

13 March 2018

Dear Councillor,

A meeting of the **SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING** will be held in the **Council Chamber** at these offices on **Wednesday 21 March 2018 at 7.00 p.m.**, when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive

### **A G E N D A**

	<b>Pages</b>
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence.	
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.	
4. To confirm the Minutes of the meeting of the Scrutiny Committee for Community, Housing and Planning held on 17 January 2018.	<b>3 - 8</b>
5. To consider any items that the Chairman agrees to take as urgent business.	
6. Development Infrastructure and Contributions, Affordable Housing and Viability Supplementary Planning Documents.	<b>9 – 135</b>
7. Mid Sussex Partnership Annual Report.	<b>136 – 142</b>
8. Mid Sussex Wellbeing Service.	<b>143 – 157</b>
9. Work Enablement (Mid Sussex NEETs Mentoring Project) Update.	<b>158 – 163</b>
10. Scrutiny Committee for Community, Housing and Planning Work Programme 2017/18.	<b>164 – 165</b>
11. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.	

To: **Members of Scrutiny Committee for Community, Housing and Planning** – Councillors Barrett-Miles, E. Belsey, Cherry, Coote, de Mierre, Forbes, Hatton, C. Hersey, M. Hersey (Vice-Chairman), A Jones, Matthews, Walker (Chairman), Watts Williams, Wilkinson, Wyan.



**Minutes of the Meeting of the Scrutiny Committee for  
Community, Housing and Planning held on 17 January 2018  
from 7:00 p.m. to 8:37 p.m.**

**Present:** Councillors: Neville Walker (Chairman)  
Margaret Hersey (Vice-Chairman)

Andrew Barrett-Miles  
Edward Belsey  
Richard Cherry  
Phillip Coote  
Ruth de Mierre

Bruce Forbes  
Sue Hatton  
Chris Hersey  
Anne Jones  
Edward Matthews\*

Anthony Watts Williams  
John Wilkinson  
Peter Wyan

\*Absent

**Also Present (Cabinet Members):** Cllr Andrew MacNaughton and Cllr Norman Webster.

**Also Present (Members):** Cllr Garry Wall, Cllr Rod Clarke and Cllr Rex Whittaker.

**1. SUBSTITUTES AT MEETINGS OF COMMITTEE - COUNCIL PROCEDURE RULE 4**

None.

**2. APOLOGIES**

Apologies were received from Councillor Matthews.

**3. DECLARATIONS OF INTEREST**

None.

**4. MINUTES**

The Minutes of the Committee held on 14 November 2017 were agreed as a correct record and signed by the Chairman.

**5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

None.

**6. REVIEW OF THE HOUSING ALLOCATION SCHEME**

The Chairman informed Members that this report was reviewed by the Committee annually and that they were being asked to look at the current amendments to the scheme.

Emma Shuttleworth the Business Unit Leader for Housing Services, introduced the report which sought the Committee's endorsement of a number of revisions to the Housing Allocation Scheme, for agreement by the Council. She went through the main amendments to the Scheme which were described in the report.

Following a Members question the Business Unit Leader for Housing Services confirmed that exception sites would only be used for the scheme when nobody with a local connection had been identified.

A Member commented on their surprise at the amount of hard-to-let properties as there were so many desperate people in the District and surrounding areas. She queried whether the Council supply bidding support for those who are unable to bid themselves. The Member also asked whether the Council has any control over the quality level of the accommodation that is provided by the Housing Associations.

The Business Unit Leader for Housing Services informed Members that when a vulnerable individual is found they are referred to a multi-agency panel to supply them with accommodation instead of going through the bidding system. She also notified Members that unfortunately the Council could not greatly influence Housing Associations regarding the improvement of their properties standards. However Housing Associations do have to follow the same legislation as the private sector and this sets a minimum level of standard.

A Member asked for clarification on how the Council determines that an individual needs to move urgently because of serious harassment or threat of violence that is likely to be carried out. The Business Unit Leader for Housing Services advised Members that the Housing team make a subjective decision which is based on the information provided at the time. The Council usually received information and guidance from the Police in these matters.

The Cabinet Member for Housing and Planning informed Members that Housing Associations do have schemes in place to provide funding for tenants to redecorate their accommodation themselves. Additionally, they have a duty to provide emergency heating which he informed Members that they have provided evidence of this being done. He also revealed that inspections were carried out to ensure that properties were of a lettable standard.

In response to a query from Members the Business Unit Leader for Housing Services confirmed that Housing Associations must keep to the same base level of quality as the private sector. If they don't comply legally then the Council can involve the Environmental Services team at the Council.

Judy Holmes the Assistant Chief Executive, informed Members that if they do know of properties where they believe the quality of the accommodation is unlawful to contact the Housing Services team.

The Chairman then noted that no more Members wished to speak so moved to the recommendation, this was agreed unanimously.

## **RESOLVED**

That the Scrutiny Committee endorse to full Council the revised Housing Allocation Scheme at Appendix 1 to take effect from April 2018.

## **7. SITE ALLOCATIONS PLAN – STRATEGIC HOUSING AND EMPLOYMENT LAND AVAILABILITY ASSESSMENT**

Sally Blomfield, the Divisional Leader for Planning and Economy, introduced the report which asked Members to agree the Strategic Housing and Economic Land Availability Assessment (SHELAA) process, and the Site Selection Report assessment process. Appendix 1 sets out the proposed assessment processes.

The SHELAA assessment and the Site Selection Report will be used to inform the Committee's consideration of the sites nominated for development. This work will inform the preparation of the Site Allocations Development Plan Document.

National Planning Practice Guidance recommends Local Planning Authorities to consult a range of stakeholders on the SHELAA assessment process. The report set out information on the consultation process, responses and proposed changes to revise and update the SHELAA and the Site Selection Assessment processes.

The Chairman noted that Judy Holmes the Assistant Chief Executive would supply Members of the Committee with the details of the developers that attended the Developer Liaison Group on the 28 November 2018.

A Member thanked the Officers for the comprehensive report but questioned whether developers would be able to submit sites after the deadline as, in the past, they were not able to do so. If, there was no a cut-off point, shouldn't this be reflected in the wording of the report.

Lois Partridge the Business Unit Leader for Planning Policy and Economy informed Members that there was no official cut off point. However, there would be need for one in the future before the Paper is published. Judy Holmes the Assistant Chief Executive reassured the Member that the minutes would reflect his questions.

The Assistant Chief Executive, in response to a point of clarification from Members, informed the Committee that the recommendation (ii) was to reflect only minor amendments that might arise. The Solicitor to the Councillor confirmed that any changes to the substance of the document would constitute a major amendment and would be referred back to the Committee for decision.

A Member commented on the increasing problem of housing elderly individuals in the District and queried whether the Council could use their own land to provide for those currently in need and those in the future. The Member mentioned Thakeham developers to the Committee and that she had seen good quality developments from them. The Member believed that a greater emphasis should be attributed to the level of quality Housing Associations adhere to.

The Cabinet Member for Housing and Planning informed the Members that the Council work with many different organisations to find the right mix of social and privately rented properties, and that they are good quality. The Cabinet Member noted the good work Thakeham does and, in particular, the covenant they put on many bungalows, not to build in the roof space. He wanted to highlight that, thanks to MSDC's well informed Housing department, there had been a greater and more efficient mix in recent developments.

The Assistant Chief Executive reassured the Committee that Cabinet had been proactive in looking at what to do with Council owned land and, that they had not stopped themselves from putting forward the Councils sites for development. Cabinet's priority was to ensure the sites used would be the most appropriate.

The Divisional Leader for Planning and Economy clarified for a Member that BUA stood for Built up Area.

Officers explained to Members that the Density Topic Paper was a supporting Document to the District Plan and that it was an evidence based paper which set out analysis of existing densities across the district.

A Member thanked Officers for organising the Affordable Housing Workshop on the 12 December and said she came away encouraged that the Council were progressing in the right direction.

A Member queried that, if developers withdraw their support for a development, could the Council takeover the development themselves. He also highlighted the need for greater scrutiny of the Housing Associations and the quality of their properties.

The Assistant Chief Executive informed the Committee that Cabinet had been exploring ways for the Council to use their own land instead of relying on private land and Officers were currently researching the best courses of action for when Housing Associations and developers can't support developments.

A Member questioned whether the Council have sufficient power to stop builders if their work doesn't match the Council's standard.

The Solicitor to the Council commented that the Council does have the power to stop builders through its Building Control department. However, developers do use private building control organisations which makes it more difficult to oversee the development.

The Chairman then allowed Councillor Rex Whittaker who, was not a Member of the Committee, to speak. He wanted to thank the Officers for the report, their hard work and in particular Lois Partridge the Business Unit Leader for Planning Policy and Economy for her briefing at the Parish, Town and District Comms briefing in December 2017.

The Chairman noted that no more Members wished to speak so moved to the recommendation which was agreed unanimously.

## **RESOLVED**

That the Committee:

- (i) Considers the proposed process for assessing sites through the Strategic Housing and Land Availability Assessment, and the Site Selection Report;
- (ii) Authorises the Divisional Leader for Planning and the Economy, in consultation with the Cabinet Member for Planning, to make further necessary minor amendments to the proposed methodology, if required.

## **8. REVIEW OF MSDC'S DESIGN REVIEW PANEL'S TERMS OF REFERENCE**

Sally Blomfield the Divisional Leader for Planning and Economy, introduced the report which asked Members to consider the proposed amendments to the Design Review Panel's (the Panel) Terms of Reference (ToR) as set out in Appendix 1 following an assessment of the current practice in line with Royal Institute of British Architect's (RIBA) publication "Design Review Principles and Practice". The Committee was also asked to recommend that the Cabinet Member for Housing and Planning agree the revised Panel TOR.

The Panel had been going since 2003 and it was there to make sure the good quality design of new development. She informed Members that this report to Committee was a comprehensive review of the ToR undertaken in line with best practice and in light of the fact that previous reviews had only been partial.

A Member thanked the Officers and highlighted the need for a robust Design Review Panel, especially as he believed that there were many contentious applications ahead. However, he was of the opinion that the changes did not go far enough. He wanted clarification on what the Officers would do to prevent a conflict of interests for the members of the Panel, that all relevant groups and organisations were consulted, and that he believed conflicting reviews should be seen as a good thing. The Member also wanted to see that papers would be available at the pre application stage as well as the application stage and that the recommendations should include further reviews to the Design Panel. He informed the Committee that other authorities allow members of the public to attend their Design Review Panels and that they are minuted. He also added that some authorities had outsourced the Panel's work.

The Divisional Leader for Planning and Economy informed the Committee that, although some authorities do outsource the Panel, Officers had undertaken benchmarking activities and found it much more expensive and that our current system was more cost effective. To prevent the Panel members having conflict of interests the overall pool of architects had been expanded and the size of the specific panels had been reduced. This would reduce the risk of conflict, other measures to reduce conflict are set out in the detailed ToR appended in the Report. In terms of having different expertise on the Panel, it would be noted that many of the architects on the Panel also have expertise in duties such as sustainability etc. She informed the Committee that the Council's Conservation Officer would report her expert opinion on schemes to Panel meeting and ensure Conservation advice was available. Finally she reminded Members that the RIBA guidance is advisory not a requirement and in her opinion the ToR as proposed reflected the best practice.

The Assistant Chief Executive confirmed the possibility of a 12 month review of the Panel's Terms of Reference and would be grateful for Members to provide feedback on the changes at this review point.

A Member drew the Committees attention to a cap on the amount of times a scheme could visit the Panel to two. He disagreed with this as it would undermine the authority of the Panel and developers would use the cap to pressure the Panel into accepting any changes to a scheme. The Member would accept a recommendation to the Panel to try and limit the amount of times a scheme comes before I,t but not a solid cap. This view was shared by many on the Committee.

The Divisional Leader for Planning and Economy explained to the Committee that the Panel is an advisory body and although developers did not have to follow its recommendations, where a scheme was not changed in response, this would be reflected in the Committee Report.

The Assistant Chief Executive told Members that the introduction of a cap was to speed up the process and stop applications being held up at the Design Review Panel. The Solicitor to the Council reminded Members that Planning Committees have refused applications due to problems in their design.

A Member enquired as to why the threshold for what schemes should be considered by the Panel had been increased from 50 to 100. Many Members raised concerns over the large increase from 50 to 100. He also asked whether local ward Members could be asked to put forward their view at the Panel.

Will Dorman, Urban Designer indicated that on plans between 50 – 100 units he would consult Ward Members for their views. He also confirmed that Ward Members are already welcome at the Panel.

A Member raised concerns over the design quality of schemes in Burgess Hill town centre and highlighted the need for good quality design in all developments within the District.

A Member reminded the Committee that developers did not have to appear before the Design Review Panel and that the Planning Committees took design into account when making their decisions. He also advised Members that the Planning Committees were the ones to make the final decision. Some Members agreed with this and believed that the current process was the most effective use of tax payer's money.

The Cabinet Member for Housing and Planning explained to Members that the Urban Designer does look at all application and that Officers do attend the Panel to give there expert advice. He also mentioned that developers do return to the Panel after implementing changes that have been suggested to them by the Panel.

As already discussed, the Assistant Chief Executive asked Members whether they would agree to the recommendations with the following three additions;

- Review of the Design Review Panel's protocols at the Scrutiny Committee for Community, Housing and Planning in 12 months' time.
- Consult Ward Members in respect of the inclusion of the following schemes on the panel agenda: (a) residential scheme of between 50 to 100 dwellings schemes and (b) prominent or sensitively located schemes including schemes within Areas of Outstanding Natural Beauty.
- Tom Clark set out proposed changes to the ToR which made clear that there is flexibility for the Panel to consider schemes more than twice.

The Chairman proposed the new recommendations which were seconded by Councillor Wilkinson and then were agreed unanimously.

#### **RESOLVED**

That the Scrutiny Committee recommends to the Cabinet Member for Housing and Planning that he agrees the revised Design Review Panel's Terms of Reference with the additions and changes discussed at the Committee.

#### **11. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2017/18**

Tom Clark, the Solicitor to the Council, introduced the work programme to the Committee.

The Chairman moved to the recommendation which was agreed unanimously.

#### **RESOLVED**

The Committee agreed the current work programme.

Chairman



## **6. DEVELOPMENT INFRASTRUCTURE AND CONTRIBUTIONS, AFFORDABLE HOUSING AND VIABILITY SUPPLEMENTARY PLANNING DOCUMENTS**

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY  
Contact Officer: Lois Partridge  
Email: lois.partridge@midsussex.gov.uk Tel: 01444 477322  
Wards Affected: All  
Key Decision: Yes  
Report to: Scrutiny Committee for Communities, Housing and Planning  
Date of meeting: 21<sup>st</sup> March 2018

---

### **Purpose of Report**

1. The purpose of this report is to ask the Committee to consider three draft Supplementary Planning Documents (SPD) intended to replace the adopted Developer and Infrastructure SPD, which was adopted in 2006.
2. Subject to the above consideration, the Committee is asked to recommend the Cabinet Member for Housing and Planning approves the three documents as suitable for public consultation.

### **Summary**

3. This report:
  - a) Describes the Council's existing Developer Contributions SPD, which provides guidance on the Council's requirements for developer contributions, to mitigate the impact of proposed new development;
  - b) Outlines the changes to Government guidance and to the local planning policy context which have taken place since the current SPD was adopted in 2006;
  - c) Identifies the reasons why the existing SPD is being refreshed, and the proposal to replace it with three separate but linked documents; and
  - d) Set out details of the proposed consultation arrangements on the three draft documents.

### **Recommendations**

4. **That the Scrutiny Committee:**
    - (i) Considers the three Development and Infrastructure, Viability and Affordable Housing SPD documents; and**
    - (ii) Recommends that the Cabinet Member for Housing and Planning approves the three documents as suitable for public consultation.**
-

---

## Background

5. The 2006 SPD was informed by guidance and policy which is now out of date. It was prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Planning Policy Statement 12. The Development Plan documents to which it relates are the Mid Sussex Local Plan 2004 and the West Sussex Structure Plan 2001-2016.
6. Since the 2006 SPD was prepared, the policy context and Government guidance on developer contributions has changed considerably. The Government has published the National Planning Policy Framework (NPPF), replacing Planning Policy Statements. In addition, National Planning Practice Guidance, and the Community Infrastructure Levy Regulations (2010, as amended) have also been published. Together, these provide a new policy context and regulatory framework, for the management and collection of developer contributions.
7. MSDC has been preparing a new District Plan 2031; it is anticipated that the District Plan 2031 will be adopted in Spring 2018.
8. The 2017 Mid Sussex District Council Local Development Scheme (LDS) notes that the adopted Local Plan 2004, and the adopted Development and Infrastructure SPD 2006 will cease to form part of the Development Plan when the District Plan 2031 is adopted. The LDS sets out the Council's commitment to revise the Development and Infrastructure and Development Viability SPD, to ensure that it complies with the policies in the District Plan 2031.
9. The SPDs are therefore currently being refreshed, in order to:
  - ensure that the new SPD comply with all relevant and current national planning policy and guidance;
  - ensure compliance with the relevant policies in the District Plan 2031;
  - update the requirements for each type of contribution, and the costs of those contributions; and
  - provide guidance which is fit for purpose and which will support the District Plan over the Plan period.
10. The 2006 SPD is a large and unwieldy document that includes information relating to developer contributions, affordable housing provision, and viability.
11. The Government has recently begun a consultation on its document 'Supporting housing delivery through developer contributions', which outlines its proposals to reform developer contributions to affordable housing and infrastructure. Among the aims set out in the document is a requirement to reduce complexity and increase certainty for local authorities, developers and communities. The refreshed SPDs seek to address this aim, as set out below.

## Draft Documents

12. In updating the SPD, officers have separated out the three main areas it addresses, to create three documents. It is hoped that this will provide more detailed information, improve accessibility to the documents and better facilitate ease of update when required. Each document can be read independently, but the reader is encouraged to refer to all three documents, which are linked and provide consistent information.

13. The three SPD documents are:
- A Development Infrastructure and Contributions SPD, which sets out the overall framework for the management of planning obligations;
  - An Affordable Housing SPD which provides detailed information on the requirements for on-site and off-site affordable housing provision, and
  - A Viability SPD which provides information on the viability assessment process.
14. The Development and Infrastructure SPD provides an explanation of the types and range of contributions the Council will require, and sets out the procedures for negotiating and securing planning obligations. It also provides indicative costs for the infrastructure required, or signposts developers to where indicative costs can be found. The key issues in the revised SPD are:
- The SPD requires that contributions are made on residential sites of five or more dwellings – this has been reduced from a six dwelling threshold in the adopted SPD, to reflect revised national planning practice guidance and the inclusion of sites which have capacity for five or more dwellings in the Site Allocations DPD;
  - Describes the mechanisms for collection of obligations, including the potential to use the Community Infrastructure Levy in the future;
  - Affordable Housing contributions are required on all residential developments of 11 or more or with a maximum combined gross floorspace of more than 1000m<sup>2</sup> and, also in the High Weald AONB, on sites of 6-10 dwellings, to reflect revised advice from Government;
  - Section 3 of the SPD provides a summary table of the infrastructure requirements, the mechanism by which contributions will be collected, the threshold for development contributions, and the policy to which the contribution relates;
  - Sets out the accessibility standards required;
  - Criteria against which proposed extra care schemes are assessed to be either Use Class C2 or C3, so that it can be determined whether they should make provision for affordable housing;
  - Provides updated costs to current levels, to inform consultations; and
  - Signposts developers to the Council's Infrastructure Delivery Programme, which sets out the key infrastructure requirements required to support the District Plan and subsequent development plans.
15. Key issues in the Affordable Housing SPD are:
- The affordable housing requirement of housing units will be rounded up if it does not result in a whole number;
  - Housing schemes will be expected to make effective use of land and not be deliberately sub-divided to avoid making affordable housing contributions;
  - Developers must enter into a contract with the affordable housing provider before starting work on site;

- Where the proposed development is considered to be policy compliant, developers must submit an affordable housing statement which confirms this, in order to ensure validation of a planning application;
  - Developers should take into account the policy requirements for affordable housing when agreeing a purchase price for the land;
  - Vacant building credit to offset affordable housing contributions will not be applicable in most circumstances;
  - Rural exception sites should be brought forward in partnership with parish councils and the enabling team;
  - Self-build housing will be encouraged, but in addition to rather than in lieu of on-site affordable housing;
  - All affordable housing will require a nomination agreement in a standard format.
16. The Development Viability SPD sets out the Council's requirements in terms of the submission of Viability Assessments, the information which should be included in Viability Assessments, and guidance on future viability review mechanisms. Key issues it covers are:
- In order to ensure validation of a planning application, developers must submit a Viability Assessment with a planning application if the proposal is not policy compliant;
  - The Viability Assessment will be scrutinised by the Council, with advice from a suitability qualified external consultant;
  - The applicant will pay for the Council's review of the Viability Assessments and any related costs in advance of the work taking place;
  - All viability information will be put in the public domain on the public planning register and redaction of information will only be allowed in exceptional circumstances;
  - Developers should take abnormal costs and the full range of infrastructure requirements into account when agreeing a purchase price for their land;
  - Section 3 of the SPD sets out the information requirements which should be submitted in the Viability Assessment;
  - The Council will require viability reviews and potential affordable units to be identified through Section 106 agreements.

### **Consultation Arrangements and Next Steps**

17. Informal consultation on the three SPDs has already taken place with key stakeholders who have provided updated information on the costs of infrastructure. For example, other services within the Council have been consulted on open space standards, and colleagues in the Housing team have been involved in drafting the Affordable Housing SPD and RP's in the district have been invited to feed in their comments. In addition, West Sussex County Council officers, the Clinical Commissioning Group and the Police have also been asked to provide updated information on their requirements.

