

COMMITTEE:	Planning & Licensing and Cabinet
DATE:	5 November 2002 and 7 November 2002
SUBJECT:	East Sussex County Council's Supplementary Planning Guidance (SPG) – “A New Approach to Development Contributions” (Consultation Draft)
REPORT OF:	Director of Planning, Regeneration and Amenities and Head of Planning
Ward(s):	All
Purpose:	To inform Members of the content of the draft Supplementary Planning Guidance on development contributions towards County Council services and infrastructure.
Contact:	Lisa Rawlinson, Senior Planning Officer, Telephone 01323 415255 or internally on extension 5255.

Recommendations:		<p>a) That, as a result of concerns expressed by officers, Members seek further amendments to the Draft Supplementary Planning Guidance (SPG) as detailed in paragraph 3.3.</p> <p>b) That East Sussex County Council consult again on a Revised draft prior to adoption of the SPG.</p>
1.0	<u>Introduction</u>	
1.1	New development can generate pressures and demands on existing infrastructure facilities or services. It is, therefore, becoming increasingly important to ensure the costs of the development to a community are fully evaluated and can be met before development is allowed to proceed.	
1.2	New development should, therefore, provide for the infrastructure, facilities and services necessary to support it and those measures required to mitigate and offset any issues or impact imposed. Such measures can be secured by Section 106 agreements attached to planning permissions.	
1.3	In May 2001, East Sussex County Council convened a Working Party comprising one representative from each local authority in the County. The Group thereafter met on a regular basis to discuss issues associated with seeking and securing appropriate development contributions.	
1.4	The County Council has, as a result, written draft Supplementary Planning Guidance (SPG) on "A New Approach to Development Contributions" which relates especially to County Council requirements and services. Extracts from Parts 1, 2 and 3 of the document are attached as an Appendix to this report. A full copy is available in the Members Room.	
1.5	Their aim is to develop a County-wide common approach and agreed format for the preparation of detailed individual supplementary planning guidance by each local authority in East Sussex which would integrate with the County Council's document. Such an approach will enable each authority to progress the production of their own guidance within their own timescale, having regard to the availability of resources.	

1.6	The County Council's Cabinet authorised consultation on the draft SPG in May 2002. District, Borough and Parish Councils, the Fire Service, Police, Environment Agency and other major stakeholders are, therefore, currently being consulted on the document.	
1.7	The County Council intend to amend the guidance in light of the feedback received from the consultation exercise and report any proposed changes (with reasons) to their Cabinet early next year with a recommendation to adopt the revised SPG.	
2.0	<u>Content of the SPG.</u>	
2.1	The draft guidance sets out the County Council's main requirements for new development to provide for the infrastructure and services necessary to support it and to offset any harmful impacts. By alerting landowners and developers to these potential requirements, it will help to ensure that such costs can be factored into the development process at a very early stage.	
2.2	Although the guidance only covers County Council infrastructure, services and resources details of all East Sussex District and Borough Councils' potential requirements and those of other public agencies are highlighted in Appendix 1 of the document.	
2.3	The document is draft Supplementary Planning Guidance (SPG) to the East Sussex and Brighton & Hove Structure Plan 1991-2011 and, in particular, to Policies S2 and S3 of the plan. Once formally adopted, it will replace the County's existing guidance on the subject, "Supporting Infrastructure", which was published in 1994.	
2.4	The SPG will be a material consideration in the determination of relevant planning applications, and refusal of planning permission may be justified where proposals do not comply with its requirements. However, compliance with the SPG does not override other relevant provisions of the development plan.	
2.5	Part 1 of the document explains the background to the SPG and its status, scope and purpose. It also outlines how the guidance relates to national policy guidance and the adopted structure plan, with further details also being given in Appendix 2.	
2.6	Part 2 describes the County Council's approach to determining any requirement for development contributions. Essentially, new development will be required to make appropriate provision where it would otherwise exhaust or overload the capacity of existing services/facilities, either because of its scale or particular characteristics or because such resources are already at capacity or over-stretched. Where relevant, development contributions will also be required to provide appropriate compensation/mitigation wherever development would harm an environmental or community resource that is owned, operated or managed by the County Council.	

2.7	<p>The scale of development contributions required will relate to the impacts of the development. In determining the detailed requirements, account will be taken of all relevant circumstances, including any proven effect on the overall viability of proposed schemes. The SPG is most relevant to residential development but will also be applicable to other forms of development, particularly in respect of transport impacts.</p>		
2.8	<p>To assist developers identify circumstances where development contributions are likely to be required, Part 3 of the guidance identifies certain ‘stress areas’ where existing infrastructure and services are already operating at, or very close to, capacity. In these areas, even small-scale development proposals are likely to create problems and, therefore, may well be required to make specific provision to overcome such capacity difficulties. Stress areas are also defined to include areas where there are important and sensitive environmental resources for which the County Council carries some responsibility. The identified stress areas are listed by District/Borough and, where possible, by town and any other relevant area.</p>		
2.9	<p>For stress areas, minimum thresholds are proposed at or above which development contributions will generally be required. These thresholds are specifically related to certain types of development and vary for different types of County Council infrastructure/service/resource. However, it should be noted that all of East Sussex is defined as a stress area in terms of development impacts on transport provision and no minimum development threshold is set.</p>		
2.10	<p>Outside of the stress areas, only development that is either large-scale or places special pressures on services/facilities will normally be required to make development contributions, the requirements for such being determined on a case by case basis.</p> <p>The guidance identifies the main stresses in the current provision of County Council Services for Eastbourne.</p>		
	<p>In terms of transport, the main problems suffered by the town are recognised to be:</p>		
	§	inadequate and poorly integrated public transport services;	
	§	motor traffic problems, including congestion and parking problems;	
	§	poor strategic links;	

