:

- This document – the **Local Development Scheme (LDS)** – sets out the details of each of the Local Development Documents to be commenced over the next three years or so and the timescales and arrangements for their preparation.
- **Authorities Monitoring Report** – assessing the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being achieved.
- **Neighbourhood Plans** – Any Neighbourhood Plans that are adopted by the Council become part of the Local Development Framework. These documents must be in general conformity with the Local Plan. Currently there are neighbourhood plans in production for the Rural Area, the Headland and Wynyard. The first two plans are wholly within the Borough

of Hartlepool with the Wynyard one being cross boundary with Stockton on Tees Borough.

- **Statement of Community Involvement (SCI)** – this sets out the policy for involving the community and key stakeholders both in the preparation and revision of local development documents and with respect to planning applications.

3. THE LOCAL DEVELOPMENT SCHEME

- 3.1 The first Local Development Scheme was prepared by the Council in March 2005 with reviews approved in subsequent years as outlined in paragraph 1.2.
- 3.2 This further review of the scheme sets out the revised programme for the Local Plan. Diagram 2 provides an overview of the timetable for the production of the Local Plan.
- 3.3 Further details on the role and content of the Local Plan, key dates relating to its production, arrangements for its preparation and review and monitoring are set out in Table 1.

Saved Policies

- 3.4 The 2004 Act allows policies in Local Plans to be ‘saved’ for a period of at least three years from the date the Act came into force (September 2004) or in the case of plans adopted after then, from the date the plan is adopted (i.e. April 2006 for the Hartlepool Local Plan). New policies in development plan documents will progressively replace those saved in the Local Plan.
- 3.5 Appendix 2 lists the policies of the 2006 Hartlepool Local Plan which the Secretary of State has made a direction to save. These saved policies will thus continue to remain effective until the new Local Plan policies are adopted. The Minerals and Waste policies were superseded by the policies contained in the Tees Valley Joint Minerals and Waste DPD’s in 2011.
- 3.6 The status of Supplementary Planning Guidance, following the commencement of the new planning system, remains the same as long as relevant saved policies are in place. It will continue to be a material consideration in terms of determining planning applications. The only currently adopted Supplementary Planning Guidance is the Greatham Village Design Statement. This is included in the 2006 Hartlepool Local Plan as a Supplementary Note and is saved as part of that plan.

Statement of Community Involvement

- 3.7 The Borough Council’s first document prepared under the new planning system was the Statement of Community Involvement (SCI). The SCI document sets out how the Council intends to involve the community and other interested parties in the new planning system and provide standards

for involving the community in all the different stages of the planning policy process and in the determination of planning applications.

- 3.8 All other local development documents will be prepared in accordance with the arrangements set out in the SCI.
- 3.9 The first SCI was submitted to the Secretary of State in January 2006 and was adopted on 26th October 2006. A review of the SCI was undertaken and the revised SCI was adopted in January 2010. The Council will review the SCI again in 2016 to reflect changes in legislation.

Development Plan Documents

- 3.10 The Borough Council commenced the preparation of Development Plan Documents despite the 2006 Hartlepool Local Plan still providing an appropriate spatial strategy. Furthermore the existing Local Plan has taken forward those elements of the Hartlepool Community Strategy and the Hartlepool Local Transport Plan that concern physical development and use of land.
- 3.11 This work commenced from 2008 to 2013 and culminated with a draft Local Plan being submitted to the Secretary of State in 2012 and examined in public at hearing held in January/February and September 2013.
- 3.12 At a meeting held on October 17th 2013 the Council made a decision to withdraw the submitted Local Plan that had just been through public examination. Subsequently and in light of this decision, the Planning Services Team produced a planning framework guide in November 2013 entitled 'Planning Policy Framework Justification'. The document was updated in November 2014. This is to allow the Local Planning Authority to use the existing Local Plan 2006 where it is in compliance with the current National Planning Policy Framework (NPPF) regime.
- 3.13 Officers have now been instructed to begin work on a new Local Plan and associated Proposals Map for the Borough. A timetable was formulated for the production of a new local plan and this was agreed by committee on 20th February 2014. The previously agreed timetable has slipped though and as such has necessitated the need for the LDS to be updated to reflect a new timetable aiming to produce a Local Plan by early 2017.
- 3.14 **The Local Plan:** The Local Plan is the key element of the planning system for Hartlepool and any other development plan documents should be in conformity with it.
- 3.15 The Hartlepool Local Plan will be the key Development Plan Document setting out the spatial vision, strategic objectives and core policies for the Borough for the next 15 years. There is a statutory duty to prepare a Local Plan in accordance with the Planning and Compulsory Purchase Act 2004 (as amended). The Local Plan allocates land for development across the Borough, provides key infrastructure as well as protecting the most valuable

environmental sites. The Local Plan will incorporate all land use policies apart from those covering minerals and waste.

- 3.16 **Proposals Map:** The Proposals Map for the 2006 Hartlepool Local Plan will be saved until the Local Plan is adopted. The proposal map demonstrates all the land allocations and policies on an OS base plan.

Joint Development Plan Documents

- 3.17 There was a need to update the waste policies contained in the 2006 Hartlepool Local Plan at an early date to reflect new priorities for sustainable waste management. Core Strategy and Site Allocations DPDs were adopted on the 15th September 2011 covering the 5 Tees Valley authorities. These superseded the saved policies covering Minerals and Waste in the 2006 Local Plan.

Supplementary Planning Documents

- 3.18 Existing supplementary planning guidance can be used as the basis for the preparation of new supplementary planning documents.
- 3.19 The Greatham Village Design Statement was adopted as supplementary planning guidance in 1999 and is included as a Supplementary Note in the 2006 Hartlepool Local Plan. There are a number of other supplementary notes in the local plan covering a range of topic areas including trees, conservation, wildlife, planning obligations and parking standards.
- 3.20 There are six Supplementary Planning Documents which have already been adopted, those being:
- The Transport Assessment and Travel Plans SPD 2010
 - Trees and Development SPD 2013
 - Hartlepool Green Infrastructure SPD 2014
 - Shop Fronts SPD 2014
 - New Dwellings outside of development limits SPD 2015
 - Seaton Carew Regeneration SPD 2015
- 3.21 Other Supplementary Planning Documents currently either in production or due to begin this financial year include the following:
- Planning Obligations SPD
 - Hartlepool Central Area SPD
 - Residential Design and Sustainability SPD
- 3.22 Given it is not a statutory requirement to include the SPD's within the LDS the decision has been taken to include the timetables for these in a separate document which can be monitored and kept up to date without the need to review the whole LDS.

Diagram 2: Timetable of Local Plan Development Plan Document

Production stage	Date
Evidence Base production	Nov 2013 – March 15
Issues and Options	May 2014 – July 2014
Preferred Options	May 2016 – June 2016
Publication	October - November 2016
Submission	February 2017
Inspector appointed and examination timetabled and prepared by Inspector	April 2017
Examination	June – July 2017
Inspector deliberations of examination	August – September 2017
Inspectors Findings and modifications	October 2017 – December 2017
Adoption	February 2018
Judicial Review Challenge Period	February – March 2018

Table 1: LOCAL PLAN DPD

OVERVIEW	
Role and content	To set out the vision and spatial strategy for Hartlepool and the objectives and primary policies for meeting the vision.
Geographical Coverage	Borough-wide
Status	Development Plan Document
Conformity	Must reflect the Hartlepool Community Strategy and be in line with National Planning Policy Guidance and meet the Duty to Co-operate
TIMETABLE / KEY DATES	
Stage	Date
Evidence base Production	November 2013 – March 2015
Issues and Option Drafting stage	March - May 2014
Issues and Options extensive public consultation stage	May – July 2014
Preferred Options Drafting stage	August 2014 – March 2016
Preferred Options extensive public consultation stage	May – June 2016
Publication Stage (Reg. 19 Stage)	October - November 2016
Submission to Secretary of State (Reg. 22 Stage)	February 2017
Pre Inquiry Meeting	May 2017
Public Hearings (Reg. 24 Stage)	June – July 2017
Inspectors Report (Reg. 25 Stage)	October 2017
Redrafting Stage	November 2017
Consultation on Modifications	November – December 2017
Adoption (Reg. 26 Stage)	February 2018
ARRANGEMENTS FOR PRODUCTION	
Lead Organisation	Hartlepool Borough Council
Management arrangements	The management arrangements are set out in section 9. Key documents will be approved by the Regeneration Committee and ratified by full Council.
Resources Required	Primarily internal staffing resources with use of consultants if necessary for any special studies required
Community and Stakeholder Involvement	In accordance with the Statement of Community Involvement

POST PRODUCTION / REVIEW

The effectiveness of the primary policies in relation to the vision and objectives of the Local Plan will be assessed in the Authorities Monitoring Report and where necessary reviewed. The Local Plan DPD may be reviewed in the following circumstances:

- A further review of the Community Strategy
- A significant amendment to the Council's Corporate Vision

4. SUSTAINABILITY APPRAISAL

- 4.1 The Planning and Compulsory Purchase Act requires that Local Development Documents should contribute to the achievement of sustainable development. Furthermore, European Union (Strategic Environmental Assessment) Directive 2001/42/EC requires that a formal strategic environmental assessment is carried out for certain plans and programmes likely to have a significant effect on the environment including planning and land use documents.
- 4.2 Most Local Development Documents will therefore be subject to a Sustainability Appraisal which will incorporate the requirements of the Sustainable Environment Assessment (SEA). This will be a continual and integrated process starting when a new (or revised) local development document is to be prepared. Appraisal at each stage of a document's preparation will inform the direction adopted at the next stage and sustainability appraisal reports will be subject to consultation alongside the document as it is developed.

5. APPROPRIATE ASSESSMENT

- 5.1 Under the Conservation (Natural Habitats Etc) (Amendment) Regulations 2007, Development Plan Documents are subject to Appropriate Assessment screening process to enable the Local Planning Authority to ascertain that any Development Plan Document will not adversely affect the integrity of a European protected site. In the event of the screening process stage highlighting the impact on the integrity of a European site a full Appropriate Assessment will be carried out to indicate mitigation or necessary compensatory measures required to minimise the effects on the relevant protected site. Should a full Appropriate Assessment be required the date of the final adoption of the DPD will need to be adjusted accordingly.

6. LINKS TO OTHER STRATEGIES

- 6.1 Local Development Documents contained within the Local Development Framework should reflect the land use and development objectives of other strategies and programmes. The 2006 Hartlepool Local Plan was developed in close collaboration with in particular the Hartlepool

Community Strategy and the Hartlepool Local Transport Plan and gives spatial expression to the elements of these and other strategies that relate to the development and use of land.

- 6.2 Development documents will also take account of and reflect other strategies programmes and guidance- local, sub-regional, regional and national. A list of such strategies and programmes currently in place which may be of relevance is attached at Appendix 3.

7. EVIDENCE BASE

- 7.1 Local planning authorities are required to keep under review the main physical, economic, social and environmental characteristics of their area in order to inform the development of planning policies. Tees Valley Unlimited maintains much base information on behalf of the constituent Borough Councils, including in particular information on the size, composition and distribution of population and other matters covered by the Census of Population and Employment. In addition Hartlepool Council maintains information on many other matters including the regular monitoring of housing and employment land availability and of new developments.
- 7.2 The planning system requires that Local Development Documents should be founded on sound and reliable evidence which will identify opportunities, constraints and issues in the area. Much of this evidence is already in place although it constantly needs to be updated to ensure soundness of the Development Documents.
- 7.3 As Hartlepool is at an early stage of producing a new local plan it has been refreshing the key evidence base documents. This includes a full refresh of the Strategic Housing Land Availability Assessment, a new Open Space and Recreation Study, Employment Land Review and Gypsy and Traveller Accommodation Needs Assessment. Other work that has been undertaken recently involved an updated Retail Study and a new Strategic Housing Land Availability Assessment. These were all refreshed in 2014/5.
- 7.4 A list of evidence base reports is attached at Appendix 4 and these will help to ensure the Plan is developed against a robust evidence base. The need for additional studies and updating of existing studies will be kept under review as part of the annual monitoring process.

8. MONITORING AND REVIEW

- 8.1 Monitoring and review are key aspects of the Government's "plan, monitor and manage" approach to planning and should be undertaken on a continuous basis.

Authorities Monitoring Report

- 8.2 A requirement of the new planning system is to produce an Authorities Monitoring Report to assess the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being met. The first Annual Monitoring Report (now known as an Authorities Monitoring Report) was published in December 2005 and subsequent reports issued in 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and most recently in early 2015 cover the previous year.
- 8.3 The implementation of the Local Development Scheme is assessed in each authorities monitoring report in terms of the extent to which the targets and key dates (milestones) for the preparation of local development documents have been met and to ensure the reasons for any failure to meet these are explained. Any adjustments required to the key milestones for document preparation will need to be incorporated in a subsequent review of the local development scheme.
- 8.4 The Annual Monitoring Report 2005 & 2006 assessed the policies of the 1994 Hartlepool Local Plan. The subsequent Annual Monitoring Reports assessed the policies of the 2006 Local Plan from April 2006 particularly in relation to the indicators and targets contained within that plan.
- 8.5 As a result of the assessment of policies, the Authorities Monitoring Report may highlight areas where policy coverage is insufficient or ineffective or where it does not accord with the latest national or regional policy. In this event it will suggest action that needs to be taken such as the early review of existing documents or preparation of new documents. As a consequence the Local Development Scheme will be amended to reflect such action to amend the Local Development Framework.

9. MANAGING THE PROCESS

- 9.1 The Local Development Scheme has been drawn up having regard to resources (both staff and financial), Council processes and an assessment of the likely interest of key stakeholders and the community. Nevertheless there are risks that the timetables set out in this document may slip, for instance through the reduced Council financial and staff resources. The risks have been assessed in this respect but given the size of the authority and its resources not all can be readily overcome.

Staff Resources

- 9.2 The prime responsibility for delivering the Local Development Framework lies with a small Planning Policy team within the Department of Regeneration and Neighbourhoods. This team has close working relationships with, and makes full use of the expertise and experience of other sections of the division including development control, housing, landscape and Heritage and Conservation.

- 9.3 In addition, the Planning Policy team, as in the past, will continue to liaise closely with officers of other divisions and departments within the council including in particular Highways and Transportation, Countryside Services, Education, Public Health and the Community Strategy teams.
- 9.4 Full use will be made of consultants to provide independent specialist advice or to undertake necessary studies contributing to the information base necessary for the preparation of local development documents.
- 9.5 An in-house multi-discipline team having expertise in the various aspects of sustainable development will carry out the sustainability appraisals although consideration will also be given in this respect to the use of consultants if necessary.

Financial Resources

- 9.6 Resources have been allocated within the Council's mainstream budget to cover the anticipated costs of initial work on local development documents. Provisional costs for future years have been factored into the Council's longer-term budget review.

Programme Management

- 9.7 The current arrangements for the management of the Development Plans production will continue. Basically this comprises regular meetings of the Planning Policy team and reporting to senior management as necessary.

Political Process

- 9.8 The planning system is increasingly being brought to the attention of Members with a view to their full involvement in the production of local development documents. This is being encouraged by the use of Seminars, regular reports to the Regeneration Services Committee and Council and a 6 weekly meeting with the Leader of the Council and other committee chairs.
- 9.9 Decisions at key stages during the preparation of all the Local Development Documents (including and prepared jointly by the five Tees Valley Authorities) will be made by the Regeneration Services Committee and ratified by full Council.

Risk Assessment and Contingencies

- 9.10 The programme for the preparation and production of the Local Plan set out in the Local Development Scheme is based on a realistic assessment of the capacity of the Council to undertake the work and of the extent and depth of the local community and stakeholder involvement and interest likely to be generated by each document. However, there are two main types of risk that could result in a failure to

meet this programme. The first relates to resources (both human and financial) and the second to delays in the process primarily due to external factors.

- 9.11 As noted in paragraph 9.6 above, the Council has endeavoured to ensure that there will be sufficient financial resources made available within its budgetary framework. However, in view of the relatively small size of the Council and thus of its staff, the effect of, for example, redundancies as part of overall Council budget cuts, long-term sickness, of officers obtaining employment elsewhere or of other unforeseen work coming forward, is significant. Should any of these instances occur, whilst every effort would be made to meet the deadlines set, some delay may occur.
- 9.12 Account has been taken of the political process relating to the approval of planning documents at the various stages of production. Whilst the Council's formal scrutiny process provides an open forum for the consideration of issues, it is not possible to predict that Regeneration Services Committee recommendations will be endorsed at Full Council.
- 9.13 The potential for a delay due to the inability of the Planning Inspectorate to undertake the Examination of Development Plan Documents at the programmed time is minimised by the production of this Local Development Scheme and the associated service level agreement with the Inspectorate.
- 9.14 However, there are risks that adoption of a development plan document could be delayed if the Examination Inspector finds that it is unsound and recommends major changes, or if the Secretary of State intervenes on the basis that it raises issues of national or regional significance. The Council will therefore seek to ensure that the document is sound and conforms as necessary with national policy through close liaison with the Planning Inspectorate and the National Casework Office. The risk of a legal challenge to a document will be minimised by ensuring that it has been produced in accordance with the regulations.
- 9.15 There are also risks associated with changes to national planning guidance or the introductions of new legislation which must be accounted for during the process. This was apparent during the production of the previous submitted local plan which saw the enactment of the Localism Act and the introduction of the National Planning Policy Framework (2012) and Planning Policy for Traveller sites (2012) which caused delays in the process.

10. REVIEW OF THE LOCAL DEVELOPMENT SCHEME

10.1 The Local Development Scheme sets out the position with respect to the development of planning policies as it is envisaged at a particular point of time. It will normally be reviewed annually, but it can be readily reviewed when necessary. In particular it will need to be reviewed in the following circumstances:

- a slippage in the timetables caused by exceptional circumstances
- when a need is identified for a new local development document
- if monitoring establishes that an existing document should be reviewed.

APPENDIX 1

LIST OF ACRONYMS AND TECHNICAL TERMS USED IN THIS REPORT

Acronym	Expanded Name	Definition Explanation
AMR	Authorities Monitoring Report	Report outlining the timescales for preparing the Local Development Framework and the extent to which policies are being achieved. Now called an Authorities Monitoring Report.
Circular		A government publication setting out policy approaches
Development Plan		Documents setting out the policies and proposals for the development and use of land and buildings. Under the new planning system it comprises Development Plan Documents.
DPD	Development Plan Document	A local development document in the local development framework which forms part of the statutory development plan. The Local Plan is the key Development Plan Document.
LDD	Local Development Document	An individual document in the Local Development Framework. It includes Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.
LDF	Local Development Framework	The overarching term given to the collection of Local Development Documents which collectively will provide the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of the area where this affects the development and use of land and buildings. The LDF also includes the Local Development Scheme and the Annual Monitoring Report.
LDS	Local Development Scheme	A public statement setting out the programme for the preparation of local development documents. Initially it will also identify the programme for the completion of the local plan and also which policies of the local plan are saved and/or replaced.
Local Plan		The main Development Plan Document.
NPPF	National Planning Policy Framework	The NPPF provides the Governments planning policies for England and how these are expected to be applied.