18. The Council is required to carry out at least four weeks public consultation under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 before adopting supplementary planning documents. It is proposed that a six week consultation is carried out from 9 April 2018 for a period of 6 weeks, to 21 May 2018.
19. Following the adoption of the District Plan, the 2006 SPD will no longer have formal status as a material consideration. However, the draft SPDs which have yet to be consulted on have no weight at his stage, and therefore in the interim period until the new SPDs are adopted, the 2006 document will continue to guide Development Management officers in their negotiation on developer contributions.
20. Following the consultation, the comments received will be reviewed by officers, and incorporated into the SPDs where relevant. The final draft versions of the documents will then be brought back to the Committee for approval, before being submitted to full Council, for approval for the documents to be adopted as SPDs.
21. It is anticipated that the SPDs will be adopted in summer 2018.

### **Other Options Considered**

22. Another option would be to not update the existing guidance. However, this would mean that the SPD would not refer to current policy and guidance, and costs would not be updated to reflect inflation and other increases.

### **Financial Implications**

23. The three SPD documents will provide a robust framework, based on up to date policy, which will enable the Council to secure the infrastructure required to mitigate the impacts of proposed development.

### **Risk Management Implications**

24. Without up to date guidance on securing developer contributions, the Council would not be able to secure the infrastructure required to mitigate the impacts of new development.
25. This could mean that the Council does not deliver the number of new, affordable homes required, and that infrastructure is not provided, so that increased strain is placed on existing infrastructure, to the detriment of the quality of life of new and existing residents.

### **Equality and Customer Service Implications**

26. It is important that the Council is able to secure infrastructure to ensure that all members of society can benefit from amenities and services.

### **Other Material Implications**

27. There are no other material implications.

**Appendix 1:** Development Infrastructure and Contributions SPD

**Appendix 2:** Viability SPD

**Appendix 3:** Affordable Housing SPD

**DRAFT Development Infrastructure and Contributions  
Supplementary Planning Document**

DRAFT

Version	5.1	Amended following informal consultation
Stored at	k:\word\local development framework\development and infrastructure spd\2018 update\1.0_spd document\draft dc_spd_v5_informal_conscommentsv2.docx	
Status	Draft	Pre Regulation 12 Formal Consultation

DRAFT



## Consultation guidance - Developer Infrastructure and Contributions Supplementary Planning Document

The adopted Mid Sussex Developer Infrastructure and Contributions SPD (2006) relates to policies in the adopted Mid Sussex Local Plan 2004.

MSDC has been preparing a new District Plan 2031, which, on adoption, will replace the 2004 Plan as the development plan for Mid Sussex District. The Mid Sussex Developer Infrastructure and Contributions SPD is therefore being refreshed:

- To ensure that the SPD complies with all relevant national planning policy and guidance;
- To update the document to ensure that it complies with the relevant policies in the District Plan 2031; and
- To update the requirements for each type of contribution, and the costs of those contributions.

The District Council is required to carry out a public consultation under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 before adopting supplementary planning documents.

Three separate documents have been prepared, to replace the 2006 SPD; they are this document, the Developer Infrastructure and Contributions Supplementary Planning Document, an Affordable Housing SPD and a Viability SPD. All three form the subject of this public consultation.

The consultation will take place from 23 April 2018 for a period of 6 weeks, to 4 June 2018.

All comments must be submitted in writing by using one of the following methods:

### By post:

Planning Policy and Economic Development  
Mid Sussex District Council  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

### By Email:

[LDFConsultation@midsussex.gov.uk](mailto:LDFConsultation@midsussex.gov.uk)

Representations cannot be made anonymously. Please provide your name, company name (if applicable) and your client's name/ company (if applicable). Please note that representations will be made publically available, along with your name.

During the consultation period all the documents relating to this consultation can be viewed online at <http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/supplementary-planning-documents/development-and-infrastructure-spd/>

and at all the district's libraries (including the mobile library), Help Points, and at the District Council.

For further information please contact Planning Policy and Economic Development: by email [LDFConsultation@midsussex.gov.uk](mailto:LDFConsultation@midsussex.gov.uk) ; by telephone (01444) 477053.

DRAFT

## Contents

Consultation guidance - Developer Infrastructure and Contributions Supplementary Planning Document .....	17
Executive Summary .....	22
Section 1 - Introduction .....	23
Background .....	23
Scope of this document .....	23
Status and use of this document .....	24
Mid Sussex Infrastructure Delivery Plan .....	24
Legislative and policy context .....	24
Section 2 – Securing developer contributions .....	26
What are developer contributions? .....	26
Contribution mechanisms .....	26
Planning conditions .....	26
Section 278 Highway Agreements .....	28
Community Infrastructure Levy .....	29
Cross boundary issues .....	29
Thresholds for developer contributions .....	29
Section 3 – Interaction between the contribution mechanisms .....	30
Housing .....	33
Affordable housing .....	33
When is affordable housing required? .....	34
Private Rented Sector .....	35
Self-build and custom build housing .....	35
Accessible housing .....	36
Accessible and Adaptable Dwellings .....	36
Wheelchair User Dwellings .....	37
Extra Care Housing .....	37
Securing Gypsy and Traveller sites .....	39
Highways and Transport including Sustainable Transport .....	39
Highways and transport .....	39
Sustainable transport .....	40
Car parking .....	41
Open Space, Leisure / Formal Sports Provision .....	42
Indoor facilities .....	42
Outdoor Playing Space .....	42
Contributions to off-site play space .....	43
Calculation of contributions towards open space, leisure / formal sports provision .....	43
Maintenance of playspace .....	43

Informal open space .....	43
Education and Services for Children and Young People.....	43
Other Services for Children and Young People.....	44
Healthcare.....	45
Social and Local Community Infrastructure .....	45
Community buildings.....	45
Library services.....	46
Local Community Infrastructure contributions .....	46
Emergency Services .....	47
Police.....	47
Fire and Rescue .....	47
Flood mitigation and Water Infrastructure.....	48
Sustainable Drainage Systems .....	48
Water efficiency standards.....	48
Green Infrastructure .....	49
Waste Management .....	49
Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) .....	50
Provision of Suitable Alternative Natural Greenspace (SANG).....	50
Provision of Ashdown Forest Strategic Access Management and Monitoring (SAMM Strategy) measures.....	51
Telecommunications .....	51
Section 4 – Procedure for securing contributions .....	52
Negotiating and completing planning obligations .....	52
Pre-application advice.....	52
Application submission .....	53
Application assessment .....	54
Determination and post determination.....	54
Payment of contributions and monitoring .....	55
Recovery of costs incurred in the negotiation and monitoring of planning obligations .....	56
Appendix 1 – Mid Sussex Parking Standards.....	58
Operational Requirements .....	64
General Requirements for Cycling Provision.....	65
Appendix 2 – Open Space, Leisure, Formal Sports Provision Contributions (overview, thresholds, cost and calculation) .....	66
Outdoor playing space in new housing developments.....	66
Children’s playing space .....	67
Off-site provision .....	68
Off-site provision calculation .....	68

Maintenance of playspace calculation.....	70
Appendix 3 – Social and Local Community Infrastructure .....	72
Community buildings.....	72
Library services.....	73
Local Community Infrastructure Contributions.....	73
Appendix 4 – Emergency Services .....	74
Police.....	74
Fire and Rescue .....	78
Appendix 5 – Refuse/ recycling facilities – new development provision.....	78
Appendix 6 – Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).....	79

#### List of tables

Table 1 - Summary of likely contribution mechanism for different infrastructure types.....	30
Table 2 - Cost of maintenance from 1 April 2017: .....	71

#### List of figures

Figure 1 – District Plan policy DP20: Securing Infrastructure .....	25
Figure 2 – District Plan policies providing justification for developer contributions.....	25
Figure 3 - District Plan affordable housing policy (DP31: Affordable Housing) .....	34
Figure 4 – District Plan housing mix policy (DP30: Housing Mix) .....	36
Figure 5 - District Plan accessible and adaptable dwelling policy (DP28: Accessibility).....	37
Figure 6 – Examples of facilities and services supported by Local Community Infrastructure Contributions (not a definitive list) .....	47
Figure 7 – Residential Parking Standards .....	58
Figure 8 – Other Residential Uses .....	58
Figure 9 – Retail Uses .....	59
Figure 10 – Other Business and Industrial Uses .....	60
Figure 11 – Leisure Uses .....	60
Figure 12 – A3 Uses .....	61
Figure 13 – Places of Assembly, Hotels.....	62
Figure 14 – Hospitals, Doctors, Vets.....	62
Figure 15 – Other Uses.....	62
Figure 16 – Disabled Parking Standards.....	63
Figure 17 – Motor Cycle Parking.....	63
Figure 18 – Cycle Parking Requirements.....	64
Figure 19 – Operational Requirements .....	64
Figure 20 – Guidance cost of providing new playspace facilities (2017 prices) .....	69
Figure 21 - Calculation of playspace contributions (2017).....	70
Figure 22 – Calculation of Indicative Costs of Capital Contributions for maintenance of the landscape infrastructure.....	70

## Executive Summary

The Mid Sussex Development and Infrastructure Supplementary Planning Document (SPD) was adopted in 2006, and relates to policies in the adopted Mid Sussex Local Plan 2004.

Since the 2004 SPD was prepared, the Government has published the National Planning Policy Framework (NPPF), National Planning Practice Guidance, and the Community Infrastructure Levy Regulations 2010 (as amended). Each of these documents have set out a new policy context, and provided updated guidance, for the management and collection of developer contributions.

Mid Sussex District Council has been preparing a new District Plan 2014-2031, which, on adoption, will replace the Local Plan 2004 as the development plan for Mid Sussex District.

The Development and Infrastructure SPD (2006) is therefore currently being refreshed, in order:

- To ensure that the SPD complies with all current, relevant national planning policy and guidance;
- To update the document to ensure that it complies with the relevant policies in the District Plan 2014-2031; and
- To update the requirements for each type of contribution, and the costs of those contributions.

The District Council's requirements for infrastructure provision will generally apply, unless indicated otherwise, to developments of five or more dwellings.

There are three separate SPD documents:

- A Development Infrastructure and Contributions SPD, which sets out the overall framework for the management of planning obligations;
- An Affordable Housing SPD, which provides more detailed information on the requirements for on-site and off-site affordable housing provision, and
- A Viability SPD which provides information on the viability assessment process, and sets out the Council's requirement that, where developers believe the requirements make their proposed development unviable, a viability assessment must be submitted to the Council, with supporting evidence.

This SPD provides an overview of the full range of the District Council's requirements relating to planning obligations to offset the likely impact of development. It should be read in conjunction with the Affordable Housing and Viability SPDs.

## **Section 1 - Introduction**

### **Background**

- 1.1. Mid Sussex District Council (the District Council) is committed to delivering sustainable communities that are safe, healthy and inclusive. To help achieve this, the District Council expects new development to provide or contribute directly towards the provision of necessary infrastructure and affordable housing to mitigate the impact of new development.
- 1.2. The purpose of this Supplementary Planning Document (SPD) is to provide information about developer contributions for the area of Mid Sussex that falls outside of the remit of the South Downs National Park Authority<sup>1</sup>. The SPD identifies cases where contributions will be sought through planning obligations and Section 278 highway agreements. Information on the Community Infrastructure Levy (CIL) is provided for reference only, as CIL has not yet been adopted by the District Council.
- 1.3. On adoption, this SPD will replace the Development and Infrastructure Supplementary Planning Document (February 2006), which will be withdrawn.

### **Scope of this document**

- 1.4. This SPD sets out the likely scope and scale of planning obligations applicable to different types of development and outlines the District Council's general approach to securing them. It should be viewed as a general guide as development proposals will continue to be assessed on a case-by-case basis.
- 1.5. This SPD is intended to provide guidance about how the District Council will secure contributions for infrastructure and affordable housing to support proposed development and help deliver sustainable communities. The SPD includes:
  - Explanation of planning conditions and planning obligations used to secure contributions for infrastructure and guidance on the circumstances when contributions or works may be secured through these;
  - Explanation of procedure when negotiating and securing planning obligations;
  - Guidance to the process of and material that should be submitted by applicants with planning applications;
  - Information on and the use of the Mid Sussex Infrastructure Delivery Plan;
  - An outline to how the District Council will assess development viability including viability review mechanisms on applications that do not meet policy requirements in full<sup>2</sup>.
- 1.6. This SPD should be read alongside the Mid Sussex Affordable Housing SPD and the Mid Sussex Development Viability SPD.

---

<sup>1</sup> The South Downs National Park Authority is the statutory planning authority for the area of Mid Sussex falling within the National Park.

<sup>2</sup> See the Mid Sussex Development Viability SPD for further information.

## Status and use of this document

- 1.7. In accordance with relevant legislation, this draft SPD will be subject to consultation and then formally adopted by the District Council. It will supplement the Mid Sussex District Plan 2014-2031 and when adopted will be a material consideration in the determination of planning applications. It should be taken into account during the preparation of proposals for residential and non-residential development and when negotiating site acquisitions and undertaking development feasibility.

## Mid Sussex Infrastructure Delivery Plan

- 1.8. The Infrastructure Delivery Plan (IDP)<sup>3</sup> identifies the infrastructure requirements for Mid Sussex, which will be necessary to support planned growth set out in the District Plan, and, in due course, the Site Allocations DPD. It identifies the indicative cost of infrastructure provision, delivery details, timescale and any priorities for infrastructure delivery. The IDP provides:
- Information on the infrastructure required to support the delivery of development identified through the District Plan and subsequent Development Plan Documents, Neighbourhood Plans;
  - Evidence for developer contributions by indicating suitable infrastructure schemes to which contributions can be directed in order to make a development acceptable in planning terms; and
  - Evidence to support the possible future implementation of the Community Infrastructure Levy by demonstrating the need for infrastructure investment in Mid Sussex.
- 1.9. The IDP will be updated on a regular basis; this process includes consulting with the District's town and parish councils, organisations such as public transport providers, emergency services, utility companies, business associations, the development industry, and other providers of services such as the highway authority, education and social services. The District Council also liaises with a number of organisations in relation to; cross boundary matters with neighbouring local authorities; mitigation strategies in relation to the Ashdown Forest (see paragraph 3.112 onwards); and sub-regional economic plans.

## Legislative and policy context

- 1.10. This SPD takes into account the statutory framework for planning obligations set out in Section 106 of the Town and Country Planning Act 1990<sup>4</sup> and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended); Government policy on planning obligations and conditions is set out in the National Planning Policy Framework<sup>5</sup>; and National Planning Practice Guidance.

---

<sup>3</sup> The Mid Sussex Infrastructure Delivery Plan can be viewed at: [www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/evidence-base/infrastructure-delivery-plan/](http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/evidence-base/infrastructure-delivery-plan/)

<sup>4</sup> As amended by Section 12(1) of the Planning and Compensation Act 1991

<sup>5</sup> Paragraphs 203-206



1.11. This SPD specifically relates to District Plan Policy DP20 (Figure 1) - the main policy for securing the delivery of new or improved infrastructure and the main context for the guidance in this document.

Figure 1 – District Plan policy DP20: Securing Infrastructure

The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- appropriate on-site mitigation and infrastructure provision;
- the use of planning obligations (s106 legal agreements and unilateral undertakings);
- the Community Infrastructure Levy, when it is in place.

A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.

Affordable housing is dealt with separately, under Policy DP31.

1.12. A number of other District Plan policies also provide specific justification for developer contributions and the use of planning conditions that might be required to make a development acceptable in planning terms and are relevant to this SPD.

Figure 2 – District Plan policies providing justification for developer contributions

- DP1 – Sustainable Economic Development
- DP7 – General Principles for Strategic Development at Burgess Hill
- DP8 – Strategic Allocation to the east of Burgess Hill at Kings Way
- DP9 – Strategic Allocation to the north and north west of Burgess Hill
- DP10 – Strategic Allocation to the east of Pease Pottage
- DP11 – Strategic Allocation to the north of Clayton Mills, Hassocks
- DP17 – Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP21 – Transport
- DP22 – Rights of Way and other Recreational Routes
- DP23 – Communication Infrastructure
- DP24 - Leisure and Cultural Facilities and Activities

- DP25 – Community Facilities and Local Services
- DP28 – Accessibility
- DP30 – Housing Mix
- DP31 – Affordable Housing
- DP33 – Gypsies, Travellers and Travelling Showpeople
- DP38 - Biodiversity
- DP41 – Flood Risk and Drainage
- DP42 – Water Infrastructure and the Water Environment

## **Section 2 – Securing developer contributions**

### **What are developer contributions?**

- 2.1. Developer contributions are associated with the grant of planning permission. They are used to ensure that development proposals are acceptable in planning terms<sup>6</sup> and deliver necessary improvements to, or contributions towards, supporting infrastructure. This section explains each of the available developer contribution mechanisms.

### **Contribution mechanisms**

- 2.2. Legislation and national planning policy provide the tools for local authorities to secure developer contributions through the planning system for infrastructure and affordable housing in order to meet the needs of their area. The main ways of securing developer contributions (either individually or collectively) are through the use of:
- Planning conditions;
  - Planning obligations; and
  - the Community Infrastructure Levy (not yet adopted at Mid Sussex)

### **Planning conditions**

- 2.3. Planning conditions are imposed on the grant of planning permission<sup>7</sup> to enhance the quality of development and enable development proposals to proceed where otherwise it would have been necessary to refuse planning permission. Conditions may relate to phasing of development, timing of delivery of infrastructure (including up front delivery before the commencement of development), or the appearance of development - all of which can help to manage the adverse impacts or additional pressures of development.
- 2.4. When imposing planning conditions, local planning authorities are required to ensure that they meet the following criteria<sup>8</sup>:

<sup>6</sup> NPPG (paragraph 10-019-20140306) confirms the principle set out in the NPPF (paragraph 176) that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured through appropriate conditions or agreements, planning permission should not be granted for unacceptable development.

<sup>7</sup> Enabled by Sections 70 and 72 of the Town and Country Planning Act 1990

<sup>8</sup> As set out in paragraph 206 of the NPPF

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects

## Planning obligations

- 2.5. Planning obligations are entered into pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The notable exception is Section 278 agreements, entered under the Highways Act 1980, which relate to off-site highways works.
- 2.6. A planning obligation is a legally binding document either contained in a bilateral agreement between local planning authorities and landowner(s)<sup>9</sup> and other parties with an interest in land forming the application site or set out in the form of an undertaking made by the landowner(s) and other parties with an interest in land forming the application site to the District Council and (if applicable) West Sussex County Council (the County Council). Planning obligations enable the local authority to secure the provision of infrastructure or services, or contributions towards them, to support development. Planning obligations are used to make an otherwise unacceptable development acceptable, and are only used where it is not possible to address an unacceptable impact through planning conditions.
- 2.7. Planning obligations should only be sought where they meet the following statutory tests<sup>10</sup>:
- They are necessary to make a development acceptable in planning terms;
  - They are directly related to a development;
  - They are fairly and reasonably related in scale and kind to a development.
- 2.8. The above three statutory tests mean that planning obligations can only be used to enable the provision of additional or renewed infrastructure to create additional capacity in order to satisfy the demands arising directly from that development and to make it acceptable and cannot be used to correct existing pre-development community infrastructure deficits.
- 2.9. The District Council may (at its discretion) apply contributions secured via planning obligations towards the costs associated with the professional fee and project management costs to fund the planning and implementation stages of delivering new infrastructure (including the process of obtaining all requisite consent orders agreements licences and permissions).
- 2.10. The number of planning obligations that can be collected to fund a specific infrastructure project or type of infrastructure is limited<sup>11</sup> to no more than five contributions<sup>12</sup>, commonly known as the 'pooling restriction'.

<sup>9</sup> The local planning authority will expect all parties with an interest in the land forming the application site to enter into a planning obligation.

<sup>10</sup> As set out by Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

- 2.11. Planning obligations will continue to be used to secure on-site provision of, or financial contributions towards affordable housing which is exempt from the pooling restrictions. The policy for setting the threshold for affordable housing contributions is set out in the District Plan, reproduced in Figure 3.
- 2.12. It is deemed that none of the contributions sought via this SPD are 'tariff style' obligations that contribute towards a general infrastructure pooled funding 'pot'. Contributions sought are allocated to specific schemes that are needed by the community which development places demand upon<sup>13</sup>. Pooling restrictions<sup>14</sup> (see paragraph 2.10) apply to all planning obligations.
- 2.13. In the case of non-residential development, the requirement for infrastructure will be considered on a case by case basis.
- 2.14. Planning obligations are usually agreed to be spent within a reasonable period of time to programme and plan for the expenditure of contributions, usually ten years from receipt of the requisite contribution(s) in full, provided that if at the end of such ten year period the District Council shall have entered into a contract or other legally binding obligation or specific allocation to expend the requisite contribution(s) the District Council shall not be required to refund the relevant contribution(s).

### **Section 278 Highway Agreements**

- 2.15. A Section 278 agreement<sup>15</sup> secures modifications to the existing highway network to facilitate or service a proposed development. Such agreements enable the funding or undertaking of alteration or improvement works to the public highway necessary to support the development outside or beyond the development site itself (otherwise a Section 106 agreement is used). Section 278 agreements are made between landowners or developers and the Highway Authority. The developer can carry out the works themselves, or pay the highway authority<sup>16</sup> to do the works.
- 2.16. Works covered by Section 278 Agreements include:
- Roundabouts;
  - Signalised junctions;
  - Right turn lanes;
  - Safety related works such as traffic calming;
  - Street lighting; and
  - Improved facilities for pedestrians and cyclists
- 2.17. Pooling restrictions that apply to planning obligations secured under Section 106 of the Town and Country Planning Act 1990 (see paragraph 2.10) do not apply to Section 278

---

<sup>11</sup> As from April 2015, as set out by Regulation 123 of the Community Infrastructure Regulation 2010 (as amended)

<sup>12</sup> Counting back to 6 April 2010

<sup>13</sup> In accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

<sup>14</sup> As from April 2015, as set out by Regulation 123 of the Community Infrastructure Regulation 2010 (as amended)

<sup>15</sup> Section 278 of the Highways Act 1980 - made between the Council and a developer/ landowner

<sup>16</sup> The highway authority for the local road network is West Sussex County Council, for the strategic road network i.e. the A23/M23 – it is Highways England.

