

THE PROVISION OF SERVICE
INFRASTRUCTURE
RELATED TO NEW DEVELOPMENT IN
WEST SUSSEX – PART 1

Supplementary Planning Guidance adopted by
West Sussex County Council at the meeting
of the Strategic Planning Committee
on 17 March 1999 and recommended
for adoption to the seven
West Sussex District Councils

July 1999



John Kilford
County Planning Officer

THE PROVISION OF SERVICE INFRASTRUCTURE RELATED TO NEW DEVELOPMENT IN WEST SUSSEX - PART 1

JULY 1999

This Supplementary Planning Guidance document was adopted by West Sussex County Council at the meeting of the Strategic Planning Committee on 17 March 1999, following consultations with the District Councils, Government Departments, The Environment Agency, the building industry and other interested groups and individuals.

The guidance was prepared by a Working Group of County and District Council Planning Officers to encompass all relevant services.

It is important to note that this document is the first in a series of three sources of information together forming a comprehensive approach to meeting service infrastructure needs generated by new development.

The comprehensive approach will comprise:

- Part 1** The overall approach (this document) which in addition to being adopted by West Sussex County Council, is recommended to the seven District Councils for adoption and implementation throughout West Sussex.
- Part 2** The local implementation principles for service provision assessment in each district. This will be seven separate documents prepared and adopted individually by each of the District and Borough Councils in respect of all relevant infrastructure.
- Background Information** This will show areas where existing services have little or no spare capacity and where contributions from developers might be necessary to service additional development. This information will be held by the District and Borough Councils, updated as and when necessary, and available for inspection.

This approach permits local variations to be accommodated in the way service needs are assessed within a common overall strategy.

West Sussex County Council will continue to provide separate guidance for the detailed provision of County Council service infrastructure until the relevant Part 2 document has been prepared and adopted as supplementary planning guidance by the District Councils.

Additional copies of this document may be obtained from the County Planning Department, tel 01243 777610 or by writing to the County Planning Officer, County Hall, Tower Street, Chichester, West Sussex PO19 1RL.

JOHN KILFORD
County Planning Officer



CONTENTS

	Page
<u>SECTION 1 : SUMMARY</u>	1
<u>SECTION 2 : THE PROVISION OF INFRASTRUCTURE TO SERVE NEW DEVELOPMENT</u> 3	
Introduction.....	3
Context.....	3
Service Providers.....	4
Planning Policy.....	4
Funding Infrastructure.....	5
Planning Conditions and Planning Obligations.....	5
Implementation.....	7
Public Access to Information.....	9
<u>SECTION 3 : SERVICES FOR WHICH INFRASTRUCTURE CONTRIBUTIONS MAY BE SOUGHT</u>	11
General.....	11
County Council Services	11
Education.....	11
Highways and Transport.....	12
Libraries.....	12
Fire and Rescue.....	13
Social Care.....	13
Civic Amenity Sites.....	14
District Council Services	14
Affordable/Social Housing.....	14
Community Buildings/Facilities.....	15
Leisure Facilities.....	15
Public Open Space.....	15
Refuse and Recycling Collection Points and Local Recycling Facilities.....	16
Measures to Safeguard the Environment.....	16
Other Services	17
Environment Agency.....	17
West Sussex Health Authority.....	17
Utility Companies.....	18
<u>SECTION 4 : FIRST CONTACT POINTS</u>	19
<u>APPENDIX 1 : THE STATUS OF THIS PART 1 DOCUMENT AS SUPPLEMENTARY PLANNING GUIDANCE</u>	22
<u>APPENDIX 2 : DEFINITIONS</u>	25
<u>APPENDIX 3 : STRUCTURE PLAN INFRASTRUCTURE POLICIES</u>	26
<u>APPENDIX 4 : DISTRICT COUNCIL BOUNDARIES</u>	27

SECTION 1 : SUMMARY

- 1.1 The provision of the necessary infrastructure to serve new development is an essential objective of the development process and is reflected in the Structure Plan and Local Plan policies in West Sussex. It is now generally recognised in government advice, and confirmed in High Court judgements, that, where the existing infrastructure is inadequate to meet the needs of new development, the costs of providing new or improved infrastructure directly related to those needs is a development cost and should be met by the landowner or developer.
- 1.2 This Part 1 Supplementary Planning Guidance document has been adopted by the County Planning Authority with the recommendation that it should also be adopted by the seven District and Borough Planning Authorities (referred to as District Councils) in order to set out clearly how the infrastructure requirements arising from new development in whatever land use form it takes, will be assessed and sought when local plans are prepared or planning applications submitted.
- 1.3 The process is complex and may vary from one district area to another. Therefore, it is considered that the overall guidance should be presented in two parts. This first part covers the whole county and comprises the overall approach to be followed by the West Sussex Local Planning Authorities. It deals with all matters that can be implemented in a common way and includes a summary of the range of service infrastructure that should be taken into account when assessing the requirements for infrastructure and/or contributions.
- 1.4 The second part of the overall guidance will be provided in the form of separate Part 2 documents, which are being prepared individually by each of the District Councils with a view to their being adopted as Supplementary Planning Guidance. Those documents will contain more specific details of the individual service requirements and the way in which they will be calculated. The County Council's service requirements will be uniform across the county, but District Councils will have differing approaches to the way they intend to provide their own services, such as social housing and open space. Similarly, other service requirements including those of parish councils may vary within each district.
- 1.5 Details of service provision, and particularly areas where current infrastructure has little or no spare capacity, are supplied regularly to District Councils by the relevant service providers so that assessments of service needs can be made promptly when planning proposals are submitted. These background details are held by the District Councils.
- 1.6 It is recognised that landowners and developers need to know about infrastructure requirements at an early stage in the development process. The optimum way in which this can be achieved is through the allocation of land for a particular use in a local plan. This is increasingly being achieved and the process will improve further as local plans are reviewed. However,

local plans have a relatively long life span and service needs cannot always be specified accurately in advance. Therefore, there will always be a need for clarification prior to the development being considered as a planning application. Similarly, many developments come forward on sites not identified in a local plan. Where development is otherwise acceptable, the service infrastructure needs will have to be assessed. The approach set out in this Supplementary Planning Guidance and the detailed background information on service provision held by District Councils should provide the necessary guidance that landowners and developers seek.

