

**PLANNING OBLIGATIONS  
SUPPLEMENTARY PLANNING DOCUMENT  
January 2013**

**Darlington Local Plan**



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An inclusive approach

## **FOREWORD**

**TO BE INSERTED**

Councillor Chris McEwan  
Economy and Regeneration Portfolio Holder

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## COMMONLY USED DEFINITIONS

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

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

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

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

**Gross development area:** the gross external measurement of all floor areas within a building.

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

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

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

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

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

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

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

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

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

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

**Trigger point:** specific time set out in a legal agreement when infrastructure should be provided

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

## 1.0 INTRODUCTION

### 1.1 WHAT IS THIS DOCUMENT AND WHY IS IT IMPORTANT?

- 1.1.1 The purpose of this Planning Obligations Supplementary Planning Document (Planning Obligations SPD) is to provide clarity and detail about the Council's approach to securing planning obligations, which are also known as developer contributions or s106 agreements. These are legal agreements negotiated between the Council and developers or landowners as a result of a planning application, to secure infrastructure required to help mitigate the impact of new residential or non residential development.
- 1.1.2 This SPD has been developed in accordance with national and local planning policy. Developers will be expected to have considered this SPD prior to the submission of a planning application. Its adoption means that the Planning Obligations SPD is a material consideration, which has weight in making decisions on planning applications.
- 1.1.3 The need for this Planning Obligations SPD has arisen because the Council wishes to make sure that all necessary physical, social and green infrastructure is provided to meet the reasonable needs of new development. This SPD provides more details to secure the site related and community infrastructure expected to be commonly sought by planning obligations from new development in the future. Identified in policy CS4<sup>1</sup> of the Darlington Core Strategy, these can include:

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

<sup>1</sup>Darlington Core Strategy, DBC, 2011

- 1.1.4 Planning obligations may still be sought for other types of infrastructure to address the specific needs of a development e.g. flood mitigation or health care facilities. Other infrastructure may be secured by planning conditions e.g. sustainable drainage systems, or, for transport infrastructure, by Section 278 and/or Section 38 agreements.
- 1.1.5 This document makes the process of getting planning obligations from new development more efficient and effective. It sets out when planning obligations will be sought, how they will be calculated, and in what way the Council expects planning obligations from new development to be delivered. By setting out consistent and transparent guidance that takes into account Borough wide land values and other costs associated with development, developers and landowners will have more certainty from an early stage in the development process, so the costs of planning obligations can be taken into account when land is bought and development schemes are being prepared.
- 1.1.6 Where new development is promoted in parts of the Borough where infrastructure provision cannot cope with the additional demands from new development, planning obligations may be used to help deliver relevant infrastructure; site related and/or community infrastructure may be required for the development to go ahead. But

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

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

obligations will not be used to fill existing infrastructure gaps or to achieve wider objectives that are not necessary to grant planning permission. All funding will be additional to Council funding for capital and revenue works.

1.1.7 This Planning Obligations SPD elaborates on several Core Strategy<sup>1</sup> policies. Key policy CS4 (Developer Contributions) applies to all planning obligations (see **APPENDIX 1**) while several other theme based policies include planning obligations as one element of the policy. These should be referred to where appropriate: policy CS3 (Promoting Renewable Energy), policy CS11 (Meeting Housing Needs), policy CS12 (Existing Housing), policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity), policy CS17 (Delivering a Multifunctional Green Infrastructure Network), policy CS18 (Promoting Quality, Accessible Sport and Recreation Facilities) and policy CS19 (Improving Transport Infrastructure and Creating a Sustainable Transport Network). All policies can be viewed in the Core Strategy<sup>1</sup> on the Council's website ([www.darlington.gov.uk/planningpolicy](http://www.darlington.gov.uk/planningpolicy)).

1.1.8 The forthcoming Making and Growing Places DPD will show where the majority of new housing, employment, shops and services are expected to go in the Borough to 2026. This SPD will help identify the specific infrastructure requirements that are needed to support any new development sites identified.

1.1.9 This SPD replaces the Council's Affordable Housing SPD<sup>2</sup>, the SPG: Commuted Sums from New Housing Development to Enhance Children's Equipped Play Areas<sup>3</sup> as well as Open Space Strategy<sup>4</sup> policies 19, 20 and 21.

<sup>2</sup>Affordable Housing SPD, DBC, 2007

<sup>3</sup>SPG: Commuted Sums from New Housing Development to Enhance Children's Equipped Play Areas,

<sup>4</sup>Open Space Strategy, DBC, 2007

**Community Infrastructure Levy (CIL)**

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

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

**1.2 EQUALITIES IMPACT ASSESSMENT AND DISABILITIES EQUALITIES IMPACT ASSESSMENT**

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

## 2. WHAT ARE PLANNING OBLIGATIONS?

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

- necessary to make the development acceptable in planning terms; they will not be used to fill existing infrastructure gaps or to achieve wider objectives that are not necessary to grant planning permission;
- directly related to the proposed development; there must be a functional or geographical link between the development and the infrastructure being sought; and
- fairly and reasonably related in scale and kind to the development<sup>5</sup>.

**APPENDIX 2** shows how the different types of infrastructure sought by this SPD in section 7.0 are consistent with these three tests.

<sup>5</sup>Community Infrastructure Levy, DCLG, 2010

7.0

2.0.2 Planning obligations may be used to:

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

2.0.3 Planning obligations can be used to:

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

4.1

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

## 2.1 CONTEXT

2.1.1 This Planning Obligations SPD provides the opportunity to set out in detail how the Council expects national and local guidance and standards to be addressed. There are many plans, strategies and policies available at national and local level that relate to planning obligations. A full list is set out in **APPENDIX 3**. Specific matters that this SPD takes account of include:

**National Planning Policy Framework<sup>6</sup>**: states that planning obligations may be used to make otherwise unacceptable development acceptable in planning terms. Obligations should take account of changes in market conditions so as not to stifle development.

**Darlington Core Strategy<sup>1</sup>**: key policy CS4: Developer Contributions enables planning obligations to be sought for the direct provision of infrastructure or to secure standard charges to secure site related and/or community infrastructure to support new development. Other relevant policies will be referred to, where appropriate, in this SPD.

**Infrastructure Delivery Plan<sup>7</sup>**: details the different types of infrastructure in the Borough as well as the different infrastructure needed to help deliver the Core Strategy policies by 2026. Planning obligations are identified as an important source of funding to help deliver projects within identified timescales.

<sup>6</sup>NPPF, DCLG, 2012

<sup>7</sup>Infrastructure Delivery Plan, DBC, 2011

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

### Local Policy



<sup>8</sup>One Darlington: Perfectly Placed, Darlington Partnership 2008

2.1.3

**One Darlington: Perfectly Placed<sup>8</sup>**: aims to develop high quality, sustainable neighbourhoods with easy access to a range of local facilities. Its objectives will help inform this SPD's community infrastructure targets (see **APPENDIX 6**).

**Joint Single Needs Assessment<sup>9</sup>**: identifies the top ten issues facing Darlington's community, at a Borough, locality and ward level. These will inform the locality specific community infrastructure targets.

<sup>9</sup>Joint Single Needs Assessment, DBC, 2010

### 3.0 HOW TO USE THIS SPD

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

#### STAGE 1

**CONFORMITY WITH RELEVANT ADOPTED PLANNING POLICY**

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

**PRE-APPLICATION & PLANNING APPLICATION DISCUSSIONS**

Pre-application discussions are encouraged with officers for all planning applications, particularly major and significant development proposals, through the One Stop Shop and through consultation with the community, in accordance with the Statement of Community Involvement<sup>10</sup>. These discussions are entered into on a without prejudice basis, to seek agreement on the scope of planning obligations required and to discuss other planning related issues. Where planning obligations are required, the process to be used is set out in **APPENDIX 4**.

<sup>10</sup>Statement of Community Involvement, DBC, 2010

**CONFORMITY WITH PLANNING OBLIGATIONS GENERAL GUIDANCE**

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

4.0

#### STAGE 2

**IDENTIFY RELEVANT LOCALITY FROM LOCALITY MAP**

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

**IDENTIFY INFRASTRUCTURE NEEDS OF DEVELOPMENT**

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

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

**REFER INFRASTRUCTURE PROJECTS LIST TO**

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

5.0

#### STAGE 3

**INCORPORATE DETAILED INFRASTRUCTURE SPECIFIC GUIDANCE**

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

7.0

- 3.2 References listed in the right hand column of this SPD are links to relevant guidance elsewhere in the document. References to other documents and explanation of terms are set out in the left hand column. Commonly used definitions are listed at the start of the SPD.

**4.0 PLANNING OBLIGATIONS: GENERAL GUIDANCE**

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

7.0

**4.1 STANDARD CHARGES AND FORMULAS**

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

4.2

4.1.2 Developers should complete the Planning Obligations Calculator at [www.darlington.gov.uk/planningpolicy](http://www.darlington.gov.uk/planningpolicy) to establish the type and amount of standard charges sought for community infrastructure for their development (to be updated each financial year). It will only include charges for infrastructure that new development is expected to have an impact upon in that locality. Site related infrastructure costs identified through pre-application discussions will be a separate cost.

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

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

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

**4.2 LAND VALUES**

4.2.1 The type and mix of planning obligations required can reduce the value of land. Values vary across the Borough; previously developed land and greenfield land have different values as do residential and non residential land<sup>11</sup>. Land values also change to reflect the economic climate. This SPD must provide the basis for negotiating planning obligations in the current, challenging economic market but must also have enough flexibility to provide guidance in an improving economic market when land values may be different.

5.0

Interest: secured at 4% above the interest base rate

<sup>11</sup>Economic Viability of Housing Land 2010 and Addendum, Levvels, 2012 and Economic Viability of Non Housing Land, Levvels, 2010

**Assumptions**  
4.2.2 So that development remains viable and deliverable, and so that the type and mix of planning obligations continues to meet the identified needs of new development, certain assumptions (in **bold** throughout the SPD) relating to the detailed operation of all planning obligations have been made. These are based on viability assessments submitted for schemes progressed in the last two years supported by evidence in the Infrastructure Delivery Plan<sup>7</sup>. Assumptions, community infrastructure targets and information about the viability of land will be updated each financial year.

4.2.3 **There are some parts of Darlington where development is unlikely to be viable with planning obligations<sup>11</sup>. During 2012-2014, the Council will only seek planning obligations for community infrastructure in these locations in exceptional circumstances, where there is sufficient evidence to support economic viability.** Planning obligations may still be required to prepare a site for development and make it safe and sustainable.

4.2.4 Planning obligation assumptions and requirements have been set so as not to undermine developer confidence in the Darlington market. But developers are expected to be familiar with the approach and content of this SPD so that the financial implications of providing planning obligations are identified early in the development process. The

costs can then be considered when purchasing land for development as would all other significant foreseeable costs like remediating contamination, flood mitigation, piling and demolition.

**Developer Viability Assessment**

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

**S106 Agreement Review Mechanism**

4.2.6 Over time, if land values change, planning obligation requirements may also change. Where there is an expectation that a site will be delivered over several years, a review mechanism for planning obligations will be incorporated into the s106 agreement to allow for the re-assessment of viability, linked to the substantive delivery of the scheme or phases of a scheme to a specified timetable. Re-negotiation at a specified date will then be possible to amend planning obligation requirements.

4.2.7 In all other cases, the re-negotiation of a s106 agreement will only be considered where the viability of the scheme has been proven to have substantially changed. Variation and discharge of obligations will be considered formally, either by a deed of agreement or a planning application.

**4.3 QUALIFYING SCHEMES**

4.3.1 All development proposals with a net increase of **5 or more dwellings or 500m<sup>2</sup> or more** of gross non residential floorspace may need to contribute to planning obligations. This is a minimum threshold; specific infrastructure thresholds are set out in Section 7.0. Larger developments are likely to have a different impact on infrastructure and are more likely to be able to fund a different range and mix of infrastructure than smaller developments. As a result the thresholds identified in this SPD are based on the anticipated impacts that developments of different sizes can have on a range of infrastructure, and the reasonable ability of different size developments to be able to deliver the infrastructure identified.

7.0

4.3.2 In exceptional cases, planning obligations may be required from developments above or below the thresholds identified to meet development specific needs. For mixed use development, thresholds will be applied separately for residential and non residential development.

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

4.3.4 All requirements are based on the gross developable area of the red lined site boundary on a planning application, including access roads within the site, car parking areas serving the development and green space. Major distributor roads and existing private driveways will be excluded.

**4.4 EXCEPTIONS**

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

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

Use Class C2:  
Residential care homes

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

7.0

**4.5 OCCUPANCY RATES**

4.5.1 To make sure that planning obligations are applied equally and fairly across the Borough, standard occupancy rates will be used as the basis for the standard formulas and charges:

| Dwelling Size                                 | Occupancy <sup>12</sup>      |
|---|------------------------------|
| 1 bed   | 1.28                         |
| 2 bed   | 1.79                         |
| 3 bed   | 2.42                         |
| 4 bed or more                                 | 2.93                         |
| Employment Type (by Use Class <sup>13</sup> ) | Sqm per worker <sup>14</sup> |
| High Street Retail (A1)                       | 19                           |
| Food Superstore (A1)                          | 17                           |
| Other Superstores/Retail Warehouse (A1)       | 90                           |
| Financial/Professional Services (A2)          | 16                           |
| Restaurant & Cafes (A3)                       | 18                           |
| General Office (B1a)                          | 12                           |
| Call Centre (B1a)                             | 8                            |
| IT/Data Centre (B1a)                          | 47                           |
| Business Park (B1a)                           | 10                           |
| Serviced Office (B1a)                         | 10                           |
| Research & Development (B1a)                  | 67                           |
| Light Industrial (B1c)                        | 47                           |
| General Industrial (B2)                       | 36                           |
| General Storage & Distribution (B8)           | 70                           |
| Large Scale and High Bay Warehousing (B8)     | 80                           |
| Hotel (C1)                                    | 1 employee per 3 bedrooms    |
| Cinema (D2)                                   | 90                           |
| Amusement & Entertainment Centre (D2)         | 70                           |

<sup>12</sup>Census 2001 data, Office of National Statistics

<sup>13</sup>Town and Country Planning (Use Classes) Order 1987

<sup>14</sup>Employment Densities Guide, Homes & Communities Agency, 2010

|   |    |
|---|----|
| Sport centre & private sports club (D2) | 65 |
|---|----|

4.5.2 In a housing development, any habitable room that is capable of being used or converted into a bedroom should be included. For dwellings with five or more bedrooms the four bedroom rate will apply. In all cases, results of 0.5 or more will be rounded up; a figure below 0.5 will be rounded down.

**4.6 OUTLINE PLANNING APPLICATION**

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

**4.7 SUB DIVISION OF SITES**

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

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

**4.8 CUMULATIVE IMPACT OF DEVELOPMENT**

4.8.1 One small development may only have a limited impact on infrastructure which will not, on its own, be enough to require new infrastructure. But the combined impact of several smaller developments in a locality may result in the cumulative need for infrastructure. In these circumstances, it would be unreasonable for one development to fund the total cost of the infrastructure; pooling planning obligations from several smaller developments will allow a more costly piece of infrastructure to be provided fairly and equally. Where infrastructure is provided before all schemes have come forward, later developers may still be required to contribute to a proportion of the costs.

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

4.8.2 In exceptional circumstances, development in Darlington may, together with other development outside the Borough, have an impact on strategic infrastructure, within or outside the Borough e.g. A66 (T). In these cases it may be appropriate for development in Darlington to contribute to infrastructure elsewhere. **It is not anticipated that the level of development over the next two years will generate enough obligations to support sub-regional infrastructure.** Should such funding be required in the long term, detailed, robust evidence will need to be provided to justify the use of planning obligations funding for strategic infrastructure to ensure that the costs are divided fairly between all relevant developments.