Acronym	Expanded Name	Definition Explanation
NPPG	National Planning Practice Guidance	National guidance to support the NPPF.
Proposals Map		Illustrating on an Ordnance Survey base the policies and proposals of development plan documents and any 'saved' policies of the local plan.
Saved Policies		Policies within the Local Plan that remain in force for a time period pending their replacement as necessary by the new Local Plan.
SA	Sustainability Appraisal	Identifies and evaluates social, environmental and economic effects of strategies and policies in a local development document from the outset of the preparation process. It incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive.
SCI	Statement of Community Involvement	Sets out the standards to be achieved in involving the community and other stakeholders in the preparation, alteration and review of local development documents and in significant development control decisions
SEA	Strategic Environmental Assessment	A generic term used internationally to describe environmental assessment as applied to policies, plans and programmes
SPD	Supplementary Planning Document	A local development document providing further detail of policies in development plan documents or of saved local plan policies. They do not have development plan status.
The Act	Planning and Compulsory Purchase Act 2004	Government legislation introducing a new approach to development planning.
Transport Assessments		A process setting out transport issues relating to a proposed development identifying measures to be taken to improve accessibility and safety for all modes of travel, particularly alternatives to the car. Such as walking, cycling & public transport
Travel Plans		A package of measures to assist in managing transport needs of an organisation principally to encourage sustainable modes of transport and enable greater travel choice.
Transitional Arrangements		Government regulations describing the process of development plans begun before, and to be completed after, the Planning and Compulsory Purchase Act 2004

APPENDIX 2

Schedule of Hartlepool Local Plan Saved Policies

Direction Under Paragraph 1(3) of the Schedule to the Town & Country Planning Act 2004

Policies contained in the Hartlepool Local Plan including Waste & Minerals Policies

18 December 2008

GENERAL ENVIRONMENTAL PRINCIPLES

GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP7	Frontages of Main Approaches
GEP9	Developers' Contributions
GEP10	Provision of Public Art
GEP12	Trees, Hedgerows and Development
GEP16	Untidy Sites
GEP17	Derelict Land Reclamation
GEP18	Development on Contaminated Land

INDUSTRIAL AND BUSINESS DEVELOPMENT

Ind1	Wynyard Business Park
Ind2	North Burn Electronics Components Park
Ind3	Queens Meadow Business Park
Ind4	Higher Quality Industrial Estates
Ind5	Industrial Areas
Ind6	Bad Neighbour Uses
Ind7	Port-Related Development
Ind8	Industrial Improvement Areas
Ind9	Potentially Polluting or Hazardous Developments
Ind10	Underground Storage
Ind11	Hazardous Substances

RETAIL, COMMERCIAL AND MIXED USE DEVELOPMENT

Com1	Development of the Town Centre
Com2	Primary Shopping Area
Com3	Primary Shopping Area – Opportunity Site
Com4	Edge of Town Centre Areas
Com5	Local Centres
Com6	Commercial Improvement Areas
Com7	Tees Bay Mixed Use Site
Com8	Shopping Development
Com9	Main Town Centre Uses
Com10	Retailing in Industrial Areas
Com12	Food and Drink

- Com13 Commercial Uses in Residential Areas
- Com14 Business Uses in the Home
- Com15 Victoria Harbour/North Docks Mixed Use Site
- Com16 Headland – Mixed Use

TOURISM

- To1 Tourism Development in the Marina
- To2 Tourism at the Headland
- To3 Core Area of Seaton Carew
- To4 Commercial Development Sites at Seaton Carew
- To6 Seaton Park
- To8 Teesmouth National Nature Reserve
- To9 Tourist Accommodation
- To10 Touring Caravan Sites
- To11 Business Tourism and Conferencing

HOUSING

- Hsg1 Housing Improvements
- Hsg2 Selective Housing Clearance
- Hsg3 Housing market Renewal
- Hsg4 Central Area Housing
- Hsg5 Management of Housing Land Supply
- Hsg6 Mixed Use Areas
- Hsg7 Conversions for Residential Uses
- Hsg9 New Residential Layout – Design and Other Requirements
- Hsg10 Residential Extensions
- Hsg11 Residential Annexes
- Hsg12 Homes and Hostels
- Hsg13 Residential Mobile Homes
- Hsg14 Gypsy Site

TRANSPORT

- Tra1 Bus Priority Routes
- Tra2 Railway Line Extensions
- Tra3 Rail Halts
- Tra4 Public Transport Interchange
- Tra5 Cycle Networks
- Tra7 Pedestrian Linkages: Town Centre/ Headland/ Seaton Carew
- Tra9 Traffic Management in the Town Centre
- Tra10 Road Junction Improvements
- Tra11 Strategic Road Schemes
- Tra12 Road Scheme: North Graythorp
- Tra13 Road Schemes: Development Sites
- Tra14 Access to Development Sites
- Tra15 Restriction on Access to Major Roads
- Tra16 Car Parking Standards
- Tra17 Railway Sidings
- Tra18 Rail Freight Facilities

Tra20 Travel Plans

PUBLIC UTILITY AND COMMUNITY FACILITIES

PU3 Sewage Treatment Works
 PU6 Nuclear Power Station Site
 PU7 Renewable Energy Developments
 PU8 Telecommunications
 PU10 Primary School Location
 PU11 Primary School Site

DEVELOPMENT CONSTRAINTS

Dco1 Landfill Sites

RECREATION AND LEISURE

Rec1 Coastal Recreation
 Rec2 Provision for Play in New Housing Areas
 Rec3 Neighbourhood Parks
 Rec4 Protection of Outdoor Playing Space
 Rec5 Development of Sports Pitches
 Rec6 Dual Use of School Facilities
 Rec7 Outdoor Recreational Sites
 Rec8 Areas of Quiet Recreation
 Rec9 Recreational Routes
 Rec10 Summerhill
 Rec12 Land West of Brenda Road
 Rec13 Late Night Uses
 Rec14 Major Leisure Developments

THE GREEN NETWORK

GN1 Enhancement of the Green Network
 GN2 Protection of Green Wedges
 GN3 Protection of Key Green Space Areas
 GN4 Landscaping of Main Approaches
 GN5 Tree Planting
 GN6 Protection of Incidental Open Space

WILDLIFE

WL2 Protection of Nationally Important Nature Conservation Sites
 WL3 Enhancement of Sites of Special Scientific Interest
 WL5 Protection of Local Nature Reserves
 WL7 Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland

CONSERVATION OF THE HISTORIC ENVIRONMENT

HE1 Protection and Enhancement of Conservation Areas
 HE2 Environmental Improvements in Conservation Areas
 HE3 Developments in the Vicinity of Conservation Areas
 HE6 Protection and Enhancement of Registered Parks and Gardens
 HE8 Works to Listed Buildings (Including Partial Demolition)

- HE12 Protection of Locally Important Buildings
- HE15 Areas of Historic Landscape

THE RURAL AREA

- Rur1 Urban Fence
- Rur2 Wynyard Limits to Development
- Rur3 Village Envelopes
- Rur4 Village Design Statements
- Rur5 Development At Newton Bewley
- Rur7 Development in the Countryside
- Rur12 New Housing in the Countryside
- Rur14 The Tees Forest
- Rur15 Small Gateway Sites
- Rur16 Recreation in the Countryside
- Rur17 Strategic Recreational Routes
- Rur18 Rights of Way
- Rur19 Summerhill- Newton Bewley Greenway
- Rur20 Special Landscape Areas

APPENDIX 3

STRATEGIES AND PROGRAMMES TO BE CONSIDERED

National Guidance, Plans, Policies and Strategies	Publisher	Year
National Planning Practice Guidance	CLG	2014
National Planning Policy Framework	CLG	2012
NPPF technical guidance	CLG	2012
Planning policy for traveller sites	CLG	2012

Relevant Regional Guidance, Plans, Policies and Strategies	Publisher	Year
Tees Valley European Structural and Investment Fund Strategy	LEP	2014-20
Tees Valley Strategic Economic Plan	LEP	2014
Tees Valley Strategic Infrastructure Plan	LEP	2014
Local Growth Fund Bid	LEP	2014
Statement of Transport Ambition	TVU	2011
Economic and Regeneration Statement of Ambition	TVU	2010
Tees Valley Investment Plan (Draft)	TVU	2010
Creating Thriving Communities in Tees Valley: Tees Valley Living A strategy for housing regeneration in the Tees Valley 2010/2020 (Draft)	Tees Valley Living (TVL)	2010
Tees Valley Climate Change Strategy	Tees Valley Climate Change Partnership	2010
River Tyne to Flamborough Head Shoreline Management Plan	North East Coastal Authorities Group	2008

Tees Valley Housing Growth Point	TVU and TVL	2008
Landscape Appraisal for Onshore Wind Farm Development	North East Assembly	2003

Local Guidance, Plans, Policies and Strategies	Publisher	Year
Hartlepool Vision	HBC	2014
Hartlepool Economic Regeneration Strategy	HBC	2012
Hartlepool Housing Strategy	HBC	2010-2015
Hartlepool climate change strategy	HBC	2007-2012

APPENDIX 4

REPORTS CONTRIBUTING TO THE EVIDENCE BASE FOR NEW LOCAL DEVELOPMENT DOCUMENTS

Those documents shaded are or will be subject to a major refresh for the new Local Plan.

Local Evidence Base Documents	Year
Hartlepool Strategic Housing Market Assessment	2015
Open Space, Sport and Recreation Audit and Assessment	2015
Strategic Housing Land Availability Assessment	2015
Hartlepool Retail Assessment	2015
Employment Land Review	2014
Hartlepool Gypsy and Traveller Housing Needs Assessment	2014
Future Housing Provision in the Borough for the Next 15 Years	2013
Executive Housing Need in the Borough	2012
Hartlepool Local Infrastructure Plan	2012
Tees Valley Water Cycle Study	2012
Locally Listed Buildings in Hartlepool	2012
Heritage at Risk in Hartlepool	2012
Hartlepool Strategic Sequential and Exceptions Test (Flooding)	2012
Renewable Energy Technical Paper	2010
Seaton Carew Coastal Strategy	2010
Hartlepool Strategic Flood Risk Assessment Level 1 & 2	2010
Hartlepool Affordable Housing Economic Viability Assessment	2009
North and South Tees Industrial Development Framework	2009

Hartlepool Central Investment Framework	2008
Southern Business Zone Study	2008
Hartlepool landscape assessment	2000

REGENERATION SERVICES COMMITTEE

23rd October 2015



Report of: Assistant Director (Regeneration)

Subject: PLANNING OBLIGATIONS SUPPLEMENTARY
PLANNING DOCUMENT (SPD)

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Budget and Policy Framework.

2. PURPOSE OF REPORT

2.1 The purpose of this report is to seek endorsement of the Planning Obligations Supplementary Planning Document (SPD) (see **Appendix 1**) from Regeneration Services Committee and approval to submit the SPD to Full Council for adoption.

3. BACKGROUND

3.1 Policy GEP9 of the saved Hartlepool Local Plan 2006 provides the policy basis for requested developer contributions where they are necessary and relevant to a planning application. Policy GEP9 does not provide any details over the levels of contributions required, it simply states which types of contributions may be sought. It states:

POLICY GEP9 - DEVELOPERS' CONTRIBUTIONS

"The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. Contributions may be required for:

- *Highway and infrastructure works,*
- *Improvements to public transport and the pedestrian and cycleway network (see policy tra19),*
- *The layout and maintenance of landscaping and woodland planting, the layout and maintenance of open space and play facilities (see policy rec2),*
- *The provision of neighbourhood parks (see policy rec3),*
- *Works to enhance nature conservation features,*
- *Additional measures for street cleansing and crime prevention (see policies com12 and rec13),*

- *The acquisition and demolition of surplus housing stock and housing improvements in low demand housing areas (see policies hsg6 and hsg5),*
- *The rationalisation of retail facilities, and*
- *Any other community facilities deemed necessary by the local authority as a result of the development.*

Contributions may necessitate developers entering into legal agreements with the borough council.”

- 3.2 The purpose of this Supplementary Planning Document (SPD) is to provide developers and other interested parties with information and guidance concerning the local authority’s approach towards securing planning obligations associated with development within the Borough.
- 3.3 The Local Authority will continue to use planning conditions and legal agreements as part of the planning application process to ensure that new developments in the Borough are sustainable, well designed and attractive and will have a positive impact on the townscape of Hartlepool. New development however, often puts pressure on already over-stretched infrastructure and it is generally expected that developers will mitigate or compensate for the impact of their proposals by way of ‘Planning Obligations’. These are usually concluded under Section 106 of the Town & Country Planning Act 1990 (as amended) and are agreements between local planning authorities and developers (and the landowner where the developer does not own the land) that secure contributions (in cash or in kind) to address community and infrastructure needs associated with development, whilst not burdening developers with unfair and unrelated costs.
- 3.4 The SPD has been prepared in accordance with relevant national guidance set out in the National Planning Policy Framework (NPPF), Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010 (as amended). Through the 2010 CIL Regulations the Government introduced a new charge a ‘Community Infrastructure Levy’ (CIL) which Local Authorities in England and Wales are empowered, but not required, to charge on most types of new development. The Government states that CIL will improve predictability and certainty for developers as to what they will be asked to contribute, will increase fairness by broadening the range of developments asked to contribute and will enable important sub-regional infrastructure to be funded. However since its introduction it has become evident that it is more deliverable in some areas rather than others where given the current market conditions, CIL is proving to be unviable and undeliverable.
- 3.5 During the development of a new Local Plan work will be undertaken on viability testing to determine whether or not it is going to be feasible to bring forward a CIL charging schedule or whether the continued use of Planning Obligations would be the best option locally.

- 3.6 The SPD is compliant with the CIL regulations and all planning obligations are subject to the legal tests, which are used to determine use of a S106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:
1. necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.
- 3.7 This SPD clearly sets the thresholds for developer contributions through planning obligations in terms of the following:
- Affordable housing
 - Open Space, Outdoor Sport / Recreation and Play Facilities
 - Built Sport Facilities
 - Green Infrastructure
 - Highway Infrastructure
 - Community Facilities, and
 - Training and Employment.
- 3.8 The SPD does not contain any policies; it acts as supplementary guidance to assist with the interpretation of planning obligation requirements. However the levels and types of contributions required have been tested and proved to be viable and deliverable in most developments in the Borough over the past three years or so.
- 3.9 The only exception to this is the level of affordable housing achieved. Since the publication of the 2012 Tees Valley Strategic Housing Market Assessment (SHMA), Hartlepool's affordable housing need has been identified as 27.5%, however the amount achieved in most instances has been reduced through the viability process to ensure deliverability of schemes; the SPD is written in a way which allows flexibility and where there are issues regarding viability allows for contributions to be reduced to ensure development is viable.
- 3.10 This flexibility is an essential element of this Supplementary Planning Document and will be crucial to developer negotiations in the delivery of affordable housing, especially as the 2015 Hartlepool Strategic Housing Market Assessment demonstrates an increased affordable housing need of 144 affordable housing units per year. This represents an affordable need of 44% when considered against the overall annual target of 325 dwellings.
- 3.11 It is recognised that 44% is not deliverable on sites within Hartlepool; therefore an assessment of development that has taken place over the last three years has been undertaken. The purpose of this assessment has been to look at site deliverability and set a deliverable affordable housing target for future development. The target had been established at 18%.

4. METHODOLOGY

4.1 In order to ensure the planning system is open and transparent it is considered vital that the Planning Obligations SPD is consulted on and then adopted to provide developers with information at an early stage in the planning process as to the types and levels of contributions which will be necessary as a result of their planning application.

4.2 Following authorisation from Regeneration Services Committee in May 2014, an 8 week public consultation on the draft Planning Obligations Supplementary Planning Document was undertaken.

4.3 The means of public consultation included:

- Copies of the documents made available at the Civic Centre
- A statutory notice in the Hartlepool Mail
- A local press release
- Reference on the Planning Policy section on the Council's website
- Letters to Parish Councils
- Letters to statutory consultees and other stakeholders

4.4 Through the consultation 12 responses were received from statutory consultees, developers and interested parties. All responses have been carefully considered, details of the comments received and Hartlepool Borough Council's response (including resulting amendments to the document) is attached as **Appendix 2**.

5. CHANGES TO NATIONAL PLANNING PRACTICE GUIDANCE

5.1 National Planning Practice Guidance (NPPG) on Planning Obligations has been published by the Government. Elements of the guidance relating to thresholds have been deleted since the draft SPD was presented to Regeneration Services Committee in June 2015. Therefore changes have been made, reverting thresholds to the levels originally identified in the consultation draft (pre changes made to comply with the now deleted NPPG). Should further guidance be published in future, thresholds within the draft document will be reviewed.

5.2 The guidance also details information on planning obligations in relation to the reuse of vacant buildings with the introduction of a Vacant Building Credit, this acknowledges the benefits of bringing a vacant buildings back into use by outlining that the *developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions would be required for any increase in floorspace.*

6. PROPOSALS

- 6.1 The Planning Obligations Supplementary Planning Document (SPD), attached as **Appendix 1** has been updated from the draft document to reflect the comments (as applicable) received through consultation (**Appendix 2**), further affordable housing deliverability assessment appraisal as requested by Regeneration Services Committee (28.08.2015) and the Government changes to National Planning Practice Guidance (NPPG) on Planning Obligations outlined in Section 5.1-5.2 of this report.
- 6.2 The main changes and amendments to the Planning Obligations Supplementary Planning Document (SPD) are summarised below:
- Levels of contributions have been updated following the receipt of additional evidence from statutory organisations and endorsement of the 2015 Hartlepool Strategic Housing Market Assessment.
 - A deliverable target for affordable housing of 18% on future developments is included. This is backed up by viability work included as an appendix to the SPD.
 - At members request the calculation for affordable housing offsite contributions has been further considered and revised in light of the evidence base and is now based on a Borough wide average rather than a site by site basis. The Borough average has been calculated using the Land Registry sales information for the previous 12 months.
 - A threshold and level of contribution table has been provided as an appendix to the SPD to give a clearer reference point for developers and other interested parties.
 - Further clarity has been given to viability assessment requirements.
 - Inclusion of 'trigger points' in relation to the payment of planning contributions on large scale developments to be negotiated as part of S.106 legal agreements.
 - Additional section on Heritage Assets has been included as a result of a response from English Heritage (now renamed as Historic England).

7. RISK IMPLICATIONS

- 7.1 Without an up to date approved Planning Obligations Supplementary Planning Document (SPD) in place the Council is at risk of not securing all of the developer contributions outlined within this document. This poses a serious risk in relation to the sustainable development of Hartlepool.

8. FINANCIAL CONSIDERATIONS

- 8.1 The Planning Obligations Supplementary Planning Document (SPD) sets out the financial contributions to be made by developers as part of the

planning process. This SPD will be the key document setting out the thresholds for and levels of contributions which must be made by developers as part of developments in Hartlepool. The SPD is sufficiently flexible which should ensure the viability of development coming forward.

9. LEGAL CONSIDERATIONS

- 9.1 The Planning Obligations Supplementary Planning Document (SPD) has been set out in line with the Community Infrastructure Levy Regulations 2010 as amended, National Planning Policy Framework and the National Planning Practice Guidance.

10. CHILD AND FAMILY POVERTY

- 10.1 There are no child and family poverty implications relating to this report.

11. EQUALITY AND DIVERSITY CONSIDERATIONS

- 11.1 There are no equality and diversity considerations in relation to Planning Obligations Supplementary Planning Document (SPD), the aim of securing planning obligations is to support the achievement of Sustainable Development.

12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 12.1 There are no issues in relation to the crime and anti-social behavior.

13. STAFF CONSIDERATIONS

- 13.1 There are no staff considerations relating to this report.

14. ASSET MANAGEMENT CONSIDERATIONS

- 14.1 There are no asset management considerations relating to this report.

12. RECOMMENDATIONS

- 12.1 That members consider the Planning Obligations Supplementary Planning Document (SPD) for endorsement and approve the document for submission to Full Council for consideration for adoption.

13. REASONS FOR RECOMMENDATIONS

- 13.1 The Planning Obligations Supplementary Planning Document (SPD) needs to be adopted to form part of the Local Development Framework and provides the basis for securing planning obligations.

14. BACKGROUND PAPERS

- 14.1 Report to Regeneration Services Committee on 8th May 2014.
14.2 Report to Regeneration Services Committee on 11th June 2015.
14.3 Report to Regeneration Services Committee on 28th August 2015.

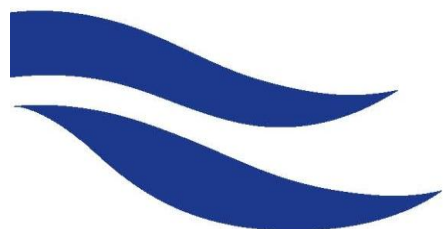
15. CONTACT OFFICERS

Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

Andrew Carter
Planning Services Manager
Planning Services
Department of Regeneration & Neighbourhoods
Hartlepool Borough Council

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk



Hartlepool Local Planning Framework

Planning Obligations Supplementary Planning Document

Final for Endorsement



October 2015



This document is the Supplementary Planning Document (SPD) which outlines Hartlepool Borough Council's approach on Planning Obligations which will be required in relation to development within the Borough.

A draft version of this document was published for a formal eight-week public consultation between 23rd May 2014 and 18th July 2014 period as part of the development process. As a result of this consultation 12 comments were received from 10 different organisations. These comments have been considered in a feedback report which has been published, and have been taken into account in producing this final document.

Following changes to Planning Practice Guidance in relation to Planning Obligations and updated housing figures presented in Hartlepool Strategic Housing Market Assessment (SHMA) endorsed by Hartlepool Council on 19th March 2015. Hartlepool Borough Council's Regeneration Services Committee requested additional analysis in relation to the affordable housing requirement and what could realistically be achieved.

An Affordable Housing Economic Viability Assessment (AHEVA) has been undertaken. The assessment focuses on the deliverability of affordable housing when coming forward as part of private housing market lead developments.

The AHEVA will sit alongside the existing SHMA and inform the overall delivery of the objectively assessed housing need. The affordable housing need has not altered from that set out within the SHMA and in light of that fact it is considered that additional consultation on the changes is not required.

