

**PLANNING OBLIGATIONS
SUPPLEMENTARY PLANNING DOCUMENT
Draft for Consultation, May 2012**

Darlington Local Development Framework



RESPONDING TO THE CONSULTATION

The Council is inviting comments on this document.

Availability of Documents

This draft Planning Obligations Supplementary Planning Document (Planning Obligations SPD) will be available to view at the Town Hall Reception and at Crown Street, Cockerton and the mobile libraries during normal office and opening hours. The documents can also be viewed or downloaded from the Council's website, at www.darlington.gov.uk/planningpolicy

Paper and/or CD copies of the document are available on request by telephoning 01325 388644.

Written responses

Please e-mail, post or fax your comments on this draft SPD on the comments form provided to:

Post: Head of Place: Strategy and Commissioning, Darlington Borough Council, FREEPOST
nea2890, Town Hall, Darlington DL1 5QT
Fax: 01325 388616
E-mail: planning.policy@darlington.gov.uk

You can also submit your comments using the on-line reply form at www.darlington.gov.uk/planningpolicy

All written comments received will be acknowledged.

All responses must be received by the Council **no later than ?**

If you have any questions, or would like more information, please contact the Planning Policy team on 01325 388644 or e-mail using the above address.

Community engagement events

A number of community engagement events have been arranged to allow the community and other interested parties to find out more about the how the draft Planning Obligations SPD will work, and to provide people with the opportunity to talk to the Council's Planning Officers. These will be advertised in the local press and will be listed at www.darlington.gov.uk/planningpolicy

What happens next?

After the consultation period closes, all the comments received will be considered and where appropriate, the draft SPD will be revised to take them into account.

Copies of all the comments received will be available to inspect at the Town Hall and on the Council's website www.darlington.gov.uk/planningpolicy shortly after the end of the consultation period.

The Council expects to adopt the finalised Planning Obligations SPD for use in the assessment of planning applications in Autumn 2012.

FOREWORD

Councillor Chris McEwan
Economy and Regeneration Portfolio Holder

An inclusive approach

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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: essential infrastructure that is required to reduce the impact of development on the local community e.g. sports facilities

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

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

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

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

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.

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 one or a combination of 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 1000 square metres or 2 hectares or more.

Site related infrastructure: essential infrastructure on or close to the development site that is necessary to make a development acceptable e.g. new access junction

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 draft 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 essential infrastructure required to help mitigate the impact of new residential or non residential development.

1.1.2 Traditionally in Darlington essential infrastructure has been thought of as roads, green space and affordable housing. But new development can have an impact on other infrastructure including ‘facilities and services that are required to support the needs of the community’¹ so that those living and working in, or visiting Darlington experience a good quality of life.

¹LDF Infrastructure Delivery Plan, DBC, 2011

1.1.3 Reflecting this, the draft SPD provides more details on the Council’s approach to securing the wide range of site related and strategic infrastructure expected to be commonly sought by planning obligations from new development in the future. Set out in the LDF Core Strategy policy CS4² these are:

²LDF Core Strategy, DBC, 2011

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

S278 agreement: between the developer and the Highways Authority for works to be carried out on the adopted highway

1.1.4 Where appropriate, planning obligations may still be sought for other types of infrastructure to address the specific infrastructure needs of a development. Other infrastructure may also be secured via planning condition or for transport infrastructure by S278/S38 agreements.

S38 agreement: between the developer and the Highways Authority for works to be carried out that will need adoption and maintenance

1.1.5 The need for this draft 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 document will set out a clear, fair and consistent basis for the negotiation and use of planning obligations: when they will be sought, how obligations will be calculated, and in what way the Council expects planning obligations from new development to be delivered. Once adopted by the Council, the Planning Obligations SPD will carry considerable weight in making decisions on planning applications.

1.1.6 Where new development is promoted in parts of the Borough where infrastructure provision is insufficient, this draft SPD will give the Council and its partners flexibility to

mix funding sources; planning obligations will be used to fill the funding gaps that remain once existing funding for infrastructure has been taken into account. This will make sure that funding is used as efficiently as possible to deliver physical, social and green infrastructure in the right place, at the right time to meet the needs of the new development.

- 1.1.7 This draft Planning Obligations SPD also provides the Council with the opportunity to set out in detail how it expects relevant national and local planning policy and guidance to be addressed in Darlington. By setting out a consistent, transparent approach to planning obligations, 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.
- 1.1.8 This draft Planning Obligations SPD elaborates on several Core Strategy² policies particularly key policy CS4 (Developer Contributions) which applies to all planning obligations (see **APPENDIX 1**). There are several other theme based policies where planning obligations are just one element of the policy and should be referred to where appropriate. These include: 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 Strategy² on the Council's website (www.darlington.gov.uk/planningpolicy).
- 1.1.9 The content of this SPD will also help identify specific infrastructure requirements that are needed for new residential and non residential development sites proposed in the forthcoming LDF Making Places and Accommodating Growth DPD and the LDF Town Centre Fringe AAP. Responses made to the Planning Obligations Scoping Report³ have also informed the approach in this document.

³Planning Obligations SPD Scoping Report, DBC, 2010

⁴Affordable Housing SPD, DBC, 2007

⁵SPG: Commuted Sums from New Housing Development to Enhance Children's Equipped Play Areas,

⁶Open Space Strategy, DBC, 2007

- 1.1.10 Once adopted, this SPD will replace the Council's Affordable Housing SPD⁴, the SPG: Commuted Sums from New Housing Development to Enhance Children's Equipped Play Areas⁵ as well as Open Space Strategy⁶ policies 19, 20 and 21.

Community Infrastructure Levy

- 1.1.11 From April 2014, a new planning charge, the Community Infrastructure Levy (CIL) will be used as a key way of securing funding from development for infrastructure. It is expected that the scope of planning obligations will be reduced, but continue to be used alongside CIL, particularly to secure site related infrastructure. Given the timescales for delivery in most of the Core Strategy strategic development locations (excluding the Rest of the Urban Area), it is expected that the majority of 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 form the basis for negotiations for infrastructure provision.
- 1.1.12 This SPD will provide interim guidance until April 2014. It will then be revised to reflect the scope and content of 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.

EQUALITIES IMPACT ASSESSMENT AND DISABILITIES EQUALITIES IMPACT ASSESSMENT

- 1.2.1 This draft Planning Obligations SPD has been subject to Equalities Impact Assessment and Disabilities Equalities Impact Assessment during its preparation. Both reports are available and can be viewed or downloaded at www.darlington.gov.uk/planningpolicy. Comments on the assessments can be made on the response form for this document.

2. WHAT ARE PLANNING OBLIGATIONS?

2.0.1 Planning obligations, also known as developer contributions or s106 legal 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 essential site related and/or community infrastructure required by new development if it is:

- 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 development⁷.

⁷Community Infrastructure Levy, DCLG, 2010

2.0.2 Planning obligations will only be used to fill the funding gaps that remain once existing funding for infrastructure has been taken into account. They may be used to:

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

2.0.3 Planning obligations can be used to deliver the infrastructure itself, provide a piece of land on or off the application site to be used for infrastructure or secure a standard charge, financial contribution or a maintenance sum to provide or improve community infrastructure. In some cases, pooled financial contributions may be the most effective way to provide infrastructure fairly and equally from several new developments.

4.11

2.1 CONTEXT

2.1.1 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 2**. Specific matters that this SPD takes account of include:

⁸NPPF, DCLG, 2012

National Planning Policy Framework (NPPF)⁸: states that planning obligations may be used to help make otherwise unacceptable development acceptable in planning terms. It emphasises that obligations should be flexible to take account of changes in market conditions so as not to stifle development.

Local planning policy:

2.1.2 **Darlington LDF Core Strategy²**: key policy CS4: Developer Contributions enables planning obligations to be sought through the direct provision of infrastructure, or the use of standard charges, tariffs and formula. They will be used to secure site related and/or strategic infrastructure to help deliver the Core Strategy's growth strategy. Other relevant policies will be referred to in this draft SPD.

LDF Infrastructure Delivery Plan¹: identifies the Borough's existing infrastructure provision and the infrastructure needed to help deliver the Core Strategy policies by 2026. It aims to use planning obligations to reduce any gaps in funding identified.

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

Local Policy

⁹One Darlington: Perfectly Placed, Darlington Partnership 2008

2.1.4 **One Darlington: Perfectly Placed⁹**: aims to develop high quality, sustainable neighbourhoods with easy access to a range of local facilities. Its objectives will help inform the planning obligations targets.

4.4

¹⁰Joint Single Needs Assessment, DBC, 2010

Joint Single Needs Assessment¹⁰: identifies the top ten issues facing Darlington's community, as well as locality and ward specific issues. These can help define infrastructure targets and shape future services in Darlington.

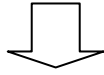
3.0 HOW TO USE THIS SPD

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

STAGE 1

CONFORMITY WITH RELEVANT ADOPTED PLANNING POLICY

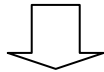
All proposals should be in accordance with relevant national planning policy and the adopted development plan.



STAGE 2

PRE-APPLICATION AND PLANNING APPLICATION DISCUSSIONS

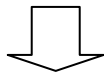
Pre-application discussions are encouraged with officers for all planning applications, particularly major and significant development proposals, through the One Stop Shop and through consultation with the community, in accordance with the Statement of Community Involvement¹². These discussions are entered 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 procedure to be followed is set out in **APPENDIX 3**



CONFORMITY WITH PLANNING OBLIGATIONS GENERAL GUIDANCE

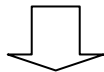
The general guidance set out in this draft SPD should be used to ensure the basic principles and approach to planning obligations are understood.

4.0



IDENTIFY RELEVANT LOCALITY FROM LOCALITY MAP

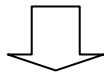
From the Darlington Locality Map (see **APPENDIX 4**), developers should identify the locality their development lies in.



IDENTIFY PLANNING OBLIGATIONS REQUIREMENTS FOR EACH LOCALITY

Using the Planning Obligations Infrastructure Targets Schedule, (see **APPENDIX 5**) developers should establish which types of infrastructure will be secured by planning obligations for their development, in that locality.

4.4



STAGE 3

INCORPORATE DETAILED INFRASTRUCTURE SPECIFIC GUIDANCE

The detailed technical infrastructure specific guidance clearly sets out the requirements, approach, costs and delivery approach for each type of infrastructure. It also identifies the supporting information that should be submitted with a planning application.

6.0

¹²Statement of Community Involvement, DBC. 2010

4.0 PLANNING OBLIGATIONS: GENERAL GUIDANCE

4.0.1 The general guidance applies to all planning obligations sought in this draft SPD. Detailed infrastructure specific guidance is set out in section 6.

6.0

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. Provision of the infrastructure itself may also be required. 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. Any funds will be in addition to, and not instead of, Council mainstream funding for capital and revenue funding works.

4.3

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

4.1.2

All standard charges will be index linked in the s106 legal 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 sum remaining will be returned to the developer. Interest that has built up from contributions will also be held in the relevant account. Appropriate clauses will be included in a legal agreement to secure interest for late payment from the relevant trigger point in the agreement.