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

**4.9 ENABLING DEVELOPMENT**

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

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

**4.10 PROVISION OF LAND**

4.10.1 Where a planning obligation requires land to be provided off site, evidence should be submitted with the planning application showing that it:

- Will be free and serviced; electricity, gas, water, sewerage, telephone, broadband, boundary treatment and lighting should be provided to the site boundary;
- is owned by the developer;
- is available for development and that the size, shape and area are equivalent to, or can accommodate the required infrastructure.



4.10.2 The planning obligation requirement to be provided on the land e.g. affordable housing, open space, will be applied to the total number of market homes to be provided on the application site, including any increase in homes on the application site resulting from the provision of the infrastructure off site. No additional public subsidy should be required for delivery. Developers should not benefit financially by providing planning obligations in this way.

7.1,  
7.4,  
7.5

**4.11 SECURING INFRASTRUCTURE**

4.11.1 The type and scale of development, the impacts it is likely to have, as well as the type of infrastructure required affect the timing of delivery. Established trigger points exist; through negotiation the most appropriate will be chosen to reflect the type of obligation and the stage at which the infrastructure is required. Unless stated in 7.0, the following trigger points may be used in the s106 agreement:

7.0

- on the date that the agreement is signed;
- on or prior to commencement of the development;
- on or prior to practical completion of the development, a percentage of market housing or a specific amount of floorspace will be provided; or,
- on or prior to occupation of the development.

4.11.2 In some cases strategic infrastructure may need to be in place before development can start. A s106 agreement with the relevant infrastructure providers will need to be in place to grant planning permission, subject to the completion of the strategic infrastructure. In exceptional circumstances, security, in the form of a bond, may be required to ensure that infrastructure, e.g. open space is provided at the right time in the development programme.

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

4.11.3 Where standard charges/financial contributions are sought, details of how to make the payment are provided in the s106 agreement. All payments should be made using a standard payment form. Payment should be made by electronic transfer and/or by cheque. Once received, the payment will be logged onto the Council's planning obligations system.

**4.13 DESIGN OF NEW DEVELOPMENT**

4.13.1 The design of all new development, including infrastructure secured through a planning obligation, should be high quality, safe, sustainable and reflect local character and distinctiveness. All development proposals should be consistent with the Council's Design SPD<sup>15</sup>.

<sup>15</sup>Design of New Development SPD, DBC, 2011

**4.14 MAINTENANCE COSTS**

4.14.1 Some infrastructure like open spaces, sports facilities and public art may require maintenance so that they keep their quality in the long term. Developers are encouraged to discuss maintenance options at pre-application stage either:

8.4,  
8.5, 8.8

- With the Council/Parish Council: where agreed, the developer should lay out and establish maintenance for 12 months, to an agreed design and specification<sup>16</sup> before the infrastructure is transferred, in perpetuity, at nil cost, to the Council/Parish Council. They will then adopt it and have responsibility for its maintenance, repair and replacement. The developer will be expected to provide a one off maintenance sum prior to completion of the transfer, equivalent to the cost of maintaining the new infrastructure for 10 years. Land transfers will only be accepted by the Council for spaces of 0.20ha or more.
- With a management company: where alternative maintenance arrangements are proposed the infrastructure must remain in the agreed use, with public access, in perpetuity. Developers of significant developments are strongly encouraged to use a management company for future maintenance. A maintenance plan will need to be submitted with a planning application to show:

<sup>16</sup>for open space refer to Open Space Maintenance Guidelines, DBC, 2013



- to scale on a layout plan all maintenance responsibilities, including for boundaries, equipment, lighting and features for the first 20 years, subject to review and approval by the Council every 5 years;
- all areas that are proposed for transfer in the future; and
- that appropriate access is provided for maintenance equipment.

**4.15 ADMINISTRATION, MONITORING AND LEGAL COSTS**

4.15.1 Developers will be expected to pay an administration cost of up to 2.5% of the total value of any planning obligations to fund officer time to make sure that the obligations are collected, allocated and spent appropriately. The fee will be payable on completion of the s106 agreement and are additional to the final cost. This can be a lengthy process and uses a sliding scale to fairly reflect the different values of financial contributions:

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

6.0

| Total value of financial contributions          | Fee                               |
|---|-----------------------------------|
| <b>Below £15,000</b>                            | <b>Fixed charge of £200</b>       |
| <b>£15,000 to £35,000</b>                       | <b>1.5% on the total value</b>    |
| <b>£35,001 to £55,000</b>                       | <b>2.0% on the total value</b>    |
| <b>More than £55,000</b>                        | <b>2.5% on the total value</b>    |
| For an agreement with non financial obligations | Fee                               |
| <b>All obligations</b>                          | <b>Separate fixed fee of £200</b> |

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

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

**4.16 COMMUNITY CONSULTATION**

4.16.1 It is important that the people who might be affected by a development e.g. local community, Councillors and Parish Councils, help make sure that the right type and amount of infrastructure is provided to mitigate identified impacts. Significant planning applications are most likely to require planning obligations and developers will be expected to hold a pre-application consultation event and invite appropriate and affected community groups and individuals. Any impacts and the planning obligations proposed to address them should be identified at that stage. Further opportunities to comment will be provided as part of the planning application consultation. More information is provided in the Statement of Community Involvement<sup>10</sup>.

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

5.0

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

5.0

**5.0 INFRASTRUCTURE PROJECTS LIST**

5.0.1 The ability of existing infrastructure to cope with increased use from the level of new development expected over the next two years varies in different parts of the Borough. As a result, each locality has specific community infrastructure needs<sup>17</sup> as well as

4.3

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

<sup>17</sup>taken from Joint Single Needs Assessment, One

committed infrastructure projects planned<sup>7</sup>. **APPENDIX 6** identifies a range of community infrastructure targets for each locality that would be unable to cope with the demand from different size and types of new development expected over the next two years. The community infrastructure targets will be translated into projects on the Infrastructure Projects List ([www.darlington.gov.uk/planningpolicy](http://www.darlington.gov.uk/planningpolicy)). Where a development would have an impact on that type of community infrastructure, planning obligations funding would be sought to help deliver that project.

- 5.0.2 The Infrastructure Projects List will remain in place until 2014 when it will be revisited to avoid duplication with CIL funded projects. In the meantime the List will be revised each financial year to ensure that changing infrastructure priorities and projects can be addressed and completed projects removed. The List will include projects that:
- deliver Core Strategy planning objectives and policies;
  - have a clear, costed scheme, set out by the Council or another infrastructure provider;
  - should be able to be realistically delivered by 2014.

1.1.10

- 5.0.3 The content of the Infrastructure Projects List does not affect the total planning obligation costs sought from new development. The total planning obligation costs are based on the number of dwellings/amount of floorspace in a scheme, the costs of different infrastructure and the community infrastructure targets identified in this SPD whereas the Infrastructure Projects List identifies exactly where and on what project it will be spent.

**6.0 MONITORING AND REVIEW**

- 6.1 Various parts of this SPD and the Infrastructure Projects List will be updated every April to reflect changes in assumptions, community infrastructure targets, costs and infrastructure projects. An annual report to the Council’s Place Scrutiny Committee will summarise planning obligations negotiated and spent in the last year, as well as those planned for the coming year.

- 6.2 A review of this SPD will be considered if:
- There are significant changes to local circumstances, including the introduction of the Community Infrastructure Levy or to the Local Plan’s evidence base;
  - There is a significant change in national planning guidance; or
  - The Council considers that the SPD is insufficiently effective in using planning obligations to deliver infrastructure from new development.

1.11.1

- 6.3 The SPD will provide expected in Autumn 2014. The Council will engage key stakeholders and the community in the preparation of CIL as well as any subsequent review of this SPD, in accordance with the Statement of Community Involvement<sup>10</sup>.

1.11.1

## 7.0 INFRASTRUCTURE SPECIFIC GUIDANCE

### PLANNING OBLIGATION REQUIREMENTS: SUMMARY

| Relevant Section | Infrastructure Type                             | Residential  | Non Residential                             | Formula Based | Standard Charge |
|------------------|---|--|---|---------------|-----------------|
| 7.1              | Affordable Housing                              | Urban Area: 15 dwellings (or 0.5ha) or more<br>Elsewhere: 5 dwellings (or 0.2ha) or more | x   | ✓             | x               |
| 7.2              | Transport                                       | 5 dwellings (or 0.1ha) or more   | 500m <sup>2</sup> or more gross floor space | ✓             | ✓               |
| 7.3              | Education                                       | 5 dwellings (or 0.1ha) or more   | x   | x             | ✓               |
| 7.4              | Green Infrastructure                            | 5 dwellings (or 0.1ha) or more   | 500m <sup>2</sup> or more gross floor space | ✓             | ✓               |
| 7.5              | Sport and Recreation                            | 10 dwellings (or 0.2ha) or more  | 1000m <sup>2</sup> or more gross floorspace | x             | ✓               |
| 7.6              | Renewable Energy and the Carbon Management Fund | 10 dwellings (or 0.2ha) or more  | 1000m <sup>2</sup> or more gross floorspace | ✓             | ✓               |
| 7.7              | Employment and Training Placements              | 50 dwellings (or 1.0ha) or more  | See 6.7                                     | ✓             | x               |
| 7.8              | Public Art                                      | 50 dwellings (or 1.0ha) or more  | 1000m <sup>2</sup> or more gross floorspace | ✓             | x               |

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

Relevant Core Strategy policies: CS4, CS10, CS11

**7.1 AFFORDABLE HOUSING**

7.1.1 Any household paying more than 30% of their gross household income on rent or mortgage are considered to be living in unaffordable accommodation and may be eligible for affordable housing<sup>18</sup>. There are many different affordable housing products available; social rented, affordable rented and intermediate housing, including shared ownership and shared equity housing<sup>6</sup> and those provided without grant funding can all be affordable housing.

<sup>18</sup>Darlington Local Housing Assessment, Arc4 2005, refreshed in 2008/9

<sup>6</sup>As defined in NPPF, DCLG, 2012

**7.1.2 NEEDS AND PRIORITIES**

Affordable housing needs in Darlington far exceed the 7500<sup>18</sup> existing Council and/or Registered Provider homes, and any other new affordable homes that are expected to be provided over the next few years. **Needs are most acute in the rural area and the south-west urban area, are high in and around the central, north west and north urban area<sup>19</sup> but homes are also required elsewhere. Demand outstrips supply across the Borough for intermediate tenure housing, bungalows, homes for older people and those with physical disabilities, while demand is strong for three or four bed family homes.**

Registered housing providers registered with the Homes and Communities Agency

7.1.3 Needs are likely to increase as wages and benefits stagnate or reduce, access to finance for first time buyers continues to be limited, unemployment rises and private sector rents increase. In areas like the Town Centre Fringe, even though house prices are relatively low and have recently fallen, the average price for a terraced house was £81,735 (February 2011), still eight times the median household income in the area, making home ownership well out of reach for many. Across the Borough, even assuming lower quartile house prices 20% below the 2007 peak, there will be a shortfall of 513 dwellings per year<sup>19</sup>.

<sup>19</sup>Tees Valley Strategic Market Assessment 2009

7.1.4 But with Government funding for affordable housing reducing, delivery as part of private housing development is key to sustaining output. Recognising that local market conditions can impact upon a scheme's ability to deliver affordable housing, the Core Strategy sets minimum targets of 35 new affordable homes a year to 2016 and 50 each year after that<sup>1</sup>. Consequently, they go only a little way towards meeting needs. So a flexible approach to delivering suitable new affordable housing in viable and deliverable schemes is set out in this SPD to better meet local needs.

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

**GOOD PRACTICE: WOODLAND VIEW**

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

**PHOTO**

|  |  |
|--|--|
| <p><sup>20</sup>rather than up to 30% as stated in Policy CS11</p>   | <p><b>AFFORDABLE HOUSING: AMOUNT, TYPE AND MIX</b></p> <p><b>THRESHOLD</b></p> <ul style="list-style-type: none"> <li>• Urban Area: 15 dwellings (or 0.5ha) or more;</li> <li>• Elsewhere: 5 dwellings (or 0.2ha) or more.</li> </ul> <p><b>REQUIREMENT</b></p> <p><b>Up to 20% affordable housing<sup>20</sup> to include 90% social rented and 10% intermediate housing unless the Council has up to date viability information to show that a higher percentage target or a different mix will be deliverable.</b></p> <p><b>SUMMARY OF APPROACH (see 7.1.5)</b></p> <p>The identified target and mix will depend on the existing affordable housing mix in the locality. Affordable housing can be provided in three ways, in order of priority:</p> <ol style="list-style-type: none"> <li>1. on a development site;</li> <li>2. off site, on developer owned land;</li> <li>3. off site, as a financial contribution to be used to:             <ol style="list-style-type: none"> <li>a. provide new affordable housing in the Borough;</li> <li><b>b. improve Council owned housing to meet the enhanced Darlington standard in Cockerton West, Park East and Haughton East;</b></li> <li><b>c. improve private sector housing in Northgate, North Road, Central and Bank Top.</b></li> </ol> </li> </ol> <p>Financial contributions will be used to deliver projects on the Infrastructure Projects List.</p> <p><b>EXCEPTIONS</b></p> <p>Affordable housing will not be sought from schemes, or parts of schemes for:</p> <ul style="list-style-type: none"> <li>• Student accommodation;</li> <li>• Live-work units where the development is predominantly employment, with supporting residential accommodation attached. Where the development has a predominantly residential character, with offices incorporated, affordable housing requirements will apply;</li> <li>• Gypsy and Traveller accommodation;</li> <li>• Non residential development.</li> </ul> <p><b>SUPPORTING INFORMATION</b></p> <ul style="list-style-type: none"> <li>• Viability assessments submitted for schemes progressed in the last 12-18 months have secured affordable housing ranging from 6% (Central Park Phase 1), 10% (Whessoe Road) and 13.6% (Hopetown House). <b>No marked improvement in viability is expected in 2012-13.</b></li> <li>• If an affordable housing mix is proposed which differs from the needs identified by the Council, the developer will be required to submit a housing needs assessment to support their proposal;</li> <li>• All development must make sure that eligible households can afford to rent or buy affordable housing in perpetuity;</li> <li>• Low cost market housing for sale below market prices and key worker housing is not affordable housing;</li> <li>• Specialist housing for people with physical or learning disabilities including Lifetime Homes: homes designed for wheelchair users and/or for older people will be negotiated on a site by site basis reflecting need;</li> <li>• Schemes providing for only one age group, e.g. for older people will only be expected to provide affordable housing for that age group;</li> <li>• Developers should assume that no grant will be available to fund affordable housing unless an agreement has been made with the Homes and Communities Agency (HCA). Bids for funding to the HCA will be supported for mixed tenure and 100% affordable schemes if the amount, type or standard of affordable housing being sought would not be deliverable without it. Bids for intermediate housing schemes will not be supported unless they are part of wider regeneration initiatives;</li> <li>• Innovative partnerships which maximise the opportunities for attracting external funding, or other affordable housing outcomes, are encouraged for all major developments;</li> <li>• Developers will be notified as soon as possible after the completion of the scheme and acknowledged in any publicity associated with the affordable housing.</li> </ul> |
|  | <p>Enhanced Darlington standard: renewal to a decent homes standard includes updating of bathrooms, kitchens, rewiring and central heating.</p>  |
| <p>Live work units: single unit designed for residential and employment where the resident works in the employment space</p>                             |  |
| <p>Lifetime Homes: built to be accessible for all people, with a flexible layout which can be adapted over time to meet a household's changing needs</p> |  |
| <p>Homes for older people: include housing capable of being adapted to meet a range of needs, sheltered or extra care housing</p>                        |  |
| <p>Homes and Communities Agency: National housing and regeneration delivery agency for England</p>   |  |

**APPROACH ON SITE PROVISION**

7.1.5 In the first instance, affordable housing should be provided on the application site to deliver the identified target and mix, to help create mixed communities<sup>6</sup>. Where a

developer can demonstrate that the identified target and mix of affordable housing is not feasible or viable on site, **the percentage target of affordable housing required will be re-considered to ensure that the range of property types and tenures provides a mixed community.**

**RURAL EXCEPTION SITES**

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

7.1.6 In the rural area, small sites that are within or physically adjoining the development limits of villages (as shown on the Local Plan Proposals Map at [www.darlington.gov.uk/planningpolicy](http://www.darlington.gov.uk/planningpolicy)), that are reasonably accessible to village services may be classed as rural exception sites. These may be appropriate solely for affordable housing in perpetuity if a proposal is supported by:

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

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

**OFF SITE PROVISION**

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

7.1.9 Provision should maintain the required ratio of open market to affordable homes. It can be provided off site anywhere in that market area; provision secured within the urban area should remain in the urban area, provision elsewhere should be delivered in the rural area. But there must be enough value in the land to support the size, type and tenure of homes that meet the identified needs in that part of Darlington. Off site affordable housing can be provided in several ways:

**1. DEVELOPER OWNED LAND**

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

7.1.11 Developers should make sure that:

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



**2. PURCHASE OF PRIVATE VACANT HOMES FOR AFFORDABLE HOUSING**

7.1.12 In exceptional circumstances instead of providing new affordable homes, developers may be able to buy long term, private, vacant homes to widen the housing choice available in the **wards of Cockerton West, Park East, Eastbourne, Lascelles, Bank Top, Central, Northgate, North Road and Haughton East**<sup>21</sup>. Provision should not concentrate people with low incomes or those experiencing deprivation in particular parts of the urban area. The ‘spot purchase’ of private homes elsewhere will only be considered where the property meets an identified need, e.g. suitable for a person with disabilities.

