

SUPPLEMENTARY PLANNING GUIDANCE NOTE 7

DEVELOPMENT CONTRIBUTIONS



Hastings
BOROUGH COUNCIL
...Making the Difference...

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1. Foreword

- 1.1 The Council would normally take this Supplementary Planning Guidance (SPG) note through public consultation and then adopt it. However the Planning and Compulsory Purchase Act 2004 replaces the present local plan system with a Local Development Framework, which includes provision for the preparation of Supplementary Planning Documents (SPD) to replace SPGs. It is the Council's intention to take this SPG forward as a SPD, probably in the winter of 2004. Full public consultation will be undertaken at that time. As a SPD, this guidance will carry greater weight as a material consideration in the determination of planning applications and planning appeals, than it would as a SPG adopted under the present system.
- 1.2 In the meantime the Council has adopted this document as interim guidance for development control purposes. It will be taken into account in the determination of planning applications and, although it will be used flexibly by the Council, planning applications which do not meet its requirements may be refused planning permission.
- 1.3 The Government has recently (December 2003) published a consultation paper "Contributing to Sustainable Communities – A New Approach To Planning Obligations." This sets out the government's proposals for reforming the system of planning obligations related to development contributions. In the event of significant changes being made to the way in which development contributions are secured in future, the Council will amend this SPG before taking it forward as a SPD.

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2. Introduction

2.1 Hastings Borough Council welcomes well designed, sustainable developments that are acceptable in terms of its planning policies. However, it is commonly the case that there can be barriers to the granting of planning permission which cannot realistically be resolved by the use of planning conditions. The Council will then seek to negotiate a planning agreement with the developer. It is firmly of the view that the purpose of such agreements is to facilitate and help desirable developments to proceed and will base its approach to negotiating them with this in mind.

2.2 In most instances, the need for a planning agreement will reflect two key aspects of a development:

- It will result in additional pressures on community or other infrastructure
- It would not be realistic of the Council to require the developer to mitigate all of these pressures either on site or on other land in the developer's ownership

2.3 In these circumstances, if there is not a commensurate increase or improvement in infrastructure, the result will be a 'planning loss' to the local community: for example there will be more demand for local football pitches than existing pitches can realistically accommodate. In some circumstances the Council may seek a planning agreement to secure on-site provision by the developer; in others, it may seek an agreement requiring the developer to provide a financial contribution which it will use off-site to mitigate the impacts of the development. This Supplementary Planning Guidance (SPG) sets out the types of infrastructure for which the Council may seek contributions, how it will assess the possible need for and scale of those contributions and how it will use them. It has two main purposes:

- To provide clarity and transparency for developers so that they are aware of the possible need for a planning agreement and related financial contributions early in the development process
- To facilitate a consistent approach to the securing of planning agreements and related contributions throughout the Council's area and across Council departments

2.4 The SPG covers the following topics:

- The status of Supplementary Planning Guidance
- The Council's objectives
- The legal and policy justification for seeking contributions
- The types of infrastructure for which the Council may seek contributions
- The types and scales of development from which the Council may seek contributions
- Commuted management and maintenance sums
- The Council's proposed Code of Practice

Terminology

- 2.5 For the sake of clarity and consistency, throughout this SPG:
- Contributions (or development contributions) are capital payments which the Council will use to fund the provision or enhancement of infrastructure
 - Commuted management and maintenance sums (or, more simply, commuted sums) are paid to the Council and will be used by it to fund a stream of revenue payments over a number of years. As such, they are similar to a single payment annuity.

Commutated Management and Maintenance Sums

- 2.6 The infrastructure for which the Council may require commuted management and maintenance sums is:
- On-site open space, required by Policies OS2 and DG13 of the Hastings Local Plan 2004
 - Off-site nature conservation areas, required by Policies NC1, NC2, NC3, NC6 AND NC10
 - Flooding or sea defences, required by Policy DG26
 - Sustainable transport, required by Policy TR9
- 2.7 If the Council adopts on-site open space provided in accordance with Policies OS2 and DG13, it will require a commuted maintenance sum sufficient to fund a 20-year stream of revenue payments for management and maintenance. For flooding or sea defences, in accordance with PPG26 (see below) it will require a commuted sum sufficient to fund a 30-year stream of revenue payments for management and maintenance.

