



Chief Executive's Department
Civic Centre
HARTLEPOOL

2 November, 2015

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Atkinson, Barclay, Beck, Belcher, Brash, Clark, Cook, Cranney, Fleet, Gibbon, Griffin, Hall, Hind, Jackson, James, Lauderdale, Lawton, Lindridge, Loynes, Martin-Wells, Dr. Morris, Richardson, Riddle, Robinson, Simmons, Sirs, Springer, Tempest, Thomas and Thompson

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY 12 NOVEMBER 2015 at 7.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

G Alexander
Chief Executive

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COUNCIL AGENDA



Thursday 12 November 2015

at 7.00 p.m.

**in the Council Chamber,
Civic Centre, Hartlepool.**

- (1) To receive apologies from absent Members;
- (2) To receive any declarations of interest from Members;
- (3) To deal with any business required by statute to be done before any other business;
- (4) To approve the minutes of the last meeting of the Council held on 17 September 2015 as the correct record;
- (5) To answer questions from Members of the Council on the minutes of the last meeting of Council;
- (6) To deal with any business required by statute to be done;
- (7) To receive any announcements from the Chair, or the Head of Paid Service;
- (8) To dispose of business (if any) remaining from the last meeting and to receive the report of any Committee to which such business was referred for consideration;
- (9) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;
 1. Tees Valley Devolution – Report of Finance and Policy Committee
 2. Seaton Carew Masterplan Update – Report of Finance and Policy Committee
 3. Unauthorised Encampments Policy – Report of Neighbourhood Services Committee
 4. Planning Obligations Supplementary Planning Document (SPD) – Report of Regeneration Services Committee

(10) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;

(11) To consider reports from the Policy Committees:

- (a) proposals in relation to the Council's approved budget and policy framework; and

None.

- (b) proposals for departures from the approved budget and policy framework;

1. Strategy for Using 2014/15 Outturn Resources Allocated by the Finance and Policy Committee – Report of Neighbourhood Services Committee.

(12) To consider motions in the order in which notice has been received;

1. "The Labour Group opposes the Trade Union Bill which will give central government wide ranging powers to impose changes on how public authorities choose to work with unions to manage relations in the workplace. We oppose the key elements of the Bill which include:

- preventing public sector employers from running "check off" systems to deduct union subscriptions from the payroll;
- requiring all public sector employers to publish detailed annual reports recording how many union officials are employed by the authority, what proportion of the pay bill is allocated in total to union facilities and how much the public authority spends on specific union activities;
- controlling the amount of money each or any public authority can invest in collective bargaining and social partnership forums, on union health and safety reps and even union learning reps who work with employers to raise skills and training opportunities;
- revising contracts of employment and collective agreements which have been agreed by the public authority with their staff and unions;
- intervening to cap the amount of money each authority can spend on facility time.
- use of agency workers where a strike is in place,
- and the proposed picketing reforms

The Labour Group are surprised and disappointed that as a Local Authority we are to lose the autonomy to take our own decisions around these important areas for employee engagement, particularly given the

government's commitment to the so called localism agenda. We call on the government to think again on these plans and for this Council to signify its opposition to these changes."

2. "This Council resolves

- To write to the secretary of state for Communities & Local Government, our Local MP and MEPs raising our serious concerns about the impact of TTIP* on Councils and the secrecy of the negotiating process
(**Transatlantic Trade and Investment Partnership*)
 - To write to the Local Government Association and National Association of Councillors to raise our serious concerns about the impact of TTIP on Councils and ask them to raise these with Government on our behalf
 - To call for an impact assessment on the impact of TTIP on Councils
 - To publicise Hartlepool Borough Council's concerns about TTIP; join with other Councils, which are opposed to TTIP across Europe and work with local campaigners to raise awareness about problems of TTIP
 - To contact the Councils of municipalities twinned and previously twinned with Hartlepool Borough Council asking them to consider passing a similar motion on TTIP."
- (13) To receive the Chief Executive's report and to pass such resolutions thereon as may be deemed necessary;
- (14) To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 11;
- (15) To answer questions of Members of the Council under Rule 12;
- a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1
 - b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2
 - c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority
 - d) Minutes of the meetings held by the Cleveland Fire Authority held on 24 July 2015 and the Police and Crime Panel held on 30 July 2015 and the draft minutes of the meeting of the Police and Crime Panel held on 21 September 2015.



COUNCIL

MINUTES OF PROCEEDINGS

17 September 2015

The meeting commenced at 7.00 pm in the Civic Centre, Hartlepool

PRESENT:-

The Ceremonial Mayor (Councillor Fleet) presiding:

COUNCILLORS:

Ainslie	C Akers-Belcher	S Akers-Belcher
Atkinson	Barclay	Beck
Belcher	Clark	Cook
Cranney	Gibbon	Griffin
Hall	Hind	Jackson
James	Lawton	Lindridge
Loynes	Martin-Wells	Dr Morris
Richardson	Riddle	Robinson
Simmons	Sirs	Springer
Tempest	Thomas	Thompson

Officers: Gill Alexander, Chief Executive
 Peter Devlin, Chief Solicitor
 Andrew Atkin, Assistant Chief Executive
 Chris Little, Chief Finance Officer
 Sally Robinson, Director of Child and Adult Services
 Denise Ogden, Director of Regeneration and Neighbourhoods
 Louise Wallace, Director of Public Health
 Joan Stevens, Scrutiny Manager
 Alastair Rae, Public Relations Manager
 Amanda Whitaker, Denise Wimpenny, Democratic Services Team

54. APOLOGIES FOR ABSENT MEMBERS

Councillors Brash and Lauderdale.

55. DECLARATIONS OF INTEREST FROM MEMBERS

None

56. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS

None

57. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 6 August 2015, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

The minutes were thereupon signed by the Chairman.

58. QUESTIONS FROM MEMBERS OF THE COUNCIL ON THE MINUTES OF THE PREVIOUS MEETING OF THE COUNCIL

None

59. BUSINESS REQUIRED BY STATUTE

None

60. ANNOUNCEMENTS

The Ceremonial Mayor announced that she would be holding a quiz night on 25 September 2015 at the Supporter's Club and invited everyone to attend with all proceeds to be donated to her nominated charities.

61. TO DISPOSE OF BUSINESS (IF ANY) REMAINING FROM THE LAST MEETING AND TO RECEIVE THE REPORT OF ANY COMMITTEE TO WHICH SUCH BUSINESS WAS REFERRED FOR CONSIDERATION.

None

62. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

1. Final Report of the Education Commission and the Establishment of an Education Improvement Board – Report of the Children's Services Committee

The Chair of the Children's Services Committee presented a report which provided the background to the establishment of an Education Commission and Education Improvement Board. The report detailed the key questions posed to the Commission as well as the aim of the Commission. The Commission had met between April and November 2014 and had gathered information about the

priority areas within education and had subsequently agreed and formalised key recommendations to be implemented over the coming years. An event to launch the Education Commission's report and recommendations was planned for 6 October 2015 to which a number of key stakeholders had been invited to attend, details of which were set out in the report.

Whilst presenting the report the Chairman paid tribute to Professor Higgins who had led the production of the report and also recommended that Council provided delegated authority to the Monitoring Officer to incorporate the establishment of the Education Improvement Board within the Council's Constitution, detailing its membership and functions.

The following recommendations were moved by Councillor Simmons and seconded by Councillor C Akers-Belcher:-

- (i) Note the final report of the Education Commission and the associated recommendations.
- (ii) Approve the final report and agree to the establishment of an Education Improvement Board.
- (iii) That delegated authority be granted to the Monitoring Officer to incorporate the establishment of the Education Improvement Board within the Council's Constitution, detailing its membership and functions.

The above was agreed by a show of hands.

2. Proposed Closure of Hartlepool Magistrates' Court and County Court – Report of the Finance and Policy Committee

The Chair of Finance and Policy Committee moved the report on the background to proposals to close Hartlepool Magistrates Court and County Court and consideration of a report by the Finance and Policy Committee on 28 August 2015 which had considered the impact of the changes and consultation that had taken place to enable a considered response to the Ministry of Justice proposals, the outcome of which was included in the report.

The Chair of the Finance and Policy Committee indicated that it was inconceivable that a town the size of Hartlepool should not have its own Magistrates' Court and County Court given that it would be unfair that people would be forced to bear the cost of travelling to Middlesbrough if the closures were to go ahead. The need to fight to retain court services in Hartlepool were emphasised, the reasons for which were outlined. Members were urged to voice their opposition to closure and agreeing to vehemently oppose the closure.

The following recommendations were agreed by a show of hands:-

- (i) That Council note the Ministry of Justice proposals to close Hartlepool Magistrates Court and County Court.
- (ii) That the Chief Executive Officer and Director of Regeneration and Neighbourhoods finalise a response to the Ministry of Justice in

- consultation with the Leader of the Council and that the views articulated by the Chair at the meeting be included in that response.
- (iii) That a copy of the response be circulated to all Members.

It was confirmed, in the absence of dissent, that this was the unanimous decision of the Council.

3. Audit and Governance Committee – 2015/16 Work Programme

The Chair of Audit and Governance Committee reported that full Council, at its meeting on 25 June 2015, had agreed that the “functions and responsibilities for Health Scrutiny be delegated to Audit and Governance Committee and that the work programme for the municipal year 2015/16 be agreed by the Committee and reported annually to Council.” In accordance with the wishes of full Council, details of the Audit and Governance Committee’s work programme for 2015/16 were set out in a table included in the report.

RESOLVED – That the report be noted.

63. TO CONSIDER ANY OTHER BUSINESS SPECIFIED IN THE SUMMONS OF THE MEETING

None

64. REPORT FROM THE POLICY COMMITTEES

(a) Proposal in relation to the Council’s budget and policy framework

1. Seaton Carew Masterplan Supplementary Planning Document

The Chair of Regeneration Services Committee presented a report which provided the background and purpose to the development of the Seaton Carew Masterplan Supplementary Planning Document (SPD). A public consultation on the Plan had been held between March and May 2015, the outcome of which was set out in the report.

The main changes and amendments to the SPD as a result of the consultation included reflecting concern about the adverse impact caused by the Longscar Building, strengthening the section on conservation, reflecting the need for and benefits of ‘constructive conservation and recognising the importance of bathing water quality to Seaton Carew. Natural England had been consulted and did not have any significant concerns with the Habitat Regulations Assessment.

It was moved by Councillor Cranney and seconded by Councillor James:-

“That the Seaton Carew Masterplan Supplementary Planning Document (SPD) be adopted.”

A Member reiterated concerns that had previously been expressed at a meeting of the Regeneration Services Committee regarding the decision taken that there would be no representation from Seaton Carew Ward Members on the Seaton Coastal Community Team given that a Headland and Harbour Ward Councillor had been appointed as the nominated representative on the Headland and Harbour Coastal Community Team. The benefits of Ward Councillor representation were outlined and Council were asked to re-consider this decision. In response, the Chair of Regeneration Services Committee, whilst acknowledging these concerns, advised that representation on the Coastal Community Teams did not require Ward Member representation and the background to the appointment of the Headland and Harbour Ward representative was outlined. Representation on Community Teams of this type was further debated following which the Chief Solicitor advised that the issue for Members' consideration was adoption of the SPD document and representation on Committees was a matter for consideration outside of Council meetings.

The motion was agreed.

The Ceremonial Mayor indicated that in the absence of dissent that this was the unanimous decision of the Council.

(b) Proposal for Departure from the Budget and Policy Framework

None

65. MOTIONS ON NOTICE

None

66. COUCIL MOTION – 26 FEBRUARY 2015

The Chief Executive reported that the Finance and Policy Committee, at its meeting held on 28 August 2015, considered a report, attached at Appendix 1, which set out a number of potential considerations arising from the following Motion agreed by Council on 26 February:-

“That the principal of introducing a formal Appraisal Scheme for Elected Members be endorsed”.

The report set out details of options which had been investigated in relation to an appraisal scheme for Members. A number of Councils had been contacted together with colleagues at the Local Government Association for their thoughts on such an arrangement. It had not been possible to identify a Council that operated an appraisal system for Elected Members which offered a structured assessment of both actual performance and achievement of objectives, allied with an assessment against core role competencies and identified training needs. Views had been expressed at the meeting that Elected Members were ‘appraised’ by the electorate when they were due for re-election. It was considered, therefore, that an appraisal scheme for Members should not be pursued although the Chair expressed the view that more transparent

information should be published in relation to Member attendances, with particular reference to the internet.

RESOLVED: –

- (i) That consideration of the various arrangements identified in the report were noted.
- (ii) That no additional arrangements be made for a member appraisal system.

67. COUNCIL MOTION – 25 JUNE 2015

The Chief Executive reported that the Finance and Policy Committee, at its meeting held on 28 August 2015, considered a report, attached at Appendix 2 and recommendations required following the Motion agreed by Council on 25 June 2015, details of which were set out in the report. The report considered by the Finance and Policy Committee highlighted that there were a number of potential considerations arising from the Motion, both direct and indirect . Accordingly, the report addressed the following issues:-

- Filming of Council Meetings including web based broadcasting of all public meetings which had been the subject of a petition.
- Quality of audio / Council microphone system
- Standards of Behaviour
- Rules of debate
- Sanctions for inappropriate behaviour
- Role of the Ceremonial Mayor
- Standing for the Mace
- Timings of Council meetings

A summary of the potential implications of each of the issues was provided.

Following presentation of the report, Members debated issues arising from the report. The Chief Executive provided clarification in response to queries raised in relation to web broadcasting of all Council meetings and the reasons for the recommendation not to pursue the streaming of all meetings and not to consider a replacement microphone system at this stage. Alternative solutions were suggested in terms of utilising a more cost effective means of web broadcasting Council meetings. Following further debate and support expressed for streaming of meetings, it was agreed that officers further consider the options for streaming of Council meetings.

Whilst Members supported the recommendation to refer the options available for the timing of Council meetings to Neighbourhood Forums, Council requested more extensive public consultation should also be undertaken.

RESOLVED: –

- (i) That officers be authorised to film and upload Council meetings.
- (ii) That officers further consider the options for streaming of all meetings.
- (iii) It was agreed not to consider the replacement microphone system at this stage but for officers to consider the options of replacement speakers in the first instance and should this be unsuccessful to revisit this issue.
- (iv) That the proposed approach for the Chief Executive, as Head of Paid Service, and the Monitoring Officer in terms of standards of behaviour be noted and endorsed.
- (v) That the proposal for the development of locally agreed arrangements for sanctions for inappropriate behaviour by Elected Members be agreed.
- (vi) That the considerations in respect of the role of Ceremonial Mayor be noted.
- (vii) That reinforcement of the requirements in respect of the Mace be agreed.
- (viii) That the options available for the timing of Council meetings be referred to the Neighbourhood Forums, together with more extensive public consultation .

68. CHANGE OF COUNCIL MEETING DATE

The schedule of Ordinary Council meeting dates, for the municipal year 2015/2016, was formally approved at the Council meeting on 25 June 2015. Council will be requested to consider devolution proposals later in the year. The timescale was not known at this time but it was likely that Council would be requested to consider proposals at the beginning of November. A Council meeting was scheduled for 29 October. It was proposed that the date of that Council meeting be changed from 29 October to 12 November to allow consideration of the proposals at that meeting. Council was requested to approve the change of date of the Council meeting.

RESOLVED – That the next meeting of Council be changed from 29 October 2015 to 12 November 2015.

69. TEES VALLEY JOINT HEALTH SCRUTINY COMMITTEE

Council was advised that following the appointment to Outside Bodies made at the meeting of Council held on 26 May 2015, the Audit and Governance Committee considered the various appointments at its meeting on 6 August and agreed the appointments to the Tees Valley Joint Health Scrutiny Committee subject to Councillor Ainslie replacing Councillor S Akers-Belcher on the Committee. Council was requested to approve the change in membership to the Committee.

RESOLVED –That Councillor Ainslie replace Councillor S Akers-Belcher as a Member of the Tees Valley Joint Health Scrutiny Committee.

70. RESPONSE TO REFUGEE CRISIS

The Chief Executive reported that as the refugee crisis unfolded over August and had now reached an unprecedented scale, Council's had been approached by different bodies to find ways in which they could work with the UN, Central Government and community and faith based organisations to offer sanctuary for desperate families and unaccompanied children who had no safe home to return to. Early in August the Council responded to a request from Kent County Council to offer placements for unaccompanied asylum seeker children and the Council had responded positively to this request. More recently a request from the Bishop of Durham on behalf of Citizens UK requesting authorities to commit to resettling up to 10 refugee families (a maximum of 50 individuals) had been received.

In consultation with the Leader of the Council, the Chief Executive had written to Central Government indicating Hartlepool's willingness to work with partner organisations and with community and faith based organisations to help resettle vulnerable refugee families and children. Throughout its history Hartlepool had a strong track record of responding to international refugees crises and the Chief Executive was confident that the Council could put the practical arrangements in place to enable the Council to play their part in responding to this current humanitarian crisis.

RESOLVED - Council noted and endorsed the action taken.

A recorded vote was requested.

In accordance with Council Procedure Rule 17.5 of the Constitution, a recorded vote was taken to endorse the actions which had been taken:-

Those in favour:

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Atkinson, Barclay, Beck, Belcher, Clark, Cook, Cranney, Fleet, Gibbon, Griffin, Hall, Hind, Jackson, James, Lawton, Lindridge, Loynes, Martin-Wells, Dr. Morris, Richardson, Riddle, Robinson, Simmons, Sirs, Springer, Tempest, Thomas and Thompson

Those against:

None

Those abstaining:

None.

The vote was carried.

71. NORTH EAST MIGRATION PARTNERSHIP MEMBER FORUM

Council was requested to consider a request for a nomination to the North East Migration Partnership Member Forum. The Forum provided a forum for feedback on issues of significance that furthered the objectives of the North East Migration Partnership and its work programme and to develop and foster political interest and knowledge on asylum and refugee issues. The Primary Objectives of the Forum were provided as set out in the report. The Forum would be chaired by Middlesbrough Council's Executive Member for Communities and Public Health.

A nominated Member from each local authority area had been requested for the first meeting of the Forum which would meet twice a year.

It was moved by Councillor C Akers-Belcher and seconded by Councillor Richardson:-

“That Councillor Cranney be nominated to the North East Migration Partnership Member Forum”

The appointment of Councillor Cranney was approved by show of hands.

72. PUBLIC QUESTION

None

73. QUESTIONS FROM MEMBERS OF THE COUNCIL

None

- a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1

None

- b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2

None

- c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority

None

- d) Minutes of the meetings held by the Cleveland Fire Authority and the Police and Crime Panel

The minutes of the meeting of the Cleveland Fire Authority held on 26 June 2015 and Police and Crime Panel held on 3 February 2015 were noted.

In response to concerns expressed regarding the time delay between the date of the Police and Crime Panel meeting and submission of the minutes to Council it was agreed that this issue be investigated with Stockton Borough Council.

RESOLVED – That the time delay between the date of the Police and Crime Panel meeting and submission of the minutes to Council be investigated.

The meeting concluded at 8.05 pm.

CEREMONIAL MAYOR

COUNCIL

12th November 2015



Report of: Finance and Policy Committee

Subject: TEES VALLEY DEVOLUTION

1. PURPOSE OF REPORT

- 1.1 The Finance and Policy Committee at their meeting on 6th November 2015 will consider proposals for a Devolution deal between Central Government and the five Tees Valley Councils. The report as presented to the Committee (together with appendices) is attached to this report, for the information of Council (**Appendix A**).

2 BACKGROUND

- 2.1 In July 2015, the five Leaders / elected Mayor that comprise the Shadow Tees Valley Combined Authority, working together with business through the Local Enterprise Partnership (the LEP), were invited by Government to submit proposals for a Devolution Deal for the Tees Valley.
- 2.2 This devolution proposal builds on the City and Growth deals already agreed with Government to take our economic growth to a new level.
- 2.3 The devolution deal would bring £450m of additional money into the Tees Valley over the next 30 years and take identified decision-making powers away from Whitehall and into the area under local democratic control. The deal is focused on driving economic growth, accelerating delivery of the 25,000 new jobs as set out in the Strategic Economic Plan, and creating up to 14,000 additional new jobs. Final agreement depends on the support of each of the five local authorities (Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland, and Stockton). The attached report describes what the deal would mean to the Tees Valley.
- 2.4 The Chancellor has said clearly that every devolution deal on this scale requires an elected mayor. If the deal is agreed, there will be an elected mayor for the whole area of the Tees Valley Combined Authority. The Mayor would be an integral part of the Combined Authority and would lead it alongside the leaders of the five local authorities. The Combined Authority will have its own constitution which will set out in detail how it functions. We

will develop that constitution in the next few months. What we know already is that in order to use his/her powers the Mayor will need to have the support of the majority of local authority leaders.

- 2.5 There are likely to be further significant cuts in local authority funding, over and above what we already know. The Spending Review, to be announced in late November 2015, is expected to confirm this. These cuts to local authority budgets will happen irrespective of any Devolution Deals. The Deal offers us significant new resource. Even with the Deal, we may be worse off in years to come when compared to 2015, but we would almost certainly be much more worse off if the Deal is rejected, which would mean we would lose out on resources for job creation, investment and influence in infrastructure and transport, housing and skills etc.
- 2.6 Being part of a devolution deal now provides options and opportunities in the future as part of a collective which jointly can have a stronger voice with Central Government. Not being part of it at this early stages runs the risk of being significantly marginalised in terms of the devolution of powers, local democratic accountability and the availability of funding.

3 **CONCLUSIONS**

- 3.1 Finance and Policy Committee considered the attached report at their meeting and their comments will be provided to Council at the meeting.

4 **RECOMMENDATION**

- 4.1 That Council agrees the Devolution Deal, subject to the recommendations of the Finance and Policy Committee.

FINANCE AND POLICY COMMITTEE

6th November 2015



Report of: Chief Executive

Subject: TEES VALLEY DEVOLUTION DEAL

1.0 TYPE OF DECISION/APPLICABLE CATEGORY

Key Decision (General Exception Provisions Apply)

2.0 PURPOSE OF REPORT

- 2.1 The purpose of the report is to seek the endorsement of Finance and Policy Committee prior to referral to Council to formally sign up to a Devolution Deal with HM Government, on which the five Tees Valley authorities have negotiated hard to arrive at a deal worth £450m over 30 years.
- 2.2 This Devolution Deal is a set of resources and powers, to be devolved down from Government to the Tees Valley Combined Authority, due to be established from 1st April 2016. This is in return for developing a new governance model in the form of the election of a Elected Mayor for the Tees Valley which will follow subject to legislation currently going through Parliament.
- 2.3 As part of a 'Fast Track' Deal with Government, the Leaders and Elected Mayor from the five authorities have signed an agreement 'in principle' with Government. Members are now asked to formally approve the Deal. This request is being made of all five Tees Valley Councils.
- 2.4 If agreed by each of the five councils, further detailed negotiations will take place with Government in the coming months to make the Deal happen.

The Deal is attached at **Appendix 1**.

3.0 BACKGROUND

- 3.1 In July 2015, the five Leaders / elected Mayor that comprise the Shadow Tees Valley Combined Authority, working together with business through the Local Enterprise Partnership (the LEP), were invited by Government to submit proposals for a Devolution Deal for the Tees Valley. What followed has been a fast-track process that puts the Tees Valley in the first wave of new Deals, shaping the agenda and influencing Government's resource allocation ahead of the Spending Review announcement in November 2015, when Government departmental budgets will be set for the rest of this Parliament. Our proposals,

“Tees Valley Powerhouse Plan” were submitted to Government on 4th September. Since then, there have been detailed negotiations with Government to arrive at the Deal attached to this report.

Tees Valley Context

- 3.2 Tees Valley, the area covered by the local authorities of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland, and Stockton-on-Tees, share a coherent economic identity and a background of highly effective collaboration.
- 3.3 Tees Valley is one of the most significant integrated industrial economies in the UK. It is home to England’s third largest port and produces some 30% of the UK’s process output. With a positive balance of trade and GVA worth £11.4 billion to the UK economy, we are a key ingredient in the nation’s future growth and prosperity.
- 3.4 In Tees Valley Unlimited, through our innovative Local Enterprise Partnership, we have established a mature and robust partnership, a ten year proven track record of delivery and willingness to collaborate for the benefit of our combined community. Following earlier Council approvals to submit a scheme for the establishment of a Tees Valley Combined Authority to the Secretary of State for Communities and Local Government and subject to the necessary Order being made, we are on track to establish a Tees Valley Combined Authority in April 2016.
- 3.5 This devolution proposal builds on that background and on the City and Growth deals already agreed with Government to take our economic growth to a new level.