Agreements. Section 278 agreements will not be replaced by the Community Infrastructure Levy when this is adopted.

### **Community Infrastructure Levy**

- 2.18. The Community Infrastructure Levy (CIL) is a tool for local authorities to help fund the delivery of infrastructure<sup>17</sup>. CIL is a non-negotiable standard charge on new development. It takes the form of a charge per square metre of net additional floorspace and once adopted, will apply to most new development. Once adopted, CIL will be used to fund identified infrastructure requirements set out in the CIL Charging Schedule, which will complement the continued use of planning obligations to fund site specific infrastructure requirements.
- 2.19. It is proposed to progress work on CIL at Mid Sussex on adoption of the District Plan and when the revised CIL Regulations have been published by the government. The timetable for this work has at the time of publication not yet been decided but will be made available in the Local Development Scheme at [www.midsussex.gov.uk](http://www.midsussex.gov.uk).

### **Cross boundary issues**

- 2.20. In the case of development applications close to the district boundary which may have implications for service delivery in adjoining authority areas, these authorities will be consulted and requests for contributions to services provided by those authorities will be duly considered. Similarly, if adjoining authorities receive applications which will have an impact on the delivery of services in Mid Sussex, the District Council will seek contributions.

### **Thresholds for developer contributions**

- 2.21. A residential development threshold is applied, below which developer contributions will not be sought unless site specific infrastructure is required to make an application acceptable in planning terms and/ or to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements. The District Council's requirements set out in this SPD will, unless indicated otherwise, apply to developments of five or more dwellings.

### **Reduced contributions in respect of affordable housing**

- 2.22. Many affordable housing occupants already live in the same area as proposed new affordable housing development and the residents of new affordable housing in the District are therefore already using the services provided. Around 33% of new affordable housing units are occupied by 'concealed' households who already live in the District, and therefore a 33% contribution discount for affordable housing, is applied to some of the contributions payable under this SPD for all affordable housing units provided by Registered Providers, regardless of tenure. The following contributions have a 33% discount for affordable housing:

- Playspace
- Community buildings

---

<sup>17</sup> As set out under The Planning Act (2008) and The Community Infrastructure Levy Regulations 2010 (as amended)

- Local Community Infrastructure
- Education
- SAMM tariff

2.23. The thresholds applied for seeking affordable housing are set out in Figure 3, and in Table 1.

### Section 3 – Interaction between the contribution mechanisms

3.1. The following section provides a guide on the likely contribution mechanism that would be used to secure different types of infrastructure, summarised in Table 1.

Table 1 - Summary of likely contribution mechanism for different infrastructure types

Infrastructure type	Mechanism	Potential application of developer contributions	Threshold	District Plan policy
<b>Housing</b>				
Affordable housing	Planning obligation	All types of residential development that meets the policy thresholds. Developments resulting in a loss of existing affordable housing units.	11 or more dwellings or a max combined gross floorspace of more than 1,000m sq	DP31
Self-build and custom build housing	Planning condition	Housing developments and selected others	Case by case basis	DP30
Accessible and adaptable housing	Planning condition	Housing developments and selected others	Category 2 dwelling - schemes providing 5 or more dwellings; Category 3 dwelling — part of affordable housing based on need/ suitability of site	DP28
Specialist accommodation or care	Planning obligation and/ or condition	Strategic scale housing developments	Case by case basis	DP25 DP30
Gypsy and Traveller accommodation	Planning obligation	Strategic scale housing developments	Case by case basis	DP28
<b>Highways and Transport including Sustainable Transport</b>				
Infrastructure improvements required to serve new development including the strategic road	Planning obligation and/ or condition and/ or Section 278 agreement	All development subject to assessment by relevant highway authority	Case by case basis	DP21

Infrastructure type	Mechanism	Potential application of developer contributions	Threshold	District Plan policy
network, e.g. works to highways, pedestrian and cyclist facilities and public transport provision				
Sustainable Transport (Total Access Demand), i.e. schemes that promote travel other than the private car	Planning obligation and/ or condition and/ or Section 278 agreement	All development subject to assessment by local highway authority.	Case by case basis	DP21
Travel Statements / Travel Plans and identified associated measures	Planning obligation and/ or planning condition	Housing development exceeding 50 homes and commercial schemes exceeding 1,500 sq. m <sup>18</sup>	50 or more dwellings or 1,500 sq. m or more for commercial schemes	DP21
<b>Open Space, Leisure / Formal Sports Provision</b>				
Sufficient local open space and facilities, e.g. indoor facilities, children and young people play provision, formal outdoor sports, parks and recreation grounds, leisure facilities, including to secure land/ buildings	Planning obligation and/ or planning condition	Housing developments	5 or more dwellings	DP24
<b>Education and Services for Children and Young People</b>				
Sufficient provision to meet new demand for services, e.g. early years provision, primary schools, secondary schools, sixth form, special education needs, tertiary and adult education, youth provision/ residential care, including to secure land/ buildings	Planning obligations	Housing developments	5 or more dwellings	DP25
<b>Healthcare</b>				
Sufficient provision to meet new demand for services and facilities, e.g. care and treatment in hospital and in the community, primary care (GP) services, mental health services, support and services for people living with	Planning obligations	Larger developments and strategic developments	50 or more dwellings	DP25

<sup>18</sup> See West Sussex County Council Development Travel Plan Policy available at [www.westsussex.gov.uk](http://www.westsussex.gov.uk)

Infrastructure type	Mechanism	Potential application of developer contributions	Threshold	District Plan policy
learning disabilities, including to secure land/ buildings				
<b>Social and Local Community Infrastructure</b>				
Sufficient provision to meet new demand for services and facilities, e.g. social, community, youth/ adult facilities including community buildings, library services, including to secure land/ buildings	Planning obligations	Housing developments	5 or more dwellings	DP25
<b>Emergency Services</b>				
Police and Fire and Rescue, including to secure land/ buildings	Planning obligation and/ or planning condition	Larger developments and strategic developments	50 or more dwellings	DP25
<b>Flood mitigation</b>				
Sustainable Drainage Systems (SuDS) and on-site flood-mitigation measures	Planning obligation and/ or planning condition	SuDS – developments exceeding 10 dwellings and commercial schemes exceeding 1,000 sq. m floorspace	10 or more dwellings or 1,000 sq. m or more for commercial schemes	DP41
<b>Water infrastructure</b>				
Water consumption standards	Planning condition	Water consumption standards – all residential development	All residential development	DP42
<b>Green Infrastructure</b>				
Green infrastructure establishment/ improvement/ restoration and management; biodiversity and habitat establishment/ improvement/ enhancement/ protection, including to secure land	Planning condition/ obligations	Larger development; and strategic developments	Case by case basis	DP38
<b>Rights of way network</b>				
Improvements and upgrades to public rights of way network, including to secure land	Planning obligations	Larger development; and strategic developments		DP22
<b>Waste management</b>				
Waste management	Planning obligations/	Larger developments;		DP20



Infrastructure type	Mechanism	Potential application of developer contributions	Threshold	District Plan policy
	conditions to secure site-specific waste and recycling provision	and strategic developments		
<b>Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)</b>				
Ashdown Forest SPA and SAC mitigation measures (to meet the requirements of the Habitats Regulations 2017). <sup>19</sup>	<ul style="list-style-type: none"> <li>• Planning condition for provision and on-going maintenance of (off-site) strategic Suitable Alternative Natural Greenspace (SANG)<sup>20</sup>.</li> <li>• Planning obligations for on-site bespoke SANG provision and ongoing maintenance in perpetuity.</li> <li>• Planning obligation for Strategic Access Management and Monitoring (SAMM) measures on Ashdown Forest</li> </ul>	All residential development providing a net increase of dwellings within the 7km zone of influence.	Residential development leading to a net increase in dwellings	DP17

## Housing

3.2. Providing the amount and type of housing that meets the needs of all sectors of the community is a key objective of the District Plan. For development that meets certain conditions, planning obligations or planning conditions are used to secure the delivery of particular types of provision. This includes:

- On-site provision of affordable housing; or in exceptional circumstances only, commuted financial contributions towards affordable housing;
- Rural exception sites;
- Self-build and custom build housing;
- Accessible and adaptable housing;
- Specialist accommodation or care; and
- Gypsy and Traveller accommodation.

### Affordable housing

3.3. One of the roles of the District Council is to enable and co-ordinate the provision of housing to meet the needs of all those within the community. In seeking to meet these needs it is evidenced that some people are unable to meet their housing needs through the private housing market. The District Council is therefore justified to require the provision of affordable forms of housing.

<sup>19</sup> See paragraph 3.112

<sup>20</sup> Including strategic SANG at East Court and Ashplats Wood

### When is affordable housing required?

- 3.4. Policy DP30 sets out the District Council's requirements in relation to affordable housing. This SPD provides a brief overview of issues relating to affordable housing; further detail is set out in the Affordable Housing SPD.
- 3.5. Further information on the provision of affordable housing is set out in the Affordable Housing SPD. This SPD also includes information on:
- Rural Exception Sites
  - Community led housing
  - Discounted market sale
  - Vacant Building Credit
- 3.6. Where existing affordable housing, or sites previously used for affordable housing are to be redeveloped, the District Council will expect the same number of affordable units to be replaced on the site, with the scheme reflecting current mix and tenure requirements. The District Council is aware that in some circumstances, such re-provision may not be feasible on viability grounds and variations in overall numbers, tenure and size may need to be negotiated. Independent viability evidence will be required in such circumstances. The District Council's approach to financial viability review mechanisms is set out in detail in the Development Viability SPD.
- 3.7. District Plan Policy DP31 will not apply to residential accommodation incidental in use to a main dwelling house or for staff/ student accommodation provided this is made clear in the planning application and accepted by the District Council. Such developments might become liable at a later date should an application be made to convert these to standalone accommodation/ non-staff or student accommodation.

Figure 3 - District Plan affordable housing policy (DP31: Affordable Housing)

<p>DP31: Affordable Housing</p> <p>The Council will seek:</p> <ol style="list-style-type: none"><li>1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace<sup>21</sup> of more than 1,000m<sup>2</sup>;</li><li>2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;</li><li>3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;</li><li>4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and</li><li>5. free serviced land for the affordable housing.</li></ol> <p>All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies</p>
--

<sup>21</sup> Measured as gross internal floorspace

DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.

### **Private Rented Sector**

- 3.8. Private market rented units will not be considered as affordable housing for the purposes of Policy DP31. A private rented scheme will therefore require an affordable housing contribution on site as is the case with other developments unless it is not practical to do so. This could be, for example, if there are prohibitively high service charges. In such instances, a commuted sum may be acceptable.

### **Self-build and custom build housing**

- 3.9. The terms 'self-build' and 'custom build' are used to describe instances where individuals or groups are involved in creating their own home. The amount of personal involvement will vary.
- 3.10. Self-build housing projects are defined as those where a person or persons directly organise the design and construction of their own home. This covers a wide range of projects from a traditional DIY self-build home to projects where the self-builder employs someone to build their home for them. Community-led projects can also be defined as self-build.
- 3.11. Custom build homes are defined as those where a person or persons work with a developer to help deliver their own home. This is more of a hands-off approach and the developer may help to find a plot, manage the construction and arrange development finance.
- 3.12. For the avoidance of doubt it does include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.
- 3.13. Custom and self-build need not be solely for privately owned housing. Affordable housing may also be developed through low cost home ownership schemes such as shared ownership or affordable rented housing.
- 3.14. The District Council encourages developers of larger residential developments to designate a proportion of the plots for self-build or custom housebuilding in accordance with DP30: Housing Mix (see Figure 4) to support the development of sustainable communities. All other residential developments will be considered as to their suitability to deliver serviced

plots and delivery may be required as a result, especially in areas where there is a significant demand as demonstrated on the District Council's Right to Build Register.

- 3.15. An open market scheme that provides self-build plots will need to be phased so that the open market housing and access is in a separate phase to the self-build plots. Each self-build plot needs to form a separate phase to facilitate the submission of a reserved matters (detailed) planning application by the intended occupant.
- 3.16. Self-build housing will not be accepted in lieu of and only in addition to on-site affordable housing provision. To ensure quality design, the District Council may wish to agree a design code. Affordable self-build must remain affordable in perpetuity, via a planning obligation between the appropriate parties and the District Council.

#### Figure 4 – District Plan housing mix policy (DP30: Housing Mix)

##### DP30: Housing Mix

To support sustainable communities, housing development will:

- provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;
- meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and
- on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.
- If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).

### **Accessible housing**

- 3.17. The Government introduced technical housing standards for new dwellings through a written ministerial statement on 25 March 2015. This included Building Regulation standards for access. The standards are imposed by District Plan Policy DP28 (see Figure 5), and are secured by planning condition.

### **Accessible and Adaptable Dwellings**

- 3.18. Building Regulations Document M [M4(2)] introduces the category Accessible and Adaptable Dwellings (Category 2 dwellings). District Plan Policy DP28 (Figure 5) requires 20% of dwellings on schemes of five or more dwellings to meet this standard.

- 3.19. Exceptions to the requirement may be made where specific factors such as site topography make meeting the standards unachievable by practicable and or viable means. For instance, a key feature of M4(2) Category 2 homes is that they provide step free access to and within a dwelling, and to any private amenity space. Where step free access would be unviable or impractical, the requirement for step free access may be relinquished and any such homes can and will only be required to meet M4(1) standard.
- 3.20. Additional provision of Category 2 dwellings may be sought for schemes that are specifically intended for the needs of particular groups or individuals, where a greater proportion may be appropriate.

### Wheelchair User Dwellings

- 3.21. Building Regulations Document M [M4(3)] introduces minimum specifications for Wheelchair User Dwellings (Category 3 dwellings). . The requirement contained in District Plan policy DP28 (see Figure 5) in relation to Wheelchair-user dwellings applies to a reasonable proportion of affordable homes in Mid Sussex, generally 4%, dependent on the suitability of the site and the need at the time.
- 3.22. Further guidance is set out in the Affordable Housing SPD and is available in National Planning Policy Guidance – Housing: optional technical standards<sup>22</sup>.

Figure 5 - District Plan accessible and adaptable dwelling policy (DP28: Accessibility)

Accessible and Adaptable Dwellings

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 – accessible and adaptable dwellings under Building Regulations – Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.

Wheelchair-user dwellings

Category 3 – Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.

### Extra Care Housing

- 3.23. In order to assist in meeting housing need, providing greater choice for older people and those with special needs, and creating sustainable, inclusive and mixed communities, the

<sup>22</sup> [www.gov.uk/guidance/housing-optional-technical-standards](http://www.gov.uk/guidance/housing-optional-technical-standards)

provision of Extra Care Housing will be required in accordance with District Plan Policy DP30 (see Figure 4).

- 3.24. Extra Care Housing should be designed to be a home for life. It should promote independent living in self-contained accommodation, where people are able to readily access high quality, flexible support and care services on site to suit their needs, and can include rented, shared ownership or leasehold accommodation.
- 3.25. Extra Care schemes should be located so they are accessible to local facilities, proportionate in scale to the locality and provide ancillary facilities as part of the development. These ancillary facilities should complement locally available amenities and be made available to the wider community.
- 3.26. Whether proposed development falls within Class C2 or Class C3 of the Use Classes Order 1987 (as amended) is a question of fact and degree in each case. In determining the appropriate categorisation, the District Council will take all the characteristics of a scheme into account to ascertain whether the scheme is subject to the provisions of Policy DP31 in relation to affordable housing provision.
- 3.27. The District Council considers that extra care schemes will fall within Class C3 where the units provided:
  - i. Are dwellinghouses. This is a question of fact: the primary consideration is whether the unit is self-contained and affords the facilities required for day-to-day private domestic existence; and either
  - ii. Are occupied by a single person, or by people who are to be regarded as forming a single household, "single household" construed in accordance with s. 258 of the Housing Act 2004; or
  - iii. Are occupied by not more than six residents living together as a single household. This is again a question of fact and degree, having regard in particular to whether the level of care provided is so extensive that the residents cannot be said to constitute a household
- 3.28. Specialist accommodation and care homes falling within Use Class C2<sup>23</sup> are a specialist part of the housing needs market and for Mid Sussex are included in the definition of social infrastructure which also includes community facilities and local services. As such, protection of such stock is made by District Plan Policy DP25: Community Facilities and Local Services
- 3.29. Further detail on Class C2 housing can be found in the Mid Sussex Housing and Economic Development Needs Assessment Addendum (August 2016) and further guidance on the Class C2/ C3 classification may be issued by the District Council from time to time.
- 3.30. Where a scheme is classified as Class C2, such development might become subject to the provisions of Policy DP31 in relation to affordable housing provision at a later date should a relevant change of use planning application be made.

---

<sup>23</sup> Town and Country Planning (Use Classes) Order 1987 (as amended)

## Securing Gypsy and Traveller sites

- 3.31. To ensure that a sufficient amount of accommodation for Gypsies and Travellers is delivered to meet identified needs within an appropriate timescale, policy provision is made in District Plan Policy DP33: Gypsies, Travellers and Travelling Showpeople for the delivery of permanent pitches and to monitor the need for the supply of such sites or other forms of accommodation over the plan period<sup>24</sup>.
- 3.32. Permanent accommodation is proposed to be delivered as part of the District Plan strategic development allocations<sup>25</sup>; and as part of any future strategic development site<sup>26</sup> that may come forward over the plan period<sup>27</sup> if a need is identified. Provision is proposed to be secured on-site, or through an equivalent financial contribution towards off-site provision, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, secured through a planning obligation.

## Highways and Transport including Sustainable Transport

### Highways and transport

- 3.33. The provision of an efficient and sustainable transport network is a key aim of the District Plan that will help to deliver the objectives of the West Sussex Transport Plan 2011-2026.
- 3.34. The highways authority<sup>28</sup> may identify instances where improvements are required to the transport network where planning obligations or Section 278 agreements are required to address specific issue arising from an individual development.
- 3.35. For residential development and for purely residential parts of mixed use development, the design of internal infrastructure will be assessed against national guidance; local guidance provided in development plans; and other appropriate guidance.
- 3.36. For non-residential and mixed use development, the on-site infrastructure needs will be assessed on an individual basis on the functional requirements of the proposed development, the relevant standards adopted by WSCC and with due regard to other material considerations.
- 3.37. The highways authority will consider the extent to which existing off-site infrastructure is able to accommodate extra movements as a result of new developments. In instances where the capacity of the existing network is inadequate as a consequence of new development or the increased use arising from the development will give rise to safety concerns, the landowners and developers must provide or fund necessary new or improved off-site infrastructure. When considering capacity and safety, the effects of other, already

---

<sup>24</sup> Policy DP31: Gypsies, Travellers and Travelling Showpeople

<sup>25</sup> Policy DP9: Strategic allocation to the north and north-west of Burgess Hill; and Policy DP9A: Strategic Allocation to the east of Pease Pottage DP9b: Land north of Clayton Mills, Hassocks

<sup>26</sup> Policy DP28: Housing Mix

<sup>27</sup> The District Plan 'plan period' covers years 2014 to 2031

<sup>28</sup> The Highways Authority for the local road network is West Sussex County Council. For the strategic road network i.e. the A23/M23, the Highways Authority is Highways England.

committed development will be taken into account, including for instance unimplemented planning permissions and proposed land allocations.

- 3.38. On-site improvements will be sought through planning obligations and/or via Section 278 agreements for off-site improvements. These could include improvements to junctions on-site or in the immediate locality as a direct result of development traffic generation; diversion/ extension of existing public transport/ bus routes through or in proximity to a site including associated road alterations and bus stop improvements; introduction of or improvement to on and off-site pedestrian facilities (e.g. footways, crossing refuge points) and cycle facilities (e.g. cycle ways/ storage); and preparation and implementation of travel plans with on-going monitoring. In addition, bus stops, shelters and laybys will also be necessary in relation to many new developments.
- 3.39. Commuted maintenance payments may be required for this infrastructure where it is reasonable to do so, equivalent to the capitalised costs of future maintenance. Typical items would include landscaping, special lighting and other street furniture, and drainage soakaways. Commuted payments will not generally be required for carriageway and footway maintenance.
- 3.40. Some maintenance cost components are more predictable and the commuted payment calculation has been standardised. These rates are subject to regular review. Where infrastructure such as bridges, underpasses, retaining walls and surface water retention systems is required, future maintenance costs can only be assessed case by case.
- 3.41. Improvements to public highway infrastructure will require a separate agreement to regulate construction. The County Council's administration and inspection fee is 9% of the County Council's estimated total value of the proposed works, subject to a minimum fee of £2,500. Legal fees for preparing the agreement are in addition to this fee. All street lighting and illuminated equipment will need to comply with a standard development specification and be approved by the County Council's PFI provider.
- 3.42. All street lighting and illuminated equipment will be adopted and maintained through a Private Finance Initiative (PFI) Therefore all design and implementation of street lighting and illuminated equipment will need to comply with the standard development specification and be approved by the PFI provider. The costs associated with the PFI provider reviewing developer designs and checking installations will be recovered through the highway agreement process in addition to the 9% or minimum £2,500 administration and inspection fee. Where the design and or installation of street lighting and illuminated equipment is undertaken by the PFI contractor then there would not be a requirement to recover costs through the agreement for these elements.

### **Sustainable transport**

- 3.43. District Plan Policy DP19: Transport aims to facilitate and promote the increased use of alternative means of transport to the private car.
- 3.44. Developers are required to adopt a sustainable approach to transport. An important element of this is the promotion of modes of travel other than the car and developments need to cater for pedestrians and cyclists as well as ensuring good accessibility to public transport.