- 1.7 The whole approach is intended to be fair, reasonable and transparent and in accordance with the guidance given in Department of the Environment, Transport and the Regions Circular 1/97 "Planning Obligations". It will complement and supplement the planning policies contained in the Development Plan - the adopted Structure and Local Plans.
- 1.8 In accordance with advice issued by the Department of the Environment, Transport and the Regions in "Planning Policy Guidance Note 12 : Development Plans and Regional Planning Guidance" (PPG 12) and "Revision of Planning Policy Guidance Note 12 - Development Plans - Public Consultation Draft", this Part 1 Supplementary Planning Guidance document is consistent with national planning guidance and is clearly cross-referenced to the relevant Structure Plan policy. It was prepared in consultation with a wide range of interested parties. When planning applications are determined it will be a material consideration carrying full weight. The status of this Part 1 document and the weight to be accorded to it is set out in Appendix 1.

SECTION 2 : THE PROVISION OF INFRASTRUCTURE TO SERVE NEW DEVELOPMENT

2.1.0 Introduction

2.1.1 For many years local planning authorities have been able to secure infrastructure to serve new development through planning conditions and agreements with landowners and developers. The Planning and Compensation Act 1991 introduced the planning obligation, the powers for which are widely drawn and the procedures clearly set out. The 1991 Act also enables landowners and developers to offer planning obligations in the form of unilateral undertakings.

2.1.2 This document explains the West Sussex Planning Authorities' overall policy approach regarding the provision of infrastructure required for services to meet the needs generated by new developments.

2.1.3 It should be read in conjunction with the West Sussex Structure Plan 1993 (the Structure Plan), the approved but unadopted West Sussex Structure Plan 1998 (the Structure Plan Review), relevant local plans, the Department of the Environment, Transport and the Regions Circular "Planning Obligations" (Circular 1/97) and investment programmes published by the County Council, District Councils and other service providers.

2.1.4 In this document, reference is made to District Councils, Parish Councils, sustainable development, new development and infrastructure. These are defined for the purpose of this document in Appendix 2.

2.2.0 Context

2.2.1 The Structure Plan comprises the strategic planning policies approved by the Secretary of State for the Environment for the period to 2006. The policies set out in the Structure Plan Review update and take forward these policies to 2011. These strategic policies are important material considerations to be taken into account when making planning decisions. Together, the Structure Plan and the Structure Plan Review constitute the framework within which local plans are prepared and the control of development is exercised by the District Councils.

2.2.2 An important function of the Development Plan - the adopted Structure Plan and Local Plan - is to ensure that the needs arising from the implementation and use of new developments correlate with infrastructure capabilities, and the plan review process keeps this up to date. Most planning applications (all except those for minerals and waste and the County Council's own development) are determined by the District Councils. Therefore, they are largely responsible for putting policy into practice; in effect, in this respect, ensuring that necessary infrastructure is available to service new developments or is assured to be in place at the appropriate time.

2.2.3 Circular 1/97, published in January 1997, sets out and reaffirms the Secretary of State's policy on the proper use of agreements for the provision of

infrastructure. General indications are given as to what might be considered to be reasonable and a number of detailed matters not included in the earlier Circular 16/91 are clarified.

2.3.0 **Service Providers**

2.3.1 The County Council is the service provider for highways, the fire service, schools, youth services, libraries, social services, waste disposal and has responsibilities for public transport. District Councils are primarily responsible for the promotion of other forms of infrastructure including social housing, community buildings such as village halls and public open space and leisure. Parish Councils also have responsibilities. In some cases, third party organisations provide services in parallel with local authority services, such as church schools and housing association dwellings. Other important services include those provided by the Environment Agency, West Sussex Health Authority and the utility companies.

2.4.0 **Planning Policy**

2.4.1 It is in the public interest that planning policies should operate to bring forward sustainable development providing homes, investment and jobs in ways which add to rather than detract from the overall quality of the environment. To that end, when land is allocated in local plans for new development the consequential infrastructure requirements will also be assessed and identified.

2.4.2 The requirement to provide infrastructure necessary to fulfil the needs of new development is found in General policy G4 of the 1993 Structure Plan and policy G6 of the approved but unadopted 1998 Structure Plan. These two policies are set out in Appendix 3.

2.4.3 Where infrastructure investment is likely to be needed in relation to particular new development areas, District Councils try to identify such needs by allocation or appropriate policies in their local plans.

2.4.4 Given that local plans are drawn up for periods of ten years or more (although they are expected to be reviewed at intervals not longer than five years), some development proposals will come forward after any relevant policies are adopted. Therefore, while local plan policies will indicate in the fullest terms possible what infrastructure might be required at the time of preparation of the plan, detailed assessments based on up-to-date information will still be necessary as and when specific development proposals are brought forward.

2.4.5 As part of the local plan preparation process, the County Council and other service providers will work with the District Councils to identify infrastructure requirements likely to arise from proposed new developments to be identified in local plans.

2.4.6 Even if the local plan does not identify the need for infrastructure provision (and it must be remembered that many developments occur on sites not allocated in local plans) the requirement to meet the needs for related

infrastructure may still arise and contributions may be sought. Such needs would be confirmed at the time by the various service providers.

2.5.0 **Funding Infrastructure**

2.5.1 Infrastructure investments required to serve new developments must be considered separately from the costs of repairing and improving infrastructure to modern day standards. In general terms, existing infrastructure is maintained and enhanced to serve the existing population by the relevant undertakers. However, landowners and developers are expected to bear the costs of providing infrastructure needed specifically for new development. They are not expected to meet the costs of remedying existing deficiencies.