This Supplementary Planning Document (SPD) and other background documents are available on the Council's website at:

www.hartlepool.gov.uk

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1.0 INTRODUCTION

- 1.1 The purpose of this Supplementary Planning Document (SPD) is to provide developers and other interested parties information and guidance concerning the local authority's approach towards securing planning obligations associated with development within the Borough.
- 1.2 The Local Authority will continue to use planning conditions as part of the planning application process to ensure that new developments in the town are well designed, attractive and will have a positive impact on the townscape of Hartlepool. New development however, often puts pressure on already over-stretched infrastructure and it is generally expected that developers will mitigate or compensate for the impact of their proposals by way of 'Planning Obligations'. These are usually concluded under section 106 of the Town & Country Planning Act 1990 (as amended) and are agreements between local planning authorities and developers (and the landowner where the developer does not own the land) that secure contributions (in cash or in kind) to address community and infrastructure needs associated with development.
- 1.3 The Council previously undertook consultation to ascertain which types of contribution needed to be covered within the SPD. A consultation draft was consulted on in 2009/10, but this was never adopted as a result of the introduction of the Community Infrastructure Levy (CIL) Regulations and the uncertainty that this created. It has become clearer recently that there is still a need for an adopted SPD which covers s106 agreements. This will enable any contributions deemed necessary as a result of the development to be secured. From April 2015 it will be used to determine the level of on-site contributions needed and will be used to pool more strategic contributions needed off-site as a result of the development. The Council will clearly set out where the contribution is to be used to ensure there is a direct correlation between the contribution and the development. No more than 5 contributions from developments will be pooled towards the delivery of one specific infrastructure improvement (for example no more than 5 towards the improvement of Mill House swimming pool).
- 1.4 This SPD will help to ensure that developments make a positive contribution to sustainable development by providing social, economic and environmental benefits to the community as a whole.
- 1.5 This SPD is made up of two sections. Section One sets out the local authorities general principles with regards to Planning Obligations, and Section Two explains the thresholds and formulae used to calculate the levels of Planning Obligations that the local authority may wish to seek.
- 1.6 Once adopted, this SPD will be a material consideration in determining planning applications and if development proposals do not comply, the SPD may be used as a basis for the refusal of planning permission by the local authority. Section 106 Agreements have to be agreed and in place before planning permission can be granted. It is advised that any potential developer should contact the local authority at the earliest stages of the development process to discuss their proposal and establish whether there is likely to be a requirement for a Planning Obligations agreement.

2.0 PURPOSE OF SPD

- 2.1 This Supplementary Planning Document (SPD) has been prepared to set out comprehensively the local authority's approach, policies and procedures in respect of Planning Obligations. It aims to increase understanding and enable developers to take into account the potential costs of a proposed development at the earliest stage.
- 2.2 It is recognised that this SPD is being prepared at a time of market recovery following hard economic times and this is reflected in the levels of contributions that are required from developers and the flexibility that the SPD creates where viability may be an issue. The types of specific contributions which may be sought, the thresholds which will trigger the need for those contributions and the levels of contributions necessary have been set at realistic levels that will allow the delivery of these vital infrastructure improvements whilst still ensuring the viability of development in line with the guidance set out in the National Planning Policy Framework and Planning Practice Guidance.
- 2.3 The Local Authority will regularly review this SPD and should the economic climate improve the levels of contributions will be reassessed. If a developer feels that the levels of contribution requested make their development unviable they will be expected to submit a viability assessment of the scheme at validation stage (to avoid unnecessary delays), which will be assessed by the Council.
- 2.4 The Planning Obligations SPD will provide guidance on the requirements and mechanisms for contributions from development for infrastructure and other related provision. It will:
- provide greater clarity for developers and applicants;
 - speed up the processing of applications;
 - provide a clearer framework for assessing requirements and for calculating contributions;
 - play an important role in ensuring community and infrastructure needs are fulfilled as part of new development; and
 - Link to other relevant SPD's which give further information, for example the Green Infrastructure SPD and Action Plan.
- 2.5 The major areas that are expected to arise in considering development proposals are:
- Affordable Housing
 - Children's Play / Play Facilities
 - Playing pitches & Outdoor Sports Provision
 - Built Sport Facilities
 - Highway Infrastructure
 - Education provision
 - Community Facilities
 - Green Infrastructure
 - Training and Employment
 - Heritage
- 2.6 This list is not exhaustive, but illustrates some of the local authority's main priorities. However, in certain circumstances, other contributions may be sought towards issues such as housing market renewal, flood protection or renewable energy. Conversely, in certain circumstances, if it is illustrated that the development is providing a significant

regeneration benefit, such as the clearance of a problem building or renovation of a heritage asset, there may be an opportunity to reduce the developer contributions associated with that development, e.g. through the Vacant Building Credit.

3.0 STATUS OF SPD

- 3.1 The SPD expands on established national planning policies and also policies contained within the adopted Hartlepool Local Plan 2006, in particular GEP9 (Developer Contributions) and will support documents produced as part of the Local Development Framework. The guidance within this SPD will therefore be a material consideration in determining planning applications.
- 3.2 This SPD has been prepared in accordance with relevant national guidance set out in the National Planning Policy Framework (NPPF), National Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010 (as amended). Hartlepool Borough Council is currently preparing a new Local Plan and consequently the Adopted Hartlepool Local Plan (2006) and its saved policies will be retained until it is replaced by the new Local Plan and any other Local Development Documents. It is anticipated that the emerging Local Plan will include specific Planning Obligations and Affordable Housing Policies.
- 3.3 On adoption, this SPD will have been approved by Regeneration Services Committee and formally presented to Full Council, the process of development included a formal consultation period of eight weeks.

4.0 NATIONAL POLICY

- 4.1 Planning Obligations are secured via legal agreements usually made under section 106 of the Town and Country Planning Act 1990 (as amended) usually in association with planning permissions for new development. They normally relate to any aspect of a development that cannot be controlled by imposing a planning condition. They can serve various purposes including:
- restricting the use of land
 - requiring specific operations to be carried out, in, on, under or over the land
 - requiring land to be used in a specific way
 - requiring a sum or sums to be paid to the Local Planning Authority on a specified date or dates, or periodically.
- 4.2 The legal tests for when you can use s106 agreements are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:
1. necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.
- 4.3 These tests replaced the five tests which were previously set out in Circular 5/05. As with Circular 5/05 pooling developer contributions from planning obligations in cases where individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure is permitted, however only 5 contributions can be pooled towards any discrete piece of infrastructure. Local authorities are still required to use formulae and standard charges as part of their framework for negotiating and securing planning obligations. This helps to speed up negotiations,

and ensure predictability, by indicating the likely size and type of some contributions in advance.

National Planning Policy Guidance (NPPF) March 2012

- 4.4 Planning Obligations are covered in paragraphs 203 to 205 of the NPPF, which highlights the tests identified at paragraph 4.2, and requires local authorities to take account of market conditions over time and to be sufficiently flexible to avoid development being stalled.

National Planning Practice Guidance (NPPG) March 2014

- 4.5 Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests as set out in the Community Infrastructure Levy 2010 Regulations and within the NPPF.
- 4.6 The NPPG states that policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination and that Supplementary Planning Documents should not be used to add **unnecessarily** to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy. ***(Note: Hartlepool Borough Council have an adopted Planning Obligations Policy GEP9 which is saved. The requirements set out within this SPD have shown through viability testing to be deliverable on most schemes within Hartlepool over recent years. The requirements (with the exception of the Playing Pitches, Tennis Courts and Bowling Green contributions which were included following consultation with Sport England) within this SPD were tested at examination for the Hartlepool Local Plan in 2013, where the plan was found sound subject to modifications (which did not relate to the obligation requirements) but then subsequently withdrawn. It is considered the requirements made by the SPD have therefore been robustly tested and examined and are also flexible in viability terms).***
- 4.7 It goes on to state that planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms and notes that the Government is clear that obligations must be fully justified and evidenced. Where affordable housing contributions are being sought, obligations should not prevent development from going forward.
- 4.8 The Government currently places great emphasis on ensuring the viability and deliverability of development and the NPPG emphasises the need for contributions to be flexible and negotiable and to take into account site specific issues which may impact on delivery.
- 4.9 The NPPG goes on to state that policy for seeking obligations should be grounded in an understanding of development viability through the plan making process and that on individual schemes developers, where obligations are required, should submit scheme viability to be assessed, preferable through an open book process.
- 4.10 The NPPG also gives some guidance on the ability to renegotiate planning obligations where both parties are in agreement or by means of appeal. This may become necessary where obligations were secured in older applications and the schemes would not be viable in the current market with the delivery of the obligation.

- 4.11 The Government released additional Planning Practice Guidance on Planning Obligations in November 2014 and March 2015 to strengthen this position. Details of changes have been reflected in the SPD.

Community Infrastructure Levy

- 4.12 Through the 2010 CIL Regulations the Government introduced a new charge which Local Authorities in England and Wales are empowered, but not required, to charge on most types of new development. The Government feels that CIL will improve predictability and certainty for developers as to what they will be asked to contribute, will increase fairness by broadening the range of developments asked to contribute and will enable important sub-regional infrastructure to be funded. However since its introduction it has become evident that it is far more deliverable in areas around London and the southeast and that in other areas, given the current market conditions, CIL is proving to be unviable and undeliverable.
- 4.13 During the development of a new Local Plan the Local Authority will undertake some viability testing to determine whether or not it is going to be able to bring forward a CIL charging schedule or whether the Local Authority chooses not to use CIL and instead continues to use Planning Obligations.

5.0 REGIONAL POLICY

- 5.1 Following the revocation of the Regional Spatial Strategy for the North East, there is no longer a regional level of guidance and the Local Authority therefore relies on local and national policy and guidance.

6.0 LOCAL POLICY

- 6.1 The Local Authority needs a structured and transparent approach to obtaining contributions in the future.
- 6.2 Policy GEP9 (Developer Contributions) of the adopted Hartlepool Local Plan April 2006 is a saved policy which this SPD links to. It sets out where obligations will be used and the benefits that will be sought in furtherance of the Plan's strategy. Supplementary Note 8 on Developer Contributions supports policy GEP9 (this Note will be superseded by this SPD). Policy GEP9 states:

POLICY GEP9 - DEVELOPERS' CONTRIBUTIONS

"The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. Contributions may be required for:

- ♦ *Highway and infrastructure works,*
- ♦ *Improvements to public transport and the pedestrian and cycleway network (see policy tra19),*
- ♦ *The layout and maintenance of landscaping and woodland planting,*
- ♦ *the layout and maintenance of open space and play facilities (see policy rec2),*
- ♦ *The provision of neighbourhood parks (see policy rec3),*
- ♦ *Works to enhance nature conservation features,*
- ♦ *Additional measures for street cleansing and crime prevention (see policies com12 and rec13),*
- ♦ *The acquisition and demolition of surplus housing stock and housing improvements in low demand housing areas (see policies hsg6 and hsg5),*
- ♦ *The rationalisation of retail facilities, and*
- ♦ *Any other community facilities deemed necessary by the local authority as a result of the development.*

Contributions may necessitate developers entering into legal agreements with the borough council."

- 6.3 Whilst Policy GEP9 does not specifically highlight a type of contribution, such as affordable housing, more recent evidence points to the need for such provision, these types of obligation may still be requested.
- 6.4 In Hartlepool, three Neighbourhood Plans are being developed by communities, these will set out planning policy at the community level, following adoption these will become part of the Local Development Framework. Where development sites are within a designated Neighbourhood Plan area, developers must have regard to policies set out in the relevant Neighbourhood Plan.

7.0 PRIORITIES

- 7.1 Planning Obligations will be negotiated on a site-by-site basis. The priority given to any particular type of Planning Obligation will be at the discretion of the Local Authority. It would not be possible to set out townwide priorities relating to development types in any sort of priority order as each development proposal will have different circumstances, whether they are physical, financial, environmental or social. Priorities may vary and will depend on a number of factors including local need as well as central government guidance and the current political agenda on both a national and local level.
- 7.2 Whilst each obligation will be negotiated on a site-by-site basis the local authority will have due regard for the priority theme areas within the Community Strategy along with other studies that have been undertaken such as the 2015 Open Space, Sport and Recreation Audit and Assessment, the 2014 Green Infrastructure SPD and Action Plan, the 2013 Indoor Sports Facilities Strategy, the 2012 Playing Pitch Strategy, the most up-to-date Early Years and School Infrastructure Plan and 2015 Hartlepool SHMA. The desires of the Community Strategy and the findings of these studies will help in guiding where the contributions will be spent.
- 7.3 There may be site-specific requirements other than those highlighted in this SPD that are flagged up whilst an application progresses and these should also need to be included in any planning agreement.

8.0 TYPES OF OBLIGATIONS AND THRESHOLDS

- 8.1 The thresholds for seeking planning contributions are set out in Table 1. These thresholds should be read as a guide for normal procedure and are set at practical levels that can be easily identified and measured. However each planning application will be judged on its own merits and in light of local concerns. There may be instances where obligations will be sought that are below the threshold level if the local authority feel that the impact the development will have justifies the need to require contributions.
- 8.2 Planning Obligations and thresholds are set out in Table 1 on page 13 of this document.
- 8.3 Planning Obligations will be sought on developments below these thresholds if the Local Authority feels that the site in question is part of a larger development site. When determining contributions, the Local Authority will look at the cumulative impact of a number of adjoining small developments. Developing sites incrementally or subdividing a site to avoid contributions will not be acceptable. Where it is likely that this

could occur the Local Authority would request a comprehensive masterplan to be developed for the area to ensure that the full potential and regeneration benefits of the site are realised. This includes cases where one site is divided between different developers, or is proposed to be developed in a phased manner.

- 8.4 This is to ensure that the necessary contributions are divided fairly between developers on the whole site and so that services and facilities, to meet overall needs, can be delivered in a comprehensive, rather than piecemeal fashion.

9.0 IN KIND CONTRIBUTIONS

- 9.1 The presumption will be that where there is a requirement for on-site improvement, the developer will provide facilities themselves. Where the Local Authority wishes to provide certain facilities themselves, developers will be required to donate the land free of charge, together with a financial contribution in lieu of the developer providing the facilities.

10.0 FINANCIAL CONTRIBUTIONS AND POOLING OF CONTRIBUTIONS

- 10.1 In cases where the level of contribution secured by the development is insufficient on its own to provide a facility e.g. a new play area, then a financial contribution will be paid to the Local Authority upon commencement of the development or at an agreed point of the development. This payment will be held in an account along with other similar contributions received. No more than 5 contributions will be pooled towards the provision of a distinct piece of infrastructure, such as a new play area or as a contribution towards maintenance of such a piece of infrastructure (see Section 15). The pool of money within this account will be used to pay for the implementation of schemes once there are sufficient funds. Any contributions that remain unspent at the end of the time period specified in the planning agreement may be repaid upon request by the developer.

11.0 EXISTING USES

- 11.1 For the majority of contributions that the Local Authority will be seeking the existing use of the site will be taken into account when determining the levels of contributions. For example, for residential developments, all contributions, with the exception of affordable housing, play and green infrastructure, will be based on the increase in population caused by the new development. If the new proposal will result in a lower population then no other contributions would be sought.
- 11.2 The exceptions to this rule are affordable housing, green infrastructure and play. As affordable housing is not a requirement that is linked to the demands of an increasing population, existing uses will not be taken into account. The level of affordable housing will be determined by the total number of dwellings proposed in the new development. It is also considered that the provision of play and green infrastructure in relation to new housing developments is critical to help to ensure a healthy and active population and as such contributions will be required in all new housing/residential schemes of 5 or more dwellings (15 or more for affordable housing contributions).

12.0 UNILATERAL UNDERTAKINGS

- 12.1 A Unilateral Undertaking is made where an applicant offers a planning obligation in support of a planning application or a planning appeal. Unilateral Undertakings bind the developer to their terms but not the Local Authority. When submitted in connection with an appeal, the appellant's solicitors normally draft the Undertaking, although the Local Authority will usually welcome an opportunity to discuss terms prior to submission to the Inspector.

13.0 INDEX LINKING

- 13.1 In large scale developments which will be delivered in a number of phases, it is likely that financial contributions will be paid in stages. Trigger dates for the payment of financial contributions will be written into the legal agreement.
- 13.2 In order to maintain the value of financial contributions between the date of the planning permission and the date that they are paid, the payments will be index linked in accordance with the All Items Retail Prices Index excluding Mortgage Interest Payments Index (RPIX) published by the Office for National Statistics (ONS), or such replacement index as agreed between the parties.
- 13.3 The Council will charge interest for the late payment of financial contributions. Any such liability will be written into the legal agreement so that developers are aware of the implications of late payment and agree to the terms when completing the agreement.

14.0 REVIEW OF BASELINE FIGURES

- 14.1 In order to ensure "best value" the Local Authority will regularly review all baseline figures used to calculate Planning Obligations. If any legislation or guidance upon which the strategy is based is subject to change, any such changes would be taken into consideration when reviewing this SPD.
- 14.2 Where evidence suggests a significant change to thresholds and the level of developer contributions, the Local Authority will review relevant sections of this SPD in line with formal adoption procedures; this will include consultation where appropriate.

15.0 MAINTENANCE COSTS

- 15.1 Where planning contributions are secured for facilities that are predominantly for the benefit of users of the associated development then it may be appropriate for the maintenance of these facilities to be contributed to by the developer. The length of maintenance contributions will be determined on a case by case basis and will take into account the viability of a development. Larger, mixed use developments which are introducing new infrastructure such as parks or green spaces will normally be required to make maintenance contributions to cover at least 20 years.

16.0 ECONOMICS OF PROVISION - VIABILITY

- 16.1 For those developments listed (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. Applicants should engage in pre-application discussions with the Local Authority. In order for the Local Authority to consider reducing or waiving certain requirements, the developer must be able to show that there is abnormal development costs associated with the site that could not reasonably have been foreseen at the time the land was bought. In exceptional circumstances, for example where the site is found to be heavily contaminated, it may be possible to accept reduced Planning Obligations contributions in order to achieve an acceptable land use or development.
- 16.2 Viability assessments should be submitted to the Local Authority by the developer to demonstrate that planning obligation requirements affect the deliverability of proposals. Developers can submit viability assessments in their preferred format (this may include the HCA Viability Assessment Model).

17.0 LEGAL AND ADMIN COSTS

- 17.1 The lead responsibility of producing a section 106 Legal Agreement lies with the developer. Developers will be required to pay any legal/professional fees incurred by the Local Authority's in the preparation and completion of the section 106 agreement. Legal fees will be charged at the hourly rate of the officer completing the agreement.

18.0 DRAFTING OF AGREEMENTS

- 18.1 The developer will be expected to submit a draft section 106 legal agreement on submission of a planning application. The Local Authority has a standardised template which will be used where practicable that will enable agreements to be drawn up quickly so as not to slow down the planning process. The developer can use its own legal team to complete this or, the section 106 agreements can be drafted by the Local Authority's Legal Services Team or by Solicitors acting on the Local Authority's behalf. The Council's legal fees will be included in all legal agreements.

19.0 MONITORING

- 19.1 The Local Authority has an established process for monitoring and managing Section 106 Legal Agreements, including a database with details of all agreements and where those financial contributions have been / will be spent. The Local Authority will pro-actively pursue any late payments. There is an admin charge payable for this.

20.0 CONTACT DETAILS

- 20.1 Although this document sets out the types of contributions that will be sought, early contact with a member of the planning policy team will be advisable to discuss the likely obligations that may be sought on particular developments.