Infrastructure specific ring fenced account: funds can only be used for that type of infrastructure

Interest: secured at 4% above the interest base rate

4.2
4.2.1

OCCUPANCY RATES

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 ¹³
1 bed	1.28
2 bed	1.79
3 bed	2.42
4 bed or more	2.93
Employment Type (by Use Class ¹⁵)	Sqm per worker ¹⁴
Shops (A1)	34.4
Financial/Professional Services (A2)	15
Restaurant, Pub, Hot Food Takeaway (A3, A4, A5)	31.6
Offices (B1)	17.6
Research & Development (B1)	67
Light Industrial (B1)	37.5
General Industrial (B2)	33.1
Storage & Distribution (B8)	46.2
Community Services (D1)	14.6
Leisure (D2)	25.4

4.2.2

For 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. Results of 0.5 or more will be rounded up, a figure below 0.5 will be rounded down.

4.3 LAND VALUES

4.3.1 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 does residential and non residential land¹⁶. Land values also change to reflect the economic climate. This draft SPD must provide the basis for negotiating

¹³Census 2001 data, Office of National Statistics

¹⁴Employment Land Reviews: Guidance Note, ODPM, 2004

¹⁵Town and Country Planning (Use Classes) Order 1987

¹⁶Economic Viability of Housing Land and Addendum, Levvels, 2012 and Economic Viability of Non Housing Land, Levvels, 2010

planning obligations in the current, challenging economic market but must also have enough flexibility to provide guidance for developers in an improving economic market with changing land values.

4.3.2 So that development remains viable and deliverable, and so that the type and mix of planning obligations continues to meet identified community needs, certain assumptions (to be updated each financial year) 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 LDF Infrastructure Delivery Plan. These are highlighted in **bold** in this SPD.

4.3.3 **There are some parts of Darlington where development is unlikely to be viable with planning obligations¹⁶. The Council will only seek planning obligations for community infrastructure in these locations from exceptional sites where there is sufficient evidence to support economic viability.** Information about the viability of land will be updated each financial year.

4.3.4 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 draft SPD so that the financial implications of providing planning obligations are identified early in the development process. They can then be considered when purchasing land for development as they would for all other significant foreseeable costs like remediating contamination, flood mitigation, piling and demolition.

Developer Viability Assessment

4.3.5 In exceptional circumstances where the 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 6**). 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, for example 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

4.3.6 Developers should not benefit financially by securing planning permission in the current poor economic market. Planning obligation requirements could change over time to reflect changes in economic conditions which might impact on the viability of a scheme. 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 legal 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. This will allow re-negotiation at a specified date to amend planning obligation requirements.

4.3.7 Only under exceptional circumstances supported by a viability assessment will the re-negotiation of a s106 legal agreement be considered. Variation and discharge of obligations will be considered formally, whether by a deed of agreement or an application.

4.4 INFRASTRUCTURE TARGETS

4.4.1 Each locality area in Darlington (see **APPENDIX 4**) has specific community infrastructure characteristics and needs. The needs have been based on the existing provision of physical, social and green infrastructure in each area and its ability to cope with increasing use from new development, committed infrastructure projects and the availability of funding from other sources. Several infrastructure targets have been identified for different localities based on a wide ranging evidence base including the

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

Joint Single Needs Assessment¹⁷, One Darlington: Perfectly Placed¹⁶ and the LDF Infrastructure Delivery Plan¹. These will be put on the Infrastructure Projects List, requirements may differ for each locality, and/or by size and type of development and are likely to change over time (to be updated each financial year).

4.5

4.4.2 Planning obligations will be used as gap funding to help deliver the infrastructure projects to address the needs of each development, which can be realistically delivered within the agreed timescale for delivery. This is usually a 10 year period.

4.4.3 Where there is insufficient value in the land to fund all planning obligation requirements, the following approach will be used:

STAGE 1: fund essential infrastructure to prepare a site for development, make it safe and overcome fundamental planning/site specific objections e.g. new junction to access the site;

STAGE 2: deliver each locality's community infrastructure needs (see **APPENDIX 5**) to deliver projects on the Infrastructure Projects List e.g. Blackwell Meadows sporting hub.

4.4.4 The size and type of development, thresholds, assumptions and the design requirements, particularly for larger sites will influence the essential infrastructure required, generally on site to create a sustainable, mixed community (Stage 1). Any Stage 2 infrastructure provided under Stage 1 would be deducted accordingly.

4.7

4.5 INFRASTRUCTURE PROJECTS LIST

4.5.1 This list will identify different infrastructure projects that are required for each locality. Where a development will impact on the infrastructure planning obligations will be used to help provide them. Using the list developers will be able to see where their funding will be used, and the community will have confidence that new development is contributing to infrastructure in their local area. The list will be available on the Council's website www.darlington.gov.uk/planningpolicy from the date this SPD is adopted.

4.6 PLANNING OBLIGATIONS CALCULATOR

4.6.1 Developers should complete the Planning Obligations Calculator at www.darlington.gov.uk/planningpolicy to find out the level of standard charges sought for each development (to be updated each financial year). Reflecting the Infrastructure Projects List it will only identify charges for the community infrastructure that is needed in that locality. Any other site related infrastructure costs identified through pre-application discussions will be in addition to these charges.

4.5

4.7 QUALIFYING SCHEMES

4.7.1 All development proposals with a net increase of 5 or more dwellings or 500m² or more of gross non residential floorspace may be required to contribute to infrastructure provision. This is a minimum threshold; specific infrastructure thresholds are set out in section 6. Thresholds have been set to reflect the level of impact generated by different size developments on each type of infrastructure, while reflecting the reasonable expectation of a particular size scheme to provide for different types of infrastructure. In exceptional cases, smaller developments may require planning obligations to meet their specific needs. For mixed use development thresholds will be applied separately for residential and non residential development.

6.0

4.7.2 For schemes that involve demolition the existing number of dwellings or floorspace (or previous development if it was demolished in the previous 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 uses classes, planning obligation requirements will be negotiated on a site by site basis.

4.7.3 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.

4.8 EXCEPTIONS

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

4.8.2 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;
- works that require listed building, conservation area, advertising or tree preservation order consent;
- community facilities that are provided on a not for profit basis e.g. community halls;
- replacement dwellings (except where there is an increase in bed spaces);
- 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);**
- **hot food takeaways (Use Class A5);**
- **Light industrial development (Use Class B1);**
- **General industrial development (Use Class B2);**
- **Storage and warehousing development (Use Class B8).**

Additional specific infrastructure exceptions will be set out in section 6.0.

6.0

4.9 OUTLINE PLANNING PERMISSION

4.9.1 At outline planning application stage, it is possible that developers will not be able to provide details relating to the size and mix of the development. In negotiation with the developer, planning obligation requirements will be set out in a s106 legal agreement based on the predicted dwelling mix, floorspace or employee numbers for that particular site. As part of a Reserved Matters application, where the details of the development have changed, a Deed of Variation will need to be sought by the developer.

4.9.2 Where outline planning permission is granted for a scheme below the thresholds in this draft SPD, a planning condition will be attached to the planning permission so that through the Reserved Matters application if thresholds are met, appropriate planning obligation requirements can still be secured.

4.10 SUB DIVISION OF SITES

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

4.11 CUMULATIVE IMPACT OF DEVELOPMENT

4.11.1 Individually, smaller developments may only have a limited impact on infrastructure which will not be enough to require new provision. But the combined impact of a number of smaller developments may result in the cumulative need for infrastructure. In these circumstances, it would be unreasonable for one development to contribute to the

Use Class C2: Residential care homes
--

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

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 a proportion of the costs.

4.12 SECURING INFRASTRUCTURE

4.12.1

The type and scale of development and the impacts it is likely to have on existing infrastructure as well as the type of infrastructure sought, all affect the timing of delivery. Unless stated in the infrastructure specific guidance, trigger points for residential development will be tied to the delivery of market housing. For non residential development the trigger will be linked to the delivery of a specific amount of floorspace. Significant developments are likely to have a phasing agreement with several trigger points. All trigger points will be incorporated into the s106 legal agreement.

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

6.0

4.12.2

In some cases strategic infrastructure may need to be in place before development can start. A legal agreement with the relevant infrastructure providers will need to be in place to grant planning permission, subject to the completion of the strategic infrastructure.

4.13 ADMINISTRATION, MONITORING AND LEGAL COSTS

4.13.1

Preparing, administering and monitoring the implementation of planning obligations can be a lengthy process. Developers will be expected to pay an administration cost of up to 3% of the total value of any planning obligations to fund officer time to make sure that the obligations are collected, allocated and spent appropriately. Developers are also expected to pay the Council's legal fees in drafting and preparing a Section 106 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. These are in addition to planning application fees and other costs.

Administration cost: includes 2% compliance and monitoring, 1% administering

4.14 DESIGN OF NEW DEVELOPMENT

4.14.1

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 SPD¹⁷.

¹⁷Design of New Development SPD, DBC, 2011

4.15 MAINTENANCE COSTS

4.15.1

Some infrastructure like green spaces, sports facilities and public art may require maintenance so that they retain their quality in the long term. Maintenance can be provided in two ways:

6.4, 6.5, 6.8

- By the Council/Parish Council: developers are encouraged to discuss this at pre-application stage. Where agreed, the developer should lay out and establish maintenance for 12 months, to an agreed design and specification before the infrastructure can be 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.
- By a management company: where the developer wishes to make alternative maintenance arrangements they must make sure that the infrastructure remains in the agreed use, with public access, in perpetuity. Developers of significant developments are strongly encouraged to use a management company for future maintenance. A maintenance plan will need to be submitted with a planning application to show:
 - to scale on a layout plan all maintenance responsibilities including boundaries, equipment, lighting and any 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.

Open space bonds: developers are obliged to provide a sum before commencement covering open space costs

4.15.2

In exceptional circumstances open space bonds may be used to reduce the risk of the maintenance costs falling back to the Council.

4.16

ENABLING DEVELOPMENT

4.16.1

In exceptional cases where a proposal involves a significant heritage feature or is for a significant development that generates regional or sub regional public benefits, it may be considered to be enabling development. Planning obligation requirements may be reduced or waived so that the significant benefits generated by the scheme can take place.

Enabling development: that which would not normally be permitted but helps to finance or facilitate other development in the public interest

4.17

PROVISION OF LAND

4.17.1

In some cases it may be appropriate for a developer to provide land away from the development site instead of a planning obligation. The land should be provided free and serviced, with electricity, gas, water, sewerage, telephone, broadband, boundary treatment and lighting provided to the site boundary. Evidence should be provided with the planning application showing that the land is in their ownership, is available and that the size, shape and area is equivalent to or can accommodate the relevant infrastructure. Provision should not need supporting by additional public subsidy. There should be no financial advantage to the developer in providing planning obligations in this way.

5.0

MONITORING AND REVIEW

5.1

Various parts of this draft SPD and the Infrastructure Projects List will be updated every April to reflect changes in costs, targets and to reflect delivery of infrastructure projects. These are highlighted in this document in **bold**. An annual report to the Council's Place Scrutiny Committee will provide details on planning obligations including those negotiated in the previous year, expenditure in the last year and planned expenditure for the coming year.

5.2

Circumstances in which a review of this draft SPD will be considered include:

- Significant changes to local circumstances or to the Local Development Framework's evidence base;
- There is a significant change in national planning guidance including the introduction of the Community Infrastructure Levy; or
- The Council considers that the SPD is insufficiently effective in delivering infrastructure from new development.

1.11.1

5.3

The draft SPD will provide interim guidance until the introduction of the Community Infrastructure Levy (CIL) in April 2014. The scope of planning obligations will be reduced to reflect the scope and content of CIL and to continue to provide up to date guidance for the use of planning obligations in the Borough.

1.11.1

5.4

The Council will engage key stakeholders and the community in any review of this SPD and in the preparation of CIL in accordance with its adopted Statement of Community Involvement¹⁸.