<sup>21</sup>Darlington housing priority investment areas

7.1.13 Developers should make sure that:

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

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

**PROVISION OF LAND**

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

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

4.10

**3.FINANCIAL CONTRIBUTION**

7.1.15 The financial contribution payable will be equivalent to the value of the affordable housing element of a notional scheme that would have been provided on the application site. It will use the following formula:

$$\text{Developer contribution} = \text{Expected market price on-site for each affordable unit} - \text{Registered Provider transfer price for each unit}$$

7.1.17

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

7.1.16 Contributions will be used to:

- provide affordable housing;
- enable the provision of affordable housing e.g. to provide infrastructure, decontamination, re-provision of open space to allow the release of a suitable site;
- improve affordable homes to meet the enhanced Darlington standard to deliver a project on the Infrastructure Projects List.

**DELIVERING AFFORDABLE HOUSING**

7.1.17 **DEVELOPERS SHOULD MAKE SURE THAT: HIGH QUALITY DESIGN**

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

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

- All affordable housing, including those purchased for improvement should be indistinguishable from market properties, particularly in terms of quality of materials, finishing and detailing;
- All appropriate building and sustainability standards are met including the Code for Sustainable Homes, Lifetime Homes, Enhanced Darlington Standard and for publicly funded schemes the relevant HCA Design and Quality Standards<sup>22</sup>. In some cases achieving a higher Code for Sustainable Homes standard may be preferred even if this results in fewer affordable homes being built. This will be negotiated on a site by site basis.
- The location of plots and the design of all units is agreed with the Council and the Registered Provider at pre-application stage and clearly identified on submitted plans.

<sup>22</sup>www.homesandcommunities.co.uk

They should be spread across the site in small groups of 6-8 homes or by 'peppercotting' to achieve an appropriate mix with market homes. In flatted schemes, vertical grouping may be appropriate. Minimum floor areas will be required (see table below).

- Residents of affordable housing have the same access as those living in market housing to any new communal facilities like open space and parking areas on or near the site.

**REGISTERED PROVIDERS**

- They select a Registered Provider preferred partner, with Approved Developer Status with the Homes and Communities Agency, and with nomination agreement rights with the Council early in the development process, so that the affordable housing meets all planning requirements and the rents and service charges are affordable to future residents.
- On completion all affordable housing is transferred to the Registered Provider.
- Exceptionally, where another affordable housing provider is used they have equivalent accountability and are approved by the Council. Evidence must be provided to show that they can fund the scheme and provide appropriate long-term management and maintenance arrangements.

**CROSS SUBSIDY (BETWEEN TENURE)**

- Where the subsidy requirement for intermediate housing is less than that required for social rented or affordable rented housing it is used as cross subsidy between intermediate housing and other types of affordable housing. This makes it easier for one provider to deliver the required mix of intermediate, affordable rented and social rented housing.
- If more than one provider is involved, any cross subsidy helps deliver the whole affordable housing requirement or improves overall affordability so that more subsidy is not required.
- Additional subsidy from intermediate housing is not used to increase the transfer price paid to a developer.

**TRANSFER PRICES**

- Completed homes are purchased at prices set within limits by the Homes and Communities Agency. The maximum transfer prices for affordable properties in Darlington are set out below. An uplift will be applied to affordable homes for disabled people.

**Transfer prices for affordable homes, 2012-13**

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

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

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

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

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

Staircasing: buyer pays rent on a property and buys additional percentages of a shared ownership house. Once 100% is reached, they own it on a long lease

7.1.18

**THE COUNCIL WILL MAKE SURE THAT:**

**TARGET RENTS**

- Rents will be affordable to all eligible tenants, and that any proposals for future rent increases or shared ownership costs will be affordable in perpetuity, within any relevant ceiling set by the Housing Benefit system.
- Mortgage costs and rents for intermediate housing are set at approximately no more than 30% of gross household income.

**STAIRCASING**

- If some intermediate housing is lost in the long term when the tenant buys their property, the net capital receipts are recycled to provide affordable housing elsewhere in the Borough. Receipts from rural exception sites must be recycled in the village or Parish where the site is located.



- Where homes have received grant funding, the recovered sum is either repaid to the Homes and Communities Agency<sup>23</sup> or recycled into the existing scheme if it will significantly improve affordability levels for those in need of intermediate housing.

**OCCUPANCY AND MANAGEMENT**

- A Nominations Agreement is signed with the Registered Provider or other affordable housing provider.
- It has 100% nomination rights on the first lets/sales of all affordable homes. Subsequent occupancy will be the responsibility of the Registered Provider, with the nominations coming from the Council.
- Applicants are nominated according to housing need, in accordance with the Council's published local lettings policy. In areas of acute housing need, the nominee or someone who is usually a member of their household must:
  - have previously lived in Darlington for at least 12 months; or
  - be currently living in Darlington and have been doing so for at least 12 months; or
  - be a full time carer for a person living in Darlington; or
  - be in full time employment in Darlington.

**MARKETING**

- Once homes are ready to be occupied, marketing of a scheme will be undertaken with the Registered Provider, at their expense for a minimum of six months.
- All vacancies are advertised through the Choice Based Lettings policy and marketed according to the Council's local lettings policy.

**MORTGAGEE IN POSSESSION CLAUSES**

- Where appropriate, this clause is included in a s106 agreement to protect the lender's investment. Where a Registered Provider fails to repay a mortgage and the lender takes possession of the affordable homes, this allows the lender to sell the homes as market housing.
- These clauses are not permitted for homes on Rural Exception Sites.

<sup>23</sup>in accordance with the HCA Recycled Capital Grant Fund Guide

Nominations Agreement: sets out how the affordable housing will be allocated

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

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

Relevant Strategy CS4, CS19 Core policies:

<sup>24</sup>Third Transport Plan, 2011 Local DBC,

<sup>25</sup>Circular Planning and Strategic Road Network, 02/2007 DfT, 2007

Local road network: managed by the Council

Strategic road network: managed by the Highways Agency

Transport Assessment: for developments with significant transport impacts  
 Transport Statement: for developments with small transport impacts  
 Both identify measures to deal with predicted transport impacts to improve accessibility and safety for all

<sup>26</sup>Guidance on Transport Assessments, 2007 DfT,


**7.2 TRANSPORT**

7.2.1 Focussing heavily on improving accessibility and greater use of sustainable modes of transport particularly between home and jobs, shopping and leisure facilities should make sure that Darlington’s transport system is reliable, safe, secure, sustainable and responds efficiently to the needs of residents and business<sup>24</sup>. New development can generate additional trips to and from a site, which can add pressure to roads, pedestrian and cycle routes and public transport facilities in the locality. The impact from increased trips may also be experienced some distance from new development. Both may need to be addressed through planning obligations<sup>25</sup>.

7.2.2 **NEEDS AND PRIORITIES**  
 All development, irrespective of size, must be capable of being accessed and used safely by vehicles, including public transport, as well as by pedestrians, cyclists and people with disabilities. Investment in the local and/or strategic transport network is fundamental to sustaining new development and the level of growth that is planned to 2026. Evidence from the developer’s up to date Transport Assessment<sup>26</sup> or Transport Statement and the Council’s own evidence will help identify the impact traffic from a new development is likely to have; increased delays to public transport, development related traffic congestion, increases in road traffic will all require mitigation. Safe access for those who wish to walk, cycle or use the private car, and appropriate parking for vehicles and bicycles may also be required.

**GOOD PRACTICE: HAUGHTON EDUCATION VILLAGE**  
 The Education Village is a unique learning environment where primary and secondary education has been centrally located onto one larger site to support the learning needs of children from the surrounding community. Essential to its success is the ability of children of all ages to safely and sustainably access the schools. Secured through a s106 agreement, its Travel Plan focuses on sustainable, safe routes to school; sustainable access only from Rockwell Avenue, segregated pedestrian and cycle links within and across the site connect to nearby housing areas and the main routes of Whinfield Road to the north, and Salters Lane to the south, and new crossing points encourage greater use by pedestrians and cyclists. New bus shelters and bus stops make the journey for those travelling by public transport more enjoyable. Traffic calming along Salters Lane successfully manages the increase in traffic from the development.

**PHOTO**



|   |
|---|
| <b>TRANSPORT INFRASTRUCTURE: AMOUNT, SIZE AND MIX THRESHOLD</b>   |
| <ul style="list-style-type: none"> <li>• Residential development: 5 dwellings (or 0.1ha) or more;</li> <li>• Non residential development: 500m<sup>2</sup> gross floor area (or 0.4ha) or more</li> </ul> |
| <b>REQUIREMENT</b>  |
| <ul style="list-style-type: none"> <li>• Provide or contribute towards the provision of transport infrastructure to meet the identified needs of the development.</li> </ul>                              |

- For sustainable transport and public transport the focus will be to improve access to areas with poor and/or low accessibility.
- Revenue ‘pump priming’ of new or extended local bus services will only be sought from developments of 50 or more dwellings or 1000m<sup>2</sup> or more gross development floorspace.
- Highways works will only be secured via planning obligations in exceptional cases where other agreements have not been used (see Supporting Information below).

**SUMMARY OF APPROACH (see 7.2.3)**

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

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

**SUPPORTING INFORMATION**

- The Transport Assessment/Statement should calculate the trip generation of the existing and proposed use for cycling and car use as well as the likely demand for public transport services.
- Developers will only be required to provide infrastructure to support additional trips that are generated by the development.
- Highways works, including maintenance will only be secured through planning obligations in exceptional cases where the following mechanisms have not been used:
  - Planning conditions
  - Section 278 Agreement: developers will be required to either undertake works to be carried out in the highway or pay the full cost of the works. A maintenance sum may also be required.
  - Section 38 Agreement: for works to be carried out that require adoption and maintenance. Where traffic signal works are involved, a separate fee may be required.
- The approval of any plans, inspection of highways works, administration and any public consultation costs will be at the developer’s expense.

1980 Highway Act S278 agreement & 1980 Highway Act S38 agreement: between the developer and the Highways Authority

**APPROACH  
SUSTAINABLE TRANSPORT**

7.2.3 All new development should provide easy, safe access for those who wish to walk or cycle in a new development and use the existing sustainable transport network. The Sustainable Transport Charge reflects the accessibility of different locations: the charge will be less in locations that are more accessible by sustainable transport. A good proxy to measure traffic impact is the number of on site car parking spaces. A site in a location with good accessibility will need fewer spaces; the fewer the number of spaces, the lower the traffic impact. The Town Centre, local service and transport nodes<sup>15</sup> have high levels of accessibility, while the rural area has a lower level of access. The Charge will only be sought where the existing foot and cycle paths and associated infrastructure are unable to safely cope with the additional impact generated by the new development.

**RESIDENTIAL DEVELOPMENT**

The cost of a single parking space, including garages for a 2 bed home is £400 for town centre development or £600 in the rural area<sup>27</sup>. For a one bed home the contribution sought will be 50% less and for three and four bed homes it will be 50% and 100% higher respectively.

<sup>27</sup>National best practice

| Residential Development                       | Per Dwelling (£) |             |             |              |
|---|------------------|-------------|-------------|--------------|
|   | 1 bed            | 2 bed       | 3 bed       | 4 bed+       |
| Town Centre, Local Service and Transport Node | <b>£200</b>      | <b>£400</b> | <b>£600</b> | <b>£800</b>  |
| Rest of Urban Area                            | <b>£250</b>      | <b>£500</b> | <b>£750</b> | <b>£1000</b> |

|            |      |      |      |       |
|------------|------|------|------|-------|
| Rural Area | £300 | £600 | £900 | £1200 |
|------------|------|------|------|-------|

**NON RESIDENTIAL DEVELOPMENT**

A similar approach will be used for non residential development. **Lower charges will be generated by more accessible sites; non residential development in the Town Centre, a Local Service and Transport Node or an existing employment area<sup>28</sup> will be calculated at £200 per parking space. Elsewhere provision will be calculated at £400 per parking space.**

<sup>28</sup>allocated in the Borough of Darlington Local Plan DBC 1997

7.2.4 The charge will be used to help reduce the overall number of trips to and from the development by private car. Funding will help deliver relevant projects in the locality on the Infrastructure Projects List. These may include:

- new footpaths/cycle routes and improvements;
- bridges/underpasses;
- secure cycle parking, lockers and showers;
- safer routes to school; and
- home zones and other road safety measures.

**PUBLIC TRANSPORT**

7.2.5 All new development should provide easy access for those who wish to use public transport in their everyday lives. Accessibility is based on the number of bus routes within 400m of a development site. Even where existing services run close to a site, frequency levels may not be appropriate for the type of development proposed. Developments in areas with low public transport accessibility are more likely to require public transport improvements than elsewhere.

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

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

| Zone: Within 400m                                 | Unit Cost 2012 | Accessibility Contribution | Actual Cost |
|---|----------------|----------------------------|-------------|
| One: high accessibility or 6+ bus routes          | £1.93          | 10%                        | £0.19       |
| Two: reasonable accessibility or 3 - 5 bus routes | £1.93          | 40%                        | £0.77       |
| Three: limited accessibility or 1 - 2 bus routes  | £1.93          | 70%                        | £1.35       |
| Four: poor accessibility or no bus routes         | £1.93          | 100%                       | £1.93       |

7.2.7 Charges will be used to improve public transport infrastructure, services and accessibility projects on the Infrastructure Projects List and may include:

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

- feasibility, scoping and design studies for major public transport infrastructure projects.

**HIGHWAYS WORKS**

7.2.8 Local and/or strategic highways works are site specific and will reflect the identified impacts in the Transport Assessment/Statement e.g. reducing the impact of additional vehicle trips and/or the way vehicles access the highways network so that it can continue to flow and operate safely. Planning obligations will only be used in exceptional circumstances, to fund works not provided by other mechanisms identified in the Supporting Information:

**1. TRAFFIC MANAGEMENT MEASURES**

7.2.9 Traffic management measures may be used to help calm traffic to create a safer environment for road users; safe crossing facilities, traffic calming, road closures, diversions and other traffic orders, street lighting or signalisation of junctions may be secured where appropriate.