2.5.2 The statutory planning system regulates new development and the supply of land for new development. Therefore, property values can increase, sometimes by a substantial amount, when land is allocated for development in the local plan or when planning permission is granted for development.

2.5.3 Where property values are so increased, landowners /developers should take into account the cost of the provision of necessary infrastructure as one of the costs of carrying out the development.

2.5.4 Necessary and related investment in infrastructure is an essential ingredient in the new development process. It should not be regarded as an element to be included only where the property price paid or agreed by the developer permits. It follows that the earliest possible identification, costing and timetabling of the infrastructure investments needed for new development will enable landowners and developers to negotiate appropriate terms for transfer of the relevant landed interests.

2.6.0 **Planning Conditions and Planning Obligations**

2.6.1 New development does not always create the need for significant investments in infrastructure. Where needs do arise, the necessary infrastructure can often be secured on site by means of planning conditions. Other new development creates the need for infrastructure which cannot be secured in this way.

2.6.2 Landowners and developers in this latter situation may agree to provide the required infrastructure or to make fair and proportionate contributions towards the costs which will be incurred by the infrastructure providers. In this way, the provision of new or additional infrastructure which is necessary to serve new development can be secured so that planning permission may be granted for new development proposals which, in other respects, accord with the Development Plan.

2.6.3 The need to secure the provision of service infrastructure will usually mean that planning permissions are granted subject to conditions. Such conditions commonly require that the necessary infrastructure will be provided on the development site or on other land which is controlled by the landowner or developer. Where infrastructure is needed on land which is not held by the

landowner or developer, it may be possible for planning permission to be granted subject to conditions that development should not commence or be occupied until the required infrastructure is in place. There has to be a reasonable prospect of the condition being satisfied for it to be imposed by the District Council.

2.6.4 It is not always possible to secure necessary infrastructure through planning conditions. In such cases, the District Council may be able to grant planning permission for the proposed development provided that an appropriate planning obligation is first entered into.

2.6.5 A **planning obligation** is a legally binding obligation documented in the form of a deed pursuant to Section 106 of the Town and Country Planning Act 1990. Most are drafted so that they come into effect when the particular planning permission is granted but provide that the obligation to comply with the covenants will not arise unless and until the permission is implemented by the commencement of development on site. After implementation, the planning obligation is enforceable by the Local Planning Authorities. It is also registered as a Local Land Charge.

2.6.6 Each agreement is tailor-made to ensure the particular infrastructure needs generated by the new development will be satisfied. To that end, a planning obligation may set restrictions and impose requirements (which will, where possible, be timetabled relative to the development itself), in a range of matters such as land uses, infrastructure to be provided by the developer and payments to be made by the developer for infrastructure to be provided by the Local Planning Authority or by other service providers.

2.6.7 Circular 1/97 affirms that where appropriate "It is reasonable to expect developers and local planning authorities to try to resolve any planning objections to a development proposal by agreement". However, there may remain planning concerns which cannot be overcome by conditioning the planning permission and which the parties are unable to resolve by agreement. In such circumstances, it is possible for the owner of the relevant interest in the land to provide or offer a suitable planning obligation in the form of a **unilateral undertaking**. Such an undertaking must be considered when the application is determined either by the District Council or by the Secretary of State for the Environment, Transport and the Regions on appeal.

2.6.8 As well as describing the proper use of planning obligations, Circular 1/97 gives some examples of their positive role in planning and states that:

"In general, it will be reasonable to seek, or take account of, a planning obligation if what is sought or offered:

- i) **is needed from a practical point of view to enable the development to go ahead and, in the case of a financial payment, will meet or contribute towards the cost of providing such necessary facilities in the near future (planning obligations may be drafted so that they include a covenant by the local planning authority to the effect that a sum or sums paid by the**

developer to the authority for the purpose of meeting or contributing towards the costs of providing such facilities shall be repaid to the developer on or by a specified date if they have not been used for that purpose); or,

ii) is necessary from a planning point of view and is so directly related to the proposed development and to the use of land after its completion that the development ought not to be permitted without it."

2.6.9 If a proposed planning obligation or unilateral undertaking is generally in accordance with the above criteria, Circular 1/97 provides it will also have to satisfy the tests of "**whether the extent of what is sought or offered is fairly and reasonably related in scale and kind to the proposed development, as well as being reasonable in all other respects.**" Thus, developers may expect to pay for or contribute towards the cost of infrastructure which would not have been necessary but for their development and that payments will be in proportion to the benefits which their proposed development will derive from the facility to be provided.

2.6.10 Developers will not be required to bear the costs of remedying existing infrastructure deficiencies, but they may agree terms which enable an infrastructure provider to bring forward in time a project which was previously programmed to go ahead at some later date and without which the development would be unacceptable.

2.7.0 **Implementation**

2.7.1 The responsible Planning Authority, usually the District Council, will confirm the infrastructure requirements relating to individual proposals for new developments based on detailed consultations with the various public and private undertakers.

2.7.2 The service provider, liaising through the relevant District Council, will help landowners and developers by providing reasoned justifications for its infrastructure requirements within agreed timescales. Landowners and developers may wish to provide reports from independent specialists to assist the service provider. A brief may be issued to consultants and the terms in which they report must be such that the provider may reasonably act in reliance upon the requirements, specifications, costs and other advice reported. The service provider would normally be willing to comment and advise on the brief in such cases. This will apply particularly with highway considerations.

2.7.3 It is not considered to be appropriate to set an overall threshold below which infrastructure contributions will not be sought. Various services will need to be provided to support relatively minor developments. For example, an adequate highway arrangement must be provided for all new developments and adequate fire service standards must be achieved. However, it may be appropriate for small housing developments not to contribute towards schools in urban areas or where the proposed housing is unlikely to result in an

increase in the child population. The service requirements of the various providers included in Part 2 of this guidance will provide further information on thresholds to be applied.

