

Developer Contributions Technical Guidance

Planning Policy CP7 Infrastructure and Developer Contributions Overview and detailed guidance on the main types of contributions

Approved Economic Development & Culture Committee 9th March 2017



This Developer Contributions Technical Guidance provides a policy overview on areas for developer contributions, enabling the granting of planning permission. The contributions will be secured as Planning Obligations under Section 106 of the Town and Country Planning Act 1990 under the tests as:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One adopted 24 March 2016 and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.

The range of infrastructure and service provision that may be supported by developer contributions are set out in this guidance. It also provides detailed advice on the main areas for developer contributions and sets out the thresholds for requirements, how payments are calculated; and what those contributions will provide in relation to those contributions.

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Development viability

Planning obligations are a necessary cost of development and it is expected that the likely cost of developer contributions will be factored into development costs at an early stage. In very specific instances s106 planning obligation requirements may impact on the viability of a development either by their cumulative requirements or if there are abnormal site development costs.

When concerns are raised by developers that development schemes are not commercially viable, as a consequence of these obligations, these issues should be raised as soon as possible and detailed viability/cost information should be submitted to the Council at the earliest opportunity. This will help reduce delay in negotiations on developer contributions and in agreeing and finalising a legal agreement to provide planning obligations.

The onus is on the developer to provide robust evidence to demonstrate the non-viability of a development proposal. To substantiate a claim the Council will require a full financial appraisal through an informed and independent assessment of viability signed by an appropriately qualified and independent valuer or financial professional. An independent assessment cannot provide binding arbitration, but the council will take into account its findings in considering viability issues on applications.

In all cases the council will require an electronic version of the viability assessment tool in a working compatible format to test calculations and the figures provided.

Review Mechanism

In meeting planning policy objectives for ensuring appropriate levels of contributions a review mechanism may be required, where due to viability at the time of determination reduced contributions are agreed upon granting planning permission.

Such a mechanism, for instance on phased developments, will allow for re-evaluation of the viability appraisal of the scheme for reassessing and allowing a revised level of developer contributions to be provided where land value assumptions may have been fixed at an early stage or as a result of any unpredicted rise in sales values.

Affordable Housing

Alternative Developer Contributions / Commuted Sums for Affordable Housing

Off-site Provision / Commuted Sums for Larger Development Sites

In accordance with Policy CP20 in City Plan Part One on-site provision of affordable housing is the Council's first priority for all suitable larger development sites (40% on sites of 15 units or more, and where practicable, 30% on sites of between 10 and 14 units).

Off-site provision of affordable housing on an alternative site or by way of a financial payment in lieu (or commuted sum) will only be acceptable in exceptional circumstances.

There will need to be robust planning or housing reasons to accept offsite provision or a commuted payment on larger development sites. Such justification will need to be carefully made as the presumption will remain for onsite provision unless scheme specific circumstances indicate otherwise. This is a matter for the developer to demonstrate and for the planning authority in conjunction with strategic housing services to consider and agree.

Circumstances which might justify offsite provision or a payment in lieu could include:

- Where mixed community objectives/housing priorities could be better met in an alternative location. For example where family sized (3 + bedroom, outdoor space) housing cannot easily be provided for on the development site itself, then it may be preferable to seek offsite provision or a commuted sum to fund such affordable housing elsewhere.
- Where there are high housing costs for occupiers associated with the development. For example, in high value areas where development leads to high service/maintenance charges and where this cannot be satisfactorily overcome or avoided by alternative design, massing or separate new build for the affordable housing.
- Where a Registered Provider finds it uneconomic or impractical to provide the affordable units agreed. An example could be where on some sites it is not practical, from a management perspective, to provide and manage a small number of on-site affordable housing units.

It is important to note that economic viability is not the key test for whether there should be on- or off-site provision. Viability determines the overall amount of affordable housing contribution – i.e. the appropriate percentage overall and the type (tenure, size mix) of affordable housing sought - whether provided onsite, offsite or as a commuted payment.

Neither off-site provision nor financial contributions will be a less expensive option than on-site provision, but will be equitable. In such circumstances where the proportion of affordable housing is being negotiated the Council may require the developments financial information be provided on an open book basis which will be required as part of the process.

Where the case is agreed for accepting a payment in lieu of onsite provision, the calculation of the commuted sum will follow the same approach as set out for smaller development sites (5-9 units or sites of between 10 to 14 units)

Offsite provision on an alternative site

Where the case for no on-site provision is agreed, then the council may consider off-site affordable housing provision on an alternative development site. An example may be where a private developer can 'pair' up development sites.

Provision of affordable housing on an alternative development site will be in addition to any requirement arising from the development of the alternative site. Where an alternative site is insufficient in area to accommodate all the affordable housing requirement then financial contributions to remedy the shortfall will be sought.

Provision commuted sums on Small Development Sites

Calculation of Commuted Sums for Affordable Housing on sites of 5-9 units and 10-14 units

This guidance sets out the revised methodology and calculation of commuted sums (payment in lieu) in accordance with the sliding scale requirements for smaller development sites as set out in City Plan Part One CP20 Affordable Housing.

The Brighton & Hove City Plan Part One was adopted 24 March 2016. The City Plan sets out strategic housing policies regarding future housing delivery in the city to 2030 and Policy CP20 Affordable Housing replaces the 2005 Local Plan Policy HO2 for affordable housing.