Our Vision

- 3.6 Our vision is that Tees Valley is an area with:
- Rapid and sustainable local economic growth to benefit Tees Valley and the whole of the UK, with a full role in the Northern Powerhouse
 - Improved life chances and opportunities for communities so that local people directly benefit through improved prosperity and wellbeing; and
 - Real strength and vibrancy as a place in which to live, work, visit and invest

Progress So Far

- 3.7 Through our Local Enterprise Partnership, the five local authorities and business work very well together in the Tees Valley and have made some good progress. We have lobbied for and secured full membership of Transport for the North; seen a 20% growth in our digital sector; and a 15.6% growth in our business start up rate. We have secured significant external funds through Tees Valley Unlimited and we have a good track record in using those funds to enable businesses to create jobs. For example:

- £104m of Local Growth Funding is creating 5,000 jobs and 1,500 new homes
- City Deal is creating 3,500 jobs and £10m of investment
- £6m of Government investment in the Tees Valley Jobs and Investment Scheme has created over 700 jobs in just 18 months.
- In total, we have created 11,000 private sector jobs in Tees Valley since 2011.

3.8 There is, however, much more to be done to diversify and strengthen the Tees Valley economy and make it more resilient to external shocks, such as the recent announcement about SSI and steel. The Devolution Deal would help us to accelerate jobs growth.

4.0 The Devolution Deal

What does the devolution deal mean for the Tees Valley?

4.1 The devolution deal would bring £450m of additional money into the Tees Valley over the next 30 years and take decision-making powers away from Whitehall and into the area under local democratic control. The deal is focused on driving economic growth, accelerating delivery of the 25,000 new jobs as set out in the Strategic Economic Plan, and creating up to 14,000 additional new jobs. Final agreement depends on the support of each of the five local authorities (Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton). This summary describes what the deal would mean to the Tees Valley.

Governance (paragraphs 1-10 of the full document)

4.2 The Chancellor has said clearly that every devolution deal on this scale requires an elected mayor. If the deal is agreed, there will be an elected mayor for the whole area of the Tees Valley Combined Authority.

4.3 The Mayor would be an integral part of the Combined Authority and would lead it alongside the leaders of the five local authorities. The Combined Authority will have its own constitution which will set out in detail how it functions. We will develop that constitution in the next few months. What we know already is that in order to use his/her powers the Mayor will need to have the support of the majority of local authority leaders.

4.4 We are expecting the Combined Authority to come into being on 1 April 2016 and the first Mayor to be elected in May 2017.

Tees Valley Investment Fund (paragraphs 11-13)

4.5 The Government will provide extra funding of £15m a year for 30 years or £450m in total for the Tees Valley as part of the deal. The Combined Authority will be able to spend that money to generate economic growth in the area. In addition, the Combined Authority will also get the power to use the money

which Government already spends in the area more flexibly – moving it between years and between services. We will also get to keep the benefits of economic growth and reinvest them in the region. That all means that the Tees Valley Combined Authority will be in a much better position to spend money in ways which will benefit local people as opposed to decisions being taken in Whitehall.

European Funding (paragraph 14)

- 4.6 The Tees Valley Combined Authority will have new powers to make decisions about European funding. That will mean better decision-making based on local knowledge and support for projects which will make a real difference here.

Planning and Housing (paragraphs 15-16)

- 4.7 A new Tees Valley Development Corporation, which would be under the democratic control of the Combined Authority, will move quickly to bring surplus land into use for housing and business use. That would facilitate the construction of more affordable and aspirational homes that people need across the area.

Transport (paragraphs 17-19)

- 4.8 There are a number of key transport schemes which are needed to make it easier for passengers and businesses to move around the region (including widening the A19; a new Tees crossing; improvements to Darlington station; improving east-west connectivity in the area and electrification of the Northallerton-Teesport line). These schemes are major projects which take years to develop. The deal recognises the importance of those schemes and commits the Government to working with Tees Valley to develop detailed business cases.
- 4.9 The deal also puts Tees Valley at the forefront of new proposed arrangements for buses which will mean we can improve services so that people have better access to jobs and can travel more easily around the area.

Business support (paragraphs 20-25)

- 4.10 There are major benefits for businesses in the deal. The devolution of powers on skills funding, education and employment programmes will enable us to focus on the needs of employers now and in the future.
- 4.11 The deal also commits Government to using its resources to provide better support which is more tailored to the needs of Tees Valley businesses. We will work with Government on a joint plan to improve exports in the area and on an event to help inward investment. And the deal puts in place the mechanisms for Government to recognise the Tees Valley's strength in innovation.

Education, Skills and Employment (paragraphs 26-31)

- 4.12 We will move towards full control of funding for adult skills in the Tees Valley within 3 years. That will enable us to focus funding where it is really needed to improve training so that local people have the skills to take up the new jobs being created. Tees Valley will be in the first phase of area reviews of Further Education to make sure that the sector meets the needs of students and employers. Government will work in partnership with the Combined Authority leaders to transform education and skills in the region so that young people have the qualifications they need to thrive in the modern world.
- 4.13 Tees Valley will work with the Government to design a future programme for those who are struggling to find work so that those who really need support get the support they need.

Energy and climate change (paragraphs 32-34)

- 4.14 Tees Valley will get support to become a market leader in new technology that mitigates the environmental impact of heavy industry (Industrial Carbon Capture and Storage). Again, Government will work with us on the future for Hartlepool Power Station.

Culture (paragraph 35)

- 4.15 We will work with Arts Council England to get a fairer share of the national culture budget and to put the money that comes to Tees Valley to good use.

Evaluation and economic assessment (paragraphs 36-39)

- 4.16 Government requires that we carry out an evaluation every five years of the social and economic impact of the extra funding we are getting to show that it is being well used.

Next steps and Commitments (paragraphs 40-50)

- 4.17 These paragraphs describe the process of implementing the commitments Government and Tees Valley would make as part of this deal. The planning will involve a lot of intensive work over the next few months.
- 4.18 The deal flags the possibility that Tees Valley and the Government may want to do future deals to devolve further funding and powers to the Tees Valley.
- 4.19 A more detailed analysis is attached at **Appendix 2**.

5.0 Who will this benefit and how?

- 5.1 Communities, businesses and Government will benefit. In particular, some of our most disadvantaged communities will stand to benefit as we create more jobs, targets skills funding to training and apprenticeships that will help them

secure the jobs we are creating, help connect people with work opportunities, provide for more and better housing options, and offer confidence in their futures in the Tees Valley.

6.0 How will it deliver our priorities and improve our performance?

- 6.1 The Deal, if approved by Members, will contribute to our individual and collective priorities and performance targets in relation to economic regeneration and the wellbeing of our communities. In particular, it will enable us to go beyond our existing commitment in the Tees Valley to create 25,000 new jobs as set out in the Strategic Economic Plan, and enable us to create a further 14,000 new jobs.

7.0 What are the resource implications (financial, human resources)?

- 7.1 The Deal, if agreed, will provide £450m for the Tees Valley over 30 years. The main staffing resource for delivering the work of the Combined Authority, and enhancements through the Devolution Deal, will be from our existing, jointly-funded team at Tees Valley Unlimited.
- 7.2 In pure financial terms, on a per head of population basis, the Tees Valley deal is the best so far secured by any City Region (all of which are over 30 years).
- **Greater Manchester:** £900m, population 2.7m = **£333 per head**
 - **Sheffield:** £900m, population 1.8m = **£500 per head**
 - **Tees Valley:** £450m, population 660,000 = **£681 per head**

8.0 EQUALITY AND DIVERSITY CONSIDERATIONS

- 8.1 The Deal will accelerate job creation, skills development and the improved wellbeing of some of our most disadvantaged communities. It will create opportunities for people of all ages and backgrounds

9.0 CHILD AND FAMILY POVERTY CONSIDERATIONS

- 9.1 The Proposals incorporated in the deal will provide a range of opportunities to advance and accelerate the economic development of the area, the employment opportunities and allied to these the potential positive impact on Child and Family Poverty

10.0 LEGAL CONSIDERATIONS

- 10.1 The Devolution Deal would be legally binding.

11.0 RISK IMPLICATIONS

- 11.1 There are likely to be further significant cuts in local authority funding, over and above what we already know. The Spending Review, to be announced in late November 2015, is expected to confirm this. These cuts to local authority

budgets will happen irrespective of any Devolution Deals. The Deal offers us significant new resource. Even with the Deal, we may be worse off in years to come when compared to 2015, but we would almost certainly be much more worse off if the Deal is rejected, which would mean we would lose out on resources for job creation, investment and influence in infrastructure and transport, housing and skills etc.

- 11.2 Being part of a devolution deal now provides options and opportunities in the future as part of a collective which jointly can have a stronger voice with Central Government. Not being part of it at this early stages runs the risk of being significantly marginalised in terms of the devolution of powers, local democratic accountability and the availability of funding.
- 11.3 Given that local government as a sector has asked for devolved powers and resources for many years, if we say no now, there is the likelihood that any future deal would not be as good as the one on offer now.
- 11.4 We know that Devolution Deals are likely to come in phases – that is what is happening. We would begin to plan for further devolution of powers and resources after this one, building on the strong track record we have in the Tees Valley.
- 11.5 There are risks associated with a new governance model in the form of a Tees Valley elected Mayor. This would be a new form of governance for us. We have had a successful model of collaboration of the Leaders and Mayor working alongside business through the LEP and now the Shadow Combined Authority. We would work with Government to ensure that this strength, widely admired by other regions, is built upon.
- 11.6 Tees Valley would be required to put in place a programme of evaluation agreed at the outset with Government (Gateway Reviews) to demonstrate economic and social impact of our investment. We will need to be ambitious and robust in our negotiations with Government.

12.0 What Options have been considered?

- 12.1 This is the Deal on offer from Government. We have negotiated successfully to ensure that the Tees Valley's needs are at the heart of the Deal. Our options are to accept the Deal on offer, or to reject it.

13.0 REASONS FOR RECOMMENDATIONS

- 13.1 The reason for the recommended option is to secure significant additional resources and powers from Government that will help us to accelerate economic growth and improvements in well-being in our communities. Agreeing to the deal will provide Hartlepool with significant influence on the sub regional agenda and the ability to have influence over the allocation of funding and any further devolved powers.

14.0 RECOMMENDATIONS

- 15.1 That Finance and Policy Committee endorse the Devolution Deal as attached and thereafter make recommendations to Council.

16.0 APPENDICES AND FURTHER INFORMATION

- 16.1 Appendix 1 – The Tees Valley Devolution Deal.
- 16.2 Appendix 2 – The Devolution Deal – What does it mean for the Tees Valley?

17.0 BACKGROUND PAPERS

- 17.1 No background papers other than published works were used in writing this report.

18.0 CONTACT OFFICER

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Tees Valley Devolution Deal



Cllr Bob Cook

Leader, Stockton-on-Tees Borough Council

Cllr Sue Jeffrey

Leader, Redcar and Cleveland Council

Cllr Christopher Akers-Belcher

Leader, Hartlepool Borough Council

Mayor Dave Budd

Mayor of Middlesbrough

Cllr Bill Dixon

Leader, Darlington Borough Council

Paul Booth OBE

Chair, Tees Valley Unlimited Local
Enterprise Partnership

The Rt.Hon. George Osborne

Chancellor of the Exchequer

The Rt. Hon. Greg Clark

Secretary of State for Communities and
Local Government

Lord O'Neill of Gatley

Commercial Secretary to the Treasury

James Wharton

Minister for Local Growth and the Northern
Powerhouse

Summary of the Devolution Deal agreed in principle by the Government and Tees Valley Shadow Combined Authority Leadership Board

The Tees Valley Shadow Combined Authority Leadership Board and the Government have agreed in principle a radical devolution of funding powers and responsibilities. A Combined Authority will be created as soon as possible and a directly elected Mayor for Tees Valley will be established from May 2017. The Mayor will work as part of the Combined Authority subject to local democratic scrutiny, and in partnership with business, through Tees Valley Unlimited, the Local Enterprise Partnership for Tees Valley. This agreement will be conditional on the legislative process, agreement by the constituent councils, and formal endorsement by the Tees Valley Combined Authority Leadership Board (which currently exists in shadow form).

The deal provides for the transfer of significant powers for employment and skills, transport, planning and investment from central government to the Tees Valley. It paves the way for further devolution over time and for the reform of public services to be led by Tees Valley. It enables the Combined Authority to create an Investment Fund, through a 30 year initial allocation of funding for capital financing of at least £15 million a year. Tees Valley will in addition have access to the Local Growth Fund and will benefit from new Enterprise Zones, subject to the current bidding round.

In summary, a new, directly elected Mayor of Tees Valley will act as Chair to the Tees Valley Combined Authority and will exercise the following functions devolved to that Authority:

- Responsibility devolved from Government for a consolidated transport budget, with a multi-year settlement to be agreed at the Spending Review
- Creation of new Mayoral Development Corporations and leadership of a land commission to examine what publicly owned land and other key strategic sites should be vested in the development corporation.

The Tees Valley Combined Authority, working with the Mayor, will exercise the following powers devolved to it:

- To create a Tees Valley Investment Fund, bringing together funding for devolved powers and used to deliver a 30 year programme of transformational investment in the region
- Control of a new £15 million a year funding allocation over 30 years, to be included in the Tees Valley Investment Fund and invested to boost growth
- Leadership of the comprehensive review and redesign of the education, skills and employment support system in Tees Valley
- Responsibility for a devolved approach to business support from 2017, to be developed in partnership with Government.

Further powers may be agreed over time and included in future legislation.

Governance

1. The proposal for a Mayoral Combined Authority (as defined in The Cities and Local Government Devolution Bill) is subject to final formal consent of the Combined Authority, the constituent councils, agreement of ministers, and to the enactment of the necessary primary legislation (The Cities and Local Government Devolution Bill) and to parliamentary approval of the secondary legislation implementing the provisions of this agreement.
2. Strengthened governance is an essential pre-requisite to any further devolution of powers to any city region. Through this deal Tees Valley will introduce a directly elected city region Mayor (i.e. a Mayor covering the whole city region, not just one local authority), who, working with other leaders as part of the (still to be established) Tees Valley Combined Authority will: provide overall leadership; be directly accountable to the Tees Valley electorate and have new powers on transport, housing and planning to drive through reforms to stimulate the area's economic growth.
3. The Mayor will be the Chair and a Member of the Tees Valley Combined Authority and within the statutory framework for combined authority mayors, subject to the Authority's Constitution and associated procedures (to be amended in the light of the introduction of a Mayor). The powers contained in this deal document will be devolved from Government to the Mayoral Combined Authority. Working within the Constitution of the Combined Authority, the Mayor will exercise certain powers autonomously and also deliver his/her mandate as Chair of the Combined Authority. Other members of the Tees Valley Combined Authority Leadership Board (to be renamed as a Cabinet) will become portfolio leads for aspects of the Combined Authority's responsibilities, on the basis to be set out in its Constitution, and agreed with the Mayor.
4. The Mayor for Tees Valley will be elected by the local government electors for the areas of the constituent councils of Darlington Borough Council, Hartlepool Borough Council, Middlesbrough Borough Council, Redcar and Cleveland Borough Council and Stockton-on-Tees Borough Council. Subject to parliamentary time allowing for the passage of legislation through parliament, the first election will be held in May 2017.
5. Proposals for decision by the Combined Authority may be put forward by the Mayor or any Cabinet Member. All members including the Mayor will have one vote. Any questions that are to be decided by the Combined Authority are to be decided by a majority of the members present and voting, subject to that majority including the vote of the Mayor, unless otherwise set out in legislation, or specifically delegated through the Authority's Constitution.
6. Recognising the Tees Valley model of governance, the Combined Authority will also be strengthened with additional powers devolved from central Government. The agreement will protect the integrity of the five existing Tees Valley Local Authorities, and continue to support strong working between the local authorities and Local Enterprise Partnership.
7. The directly elected Tees Valley Mayor will receive new powers over transport, housing, and planning. The Mayor would be able to exercise these powers within the structure of the Tees Valley Combined Authority, though he/she and the Tees Valley Cabinet (comprising the leaders of the five Tees Valley local authorities) will be required to be scrutinised and held to account by a new scrutiny panel to be established. The Mayor will also be required to consult the Tees Valley Cabinet on his/her strategies, which it may reject if three-fifths of the members agree to do so. The Tees Valley Cabinet will also examine the Mayor's spending plans and will be able to amend his/her plans, again if three-fifths of the members agree to do so.

8. Economic growth is a shared endeavour and is vital in delivering the Northern Powerhouse ambitions. The Mayoral Combined Authority will continue to work very closely with HM Government for the benefit of the public.
9. Tees Valley Combined Authority commits to work with partners across the North of England to promote opportunities for pan-Northern collaboration, including Transport for the North, to drive northern productivity and build the Northern Powerhouse.
10. In recognition of this strengthened governance system, the government will devolve the powers set out below to the Combined Authority to be exercised by the Tees Valley City Region Mayor.

Tees Valley Investment Fund

11. HM Government will work with the Tees Valley Combined Authority to agree specific funding flexibilities to a Spending Review timetable. The joint ambition will be to give Tees Valley Combined Authority an investment fund to invest in its economic growth. This fund will comprise a flexible, multi-year settlement providing the freedom to deliver its growth priorities, including the ability to re-direct funding to reflect changing priorities, whilst upholding its statutory duties. This local freedom will be over a range of budgets to be determined by Tees Valley and HMG in the run-up to and beyond the Spending Review. HM Government expects to disburse this agreed settlement to the Tees Valley City Region annually in advance. Existing commitments that utilise this pot will need to be agreed with Tees Valley Combined Authority.
12. HM Government agree to allocate an additional £15m per annum of capital and revenue funding for 30 years, which will form part of and capitalise the Tees Valley Combined Authority investment fund. This is subject to the passing of five-yearly assessment gateways. Success at the gateways would depend on the outcome of an independent assessment of the economic and social benefit of business growth and infrastructure projects implemented by Tees Valley; funding would cover the period 2017-18 to 2047-48. The Government will work collaboratively with Tees Valley on the delivery of many of these projects.
13. The Combined Authority and Government will pilot a scheme which will enable the Combined Authority to retain all business rate growth that would otherwise have been paid as central share to government, above an agreed baseline, for an initial period of five years, with 2015/16 forming the starting point for the baseline.

European Funding

14. The Government is committed to working with the Tees Valley Combined Authority to achieve Intermediate Body status for ERDF and ESF. HM Government will work with Tees Valley Combined Authority to agree how to delegate powers to select projects on the basis of strategic fit with operational programmes and local conditions. This will allow the Tees Valley to integrate and align investments with other aspects of the devolution deal, to select projects for investment, to improve performance and maximise economic impact.

Planning and Housing

15. Government will give the Mayor of Tees Valley and the Tees Valley Combined Authority the power to create democratically controlled Mayoral Development Corporations as envisaged by the Cities and Local Government Devolution Bill. This new corporation will seek to prioritise economic development and housing on under-developed land within the Tees Valley. Government and Tees Valley will establish a land commission to examine what publicly owned land and other key strategic sites could be vested in the development corporation. HM Government will work with Tees Valley local authorities to explore what additional planning powers and responsibilities would support their development ambitions. Increases in the value of the land as a result of the work of the development corporation will be reinvested in the corporation to deliver new schemes.
16. Government will continue to explore the devolution of housing financial transaction funding with Tees Valley.

Transport

17. The Government recognises that Tees Valley have identified a number of key strategic transport schemes seen as essential to facilitate growth in the Tees Valley. Transport for the North (TfN) was established to enable the region to collectively identify the key strategic transport interventions that could help to forge a single Northern economic area and support economic growth. Government welcomes Tees Valley's participation in Transport for the North. As one of the new members of TfN, the Tees Valley has only recently started to participate in the workstreams established by TfN to identify strategic transport interventions. Working with TfN and Rail North, the government has committed to facilitate the Tees Valley partners as they further develop proposals in conjunction with Highways England and Network Rail to ensure their key strategic infrastructure projects will be considered as part of the development of the Northern Transport Strategy. These priorities include:
- Enhancements to the A19 corridor and the requirement for an additional Tees River crossing
 - Darlington station to be HS2 ready and improve the rail gateway into and across the Tees Valley
 - Delivery of improved east west road connectivity from the A1 to the international gateway at Teesport
 - Electrification of the Northallerton to Teesport rail line to improve connectivity for business and passengers.
18. The Tees Valley clearly has ambitions to continue to strengthen the bus network and indeed the relationship and influence it has with local bus operators. The Government is currently developing a number of policies that will form part of the buses bill to be shortly laid before Parliament and this will set out a range of new mechanisms and opportunities for local areas to influence bus services. The Government looks forward to discussing a franchising model or other appropriate mechanism(s) with Tees Valley as they are finalised in the coming months.
19. The Government will pool and devolve relevant central funding for local transport to Tees Valley and provide a multi-year transport settlement at the next Spending Review, as part of the single capital pot to be devolved to the directly elected Mayor of the Tees Valley Combined Authority. This settlement will be on the same basis as capital and resource settlements given to Government departments at that time.

Business support

20. Working within the scope of existing contracts (2015/16 and 2016/17), Government will work with Tees Valley to align the Business Growth Service and other national services with local business support through its Growth Hub, to give businesses a joined-up, simplified service that meets their needs. Government will work with Tees Valley to develop a devolved approach to the delivery of business support from 2017 onwards. What is ultimately devolved will reflect the decisions taken in the next spending review on the shape of – and level of spending on – business support schemes.
21. An export plan will be agreed between Tees Valley and UKTI which will allow Tees Valley flexibility (being tailored to meet local requirements). UKTI will also work with Tees Valley to ensure UKTI services are integrated into overall business support within Tees Valley with sharing of customer data and common marketing. Ringfenced resource remains subject to departmental budget changes.
22. HMRC, as the UK customs authority, is committed to supporting economic growth through the provision of efficient, simple and transparent customs facilitations and procedures to existing and new customers. HMRC is happy to support Tees Valley Combined Authority to identify the best options for local businesses, discuss application criteria and processes, and provide guidance on where to find detailed information.
23. The Government will work with Tees Valley Combined Authority to mitigate the impact of significant industrial closures on the local economy, particularly in SSI's suspension of production. This will be the subject of future work to develop an appropriate economic recovery plan.
24. The Government will prioritise Tees Valley for Smart Specialisation Advisory Hub and/or Innovate UK innovation workshops. These will help Tees Valley identify their existing and potential innovation strengths in response to identified needs. Such activity is also likely to support any future application to participate in a Science and Innovation Audit.
25. The Government will support an annual inward investment event to be held in Tees Valley. UKTI Investment Group will agree with Tees Valley the details of a joint business investment event in 2016.

Education, Skills and employment

26. The Government will enable local commissioning of outcomes to be achieved from the 19+ adult skills budget starting in academic year 2016/17; and will fully devolve budgets to Tees Valley Combined Authority from academic year 2018/19 (subject to readiness conditions). These arrangements do not cover apprenticeships.
27. Devolution will proceed in three stages, across the next three academic years:
 - a. Starting now, the Tees Valley Combined Authority will begin to prepare for local commissioning. It will develop a series of outcome agreements with providers about what should be delivered in return for allocations in the 2016/17 academic year. This will replace the current system of funding by qualifications as providers will receive their total 19+ skills funding as a single block allocation. This new arrangement will allow the Tees Valley Combined Authority to agree with providers the mix and balance of provision that will be delivered in return for the block funding, and to define how success will be assessed.

- b. For the 2017/18 academic year, and following the area review, Government will work with the Tees Valley Combined Authority to vary the block grant allocations made to providers, within an agreed framework.
- c. From 2018/19, there will be full devolution of funding. The Tees Valley Combined Authority will be responsible for allocations to providers and the outcomes to be achieved, consistent with statutory entitlements. Government will not seek to second guess these decisions, but it will set proportionate requirements about outcome information to be collected in order to allow students to make informed choices. A funding formula for calculating the size of the grant to local / combined authorities will need to take into account a range of demographic, educational and labour market factors.