Matthew King	Planning Policy Team Leader	matthew.king@hartlepool.gov.uk	01429 284084
Fiona Stanforth	Planning Policy Officer	fiona.stanforth@hartlepool.gov.uk	01429 523532

Alison Macklam	Monitoring Officer (Development Control)	alison.macklam@hartlepool.gov.uk	01429 284380
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TABLE 1: Planning Obligations SPD Thresholds and Levels of contribution

Land use	Contribution towards	Threshold (number of units)	Level of Contribution	Reference in SPD
Residential Development				
Affordable Housing / Housing Market Renewal		15 or more units	18%	Section 21 (page 12-18)
Built Sports facilities		5 or more units	£250 per dwelling	Section 23 (page 24-27)
Community Facilities - Education		5 or more units	Case by case	Section 26 (page 38-42)
Other Community Facilities		5 or more units	Case by case	Section 26 (page 38-42)
Green Infrastructure		5 or more units	£250 per dwelling	Section 24 (page 28-32)
Highway Infrastructure		Site-by-Site	Case by case	Section 25 (page 33-37)
Outdoor sport and play facilities - <i>Children's Play / Play Facilities</i>		5 or more units	£250 per dwelling	Section 22 (page 19-23)
Outdoor sport and play facilities - <i>Playing Pitches</i>		5 or more units	£233.29 per dwelling	Section 22 (page 19-23)
Outdoor sport and play facilities - <i>Tennis Courts</i>		5 or more units	£57.02 per dwelling	Section 22 (page 19-23)
Outdoor sport and play facilities - <i>Bowling Green</i>		5 or more units	£4.97 per dwelling	Section 22 (page 19-23)
Training and Employment		Over 10 units*	Case by case	Section 27 (page 43-44)
Travel Plan		Over 50 units	N/A	Section 25 (page 33-37)
Commercial Development				
A1 Retail - Shops (all other A use classes – case by case)	Green Infrastructure	500sq m (gross) or more of additional floorspace	£20,000 for initial 500sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace	Section 24 (page 28-32)
	Highway Infrastructure		Case by case	Section 25 (page 33-37)
	Training and Employment		Case by case	Section 27 (page 43-44)
	Travel Plan		Case by case basis	Section 25 (page 33-37)
B1 Including Offices	Green Infrastructure	1000sq m (gross) or more of additional floorspace	£5,000 for initial 1000sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace	Section 24 (page 28-32)
	Highway Infrastructure		Case by case	Section 25 (page 33-37)
	Training and Employment		Case by case	Section 27 (page 43-44)
	Travel Plan		Case by case basis	Section 25 (page 33-37)
C1 Hotels	Green Infrastructure	New hotels or extensions of 10 bedrooms or more to existing hotels (based on no. of bedrooms)	Case by case basis	Section 24 (page 28-32)
	Highway Infrastructure		Case by case	Section 25 (page 33-37)
	Training and Employment		Case by case	Section 27 (page 43-44)
	Travel Plan		Case by case basis	Section 25 (page 33-37)
D2 Including leisure	Green Infrastructure	1000sq m (gross) or more of additional floorspace	Case by case basis	Section 24 (page 28-32)
	Highway Infrastructure		Case by case	Section 25 (page 33-37)
	Training and Employment		Case by case	Section 27 (page 43-44)
	Travel Plan		Case by case basis	Section 25 (page 33-37)
Other	Case by Case basis	Case by case basis	Case by case basis	

NB. Levels of Contributions set in this SPD may be subject to change when evidence documentation is updated.

Part Two – Specific Contributions

21.0 Affordable Housing

21.1 Policy and Background Information

Various national, sub-regional and local policy documents as identified below and evidence base highlight the need for affordable housing in new developments. Some of the key documents which support the need for affordable housing are listed below.

National Planning Policy Framework (2012)

21.2 The principle aim of the NPPF is to drive forward sustainable development. In terms of housing it aims to boost significantly the supply of housing, both market and affordable. It requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area where the developments are proposed and that they are consistent with other policies in the NPPF.

21.3 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the NPPF requires local planning authorities to:

- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- Where they have identified that affordable housing is needed, set policies¹ for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- Determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. It notes that the NPPF is a material consideration in decision making. (Bearing this in mind recent pieces of evidence base work, such as the 2015 Hartlepool Strategic Housing Market Assessment, which provide up to date evidence, are also considered material considerations in the determination of planning applications.)

¹ The emerging Local Plan will set policies on affordable housing. Counsel advice has advised that given there is an up-to-date evidence base in the form of the 2015 Hartlepool Strategic Housing Market Assessment affordable housing provision / contributions can be sought.

- 21.4 It also supports the identification and re-use of empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, the use of compulsory purchase powers to acquire the properties.

Evidence of Local Need

- 21.5 Until 2006 the need to provide affordable housing in new developments had not been an issue in Hartlepool as affordability had not been a problem given the relatively low cost of housing (compared with the national average), the existing supply of social housing and the variety of choice across the market. This is reflected within the Hartlepool Local Plan 2006 which does not have a specific policy on affordable housing provision. Subsequent changes in the housing market and detailed assessments of the sub-regional and local housing markets revealed increasing problems of affordability, which consequently increased the need for new affordable housing.
- 21.6 The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identified a growing and immediate need for the provision of new affordable housing and illustrated a significant annual need across the Tees Valley for affordable housing and within Hartlepool a need for 89 new affordable homes annually (for Hartlepool this equated to 27.5% annually) with the primary need being smaller 1 and 2 bedroom properties. It also highlighted the need for new bungalow provision across the borough. The study recommended a 70:30 split between social rented and intermediate tenure properties. The evidence provided within this document has enabled the Council to successfully secure the provision of affordable homes on schemes which have been approved in recent years.
- 21.7 The Hartlepool Strategic Housing Market Assessment (SHMA) 2015 provides an up-to-date position in terms of housing need and identifies the net imbalance in affordable housing as 144 per year. Set against the baseline for total housing need of 325 identified in the SHMA, this equates to 44%. However through the development of the emerging Local Plan, demolitions and backlogs will be examined which may result in revisions to this percentage.
- 21.8 In terms of a split between social rented and intermediate tenure properties, the 2015 SHMA details the same ratio as the 2012 Tees Valley document. Further detail on the type and tenure of housing need is outlined in the Hartlepool Strategic Housing Market Assessment (SHMA) 2015.
- 21.9 Evidence presents a clear need for affordable housing; however it is acknowledged that the level of 44% may have an impact on the viability of developments coming forward. Therefore an assessment of affordable housing economic viability assessment has been prepared to determine an affordable housing target. This comprehensive appraisal considered viability assessments for developments submitted over the last three years as well as making baseline assumptions regarding the following:
- Typical land values

- Typical development build costs
- Typical infrastructure costs for roads, utilities, open space etc.
- Typical other developer contributions sought including education, green infrastructure, play provision, highways etc.
- Typical development values
- Average Borough house values with regard to valuations
- Typical developer profit

21.10 Based on the evidence and further assessment undertaken (appendix 1), an affordable housing target of 18% has been set for all developments of 15 units or more.

Negotiating Affordable Housing

Threshold

21.11 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.

21.12 Given the level of identified need and the limited opportunities for securing affordable housing provision in the Borough, planning permission will not be granted for residential applications that meet or exceed the gross additional thresholds and do not include any on-site affordable housing or off-site provision, unless they illustrate the regeneration benefits noted in paragraph 2.6.

21.13 The Council will be alert to the sub-division of sites or phasing of development as an attempt to avoid providing an affordable housing requirement. Therefore, for the purposes of establishing the affordable housing requirement, planning applications will be viewed as any composite or naturally defined larger area, whether or not subject to phased development and regardless of ownership. If development is proposed in phases, later phases may be required to fulfil affordable housing requirements from previous phases, where it has not already been adequately provided.

Level of Contribution

21.14 As there is an overall identified affordable housing need for 44%, an affordable housing target of 18% will be required on all sites above the minimum threshold. Where viability evidence is submitted to illustrate that this target is not achievable, a lower percentage may be agreed through the Council assessing the development through its viability testing model.

Where Affordable Housing is Provided

21.15 Generally all affordable housing will be delivered through on-site provision. Only in exceptional circumstances will it be acceptable for provision to be made off-site. Applicants will need to provide sound, robust evidence why the affordable housing cannot be incorporated on-site and show how off-site provision or commuted sums will contribute

to the creation of sustainable mixed communities elsewhere in the Borough.

- 21.16 The delivery emphasis of affordable housing will be very strongly favoured to provide on-site provision as there is a short supply of available development land within the urban area of Hartlepool to cater for off-site developments. In the unlikely event that a developer is proposing the provision of affordable housing off-site, there should be early discussions with the Council to identify a suitable site or sites.
- 21.17 In the unlikely event that off-site provision is agreed, similar to the on-site provision; the timing of off-site provision will be related to the completion of numbers of properties on the associated general market housing site. The general approach will be to secure completion of the affordable homes proportionally to the general market housing, unless the timing is otherwise agreed with the Council. In this situation affordable housing contributions may directly relate to the Local Authority's build provision of affordable housing and registered providers.
- 21.18 Where an off-site provision is agreed to be acceptable, the level of contribution will be calculated by deducting the transfer price of the unit from its open market value (OMV).

Example of Financial Contribution:

The off site contribution is calculated as follows: **(a) + (b) = (c)**

Where:

(a) = How much a registered provider can secure in finance. This equates to 60% of the market value on an on-site affordable dwelling.

(b) = Gap funding contribution from the developer. This equates to 40% of the market value on an on-site affordable dwelling.

(c) = Borough wide average cost of a home within the borough of Hartlepool.

The following scenario illustrates how a 100 dwelling development could contribute to an off-site commuted sum.

Development Consideration	Amount
Total dwellings on the site	100
Affordable Requirement	18%
Affordable units	18 units
Borough wide average cost of a home.	£133,902.89*

Using the above (a) + (b) = (c) equation the following is acceptable:

(a) Register Provider finance (60% of market value) = £80,341.73

(b) Developer Contribution (40% of market value) = £53,561.16

(a) £80,341.73 + (b) £53,561.16 = (c) £133,902.89

The developer is required to provide 18 units, therefore:

Theoretical Off Site Commuted Sum = 18 x £53,561.16 = **£964,100.88**

* Average house price information compiled from Land Registry data. All sales in district of Hartlepool between 1st April 2014 – 31st March 2015. This figure will be updated annually.

Type and Tenure

- 21.19 Developers will be expected to achieve an aspirational target of 70% social rented or affordable rented and 30% intermediate tenure mix on each site. Housing type and tenure split will be negotiated on a site-by-site basis, having regard to the most up-to-date evidence of need, mix of tenures of existing housing nearby, the desire to create balanced communities and the constraints and requirements of providing on-site provision.
- 21.20 The aspirational tenure split of 70% social rented or affordable rented and 30% intermediate affordable housing is considered most appropriate to meet Hartlepool's strategic housing aims and the identified housing need within the town. This is based on the robust 2015 Hartlepool Strategic Housing Market Assessment evidence and recent evidence from the Council's housing waiting list. The need is compounded by the reduction of social rented stock through the 'Right to Buy' scheme.
- 21.21 Bearing in mind the aspirational target, the Council recognises that negotiation on a site-by-site basis would be the best approach; ensuring that nearby housing is taken into consideration in the desire to create sustainable balanced and mixed communities. Where a developer is proposing a target that deviates from the 70/30 split, there should be early discussions with the Council to ensure an appropriate target is achieved.

Future Management of Affordable Housing

- 21.22 All affordable units should be delivered in partnership with a Registered Provider by means of a section 106 legal agreement, with appropriate provision to secure the retention of the properties as affordable units in perpetuity. The terms of sale from the developer to the Registered Provider must be suitable to meet these requirements.
- 21.23 The Council regards partnership delivery with a Registered Provider (RP) as the preferred means of securing affordable housing, tied in by means of a section 106 legal agreement to which the RP will be party. This applies to all the forms of affordable housing. (Again the Local Authority must be approached by the developer when consideration is being given to which RP is to be involved).
- 21.24 Where a developer is proposing providing affordable housing involving an RP, there should be early discussions with the Council to draft the Section 106 Legal Agreement.

Design and Specification of Affordable Housing

- 21.25 The Council promotes the development of energy efficient housing. It is important not only to minimise the running costs of a home to the occupier but also to reduce carbon emissions. It is expected that all affordable properties will achieve high levels of energy efficiency in line with the Governments Zero Carbon Policy, affordable homes in

particular should seek to address energy efficiency even more so and it is often the case that if homes are Homes and Communities Agency (HCA) funded they are required to meet a higher energy efficiency level. Amendments to the building regulations are expected in 2015, the Council may seek to use the provisions in the new legislation to set its own bespoke energy efficiency standards but in the meantime the Council expect developers to demonstrate how they meet with the requirements of NPPF paragraph 96 and use of the Code for Sustainable Homes is one method that will be supported².

- 21.26 In respect of affordable homes which are receiving funding from the HCA, these properties would be expected to meet the design standards set out within the HCA Design and Quality Standards in April 2007 or any subsequent standards that amend or replace those standards.
- 21.27 The Council will expect applicants to ensure that the affordable properties are integrated into the overall development, in terms of their built form and external appearance, so that they are indistinguishable from the other properties on the site. Affordable properties should not be marked out by being of poorer design, specification and quality of finish than neighbouring properties. It is recommended that the skills and experience of RP's be employed at an early stage in the design process to ensure that the future management of the affordable housing units is fully considered.

Pepper Potting of Affordable Housing

- 21.28 The Council supports the development of sustainable mixed and balanced communities. In order to avoid the negative implications of social exclusion and isolation, affordable homes within housing schemes should be evenly distributed across the site (which is known as pepper potting) and not disproportionately allocated to the periphery or in one particular area. The Council will normally require affordable homes to be grouped together in clusters of no more than 5 properties.
- 21.29 In apartment and flat developments the Council requires pepper potting to be maintained. However it is recognised that other issues may impact upon the distribution of affordable units in apartment blocks, including difficulties in their management and financial concerns regarding levels of service charges. The benefits of this will be weighed against the scope to achieve a better degree of pepper potting. The level of pepper potting on apartment schemes will be negotiated on a site-by-site basis.
- 21.30 The Council expects the location of the affordable housing will be discussed and agreed at an early stage in conjunction with the appointed RP. At Reserved Matters application it will be necessary for the developer to liaise with a Registered Provider and to identify the location of the affordable properties on the final plan. The final location must be agreed before development commences.

² The relevant guidance will be applied, following the amendments to the Building Regulations for energy efficiency.

Accessibility

- 21.31 The Council expect developers to have regard to the changing needs of residents over time, in ensuring that homes are easily adaptable, residents know that they are likely to be able to reside in their home if they become less able bodied. If easily adaptable then costs are kept to a minimum. The Lifetime Homes Standards are likely to be phased out; however they are still a useful tool in delivering adaptable homes and the principles are supported by the Council.

Affordability and Service Charges

- 21.32 Although the emphasis in determining affordability is primarily focussed on rent or purchase price, it is the total cost of occupation that ultimately determines affordability. Some residential developments have high levels of service charges, and this has an impact upon the relative affordability of the accommodation. Such potentially significant additional costs may result in affordable housing extending beyond the financial reach of those in housing need. It is therefore anticipated that the cost of service charges will be minimised. The proposed level of service charges will form part of pre-application discussions.

Funding for Affordable Housing

- 21.33 The Homes and Communities Agency (HCA) has historically been the main provider of public funding for affordable housing, however in recent years this ability to fund schemes has diminished significantly due to the national economic crisis. Their approach is that affordable housing on Planning Obligation sites should be delivered without the input of grant. If grant were to be considered on a site, their objective would be to ensure that the site delivers more affordable housing or a different mix or higher standards, than would have been possible without grant. If funding becomes available the HCA will assess the 'additionality' offered by a scheme in making a decision regarding potential funding. Developers should therefore assume that no grant will be available to fund the affordable housing, unless an agreement has been made with the HCA. Before the HCA is approached developers must ensure that the Local Authority will support a bid to the HCA for grant funding.

Transfer Prices

- 21.34 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.

Future Policy Changes

- 21.35 The Local Authority will ensure that evidence is kept up-to-date and will include a Policy within the emerging Local Plan on affordable housing.
- 21.36 If new evidence changes the levels or mix of affordable housing required, the new evidence will supersede the requirements set out within this SPD until such a time as this SPD is refreshed to reflect the changes.

- 22.1 The Government's commitment to Parks and Open Spaces³ has evolved significantly in recent years. They are among the community's most valued features. Well managed open spaces not only make an area more attractive but they also contribute towards sustainable development through creating places in which people want to invest and locate, the promotion of healthier lifestyles, urban renaissance, social inclusion and community cohesion.

National Policy Background

National Planning Policy Framework (2012)

- 22.2 Recognises how open space including parks and sports fields plays a vital role in the delivery of sustainable development. It states "access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities."
- 22.3 In order to do this it requires that "planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."
- 22.4 It also recognises the vital importance of existing provision and the need to protect these spaces and facilities in the future, stating "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

Local Policy Background

Hartlepool Local Plan (Adopted 2006)

- 22.5 There are a number of policies within the Local Plan that support the delivery of open space, leisure and play facilities as part of new developments in the town. Policy GEP9 (Developer Contributions)

³ This does not cover Green Infrastructure or Built Sports Facilities which are dealt with separately within the following two chapters.

highlights that the local authority will seek contributions from developers for the provision of additional works deemed to be required as a result of the development towards “the layout and maintenance of open space and play facilities” and also for “the provision of neighbourhood parks.”

- 22.6 Policy Rec2 (Provision for play in new housing areas), Policy Rec3 (Neighbourhood Parks), Policy Rec4 (Protection of Outdoor Playing Space) and Hsg9 (New Residential Layout – Design and other Requirements) all indicate that developer contributions may be needed towards the provision of play and leisure space in the town.
- 22.7 Policy GN2 is also especially critical in protecting against the loss of open space as a result of developments in the town. The policy sets circumstances where the loss of open space to facilitate a development may be permitted but goes on to stipulate that an adjacent site should be enhanced or compensatory open space must be provided on an alternative site, which is in line with national guidance outlined in the NPPF.

Open Space, Sport and Recreation Audit and Assessment (2008 & 2015)

- 22.8 As part of the evidence base for the development of the Local Development Framework Hartlepool Borough Council undertook a PPG17 Assessment which was concluded in April 2008. A new Open Space, Sport and Recreation Audit and Assessment was endorsed in January 2015 to update the evidence base supporting the Local Plan. The specific objectives of the new assessment, reflecting those of the previous assessment, are to:
- provide information about existing community needs and aspirations;
 - analyse how these results vary according to the different demographic characteristics of different groups and communities within Hartlepool;
 - research standards of provision; and
 - develop a set of appropriate standards for Hartlepool.
- 22.9 The types of Open Space that were assessed as part of the study include:
- Urban parks and gardens
 - Amenity greenspace
 - Play areas
 - Outdoor sport facilities (including schools where there is public access either formally or informally)
 - Green corridors
 - Natural and semi natural greenspaces
 - Allotments
 - Churchyards and cemeteries
 - Common land
 - Civic spaces

- 22.10 The Open Space, Sport and Recreation Audit and Assessment 2015 can be viewed at;
http://www.hartlepool.gov.uk/downloads/file/12169/open_space_sport_and_recreation_assessment-january_2015
It sets out the standards that have been endorsed for different types of open space within Hartlepool.

Hartlepool Playing Pitch Strategy (PPS) (2012)

- 22.11 In December 2012 Hartlepool Borough Council adopted a new Playing Pitch Strategy which was developed with the support of Sport England. The PPS guides the delivery of playing fields and outdoor sports facilities and to inform decision making in relation to pitch provision. It sets out the key issues and priorities for facilities for football, cricket, rugby union, rugby league, hockey, tennis and bowls across Hartlepool and identifies specific actions, timescales and responsibilities for implementation and delivery.

Thresholds

- 22.12 Given the importance of outdoor sport and play facilities in creating a town in which people are healthy and active and have a range and choice of high quality activities in which they can partake, the threshold for contributions towards this for residential developments is 5 or more dwellings.
- 22.13 This threshold has been reached following an assessment of potential housing sites which may come forward in the future in the Borough and taking into account the yields which would be expected from each site. Given that all housing will have an impact on the need for play space within the town, and taking into account the cumulative impact of the developments which are likely to be delivered in the coming years it is necessary to set the threshold at this level so that play facilities within the Borough provide high quality play space which adequately meets the needs of the current and expected future population.

Amount and Location of Provision

- 22.14 The amount and location of the provision of outdoor sport and play facilities will vary from site to site. The Local Authority will always require a contribution towards play provision on all residential developments of 5 or more dwellings. Larger sites of more than 100 homes will be expected to incorporate on site provision. On smaller sites this contribution will be towards off site facilities in the vicinity of the development. The developer should liaise with the Local Authority to ensure that the quality and layout of play facilities meets the requirements of the Local Authority.
- 22.15 Developments (as identified in the table 3 below) which bring together large numbers of people will be required to make a contribution towards play facilities and outdoor sports facilities in the vicinity of the development. The Open Space, Sport & Recreation Assessment 2015 and the 2012 Playing Pitch Strategy will be used to identify where the financial contribution should be spent.