- 2.7.4 It must also be recognised that it may not always be possible for all service inadequacies to be addressed if a development is to be brought forward. Planning Authorities will normally expect service infrastructure to be provided in full but landowners and developers may, in special circumstances, be able to demonstrate a case to the satisfaction of the Planning Authority for more limited contributions to be made if the development of a particular site would otherwise be frustrated. This could apply particularly to previously used sites where there would be environmental benefits in achieving a suitable development but where development costs could be significantly higher than would normally be expected. Cases made out for limited contributions will be considered individually by the relevant District Council in consultation with the service providers.
- 2.7.5 Where a development is to be undertaken by a local planning authority itself or by a statutory undertaker or where a development is to be undertaken by others on land to be disposed of by these bodies, the principles set out in this document apply in the same way. There will be no difference in provision when compared with private developments and relevant service improvements should be met in compliance with the policy guidance.
- 2.7.6 Service needs are often calculated on the basis of the population increase that the development would generate. This applies with all housing developments. Each housing development, however, will need to be considered individually in respect of the service needs it is likely to affect. A sheltered housing development could not be expected to contribute towards school places for example. As a general guide, however, a population model should relate to the average household size characteristics of similar nearby housing and the range is likely to be between 2.2 and 2.8 persons per household. More details on how this should be assessed for school children are available in the relevant Part 2 document.
- 2.7.7 Social housing is often sought as part of housing development proposals. Such housing can have an impact on the provision of local services. Where necessary infrastructure is inadequate contributions will normally be required in respect of the social housing as well as the market housing. The essential consideration is the catchment area of the particular service. Many people who occupy social housing move to it from a local area. If the move does not generate an increase in population in the relevant service catchment area then a contribution from the social housing element of the proposal will not be sought. However, if the service catchment area is a different one, such as for a local primary school or open space, a contribution will be sought.
- 2.7.8 Where the infrastructure needs for a proposed new development cannot be assured through planning conditions, they will be the subject of a planning obligation and the service provider will normally be a party to the deed.

- 2.7.9 Planning obligations will usually be drawn up by the solicitor for the Planning Authority. More complex agreements take longer to negotiate and to draft into a finally agreed deed.
- 2.7.10 The developer will normally be expected to reimburse legal and administrative costs reasonably and necessarily incurred by the Local Authorities in preparing a planning obligation.
- 2.7.11 The timing of the payment of financial contributions agreed as a planning obligation will be separately negotiated as part of drawing up the legal agreement. Normally, they would be paid on commencement of the development but may, where reasonable, be payable by installments related to defined stages in the development process. Therefore, the amounts of financial contributions will be linked to specified indices or, where appropriate, to other published information.
- 2.7.12 All payments and property received by service providers pursuant to planning obligations will be dedicated to the purpose for which they are intended as specified in the agreement. Payments received for specific infrastructure provisions will be separately identifiable within the service provider accounts. The payment and any net interest accruing, less the reasonable costs of the service provider, will be reimbursed if for any reason the specific element of the obligation is not achieved.
- 2.7.13 If landowners or developers challenge the legitimacy of or justification for a requirement for a planning obligation relating to the provision of specific service infrastructure, the provider, where it is not the Planning Authority, will be expected to support fully the relevant Planning Authority in defending the principle and the justification if necessary at any hearing or inquiry.

2.8.0 **Public Access to Information**

- 2.8.1 In relation to proposals for new development and where it is reasonable to do so, service providers will assist landowners and developers and other interested parties by providing information regarding their requirements for infrastructure.
- 2.8.2 The process of negotiating a planning obligation is often regarded by developers as commercially sensitive until finalised. However, wherever practicable, heads of terms for planning obligations relating to the provision of infrastructure should be provisionally agreed or recommended to the Planning Authority before the relevant planning application is considered by the appropriate determining committee. This will enable the Planning Authority to list the proposed planning obligations for infrastructure investments and any associated correspondence as background papers to its committee reports. Furthermore, when those obligations are duly made, reports including at least a précis of their principal terms may be made to the appropriate committees of the relevant Local Planning Authorities. Where a planning permission is granted with an associated planning obligation, the public has a right to see the content of that planning obligation.

2.8.3 These measures will help to ensure that there is public confidence in the operation of the development control system in the public interest.

SECTION 3 : SERVICES FOR WHICH INFRASTRUCTURE CONTRIBUTIONS MAY BE SOUGHT

3.1 General

- 3.1.1 This section is intended to provide a guide to the type of services where the local authorities might seek developer contributions either in the form of appropriate planning conditions or through planning obligations.
- 3.1.2 Details of the specific methods of assessment of the service needs are included in the Part 2 documents published by the District Councils. In addition, service providers will prepare specific service statements for the Local Plan areas highlighting zones where their existing infrastructure is operating to capacity and where developer contributions would be expected in principle. The cost of service provision will also be set out in an appropriate form.
- 3.1.3 The services of the various providers explained below cannot be regarded as totally comprehensive. Individual needs may arise which have not been foreseen but which are otherwise deemed to be necessary and reasonable by the Planning Authority.

COUNTY COUNCIL SERVICES

3.2.0 Education

- 3.2.1 As the Education Authority, the County Council provides school and youth education services within the county. The revenue costs of these services are accepted, but where new housing development would give rise to an increase in the population above the available capacity of infrastructure provided to meet long term needs in the relevant catchment area then a contribution towards the costs of providing the necessary additional buildings will be sought.
- 3.2.2 The contributions will apply to all age groups within the services applied locally by the Education Authority from 4 to 18 years where no existing accommodation is available. It can therefore relate to primary and secondary schools in whatever pattern exists in the area and also to youth facilities.
- 3.2.3 There may be occasions when existing school sites cannot accommodate more buildings or other facilities, such as a youth centre, required to cater for the child population that a new housing development would generate. In such cases, it will be necessary, particularly in larger housing developments, to seek sites as well as financial contributions towards their development. Normally, however, this will not apply and the contributions towards buildings will be assessed on the likely child product of the housing development. For schools, the relevant building costs multiplier per pupil place, published by the Department for Education and Employment will be applied. For youth facilities, the estimated costs of providing the necessary accommodation will be applied.