28. The readiness conditions for full devolution are that:

- a. Parliament has legislated to enable transfer to local authorities of the current statutory duties on the Secretary of State to secure appropriate facilities for further education for adults from this budget and for provision to be free in certain circumstances.
- b. Completion of the Area Review process leading to a sustainable provider base.
- c. After the area-reviews are complete, agreed arrangements are in place between central government and the combined authority to ensure that devolved funding decisions take account of the need to maintain a sustainable and financially viable 16+ provider base.
- d. Clear principles and arrangements have been agreed between central government and the Combined Authority for sharing financial risk and managing failure of 16+ providers, reflecting the balance of devolved and national interest and protecting the taxpayer from unnecessary expenditure and liabilities.
- e. Learner protection and minimum standards arrangements are agreed.
- f. Funding and provider management arrangements, including securing financial assurance, are agreed in a way that minimises costs and maximises consistency and transparency.

29. Government, including the DfE, DWP and BIS will work with the Tees Valley Education, Skills and Employability Board to transform standards in education and skills through the delivery of City Region and national responsibilities and priorities.

30. Government will provide advice to support Tees Valley in their work to secure more apprenticeship places with employers, particularly among SMEs and also drive up demand from individuals looking for apprentice jobs.

31. To help tackle long-term unemployment in Tees Valley, the Government will work with Tees Valley Combined Authority to agree how local and national provision could be co-ordinated. Tees Valley Combined Authority will work with DWP to co-design the future employment support, from April 2017, for harder-to-help claimants, many of whom are currently referred to the Work Programme and Work Choice.

Energy and climate change

32. The Government is committed to working with Tees Valley to explore how it can continue to develop its industrial carbon capture and storage (CCS) proposals towards deployment of this infrastructure for its industrial sites in the 2020s.
33. HM Government will work with Tees Valley to understand the challenges associated with connecting to the local electricity network.
34. Government will continue to make clear that it welcomes new nuclear investment in Hartlepool as one of the potential sites listed in the Nuclear National Policy Statement.

Culture

35. Recognising the considerable cultural and historic assets within Tees Valley, Government will work with Tees Valley and Arts Council England to examine how Arts Council England funding could support Tees Valley's economic growth through culture.

Evaluation and economic assessment

36. Tees Valley will be required to put in place a programme of evaluation, agreed at the outset with the Cities and Local Growth Unit. This will include gateway assessments for the Tees Valley Investment Fund. Tees Valley and the Cities and Local Growth Unit will jointly commission an independent assessment of the economic benefits as well as the social and economic impacts of the investments made under the Investment Fund, including whether the projects have been delivered on time and to budget. This assessment will be funded by Tees Valley, but agreed at the outset with the Cities and Local Growth Unit and HMT, and will take place every five years.
37. The next five year tranche of funding will be unlocked if the Cities and Local Growth Unit and HMT are satisfied that the independent assessment shows the investment to have met the objectives and contributed to national growth; the gateway assessment should be consistent with the HMT Green Book, which sets out the framework for evaluation of all policies and programmes, and where relevant with the more detailed transport cost-benefit analysis guidance issued by the Department for Transport (DfT). The assessment should also take into account the latest developments in economic evaluation methodology.
38. The government would expect the assessment to show the activity funded through the Tees Valley Investment Fund represents better value for money than comparable projects, defined in terms of a Benefit to Cost ratio; evaluation of the impact of the devolution agreement, including the new governance arrangements. This could take the form of, for example, Randomised Control Trials for the different policy interventions.
39. Tees Valley will agree with HMT and the Cities and Local Growth Unit and confirm with government its plans for this evaluation, with the first review to be completed in 2021-22.

Next steps

40. The Leadership of the five local authorities agree to take the necessary next steps to progress the contents of this Agreement, including the progression of the details through individual councils, and the government undertakes to work jointly with Tees Valley Combined Authority to develop a detailed Implementation Plan.

41. Government and the Tees Valley signal their willingness to make further agreements on devolution including further devolution of funding in due course.
42. The Mayor for the Tees Valley City Region will be elected by the local government electors for the areas of Darlington Borough Council, Hartlepool Borough Council, Middlesbrough Borough Council, Redcar and Cleveland Borough Council and Stockton-On-Tees Borough Council. Subject to the necessary legislative changes, it is expected that the new elected Mayor will be in place by May 2017.
43. Additional funding or budgets that are devolved as a result of this agreement will go to the Tees Valley Combined Authority to be the responsibility of the Mayor or members of the Combined Authority collectively as provided for in this agreement.

Tees Valley Combined Authority commitments

44. Tees Valley Combined Authority will work with HM Government to develop a full implementation plan, covering each policy agreed in this Deal, to be completed ahead of implementation. This plan will include the timing and proposed approach for monitoring and evaluation of each policy and should be approved by the DCLG Accounting Officer.
45. Tees Valley Combined Authority will continue to set out their proposals to HM Government for how local resources and funding will be pooled across the city region.
46. Tees Valley Combined Authority will agree overall borrowing limits with HM Government and have formal agreement to engage on forecasting. Tees Valley Combined Authority will also provide information, explanation and assistance to the Office for Budget Responsibility where such information would assist in meeting its duty to produce economic and fiscal forecasts for the UK economy.
47. Tees Valley Combined Authority will agree a process to manage local financial risk across local public bodies and will jointly develop written agreements with HM Government on every devolved power or fund to agree accountability between local and national bodies on the basis of the principles set out in this document. This will include assurance work to be undertaken in partnership with DCLG and HCA on processes to be implemented and capability to be employed in managing any investments across their lifecycle.
48. Tees Valley Combined Authority will continue to progress amongst its constituent authorities their programme of transformation to streamline back office functions and share more services and data, including on assets and property. It paves the way for further devolution over time and for the reform of public services to be led by Tees Valley.
49. Tees Valley Combined Authority will continue to adhere to its public sector equality duties, for both existing and newly devolved responsibilities.
50. The agreement set out in this document will be subject to future Spending Reviews.

APPENDIX 2THE DEVOLUTION DEAL – WHAT DOES IT MEAN FOR TEES VALLEY?

Summary of the Devolution Deal agreed in principle by the Government and Tees Valley Shadow Combined Authority Leadership Board	
Text in the deal	What does this mean?
The Tees Valley Shadow Combined Authority Leadership Board and the Government have agreed in principle a radical devolution of funding powers and responsibilities. A directly-elected Mayor for Tees Valley will be established, working as part of the Combined Authority and subject to local democratic scrutiny, and partnership with business, through Tees Valley Unlimited, the Local Enterprise Partnership for Tees Valley. This agreement will be conditional on the legislative process, agreement by the constituent councils, and formal endorsement by the Tees Valley Combined Authority Leadership Board.	The devolution deal has been agreed in principle by leaders and elected mayor of the five local authorities (Darlington, Hartlepool, Middlesbrough, Redcar and Stockton) which together form the Tees Valley Combined Authority. Final agreement is subject to debate and agreement in each local authority..
The deal provides for the transfer of significant powers for employment and skills, transport, planning and investment from central government to the Tees Valley. It paves the way for further devolution over time and for the reform of public services to be led by Tees Valley. It enables the Combined Authority to create an Investment Fund, through a 30 year initial allocation of funding for capital financing of at least £15 million a year. Tees Valley will in addition have access to the Local Growth Fund and will benefit from new Enterprise Zones, subject to the current bidding round.	This deal hands a set of powers from the Government to the Combined Authority and mayor. Further deals may follow this one including on the reform of other public services.
In summary, a new, directly elected Mayor of Tees Valley will act as Chair to the Tees Valley Combined Authority and will receive the following powers devolved from central Government: <ul style="list-style-type: none"> • Responsibility for a devolved and consolidated transport budget, with a multi-year settlement to be agreed at the Spending Review. • Creation of new Mayoral Development Corporations and leadership of a land commission to examine what publicly owned land and other key strategic sites should be vested in the development corporation. 	As part of the deal and as with other devolution deals elsewhere in the country there is a requirement for a Tees Valley elected mayor who will have certain executive powers across the area.
The Tees Valley Combined Authority, working with the Mayor, will receive the following powers: <ul style="list-style-type: none"> • To create a Tees Valley Investment Fund, bringing together funding for devolved powers and used to deliver a 30 year programme of transformational investment in the region. • Control of a new £15 million a year 	This deal brings £450m of extra money into the Tees Valley. The Tees Valley Combined Authority, of which the elected mayor will be part, will get the power to spend that money.

<p>funding allocation over 30 years, to be included in the Tees Valley Investment Fund and invested to boost growth.</p> <ul style="list-style-type: none"> • Leadership of the comprehensive review and redesign of the education, skills and employment support system in Tees Valley. • Responsibility for devolved business support from 2017, to be developed in partnership with Government. 	
Governance	
<p>1. The proposal for a Mayoral Combined Authority (as defined in The Cities and Local Government Devolution Bill) is subject to final formal consent of the Combined Authority (Leadership Board), the constituent councils, agreement of ministers, and to the Parliamentary process for the necessary primary legislation (The Cities and Local Government Devolution Bill) and subsequent orders and to parliamentary approval of the secondary legislation implementing the provisions of this agreement.</p>	<p>The legislation for elected mayors is still going through Parliament; it is expected to become law in early 2016. Tees Valley will need its own statutory order to pass through Parliament to set out how an elected mayor can best work here.</p>
<p>2. Strengthened governance is an essential pre-requisite to any further devolution of powers to any city region. Through this deal Tees Valley will introduce a directly elected city region Mayor (i.e. a Mayor covering the whole city region, not just one local authority), who, working with other leaders as part of the (still to be established) Tees Valley Combined Authority will: provide overall leadership; be directly accountable to the Tees Valley electorate and have new powers on transport, housing and planning to drive through reforms to stimulate the area's economic growth.</p>	<p>The elected mayor is a key part of devolution from the Government's perspective and will have certain executive powers (but there will be safeguards to prevent the abuse of that power).</p>
<p>3. The Mayor will be the Chair and a Member of the Tees Valley Combined Authority and within the statutory framework for combined authority mayors, subject to the Authority's Constitution and associated procedures (to be amended in the light of the introduction of a Mayor). The powers contained in this deal document will be devolved from Government to the Mayoral Combined Authority. The Mayor will exercise certain powers autonomously and also deliver his/her mandate as Chair of the Combined Authority. Other members of the Tees Valley Combined Authority Leadership Board (to be renamed as a Cabinet) will become portfolio leads for aspects of the Combined Authority's responsibilities, on the basis to be set out in its Constitution, and agreed with the Mayor.</p>	<p>The mayor will chair the Combined Authority and the other LA leaders will form the rest of the Cabinet of the Combined Authority and will have defined responsibilities across the area.</p>
<p>4. The Mayor for Tees Valley will be elected by the local government electors for the areas of the constituent councils of Darlington Borough Council, Hartlepool Borough Council, Middlesbrough Borough Council, Redcar and</p>	<p>All eligible people in the Tees Valley will be able to vote for their choice of mayor in May 2017.</p>

Cleveland Borough Council and Stockton-on-Tees Borough Council. Subject to parliamentary time allowing for the passage of legislation through parliament, the first election will be held in May 2017.	
5. Proposals for decision by the Combined Authority may be put forward by the Mayor or any Cabinet Member. All members including the Mayor will have one vote. Any questions that are to be decided by the Combined Authority are to be decided by a majority of the members present and voting, subject to that majority including the vote of the Mayor, unless otherwise set out in legislation, or specifically delegated through the Authority's Constitution. The Cabinet will examine the Mayor's spending plans and will be able to amend his/her plans if three-fifths of the members agree to do so.	The detail of how decision making will work will be set out in the Tees Valley statutory order and the constitution.
6. Recognising the Tees Valley model of governance, the Combined Authority will also be strengthened with additional powers devolved from central Government. The agreement will protect the integrity of the five existing Tees Valley Local Authorities, and continue to support strong working between the local authorities and Local Enterprise Partnership.	The devolution deal does not affect the identities of the five LAs which will remain separate. This is not about re-forming Cleveland County Council.
7. The directly elected Tees Valley Mayor will receive new powers over transport, housing, and planning. The Mayor would be able to exercise these powers within the structure of the Tees Valley Combined Authority, though he/she and the Tees Valley Cabinet (comprising the leaders of the five Tees Valley local authorities) will be required to be scrutinised and held to account by a new scrutiny panel to be established. The Mayor will also be required to consult the Tees Valley Cabinet on his/her strategies, which it may reject if three-fifths of the members agree to do so. The Tees Valley Cabinet will also examine the Mayor's spending plans and will be able to amend his/her plans, again if three-fifths of the members agree to do so.	The Tees Valley Mayor will get new powers from Whitehall. There will be safeguards on the use of these powers – the mayor will have to have the agreement of three out of the five LA leaders for spending and strategy.
8. Economic growth is a shared endeavour and is vital in delivering the Northern Powerhouse ambitions. The Mayoral Combined Authority will continue to work very closely with HM Government for the benefit of the public.	The powers devolved by this deal will enable the Tees Valley to play a full role in the Northern Powerhouse.
9. Tees Valley Combined Authority commits to work with partners across the North of England to promote opportunities for pan-Northern collaboration, including Transport for the North, to drive northern productivity and build the Northern Powerhouse.	Tees Valley now has a full role in the decision-making body for strategic transport projects in the North, Transport for the North.

10. In recognition of this strengthened governance system, the government will devolve the powers set out below to the Tees Valley City Region Mayor.	
Tees Valley Investment Fund	
11. HM Government will work with the Tees Valley Combined Authority to agree specific funding flexibilities to a Spending Review timetable. The joint ambition will be to give Tees Valley Combined Authority an investment fund to invest in its economic growth. This fund will comprise a flexible, multi-year settlement providing the freedom to deliver its growth priorities, including the ability to re-direct funding to reflect changing priorities, whilst upholding their statutory duties. This local freedom will be over a range of budgets to be determined by Tees Valley and HMG in the run-up to and beyond the Spending Review. HM Government expects to disburse this agreed settlement to the Tees Valley City Region annually in advance. Existing commitments that utilise this pot will need to be agreed with Tees Valley Combined Authority.	Tees Valley will get a single pot of money currently spent here by Government. We will be able to set our own priorities for this money and move it between years and between services to make sure we get the most from it.
12. HM Government agree to allocate an additional £15m per annum of capital and revenue funding for 30 years, which will form part of and capitalise the Tees Valley Combined Authority investment fund. This is subject to the passing of five-yearly assessment gateways. Success at the gateways would depend on the outcome of an independent assessment of the economic and social benefit of business growth and infrastructure projects implemented by Tees Valley; funding would cover the period 2017-18 to 2047-48. The Government will work collaboratively with Tees Valley on the delivery of many of these projects.	There will be £450m extra money coming into the Tees Valley through this deal over 30 years. In order for the funding to continue to another five year period we will need to demonstrate that we have done things which will drive economic growth and/or deal with key social issues.
13. The Tees Valley Combined Authority will receive any additional business rate income over expected growth, with 2015/16 forming the starting point for the baseline.	The Government and Tees Valley local authorities currently share the income from business rates. In future, when we generate economic growth the extra rates will stay in the Tees Valley for the benefit of the people here.
European Funding	
14. To deliver the other aspects of the devolution proposals, the Government is committed to working with the Tees Valley Combined Authority to achieve Intermediate Body status for ERDF and ESF. HM Government will work with Tees Valley Combined Authority to agree how to delegate powers to select projects on the basis of strategic fit with operational programmes and local conditions. This will allow the Tees Valley	The Tees Valley Combined Authority will have the power to make decisions about some European funding rather than those decisions being made in Whitehall. That will mean better decision-making based on local knowledge.

to integrate and align investments with other aspects of the devolution deal, to select projects for investment, to improve performance and maximise economic impact.	
Planning and housing	
<p>15. Government will give the Mayor of Tees Valley and the Tees Valley Combined Authority the power to create democratically controlled Mayoral Development Corporations as envisaged by the Cities and Local Government Devolution Bill. This new corporation will seek to prioritise economic development and housing on under-developed land within the Tees Valley. Government and Tees Valley will establish a land commission to examine what publicly owned land and other key strategic sites should be vested in the development corporation. HM Government will work with Tees Valley local authorities to explore what additional planning powers and responsibilities would support their development ambitions. Increases in the value of the land as a result of the work of the development corporation will be reinvested in the corporation to deliver new schemes.</p>	<p>We will set up a Tees Valley Development Corporation which can make local decisions to speed up the development of problematic land sites. Unlike the previous Teesside Development Corporation this will be under the control of the Tees Valley Combined Authority.</p>
<p>16. Government will continue to explore the devolution of housing financial transaction funding with Tees Valley.</p>	<p>We hope to reach a deal for Government to devolve housing funding. This will enable the Combined Authority to prioritise building affordable and aspirational homes in key areas.</p>
Transport	
<p>17. The Government recognises that Tees Valley have identified a number of key strategic transport schemes seen as essential to facilitate growth in the Tees Valley. Transport for the North (TfN) was established to enable the region to collectively identify the key strategic transport interventions that could help to forge a single Northern economic area and support economic growth. Government welcomes Tees Valley's participation in Transport for the North. As one of the new members of TfN, the Tees Valley has only recently started to participate in the workstreams established by TfN to identify strategic transport interventions. Working with Transport for the North and Rail North, the government has committed to facilitate the Tees Valley partners as they further develop proposals in conjunction with Highways England and Network Rail to ensure their key strategic infrastructure projects will be considered as part of the development of the Northern Transport Strategy. These priorities include:</p> <ul style="list-style-type: none"> • Enhancements to the A19 corridor and the requirement for an additional Tees River crossing, • Darlington station to be HS2 ready and improve the rail 	<p>Tees Valley is now a full member of the Transport for the North but we have ground to catch up. This is the first time some of our key infrastructure projects have been named in a Government document and this puts us in a much stronger position to make them happen.</p>

<p>gateway into and across the Tees Valley</p> <ul style="list-style-type: none"> • Delivery of improved east west road connectivity from the A1 to the international gateway at Teesport • Electrification of the Northallerton to Teesport rail line to improve connectivity for business and passengers. 	
<p>18. The Tees Valley clearly has ambitions to continue to strengthen the bus network and indeed the relationship and influence it has with local bus operators. The Government is currently developing a number of policies that will form part of the buses bill to be shortly laid before Parliament and this will set out a range of new mechanisms and opportunities for local areas to influence bus services. The Government looks forward to discussing a franchising model or other appropriate mechanism(s) with Tees Valley as they are finalised in the coming months.</p>	<p>Tees Valley will be at the forefront on new powers on buses to make sure that people can get to work and travel around the area.</p>
<p>19. The Government will pool and devolve relevant central funding for local transport to Tees Valley and provide a multi-year transport settlement at the next Spending Review, as part of the single capital pot to be devolved to the directly elected Mayor of the Tees Valley Combined Authority. This settlement will be on the same basis as capital and resource settlements given to Government departments at that time.</p>	<p>Tees Valley will have more power over spending on transport and can make local decisions rather than having to follow priorities set in Whitehall.</p>
<p>Business support</p>	
<p>20. Working within the scope of existing contracts (2015/16 and 2016/17), Government will work with Tees Valley to align the Business Growth Service and other national services with local business support through its Growth Hub, to give businesses a joined-up, simplified service that meets their needs. Government will work with Tees Valley to develop a devolved approach to the delivery of business support from 2017 onwards. What is ultimately devolved will reflect the decisions taken in the next spending review on the shape of – and level of spending on – business support schemes.</p>	<p>Businesses in the Tees Valley will benefit from support which is more focused on their needs rather than a “one size fits all” approach</p>
<p>21. An export plan will be agreed between Tees Valley and London UKTI HQ which will allow Tees Valley flexibility (such as a specific local sectoral focus for Passport to Export and mid-sized business schemes or a different mix of products). UKTI will also work with Tees Valley to ensure UKTI services are integrated into overall business support within Tees Valley with sharing of customer data and common marketing.</p>	<p>Businesses will have better access to the resources of UK Trade and Investment.</p>

22. HMRC, as the UK customs authority, is committed to supporting economic growth through the provision of efficient, simply and transparent customs facilitations and procedures to existing and new customers. HMRC is happy to support Tees Valley Combined Authority to identify the best options for local businesses, discuss application criteria and processes, and provide guidance on where to find detailed information.	The work with HMRC will include looking at the benefits of a Free Trade Area around the port and airport.
23. The Government will work with Tees Valley Combined Authority to mitigate the impact of significant industrial closures on the local economy, particularly in SSI's suspension of production. This will be the subject of future work to develop an appropriate economic recovery plan.	The Government have already announced an £80m support package which is in addition to this Deal.
24. The Government will prioritise Tees Valley for Smart Specialisation Advisory Hub and/or Innovate UK innovation workshops. These will help Tees Valley identify their existing and potential innovation strengths in response to identified needs. Such activity is also likely to support any future application to participate in a Science and Innovation Audit.	This is the mechanism to confirm Tees Valley as a leader in innovation in the UK.
25. The Government will support an annual inward investment event to be held in Tees Valley. UKTI Investment Group will support Tees Valley's 2016 annual business summit by helping to promote the event via its network, providing a speaker from a relevant Investment Organisation to offer sector focus and work on follow up of leads.	The Government recognises Tees Valley's unique strengths in some industries and will support us in an investment fair to attract new investors from home and abroad.
Education, Skills and employment	
26. The Government will enable local commissioning of outcomes to be achieved from the 19+ adult skills budget starting in academic year 2016/17; and will fully devolve budgets to Tees Valley combined authority from academic year 2018/19 (subject to readiness conditions). Employers will have control of apprenticeship funding via the levy.	This section gives the Tees Valley Combined Authority devolved powers to improve our adult skills provision so that it is better for students as well as being better linked into employers
27. Devolution will proceed in three stages, across the next three academic years: a. Starting now, the Tees Valley combined authority will begin to prepare for local commissioning. It will develop a series of outcome agreements with providers about what should be delivered in return for allocations in the 2016/17 academic year. This will replace the current system of funding by qualifications as providers will receive their total 19+ skills funding as a single block allocation. This new	The devolution will take place over 3 years with full control of funding in the Tees Valley by 2018-19.