6.0 INFRASTRUCTURE SPECIFIC GUIDANCE

Planning Obligation Requirements: Summary

Relevant Section	Infrastructure Type	Residential	Non Residential	Formula Based	Standard Charge
6.1	Affordable Housing	Urban Area: 15 dwellings (or 0.5ha) or more Elsewhere: 5 dwellings (or 0.2ha) or more	x	✓	x
6.2	Transport	5 dwellings (or 0.1ha) or more	500m ² gross floor space or more	✓	✓
6.3	Education	5 dwellings (or 0.1ha) or more	x	x	✓
6.4	Green Infrastructure	5 dwellings (or 0.1ha) or more	500m ² gross floor space or more	✓	✓
6.5	Sport and physical activity	10 dwellings (or 0.2ha) or more	1000m ² gross floorspace or more	x	✓
6.6	Renewable Energy and the Carbon Management Fund	10 dwellings (or 0.2ha) or more	1000m ² or more gross floorspace	✓	x
6.7	Employment Skills and Training	50 dwellings (or 1.0ha) or more	See section 6.7	✓	x
6.8	Public Art	50 dwellings (or 1.0ha) or more	1000m ² gross floorspace or more	✓	x

This table should be read with the Locality Map in APPENDIX 4 and the Planning Obligations Infrastructure Targets Schedule in APPENDIX 5 to help developers establish the type and mix of planning obligations required in each part of Darlington.

Relevant Core Strategy policies: CS4, CS10, CS11

6.1 AFFORDABLE HOUSING

6.1.1 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 housing¹. There are many different affordable housing products available; social rented, affordable rented and intermediate housing, including shared ownership and shared equity housing², including those provided without grant funding can all be affordable housing. All provision should make sure that eligible households can afford to rent or buy affordable housing in perpetuity.

¹Darlington Local Housing Assessment, Arc4 2005, refreshed in 2008/9

²As defined in NPPF, DCLG, 2012

Needs and Priorities

6.1.2 Affordable housing needs in Darlington far exceed the 7500¹ 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 area¹ but housing is 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.

6.1.3 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 year³.

³Tees Valley Strategic Housing Market Assessment 2009

6.1.4 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 the ability of a scheme to deliver affordable housing, the Core Strategy sets minimum targets of 35 new affordable homes a year to 2016 and 50 each year after that⁴. Consequently, they go only a little way towards meeting needs. So a flexible approach to achieving suitable new affordable housing within viable and deliverable schemes will be adopted in this draft SPD to deliver affordable housing that better meets local needs and aspirations.

⁴LDF Core Strategy, Policy CS11, DBC 2011

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

Secured By Design: A UK police initiative

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.

WOODLAND VIEW, HARROWGATE HILL
 30% (34) new social rented homes are being provided by Fabrick Housing Group as part of a development of 106 dwellings at Woodland View, north Darlington. The scheme consists of two, three and four bedroom family homes. Built to a high standard; all will reach at least Code for Sustainable Homes Level 3, Lifetime Homes and Secured by Design standards. A range of home ownership options are offered to help people buy a new home, such as Homebuy and intermediate market rent products. All homes will be allocated in accordance with the Tees Valley Choice Based lettings policy.

AFFORDABLE HOUSING: AMOUNT, TYPE AND MIX	
Threshold	
<ul style="list-style-type: none"> • Urban Area (including Rest of Urban Area strategic development location): 15 dwellings (or 0.5ha) or more; • Elsewhere: 5 dwellings (or 0.2ha) or more; 	
Requirement	
<p>Up to 20% affordable housing⁵ 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.</p>	
Summary of Approach (see 6.1.5)	
<p>The identified target and mix will depend on the existing affordable housing mix in the local area. Affordable housing can be provided in three ways, in order of priority:</p> <ol style="list-style-type: none"> 1. on a development site; 2. off site, on developer owned land; 3. off site, as a financial contribution: provision will be equivalent to the value of the affordable housing element of a notional scheme that would have been provided on the application site to be used to: <ol style="list-style-type: none"> a. provide new affordable housing in the Borough; b. Improve Council owned housing to better meet the enhanced Darlington standard in Cockerton West, Park East and Haughton East; c. Improve private sector housing in Northgate, North Road, Central and Bank Top <p>All improvement works will be part of a specific project identified on the Infrastructure Projects List.</p>	
Exceptions	
<p>Affordable housing will not be sought from schemes, or parts of schemes for:</p> <ul style="list-style-type: none"> • Student accommodation; • Live-work units where the development is predominantly employment, with supporting residential accommodation attached. Where the development has a predominantly residential character, with offices incorporated, affordable housing requirements will apply; • Gypsy and Traveller accommodation; • Non residential development. 	
Supporting Information	
<ul style="list-style-type: none"> • Viability assessments submitted for schemes progressed in the last 12-18 months have secured affordable housing provision ranging from 10% (Whessoe Road), 13.6% (Hopetown House) and 15% (Central Park). No marked improvement in viability is expected in 2012-13. • 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; • Low cost market housing for sale below market prices and key worker housing is not affordable housing; • Specialist housing for people with physical or learning disabilities including Lifetime Homes⁶, homes designed for wheelchair users and/or for older people will be negotiated on a site by site basis reflecting need. • Schemes providing for only one age group, e.g. for older people will only be expected to provide affordable housing for that age group; • In accordance with Homes and Community Agency (HCA) guidance⁷ developers should assume that no grant will be available to fund affordable housing unless an agreement has been made with the 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. Intermediate housing schemes will not be supported unless they are part of wider regeneration initiatives; • Innovative partnerships which maximise the opportunities for attracting external funding, or other affordable housing outcomes, are encouraged for all major developments. 	

⁵rather than up to 30% as stated in Policy CS11

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

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

⁶www.lifetimehomes.org.uk

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

Homes and Community Agency: National housing and regeneration delivery agency for

⁷Affordable Housing Capital Funding Guide, Homes and Communities Agency, 2011

APPROACH ON SITE PROVISION

6.1.5 In the first instance, affordable housing should be provided on the application site to deliver the identified target and mix, to help create mixed communities². 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. This will ensure that a range of appropriate property types and tenures continues to provide a mixed community.

Rural Exception Sites

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

6.1.6 In the rural area, small sites that are within or physically adjoining the development limits of villages (as shown on the LDF Proposals Map), that are reasonably accessible to village services may be classed as rural exception sites. These may be appropriate solely for affordable housing for local eligible households in perpetuity. Proposals will only be considered as meeting a genuine need for affordable housing if 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, together with evidence from the housing register. The survey should be carried out by a Registered Provider or other qualified organisation;
- A land availability assessment: undertaken 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.

Registered Provider: housing landlords registered with the Homes and Communities Agency

6.1.7 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 using the same criteria but should not lead to an overconcentration of affordable housing within that part of the village.

OFF SITE PROVISION

6.1.8 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 and 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.

6.1.9 Provision should maintain the required ratio of open market to affordable homes. It can be provided off site anywhere in the Borough, provided that there is enough value in the land to support the size, type and tenure of homes that meet the identified needs in that part of Darlington. There are several ways affordable housing can be provided off site:

1. Developer Owned Land

6.1.10 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.

6.1.11 Developers should make sure that:

- A Registered Provider is committed to providing the affordable housing within five years of commencement of development on the application site;
- 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;
- The off site provision can be delivered without needing additional public subsidy.

6.1.12 Where a developer owns more than one site, to prevent overconcentration of certain house types/tenures, off-site provision to a second site will not be permitted if it will result in the affordable housing requirement from the second site having to be provided off site.

2. Purchase of Existing Homes for Affordable Housing

6.1.13 In exceptional circumstances it may be acceptable for a developer to buy long term, private, vacant homes in the **wards of Cockerton West, Park East, Eastbourne, Lascelles, Bank Top, Central, Northgate, North Road and Haughton East**⁸ instead of provision. 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.

6.1.14 This will only be appropriate where the housing does not concentrate people with low incomes or those experiencing deprivation in particular parts of the urban area. It should also widen the housing choice available in those parts of the town. The ‘spot purchase’ of other existing private homes will only be considered where a specific size or type of property meets an identified need, e.g. suitable for a person with disabilities.

3. Financial Contribution

6.1.15 The financial contribution payable will use the following formula:

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

6.1.18

6.1.16 Contributions will be used to:

- provide affordable housing;
- enable the provision of affordable housing where funding has otherwise been unavailable 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.

Developers will be notified as soon as possible after the completion of the scheme and acknowledged in any publicity associated with the scheme.

4. Provision of Land

6.1.17 Exceptionally, where a viability assessment shows that all other options will not be feasible, and, where the requirement is no more than six dwellings, the provision of free, serviced land on the application site or on a second site will be acceptable to allow affordable housing to be delivered more effectively. This can help Registered Providers or the Council access HCA grant. In addition to the requirements in 4.17 the developer will need to demonstrate that:

4.17

- 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
- the affordable housing can be delivered without recourse to public subsidy.

DELIVERING AFFORDABLE HOUSING

6.1.18 Developers should make sure that:

HIGH QUALITY DESIGN

- 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 Homes⁶, Enhanced Darlington Standard and for publicly funded schemes the relevant HCA Design and Quality Standards⁹. In some cases achieving the higher Code for Sustainable Homes standards may be preferred even if

⁸Darlington housing priority investment areas

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

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

⁹www.homesandcommunities.co.uk

it results in fewer affordable homes being built. This will be negotiated on a site by site basis.

- The design and location of all plots or units is agreed with the Council and the appointed Registered Provider at pre-application stage and clearly identified on submitted plans. They should be spread across the site in small groups of 6-8 dwellings or by ‘pepperpotting’ to achieve an appropriate mix with private housing. 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 early in the development process, so that the affordable housing meets all planning requirements and so the rents and service charges are affordable to future residents.
- Affordable housing is transferred to a Registered Provider preferred partner, with Approved Developer Status with the Homes and Communities Agency, and nomination agreement rights with the Council.
- 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 the intermediate housing and the 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 housing provider is involved, any cross subsidy should either help deliver the whole affordable housing requirement or improve the overall affordability so that additional 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 Agency⁸. 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

6.1.19 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 initially and in perpetuity, within any relevant ceiling set within the Housing Benefit system.
- Home ownership mortgage costs and rental charges for intermediate housing are set at approximately no more than 30% of gross household income.

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

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

Home ownership mortgage costs: based on a 30 year repayment mortgage at a standard variable rate.

Rental charges: depend on the viability of each site, but should not exceed 1% p.a. of the retained equity, to allow occupants to pay their mortgages

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

¹⁰in 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

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 additional 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 dwellings have received grant funding, the recovered sum is either repaid to the Homes and Communities Agency¹¹ 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 ordinarily is a member of their household must:
 - have previously lived in Darlington for a period of at least 12 months; or
 - be currently living within Darlington and have been doing so for a period of at least 12 months; or
 - be a full time carer for a person living in Darlington; or
 - be in full time employment in Darlington.
- In rural exception sites, the nominee must currently:
 - Be resident in the parish within which the village is located, or
 - Be employed in that parish, or
 - have a family connection to that parish.

If there are no households in the parish in housing need at the time of letting or selling the property, it will next be made available to other households in need in adjoining parishes. After that it will then be allocated in accordance with the local lettings policy.

MARKETING

- Once homes are ready to be occupied, marketing of a scheme will be undertaken in partnership 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, these are included in a s106 legal agreement to protect the lender's investment. Where a Registered Provider defaults on repayment and the lender takes possession of the affordable properties, this clause releases the lender from the affordable housing occupancy conditions.
- These clauses are not permitted on Rural Exception Sites.