3. The Status of Supplementary Planning Guidance

- 3.1 This SPG does not stand alone, but must be read in conjunction with the Hastings Local Plan 2004. In general, the purposes of SPG are:
- To set out how specific policies in the Local Plan will be put into practice by the Council as planning authority
 - To provide greater details on policies than would be appropriate in the Plan itself
 - To reflect Government policies put in place since the preparation of the Plan and anticipate how they will influence the next review of the Plan
- 3.2 SPG does not have the same statutory status as an Adopted Plan. Instead:
- It aims to provide helpful guidance to those preparing planning applications
 - It may be taken into account as a material consideration when the Council, an Inspector or the Secretary of State determine planning applications

4. The Council's Objectives

4.1 The Council's planning objectives underpinning this SPG are:

- To facilitate and enable desirable developments for which the Council might otherwise have to refuse planning permission as a result of their impact on local infrastructure
- To ensure that community infrastructure within the Borough is of appropriate capacity, accessibility and quality to meet reasonable local community needs
- To ensure that any new community infrastructure provided or funded by developers is large enough to be fit for purpose, appropriately sited, practical to maintain and sustainable
- To promote the speedy, transparent and consistent application of provision standards to proposed developments
- To minimise the time needed to negotiate planning agreements with developers by setting out how the Council will assess and use development contributions

5. The Justification for Development Contributions

The National Policy Framework

- 5.1 The Government has made clear in various Planning Policy Guidelines (PPGs) that the community should not be disadvantaged by new development. Accordingly, it is reasonable for planning authorities to expect developers to contribute to the cost of meeting those local needs for community facilities and infrastructure which arise from their developments. It is useful to think of development as creating a need for additional or enhanced infrastructure, giving rise to an obligation on the developer to fund whatever measures may be needed to mitigate that need. The legislative basis for this is set out in Section 106 of the Town and Country Planning Act 1990, as substituted by Section 12(1) of the Planning and Compensation Act 1991. Obligations can be discharged through a unilateral undertaking, offered by a developer, or a negotiated agreement between a developer and local planning authority.
- 5.2 Planning agreements can take many forms. Broadly speaking, they can be used to restrict development or the use of land; to require a developer to undertake and pay for specified operations; to require land to be used in a specified way; or to require the developer to make one or more payments to the authority. This SPG is concerned primarily with the last of these although the Council may seek a planning agreement for any appropriate purpose.
- 5.3 Planning permission must never be bought or sold. Accordingly, the Council will not refuse permission for an entirely acceptable development on the grounds that the developer is unwilling or unable to contribute to infrastructure improvements. Equally, however, it will not grant permission for an unacceptable development because the developer has offered to provide or fund unnecessary or unrelated benefits through a unilateral undertaking.

5.4 Government guidance on planning obligations and the use of planning agreements is set out in Circular 1/97, Planning Obligations (Department of the Environment, 28 January 1997). This Circular gives five tests for the reasonableness, or otherwise, of proposed agreements. The Council interprets these policy tests as follows:

- The proposed agreement must be necessary: the proposed development will increase the need for local infrastructure and in the Council's view the existing infrastructure is already operating at or beyond its realistic capacity; and therefore it would be wrong to grant permission without providing the additional or enhanced infrastructure needed in order to meet the additional demands created by the development.
- The proposed mitigation must be relevant to planning: the Council will seek contributions only for purposes which relate to the use or development of land.
- The proposed mitigation must be directly related to the proposed development: the Council believes that it is neither practical nor necessary for all of the impacts of a proposed development to be mitigated in the immediate vicinity of it. However, there must be a reasonable expectation that the impacts of a proposed development will be mitigated within a reasonable distance of it. This "reasonable distance" will vary with the nature of the infrastructure. It will obviously be fairly short for facilities such as play areas for young children but longer for facilities such as sports halls. PPG17 recommends the use of distance thresholds and the Council has adopted this approach and, where appropriate, will use thresholds to determine whether a proposed mitigation is "directly related" to a development.
- The proposed mitigation must be fairly and reasonably related in scale and kind to the proposed development: the Council will not ask developers to fund a greater amount of infrastructure than needed to cope with the additional pressures created by their developments.
- The proposed agreement must be reasonable in all other respects: in broad terms, the key test the Council will apply is whether the requirement for an agreement is so directly related to the regulation of the proposed development that it should not be permitted without it.