**2. CAR PARKING**

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

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

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

**3. HIGHWAYS WORKS, REINSTATEMENT AND MAINTENANCE**

7.2.12 The quality of highways around a development can make a significant contribution to its appearance and feel. Where these are damaged during construction, developers will be required to fund the replacement of agreed areas; reinstatement works, street furniture and the removal of redundant crossovers may be required so that highways are kept to a high standard.

Highways Works Estimate: expected cost of highway improvement works

7.2.13 Highways will need to be constructed to an agreed design and specification. These should be maintained for a minimum of 12 months and then transferred in adoptable condition to the Council or the Highways Agency. Where the Council undertakes the works, the developer will be required to pay the cost of preparing a Highways Works Estimate (even if the development does not go ahead) as well as the full cost of the works.

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

7.2.14 **4. SUSTAINABLE DRAINAGE SYSTEMS (SuDS)**  
Appropriate sustainable drainage systems (SUDS) should be incorporated into the design of all new highways works to achieve an infiltration capacity to meet or exceed natural or greenfield conditions. Run off from roads can include pollutants; SUDS should ensure that pollutants are filtered out before the water re-enters the ground or watercourse.

7.2.15 The Council or the Highways Agency will adopt and be responsible for maintaining SUDS in roads where they have been completed to National Standards and the drainage system is seen to function as approved in the original plans. Further information on SUDS adoption and maintenance is provided in 8.4.

8.4

**MAJOR TRANSPORT INFRASTRUCTURE**

7.2.16 Development which is expected to generate a significant impact on the surrounding transport system will result in major transport infrastructure works. These will be

National Standards: national guidance for sustainable drainage is being implemented over several years and will govern the way SUDS must be constructed and operated

negotiated at the time of the application and will depend on the scale and impact of the proposed development and its relationship with the existing network capacity.

**TRAVEL PLANS**

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

7.2.17 Travel plans are useful incentive based tools that monitor car use, travel patterns and set out annual targets for car reduction to encourage residents and occupiers to reduce car use. Travel plans will be required for applications for:

- All major employment, retail and leisure development;
- Smaller employment, retail and leisure development which would generate significant amounts of travel;
- New and expanded education facilities;
- A development where a planning application might otherwise be refused on local traffic grounds; and
- Significant residential developments.

7.2.18 The format and content varies depending on the type, size and nature of the development. For non residential development a Workplace Travel Plan will be required. This should include practical actions to encourage sustainable travel for people to and from work to help organisations manage their transport needs and staff and visitor travel options in a sustainable and convenient way. It should include:

- The contact details of the Travel Plan Coordinator from the organisation;
- An assessment of existing and/or proposed transport links to the site, on site facilities, existing access policies for all, including disabled people;
- Results from an initial staff travel to work survey;
- Defined aims and objectives in relation to travel modes and other outcomes;
- Ongoing targets for staff travel by car, walking, cycling and public transport;
- A yearly action plan;
- Senior management and staff responsibilities in the implementation of the Plan;
- Details for monitoring and review.

7.2.19 If the end-user is unknown, an Interim Travel Plan should be submitted with a planning application. A full Travel Plan should be submitted within six months of first occupation of the site. A monitoring update should be submitted each year after occupation of the development.

7.2.20 In those cases where measures have not been implemented or where a predicted modal shift or target modal share has not been met it may be necessary to secure a contribution to fund the actions. **A maximum charge of £11,500 per year** will be sought, on a sliding scale to take account of the degree to which the target has been missed.

<sup>29</sup>The SUDS Manual, CIRIA 697

<sup>30</sup>Specification for Highway Works, Highways Agency, 2009

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

**DELIVERING TRANSPORT INFRASTRUCTURE**

7.2.21 Developers should make sure that:

**HIGHWAYS WORKS CONSULTATIONS**

- All relevant consultations are undertaken with stakeholders and the local community, particularly for developments that are likely to generate a significant amount of extra traffic and disruption to the movement of traffic.

**PARKING MANAGEMENT STRATEGY**

- For schemes that involve private off-street residential or workplace parking, a parking management strategy is submitted with a planning application.
- Parking allocations and long term management should be identified.

**SUDS**

- Any filter drains must be designed in accordance with The SUDS Manual<sup>29</sup> and the Specification for Highway Works<sup>30</sup>.

**SECURING TRANSPORT INFRASTRUCTURE**

| Type of Infrastructure | Trigger  |
|------------------------|--|
| Adopted Highways       | • Development should not be occupied until the adoptable highway |

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



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

|                          |   |
|--------------------------|---|
|                          | <p>works are completed and the Council issues a S38 Part 1 Certificate.</p> <ul style="list-style-type: none"> <li>• Phased development: occupation will be linked to an agreed phasing plan, subject to the completion of necessary highway works for each phase.</li> </ul> |
| Highways Maintenance     | <ul style="list-style-type: none"> <li>• Maintenance contributions should be paid once the S38 Part 2 Certificate and/or the S278 Certificate of Completion has been issued.</li> </ul>   |
| Controlled Parking Zones | <ul style="list-style-type: none"> <li>• Must be completed prior to the occupation of the first dwelling/specific amount of floorspace.</li> </ul>  |
| Traffic calming          | <ul style="list-style-type: none"> <li>• The scheme must be approved, including consultation with the public, prior to commencement of the development.</li> </ul>  |

Relevant Core Strategy policy: CS4

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

<sup>31</sup>Darlington Childcare Sufficiency Assessment 2011

<sup>32</sup>OSR 15/2010 Statistical Release, DoE, 2010

<sup>33</sup>Audit Commission

<sup>34</sup>DBC figures

<sup>35</sup>Education and Skills Act 2008

**7.3 EDUCATION**

7.3.1 The Council is required to improve the life chances of all children and help reduce inequalities between them; enough childcare should be provided so that parents are able to work, while ‘great importance’<sup>6</sup> is placed upon making sure that there are enough places available in primary and secondary schools and at Sixth Form College<sup>7</sup> so that all children and young people in the Borough have a quality education.

**NEEDS AND PRIORITIES**

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

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

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

7.3.5 **Darlington’s secondary schools currently have an acceptable surplus of 6.4%. But once the high level of primary pupils move through in 2019, the secondary school population is expected to increase by 20%**<sup>34</sup>. **After 2019, new development will add to the demand for places; an additional 500 secondary school places may be required to accommodate the increase in 11-16 year olds.** From 2013 the minimum age at which young people can leave learning will be increased to 17 and will rise to 18 from 2015<sup>35</sup>. This will have an impact on the capacity at the QE Sixth Form College and Darlington College as well as at the Borough’s only school sixth form (Carmel College). All three providers will need expansion to meet this demand. **Consequently in the long term all would expect to see a 10% increase in students<sup>7</sup>; a proportionate increase in college space will be required to accommodate them in the long term.**

**GOOD PRACTICE: WEST PARK ACADEMY**

West Park is a significant sustainable community including 700 new homes, the majority of which are new family houses. An integral part of the development was to provide a new primary school to meet the needs of those living in the new community. The school together with its integrated nursery ensures the national curriculum can be provided within a flexible, modern environment. All facilities were secured by a S106 agreement, including access to the school’s sports and communal facilities outside school hours.

**PHOTO**



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| <b>EDUCATION FACILITIES: AMOUNT, SIZE AND MIX</b>  |
| <b>THRESHOLD</b>   |
| <ul style="list-style-type: none"> <li>Residential development: 5 dwellings (or 0.1ha) or more</li> </ul>  |
| <b>REQUIREMENT</b>   |
| <ul style="list-style-type: none"> <li>Provide or contribute towards the provision of education facilities to meet the identified needs of the development.</li> <li><b>The focus will be to secure sufficient primary school places to meet the needs of the development. A standard charge of £3055 per dwelling is required.</b></li> <li><b>Early years, secondary and tertiary provision will not be sought, unless the Council has sufficient evidence to demonstrate that a development will have a significant impact to justify provision.</b></li> </ul>   |
| <b>SUMMARY OF APPROACH (see 7.3.6)</b>   |
| <ul style="list-style-type: none"> <li>In general a standard charge will be sought as a contribution towards education places;</li> <li>For a development of 500 or more pupil generating homes a new school on site may be appropriate. Details will be negotiated on a site by site basis to meet the needs of the new development.</li> </ul>   |
| <b>EXCEPTIONS</b>  |
| <p>Education contributions will not be sought from development where it is unlikely that children would be living, including:</p> <ul style="list-style-type: none"> <li>nursing homes (Use Class C2), sheltered and retirement housing and self contained apartments like Extra Care and Assisted Living (Use Class C3);</li> <li>one bedroom dwellings and housing in multiple occupation for single people which are incapable of being enlarged into units with two or more bedrooms;</li> <li>non residential development.</li> </ul>   |
| <b>SUPPORTING INFORMATION</b>  |
| <ul style="list-style-type: none"> <li>New development will only need to provide for primary school places where the nearest primary school (within a 30 minute walk) does not have the accepted level of surplus school places (5%). Demand for school places in the following years will also be taken into account;</li> <li>Where there is more than one primary school close by charges will only be secured for the school(s) with less than 5% surplus school places;</li> <li>The total cost of providing a child with a school place is based on a pupil being in a class of 30 and includes the cost of providing communal space for each pupil e.g. in a sports hall and kitchen;</li> <li>The surplus capacity for early years, secondary school and tertiary provision will be assessed Borough wide;</li> <li>Standard charges will not be used to revenue fund the cost of teaching staff or any other non-capital equipment which are not connected with the initial construction and fitting out of the school and its facilities.</li> </ul> |

**APPROACH**

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

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

$$15 \text{ places (a) } \times \text{£14,486 (b) } / 64 \text{ homes (c) } = \text{£3055}$$

**EARLY YEARS, PRIMARY, SECONDARY AND TERTIARY PLACES**

7.3.7 A standard charge may be used to:

- provide additional places to accommodate extra children or students including improved access for those with disabilities;
- provide new permanent and temporary classroom space;
- improve or expand the school playground and internal or external leisure spaces, including equipment and maintenance;
- provide and/or improve ancillary facilities such as toilets, catering and kitchen facilities, and improve access for children with disabilities;

<sup>36</sup>Based on DBCs school places calculator which uses DFE location factor

<sup>37</sup>Based on DFE cost multiplier which has been regionally adjusted. Tertiary calculations based on staying on rate

<sup>38</sup>Based on DBCs 2012 housing trajectory, includes allowance for demolitions, single dwellings & affordable housing & discount for children that may go to other primary schools or may not transfer school at all

- enable private and voluntary sector providers to deliver after school and holiday care;
- enhance outdoor learning areas;
- provide space to deliver before and after school programmes.

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

**PROVISION OF A NEW SCHOOL**

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

**DELIVERING EDUCATION PROVISION**

7.3.9 Developers should make sure that:

**COMMUNITY USE AGREEMENT**

- An agreement is secured guaranteeing access, in perpetuity, for community groups and organisations to use the school and its sports facilities outside the school day;

**ACCESSIBLE, FLEXIBLE SPACE**

- The design of a school allows for flexible use during the school day, and can also be easily used by early years and before and after schools programmes;
- Toilets and changing facilities are appropriately located in the school building so that users of facilities out of hours, particularly from outdoor sports facilities have easy access.

**SECURING EDUCATION PROVISION**

| Type of Infrastructure | Trigger   |
|------------------------|---|
| On Site Provision      | Must be completed and available for use by the time the required number of children in a class and/or year group are living in the development. Specific timescales will be agreed and set out in the s106 agreement. |

Relevant Core Strategy Policies: CS4, CS15, CS17

**7.4 GREEN INFRASTRUCTURE**

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

7.4.1 Good quality, multifunctional, well-planned open spaces provide opportunities for the community to relax, exercise, play and move around while providing environments for wildlife to live, migrate and breed. Creating natural, attractive, high quality environments are ‘increasingly seen’<sup>39</sup> as adding value to new development and can encourage people to buy a home or premises nearby.

<sup>40</sup>Open Space Strategy Update, DBC, 2011

**NEEDS AND PRIORITIES**

7.4.2 It is important that new well connected, high quality, multifunctional green infrastructure is provided or improved to meet the needs of those living or working in new development. Provision should help meet the Borough’s standard of accessible open space<sup>40</sup> and targets for priority habitats and species<sup>41</sup>. **New wildlife friendly greenspace and children’s play space will be the priority in the Central, South West and North East urban area, while wildlife friendly greenspace will be a priority from new development in the South East<sup>40</sup>.**

<sup>41</sup>Tees Valley Biodiversity Action Plan, Tees Valley Biodiversity Partnership, 2011

7.4.3 In some parts of the Borough improving the quality of the environment may also be required to accommodate the people living or working in a new development; equipment, paths, drainage and/or planting may be enhanced to widen their attractiveness and multifunctionality or to restore or improve their biodiversity value. This will be particularly important alongside the Borough’s strategic and local green corridors<sup>42</sup> e.g. River Skerne and River Tees. Residents and users of new development can also generate additional ‘wear and tear’ on the environment; securing maintenance contributions to promote long term quality is essential.

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

**GOOD PRACTICE: WEST PARK**

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

Significant green infrastructure is being integrated into the West Park development to support the delivery of 700 homes in the North West of Darlington. Wildlife friendly green spaces home to many protected and priority species including the White-letter hairstreak butterfly, the banded demoiselle dragonfly and the kingfisher, connect the central 14ha park with surrounding homes. Providing ample space for informal recreation, adventurous play and downhill cycling the park has quickly become an attractor for residents and visitors alike. Innovatively, the West Park Levy requires all homeowners to contribute annually to an independently managed maintenance fund so that the high quality of the green infrastructure is maintained in perpetuity.

<sup>42</sup>Identified in the Draft Darlington Green Infrastructure Strategy, DBC, 2012

**GREEN INFRASTRUCTURE: AMOUNT, SIZE AND MIX**

**THRESHOLD**

- Residential development: 5 dwellings (or 0.1ha) or more
- Non residential development: 500m<sup>2</sup> gross floor area or more

**REQUIREMENT**

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

- **On site provision will only be required from developments of 20 dwellings or more /1000m<sup>2</sup> or more gross floorspace, if it would be beneficial for design, amenity or community reasons;**
- **In all other cases a standard charge will be sought to provide or improve open space in**

|  |
|--|
| <p><b>the locality;</b></p> <ul style="list-style-type: none"> <li>• <b>Standard charges to improve open space will be 50% less than that to provide new space;</b></li> <li>• <b>A one off maintenance contribution will be sought, equivalent to 10 years provision. Where quality improvements have been secured the maintenance sum will be 50% less than that for new space.</b></li> <li>• <b>The standard of provision required from non residential development will be a third of that for residential development.</b></li> </ul>  |
| <p><b>SUMMARY OF APPROACH (see 7.4.4)</b></p> <ul style="list-style-type: none"> <li>• The priority is to secure sufficient new open space to meet the needs of the development to help achieve the quantity standard for accessible open space for each locality. This can either be:             <ul style="list-style-type: none"> <li>○ On a development site; and/or</li> <li>○ Off site on developer owned land; and/or</li> <li>○ As a standard charge equivalent to the cost of providing new open space on site.</li> </ul> </li> <li>• Where all quantity standards are met and a need is identified in <b>APPENDIX 6</b>, a standard charge will be sought to improve nearby open spaces that the development is expected to have an impact upon. Charges will help deliver a specific project on the Infrastructure Projects List.</li> <li>• Maintenance contributions will be based on the average cost of maintaining informal recreation and wildlife friendly greenspace. Maintenance of children’s play space and street trees will be additional.</li> </ul>  |
| <p><b>EXCEPTIONS</b></p> <p>Children’s play space will not be sought from development where it is unlikely that children would be living, including:</p> <ul style="list-style-type: none"> <li>• nursing homes (Use Class C2), sheltered and retirement housing and self contained apartments like Extra Care and Assisted Living (Use Class C3);</li> <li>• one bedroom dwellings and housing in multiple occupation for single people which are incapable of being enlarged into units with two or more bedrooms;</li> <li>• non residential development.</li> </ul>  |
| <p><b>SUPPORTING INFORMATION</b></p> <ul style="list-style-type: none"> <li>• Two types of green infrastructure may be sought from new development; children’s play, and wildlife friendly greenspace. Both incorporate space for informal recreation. Together they cover the mix of functions provided at parks and green corridors. Planning obligations may also be used to provide or improve these spaces.</li> <li>• Charges will vary according to open space type (see 7.4.6)</li> <li>• Any green infrastructure that exists on the site should be incorporated into the design of the development. This will be deducted from any requirement sought.</li> <li>• Where a development involves the loss of open space it should be consistent with Core Strategy policy CS17<sup>1</sup>. Any re-provision will be in addition to the planning obligation requirements set out in this SPD.</li> <li>• Green infrastructure excludes land set aside to provide highway verges and visibility splays. These should be provided by developers as normal design requirements.</li> <li>• The Council has a statutory obligation<sup>43</sup> to make sure that there is no net loss of biodiversity in Darlington. Exceptionally, where a development has a direct or indirect, permanent or temporary impact upon protected or priority habitats, equivalent compensatory provision should be made, preferably on site, or near it, to maintain and add to the biodiversity value of the locality. This will be in addition to other requirements set out in this SPD.</li> <li>• Publicly accessible sustainable drainage systems (SUDS) and street trees that are integrated into the green infrastructure network and add biodiversity value will be deducted from any wildlife friendly greenspace requirement.</li> </ul> |

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

Informal recreation space: area for jogging, walking, relaxation

<sup>43</sup>Natural Environment and Rural Communities Act 2006

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

**7.4.4 APPROACH** Green infrastructure will only be sought where the existing network is unable to cope with the additional demand from new development. In each locality the priority is securing new open space to meet the quantity standard for accessible open space below, either on or off site so that the needs of the development are met. Where the quantity standards have

been met, the focus will then be to improve the quality of open space in that locality, where a need has been identified in **APPENDIX 6**.