Relevant Core Strategy policies: CS4, CS19

¹Third Local Transport Plan, DBC, 2011

²Circular Planning and Strategic Road Network, 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

³Guidance on Transport Assessments, DfT, 2007

6.2 TRANSPORT

6.2.1 Focussing heavily on improved accessibility and greater use of sustainable modes of transport particularly between home and jobs, shopping and leisure facilities should make sure that the Borough’s transport system is reliable, safe, secure, environmentally sustainable and responds efficiently to the needs of residents and business¹. 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 immediate area. The impact from increased trips may also be experienced some distance from new development. Both may need to be addressed through planning obligations².

Needs and Priorities

6.2.2 All development, irrespective of size, must be capable of being accessed and used safely by vehicles, including public transport, as well as by pedestrians, cyclists and people with disabilities. Investment in the local and/or strategic transport network is fundamental to sustaining new development and the level of growth that is planned to 2026. Evidence from the developer’s up to date Transport Assessment³ or Transport Statement and the Council’s own evidence will help identify the impact traffic from a new development is likely to have on the local and/or strategic transport network; increased delays to public transport, development related traffic congestion, increases in road traffic on the road network will all require mitigation. Providing safe access for those who wish to access the site on foot, by bike 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 education 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 legal agreement the 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, with connections to the surrounding residential areas and the main routes of Whinfield Road to the north and Salters Lane to the south, with crossing points encourage safe use by pedestrians and cyclists. New bus shelters and raised kerbs at bus stops make the journey for those travelling by bus more enjoyable. New highways access from Salters Lane and traffic calming along its length successfully manages the increase in traffic from the new development.

TRANSPORT INFRASTRUCTURE: AMOUNT, SIZE AND MIX

Threshold

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

Requirement

- Provide or contribute towards the provision of transport infrastructure to meet the identified needs of the development.
- **For sustainable transport and public transport the focus will be to improve access to areas with poor and/or low accessibility.**

Summary of Approach (see 6.2.3)

Requirements will be negotiated on a site by site basis to reflect the developers up to date Transport Assessment or Transport 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 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: the requirements can be delivered by:
 - **Sustainable Transport Charge;**

- **Public Transport Charge;**
- 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 do not apply:
 - Planning conditions
 - Section 278 Agreement⁴ used to secure works to the existing adopted highway network. This is not a contract to carry out the work. Developers will be required to either undertake the works or pay the full cost of the works. The Council's administrative, legal, design and supervision costs will need to be met. A commuted sum for future maintenance may also be required.
 - Section 38 agreement: used for works that will require adoption. Developers will be expected to pay the Council's fees for drawing approval, inspection and administration of the Agreement. Where works to traffic signals are involved, a separate fee may be required.

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

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

APPROACH SUSTAINABLE TRANSPORT

6.2.3 All new development should provide easy, safe access for those who wish to walk or cycle in a new development and to 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. It will only be sought where the existing foot and cycle paths and associated infrastructure is unable to safely cope with the additional impact generated by the new development.

6.2.4 A good proxy for 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 Sustainable Transport Charge reflects accessibility; The Town Centre, local service and transport nodes⁴ have high levels of accessibility, while the rural area has a lower level of access.

⁴As identified in the Design SPD, DBC, 2011

Residential development

The cost of a single parking space, including garages for a 2 bed dwelling is £400 for town centre development or £600 in the rural area⁵. For one bedroom dwellings, the contribution sought will be 50% less and for three and four bedroom dwellings it will be 50% and 100% higher respectively.

⁵National best practice

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

Non residential development

A similar approach will be used for non residential development. **Provision will be calculated at £400 per parking space.** Lower charges will be generated by more accessible sites.

6.2.5 The charge will be used in the locality of the site to help deliver identified targets and projects in the Local Transport Plan¹ and Core Strategy policy CS19⁶ on the Infrastructure Project List. Projects will reduce the need for people to use the private car and will lower the overall number of trips to and from the development. They may include:

- new footpaths/cycle routes and improvements;
- bridges/underpasses;

⁶Core Strategy, DBC, 2011

- secure cycle parking, lockers and showers;
- safer routes to school; and
- home zones and other road safety measures.

PUBLIC TRANSPORT

- 6.2.6 All new development should provide easy, safe access for those who wish to use public transport. Even where existing services run close to a site, frequency levels may not be appropriate for the type of development proposed. Accessibility is based on the number of bus routes within 400m of a development site. Developments in areas with low public transport accessibility are more likely to require public transport improvements.
- 6.2.7 Using the nationally recognised Trip Rates Information Card System (TRICS), the estimated level of trip generation from a development has been weighted (see table below) to reflect different levels of public transport accessibility in the Borough. The charge sought will be calculated using the following formula:

No of dwellings/size of development x the number of trips (per dwelling/per 100m² from TRICS) x actual unit cost for accessibility zone = public transport charge

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

- 6.2.8 In general, charges are likely to be used to improve public transport infrastructure, services and accessibility 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

- 6.2.9 Local and/or strategic highways requirements are site specific and will vary reflecting the works required to mitigate the identified impacts in the Transport Assessment/Statement. Planning obligations will only be used exceptionally to fund works not provided by other means, including 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. This could include:

1. Traffic Management Measures

- 6.2.10 Traffic management measures may be provided as part of new development 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 improvements and upgrades or signalisation of junctions may be secured where appropriate.

2. Car Parking

6.2.11 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

6.2.12 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 or maintenance

6.2.13 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 so that they are maintained to a high quality. Developers will need to fund the cost of reinstatement works, including street furniture and the removal of redundant crossovers.

Highways Works Estimate: estimated cost of highway improvement works

6.2.14 New highways will need to be constructed to an agreed design and specification. These should be maintained for a minimum of 12 months after which it should be transferred in adoptable condition to the Council or the Highways Agency. The approval of any plans, inspection of highways works, administration and any public consultation costs will be at the developer's expense. Where the Council undertakes the works, the developer will be required to pay the full cost of the works and the cost of preparing a Highways Works Estimate (in full even if the development does not go ahead).

MAJOR TRANSPORT WORKS

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

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.

6.2.16 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, leisure development;
- Smaller employment, retail, 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.

The format and content varies depending on the nature of the development. Financial contributions may be sought for specific initiatives based on the number of vehicle trips forecast for any network peak period in the Transport Assessment.

6.2.17 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 and helps organisations manage their transport needs and staff and visitor travel options in a sustainable and convenient way. A Workplace Travel Plan 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 persons;
- 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;
- Defined senior management and staff responsibilities in the implementation of the Plan;
- Details for monitoring and review.

6.2.18 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.

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

DELIVERING TRANSPORT INFRASTRUCTURE

6.2.20 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.

SECURING TRANSPORT INFRASTRUCTURE

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

S38 Part 1 Certificate: will be issued by the Highways Authority to the developer 20 days after satisfactory completion of highways drainage, kerbs, road and carriageway base, operational street lighting

S38 Part 2 Certificate: will be issued by the Highways Authority 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 Highways Authority to the developer once works in the adopted highway have been completed

Relevant Core
Strategy policy: CS4

6.3 EDUCATION

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

6.3.1 The Council is required to improve the outcomes of all children and reduce inequalities between them as far as practicable; enough childcare should be provided to meet the needs of parents who require childcare to be able to work, 'great importance' is given to ensuring that sufficient places are available in maintained primary and secondary schools and at Sixth Form College¹ to meet the needs of the children and young people in the Borough.

¹NPPF, DCLG, 2012

Needs and Priorities

6.3.2 Parents of children using childcare 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 older children and those with disabilities².** Ongoing changes to the welfare system that encourage parents to return to work may also impact on provision in the long term.

²Darlington
Childcare Sufficiency
Assessment 2011

6.3.3 Over the last decade Darlington's primary school population has grown significantly because of primary children moving into the Borough and an increasing birth rate. **As a result, the reception year in most of the Borough's primary schools is full. Over the next two years, primary school numbers are expected to follow the national trend and continue to rise by 8%³.** New development is likely to add to the pressure on primary places available. But the Council only receives Government funding for school places for children who are born in the Borough.

³OSR 15/2010
Statistical Release,
DoE, 2010

6.3.4 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%⁴. **Darlington's surplus is below this at 4%⁵. Provision of primary school places from new development is therefore a priority in most parts of the Borough.**

⁴Audit Commission

⁵DBC figures

6.3.5 **Darlington's secondary schools currently have a surplus of 6.4%. But the secondary school population is expected to increase substantially by 20% by 2019⁴ once the high level of primary pupils move through. In the long term, new development will add to the demand for places; an additional 500 secondary school places may be required after 2019 to accommodate the increase in 11-16 year olds. Consequently in the long term both the Queen Elizabeth Sixth Form College and Darlington College would expect to see a 10% increase in students⁶;** a proportionate increase in college space will be required to accommodate them in the long term.

⁶Darlington
Infrastructure
Delivery Plan

GOOD PRACTICE: WEST PARK ACADEMY

The West Park development included 700 new homes, the majority of which were for new family housing. An integral part of the development proposal was to provide primary education set within the high quality new neighbourhood. Catering for pupils from the existing Alderman Leach School as well as those pupils living in the new community, the school together with its integrated nursery ensures the national curriculum can be provided within a flexible, modern setting from a young age. All facilities were secured via a legal agreement including access to the school's sports and communal facilities outside school hours.

EDUCATION FACILITIES: AMOUNT, SIZE AND MIX
Threshold: Residential development: 5 dwellings (or 0.1ha) or more
<p>Requirement:</p> <ul style="list-style-type: none"> • Provide or contribute towards the provision of education infrastructure to meet the identified needs of the development. • The focus will be to secure sufficient primary school places to meet the needs of the development. A standard charge of, or part of £14,486 per primary school place is required.
<p>Summary of Approach (see section 6.3.6)</p> <ul style="list-style-type: none"> • In general a standard charge will be sought as a contribution towards education places; • A new school on site may only be appropriate for a site that provides 700 or more new houses. Details will be negotiated on a site by site basis to meet the needs of the new development.
<p>Exceptions</p> <p>Education contributions will not be sought from housing where it is unlikely that children would be living, including:</p> <ul style="list-style-type: none"> • development falling within Use Class C2; nursing homes, Use Class C3; sheltered and retirement housing and self contained apartments like Extra Care and Assisted Living; • one bedroom dwellings and housing in multiple occupation for single people which are incapable of being enlarged into units with two or more bedrooms; • non residential development.
<p>Supporting Information</p> <ul style="list-style-type: none"> • New development will only 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 from children born in the Borough in the following years will also be taken into account; • Where there is more than one primary school close by charges will only be secured for schools with less than 5% surplus school places; • The total cost of providing a child with a school place is based on a pupil being in a class of 30 and includes the cost of providing communal space for each pupil e.g. in a sports hall and kitchen; • The surplus capacity for early years, secondary school and tertiary provision will be assessed Borough wide; • Standard charges will not be used to revenue fund the cost of teaching staff or any other non-capital equipment which are not connected with the initial construction and fitting out of the school or any additional facilities.

APPROACH

6.3.6 The following formula will be used to provide a fair calculation of anticipated pupil yield from new development:

Number of dwellings by type (a) x Child Yield for that dwelling size (b) – discount factor (c) = No. Children Generated (d) x average cost of new school place (e) = charge required (f)

Child yields have been locally adjusted to:

Education Type	Per dwelling	Child Equivalent (b)
Early Years	100 dwellings	3 child equivalent
Primary School	100 dwellings	21 child equivalent
Secondary School	100 dwellings	15 child equivalent
College	100 dwellings	3 child equivalent

6.3.7 Dwelling mix affects the amount of education places required for each development; a 20 dwelling development could generate 5 or 6 primary school places depending upon the mix of dwellings proposed.