5.5 It follows from these tests that the Council will not seek or use contributions to reduce any infrastructure deficiency which existed at the time a development was first proposed. However, it may seek contributions to prevent any such deficiencies becoming worse as a direct result of the development.

The Structure Plan Framework

5.6 Policy S3 of the East Sussex and Brighton and Hove Structure Plan 1991-2011 states that:

"In all cases development will not be permitted before the relevant planning authorities are satisfied that the infrastructure and facilities required to serve the development are available or will be provided. This policy may involve the direct provision of capital works by developers, or commuted payments by landowners or developers towards the cost, in whole or part, of works to be provided by others."

The Local Plan Framework

- 5.7 This SPG relates directly to Policy DG24 in the Hastings Local Plan 2004 and its supporting text. The Policy is:

Policy DG25 – Development Infrastructure

Development will not be permitted before the Borough Council is satisfied that any capital works directly required to service the development concerned has been or will be provided. New development should not be occupied or infrastructure utilised until identified improvements or new works have been completed.

In operating this policy, the appropriate local authority will seek either the direct provision of capital works by developers or contributions by landowners or developers towards the cost in whole or part of works to be provided by others.

- 5.8 In accordance with the recommendations of the Local Plan Inspector, the supporting text to Policy DG25 now reads:-

“Contributions fairly related in scale and kind to a proposed development will be sought for the funding of all the infrastructure deemed necessary to provide for it. Examples of such infrastructure relate to education, libraries, access and transport, recreation, leisure, social and community facilities. Supplementary Planning Guidance will be prepared to augment Circular 1/97 and the Highways Act 1980 S278. This will guide developers on such matters as the nature, scale and means of provision of any reasonably required infrastructure.”

- 5.9 The other Local Plan policies to which this SPG specifically relates are:

- NC1, NC2, NC3, NC6 AND NC10: Nature Conservation
- OS2: Areas deficient in open space
- OS6: Amenity Footpath Network
- TR7 and 9: Accessibility
- DG13: Provision of children’s playspace
- DG20: Public art
- DG26: Flood risk

6. The Definition of Infrastructure

- 6.1 The forms of infrastructure towards which the Borough Council may seek developers’ contributions is:

(Covered in separate Supplementary Planning Guidance)

- Affordable housing (SPG Note 6)
- Children’s play provision (SPG Note 5)

- (Covered in this Supplementary Planning Guidance)
 - Open space, including nature conservation areas and outdoor sports provision
 - Flood relief and/or sea defences
 - Community facilities
 - Public art
- 6.2 East Sussex County Council has prepared interim Supplementary Planning Guidance entitled *A New Approach to Development Contributions* setting out the circumstances in which it is likely to seek contributions towards providing infrastructure and services for which it has a statutory responsibility, such as education, highways, libraries and sustainable transport. Although the Borough Council has not adopted the County Council's SPG, it will have regard to it when seeking development contributions, in accordance with the priorities set out later in this SPG. As any contributions to County Council functions will be designed to mitigate the impacts of development within Hastings, the Borough Council will always seek to ensure that they are used within the Borough.