3.3.0 **Highways and Transport**

3.3.1 As Highway Authority, the County Council has responsibilities for maintenance and safety of public highways and for public transport. However, in relation to new development, all the infrastructure and other appropriate measures needed to facilitate the additional movements of people and goods in ways which are safe, sustainable and otherwise satisfactory will be sought from the developer.

3.3.2 For non-residential and mixed development, the internal infrastructure needs will be assessed individually based on the functional requirements of the proposed development, the relevant standards adopted by the County Council and any other material considerations. For residential development and for purely residential parts of mixed developments, the internal infrastructures will normally be required to be in accordance with the local design guide published by the County Council.

3.3.3 The County Council will always consider the extent to which the existing off-site infrastructure is able to accommodate the extra movements likely to arise in consequence of new developments. Where the capacity of the existing network is unable to accommodate additional traffic or where additional traffic would prejudice safety, new development will have to provide or fund the necessary new or improved off-site infrastructures.

3.3.4 Provision for modes of travel which are more sustainable than the car, such as walking, cycling and public transport, is important in relation to all development. Therefore, developers will be required to provide or contribute towards the costs of infrastructure and other measures which are necessary to ensure that new development is accessible by sustainable transport modes. In addition, the County Council will support the District/Borough Council in relation to requirements, which are in accordance with the Local Plan and other policy documents, for financial payments in lieu of on-site car parking. Such income will be used primarily in achieving specific sustainable transport initiatives.

3.3.5 Although developers are not normally asked to bear the costs of maintaining carriageways and footways, commuted payments equivalent to the capitalised costs of maintaining specific highway and transport infrastructures will be sought where it is reasonable to do so.

3.4.0 **Libraries**

3.4.1 The County Council is responsible for providing library services to the population of West Sussex. While the everyday costs of running these services are funded from public resources, contributions will be sought from developers towards further capital investments required in relation to needs arising from new development.

3.4.2 For medium and large catchment populations, the service will be delivered through built libraries so that, where reasonable, developers will be required to make fair and proportionate contributions towards the costs of providing

a new or improved permanent building, including any necessary land acquisition.

3.4.3 For small catchment populations, service provision will be by means of mobile libraries and, where necessary, developers may be required to contribute towards the provision of a suitable parking area (with good links to the local transportation network and access to a power supply) and/or the costs of providing an extra library vehicle.

3.5.0 **Fire and Rescue**

3.5.1 The Fire Authority is responsible for providing fire and rescue services. Although the recurrent costs of these services are paid for by the County Council, any additional infrastructure required to serve demands arising from new development should be provided by the developers.

3.5.2 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.

3.5.3 The provision of fire hydrants connected to water mains and the completion of other works necessary to ensure adequate supplies of water, in terms of both volume and pressure, for fire fighting will be sought normally through a planning condition.

3.5.4 Where necessary in order to meet the nationally prescribed standards of fire cover for the area, appropriate contributions may also be sought from developers towards the costs of new or extended fire stations.

3.6.0 **Social Care**

3.6.1 The County Council is responsible for funding a broad range of social services, many of which are delivered through private or voluntary sector providers under contracted arrangements. These day to day costs are rightly borne by the taxpayer but where new residential development generates additional demands, which cannot be served by existing infrastructure, appropriate developer contributions will be required.

3.6.2 Wherever practicable, the County Council is committed to the local delivery of social services and this is often being achieved through the shared use of community buildings. Therefore, where new development would generate requirements for new or extended community buildings, the County Council will support the aims of the District Council with a view to securing accommodation which is suitable and accessible part time for the purposes of social services alongside other voluntary organisations and community groups (see paragraph 3.9.0 below).

3.5.3 Local plan policies designed to secure, where there are local needs and subject to site suitability, the provision of housing designed to be suitable for visitors in wheelchairs and capable of occupation by people with most disabilities without the need for structural alterations and adaptations, will also be supported by the County Council.

3.7.0 **Civic Amenity Sites**

- 3.7.1 Approximately 40% of the waste generated by West Sussex households passes through the County Council's civic amenity sites (11 full time and 13 part time) all of which are operated by contractors. Although the operating costs of the civic amenity service are the responsibility of the County Council, developers may be expected to bear the capital costs of improvements or extensions to existing sites needed to accommodate extra waste arising from new development.
- 3.7.2 Most of the existing civic amenity sites are running at or approaching their full capacity. Therefore, contributions reasonably and proportionately related to the scale of the new development, the waste facilities it provides and the capital cost of necessary improvements to the civic amenity services infrastructure will be sought by the County Council from developers. Only in relation to the largest scale new developments, such as possibly a new settlement, will the contribution of a site be required to enable the provision of an entirely new civic amenity site.

DISTRICT COUNCIL SERVICES

3.8.0 **Affordable/Social Housing**

- 3.8.1 New residential development should include provision for both social and low cost housing in accordance with the relevant policies of the Structure Plan and the appropriate local plan. There may be circumstances in which such provision will be inappropriate on individual sites (for example on some smaller schemes) but developments will normally be expected to include an appropriate proportion of social and low cost housing, subject to particular site and market conditions or other relevant factors identified locally. On sites allocated in local plans the number or proportion of such units considered appropriate will normally be specified by the local planning authority. On sites coming forward as "unidentified" or "windfall" schemes the intention will be to seek the inclusion of appropriate amounts of social and low cost housing, in accordance with the policies adopted by the particular local planning authority. In exceptional circumstances commuted payments towards the costs of providing social housing off site may then be acceptable.
- 3.8.2 The local planning authority will aim to ensure that the dwellings are in fact accessible to the types of household for which they are intended, and as far as practicable remain so. The involvement of a registered social landlord will usually be essential. The mechanism for bringing forward the social housing provision will be defined by the relevant local planning authority but may involve the securing of land, financial contributions, or the construction of the dwellings in conjunction with the nominated registered social landlord.