Policy CP20 'Affordable Housing' requires an affordable housing contribution on all sites of 5+ net units:

- **20% affordable housing as an equivalent financial contribution on sites of 5-9 (net) dwellings;**
- **30% onsite affordable housing provision on sites of 10-14 (net) dwellings or as an equivalent financial contribution; and**
- **40% onsite affordable housing provision on sites of 15 or more (net) dwellings.**

Table 1 below indicates the equivalent number of affordable housing dwelling units for which a commuted sum would be required under Policy CP20. The numbers have been rounded to the nearest whole dwelling unit. This reflects the policy approach which is currently taken for onsite provision.

For example, for a scheme proposing 6 dwelling units, the equivalent number of affordable housing units for which a commuted payment would be sought is 1 unit. For 9 dwellings, the equivalent number of affordable housing units for which a commuted sum would be sought would be 2 units.

Table 1: Sliding scale of affordable housing contributions Policy CP20

No of units	20% affordable housing (equivalent no. units)		30% affordable housing (equivalent no. units)	
	20%	Rounded	30%	Rounded

5	1	1		
6	1.2	1		
7	1.4	1		
8	1.6	2		
9	1.8	2		
10			3	3
11			3.3	3
12			3.6	4
13			3.9	4
14			4.2	4

Commuted Payments Calculation:

The general approach to the calculation of the commuted payment remains essentially the same as that currently outlined in the original Developer Contributions Technical Guidance as first established by Environment Committee February 2011.

The commuted payment will be based on a sum equal to the difference between an Open Market Value (OMV) and Affordable Housing Value (AHV).

Brighton & Hove City Council commissioned DVS Property Specialists to undertake the relevant valuations required and from this to provide a schedule of commuted sum payments.

DVS were instructed to provide:

- A schedule of average market values for 1,2,3 bedroom flats and 2,3,4 bedroom houses across Brighton & Hove
- An analysis of different value areas in Brighton & Hove (i.e. low, medium and high).
- A schedule of average Affordable Housing values for the above unit types.
- A schedule of commuted sum payments.

The Schedule of Commuted Sums Payment, DVS report and value areas can be viewed using the link in the attached Appendix below:

[Link to Schedule of Commuted sum payments and associated DVS report \(28kb, PDF\)](#)

Taking account of unit size mix

The appropriate unit size mix for the affordable housing contribution will be advised having regard to the balance of unit sizes across the proposed scheme as a whole. The commuted payment will then be calculated using the schedule above.

Example 1: 6 residential units comprising 4 one bed and 2 two bedroom units

The affordable housing contribution will be based on a commuted sum equivalent to 1 affordable unit (as indicated in Table 1). As the scheme is balanced more towards one bedroom units overall then the commuted payment will be that calculated for a one bedroom unit reflecting the appropriate value zone. For a flatted scheme in Zone 2 this will be £120,750.

Had the scheme comprised an even split of one bedroom and two bedroom properties then the commuted payment sought would be for a one bedroom unit.

Example 2: 9 residential units comprising 4 one bedroom units, 4 two bedroom units

and 1 three bedroom units

Under this example, the appropriate affordable housing contribution for which a commuted sum would be secured would be equivalent to 2 affordable units (as indicated in Table 1). The commuted payment would be calculated on the basis of 1 one bedroom unit and 1 two bedroom unit reflecting the appropriate value zone. For a scheme of 9 flats in Zone 2 this will be £285,250.

Securing the commuted payments and proposed uses

The council's preferred approach will be to secure the commuted payment through requiring a Unilateral Undertaking or a S106 Agreement to be submitted by the developer with a planning application. Payments will be required upon scheme commencement.

Applicants are therefore advised to confirm the appropriate commuted sum with a Planning Officer.

It is proposed that the Council would use commuted payments to fund the provision of affordable housing in the City in the following ways *below*

- To contribute to the costs of building new affordable housing;
- To contribute to the costs of area regeneration in connection with council owned land that would provide new affordable housing;
- To contribute to the costs of purchasing land or properties off-plan for new affordable housing schemes; and
- To contribute to the cost of bringing long term empty homes back into use as affordable housing.

The approach for accepting a commuted sum in lieu is that financial contributions should be of 'broadly equivalent value' – the commuted sum should be equivalent to the developer/landowner contribution if the affordable housing was provided on-site.

In such circumstances where the proportion of affordable housing is being negotiated the Council may require the developments financial information be provided on an open book basis which will be required as part of the process.

This guidance will be incorporated into the council's Affordable Housing Brief.

Sustainable Transport and travel – measures and initiatives including Highways infrastructure and access provision

When considering development proposals, securing developer contributions to improve transport is an important tool for dealing with the total transport impact that all development has on the city. Issues including the site layout and safety of the access, and changes that are required to make proposals acceptable locally, as well as potentially over a wider area, are addressed during the planning application process. Ensuring both are resolved satisfactorily through appropriate transport measures will support the overall objective of achieving sustainable growth.

Depending on the location, size and type of development, transport measures can include schemes to improve the management of traffic and parking, improvements to access arrangements, works to provide for and encourage the use of sustainable forms of travel such as pedestrian, cycle and buses, e.g. bus stop improvements, and measures to raise awareness and provide information such as Travel Plans. In addition, contributions may be sought for measures that improve safety and reduce or prevent casualties. In seeking to minimise the transport impacts of development, contributions will be required for measures that enable access to sustainable forms of transport and to maximise their use and increase choices.