Open Space

- 6.3 PPG17, *Open Space, Sport and Recreation* (2002) highlights the importance of open space as a vitally important component of any urban environment. High quality open spaces contribute to "liveability", the quality of urban developments and economic regeneration in many ways.
- 6.4 PPG17 also sets out a recommended open space typology which planning authorities can adopt or modify to suit the needs of their areas. It is based on two main types of open space: green spaces, which are normally vegetated and needed throughout urban areas, and civic spaces, which are predominantly hard surfaced and located mainly in town centres. As the Structure and Local Plans both pre-date PPG17 they do not yet reflect this typology. The Council's Community Strategy includes a target that, by 2013, 90% of households should have access to open spaces, such as parks, local nature reserves, public gardens and play areas or the beach, within 300 metres of their homes. The Borough Council will therefore be undertaking a PPG17-compliant assessment and developing appropriate provision standards for open space and sport and recreation facilities in due course. Meantime, it has published a map showing areas it has assessed as being deficient in accessible open space using English Nature's Accessible Natural Greenspace Standard (ANGSt) distance threshold. In accordance with Policies OS2 and DG25, the Council may seek to secure on-site open spaces within developments in these areas, using a Section 106 agreement.

Children's Play Areas

- 6.5 The Council has prepared separate SPG dealing with the provision of children's play areas. In summary, this requires:
- Developments of 25 dwellings or more: one Local Area for Play (LAP) within a 100m walking distance of each dwelling
 - Developments of 50 dwellings or more: one Local Equipped Area for Play (LEAP) within a 400m walking distance of each dwelling
 - Developers are required to transfer the necessary land to the Council together with a sum of money representing the cost of laying out the play space and a commuted sum for its maintenance.

Nature Conservation

- 6.6 Where a proposed development is likely to have a direct or indirect impact on nature conservation interests, the Council may, if it is minded to grant planning permission, require appropriate off-site compensatory measures to mitigate any adverse impacts. These measures can take many forms, including a financial contribution to the management of a nature conservation area in the vicinity of the site, and will be secured through a Section 106 Agreement. These Agreements will be in addition to any on-site works required to protect nature conservation interests. Each planning application will be considered on its individual merits, having regard to its overall impact on nature conservation interests.

Flood Relief

- 6.7 Flooding can cause severe problems and major expenditure for building owners and occupiers. Parts of the Borough are located on flood plains and it will not be sensible to allow development on them without appropriate flood prevention measures. PPG25, Development and Flood Risk, states:

“...where other material considerations outweigh the risk of flooding and point to a proposed development being permitted, any necessary flood defences or flood alleviation works required because of the development form a part of that development. They should normally be fully funded by the developer. Authorities may wish to consider entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the developer carries out the necessary works and that future maintenance commitments are met. It will probably be appropriate to vest the resulting defences, which have been constructed to the operating authority's satisfaction, in the operating authority, with a dedicated commuted sum to cover maintenance for 30 years. ... However, where such works would provide a wider benefit, the funding provided by the developer may be proportional to the benefits to him. In such cases, a reasonable allocation might be for the developer to fund the provision of the defences, which are then vested in and maintained by the operating authority ... The requirement for the developer to pay for construction and make arrangements for expected future maintenance costs of flood defence and mitigating works applies even where a proposed development does not require additional works but such works are considered necessary to prevent consequential additional flood risk to other areas and other properties.”

- 6.8 The Council will seek guidance from the Environment Agency on whether a proposed development on a flood plain will require flood or sea defences or a sustainable urban drainage scheme. Where this is necessary, in accordance with PPG25 the Council will require developers:
- To fund the full cost of flood defences needed as the direct consequence of a proposed development, whether to protect the development itself or mitigate the likely consequential impacts of the development on other properties, and to provide a commuted maintenance sum sufficient to fund maintenance for 30 years
 - To fund an appropriate proportion of the costs of flood defences needed partly to protect a proposed development and partly to protect other land or existing properties where there is no consequential impact of the proposed development on that land or existing properties
 - To fund the full cost of any sustainable urban drainage scheme needed to serve their developments and, if the Council adopts the scheme, to provide a commuted sum sufficient to fund maintenance for 30 years
- 6.9 The need for contributions to flood prevention measures is site-specific and can be assessed only on a case by case basis. Accordingly it is not possible to give clear guidance as to the likely level of possible contributions. Where necessary, the Council will impose a 'Grampian condition' requiring that necessary flood mitigation works must be completed before a development can be started.