6.3.8 Cost of school places will be:

Education Type	Cost per pupil 2012-2013 (e)
Early Years	£14,486
Primary School	£14,486

Child yield: based on DfE Location Factor gives standard ratios of number of pupils per dwelling

Discount factor: percentage discount to reflect those children who are already at school in Darlington

Average cost of school place: based on DfE cost multiplier which has been regionally adjusted. Tertiary calculations based on 'staying on rate'

Secondary School	£21,828
Tertiary	£23,672

EARLY YEARS, PRIMARY, SECONDARY AND TERTIARY PLACES

6.3.9 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.
- enable private and voluntary sector providers to deliver after school and holiday care;
- enhance outdoor learning areas;
- provide space to deliver extended services.

PROVISION OF A NEW SCHOOL

6.3.10 Provision of a new school will only be appropriate as part of a significant development⁷. The site must also be able to physically accommodate a new school and associated outdoor space.

6.3.11 Developers will be expected to set aside sufficient land 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

6.3.12 Developers should make sure that:

COMMUNITY USE AGREEMENT

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

ACCESSIBLE, FLEXIBLE SPACE

- The design of the school allows for flexible use during the school day so that it can be easily used by early years and extended schools programmes;
- Toilets and changing facilities are appropriately located in the school building so that users of facilities out of hours, particularly the 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 legal agreement.

⁷Primary school: at least 700 dwellings, secondary school: at least 1200 dwellings

Relevant Core
Strategy Policies:
CS4, CS15, CS17

6.4 GREEN INFRASTRUCTURE

6.4.1 Good quality, multifunctional, well-planned green spaces provide opportunities for the community to relax, exercise, play and move around while providing environments for wildlife to live, migrate and breed. 'Increasingly [they are] seen'¹ as adding value to inward investment and new development.

¹Building natural
value for sustainable
economic
development: The
green infrastructure
valuation toolkit
user guide,
Genecon LLP, 2011

6.4.2 Needs and Priorities

6.4.2 Most people have access to a range of higher quality and higher value multifunctional recreation open spaces particularly in the urban area and larger villages of Middleton St George/Middleton One Row, Hurworth/Hurworth Place and Heighington. **But some small parts of the Central, South West and North Eastern urban area would benefit from increased access to parks, informal recreation space and children's play areas².** Specific greenspaces may also benefit from targeted action to improve their quality and multifunctionality to encourage more active use. These will be identified on the Infrastructure Projects List.

²Open Space
Strategy Update,

6.4.3 Darlington also has 0.65ha of Local Nature Reserves per 1000 population, below Natural England's recommended 1ha standard. Biodiversity and access improvements to existing greenspaces will help achieve this standard in the long term³. **Most urban neighbourhoods, particularly in the more densely developed parts of Park East, College, Haughton West, Central, Bank Top and Lingfield wards would benefit from more access to semi wild greenspace²** to form a network of 'better, more, bigger and joined sites'⁴ with a range of protected and priority habitats and species. Improving species population numbers and mix will be prioritised to those at most risk in the Tees Valley Biodiversity Action Plan⁵ or at specific spaces where biodiversity value will be restored or improved to help achieve the Plan's targets.

³Draft Darlington
Green Infrastructure
Strategy, DBC, 2012

⁴Green Infrastructure
Guidance, Natural
England, 2010

⁵Tees Valley
Biodiversity Action
Plan, Tees Valley
Biodiversity
Partnership, 2011

6.4.4 It is important that new well connected, high quality, multifunctional green infrastructure is located in the right place to meet the needs of new development. Provision should help meet the Borough's standards of open space provision² and targets for priority habitats and species⁵. Residents and users of new development can also generate additional 'wear and tear' of green space; securing maintenance contributions to promote long term quality is essential.

GOOD PRACTICE: WEST PARK

Significant green infrastructure is being integrated into West Park as part of the delivery of 700 dwellings in the North West of Darlington. Several multifunctional, well connected, wildlife friendly green spaces were central to the design quality of the area. A new 14ha strategic park provides ample space for informal recreation, high quality adventurous play and for the more active, downhill cycling. Extensive areas of semi natural greenspace, including priority habitats for reedbeds and wetlands are home to many protected and priority species including for the first time in this part of town the White-letter hairstreak butterfly, the banded demoiselle dragonfly and the kingfisher. Innovatively, the West Park Levy requires all homeowners to contribute annually to an independently managed maintenance fund so that the high quality is maintained in perpetuity.

GREEN INFRASTRUCTURE: AMOUNT, SIZE AND MIX

Threshold

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

Requirement

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

- **On site provision will only be required from developments of 20 dwellings/1000m² or more gross floorspace**
- **In all other cases a standard charge will be sought to provide or improve green space in the locality.**
- **Standard charges to improve green space will be 50% less than that to provide new space;**
- **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.**
- **Requirements from non residential development will be a third of those for residential development.**

Summary of Approach (see section 6.4.5)

- The priority is securing new greenspace to meet the accessible open space quantity standards for the locality so that the needs of the development are met. This can either be:
 - On a development site; and/or
 - Off site on developer owned land; and/or
 - As a standard charge equivalent to the cost of providing new greenspace on site.
- Where all quantity standards are met, a standard charge will be sought to improve the quality of publicly accessible greenspace for each locality, for a specific project identified on the Infrastructure Projects List.
- Maintenance contributions for multifunctional green space will be based on the average cost of maintaining all open space types.

Supporting Information

- Four types of green infrastructure may be sought from new development; informal recreation space, children's play, wildflower amenity space and semi wild space. 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.
- Charges will vary according to open space type (see section 6.4.8)
- Any green infrastructure that exists on the site should be incorporated into the design of the development. This will be deducted from any requirement.
- Where a development involves the loss of green space it should be consistent with Core Strategy policy CS17. Any re-provision will be in addition to the planning obligation requirements set out in this SPD.
- Green infrastructure excludes land set aside to provide highway verges and visibility splays. These should be provided by developers as normal design requirements.
- The Council has a statutory obligation⁶ to make sure that there is no net loss of biodiversity in Darlington. In exceptional circumstances, 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 green infrastructure requirements set out in this SPD.
- 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 semi wild greenspace requirement.

Informal recreation space: grass area for jogging, dog walking and relaxation.

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

Wildflower amenity space: habitat rich wildflower meadow crossed by short mown grass paths connecting grass areas or informal recreation

Semi wild space: wildlife rich space suitable for low key recreation and education

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

⁶Natural 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

6.4.5 Green infrastructure will only be sought where the existing green infrastructure network is unable to cope with the additional demand from new development. In each locality the priority is securing new greenspace to meet the accessible open space quantity standards (see 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 on delivering the

quality standards for that locality to help deliver a specific project on the Infrastructure Projects List.

- 6.4.6 In exceptional circumstances, where there is a need for effective place making or a particular approach to urban design, 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.
- 6.4.7 The following formulas will be used to establish the amount and/or cost of open space to be provided by each development. Employees could reasonably be expected to use open space less than residents so the standard of provision per person has been reduced by a third. Quality improvement costs are 50% less than the cost of providing new open space.

Residential development

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)

Non residential development

Employee occupancy of the development (a) x standard for open space per employee (b)

= amount of open space (c)

x

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

Residential development			Non residential development	
Type of Open Space	Standard of provision	Cost (£) of open provision (m ²) (d)	Standard of provision (m ²) per person	Cost (£) of provision per (m ²)
Informal recreation space	0.006ha/1000 people	£9		£9
	60m² per person (b)		20m²	
Semi wild space	0.005ha/1000 people	£13		£13
	50m² per person (b)		17m²	
Wildflower amenity space	0.004ha/1000 people	£11		£11
	40m² per person (b)		14m²	
Children and young people's space	0.007ha/1000 people	£7	-	-
	70m² per person (b)			
Street Trees	1 tree/5 dwellings	£300 per tree	1 tree/1000m²	£300 per tree

- 6.4.8 For residential development, the standard charges for each type of green space are set out below. Charges for non residential development will vary to reflect the number of employees in the development. Charges will be provided at pre-application stage when the employee occupancy is known.

Residential development

(a) Dwelling occupancy rate	(c) Informal recreation (m ²)	(e) Cost of provision £	Quality cost £	(c) Semi wild (m ²)	(e) Cost of provision £	Quality Cost £	(c) Wildflower meadow (m ²)	(e) Cost of Provision £	Quality Cost £
1.28	77	691	346	64	832	416	51	563	282
1.79	107	967	484	90	1170	585	72	792	396
2.42	145	1307	654	121	1573	787	97	1067	534
2.79	167	1503	752	140	1820	910	112	1232	616

(a) Dwelling occupancy rate	(c) Children's play	(e) Cost of provision £	Quality Cost £
1.28	-	-	-
1.79	125	875	438
2.42	169	1183	592
2.79	195	1365	683

ON SITE PROVISION

- 6.4.9 For developments of **20 or more dwellings or 1000m² or more gross floorspace** the identified amount and mix of green infrastructure should be provided on the application site to help meet the new community's needs. Where only part can be provided on site, the remaining amount should be provided off site. For appropriate development below this threshold a standard charge will be sought for green infrastructure.

OFF SITE PROVISION

- 6.4.10 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. There are two ways green infrastructure can be provided off site:

1. Developer Owned Land

- 6.4.11 The requirement will be applied to the total number of market dwellings to be provided on the application site, including any increase in dwellings on the application site resulting from the provision of open space off site. The type will depend on the needs and existing provision in the off-site location. The developer must make sure that the open space:
- Has a visual link with the application site;
 - Will be laid out to the design and specification agreed with the Council and available for use to meet the agreed timescale for delivery;
 - Has any relevant planning permission secured, prior to the occupation of any of the on site market housing development.

4.17

2. Standard Charge

- 6.4.12 Standard charges will only be used to improve green infrastructure projects identified on the Infrastructure Projects List. The list does not just include lower quality spaces; higher quality spaces may benefit from improvements to cope with extra use. Charges may be used for:
- Laying out of open space;
 - Improving the space, equipment, landscaping and/or planting to improve the quality and biodiversity value;
 - Improving ground quality including drainage or safety surfacing so that the space meets relevant adopted standards;
 - Providing street furniture including seating, lighting, litter and dog bins to enable the safe, practical and reasonable use of the open space;
 - Habitat restoration or expansion including:
 - provision of new habitats or improvement of existing features, designated sites and priority habitats;
 - provision for public access and interpretation;
 - the management of wildlife corridors to help wildlife move around easily.