3.9.0 **Community Buildings/Facilities**

- 3.9.1 A wide range of community facilities is required to serve existing and new residents in the county. Although some parts of the county may be

reasonably well provided with appropriate buildings for community uses, there are locations where significant improvements will be required as a result of new development. Specific proposals for land to be set aside and/or financial contributions towards the necessary new buildings or extended facilities will be included in the relevant local plans where possible, but other policies provide the basis for negotiations on new, improved or extended facilities where opportunities arise. Such facilities will include village, or local community, halls and other meeting rooms/buildings for either general community use or for general community use including specific groups and organisations, for secular activities and for the purposes of religious worship, where a local need has been identified. Developers will be expected to meet the requirements identified by the local planning authority in appropriate cases and to provide or fund the necessary facilities.

3.10.0 **Leisure Facilities**

3.10.1 Depending on the scale of development involved landowners and developers may be required to assist with the continuing need to improve the facilities available within the county for indoor and outdoor sports and associated recreation provision. Where a particular need has been identified the relevant local plan will normally allocate a site or location for the necessary facility but other requirements may arise and necessitate negotiations as opportunities arise. It is likely that the need will be for land to be set aside for a particular facility but in some cases development proposals generate needs for improvement of a particular existing facility and/or construction of a new facility.

3.10.2 Provision for outdoor recreation and leisure facilities will normally be considered as part of the public open space provision (see paragraph 3.11.0). However, there may be other provisions which are sought by the local planning authority in support of particular specified objectives, such as leisure cycling routes or improvements to the footpath/bridleway network, and these will be negotiated as appropriate for incorporation in development proposals or through financial contributions where relevant. The implementation of such provisions within development areas will normally be the responsibility of the developer but in some cases the local authority may take the lead, particularly where off-site works are required.

3.11.0 **Public Open Space**

3.11.1 There is a clear intention in Structure Plan and local plan policies to ensure that adequate public open space and outdoor playing space is provided to meet future needs in the areas where new residential development generates requirements for outdoor playing space, ranging from small playgrounds with simple equipment for pre-school age children to playing fields for older children and adults. The precise standards applied are set out by the local planning authorities in their local plans and, in some cases, in supplementary planning guidance, which also explains the operation of the policies. The approach adopted is normally based on a hierarchy of provision in order to cater for the needs of different age and recreational interest groups, and minimum standards are applied.

3.11.2 The standards for outdoor playing space may also specify where developers will normally be required to provide facilities on site as an integral part of the development and the circumstances in which appropriate financial contributions will be expected to provide space for playing facilities which are off-site but in locations which are accessible to the residents of the development concerned. The extent of the contribution required will be determined by the relevant local planning authority but is likely to relate to the amount and type of outdoor playing space to be provided and the costs of purchasing, laying out and maintaining the land.

3.11.3 In addition to the provision of appropriate outdoor playing space, the local planning authorities are likely to require suitable arrangements for the future maintenance of such sites, including the provision of a commuted sum for such maintenance where the developer does not propose to make specific arrangements for future maintenance of the open space and play facilities. Informal amenity areas will normally be treated as additional to the necessary outdoor playing space unless they are capable of use for active recreation or informal play, rather than being purely for visual or nature conservation interest.

3.12.0 **Refuse and Recycling Collection Points and Local Recycling Facilities**

3.12.1 In order to enable refuse collection and encourage the recycling of waste, the Local Planning Authorities will wish to be satisfied that adequate provision has been made for the storage and collection of refuse and recyclable materials within new developments. In addition, new development areas may be expected to incorporate, or provide financial contributions towards the cost of local recycling facilities, where there is a requirement. The size of the area required and the basis for any financial contributions are defined, where relevant, in the Part 2 documents published by the District Councils.

3.12.2 In addition, where large scale development is involved, the Local Planning Authority may seek a contribution towards improved or new depot facilities, to cater for vehicles needed to collect the waste and recyclable materials.

3.13.0 **Measures to Safeguard the Environment**

3.13.1 Where new development would create needs for measures to safeguard the environment, and where it is reasonable to do so, the District Council would require developers to either meet or contribute towards the costs of providing such facilities. This will apply particularly in relation to proposals which would affect Special Protection Areas and Special Areas of Conservation.

3.13.2 What this would mean in practice will depend on the circumstances in each case. Thus, it could be appropriate to offset (through substitution, replacement or regeneration) the loss of or impact on a resource present on a site or nearby eg the loss of a wetland habitat on a site offset by opening up a culverted stream or river to protect or reduce harm to protected sites or species, acknowledged to be of importance.

- 3.13.3 In appropriate circumstances, the County Council and the District Councils would welcome nature conservation initiatives such as the creation of nature reserves, wildlife ponds or other habitat resources. This echoes the Government's view in "This Common Inheritance" (CM.1200).

OTHER SERVICES

3.14.0 Environment Agency

- 3.14.1 The Environment Agency has a wide range of duties and powers relating to environmental management regulation and improvement in the quality of air, land and water. The Agency's principal aim is to contribute towards achieving sustainable development. Its environmental strategy sets out objectives across themes including addressing climate change, managing water, conserving the land and enhancing biodiversity. It is also committed to a programme for providing local communities with an agenda for environmental improvements in the form of Local Environment Agency Plans.

- 3.14.2 In recognition of the broad potential for conflict between the effects of new development and environmental concerns, the Agency is a statutory consultee in relation to the Development Plan and some planning applications.

- 3.14.3 Where the Agency advises that the allocation of land for development through the Local Plan process would either cause difficulties or exacerbate existing problems in relation to the environmental infrastructures, the relevant policies will link implementation of the proposal to provision of the necessary infrastructure. Similarly, where the need to provide environmental infrastructure arises in relation to planning applications, the Agency will seek their implementation through planning conditions or planning obligations as appropriate.

3.15.0 West Sussex Health Authority

- 3.15.1 West Sussex Health Authority oversees arrangements for the delivery of primary health care services within the county on behalf of the National Health Service.