Community Facilities

- 6.10 Community facilities, such as indoor sports facilities and community centres, help both to give an identity to a neighbourhood and provide valuable opportunities for the occupants of new developments to meet and interact with those who already live in the area. In his Report, the Local Plan Inspector makes clear that the Council can reasonably seek contributions to "recreation, leisure, social and community facilities". As it will be sensible to require developers to make on-site provision only in relation to large developments, for most developments the Council will normally seek contributions to new off-site provision or the enhancement of existing provision within appropriate distance thresholds. The specific community facilities for which the Council may seek contributions are:
- Community centres and similar local facilities
 - Multi-purpose sports halls and related ancillary accommodation
- 6.11 The Council's Community Strategy has a target of ensuring that all the residents of each ward will have ready, year-round access to a community facility by 2013. The Council will therefore be undertaking an audit of existing facilities in due course in order to identify the additional or enhanced provision needed to meet this target. This audit will inform the Council's future requirements for contributions towards the provision or enhancement of community facilities.

Public Art

- 6.12 Public art helps to foster a sense of place, making it memorable, and provides useful landmarks. As the supporting text to Policy DG20 makes clear, it is especially valuable in a Borough like Hastings which attracts a significant number of tourists. Public art can take many forms and the Borough Council has a relatively open mind on what may be appropriate. It will certainly be willing to consider sculpture, stained glass, murals, fountains, special railings and gates or art-driven treatments to ground surfaces. In general terms, the Council will prefer developers to include public art within their developments, but in appropriate circumstances may agree to accept contributions to off-site artworks. The Borough Council considers 1% of construction costs as an appropriate contribution to public art. The Council would like developers to give preference to incorporating the work of artists based in Hastings and its immediate surrounding area.

Utility Services

- 6.13 This SPG does not cover utility services such as electricity, water supplies and sewerage as developers will have to negotiate the provision of these and other utilities direct with the appropriate companies.

7. Development Types and Scales

- 7.1 The types of development from which the Council may seek contributions are:
- **Housing:** increasing the number of people living in the Borough will increase the need for many forms of community infrastructure, but especially open space, community facilities and access to non-car modes of transport
 - **Town centre and other commercial developments,** including shops, offices, hotels and licensed premises: additional developments, or the intensification of existing town centre uses, will result in more people visiting the town centre and therefore generate a need for additional access to transportation by non-car modes and possibly highway improvements
 - **Industry:** new industrial uses, or the intensification of existing ones, will generate a need for additional access to transportation by non-car modes and possibly highway improvements and flood relief

Phased Developments

- 7.2 Large developments may require several planning applications because they are to be phased or undertaken by more than one developer. In these cases, the Council will normally seek to ensure that contributions to infrastructure are apportioned fairly between the various phases or developers. However, there may be instances where this is not practicable. In these circumstances, the first part of a proposed large development may have to bear the entire costs of whatever essential infrastructure works may be necessary to make it acceptable to the Council as local planning authority.

8. The Council's Priorities

- 8.1 The Council is more than well aware that there is potentially a long 'shopping list' of infrastructure towards which it and the County Council may wish to seek contributions. Moreover, land values in the Borough are not so high that it can expect to receive a high level of contribution from all sites. It will therefore have to set clear priorities.
- 8.2 These priorities may vary from one part of the Borough to another. If they did not, the Council would in effect be operating a 'roof tax' system. Accordingly, as the Council develops new and improved provision standards (see below) it will publish maps showing identified areas of deficiency for different forms of community infrastructure.
- 8.3 In the meantime, the Local Planning Authority assessments will be guided by the following general order of priorities:
1. Essential on-site infrastructure, such as highways and open space
 2. Essential off-site mitigation, such as flood or sea defences, highways and nature conservation
 3. Affordable housing
 4. Sustainable transport**
 5. Education*
 6. Other mitigation of off-site impacts, specifically community facilities, including youth, public art, libraries (County Council services), social services (County Council services), waste management and recycling, countryside management and rights of way and economic development. (Services for which County Council and Hastings Borough Council are responsible).