Maintenance contributions

- 6.4.13 All new and existing greenspaces should be multifunctional; recreation, biodiversity, movement and amenity functions should all be provided, where appropriate on one space. Securing maintenance contributions should equally and fairly reflect the mix of uses that may take place on each space. For open space that includes ponds or slopes, an additional maintenance contribution will be negotiated to enable specialist maintenance.
- 6.4.14 Maintenance sums are based on the average cost of maintaining informal recreation, semi wild and wildflower amenity space. Additional sums for children's play facilities or street trees will only be required from development that has delivered these features. The average maintenance cost has then been multiplied by 10; equivalent to the provision of 10 years maintenance. The following formula based on local maintenance costs will be used:

4.15

Dwelling occupancy (a) x 2012-2013 average maintenance cost (b) for all spaces = maintenance cost per dwelling/3 x 10 = one off maintenance sum (c) /2 quality improvement (d)

Type of open space	Maintenance costs (£) 2012-2013 per ha (b)
Informal recreation	107
Semi wild	173
Wildflower amenity	177
Children and young people	21 per site
Street trees	850 per tree

Type of Open Space	(a)	Maintenance cost per dwelling (c) per year	X 10 (c)	Quality improvement maintenance
Multifunctional greenspace	1.28	195	1950	975
	1.79	273	2730	1365
	2.42	369	3690	1845
	2.79	425	4250	2125
Children and young people	1.28	-	-	-
	1.79	38	380	190
	2.42	51	510	255
	2.79	59	590	295

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

DELIVERING GREEN INFRASTRUCTURE

6.4.15 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.

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 and transplants are planted in well drained soil.
- Individual trees or small groups of trees are of established nursery stock and root balled.
- 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)

- SUDS are clearly identified on a landscaping plan including layouts, profile, finishes, planting mixes and sizes.
- Appropriate long term ownership, management and maintenance arrangements are in place.

SUPERVISION FEE

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

- 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"> • Development should not start until details of the open space scheme have been submitted, and received written approval from the Council. • Two trigger points will be used: one for start of work and one for issue of Certificate of Completion of Build prior to occupation of a specified number of market dwellings/amount of gross development floorspace. • 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.
Maintenance contributions	<ul style="list-style-type: none"> • Should be paid prior to completion of the title transfer and used within the 10 year period.

Relevant Core Strategy policies: CS4, CS17, CS18

6.5 SPORT AND PHYSICAL ACTIVITY

6.5.1 For a town of its size Darlington benefits from a wide range of indoor and outdoor sports facilities; playing pitches for football, rugby union, cricket and hockey, facilities for court sports, swimming, health and fitness, bowling, athletics, golf, cycling, gymnastics and boxing are all found in the Borough.

¹Joint Single Needs Assessment, DBC, 2011

6.5.2 But Darlington has one of the lowest participation rates in physical activity in the UK¹, reflected in the health inequalities that exist across the Borough. Having easy, affordable access to a wide range of high quality indoor and outdoor sports facilities, for team and individual pursuits, will encourage greater participation by adults and juniors, in a range of sport and physical activities.

²Playing Pitch Strategy, PMP, 2009

Needs and Priorities

6.5.3 **104 playing pitches are found in the Borough, 48 pitches are at school sites, but only nine have secure community access out of school hours. There are enough pitches to cater for the demand for cricket, rugby union and hockey but there is a deficit of accessible, quality grass adult and junior football pitches.**

³Sport and Recreation Facilities Strategy, PMP, 2009

6.5.4 **18.5 additional pitches are required to meet existing needs, particularly as most public pitches are average quality, suffer from overuse and are unable to accommodate the required number of matches each week². New development is expected to increase the demand to 24.6 pitches by 2021² unless access to existing pitches can be increased, quality can be improved or new provision is made.**

Secure community access: access to the facility out of hours for organised community groups and teams provided for under a community use agreement

6.5.5 **The use of other sports facilities is uneven. Newer education facilities have secure community access and are popular with the community. But they operate at full capacity, while older facilities have lower use and limited access³. The quality of some facilities for swimming, court sports, athletics and cycling would benefit from improvements so that each can cope with additional demand from new development. In the long term, additional sports facilities like a sports hall, outdoor gym and tennis courts could help improve participation in physical activity at appropriate locations across the town³. Ancillary facilities like changing rooms and car parking are also required, where appropriate. Secure community access to new sports facilities, particularly at new schools will help improve the quantity and distribution of sports facilities available to community groups outside the school day.**

GOOD PRACTICE: THE PASTURES

A significant development of 149 dwellings at 'The Pastures' is being developed next to the existing Skerne Park neighbourhood in south Darlington. This new development provided an opportunity to create a focal point for the community which would also help integrate the new development with the existing neighbourhood.

The provision of sports facilities, particularly a playing pitch had been an identified community need for a number of years in this part of town. Securing the pitch through new development and locating it next to the existing Community Centre, near to the entrance of the development ensures it is highly visible and accessible to both existing and new residents. Management, use of ancillary facilities and car parking are undertaken through the Community Centre. Long term maintenance was also secured by a Section 106 Agreement.

SPORT AND PHYSICAL ACTIVITY: AMOUNT, TYPE, MIX
<p>Threshold</p> <ul style="list-style-type: none"> • Residential development: 10 or dwellings (or 0.2ha) or more • Non residential development: 1000 sqm of gross floorspace (0.8ha) or more
<p>Requirement</p> <ul style="list-style-type: none"> • On site provision will only be required from significant developments; • In all other cases, a standard charge will be sought to provide or improve publicly accessible playing pitches identified on the Infrastructure Projects List; or • Where a locality has a specific sporting project identified on the Infrastructure Project List, that requires gap funding, this will take priority; • Standard charges to improve sports facilities will be 50% less than the cost of providing new facilities; • 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. • Requirements from non residential development will be a third of those for residential development.
<p>Summary of Approach (see section 6.5.6)</p> <ul style="list-style-type: none"> • The priority will be to secure a standard charge to provide or improve new playing pitches to help deliver the playing pitch standard in accordance with the Playing Pitch Hierarchy². • Where this standard has been met, or where there is a specific sporting project in the locality identified on the Infrastructure Projects List, a standard charge will be used to help secure its delivery. • Maintenance contributions will be secured for the facility provided or improved by the development.
<p>Supporting Information</p> <ul style="list-style-type: none"> • Where a development proposal involves the loss of sports facilities it must be consistent with Core Strategy policy CS18. Any re-provision will be in addition to the planning obligation requirements set out in this SPD. • Provision of playing pitches includes circulation space and run off areas. • Non residential development will only make provision for sports facilities that its employees will reasonably be expected to use on a lunchtime and early evening. • It is impracticable to provide costs for every type of sports facility, costs will be set out for those facilities that new development are likely to impact upon in the Borough.

APPROACH

- 6.5.6 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^{1,2}. **The priority is securing a standard charge to help provide or improve publicly accessible playing pitches in the Borough. Alternatively where a specific sports project is identified on the Infrastructure Projects List that lies within the locality of a development the standard charge will be used for its delivery.**

ON SITE PROVISION

- 6.5.7 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.
- 6.5.8 Where new education facilities are 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. A secure community use agreement providing access for clubs and community groups out of school hours will be required.

OFF SITE PROVISION

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

1. Developer Owned Land

- 6.5.10 The requirement will be applied to the total number of market dwellings to be provided on the application site, including any increase in units on the application site resulting from the provision of sports facilities off site. The developer must make sure that the proposal:
- Is consistent with the relevant hierarchies of provision;
 - Will be laid out to a design and specification agreed with the Council, is fully compliant with the appropriate Governing Body standards and available for use to meet the agreed timescale for delivery;
 - Has the appropriate planning permission secured, prior to the occupation of any of the on site market housing development.
- 6.5.11 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.

4.17

2. Standard charge Residential Development

- 6.5.12 Sports provision will be based on the additional **10,300** people that are expected to be living in the Borough by 2026⁴ and the subsequent requirements per person that will be needed to meet standards of provision. Where a development is helping to improve the quality of these facilities the charge will be 50% less than the cost of provision. Where new facilities are required 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)

- 6.5.13 Quality improvements are based on the total cost of improving average or below average quality facilities that the occupiers of the new development are expected to use¹⁰. The following formula will be used:

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)

Non Residential Development

- 6.5.14 Employees could reasonably be expected to use sports facilities less than residents so the standard of provision per person will be reduced by a third. Requirements from non residential development will be negotiated at the time of application when the employee density is known. The following formula will be used:

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 employee density rate (e) = cost of provision per employment type (f)
 / 2 = cost of quality improvements (g)

Quantity and quality improvement costs

Costs: exclude site remodelling, pumps, SUDS, inflation beyond 2nd Quarter 2011 prices, site abnormalities, VAT, land acquisition costs, regional variations in materials and labour.

Typical size m ² (a)	Cost (£) (b)	Cost (£) per m ² (c)	Cost (£) per person to local standard (d)	Dwelling Occupancy Rate	Provision cost (£) per dwelling (f)	Quality cost (£) per dwelling (50% discount) (g)
Grass playing pitch 0.76ha per 1000 pop (7m ²)						
72100	749119	10.39	72.73	1.28	93	47
				1.79	130	65
				2.42	176	88
				2.93	213	107

Tennis courts (2 court)						
1227	145000	118.17	14.07	1.28	18	9
				1.79	25	13
				2.42	34	17
				2.93	41	21
Quality Improvements						
Synthetic Turf Pitch (STP) (senior football)						
7526	810000		78.64	1.28	101	51
				1.79	141	71
				2.42	190	95
				2.93	230	115
Multi Use Games Areas (MUGA)						
782	115000		11.17	1.28	14	7
				1.79	20	10
				2.42	27	14
				2.93	33	17
Swimming pool (4 lane)						
1140	2890000		280.58	1.28	359	180
				1.79	502	251
				2.42	679	340
				2.93	822	411
Sports hall (4 court)						
1435	2685000		260.67	1.28	334	167
				1.79	467	234
				2.42	631	316
				2.93	764	382

6.5.15 Standard charges may be used for:

- Purchasing land or facilities;
- Laying out and constructing playing pitches or locality specific sports projects;
- Providing and/or improving ancillary facilities including 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 land including playing pitches, locality specific sports facilities and/or equipment for sport;
- Providing seating, lighting and other similar facilities so that the facility can be enjoyed safely.

MAINTENANCE

6.5.16 In addition to the costs identified above, a one off commuted sum equivalent to the cost of 10 years maintenance of the sports facilities provided will be required. Where facilities have been improved the cost will be reduced by 50%. The following formula produces an annual maintenance cost (per dwelling/per sqm of floorspace).

4.15

Annual maintenance cost: based on the Council's current maintenance prices for similar facilities

annual cost of maintaining each type facility (b) /10,300 = maintenance cost per person (c)
 x dwelling occupancy/employee density (d) = annual maintenance cost per sqm/ 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)
Playing pitch				
80,000	7.76	1.28	9.93	100
		1.79	13.89	139
		2.42	18.77	188
		2.93	22.74	228
Tennis				

courts/MUGAS				
10,000	0.97	1.28	1.24	12
		1.79	1.73	17
		2.42	2.34	23
		2.93	2.84	28
STP				
15,000	1.46	1.28	1.87	19
		1.79	2.61	26
		2.42	3.53	36
		2.93	4.28	43
Swimming pool				
50,000	4.85	1.28	6.21	62
		1.79	8.68	87
		2.42	11.74	118
		2.93	14.21	142
Sports hall				
20,000	1.94	1.28	2.48	25
		1.79	3.47	35
		2.42	4.69	47
		2.93	5.68	57

DELIVERING SPORTS FACILITIES

6.5.17 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.
- Pitches do not overlap; the overlapping summer and winter seasons present potential 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 ancillary facilities, such as changing rooms, parking and flood lighting are provided.

SECURE COMMUNITY USE AGREEMENT

- All education facilities have a secure community use agreement so that the facility is accessible to the community in perpetuity outside school hours.
- Private sports clubs and facilities promote community use where appropriate.

RELEVANT GOVERNING BODY AND BSEN STANDARDS

- All new sports facilities meet relevant sport Governing Body 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 limit the contamination of the surface and provide space for spectators to stand.