- 3.45. A methodology for seeking contributions towards sustainable transport 'Total Access Demand' (TAD) has been developed and successfully used for a number of years by local planning authority areas across West Sussex, including Mid Sussex. This methodology is applied to B1 office, B2 industrial, B8 warehousing and residential development. All developers have the opportunity to provide a Transport Assessment as an alternative approach to identifying the impact and necessary mitigation measures associated with their development.
- 3.46. The TAD contribution is made up of two elements, a Sustainable Access contribution in respect of each occupant or employee without a parking space and an Infrastructure Contribution per occupant or employee with a parking space. These are then amalgamated as a single contribution. The payment for occupants or employees with a parking space (the Infrastructure Contribution) is greater for those without (the Sustainable Access contribution). Therefore the higher the percentage of parking spaces in relation to occupants or employee numbers, the greater the contribution towards public transport and sustainable transport initiatives.
- 3.47. For larger residential developments (more than 80 dwellings), the TAD methodology may provide a guide but improvements to mitigate the impact of development should form part of a full Transport Assessment. It would not be anticipated that contributions secured from larger developments would be any less than the level of contribution calculated using the TAD contribution methodology.
- 3.48. The TAD contribution methodology and calculator is available at [www.midsussex.gov.uk/](http://www.midsussex.gov.uk/).
- 3.49. Pooling restrictions (see paragraph 2.10) apply to all contributions made towards transport and highways and sustainable transport secured through Section 106 agreements (the restriction does not apply to Section 278 Agreements). TAD contributions are allocated to specific schemes that improve access between the development and local amenities, including housing, jobs, shops, schools, leisure and other services, primarily those identified in the Mid Sussex Infrastructure Delivery Plan.

### **Car parking**

- 3.50. District Plan Policy DP21: Transport seeks the provision of adequate car parking for proposed development, taking into account the accessibility of the development; the type, mix and use of the development and the availability and opportunities for public transport.
- 3.51. The minimum indicative standard of car parking provision expected in new developments is set out in Appendix 1 and are based on the WSCC car parking standards. However, developers should be aware that, in addition to these standards, some town and parish councils have set out their own car parking standards in their respective Neighbourhood Plans. Reference should be made to those standards. Those Neighbourhood Plans are:
- Ashurst Wood
  - Bolney
  - Burgess Hill
  - Crawley Down
  - East Grinstead
  - Haywards Heath

- Horsted Keynes
- Turners Hill
- West Hoathly

## Open Space, Leisure / Formal Sports Provision

- 3.52. Creating places to support and encourage healthy lifestyles is a key element of the District Plan, through Policy DP24: Leisure and Cultural Facilities and Activities. New development must ensure existing and future residents can access sufficient local open space and facilities, if possible as an integral part of the scheme. To support this, planning obligations and/ or conditions are used for the provision of land, equipment and for the laying out of on-site local open space; children and young people's play areas; allotments or outdoor sport; as a mechanism for securing on-going maintenance and management (in perpetuity for 100 years) of on-site open space; to secure play and recreation areas; and for securing the replacement of any open space lost as a result of the development.
- 3.53. The District Council requires that the leisure and recreation needs generated by residential development are provided for by the developer as an integral part of the development. These needs will include outdoor playing space, a contribution towards sporting infrastructure, and, in the case of larger developments may include indoor facilities. If this is not feasible, the District Council will require developers to make financial contributions which will be used to provide appropriate facilities in the district. Non-residential developments may also create added demand for leisure facilities or impact on existing provision and appropriate contributions or planning obligations may be sought.
- 3.54. The District Council is reviewing the existing stock of indoor and outdoor facilities in Mid Sussex and to identify areas or assets where there will be a shortfall in provision as a result of new development. Revised requirements or standards will be provided in an update to Appendix 2, and published on the District Council's website. An update will also be set out in the IDP.

### Indoor facilities

- 3.55. If there is likely to be a requirement for development to provide or fund new indoor recreation and leisure facilities or improvements to existing indoor facilities, the requirement will usually be identified in the District Plan or a subsequent Development Plan Document.
- 3.56. The District Council will encourage dual or shared use of leisure and community buildings where feasible.

### Outdoor Playing Space

- 3.57. Almost all residential development generates a need for playing space. Current guidelines of provision are set out in Appendix 2 and identified needs for new or improved facilities are set out in the IDP.

### **Contributions to off-site play space**

- 3.58. In cases where it is agreed that it is not appropriate to provide part or all the categories of outdoor playing space on-site, developers will be expected to make financial contributions towards off-site play space.
- 3.59. Contributions will only be sought for the provision of new or improved facilities that are within a reasonable distance of the proposed development and therefore accessible to future residents. Distance thresholds/ guideline are set out in Appendix 2.

### **Calculation of contributions towards open space, leisure / formal sports provision**

- 3.60. The method of calculating contributions is set out in Appendix 2.

### **Maintenance of playspace**

- 3.61. The District Council may be prepared to adopt and maintain properly laid-out playing space and informal open space within residential areas, subject to the payment of a commuted sum by the developer to cover the cost of future maintenance for a period of 100 years. A schedule to enable the calculation of indicative maintenance costs is set out in Appendix 2. However, it is for the District Council to determine actual costs on a case-by-case basis. Further details are provided on the District Council's website.
- 3.62. If it is not intended to offer playing space and informal open space for adoption, the District Council will need to be satisfied that adequate alternative arrangements have been made (usually by a condition) for their long-term maintenance such as through a properly constituted management company.

### **Informal open space**

- 3.63. In most residential development sites, there will normally be a requirement for areas of informal public open space in addition to formal playspace. These will include areas of landscaping, footpath/ cycleway corridors and existing sites features which are to be retained, such as trees, woodland areas and water features. The District Council does not lay down standards for the provision of informal open space on development sites, but specific features may be identified in the District Plan, a subsequent Development Plan Document or sites subject to masterplanning.

## **Education and Services for Children and Young People**

- 3.64. The effects of residential developments on schools and other educational facilities such as early years provision, sixth form, special education needs, tertiary and adult education, must be considered. Accordingly, landowners and developers should estimate the demands for services which are likely to result from proposed residential development.
- 3.65. Some small residential developments will have no measurable effect on the demands for educational services and others will have no effect at all such as sheltered housing for elderly people. In addition, the County Council will account for the extent to which existing permanent facilities serving the area (excluding temporary accommodation) are able to meet the educational needs predicted to arise as a consequence of committed housing developments (with planning permission/ or allocated as a housing site). Where schools are

unable to accommodate children likely to arise from a proposed housing development, landowners and developers will be required to contribute towards the costs of providing the necessary capital infrastructure.

- 3.66. Provision for education facilities may be required from strategic housing sites where there is no realistic opportunity to expand existing capacity to meet the needs generated by such development. Such provision, secured through a planning obligation, could include a serviced site for a school, offered at nil cost, to ensure future education capacity is not constrained by a lack of available land. In circumstances where a single development generates the need<sup>29</sup> for a new education facility on its own, this may also include the construction/ commissioning costs of an appropriately sized new school.
- 3.67. The County Council has a statutory responsibility to commission education places for all children of school age, normally 4 to 16 years of age and to ensure sufficient nursery education for 3 and 4 year olds and post-16 years in partnership with other sectors. Landowners and developers should note the County Council's policies for admission of pupils to schools which aim to ensure that parents can normally expect places for their children at the schools serving the area in which they live. However, it should be noted that individual governing bodies of church aided schools, foundation schools, academies and free schools are responsible for their own admissions policies.
- 3.68. Where contributions are required, these are calculated on the additional amount of children that the development would generate and therefore the need for school places - referred to as total places required. This is then multiplied by the regionally adjusted Department for Education school building costs per pupil place adjusted annually by RICS BCIS All-In TPI Index, known as the cost multiplier.
- 3.69. WSCC provide a calculator to ascertain financial contributions for school infrastructure broken up into four categories, primary, secondary, middle and sixth form. Depending on the existing local infrastructure, only some or none of these categories of education will be required. The calculator is used for smaller developments up to and including 500 units where contributions are sought for the improvement and expansion of existing schools. Strategic developments of more than 500 homes are subject to bespoke negotiation which might include securing land or buildings for education facilities.
- 3.70. 'Early Years' provision should be included alongside new primary school sites.
- 3.71. Special Educational Needs (SEN) facilities may be required alongside primary or secondary school sites at new sites, or as stand-alone facilities.
- 3.72. Education contributions locality table and education maps and the contribution methodology and calculator are available at [www.westsussex.gov.uk/s106](http://www.westsussex.gov.uk/s106).

### **Other Services for Children and Young People**

- 3.73. Contributions will be sought where necessary towards youth provision and other facilities such as residential care. Though required for large strategic developments of 500+ dwellings, each development will be considered on a case-by-case basis.

---

<sup>29</sup> Calculated by reference to the pupil yield of development – see WSCC Developer contributions towards WSCC services – available at [westsussex.gov.uk](http://westsussex.gov.uk)

## Healthcare

- 3.74. Clinical Commissioning Groups (CCGs) are statutory, clinically led National Health Service bodies responsible for the planning and delivery of health care services for their local area covering:
- Care and treatment in hospital and in the community
  - Prescribing
  - Primary Care (GP) services
  - Mental health services
  - Support and services for people living with learning disabilities.
- 3.75. Mid Sussex is covered by the Horsham and Mid Sussex Clinical Commissioning Group. The CCG will consider and advise the District Council as to the needs which would arise for the provision of additional infrastructure.
- 3.76. Where there is a lack of capacity to accommodate a development, financial contributions will be sought to increase capacity at existing facilities. Contributions are sought on schemes of 50 or more dwellings, based upon calculating occupancy level of new development from the number and housing mix of the scheme.
- 3.77. Strategic developments of more than 500 homes are subject to bespoke negotiation which might include securing land or buildings for healthcare facilities.
- 3.78. A contribution calculator is available at [www.midsussex.gov.uk/s106](http://www.midsussex.gov.uk/s106).

## Social and Local Community Infrastructure

### Community buildings

- 3.79. To ensure that sustainable communities are created, new residential development should provide new community buildings or otherwise provide financial contributions towards enhancing existing community buildings to serve the needs of future residents.
- 3.80. Large-scale housing developments may generate the need for a new, purpose-built community building, or sufficient land and a financial contribution, to be provided by the developer as an integral part of the scheme. In the case of large site allocations, the requirement for a community building may be a policy requirement identified in a Development Plan Document. The size and specification of the facility will depend upon local circumstances and should be discussed with the District Council.
- 3.81. Smaller developments may not generate the need for a new community building but will still generate extra demand for such facilities. In such cases, they should contribute towards the enhancement of the existing facilities which serve the locality. Contributions will be spent on the extension or improvement of existing community buildings or, in appropriate cases, towards the construction of new facilities.
- 3.82. The contribution rates and a calculator are available in Appendix 3.

## **Library services**

- 3.83. The County Council has adopted standards which relate service provision to population numbers. Where a library is unable to meet standards due to development, a reasonable contribution will be requested towards the service based on the adopted floorspace standards, the library building cost per square metre and the additional population coming from the proposed development.
- 3.84. For catchment populations up to 4,000, service provision will be by means of mobile libraries. For populations of over 4,000, the service will be delivered through built libraries. The type of library will be determined by the size of the catchment population.
- 3.85. Where the best means for the delivery of library services to a new development is a mobile library, provision of a suitable parking area (with good links to the local transportation network and access to a power supply) is required, and/or a proportionate financial contribution towards the costs of providing and stocking an extra vehicle.
- 3.86. Where the appropriate means for the delivery of library services to a new development is a built library, fair and proportionate contributions towards the costs of providing and stocking a new or improved permanent building are required, including any necessary land acquisition.
- 3.87. In some cases, it may be appropriate for library facilities to be provided as part of a proposed or existing community building. In such circumstances, fair and proportionate contributions towards shelving and self-service terminals will be sought.
- 3.88. The needs of the library service will be individually assessed. Occasionally, more than one feasible way of meeting needs to WSCC standards will be identified. For example, improvement of the mobile library service in combination with an enhancement of facilities at the major library in the nearest town could be an acceptable alternative to development of a neighbourhood library, on site or nearby, for a comparable cost. Therefore, where the library needs of a particular development proposal may be satisfied equally well by one or more alternatives, contributions towards the most appropriate solution will be sought.
- 3.89. The applied adopted floor space standards, contribution rates and a contribution calculator are available in Appendix 3.

## **Local Community Infrastructure contributions**

- 3.90. The development of sustainable communities requires the provision of a wide range of local facilities and services, of which many are specifically identified in this SPD. However, there are other important local services and facilities which are not listed but are still needed by the community. To identify all of these and to require developers to address each of them individually would be impractical.
- 3.91. Seeking contributions towards such local facilities and services through Local Community Infrastructure (LCI) contributions is an established principle at Mid Sussex. Examples of the services and facilities supported by this contribution are set out in Figure 6 (in addition to the other services listed in this SPD).

3.92. LCI contributions are allocated to specific schemes that are needed by the community which development places demand upon<sup>30</sup>; primarily those identified in the IDP (see paragraph 1.8) in consultation with local councils and other bodies.

3.93. The contribution rates and a calculator are set out in Appendix 3.

#### Figure 6 – Examples of facilities and services supported by Local Community Infrastructure Contributions

- Local CCTV schemes
- Allotments
- Burial grounds
- Public conveniences
- Enhancement of the public realm
- Car parks, including new provision and expansion
- Electric charging points
- Litter and dog bins
- Footway lighting
- Local signage
- Cycle tracks
- Public Rights of Way
- Traffic calming
- Public seating
- Museums

### Emergency Services

#### Police

3.94. The additional population generated by development will place an increased demand on the level of policing for the area. To maintain current levels of policing, developer contributions towards the provision of capital infrastructure are required as Sussex Police do not have capacity and funding ability to respond to growth caused by additional housing.

3.95. Details of provision are set out in Appendix 4.

#### Fire and Rescue

3.96. Adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. Works may also be needed to fulfil the Fire Authority's duty to ensure the provision of an adequate supply of water for firefighting<sup>31</sup>. Requirements for the provision of fire hydrants affixed to water mains and to carry out other works necessary to ensure adequate supplies of water, in terms of both volume and pressure, may be sought either as planning conditions or possibly through a planning obligation.

---

<sup>30</sup> In accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

<sup>31</sup> Fire hydrants are required on developments as a direct cost to the developer as required by the Fire Services Act 2004

- 3.97. In addition, contributions may be sought via a planning obligation towards the provision of a new fire station or the extension of an existing station so as to enable the fire authority to meet the nationally prescribed standards of fire cover for the area.
- 3.98. Guidelines to assist landowners and developers are set out in Appendix 4.

## Flood mitigation and Water Infrastructure

### Sustainable Drainage Systems

- 3.99. The provision of on-site Sustainable Drainage Systems (SuDS) and on-site flood-mitigation measures is secured through a planning condition and/or planning obligation. Where Sustainable Drainage Systems are provided, arrangements must be put in place for their management and maintenance. West Sussex County Council may charge a fee for lifetime monitoring of SuDS for major developments, where the maintenance of drainage falls to a commercial management company. The arrangements for this will be set out in the planning obligation.
- 3.100. The County Council as Lead Local Flood Authority (LLFA) is the risk management authority responsible for local flood risk defined as flooding from surface water, groundwater and ordinary watercourses. All major development<sup>32</sup> proposals must take account of the policy statement for surface water management, the *West Sussex LLFA Policy for the Management of Surface Water*. The LLFA is required to provide consultation responses on the surface water drainage provisions associated with major development. The policy statement sets out the requirements that the LLFA, has for drainage strategies and surface water management provisions associated with applications for development.
- 3.101. The District Council will refer to consultation responses received from the County Council in the determination of planning applications. Developers should therefore refer to this policy statement to ensure applications meet national and local policy requirements on flooding and drainage and to ensure that schemes meet the requirements of District Plan Policy DP41: Flood Risk and Drainage.
- 3.102. The LLFA policy can be viewed on the website at [www.midsussex.gov.uk/s106](http://www.midsussex.gov.uk/s106).

### Water efficiency standards

- 3.103. The Government introduced technical housing standards for new dwellings through a written ministerial statement on 25 March 2015 and detailed how these would be implemented through the planning system. This includes higher Building Regulation standards under Part G, for water efficiency consumption of no more than an average of 110 litres per person per day. The standard is imposed by District Plan Policy DP42: Water Infrastructure and the Water Environment, and will be secured by planning condition.

---

<sup>32</sup> As set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. This includes development that involves the provision of 10 or more dwelling houses; where the provision of dwelling houses is carried out on a site having an area of 0.5ha or more; the provision of a building or buildings where the floor space (measured as gross internal floorspace) is 1,000 sqm or more; development carried out on a site having an areas of 1ha or more



3.104. Further guidance is available in Planning Policy Guidance –Housing: optional technical standards<sup>33</sup>.

## Green Infrastructure

- 3.105. The District Plan seeks the best use of resources and the creation of accessible green infrastructure and green corridors within and around settlements through Policy DP38: Biodiversity. Land may be sought from larger and strategic housing sites to ensure the provision of accessible green infrastructure and green corridors to ensure that such spaces are provided in a joined up manner to ensure that they can function correctly and good access for existing and future residents. Green infrastructure functions could include wildlife corridors, flood management, health and well-being benefits, and recreation. Such improvements may include contributions to improve and upgrade existing footpaths and/or create new bridleways.
- 3.106. The District Council commonly requires that environmental measures provided in relation to new development are managed and maintained indefinitely for a period of 100 years. The normal expectation is that a management company will be set-up, but the District Council may take on larger sites, but this will be decided on a case-by-case basis. Therefore, the District Council may be prepared to adopt and maintain areas comprising such environmental measures subject to the payment by the developer of a commuted sum in respect of the costs of maintenance for a period of 100 years. Where developers would prefer to make alternative arrangements for the future management and maintenance of environmental measures, the District Council will need to be satisfied that their proposals are satisfactory in all respects.

## Waste Management

- 3.107. The provision of on-site site-specific waste and recycling provision is expected as part of good design for development. It is expected that development will provide:
- adequate facilities within each dwelling for storage and collection of waste/ recyclable materials;
  - depending on the scale of development, provide a local recycling facility off-site or secure a financial contribution towards the provision of such a facility off-site<sup>34</sup>.
- 3.108. In considering planning applications for development other than new housing, the District Council will assess individually, the needs for provision of additional appropriate recycling facilities.
- 3.109. The provision of on-site site-specific waste and recycling provision will normally be secured through a planning condition or obligation. Contributions may be sought for the provision of wheeled bins in order for waste collection services to be provided.
- 3.110. Contributions for waste management services, such as recycling facilities and waste sites, are not currently required in Mid Sussex. However, this situation is monitored and should improvements be required in the future, contributions may be sought.

<sup>33</sup> [www.gov.uk/guidance/housing-optional-technical-standards](http://www.gov.uk/guidance/housing-optional-technical-standards)

<sup>34</sup> In accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

3.111. Details of provision are set out in Appendix 5.

### **Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)**

- 3.112. Natura 2000 is a network of protected sites across Europe designated for nature conservation importance. It is formed of Special Areas of Conservation for species, plants and habitats (designated under the Habitats Directive) and Special Protection Areas for bird species (classified under the Birds Directive).
- 3.113. Ashdown Forest (located outside of and to the east of Mid Sussex District) Special Protection Area (SPA) was classified in 1996 and covers 3,200 hectares. Ashdown Forest Special Area of Conservation (SAC) was designated in 2005 and covers 2,700 hectares.
- 3.114. The District Council has undertaken a Habitats Regulations Assessment to test whether the District Plan, in combination with other plans and projects, is likely to have an adverse impact on the ecological integrity of these areas. The main potential impacts arising from the District Plan that are likely to have a significant effect on Ashdown Forest are recreational disturbance to protected breeding birds from an increase in visitors to Ashdown Forest (to the SPA) and atmospheric pollution affecting the heathland habitat from increased traffic and associated nitrogen deposition (to the SAC).
- 3.115. The Habitats Regulations Assessment for the District Plan identifies that proposed new housing in areas close to Ashdown Forest is likely to increase the number of visitors, with potential associated impacts on bird populations. This 'zone of influence' is within a 7km straight-line distance from the SPA boundary of the Ashdown Forest. For this reason it is important to counter any adverse effects from new residential development in this zone, and establish appropriate measures to reduce visitor pressure. District Plan Policy DP17 sets out the mitigation requirements.
- 3.116. The proposed approach is to provide Suitable Alternative Natural Greenspace (SANG) sites to attract visitors away from the Ashdown Forest SPA and Strategic Access Management and Monitoring (SAMM) measures on the Ashdown Forest itself, to deliver access management and behaviour projects and monitor the protected species.

### **Provision of Suitable Alternative Natural Greenspace (SANG)**

- 3.117. SANGs are sites that cater for the recreational needs of communities in order to avoid and reduce the likelihood of increasing visitor pressure and disturbance on important nature conservation areas such as Ashdown Forest. The provision of SANGs will be over and above that for public open space and should be of a suitable design and size to provide an alternative to visiting the Ashdown Forest.
- 3.118. Planning applications for relevant development<sup>35</sup> within the 7km zone of influence will be granted subject to a planning condition which requires that no development shall take place until a scheme for the mitigation of the effects of the development on the SPA has been submitted to and approved in writing by the Local Planning Authority

---

<sup>35</sup> Developments causing a net increase in dwellings within the 7km zone of influence

(Mid Sussex District Council) in the form of providing a SANG, either on the development site itself or through a financial contribution to a strategic SANG elsewhere.

- 3.119. In the event that the approved scheme relates to the payment of a contribution in accordance with the SANG tariff, such contribution shall be collected to facilitate the delivery of SANG and to fund the management and maintenance of the site in perpetuity and shall be secured by way of a legal agreement with the District Council.
- 3.120. The District Council has secured provision of a 33 hectare strategic SANG at East Grinstead at East Court & Ashplats Wood towards which developer contributions can be made to mitigate the impact of relevant development within the 7km zone of influence on Ashdown Forest. The East Court & Ashplats Wood SANG Strategy can be found at: [www.midsussex.gov.uk](http://www.midsussex.gov.uk).
- 3.121. The current tariff for developer contributions towards the strategic SANG is available to view at
- 3.122. Appendix 6.