	§	inadequate facilities for pedestrians, cyclists and disabled people;	
	§	unrealised potential for rail freight.	
		With reference to education, the guidance acknowledges that additional school places are required at Ratton School, and Roselands Infant School, as well as two new primary schools and additional Secondary School places.	
		In addition to this, both the Hampden Park and Langney libraries are inadequate to meet the growing demands of their communities, the household waste recycling site at Roselands depot is operating at full capacity and all of the Borough is a potential stress area in respect of personal social services. Full details of the Local Stress Areas for the town can be found in Part 3 of the Appendix to this report.	
2.11		Part 4 of the SPG explains how the detailed form and scale of development contributions will be calculated for different County Council services, infrastructure and resources in both stress areas and, where appropriate, other areas. Detailed guidance is given in respect of the County Council's responsibilities for Transport, Education, Libraries, Personal Social Services, Waste Management, Economic Development, Countryside Management and Rights of Way. This includes details of the range of potential measures required, their costs and development thresholds and relevant strategic background.	
2.12		Generally, development contributions should be secured by a Planning Obligation involving the County Council. A worked example detailing the calculation of the required development contributions arising from one illustrative proposal is outlined in Appendix 3 of the draft guidance.	
3.0		<u>Consultations.</u>	
3.1		Supplementary Planning Guidance is a very useful planning tool but it is clear that it will be given more value in the planning process if it has been subject to consultation with appropriate bodies. Consultation on the draft SPG is currently being undertaken by the County Council.	
3.2		This report is being debated by both Planning and Licensing Committee and Cabinet. The minutes of the Planning and Licensing Committee will be verbally reported to Cabinet.	
3.3		The draft document has been circulated to relevant key officers internally and the representations received can be summarised as follows, and will form the Borough Council's response to the consultation:-	

	.	Have significant concerns about the implications of the guidance for this Council.	
	.	Require further reassurances that funds raised in Eastbourne will be used within the town or to be of direct benefit to the town.	
	.	Identified stress areas should be more explicitly set-out – a series of maps would give much greater clarity and certainty to developers.	
	.	Thresholds set are significantly below the 15 dwellings we operate for affordable housing and outdoor playing space – this would have significant implications on Council’s planning and legal resources and gives the impression that County Council services are more important than other considerations the Borough Council may have.	
	.	How were thresholds derived and what sensitivity analysis was carried out?	
	.	Question how well thresholds would stand up to scrutiny at appeal and seek clarification as to who would fund work necessary to fight such an appeal.	
	.	It is noted that where a decision to relax the requirements of the guidance is made, the planning application should be treated as a departure to the development plan. As there are many brownfield sites within the Borough, there will be numerous instances where relaxation is considered to be appropriate. However, this will again have resource implications, particularly if these sites would need to be advertised.	
	.	Concerned about issues of viability – professional expertise will probably be needed to make assessments and Development Control officers will be required to enter into complex negotiations on quite small schemes. Clarification is sought as to whether the County Council is going to provide the expertise and then rapidly prepare the S.106 agreements on our behalf. In addition, has any testing been undertaken to assess the practical impact on the local property market?	

	.	There would appear to be a significant overlap between the County Council and Borough Council's responsibility for economic development. Clarification is sought as to how the County Council would seek implementation of the contribution involving loss of viable employment land, as this is over and above Borough Plan policy and not specifically prescribed within the relevant Structure Plan policies identified within the document.	
	.	Particularly concerned about the significant increased workload that would occur as a result of the guidance and the potential for grinding the planning system to a halt.	
	.	From a Highway's point of view, the introduction of a more formal approach to developers' contributions is welcomed.	
	.	Clarification is sought as to what would happen if the Highway Authority would request certain infrastructure requirements which were not considered appropriate by the Borough Council's Planning and Licensing Committee.	
3.4		The County Council intend to take a report back to their Cabinet early next year, to detail the responses received as a result of the consultation exercise and thereafter hope to provide a final version of the SPG for formal adoption.	
4.0		<u>Human and Financial Resource Implications.</u>	
4.1		There are no staffing or financial implications as a direct result of this report. However, adoption of the guidance as proposed by the County Council could lead to significant pressure on this Council's existing planning and legal resources.	
5.0		<u>Environmental Implications.</u>	
5.1		East Sussex County Council consider that the proposed "New Approach to Development Contributions" will help to ensure development can be accommodated in a manner that respects the environment.	
6.0		Other Implications.	

6.1	There are no youth, anti-poverty community safety or human rights implications, as a result of this report.	
7.0	<u>Conclusion.</u>	
7.1	This report informs Members of the content of the draft Supplementary Planning Guidance on development contributions towards County Council services and infrastructure. Following the outcome of the current consultation exercise, the Planning and Licensing Committee and Cabinet will be informed of the responses received and it is hoped they will be asked to consider an amended version of the draft guidance.	
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Background Papers: The Background Paper used in compiling this report was as follows: Supplementary Planning Guidance: “A New Approach to Development Contributions” (Consultation Draft). To inspect or obtain copies of the background paper, please refer to the contact officer listed above.		