<p>arrangement will allow the Tees Valley combined authority to agree with providers the mix and balance of provision that will be delivered in return for the block funding, and to define how success will be assessed.</p> <p>b. For the 2017/18 academic year, and following the area review, Government will work with the Tees Valley combined authority to vary the block grant allocations made to providers, within an agreed framework</p> <p>c. From 2018/19, there will be full devolution of funding. The Tees Valley combined authority will be responsible for allocations to providers and the outcomes to be achieved, consistently with statutory entitlements. Government will not seek to second guess these decisions, but it will set proportionate requirements about outcome information to be collected in order to allow students to make informed choices. A funding formula for calculating the size of the grant to local / combined authorities will need to take into account a range of demographic, educational and labour market factors.</p>	
<p>28. The readiness conditions for full devolution are that:</p> <p>a. Parliament has legislated to enable transfer to local authorities of the current statutory duties on the Secretary of State to secure appropriate facilities for further education for adults from this budget and for provision to be free in certain circumstances</p> <p>b. Completion of the Area Review process leading to a sustainable provider base</p> <p>c. Learner protection and minimum standards arrangements are agreed</p> <p>d. Funding and provider management arrangements, including securing financial assurance, are agreed in a way that minimises costs and maximises consistency and transparency.</p>	
<p>29. Government, including the DFE, DWP and BIS will work with the Tees Valley Education, Skills and Employability Board to transform standards in education and skills through the delivery of City Region and national responsibilities and priorities.</p>	<p>We will set up a Tees Valley Board to improve education and skills across the area and Government will work as partners with us.</p>
<p>30. Government will support Tees Valley in their work to secure more apprenticeship places with employers, particularly among SMEs and also from individuals looking for apprentice jobs.</p>	<p>We will be able to place more apprentices in the area to make sure our young people have the skills they need. Small and Medium Enterprises will get help through the bureaucracy which will be better for them and for our young people.</p>
<p>31. To help tackle long-term unemployment in Tees Valley, the Government will ensure that current work programme and employment programme activities are aligned with local provision, and will work with Tees Valley to design future provision of the Work Programme</p>	<p>We will be able to make the DWP's Work Programme more effective by focusing the support where we know it is most needed.</p>

and Youth Contract in such a way that allows Tees Valley to be a joint commissioner with DWP for the next phase.	
Energy and climate change	
32. The Government is committed to working with Tees Valley to explore how it can continue to develop its industrial carbon capture and storage (CCS) proposals towards deployment of this infrastructure for its industrial sites in the 2020s.	The Tees Valley will become a UK leader in technology to capture and store the carbon created by our heavy industries
33. HM Government will work with Tees Valley to understand the challenges associated with connecting to the local electricity network.	Transmission charges to access the network are £9 per Kwh here and 25p per Kwh in Kent. We want to press the Government to review this whole system which is unfair to our businesses.
34. Government will continue to make clear that it welcomes new nuclear investment in Hartlepool as one of the potential sites listed in the Nuclear National Policy Statement.	The nuclear power station is a key part of the area's economy. We will discuss options with the Government for future power generation and encourage bids from private consortia for the site.
Culture	
35. Recognising the considerable cultural and historic assets within Tees Valley, Government will work with the Tees Valley and Arts Council England to agree a joint investment strategy and will work with both parties to examine how Arts Council England funding could support Tees Valley's economic growth through culture.	The Tees Valley has a rich cultural history. We need a fair share of funding for the arts and culture in the Tees Valley and will work with the Arts Council and Government to get that as well as how to make best use of the resources we get.
Evaluation and economic assessment	
36. Tees Valley will be required to put in place a programme of evaluation, agreed at the outset with the Cities and Local Growth Unit. This will include gateway assessments for the Tees Valley Investment Fund. Tees Valley and Cities and Local Growth Unit will jointly commission an independent assessment of the economic benefits as well as the social and economic impacts of the investments made under the Investment Fund, including whether the projects have been delivered on time and to budget. This assessment will be funded by Tees Valley, but agreed at the outset with the Cities and Local Growth Unit and HMT, and will take place every five years.	We will agree with Government how the social and economic impact of our investment in Tees Valley is measured.
37. The next five year tranche of funding will be unlocked if Cities and Local Growth Unit and HMT are satisfied that the independent assessment shows the investment to have met the objectives and contributed to national growth; the gateway assessment should be consistent with the HMT Green Book, which sets out the framework for evaluation of all policies and programmes, and where relevant with the more detailed transport cost-benefit analysis guidance issued by the Department for Transport (DfT).	The evaluation process will be carried out according to standard Government appraisal methodology (the "Green Book") which takes account of social as well as economic impacts.

The assessment should also take into account the latest developments in economic evaluation method	
38. The government would expect the assessment to show the activity funded through the Tees Valley Investment Fund represents better value for money than comparable projects, defined in terms of a Benefit to Cost ratio; evaluation of the impact of the devolution agreement, including the new governance arrangements. This could take the form of, for example, Randomised Control Trials for the different policy interventions.	We will be expected to show that we have invested in projects which bring significant improvements in economic growth
39. Tees Valley will agree with HMT and the Cities and Local Growth Unit and confirm with government its plans for this evaluation, with the first review to be completed in 2021-22.	The first evaluation will be after five years of the deal being in place.
Next steps	
40. The Leadership of the five local authorities agree to take the necessary next steps to progress the contents of this Agreement, including the progression of the details through individual councils, and the government undertakes to work jointly with Tees Valley Combined Authority to develop a detailed Implementation Plan.	After the signing of this deal we will work with Government to make sure the actions are planned properly so that it has the impact it should.
41. Government and the Tees Valley signal their willingness to make further agreements on devolution including further devolution of funding in due course.	
42. The Mayor for the Tees Valley City Region will be elected by the local government electors for the areas of Darlington Borough Council, Hartlepool Borough Council, Middlesbrough Borough Council, Redcar and Cleveland Borough Council and Stockton-on-Tees Borough Council. Subject to the necessary legislative changes, it is expected that the new elected Mayor will be in place by May 2017.	
43. Additional funding or budgets that are devolved as a result of this agreement will go to the Tees Valley Combined Authority.	Funding will go to the Combined Authority for use across the area rather than to individual Local Authorities.
Tees Valley Combined Authority commitments	
44. Tees Valley Combined Authority will work with HM Government to develop a full implementation plan, covering each policy agreed in this Deal, to be completed ahead of implementation. This plan will include the timing and proposed approach for monitoring and evaluation of each policy and should be approved	

by the DCLG Accounting Officer.	
45. Tees Valley Combined Authority will continue to set out their proposals to HM Government for how local resources and funding will be pooled across the city region	We will continue to find new ways of working across the Tees Valley to save money but each local authority will stay separate.
46. Tees Valley Combined Authority will agree overall borrowing limits with HM Government and have formal agreement to engage on forecasting. Tees Valley Combined Authority will also provide information, explanation and assistance to the Office for Budget Responsibility where such information would assist in meeting their duty to produce economic and fiscal forecasts for the UK economy.	This section deals with the technical financial responsibilities we will have.
47. Tees Valley Combined Authority will agree a process to manage local financial risk across local public bodies and will jointly develop written agreements with HM Government on every devolved power or fund to agree accountability between local and national bodies on the basis of the principles set out in this document.	This section deals with the technical financial responsibilities we will have.
48. Tees Valley Combined Authority will continue to progress their programme of transformation amongst authorities to streamline back office functions and share more services and data, including on assets and property.	This section deals with the technical financial responsibilities we will have.
49. Tees Valley Combined Authority will continue to adhere to their public sector equality duties, for both existing and newly devolved responsibilities.	We will continue to promote issues of equality in using the new funding.
50. The agreement set out in this document will be subject to future Spending Reviews.	



Report of: Finance and Policy Committee

Subject: TEES VALLEY DEVOLUTION

1. PURPOSE OF REPORT

- 1.1 To provide an update following Finance and Policy Committee's consideration of a report on the Tees Valley Devolution Deal at its meeting on 6 November, 2015.

2. BACKGROUND

- 2.1 This report which was circulated to members with the Council papers identifies that the recommendations of Finance and Policy Committee would be notified to Council for consideration.

At the meeting the following was agreed;

That the Finance and Policy Committee endorse the Devolution Deal as reported and refer the issue to Council for approval with the following recommendations: -

1. That the Devolution Deal be supported, subject to this Council's approval to and detailed involvement in the formulation of the constitution of the new Combined Authority.
2. That there is preservation of Hartlepool's investment in economic development because of this Council's proven track record in securing investment in Hartlepool.
3. That a robust communication strategy is developed prior to 1 April 2016 to articulate to Hartlepool residents that Hartlepool is not losing any decision making power but will be part of a new additional body involved in decision making currently undertaken within central government.

4. RECOMMENDATIONS

- 4.1 Council is requested to consider the recommendations of the Finance and Policy Committee when considering the report.

5. BACKGROUND PAPERS

- 5.1 Draft Minutes of the Finance and Policy Committee held on 6 November, 2015

6. CONTACT OFFICER

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Report of: Finance and Policy Committee

Subject: SEATON CAREW MASTERPLAN - UPDATE

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (test (i)/(ii)) Forward Plan Reference No RN14/13.

2. PURPOSE OF REPORT

2.1 To approve the capital budgets and funding for phases 1 and 2 of the Seaton Masterplan and indicative funding for phase 3.

3. BACKGROUND

3.1 The report to Finance and Policy Committee on 21st September (attached at **Appendix A**) updated Members on the progress of the Seaton Masterplan and the adoption of the Masterplan as a Supplementary Planning Document (SPD) by Council on 17th September 2015.

3.2 The Seaton masterplan proposals include a phased approach to development linked to the release of housing sites and the payment of capital receipts to fund a range of interventions and removal of the Longscar Building to improve the quality of the public realm and enhance the tourism offer of the area.

3.3 As detailed in the Finance and Policy report attached, the Council has previously approved outline budget proposals on 5th September, 2013. Since this time the project has been developed in further detail and a more accurate assessment of the costs have been made. The latest position is set out in the paragraphs below.

4. PROPOSALS

4.1 The project is broken down into three phases:

- **Phase 1:** Acquisition and Demolition of the Longscar Building to be replaced by the construction of a Market Square and events space/seating area.
 - **Phase 2:** Public realm Improvements to the land to the North of the Longscar site.
 - **Phase 3:** Public realm improvements to the land to the East of Seaton Carew Bus Station.
- 4.2 The costs for the individual phases are set out in confidential **Appendix 2** of the attached Finance and Policy Committee Report. **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information).**
- 4.3 The costs to undertake phase 1 and 2 works are to be funded from a combination of the receipt from sale of land at Elizabeth Way, the forecast receipt from the sale of Coronation Drive and the Seaside grant reserve. The actual capital receipt for Coronation Drive will be dependent on the valuation achieved following site investigation. In addition, the final costs for the demolition and acquisition of the Longscar are still to be determined. If there are any savings achieved in relation the phases 1 and 2 details will be reported to Finance and Policy Committee then Council to enable Members to consider and approve options for using any uncommitted resources.
- 4.4 Phase 3 is a longer term aspiration to include public realm improvements on land to the rear of the bus station as identified in **Appendix 2** of the attached Finance and Policy Committee Report. Costs will be funded from a combination of additional capital receipts arising from the sale of the development sites together with external funding, which may be secured.

5. RECOMMENDATIONS

- 5.1 Council are recommended to approve:
- a) The costed proposals for phases 1 and 2 detailed in **Appendix 2 This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information).** These phases will be funded from the capital receipts generated from the disposal of residential development sites within the development agreement with Esh and the additional funding sources set out below.
 - b) The indicative costed proposals for phase 3 are detailed in **Appendix 2 This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government**

(Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information..

This phase will be funded from the capital receipts generated from the disposal of residential development sites within the development agreement with Esh and a further report will be submitted full Council when the actual value of the capital receipt is known.

- c) Approve the allocation of the Seaside Grant Reserve to contribute towards the capital costs of the phase 1 works as set out in Confidential **Appendix 2. Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information.**
- d) Note that the £108,000 “Seaton Community Centre Management” Reserve will be held as an uncommitted reserve and the residual capital receipt from the sale of the former Seaton Nursery site of £11,000 will be held as an uncommitted capital receipts. These resources will only be committed after a further report has been considered by this Committee and full Council.

6. BACKGROUND PAPERS

- 6.1 Finance and Policy Committee 21st September (attached)

7. CONTACT OFFICER

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FINANCE AND POLICY COMMITTEE

21st September 2015



Report of: Director of Regeneration and Neighbourhoods

Subject: SEATON CAREW MASTERPLAN - UPDATE

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (test (i)/(ii)) Forward Plan Reference No 14/13

2. PURPOSE OF REPORT

2.1 The purpose of the report is to seek endorsement of the Masterplan. approve funding to deliver phases 1 and 2, and approve indicative funding for phase 3.

3. BACKGROUND

3.1 Members considered a report on 5th September 2013 and 1st June 2015 and approved the allocation of part of the capital receipt from the sale of land at Elizabeth Way to purchase and demolish the Longscar Building with the balance of the receipt being set aside towards the overall Seaton Carew regeneration scheme, including the potential development of community facilities.

3.2 Substantial work has been undertaken in conjunction with Esh to finalise the masterplan (**Appendix 1**) taking in to account consultation feedback. The proposals reflect the vision to prioritise investment to support the resorts natural and historical assets of sea, beach and promenade.

4. PROPOSALS

4.1 Regeneration Services Committee on 27th August 2015 recommended approval for the adoption of the Masterplan as a Supplementary Planning Document (SPD) to Council at its meeting on 17th September 2015. The purpose of the SPD is to set out the parameters and development principals.

The masterplan identifies both the areas that can be developed and the type of development that is acceptable.

- 4.2 The masterplan proposals include a phased approach to development linked to the release of housing sites and the payment of capital receipts to the Council. The development agreement with Esh details the timing of the release of the development sites which is staggered to avoid saturation of the housing market.
- 4.3 The Masterplan incorporates a range of interventions principally to improve the quality of the public realm and to provide a focus in the form of an events space and seating area together with improvements to the play provision. The quality of the works proposed will enhance and complement the tourism offer and conservation area, whilst removing the Longscar Building which detracts from the quality of the sea front and sub divides a key area of open space critical to integrating the overall offer and character of the resort.
- 4.4 Indicative costs for the delivery of the Seaton Carew Masterplan from the expected receipt from the sale of land at Elizabeth Way were considered by Full Council on the 5th September 2013. The decision record states that:
 - a) The allocation of part of the capital receipt from the land sale of Elizabeth Way to purchase and demolish the Longscar building as detailed in confidential **Appendix 2 This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information.- Section 4. These costs will not be incurred until the capital receipt is received by the Council.**
 - b) The balance of the capital receipt to be set aside towards the overall Seaton Carew regeneration scheme including the development of community facilities within Seaton subject to future costed proposals being approved by the Finance and Policy Committee and Full Council.
 - c) If the value of capital receipts needed to fund items (a) and (b) was less than the actual capital receipt from the sale of land at Elizabeth Way the remaining amount be held as a earmarked Unused Capital Receipt, which can only be released if approved by the Finance and Policy Committee and Full Council.
- 4.5 Since this time the project has been developed in further detail and a more accurate assessment of the costs can now be made. The latest position is set out in the paragraphs below.
- 4.6 The project is broken down into phases:
 - **Phase 1:** Acquisition and Demolition of the Longscar Building to be replaced by the construction of a Market Square and events space/seating area.

- **Phase 2:** Public realm Improvements to the land to the North of the Longscar site.
 - **Phase 3:** Public realm improvements to the land to the East of Seaton Carew Bus Station.
- 4.7 The costs for the individual phases are set out in confidential **Appendix 2**. **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information.** Phase 1 and 2 are affordable based on a combination of the land receipt from the sale of land at Elizabeth Way and the Seaside Grant Reserve allocated by Government to help deprived seaside towns, provided the acquisition of Longscar Building is achieved at the valuation provided by external Chartered Surveyors.
- 4.8 The development agreement with Esh incorporates forecast land values for each development site as final valuations are subject to detailed Site Investigation works. Site Investigations are still being undertaken on the Coronation Drive Site and as such affordability is being assessed on the forecast land values. Although work is ongoing with Esh to ensure best value is achieved in relation to the works, current estimates indicate that phases 1 and 2 are deliverable within the forecast capital receipt profile contained within the development agreement.
- 4.9 Achieving a good quality scheme in terms of design and materials is important to realise the vision and achieve a level of attractiveness that encourages tourism and improves the wellbeing of residents. Based on forecast land values this is challenging but working with Esh the scheme is being value engineered to achieve a good quality affordable scheme, however as a consequence there will be no surplus receipt from the forecast capital receipts to contribute towards the community facilities.
- 4.10 If additional value is derived from the Coronation Drive site over and above the forecast values indicated further reports will be considered by the Finance and Policy Committee and Council to allocate the excess funding.
- 4.11 Phase 3 is a longer term aspiration to include public realm improvements on land to the rear of the bus station as identified in **Appendix 1**. Costs will be funded from a combination of any additional capital value arising from the sale of the development sites together with external funding.
- 4.12 Similarly the development of Community Facilities will also be dependent on additional capital receipts in excess of the forecast amounts being achieved and/or external funding sources being identified. Members will be aware from a previous report to the Finance and Policy Committee that a town wide Community Hub review has recently commenced and the objective being to integrate public services, improve accessibility and outcomes for clients and identify efficiencies in service delivery. The ambition is to incorporate these aspirations within Community Facilities across the town.

5. RISK IMPLICATIONS

- 5.1 The cost estimates to undertake phases 1, 2 and 3 of the regeneration masterplan may reduce due to ongoing negotiations to value engineer the project to achieve best value. However there is also the risk that costs increase in the event that any unforeseen works occur once the development commences.
- 5.2 Land valuations are subject to ongoing discussions and site investigations are currently taking place on Coronation Drive the outcomes of which may affect the forecast capital receipts incorporated within the development agreement. Should values increase above the current forecast a further report will be submitted to the Committee and Council to enable Members to consider and approve options for using these additional resources.
- 5.3 If actual capital receipts are less than forecast the projects to be undertaken under phases 1, 2 and 3 will need to be value engineered to avoid an unbudgeted financial pressures.

6. FINANCIAL CONSIDERATIONS

- 6.1 The costs to undertake phase 1 and 2 works equate to the capital receipt obtained from the sale of land at Elizabeth Way, the Seaside grant reserve and the forecast payments from the sale of the Coronation Drive site. The final costs for the demolition and acquisition of the Longscar are still to be determined. The total overall costs predicted do not provide any surplus capital to construct Community Facilities and therefore external funding will have to be sought from a cocktail of funding sources including Big Lottery and Landfill Tax Credits as part of the town wide Community Hub review.
- 6.2 In the first instance available funding arising from the development agreement will be allocated to fund the acquisition and demolition of the Longscar building together with Phase 1 and 2 works.
- 6.3 Further reports will be brought to the Finance and Policy Committee and Council for consideration once the value of the capital receipts for the sale of the Coronation Drive land has been determined.
- 6.4 There is also a £108,000 reserve called “Seaton Community Centre Management”. The balance has been carried forward from previous years and represents surpluses generated by the Community Centre over the years. This funding is managed by the overseeing board and has been earmarked to contribute towards the projects being considered as part of the Seaton Master Plan. In addition, there is a residual uncommitted capital receipt from the sale of the former Seaton Carew Nursery site of £11,000. These amounts are not

needed for the phases 1 and 2 of the development and will continue to be held as an earmarked reserve and uncommitted capital receipt subject to this use being approved by Members.

7. LEGAL CONSIDERATIONS

- 7.1 The Chief Solicitor will continue to advise in relation to clauses within the development agreement to ensure the Council achieves best value. Further work relating to the disposal of ongoing phases of land and the contract documentation to undertake the construction works will all be undertaken following detailed legal advice.

8. CHILD AND FAMILY POVERTY

- 8.1 The improvements to the front at Seaton will be accessible without charge to residents which will contribute towards enhancing social wellbeing.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 The regeneration interventions will all be undertaken to ensure compliance with DDA legislation.

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

- 10.1 The regeneration proposals will be designed and constructed to comply with the provisions of the Act.

11. STAFF CONSIDERATIONS

- 11.1 There are no staff considerations attached to this report

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 Implementation of the Masterplan will contribute towards improving the attractiveness of the town and encouraging investment and development enhancing values and facilitating growth.
- 12.2 In accordance with the spirit and intent of the development agreement both parties are working together to ensure best value both in terms of minimising cost and maximising value from the development sites to ensure the delivery of a quality redevelopment for the front and replacement community hub.

13. RECOMMENDATIONS**13.1** Committee is recommended to approve:

- a) The proposed Masterplan, as detailed in **Appendix 1**.
- b) The costed proposals for phases 1 and 2 detailed in **Appendix 2** **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information..** These phases will be funded from the capital receipts generated from the disposal of residential development sites within the development agreement with Esh and refer these proposals to Full Council.
- c) The indicative costed proposals for phase 3 are detailed in **Appendix 2** **This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information..** This phase will be funded from the capital receipts generated from the disposal of residential development sites within the development agreement with Esh and a further report will be submitted to this Committee when the actual value of the capital receipt is known to enable final proposals to be approved and then referred to Full Council.
- d) Proposals to submit funding applications to appropriate funding bodies to supplement capital for Phase 3 and the Community Facilities as part of the town wide Community Hub review and to note that further reports will be submitted to enable Members to approve future proposals when funding outcomes are known.
- e) Approve the allocation of the Seaside Grant Reserve to contribute towards the capital costs of the phase 1 works as set out in Confidential **Appendix 2. Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information.**
- f) Note that the £108,000 “Seaton Community Centre Management” Reserve will be held as an uncommitted reserve and the residual capital receipt from the sale of the former Seaton Nursery site of £11,000 will be held as an uncommitted capital receipts. These resources will only be committed after a further report has been considered by this Committee and full Council.

14. REASONS FOR RECOMMENDATIONS

- 14.1 The delivery of the Seaton Masterplan is a key outcome in the Hartlepool Vision and the scheme proposals incorporated within the Masterplan reflect the consultation responses. It is considered that the scheme proposed will significantly enhance the offer within the resort enhancing the wellbeing of local residents and encouraging additional tourism thereby securing the long-term sustainability of Seaton.

15. BACKGROUND PAPERS

- 15.1 Finance and Policy Committee 27th July 2015
Regeneration Services Committee 27th August 2015
Regeneration Services Committee 12th March 2015
Finance and Policy Committee 23rd March 2015
Finance and Policy Committee 30th January 2015
Finance and Policy Committee 5th September 2013
Finance and Policy Committee 26th July 2013

16. CONTACT OFFICER

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Seaton Carew Masterplan Phases

SEATON CAREW - SEAFRONT REGENERATION



SEATON CAREW - SEAFRONT REGENERATION

CHILDREN'S PLAY - INDICATIVE PLAY ELEMENTS

1 KOMPAN - SUPERNOVA



2 COMBINED BALANCE BEAM SEQUENCE



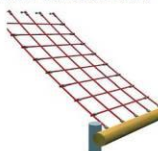
3 KOMPAN - COMBINATION BASKET WITH



4 PROLUDIC - STEPPING LOGS



5 SUSPENDED CLIMBING NET



6 BALANCE BEAM WITH ROPE SUPPORT



7 JUPITER - ZIG ZAG BALANCING BRIDGE



8 DOUBLE WIDTH SLIDE



9 JUPITER - FHS SCRAMBLE NET



10 SPRING ROCKER "CROC" x 2



11 COMBINED PLAY STRUCTURE



12 BESPOKE MOUNDED 'PLAY FORT'



WATER PLAY ITEMS - INDICATIVE WATER ELEMENTS

A WATER JELLYS



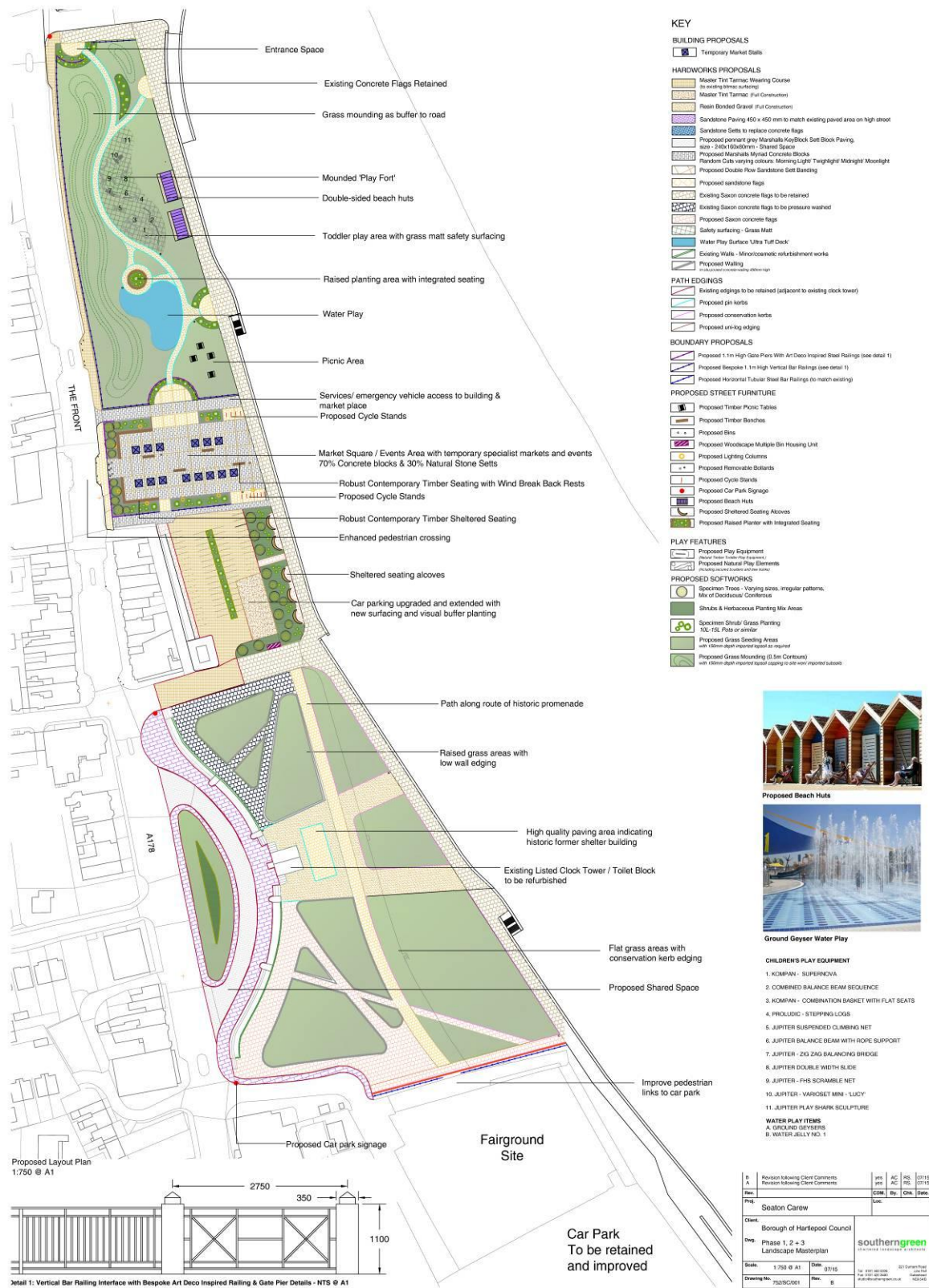
B GROUND GEYSERS



C NON-SLIP PLAY SURFACING



southern**green**
chartered landscape architects





Report of: Neighbourhoods Services Committee

Subject: **UNAUTHORISED ENCAMPMENTS POLICY**

1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 To enable Council to consider approval of the Unauthorised Encampments Policy following referral from Neighbourhood Services Committee meeting held on 28 September 2015.