All new developments, including changes of use, are required to contribute to the full costs of transport infrastructure, initiatives and/or services that are necessary, including future maintenance requirements, and all associated costs of drafting legal agreements.

The size of contribution is calculated with a simple-to-use formula based on the scale of the development proposal. The contribution sought is based on the net increase in transport impact but contributions may still be secured for developments that have a lower impact but change the nature of travel to a site. The formula acts as a guide to the overall level of contribution. However, in certain circumstances depending on whether the necessary transport infrastructure is in place to support the development the Highway Authority may seek contributions above or below the standard formula figure.

Agreement to specific measures and the overall contribution will be subject to negotiations with the developer prior to, or during, the planning application process.

The Framework for Delivering Improvements

Policy CP9 of the City Plan Part One requires that major planning applications should be submitted with a Transport Assessment [TA]. The TA should be prepared with reference to the guidance within the Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/blog/guidance/>) and through pre-application discussions with the Highway Authority. While for smaller developments, it may be necessary to provide a Transport Statement [TS], in line with the same guidelines. The submitted TA/TS must forecast the likely transport impact and suggest suitable mitigation measures where necessary.

Applications for smaller scale development will not usually require a full TA or TS but must still demonstrate that the transport impact complies with City Plan policies and forecast the likely transport impact the development will have. The Council will confirm the type of assessment required to support a planning application during pre-application discussions

with developers. The Council may request a TA or TS if it is considered that the proposal will create a material impact or change in an area, such as a junction that is over or near capacity or where there is an existing safety concern, or within the City's Air Quality Management Area [AQMA].

Developers will also need to demonstrate consistency with the current Local Transport Plan [LTP] which identifies improvement schemes across Brighton & Hove. Therefore contributions may be sought in line with this plan to contribute to relevant proposals identified in the LTP, such as measures proposed on Sustainable Transport Corridors, walking and cycling networks, and at local railway stations or other transport interchanges. The current LTP can be viewed on the Council's website <http://www.brighton-hove.gov.uk/content/parking-and-travel/travel-transport-and-road-safety/local-transport-plan>

The Process for Securing Funding

Legislation and Policy

Within the National Planning Policy Framework (NPPF) one of the 12 core planning principles that should underpin plan making and decision taking is to:

"...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable ...".

Contribution Methodology for Transport/Highways Works

Planning applicants can comply with the policy framework by making financial contributions to enable the City Council to improve and enhance facilities for public transport, walking, cycling and parking, thereby helping to meet the Council's specific transport objectives and policies, as well as those related to wider issues such as the economy and health.

The contribution will be sought to improve transport infrastructure and services in the immediate vicinity of the development site. To maintain transparency, the exact scheme will be identified and referenced in the legal agreement. Locations that are less accessible by sustainable transport will need higher levels of investment than areas that are well served.

The amount of the financial contribution is generally based upon the net increase in movement by all forms of transport which is created by the development. This demand is based on the net change in the number of daily total person trips. Person trips have been used as the most appropriate unit as this indicates the total likely level of demand placed upon the City's entire transport infrastructure. Table 2 provides guidance average person trip rates for the most common forms of development.

Whilst the net increase by all forms of transport is generally used to assess the likely contribution in certain scenarios if there is a material change in the nature of trips as a result of development proposals contributions will still be sought in line with the Community Infrastructure Levy Regulations 2010 to make the development acceptable in planning terms.

How Contributions are calculated

Contribution Formula

A formula for evaluating the levels of financial contribution has been developed to assist applicants in understanding the contribution required. This is detailed below:

Number of residential units x person trip rate x £200.00 x reduction factor
(or GFA/100m² of business space)

For clarification a worked example has been set out below.

The example is based on a mixed-use development of two residential flats with 200m² of office use in a city centre location.

Table 1 Transport Financial Contribution (Worked Example)

Development	Person Trip Rate	Contribution Per Trip	Central Factor	Total Contribution
2 Flats (privately owned)	12	£200.00	50%	£6,-000
200m ² B1c Office space	48	£200.00	50%	

Table 2 provides guidance average person trip rates for the most common forms of development.

Table 2 Development Person Trip Rate

Development Type	Person Trip Rate*
Residential – Houses**	10 per dwelling
Residential – Flats**	6 per dwelling
Office space	23 per 100m ² Gross Floor Area