7.4.5 In exceptional circumstances, where there is a need for effective place making, it may be acceptable to seek alternatives to the standards. But this should be driven by high quality, innovative design rather than to avoid providing open space on site. The open space standards will be used as a starting point for negotiation. Where green infrastructure is provided it should be such a size that it is viable to carry out its function and be a positive addition to the area.

**RESIDENTIAL DEVELOPMENT**

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

Dwelling occupancy (a) x standard for open space per resident (b)  
 = amount of open space required per house (c)  
 x  
 cost of open space provision (d) = standard charge (e) /2 quality improvement cost (f)

| Residential development           |                                       |  | Non residential development                        |   |
|-----------------------------------|---------------------------------------|--|--|---|
| Type of Open Space                | Standard of provision                 | Cost (£) of open provision (m <sup>2</sup> ) (d) | Standard of provision (m <sup>2</sup> ) per person | Cost (£) of provision per (m <sup>2</sup> ) |
| Informal recreation space         | <b>0.006ha/1000 people</b>            | <b>£9</b>  |  | <b>£9</b>                                   |
|                                   | <b>60m<sup>2</sup> per person (b)</b> |  | <b>7m<sup>2</sup></b>                              |   |
| Wildlife friendly space           | <b>0.005ha/1000 people</b>            | <b>£13</b>                                       |  | <b>£13</b>                                  |
|                                   | <b>50m<sup>2</sup> per person (b)</b> |  | <b>6m<sup>2</sup></b>                              |   |
| Children and young people's space | <b>0.007ha/1000 people</b>            | <b>£7</b>  | -  | -   |
|                                   | <b>70m<sup>2</sup> per person (b)</b> |  |  |   |
| Street Trees                      | <b>1 tree/5 dwellings</b>             | <b>£300 per tree</b>                             | <b>1 tree/1000m<sup>2</sup></b>                    | <b>£300 per tree</b>                        |

| Residential development: Standard open space charges |  |                         |                |                     |                         |                |
|--|--|-------------------------|----------------|---------------------|-------------------------|----------------|
| (a) Dwelling occupancy                               | (c) Wildlife friendly greenspace (m <sup>2</sup> ) | (e) Cost of provision £ | Quality Cost £ | (c) Children's play | (e) Cost of provision £ | Quality Cost £ |
| 1.28   | <b>64</b>  | <b>832</b>              | <b>416</b>     | -                   | -                       | -              |
| 1.79   | <b>90</b>  | <b>1170</b>             | <b>585</b>     | <b>125</b>          | <b>875</b>              | <b>438</b>     |
| 2.42   | <b>121</b>   | <b>1573</b>             | <b>787</b>     | <b>169</b>          | <b>1183</b>             | <b>592</b>     |
| 2.79   | <b>140</b>   | <b>1820</b>             | <b>910</b>     | <b>195</b>          | <b>1365</b>             | <b>683</b>     |

**NON RESIDENTIAL DEVELOPMENT**

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

**ON SITE PROVISION**

7.4.8 For developments of **20 or more dwellings or 1000m<sup>2</sup> or more gross floorspace** the identified amount and mix of open space should be provided on site to help meet the new community's needs. Exceptionally, if a developer can demonstrate through a viability assessment that on-site provision, of all, or part of, the requirement is not viable, or where there are justifiable planning, design, site and community reasons resulting in a better quality development, consideration will be given to provision elsewhere. Where only part can be provided on site, the remaining amount should be provided off site.

7.4.9 For all appropriate development below this threshold a standard charge will be sought for green infrastructure, unless design, amenity or community reasons justify on site provision.

**OFF SITE PROVISION**

7.4.10 There are two ways green infrastructure requirements can be provided off site:

**1. DEVELOPER OWNED LAND**

7.4.11 The type of open space will depend on the needs and existing provision in the off-site location. The developer must make sure that the open space:

4.10

- Has a visual link with the application site;
- Will be laid out to the design and specification<sup>16</sup> agreed with the Council and be available for use to meet the agreed timescale for delivery;
- Has the relevant planning permission secured prior to the occupation of any of the on site market housing.

**2. STANDARD CHARGE**

7.4.12 Standard charges will only be used to improve the quality of relevant green infrastructure projects identified on the Infrastructure Projects List. Higher quality spaces that would benefit from improvements to cope with extra use may be identified. Charges may be used for:

- Laying out of open space;
- Improving the quality of the environment: equipment, landscaping and/or planting may be enhanced;
- Improving ground quality including drainage or safety surfacing so that the space meets relevant adopted standards;
- Providing street furniture: seating, lighting, litter and dog bins may be required to enable the safe, practical and reasonable use of the open space;
- Biodiversity enhancements:
  - providing new habitats or improving existing features, open spaces or designated sites;
  - providing for public access and interpretation;
  - managing wildlife corridors.

**MAINTENANCE CONTRIBUTIONS**

7.4.13 All open spaces should be multifunctional; space for recreation, biodiversity and general amenity should all be provided. As a result, maintenance sums are based on the average cost of maintaining informal recreation and wildlife friendly greenspace. Separate sums will be required for maintenance of children’s play facilities and street trees provided or improved by a development. Maintenance of ponds or slopes greater than 1 in 3, will be negotiated on a site by site basis so that specialist maintenance can take place.

4.14

**RESIDENTIAL DEVELOPMENT**

7.4.14 Using local costs of maintenance in the Borough, the maintenance sum per home has been established. This has been multiplied by 10; equivalent to the provision of 10 years maintenance. Where quality improvements have been made the maintenance sum for that type of open space will be reduced by 50%. The following formula has been used:

Dwelling occupancy (a) x 2012-2013 average maintenance cost (b)  
 = maintenance cost per dwelling x 10 = one off maintenance sum (c)  
 /2 quality improvement (d)

|                            | Residential development                    | Non residential development |
|----------------------------|--|-----------------------------|
| Type of open space         | Maintenance costs (£) 2012-2013 per ha (b) |                             |
| Multifunctional greenspace | <b>141</b>                                 | <b>47</b>                   |
| Children and young people  | <b>21 per site</b>                         | -                           |

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



|              |                     |            |
|--------------|---------------------|------------|
| Street trees | <b>850 per tree</b> | <b>850</b> |
|--------------|---------------------|------------|

| Type of Open Space         | (a)  | Maintenance cost per dwelling (c) per year | X 10 (c)    | Quality improvement maintenance |
|----------------------------|------|--|-------------|---------------------------------|
| Multifunctional greenspace | 1.28 | <b>180</b>                                 | <b>1805</b> | <b>903</b>                      |
|                            | 1.79 | <b>252</b>                                 | <b>2520</b> | <b>1260</b>                     |
|                            | 2.42 | <b>341</b>                                 | <b>3410</b> | <b>1705</b>                     |
|                            | 2.79 | <b>393</b>                                 | <b>3930</b> | <b>1965</b>                     |
| Children and young people  | 1.28 | -  | -           | -                               |
|                            | 1.79 | <b>38</b>                                  | <b>380</b>  | <b>190</b>                      |
|                            | 2.42 | <b>51</b>                                  | <b>510</b>  | <b>255</b>                      |
|                            | 2.79 | <b>59</b>                                  | <b>590</b>  | <b>295</b>                      |

**NON RESIDENTIAL DEVELOPMENT**

7.4.15 Maintenance costs for open space provided by non residential development will be identified at pre-application stage when the employee occupancy is known. But the maintenance cost per ha (b) per person has been reduced to a third of that for residential development.

**SUSTAINABLE DRAINAGE SYSTEMS (SUDS)**

7.4.16 Regular and effective maintenance of SUDS is essential so that they perform satisfactorily throughout their design life. Developers should maintain SUDS for a year after completion of the development before transferred to the adoption body for long term management and maintenance. Maintenance contributions for SUDS will reflect the size, scale and type of system proposed and the type of maintenance required. A one off maintenance contribution will be negotiated during pre-application negotiations, equivalent to 10 years provision.

7.4.17 In certain circumstances, it may be appropriate for more than one development to drain into a larger system. In these cases the cost of provision and maintenance will be split between all developments to reflect the size, type and scale of development involved.

**DELIVERING GREEN INFRASTRUCTURE**

7.4.18 Developers should make sure that:

**HIGH QUALITY DESIGN**

- Unless agreed to create a particular design feature, open space is designed to a maximum gradient of 1 in 3 on publicly accessible land, suitable for the mix of open space functions identified.
- Provision adds value to the historic environment, where appropriate.

**PLANTING**

- An established planting scheme is produced in the earliest time possible.
- Planting includes a range of priority species compatible with the location, shape and aspect of the site to provide all year round interest and colour.
- Grass for informal recreation space and within wildflower meadows should have high grass maintenance mix.

**CHILDREN'S PLAY**

- Spaces are attractive, exciting, inviting and encourage risk taking and imaginative play by incorporating equipped and/or natural features to cater for sliding, climbing, rocking, swinging and social play.
- Each space has a grass/sand/bark area within its boundary to encourage free play.

**COMMUNITY INVOLVEMENT**

- The local community are involved from an early stage in the design process when value can be added to a scheme.

**TREES**

- Feathered trees, transplants and small groups of trees are of established nursery stock, root balled and planted in well drained soil.

High grass maintenance mix: cut height of the grass should be approx 25 mm

Rootballed: roots of larger trees are wrapped in a hessian sheet to keep the soil in place and encourage better growth

Resin surround: decorative feature at the base of a tree made from small stones

National Standards: national guidance for sustainable drainage is being implemented over several years and will govern the way SUDS must be constructed and operated

- Native street trees are containerised stock size and staked with wire tree guard.
- Tree planting in adopted paving is in a tree grill/resin surround and protected by temporary metal tree guards.
- Trees are maintained appropriately for a year prior to adoption.

**SUSTAINABLE DRAINAGE SYSTEMS (SUDS)**

- A landscaping plan clearly identifies SUDS including layouts, profile, finishes, planting mixes and sizes.
- A management and monitoring plan is submitted with the planning application.
- Where in exceptional cases fencing is used it is visually attractive and toddler proof but allows easy access by adults in case of emergencies.
- SUDS are adopted by the appropriate body in accordance with any adoption requirements and National Standards.

**SUPERVISION FEE**

- They cover the reasonable cost to the Council and any external body of supervising, inspecting and monitoring the laying-out, maintenance and transfer of any works.

**SECURING GREEN INFRASTRUCTURE**

| Infrastructure            | Trigger   |
|---------------------------|---|
| Green Infrastructure      | <ul style="list-style-type: none"> <li>• Development should not start until details of the open space scheme have been submitted, and received written approval from the Council.</li> <li>• Two trigger points will be used: one for start of work and one for issue of Certificate of Completion of Build prior to occupation of a specified number of market dwellings/amount of gross development floorspace.</li> <li>• For phased sites: the open space shall be provided concurrently with the part of the development it is intended to serve. It will be identified in the s106 agreement phasing schedule. Play space should be delivered in the early phases.</li> </ul> |
| Maintenance contributions | <ul style="list-style-type: none"> <li>• Should be paid prior to completion of the title transfer and used within the 10 year period.</li> <li>• Strategic SUDS: development will only be allowed to commence once the off-site SUDS has been completed. This will be secured by a planning condition tied to a planning permission.</li> </ul>   |



Relevant Core Strategy policies: CS4, CS17, CS18

## 7.5 SPORT AND RECREATION

7.5.1 For a town of its size Darlington has a wide variety of indoor and outdoor sports facilities which provide for pitch sports, court sports, swimming, health and fitness, bowling, athletics, golf, gymnastics and boxing. As a result Darlington has the highest participation rate in physical activity in the Tees Valley<sup>9</sup>. Having easy, affordable access to a wide range of high quality indoor and outdoor sports facilities, for team and individual activities, will continue to encourage participation by adults and juniors to help reduce any health inequalities that may exist across the Borough.

### NEEDS AND PRIORITIES

<sup>44</sup>Playing Pitch Strategy, PMP, 2009

7.5.2 **There are 105 playing pitches in the Borough, 48 at school sites, but only nine of these have secure community access out of school hours. Pitches within parks and other open spaces tend to be lower quality, and those that are high quality are often overused, reducing their overall quality in the long term. As a result many pitches are unable to accommodate the required number of matches each week<sup>44</sup>.**

<sup>45</sup>Sport and Recreation Facilities Strategy, PMP, 2009

7.5.3 **Overall there are not enough good quality pitches for adult and junior football at peak times. A shortfall of 18.5 pitches is likely to increase to 24.6 pitches by 2021<sup>44</sup> unless access to existing pitches can be increased, quality improved or new provision is made. Provision for cricket, rugby union and hockey meets demand.** New development is expected to contribute to the need for more pitches and can also add to the wear and tear of existing pitches.

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

7.5.4 **Access to other sports facilities varies, as does its quality and spare capacity. Newer facilities, like Haughton Education Village, are operating at full capacity and have secure community access. Older facilities, like the Darlington School of Mathematics and Science have lower use and limited access<sup>45</sup>. As a result some venues would benefit from improvements so that they can cope with the extra demand from new development<sup>45</sup>.** Changing rooms and car parking may also be required, where appropriate.

### GOOD PRACTICE: THE PASTURES

149 homes at 'The Pastures' is being developed next to the existing Skerne Park neighbourhood in south Darlington. Securing a playing pitch through new development and locating it next to the existing Community Centre helps integrate the new development with the existing neighbourhood while addressing the sporting needs of new residents on a managed site. Long term maintenance was also secured by a s106 Agreement.