Table 3 – level of Contributions Outdoor Sport and Play Facilities

Type of development	Planning Obligation	Level of Contribution
Residential	Play Facilities	£250 per unit (where development exceeds 100units onsite provision required.)
Residential	Playing Pitches	£233.29 per unit
Residential	Tennis Courts	£57.02 per unit
Residential	Bowling Greens	£4.97 per unit

22.17 The levels of contribution outlined in the table are based on standards in relation to Outdoor Sport set out within the Hartlepool Playing Pitch Strategy (2012):

- Playing Pitches 0.9 Hectares per 1000 population.
- Tennis Courts is 0.02 hectares per 1000 population.
- Bowling Greens is 0.03 hectares per 1000 population.

22.18 Calculations have been made using Sport England's facility's cost information available at;
<http://www.sportengland.org/media/198443/facility-costs-4q13.pdf>. In exceptional circumstances given the nature of the development (e.g. one person units) the level of contributions may be split to household composition to be developed.

22.19 The playing pitch standard is 9000sq.m per 1000 population which equates to 9sq.m per person. Cost per square metre for constructing varying sizes of football pitches, and rugby pitches has been averaged, and it equates to £11.27 per sq.m.
 Therefore the cost per person of Hartlepool's playing pitch standard is £11.27 x 9 = £101.43
 Based on an average household of 2.3 persons⁴ this is **£233.29** per unit / household.

22.20 The tennis court standard is 200 sq.m per 1000 population which equates to 0.2sq.m per person. The costs for tennis courts including floodlighting is £123.94 per sq.m.
 Therefore the cost per head of Hartlepool's tennis court standard is £123.94 x 0.2 = £24.79
 Based on an average household of 2.3 persons this is **£57.02** per unit / household.

22.21 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.
 Therefore the cost per head of the standard is therefore £71.86 x 0.03 = £2.16.
 Based on an average household of 2.3 persons this is **£4.97** per unit / household.

⁴ Tees Valley Unlimited - the average household size is the resident household population divided by the number of occupied households. Tees Valley figures are Mid Year; England & Wales figure for 2011 is Census day.

Maintenance of facilities

- 22.22 Where the developer makes a payment for off-site play or outdoor sports facilities, they will also be expected to pay a commuted sum for the maintenance of the facility for a 20 year period from the point at which the facility is completed. Where the developer is not the sole contributor towards the overall cost of a facility, there will be an apportionment of the maintenance cost based on the percentage of its contribution towards the overall cost of the facility.
- 22.23 Discussions with the appropriate department within the Local Authority will be necessary at the application stage to determine the level of maintenance contribution that is necessary towards the upkeep of the facility.

Timescale for contributions to be paid to and held by Local Authority

- 22.24 All developer contributions should be paid to the Local Authority on commencement of the development. The contributions will be paid into an account by the Local Authority.
- 22.25 In exceptional circumstance in large-scale development, it may be appropriate that payments or provision would be phased in order to meet the proportional impact of each phase. Trigger 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.

23.0 Built Sports Facilities

- 23.1 The provision of local sports facilities is essential to the health and well being of the population. Where new development occurs it is vital that sufficient sports provision is made to encourage residents to lead active lifestyles.
- 23.2 Hartlepool has a lack of sports facilities suitable for the higher levels of performance sport so talented athletes invariably need to travel to other towns where facilities meet their needs. Current facilities are not capable of staging or supporting major sporting events. Many of the local sports facilities are low quality and there is an urgent need for investment to modernise, improve and expand facilities.

National Policy Background

- 23.3 There are numerous national policies aimed at improving the quality and provision of sporting facilities across the country. One of Sport England's priorities is to use the success and national pride that was created by the 2012 London Olympics and people's passions for sport to encourage a more active and sporting nation.
- 23.4 Almost all of the national policies recognise the importance and significance of sport and education in meeting a number of different agenda, including:
- Increasing participation in physical activity
 - Reducing obesity, particularly amongst children and young people
 - Economic regeneration
 - Increasing access and targeting under-represented groups.

National Planning Policy Framework (2012)

- 23.5 The NPPF promotes the use of shared facilities included sport facilities and advises local authorities to plan positively for them and to guard against their loss, particularly where this would reduce the community's ability to meet their day to day needs. It also identifies the need for local assessments of facilities to identify any qualitative or quantitative issues that need to be addressed, thus helping to ensure adequate provision is made to meet the needs of the community.

Assessing Needs and Opportunities Guidance (Sport England) (2013)

- 23.6 Sport England has consulted on this piece of draft guidance which focuses on the practicalities of producing a clear and robust assessment to help develop and apply local planning policy. The guide will therefore assist Local Authorities with meeting the requirements of the National Planning Policy Framework (paragraph 73) and will ensure that built sports facilities meet the needs and aspirations of the communities that use them.

Local Policy Background

Hartlepool Local Plan (Adopted 2006)

- 23.7 The Hartlepool Local Plan recognises the need for sports and leisure facilities which will attract large numbers of visitors to locate in sustainable locations in line with national guidance. As such policy Rec14 (Major Leisure Developments) sets out a sequential approach that should be followed in locating major new sports and leisure facilities within the town.

Indoor Leisure Facility Strategy (2013)

- 23.8 In 2013 the Local Authority appointed consultants to undertake a refresh of the indoor leisure facilities strategy which was carried out previously by consultants in 2007. It looks at the provision of sports halls, swimming pools, and other indoor leisure activities within the town. It recognises that the development and/or refurbishment of sporting and other cultural facilities in Hartlepool could contribute significantly to the achievement of priorities in terms of addressing Government aims to achieve higher levels of activity in the population.

- 23.9 The strategy had 4 specific objectives:

- To provide a firm foundation upon which policy decisions and funding for future development can be based;
- To support initiatives by voluntary and private sector groups to develop new or improved indoor sports facilities for the Borough that meets broader strategic aims;
- To develop and maximise the opportunities for school and community sport through educational facilities; and
- To improve the quality and provision of the Council's indoor sports facilities to meet the expectations of local residents.

- 23.10 The consultants were also asked to look at asset management issues and options including the development of new facilities, the re-development of existing facilities and the closure or disposal of facilities.

- 23.11 There are a number of significant findings, conclusions and recommendations which the report identifies, they are:

- The current position regarding facilities is not sustainable in the long-term as many key sites are beyond their economic life – in particular, the school swimming pools are life expired.
- The newer facilities at the Headland and Brierton are key facilities in terms of the Borough's provision now and longer-term into the future.
- The strategy recommends that a new Borough leisure centre facility is constructed to replace the existing provision at Mill House. Ideally this should be done in such a way that the swimming facilities in particular remain in operation until such time as this opens. The capital cost is estimated to be in the region of £16m or at a significantly reduced cost if new pool

facilities were constructed alongside the present dry facilities at the Mill House site. A further assessment of this would be required.

- Highlights the potential for a new pool at Brierton Sports Centre at a capital cost estimated to be in the region of £5m.
- In order to ensure access to a pool facility on the North West of the Borough, the pool at High Tunstall should be retained. This will require refurbishment works (estimated minimum £250k). The alternative would be to construct a replacement pool estimated at £3.5m.
- The redevelopment and/or refurbishment of the school/college sports halls serves to consolidate the service provision to the town's residents but additional investment may be required to provide separate entrances, reception areas etc.
- The Council has a role to ensure that educational facilities are developed, managed and operated in a consistent manner and in accord with industry and legislative standards.
- The current provision of sports halls is well over what is required if the parameters of the facilities planning model (FPM) are to be adopted but current programmes of use demonstrate that there is actual demand for more than the minimum suggested.
- Whilst not eligible to be included as part of Sport England's Facility Planning model, Belle Vue Community, Sports and Youth Centre plays an important part in the overall provision of the town's facilities.
- The strategy would provide a good range of indoor multi-purpose sports facilities but in order to maximise their value in the development of sport and physical activity, it will be important to ensure the delivery of an enhanced and coordinated programme of participation opportunities, both targeted at specific user groups and available to the general resident and visitor population.
- The Council will need to consider and explore the financial options open to it in terms of the delivery of the Strategy. This may also ultimately mean considering alternative management arrangements for the facilities in order to provide the capital investment required rather than continuing the management under the current in-house arrangement.

23.12 It is clear that even without further growth of the town, significant investment is needed in the built leisure facilities around the town. It is therefore reasonable to expect that new development which will further add to the strain on these facilities contributes towards the improvement and where necessary re-provision or new provision of facilities. The Council will seek other sources of grant funding and private investment which will be used alongside any developer contributions to meet the needs of the town. The Council will use the findings and recommendations of the study to direct developer contributions for built sport facilities to the most appropriate location in relation to a development.

Thresholds

- 23.13 Given the importance of indoor sports facilities (both wet and dry) in creating a town in which people are healthy and active and have a range and choice of high quality activities in which they can partake, it is considered that all new developments of 5 or more dwellings should contribute towards built sports facilities within the town.

Levels and Location of Provision

- 23.14 In order to comply with CIL Regulations outlining only 5 developer contributions can be pooled towards one discrete element of infrastructure; developers will be informed at application stage where their contribution is being directed. It is likely that contributions from major strategic developments will be put towards the Mill House Leisure Centre renewal or replacement.

Table 4 – Level of Contribution for Built Sports Facilities

Type	Level of Contribution
Residential	£250 per unit towards new or improved built sports facilities

Maintenance of facilities

- 23.15 Given the scale of the major indoor leisure facilities, and taking into account development viability, no maintenance costs will be required from developers towards the upkeep of the facility.

Timescale for contributions to be held by Local Authority

- 23.16 All developer contributions will be paid to the Council on commencement of the development. The contributions will be paid into an account by the Local Authority. This pot of money will be used towards the delivery of built sports facilities in the town.
- 23.17 In exceptional circumstance in large-scale development, it may be appropriate that payments or provision would be phased in order to meet the proportional impact of each phase. Trigger 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.

24.0 Green Infrastructure

- 24.1 Green infrastructure is defined as:
*"The physical environment within and between our cities, towns and villages. It is a network of multi-functional open spaces, including formal parks, gardens, woodlands, green corridors, waterways, street trees and open countryside. It comprises all environmental resources, and thus a green infrastructure approach also contributes towards sustainable resource management".*⁵
- 24.2 Green infrastructure planning involves the provision of strategically planned networks that link existing (and proposed) green spaces with green corridors running through urban, suburban, urban fringe, and rural areas. Through the maintenance, enhancement and extension of these networks multi-functional benefits can be realised for local communities, businesses, visitors and the environment.
- 24.3 Green infrastructure offers opportunity for the accommodation of Sustainable Drainage Systems (SuDs) and flood alleviation schemes where inclusion of such provision is required.

National Policy Background

National Planning Policy Framework

- 24.4 The NPPF notes the importance of green infrastructure and describes it as a *"network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities."* It notes that Green Infrastructure can be used as an adaption measure in areas of risk in terms of issues such as flooding. It goes on to state that in the preparation of plans local authorities should *"set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure."*

National Planning Policy Guidance (2014)

- 24.5 This guidance contains a significant amount of information on the importance of biodiversity, ecosystems and green infrastructure and sets out helpfully the law regarding its protection such as Section 40 of the Natural Environment and Rural Communities Act 2006 which places a duty on all local authorities, in the exercise of their functions, to the purpose of conserving biodiversity. Key documents such as the Natural Environment White Paper are also discussed which provides important details on ecologic networks.
- 24.6 The NPPG also provides guidance on elements of green infrastructure such as Local Sites and Nature Improvement Areas, Ancient Woodland

⁵ Green Infrastructure Planning Guide; Northumbria University, North East Community Forests, University of Newcastle upon Tyne, Countryside Agency, English Nature, Forestry Commission, Groundwork, 2005

and Veteran Trees and provides guidance on how it should be considered in the preparation of a planning application. It notes that sufficient green infrastructure should be designed into a development to make the proposal sustainable. If this green infrastructure helps to mitigate any significant harm to biodiversity (among other benefits) then this should be taken into account in deciding whether compensation may also be needed.

- 24.7 The NPPG also notes how planning conditions and obligations can be used to ensure that mitigation or compensatory measures, such as a biodiversity offsetting scheme are secured.

Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services

- 24.8 This document highlights England's strategic direction in terms of biodiversity up to 2020. Biodiversity is key to the survival of life on Earth. Its loss deprives future generations of irreplaceable genetic information and compromises sustainability. It notes that the recent National Ecosystem Assessment also shows just how much nature provides for us in this country. For example, the enormous value of inland wetlands to water quality, the value of pollination to agriculture, the health benefits of experiencing nature and, not least, how nature and wildlife enrich all our lives. All of these are elements of green infrastructure and illustrate its importance in sustainable development.

Natural Environment White Paper: The Natural Choice; Securing the Value of Nature (2011)

- 24.9 The white paper places the value of nature at the centre of the choices our nation must make: to enhance our environment, economic growth and personal wellbeing. By properly valuing nature today, we can safeguard the natural areas that we all cherish and from which we derive vital services.
- 24.10 It notes that *"Economic growth and the natural environment are mutually compatible. Sustainable economic growth relies on services provided by the natural environment, often referred to as 'ecosystem services'. Some of these are provided directly, such as food, timber and energy. Others are indirect, such as climate regulation, water purification and the productivity of soil."* One of the key actions of the White Paper is to establish a Green Infrastructure Partnership with civil society to support the development of green infrastructure in England.

Sub Regional Policy Background

Tees Valley Green Infrastructure Strategy (2008)

- 24.11 One of the greatest challenges facing the Tees Valley is to create attractive places and an environment that offers a quality of life that will encourage people to stay and will attract new investment and entrepreneurs.

24.12 Green infrastructure can play a key role in helping to achieve the economic and sustainable vision for the Tees Valley. The scale of development and regeneration envisaged requires a new way of looking at the environment, and in particular how new development and redevelopment can contribute to environmental quality.

24.13 The green infrastructure concept offers a way of viewing open space provision as a resource that should be planned strategically and delivered in an integrated way across regions and sub-regions. The vision for green infrastructure in the Tees Valley is:

“To develop by 2021 a network of green corridors and green spaces in the Tees Valley that:

- Enhances the quality of place and environment for existing and future communities and potential investors;*
- Provides an enhanced environmental setting and context for new development, regeneration projects, and housing market renewal initiatives and produces schemes of high quality design;*
- Creates and extends opportunities for access, recreation and enhancement of biodiversity, and*
- Provides a buffer against the effects of climate change.”*

Tees Valley Biodiversity Action Plan

24.14 The Tees Valley BAP was produced in 1999 and consists of a series of Species and Habitat Action Plans setting out the current status, targets for protection and enhancement plus the actions to be taken by each partner organisation. It is carried out by the Tees Valley Biodiversity Partnership, which is a partnership of local organisations and people working together to benefit our wildlife. This document takes the objectives and targets of the UK Biodiversity Action Plan and translates and amplifies them into a Tees Valley context. Focusing on the most significant elements of the Tees Valley’s environment, it sets out the actions needed to achieve those objectives and targets.

Hartlepool Local Plan (2006)

24.15 Although there are no specific references to the term “green infrastructure” within the Local Plan, many of the policies within the plan are aimed at ensuring that the environmental assets of the Borough are all safeguarded and enhanced where possible. These include the coastline and its environs (WL3), the Green Network (Policies GN1 and GN3), open spaces (Policy GN6), natural environments (Policy Rec8, Rec10, WL2, WL5 & WL7) green wedges (Policy GN2), parks (Policy Rec3), recreational routes (Policy Rec9) and the rural hinterland (Policies Rur1 and Rur7). Policy GEP 9 (Developer Contributions) also highlights those contributions that the Local Authority may seek where deemed to be necessary as a result of the development. Contributions towards landscaping and woodland planting, open space, neighbourhood parks and nature conservation features are all included in this policy and are seen as important elements of green infrastructure.

Hartlepool Green Infrastructure SPD and Action Plan (2014)

- 24.16 These documents form part of the Local Development Framework and will be used in the determination of planning applications and also to ensure that the Borough's green spaces are not only protected but enhanced for the benefit of all. Where planning contributions are secured towards green infrastructure as part of a planning application the SPD and Action Plan will be used to direct the contribution to the most appropriate scheme in relation to the application.

Thresholds

- 24.17 Given the importance of green infrastructure in creating a town and region in which people want to live and work and businesses want to invest in, the threshold for contributions towards green infrastructure for residential developments is 5 or more dwellings. Other types of developments may be expected to contribute towards this initiative as it is seen as critical in ensuring the town develops in a sustainable way in the future.

Level of Contribution

- 24.18 Given the importance that is placed on green infrastructure both at a national and regional level, the Local Authority will require all types of developments indicated in Table 5 below to contribute. This level of contribution has been illustrated to be viable (via viability testing) on schemes within Hartlepool over recent years.

Table 5 – Level of Contribution for Green Infrastructure

Type	Level of Contribution
Residential	£250 per dwelling
Commercial:	
A1 Food Retail/Non Food Retail	£20,000 Threshold of 500sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace
B1 Including Offices	£5,000 Threshold of 1000sq m (gross). Contribution increases by £1,000 per additional 100sq m (gross) of floorspace
Other	Case-by-Case basis

- 24.19 All developer contributions will be paid to the Local Authority on commencement of the development. The contributions will be paid into an account by the Local Authority. Contributions will be subdivided into pots of no more than five contributions towards the delivery and maintenance of a particular piece of green infrastructure as outlined within the Green Infrastructure SPD and Action Plan. Developers will be informed when and where their contribution has been invested.

24.20 In exceptional circumstance in large-scale development, it may be appropriate that payments or provision would be phased in order to meet the proportional impact of each phase. Trigger 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.

25.0 Highway Infrastructure

National Policy Background

National Planning Policy Framework (2012)

- 25.1 Sets the position in terms of how transport should be dealt with both in plan preparation and in the determination of planning applications. It notes that *“transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives”* and that *“in preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.”*
- 25.2 It goes on to state that *“all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
 - safe and suitable access to the site can be achieved for all people; and*
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 25.3 Where it is likely improvements to the highway network will be required as a result of the development, the NPPF notes that the scale of obligations should still provide competitive returns to a willing landowner and developer. It notes that it is therefore important for local authorities to understand the costs of infrastructure associated with development of the sites within a developing plan.

Sub Regional Policy Background

Tees Valley Strategic Infrastructure Plan (2014)

- 25.4 This plan gives an overview of the Tees Valley's transport network noting some of the key issues and challenges. One of the main issues it highlights is that the majority of travel is currently by private car and this has resulted in a number of *“pinch points”* on the highway network which impacts on the reliability of the road network. The Plan highlights some of the key investments and improvements which are needed over the coming years to increase the national competitiveness of the sub region.

Local Policy Background

Hartlepool Local Transport Plan 3 (LTP) (2011-26)

- 25.5 The LTP, in tandem with the Hartlepool extant and emerging Local Plan, will help shape transport policy in the Borough. The LTP should be used alongside the extant and emerging local plans in reference to transport strategy and policies. The local plan will, through its written statement and policies, seek to reflect the strategies set out in the LTP.
- 25.6 LTP3 recognises the significant reductions in funding (from the previous 2 LTP's) towards implementing a sustainable transport network within Hartlepool. It however also recognises that by addressing transport problems and concerns we can improve access to jobs and skills, enhance the competitiveness of the region, and also improve social inclusion, health and access to key services.
- 25.7 The LTP is split into two main sections looking at longer term highway aspirations and needs and a shorter term delivery plan.

Hartlepool Local Plan (2006)

- 25.8 National, regional and local transport policy recognises the need for sustainable transport solutions (such as the promotion of public transport, cycling, walking etc), and that current trends in increased car ownership and usage cannot be supported in the longer term. As such, future transport investment needs to focus on measures that encourage modal shift away from the car and increase travel choice by improving conditions for pedestrians, cyclists and public transport users. This is in line with policies Tra5 (Cycleways Network), Tra16 (Car Parking Standards), Tra20 (Travel Plans).
- 25.9 The Local Plan highlights a number of policies where improvements to the road infrastructure in town will be necessary. Where viable, developments in the vicinity of these improvements will be expected to contribute toward the cost of implementing these schemes where it is shown that the development will have an impact on the road network.

Hartlepool Transport Assessments and Travel Plans SPD (2010)

- 25.10 The document promotes good practice in support of the Council's vision for sustainable development. It gives guidance additional to that set out in the Hartlepool Local Plan with regard to transport and accessibility by encouraging a choice of transport options for new development which are safe, efficient, clean and fair. The guidance seeks to minimise the need to travel and to improve accessibility by providing real alternatives to the private car. The document encourages developers to take account of transport issues at an early stage in the preparation of development proposals and describes what measures should be taken to achieve the transport objectives through the implementation of Travel Plans.