#### **Provision of Ashdown Forest Strategic Access Management and Monitoring (SAMM Strategy) measures**

- 3.123. The Ashdown Forest SAMM Strategy will set out measures for the management of visitors to Ashdown Forest in such a way that reduces the impact on features of interest of the designated site together with a programme for monitoring bird populations and the impacts of visitors. The SAMM Strategy can be found at: [www.midsussex.gov.uk](http://www.midsussex.gov.uk).
- 3.124. The SAMM strategy sets out the measures that provide part of the mitigation for new residential development within the 7km zone of influence for the Ashdown Forest SPA. These measures focus on protecting the SPA from new recreational pressures by managing access (visitor) behaviour and monitoring both birds and visitors.

**All residential development leading to a net increase in dwellings within influence for the Ashdown Forest SPA must contribute towards the strategy. Contributions are made through a planning obligation (usually unilateral undertaking) (see paragraph Error! Reference source not found.). The SAMM Tariff is available to view at**

- 3.125. Appendix 6.
- 3.126. In terms of atmospheric pollution, the Habitats Regulations Assessment concludes that adverse effects on the Ashdown Forest SAC are unlikely and no further measures are necessary at this stage. However, to promote good practice, Policy DP21: Transport of the District Plan contains measures to encourage sustainable modes of transport. In addition, if appropriate, other measures to assess and manage atmospheric pollution impacts on Ashdown Forest will also be reviewed and implemented, particularly if new evidence becomes available.

## Telecommunications

- 3.127. The Council supports improved digital connectivity, including the provision of full fibre and 4G and 5G across the District, due to the benefits it will bring to both businesses and residents. It supports the installation of communications infrastructure in excavation projects where the District has determined that it is both financially feasible and consistent with the District's long-term goals to develop full fibre communications infrastructure. The Coast to Capital Strategic Economic Plan also seeks to improve digital connectivity across the District, including the delivery of full fibre connectivity for the proposed Science and Technology Park to the west of Burgess Hill.
- 3.128. Policies DP1, DP7 and DP23 of the District Plan seek major<sup>36</sup> new housing and commercial developments to be directly served by high quality fibre networks. Such high quality communications infrastructure is essential to ensure Mid Sussex is able to develop sustainable communities by achieving the District Council's aspirations for sustainable economic growth as well as supporting the increasing number of internet capable devices in the home.
- 3.129. It is the District Council's preference that full fibre connectivity should be designed into the development at the masterplan stage and implemented through a planning condition. If the development proposal does not adequately address the requirement for full fibre connectivity, the District Council may request a financial contribution to improve linkage to an available backhaul network, exchange and/ or the upgrading of an exchange where this has been identified as necessary to ensure full fibre can be provided.
- 3.130. The District Council will negotiate with the developer over the appropriate level of financial contribution required.

## Section 4 – Procedure for securing contributions

- 4.1. This section provides guidance to the process the District Council will use to negotiate and agree planning obligations and outlines the District Council's approach to the assessment of development financial viability.
- 4.2. The process is set out to provide clarity to parties involved in the development process and is designed to ensure that applications are progressed without unnecessary delay.

### Negotiating and completing planning obligations

- 4.3. The completion of planning obligations is critical on schemes where such obligations are required to make the development acceptable in planning terms. In line with the National

---

<sup>36</sup> As set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. This includes development that involves the provision of 10 or more dwelling houses; where the provision of dwelling houses is carried out on a site having an area of 0.5ha or more; the provision of a building or buildings where the floor space (measured as gross internal floorspace) is 1,000 sqm or more; development carried out on a site having an areas of 1ha or more

Planning Practice Guidance, and to provide certainty to all parties, planning permission will not be granted until the necessary planning obligations are in place.

### **Pre-application advice**

- 4.4. Pre-application discussions offer the opportunity to clarify the relevant planning policies and material considerations, issues to be resolved and requirements for supporting documentation. Entering such discussions prior to the purchase of land will enable developers to better anticipate the financial implications of planning obligations on development proposals.
- 4.5. Pre-application discussions can minimise delays in determining planning applications and developers and landowners are advised to enter into discussions with the District Council and other infrastructure providers where required as early as possible.
- 4.6. Mid Sussex District Council<sup>37</sup> offer a formal pre-application service as do West Sussex County Council on transport and highway matters<sup>38</sup>. It may be appropriate on complex applications to arrange joint advice. Developers and landowners should have regard to this SPD to provide information to support discussions.
- 4.7. Development proposals should accord with District Plan policies, including affordable housing requirements at a policy compliant tenure split. The District Council should be notified of any viability issues at the pre-application stage that are deemed to make a proposal unviable at full policy provision, supported by a draft appraisal. This provides the opportunity to discuss the appropriate methodology for a full financial viability assessment, required to support a development proposal that does not meet policy requirements in full. This should include details of discussions with registered providers of affordable housing to inform the value of affordable housing assumed within an assessment. Further detail on the submission of financial viability assessments to Mid Sussex District Council is provided in the Development Viability SPD.
- 4.8. Draft Section 106 Heads of Terms should be considered during pre-application discussions. The District Council aims to agree planning obligations at an early stage, which will ensure there is sufficient time for drafting the requisite planning obligation within statutory timescales.

### **Application submission**

- 4.9. Planning applications must be submitted with the appropriate documentation in accordance with the local list requirements<sup>39</sup>. In all cases, where it is known from the outset that a planning obligation is required, it is expected that applicants will submit a Planning Obligation Instruction Form<sup>40</sup>. In cases which relate solely to the payment of financial

---

<sup>37</sup> [www.midsussex.gov.uk/planning-licensing-building-control/planning/pre-application-advice/](http://www.midsussex.gov.uk/planning-licensing-building-control/planning/pre-application-advice/)

<sup>38</sup> [www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/](http://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/)

<sup>39</sup> [www.midsussex.gov.uk/planning-licensing-building-control/planning/making-planning-applications/planning-application-guidance/](http://www.midsussex.gov.uk/planning-licensing-building-control/planning/making-planning-applications/planning-application-guidance/)

<sup>40</sup> [www.midsussex.gov.uk/planning-licensing-building-control/planning/making-planning-applications/planning-application-guidance/new-dwellings-and-housing-developments/](http://www.midsussex.gov.uk/planning-licensing-building-control/planning/making-planning-applications/planning-application-guidance/new-dwellings-and-housing-developments/)

contributions, a planning obligation by way of a unilateral undertaking<sup>41</sup> may be suitable and a draft form of Unilateral Undertaking can be accessed via the District Council's website. Applicants should liaise with the District Council's legal team and seek their approval to the form of planning obligation before submitting any signed documentation to accompany the planning application..

- 4.10. If a viability assessment is required it should include all information required by the District Council, as set out in the Developer Viability SPD to avoid delays in validating the application.
- 4.11. If material changes are made to an application after submission that could affect scheme viability, a revised assessment is required which could delay determination. This highlights the importance of engaging with the District Council in pre-application discussions. If it has not been possible to determine the application within the timescale originally envisaged, it may be necessary to submit an updated viability assessment to reflect current market conditions<sup>42</sup>.
- 4.12. As set out in the Planning Obligation Instruction Form, applicants should provide up to date evidence of title to the application site, details of their legal representative and an agreement to pay the District Council's legal costs<sup>43</sup> in connection with the planning obligation (payable whether or not the matter proceeds to completion).

#### **Application assessment**

- 4.13. The investigation and negotiation on any necessary conditions or obligations form part of the consideration of a valid planning application. This process is undertaken without prejudice to the determination of the application.
- 4.14. The case officer assigned to determine the planning application will manage the negotiation process in conjunction with the District Council's legal team. This includes consultation with internal departments and external bodies, in particular the County Council, to determine the obligations necessary to make the development acceptable in planning terms. Any draft heads of terms submitted will also be reviewed<sup>44</sup>.
- 4.15. Consultation responses will be relayed to the applicant with a view to negotiating and agreeing the nature, scale and any triggers for matters to be included as obligations.
- 4.16. Where an application is refused on other grounds, a decision will be made to whether it is prudent to pursue completion of a planning obligation prior to determination or whether to add non-completion of a planning obligation as an additional reason for refusal.

---

<sup>41</sup> A Unilateral Undertaking is a simplified, standard document which is relatively straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site. The Council is not a party to the document and therefore cannot provide reciprocal obligations. A Unilateral Undertaking may be suitable where the obligations consist solely of the payment of financial contributions, of one or more of the types described in this SPD, to be paid prior to commencement of development.

<sup>42</sup> NPPG – Paragraph 10-017-20140306

<sup>43</sup> Payment may be required up front or in stages and is payable irrespective of whether permission is subsequently granted

<sup>44</sup> These will be made publicly alongside other planning documentation

- 4.17. The applicant is expected to pay the District Council's reasonable legal costs associated with the requisite planning obligation.

### **Determination and post determination**

- 4.18. Where an application is to be determined by officers under delegated authority a completed and executed planning obligation (in a form previously approved by the District Council's legal team) will need to be submitted to, and approved by, the District Council's legal team before a decision is issued.
- 4.19. For applications to be decided by Planning or District Planning Committee, all matters to be included in any obligations must be known and agreed with the applicant by the time the proposal is taken to committee and will be set out in the committee report.
- 4.20. The Committee will decide whether the proposed obligations are appropriate. Any resolution to grant planning permission will be made subject to the completion of a satisfactory planning obligation within a specified time period and will authorise the Head of Service to accept such an undertaking. Planning permission and any other consent will be issued at a point following the completion of the required planning obligation.
- 4.21. A planning obligation should ideally be drafted prior to Committee otherwise it should be progressed immediately following Committee resolution to grant permission to meet any specified time period.
- 4.22. The District Council usually requires all parties with an interest in the land forming the application site to enter the planning obligation. For example, if the land to which the proposal relates is mortgaged or charged to other third parties or if a developer has an option arrangement, it will be necessary for such interests to be party to any planning obligation. Applicants should liaise as early as possible with interested parties/ lenders/ chargees about their proposals to ascertain whether approval is likely and to avoid lengthy delays in the signing/ execution process.

### **Payment of contributions and monitoring**

- 4.23. The planning obligation, along with relevant consents, will be registered as local land charges<sup>45</sup>. The District Council does not remove the entries upon compliance with the obligations, however, confirmation of compliance may be sought from the Section 106 Monitoring Officer<sup>46</sup>. A copy of the completed planning obligation will be held by the District Council for public inspection.
- 4.24. The District Council will normally require the payment of financial contributions prior to implementation of a development. This will enable mitigation and improvement works to commence during construction of the development and, where feasible, be co-ordinated with the completion of development.
- 4.25. For phased developments, the staging of payments may be acceptable and to facilitate this, the District Council will seek a phasing plan. The developer must inform the District Council

---

<sup>45</sup> The applicant may be required on occasion to register the agreement as a charge against the title of the property at HM Land Registry. Any requirement will be made clear during the process of negotiation.

<sup>46</sup> [section106monitoring@midsussex.gov.uk](mailto:section106monitoring@midsussex.gov.uk)

when the relevant stage triggers have been reached. Larger projects funded through Section 106 contributions may take longer to deliver given the time that may be required to put sufficient additional funding in place, to work up details of projects, undertake consultation, obtain relevant consents and address any other issues that arise.

- 4.26. Planning obligations which require financial contributions or commuted sums will be subject to an appropriate method of indexation as specified by the District Council and County Council (as applicable) which shall apply from the date of the planning obligation to the date payment is made to ensure that the value of the obligation does not reduce over time due to inflation. In the case of financial contributions or commuted sums due to the District Council, indexation by reference to the Retail Prices Index will usually be applied and in the case of the County Council, indexation by reference to the Building Cost Information Service will usually apply.
- 4.27. Compliance with the planning obligation will be monitored as the development proceeds. In the event the developer fails to comply with any terms regarding financial payments, a penalty rate of interest – above and beyond indexation – will be incurred until the point the payment is received. This will be incorporated into the planning obligation.
- 4.28. In the event of non-compliance with a planning obligation the District Council has powers to instigate legal and planning enforcement action. This could include injunctions to prevent development proceeding further. The District Council also has the power to enter land to carry out required works and to recover costs for this action from the developer, subject to prior notice.

#### **Recovery of costs incurred in the negotiation and monitoring of planning obligations**

- 4.29. The District Council maintains a dedicated resource to monitor planning obligations to ensure the efficient monitoring of planning obligations and processing of queries on such matters. The District Council therefore expects developers to contribute towards the subsequent monitoring of planning obligations.
- 4.30. The tasks undertaken to monitor developments and planning obligations include:
  - Update the database with details of the planning obligation.
  - Liaison with the case officer and developers on trigger points.
  - Sending notification to developers on contributions due as appropriate.
  - Liaison with the County Council and town and parish councils.
  - Sending notifications on discharge of planning obligations.
  - Preparation of reports to release monies for appropriate infrastructure projects.
- 4.31. The costs for monitoring developments and planning obligations will be reviewed on an annual basis and will be published on the District Council's website:  
[www.midsussex.gov.uk](http://www.midsussex.gov.uk).
- 4.32. The County Council also monitors contributions paid directly to them. The County Council has indicated that it will start to charge a monitoring fee for S106 agreements.
- 4.33. The District Council will require its legal costs to be met (whether or not a matter proceeds to completion). You are advised to seek independent legal advice before entering any



planning obligation or deed. The District Council's legal team will usually require a Solicitor's undertaking in relation to costs at the outset of a matter. The District Council's legal team can provide an estimate of costs. The County Council also requires its legal costs to be met.

- 4.34. The securing of such fees is not relevant to the determination of planning applications and does not constitute a reason for the granting of planning permission. As such, the provisions of Regulation 122 of the CIL Regulations<sup>47</sup> do not apply.
- 

DRAFT

---

<sup>47</sup> Community Infrastructure Levy Regulations 2010 (as amended)

## Appendix 1 – Mid Sussex Parking Standards

- A1.1 The standards set out below are minimum indicative standards of the level of provision parking generally expected in new developments. Where a lower provision is proposed, this will need to be justified on site specific grounds.
- A1.2 Where a lower provision is provided, evidence should be submitted to demonstrate where overflow parking demands can be accommodated (on-street or elsewhere); that there is sufficient capacity for these demands to be met; and that where necessary, mitigation can be provided to ensure that overflow parking would not cause highway safety issues. This could include where appropriate, measures included in a Travel Plan, or the funding of additional waiting restrictions.
- A1.3 The standards will apply to all development in the associated class. Generally no thresholds will apply with the exception of small commercial development in less accessible areas.

Figure 7 – Residential Parking Standards

<b>Dwelling type - (Flats and Houses)</b>	<b>Minimum Indicative Standard</b>
1 bed dwellings	1 car space* per dwelling and 1 cycle space per dwelling**
2/3 bed dwellings	2 spaces per dwelling and 2 cycle spaces per dwelling**
4 bed dwellings	3 spaces per dwelling and 2 cycle spaces per dwelling**
5+ bed dwellings	Car and cycle parking to be assessed individually

\* A residential parking space is defined as a garage, spaces on driveway within the curtilage of property or designated parking outside the curtilage of the property such as parking courts and laybys.

\*\* No cycle parking is required if a garage is provide and the garage is of sufficient size. On larger developments (8 dwellings or more) cycle parking for visitors should be provided at a ratio of 1 cycle space per 8 dwellings.

Figure 8 – Other Residential Uses

<b>Residential Uses</b>	<b>Minimum Indicative Standard</b>
Sheltered Accommodation, extra care housing and flats for older people (Use Class C3)	1 space per 2 sheltered units (0.5 per unit) 1 car space for each member of resident staff  This category will apply where development is provided with internal communal facilities and warden accommodation. In other case the residential standard will apply.
Residential Institutions including nursing homes (Use Class C2)	1 car space for every 20 residents or increment of up to 20 residents, plus  1 car space for visitors at the ratio of 1 space for 8 residents or

	<p>increments of up to 8 residents, plus</p> <p>1 car space for each member of staff based on a ratio of 1 space per 5 residents or increments of up to 5 residents</p> <p>(All to be provided within the layout near to dwellings)</p> <p>Spaces for service vehicles as required</p>
Houses in Multiple Occupation (Use Class C4)	0.5 car space per room/unit
Hostels	1 space for residents at the ratio of 1 space for every 4 residents, plus 1 space for visitors at the ratio of 1 space for every 20 residents. Space for service vehicles as required.

**Figure 9 – Retail Uses**

<b>Development/ Use</b>	<b>Minimum Indicative Standard</b>	<b>Lorry Parking Requirement</b>	<b>Operational Requirements (see Figure 19)</b>
Food Retail	1 space per 14 sqm	1,000sqm or under 2 spaces, over 1,000sqm 3 spaces	(1) to (6), (13), (14)
Non-Food Retail	1 space per 20 sqm	1,000sqm or under 2 spaces, over 1,000sqm 3 spaces	(1) to (6), (13), (14)
Garden Centres Independent and attached to non-food retail warehouses	1 space per 20 sqm for covered sales areas and 1 space per 30sqm for uncovered areas	Independent - considered on merits of proposal  Attached to non-food retail warehouses – 1,000sqm or under 2 spaces, over 1,000sqm 3 spaces	(1) to (6), (13), (14)
Markets	To be assessed individually	To be assessed individually	(1) to (7), (13), (14)
Wholesale Cash and Carry (excluding factory outlets/ factory retail outlets etc.)	1 space per 50 sqm	1 space per 200 sqm	(1) to (6) and (9)
Car Sales Establishments	1 space per 30 sqm of internal and outside gross car display area  Staff parking to be clearly designated	Considered on merits of proposal but provision for off-loading car transporters	(1) to (7)
Motor Repair Garages (NB: This is an industrial	1 space per 45 sqm for staff and 3 spaces per	To be assessed individually	(1) to (7)

use not retail, but as often accompanies car sales it was felt appropriate to group these two uses)	service bay (or 25sqm) Staff parking to be clearly designated		
---	--	--	--

**Figure 10 – Other Business and Industrial Uses**

<b>Development/ Use</b>	<b>Minimum Indicative Standard</b>	<b>Lorry Parking Requirement</b>	<b>Operational Requirements (see Figure 19)</b>
Financial and Professional Services (Use Class A2)	1 space per 30 sqm	Considered on merits of proposal	(1) to (7), (10), (13), (14)
Business Use (Use Class B1) including offices	1 space per 30 sqm (threshold of 500sqm in rural areas)	Considered on merits of proposal	(1) to (8), (13), (14)
General Industry (Use Class B2)	1 space per 40 sqm	1 minimum (for 240sqm gross or under) 1 minimum and 1 space per 500 sqm (for over 240sqm)	(1) to (8), (13), (14)
Storage and Distribution (Use Class B8)	1 space per 100 sqm	1 minimum (for 240sqm gross or under) 1 minimum and 1 space per 500 sqm (for over 240sqm)	(1) to (9), (13), (14)
Open Storage	1 space per 100 sqm	To be assessed individually	(1) to (5)

**Figure 11 – Leisure Uses**

<b>Development/ Use</b>	<b>Minimum Indicative Standard</b>	<b>Lorry Parking Requirement</b>	<b>Operational Requirements (see Figure 19)</b>
Tennis/ Badminton Courts	2 spaces per court	---	(1), (3), (4), (5), (11), (12), (13), (14)
Squash Court	2 spaces per court	---	(1), (3), (4), (5), (11), (12), (13), (14)
Swimming Pools	1 space per 10 sqm of pool area	---	(1), (3), (4), (5),(6), (11), (12), (13), (14)

Golf Courses	4 spaces per hole	---	(1), (3), (4), (5), (6), (11), (12), (13), (14)
Riding Schools/ Stables	2 space per loose box	---	(1), (3), (4), (5), (12), (13), (14)
Indoor Equestrian Centres	1 space per 20 sqm of arena	1 space per 150 sqm of arena for horse boxes/traders	(1), (3), (4), (5), (11), (12), (13), (14)
Bowling (including 10 pin, outdoor and indoor)	1 space per 22 sqm	---	(1), (3), (4), (5), (11), (12), (13), (14)
Playing Fields (including soccer, rugby, hockey, cricket etc.)	12 spaces per hectare of pitch	---	(1), (3), (4), (5), (11), (12), (13), (14)
Cinemas and Conference Facilities	1 space per 5 seats	---	(1), (3), (4), (5), (6), (11), (12), (13), (14)
Stadia	1 space per 15 seats	---	(1), (3), (4), (5), (6), (11), (12), (13), (14)
Indoor Multi-Purpose Facilities	1 space per 22 sqm	---	(1), (3), (4), (5), (6), (11), (12), (13), (14)
Other Indoor Leisure Uses	1 space per 22 sqm	---	(1), (3), (4), (5), (6), (11), (12), (13), (14)
Other Outdoor Leisure Activities (e.g. angling and shooting)	Consider on merits	---	(1), (3), (4), (5), (6), (11), (12), (13), (14)

Figure 12 – A3 Uses

Development/ Use	Minimum Indicative Standard	Lorry Parking Requirement	Operational Requirements (see Figure 19)
Food and Drink (public houses, restaurants, cafes and private clubs)	1 space per 5 sqm of public area and 2 spaces per bar (or 5m length of	---	(1), (3), (4), (5), (6), (7),

	bar for large bars) for staff Staff parking to be clearly designated		(10), (13), (14)
--	---	--	------------------

**Figure 13 – Places of Assembly, Hotels**

<b>Development/ Use</b>	<b>Minimum Indicative Standard</b>	<b>Lorry Parking Requirement</b>	<b>Operational Requirements (see Figure 19)</b>
Places of Assembly (places of worship, theatres, concert halls, night clubs)	1 space per 22 sqm For larger scale places of assembly serving more than a local catchment 1 space per 15sqm	---	(1), (3), (4), (5), (7), (11), (13), (14)
Cinemas and Conference Facilities	1 space per 5 seats	---	(1), (3), (4), (5), (7), (11), (13), (14)
Hotels, Motels and Guest Houses	1 space per bedroom (including staff bedrooms)	---	(1), (3), (4), (5), (7), (10), (11), (13), (14)

**Figure 14 – Hospitals, Doctors, Vets**

<b>Development/ Use</b>	<b>Minimum Indicative Standard</b>	<b>Lorry Parking Requirement</b>	<b>Operational Requirements (see Figure 19)</b>
Hospitals	Applications should be assessed individually and be based upon a Travel Plan.	--	(1), (3), (4), (5), (10), (13), (14)
Doctors, Dentists, Vets and Medical Centres	1 space per practitioner plus 4 spaces per consulting room for visitors and staff, plus 1 space per 20 sqm of office space for administrative support staff	---	(1), (3), (4), (5), (10), (13), (14)

**Figure 15 – Other Uses**

<b>Development/ Use</b>	<b>Minimum Indicative Standard</b>	<b>Lorry Parking Requirement</b>	<b>Operational Requirements</b>
-------------------------	------------------------------------	----------------------------------	---------------------------------

			<b>(see Figure 19)</b>
Schools, Colleges and Libraries	To be assessed individually  As a general guide: 1 space per 2 daytime teaching staff  Parking levels to be established within a Travel Plan	---	(1), (3), (4), (5), (6), (13), (14)
Higher and Further Education	1 space per 2 staff and 1 space per 15 students.	---	(1), (3), (4), (5), (6), (13), (14)
Children's Nurseries	To be assessed individually. Particular regard will be given to adequate provision for dropping off children without causing highway problems.  As a general guide 1 space per 2 staff	---	(1), (3), (4), (5), (6), (13), (14)
Cemeteries and Crematoria	To be assessed individually	---	(1), (3), (4), (5), (13), (14)

**Figure 16 – Disabled Parking Standards**

<b>Development/ Use</b>	<b>Car Parking standard</b>	<b>Operational Requirements</b>
Employment Premises	Individual bays for disabled employees.  At least one space or 5% of total car parking provision, whichever is greater.	See 'Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure' (December 2005). This includes technical advice on a range of mobility/ access related issues, including recommended standards for parking provision. It is considered appropriate that standards are in line with this guidance.
Car Parks Associated with Shopping Areas, Leisure, Recreation and places open to the general public	A minimum of open space for each employee who is a disabled motorist, plus 6% of the total capacity for visiting disabled motorists.	

