

Developer Contributions SPD: Schedule of Modifications

The following table identifies all of the modifications made to the draft SPD as published for public consultation.

Reference	Section /Paragraph number	Modification (deleted text has strike through ; <u>new text is underlined</u>)
1	Front cover	<u>New front cover added</u>
2	Title	High Peak Draft Developer Contributions Supplementary Planning Document (SPD)
3	Footer	<u>June 2023</u> Draft – January 2023
4	2.7	High Peak Borough Council adopted their Local Plan in April 2016, setting out the spatial strategy, development requirements, site allocations and development management policies for the period 2011 to 2031. The previous Planning Obligations Supplementary Planning Document (SPD) was adopted in December 2005 and precedes the current Local Plan, therefore this SPD (once adopted) provides an update to take account of changes within the legislative and policy framework. <u>The SPD will be reviewed when the 2016 Local Plan is superseded by a new Local Plan.</u>
5	3.5	Once a planning application has been submitted, the Council will liaise with the County Council (for major developments of 10 or more dwellings) and other relevant stakeholders, and discuss with the applicant specific obligations to be sought as Section 106 agreements.
6	3.8	If contributions have not been paid within the agreed time period, then late payment interest will be charged at rate of 3% above the Bank of England standard base rate. <u>Once paid contributions must be spent within agreed timescales, and if not, details regarding repayment will be set out in the S106 agreement.</u>
7	3.9	All financial contributions contained in a S106 will be index linked from the date of the Planning Applications Committee to the trigger date when the contribution payment is due in order to ensure that the real value of developer contributions is maintained up to the date of payment. The indexation provisions will be detailed within the legal agreement. The preferred index that will be used is the latest Construction Materials Price Index (CMP Index), which is published by the <u>Department for Business and Trade</u> of Business Innovation and Skills (BIS)
8	3.12	<ul style="list-style-type: none"> • Critical on and off-site infrastructure needed to achieve the development of the site (e.g. highways, open space, sewer/drainage, nutrient mitigation). • On-site affordable housing. • Contributions for education provision. • Biodiversity⁽⁷⁾ and other green infrastructure, playing pitches /leisure facilities, sustainable transport provision directly serving the site. • Off-site affordable housing.

		<ul style="list-style-type: none"> Other infrastructure not specifically required by the Local Plan but reasonably requested by an infrastructure provider / consultee <u>such as mitigation of a heritage asset.</u>
9	4.3	<p>The Council's overall approach to affordable housing is set out in Policy H4 of the Local Plan and supporting text. This policy states that residential developments of 25 dwellings or more should provide 30% affordable housing and that sites of 5-24 dwellings (0.16 hectares or more) should provide 20% affordable housing. Since the Local Plan was adopted the NPPF update in 2018 stated that affordable housing should not be sought for residential developments that are not major developments⁽⁹⁾ (other than designated rural areas). In light of the ministerial statement, High Peak's requirement for affordable housing is therefore applicable to sites of 10 or more dwellings, with 20% provision expected on proposed sites of 10-24 homes. Where affordable housing proposed is below the requirement, applicants will need to provide robust evidence by way of a financial appraisal as justification. Affordable housing should be provided on site, unless in exceptional circumstances when off-site of commuted sums may be considered towards affordable housing on alternative suitable sites. <u>If a proposed scheme is considered to fall within Use Class C2 (residential institutions) there will not be a requirement for affordable housing.</u></p>
10	<u>New paragraph after 4.5</u>	<p><u>Government guidance allows local authorities to set local eligibility criteria to enable First Homes to work effectively in the area, although these only apply for a maximum of three months of marketing. To align with our existing approach to affordable housing, we will therefore require purchasers (at least one person within the household) of First Homes to have a local connection to the Borough (including priority for defined key workers*) in line with the following criteria:</u></p> <ul style="list-style-type: none"> - <u>Being a current resident of the Borough;</u> - <u>Permanently employed within the Borough; or</u> - <u>Needing to move to take up employment within the Borough.</u> <p><u>*as defined by ONS</u></p>
11	4.6	<p>Percentages will be rounded to the nearest whole unit. <u>If the affordable housing contribution is not a whole number; up to 0.49 will be rounded down, whilst 0.5 and above will be rounded up to the nearest whole number</u> with the table below providing a guide to the affordable housing requirements for sites of different sizes.</p>
12	4.8	<p>On this basis, commuted sums will normally be calculated at a <u>minimum</u> rate of 50%–60% OMV for affordable rent and 30% for shared ownership, which relates to a notional affordable unit in order to reflect the 'developer subsidy' element of affordable housing provision.</p>
13	4.12	<p>To support the use of brownfield land, the NPPF makes provision for vacant buildings being reused or redeveloped to reduce affordable housing contributions by a proportionate amount. Vacant Building Credit (VBC) is designed to encourage this type of development for a qualifying building or land to be brought back into use. PPG provides further guidance, stating that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be</p>

		offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. <u>A vacant building is considered to be a building that has not been in continuous use for any 6 month period during the last 3 years. This means the whole building must have been vacant, not just a single planning unit or part of the building. The building must be vacant at the time the application is validated for the VBC to be applied.</u>																													
14	4.14	Satisfactory evidence should be provided to demonstrate that the site meets the definition of ‘previously developed land’ in the NPPF. VBC will only apply when in the Council’s opinion the building has <u>not</u> been abandoned, the assessment for which will take into consideration the following factors:.....																													
15	4.13	Affordable housing contributions will be sought for any additional increase in floorspace, which will be calculated in the same way as any other development. ‘A ‘credit’ should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation (PPG). <u>A worked example is provided in Appendix 1.</u>																													
16	Table 2	<table border="1"> <thead> <tr> <th>Nature of open space</th> <th>Provision required in hectares per 1,000 population</th> <th>Standard per new dwelling m²</th> <th>Cost per m² *</th> <th>Contribution per dwelling</th> </tr> </thead> <tbody> <tr> <td>Amenity Greenspace</td> <td>0.6</td> <td>13.8</td> <td colspan="2">To be provided on site by the developer.</td> </tr> <tr> <td rowspan="2">Equipped children’s play</td> <td rowspan="2">0.13</td> <td rowspan="2">3</td> <td colspan="2">a) To be provided on site by the developer <u>or</u></td> </tr> <tr> <td>b) £83.10</td> <td>Off-site contribution £249.30</td> </tr> <tr> <td rowspan="2">Allotments</td> <td rowspan="2">0.24</td> <td rowspan="2">5.5</td> <td colspan="2">a) To be provided on site by the developer <u>or</u></td> </tr> <tr> <td>b) £16.60</td> <td>Off-site contribution £91.30</td> </tr> <tr> <td>Parks and Gardens</td> <td>1.15</td> <td>26.4</td> <td>£23.50</td> <td>£620.40</td> </tr> </tbody> </table> <p><u>*costs are dated January 2023 and are subject to indexation.</u></p>	Nature of open space	Provision required in hectares per 1,000 population	Standard per new dwelling m ²	Cost per m ² *	Contribution per dwelling	Amenity Greenspace	0.6	13.8	To be provided on site by the developer.		Equipped children’s play	0.13	3	a) To be provided on site by the developer <u>or</u>		b) £83.10	Off-site contribution £249.30	Allotments	0.24	5.5	a) To be provided on site by the developer <u>or</u>		b) £16.60	Off-site contribution £91.30	Parks and Gardens	1.15	26.4	£23.50	£620.40
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17	4.24	The Playing Pitch Strategy Assessment and Action Plan (2018) provides a strategic framework which ensures that the provision																													

		of outdoor sports facilities meet the local needs of existing and future residents within High Peak. The strategy produced in accordance with PPG, provides robust and objective justification for future needs throughout the Borough. It identifies likely demand for pitch sports generated from housing growth in the Local Plan, which is set out in the table below. <u>The Council is due to review the 2018 Playing Pitch Strategy to ensure that demand and requirements for provision continues to be up to date.</u>
18	4.28	Greenways, woodlands and wildlife sites can provide informal opportunities for play, sport and recreation and in some instances these sites may be better placed to facilitate those wider experiences than traditional play areas, parks and gardens. Green infrastructure networks have a key role to play in providing opportunities for outdoor recreation and social interaction, improving accessibility for walking, cycling and horse riding. <u>The greenways and canal network are is an important recreational facilities that support healthier and more active lifestyles.</u> Increased use and footfall generated by residential development near <u>greenways and waterways</u> can often lead to increased liabilities for the <u>County Council and the Canal and Rivers Trust respectively.</u> It is important to be able to secure developer contributions to help maintain <u>greenways and the canal infrastructure</u> when it is impacted by development, to enhance quality and ease of access.
19	4.31The requirements of Environment Act will be implemented as mandatory in winter 2023; however, the Council will work with developers to proactively encourage that appropriate contributions are sought for BNG in advance of the 2023 date and in accordance with Policy EQ5. Discussions will be informed by the Council's own emerging Biodiversity Strategy as well as the Local Nature Recovery Strategy for Derbyshire. <u>The Green Infrastructure Framework launched in February 2023 by Natural England includes a set of principles and standards, design guidance and a mapping tool which will help identify priorities for GI enhancement and creation, and to address inequalities in access to green space.</u> https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx
20	4.42	The Council works closely with key stakeholders in the health and wellbeing sector, including NHS, ICS, Public Health and High Peak Place Alliance, to ensure a coordinated approach for effective collection of developer contributions. The ICS will be consulted on all major planning applications that are submitted to the Council. Generally, the ICS will ask that financial developer contributions are made from schemes of 50 dwellings or more towards improving healthcare <u>where it can be demonstrated that these would meet the CIL Regulations.</u>
21	4.45Contributions towards employment, skills and training may be secured through S106 from residential or non-residential development that will create more than 20 temporary or permanent jobs (<u>total number of jobs</u>). The Council will work collaboratively with applicants and stakeholders to ensure that the aims of the charter are achieved and relevant initiatives are provided for proposals.
22	4.47This mechanism can also allow the Highway Authority to seek contributions towards Travel Planning, Public Transport services <u>including bus stops, real time information and bus services</u> , sustainable travel and pedestrian and cycle infrastructure, provided that the NPPF planning tests are met. Active and sustainable travel have also been considered under the Climate