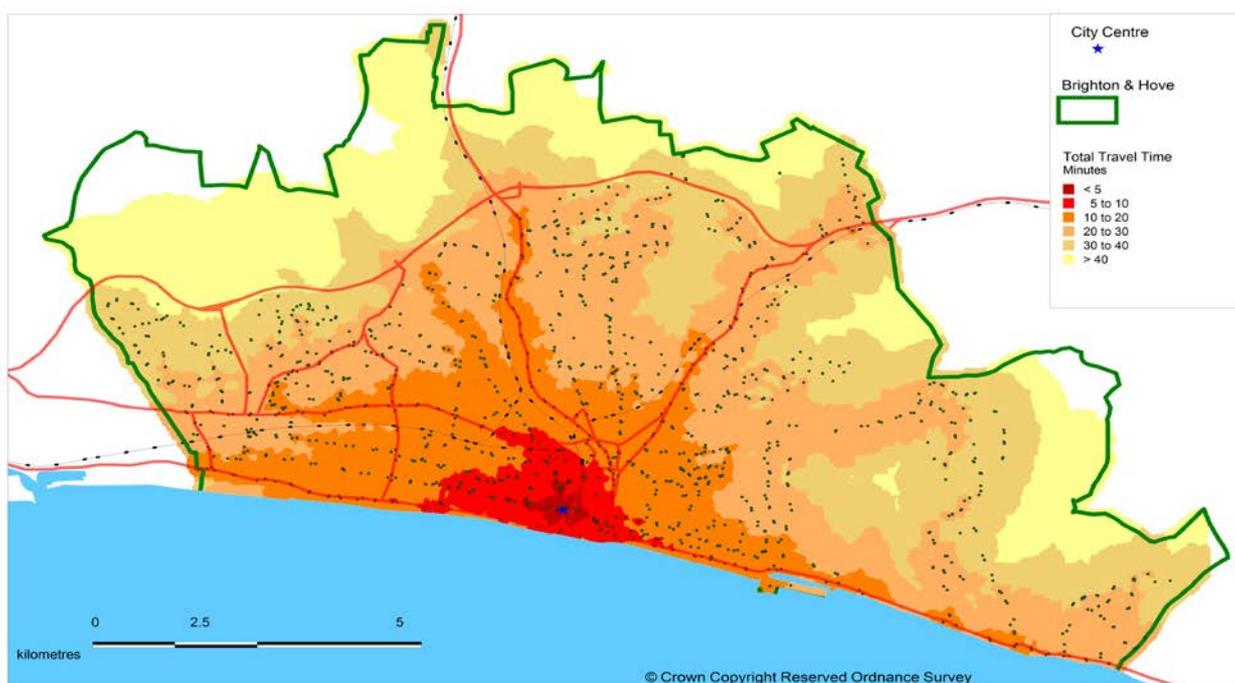
*Based on TRICS version 7.3.1

**Privately owned

The level of the contribution per person trip is £200 as has previously been established as part of this S106 standard formula. This figure has been previously established and accepted as being fair and reasonable. If a development is located in the central zone of Brighton & Hove (defined as having all amenities associated with the city centre within easy walking distance), there will be a 50% reduction on the maximum level of the calculated financial contribution to reflect the higher quality accessibility associated with the City Centre.

In the intermediate zone (where access to more sustainable forms of transport is less available) there will be a 25% reduction on the maximum level of the calculated financial contribution.

In the outer zone where public transport accessibility is lower developments will be required to make the full calculated contribution.



Public Transport Accessibility to City Centre - Interpeak (Tuesday 10-16)

A more detailed map of these zones is under production

Thresholds

Contributions for sustainable transport measures will be required for all types of schemes where transport infrastructure is necessary to make the development acceptable in planning terms. There are no minimum thresholds as to where a contribution is not applicable. The incremental impact of smaller development sites in the City is significant and therefore, contributions will be sought from all sites towards sustainable transport initiatives, where they are necessary.

Section 278 & S38 Highways Agreements

In addition to S106 contributions there are alternative funding mechanisms through the planning process. These are primarily through section 278 and 38 of the Highways Act 1980. If highway works are to be carried out on the public highway by a developer, the Council as Highway Authority will enter into a Legal Agreement under Section 278 of the Highways Act 1980. If new estate roads are to be constructed and then adopted as public highway, the Council as Highway Authority will enter into a Section 38 agreement under the Highways Act 1980. This agreement will allow the developer to construct the new roads under supervision of the Council once the full constructional details have been agreed.

These agreements allow developers to carry out highway works at their full expense whilst insuring the Council against poor or in-complete workmanship. A bond covering the full costs of the works will be secured and released on completion of the works to the Council's satisfaction. The developer will be required, to pay for maintenance for a minimum 12-month period following completion of the works after which the Council will then be responsible.

Grampian Conditions

In addition to Section 106, 278 and 38 agreements the Local Planning Authority shall use Grampian (or negatively worded) conditions which restrict development from being occupied until particular works have been carried out. Grampian conditions shall be used at times to secure off-site highway infrastructure which is necessary to make the development acceptable in planning terms.

Investing Contributions from Development

The contributions secured will be used for/put towards improvements to public transport accessibility and services, new public transport, walking and cycling infrastructure, bus stop facilities, cycle parking, park and ride schemes, on-street parking controls (including all means of management and enforcement such as CCTV and improvements to street lighting) or other suitable measures such as variable message signs. Contributions to these measures are already accepted and justified, and ongoing improvements to the transport network will be required to address the impact of future development in the city.

Contributions will be sought where appropriate for the costs of improving facilities to an appropriate standard (as agreed by the Highway Authority) and, if necessary, for the costs of bringing forward existing proposals from the LTP e.g. to improve priority walking routes and sections of the cycle network in the area. For site-specific contributions, the timing of implementation will be specified within the Section 106 agreement. If the funds are not spent within the specified period they will be refunded to the developer where this is defined in the Section 106 agreement. Some larger transport schemes may require contributions from a number of developments.

The transport contributions will usually fund projects that are located on a transport corridor or route serving the development, or within the vicinity of the site. The City Council will keep detailed records of all transport contributions received and where those contributions are used.

The methodology for calculating transport contributions will assist developers and ensure that all contributions are used in an appropriate and relevant way. The programme of LTP or other improvement schemes against which these contributions are considered will be kept under review by the Council and as such could be subject to change over time.

Employment and Training initiatives – including securing Local Employment from new development

As part of the objectives of City Plan policy CP2 (and SA6 Sustainable Neighbourhoods), apprenticeships, training and job opportunities for local residents will continue to be sought from developers on major development schemes.