Affordable Housing

- 8.4 The Council is preparing separate SPG to set out its requirements for the provision of affordable housing. In summary, it will require that developments of 15 or more dwellings on suitable sites will be required to include affordable housing, normally in the form of completed dwellings transferred to a Registered Social Landlord. The Council will require the proportion of affordable housing to be 25% on brownfield sites and 30% on greenfield sites.

Sustainable Transport

- 8.5 In addition to any requirements the County Council may have for contributions towards sustainable transport, the Borough Council may seek a contribution towards local traffic reduction initiatives in Hastings, particularly related to travel to school and Green Travel Plans.

9. The Viability of Developments

- 9.1 The Council sees a need to negotiate with developers in order to ensure that the contributions requested do not destroy the viability of a desirable proposed development. However, it will be very difficult for the Council to do this in a way that is fair to both the developer and the local community unless developers are open with the Council about the viability of their developments. Accordingly, if a developer believes that the level of contributions sought by the Council will destroy the viability of a proposed development the onus will be on the developer to prove that this is the case. The Council will be happy to give a written guarantee of confidentiality in relation to information on the viability of proposed developments and minimise the number of officials who are party to it.

On-site or Off-site Provision?

- 9.2 Once the need for additional or enhanced infrastructure has been established, the Council will have to decide whether to require developers to make on-site provision or contribute to off-site provision. In broad terms, the Council's general preferences are that:

- New provision required as a result of proposed developments should normally be on-site. However, if the Council considers that a combination of on-site provision and contributions to off-site provision, or simply a contribution to off-site provision, is acceptable in the particular circumstances of the site, it will be willing to negotiate an appropriate Agreement. This will normally require a capital contribution from the developer.
- For off-site provision, where the enhancement of existing provision or new provision can be justified, the Council's preference will normally be the former. This should also result in lower contributions from developers because upgrading or enhancing existing provision will often have lower capital costs than new provision, especially if land costs are taken into account.

- 9.3 The reason for this approach is that the Council believes there are often more benefits to be gained from enhancing existing provision than making additional provision, assuming that there is not a serious shortfall in the quantity of provision within the appropriate distance thresholds of the development. In addition, development will then help to deliver important benefits for existing communities and therefore should be more acceptable to them as a result. This will clearly benefit developers as well as local communities. It will also minimise the amount of additional land needed for community infrastructure and therefore make the best use of land; minimise the long term revenue costs associated with community infrastructure and therefore enhance financial sustainability; and help the Council and developers achieve acceptable densities.

- 9.4 A contribution to the enhancement of existing off-site provision will be the Council's preferred approach if:

- Existing provision within the relevant distance threshold of the development exceeds the minimum quantity standard but is clearly of poor quality

- The contributions justified by a proposed development will be insufficient to fund worthwhile new provision
- There is no suitable land for new provision within an appropriate distance threshold either available or likely to be available within three years.

10. Development Thresholds

Residential Developments

10.1 The Council will normally seek contributions from developments of fifteen or more dwellings. However, if it becomes aware that developers are splitting sites artificially into smaller developments than this, in order to avoid paying contributions, it will ignore this guideline. It will normally do this when the second small development of fewer than fifteen houses comes forward on a site. There are a few exceptions to this general policy, however, and the Council will not seek contributions in the following circumstances:

- In relation to those developments, or parts of developments, which consist of 'one for one' replacement of existing dwellings: all forms of provision
- In relation to those developments, or parts of developments, which consist of one bedroom dwellings, sheltered housing, or hostels and special needs housing: children's play and outdoor sports provision

Commercial and Industrial Developments

10.2 In relation to commercial and industrial developments, the Council will seek contributions only from developments with a gross floor area of more than 1000m².