Hartlepool Local Infrastructure Plan (2012)

- 25.11 The Local Infrastructure Plan (LIP) was developed to support the production of the Local Plan (which was subsequently withdrawn following the examination) and highlighted the pressures that were put on specific highway infrastructure as a result of the proposed development. The LIP was drawn up in consultation with the Highways Agency and helps to give an understanding of some of the key areas of the highway network which will need investment if development in certain areas of the town comes forward. The LIP is an adopted document which will be refreshed as the new Local Plan is drawn up⁶. It should be referred to by developers considering development in the town before a new Local Plan is in place.

Off-site Provision

- 25.12 Assuming that car ownership and use patterns remain or increase it can be expected that new developments will increase the number of vehicular trips on the surrounding road network. This could cause problems for the safe and free flow of traffic. In these circumstances, works or contributions will be required to mitigate the negative impacts of the development.
- 25.13 To look at the impacts developments within the Local Plan will have on the road network the Council will work closely with neighbouring authorities (where there are cross boundary implications from a development), the Local Enterprise Partnership (LEP) / Tees Valley Unlimited (TVU) and the Highways England (HE) to ensure that developments which are proposed will not adversely impact on the highway network to such an extent that the development is not acceptable. Modelling will be undertaken using both sub regional and HE models to assess the likely impact from developments. Where works to the highways networks are necessary this will need to be factored in at an early stage to assess the deliverability of the scheme.
- 25.14 Developers have a responsibility to provide improvements to the transport network within the vicinity of their site to cater for increased vehicular movement, or increased size of vehicles needing to use nearby junctions. The extent of any improvements required to ensure the safe and efficient operation of the development and the local highway network will be determined in the light of the Transport Assessment Statement submitted with the planning application. Highway access improvements will normally be secured through a section 278 agreement. Highway mitigation measures on the wider network will normally be secured through a Planning Obligation Agreement. Highway improvements will only be required where they are essential for the operation of the development and the adjacent highway network.

⁶ Upon endorsement of an updated Hartlepool Local Infrastructure Plan as part of the Local Plan development, this will become the reference document for this SPD, superseding the Hartlepool Local Infrastructure Plan (2012).

25.15 Therefore, all works required under the Transport Assessment (TA) or Transport Statement (TS) will need to be secured under the Planning Obligations Agreement or via condition.

25.16 Developers have an important role to play in encouraging sustainable travel and will be required to submit a travel plan with all applications likely to generate significant amounts of travel. Development proposals for all major developments within the boundaries of Hartlepool will require a travel plan when the following thresholds are exceeded:

Table 6 – Development Thresholds requiring a Travel Plan

LAND USE CLASS	THRESHOLD
A1 - Food Retail and Non Food Retail	500sq m (gross)
B1 - Business	1000sq m
B2 General Industry B8 Storage or Distribution	2500sq m
Residential – Dwelling Houses	50 units
Other	Case-by-Case

25.17 Travel plans can be secured through conditions on the planning permission, rather than through the Planning Obligations Agreement. However, there will be circumstances where the Travel Plan will be required through the Agreement. This will be on sites where there are particular concerns that the targets within the Travel Plan will not be met or where they are so important to the decision to grant planning permission that they must be adhered to. In these cases the Agreement will secure the submission of the Travel Plan and will also put in place measures to pursue targets and address any failure to meet targets.

25.18 There will be a requirement placed on the developer to submit annual reports on whether, or to what extent, the Travel Plan targets have been met for that year. DfT 'Good Practice Guidelines – Delivering Travel Plans through the Planning Process' (2009) states in Section 9 that *Local Authorities should consider charging for Travel Plan monitoring and Review to help encourage implementation of Travel Plans that have been secured*. The Council will require this unless it can be illustrated that to do so would impact on the viability of the development to such an extent that it would mean that the scheme was not deliverable.

Level of Contribution

- 25.19 The type and level of contribution required for off-site highways works can only be determined on a site by site basis through the developments TA. If there is an existing use on the development site, the traffic generation from that use will be taken into account when determining the impact of the new proposal. The developer will only be expected to mitigate the impact of the additional traffic caused by their new use.
- 25.20 In instances where highway works are needed as a direct result of the development, and considering the lack of public funding available for investment in highway infrastructure, the full cost of the mitigation measures will need to be met by the developer unless there is any grant funding available, for example through the HA which could help to cover the costs of the work. The presumption will be that the works will be either carried out by the Local Highway Authority, under a section 278 Agreement, or by the developer to a specification and timetable agreed with the Local Authority. In the vast majority of cases the works will need to be carried out before the legal completion of the first unit within the development.
- 25.21 Where a number of different developments will give rise to a need for off-site highways improvements, contributions will be required from each development towards those works. The level of contribution for each development will be determined by applying a pro-rata contribution based on the trip generation of each development.

26.0 Community Facilities

- 26.1 Community facilities including schools, community centres, libraries and health care facilities are vital to ensure communities are prosperous, sustainable, healthy, vibrant and safe. The provision of a range of community facilities is particularly important on large sites where whole new communities are being created. It is also important however, to ensure that the scale of existing facilities keep up with expanding populations through smaller incremental developments.
- 26.2 Community facilities generally will be dealt with 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. In terms of contributions towards education provision, capacity in nearby schools, along with other known developments and the pressures they will create will be taken into consideration in determining whether contributions are needed. The following paragraphs set out some general principles and highlight the types of community facilities which may be required. In some instances contributions may be required not only towards the development of new facilities but also towards the sustainable refurbishment or extension of existing facilities.

National Planning Background

National Planning Policy Framework (2012)

- 26.3 The NPPF states that *“the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- give great weight to the need to create, expand or alter schools; and*
 - work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

National Planning Policy Guidance (2014)

- 26.4 This guidance sets out in Policy statement – planning for schools development, the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. Placing a duty on Local Authorities to *‘make full use of their planning powers to support state-funded schools applications. This should include engaging in pre- application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.’*

Local Policy Background

Hartlepool Local Plan (2006)

- 26.5 Policy GEP9 of the Hartlepool Local Plan 2006 supports the requirement for contributions towards community facilities such as schools, thus helping to ensure that the boroughs education infrastructure can cope with developments over the coming years.

Education Facilities

- 26.6 Education infrastructure is an integral part of new residential development and is essential in order to achieve sustainable communities. Developments that are likely to generate an increased demand for school places will need to contribute towards expanding existing education facilities where the development is not of a sufficient size to require a new school. This will include contributions and/or the allocation of land to enable schools to be built or extended.
- 26.7 Contributions will only be sought for these developments where there is insufficient capacity in existing local schools to cope with the pressures associated with development in the area. When looking at spare capacity the Local Authority will also take into account other developments in the vicinity, and information on projected future pupil numbers.
- 26.8 The following types of residential development will be exempt from education obligations: sheltered housing, student accommodation, care homes and residential homes for the elderly.

Primary Schools

- 26.9 For developments of 750 dwellings or more a primary school will normally be required on-site, subject to spare capacity in local schools. In cases where a school is to be provided on site, the developer will normally be expected to set aside sufficient land and to pay towards the construction of the educational facilities to the Local Authority's design and specification. Early dialogue between all parties will be critical to ensure that additional sources of funding can be obtained to enable the school to be provided at the necessary point in time to meet demand. In certain circumstances, if the developer can illustrate that the construction of the school cannot be justified in viability terms; the Local Authority may be willing to accept a parcel of land on site which would be used to construct new education facilities with a reduced financial contribution to assist with construction costs.

Off-site Provision

- 26.10 At the current point in time it is unlikely that a new, off-site school would be required as a result of any development site in Hartlepool. Sites over the threshold noted above would provide a school on site and other sites would be required to make a financial contribution towards the extension or refurbishment of a nearby school where it is considered by the Local Education Authority that the schools in proximity to development will be unable to cope with the additional children generated by the development.

Financial contributions

- 26.11 A local formula has been developed, reflecting the number of pupils expected to reside in the dwellings during and beyond completion of the development. The calculations for primary schools are summarised below⁷:

⁷ Cost per place subject to change in line with the most recent produced figures from DfE.

Primary Contribution (based on example of 200 homes)

15 community primary school pupils per 100 houses built
3.6 Roman Catholic primary pupils per 100 houses built
Total -18.6 primary pupils in total per 100 houses built

$200 \text{ (Number of houses to be built)} / 100 \times 18.6 \text{ primary pupils} = 37.2$ (total primary pupils from development) (round down if below 0.5)

In order to calculate the overall cost of providing these places, the cost per place must be calculated. The DfE annually updates the cost of guidance relating to the provision of educational facilities.

The cost factor per primary school place (outside of London) is currently (2014) **£9,165***.

The commuted sum sought from the development for Primary education provision can then be calculated as $37 \text{ (places)} \times £9,165 \text{ (cost per place)} = £339,105$

* The cost per school place figures are reviewed regularly, therefore the figure above is subject to change. Contributions will be calculated on the correct figure at time of application submission.

- 26.12 All financial contributions will be index linked (using the Retail Prices Index – all items) to the date of the determination of the planning application by the council. Where there is clear evidence that the costs of relevant works/services have increased or decreased (having regard to the most up to date cost data published by the council), then any financial contributions sought through planning obligations may be adjusted accordingly.

Secondary schools - On-site or Off-Site provision

- 26.13 The need for an additional secondary school is not considered likely in Hartlepool, given the planned rebuilding and remodelling of the town's existing schools via the current government programme which will see Manor School rebuilt. In the future should the town expand significantly, and, as a result, there is an identified need for a new secondary school, this will be considered at that time. However there may be a requirement for investment into existing secondary schools where there is insufficient capacity within nearby schools or where there is capacity but investment is needed in the building to secure that capacity for the future. If a contribution is required, the following calculation will be used:

Secondary Contribution (based on example of 200 homes)

10 secondary pupils per 100 houses built
3 Roman Catholic secondary pupils per 100 houses built
Total - 13 secondary pupils in total per 100 houses built

$200 \text{ (Number of houses to be built)} / 100 \times 13 \text{ secondary pupils} = 26$ (total secondary pupils from development)

In order to calculate the overall cost of providing these places, the cost per place must be calculated. The DfE annually updates the cost of guidance relating to the provision of educational facilities.

The cost factor per secondary school place (outside of London) is currently (2014) **£12,205***.

The commuted sum sought from the development for secondary education provision can then be calculated as $26 \text{ (places)} \times £12,205 \text{ (cost per place)} = £317,330$

* The cost per school place figures are reviewed regularly, therefore the figure above is subject to change. Contributions will be calculated on the correct figure at time of application submission.

26.14 As with the contributions to Primary education these will be index linked (see 26.12).

Community Centres

26.15 Community centres provide an important focus for local people and contribute to the economic, social and cultural life of neighbourhoods by providing leisure, recreation, education and job training opportunities for a range of groups. Community centres can help to create sustainable neighbourhood centres that contribute to the local economy through provision of affordable space for meetings, training and functions together with workspace for local businesses, organisations and community enterprises. They provide a vital resource for building a cohesive community and as such are important in residential developments.

National Policy Background

National Planning Policy Framework (2012)

26.16 Localism is at the heart of the Government's changes to the planning system and a key element of that is ensuring the growth of cohesive communities. The NPPF requires local authorities to plan positively for the provision and use of shared space, community facilities (such as... meeting places...cultural buildings...) and other local services to enhance the sustainability of communities and residential environments and to guard against the loss of valuable community facilities which would reduce the community's ability to meet its day to day needs.

Local Policy Background

Hartlepool Local Plan (2006)

26.17 Policy GEP9 of the Hartlepool Local Plan 2006 enables the authority to seek contributions towards community facilities, such as community centres, where they are considered necessary as part of a development and where their provision would not impact on the overall viability of the development.

On-site Provision

26.18 On large residential sites (over 750 dwellings), where a new community centre is required on-site the Local Authority would require the developer to build the facilities themselves, to a design agreed by the Local Authority.

Maintenance

26.19 In situations where the developer has provided a new community centre facility, the Local Authority will seek a commuted sum to provide for the maintenance of the facility for an agreed period which is usually 20 years, subject to viability of the development.

27.0 Training and Employment

- 27.1 Within all new developments it is becoming important to encourage that Local Labour Agreements and Training initiatives help to provide local people with an opportunity to gain employment or training as part of the development. Within the town a number of agreements have been put in place over the past few years, all of which have contributed significantly towards ensuring good quality jobs and opportunities for the residents of Hartlepool.
- 27.2 These agreements can help to ensure that new developments employ a certain percentage of unemployed people, local residents and people with disabilities and also help to maintain these positions and levels in the future.
- 27.3 This includes seeking opportunities in the form of training and employment on schemes to repair and restore heritage assets in order to build capacity in terms of traditional crafts and skills which are in short supply in the North east region generally.

Policy Background

- 27.4 The Hartlepool Borough Council Targeted Training Recruitment and Training Strategy 2007 commits the Council to *“achieving the economic, social and environmental objectives set out in the Hartlepool Community Strategy so as to ensure a better quality of life for everyone, now and for generations to come. To achieve this, the Council commits to the following actions to the fullest extent possible within the relevant legal and policy frameworks and the available funding:*
- To include training, equal opportunities and employment requirements, and opportunities for small and medium sized enterprises, in its service requirements, where it considered appropriate.*
 - To include other social and environmental matters in its service requirements, where it considers appropriate.*
 - To use these requirements in all stages of the selection and appointment process, and as contract conditions.”*
- 27.5 The Council has an adopted Targeted Training and Employment Charter 2007. This Charter allows the Local Authority to incorporate targeted training and employment matters in planning and development proposals/briefs where it is appropriate and affordable.
- 27.6 In addition, the Council has also implemented the Constructing Hartlepool Strategy 2014 which complements the shared goals of key documents such as Hartlepool Vision, Masterplan, Economic Regeneration Strategy and Housing Strategy. Through this strategy, developers will be invited to advise the Council on how they plan to incorporate local supply chains and targeted, recruitment and training (TRT) clauses within their planning proposal which will support business growth and enable greater access to employment and skills for local residents.

Thresholds

- 27.7 All new developments over the thresholds in table 7 below will be required to put into place a training and employment plan.

Table 7 – Development Thresholds requiring a Training and Employment Plan

Type	Threshold
Residential	Over 10 units
<u>Commercial:</u>	
A1	
Food Retail/Non Food Retail	500sq m floorspace
B1	
Including Offices	1000sq m floorspace
C1	
Hotels	Over 10 bedspace
D2	
Including leisure	1000sq m floorspace
Other	Case-by-Case basis

Delivery Requirements

- 27.8 Where a development is required to include training and employment as part of a planning obligation the local authority may ask for targeted recruitment and training requirements relating to both the construction of developments and the long term recruitment policy of the company who would operate the building or development.
- 27.9 Early discussions with the developer will help to ensure that there is a clear understanding of the specific targeted recruitment and training requirements that would be appropriate for the development and also to help set out the likely mechanisms that will ensure that these requirements can survive delays, changes in developer or other changes in circumstances that may influence the requirements of the development.
- 27.10 The contact point in relation to queries on Training and Employment requirements is Antony Steinberg, Economic Regeneration Manager, Tel. 01429 857081.

National Policy Background

National Planning Policy Framework (2012)

- 28.1 The Government's commitment to the protection and enhancement of Heritage assets through the planning system is set out in Section 12 of the NPPF. The NPPF requires local authorities to have a positive strategy for the conservation and enjoyment of the historic environment, outlining that in determining applications; local authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance (2014)

- 28.2 This guidance sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past.
- 28.3 This guidance states that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- Public benefits may include heritage benefits, such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - reducing or removing risks to a heritage asset
 - securing the optimum viable use of a heritage asset in support of its long term conservation

Local Policy Background

- 28.4 Hartlepool has eight conservation areas which all vary in character. Six of the conservation areas lie in the main urban area of the town, and the two others in outlying villages. Conservation area appraisals outline the character for each of the areas. There are 212 Listed Buildings and whilst Hartlepool has a number of buildings that are deemed of national importance there are many buildings that locally make a contribution to the character and historical legacy of the areas in which they are located. The Council has put together an extensive 'local list' of buildings to recognise the significance of these properties to Hartlepool. [A list of buildings of local interest is available to download.](#)

Hartlepool Local Plan (2006)

- 28.5 Policy HE1, HE2, HE3, HE8 and HE12 of the Hartlepool Local Plan 2006 sets out the Local Authority's position in relation to the protection and enhancement of heritage assets.

Thresholds

- 28.6 There are no set thresholds in relation to Heritage Assets; impact of development will be assessed on a case by case basis.

Delivery Requirements

- 28.7 Where a development affects heritage assets or their settings, harm may be caused to their historic significance in exceptional circumstances, therefore mitigation measures will be required as part of the development. By way of example these could include, but would not be limited to the following,
- 'In kind' payments, including land transfers: this could include the transfer of an 'at risk' building.
 - 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.
 - 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 assets.
- 28.8 It is acknowledged that 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 planning obligation requirements. In these cases it is accepted that negotiation will take place with developers to ensure the protection and enhancement of heritage assets will take precedent.

APPENDIX 1 – ECONOMIC VIABILITY ASSESSMENT

1. Introduction

- 1.1 Evidence presents a clear need for affordable housing, however it is acknowledged that the level of 44% may have an impact on the viability of developments coming forward. Therefore an assessment of affordable housing economic viability assessment has been prepared to determine an affordable housing target.
- 1.2 A deliverable affordable housing target of 18% has been established.

2. Residential Development Assumptions

- 2.1 In order to assess the economic viability and the ultimate deliverability of new residential development with regard to the level of affordable housing contributions certain assumptions were made with regard to the value of development, land value, build costs, finance costs etc. The development assumptions made are illustrated in Tables 4 to 8.
- 2.2 The values of the development assumptions have been arrived at by reviewing:
 - The most likely development types likely to come forward in Hartlepool in the future; i.e. medium to high quality Greenfield residential schemes.
 - A representative sample of the development costs/values set out in submitted economic viability assessments which have been submitted to the Council over the last few years.
 - Local development cost/value indicators.
 - Standard development costs in the local area as represented in the Building Cost Information Service (BCIS).
 - Advice from Council officers including Highways, Engineers, Parks & Countryside, Education etc.
- 2.3 It must be appreciated that where possible, higher than average values for build costs and infrastructure costs have been assumed to allow for error and to not underestimate development costs. The standardised assumptions will differ in some cases from the figures that may be used in actual development schemes, but they reflect the normal or usual figures expected in the majority of developments in the North East region, the Tees Valley sub region and the Borough of Hartlepool. The individual site calculations are included as Tables 4 to 8 and can be provided on an Excel spreadsheet if required.
- 2.4 Table 1 summarises the development components which are illustrated in detail in Tables 4 to 8.

Development Component	Development Size (Number of Dwellings)			
Number of Dwellings	15	50	100	500
Estimate of Income Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000
Estimate of Land Value Cost	£500,000	£1,600,000	£3,500,000	£18,000,000
Estimate of Overall Build Costs	£2,466,805	£8,055,600	£15,798,700	£79,018,500
Estimate of Other Developer Contributions	£168,380	£6,309,000	£12,305,500	£61,552,500
5% Off Site Affordable Housing Contribution	£39,832	£132,773	£265,545	£1,327,725
10% Off Site Affordable Housing Contribution	£79,664	£265,545	£531,090	£2,655,450
15% Off Site Affordable Housing Contribution	£119,495	£398,318	£796,635	£3,983,175
18% Off Site Affordable Housing Contribution	£139,411	£464,704	£929,408	£4,647,038
20% Off Site Affordable Housing Contribution	£159,327	£531,090	£1,062,180	£5,310,900
44% Off Site Affordable Housing Contribution	£350,519	£1,168,398	£2,336,796	£11,683,980

Table 1: Assumed Development Costs/Values & Affordable Housing Contribution Scenarios

3. Overall Developer Contribution Delivery Scenarios

- 3.1 Using the developer assumptions to estimate the bare economic viability of each type of development anticipated to deliver in the future, there is the possibility to secure developer contributions as part of the development alongside affordable housing contributions.
- 3.2 Some developer contributions enable development to occur, such as highway improvements, whereby if they weren't provided the development would not be able to be physically accessed effectively. These "enabling" developer contributions are essentially non-negotiable and must be provided if a development is to take place. However in the interest of creating sustainable communities some developer contributions add to the overall quality of development and make the development, sustainable and appropriate in planning terms. Varying degrees of developer contributions can be secured depending upon type, impact and economic viability of development on the surrounding environment and the wider Borough.