**Figure 17 – Motor Cycle Parking**

<b>Development/ Use</b>	<b>Car Parking standard</b>
Employment Premises and Car Parks Associated with Shopping Areas, Leisure,	1 space plus one space per 10 car parking spaces  For retail uses primarily involving bulky purchases (e.g.

Recreation and places open to the general public	food superstores and hypermarkets) the provision may be reduced to 1 space per 25 car parking spaces)
--	---

**Figure 18 – Cycle Parking Requirements**

A1 – Shops	1 space per 100 sqm for staff and 1 space 100 sqm for customers
A2 – Financial and professional services	1 space per 100 sqm for staff and 1 space per 200 sqm for customers
A3 – Food and Drink	1 space per 4 staff and 1 space per 25 sqm for customers
B1 – Business	1 space per 150 sqm for staff and 1 cycle space per 500 sqm for visitors
B2 – General Industry	1 space per 200 sqm for staff and 1 space per 500 sqm for visitors
B8 – Storage or distribution	1 space per 500 sqm for staff and 1 space per 1000 sqm for visitors
D2 – Leisure and recreation	1 space per 4 staff plus visitor/customer cycle parking
<p>The number of cycle spaces required will be calculated on gross floorspace.</p> <p>The cycle standards are a minimum.</p> <p>All cycle parking must be sheltered and secure and in accordance with local guidance or best practice design. However, flexibility and innovation will be encouraged. It is essential that cycle parking is considered carefully within the design of new development. Communal provision should be in covered and secure stores and be within view of dwellings. Ideally, provision should be individually allocated to each dwelling. Where this is impractical, a common store should be provided with individual, lockable cages.</p> <p>For uses that are not listed above the level of cycle parking required will be assessed individually.</p>	

### Operational Requirements

A1.4 The operational requirements for each category of development vary according to the nature of the development concerned. They are listed below (1-14) and those applying to each category of development are set out in the right hand corner of the Standards Schedule.

**Figure 19 – Operational Requirements**

1	Car space	Size 4.8m x 2.4m to accommodate a private car of average dimensions. Adequate access to car parking space is also required
2	Lorry space	Minimum size 11m x 3m together with adequate access
3	Disabled spaces	In all parking areas provision should be made at a ratio as set out in the standards
4	Loading/unloading	Adequate loading, unloading and turning facilities will be required. Turning facilities should be provided to enable commercial vehicles to



		be able to turn within the curtilage and clear of the highway
5	Layout and use	Car and lorry space, loading/ unloading and turning space shall be conveniently laid out and accessible to the buildings proposed and kept available for use at all times. A loading bay may double as a lorry space, provided it is to be kept available for these purposes
6	Floor space	Refers to gross floor areas by external measurement
7	Replacement floorspace	The car parking requirement will normally be calculated on the net increase in gross floor space
8	Sustainable transport contribution	Advice on sustainable transport contribution is contained this document
9	Associated office use	Associated office use shall be assessed at business use (B1) standard
10	Associated residential use	Associated residential use shall be assessed at residential standards
11	Associated licensed bar/club/restaurant use	Associated licensed bar/club/restaurant use shall be assess at food and Drink (A3) standards
12	Staff/Spectator Provision	Provision for staff/spectators to be considered on the merits of the particular proposal
13	Cycle provision	Cycle parking spaces should be provided in accordance with the standards set out in this SPG. Communal provision should be in covered and secure stores and be within view of dwellings. Ideally, provision should be individually allocated to each dwelling. Where this is impractical, a common store should be provided with individual, lockable cages
14	Motor Cycle Provision	Associated with any car parking provision, spaces for motorcycles shall be provided. The standard for motorcycle provision is set out in this document.  Motorcycle spaces shall be 1.4m x 2.3m to accommodate a motorcycle with panniers.

### General Requirements for Cycling Provision

- A1.5 It is important that cycle parking is of a suitable quality and appropriate location to encourage people to cycle more and ensure that cycle parking facilities are used.
- A.1.6 Ideally the cycle parking should be located within 20-30m of the access point of the facility which it serves. Cycle parking should be situated so that it does not cause conflict between pedestrians and cyclists.
- A.1.7 Cycle parking should be covered. This is particularly important for cycle parking provided at places of employment and residential developments where cycles will be parked for long periods of time.

- A.1.8 There are a number of types of cycle stand systems. The most common form is the 'Sheffield stand', which is a popular choice with cyclists. These stands are also relatively low cost and easy to maintain. Wall mounted loops are also low cost and suitable for areas where space is limited, but these types of units are less popular with the cyclist and are not suitable for all cycles. Design details for these stands are set out below.
- A.1.9 Other types of stands include lockable stands, which are more secure than those set out above but are also more costly and require more maintenance. Lockers provide high levels of security but are expensive to buy and install.
- A.1.10 Secure cages, sheds and buildings can also be used to provide secure parking. This type of parking is particularly appropriate at places of employment and residential developments. On flatted developments cycle parking could be incorporated into the building itself, with access via the main entrance of the building
- A.1.11 Cycle parking must be secure. This means the cyclist must be able to lock their cycle with a locking device. This is particularly important for unsecured cycle parking which is often found in public areas. Unsecured parking, such as the 'Sheffield Stand', should be clearly visible to encourage their use, reduce the risk of theft and also to make them visible to partially sighted pedestrians.
- A.1.12 Further information on cycle parking is set out in the Sustrans Design Manual – Handbook for cycle-friendly design (2014).

## **Appendix 2 – Open Space, Leisure, Formal Sports Provision Contributions (overview, thresholds, cost and calculation)**

- A.2.1 The District Council has recently commissioned work to review the Playing Pitch Strategy, and Parks & Open Space Strategy; revised requirements will be published on the District Council's website later in 2018.

### **Outdoor playing space in new housing developments**

- A.2.2 The Council uses the guidelines set out within the Guidance for Outdoor Sport and Play of the National Playing Fields Association (2015) as the benchmark standards when assessing playing space requirements for new residential development. These should not be interpreted as a maximum standard and there may be circumstances where provision in excess of these standards will be required.
- A2.3 Outdoor playing space is defined as space which is available for sport, active recreation or children's playspace which is of suitable size and nature for its intended purpose and safely accessible and available to the general public.
- A2.4 Formal sport for youth and adult use comprises of playing pitches such as for football, rugby, cricket and hockey; and for all outdoor sports such as for courts and greens comprising natural or artificial surfacing including tennis, bowling, athletics facilities and other outdoor sports areas, available for use to local people.

- A2.5 Children's playing space includes equipped designated playgrounds and casual play space within housing areas, containing a range of facilities and which should meet the needs of children of different ages and be available for public use. This excludes areas not available for public use, informal open space, landscaped amenity areas, ornamental parks and gardens, golf courses, open water, indoor sports and leisure centres.
- A2.6 New residential development adds to the demand for recreational facilities and the guidelines set out within the Guidance for Outdoor Sport and Play will be applied to all new developments. The basic requirements for each type of outdoor play space are set out below. These include an indication of the size of development where the Council will normally require outdoor play space to be provided.

#### Quantity Guidelines

- A2.7 The overall guideline is for 1.2ha of playing pitches; 1.6 ha for 'all outdoor sports'; 0.25ha for equipped designated play areas and 0.30ha for other outdoor provision per 1,000 population.
- A2.8 The children's playing space requirement for Mid Sussex falls into two categories: LEAP - Local Equipped Areas for Play (for younger children (and informal recreation); and NEAP - Neighbourhood Equipped Areas for Play for older children (including informal recreation, and provision for children and young people). Guidance on the size and distribution of each of these categories is set out below. Further detailed guidance on the specification for the laying out and equipping of areas is set out in MSDC Standards for Playspace Provision on New Housing Developments.
- A2.9 It is not always practicable or appropriate to provide all the categories of outdoor playing space, sport and recreation within every development. Only on larger developments is it appropriate to provide playing pitches on site and we would normally expect only children's playing space to be provided on site for developments of 50 homes or more. Provision thresholds are set out below.

#### Children's playing space

- A2.10 A LEAP is an unsupervised play area equipped for children of early school age (4-8 years old). LEAPs should be located within five minutes walking time from every home (400m walking distance). The main activity area should be a minimum of 400m<sup>2</sup> with a 20 metre minimum buffer zone between it and the habitable room façade of dwellings. This buffer zone can include footpaths and planted areas. The District Council will seek to ensure that LEAPs are located in areas that enjoy a large degree of natural surveillance.
- A2.11 A NEAP is an unsupervised site, equipped mainly for older children, which should incorporate a kick-about area and opportunities for wheeled play. A NEAP should be provided within 15 minutes walking time from every home (1,000m walking distance). The activity area should be a minimum of 1,000m<sup>2</sup> with a 30 metre minimum buffer zone between it and the boundary of the nearest residential property, so as to minimise any disturbance to nearby houses.
- A2.12 The developer will be expected to fund the provision of all play equipment which must conform to all relevant safety standards. Signs to the satisfaction of the District Council

must be erected on the development site and prospective house buyers must be made aware where play areas will be located in the scheme. In line with District Council policy safety surfacing should be provided under and around the equipment. Arrangements for the future maintenance of play areas must be agreed with the District Council. Playgrounds must be laid out and equipment installed before 25% of the houses are occupied.

### **Areas for formal sport**

A2.13 Formal sport areas comprise pitches, courts, athletic tracks and greens for a variety of sports. Provision may also need to be made for car parking and a pavilion. Areas for formal sport should be included within or close to any development where more than 200 dwellings are proposed.

A2.14 When developments are proposed for less than 200 dwellings it will probably not be practicable for an area for formal sport to be laid out. However, these developments add to the overall demand for such facilities and, as users are prepared to travel some distances to play formal sports, it will be appropriate for financial contributions to be made to enable the facilities to be provided elsewhere in the locality.

### **Off-site provision**

A2.15 Developers whose schemes do not include provision for the full requirement of outdoor playing space are expected to make a financial contribution towards the provision of equivalent facilities elsewhere. The contribution per dwelling is standardised for each element of play space set out below.

A2.16 Contributions will only be sought if the District Council intends to spend them on providing new facilities or improving existing facilities that are within a reasonable distance of the proposed development and therefore accessible to the residents of the new development. For LEAPs and NEAPs, as a guide, these distances will normally be 400m and 1,000m respectively when measured in a straight line to the nearest part of the application site. However the District Council will account for the location of the site and existing provision in the locality to assess whether distances in excess of these guidelines form a reasonable basis for seeking contributions. For formal sport (i.e. playing fields, courts and greens), where participants are prepared to travel some distance, the facilities may be located anywhere in Mid Sussex, within reason<sup>48</sup>.

### **Off-site provision calculation**

A2.17 The amount of any contribution will be determined by three main factors:

- i. The scale of the development which is proposed, measured by the expected number of residents (the 'Occupancy'), and
- ii. The nature and extent of existing play space provision, and
- iii. The District Council's proposals for providing new or improved play space facilities in the locality or improving the sporting infrastructure of the district.

A2.18 Contributions are calculated as follows:

---

<sup>48</sup> In accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

- The expected occupancy of the development is first estimated. Where details of house types are known, the assumed occupancy<sup>49</sup> will be as follows:

1 bed unit	1.3 persons
2 bed unit	1.9 persons
3 bed unit	2.5 persons
4 bed unit	2.9 persons
5+ bed unit	3.3 persons

- If the proposal is in outline form and only the total number of units is known, the occupancy will be assumed to be 2.5 persons per unit. Contributions towards children's playspace will not be sought from 1 bed flats.
- If the proposal is in outline form and the total number of units is not known (for example, in the case of 'up to' applications), a formula approach will usually be appropriate.
- The Infrastructure Delivery Plan is examined for the provision of new or improved play space facilities to establish if there are any appropriately located proposals for outdoor sport and children's playing space. If there are no programmed proposals, opportunities for providing new facilities or improving existing facilities in the locality will be considered.
- Depending upon the conclusions reached in respect of the above, the areas required for each category of play space or sporting area deemed to be relevant to the proposal are calculated using the assumed occupancy and the NPFA standards.
- The current costs per square metre of providing these categories of play or sporting space are then applied to the areas to calculate the contribution. The costs are based on the actual costs of providing new facilities and associated works. The current costs (2017) are set out in Figure 20 and the contributions for different house types are set out in Figure 21. The costs will be regularly reviewed.

Figure 20 – Guidance cost of providing new playspace facilities (2017 prices)

LEAP: 400m<sup>2</sup>

Equipment and associated safety surfacing	£64,305	
Drainage (if required)	£3,951	
Landscaping	£1,317	
Fencing (coloured bow top)	£6,585	
<b>Total</b>	<b>£76,158</b>	<b>(£190/m<sup>2</sup>)</b>

NEAP: 0.5ha

Play equipment with associated safety surfacing	£90,027
Drainage (for enclosed games area)	£7,902
Landscaping	£1,317
Hard surface	£13,170
Rebound wall and basketball post	£9,219
Fencing of site boundary	£11,853

<sup>49</sup> Data source: 2011 Census – Household size

£133,488 (£133/m<sup>2</sup>)

Playing fields: 2.2ha

Levelling	£26,339	
Drainage	£52,679	
Landscaping	£5,268	
Ball stop fencing	£13,170	
Car parking and access road	£65,848	
Pavilion (changing facilities)	£588,595	
<b>Total</b>	<b>£751,899</b>	<b>(£34/m<sup>2</sup>)</b>

(Note: the figure for playing fields does not include the cost of the land)

**Figure 21 - Calculation of playspace contributions (2017)**

Based upon standards set out in Guidance for Outdoor Sport and Play (2015)

Local Equipped Areas for Play (LEAPs)	0.25 Ha/1,000 pop.	(2.5m <sup>2</sup> per person)
Neighbourhood Equipped Areas for Play (NEAPs)	0.3 Ha/1,000 pop.	(3m <sup>2</sup> per person)
Outdoor sports	1.6 Ha/1,000 pop.	(16m <sup>2</sup> per person)

Contributions per person:

Equipped playspace (LEAPs)	£190/m <sup>2</sup> x 2.5m <sup>2</sup> /person	£475
Casual/informal playspace (NEAPs)	£133/m <sup>2</sup> x 3 m <sup>2</sup> /person	£399
Formal sport (playing fields)	£34/m <sup>2</sup> x 16 m <sup>2</sup> /person	£544

Contribution per dwelling:

Unit size	Occupancy	Market housing			Affordable housing*		
		LEAPs	NEAPs	Playing fields	LEAPs	NEAPs	Playing fields
1 bed (houses only)	1.3	£618	£519	£707	£414	£348	£474
2 bed	1.9	£903	£758	£1,034	£605	£508	£693
3 bed	2.5	£1,188	£998	£1,360	£796	£669	£911
4 bed	2.9	£1,378	£1,378	£1,578	£923	£923	£1,057
5+ bed	3.3	£1,568	£1,317	£1,795	£1,051	£882	£1,203

\*Discount by 33% for affordable units (see 2.22)

**Maintenance of playspace calculation**

Amenity Land Adoption: Maintenance Rates and Calculation

**Figure 22 – Calculation of Indicative Costs of Capital Contributions for maintenance of the landscape infrastructure**

Capital contribution in respect of each item:

$$\frac{[\text{Annual Unit Cost (AUC)} \times \text{Unit}] \times 100 \text{ years}}{\text{Interest Rate (Note 1)}}$$

Table 2 - Cost of maintenance from 1 April 2017:

Item	Unit	Annual Unit Cost £
<b>Grounds Maintenance:</b>		
Maintenance of Dog Bins	per bin	155.08
Shrub beds - mulched to L A specification	per 100m <sup>2</sup>	292.00
Ditch maintenance	per 100m run	389.70
Seasonal bedding/Herbaceous Borders	100m <sup>2</sup>	653.70
Hedge maintenance - High Vig 2 x p a	per 100m run	218.87
Hedge maintenance - Low Vig 1 x pa	per 100m run	82.98
Wild flower meadow/maintenance	per 100m <sup>2</sup>	12.45
Grassed areas to be maintained 15 x p a	per 100m <sup>2</sup>	31.38
Grassed areas to be maintained 4 x p a	per 100m <sup>2</sup>	21.78
Grassed areas to be maintained 2 x p a	per 100m <sup>2</sup>	1.15
Litter scavenge/collection E.P.A.Zone 1	per 100m <sup>2</sup>	12.45
Litter scavenge/collection E.P.A.Zone 2	per 100 m <sup>2</sup>	7.52
Litter scavenge/collection E.P.A.Zone 3	per 100m <sup>2</sup>	6.48
Woodland Litter Scavenge	per 100m <sup>2</sup>	0.31
Sweeping hard surfaces	per 100m <sup>2</sup>	14.52
Junior football pitch (Drained)	per pitch	3,941.74
Junior Football pitch (Non-drained)	per pitch	2,696.98
<b>Arboriculture</b>		
Individual established trees (up to semi-mature)	per tree	26.35
Individual mature trees	per tree	53.40
Groups of trees/small copses	per 100m <sup>2</sup>	72.47
Large woodland areas	(to be individually assessed)	
Newly planted individual trees e.g. standard	per tree	17.37
Newly planted copse of whips/feathered trees	per 100m <sup>2</sup>	82.26
Newly planted copse of whips & standards	per 100m <sup>2</sup>	90.76
<b>Civils</b>		
Playground (equipped)	per p/ground	466.79
Stone footpath (Type 1 blinded by 3mm grit)	per 100m <sup>2</sup>	35.89
Tarmac footpath with conc. edges	per 100 m <sup>2</sup>	59.29
Brick wall up to 1.8m high	per 100m run	115.40
Close Board or similar fencing up to 1.8m	per 100m run	85.47
Post and 3 rail fence with chain link	per 100m run	63.47
Single gate	per unit	12.81
Double gate	per unit	21.37
Bollard	per unit	11.83
Goalpost metal (informal use)	per unit	24.58
Wooden pole surround for kickabout area	Per 100m	106.84
Pond maintenance	per 100m <sup>2</sup>	49.17
Pond maintenance - repair of banks	per 100m run	109.44
Seat/Bench	per unit	139.00
Dog bin	per unit	45.95
Unilog retaining wall	per 100m run	157.05
Re-bound Wall	per unit	235.05
Standalone Basketball Post	per unit	79.04
All weather surface	per 100m <sup>2</sup>	48.02
Grasscrete surfacing	per 100m <sup>2</sup>	45.95
Wooden vehicular bridge	per unit	692.92*

(\* Assume new bridge costs £10,500 and has a life span of 20 years)

Note 1: 5 year Public Works Loan Board Interest Rate: 1.55% (as at April 2017)

The above annual unit cost figures (AUC), and interest rate will be reviewed annually and Appendix 3 will be updated. The most current figures will be used at the actual date of advising the developer of the capital sums due. These will remain valid for 6 months and may then be re-calculated if necessary.

### Calculating playspace capital contributions

Multiply the AUC by the appropriate unit, then by 100 and divide by the current rate of interest i.e.:

For areas: e.g. 1,920 m<sup>2</sup> of grass to be cut 15 times per year:

$$= \frac{(\pounds 31.38 \times 19.2) \times 100}{1.55} = \pounds 38,870.71$$

For lengths: e.g. 64m of vigorous growth hedge:

$$= \frac{(\pounds 218.87 \times 0.64) \times 100}{1.55} = \pounds 9,037.21$$

For items: e.g. for one established semi-mature oak tree:

$$= \frac{(\pounds 26.35 \times 1) \times 100}{1.55} = \pounds 1,700.00$$

## Appendix 3 – Social and Local Community Infrastructure

### Community buildings

A.3.1 The District Council has recently commissioned work to review the Community Asset Strategy; revised requirements will be published on the District Council's website later in 2018.