PHOTO

|  |   |
|--|---|
| <b>SPORT AND RECREATION: AMOUNT, TYPE, MIX</b> |   |
| <b>Threshold</b>                               | <ul style="list-style-type: none"> <li>• Residential development: 10 or dwellings (or 0.2ha) or more</li> <li>• Non residential development: 1000 sqm of gross floorspace (0.8ha) or more</li> </ul>  |
| <b>Requirement</b>                             | <ul style="list-style-type: none"> <li>• On site provision will only be required from significant developments;</li> <li>• <b>In all other cases, a standard charge will be sought to provide or improve publicly accessible sports facilities in the Borough identified on the Infrastructure Projects List;</b></li> <li>• <b>Standard charges to improve sports facilities will be 50% less than the cost of providing new facilities;</b></li> <li>• <b>A one off maintenance contribution will be sought, equivalent to 10 years provision. Where quality improvements have been secured the maintenance sum will be 50% less than that for new facilities;</b></li> <li>• <b>Requirements from non residential development will be based on the employee density and mix and will be negotiated during pre-application negotiations.</b></li> </ul> |
| <b>Summary of Approach (see 7.5.5)</b>         | <ul style="list-style-type: none"> <li>• The priority will be to secure a standard charge to provide or improve playing pitches in accordance with the Playing Pitch Hierarchy<sup>44</sup> to help deliver the playing pitch standard (see 7.5.13).</li> <li>• Where this standard has been met, or where there is another appropriate sports project in the locality on the Infrastructure Projects List, a standard charge will be used to help secure its delivery.</li> <li>• Maintenance contributions will be secured for the facility provided or improved by the development.</li> </ul>   |
| <b>Supporting Information</b>                  | <ul style="list-style-type: none"> <li>• Where a development proposal involves the loss of sports facilities it must be consistent with Core Strategy policy CS18<sup>1</sup>. Any re-provision will be in addition to the planning obligation requirements set out in this SPD.</li> <li>• Provision of playing pitches includes circulation space and run off areas.</li> <li>• Non residential development will only make provision for sports facilities that its employees will reasonably be expected to use on a lunchtime and early evening.</li> <li>• It is impracticable to provide costs for every type of sports facility, costs will be set out for those facilities that new development are likely to impact upon in the Borough.</li> </ul>  |

**APPROACH**

7.5.5 Sports facilities will only be sought where the existing facilities are unable to cope with the additional demand from new development. The approach identified will help deliver the playing pitch and sports facilities standards and their respective hierarchies of provision<sup>44,45</sup>. **The priority is securing a standard charge to help provide or improve publicly accessible playing pitches in the Borough. Alternatively where the development is expected to have an impact upon a sports project identified on the Infrastructure Projects List in that locality, the standard charge will be used to help deliver it.**

**ON SITE PROVISION**

7.5.6 On site provision will only be appropriate for significant developments where the site is large enough to accommodate the proposed facility and the development is expected to generate sufficient demand to make good use of it.

7.5.7 Where a new school is required as part of a development, sufficient playing pitches and sports facilities should be provided to deliver the school’s curriculum needs. This provision will be deducted from other sport related planning obligations requirements for the development, as long as secure community access provides use for the community out of school hours.

**OFF SITE PROVISION**

7.5.8 In all other cases sports facilities should be provided off site, either through:

4.14

**1. DEVELOPER OWNED LAND**

- 7.5.9 Developers must make sure that the proposal:
- Is consistent with the relevant hierarchies of provision<sup>44,45</sup>;
  - Will be laid out to a design and specification agreed with the Council and Sport England, meets the appropriate Governing Body standards and will be available for use by the agreed delivery date;
  - Has the appropriate planning permission secured, prior to the occupation of any of the on site market housing.

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

**2. STANDARD CHARGE RESIDENTIAL DEVELOPMENT**

7.5.11 Charges for new sports facilities are based on the additional **10,300** people that are expected to be living in the Borough by 2026<sup>46</sup> and the amount of space each person would reasonably be expected to use for different sports. Standard charges will only be used to provide new **playing pitches and tennis courts where a specific project has been established to secure their provision<sup>44,45</sup>**. The following formula should be read with the Table below.

Total cost of each sports facility (b) / typical size of each facility (a) = cost per sqm (c)  
 x  
 standard per 1000 population (n) = amount of space required per person (d) x dwelling occupancy rate (e) = cost of provision per dwelling type (f)  
 / 2 = cost of quality improvements (g)

7.5.12 Where there is a requirement to improve the quality of an existing sports facility on the Infrastructure Projects List the formula below will be used. Quality charges are 50% less than the cost of new provision.

Total cost of each sports facility (b) / 10,300 = amount of space required per person (d)  
 x  
 dwelling occupancy rate (e) = cost of provision per dwelling type (f)/2 = quality charge (g)

**NON RESIDENTIAL DEVELOPMENT**

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

<sup>46</sup>The mid 2009 ONS estimates the current Darlington population to be 100,100.

Total cost: based on local costs of provision

Typical size: Sport England's recommended minimum size with allowance for circulation, reception, changing accommodation

Costs: exclude site remodelling, pumps, SUDS, inflation beyond 2nd Quarter 2012 prices, site abnormalities, VAT, land acquisition costs, regional variations in materials and labour.

| <b>Sports facilities: standard charges</b>                             |                |                                 |   |                             |                                     |  |
|--|----------------|---------------------------------|---|-----------------------------|-------------------------------------|--|
| Typical size (m <sup>2</sup> ) (a)                                     | Cost (£) (b)   | Cost (£) per m <sup>2</sup> (c) | Cost (£) per person to local standard (d) | Dwelling Occupancy Rate (e) | Provision cost (£) per dwelling (f) | Quality cost (£) per dwelling (50% discount) (g) |
| <b>Grass playing pitch 0.76ha per 1000 pop (7m<sup>2</sup>)</b>        |                |                                 |   |                             |                                     |  |
| <b>72100</b>   | <b>749119</b>  | <b>10.39</b>                    | <b>72.73</b>                              | <b>1.28</b>                 | <b>93</b>                           | <b>47</b>  |
|  |                |                                 |   | <b>1.79</b>                 | <b>130</b>                          | <b>65</b>  |
|  |                |                                 |   | <b>2.42</b>                 | <b>176</b>                          | <b>88</b>  |
|  |                |                                 |   | <b>2.93</b>                 | <b>213</b>                          | <b>107</b>                                       |
| <b>Tennis courts (2 court) 0.25ha per 1000 people (2m<sup>2</sup>)</b> |                |                                 |   |                             |                                     |  |
| <b>1227</b>  | <b>160,000</b> | <b>130.39</b>                   | <b>260.78</b>                             | <b>1.28</b>                 | <b>334</b>                          | <b>167</b>                                       |
|  |                |                                 |   | <b>1.79</b>                 | <b>467</b>                          | <b>234</b>                                       |
|  |                |                                 |   | <b>2.42</b>                 | <b>631</b>                          | <b>316</b>                                       |
|  |                |                                 |   | <b>2.93</b>                 | <b>764</b>                          | <b>382</b>                                       |

| <b>Quality Improvements</b>                         |                  |  |                |             |             |             |
|---|------------------|--|----------------|-------------|-------------|-------------|
| <b>Synthetic Turf Pitch (STP) (senior football)</b> |                  |  |                |             |             |             |
| <b>7526</b>   | <b>800,000</b>   |  | <b>77.66</b>   | <b>1.28</b> | <b>99</b>   | <b>50</b>   |
|   |                  |  |                | <b>1.79</b> | <b>139</b>  | <b>70</b>   |
|   |                  |  |                | <b>2.42</b> | <b>188</b>  | <b>94</b>   |
|   |                  |  |                | <b>2.93</b> | <b>228</b>  | <b>114</b>  |
| <b>Multi Use Games Areas (MUGA)</b>                 |                  |  |                |             |             |             |
| <b>782</b>  | <b>115,000</b>   |  | <b>11.17</b>   | <b>1.28</b> | <b>14</b>   | <b>7</b>    |
|   |                  |  |                | <b>1.79</b> | <b>20</b>   | <b>10</b>   |
|   |                  |  |                | <b>2.42</b> | <b>27</b>   | <b>14</b>   |
|   |                  |  |                | <b>2.93</b> | <b>33</b>   | <b>17</b>   |
| <b>Swimming pool (4 lane)</b>                       |                  |  |                |             |             |             |
| <b>1084</b>   | <b>2,940,000</b> |  | <b>285.43</b>  | <b>1.28</b> | <b>365</b>  | <b>183</b>  |
|   |                  |  |                | <b>1.79</b> | <b>511</b>  | <b>256</b>  |
|   |                  |  |                | <b>2.42</b> | <b>691</b>  | <b>346</b>  |
|   |                  |  |                | <b>2.93</b> | <b>836</b>  | <b>418</b>  |
| <b>Sports hall (4 court)</b>                        |                  |  |                |             |             |             |
| <b>1435</b>   | <b>2,715,000</b> |  | <b>1891.98</b> | <b>1.28</b> | <b>2422</b> | <b>1211</b> |
|   |                  |  |                | <b>1.79</b> | <b>3387</b> | <b>1694</b> |
|   |                  |  |                | <b>2.42</b> | <b>4579</b> | <b>2290</b> |
|   |                  |  |                | <b>2.93</b> | <b>5544</b> | <b>2772</b> |

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

**MAINTENANCE CONTRIBUTIONS**

7.5.15 In addition to the costs identified above, a one off maintenance contribution will be required to help maintain the sports facility provided or improved. This will be equivalent to the cost of 10 years maintenance. Where facilities have been improved the maintenance cost will be reduced by 50%. Maintenance contributions from non residential development will be negotiated during pre-application discussions.

4.14

7.5.16 Based on local maintenance costs for similar facilities, the following formula will be used:

annual cost of maintenance for the sports facility (b) /10,300 = maintenance cost per person (c)  
 x dwelling occupancy (d) = annual maintenance cost per sqm a year (e) x 10 = maintenance contribution per sqm (f)

| Maintenance cost a year (£) (b) | Cost (£) per person for additional pop (c) a year | Dwelling Occupancy Rate | Cost (£) per dwelling (e) a year | Cost (£) per dwelling x 10 (f) |
|---------------------------------|---|-------------------------|----------------------------------|--------------------------------|
| <b>Playing pitch</b>            |   |                         |                                  |                                |
| <b>80,000</b>                   | <b>7.76</b>                                       | <b>1.28</b>             | <b>9.93</b>                      | <b>100</b>                     |
|                                 |   | <b>1.79</b>             | <b>13.89</b>                     | <b>139</b>                     |
|                                 |   | <b>2.42</b>             | <b>18.77</b>                     | <b>188</b>                     |
|                                 |   | <b>2.93</b>             | <b>22.74</b>                     | <b>228</b>                     |
| <b>Tennis courts/MUGAS</b>      |   |                         |                                  |                                |
| <b>10,000</b>                   | <b>0.97</b>                                       | <b>1.28</b>             | <b>1.24</b>                      | <b>12</b>                      |
|                                 |   | <b>1.79</b>             | <b>1.73</b>                      | <b>17</b>                      |
|                                 |   | <b>2.42</b>             | <b>2.34</b>                      | <b>23</b>                      |

|                             |             |             |              |            |
|-----------------------------|-------------|-------------|--------------|------------|
|                             |             | <b>2.93</b> | <b>2.84</b>  | <b>28</b>  |
| <b>Synthetic Turf Pitch</b> |             |             |              |            |
| <b>15,000</b>               | <b>1.46</b> | <b>1.28</b> | <b>1.87</b>  | <b>19</b>  |
|                             |             | <b>1.79</b> | <b>2.61</b>  | <b>26</b>  |
|                             |             | <b>2.42</b> | <b>3.53</b>  | <b>36</b>  |
|                             |             | <b>2.93</b> | <b>4.28</b>  | <b>43</b>  |
| <b>Swimming pool</b>        |             |             |              |            |
| <b>50,000</b>               | <b>4.85</b> | <b>1.28</b> | <b>6.21</b>  | <b>62</b>  |
|                             |             | <b>1.79</b> | <b>8.68</b>  | <b>87</b>  |
|                             |             | <b>2.42</b> | <b>11.74</b> | <b>118</b> |
|                             |             | <b>2.93</b> | <b>14.21</b> | <b>142</b> |
| <b>Sports hall</b>          |             |             |              |            |
| <b>20,000</b>               | <b>1.94</b> | <b>1.28</b> | <b>2.48</b>  | <b>25</b>  |
|                             |             | <b>1.79</b> | <b>3.47</b>  | <b>35</b>  |
|                             |             | <b>2.42</b> | <b>4.69</b>  | <b>47</b>  |
|                             |             | <b>2.93</b> | <b>5.68</b>  | <b>57</b>  |

**DELIVERING SPORTS FACILITIES**

7.5.17 Developers should make sure that:

**MULTI PITCH, MULTI SPORT SITES**

- All new sports facilities are provided on managed multi pitch and/or multi sport sites in accordance with the hierarchies of provision<sup>44,45</sup>.
- Pitches do not overlap; the overlapping summer and winter seasons can create conflict for sports like football and cricket.
- Appropriate access to a water supply is provided for maintenance of grass pitches and greens.
- Where appropriate, quality changing rooms, parking and flood lighting are provided.

**SECURE COMMUNITY USE ACCESS**

- All education facilities have secure community access to the community in perpetuity outside school hours.

**RELEVANT GOVERNING BODY AND BSEN STANDARDS**

- All new sports facilities meet relevant sport Governing Body and BSEN standards particularly for construction, drainage, orientation and gradient of all pitches, provision of equipment and ancillary accommodation.
- Courts and multi use games areas are surrounded by a hard surfaced path to protect the surface and provide space for spectators to stand.
- Where the Council (or another body) has agreed to adopt, manage and maintain the facility a specialist consultant undertakes a Governing Body Performance Quality Assessment as part of the transfer to make sure that it is fit for purpose. This should be funded by the developer.

**FLOODLIGHTS**

- Where appropriate, floodlights are provided to extend use into the evening and throughout the year but do not cause a nuisance to local residents and wildlife.

**QUALITY LANDSCAPING**

- Landscaping is used appropriately to help reduce any impact on the wider environment. This will be particularly important in open spaces.
- Planting does not affect the playing surface; pitches should be at least 5m from the nearest trees or planting scheme so that shade, root damage and leaves do not become a problem.

**PITCH PROVISION**

- Enough time is built in for construction. Pitches and greens should be laid out by sports turf experts; work should start at least two years before transfer is expected, allowing up to one year for construction and one year for the pitches to become established.

**TRANSFER OF FACILITY**

- Facilities are transferred in fully operational condition unless agreed otherwise by legal agreement.

BSEN Standards: national quality standards for goods and services

**SECURING SPORT AND RECREATION PROVISION**

| Type of Infrastructure    | Trigger  |
|---------------------------|--|
| On Site Provision         | <ul style="list-style-type: none"> <li>• Development should not start until the scheme details have been submitted and received written approval from the Council.</li> <li>• Two trigger points: one for start of work and one for issue of Certificate of Completion of Build based on the provision to an adoptable standard prior to the occupation of a specified number of market homes/amount of floorspace.</li> <li>• For phased sites: facilities should begin construction/laying out in an early phase so that they are ready at an adoptable standard at the right time for use. Triggers will be identified in the s106 agreement phasing schedule.</li> </ul> |
| Maintenance contributions | <ul style="list-style-type: none"> <li>• Should be paid prior to completion of the title transfer and used within the 10 year period.</li> </ul>   |

Relevant Core Strategy policies: CS2, CS3, CS4

<sup>47</sup>UK Renewable Energy Strategy, 2009

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

<sup>48</sup>Darlington Decentralised, Renewable and Low Carbon Strategy Update, Entec, 2010

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

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

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

## 7.6 RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND

7.6.1 Darlington is committed to playing its part in tackling climate change by reducing demand for energy from fossil fuels, particularly for heat and electricity. This will help achieve the national target to cut carbon dioxide emissions by 80% by 2050 and help contribute towards achieving 15% of the UK’s energy from renewable sources by 2020.<sup>47</sup>

7.6.2 Planned growth is projected to increase energy demand by two and a half times in Darlington (2008-2026)<sup>48</sup>. A range of renewable energy technologies will be needed to help meet the anticipated 10% increase in electricity and 13% increase in heat demand arising from the Borough’s growth strategy<sup>48</sup>. Existing buildings particularly older homes generate a further 538,000 tonnes of carbon dioxide annually, adding to the Borough’s carbon footprint<sup>48</sup>.