- 3.15.2 The District Councils recognise that the provision of primary health care is an important planning consideration to the extent that infrastructure needs and deficiencies identified by the Health Authority should be taken into account both in the preparation of local plans and in the control of new development. Therefore, where new or extended facilities are needed, suitable sites will be identified either by the inclusion of an allocation in the local plan or through an appropriate planning obligation.

3.16.0 Utility Companies

- 3.16.1 The utility companies are responsible for the supply of electricity, gas and water as well as sewage disposal. The companies are normally able to provide infrastructure necessary to serve new development through the

exercise of their statutory powers and by agreement with the interested parties. Where necessary, the companies are also able to access private finance.

- 3.16.2 District Councils liaise with the utility companies to coordinate local plan allocations for development with the availability of the requisite infrastructure. Where difficulties are identified the District Council will not permit new development to proceed without assurances that the essential infrastructure will be provided at the appropriate time.

SECTION 4 : FIRST CONTACT POINTS

4.1.0 The Plan included as Appendix 3 shows the boundaries of District Councils, the constituent Parish Councils and the relevant planning contact address. The appropriate first contact points at the District Councils are as follows:

- i) D J Wade BSc (Econ) MCD MRTPI
Director of Development Services
Adur District Council
Civic Centre
Ham Road
SHOREHAM BY SEA
West Sussex BN43 6PR FAO: K Morgan
Tel: 01273 455566
Fax: 01273 454847
E-mail: devserv@adurdc.gov.uk

- ii) P Collins BA (Hons) DipTP MRTPI
Head of Planning
Arun District Council
The Arun Civic Centre
Maltravers Road
LITTLEHAMPTON
West Sussex BN17 5LF FAO: S Walker and
Tel: 01903 716133 M Allgrove
Fax: 01903 716019
E-mail: acs@arun.gov.uk

- iii) A J Howes BA DipLP MRTPI
Director of Planning & Strategic Services
Chichester District Council
East Pallant House
East Pallant
CHICHESTER FAO: North- D Few or
West Sussex PO19 1TY South- P Filtness
Tel: 01243 785166
Fax: 01243 534563

- iv) J Redwood BSc MSc DipTP MRTPI
Borough Planning and Environmental Officer
Crawley Borough Council
Town Hall
The Boulevard
CRAWLEY
West Sussex RH10 1UZ FAO: P Fairham
Tel: 01293 528744
Fax: 01293 511803

- v) A W Stevens

Director of Planning
Horsham District Council
Park House
North Street
HORSHAM
West Sussex RH12 1RL
Tel: 01403 215100
Fax: 01403 215198

FAO: P Rowley

- vi) Richard Walker DipTP MRTPI
Chief Planning Officer
Mid Sussex District Council
Oaklands
Oaklands Road
HAYWARDS HEATH
West Sussex RH16 1SS
Tel: 01444 458166
Fax: 01444 454665

FAO: T Barkley

- vii) Mike Bleakley DipTP MRTPI MI Mgt
Head of Planning
Worthing Borough Council
Town Hall
WORTHING
West Sussex BN11 1LF
Tel: 01903 239999
Fax: 01903 207365
E-mail: wbc-planning@pavilion.co.uk

FAO: J Hegarty

4.2.0 Where, having considered Part 2 of this Supplementary Planning Guidance and following initial discussions with the relevant District Council, further information is required in respect of County Council infrastructure, the designated contact points are:

- i) for County services requirements other than highways and transport

Development Services Group
County Planning Department
West Sussex County Council
Tower Street
CHICHESTER
West Sussex PO19 1RL
Tel: 01243 777624
Fax: 01243 777232
E-mail: planning.dept@westsussex.gov.uk

- ii) for highways and transport requirements

Local Transport Planning and Development Control
County Surveyors Department
West Sussex County Council
Tower Street
CHICHESTER
West Sussex
PO19 1RL
Tel: 01243 777849
Fax: 01243 777257

- 4.3.0 For other service requirements the relevant District Council will advise applicants as to the appropriate channels of communication in relation to their individual concerns.

Appendix 1

THE STATUS OF THIS PART 1 DOCUMENT AS SUPPLEMENTARY PLANNING GUIDANCE

Introduction

This appendix sets out the status of this Part 1 document as Supplementary Planning Guidance (SPG) and considers the weight to be given to it as a material consideration in deciding planning applications.

The Government's planning policy guidance published by the Department of the Environment, Transport and the Regions in relation to policies and the operation of the planning system (PPG 12)^① indicates that SPG must be consistent with national and regional planning guidance as well as the development plan, that it should be clearly cross-referenced to the relevant plan policy or proposal, that its status should be made clear and that it may be taken into account, as a material consideration, in deciding planning applications.

The guidance suggests that the weight accorded to SPG in deciding planning applications will increase if it has been prepared in consultation with the general public, businesses and other interested parties and has been the subject of a council resolution to adopt it as supplementary guidance. Comments should also be invited from the Government Office for the Region when SPG is subject to formal consultation. This appendix demonstrates that this Part 1 document has been developed with the benefit of extensive consultation.

Background

In September of 1997, the County Council's Strategic Planning Committee approved as a provisional guide to the County Council's requirements a consultation document entitled "The Provision of County Council Service Infrastructure Related to New Development". Following wide distribution of the document to interested parties, the representations received demonstrated general support for the principle of developer contributions. However, some concerns were expressed, particularly concerning the exclusion of reference to other relevant service providers.

A Working Group of County and District Council planning officers was set up to consider the concerns raised and to encompass all relevant services rather than just these of the County Council. As recommended by the Working Group, a revised consultation document - "The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1" was approved for consultation purposes by the Strategic Planning Committee in September of 1998. In so doing, the Committee reaffirmed that the detailed guidance set out in the 1997 consultation document would continue as a provisional guide to the County Council's requirements until such time as it was superseded by any new guidance. The Committee also agreed that a 'template' for the Part 2 guidance document should be drawn up in conjunction with the District Planning Authorities.