Policy CP7 Infrastructure and Developer Contributions will ensure adequate infrastructure including appropriate social infrastructure through provision of employment, regeneration and training initiatives on major development sites at demolition and construction phases in accordance with the Brighton & Hove Local Employment Scheme (BHLES).

The Brighton & Hove Local Employment Scheme (BHLES)

Council is keen to ensure ongoing developer support for the provision of local training and employment agreements for all major developments. Major development proposals will be required to provide direct provision of employment and training initiatives by the developer together with a financial contribution towards an agreed and established programme with a local partnership. The training is for the benefit of the construction industry as a whole, to mitigate the impact of the predicted skills shortage in the sector and necessary to meeting policy objectives in respect of Social Infrastructure in providing suitably trained individuals required for construction services for new development.

The training provision would be for people living within the administrative boundary of Brighton and Hove, and directly related to the employment needs of the development with the aim to maximise opportunities to develop local skills and business performance and expand employment provision.

Seeking contributions for training co-ordination benefits all parties by providing employment, training, enabling sustainable development and mitigating the potential for delays to the construction process. A local workforce will enable easier recruitment and retention and will reduce the environmental impact of a commuting workforce. The advertising of all jobs, which relate to the development, should be accessible to local people through local, approved employment agencies such as Job Centre Plus and its partners.

An obligation will ensure contributions towards the city-wide coordination of training and employment schemes to support local people to employment within the construction industry. Development also directly contributing towards a workplace co-ordinator further facilitates easy routes to employment with contributions directly relating to the construction of developments and training for local people benefiting the city's major development sites across the city.

The methodology for securing contributions towards employment and training will enable the Council and delivery organisations to:

- engage in long term planning of the scheme;
- benefits residents and trainees, who are then able to develop their skills and qualifications both on and off site;
- support developers in achieving a commitment to local employment and training;
- support the development industry;

- support long-term monitoring and compliance with obligations.

A planning obligation for employment and training may include a number of elements, such as:

- a contribution by the developer towards pre- and post- construction training;
- a commitment to recruit residents for jobs pre- and post-development;
- the provision of waged construction training placements on the development site;
- larger schemes to include the provision of a serviced, on site recruitment and/ or training facility and/or workplace coordinator;
- the provision of information that the Council can use to monitor the success of the scheme;
- the developer to enter into a partnership with a local college or training provider.

Financial Contributions

Financial contributions will be required *for supporting the on-site training provision aided directly through the role of the Local Employment Scheme Co-ordinator* and a local employment training off-site programme and its running costs, including the provision of an appropriately qualified tutor. The contributions will support both capital and revenue costs on the 'Futures' programme for residents and small businesses.

Threshold and provisions

Contributions will be required from development, on net gain, on or above the thresholds detailed below. Provision of contributions on all development will need to be agreed in detail by the Council and the developer and be met prior to the commencement of development.

Brighton & Hove Local Employment Scheme **How Contributions are calculated**

All Major Developments will provide an agreed percentage (a minimum 20%) of local employment on site and provision of training opportunities in negotiation with the Local Employment Scheme Co-ordinator.

Residential Development Contributions

<u>All Residential Uses</u>	<u>Student /studio units</u>	<u>1 – 2 bed units</u>	<u>3+ bed units</u>	<u>Note</u>
Contribution per unit (schemes of 10 units and above)	£100	£300	£500	Falling under Use Class C1 or C3
	£100			Falling under Use Class C2 and Sui Generis (Hostel)

Commercial Development Contributions

<u>Type of Development</u>	<u>Threshold</u>	<u>Contribution</u>	<u>Note</u>
All uses (except see below)	500m ²	£10 per m ²	All Use Classes except B2 and B8
Storage or distribution/general industrial	235m ²	£5 per m ²	Falling under Use Classes B2 and B8

Example of development contribution:-

750 m² B1 commercial space x £10 per m² = £7,500.

50 x student /studio units x £100 per dwelling =£5,000

The proposed thresholds and formula applied would be negotiated taking into account wider considerations linked to the development of the scheme.

Biodiversity – including Nature Conservation and Development

Requirements and contributions for ensuring development provides appropriate nature conservation and ecology measures will be sought in accordance with City Plan policies CP7 Infrastructure and Developer Contributions and CP10 Biodiversity and the Nature Conservation and Development Supplementary Planning Document (SPD) 011.

[Link to Nature Conservation SPD](#)

Sports, recreation, youth, play and amenity space

As the population increases in Brighton & Hove this creates a need not just for housing but also for job opportunities, services and community facilities. This includes a need for open space which in view of the physical constraints upon the city, the sea to the south and a National Park to the north and east, is becoming increasingly important to take into account in new developments. The cumulative impact from the incremental loss of existing open space and shortfalls in open space provision within developments can be significant.

A failure to take into account the need for open space can lead to a reduction in quality of life and have negative impacts on health, social integration/inclusion, micro-climate, economic stability and educational attainment. Trees and soft landscaping help reduce air and noise pollution and surface water run-off. Physical activity is also important for health, social inclusion and educational attainment. Open space, sport and recreation are therefore something that is very much part of sustainable communities. It is becoming increasingly important to ensure open space is appropriately planned into any new development scheme at an early stage to ensure it is effective and its use optimised.