		Change section.						
22	4.48Increased use of cycleways by developments that directly link to existing cycle infrastructure place additional management and operational obligations on the managing authority. Where a development directly links to an existing KCN and LCN route it is proposed that a proportionate requirement for maintenance <u>of the existing asset may be sought to account for the additional usage arising as a result of a development is noted.</u>						
23	<u>new paragraph after 4.48</u>	<u>Transport Assessments (TAs) should consider the potential for Increased footfall at railway stations as a result of proposals for residential or commercial development. Where proposals are likely to increase footfall and the need for car parking, developer contributions should be sought, provided the NPPF planning tests are met. Contributions may also be sought where proposals impact on level crossings to mitigate the impacts of those developments.</u>						
24	4.59	Related to the above measures to improve air quality and in order to promote more sustainable transport modes, developments that generate significant demand for travel should provide features such as walking/cycle path linkages or improved access to public transport. <u>All new developments should include appropriate cycle storage to facilitate and encourage this mode of travel. All new dwellings should be provided with secure and accessible storage, and new commercial development should be provided with storage for staff and visitors, in line with LTN 1/20 Cycle Infrastructure Design. https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120</u>						
25	4.75	In accordance with Policy EQ7, the Council will protect and enhance the built and historic environment. Where appropriate, contributions towards the conservation, restoration and enhancement of the historic environment and archaeological sites and monuments will be sought where an impact affecting a heritage asset, including its setting, is directly linked as a consequence of a development site and requires mitigation. <u>There may be further opportunities to benefit the historic environment through works to public realm improvements, town centre improvements, green infrastructure and open spaces.</u>						
26	<u>Appendix 1</u>	<u>Example of vacant building credit calculation</u> <table border="1" data-bbox="510 1102 1711 1391"> <tr> <td><u>Proposal</u></td> <td colspan="2"><u>Housing development of 50 dwellings</u> <u>Affordable Housing requirement 30%</u> <u>The Proposed Gross Internal Floor Area (GIA): 5,000sqm</u> <u>The existing Gross Internal Floor Area (GIFA): 1,000sqm</u></td> </tr> <tr> <td><u>Step 1</u></td> <td><u>Calculate the affordable housing contribution based on the total number of eligible dwellings and the affordable housing percentage (30%)</u></td> <td><u>Affordable housing contribution 50 units x 30% = 15 units</u></td> </tr> </table>	<u>Proposal</u>	<u>Housing development of 50 dwellings</u> <u>Affordable Housing requirement 30%</u> <u>The Proposed Gross Internal Floor Area (GIA): 5,000sqm</u> <u>The existing Gross Internal Floor Area (GIFA): 1,000sqm</u>		<u>Step 1</u>	<u>Calculate the affordable housing contribution based on the total number of eligible dwellings and the affordable housing percentage (30%)</u>	<u>Affordable housing contribution 50 units x 30% = 15 units</u>
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			<u>required by the council's planning policy</u>		
		<u>Step 2</u>	<u>Calculate the amount of existing floorspace, if any, as a proportion of the floorspace provided by the development: E/P x 100 (where E = existing floorspace and P = proposed floorspace)</u>	<u>1,000 sqm / 5,000 sqm x 100 = 20%</u>	
		<u>Step 3</u>	<u>Calculate the amount of AH credit: Step 1 AH units x Step 2 percentage</u>	<u>15 units x 20% = 3 units</u>	
		<u>Step 4</u>	<u>Deduct the AH credit from the policy compliant affordable housing contribution, Step 1 AH number – Step 3 AH credit</u>	<u>15 units – 3 units = 12 units (12 affordable dwellings to be delivered on-site)</u>	