### NEEDS AND PRIORITIES

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

7.6.4 A high proportion of housing in the priority **Central, Northgate, North Road and Bank Top** wards, particularly those constructed before 1919, have high levels of non-decency. These houses and other **older properties in parts of the Rural Area** are considered to be in fuel poverty<sup>9</sup>. Contributions from new development can help deliver energy efficiency improvements in these areas to help reduce the Borough’s overall energy demand.

|   |  |
|---|--|
| <h2>RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND</h2>  |  |
| <h3>THRESHOLD</h3> <ul style="list-style-type: none"> <li>Residential development: 10 or more dwellings (or 0.2ha) or more (including the Rest of the Urban Area strategic location)</li> <li>Non residential development: 1000m<sup>2</sup> non residential gross floorspace (or 0.8ha) or more</li> </ul>   |  |
| <h3>REQUIREMENT</h3> <ul style="list-style-type: none"> <li>At least 10% of the predicted energy supply to be secured from the on site provision of decentralised and renewable or low carbon sources<sup>1</sup>; and/or</li> <li>Where specific opportunities exist, connect to existing biomass or combined heat and power installations or district heating schemes to secure at least 10% of the predicted energy supply; and/or</li> <li><b>A financial contribution between £240-£300 per tonne of carbon dioxide<sup>49</sup> to the Carbon Management Fund</b></li> </ul>  |  |
| <h3>SUMMARY OF APPROACH (see 7.6.5)</h3> <p>An energy hierarchy has been adopted<sup>1</sup> to help reduce the Borough’s overall energy demand. Developers should:</p> <ol style="list-style-type: none"> <li>design an energy efficient development to reduce the energy demand so that the amount of energy needed from renewable technologies is lower.</li> <li>secure at least 10% of its predicted energy supply from on site decentralised and renewable or low carbon sources.</li> </ol> <p>Both are secured via planning condition. For further information see the Design SPD<sup>15</sup>.</p> <ol style="list-style-type: none"> <li>Where specific opportunities exist, connection to a facility in the locality will be required. Where the developer can show that all or part of the percentage target is not feasible or viable on or off site a contribution will be sought to:</li> <li>the Carbon Management Fund: the contribution will be based on the carbon dioxide emissions remaining once energy efficiency measures and renewable energy provision have been taken into account. The fund will be used to deliver schemes identified on the Infrastructure Project List.</li> </ol> |  |
| <h3>EXCEPTIONS</h3> <p>Provision will not be sought from:</p>   |  |



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

**SUPPORTING INFORMATION**

- Developers will need to submit the renewable energy matrix (see **APPENDIX 8**) as part of the Design and Access Statement to show how the proposed development will achieve the above requirements. For outline planning applications a planning condition will be tied to the permission to make sure that the Reserved Matters application provides the same level of detail that is expected for a full planning application.
- Reductions in carbon dioxide emissions will be calculated based on gross regulated and unregulated emissions.
- Energy efficient measures that are higher than Building Regulation requirements will be deducted.
- The supply of energy from a green tariff scheme should not be used to meet these requirements.
- A s106 agreement will make sure that renewable energy is secured in perpetuity with an Energy Service Company, Multiple Utility Service Company or other appropriate provider.

Unregulated energy: for cooking, appliances and outdoor lighting

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

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

Multiple Utility company: provides and maintains energy infrastructure and energy supply from renewable sources and other utilities infrastructure

<sup>49</sup>UK Carbon Reduction Commitment, 2010

Renewable energy technology lifetime: between 20 years

**APPROACH**

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

**OFF SITE CONNECTION TO AN EXISTING FACILITY**

7.6.6 In those cases where it is not feasible or viable to provide renewable energy on site, and where an opportunity exists, development should connect to a biomass or combined heat and power installation or district heating scheme off site.

7.6.7 Developers will be expected to complete the renewable energy matrix in **APPENDIX 8** to show how the development will achieve the appropriate percentage target. The matrix should be submitted with the Design and Access Statement as part of the planning application.

**CARBON MANAGEMENT FUND**

7.6.8 **Where the developer can show through the renewable energy matrix that all or part of the percentage target is not feasible or viable on or off site a financial contribution will be sought to the Carbon Management Fund.** Developers should complete the renewable energy matrix in **APPENDIX 8** to work out how much carbon dioxide will be generated by the development. Any renewable energy provision should be deducted. The financial contribution will be equivalent to the total outstanding carbon dioxide (CO<sub>2</sub>) emissions generated by the development (kg/CO<sub>2</sub> per year). The financial contribution will be **£240 per tonne of carbon dioxide, equivalent to paying £12 per tonne a year<sup>49</sup>** over the predicted lifetime of renewable energy technology.

7.6.9 The Fund will help deliver schemes on the Infrastructure Projects List that make significant carbon savings for people living in the **Central, Northgate, North Road and Bank Top wards and the Rural Area**, who are suffering from fuel poverty. This includes:

- retrofitting existing housing e.g. loft and cavity wall insulation, installation of efficient condensing boilers;
- installing or upgrading Combined Heat and Power/ boiler units fuelled by low or zero carbon energy;
- delivering low or zero-carbon district heating infrastructure; and
- installing renewable energy technologies e.g. solar water heating, solar photovoltaic panels and small scale wind turbines.

**DELIVERING RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND**

7.6.10 Developers should make sure that:

**ENERGY PROVIDERS**

- Energy Service Companies or Multiple Utility Service Companies are involved early in the design process so that the infrastructure proposed is designed to meet the energy needs of the development.
- They consider using these companies to manage and maintain infrastructure and undertake all Customer Service requirements including billing.

**PLAN FOR LONG TERM CAPABILITY**

- renewable energy infrastructure is replaced, upgraded and maintained appropriately in perpetuity. This will be secured through the s106 agreement.
- any infrastructure installed in the early phases of a new development is capable of accommodating new connections to carry the energy from the whole development.

**SECURING RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND**

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

|                       |                |
|-----------------------|----------------|
| Relevant Strategy CS4 | Core policies: |
|-----------------------|----------------|

## 7.7 EMPLOYMENT AND TRAINING PLACEMENTS

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

### Needs and Priorities

7.7.2 Unemployment currently affects many of the Borough’s households. But the impacts are more acutely experienced in the **Bank Top, Central, Cockerton West, Eastbourne, Haughton East, Lascelles, North Road, Northgate, Park East and Pierremont wards** where Jobseekers Allowance claimant levels are higher than the national level<sup>9</sup>. There is also a skills mismatch in the Borough, with new employment opportunities requiring skills which are not widely available.

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

### GOOD PRACTICE: LINGFIELD POINT

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

### PHOTO

### EMPLOYMENT AND TRAINING SKILLS: AMOUNT, SIZE AND MIX

#### Threshold

- Residential development: 50 dwellings (or 1.0ha) or more
- Non residential development:
  - development of 1000m<sup>2</sup> and above (0.8ha or more); or
  - hotels with 50 bedrooms or over,
  - restaurants (Use Class A3), leisure (Use Class D2) or Sui Generis uses of 500m<sup>2</sup> or

more gross development floorspace.

**Requirement**

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

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

**Summary of Approach (7.7.4)**

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

**Exceptions**

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

**Supporting Information**

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

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

**APPROACH**

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

**EMPLOYMENT AND TRAINING: CONSTRUCTION**

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

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

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

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

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

7.7.6 Provision could include:

- Using local labour during the construction phase of the development;
- A financial contribution towards an 'On-Site' Local Labour Initiative;
- Holding job fairs aimed at disadvantaged local residents, working with Jobcentreplus and through local training/employment organisations;
- The direct provision of employment and training initiatives by the developer; and
- The provision of premises for training to take place.

**END USER EMPLOYMENT AND TRAINING**

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

**DELIVERING EMPLOYMENT SKILLS AND TRAINING**

7.7.8 Developers should make sure that:

**PLACEMENTS**

- Construction work placements last a minimum of 13 weeks. On significant developments that are expected to last for at least 52 weeks, an apprenticeship will be sought.

**MINIMUM WAGE**

- Those taking part in a placement are paid in accordance with the Working Rule Agreement.

**ACCREDITED FRAMEWORK**

- An accredited training framework is followed providing trainees with the right level of skills to enter and sustain employment in the construction industry. A minimum of NVQ Level 2 for trainees will be sought.
- Directly or via the supply chain, College release arrangements are supported until the qualification is achieved.
- The main contractor and sub-contractors meet agreed local labour and training targets in the supply chain.

**SECURING EMPLOYMENT SKILLS AND TRAINING PROVISION**

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

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

|                            |                |
|----------------------------|----------------|
| Relevant Strategy CS2, CS4 | Core policies: |
|----------------------------|----------------|

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

## 7.8 PUBLIC ART

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

### Needs and Priorities

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

### GOOD PRACTICE: WEST PARK

Public art has been built into every aspect of the award winning West Park development. The developer, Bussey & Armstrong commissioned an Arts Strategy, involving several artists; David Edwick, Bridget Jones, David Paton and poet Bill Herbert to develop a range of public artworks to reflect the site’s past in a contemporary way. The Amphitheatre and the surrounding three sets of three Trinity Stones celebrate the three protected species that were found on the site; the dingy skipper butterfly, the ringed plover and the water vole. The Bridges connect the Park to the surrounding homes; resembling trains speeding through the landscape they represent Darlington’s railway heritage. This created a unique selling point for the development, but also acts as an attractor in its own right.

**PHOTO**

### PUBLIC ART: AMOUNT, SIZE AND MIX

#### Threshold

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

#### Requirement

**A percentage requirement of the gross development value of a scheme will be applied on a sliding scale to reflect land values in different parts of the Borough<sup>11</sup>:**

#### Residential development:

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

#### Non residential development:

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

**Summary of Approach (see 7.8.3)**

A flexible approach to the delivery of public art will be undertaken to reflect the design of the development and other costs associated with the scheme. Public art could be secured in three ways:

- The first priority will be for public art to be integrated into the new development;
- Where the developer can clearly show that the public art proposed would add significant community, aesthetic and amenity value, equivalent off site provision e.g. in a nearby greenspace, will be appropriate.
- Exceptionally where the developer can clearly demonstrate that artwork cannot be incorporated into the design of the development a financial contribution instead of public art will be acceptable.

**APPROACH**

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

- The type and purpose of Public Art; conceptual and material details of artwork and its relationship to the site;
- A Management Plan: summarising the knowledge, skills and time allowed for Public Art project management;
- A Public Art brief: for the involvement of artists where Public Art is not already included in the architecture or landscaping;
- A description of the commissioning and procurement process with a brief report on tasks already completed;
- Budget details: with an estimate of the construction costs so that the percentage target can be verified;
- Where appropriate the ownership and decommissioning scheme;
- The process for community liaison and engagement: undertaken and proposed;
- Where a site is to be delivered in phases, the delivery requirements;
- A programme for implementation of the final artwork(s);
- The responsibility for maintenance of the artwork.

**ON AND OFF SITE PROVISION**

7.8.4 The priority is to secure original, permanent public art on a development site. Its value should reflect the percentage requirement of the land values for the ward the development lies in. Artwork should be seamlessly integrated into the physical form, function, style or content of a place, space, building or a development. It should be visible and accessible to the community and intrinsic to the architecture or landscape of the scheme. Public art should be delivered in collaboration with a qualified, notable and/or regional artist as they will have the necessary skills to successfully take a project from inception to realisation. The artist should be part of the design team working with the developer, local community and where appropriate users of the development.

7.8.5 Public art does not need to be an expensive part of the development. Wherever possible it should be integrated into the development’s architectural features; porches, framing of front entrances, balconies, architectural glass, railings, paving, lighting and/or the surrounding public space can provide opportunities for a range of public art. But it could also include:

- Permanent works: large scale three-dimensional artworks e.g. sculpture, gateway and water features, kinetic works, landmarks, architectural sculpture, land art, commemorative works such as memorials, inscriptions, plaques, street furniture. Integrated two and three-dimensional works e.g. painted works, mosaic or ceramic murals may also feature.
- Interior Commissions: fine and applied art, craft, sculpture, architectural glass, floor treatments, screens, installations and murals.

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

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

**FINANCIAL CONTRIBUTION**



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

**MAINTENANCE**

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

4.14

**DELIVERING PUBLIC ART**

7.8.8 Developers should make sure that:

**DESIGN**

Artworks are appropriately located to avoid 'clutter' in the public realm.

**COMMUNITY INVOLVEMENT**

The community are involved from an early stage in the design process when value can be added to a scheme.

**PLANNING PERMISSION**

Where appropriate a separate planning application is submitted for relevant freestanding public artworks.

**SECURING PUBLIC ART**

| Infrastructure            | Trigger  |
|---------------------------|--|
| Public art                | <ul style="list-style-type: none"> <li>• Tied to the completion of the development and should be provided no longer than one year after completion.</li> <li>• Phased development: delivery should be agreed with the Council. If a public art project is within the public realm or greenspace it may be more appropriate for the delivery to be tied to the delivery of that feature.</li> </ul> |
| Maintenance contributions | <ul style="list-style-type: none"> <li>• Paid prior to completion of the title transfer and used within the 10 year period.</li> </ul>   |

## **APPENDIX 1: KEY CORE STRATEGY POLICY**

### **Policy CS4 Developer Contributions**

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

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

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

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

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

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

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

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

**APPENDIX 2: COMPLIANCE WITH NATIONAL PLANNING POLICY FRAMEWORK TESTS**

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

## APPENDIX 3: REFERENCE LIST

### Government Guidance [www.communities.gov.uk](http://www.communities.gov.uk)

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

Census 2001 data, Office of National Statistics [www.statistics.gov.uk](http://www.statistics.gov.uk)

### Other Stakeholders Guidance

Building natural value for sustainable economic development: The green infrastructure valuation toolkit user guide, Genecon LLP, 2011 [www.greeninfrastructurenw.co.uk](http://www.greeninfrastructurenw.co.uk)  
Green Infrastructure Guidance, Natural England, 2010 [www.naturalengland.org.uk](http://www.naturalengland.org.uk)  
Tees Valley Biodiversity Action Plan, Tees Valley Biodiversity Partnership, 2011 [teesvalleybiodiversity.org.uk](http://teesvalleybiodiversity.org.uk)

### Local Plans and Strategies [www.darlington.gov.uk](http://www.darlington.gov.uk)

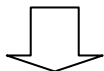
Darlington Core Strategy, DBC, 2011  
Darlington Design of New Development SPD, DBC, 2011  
Darlington Infrastructure Delivery Plan, DBC, 2011  
Darlington Open Space Strategy Update, DBC, 2011  
Statement of Community Involvement, DBC, 2010  
  
Darlington Childcare Sufficiency Assessment 2011  
Darlington Decentralised, Renewable and Low Carbon Strategy Update, Entec, 2010  
Darlington Local Housing Assessment, Arc4 2005, refreshed in 2008/9.  
Darlington Playing Pitch Strategy, PMP, 2009  
Darlington Sport and Recreation Facilities Strategy, PMP, 2009  
Economic Viability of Housing Land and Addendum, Levvels, 2012  
Economic Viability of Non Housing Land, Levvels, 2010  
Tees Valley Strategic Housing Market Assessment 2009  
Third Local Transport Plan, DBC, 2011  
  
One Darlington: Perfectly Placed, Darlington Partnership 2008  
Joint Single Needs Assessment, DBC, 2010

## APPENDIX 4: PROCEDURE FOR NEGOTIATING PLANNING OBLIGATIONS

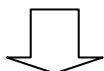
To make sure that planning applications requiring planning obligations are dealt with as quickly and effectively as possible a clear process has been identified:

### STAGE 1: PRE- APPLICATION DISCUSSIONS

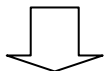
**ONE STOP SHOP**



**OFFICER RESPONSE**



**COMMUNITY CONSULTATION:**  
Significant planning applications



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

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

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

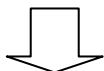
All discussions are entered into on a without prejudice basis.