New residential development will be required to provide open space in accordance with policy requirements of the adopted City Plan and the retained policies of the adopted Local Plan. This Guidance sets out more detailed guidance on what is considered to constitute appropriate provision. Only in exceptional circumstances will alternative provision be considered and in such circumstances alternative facilities must be provided to the satisfaction of the council.

In situations where the provision of open space cannot be provided on site (either in totality or part thereof) a financial contribution will be sought for the shortfall taking into account government guidance and guidelines on costings to help secure the provision elsewhere.

Open Space Sport and Recreation Study 2008/9

The Citywide Open Space, Sport and Recreation Study assesses the quantity, quality, accessibility and demand for open space including existing indoor sport facilities in the City and recommends standards appropriate to Brighton & Hove. These recommended local open space and indoor sports facilities standards have been included in the emerging City Plan.

Breakdown of the Standard

The breakdown of the standards are broadly defined as follows. The full text can be read in the Open Space, Sport and Recreation Study 2008/9 (and erratum2010) or click here: [Link to Open Space Sport and Recreation Study Final Report Mar 2009 Open Space Sport and Recreation Study \(erratum\) April 2010](#)

Open Space Standards		
	Quantity Standard* (hectare / 1,000 pop)	Accessibility Standards
Parks and Gardens	0.92	15 minute walk time (720m)
Amenity Greenspace (AGS)	0.582	10 minute walk time (480m)
Natural Semi-Natural (NSN)	2.8	15 minute walk time (720m)
Outdoor Sport	0.47	20 minute walk time (960 metres)
Children & Young People (equipped play)	0.055	15 minute walk time (720m)
Allotments	0.23	15 minute walk time (720m)
Total	5.057 hectares/1,000 pop	

* The 2008 Open Space, Sport and Recreation Study contains detailed

information on Quality Standards expected.

Indoor Sports	
Quantity (indoor sport)	
Modelling undertaken in line with Sport England parameters. Standards to comply with national best practice.	The Open Space, Sport and Recreation Study recommends the council should aim to provide a new multi-sports wet/dry side leisure centre (in addition to the replacement of provision currently made at the King Alfred Leisure Centre) and indicates a further potential need for additional pool space and indoor sports halls. The study also indicates a demand for an indoor arena and ice rink.
Accessibility (indoor sport)	
Standards to comply with national best practice.	
Quality (indoor sport)	
All facilities should be built or provided in accordance with national best practice and meet the minimum specifications of the appropriate National Governing Body of sport and meet Equality Act 2010 guidance (formerly Disability Discrimination Act).	

Calculations for contributions for open space provisions are set out below and the table in the Appendix table of Contribution Costs. This Technical Paper and the following calculations have incorporated the provisions set out in the Brighton & Hove Open Space, Sport and Recreation Study 2008/9.

Calculating Commuted Payments for Off-Site Provision

On-site provision will be sought and only in exceptional circumstances will alternative provision be considered acceptable. However there are minimum sizes in respect of achieving effective useable areas of open space. These are detailed below:

Typology	Minimum Size (hectares)
Parks and gardens	0.4
Natural/Semi-Natural	0.05
Amenity Green Space	0.04
Outdoor Sport	0.28
Children and Young People Equipped	0.04 + buffer
Allotments	0.05

In most cases the demands generated by a development proposal will not meet the minimum size. In such cases it is likely provision will be achieved more effectively by an off-site contribution.

Where a development proposal generates demands equal to or greater than these minimum size guidelines for achieving useable space then on-site provision will be expected. The inability to provide such space on-site could be an indication of over development.

Scope of Contributions

The level of contribution required will depend upon the nature of the facility to be provided. The financial contributions secured will be used to provide new facilities, additions to existing facilities and where the opportunity arises the provision of additional new open space. The types of schemes to be funded include:-

- New playground equipment
- New pitches etc.
- Safety surfacing to accommodate / enable the respective increase in usage
- Changing facilities to accommodate / enable the respective increase in usage
- Access enhancements to accommodate / enable the respective increase in usage
- Improvements to existing respective typologies to increase their offer
- New planting
- Enhancements to the green network
- On larger schemes it may also be appropriate to secure part of a contribution for respective open space co-ordinators whose duties will include promotion and the running of activities, information on provision etc.

How Contributions are calculated

Threshold

Provision will be sought from all residential developments. Residential proposals for 9 or fewer units will not be required to provide the full extent of open space requirements unless the site is capable of accommodating 10 residential units or forms part of a larger developable site for residential units. Residential proposals of 9 or fewer units will be expected to have regard to the need to provide private amenity space, landscaping and communal areas to enable informal play/social interaction. Developments of 10 or more will be required to provide/contribute to all forms of open space and indoor sport provision. Calculations for contributions are set out on the following page.

When Contributions will be sought

Typology					
	Bedsits	Open Market Residential Units (excluding bedsits)	Affordable Housing (excluding Bedsits)	Student accommodation and hostels	Housing for the active elderly (excluding bedsits)
Parks and gardens	✓	✓	✓	✓	✓
Amenity greenspace (AGS)	✓	✓	✓	✓	✓
Natural semi natural Open space (NSN)	✓	✓	✓	✓	✓
Outdoor sport facilities	✓	✓	✓	✓	✓
Children and Young People (Equipped Playgrounds)	X	✓	✓	X	X
Allotments	✓	✓	✓	✓	✓

Indoor sport Facilities	✓	✓	✓	✓	✓
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Key:

- ✓ Provision or contribution for net additional units provided will be sought
- X Provision or contribution will not normally be sought.