2. PURPOSE OF REPORT

- 2.1 At the Neighbourhood Services Committees on 28 September 2015 a report was presented to update the unauthorised encampments policy and operational framework which was last updated in 2004. The new policy deals with the unauthorised occupation (including by travellers) of any land forming part of the highway, land owned by the Council or any private land occupied without the consent of the owner. The report takes into consideration the updated guidance¹ issued by the department for Communities and Local Government in March 2015 and the new power to seize vehicles which are suspected of having been involved in an offence relating to the illegal deposit of waste.

3. BACKGROUND

- 3.1 The current unauthorised encampments policy was adopted in 2004 and was based on a common approach across the Tees Valley authorities.
- 3.2 'Traveller' is a generic term defining diverse cultural and ethnic communities who have a similar, essentially mobile way of life. Most Traveller families have strong family and social networks (whether in housing or in caravans), live within close-knit communities, and often travel as such.
- 3.2 Permanent and transit site provision for travellers and gypsies varies across the Tees Valley and whilst some do have sites, all have adopted policies of

¹ Dealing with illegal and unauthorised encampments – A summary of available powers. March 2015 Department for Communities and Local Government

toleration towards unauthorised encampments, i.e. those that are established without appropriate planning permission, whether or not they are there with the consent of the landowner.

- 3.4 The Gypsy and Traveller Accommodation Assessment completed on behalf of the Council by Renaissance Research in December 2014 concluded that ‘the provision of a dedicated gypsy and traveller site in the Borough of Hartlepool, whether permanent or stop over, may not offer the best solution to meeting the small theoretical housing need established through this accommodation assessment.’

‘The various factors discussed in this study may well mean that no actual demand to live on a site is ever forthcoming. Therefore, the recommendation is that the Council commits to proactively support and positively intervene with any member of the Gypsy and Traveller Community needing re-housing, to explore their housing options, and does not seek to provide a dedicated site for gypsies and travellers in its development plan.’

- 3.5 Historically low numbers of unauthorised encampments have been established in Hartlepool with an average of 4 encampments per year over the past four years. However, April 2015 saw an unprecedented influx of travellers into the town. Initially, there were reports of 25 caravans/ motor homes which occupied car parks adjacent to the Lanyard. Officers liaised with the owner of the land and within two days the encampment relocated to Council owned playing fields known as Central Park on West View Road.

The Council received a high volume of complaints and enquiries from local residents concerned about the encampment size and location and the behaviour of some individuals.

- 3.6 During the course of the stay, officers from Housing Services, Community Safety and Engagement team and PCSOs monitored the site and liaised with the travelling community regarding length of stay. In accordance with the existing policy, legal action was considered in order to remove the encampment from the land, i.e. “The Council considers that the types of land listed below are unsuitable for occupation by encampments. Subject to the consideration of emergency health needs, formal action will be commenced to remove an encampment on such land....

- A park, public space in regular use, public playing fields, sports grounds and recreational grounds”

- 3.7 Had legal action been taken to secure the removal of this unauthorised encampment, it would have been the first time such action was taken in over ten years.
- 3.8 Housing Services currently act as the lead team in response to complaints about unauthorised encampments and liaise with relevant internal partners, external agencies and landowners (where this is not Hartlepool Borough Council).

- 3.9 There are a number of powers available to councils, the police and landowners to deal with illegal and unauthorised encampments and it is clear that whilst local authorities are expected to take a lead role in dealing with such, they are expected to work with other agencies such as the police and Highways Agency depending on the most appropriate power to use. Depending on the manner in which the land is occupied there may be issues around the deposit of waste on the land and whilst there are powers to deal with these issues, the responsibility tends to fall to the landowner. The available powers are summarised in Appendix 1.
- 3.10 In considering the action to be taken, the guidance issued by the Department for Communities and Local Government in March 2015 suggests that public bodies need to consider:
- a) the harm that such developments can cause to local amenities and the local environment;
 - b) the potential interference with the peaceful enjoyment of neighbouring property;
 - c) the need to maintain public order and safety and protect health, e.g. by deterring fly-tipping and criminal damage;
 - d) any harm to good community relations; and
 - e) that the state may enforce laws to control the use of an individual's property where that is in accordance with the general public interest.
- 3.11 In drafting the policy, consideration has been given to the provisions of the following legislation -
- **The Human Rights Act 1988** which requires (amongst other things) public authorities to determine whether the interference with traveller family life by taking enforcement action and eviction is justified and proportionate; and
 - **The Equality Act 2010**, which places a general duty on public authorities to eliminate unlawful discrimination, advance equal opportunities and foster relationships between people who share protected characteristics and people who do not share them, Advancing equal opportunities includes meeting needs of people who have protected characteristics.

4. PROPOSALS

- 4.1 It is proposed that the Council adopts the policy as attached in Appendix 2 and continues with a policy of tolerance where encampments do not fall into any of the sections set out in sections A or B of the policy and that consideration is given to the matters set out in section C before making a decision to secure the removal of an encampment. It is important to deal with each encampment on an individual basis. Formal action will not always be necessary where acceptable departure dates can be agreed.
- 4.2 It is proposed that the lead role for enforcement of the policy is transferred from Housing Services to the Community Safety and Engagement team. The Community Safety and Engagement team will coordinate any action and

depending upon the most appropriate powers to use, will liaise with other teams and organisations and, where the land occupied is in the ownership of the Council, with Estates and Regeneration and Legal Services

- 4.3 It is proposed that consideration be given to exercising the power to seize vehicles in encampments, where the vehicle is suspected of being involved in the commission of an offence relating to the illegal deposit of waste or other waste offences. The use of this power will be considered generally where such offences are committed and not just with respect to unauthorised encampments.
- 4.4 It is proposed that internal procedures are developed and effective liaison developed between all relevant partners and agencies to ensure that unauthorised encampments are dealt with effectively having regard to the policy and taking into consideration the needs of the travellers.

5. CHILD / FAMILY POVERTY IMPACT CONSIDERATIONS

- 5.1 The unauthorised encampments policy takes into consideration the needs of families in particular the welfare and education of children and factors affecting child development and this will be incorporated in the development of procedures.

6. EQUALITY AND DIVERSITY CONSIDERATIONS

- 6.1 The Council is committed to delivering services to people who need them without discriminating against any client or service user. It aims to treat all clients with courtesy and respect regardless of their gender, race, age, disability, religion, belief or sexual orientation.

7. LEGAL CONSIDERATIONS

- 7.1 The proposed amendments have taken into account existing legislation, and guidance with regards to dealing with illegal and unauthorised encampments.

8. FINANCIAL CONSIDERATIONS

- 8.1 Whilst there may be costs associated with clearing up or making good council owned land following an unlawful encampment, it is not expected that amendments to the policy and procedures will result in any additional costs to the authority.
- 8.2 If legal action is approved in accordance with the policy to remove an illegal or unauthorised encampment, there will be costs associated with this legal action which could include Court and Bailiff fees. The fee to commence an action for possession in the County Court is currently £280. Additional court

fees would be payable if it was necessary to obtain a warrant for possession once a court order is granted.

- 8.3 It is not possible to predict when it may be necessary to pursue legal action to regain possession of council owned land or estimate the costs that may be involved due to the variable nature of encampments and the action necessary to secure removal. Therefore, in the event that the Council pursues legal action the costs and a funding strategy will need to be addressed on a case by case basis.

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

- 9.1 Hartlepool Borough Council recognises that Community Safety affects all our lives, people, communities and organisations. People need to feel safe and this means developing stronger, confident and more cohesive communities. Community Safety includes reducing crime and disorder and tackling anti-social behaviour, offending and re-offending, domestic abuse, drug and alcohol abuse, promoting fire safety, road safety and public protection. This policy contributes towards this by ensuring that a responsive service is provided to prevent issues arising in relation to unauthorised encampments, and where issues do arise, they are dealt with appropriately and effectively.

10. RECOMMENDATIONS

- 10.1 It is recommended that the Council adopts the policy as attached in Appendix 2 and continues with a policy of tolerance where encampments do not fall into any of the sections set out in sections A or B of the policy and that consideration is the matters set out in section C before making a decision to secure the removal of an encampment.
- 10.2 It is recommended that the lead role for enforcement of the policy is transferred from Housing Services to the Community Safety and Engagement team. It is recommended that the Community Safety and Engagement team coordinates any action and depending upon the most appropriate powers to use, liaises with other teams and organisations and, where the land occupied is in the ownership of the Council, with Estates and Regeneration and Legal Services.
- 10.3 It is recommended that consideration be given to exercising the power to seize vehicles both in encampments and in general , where the vehicle is suspected of being involved in the commission of an offence relating to the illegal deposit of waste or other waste offences. The use of this power needs to be considered generally where such offences are committed and would not be used in isolation with respect to travellers.

- 10.4 It is recommended that internal procedures are developed and effective liaison developed between all relevant partners and agencies to ensure that unauthorised encampments are dealt with effectively having regard to, and taking into consideration, the needs of the travellers and others affected by the policy.

11. REASONS FOR RECOMMENDATIONS

- 11.1 The existing Unauthorised Encampments policy was out of date and required updating.
- 11.2 As duties and responsibilities have changed since the previous policy was adopted it is considered that the responsibility for the enforcement of the policy fits more appropriately within the remit of Community Safety and Engagement.

12. CONTACT OFFICER

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Summary of Powers Available to Councils, the Police and Landowners to deal with Illegal and Unauthorised Encampments

Power	When the power can be applied
Section 171E Town & Country Planning Act 1990 – Temporary Stop Notice	When an activity breaches planning control can stop it for period of 28 days, which allows the local planning authority time to decide whether further enforcement activity should be taken.
Injunctions to protect land	If a local site is particularly vulnerable and intelligence suggests it is going to be targeted for unauthorised camping, resulting in disruption, local authorities could apply to the courts for a pre-emptive injunction preventing unauthorised camping in a defined geographical area.
Licensing of caravan sites – The Caravan and Control of Development Act 1960	Prohibits the use of land as a caravan site unless the occupier holds a site licence issued by the local authority. This includes anywhere where a caravan is situated and used for human habitation but does not include sites where caravans are stored, such as driveways, or where a caravan is used as additional accommodation for an existing dwelling.
Tent site licence – Section 269 Public Health Act 1936	Power to local authority to control the use of moveable dwellings and to license the use of land as a site for such as a dwelling. If the land is to be used for more than 28 days in a calendar year, planning permission must be obtained. A site used for more than 42 consecutive days or 60 days in a 12 month period must have a site licence.
Possession Orders – Part 55 Civil Procedure Rules	A possession order can be obtained by local authorities and private landowners who require the removal of trespassers from property, including land. The claim must be issued in a County Court which has jurisdiction over the affected land/property. A claim can be issued in the High Court in exceptional circumstances where there is a risk of disturbance and harm to persons or property that requires immediate determination.
Interim Possession Order – Section III Civil Procedures Rules Part 55	If trespassers have occupied premises (rather than open land), a local authority or private landowner could also consider applying for an interim possession order, which is an accelerated process for regaining possession of property.
Local Byelaws – Section 235 Local Government Act 1972	Enables the local authority to make byelaws for the good rule and governance of the whole or any part of the borough and for the suppression and prevention of nuisances.
Power of local authority to direct unauthorised campers to leave land – Section 77 Criminal Justice and Public Order Act 1994	Gives local authorities power to give a direction to leave land where people are residing in vehicles (including caravans) on land. The power applies to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the occupier. If the direction is not complied with, the local authority can apply to a magistrates court for an order requiring the removal of vehicles and any occupants. The local authority would then be responsible for eviction.
Addressing obstructions to the public highway – Highways Act 1980	If tents are erected on the public highway, so as to cause a nuisance/obstruction, the highway authority may serve a notice requiring their removal. The highway authority can apply for a removal and disposal order if there is a failure to comply.
Planning contravention	May be used where it appears that there may have been a breach of

notice – Section 171C Town and Country Planning Act 1990	planning control and the local authority require information about the activities on the land or to find out more about the recipient's interest in the land. This could be used to encourage constructive dialogue to negate the need for formal action.
Enforcement notice and retrospective planning – Section 172 Town and Country Planning Act 1990	The power to issue an enforcement notice requiring steps to be taken to remedy a breach of planning control. The steps can include demolition and restoration of a site. If an enforcement notice has been issued, the local authority may decline to determine a retrospective planning application for development that would grant planning permission.
Stop Notice – Section 183 Town and Country Planning Act 1990	Has the effect of quickly stopping any activity which contravenes planning control guidelines and where there are special reasons which justify doing this, for example to prevent environmental damage. This notice can only be served with or after an enforcement notice relating to the same activity.
Breach of condition notice – Section 187A Town and Country Planning Act 1990	Enables a breach of condition notice to be served where there is a failure to comply with any condition or limitation imposed on grant of planning permission.
Police powers	
Power of the police to direct unauthorised campers to leave land – Section 61-62 Criminal Justice and Public Order Act 1994	Should trespassers refuse to adhere to a request to leave land, the police have powers to direct trespassers to leave and remove any property or vehicles they have with them. The power applies when a senior police officer reasonably believes that two or more people are trespassing on land with the purpose of residing there, the occupier (e.g. landowner) has taken reasonable steps to ask them to leave and any of the following – a) that any of the trespassers have caused damage to land or property; b) that any of the trespassers have used threatening, abusive or insulting words or behaviour towards the occupier, a member of the occupier's family or agent of the occupier; or c) that the trespassers have between them six or more vehicles on the land.
Police powers to direct trespassers to an alternative site – Sections 62 A-E Criminal Justice and Public Order Act 1994	Police have powers to direct both trespassers and travellers to leave land and remove any vehicle and property from the land where there is a suitable pitch available on a caravan site elsewhere in the local authority area/

Powers to Deal with Cleaning up Sites

Power	When the power can be applied
Fly-tipping – Section 33 Environmental Protection Act 1990	Where waste is deposited illegally on land that does not benefit from an appropriate environmental permit the person responsible may be prosecuted.
Removal of Waste from land – Section 59 Environmental Protection Act 1990	Local Authorities are obliged to remove fly-tipped waste from public land but on private land this is the responsibility of the landowner. The landowner should be advised by the local authority on how to dispose of the waste. If the landowner has knowingly permitted the deposit of waste they can be required to remove the waste. Failure to do so can result in the local authority (or Environment Agency) to enter the land, remove the waste and recover costs.
Power to remove anything abandoned	Gives a power to the local authority to remove "any thing in their area, other than a motor vehicle, [which] is abandoned without lawful authority

without lawful authority – Section 6 Refuse Disposal (Amenity) Act 1978	on any land in the open air or on any other land forming a highway”, provided that they give 15 days notice and may then recover the cost of removal from the person who deposited this.
Harm to public health – Sections 79-81 Environmental Protection Act 1990	Local authorities have duties and powers to control “statutory nuisances” and this includes dealing with any premises and land that are in such a state as to be prejudicial to health or a nuisance. Something can be prejudicial to health if it is ‘injurious to health or likely to cause injury to health’. A nuisance is an interference with personal comfort. If a statutory nuisance is identified, the local authority has a duty to serve an abatement notice. This may be served either on the owner, occupier or the person responsible. This power is useful to tackle issues that arise from illegal occupation, such as noise, smells and accumulations but cannot be used to remove occupants from a site.
Clearing of land – Section 215 Town and Country Planning Act 1990	Works can be required to make good the loss of public amenity. If it appears that the amenity of an area is being adversely affected by the condition of neighbouring land and buildings these powers allow local authorities to serve a notice on the owner requiring the situation be remedied.
Power to deal with accumulations of rubbish in the open air – Section 34 Public Health Act 1961	This gives local authorities powers to deal with accumulations of rubbish in the open air. This must be considered seriously detrimental to the amenity of the neighbourhood. This could include anything including rubble and waste paper but not any rubbish accumulated in the course of a business. The local authority must give 28 days notice to the owner and occupier that it will be removing the rubbish. Whilst this power could be used to deal with rubbish following illegal occupation, it must be carefully considered whether this has accumulated as a result of carrying on a business.
Power to seize a vehicle – the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015	From 6 April 2015 where a vehicle is suspected of being involved in the commission of an offence relating to the illegal deposit of waste or other waste offences, a local authority (or the Environment Agency) may instantly seize a vehicle and its contents in accordance with the provisions of the Control of Pollution (Amendment) Act 1989 or the Environmental Protection Act 1990. This can be used where a vehicle has been involved in the commission of an offence but there is insufficient information regarding who committed the offence.

Hartlepool Borough Council

Unauthorised Encampments

Statement of Policy

Who this policy applies to

Any person (or persons) who establishes an unauthorised encampment in the Borough of Hartlepool.

An 'unauthorised encampment' is the occupation by caravans, motor homes or other moveable structures of any land forming part of the highway, land owned by the Council, or any unoccupied land without the consent of the owner.

The Council recognises that many unauthorised encampments may involve Gypsies or Travellers. The Council is aware of its obligations under the Human Rights Act 1998 and the Equality Act 2010

Purpose

1. This document is intended to provide a framework for making decisions on how the Council will deal with unauthorised encampments.
2. The objective is to try and avoid a blanket approach in dealing with encampments, but to take action for removal in certain circumstances based on the location of the site, numbers of vehicles/people and how the site is being occupied. The Council will consider equality implications and the actions taken will be proportionate to all of the circumstances, balancing the interests between the rights of those in the encampment and the rights of landowners and those lawfully entitled to use the land and the local community

Responsibility for Action

3. Responsibility for making and implementing any decision in respect of unauthorised encampments rests with the Director of Regeneration and Neighbourhoods. Community Safety and Engagement team officers will coordinate action within the Council and respond to complaints and enquiries from the public.
4. For encampments on private land where an owner has not given consent, Community Safety and Engagement team officers will liaise directly with the landowner to provide help and assistance if requested.

A. Areas considered to be unsuitable where action will normally be taken to remove an unauthorised encampment

The Council considers that the types of land listed below are unsuitable for occupation by encampments. Subject to the consideration of emergency health needs, formal action will be commenced to remove an encampment on such land:

- A public car park, including parking facilities at schools, leisure facilities, supermarkets, commercial car parks, retail sites and industrial sites;
- A park, public space in regular use, public playing fields, sports grounds and recreational grounds;
- An industrial or retail estate;
- Land advertised for sale or which is integral to regeneration schemes;
- A site of specific scientific interest;
- Land where there is a known risk of contaminating watercourses or groundwater;
- Contaminated land;
- Land in close proximity to hazards;
- Any open space in a residential area;
- The verge of a busy road where there is judged to be a health and safety problem;
- A public highway or designated highway land; or
- A location where there is, or is likely to be significant risk of harm to the health and safety of the caravan occupiers.

B. Conditions which will normally result in action to require the removal of an encampment

Subject to matters contained in part C, formal procedures to remove an encampment will be commenced where one or more of the following conditions applies:

- An unacceptable road safety hazard exists or is likely to occur. Vehicles should be parked safely and in accordance with the law;
- An unacceptable health or safety hazard exists is likely to occur;
- An intolerable nuisance to the general public exists, or is likely to occur;

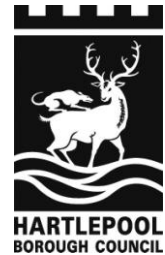
- An intolerable nuisance to the general public exists, or is likely to occur, by reason of its location, nature or duration. This will include inadequate toilet facilities, provision for the disposal of human waste, accumulations of rubbish/commercial waste and the burning of rubbish which gives off toxic fumes or causes any nuisance to neighbours or passersby;
- An intolerable impact on the enjoyment, use or habitation of adjoining or nearby property exists, or is likely to occur. This might include excessive noise from barking dogs or generators;
- Occupation interferes with the effective management or use of the land for its normal purpose;
- Unacceptable damage is, or is likely, to be caused to property or land. This will include damage to fences, gates, trees and hedges;
- The encampment is too large for the location. Caravan groups should be kept small and should not exceed six vans;
- Land cannot be used for its specific use, including open space and parking;
- Unacceptable intimidatory or anti-social behaviour. This will include criminal activity, violence or abusive language to other people and keeping all animals under control; or
- The length of stay is detrimental to the public interest.

C. Further matters which may be considered prior to making a decision to secure the removal of an unauthorised encampment

In coming to a decision on the length of the stay to be agreed or the timing for the removal of the encampment from the land, consideration may be given to:

- Requests for housing services;
- Health needs, e.g. the need for hospital treatment;
- Pregnancy and neo-natal care;
- The welfare and education of children and factors affecting child development;
- The needs of older and disabled people;
- The availability of accommodation on caravan sites in the Tees Valley;
- Obligations on the Council under legislation including highways, crime and disorder, the countryside, town & country planning, environmental protection and public health;

- Complaints from nearby occupiers and the extent to which they are judged to be reasonable and justified;
- The financial costs incurred by the Council and any affected land owners in the short and long term and people having a legal right to occupy the land; and
- Human rights and discrimination legislation



Report of: Regeneration Services Committee

Subject: PLANNING OBLIGATIONS SUPPLEMENTARY
PLANNING DOCUMENT (SPD)

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to request that Council adopt the Planning Obligations Supplementary Planning Document (SPD) (see **Appendix 1**). This document was considered and endorsed by the Regeneration Committee on 23rd October 2015.

2. BACKGROUND

- 2.1 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.”

- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.

- 2.7 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.
- 2.8 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 four years or so.
- 2.9 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.
- 2.10 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.
- 2.11 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%.

3. METHODOLOGY

- 3.1 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.

- 3.2 Following authorisation from Regeneration Services Committee in May 2014, an 8 week public consultation on the draft Planning Obligations Supplementary Planning Document was undertaken.
- 3.3 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
- 3.4 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 Councils response (including resulting amendments to the document) is attached as **Appendix 2**.

4. CHANGES TO NATIONAL PLANNING PRACTICE GUIDANCE

- 4.1 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.
- 4.2 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.*

5. PROPOSALS

- 5.1 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 4.1-4.2 of this report.

5.2 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).

6. RISK IMPLICATIONS

- 6.1 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.

7. FINANCIAL CONSIDERATIONS

- 7.1 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.
- 7.2 The document will be reviewed to ensure it is reflective of current market conditions developers are working within. An update on the document including any proposed changes to levels of contribution will be presented to Regeneration Services Committee annually.

8. LEGAL CONSIDERATIONS

- 8.1 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.

9. CHILD AND FAMILY POVERTY

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

10. EQUALITY AND DIVERSITY CONSIDERATIONS

- 10.1 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.

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

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

12. STAFF CONSIDERATIONS

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

13. ASSET MANAGEMENT CONSIDERATIONS

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

14. RECOMMENDATIONS

- 14.1 That Council adopt the Planning Obligations Supplementary Planning Document (SPD).

15. REASONS FOR RECOMMENDATIONS

- 15.1 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. The SPD will thus be a material consideration in the determination of planning applications once adopted.