A.3.2 The following assumptions will be used to calculate contributions towards community buildings:

- Typical population served by community building: 2,500 persons
- Typical community building floorspace: 400 square metres
- Building costs for construction of community buildings: £1,950/square metre
- Cost per person: £312

Unit size	Occupancy	Market housing	Affordable housing*
1 bed	1.3 persons	£406	£270
2 bed	1.9 persons	£593	£395
3 bed	2.5 persons	£780	£520
4 bed	2.9 persons	£905	£603



5+ bed	3.3 persons	£1,030	£686
--------	-------------	--------	------

\*Discount by 33% for affordable units (see 1.14)

- A3.3 Where the details of unit types are known, the assumed occupancy will reflect the above and the contribution will be calculated accordingly
- A3.4 If the proposal is in outline form and only the total number of units is known, the contribution will be calculated on the basis of an average occupancy of 2.5.
- A3.5 If the proposal is in outline form and the total number of units is not known (for example, in the case of 'up to' applications), a formula approach will usually be appropriate.

### Library services

- A3.6 The contribution will be applied to new residential development and is calculated as follows:

Library infrastructure contributions are determined by the population adjustment resulting in a square-metre demand for library services. The square-metre (SQM) demand is multiplied by a cost multiplier which determines the total contributions:

- Contributions = SQM demand x Cost Multiplier

The square-metre demand (SQM demand) for library floorspace varies across the relevant districts and parishes based on available library infrastructure and the settlement population in each particular locality.

The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1,000 people and is provided with each individual calculation.

- Square Metre Demand = (Adjusted Population x LFD) / 1,000

The **cost multiplier** for providing relatively small additions to the floorspace of existing library buildings is currently £4,591 per square metre as at 2017/18.

Occupancy rates are taken from Census 2011 data and will be revised following the next Census.

An on-line calculator is available to view at [www.westsussex.gov.uk/s106](http://www.westsussex.gov.uk/s106)

### Local Community Infrastructure Contributions

- A3.7 The contribution will be applied to new residential development and will be £354 per person, calculated as follows:

Unit size	Occupancy	Market Housing	Affordable housing*
1 bed	1.3 persons	£460	£307
2 bed	1.9 persons	£673	£448
3 bed	2.5 persons	£885	£590
4 bed	2.9 persons	£1,027	£684

5+ bed	3.3 persons	£1,168	£779
--------	-------------	--------	------

\*33% discount for affordable housing (see 2.22)

- A3.8 Where the details of unit types are known, the assumed occupancy will reflect the above and the contribution will be calculated accordingly
- A3.9 If the proposal is in outline form and only the total number of units is known, the contribution will be calculated on the basis of an average occupancy of 2.5.
- A3.10 If the proposal is in outline form and the total number of units is not known (for example, in the case of 'up to' applications), a formula approach will usually be appropriate.

## Appendix 4 – Emergency Services

### **Police**

- A4.1 Calculations towards policing new development are based upon the following. All figures below are as at 2017. Contributions are generally sought from all development of 50 units or more.

There are four parts to the Police contribution:

- Staff
- Premises
- Vehicles
- Other infrastructure (ANPR)

#### Predicted impact of proposed development in Mid Sussex:

This is calculated by calculating the number of incidents that are likely to occur as a result of development and calculating the number of officers and support staff required to serve the new development to maintain existing policing levels in Mid Sussex.

Predicted development incidents:

- Current policing requirements:

Number of recorded incidents per person in Mid Sussex district:

$$\frac{\text{Total incidents per year for Mid Sussex}}{\text{Mid Sussex population}} = \text{Incidents per person}$$

$$\frac{35,326 \text{ incidents}}{139,860 \text{ total population}} = 0.26 \text{ incidents per person}$$

- Predicted incidents as result of population increase:

Proposed development population x 0.26 incidents per person = Predicted number of development incidents

Proposed development population is based upon the following occupation rates:

Unit size	Occupancy
1 bed	1.3 persons
2 bed	1.9 persons
3 bed	2.5 persons
4 bed	2.9 persons
5+ bed	3.3 persons

Where the details of unit types are known, the assumed occupancy will reflect the above and the contribution will be calculated accordingly

If the proposal is in outline form and only the total number of units is known, the contribution will be calculated on the basis of an average occupancy of 2.5.

If the proposal is in outline form and the total number of units is not known (for example, in the case of 'up to' applications), a formula approach will usually be appropriate.

Number of required uniformed officers and staff as a result of development:

- Uniformed officers:

$$\frac{\text{Predicted number of incidents from development}}{\text{Total incidents per year for Mid Sussex / total number of officers}} = \text{Required uniformed officers}$$

- Support staff:

Ratio of support staff to officers (total support staff/ total officers) x number of required officers from development

Calculating contributions

Calculations are based upon total current levels of staffing provision in Mid Sussex and cost of the provision of infrastructure.

- **Staffing provision**

Mid Sussex is currently served by:

- Dedicated uniformed officers, i.e. Investigations, Local Support Teams, Neighbourhood Policing Team (NPT), Response and SIU (Special Investigations Unit).
- Dedicated support staff (Safer in the City – ASB Team, Performance, Licensing, Divisional Command).
- West Sussex Divisional officers, i.e. Forensics/ Major Crimes Unit (as Mid Sussex 'proportion' of West Sussex Division staff)

- West Sussex Divisional support staff (Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroner's Office)
- Forcewide officers (Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles)
- Sussex Central support staff (Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service (as Mid Sussex 'proportion' of Forcewide staff)

The breakdown of total staffing for Mid Sussex is calculated on current staffing levels and as a proportion of Mid Sussex 'use' of West Sussex Division Staff and Forcewide Staff. The Mid Sussex 'proportion' is calculated by the proportion of the total number of incidents in Mid Sussex as a percentage of the total number of incidents in West Sussex and Sussex (East and West Sussex). The current rates as at 2018 are 13.8% and 6.4% respectively.

The following table sets out current staffing levels:

	<b>Total staff</b>	<b>Mid Sussex proportion</b>	<b>Breakdown</b>
Dedicated uniformed officers	88	88	
Divisional officers	105	14.5	(105 x 13.8%)
Forcewide officers	1,202	52.5	
<b>Total</b>		<b>155</b>	
Dedicated support staff	6	6	
Division support staff	99	14	(99 x 13.8%)
Forcewide support staff	1,202	77	(1,202 x 6.4%)
<b>Total</b>		<b>97</b>	
<b>Ratio support staff to officers</b>		0.63	

- Infrastructure costs

Costs are calculated on infrastructure required to serve proposed development. Contributions would be pooled towards provision<sup>50</sup>.

- Staff set up cost

The basic capital set up costs of equipping new police officers and support staff is as follows:

<b>OFFICER</b>	<b>Capital cost</b>
Start-up equipment (radio, workstation, body worn camera, IT equipment)	£4,307.33
Start-up recruitment and training cost	£5,460
<b>TOTAL COST</b>	<b>£9,767,33</b>

<sup>50</sup> In accordance with Regulation 123 of the Community Infrastructure Regulation 2010 (as amended)

<b>SUPPORT STAFF</b>	<b>Capital cost</b>
Start-up equipment (workstation, IT equipment)	£2,086
Start-up recruitment cost	£1,060
<b>TOTAL COST</b>	<b>£3,146</b>

The cost is calculated by total cost per officer or support staff x number of required staff as a result of development.

- **Premises**

Contributions towards premises are based upon existing capacity to accommodate additional required officers and will only be sought where floorspace is required to accommodate additional officers as a result of a proposed development.

The cost per sqm of floorspace is calculated at £2,146/sqm following an assessment of Sussex Police's previous capital projects and estimates from other Forces.

Taking an average floor space provision across Sussex Police's sites which deliver neighbourhood policing, Sussex Police have determined that each new officer/member of staff should be allocated 9 sqm of floorspace (workstation / locker room / storage) and

Premises calculation:

£2,146 cost per sqm x 9 sqm/employee x no. of required employees

- **Vehicles**

The average capital cost of a standard patrol vehicle is £17,000 (not including fuel and maintenance). Guideline is to replace vehicles every 4 years or 125,000 miles. The development requires fleet investment for a minimum of 8 year life of provision to serve the proposed development. Sussex Police estimate that the 4-year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

Total vehicle provision for Mid Sussex serving a total of 60,705 households is 63.3 vehicles.

This is based upon a total dedicated vehicle provision for Mid Sussex of 25 vehicles plus a proportion of the 598 force wide vehicles serving the county (based on 6.4% of total countywide incidents occurring in Mid Sussex, the proportion totals 38.3).

The development cost is calculated by cost per household x total number of development households. Cost per household = £35.45

$\frac{\text{£17,000 cost per vehicle} \times 63.3 \text{ total vehicles} \times 2}{60,705 \text{ Mid Sussex households}}$  x number of development households

A.4.2 A calculator is available at [www.midsussex.gov.uk/s106](http://www.midsussex.gov.uk/s106).

## Fire and Rescue

A.4.3 Guidelines to assist landowners and developers are set out below:

- The costs of providing a fire hydrant, ranges from £700-£850 (excluding VAT).
- Hydrants are to be fitted to water mains at least 100mm in diameter in residential areas and 150mm diameter in commercial/ industrial areas. Where water undertakers are not proposing to lay mains of those sizes, the cost of a supply from the nearest main of adequate size would be in the range £800-£1,000 (excluding VAT) per linear metre.
- In residential areas fire hydrants should be positioned approximately 350 metres apart, and in industrial areas approximately 180 metres apart. Fire hydrants covering large public buildings and areas such as hospitals, hotels, schools and town centre developments should be spaced at 180 metre intervals unless relevant codes of practice state otherwise. In planning the provision of fire hydrants in rural areas, particular attention should be paid to specific risks and therefore no definitive distances can be provided.
- Where development is considered to be a 'major risk', it will be considered individually to ensure that the overall provision for firefighting comprising, as appropriate, internal water based protection systems, private fire hydrants, statutory fire hydrants and other 'open water' supplies, is adequate.
- Fire hydrants should be sited in positions to be agreed by the Fire Authority and, where possible, such locations will be at main roads, feeder roads or road junctions where they are readily visible.

A.4.4 Full details of the Fire Brigade standards for access roads (including weight requirements) and for water supplies are available on request.

## Appendix 5 – Refuse/ recycling facilities – new development provision

A5.1 The District Council intends to use S106 funds to purchase specialist lockable recycling bins to improve recycling quality in communal bin stores. Funds will also cover costs of signage, leaflets and stickers for bins in the future.

A5.2 In large-scale residential developments (200 or more dwellings), it will be necessary to make provision for a central recycling point. This would ideally be located in an area visited by the local community, i.e. local retail outlet or recreation area. Small, local recycling sites require a hardstanding area of approximately 30m<sup>2</sup>.

## Appendix 6 – Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

A.6.1 The East Court & Ashplats Wood SANG strategy took effect on 1<sup>st</sup> January 2015. The tariff is as follows. Further details are available at: [www.midsussex.gov.uk/planning-licensing-building-control/planning/ashdown-forest/](http://www.midsussex.gov.uk/planning-licensing-building-control/planning/ashdown-forest/)

Number of bedrooms	SANG tariff per Dwelling
1	£886
2	£1,275
3	£1,691
4+	£2,033

A6.2. The interim SAMM tariff is as follows. Further details are available from the link in A6.1.

A6.3 A 33% reduction applies to affordable housing.

Number of bedrooms	SAMM tariff per dwelling	SAMM tariff per affordable dwelling
1	£1,404	£941
2	£2,146	£1,438
3	£2,628	£1,761
4+	£3,140	£2,104

## DRAFT Development Viability

### Supplementary Planning Document

DRAFT

Version	4	Consultation Version
Stored at	k:\word\local development framework\development and infrastructure spd\2018 update\1.0_spd document\draft dev_v_spd_v4_consultation.docx	
Status	Draft	Consultation



DRAFT

## Consultation guidance – Development Viability Supplementary Planning Document (SPD)

The adopted Mid Sussex Developer Infrastructure and Contributions SPD (2006) relates to policies in the adopted Mid Sussex Local Plan 2004. MSDC has been preparing a new District Plan 2031, which, on adoption, will replace the 2004 Plan as the development plan for Mid Sussex.

The Mid Sussex Developer Infrastructure and Contributions SPD is therefore being refreshed:

- To ensure that the SPD complies with all relevant national planning policy and guidance;
- To update the document to ensure that it complies with the relevant policies in the District Plan 2031; and
- To update the requirements for each type of contribution, and the costs of those contributions.

Three separate documents have been prepared, to replace the 2006 SPD; this document, (the Development Viability SPD), the Developer Infrastructure and Contributions SPD, and the Affordable Housing SPD. All three form the subject of this public consultation.

The District Council is required to carry out a public consultation under the Town and Country Planning (Local Planning) (England) Regulations 2012 before adopting supplementary planning documents. **Consultation will take place from Monday 9<sup>th</sup> April 2018 for a period of 6 weeks, to 21<sup>st</sup> May 2018.**

All comments must be submitted in writing by using one of the following methods:

### By post:

Development Viability SPD  
Planning Policy and Economy  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

### By Email:

[LDFConsultation@midsussex.gov.uk](mailto:LDFConsultation@midsussex.gov.uk)

Representations cannot be made anonymously. Please provide your name, company name (if applicable) and your client's name/ company (if applicable). Please note that representations will be made publically available, along with your name.

During the consultation period all the documents relating to this consultation can be viewed online at [www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/supplementary-planning-documents/development-and-infrastructure-spd/](http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/supplementary-planning-documents/development-and-infrastructure-spd/) and at all the district's libraries (including the mobile library), Help Points, and the District Council.

For further information please contact Planning Policy and Economy: by email [LDFConsultation@midsussex.gov.uk](mailto:LDFConsultation@midsussex.gov.uk) ; by telephone (01444) 477053.

## Contents

Consultation guidance – Development Viability Supplementary Planning Document (SPD).....	82
Executive Summary .....	84
Section 1 - Introduction .....	85
Background .....	85
Scope of this document .....	85
Status and use of this document.....	85
Section 2 - Viability and negotiation .....	86
Introduction .....	86
Summary of Viability Assessment Requirements.....	88
Transparency of evidence .....	89
Methodology.....	90
Benchmark land values.....	91
Section 3 - Information requirements – Evidence, Inputs and Assumptions .....	94
Section 4 – Viability Review .....	97
The approach to viability review.....	98
Additional provision capped based on policy requirements .....	98
Timing of viability reviews .....	98
Viability review process.....	99
Pre-Implementation Viability Review .....	100
Mid-term Viability review .....	102
Advanced Stage Viability Review.....	102
Considering Changes in Values and Costs at Planning Application Stage .....	104
Material Changes.....	105
<a href="#">List of tables</a>	
Table 1 –Viability Assessment: Required information and data .....	94
Table 2 – Information required for review mechanisms .....	105
<a href="#">List of figures</a>	
Figure 1 - Pre-Implementation Viability Review Formula .....	101
Figure 2 - Advanced Stage Review Contribution Formula .....	103

## Executive Summary

The Mid Sussex Development and Infrastructure Supplementary Planning Document (SPD) was adopted in 2006, and relates to policies in the adopted Mid Sussex Local Plan 2004.

Since the 2004 SPD was prepared, the Government has published the National Planning Policy Framework (NPPF), National Planning Practice Guidance, and the Community Infrastructure Levy Regulations 2010 (as amended). Each of these documents have set out a new policy context, and provided updated guidance, for the management and collection of developer contributions.

Mid Sussex District Council (the District Council) has been preparing a new District Plan 2014-2031, which, on adoption, will replace the Local Plan 2004 as the development plan for Mid Sussex District.

The Development and Infrastructure SPD (2006) is therefore currently being refreshed, in order:

- To ensure that the SPD complies with all current, relevant national planning policy and guidance;
- To update the document to ensure that it complies with the relevant policies in the District Plan 2014-2031; and
- To update the requirements for each type of contribution, and the costs of those contributions.

The District Council's requirements for infrastructure provision will generally apply, unless indicated otherwise, to developments of five or more dwellings.

There are three separate SPD documents:

- A Development Infrastructure and Contributions SPD, which sets out the overall framework for the management of planning obligations;
- An Affordable Housing SPD, which provides more detailed information on the requirements for on-site and off-site affordable housing provision, and
- A Viability SPD which provides information on the viability assessment process, and sets out the Council's requirement that, where developers believe the requirements make their proposed development unviable, a viability assessment must be submitted to the Council, with supporting evidence.

This SPD provides an overview of the full range of the District Council's requirements relating to development viability. It should be read in conjunction with the Developer Infrastructure and Contributions SPD and the Affordable Housing SPD.

## **Section 1 - Introduction**

### **Background**

#### **Scope of this document**

- 1.1 This Supplementary Planning Document (SPD) provides guidance on:
- What is expected of applicants submitting viability assessments (Submission Viability Assessments) in support of applications (including the process involved and required information);
  - How the Council will consider Submission Viability Assessments; and
  - Guidance on future viability review mechanisms in cases where the affordable housing target or other policy requirements are not met following the consideration of a Submission Viability Assessment.

#### **Status and use of this document**

- 1.2 In accordance with relevant legislation, this Supplementary Planning Document (SPD) will be subject to consultation, review of feedback received and then formally adopted by the Council. It supplements the [Mid Sussex District Plan](#) and, once adopted, will be a material consideration in the determination of planning applications. It should be taken into account during the preparation of proposals for residential and mixed-use or non-residential development from the inception stages and therefore when undertaking development feasibility and negotiating site acquisitions.
- 1.3 Section 2 provides guidance on the viability assessment process. Section 3 provides guidance for applicants on the typical information requirements that they will be expected to provide to support their viability assessment and the Council's review of that. Section 4 provides guidance on the use of future viability review mechanisms for all applications where policy requirements are not met in full at the time permission is granted.

## Section 2 - Viability and negotiation

### Introduction

- 2.1. The economic viability of development is important in terms of supporting delivery in both plan making and when determining planning applications<sup>1</sup>. The NPPF requires that the costs of planning policy requirements should allow for competitive returns to a willing land owner and willing developer to enable development to be deliverable<sup>2</sup>; and that Local Planning Authorities should assess the likely cumulative impacts of policies and standards on development, which should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle<sup>3</sup>.
- 2.2. The Council has accounted for the cumulative impact of its policy requirements on development viability as part of the evidence base supporting the independent examination of its District Plan.
- 2.3. Proposals should be designed in a way that accords with Development Plan policies, including for the provision of affordable housing taking account of the overall District Plan requirement at a policy compliant tenure split (see Section 4). However, it must be noted that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured through appropriate conditions or agreements, planning permission should not be granted for unacceptable development<sup>4</sup>.
- 2.4. The Council is aware that in some exceptional circumstances, a proposal may generate insufficient value to support the full range of developer contributions.
- 2.5. In instances where, in the opinion of the applicant, a scheme cannot meet policy requirements, applicants are required to robustly demonstrate that the site is clearly unviable by submitting a Financial Viability Assessment (from hereon a 'viability assessment' or 'VA').
- 2.6. It is the Council's role to determine the most appropriate approach to be taken in each viability case. This SPD sets out guidance on the approach and methodology considered appropriate in the context of supporting delivery of the Development Plan and making sure that the maximum possible provision of necessary planning obligations is achieved in the particular site and scheme circumstances, bearing in mind that this relates to the land and to planning; and is not an approach that is tailored or responsive to the applicant's particular circumstances in any way.
- 2.7. All VAs must be submitted in a clear and accessible format with full supporting evidence to substantiate the inputs and assumptions used (as set out in this SPD) and must be submitted alongside a planning application in order for it to be validated.

---

<sup>1</sup> NPPF – Paragraph 173 states “*pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking*”.

<sup>2</sup> NPPF – Paragraph 173

<sup>3</sup> NPPF Paragraph 174

<sup>4</sup> NPPF – Paragraph 176 / NPPG – Paragraph 10-019-20140306

- 2.8. The VA will be scrutinised by the Council with advice from a suitably qualified external consultant where required, to consider whether the approach adopted and inputs used are appropriate and adequately justified by evidence and will determine whether the level of planning obligations and other Development Plan requirements proposed by the applicant are the maximum that can be viably supported or whether further obligations and/ or a greater level of policy compliance can be achieved. During assessment, the Council may request clarification or additional information. The Council will, where appropriate, be prepared to consider reasonable compromise but will expect applicants to present VAs that demonstrate the nearest to policy compliant proposals possible, having demonstrated satisfactorily that full compliance cannot be achieved. If a VA is not agreed by the Council and follow-up / negotiation is appropriate, the Council will expect the further review costs also to be paid by the applicant.
- 2.9. The cost of the Council's review of the VA and any other associated costs (for example related to any follow-up or negotiation requiring the Council's further review or additional support by its external consultant) will be paid for in advance by the applicant – before the review or follow-up work proceeds. In some instances it may be necessary also for the Council or applicant to commission additional specialist services to enable the Council to properly assess the scheme, depending on the nature of the proposals and the dialogue on the information supplied.
- 2.10. On completion of the VA (or any follow-up review VA), the Council will indicate if additional planning obligations are required over and above those proposed by the applicant through their VA. Heads of Terms will be included in the Council's Planning Report, reflecting the outcome of the viability process. An application will be recommended for refusal of planning permission if terms cannot be agreed.
- 2.11. Where reductions in affordable housing provision are agreed on viability grounds the Council will include the estimated scheme Gross Development Value and build costs at the time of planning permission in a Section 106 agreement.
- 2.12. Potential affordable units will also be identified in Section 106 agreements where Affordable Housing is not being provided in full or in part on viability grounds. This will enable affordable units to be provided at a later stage if there is an increase in viability and it subsequently proves possible to provide such units (see paragraph 4.13).
- 2.13. NPPG encourages transparency of evidence wherever possible<sup>5</sup>. The VA must be open and transparent and adopt an "open book" approach see paragraph 2.19 onwards.
- 2.14. To ensure openness and transparency in the planning process, all viability information will be made publically available on the public planning register alongside other planning application documentation. Redaction of any information will only be allowed in exceptional circumstances, and any justification provided as to the extent of harm that would occur if the information was disclosed will be placed on the public planning register, whether or not accepted.