Housing for the active elderly applies to schemes providing accommodation for the elderly including sheltered housing schemes. In respect of extra care sheltered housing and nursing care accommodation which specifically caters for the less active regard will be given to ensuring appropriate on-site landscaping in order to secure a pleasant outlook and opportunities for activity (e.g. to assist with gardening, food growing etc.)

Occupancy levels

The occupancy levels detailed below will therefore be assumed for the purposes of calculating the level of open space and indoor sport contribution required for a development.

- Bedsit = 1 person per unit
- 1 bedroom dwelling = 1.5 persons per unit
- 2 bedroom dwelling = 2.5 persons per unit
- 3 bedroom dwelling = 3.5 persons per unit
- 4 bedroom dwelling+ = 4 persons per unit

If the proposal is in outline form and only the total number of units is known, the occupancy will be assumed to be 2.2 persons per unit. This is intended to provide an initial guide to the likely open space and sport requirements. This initial figure will in all circumstances be updated by a detailed calculation based on the number of bedrooms; once a reserved matters/detailed application is submitted.

Thresholds and calculation of contributions

Open Space Requirement per person:

Typology	Local quantity standard per person
Parks and gardens	9.2m ² per person (0.00092 ha)
AGS	5.82m ² per person (0.000582 ha)
NSN	28m ² per person (0.0028 ha)
Outdoor sport	4.7m ² per person (0.00047 ha)
Children and young people equipped	0.55m ² per person (0.000055 ha)
Allotments	2.3m ² per person (0.00023 ha)
Total	50.57m² per person (0.005057 ha)

Maintenance

There is no statutory duty on a local authority to provide open space (except cemeteries and 'statutory' allotments). In view of the future implications of the

current public sector austerity measures it is considered reasonable to include maintenance costs. These will address initial troubleshooting and setting up costs in amending maintenance site specifications etc. Common practice has sought to take into account the cost of maintenance over a period of at least one generation. This will be at least 10 years up to a 25 year period. For the purposes of this document 10 years has been applied.

Contributions per Person and per Dwelling:

The following table details the cost per person. The Open Space, Sport and Recreation Study calculated the cost per person for the provision of assessed future needs for indoor sport. This figure is £196 per person.

Category	Cost per Hectare (£)	Cost per person	Maintenance Per 10 years	Total cost per person
Parks and garden	374,200	£344	£100,000	£436
Amenity Green Space (AGS)	49,600	£29	£10,500	£35
Natural/ Semi Natural areas (NSN)	59,300	£166	£10,500	£195
Outdoor sport	576,200	£271	£58,000*	£298
Children and Young people Equipped space	520,800	£28.60	£52,080*	£32
Allotments	186,000	£43	-	£43
Open space Sub Total		£882		£1,039
Indoor Sport				£196
TOTAL Open Space Sport and Recreation				£1,235

* Assumed maintenance cost of 25% of cost per hectare (as applied in draft SGPBH9).

The following table details the contributions per dwelling.

Dwelling size:	Open Space Contribution	Indoor Sport Contribution	Total Contribution Per Dwelling
Studio/bedsit (1person) (note) No contribution towards children & young	£1,007	£196	£1203
1 bed unit (1.5 persons)	£1,558.50	£294	£1,852.50

2 bed unit (2.5 persons)	£2,597.50	£490	£3,087.50
3 bed unit (3.5 persons)	£3,636.50	£686	£4,322.50
4 + bed unit (4 persons)	£4,156	£784	£4,940

PLEASE NOTE: Base date April 2010 – future contributions will be adjusted to reflect changes in costs.

Link to electronic Recreation open space contributions calculator:

Education and learning including schools provision and facilities

The Council will ensure that the impact of new residential development does not create additional pressure on local schools that do not have capacity. City Plan policy CP7 Infrastructure and Developer Contributions supports contributions being sought towards education including schools. In stress areas contributions will be required where new development impacts on primary and secondary school places. Development that generates a need for primary school places will require provision that is very local to the development whereas developments that generate a need for additional secondary school places may require additional places some distance from the development owing to the location of the secondary schools in the City.

To ensure that the impact of new residential development does not create additional demands on schools that do not have the capacity, the Council will seek contributions for education provision:

- where the scale of the development will create a significant impact on existing residents attending local schools;
- or, where there is an identified shortage of school places;
- or, the development is in the vicinity of a school with temporary classrooms.

Education requirements are calculated using standard formulae, as set down by the Department for Education (DfES) in the relevant Building Bulletin. This sets out standards of provision for education facilities, including the size and number of classrooms needed to accommodate a specific number of children and the cost multiplier for building costs per pupil places in schools in the city. The need for development to provide for additional school places will be guided by adjusted pupil forecasts produced by the Council from General Practitioner registration data provided by the Health Authority.

How Contributions are calculated

The cost multipliers per dwelling used to calculate developer contributions for the expansion of existing schools are derived from the relevant, regionally adjusted DfE Basic Need cost multiplier figures of costs of provision per pupil. These figures are updated annually and are calibrated to take account of the differing costs of building across the country.

The Council has produced a pupil product ratio for different types and tenures of dwelling and this informs the number of additional pupils that residential development is likely to generate. Pupil product ratios are derived from local studies and apply to developments for both market and affordable housing and the number of school age children generated by varying sized properties. The method of calculating contributions is by multiplying the likely pupil product ratio generated by the intended development by the cost per pupil place which for the purpose of this Guidance is also shown as cost per unit.