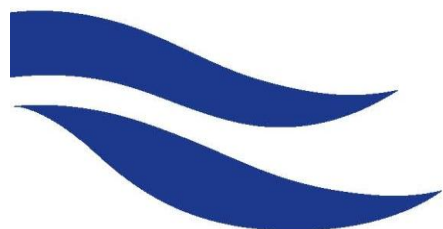
16. BACKGROUND PAPERS

- 16.1 Report to Regeneration Services Committee on 8th May 2014.
- 16.2 Report to Regeneration Services Committee on 11th June 2015.
- 16.3 Report to Regeneration Services Committee on 28th August 2015.
- 16.4 Report to Regeneration Services Committee on 23rd October 2015.
- 16.5 The Adopted Hartlepool Local Plan (2006) with specific regard to policies
GEP9
http://www.hartlepool.gov.uk/downloads/file/961/hartlepool_local_plan_2006
- 16.6 The National Planning Policy Framework (NPPF) with specific regard to
paragraph 122 and 123
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
- 16.7 Government Planning Practice Guidance (2014)
<http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-development-needs-assessments/methodology-assessing-economic-development-and-main-town-centre-uses/>

17. CONTACT OFFICERS

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Hartlepool Local Planning Framework

Planning Obligations Supplementary Planning Document

Final for Endorsement



October 2015



9.4 APPENDIX 1

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

9.4 APPENDIX 1

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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 onsite 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 sub-dividing 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.

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Alison Macklam	Monitoring Officer (Development Control)	alison.macklam@hartlepool.gov.uk	01429 284380
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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	

TABLE 1: Planning Obligations SPD Thresholds and Levels of contribution

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	20%
Affordable units	20 units
Borough wide average cost of a home.	£132,772.94*

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

(a) Register Provider finance (60% of market value) = £79,663.76

(b) Developer Contribution (40% of market value) = £53,109.18

(a) £79,663.76 + (b) £53,109.18 = (c) £132,772.94

The developer is required to provide 20 units, therefore:

Theoretical Off Site Commuted Sum = 20 x £53,109.18 = **£1,062,183.60**

* Average house price information compiled from Land Registry data. All sales in district of Hartlepool between 1st September 2015 – 31st August 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

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

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.

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.

22.0 Outdoor Sport and Play Facilities

- 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.

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.

Based on an average household of 2.3 persons this is **£4.97** per unit / household.

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)			
	15	50	100	500
Number of Dwellings				
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.

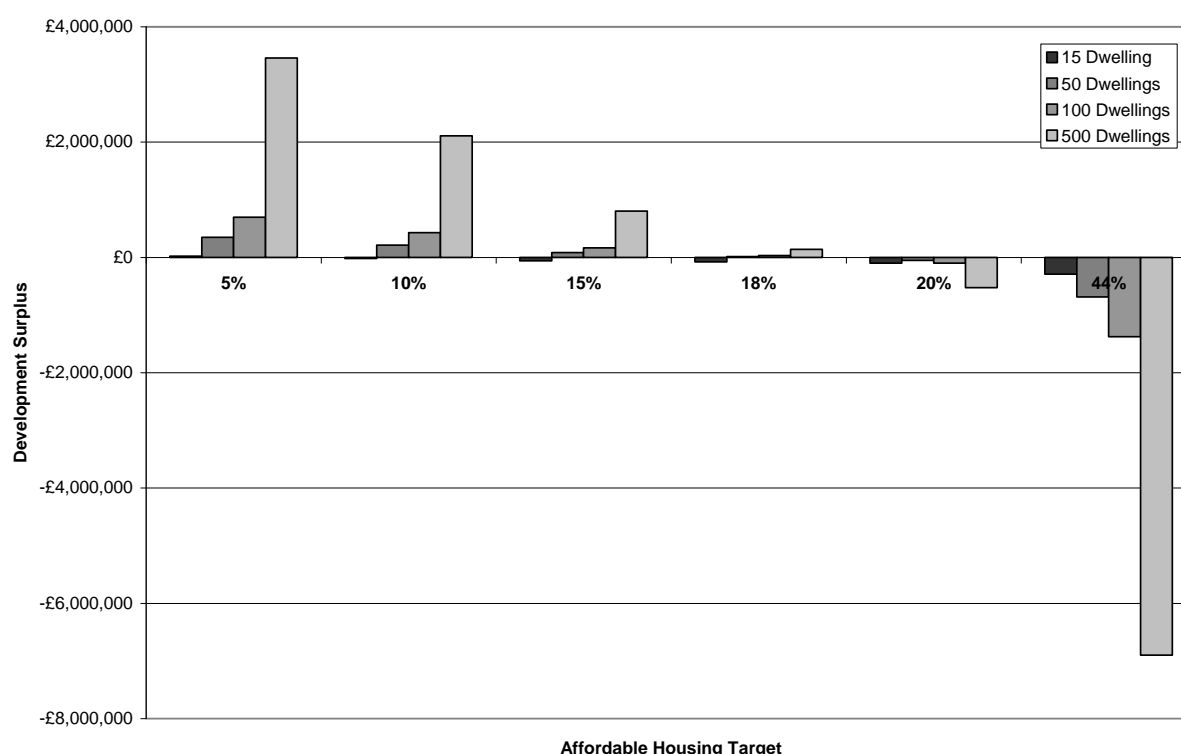
5. Deliverable Affordable Housing Target

- 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%.



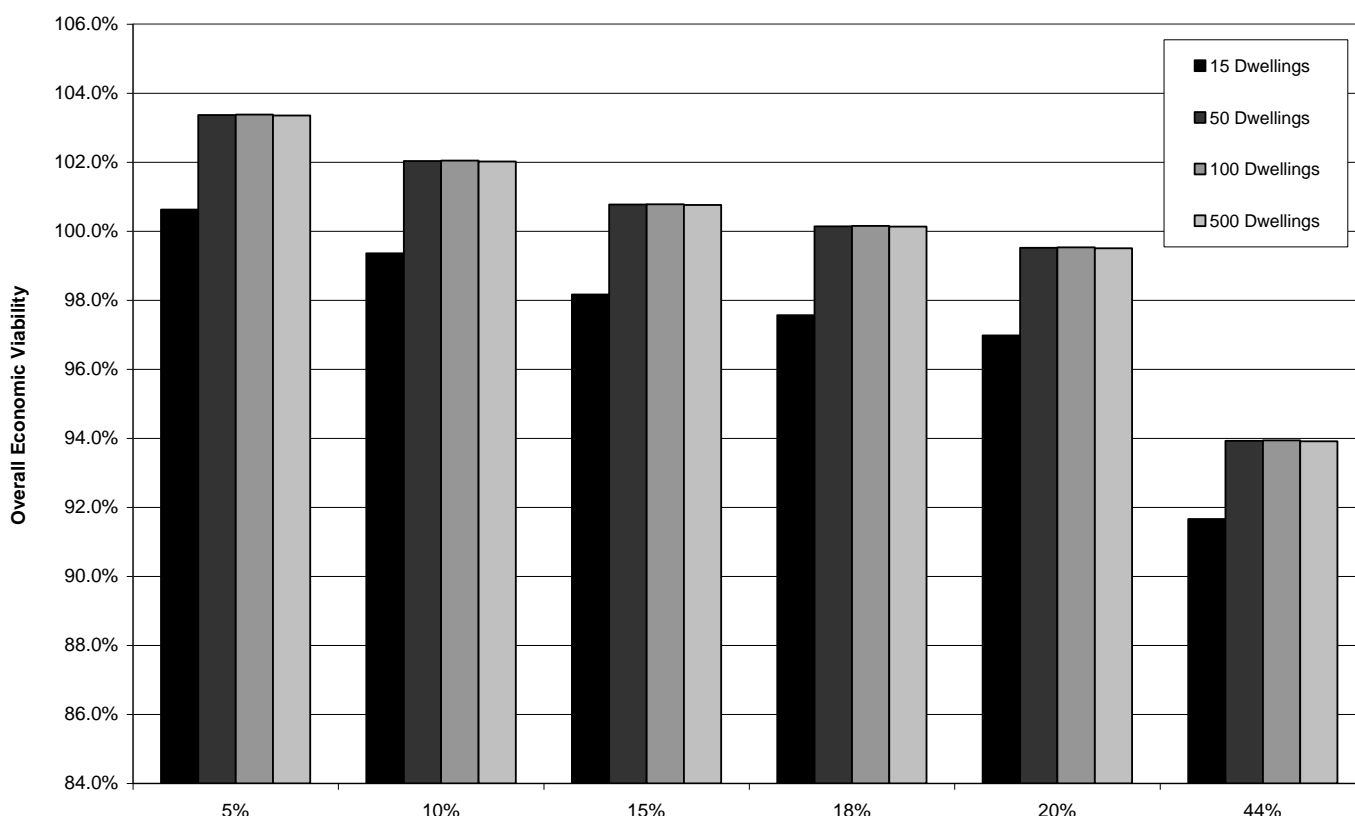
Graph 1: Development Scenarios and Affordable Housing Target Economic Viability (£)

- 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><i>The quantity standard for playing pitches 0.9 Hectares per 1000 population.</i> <i>The quantity standard for Tennis Courts is 0.02 hectares per 1000 population.</i></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 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;</i></p> <p><i>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 place to effectively manage the 5 scheme rule.</p>

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PO02 – 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.
PO03 – 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.
PO04 – Persimmon homes	General comments Economic Climate	Persimmon Homes are pleased that the Council recognise that the SPD is being prepared "during hard economic times" and that this is "reflected in the levels of contributions that are required from developers." The recent house price fluctuations across the north east of England have highlighted the need for Local Authorities to be acutely aware of the challenges and precarious nature of the housing market. A failure to do so by adopting unrealistic targets for financial contributions or applying obligations incorrectly will result in drawn out negotiations, possible	Noted. If planning obligations result in an unviable. Development. Developers are encouraged to submit a viability assessment to evidence this. Following

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		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.	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.</p> <p>Within the detail of the SPD, there is flexibility to allow for developers to query contributions in terms of viability, information will be required to evidence this. HBC use the HCA model for viability assessments.</p>
	Financial Contributions and Pooling of Contributions	<p>Whilst Persimmon Homes have no objections to the pooling of contributions we believe that there should be clearly agreed timeframes as to when the money is expected to be spent and how. This should be agreed between the developer and the council and set out within the Section 106 Agreement.</p> <p>In terms of pooling contributions, Persimmon Homes would also like to draw the Council's attention to the CIL Regulations which in view of the role and nature of CIL have attempted to scale back the way planning obligations operate. Limitations are therefore in place restricting the pooling of contributions from a maximum of five separate planning obligations for an item of infrastructure that is not locally intended to be funded by the levy. The limit of</p>	<p>Noted.</p> <p>Covered in 10.1 of the SPD. SPD to be updated to include position on unspent funds / change in needs.</p> <p>Section 106 Agreements are managed and monitored by the Development Control</p>

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		<p>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>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 as this will quickly be out dated and maintenance costs are site / project specific. Planning obligations are discussed at an early stage in the development management process, either through the one stop shop or planning application process.</p>

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	<p>Economics of Provision</p>	<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>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;</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><i>"banks will not provide funding for a scheme that shows a profit of less than 20% on gross development value".</i></p> <p>In an appeal, APP/T3535/A/11/2147958, against Waveney District Council for the construction of 7 terraced houses, 10 detached houses and 1 bungalow the inspector noted;</p> <p><i>"also note that the DV sets the level of profit required as 18%, whereas I would expect a figure of 20% to be used, bearing in mind the risks associated with the 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;</p> <p><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 and developer prior to the signing of a Section 106 agreement.</p>	<p>Noted.</p> <p>The fee in terms of the monitoring is a set fee which can be found at http://www.hartlepool.gov.uk/info/608/development_control/107/development_control/5.</p> <p>Will look to reference this in the SPD.</p> <p>In terms of the legal agreement this is the hourly rate of the Legal Officer / Solicitor, available at request. A useful contact list will be included as an appendix to the SPD.</p>

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			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 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</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> <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>

		<p>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>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>	
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	<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 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</p>	<p>Document doesn't require building to above code standards.</p> <p>Noted, in the first instance the local authority would expect the developer and Registered Provider to negotiate, if required the local authority may get involved.</p>
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		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.	
	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 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>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 application stage. HBC is not proposing to include a maintenance schedule due to such information quickly going out of date.</p>

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			<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>
	Section 23.0	<p>The SPD proposes that the level of contribution for Built Sport Facilities will be £250 per unit. This will be applied to all developments of 5 units or more where necessary and in accordance with the tests outlined within the NPPF. This figure is similar to other recent obligations the company have agreed to in the Borough and around the region so we have no objections to the scale of this contribution. However, despite the above, there is a concern that this section of the SPD is, at least in part, more concerned with 'addressing areas of existing deficiency' and 'sustaining existing services' than meeting new needs. As set out within the NPPF, planning obligations should be necessary to make the development acceptable, directly related to the development, and fairly and reasonable related in scale and kind to the development so should not be used as a tool to levy funds towards the ongoing upkeep of existing facilities. They should only be used to address new needs.</p> <p>Once again Persimmon Homes would request that the payment of any contribution is negotiated on a site by site basis to allow flexibility particularly if the contribution is being directed towards a long term element of infrastructure.</p>	<p>Noted.</p> <p>Consider inclusion of similar wording to above?</p> <p>The SPD outlines where the current need, facilities continually require updating and repair especially with additional users demand created by new residential development. This SPD sets out policy to help address this.</p>
	Section 24.0	<p>The SPD proposes that the level of contribution for Green Infrastructure will be £250 per unit. This will be applied to all developments of 5 units or more where necessary and in accordance with the tests outlined within the NPPF. This figure is similar to other recent</p>	<p>Noted.</p> <p>The evidence outlined in the SPD demonstrates the need</p>

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		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	for planning contributions from all new developments as defined by the thresholds set out in the SPD. 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.
	Section 25.0	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 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.	Noted. This is the approach undertaken.
	Section 26.0	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. 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	Noted. 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. Examples of community facilities are provided in 26.1.

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		<p>pressures associated with development in the area. The contribution will either be a commuted sum towards expanding an existing education establishment or, if the development is of a sufficient size (750 units), to provide a new school altogether within the development. Persimmon Homes fully acknowledge our role and responsibility in creating sustainable developments benefitting from the necessary facilities so therefore do not object to this 750 unit threshold requirement for new schools when there is an identified need providing it does not undermine the viability of the development.</p> <p>Where there is an identified need for improvements to a school as a result of a development, the council have identified a local formula which they will use for calculating the financial contributions for both primary and secondary provision. These formulas, outlined within paragraphs 26.10 – 16.13, are considered to be acceptable by Persimmon Homes. As touched upon above, the SPD also outlines the threshold above which community centres will be sought. Whilst Persimmon Homes accept that there may be a need for a community centre on larger sites, we believe that this should once again be determined on a site by site basis on developments over of 750 units.</p>	<p>All planning contributions can be discussed should a developer evidence that provision requested in the SPD is not viable.</p>
	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</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>

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		with developers rather than be an explicit 'requirement' on all sites.	
	General comments	<p>Is noted that within the SPD, Hartlepool Borough will consider the introduction of the Community Infrastructure Levy (CIL) as part of the on-going arrangements for the new Local Plan. It is important that the Council undertake a thorough viability assessment of all plan policies prior to its introduction and methodically engage with local stakeholders and developers at every stage so that the levy is not be set at the margins of viability which is likely to jeopardise plan delivery. If CIL is adopted this should be the only tool for collecting "area-wide" funds to address the cumulative impacts of development on types of infrastructure. Where a levy is in place the local Council may still secure "site specific" planning obligations through Section 106 agreements in some instances but, will need to clearly publish what infrastructure will be financed through S106 agreements and what will be financed through CIL to avoid any duplication or "double counting" of obligations inline with CIL Regulations .</p> <p>Where additional costs such as planning obligations are placed on top of CIL it may 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>	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.
	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</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</p>

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	<p>taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. We would therefore like to see further evidence of testing which shows that the policies can be delivered as they say they can given the current market conditions and that developers and landowners expectations in respect to profit and land value can be realistically achieved.</p> <p>Persimmon Homes currently have concerns that some areas of the document, as outlined within the preceding paragraphs, do not meet some of the objectives and principles of the NPPF. Persimmon Homes therefore request that the council give due consideration to these Representations herewith and adjust the SPD accordingly in order to avoid an undeliverable, unjustified and therefore unsound SPD. It is therefore essential that the SPD is amended to take account of the following points;</p> <ul style="list-style-type: none"> • 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 	<p>contributions should viability impact upon the deliverability of a development.</p> <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
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		<p>least 20% developer profit to provide sufficient reward to award the risk to ensure the development goes ahead unless otherwise agreed with the applicant.</p> <ul style="list-style-type: none"> • <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. • <input type="checkbox"/> Await the outcome of the Standards Review before committing to policies which require specific technical design related standards to be met. • <input type="checkbox"/> Finally, the SPD needs to be fully assessed in terms of its compliance with both the CIL Regulations and NPPF to ensure that: the council operates within its limits; obligations are applied to development correctly in accordance with the statutory tests; developers, landowners and stakeholders understand the processes involved; 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>acceptable profit is something which is considered on a case by case basis.</p> <ul style="list-style-type: none"> • There is the flexibility within the SPD to accommodate this. • The thresholds have been applied and market tested at this level, obligations have been successfully secured at this level. • Noted. HBC are confident that this is the case and the SPD is compliant.
PO05 – Environment Agency	Section 24.0	<p>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'.</p>	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</p>	<p>SuDS schemes would be discussed as part of the application process and addressed through a Section 106 where an offsite</p>

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		<p>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>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>
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”.</p> <p>The Government's objectives through the NPPF are sustainable development and growth. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 14 stresses the need for Local Plans to meet objectively assessed needs of an area.</p> <p>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.

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	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 that full account is taken of the need for viability and deliverability. OnSite considers that the key issue facing the area is deliverability of development schemes taking into account their viability. OnSite therefore consider that (where relevant) reference to viability should be taken into account in each element of the Guidance in relation to ALL proposed obligations to ensure that developments do not become undeliverable due to a lack of flexibility within the SPD. Consequently, OnSite consider changes should be made to make reference to the deliverability of contributions and components of the scheme which take into account the viability of each scheme. This is supported by paragraph 173 of the NPPF: <i>“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”</i></p> <p>The SPD as currently drafted offers no flexibility and states “the development will” deliver 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 is mentioned comprehensively in section 16.0 of the SPD. Accepted that this section could be strengthened and will be address in the development of the SPD to set out a clear process which considers viability.</p> <p>Viability is also referred to at 2.2, 4.6, 4.8, 4.9, 15.1, 21.8, 21.11, 23.15, 24.17, 25.18, 26.8, 26.16 and 26.18.</p> <p>Agree to add reference to 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</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</p>

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		<p>hectares). Currently the Rural Plan is also proposing a minimum affordable housing target of 10% to be required on all sites.</p> <p>A community's need for an appropriate balance and mix of housing, including the provision of affordable housing, is recognised at national level as a material consideration in determining planning applications for housing development. Government policy seeks to create sustainable communities that offer a wide range of housing types and tenures and are socially inclusive. This must surely also seek to include rural communities The Tees Valley Strategic Housing Market Assessment 2012 showed that the Hartlepool Rural Area has a good mix of housing sizes, types and tenures. The neighbourhood plan seeks to continue to ensure that this balanced housing stock is maintained so that there is a good choice of housing available that meets the needs of people at all stages of their lives from those setting up home for the first time, to growing families and those seeking homes to meet their needs in older age. It is recognised that there is a need to attract young and growing families to the villages to help support schools and community organisations. Also with improving longevity, housing that meets the needs of older people will be increasingly important so that they can maintain their independence. Consequently, a good range of housing that meets local needs is vital.</p>	<p>lowered in line with the new National Planning Practice Guidance on Planning Obligations published 28/11/2014.</p>
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>	<p>Disagree, open space surrounding A1 developments is essential for the high quality landscaping. Provision of these facilities can complement A1 developments.</p> <p>It may be for examples that a local centre with a number of units were developed – it would not be unreasonable to seek a small children's play areas as part of the scheme.</p>
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</p>	<p>Noted. Viability is mentioned on a number of occasions in the SPD. Accepted that this section could be strengthened and will be</p>

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		<p>document they do appear to be significant and may well result in an increased submission of viability assessments. This has the potential to incur additional planning costs, slowing down the approval process and introducing uncertainty. The document implies these developer contribution thresholds will only increase as the economy improves and would not reduce should viability assessments evidence that schemes are otherwise unviable. 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>address in the development of the SPD to set out a clear process which considers viability.</p> <p>Justification for any contribution is required and planning obligations are only applied if an application creates or adds to a provision requirement.</p> <p>HBC will always seek to determine applications within the timescales whether a viability assessment is needed or not.</p>
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,</p>	<p>Noted and support welcomed.</p>

		<p>which are set out within Table 1 of the document. The Agency has no particular concerns with the thresholds proposed or the intention to judge each planning application on its own merits to allow for obligations to be sought for some developments below the threshold level if the local authority considers is justified by the consequential impact of the development. Similarly, the Agency welcomes the provisions of Paragraph 8.2 which goes on to state that when determining contributions, the local authority will look at the cumulative impact of a number of adjoining small developments and where necessary will require a masterplan to be developed for an area to prevent the sub-division of a site to avoid the threshold for contributions. Paragraph 10.1 sets out the requirements and intentions for the pooling of contributions, which is also supported by the Agency, particularly where contributions are required for significant infrastructure improvements or where the impacts of development requiring an infrastructure improvement are cumulative.</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.

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> <p>Paragraph 126 of the NPPF requires the local planning authority to set out, in its Local Plan,</p>	<p>Noted. Include a section on Heritage Assets in the SPD reflecting these comments.</p> <p>This will be included as part</p>

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		<p>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>	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 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 	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 development. Section 16 will be strengthened to include this.

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		<ul style="list-style-type: none"> • 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>	
	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 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</p>	Noted

		<p>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 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</p>	
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9.4 APPENDIX 2

		<p>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



Report of: Neighbourhood Services Committee

Subject: STRATEGY FOR USING 2014/15 OUTTURN
RESOURCES ALLOCATED BY THE FINANCE AND
POLICY COMMITTEE

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Budget and Policy Framework Decision.

2. PURPOSE OF REPORT

2.1 Approve a strategy for using £196,000 of the 2014/15 outturn resources allocated by the Finance and Policy Committee.

3. BACKGROUND

3.1 Details of the final uncommitted 2014/15 revenue outturn were reported to the Finance Policy Committee on 29th June 2015. The Finance and Policy Committee resolved that £196,000 of the outturn be allocated to support Members priorities relating to environmental improvements, including additional Enforcement Officers.

3.2 As the proposal is a departure from the approved Budget and Policy Framework these proposals need to be referred to Council. In normal circumstances such proposals would normally be referred to Council via the Finance and Policy Committee. However, in this instance the Finance and Policy Committee has already provided the broad policy direction therefore detailed proposals were approved by the Neighbourhood Services Committee before being referred to Council.

3.3 A copy of the report to Neighbourhood Services Committee on 28th September is attached at **Appendix A** for information.

4. PROPOSALS

- 4.1 The proposal is that £196,000 be allocated to support the priorities detailed in the table below:-

PROPOSED SPEND SUMMARY	£
Environmental Enforcement Officers	96,000
Grass Edging	32,500
Pavement/verge Improvements	27,500
Litter and dog bins	20,000
Benches	10,000
Shrubbery removal	10,000
TOTAL	196,000

- 4.2 Further details regarding each of the elements are included in Neighbourhood Services report attached at **Appendix A**.

5. RECOMMENDATIONS

- 5.1 Council are recommended to approve the use of the £196,000 uncommitted outturn to fund the proposals detailed in section 4.

6. BACKGROUND PAPERS

- 6.1 Finance and Policy Committee 29th June, 2015
Neighbourhood Services Committee 28th September, 2015 (attached)

7. CONTACT OFFICER

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NEIGHBOURHOOD SERVICES COMMITTEE

28th September 2015



Report of: ASSISTANT DIRECTOR (NEIGHBOURHOODS)

Subject: STRATEGY FOR USING 2014/15 OUTTURN
RESOURCES ALLOCATED BY THE FINANCE AND
POLICY COMMITTEE

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Budget and Policy Framework Decision.