4. Affordable Housing Contribution Scenarios

- 4.1 As outline in the SPD the affordable housing need in the Borough is for 44%, however this figure is essentially undeliverable on most residential developments due to economic viability. In order to assess and arrive at a deliverable affordable housing "target" a range of development sizes have been considered:
 - 15 dwellings, 50 dwellings, 100 dwellings and 500 dwellings
- 4.2 Further to this a range of affordable housing provision scenarios have been considered:
 - 5%, 10%, 15%, 18%, 20% and 44% Off Site Contribution
- 4.3 Tables 4 to 8 illustrate the overall economic viability of the assumed development sizes considering the level of affordable housing that can be provided alongside all other required developer contributions outlined in the Planning Obligations SPD.

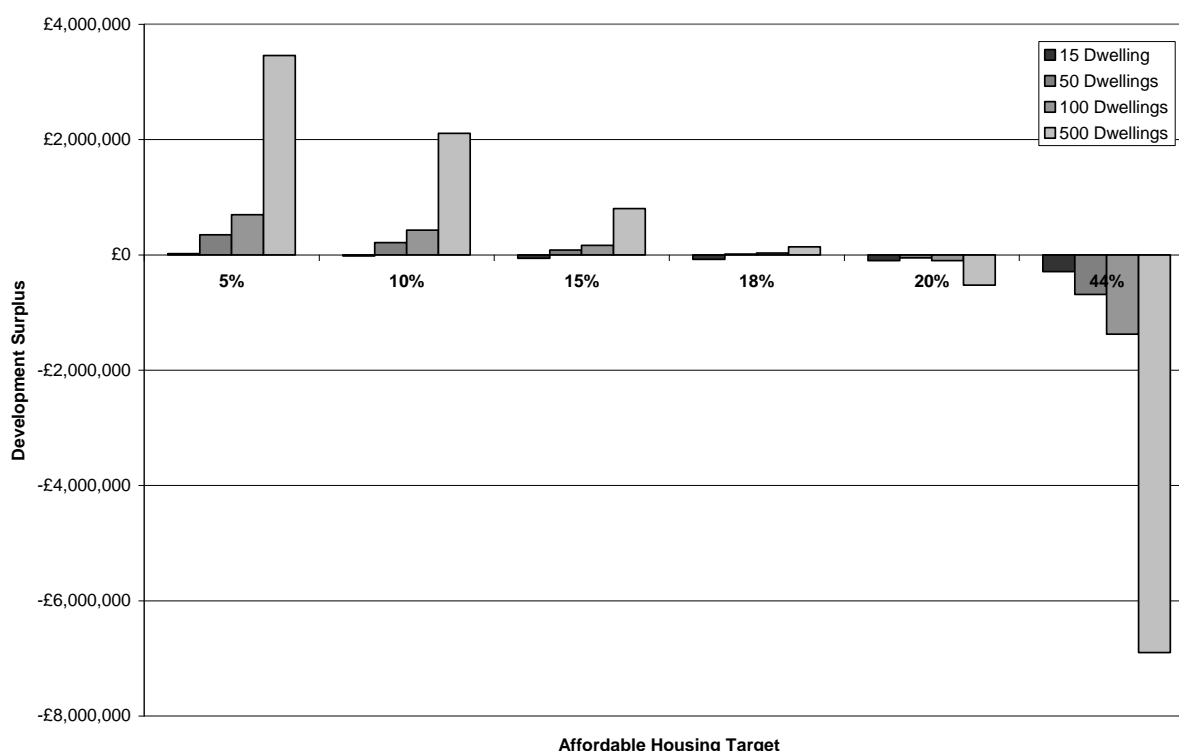
5. Deliverable Affordable Housing Target

- 5.1 In undertaking the economic viability assessments (illustrated in Tables 4 to 8) it is apparent that if new residential developments in excess of 15 dwellings are expected to contribute 44%, in order to meet the defined housing need it means that they are not economically viable. Table 2 below bring together the overall findings of tables 4 to 8 and illustrates the overall economic viability of the typical developments assessed.

Development Scenario	Development Size (Number of Dwellings)			
	15	50	100	500
5% Affordable Housing	£19,983	£347,028	£696,555	£3,457,775
10% Affordable Housing	-£20,488	£212,125	£426,750	£2,108,750
15% Affordable Housing	-£59,680	£81,483	£165,465	£802,325
18% Affordable Housing	-£79,596	£15,096	£32,693	£138,463
20% Affordable Housing	-£99,512	-£51,290	-£100,080	-£525,400
44% Affordable Housing	-£290,704	-£688,598	-£1,374,696	-£6,898,480

Table 2: Development Scenarios and Affordable Housing Target Economic Viability (£)

- 5.2 Table 2 identifies that 5%, 10% and 15% affordable housing contributions can be delivered on typical residential developments however 20% and above becomes not economically viable due to the level of contributions required. Graph 1 illustrates table 1 and identifies the deliverable affordable housing target “cut of point” where appropriate contributions can be achieved is 18%.



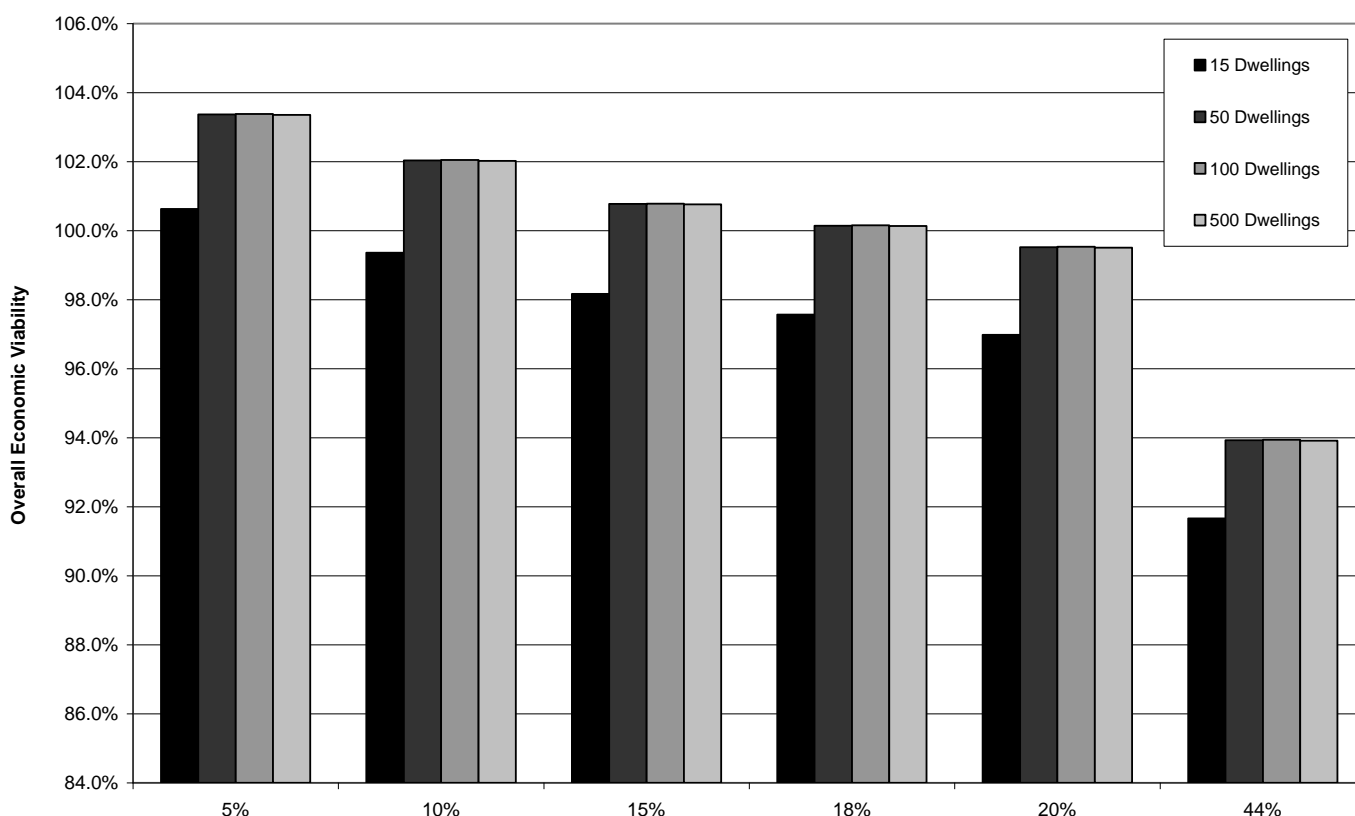
Graph 1: Development Scenarios and Affordable Housing Target Economic Viability (£)

- 5.3 Table 3 illustrates the development risk as a percentage. Typically, where a site is in excess of 100% it is assumed that it is economically viable and therefore could deliver appropriate developer contributions. If a site is at or below 100% there is a risk to the development starting and delivering as there would be a risk to the developer in securing appropriate finance.

Development Scenario	Development Size (Number of Dwellings)			
	15	50	100	500
5% Affordable Housing	100.6%	103.4%	103.4%	103.4%
10% Affordable Housing	99.4%	102.0%	102.0%	102.0%
15% Affordable Housing	98.2%	100.8%	100.8%	100.8%
18% Affordable Housing	97.6%	100.1%	100.2%	100.1%
20% Affordable Housing	97.0%	99.5%	99.5%	99.5%
44% Affordable Housing	91.7%	93.9%	93.9%	93.9%

Table 3: Development Scenarios and Affordable Housing Target Economic Viability (%)

- 5.4 Graph 2 gives a further illustration of the trend that requiring greater affordable housing contributions results in reduced economic viability to the point whereby developments become not economically viable. The 18% affordable housing deliverability target reflects the point at which the majority of the development schemes fall below the 100% viability benchmark.



Graph 2: Development Scenarios and Affordable Housing Target Economic Viability (%)

6. Individual Economic Viability Development Scenario Assessments

6.1 The following tables illustrate the outcomes of the economic viability tests carried out on different levels of affordable housing contributions. For reference the tables are summarised in table 1 earlier in this appendix.

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
5% Off Site Affordable	£39,832	£132,773	£265,545	£1,327,725	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£208,212	£647,373	£1,304,745	£6,023,725	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,175,017	£10,302,973	£20,603,445	£103,042,225	
Total Development Surplus	£19,983	£347,028	£696,555	£3,457,775	
% Overall Economic Viability	100.6%	103.4%	103.4%	103.4%	

Table 4: 5% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£524,619	£1,748,730	£3,497,460	£17,487,300	16.4% of Gross Development Value
Total	£2,467,444	£8,057,730	£15,802,960	£79,039,800	
Developer Contributions					Comments
10% Off Site Affordable	£79,664	£265,545	£531,090	£2,655,450	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£248,044	£780,145	£1,570,290	£7,351,450	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,215,488	£10,437,875	£20,873,250	£104,391,250	
Total Development Surplus	-£20,488	£212,125	£426,750	£2,108,750	
% Overall Economic Viability	99.4%	102.0%	102.0%	102.0%	

Table 5: 10% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
15% Off Site Affordable	£119,495	£398,318	£796,635	£3,983,175	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£287,875	£912,918	£1,835,835	£8,679,175	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,254,680	£10,568,518	£21,134,535	£105,697,675	
Total Development Surplus	-£59,680	£81,483	£165,465	£802,325	
% Overall Economic Viability	98.2%	100.8%	100.8%	100.8%	

Table 6: 15% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
18% Off Site Affordable	£139,411	£464,704	£929,408	£4,647,038	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£307,791	£979,304	£1,968,608	£9,343,038	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,274,596	£10,634,904	£21,267,308	£106,361,538	
Total Development Surplus	-£79,596	£15,096	£32,693	£138,463	
% Overall Economic Viability	97.6%	100.1%	100.2%	100.1%	

Table 6: 18% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
20% Off Site Affordable	£159,327	£531,090	£1,062,180	£5,310,900	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£327,707	£1,045,690	£2,101,380	£10,006,900	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,294,512	£10,701,290	£21,400,080	£107,025,400	
Total Development Surplus	-£99,512	-£51,290	-£100,080	-£525,400	
% Overall Economic Viability	97.0%	99.5%	99.5%	99.5%	

Table 7: 20% Affordable Housing Contribution Development Scenario

Site Description	Number of Dwellings				Comments
Number of Dwellings	15	50	100	500	
Dwelling floorspace (sqm)	100	100	100	100	
Net Residential Floorspace (sqm)	1500	5000	10000	50000	
Site Size (ha)	0.5	1.6	3.5	18.0	
Income Value					Comments
Market Value (per sqm)	£2,130	£2,130	£2,130	£2,130	
Unit Size (sqm)	100	100	100	100	
Unit Value	£213,000	£213,000	£213,000	£213,000	
Total	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Land Value / Purchase Cost					Comments
Estimated £ per ha	£1,000,000	£1,000,000	£1,000,000	£1,000,000	
Estimated Cost	£500,000	£1,600,000	£3,500,000	£18,000,000	
Total	£500,000	£1,600,000	£3,500,000	£18,000,000	
Build Costs PER UNIT					Comments
Total Unit Cost £ per sqm	£1,350,000	£4,375,000	£8,500,000	£42,500,000	£900, £875 and £850 per sqm estimate reduced by economies of scale
Abnormals	£25,000	£80,000	£175,000	£900,000	5% of Build Costs
Enabling Costs	£37,500	£125,000	£250,000	£1,250,000	£25 per sqm
Contingency	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Prelims	£67,500	£218,750	£425,000	£2,125,000	5% of Build Costs
Professional Fees	£135,000	£437,500	£850,000	£4,250,000	10% of Build Costs
Finance Arrangements	£81,000	£262,500	£510,000	£2,550,000	6% of Build Costs
Marketing & Sales Costs	£111,825	£372,750	£745,500	£3,727,500	3.5% of Development Value
Developer Profit	£523,980	£1,746,600	£3,493,200	£17,466,000	16.4% of Gross Development Value
Total	£2,466,805	£8,055,600	£15,798,700	£79,018,500	
Developer Contributions					Comments
44% Off Site Affordable	£350,519	£1,168,398	£2,336,796	£11,683,980	40% of the value of a £132,772 Average Borough Value = £53,109 per unit
10% Renewables	£45,000	£150,000	£300,000	£1,500,000	Estimate of £3000 per dwelling
Energy Efficiencies	£12,750	£42,500	£85,000	£425,000	Estimate of £850 per dwelling
Off Site Highway Improvements	£0	£20,000	£100,000	£500,000	Estimate of Traffic Calming, Crossings, Junctions etc.
Primary Education Provision	£25,575	£85,250	£170,500	£852,500	Estimate of £1,705 per dwelling
Secondary Education Provision	£23,805	£79,350	£158,700	£793,500	Estimate of £1,587 per dwelling
Open Space / Play Provision	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Built Sports Facilities	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
SuDS Provision	£50,000	£100,000	£150,000	£250,000	Estimate of providing on site SuDS Scheme
Green Infrastructure	£3,750	£12,500	£25,000	£125,000	£250 per Dwelling
Total	£518,899	£1,682,998	£3,375,996	£16,379,980	
Total Development Value	£3,195,000	£10,650,000	£21,300,000	£106,500,000	
Total Development Costs	£3,485,704	£11,338,598	£22,674,696	£113,398,480	
Total Development Surplus	-£290,704	-£688,598	-£1,374,696	-£6,898,480	
% Overall Economic Viability	91.7%	93.9%	93.9%	93.9%	

Table 8: 44% Affordable Housing Contribution Development Scenario

APPENDIX 2 – GLOSSARY OF TERMS

Affordability		A measure of what housing is affordable to certain groups of households.
Affordable Housing		Affordable housing is housing designed for those whose income generally deny them opportunity to purchase houses on the open market as a result of the difference between income and the market cost of housing. For further definition see NPPG.
Circular		Central Government guidance
Code for Sustainable Homes		A national standard for sustainable design and construction of new homes. The Code is still a useful method although it is likely to be wound down by the end of 2014.
Commencement of development		The date at which work begins on site.
Community Facilities		A facility that can be used by all members of the community i.e. community centre, phone box etc.
Community Strategy		Provides the planning framework for all services in Hartlepool, including the regeneration and neighbourhood renewal activity. Sets out a long term vision and details the principles and 7 priority aims necessary to achieve the vision and improve services.
Committed Sum		A sum of money paid by a developer to the local authority to provide a service or a facility, rather than the developer providing it direct.
Design and Specification		Provides precise and explicit information about the requirements for a development design.
Developer Contributions		Relate to the provision of those items outlined within the section 106 legal agreement.
Development Plan Document	DPD	A Local Development Document in the Local Development Framework which forms part of the statutory Development Plan. The Local Plan, documents dealing with the allocation of land, action area plans and the proposals map are all Development Plan Documents.
Economic Viability Assessment		A means by which to assess the profitability of a scheme.
Financial contribution		A cash specific amount of money paid to the local authority.
Green Infrastructure		Green infrastructure involves natural and managed green areas in both urban and rural settings. It involves the strategic connection of open green areas and provides multiple benefits for people.
Hartlepool Local Plan		A Local Plan is a statutory document containing all the planning policies and standards that will

		be used to determine planning applications received by the Development Control Section. The plan is also intended to highlight areas where the Council is seeking to encourage new development within the Borough.
Heritage Asset		A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)
Homes and Communities Agency	HCA	The Homes and Communities Agency is the national housing and regeneration delivery agency for England. Their role is to create thriving communities and affordable homes.
Housing Market Renewal	HMR	An area allocated for improvements to the housing stock either by demolition and rebuild or by refurbishment.
Infrastructure		Can be many things and includes roads, rail, pipelines etc or social provision such as schools.
Intermediate Tenure		This type of housing, also known as Shared Ownership or Shared Equity, enables people to privately buy a share of a property being sold and pay a subsidised rent on the remainder.
Land use		The use that exists on a certain area of land, various land uses could be residential, agricultural, open space etc
Level of Contribution		The value of money or in kind contribution that a developer is required to pay as a result of the development.
Lifetime Homes		Lifetime Homes are ordinary homes incorporating 16 design criteria that can be universally applied to new homes. Each design feature adds to the comfort and convenience of the home and supports the changing needs of individuals and families at different stages of life.
Local Area Agreement	LAA	LAA's are a three year agreement, based on local Sustainable Community Strategies, that sets the priorities for a local area between the Council and other key partnerships.
Local Development Framework	LDF	The overarching term given to the collection of Local Development Documents which collectively will provide the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of the area where this affects the development and use of land and buildings. The LDF also includes the Local Development Scheme, the Statement of Community Involvement and the Authorities

		Monitoring Report.
Local Highway Network		All the roads within the Borough, ranging from the A19 down to local roads within housing estates.
Local Transport Plan	LTP	Describes the long-term transport strategy for the Borough and sets out a programme of improvements to address the identified local transport problems.
Localism Act		The Localism Act has devolved greater powers to local government and neighbourhoods and given local communities more rights and powers over decisions about housing. It also includes reforms to make the planning system more democratic and more effective.
Maintenance		The repair and upkeep of a product.
Market Conditions		The prevailing performance of the economy across all sectors.
Masterplan		A detailed plan of the site and the type of development that would seek to be achieved for the whole site.
National Planning Policy Framework	NPPF	Sets out the national policy situation in one document which replaced the previous Planning Policy Statements and Planning Policy Guidance Notes.
National Planning Policy Guidance	NPPG	The Government has published the NPPG to support the National Planning Policy Framework and to give further guidance to developers and local authorities.
On-site		An area within the planning application boundary.
Open Market Value		The value of a product if advertised on the open market.
Open Space Assessment	OMV	An assessment of the quality and availability of open space within Hartlepool.
Pepper Potting		The principle of ensuring there is a spread of affordable housing throughout and overall development rather than all being provided in one specific area.
Piecemeal		Development that is carried out bit by bit.
Planning Condition		A requirement attached to a planning application to ensure that the development is of a high standard and to help mitigate against any implications an application may have. Conditions can relate to types of materials or assessments that may have to be carried out.
Planning Obligation		A legally binding agreement between the local planning authority and persons with an interest in a piece of land. Planning obligations are used to secure funds or works for significant and essential elements of a scheme to make it

		acceptable in planning terms. Planning obligations will have been set out in an agreement often known as a 'section 106 agreement' and may be used to prescribe the nature of development, to compensate for loss or damaged created by development or to mitigate a development's impact on surrounding built and natural environment.
Pre-application		The stage referred to prior to submission of an application.
Registered Providers	RP	Registered Providers are Government-funded not-for-profit organisations that provide affordable housing. They include housing associations, trusts and cooperatives. They work with local authorities to provide homes for people meeting the affordable homes criteria. As well as developing land and building homes, RPs undertake a landlord function by maintaining properties and collecting rent.
Section 106 Legal Agreement		Legally binding agreement entered into between a developer and the Council.
Section 278 Agreement		Where a development requires works to be carried out on the existing adopted highway, an agreement will need to be completed between the developer and the Council under Section 278 of the Highways Act 1980.
Social Rented		Housing that is rented to a tenant by a Registered Provider.
Strategic Housing Market Assessment	SHMA	Identifies land for housing and assess the deliverability and developability of sites. Provides the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes.
Subsidy		A form of financial assistance paid to a business or economic sector.
Supplementary Planning Document	SPD	A Local Development Document providing further detail of policies in Development Plan Documents or of saved local plan policies. They do not have development status.
Sustainability Appraisal	SA	Identifies and evaluates social, environmental and economic effects of strategies and policies in a Local Development Document from the outset of the preparation process. It incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive.
Sustainable		To maintain the vitality and strength of something over a period of time without harming the strength and vitality of anything else.
Sustainable Locations		A location that helps maintain the vitality and strength of something over a period of time

		without harming the strength and vitality of anything else.
Tees Valley		Stockton, Hartlepool, Middlesbrough, Redcar and Cleveland and Darlington collectively known as the Tees Valley
Tenure		Tenure refers to the arrangements under which the household occupies all or part of a housing unit.
Threshold		A value at which a contribution would be sought. For example if the threshold is over 10 and a developer has a scheme for 10 houses they would not be required to contribute, however if a scheme was for 10 dwellings a contribution would be required.
Transfer Price		The discounted price at which a developer would transfer a property to a Registered Provider.
Transport Assessment	TA	A Transport Assessment is a comprehensive and systematic process that sets out at an early stage transport issues relating to a proposed development and identifies what measures will be taken to deal with the anticipated transport impacts of the scheme.
Transport Statement	TS	A simplified or basic report in the form of a Transport Statement may be sufficient. A transport statement is appropriate when a proposed development is expected to generate relatively low numbers of trips or traffic flows and would have only a minor impact on transport.
Travel Plans		A Travel Plan is a package of measures to assist in managing the transport needs of an organisation. The main objective of a Travel Plan is to provide incentives for users of a development to reduce the need to travel alone by car to a site.