To accurately reflect the demographic situation and projections within the City the Council's Housing Needs Survey 2005/06 is used to demonstrate that flats and apartments in the city generate up to 80% of the numbers of children as

terraced and semi-detached housing. In calculating requirements, account will be taken of this and the development mix and the size of proposed dwellings.

Thresholds & when Contributions will be sought

Potentially all residential development creates new demand for education provision and requiring contributions from all development is reasonable and based on the findings of the Housing Needs Survey 2005/06. However, the requirement for development to provide contributions to school places will only be required across specified stress areas on large developments of 10 units net gain and above and where there is insufficient school capacity to support the development.

The current situation is one of varying capacity in different locations, and in specific parts of the city, particularly the central, southern and western areas, there is no additional educational capacity and therefore these areas are highly susceptible to the future demands generated by new development.

The need for contributions towards education requirements applies to all types of residential development, excluding sheltered housing, student accommodation and studio units. For major schemes, where there is specific and identified need, a development should bear the full cost of education facilities needed to support it, including where appropriate, the acquisition and provision of a fully serviced site, the design and construction of buildings, fitting out costs and any necessary transport measures. These requirements will be sought on a case- by-case basis, guided by the relevant DfE guidelines and pupil forecasts.

In areas where predominately small developments occur, this will be the subject of further investigation into the application of a lower threshold for contributions. Contributions in the form of commuted sums, which may be pooled, will enable resources, equipment or improvement works at schools affected by any development, or groups of unrelated developments, in the given area.

Contributions will also take into account the adequacy of existing playing fields and indoor recreational space, communal space (e.g. school hall) and specialist teaching space (e.g. laboratories) and the additional pressures new development places on these. Generally, such facilities should be located with or close to other community facilities and should also be conveniently and safely accessible on foot, by public transport and bicycle and for people with disabilities, as well as by car. Additionally the council will require contributions for special needs and youth facilities, which are also clearly linked with new development.

Site Provision

Nursery Provision

The need for nursery provision will be guided by the Early Years Development and Childcare Plan. Physical requirements will be determined in consultation with nursery school providers/operators and the Children & Young Peoples

Trust. This will include the provision of land and buildings within a primary school where a new facility is justified.

Primary School Provision (Pupils aged 4-11)

A new one form entry school providing 210 places has a space requirement of 10,500m², including a minimum of 5,000m² for playing fields. A new two form entry school providing 420 places has a space requirement of 18,500m², including a minimum of 10,000m² for playing fields.

Secondary School Provision (Pupils aged 11-16)

A new six form entry school providing 900 places has a space requirement of 65,000m², including a minimum of 45,000 m² for playing fields. A new eight form entry school providing 1,200 places has a space requirement of 82,000m², including a minimum of 55,000 m² for playing fields.

Thresholds and Cost Multiplier per Pupil

This table illustrates the development thresholds at which contributions will be sought together with the pupil costs per housing unit.

[Link to electronic Education contributions calculator](#)

These figures will be applied should contributions be required

<u>Education calculation multiplier</u>	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Nursery provision	Pupil yield	Pupil yield	Pupil yield	Pupil yield
Private owned / rented	0.02	0.06	0.14	0.23
Affordable rented or shared ownership	0.03	0.15	0.27	0.28
	£	£	£	£
<u>Houses</u>	£259	£779	£1,818	£2,988
<u>Flats</u>	£207	£623	£1,455	£2,390
Primary provision	Pupil yield	Pupil yield	Pupil yield	Pupil yield
Private owned / rented	0.02	0.07	0.16	0.26
Affordable rented or shared ownership	0.05	0.22	0.40	0.41
	£	£	£	£
<u>Houses</u>	£259	£909	£2,078	£3,377
<u>Flats</u>	£207	£727	£1,662	£2,702
Secondary provision	Pupil yield	Pupil yield	Pupil yield	Pupil yield
Private owned / rented	0.02	0.06	0.15	0.24
Affordable rented or shared ownership	0.04	0.19	0.35	0.36
	£	£	£	£
<u>Houses</u>	£391	£1,174	£2,936	£4,698
<u>Flats</u>	£313	£939	£2,349	£3,758

Sixth Form provision	Pupil yield	Pupil yield	Pupil yield	Pupil yield
Private owned / rented	0	0.01	0.03	0.05
Affordable rented or shared ownership	0	0.02	0.03	0.03
	£	£	£	£
Houses	0	£212	£636	£1,061
Flats	0	£169	£509	£849

Public Realm and environmental improvements including provision of an artistic component

Contributions may be sought from major schemes towards direct on site provision by the developer as part of or in the immediate vicinity of development in accordance with adopted policy City Plan Policy CP5 Culture and Tourism supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works. Policy CP7 Infrastructure and Developer Contributions seeks development to contribute towards necessary social, environmental and physical infrastructure including artistic components secured as public art and public realm improvements; and policy CP13 Public Streets and Spaces seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

Other areas where developer contributions may be sought to mitigate site specific impacts of development in accordance with adopted policy:

- Sustainable Development initiatives including carbon reduction, energy efficiency and air quality management measures
- Utilities infrastructure, including water provision, wastewater treatment and drainage
- Flood-risk prevention measures
- Community rooms/facilities – including new/replacement
- Tourism, culture and heritage
- Reducing crime, including community safety measures
- Health and well –being (health facilities)
- Historic buildings, including design and conservation