FLOODLIGHTS

- Where appropriate, floodlights are provided to extend use into the evening and throughout the year but do 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 greenspaces.
- 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 leaf fall do not become a problem.

INDEPENDENT INSPECTION

- 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.
- Any safety or sport Governing Body assessments required prior to adoption are funded by the developer.

PITCH PROVISION

- Enough time is built in early 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.

SECURING SPORT AND RECREATION PROVISION

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

Relevant Core Strategy policies: CS2, CS3, CS4

¹UK Renewable Energy Strategy, 2009

Renewable sources: energy that occurs naturally and repeatedly in the environment from wind, water, sun and biomass

²Darlington Decentralised, Renewable and Low Carbon Strategy Update, Entec, 2010

Decentralised energy: technology that locally serve a building, development or wider community

Low carbon technology: reduces carbon emissions includes biomass, combined heat and power, ground source heat pumps, photovoltaics and wind

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

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

6.6 RENEWABLE ENERGY AND CARBON MANAGEMENT FUND

6.6.1 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 2020.¹

6.6.2 Planned growth is projected to increase energy demand by two and a half times in Darlington (2008-2026)². A range of renewable energy technologies including decentralised energy and low carbon 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 strategy². Existing buildings particularly older homes generate a further 538,000 tonnes of carbon dioxide annually, adding to the Borough’s carbon footprint.

Needs and Priorities

6.6.3 A flexible approach to providing renewable energy in new development will be promoted in Darlington. On site provision of decentralised, renewable or low carbon sources 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.

6.6.4 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. Contributions from new development can help deliver energy efficiency improvements in these areas to help reduce the Borough’s overall energy demand.

RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND	
Threshold	
<ul style="list-style-type: none"> • Residential development: 10 or more dwellings (or 0.2ha) or more • Non residential development: 1000m² non residential gross floorspace (or 0.8ha) or more 	
Requirement	
<ul style="list-style-type: none"> • At least 10% of predicted energy supply to be secured from the on site provision of decentralised and renewable or low carbon sources⁴; and/or • Where specific opportunities exist, connect to existing biomass or combined heat and power installations or district heating schemes to secure at least 10% predicted energy supply; and/or • A financial contribution between £240-£300 per tonne of CO₂ to the Carbon Management Fund 	
Summary of approach (see section 6.6.5)	
An energy hierarchy has been adopted ⁴ to help reduce the Borough’s overall energy demand. Developers should:	
<ol style="list-style-type: none"> 1. design an energy efficient development to reduce the amount of energy required so that the amount of energy needed from renewable technologies is lower. 2. make sure that major new development (including the Rest of the Urban Area strategic location) secures at least 10% of its predicted energy supply from on site decentralised and renewable or low carbon sources. 	
Both are secured via planning condition. For further information see the Design SPD ⁵ .	
<ol style="list-style-type: none"> 3. Where this is not feasible or viable a connection to a facility in the locality will be required. Where it can be demonstrated that all or part of the percentage target is not feasible or viable on or off site a contribution will be sought to: 4. the Carbon Management Fund: the contribution sought will be equivalent to the difference in CO₂ emissions mitigated by on site renewable energy generation and the percentage requirement. 	
The fund will be used to deliver schemes identified in the Infrastructure Project List.	

⁵Design of New Development SPD, DBC, 2011

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

⁵UK Carbon Reduction Commitment, 2010

Renewable energy technology lifetime: between 20-25 years

Exceptions

Provision of renewable energy will not be sought from:

- Gypsy and Traveller accommodation
- Contributions to the Carbon Management Fund from non residential development

Supporting Information

- Developers will need to show in the Design and Access Statement 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 matter application provides the same level of detail and documentation that is expected for a full planning application.
- Reductions in CO₂ 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 does not meet these requirements.
- A S106 legal agreement will make sure that renewable energy is secured in perpetuity with Energy Service Companies, Multiple Utility Service Companies or other appropriate energy providers.

APPROACH

6.6.5 Provision of renewable energy should be considered from an early 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

6.6.6 The priority is to secure the appropriate percentage target on site so that the needs of the development are met. Site constraints or abnormal development costs may mean that it is not always feasible or viable to achieve this target on site. In these cases, or where specific opportunities exist, development will be required to connect to existing or new biomass, combined heat and power installations or district heating schemes off site.

6.6.7 Developers will be expected to complete the renewable energy matrix in **APPENDIX 7**. This will show that a development will achieve the appropriate percentage target. It should be submitted with the Design and Access Statement as part of the planning application.

CARBON MANAGEMENT FUND

6.6.8 **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 will be expected to:

1. identify the carbon dioxide emission (CO₂) reduction shortfall for the whole development (kg/CO₂ per year). This should be based on the cost of reducing CO₂ emissions by the same amount as the annual emissions reduction shortfall calculated in the renewable energy matrix for the proposed development. Where the total percentage target is to be delivered through the Carbon Management Fund, this will be based on the total CO₂ emissions for the development.
2. pay a financial contribution to the Carbon Management Fund of between **£240- 300 per tonne of CO₂, equivalent to paying £12 per tonne a year⁵ over the predicted lifetime of renewable energy technologies**, to help off set the total outstanding carbon dioxide emissions generated by the development.

6.6.9 The Fund will help deliver specific schemes on the Infrastructure Projects List in the **Central, Northgate, North Road, Bank Top wards and the Rural Area** to make the most effective carbon savings for people who experience greatest fuel poverty. This includes:

- retrofitting existing housing or other buildings in the vicinity of the proposed development; loft and cavity wall insulation, installation of efficient condensing boilers could be provided;
- 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

- building-installed renewable energy technologies such as solar water heating, solar photovoltaic panels and wind (micro-generation).

DELIVERING RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND

6.6.10 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 in the s106 legal agreement.
- any infrastructure installed in the early phases of a new development is capable of accommodating new connections to carry the energy load from the whole development. The costs of this must be considered when purchasing land for development.

SECURING RENEWABLE ENERGY AND THE CARBON MANAGEMENT FUND

Type of Infrastructure	Trigger
Off Site Renewable Energy	<ul style="list-style-type: none"> • Plant and initial infrastructure should be installed in tandem with development alongside the provision of other utility infrastructure. • Additional provision should reflect the delivery and or phasing of development.

Relevant Strategy CS4 Core policies:

6.7 EMPLOYMENT AND TRAINING

6.7.1 New development can provide a range of opportunities for employment and training for residents. Suitably trained people are required to help construct new development and to work in a completed development like a shop, cinema or restaurant. Valuable skills can be gained by those who are unable to find work in the current economic market, the Borough's increasing unemployment rate will be reduced while improved economic wellbeing has 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 will help attract new development to the Borough.

Needs and Priorities

6.7.2 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 level¹. Development in these locality areas provides significant opportunities to reduce this imbalance.

¹Joint Single Needs Assessment, DBC, 2010

GOOD PRACTICE: LINGFIELD POINT

A significant mixed use regeneration scheme was permitted for 1,220 dwellings, 2,900m² of offices as well as local shops and services. Covering 32ha, the size and scale of the development means that the site will be developed in phases with approximately 400 dwellings expected to be built every five years until 2026. The employment land is expected to be developed from 2021. To enable this development to progress well, the developer will engage local residents during the construction of the development. This will make sure that the local community benefits from the significant development generated at Lingfield Point.

EMPLOYMENT AND TRAINING SKILLS: AMOUNT, SIZE AND MIX

Threshold

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

Requirement

The following requirements will be a starting point for negotiations so that the Council's Business Engagement Officer can prioritise provision to address local employment needs flexibly:

- **A minimum of 10% of the workforce is required to be delivered by new entrant trainees as agreed with the Council in the construction of the development; and/or**
- **For non residential development: a minimum of 20% of the workforce should be secured through the local labour market in the end use of the development.**

Summary of Approach (section 6.7.3)

- 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 equivalent to the

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

additional floorspace provided.

APPROACH

6.7.3 For all appropriate developments, 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

6.7.4 The number of placements sought is based on the estimated number of construction jobs likely to be created by a development. A minimum **10%** construction target is consistent with other parts of the North East. 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.

- 6.7.5 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

6.7.6 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, in line with the rest of the North East. 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

6.7.7 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

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

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

SECURING EMPLOYMENT SKILLS AND TRAINING PROVISION

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

Relevant Core Strategy policies: CS2, CS4

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

6.8 PUBLIC ART

6.8.1 Public art in its many different forms including sculpture, water features and street furniture can add value and interest to the public realm or open spaces. Increasingly public art is being integrated into new development, creating a unique identity and focal points within an area encouraging people to view and use new development, public realm and open spaces in different ways.

Needs and Priorities

6.8.2 High quality public art can create a distinctive setting for business investment, development and tourism to thrive. Other types of public art can be used to promote places or provide solutions to very practical problems at minimal cost, such as the design of decorative security grilles, balconies or even as decorative door handles in new housing. 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 have work on display throughout the development. Central to West Park itself is The Amphitheatre; an impressive circle made from corten steel featuring a hemispheric bowl holding a contour map of West Park with prominent landmarks from the surrounding area marked on its rim. The three sets of three Trinity Stones surround it celebrate the three protected species that were found on the site; the dingy skipper butterfly, the ringed plover and the water vole. Connecting the Park to the surrounding residential areas are The Bridges; resembling trains speeding through the landscape they represent Darlington’s railway heritage. At West Park Hospital, the simple motifs of sun, egg and apple reflect provide points of calm for patients and visitors. Individual street signs with historical and geographical references add individualism and provide a coherent identity linking the built development with the surrounding green space.

PUBLIC ART: AMOUNT, SIZE AND MIX

Threshold

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

Requirement

- Residential development: **at least 0.5% of the construction costs of the capital project to be used for public art.**
- Non residential development: **at least 1% of the construction costs of the capital project to be used for public art**

Summary of Approach (see section 6.8.3)

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

- In general public art should 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 in lieu of public art will be acceptable.

APPROACH

6.8.3 Public art should be considered from an early stage in the design process as an integral part of the design of the development. All appropriate developments should submit a Public Art Statement as part of the Design and Access Statement with the planning application. The level of detail should reflect the scale of the 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 SITE AND OFF SITE PROVISION

6.8.4 Original, permanent public art should be commissioned. It should be seamlessly integrated into the physical form, function, style or content of a place, space, building or a development. Visible and accessible to the community and intrinsic to the architecture or landscape of the scheme it should be delivered in collaboration with a qualified, professional artist, preferably a notable and/or regional artist as they will have the necessary skills to successfully take a public art 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.

6.8.5 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 such as sculpture, gateway and water features, kinetic works, landmarks, architectural sculpture, land art, commemorative works such as memorials, inscriptions, plaques, street furniture such as paving, security screening, tree grilles, seating and bollards. Integrated two and three-dimensional works such as door furniture, 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

Maintenance

6.8.6 Durable, permanent, well constructed artwork should have a minimum design life of 25 years and should 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 covering 10 years maintenance of the artwork and will be negotiated on a site by site basis.

4.15

FINANCIAL CONTRIBUTION

6.8.7 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.

DELIVERING PUBLIC ART

6.8.8 Developers should make sure that:

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"> • Tied to the completion of the development and should be provided no longer than one year after completion. • 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.
Maintenance contributions	<ul style="list-style-type: none"> • Paid prior to completion of the title transfer and used within the 10 year period.