2. PURPOSE OF THE REPORT

2.1 The purposes of the report are to:-

- i) Enable Members to determine a strategy for using the 2014/15 outturn resources allocated by the Finance and Policy Committee; and
- ii) To enable these proposals to be referred to full Council as a departure from the approved Budget and Policy Framework.

3. BACKGROUND

3.1 Details of the final uncommitted 2014/15 revenue outturn were reported to the Finance and Policy Committee on 29th June 2015. The report advised Members that the uncommitted 2014/15 outturn is £596,000. The Finance and Policy Committee determined to allocate £400,000 of the uncommitted outturn towards cash backing the Jacksons Landing interest free loan, which will provide cash backing of 80%. The Finance and Policy Committee also noted that the Jackson's Landing interest free loan repayment has been extended to October 2017. The combination of the loan extension and 80% cash backing provides the necessary timeframe to secure a development of this site.

- 3.2 After reflecting the above commitment the net uncommitted outturn is £196,000 and the Finance and Policy Committee also resolved
- That the whole of the £196,000 be allocated to the Neighbourhood Services Division to be utilised to support Members priorities relating to environmental improvements, additional Enforcement Officers, the utilisation of Neighbourhood Development Officers to support HVDA and voluntary groups in the town and further consideration of the loan to the Hartlepool Credit Union (Moneywise Community Banking) being converted into a grant.
- 3.3 Hartlepool Credit Union are exploring a merger with South Yorkshire Credit Union which would put them on a sounder financial footing and remove the requirement for the Council to convert the loan into a grant. HVDA negotiations regarding Council support have concluded.
- 3.4 As the issues detailed in the previous paragraphs are departures from the approved Budget and Policy these proposals will need to be referred to Council after consideration by this Committee. In normal circumstances such proposals would normally be referred to Council via the Finance and Policy Committee. However, in this instance the Finance and Policy Committee has already provided the broad policy direction, as detailed in paragraph 3.1. Therefore, in this instance once the proposals are approved by this Committee they can be referred directly to Council.

4. PROPOSAL FOR USING THE £196,000 UNCOMMITTED 2014/15 OUTTURN

- 4.1 The proposal for use of the £196,000 uncommitted 2014/15 outturn includes the following:

Environmental Enforcement Officers – (*proposed allocation £96k*).

Environmental crime within the context of neighbourhoods affects the quality of life of local communities, with national research highlighting that people judge the level of anti-social behaviour in an area by obvious physical signs such as poor presentation of public spaces i.e. the presence of litter, graffiti or criminal damage.

Members have expressed a desire to extend the good practice evidenced in Neighbourhood Action Days through the provision of additional resources to enhance Neighbourhood Action Days, and day to day operational activity in tackling environmental crime.

The proposal therefore aims to increase current capacity within the Community Safety and Engagement Section to deal specifically with environmental crime, and to assist more broadly in promoting healthy, safe, and clean neighbourhoods.

The monies identified will be used to employ two additional Enforcement Officers over a two year period. The Officers will complement current plans to create an integrated enforcement team involving the merger of the Councils current Car Parking Enforcement Team and the Environmental Enforcement Team, and the introduction of generic enforcement roles.

This will increase current staffing levels across the two teams from nine to eleven Officers and provide a broader skill base, enabling a more reactive response to both environmental and traffic management issues and the removal of some duplication in relation to patrol visits.

Environmental Enforcement core operating hours are 9-5 Monday to Friday, Members requested at the Finance and Policy meeting of the 23 February 2015 these hours should be extended. This additional funding will therefore allow the new integrated team to work 8 – 6 Mon – Sat, and when necessary target areas hotspot areas until 8 pm, providing flexibility within the service which can be reactive to neighbourhood needs.

Present Resource Allocation	Proposed	Allocation - £k	Outturn
9 FTE	11 (2 year contract x 2 FTE)	£96,000	This will increase current staffing levels across the two teams for nine to eleven Officers and provide a broader skill base, enabling a more reactive response to both environmental and traffic management issues and the removal of some duplication in relation to patrol visits.

4.2 Environmental Enhancement Projects

- 4.2.1 Poor presentation of public spaces is highlighted nationally as a significant factor in reduced quality of life for local communities. It is believed that significant positive social impact can result from the allocation of even small amounts of targeted additional funding to environmental schemes that benefit the town.

Other proposals for the use of the £196,000 uncommitted 2014/15 outturn

- 4.2.2 **Grass Edging** (*proposed allocation £32.5K*). While some trimming of grass edges to footpaths is carried out under Street maintenance programmes, the sheer volume across the town means there are limits to what current resources and budgetary constraints will allow. Priority is therefore given to areas where failing to carry out such works would present a risk to members of the public, or the extended growth is likely to cause damage to pavements.

Notwithstanding the need to alleviate these risks, the trimming of grass edging also has significant aesthetic values and would provide an immediate

visual improvement to the amenity of an area. The programme would be driven by common intelligence arising from sources like, inspections, neighbourhood audit exercises, elected Members and the public.

- 4.2.3 **Pavement/Verge Improvements** (*proposed allocation £27.5K*). Cracked or broken paving stones can not only present a trip hazard in certain situations, but they also contribute to bringing down the visual amenity of an area. This mirrors visual amenity issues that may exist on some grass verges where on-street parking is tight resulting in damage to verges. The programme would be driven by common intelligence arising from sources like, inspections, neighbourhood audit exercises, elected Members and the public.

- 4.2.4 **Litter/dog bins: repair, repainting, replacement** –(*proposed allocation £20K*) Litter bins are located across the town at strategic locations and education and enforcement campaigns continue in order to encourage their use. Litter bins are of course essential in areas such as shopping precincts and the council has in the past used its powers to encourage fast food outlets to provide bins at these locations.

Whilst there are sufficient litter bins across the town new style litter bins are gradually replacing the older type. The new bins, or cabinets, have greater capacity and contain 240 litre wheeled bins, which makes servicing easier and quicker and these also address manual handling concerns. The new style cabinet bins also have a provision to receive discarded cigarettes.

The modern-day dog foul bin is composed of a robust plastic material, which, notwithstanding vandalism, is extremely hard-wearing and weather resistant; however, many of the earlier ones installed in Hartlepool were made from metal composition. These particular bins are in a poor state of repair in some areas.

Where essential replacement bins are required, this is becoming increasingly difficult to achieve due to current budgetary constraints.

- 4.2.5 **Benches**, (*proposed allocation £10K*). Successive years of budgetary constraints/priorities have meant that street furniture in some parts of the town is now life expired. Bench replacements are primarily achieved by generous donations from individual members of the public looking to place memorials. However the large portfolio of assets accumulated over many decades means in some areas deterioration is outstripping replacement

The Street Furniture programme would be driven by common intelligence arising from sources like, inspections, neighbourhood audit exercises, elected Members and the public.

- 4.2.6 **Shrubbery Removal**, (*proposed allocation £10k*) Some parts of the town have established planting schemes, which over time have lost their aesthetic appeal. The unsightliness of these areas is made worse by windblown litter that becomes trapped amongst the shrubberies.

Removal in some case would eliminate this problem and would also save on future maintenance requirements. Aerial greenery could be maintained by retaining any trees that were included in the original planting scheme. The programme would be driven by common intelligence arising from sources like, inspections, neighbourhood audit exercises, elected Members and the public.

PROPOSED SPEND SUMMARY	£
Environmental Enforcement Officers	96,000
Grass Edging	32,500
Pavement/verge Improvements	27,500
Litter and dog bins	20,000
Benches	10,000
Shrubbery removal	10,000
TOTAL	196,000

5. RISK IMPLICATIONS

- 5.1 That the additional enforcement officers do not generate sufficient revenue/income to sustain the service in the future, as outlined in Section 4.

6. FINANCIAL CONSIDERATIONS

- 6.1 The proposals outlined in the report will be funded using the reported one-off funding of £196,000. This will include the cost of employing two temporary enforcement officers with a generic role on a fixed term basis.
- 6.2 Given successive years of budget reductions the proposed environmental enhancements will address the limitations of current budgets in contributing to a well maintained good quality environment for the residents of Hartlepool.

7. LEGAL CONSIDERATIONS

- 7.1 There are no legal considerations attached to this report other than ensuring that all enforcement staff are appropriately trained in the discharge of powers under existing legislation.

8. CHILD AND FAMILY POVERTY

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

9. EQUALITY AND DIVERSITY CONSIDERATIONS

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

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

- 10.1 The increase in Environmental Enforcement Officers to tackle environmental crime together with the proposed environmental enhancements will assist in promoting safer, cleaner, sustainable neighbourhoods and the discharge of the Councils Section 17 obligations under the Crime and Disorder Act 1998.

11. STAFF CONSIDERATIONS

- 11.1 The merger of the Car Parking and Environmental Enforcement Officer role will result in a change to the terms and conditions of employment of existing staff within both the Car Parking and Environmental Enforcement Service.
- 11.2 New job descriptions have been drawn up and are currently being job evaluated. Whilst staff and trade unions are aware of the proposed merger of roles, before this proposal is progressed, staff and trade unions will need to be formally consulted.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 The environmental enhancement proposals will contribute to the maintenance of existing Council assets within the public realm.

13. RECOMMENDATIONS

- 13.1 It is recommended that Members
- i) Approve/consider the proposals detailed in section 4 for using the £196,000 referred from Finance and Policy Committee;
 - ii) Note that the proposals approved by this Committee will be referred to Council for approval as a departure from the Budget and Policy Framework.

14. REASONS FOR RECOMMENDATIONS

- 14.1 To enable the Committee to determine proposals to be referred to Council

15. BACKGROUND PAPERS

- 15.1 Environmental Crime Campaign – report and minutes Neighbourhood Services Committee - 11 November 2013
- 15.2 Environmental Crime Campaign Progress Update – report and minutes Neighbourhood Services Committee - 15 January 2015
- 15.3 Community Safety Plan 2014- 17 (Year 2) – report and minutes Finance and Policy Committee 23 February 2015.
- 15.4 Safer Hartlepool Partnership Communication Strategy – report and minutes Safer Hartlepool Partnership 10 July 2015
- 15.5 Medium Term Financial Strategy 2016/17 to 2018/19 report to Finance and Policy Committee on 29th June 2015
- 15.6 Home Office – ‘The Drivers of Perceptions of Anti-Social Behaviour’

16. CONTACT OFFICER

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COUNCIL

12 November 2015



Report of: Chief Executive

Subject: BUSINESS REPORT

1. ARMED FORCES HOUSING PLEDGE

- 1.1 In 2012, Hartlepool Borough Council welcomed the opportunity to sign the North East Armed Forces Community Charter, and established our own Armed Forces Community Covenant. Council has now been asked by Peter Walls, HRH The Prince of Wales' Ambassador for Responsible Business in the North East, to sign the Gentoo 'Armed Forces Housing Pledge'.
- 1.2 In signing the Pledge, housing providers are being asked to commit to developing personal support packages to complement the housing offer and to actively engage in partnerships for the benefit of returning service personnel and veterans. The seven key principles of the Pledge are to:
- Recognise the commitment of Returning Service Personnel and Veterans and treat them accordingly.
 - Ensure your Allocations Policy gives priority to Returning Service Personnel, reviewing this if necessary and nominate a 'Service Champion' in relation to housing allocations.
 - Agree upon a One Access for Housing Strategy, ensuring that Returning Service Personnel can expect a consistent offer wherever they choose to return to.
 - Develop personal support packages to complement the housing offer.
 - Be an active signatory to your Local Community Covenant; create your own Corporate Covenant, delivering on responsibilities, promises and commitments on both.
 - Challenge existing working practices, changing the way you do business to favour Veterans and Returning Personnel.
 - Actively engage in partnerships locally, regionally and nationally for the continued benefit of Returning Service Personnel and Veterans, providing access to a range of specialist services.
- 1.3 Hartlepool Borough Council has already shown its commitment to the Armed Forces Community with the review of its Allocations Policy in 2012. The review resulted in the addition of preferences for Armed Forces Personnel,

as detailed in **Appendix A**. In continuing to build upon this commitment it is recommended that Members support the signing of the Armed Forces Housing Pledge.

- 1.4 Council is recommended to approve the signing of the Armed Forces Housing Pledge.

2. SPECIAL URGENCY DECISIONS

- 2.1 Council is informed that there were two special urgency decisions taken in the period August - October 2015. The decisions were taken by the Finance and Policy Committee at its meeting on 21st September 2015 as follows:-

1. Youth Employment Initiative (YEI) (Director of Regeneration and Neighbourhoods)
 - That the success in attracting funding of £22,141,000 for the period 2015 to 2018 for the Tees Valley be noted,
 - That approval be given the Council to act as the Accountable Body on behalf of the Tees Valley for the full project value of £22,141,000 and note the related risks as detailed in section 6 of the report,
 - That the Chief Solicitor, Director of Regeneration and Neighbourhoods, and Chief Finance Officer be authorised to complete contracts to transfer legal responsibilities under the grant conditions to the other Tees Valley authorities and partners including the potential for clawback in relation to each Council's share of the scheme,
 - That it be noted that no funding will be paid over to authorities until these agreements have been signed to accept the full transfer of the grant conditions and risks of non compliance,
 - That it be noted that the Council's net financial risk will be £3.213m,
 - That the Director of Regeneration and Neighbourhoods, Chief Solicitor and Chief Finance Officer be authorised to approve the Council's acceptance of the grant subject to satisfactory completion of due diligences and completion of recommendation 3;
 - That it be noted that the Council's match funding will be met from other grant funding streams and existing staffing budgets as detailed in Section 5,
 - That further update reports will be brought to committee to advise on progress of the project.

2. Promoting Change, Transforming Lives Project (Director of Regeneration and Neighbourhoods Director of Child and Adult Services)

- That approval be given to accepting a Grant whilst noting that, due to the timescales, due diligence was still being undertaken on the contact documentation.
- That authority be delegated to the Director of Regeneration and Neighbourhoods, Chief Solicitor and Chief Finance Officer in consultation with the Chair of Finance and Policy Committee for final approval of the Councils acceptance of the grant subject to satisfactory completion of due diligence.
- That a further update report be submitted to Finance and Policy Committee on 16 October 2015 to advise of the outcome of the grant offer due diligence process.
- That any works required in implementing the scheme be considered in tandem with the general improvement works proposed for the adjacent Rift House Recreation Ground.

3. **EXPENDITURE RELEVANT TO MEMBERS' INTERESTS**

3.1 Further to requests by Members this information has been compiled to provide the following:

- a) details of any contracts for works or services which were subject to the Council's tender process and awarded to a body/entity listed on the Member's Register of Interests during the 6 months – April to September 2015 (**Appendix B**) and;
- b) details of any payments made to a body/entity listed on the Member's Register of Interests during the 6 months – April to September 2015 (**Appendix C**).

3.2 It should be noted that the information presented in **Appendix C** includes the following categories of member interests:

- Employment, Office Trade, Profession or Vocation
- Sponsorship
- Contracts with the Authority
- Land in the area of the Authority
- Securities
- Other interests
- Interested parties

3.3 The following categories are excluded:

- License to occupy land
- Corporate tenancies

- 3.4 All payments relating to benefits are excluded.
- 3.5 The report does not include information on those bodies listed on members interests forms which either do not have a supplier number on Integra or which cannot be identified on Integra given the information provided.
- 3.6 Members are asked to note the contents of the report.

Appendix A

The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 – Statutory Instrument No: 2989 came into force on the 30th November 2012. In acknowledgement of this, additional preference is awarded to members of the HM Armed Forces community*

A member of the Armed Forces (serving, or has formerly served in the regular forces; serving, or has formerly served in the reserved forces; a bereaved spouse or civil partner) will, therefore, be awarded the highest priority if they are in urgent housing need (Band 1) above others within this priority band.

* Additional preference will only be awarded to members of the HM Armed Forces community within five years of their discharge date and if they have been assessed and deemed to be in urgent housing need.

The Allocations Policy also awards the highest priority for people leaving HM Armed Forces:

Band 1: Statutory homeless and homelessness prevention

D People leaving HM Armed Forces community**

- People at the point of leaving HM armed forces that are homeless and assessed as institutionalised
- People requiring suitable adapted accommodation because of a serious injury, medical condition or disability sustained as a result of service in the Armed Forces

** People leaving HM Armed Forces community include: a member of the Armed Forces (serving, or has formerly served in the regular forces; serving, or has formerly served in the reserved forces; a bereaved spouse or civil partner)

Housing - If an individual presents to the Council as homeless or asks for housing advice or assistance this information is collected.

Appendix B

Contracts awarded to a body/entity listed on the Member's Register of Interests.

Date of Contract Award	Contract Name and Reference Number	Description of Goods / Services being procured	Contract Value
NIL			

Details of payments made to a body/entity listed on the Member's Register of Interests.

Appendix C

Supplier Ref	Supplier Name	2015 / 2016		
		Quarter 1 Payments (Apr 15 to June 15) £	Quarter 2 Payments (July 15 to Sept 15) £	Cumulative Payments (Apr 2015 to Sept 2015) £
700025200	Belle Vue Community Sports	29,481.40	13,475.30	42,956.70
701780500	Changing Futures North East	18,292.15	18,771.36	37,063.51
700395100	Hartlepool Access Group	0.00	3,126.00	3,126.00
701780000	Hartlepool Carers	74,875.98	64,383.98	139,259.96
700121300	Hartlepool Citizens Advice Bureau	1,056.95	200.00	1,256.95
705354500	Hartlepool Credit Union Limited	5,325.00	5,175.00	10,500.00
701981200	Hartlepool Families First	44,126.46	52,336.64	96,463.10
700122200	Hartlepool Voluntary Development Agency	54,763.95	32,263.95	87,027.90
701117200	Owton Rossmere Community Enterprise Limited	1,473.00	874.98	2,347.98
701891900	Oxford Road Baptist Church	200.00	600.00	800.00
705144300	Rift House East Residents Association	0.00	3,200.00	3,200.00
750157400	The Rifty Youth Project	1,334.62	5,115.25	6,449.87
700966600	The Wharton Trust	275.00	125.00	400.00

Member	Type of Interest (as at 1st Sept 2015)
Kevin Cranney	Other Interests
Alan Clark	Other Interests
Gerard Hall	Other Interests
Kevin Cranney	Contracts with the Authority / Other Interests
Mary Fleet	Other Interests
Allan Barclay	Other Interests
Gerard Hall	Other Interests
George Springer	Other Interests
Paul Thompson	Employment, Office Trade, Profession or Vocation / Contracts with the Authority
Jonathan Brash	Other Interests
Christopher Akers-Belcher	Employment, Office Trade, Profession or Vocation
Allan Barclay	Other Interests
John Lauderdale	Licence to Occupy Land
Christopher Akers-Belcher	Other Interests
Stephen Akers-Belcher	Other Interests
Christopher Akers-Belcher	Other Interests
Stephen Akers-Belcher	Other Interests
Sandra Belcher	Other Interests
Paul Beck	Other Interests
Stephen Thomas	Other Interests

Supplier Ref	Supplier Name	2015 / 2016		
		Quarter 1 Payments (Apr 15 to June 15) £	Quarter 2 Payments (July 15 to Sept 15) £	Cumulative Payments (Apr 2015 to Sept 2015) £
700300500	West View Advice & Resource Centre Ltd	38,214.00	30,844.00	69,058.00
700300600	West View Project	96,624.75	98,634.75	195,259.50
750054000	Xivvi Limited	3,154.00	1,400.00	4,554.00
		369,197.26	330,526.21	699,723.47

Member	Type of Interest (as at 1st Sept 2015)
Robin Cook Sheila Griffin Christopher Simmons	Other Interests Other Interests Other Interests / Corporate Tenancies
Rob Cook Sheila Griffin Christopher Simmons	Other Interests Other Interests Other Interests
Paul Thompson Jonathan Brash	Securities / Employment, Office Trade, Profession or Vocation / Contracts with the Authority Interested Parties

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

24 JULY 2015



- PRESENT:**
- CHAIR:-** Councillor Jan Brunton – Middlesbrough Council
- HARTLEPOOL BOROUGH COUNCIL**
Cllrs Stephen Akers-Belcher, Rob Cook, Marjorie James, Ray Martin-Wells
- MIDDLESBROUGH COUNCIL**
Cllrs Ronald Arundale, Shamal Biswas, Teresa Higgins, Naweed Hussain
- REDCAR & CLEVELAND BOROUGH COUNCIL**
Cllrs Billy Ayre, Norah Cooney, Ray Goddard, Mary Lanigan, Bob Norton, Mary Owens
- STOCKTON ON TEES BOROUGH COUNCIL**
Cllrs John Gardner, Paul Kirton, Jean O'Donnell, Stephen Parry, Mick Stoker, William Woodhead
- AUTHORISED OFFICERS**
Chief Fire Officer, Director of Corporate Services, Legal Adviser and Monitoring Officer, Deputy Treasurer
- BRIGADE OFFICERS**
Democratic & Administration Manager
- APOLOGIES**
FOR ABSENCE: Councillor Tom Mawston – Middlesbrough Council
Councillor Gillian Corr – Stockton Borough Council

12. DECLARATIONS OF MEMBERS INTEREST

Councillor Akers-Belcher declared a personal interest. Minute no. 16.1 refers.

13. MINUTES

RESOLVED – that the Minutes of the Cleveland Fire Authority Annual Meeting on 26 June 2015 be confirmed.

14. COMMUNICATIONS RECEIVED BY THE CHAIR

Department of Communities and Local Government - Spending Review
Mhairi Aylott, Ministry of Justice - Victims Code Consultation
Neil O'Connor - Trade Union Bill
Clair Alcock - Local Pensions Board

RESOLVED – that the communications be noted.

15. REPORT OF THE CLERK TO THE AUTHORITY

15.1 Cleveland Fire Authority Governance Review

The Clerk summarised the background to the CFA Governance Review relating to OD2: Review Cleveland Fire Authority's Governance Arrangements which was established as a result of the Authority wanting to demonstrate leadership by remaining 'fit for purpose' with regard to its structure and work contributing to the overall Authority efficiency savings.

15.1 Cleveland Fire Authority Governance Review (continued)

She informed Members that at the Fire Authority meeting on 27 March 2015, Members resolved that the future governance framework of Cleveland Fire Authority be progressed as outlined at paragraph 3.6 of the report, with the number of elected members being reduced to 12 and the Authority underpinned by an Executive Committee and Audit and Governance Committee.

The Clerk reported that a 12 week consultation had taken place from 2 April to 26 June 2015 which included; Leaders of the Borough Councils in Teesside; Chief Executives of the Borough Councils in Teesside; Cleveland's Police and Crime Commissioner; Members of Parliament in Teesside; Chairs of Neighbouring Fire and Rescue Authorities (Durham and Darlington, Northumberland, Tyne and Wear and North Yorkshire). She informed Members that the outcomes of the consultation were outlined within the report at paragraph 5.1 and that Middlesbrough Council's response to the consultation had been tabled which stated that:

“At the Corporate Affairs & Audit Committee on 25 June 2015 it was resolved to support Option 5 and four year appointments to the Authority”. (16 members)

In light of the consultation, the Chair asked Members if they had any comments on the proposal at section 3.6 of the report.

Councillor Akers-Belcher moved that the Authority reduce their Membership to 16 with the new arrangements coming into force at the next Annual Meeting of the Authority (10 June 2016). The motion was seconded by Councillor James.

Councillor Lanigan reported that the Redcar & Cleveland Executive Scrutiny Committee had deemed 16 Fire Authority members 'adequate' but agreed this be deferred to June 2016. Councillor Lanigan said she personally felt that the level of efficiencies to be made by implement the new governance arrangements before this time was relatively small and her Loftus constituents felt it would be detrimental to the Fire Authority.

Councillor Martin-Wells supported Councillor Akers-Belcher's motion and sought clarity that the continued reviewing of governance arrangements would not include further reviewing the numbers. The Chairman confirmed that Members had agreed future Membership to be 16 and that would not be subject to change. Councillor Martin-Wells confirmed that the Conservative Group was supportive of maintaining the status quo until the next Annual Meeting in June 2016.