The Capacity of Existing Infrastructure

10.3 As the Council has not yet undertaken a PPG17-compliant assessment of needs and opportunities, it will assess the need for developer contributions on a site by site basis having regard to general levels of provision in the area. Where an applicant does not accept the Council's assessment of the need for contributions, it will be their responsibility to justify a different assessment.

10.4 The Council will take a different approach to those forms of community infrastructure covered by PPG17 once it has undertaken a PPG17-compliant assessment of local needs and opportunities. The Council will then assess the need for both on-site provision and contributions to off-site provision using the development control 'line of thinking' set out in "Assessing Needs and Opportunities: A Companion Guide to PPG17" (see Appendix 1 below).

11. The Calculation of Developers' Contributions and Commuted Sums

- 11.1 When calculating developers' contributions to off-site provision, the Council will normally include all of the costs it is likely to incur. These costs may include:
- Land cost
 - Construction cost
 - Reasonable design team fees and expenses
 - Essential furniture and/or equipment
 - Legal costs, including those incurred in drawing up the agreement
 - A 5% on-cost, to cover project procurement and management by the Council
 - VAT, if irrecoverable
- 11.2 When calculating commuted management and maintenance sums, the Council will base its calculation on the anticipated annual maintenance cost, consisting of:
- All maintenance materials, including plants, bulbs and seeds
 - An appropriate proportion of equipment costs
 - Wages
 - A 10% on-cost, to cover the management of maintenance operations
- 11.3 In order to calculate 20 and 30-year commuted sums, the Council will multiply the anticipated annual cost by 20 or 30 as appropriate.

12. Draft Planning Agreement

- 12.1 In order to aid transparency, and reduce long term legal costs, the Council will prepare and publish a standard form of draft planning agreement relating to community infrastructure. This will contain the main clauses in a typical agreement, with blanks relating to the forms of provision and amount of contributions to be completed as and when appropriate. It is the Council's intention to use its standard form of draft agreement whenever possible.

13. The Council's Protocol for Developers' Contributions

- 13.1 In the interests of clarity and transparency, the Council will be developing a protocol setting out how it will administer the system of assessing, recording and using development contributions. This protocol will complement, and should be read alongside this SPG.

14. Contacts

- 14.1 Developers are encouraged to make early contact with planning officers prior to the submission of planning applications to discuss the Council's requirements for development contributions. This can help to speed the eventual determination of a planning application. You are encouraged to contact the Planning Customer Services Officer who will be pleased to help.

Write to:
The Borough Planning Officer
Regeneration and Planning Directorate
Century House
100 Menzies Road
St Leonards on Sea
East Sussex
TN38 9BB

Telephone No:
(01424) 783259

Fax No:
(01424) 783208

Email:
dcenquiries@hastings.gov.uk

APPENDIX A

Line of Thinking for Development Control Purposes

Based on *Assessing Needs and Opportunities: A Companion Guide to PPG17* (ODPM, 2002)

Note: the Council will adopt this line of thinking once it has undertaken a PPG17-compliant assessment of needs and opportunities

After the development is complete, will there be sufficient provision within appropriate distance thresholds of the development site to meet the needs of both existing residents and the residents of the proposed new development, as assessed using the Council's adopted provision standards?

If Yes:

Does the quality of the existing provision within the appropriate distance thresholds match the adopted standard?

If Yes: The developer will normally **not** be required either to make on-site provision or contribute to the provision or enhancement of off-site provision

If No: The developer will normally **not** be required either to make on-site provision or contribute to the provision or enhancement of off-site provision

If No: If any new provision is on-site, will it be large enough to be both fit for purpose and cost-effective to maintain?

If Yes: The developer will normally be required to make **on-site provision** in accordance with adopted provision standards. This will usually be achieved by a condition attaching to a grant of planning permission.

If No: The developer will normally be required to **contribute to off-site provision** within appropriate distance thresholds in accordance with the adopted provision standards. This will usually require a planning agreement.