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

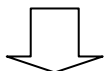
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### STAGE 2: PLANNING APPLICATION

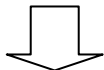
**SUBMIT PLANNING APPLICATION**



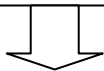
**STATUTORY CONSULTATION**



**AGREEMENT OF DRAFT HEADS OF TERMS**



**DETERMINING PLANNING APPLICATION:** A by Officer or Planning



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

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

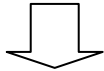
In response to the consultation, the draft Heads of Terms may need to be revised. They must be agreed in writing before the application is determined so the Council can be sure of securing the planning obligations required to mitigate the impact of the development.

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

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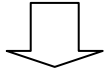
**STAGE 3: COMPLETION OF LEGAL AGREEMENT**

**PREPARATION OF LEGAL AGREEMENT**



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

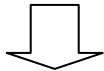
**SIGNING LEGAL AGREEMENT**



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

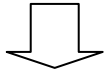
**STAGE 4: IMPLEMENTATION**

**PLANNING OBLIGATIONS DATABASE**



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

**PROVISION OF INFRASTRUCTURE**



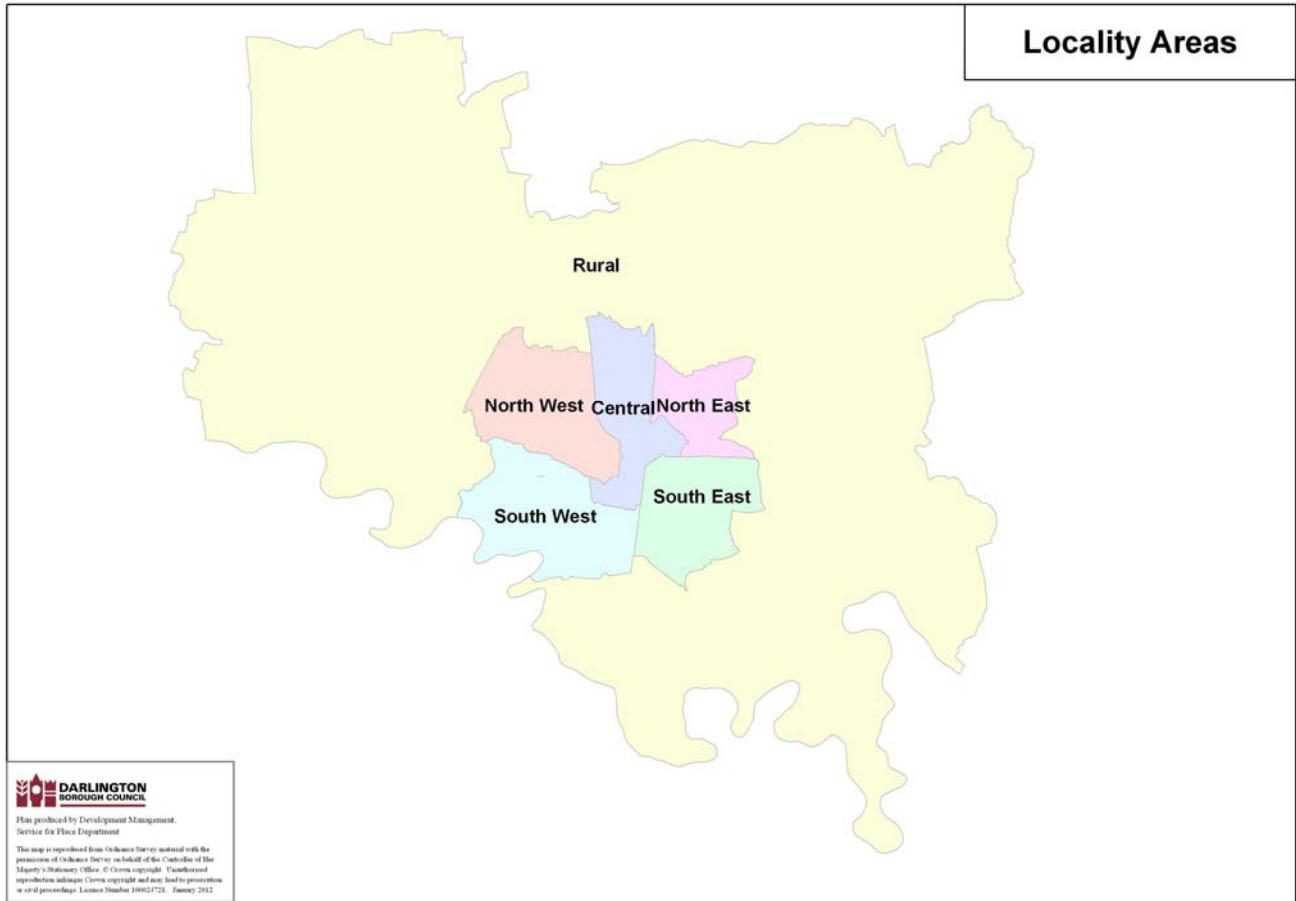
The Planning Obligations Officer will make sure that infrastructure is delivered at the right time to meet the needs of the development. Payment of standard charges/contributions should be made by electronic transfer and/or by cheque. Variation and discharge of obligations will only be considered formally, whether by deed of variation or by planning application. Where infrastructure is not delivered the Planning Obligations Officer will contact the developer in writing to remind them of their requirements. The Enforcement Officer will take appropriate action to secure outstanding infrastructure and compliance with the legal agreement should any reminder letters not be acted upon.

**DELIVERY**

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



**APPENDIX 5: LOCALITY MAP**



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



**APPENDIX 6: PLANNING OBLIGATIONS COMMUNITY INFRASTRUCTURE TARGETS 2012-2013**

| RESIDENTIAL DEVELOPMENT<br>Type of Infrastructure | North West   |     |     |     | Central      |     |     |     | South West   |     |     |     | South East   |     |     |     | North East   |     |     |     | Rural Area |     |     |     |   |   |   |   |  |
|---|--------------|-----|-----|-----|--------------|-----|-----|-----|--------------|-----|-----|-----|--------------|-----|-----|-----|--------------|-----|-----|-----|------------|-----|-----|-----|---|---|---|---|--|
|   | No dwellings |     |     |     | No dwellings |     |     |     | No dwellings |     |     |     | No dwellings |     |     |     | No dwellings |     |     |     |            |     |     |     |   |   |   |   |  |
|   | 5+           | 10+ | 15+ | 50+ | 5+           | 10+ | 15+ | 50+ | 5+           | 10+ | 15+ | 50+ | 5+           | 10+ | 15+ | 50+ | 5+           | 10+ | 15+ | 50+ | 5+         | 10+ | 15+ | 50+ |   |   |   |   |  |
| <b>HOUSING</b>                                    |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Affordable housing                                |              |     | ●   | ●   |              |     |     |     |              |     | ●   | ●   |              |     |     |     |              |     | ●   | ●   |            |     | ●   | ●   |   |   | ● | ● |  |
| Improvements to Council owned housing             |              |     | ●   | ●   |              |     | ●   | ●   |              |     | ●   | ●   |              |     | ●   | ●   |              |     | ●   | ●   |            |     |     |     |   |   |   |   |  |
| Improvements to private housing                   |              |     |     |     |              |     | ●   | ●   |              |     |     |     |              |     | ●   | ●   |              |     |     |     |            |     |     |     |   |   |   |   |  |
| <b>TRANSPORT</b>                                  |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Sustainable transport                             |              | ●   | ●   | ●   |              |     |     | ●   |              |     | ●   | ●   |              |     |     | ●   |              |     |     | ●   | ●          | ●   | ●   | ●   | ● | ● | ● | ● |  |
| Public transport                                  |              |     | ●   | ●   |              |     |     |     |              |     | ●   | ●   |              |     | ●   | ●   |              |     | ●   | ●   | ●          | ●   | ●   | ●   | ● | ● | ● | ● |  |
| Highways  |              | ●   | ●   | ●   |              |     | ●   | ●   |              | ●   | ●   | ●   |              |     | ●   | ●   |              | ●   | ●   | ●   |            | ●   | ●   | ●   |   | ● | ● | ● |  |
| Travel Plan                                       |              |     |     | ●   |              |     |     | ●   |              |     |     | ●   |              |     |     | ●   |              |     |     | ●   |            |     |     | ●   |   |   |   | ● |  |
| <b>EDUCATION</b>                                  |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Early years                                       |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Primary   |              | ●   | ●   | ●   |              | ●   | ●   | ●   | ●            | ●   | ●   | ●   |              | ●   | ●   | ●   |              | ●   | ●   | ●   | ●          | ●   | ●   | ●   | ● | ● | ● | ● |  |
| Secondary   |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Tertiary  |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| <b>GREEN INFRASTRUCTURE</b>                       |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Informal recreation                               |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Children's play                                   |              |     | ●   | ●   |              | ●   | ●   | ●   | ●            | ●   | ●   | ●   |              |     |     |     |              |     | ●   | ●   | ●          |     |     |     |   |   |   |   |  |
| Wildlife friendly space                           |              |     |     |     |              | ●   | ●   | ●   |              |     |     |     |              | ●   | ●   | ●   |              |     | ●   | ●   | ●          | ●   | ●   | ●   | ● | ● | ● | ● |  |
| <b>SPORT &amp; RECREATION</b>                     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Playing pitches                                   |              | ●   | ●   | ●   |              |     | ●   | ●   |              | ●   | ●   | ●   |              |     | ●   | ●   |              | ●   | ●   | ●   |            | ●   | ●   | ●   |   | ● | ● | ● |  |
| Other sports facilities                           |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| <b>RENEWABLE ENERGY</b>                           |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Off site  |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Carbon Management Fund                            |              | ●   | ●   | ●   |              | ●   | ●   | ●   |              |     |     |     |              | ●   | ●   | ●   |              | ●   | ●   | ●   |            | ●   | ●   | ●   |   | ● | ● | ● |  |
| <b>EMPLOYMENT PLACEMENTS</b>                      |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Construction                                      |              |     |     | ●   |              |     |     | ●   |              |     |     | ●   |              |     |     | ●   |              |     |     | ●   |            |     |     | ●   |   |   |   | ● |  |
| <b>PUBLIC ART</b>                                 |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |              |     |     |     |            |     |     |     |   |   |   |   |  |
| Public art  |              |     |     | ●   |              |     |     | ●   |              |     |     | ●   |              |     |     | ●   |              |     |     | ●   |            |     |     | ●   |   |   |   | ● |  |

| NON RESIDENTIAL DEVELOPMENT  | North West          |                      | Central             |                      | South West          |                      | South East          |                      | North East          |                      | Rural Area          |                      |
|------------------------------|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|
|                              | Size of development |                      | Size of development |                      | Size of development |                      | Size of development |                      | Size of development |                      | Size of development |                      |
|                              | 500m <sup>2</sup> + | 1000m <sup>2</sup> + | 500m <sup>2</sup> + | 1000m <sup>2</sup> + | 500m <sup>2</sup> + | 1000m <sup>2</sup> + | 500m <sup>2</sup> + | 1000m <sup>2</sup> + | 500m <sup>2</sup> + | 1000m <sup>2</sup> + | 500m <sup>2</sup> + | 1000m <sup>2</sup> + |
| <b>TRANSPORT</b>             |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |
| Sustainable transport        |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    | ●                   | ●                    |
| Public transport             |                     |                      |                     |                      | ●                   | ●                    |                     | ●                    |                     | ●                    | ●                   | ●                    |
| Highways                     | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    |
| Travel Plan                  | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    |
| <b>GREEN INFRASTRUCTURE</b>  |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |
| Informal recreation          |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |
| Wildlife friendly greenspace | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    |
| <b>SPORT AND RECREATION</b>  |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |
| Playing pitches              |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      | ●                   | ●                    |
| Other sports facilities      |                     | ●                    | ●                   | ●                    | ●                   | ●                    | ●                   | ●                    |                     | ●                    |                     |                      |
| <b>RENEWABLE ENERGY</b>      |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |
| Off site                     |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |
| <b>EMPLOYMENT PLACEMENTS</b> |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |
| Construction                 |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |
| End User                     |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |
| <b>PUBLIC ART</b>            |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |                     |                      |
| Public art                   |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |                     | ●                    |

**APPENDIX 7: INFORMATION REQUIRED FOR ASSESSING FINANCIAL VIABILITY**

4.3

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

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

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

**Economic Viability Test**

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

## **APPENDIX 8: RENEWABLE ENERGY MATRIX**

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

### **1. Calculate the predicted energy supply for regulated energy**

This is the total baseline energy (electrical and heating) that would be consumed by the development when occupied per year, built to the current CSH3 requirements. From 2013 this will be CSH4. There are a number of tools that can be used to calculate the regulated energy baseline including the National Home Energy Rating (NEHR) for residential development and Energy Consumption Guide ECON 19 for non residential development.

### **2. Calculate the predicted energy supply for unregulated energy**

These do not include calculations for unregulated energy (cooking, appliances, outdoor lighting). Based on the BREDEM 12 (the BRT domestic energy model) used for estimating the energy consumption in dwellings for space heating, water heating, lighting and electrical appliances and cooking, an additional 20% should be added to account for the excluded items.

Energy figures should be expressed in KWh/year

### **3. Calculate the appropriate amount of renewable energy to be generated**

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

### **4. Decide what measures will be used to generate the renewable energy**

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

### **5. Complete the renewable energy matrix**

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

### Renewable Energy Matrix

|  |  |   | Predicted annual delivered energy requirements for:                           |  |          |  | Total predicted energy consumption |            |
|--|--|---|---|--|----------|--|------------------------------------|------------|
|  |  |   | Space Heating   | Water Heating  | Lighting |  |                                    |            |
| Type of Fuel (delete as appropriate)                 |  |   | Gas/Elec  | Gas/Elec   | Elec     |  |                                    |            |
| Units  | No. units/sqm floorspace                       | X |   |  |          |  |                                    |            |
| Source of energy consumption on the development site | Building type 1                                |   | kWh/yr  |  |          |  |                                    |            |
|  | Building type 2                                |   | kWh/yr  |  |          |  |                                    |            |
|  | Building type 3                                |   | kWh/yr  |  |          |  |                                    |            |
|  | <i>Add lines as needed</i>                     |   |   |  |          |  |                                    |            |
|  | SITE TOTAL (Baseline)                          |   | kWh/yr  | <b>(1) + (1) x 0.2 = (2)</b>   |          |  |                                    | <b>(1)</b> |
|  | Add 20% for unregulated energy e.g. appliances |   |   | <b>(1) x 20/100 + (1) = (2)</b>                                      |          |  |                                    | <b>(2)</b> |
|  | 10% Requirement <b>(3)</b>                     |   |   | <b>(2) * 0.1 = (3)</b>   |          |  |                                    | <b>(3)</b> |
| Renewable Energy                                     | <b>Proposed Technology</b>                     |   | <b>Amount proposed (e.g. 4 x solar thermal panels at 2m<sup>2</sup> each)</b> | <b>Annual energy proposed from renewable technology (kWh/yr) (5)</b> |          | <b>At least 10% from renewable technology This should be more than (4)</b> |                                    |            |
|  |  |   |   | <b>(5)</b>   |          |  |                                    |            |

\*This is the predicted energy consumption of the development after deducting the energy efficiency measures at CSH3. This matrix will be updated from 2013 to be 44%.

The matrix may be revised to reflect any changes to national guidance or Building Regulations.

**BACK COVER**