RESOLVED:-

- (i) That the outcomes from the consultation on the proposed future Cleveland Fire Authority as detailed in section 5 of the report were noted.
- (ii) That the implementation of the CFA proposals as detailed at paragraph 3.6 of the report be approved, with the exception of the number of elected members on the CFA which will now be 16.
- (iii) That the implementation of the new Fire Authority Structure and governance arrangements commence on 10 June 2016, in order to allow time to establish the associated governance arrangements.
- (iv) That the Fire Authority receive further reports where appropriate.

16. REPORTS OF THE CHIEF FIRE OFFICER
16.1 Annual Performance and Efficiency Report

The Chief Fire Officer (CFO) gave a presentation outlining the performance of the Brigade for the year ending 31 March 2015 and covered the following 8 key areas in detail:-

1. Strategic Goals & Aims – Performing Well
Safer Communities

- All fire fatalities 2014/15 – 2, decrease of 3 from 2013/14
- All Fire Injuries 2014/15 – 21, increase of 1 from 2013/14
- Accidental Dwelling Fires (ADFs)– 2014/15 – 170, increase of 26 from 2013/14
- ADFs have cost the economy of Cleveland £4.25m in 2014/15
- ADFs change by district compared to 2013/14 – Hartlepool - +13%, Stockton - 2%, Middlesbrough +51% and Redcar & Cleveland +18%
- Deliberate Fires – 2014/15 - 2,753, increase of 67 incidents from 2013/14
- Deliberate Fires have cost the economy of Cleveland £10.907m in 2014/15
- Deliberate Fires change by district compared to 2013/14 – Hartlepool +49%, Stockton +6%, Middlesbrough +3% and Redcar & Cleveland -14%

2. Annual Priorities – Performing Well

- Annual and Corporate Priorities – 21 complete, 2 on-going and 1 deferred

3. Key Service Standards – Performing Well

- Call Handling – target 98% of calls are answered and the appropriate response mobilised within 2 minutes – current performance 92%
- Response Standard – all benchmarks exceeded the 75% target

4. Operational Assurance – Performing Strongly

- Operational Assessment undertaken in 2014 by senior fire professionals and members from other authorities - 7 key areas were assessed and 4 were assessed as being advanced and 3 as established
- In 2014 the National Resilience Audit Team carried out an audit in 7 key areas which were split into 41 sub areas and the Brigade achieved 100% compliance

16.1 Annual Performance and Efficiency Report (continued)

5. Good Corporate Governance – Performing Strongly

- Mazars issued an unqualified opinion on the Authority's financial statements on 30 September 2014
- CLG have confirmed that Cleveland Fire Brigade complied with the national framework in term of the Annual Assurance Statement – 3 July 2014

6. Value for Money – Performing Strongly

- Mazars have concluded that Cleveland Fire Authority has proper arrangements in place to ensure financial resilience
- Mazars have concluded that Cleveland Fire Authority has proper arrangements in place to secure economy, efficiency and effectiveness
- The efficiency target for 2014/15 of £1,627,000 was achieved in full
- Staff sickness has increased by 6% in 2014/15 compared to 2013/14

7. Comparison against other Fire and Rescue Services – Performing adequately

- Out of 13 comparable indicators – 3 are in the top, 4 are in the second, 2 are in the third and 4 are in the bottom quartile

8. Customer Care – Performing Strongly

- Overall customer satisfaction rate for 2014/15 – 99%

The CFO confirmed that the overall performance for 2014/15 was assessed as **Good**.

Councillor Biswas noted that year-on-year deliberate fires continued to be a problem for the Brigade despite continued efforts to educate communities and asked where the Brigade was failing to get over the message that this was not acceptable.

The CFO confirmed that the Brigade was working with the University of Teesside to try to establish why the area's social profile produces such high levels of arson. He confirmed that the Summer Arson Campaign had been recently launched and diversionary activities had been programmed to take place. In addition, the Director of Community Protection was targeting arson and seeking community involvement to identify the perpetrators within their estates.

Councillor Ayre referred to the number of fires he had seen on Eston Hills over the past 18 years and questioned whether education was the answer or whether prosecutions would have a greater effect. Mr D Howe, the Fire Brigade's Union (FBU) Secretary confirmed that he had worked at Grangetown Fire Station for 17 years and in his experience education was the only answer. He reported that firefighters worked tirelessly to educate the children in schools in that area and highlighted the problems the police face in getting adequate resources to deal with arson issues around Eston Hills. He added that despite fire crews being equally thin on the ground they continue to go into schools to teach fire prevention. Councillor Ayre suggested resources be targeted towards teenagers rather than younger children.

Councillor Akers Belcher declared an interest (14:42pm) for his involvement in The Rifty voluntary youth project in Hartlepool and requested further scrutiny of the correlation between the reduction of diversionary activities and persistent problems with arson. He requested information relating to how often the MUGA is used and whether structures were in place to deal with diversionary activities.

16.1 Annual Performance and Efficiency Report continued

Councillor Higgins disagreed that education was vital in dealing with arson and instead suggested consequences by way of prosecutions was the key.

The CFO acknowledged the need for a balance between education and prosecution in tackling arson and confirmed that appliances were fitted out with CCTV to enable images to be given to the police to secure prosecutions. The CFO stressed that the Authority, along with all Borough councils, had faced the downsizing of the organisation and the cuts had dissipated the number of people on the street.

Councillor Woodhead reported a lack of respect and the need for stiffer penalties.

The Chairman put on record thanks on behalf of the Authority to all staff and firefighters and applauded them for the continued efforts working under difficult circumstances.

RESOLVED:-

- (i) That the information contained within the Annual Performance & Efficiency Report at Appendix 1, be noted.**
- (ii) That the issue of reduced diversionary activities and the continued problem with arson be scrutinised.**

16.2 Disclosure and Barring Policy and Procedure

The CFO updated Members on the arrangements in place for ensuring the Authority makes safe recruitment decisions to prevent unsuitable people from working with vulnerable adults and children. He reported that in 2012, the Disclosure and Barring Service (DBS) was established which merged the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA). This became the Home Office agency committed to providing access to information about criminal convictions and other police records to help employers make informed decisions when recruiting staff. The CFO informed Members that the Brigade's Disclosure and Barring Policy & Procedure had been established in line with current legislation and good practice and both the FBU and UNISON had been consulted and raised no issues.

RESOLVED:-

- (i) That the Disclosure and Barring Policy, as outlined at Appendix 1, be approved.**
- (ii) That the Disclosure & Barring Procedure, as outlined at Appendix 2, be noted.**

16.3 Reservist Policy and Procedure

The CFO reported that the Brigade had established a Reservist Policy & Procedure to recognise the vital role of Britain's Reserve Forces and the valuable contribution that Reservists make to the defence of the country. He also acknowledged the need to ensure that the operations of the organisation are not adversely affected by Reservist activities and outlined the following legislation that exists to define the rights and liabilities of both parties:

- The Reserve Forces Act 1996
- The Reserve Forces (Safeguard of Employment) Act 1985

16.3 Reservist Policy and Procedure (continued)

The CFO noted that the FBU and UNISON have both been consulted with respect to the Reservist Policy and Procedure and no issues have been raised. Councillors Arundale and Biswas commended the Brigade for its commitment to supporting the Reserve Forces.

RESOLVED:-

- (i) That the Reservist Policy, as outlined at Appendix 1, be approved.
- (ii) That the Reservist Procedure, as outlined at Appendix 2, be noted.

16.4 Information Pack – July 2015

16.4.1 Fire & Rescue Service Monthly Bulletins

16.4.2 National Joint Circulars

RESOLVED - That the Information Pack be noted.

**COUNCILLOR JAN BRUNTON
CHAIR**

Cleveland Police and Crime Panel

A meeting of Cleveland Police and Crime Panel was held on Thursday, 30th July, 2015.

Present: Councillor Charles Rooney, Gwen Duncan, Councillor Norma Stephenson O.B.E, Councillor Matthew Vickers, Councillor David Wilburn, Councillor Jim Lindridge, Chu Chu Nwajiobi

Officers: David Bond, Julie Nixon, Graham Birtle, Michael Henderson (SBC)

Also in attendance: Barry Coppinger (Commissioner), Michael Porter, Simon Dennis (Commissioner's Office), Simon Nickless

Apologies: Councillor Jonathan Brash, Councillor Bob Norton, Councillor Chris Jones, Councillor Neil Bendelow, Councillor David Coupe, Councillor Bernie Taylor, Councillor Ken Dixon

PCP 1/15 Introductions

Members and officers introduced themselves.

PCP 2/15 Appointment of Chairman 2015/2016

RESOLVED that Councillor Norma Stephenson be appointed Chairman of the Panel for the Municipal Year 2015/2016

PCP 3/15 Evacuation Procedure/Mobile Phones

The Chairman presented the Evacuation Procedures.

PCP 4/15 Declarations of Interest

There were no declarations of interest.

PCP 5/15 Appointment of Non Political Independent Member

RESOLVED that Chu Chu Nwajiobi be appointed as a Non Political Independent Member to the Panel until 6 December 2016.

PCP 6/15 Appointment of Vice - Chairman 2015/2016

RESOLVED that Charles Rooney be appointed Vice Chairman of the Panel for the Municipal Year 2015/16.

PCP 7/15 Minutes of the meeting held on 3 February 2015

The minutes of the meeting held on 3rd February 2015 were confirmed as a correct record.

PCP 8/15 Members' Questions to the Commissioner

There were no Members' Questions submitted.

PCP 9/15 Commissioner's Police and Crime Plan

Members were provided with a copy of the Commissioner's Police and Crime Plan 2015-2017.

The Panel had previously been consulted on the draft Plan and had provided feedback to the Commissioner at its meeting in February. Members had also had an opportunity to provide feedback at consultation events. In addition the Panel had provided the Commissioner with a Scrutiny Report into his priorities.

Members asked a number of questions about some of the detail in the Plan. These related to:

- Community Safety funding requests. The Commissioner explained that application forms were available on his web site. Initiatives did need to fit with one of his priorities and he tried to support local crime prevention schemes, where possible.
- Loss of some services e.g. mounted section. It was noted that a risk assessment approach was taken to this and keeping people safe was at the centre of any decisions.
- Restorative Justice - it was considered that this had been successful and was being rolled out in many different areas. It had reduced reoffending and really helped victims. It would continue to be evaluated and expanded if appropriate.
- Cyber Crime and links with schools - there was an engagement plan but it was difficult to engage with some of the academies. There was brief discussion on the Panel's previous scrutiny review on Work in Schools and it was agreed that this report should be distributed to the Panel.
- PCSOs reduction in Hartlepool. It was noted that Hartlepool had funded some PCSOs and when that funding ceased there had been a reduction in numbers. That said, the Force continued to assess risk in areas and moved resources accordingly. It was explained that the Commissioner continued to look to develop capacity via special constables, cadets and volunteers. The Commissioner explained that he would provide an update on this to a future meeting.

RESOLVED that the Plan be noted and an update on special constables, cadets, volunteers be provided to a future meeting.

**PCP
10/15**

Annual Report of Cleveland Police and Crime Commissioner

Members were provided with the Commissioner's Annual Report 2014 - 2015.

The report provided details of work and progress within the Commissioner's 5 priority areas.

The Panel considered and noted the report. There was a request for access to the DVD referenced in the Diverting People from Offending Section and it was indicated that this could be made available.

RESOLVED that the Annual Report be noted.

PCP 11/15 Police and Crime Commissioner - Performance Outturn Update

Members considered a report that provided an update of performance scrutiny undertaken by the Police and Crime Commissioner for Cleveland to support the delivery of the priorities of the Police and Crime Plan for Q4 2014/15 (January - March 2015).

During consideration of the report there was discussion regarding the matters, summarised below:

- Working days lost due to sickness, Officers and Staff - It was explained that the Deputy Chief Constable and HR had undertaken a great deal of work in this area and were relentless in trying to improve figures. This work would continue. The Commissioner and Force looked at good practice nationally and sickness was performance managed with managers held to account. The physical and mental health of officers and staff was supported, including help for muscular skeletal problems and counselling. There was a recognition that performance in this area needed to be improved. It was agreed that long term sickness could skew figures and it would be interesting to see figures with long term sickness removed.

- Time of in lieu - it was noted that leave policy did not allow officers to take long periods of TOIL.

- there was a discussion on the increase in levels of crime since this time last year and differences in the rate of increase between the 4 local policing areas. It was queried why Hartlepool had seen a larger percentage increase than other areas. It was explained that changes to crime recording was a factor in the increase. In terms of Hartlepool it was suggested that, as it had had the lowest number of crimes out of the local policing areas, any increase in crime would appear disproportionate in percentage terms. It was anticipated that a new baseline for crime rates would be seen by September/October.

RESOLVED that the report be noted and discussion actioned where appropriate.

PCP 12/15 Decisions of the Police and Crime Commissioner

Members considered a report that provided an update in relation to the decisions made by the Police and Crime Commissioner between 1 January 2015 and 30 June 2015.

Members asked that the names of successful contractors be included in future reports.

RESOLVED that the report be noted and future reports include the name of successful contractors.

PCP Programme of Engagement for the Police and Crime Commissioner

13/15

Members considered a report that provided a brief update in relation to meetings attended by the PCC from January to June 2015.

Specific reference was made to:

- the procurement of an information sharing database to enable easier exchange of information between agencies to reduce duplication of effort and maximise the use of resources.
- Cleveland Victim Services Directory, an online directory, commissioned by the Commissioner. A useful one stop shop for services.
- a Human Trafficking and Slavery training event, hosted by the Commissioner, for police officers and partnership agencies aimed at raising awareness of the signs of trafficking and slavery and equip professionals with the skills to identify victims and provide the knowledge of what mechanisms were available both to support victims and bring perpetrators to justice.

The Chair indicated to the Panel that there was an open invitation for any member(s) to attend the Commissioner's Audit Committee.

Members of the Panel were encouraged to register with Cleveland Connected.

RESOLVED that the report be noted.

**PCP
14/15 Scrutiny Work Programme**

Members received a report that provided details of the work undertaken for the Panel's Scrutiny Work Programme 2014/15 and arrangements for setting the programme for 2015/16.

It was explained that reviews relating to shared services and victims services had not been undertaken during 2014/15, as had been intended. Members noted that the Commissioner had undertaken a great deal of work in these areas and updates could be provided.

The Panel was asked to provide details of potential issues for inclusion in its Scrutiny Programme for 2015/16 by 1st September 2015. Consideration of the programme would be undertaken at the Panel's meeting 21st September 2015.

RESOLVED that the report be noted and Members provide potential issues for consideration in the Panel's 2015/216 Work Programme to the Chair or Head of Democratic Services by 1st September 2015.

**PCP
15/15 Tone from the Top - Leadership, Ethics and Accountability**

Members received a report that provided details of the outcome of the inquiry, by the Committee on Standards in Public Life (CSPL), into local policing accountability.

The Panel report drew out, from the CSPL report, the recommendations of

direct relevance to Police and Crime:

“9. Police and Crime Panels should review the PCC’s Annual Report in public session attended by the PCC as part of their annual scrutiny programme and make any recommendations as appropriate.

10. As a matter of good practice:-

- PCCs should publish a forward plan of decisions identifying the subject matter of the decision, why it is key, the meeting at which the decision is due to be taken, who will be consulted before the decision is taken and what reports/papers will be available for inspection; and
- Police and Crime Panels should produce a forward plan specifying, as appropriate, the information required from PCCs in order for them to carry out that work.

19. The Committee endorses the Home Affairs Committee’s recommendations that:-

- Police and Crime Panels inquire and report into the circumstances whenever a Chief Constable’s service is brought to an end irrespective of whether the schedule 8 scrutiny process is formally engaged.
- The Home Office bring forward proposals to extend the schedule 8 process to include scrutiny by the Police and Crime Panel where a commissioner chooses not to agree to an extension of the chief constable’s contract to bring it in line with the process for the removal of a chief constable.”

It was noted that the Commissioner’s Office would be providing a response to the CSPL and that the Commissioner could provide the Panel with an update on the work being undertaken to comply with the recommendations in the report.

RESOLVED that:

1. the report be noted.

2 a response, from the Panel, to the CSPL report, be provided by the Director of Law and Democracy, in consultation with the Chair.

PCP 16/15 Grant Expenditure

Members received a report detailing grant expenditure associated with the operation of the Panel during 2014/15.

RESOLVED that the report be noted.

PCP 17/15 Forward Plan (including approval of schedule of meetings)

The Panel considered a report that proposed dates of future meetings together with an indication of potential items for consideration.

It was explained that an induction training event was scheduled for 15th September 2015. Members of the Panel could invite other members from their authority and same political group to the training, who may need to act as substitute for them at a future meeting(s).

RESOLVED that the proposed dates and indicative business be agreed.

**PCP
18/15**

Public Questions

There were no public questions.

Cleveland Police and Crime Panel

A meeting of Cleveland Police and Crime Panel was held on Monday, 21st September, 2015.

Present: Cllr Norma Stephenson(Chairman),

Cllr Neil Bendelow, Cllr David Coupe, Gwen Duncan, Cllr Chris Jones, Cllr Bob Norton, Cllr Charles Rooney, Cllr Bernie Taylor, Cllr Matthew Vickers, Cllr David Wilburn

Officers: Graham Birtle, Michael Henderson, Steve Hume and Margaret Waggott (SBC)

Also in attendance: Barry Coppinger (Commissioner), Michael Porter, Simon Dennis (Commissioner's Office), Iain Spittal (Cleveland Police)

Apologies: Cllr Jonathan Brash, Cllr Ken Dixon, Chu-Chu Nwajiobi

1 Evacuation Procedure/Mobile Phones

The Chair highlighted the Evacuation Procedure.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes of meeting held on 30th July 2015.

The minutes of the meeting held on 30th July 2015 were confirmed as a correct record.

4 Members' Questions to the Commissioner

There were no Members' Questions submitted, however, there was a request that a report on the estates strategy be presented to a future meeting. The Commissioner explained that he would arrange this.

RESOLVED that a report of the estates strategy be presented to a future meeting.

5 Performance Monitoring - Quarter 1 2015/2016

Members considered a report that provided an update of performance scrutiny undertaken by the Police and Crime Commissioner for Cleveland to support the delivery of the priorities of the Police and Crime Plan for Q1 2015/16 (April – June 2015).

The following summarises the Panel's consideration:

- there was discussion about the increased rates of crime, detailed in the report. Members were reminded that, in 2014, a HMIC inspection had highlighted that some crime recording processes had not been robust enough and the Force had undertaken a thorough review of procedures. There was a recognition that improvements in crime recording processes, following the review, had likely had an influence on increases in recorded crimes. It was noted that the Force was

committed to the accurate recording of crime going forward, as it relied on the accuracy of these figures to help it determine the deployment of its resources. It was envisaged that, after October, rates of crime would be more comparable because the significant changes to processes had been undertaken in October last year. Members noted that actual reported incidents showed a 3% increase and it was felt that this was a closer reflection of any increase in crime. There was a request that a briefing be organised for Panel members to discuss the crime figures in further detail. The Force and Commissioner agreed that this would be arranged.

- it was noted that Stockton had not seen as high a level of increase, in incidents of Anti Social Behaviour, as other local policing areas. It was noted that Stockton Borough Council had put substantial resources into dealing with ASB. Members were informed that Durham University had been reviewing ASB across the force area and had identified a range of good practice, which would be shared. It was agreed that the closer agencies worked together, the more impact could be achieved.

- it was queried what effect the Restorative Justice Programme was having on ASB and crime? The Commissioner explained that there had been over 1000 RJ interventions, over the last year. All activity was being monitored and an update report would be presented to a future Panel meeting.

- The Commissioner was asked how successful the victims' support directory had been in raising awareness? It was noted that the directory had been promoted widely and over 30 agencies were involved. A tendering process would begin shortly and an update would come to the Panel in due course.

- There was a request that the layout of the meeting room be reconsidered.

RESOLVED that:

1. the report be noted.

2. a briefing for members be arranged when issues relating to crime figures could be discussed.

3. the following reports be provided to future meetings of the Panel:

- progress on the restorative justice programme.

- an update about victims' support services.

4. consideration be given to the meeting room's layout, for future meetings.

6 Programme of Engagement

Members considered a report that provided a brief update in relation to meetings attended by the PCC, from July to September 2015.

The Chair explained that there was an open invitation for Panel members to attend and observe meetings of the Commissioner's Audit Committee and its next

meeting was 24 September 2015. Panel members were requested to contact the Commissioner's Office if they intended being present.

RESOLVED that the report be noted.

7 Decisions of the Police and Crime Commissioner

Members considered a report that provided an update in relation to the decisions made by the Police and Crime Commissioner, between 1 July 2015 and 31 August 2015.

It was explained that an additional decision, relating to funding formula consultation.

RESOLVED that the report be noted.

8 Commissioner's Update

Members received information from the Commissioner on a number of issues:-

Special Constabulary, Cadets and Volunteers

Members received a brief update regarding the Special Constabulary, Police Volunteer Programme and Police Cadet Programme. It was explained that the Commissioner was holding a volunteer's fair on 2nd November. The fair had been very successful, in previous years, and had led people to be involved in volunteering activities of various kinds. Work was ongoing to better support volunteers and a progress report, on this, would be presented to the Panel.

There was a query about independent custody visitors and how their findings were reported back to the commissioner and how they were handled by the force. The Panel was informed that the Commissioner had a member of staff who worked with custody visitors and spent a lot of time supporting their role, including assisting production of reports. The Police considered the independent custody feedback to be very important and used it when reviewing and updating custody areas. It was agreed that the Commissioner's office would direct panel members to further information about the role of custody visitors.

National Police Air Service - NPAS

The Panel was provided with the NPAS Board's Annual report.

The Commissioner explained that six police and crime commissioners, six police chief constables, together with representatives from the home office, metropolitan police and other bodies sat on the NPAS Board. The Commissioner was the representative of the North East and Yorkshire. The total cost of air support prior to the establishment of NPAS was £71 million. Since its establishment the cost had reduced to £36 million in 2014/15, of which Cleveland paid £1.2 million. Cleveland had paid a disproportionate amount, as it had previously had a helicopter, so initial charges to the force were higher than others because it was carrying higher overheads and higher costs. It had been successfully argued

that this should not remain the case and Cleveland's contribution was likely to reduce. It was envisaged that overall costs for the service would continue to reduce.

The national service provided 24 hour coverage, with an assured 20 minute response time target, which was being met. The Force did not previously have a 24 hour, 7 days a week service. It was indicated that Cleveland Police could not, currently, operate an air support service unilaterally.

The Chair requested that Panel members be advised of any occasions when the Force requested the use of air support, but was refused, as this may be the subject of queries by the public.

The main reasons air cover would be deployed in the area would be if lives were at risk.

The Panel asked for some local operations and performance figures, with a comparison between pre and post NPAS. The Commissioner explained that he would provide such information, subject to its availability.

It was noted that fixed wing aircraft were being used, which were entirely suitable for some needs and cheaper and quieter than helicopters. Obviously some situations needed the unique features of a helicopter.

Members noted the age profile of pilots and the Commissioner indicated that he had intended raising issues related to this at the next Board meeting. Feedback would be provided to the Panel.

Consultation on funding formula and Commissioner's response

The Commissioner explained that he had submitted a response to the Government's consultation on reform of Police Funding arrangements in England and Wales. The Commissioner's response had been published on his website and the Panel had been signposted to it. The Commissioner provided a brief overview of its content. In the response he had highlighted concerns about the funding restraints and the impact on delivery of his Police and Crime Plan and particularly Neighbourhood Policing.

RESOLVED that:

1. the Commissioner provide more information about custody visitors.
2. the Commissioner provide information about NPAS call outs.
3. the Commissioner to provide localised, operational figures, subject to any reporting restrictions.
4. the Commissioner to provide feedback from the NPAS Board, following further consideration of pilot age profiles.

9 Scrutiny Work Programme 2015/2016

The Panel considered its work programme for 2015/16. The following topic

areas were suggested:

Overall Budget
Victims' Support
Shared Services

RESOLVED that the above topics form the Panel's scrutiny work programme for 2015/16, with each review being undertaken by a task and finish group. Each group to comprise 1 elected member of the full Panel, from each of the constituent authorities and 1 non-political independent member (5 members in total).

10 Forward Plan

The Panel considered the current Forward Plan.

RESOLVED that the Forward Plan be agreed.

11 Public Questions

There were no public questions.