APPENDIX 1 KEY CORE STRATEGY POLICY

Policy CS4 Developer Contributions

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

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

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

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

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

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

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

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

APPENDIX 2: REFERENCE LIST

Government Guidance www.communities.gov.uk

National Planning Policy Framework, DCLG, 2012
Circular 02/2007 Planning and the Strategic Road Network, DfT, 2007
Circular 05/2005: Planning Obligations, ODPM, 2005
Community Infrastructure Levy Regulations 2010
Definition of Zero Carbon Homes and Non-Domestic Buildings: Consultation, DCLG, 2008
Employment Land Reviews: Guidance Note, ODPM, 2004
Guidance on Transport Assessments, DfT, 2007
Natural Environment and Rural Communities Act 2006
1980 Highway Act
OSR 15/2010 Statistical Release, DoE, 2010
Town and Country Planning (Use Classes) Order 1987
UK Carbon Reduction Commitment, 2010
UK Low Carbon Transition Plan, 2009
UK Renewable Energy Strategy, 2009

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

Other Stakeholders Guidance

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

Local Plans and Strategies www.darlington.gov.uk

Darlington LDF Core Strategy, DBC, 2011
Darlington LDF Design of New Development SPD, DBC, 2011
Darlington LDF 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

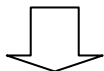
One Darlington: Perfectly Placed, Darlington Partnership 2008
Joint Single Needs Assessment, DBC, 2010

APPENDIX 3: 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:

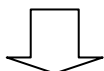
STAGE 1: PRE- APPLICATION DISCUSSIONS

ONE STOP SHOP



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

OFFICER RESPONSE

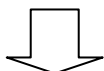


Information will reflect the level of detail provided and will identify:

- 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.

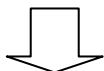
COMMUNITY CONSULTATION:
Significant planning applications



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

STAGE 2: PLANNING APPLICATION

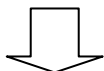
SUBMIT PLANNING APPLICATION



The planning application should show how planning obligation requirements will mitigate the impact of the development using the guidance in this draft 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.

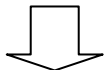
Section

STATUTORY CONSULTATION



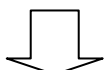
A range of other Council services, infrastructure providers and the local community will be consulted where appropriate, to help identify and assess the impact of development on existing infrastructure and whether the infrastructure/charges proposed by the developer are appropriate.

AGREEMENT OF DRAFT HEADS OF TERMS



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.

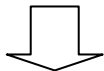
DETERMINING PLANNING APPLICATION: A by Officer or Planning



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 legal agreement.

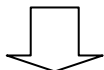
STAGE 3: COMPLETION OF LEGAL AGREEMENT

PREPARATION OF LEGAL AGREEMENT



The Council's Borough Solicitor with the developer's solicitor and Planning Officers will put together the s106 legal 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.

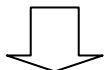
SIGNING LEGAL AGREEMENT



Once signed, planning permission will be formally granted and a Decision Notice will be sent to the developer. The s106 legal 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.

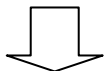
STAGE 4: IMPLEMENTATION

PLANNING OBLIGATIONS DATABASE



The Planning Obligations Officer will enter relevant information from the S106 legal agreement onto the 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



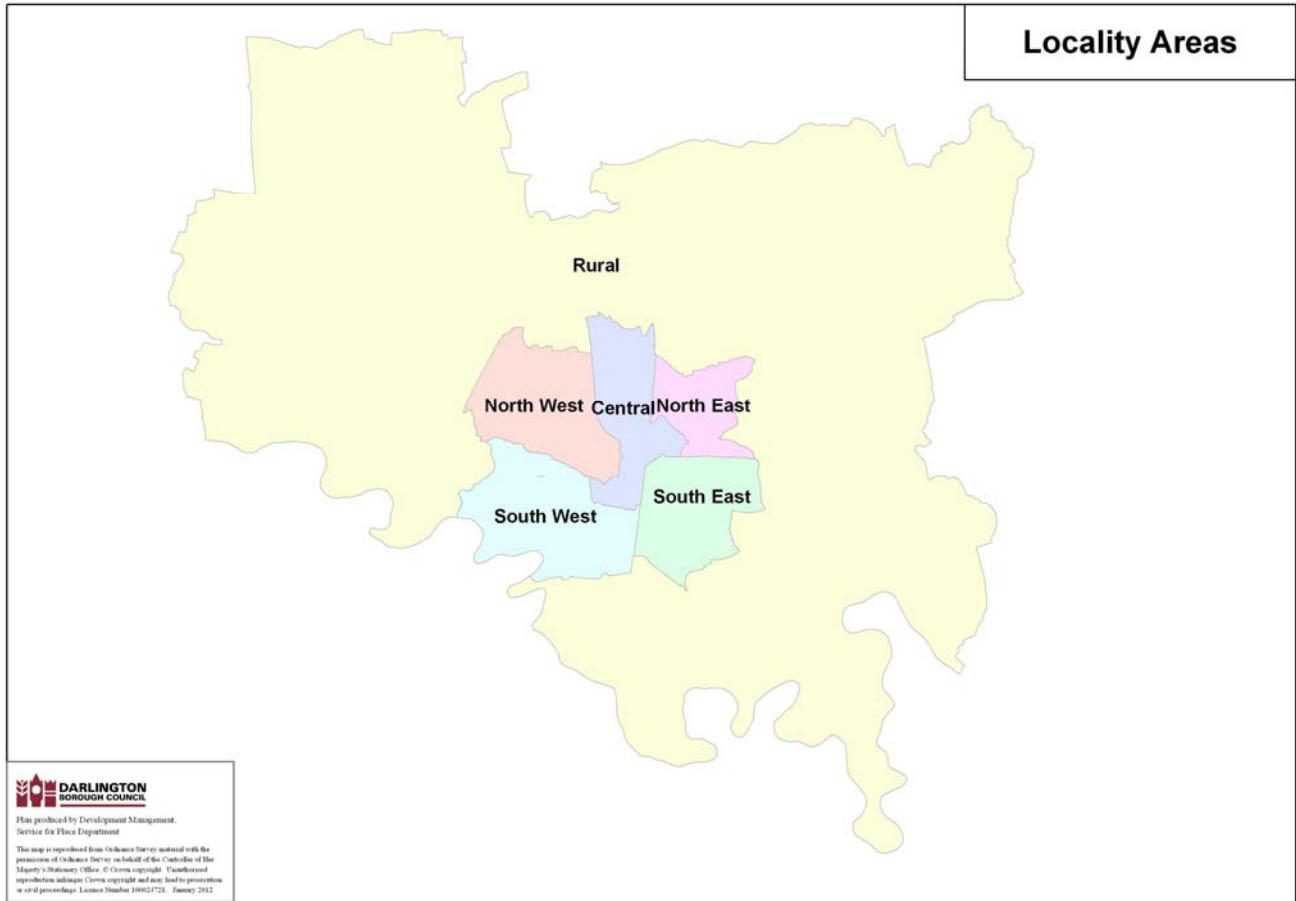
The Planning Obligations Officer will make sure that infrastructure is delivered at the right time to meet the needs of the development. Payment of standard charges/contributions should be made by electronic transfer and/or by cheque. Variation and discharge of obligations will only be considered formally, whether by deed of variation or by 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 draft 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.

Developer
 DBC
 Both

APPENDIX 4: LOCALITY MAP



Locality	Wards
North West	Faverdale, Cockerton West, Cockerton East, Pierremont
Central	Harrowgate Hill, NNorth 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 5: PLANNING OBLIGATIONS COMMUNITY INFRASTRUCTURE TARGETS

Residential Development: Infrastructure Targets 2012-2013

Type of Infrastructure	North West				Central				South West				South East				North East			
	Thresholds (no of dwellings)				Thresholds (no of dwellings)				Thresholds (no of dwellings)				Thresholds (no of dwellings)				Thresholds (no of dwellings)			
	5	10	15	50 or more	5	10	15	50 or more	5	10	15	50 or more	5	10	15	50 or more	5	10	15	50 or more
Housing																				
Affordable housing			✓	✓			✓	✓			✓	✓			✓	✓			✓	✓
Improvements to Council owned housing			✓	✓							✓	✓							✓	✓
Improvements to private housing							✓	✓							✓	✓				
Transport																				
Sustainable transport	✓	✓	✓	✓							✓	✓			✓	✓				✓
Public transport			✓	✓							✓	✓		✓	✓	✓			✓	✓
Highways	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Travel Plan		✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓	✓
Education																				
Early years																				
Primary		✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓	✓				
Secondary																				
Tertiary																				
Green Infrastructure																				
Informal recreation									✓	✓	✓	✓								
Children's play					✓	✓	✓	✓	✓	✓	✓	✓					✓	✓	✓	✓
Wildflower amenity																				
Semi wild space	✓	✓	✓	✓									✓	✓	✓	✓		✓	✓	✓
Sport and recreation																				
Playing pitches		✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓	✓
Other sports facilities						✓	✓	✓						✓	✓	✓				
Renewable energy																				
Off site																				
Carbon Management Fund		✓	✓	✓		✓	✓	✓		✓	✓	✓						✓	✓	✓
Employment and training																				
Construction				✓				✓				✓				✓				✓
Public art																				
Public art				✓				✓				✓				✓				✓

Non Residential Development: Infrastructure Targets 2012-2013

	North West		Central		South West		South East		North East	
Infrastructure	500m ²	1000m ² +	500m ² +	1000m ² +	500m ² +	1000m ² +	500m ²	1000m ² +	500m ² +	1000m ² +
Transport										
Sustainable transport		✓		✓		✓	✓	✓		✓
Public transport	✓	✓		✓		✓	✓	✓		✓
Highways	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Travel Plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Green Infrastructure										
Informal recreation	✓	✓								
Wildflower amenity										
Semi wild	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sport and Recreation										
Playing pitches		✓		✓		✓		✓		✓
Other sports facilities				✓				✓		
Renewable Energy										
Off site										
Employment and Training										
Construction		✓		✓		✓		✓		✓
End User		✓		✓		✓		✓		✓
Public Art										
Public art		✓		✓		✓		✓		✓

APPENDIX 6: INFORMATION REQUIRED FOR ASSESSING FINANCIAL VIABILITY

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

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

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

Economic Viability Test

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

APPENDIX 7 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

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

These do not include calculations for unregulated energy (cooking, appliance, 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.

2. Describe the measures that are proposed to achieve design for energy efficiency

This should include all measures proposed to meet the appropriate Code for Sustainable Homes/BREEAM level.

3. Calculate the actual predicted energy consumption

This is the predicted energy consumption of the development after deducting the energy efficiency measures. For CSH3 that would be 25% and in 2013 for CSH4 it would be 44%. While for CSH 5 and 6 there is 100% improvement above Part L this does not include unregulated energy use.

Figures should be provided for the annual predicted energy demand for:

Heating (and where proposed cooling)

Hot water

Lighting

Electrical appliances

Energy figures should be expressed in KWh/year

4. 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.

5. 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.

6. Complete the renewable energy matrix

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

Renewable Energy Matrix

			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	(1) + (1) x 0.2 = (2)				(1)
	Add 20% for unregulated energy e.g. appliances			(1) x 20/100 + (1) = (2)				(2)
	Deduct 25% for energy efficiency*			(2) - (2) x 0.25 = (3)				(3)
	10% Requirement (3)			(3) * 0.1 = (4)				(4)
Renewable Energy	Proposed Technology	Amount proposed (e.g 4 x solar thermal panels at 2m ² each)		Annual energy proposed from renewable technology (kWh/yr) (5)		At least 10% from renewable technology This should be more than (4)		
				(5)				

*This is the predicted energy consumption of the development after deducting the energy efficiency measures at CSH3. 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