---

<sup>5</sup> NPPG 10-004-20140306

- 2.15. If a VA submitted to the Council is to be relied on for the purposes of determining a planning application (the Submission VA), the Council will expect that this appropriately represents the viability of the development and is consistent with corresponding information that an applicant has themselves relied upon to inform commercial decisions.
- 2.16. The Council will not accept viability arguments where it is not given the ability to properly assess the validity of the appraisal that is relied on. It is vital the Council is provided with a full working electronic version of the viability appraisal model that can be fully tested and interrogated. All assumptions should be accessible and capable of variation to observe the impact on the model's outturn<sup>6</sup>.

## Summary of Viability Assessment Requirements

- 2.17. The minimum requirements for a VA and the submission of supporting information are set out in Section 3 but the following must be noted:
- A VA should contain:
    - a summary of the main Assessment assumptions;
    - A detailed appraisal containing the information in Section 4 as a minimum with supporting evidence;
    - A summary clearly setting out the exceptional reasons that make a development proposal unviable; and
    - a request to vary planning obligation/ usual affordable housing requirements.
  - Assumptions used in the VA must be generally evidenced from an independent expert or source.
  - To accord with paragraph 2.15, a statement that the VA appropriately represents the viability of the development and is consistent with corresponding information that an applicant has themselves relied upon to inform commercial decisions; and that the costs and values applied in the VA submitted to the Council are consistent with current costs and values within (or used as a starting point for) VAs that the company is relying on for internal or financial purposes<sup>7</sup>.
  - A statement that the company undertaking the VA has not been instructed on the basis of performance related pay or incentivised in any other way according to the outcome the viability process and the level of planning obligations that the applicant is required to provide.
  - The applicant must clearly demonstrate with reference to viability evidence that the proposed level of obligations is the maximum that can be provided

---

<sup>6</sup> The Council will generally not make the live working version of a viability model accessible to third parties, other than to those who have a specific role in advising the Council on viability matters. These advisors will be required not to release the model to any third party.

<sup>7</sup> If 'outturn' values and costs are applied within an assessment presented to the Council, these should also be consistent with those relied on by the applicant - see Section 4 – Considering Changes in Value and Costs at Planning Application Stage.



and that the scheme is deliverable with this level of provision and a statement that the scheme as proposed to be deliverable, based on the information provided to the Council.

- Where the applicant does not intend to build out the scheme themselves, they may be expected to provide evidence from a developer with experience of delivering schemes of a similar type and scale to demonstrate that the scheme is capable of being delivered on the basis of the evidence presented in the VA.
- The financial viability of schemes will change over time due to the prevailing economic climate and changing property values and construction costs. On large sites with extended build out times and particularly in cases for schemes granted in outline, a VA Review may be required for each phase and/or updated when the reserved matters application is made.

2.18. Where the Council is satisfied that developer contributions cannot be met in full due to financial viability, the Council will choose to:

- Negotiate the affordable housing requirement in accordance with District Plan Policy DP29. This could include:
  - Reduced or revised affordable housing requirements (including adjustments to tenure mix); and/ or
  - A Review VA for the clawback of an affordable housing financial contribution in the event that the completed development proves to be more financially viable than anticipated in the Submission VA.
- Negotiate other planning obligations. This could include:
  - As a priority, the provision of site specific infrastructure in phases or with deferred timing/ trigger points;
  - Reducing the scope of contributions or in-kind requirements provided the scheme would still remain acceptable in planning terms. This could be through altering the scope/ specification of a particular piece of infrastructure or negotiating reduced commuted sums;
  - A mechanism for the clawback of a financial contribution in the event that the completed development proves to be more financially viable than anticipated in the VA<sup>8</sup>.

## Transparency of evidence

2.19. To ensure openness and transparency in the planning process, all viability information will be made publically available on the public planning register alongside other planning application documentation. Redaction of any information will only be allowed in exceptional circumstances, and any justification provided as to the extent of harm that would occur if the information was disclosed will be placed on the public planning register, whether or not accepted.

---

<sup>8</sup> Providing these particular planning obligations are not necessary to make a development acceptable in planning terms

- 2.20. It is common practice for applicants to seek to place confidentiality restrictions on viability information, normally as a request for exemption from disclosure under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000, on the basis that this would adversely affect the confidentiality of commercial information which protects a legitimate economic interest.
- 2.21. The Council recognises the importance of public participation and the availability of viability information in the planning process to Councillors, officers and consultees. The Council considers that disclosure would not cause an 'adverse effect' which would outweigh the public benefit of such an action; and that information submitted as a part of, and in support of a VA should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publically available alongside other application documents.
- 2.22. The Council will allow exceptions in very limited circumstances and only in the event that disclosure of an element of a VA would clearly cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Applicants wishing to make a case for exceptional circumstances should provide full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest, that is not outweighed by the benefits of disclosure.
- 2.23. The Council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the Environmental Information Regulations, as well as the specific circumstances of the case. Such issues should be raised at an early stage within the pre-application process.
- 2.24. The Council has the right to provide information to external parties advising it on viability matters to fulfil its statutory function as Local Planning Authority. Regardless of any decision not to make specific elements of an appraisal publically available. Information will be made available, on a confidential basis, to Planning Committee members or any other Council member who has a legitimate interest in seeing it.
- 2.25. The Council may also need to release information to a third party where another body has a role in providing public subsidy; or where the application is subject to a planning appeal. Any decision not to disclose information will be subject to the Council's obligations under the Freedom of Information Act and the Environmental Information Regulations.

## Methodology

- 2.26. The Residual Land Value methodology is a tool to determine whether a scheme will proceed or not. It determines the 'residual' value that is left available to pay a landowner for their land, once the costs of development (and a reasonable profit for the developer) are deducted from the gross development value (GDV) generated by the development. If a proposal generates sufficient positive land value after also supporting a suitable level of profit as well as necessary development costs and planning obligations, it will generally be capable of implementation from a viability

point of view. If not, the proposal may not go ahead, unless there are alternative funding sources to 'bridge the gap' or other compelling drivers for it to progress.

- 2.27. Any additional land value provided by a development over and above the value of the site in its existing use, or an accepted policy compliant alternative use, is dependent on the grant of planning permission, the basis of which is compliance with the Development Plan<sup>9</sup>.
- 2.28. The Residual Land Value methodology is the most appropriate to use in this context and is consistent with the longstanding principle that policy requirements associated with securing planning permission are development costs that influence the level of any uplift in land value from the grant of planning permission or change of use of land for development. Applied properly this approach is therefore appropriate for assessing viability as part of the planning process given that the purpose of the planning system is to achieve sustainable development.
- 2.29. Landowner expectations and speculation on land values need to be balanced against the legitimate needs of communities accommodating new development, including the provision of affordable housing and infrastructure. Ultimately, the landowner will make a decision on implementing a scheme or selling on the basis of return and the potential for market change, and whether an alternative development might yield a higher value. The landowner's 'bottom line' will be achieving a residual land value at a premium above the 'existing use value' (see paragraph 2.33) a landowner would expect to make development worthwhile.
- 2.30. It is not considered appropriate to apply a fixed land value as an input within a development appraisal based on price paid for land or on an aspirational sum sought by a landowner. In such cases the developer's profit rather than the land value, would become the output of the residual valuation. This can result in a high fixed land value which is inconsistent with the outcome of the VA which shows an unviable scheme. Other changes to a scheme, such as an increase or reduction in density (which can increase or decrease residual value) may not be reflected in an appraisal where the site value has been fixed and is not the output of the appraisal.

### **Benchmark land values**

- 2.31. The NPPF requires that competitive returns should be secured for a willing landowner and developer<sup>10</sup>. NPPG confirms that current (or existing) use value provides an appropriate basis for comparison with a residual land value to determine whether this incentivises a land owner to release a site and achieves a competitive return<sup>11</sup>.
- 2.32. Benchmark land values, based on the existing use value or alternative use value of sites, are key considerations in the assessment of development viability as they indicate the threshold for determining whether a scheme is viable or not. A

---

<sup>9</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

<sup>10</sup> NPPF, paragraph 173

<sup>11</sup> NPPG, Viability Paragraph 024

development is deemed to be viable if the residual land value (see paragraph 2.26) is equal to or higher than the benchmark land value. At this level, it is considered that the landowner will receive a competitive return and assumed will willingly release the land for development.

#### Assessing Existing Use Value/ Alternative Use Value

- 2.33. Existing use value is defined as the value of the site<sup>12</sup> in its existing use, assuming that it remains in such use. It does not include any hope value<sup>13</sup> to reflect development on the site for alternative uses. Existing use values can vary significantly depending on the demand for the type of building relative to other areas. For instance, open greenfield land or other forms of previously undeveloped land or unused land have low existing use value.
- 2.34. It is important that any reference to existing use value is fully justified with comparable evidence specific to the current use. It must exclude any 'hope value' associated with proposed development on the site or potential alternative uses.
- 2.35. Development, particularly residential, generates significantly higher land values and landowner expectations. For instance, benchmark land values for greenfield sites are typically ten or more times agricultural value. It is a common approach to utilise an Alternative Use Value, or an Existing Use Value plus a premium to determine the benchmark land value and assess whether the residual land value provides a competitive return for the landowner.
- 2.36. The Alternative Use Value or an Existing Use Value plus a premium approach should form the primary basis for determining the benchmark land value in most circumstances. This method best reflects the need to ensure that development is sustainable (by taking into account site specific circumstances and complying with policy requirements) and should reflect the value of the landowners' existing interest prior to grant of consent and the need to provide a relevant incentive for the landowner to release the land for development.
- 2.37. Any Alternative Use Value, or Existing Use Value plus a premium should also be justified<sup>14</sup> reflecting the individual circumstances of the site and the landowner. For example, a previously developed site in a poor state of repair could generate costs or not meet the requirements of the market and this is likely to be reflected in a limited or a nil premium. Conversely, a well located site than can meet the needs of the market or the operational needs of a profitable business which may require relocation, may require the adoption of a higher premium.
- 2.38. An Alternative Use Value approach to the benchmark land value will only be accepted where the alternative use would comply with the Development Plan<sup>15</sup>.

---

<sup>12</sup> Market transactions used to justify an existing use value must be genuinely comparable to the application site, and should relate to sites and buildings of a similar condition and quality, or otherwise be adjusted accordingly- see paragraph 2.40.

<sup>13</sup> An element of market value, which reflects the prospect of some more valuable future use or development in excess of the existing use

<sup>14</sup> Comparable, market-based evidence can also be used as a cross reference to help inform the benchmark land value (and premium above existing use value) and to check whether this is likely to be sufficient to encourage a landowner to release a site. When undertaking such a sense check, it is vital such transactions are comparable and reflect planning policy

<sup>15</sup> NPPG Paragraph 10-024-20140306

Sufficient information should be submitted to allow the principle of the alternative use to be assessed on a without prejudice basis to any future application that might be submitted.

- 2.39. In all cases, land or site value should reflect the site characteristics, planning policies including affordable housing, planning obligations and the Community Infrastructure Levy<sup>16</sup> (when this is adopted by the Council<sup>17</sup>). Such an approach significantly reduces inflated land values arising from the grant of planning permission, based on assumptions which do not adequately reflect planning policy and would likely make these unviable.

#### Market Value Approach

- 2.40. There is no single threshold land value at which land will come forward for development and there are a number of potential difficulties in the analysis of land market transaction to inform the benchmark exercise in VAs. Such issues might be:
- Overall – comparability of sites, schemes and circumstances
  - Potential overestimates of value based on past transactions (“comparables”);
  - Potential for other transactions (“comparables”) to not fully reflect current planning policy requirements such as those relating to affordable housing and density;
  - Differing existing use value depending on any income generating existing uses.
  - Land transactions are speculative based on assumptions of growth in values; and
  - Transactions may relate to sites of different sizes, densities, mix of uses and costs to facilitate development.
- 2.41. Reliance on transactions that are not comparable may therefore lead to inappropriate views on site value. This would restrict the ability to secure development that is sustainable and consistent with the Development Plan.
- 2.42. Comparable, market based evidence can be used to help inform the Alternative Use/ Premium Above Existing Use Value, but should always be appropriately adjusted to ensure that transactions are genuinely comparable, reflect current policy requirements and have not been inflated through assumptions of growth in values. If this is not possible, limited weight can be given to this and any benchmark land value that is reliant on them and the Council will rely on the Existing Use Value plus a premium approach applying the guidance set out in this document.

---

<sup>16</sup> NPPG Paragraph 10-023-20140306

<sup>17</sup> It is proposed to progress work on a CIL at Mid Sussex on adoption of the District Plan. The timetable for this work has at the time of publication not yet been decided but once agreed can be viewed in the Local Development Scheme at [www.midsussex.gov.uk](http://www.midsussex.gov.uk)

## Section 3 - Information requirements – Evidence, Inputs and Assumptions

3.1. The Submission VA should contain as a minimum the following information and data:

Table 1 –Viability Assessment: Required information and data

	Information / data required	Notes
Appraisal format	<ul style="list-style-type: none"> <li>Printed and electronic version of appraisal in format that can be fully tested and interrogated</li> <li>Methodology utilised for the appraisal including details of any appraisal software or toolkits used</li> </ul>	
Scheme details	<ul style="list-style-type: none"> <li>Gross and net site area and densities</li> <li>Residential unit numbers, sizes and types of units including the split between private and affordable tenures</li> <li>Floor areas: <ul style="list-style-type: none"> <li>Residential: Gross Internal Area (GIA) and Net Saleable Area (NSA)</li> <li>Commercial / Other: Gross Internal Area (GIA) and Net Internal Area (NIA)</li> </ul> </li> <li>Proposed specification for each component of development, consistent with assumed costs and values, and target market / occupiers</li> </ul>	
Development programme	<ul style="list-style-type: none"> <li>Project plan, including land acquisition, pre-build, construction and marketing periods and phasing (where appropriate)</li> <li>Viability cash flow where possible: <ul style="list-style-type: none"> <li>The timing of cost and income inputs (including interest rates, capitalisation rates, loan costs residential sales rates with reference to project/ construction plans and contracts and land/ development/ letting agreements as relevant).</li> </ul> </li> </ul>	
Gross Development Value <sup>A</sup>	<ul style="list-style-type: none"> <li>Anticipated residential sales values, ground rents, sales rates (per month), assumptions regarding forward sales and supporting evidence</li> <li>Anticipated rental values, yields and supporting evidence</li> <li>Details of likely incentives, rent-free periods, voids for any commercial element</li> <li>Anticipated value (and timing of payments) of affordable units based on evidence including details of discussions with Registered Providers and RP offers</li> <li>Substitution values and revenues for less or no affordable housing</li> </ul>	<ul style="list-style-type: none"> <li>Assumptions relating to development values should be justified with reference to up to date transactions and market evidence relating to comparable new build properties within a reasonable distance from the site, and, where relevant, arrangements with future occupiers where possible.</li> <li>Information relevant to comparable properties should be fully analysed to demonstrate how this has been interpreted and applied to the application scheme.</li> <li>Development appraisals should be informed by discussions with a Registered Provider of affordable housing – providers may be able to indicate their likely offer prices</li> <li>Affordable housing values assumed within a VA should reflect the offer/s made by Registered Providers for purchasing the affordable housing element of the development. Where input is not available, information on rents, management and repair costs, voids, yields /payback period requirements should be submitted. For Shared ownership - % share and rent level on retained equity. Estimated %s market value (MV) and £/sq. m indications are also useful benchmarks helping inform a view on the revenue assumptions.</li> <li>Evidence of calculations underpinning affordable housing values, including details of rental and capital receipts (including stair casing), discussions with RPs and subsidies</li> </ul>

		should be provided.
Costs	<ul style="list-style-type: none"> <li>• Build costs per square metre based on RICS Build Costs Information Service (BCIS), with values correctly reflecting the specific proposal, and justified to show that an appropriate and reasoned approach has been taken in estimating the costs</li> <li>• Abnormal or exceptional costs not reflected in the land value/ price (and detailed reasons why)</li> <li>• Where applicants seek to rely on a specific assessment of build costs rather than a recognised publically available source of information (likely to be the case for larger schemes): expected build cost and supporting evidence including a fully detailed elemental cost plan demonstrating the basis of cost estimations and evidence of contractor costs. Disaggregated abnormal costs (if relevant) that can be benchmarked against BCIS<sup>B</sup></li> <li>• Details of other costs such as demolition and supporting evidence including clarity on any additional assumptions such as relating to external/site works.</li> </ul>	<ul style="list-style-type: none"> <li>• Development costs adopted within VAs are typically determined based on current day figures at the point of the planning permission.</li> <li>• The RICS Build Costs Information Service (BCIS) is a publically available source of cost information which can be used in VAs. The selection of BCIS values must correctly reflect the specific nature, location and size of proposal, and be justified to show that an appropriate and reasoned approach has been taken in estimating the costs. In such instances where costs are agreed by the Council, this would be an acceptable basis of cost inputs as part of a review mechanism, linked to the Tender Price Index (TPI)<sup>B</sup>.</li> <li>• Abnormal costs should come with an explanation of the need/relevance and cost estimate information / reasoning for the assumed cost levels.</li> <li>• It should not be assumed that abnormal costs would necessarily be borne exclusively at the expense of compliance with the Development Plan, as a site involving abnormal development costs is likely to attract a lower land value than could be achieved on a site where this was not the case.</li> <li>• Where a specific assessment of build costs is relied on, rather than standardised costs from a recognised source, or where any abnormal costs are applied, build costs will be reviewed on an open book basis as a part of a viability review. Costs should be provided for different components of the scheme including market and affordable housing.</li> <li>• The Council will expect a clear correlation to be evident between a development's specification, assumed build costs and development values</li> </ul>
Fees	<ul style="list-style-type: none"> <li>• Sales/ letting and professional fees and supporting evidence</li> </ul>	<ul style="list-style-type: none"> <li>• Build; sales / marketing costs</li> </ul>
Developer profit	<ul style="list-style-type: none"> <li>• Profit on cost or value</li> <li>• Supporting evidence from applicants to justify proposed target rates of profit taking account of the individual characteristics of the scheme</li> </ul>	<ul style="list-style-type: none"> <li>• In accordance with the PPG the Council will avoid a rigid approach to profit levels. The Council will consider the individual characteristics of each scheme when determining an appropriate profit level and will require supporting evidence from applicants and lenders to justify why a particular return is appropriate, having regard to site specific circumstances, market conditions and the scheme's risk profile.</li> <li>• The appropriate level of developer profit will vary from scheme to scheme. This is determined by a range of factors including property market conditions, individual characteristics of the scheme, comparable schemes and the development's risk profile. The lower the scheme's risk profile, the lower the level of required profit and vice versa.</li> <li>• Profit requirements for affordable housing are</li> </ul>

		<p>generally much lower than those for market sale units given the lower levels of risk associated with securing occupation of affordable units compared with the sale of market units.</p> <ul style="list-style-type: none"> <li>• Assumptions made must be balanced and internally consistent. In line with this, it should be made clear how the profit level has been adjusted taking into account the other assumed inputs within an appraisal. For example, where a high build cost contingency or other costs at the upper end of typical parameters are adopted as means of mitigating risk, this would equally be expected to influence the assumed profit target.</li> <li>• The Council expect that the actual developer return that is produced as part of the applicant's submitted viability development appraisals should form the profit threshold (rather than any higher figure)/ be regarded as a reasonable return for the applicant</li> <li>• The most common approach for calculating developer's profit in VAs submitted as a part of the planning process is either as a factor of Gross Development Cost (GDC) or Gross Development Value (GDV)..</li> </ul>
Benchmark land value	<ul style="list-style-type: none"> <li>• Existing Use Value (EUV) based on evidence including existing income, comparable data and details of condition of existing site. Justification for any alternative land use value / premium applied over EUV, taking account of circumstances of site and planning policy together with this SPD</li> <li>• Freehold/leasehold titles</li> <li>• Tenancy schedule - to include lease summaries (where appropriate)</li> <li>• Details of income that will continue to be received over the development period (where appropriate)</li> <li>• Arrangements between landowner and developer, including any land sale, development or tenancy agreements (where appropriate)</li> <li>• Evidence for how benchmark land value reflects planning policy</li> </ul>	<ul style="list-style-type: none"> <li>• See section 2.33</li> <li>• Land value should reflect policy requirements, planning obligations and CIL charges</li> <li>• The current application of a 'market value' approach has raised concerns which can inappropriately reduce planning Obligations. Where these concerns are evident the Council will rely on the Existing Use Value plus a premium approach applying the guidance set out in this document.</li> <li>• Lower levels of affordable housing should only be tested where warranted by genuine site specific viability constraints (including where an acceptable benchmark land value cannot be achieved) as defined under the terms of this guidance.</li> <li>• An Alternative Use Value benchmark land value will only be accepted where there is a valid consent for the alternative use or if the alternative use would clearly fully comply with the Development Plan</li> <li>• In any event bearing in mind that land can be overpaid for – a historic or actual site purchase may not be a good indicator of current site value.</li> </ul>
Planning contributions	<ul style="list-style-type: none"> <li>• Planning obligation costs (see Section 2)</li> <li>• Community Infrastructure Levy (see paragraph 2.39)</li> </ul>	<ul style="list-style-type: none"> <li>• Likely planning obligations (and CIL when adopted) should be included as a development cost in a VA</li> <li>• The timing and level of planning obligations that can be supported as a part of the VA process will be considered. Where these are necessary to make development acceptable in planning terms however, and these cannot be secured, planning permission will not be granted.</li> </ul>