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 here. 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>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>

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		<p><i>The quantity standard for playing pitches 0.9 Hectares per 1000 population. The quantity standard for Tennis Courts is 0.02 hectares per 1000 population. The quantity standard for Bowling Greens is 0.03 hectares per 1000 population.</i></p> <p><i>Sport England's facility costs can be found at the following location on our website; http://www.sportengland.org/media/198443/facility-costs-4q13.pdf</i></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</p>

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			place to effectively manage the 5 scheme rule.
P002 – Greatham Parish Council	Para 21.9	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.	The concern is noted. Lower threshold in designated rural areas is recognised in the recent changes to PPG (28.11.2014). SPD to be updated to reflect changes to NPPG.
P003 – Taylor Wimpey	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.
P004 – Persimmon homes	General comments Economic	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."	Noted. If planning obligations result in an unviable.

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	Climate	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, necessary and deliverable so as not to act as a barrier and prevent new development within the Borough.	Development. Developers are encouraged to submit a viability assessment to evidence this. Following this, a process for negotiation will take place.
	Viability Appraisals	<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"> 1. Necessary to make the development acceptable in planning terms 2. Directly related to the development 3. Fairly and reasonably related in scale and kind to the development <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. 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>
	Financial Contribution	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	Noted. Covered in 10.1 of the SPD.

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	s and Pooling of Contributions	<p>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 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>	<p>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 the SPD.</p>
	Existing Uses	<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
	Maintenance Costs	<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</p>

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			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.
	Economics of Provision	<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 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 alternative 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>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 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 an 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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		<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; <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 current housing market”</i></p> <p>Finally, in another appeal at Shinfield, Reading against Wokingham Borough Council for the construction of a residential development comprising up to 126 dwellings, a sports pavilion, public open space, landscaping and associated works the inspector once again stated; <i>“that a figure of 20% of GDV, which is at the lower end of the range, is reasonable.”</i></p> <p>Therefore, whilst it is acknowledged that the actual profit margin will be dependent upon a wide range of issues and site characteristics, Persimmon Homes recommend that the Council respond to industry expectations and ensure that in viability appraisals the expected profit margin is set at least 20% unless an alternative is agreed with the developer/applicant. This will more closely aligned the council’s expectations to those of the developer and remove the requirement for applicants to justify their profit margins when they are within the nationally accepted limits whilst still providing a realistic benchmark on which viability can be judged and planning obligations sought.</p>	
	Legal, Admin and Monitoring Costs	<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</p>	<p>Noted. The fee in terms of the monitoring is a set fee which can be found at http://www.hartlepool.gov.uk/</p>

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		and developer prior to the signing of a Section 106 agreement.	info/608/development_control/107/development_control/5 . Will look to reference this in the SPD. 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. Early liaison with HBC is advised during the application process.
	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>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</p>	<p>Noted.</p> <p>The 27.5% affordable housing contribution is based on need which is evidenced in Tees Valley 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>

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	<p>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 New Annual Shortfall 89</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 15% Annual Backlog Reduction 169 Newly Arising Need 386 Total Annual Affordable Need 555 Annual Social Rented Capacity 523 New Annual Shortfall 32</p> <p>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.</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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	<p>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.</p> <p>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.</p> <p>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 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</p>	<p>Document doesn't require building to above code standards.</p>
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		<p>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>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 & 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 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</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) – 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</p>

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		<p>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>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?</p> <p><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 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></p>
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	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. 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. 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	<p>The SPD proposes that the level of contribution for Highway Infrastructure for offsite 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</p>	<p>Noted. This is the approach undertaken.</p>

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		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.	
	Section 26.0	<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 – 26.13, 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 determined on a site by site basis on developments over of 750 units.</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>

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	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</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>

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		<p>with CIL Regulations .</p> <p>Where additional costs such as planning obligations are placed on top of CIL it may 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>	
	General comments	<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</p>	<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>

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		<p>is amended to take account of the following points;</p> <ul style="list-style-type: none"> • 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. • A more realistic, achievable and deliverable target for affordable housing should be set using an up to date and sound evidence base to ensure that the council requirements to not prohibit the delivery of new housing. • 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. • Further clarification on what “community facilities” can include to provide greater transparency to developers. • 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. • 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. • <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. • <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. • The need for all planning obligation thresholds to be correctly evidenced and justified. 	<ul style="list-style-type: none"> • Standard has been set and negotiation is an option if required. • The need of 27.5% for affordable housing is based on sound evidence. • Sentence to be added to SPD. • This is detailed in Section 26 of the SPD. • It would be up to developers to evidence should they feel a site is undeliverable. Viability information is set out in the SPD. • 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. • The margin of acceptable profit is something which is considered on a case by case basis. • There is the flexibility within the SPD to accommodate this. • The thresholds have been applied and
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		<ul style="list-style-type: none"> □Await the outcome of the Standards Review before committing to policies which require specific technical design related standards to be met. □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; and developments will not be double charged through both the CIL and Section 106 obligations. <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>	<p>market tested at this level, obligations have been successfully secured at this level.</p> <ul style="list-style-type: none"> Noted. HBC are confident that this is the case and the SPD is compliant.
PO05 – Enviroment Agency	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>Drainage and Flood Prevention</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>

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PO06 – Onsite	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”. 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 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>	Noted.
	General comment	<p>OnSite object 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</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

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		<p>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:</p> <p><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 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 object 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.</p>	<p>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 viability into the table, however disagree that the SPD is inflexible and it mentions viability throughout the document.</p>
PO07 – Rural Plan		<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</p>	<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.</p>

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		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.	
PO08 - Sainsbury's	General comments	<p>Development required to provide planning obligations</p> <p>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 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"> 1) Necessary to make the development acceptable in planning terms; 2) Directly related to the development; and 3) Fairly and reasonably related in scale and kind to the development.' <p>Therefore, the requirement for open space, outdoor sport I recreation and play facilities planning obligation should be omitted for Class A1 developments.</p>	Disagree, open space surrounding A1 developments is essential for the high quality landscaping. Provision of these facilities can complement A1 developments. 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.
PO09 – North Tees and Hartlepool NHS	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</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.

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		<p>reduce should viability assessments evidence that schemes are otherwise unviable. 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>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>
PO10 – Cleveland police	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. 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 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</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>
PO11 – Highways agency	General comments	<p>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</p>	<p>Noted and support welcomed.</p>

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		<p>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.</p>	
	Section 25.0	<p>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.</p> <p>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 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>	Noted and support welcomed.

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PO12 – English Heritage	General	<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"> • ‘In kind’ payments, including land transfers: this could include the transfer of an ‘at risk’ building; • 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. • 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. • 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. <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>	Noted. Include a section on Heritage Assets in the SPD reflecting these comments.

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		<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	<p>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.)</p>	Noted
	SA Section 4	<p>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:</p> <ul style="list-style-type: none"> • 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 • 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 • there is access to the historic environment, both physically and intellectually, and 	Noted. Historically through the consideration of planning obligations as part of planning applications there have been examples where 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

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		<ul style="list-style-type: none"> an ability for everyone to enjoy it 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 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. 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 <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>	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
	SA Assessment Criteria	<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</p>	Noted

		<p>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>With regard to promoting strong and inclusive communities and developing skills levels, many community facilities are to be found in historic buildings and public spaces. Many</p>	
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		<p>constitute a point of stability and comfort in an increasingly changing world and are cherished all the more for it. It should be acknowledged that community wellbeing often resides in these local assets, many of which are local authority owned. Careful asset management planning is important in this regard.</p> <p>It is clear that a number of people in the Borough feel detached from the ability to influence decisions which affect their daily lives. Engagement with local heritage – saving assets from closure and possible demolition, for example – can be an invaluable way of galvanising local communities, providing residents with a sense of shared ownership, and empowering those who feel alienated by the planning process.</p> <p>With regard to education and skills, there is an under-acknowledgement of the extent to which the historic environment could assist with raising educational standards and help create home-grown employment opportunities for those who find other avenues unappealing or unattainable.</p>	
	SA Section 6.4	<p>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.</p>	Noted

REGENERATION SERVICES COMMITTEE

23rd October 2015



Report of: Director of Public Health

Subject: QUARTERLY UPDATE REPORT FOR PUBLIC PROTECTION

1. TYPE OF DECISION/APPLICABLE CATEGORY

This report is for information.

2. PURPOSE OF REPORT

- 2.1 To update the Regeneration Services Committee on performance and progress across key areas of the Public Protection service.

3. BACKGROUND

- 3.1 The Public Protection service consists of three discrete teams: Commercial Services, Environmental Protection and Trading Standards & Licensing.
- 3.2 The Commercial Services Team carries out inspections, complaint investigations and sampling to ensure that food is safe and fit to eat and that workplaces are safe.
- 3.3 The Environmental Protection Team is involved with noise and pollution related matters as well as providing a comprehensive service for pest control and managing and promoting the open market.
- 3.4 The Trading Standards & Licensing Team ensures that the business sector complies with a wide range of trade and consumer legislation. The team also issues and carries out enforcement relating to a large variety of licences, including Alcohol, Entertainment, Takeaways, Taxis, Gambling and Fireworks.
- 3.5 This report provides an update on performance and progress across key areas of the Public Protection service for 2015/16.

4. OUTLINE OF WORK

4.1 The work carried out by the Public Protection Service falls into three distinct areas:

1. Planned work. This consists predominately of programmed interventions, sampling and projects.
2. Reactive work. This involves responding to matters such as accident notifications, complaints and infectious disease notifications.
3. Licensing. The processing and issue of licences and permits.

5. PROGRAMMED WORK

5.1 The majority of the work programmed for 2015/16 for the Food, Health & Safety at Work and Trading Standards service areas is detailed in their respective service plans.

5.2 Planned Work. All interventions carried out by the service are risk based in accordance with national guidance. The table below details the number of inspections carried out in each area of work.

Interventions	Q1	Q2	Q3	Q4	Total
Food Hygiene	92				92
Food Standards	56				56
Feed Hygiene	0				0
Animal Health	0				0
Health & Safety	69				69
Trading Standards	27				27
Licensing					
Prescribed Processes	0				0
Smoke Free	116				116

5.3 **New business inspections:** The early months of 2015/16 have seen an unusually large number of new food businesses opening in Hartlepool. Between 1st April and 31st July 2015 a total of 61 new businesses have registered, each requiring inspection. In a typical year we would have expected about 30 new premises during this period. This unusual number has workload implications for our enforcement staff.

SAMPLING

5.4 A programme of sampling has been drawn up to assess the microbiological quality, composition and labelling of food, water & environmental surfaces. Details of the programme are included in the Food Law Enforcement & Health & Safety Service Plans.

The table detailed below provides the details of the samples taken.

Sample Details	Q1	Q2	Q3	Q4	Total
Microbiological Water *	51				51
Microbiological Food & Environmental	68				68
Food Labelling & Composition	10				10
Water Chemical	6				6

- Microbiological water samples are taken from swimming pools, spa pools, private water supplies & mains supplies.

5.5 During the first quarter, we took part in two cross regional studies: the first of which was to look at the microbiological standard of pre – cut fruit. During the quarter, 9 premises were visited and 35 samples taken. Satisfactory results were achieved for 33 samples with 2 borderline results being obtained for the remaining samples. Borderline results indicate a review of hygiene practices and stock rotation is required.

Re - samples were taken and satisfactory results achieved for these samples.

The second study was to look at the microbiological standard of imported fruit, vegetables, nuts and seeds from non EU countries. Four premises were visited and 31 samples taken. All were deemed to be satisfactory

PROJECTS

5.6 The following projects are being carried out.

- **Out Of Hours Noise.** The Public Protection service provides an out of hours noise service between 10:00pm and 3:00am every Friday and Saturday night from Friday 5th June 2015 through to Sunday 30th August 2015. The service dealt with a total of 35 calls during June. The majority of the calls concerned noise from parties and amplified music. Most of the complaints were resolved informally with the individuals concerned. Two abatement notices under the provisions of The Environmental Protection Act 1990 were served for nuisance from amplified music.
- **Food Safety Week / FSA ‘Chicken Challenge’:** In May, the Food Team promoted Food Safety Week and the Food Standards Agency’s ‘Chicken Challenge’. The aim of the ‘Chicken Challenge’ campaign is to raise awareness about the threat posed by Campylobacter food poisoning and encourage members of the public to pledge to take action to prevent it by promising to:
 - Bag and store raw chicken separately from other food – covered and chilled on the bottom shelf of the fridge

- Not to wash raw chicken to prevent germs being splashed about
- Wash everything that has been in contact with raw chicken, including hands and utensils, in soap and hot water
- Always check chicken is cooked properly, making sure there is no pink meat, the chicken is steaming hot and juices are running clear

Promotional material was delivered to all the butchers in Hartlepool and they were encouraged to hand out free hygiene advice leaflets to members of the public. In addition, a press release was placed in the Hartlepool Mail, further promoting the initiative.

- **Takeaway Project:** During this quarter a small number of takeaway premises were identified for participation in the project. The intention is to look at the composition of a range of dishes, identifying possible changes which could improve how healthy they are. Initial visits to these premises went well and further work is planned during the coming months.
- **Tattoo Hygiene Rating Scheme:** Three out of four tattoo studios who currently participate in the Tattoo Hygiene Rating Scheme were inspected in accordance with the scheme. All three studios managed to maintain the highest rating of 4 stars for the second year running.
- **Tobacco Display Ban:** On Easter Monday the existing ban on the displaying of tobacco products on sale in large shops was extended to all tobacco retailers following a three year preparation period. This means that tobacco products on sale in all premises must not now be on open display.

Detailed information regarding compliance with the legislation was sent to all affected retailers which was followed up by visits to independent businesses who may not have had the advantage of a parent company to provide advice and the required equipment.

Many of these independent retailers had received assistance from tobacco companies in advance of the implementation date who installed self-closing sliding door shelving systems in premises but the assistance provided was determined by sales levels leaving several retailers having to provide their own solutions.

Following the information and advice provided return visits after the implementation of the display ban revealed a very high level of compliance with the legislation. All retailers visited were complying with the display ban either by means of supplied door systems, use of existing security shutters or installation of simple curtains or blinds to cover the tobacco products when not being sold – all of which methods providing adequate solutions to the requirements.

- **Underage sales:** An underage sales test purchasing operation was conducted on the 29th June 2015 using two 14 year old volunteers. Ten premises were visited and one made a sale of alcohol.

This is a significant improvement on the results of previous operations and may be an indication of the success of additional underage sales training that the Trading Standards Team has been providing to retailers.

- **Disposable Barbecues:** Following the discovery of disappointing results last year, Trading Standards officers have continued to monitor the labelling of disposable BBQ's which have been the direct cause of a number of deaths in recent years. Of the 17 BBQ's examined, four were found to not warn of the dangers of carbon monoxide poisoning in a prominent place – meaning that consumers could inadvertently use the product unaware of the potential dangers.

Work with manufacturers, importers and retailers is continuing and, in order to ensure the continued vigilance of the general public, a press release was issued which received good coverage in The Hartlepool Mail and The Northern Echo.

REACTIVE WORK

- 6.1 The reactive work carried out by the Public Protection service is in the main complaint related. Other reactive work relates to accident & infectious disease notifications. Details of all reactive work are given in the table below.

Number of Complaints by Service Area	Q1	Q2	Q3	Q4	Total
Food	22				22
Health & Safety at Work	4				4
Pest Control - Rats	247				247
Pest Control - Mice	19				19
Pest Control - Insects/other pests	167				167
Noise	174				174
Air Pollution	28				28
Trading Standards	57				57
Accident Notifications	11				11
Licensing	7				7
Infectious Disease Notifications	39				39

- 6.2 **Business Scam:** A national Estate Agency business has been sending their agents to visit local traders promising the quick sale of their business for an above market price. The business owner signs up to the offer and pays an upfront fee to cover the cost of advertising. Hidden in the small print is a clause that requires the owner to pay a £5000 'release' fee if the business is taken off the market or the sale is transferred to another Estate Agent.

The scam lies in that the price promised by the Agent is unrealistically high and there is likely no expectation from the Agent that the business would ever

sell at that price. The business is however tied into the contract and, unless they pay the release fee, their business will not be sold.

As this is a national scam, Trading Standards officers in Hartlepool have been liaising with colleagues across the country to ensure that the company concerned is stopped.

- 6.3 Fake IDcards:** During routine website surveillance using the Trading Standards covert computer a supplier of fake ID cards was identified. The fakes, which are of very high quality and include illegal copies of both Police and Trading Standards logos, are advertised to children and seriously undermine efforts to reduce the sale of age restricted products to young people.

Officers are working with a number of agencies to have the website closed down and the operator identified and prosecuted.

7. LICENSING

- 7.1 The number of licences & permits issued by the service are detailed in the table below. The majority are issued under delegated powers, however if an objection is received during the consultation process or the applicant does not meet the necessary criteria the application will be determined by a Licensing Sub Committee.

Number of Licenses / Permits Issued	Q1	Q2	Q3	Q4	Total
HC / PH - Drivers	109				109
HC / PH - Vehicles	86				86
Operators Licenses	2				2
New Licensing Act Applications	6				6
Licensing Act - Variations	4				4
Licensing Act - Personal licenses	24				24
Licensing Act - Temporary Events Notice	34				34
Licensing Act (Other)	28				28
Street Trading applications	9				9
Other	4				4

8 ENFORCEMENT

- 8.1 During this period we have served 5 improvement notices under the Health & Safety at Work Act and issued one voluntary close of a food premises.

9. RISK IMPLICATIONS

There are no risk implications for this report.

10. FINANCIAL CONSIDERATIONS

There are no financial implications for this report.

11. LEGAL CONSIDERATIONS

There are no legal considerations.

12. CHILD AND FAMILY POVERTY CONSIDERATIONS

There are no child and family poverty implications for this report.

13. EQUALITY AND DIVERSITY CONSIDERATION

There are no equality and diversity implications for this report.

14. STAFF CONSIDERATIONS

There are no staff implications for this report.

15. ASSET MANAGEMENT CONSIDERATIONS

There are no asset management implications for this report.

16. RECOMMENDATIONS

That the Regeneration Services Committee notes the content of the report and the progress made across key areas of the Public Protection service.

17. REASONS FOR RECOMMENDATIONS

The report is for information.

18. BACKGROUND PAPERS

There are no background papers for this report.

19. CONTACT OFFICER

Louise Wallace
Director of Public Health
Public Health Department
Hartlepool Borough Council
TS24 8AY
Tel: (01429) 523400
E-mail: louise.wallace@hartlepool.gov.uk

Sylvia Pinkney
Head of Public Protection
Public Health Department
Hartlepool Borough Council
TS24 8AY
Tel: (01429) 523315
E-mail: sylvia.pinkney@hartlepool.gov.uk