^① Planning Policy Guidance: Development Plans and Regional Planning Guidance February 1992 [paragraphs 3.18 and 3.19] and Revision of Planning Policy Guidance Note 12 Development Plans Public Consultation Draft February 1999 [paragraphs 6.1 to 6.4]

Consistency with Policy and Guidance

This Part 1 document is consistent with PPG 12 and with the Government's policy and guidance for the use of planning obligations as set out in the Department of the Environment, Transport and the Regions Circular "Planning Obligations" (Circular 1/97). In addition, as a document providing countywide guidance, it is based on and clearly cross-referenced to policy G4 of the West Sussex Structure Plan 1993 and policy G6 of the approved but unadopted West Sussex Structure Plan 1998.

Consultations Undertaken and Representations Received

The revised consultation document was issued in November 1998. It was then widely circulated to the building industry, the Government Office for the South East (GOSE), other Government departments and Local Authorities as well as other interested bodies and individuals, with the request that comments should be made in writing by the end of January 1999. The consultation period was subsequently extended to give District Councils more time to respond to the document and in order that 'late' comments received from other consultees could be taken into account.

By 5th March 1999, views in writing had been received from 21 consultees including all of the seven West Sussex District Councils, the Sussex Association of Local Councils, Burgess Hill Town Council, the Environment Agency, West Sussex Health Authority, the House Builders Federation, as well as a variety of organisations and individuals. Those comments were reported to the Strategic Planning Committee on 17th March 1999 and an Appendix was included in the report providing a summary of all the comments received. A separate document comprising the list of consultees and the report to the Strategic Planning Committee on the response to the consultation is available on request.

Response to the Representations Received

The consultation process showed that changes should be made to the text of the revised consultation draft document to address relevant and reasonable concerns raised by the consultees. In particular, the report to the Strategic Planning Committee drew attention to the need for

- i) a clear reference to infrastructure contributions only relating to meeting the service needs arising directly from the proposed development and not remedying existing deficiencies, and
- ii) an expanded section explaining the requirement for developers, where it is reasonable to do so, to provide measures to safeguard the environment.

A second Appendix to the committee report set out the changes recommended to the document including several minor adjustments which would benefit understanding of the approach and minor additions to ensure that there was a clearer indication of the service coverage and of the occasions when costs would be sought in principle. The needs for co-operative negotiation between the County Council, other service providers and the District Councils, and for the review of the scheme were also highlighted in the report.

Adoption of the Revised Document as SPG

Having considered the report, the Strategic Planning Committee resolved that

- (1) all consultees be thanked for their observations on the Part 1 document and the approach generally;
- (2) the Part 1 document be amended as recommended in Appendix 2 of this report, with minor variations to be agreed with the Chairman of the Committee;
- (3) the amended document be adopted as Supplementary Planning Guidance and recommended to the seven district councils for adoption and implementation throughout West Sussex;
- (4) a further report be brought to the Committee, when the Part 2 template has been drawn up, for approval of the section setting out County service requirements;
- (5) a report be brought to the Committee in Spring 2001 to begin the process of assessing the effectiveness of the overall approach, and
- (6) a statement of the consultation undertaken, the representations received and the County Council's response to those representations should be included with the Supplementary Planning Guidance when published."

The Working Group of County and District Planning Officers noted the County Council's decision to adopt the Part 1 document as SPG and agreed that the next logical step was for each of the District Councils to formally adopt it as SPG prior to, or in conjunction with, the consideration and approval for consultation purposes of their individual Part 2 documents.

Conclusion

This Part 1 SPG document is consistent with planning policy and guidance. It has been prepared in consultation with the general public, businesses and other interested parties. Comments were also invited from GOSE. It has been formally adopted as SPG by West Sussex County Council and it is recommended to the seven district councils for adoption as SPG.

Therefore, in accordance with the advice in PPG 12, this SPG shall be regarded as a material consideration of substantial weight in the determination of planning applications.

Appendix 2

Definitions

District Councils - these are the seven West Sussex District Councils of Adur District, Arun District, Chichester District, Crawley Borough, Horsham District, Mid Sussex District and Worthing Borough.

Parish Councils - these comprise the elected local Councils which include City Councils, Town Councils, Parish Councils and Neighbourhood Councils.

Sustainable development - development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

New development - new building works and new or changed uses for land (with or without existing buildings), for which planning permission is required.

Infrastructure should be read, in its broadest sense, to mean all the land, works, community facilities and other specific investments for the delivery of services and amenities needed by the community at large and more particularly by the occupiers and users of land and buildings. The document does not distinguish between utilities, physical and social infrastructure as is the case in some local plans. Section 3 provides a fuller guide to the various relevant services but further information held by the District Planning Authorities will contain more specific guidance.

Appendix 3

Structure Plan Infrastructure Policies

1993 Structure Plan

G4 Development will not normally be permitted unless the infrastructure directly required to service it can be made available at the appropriate time. Where it cannot, but it is planned, permission may be granted in anticipation of this: in such circumstances a Planning Authority may attach a condition requiring the infrastructure to be in position before use of the development commences, or may require large developments to be phased in step with infrastructure provision.

Infrastructure in this context includes transport networks, utility services (including fire hydrants and an adequate water supply for fire-fighting), land drainage, sewage disposal, public open space and land for any community facilities, and appropriate services such as education and health facilities, for which the need is generated primarily by the development.

1998 Approved but unadopted Structure Plan

G6 (a) Development will not be permitted unless the necessary infrastructure, services and amenities to meet the needs of the development are available or will be provided at the appropriate time. Permission may be granted subject to the development being phased in step with such provision by a landowner, developer or service provider. A Planning Authority may require fair and reasonable contributions to be made by landowners or developers towards the cost of infrastructure, service or amenity provision, to meet the needs of the occupiers or users of the development (whether on or off site) and to avoid worsening conditions for other users of infrastructure, services and amenities as a consequence of the development.

(b) Infrastructure, services and amenities in this context includes transport networks and public transport services, water supply, utility services (including fire hydrants and an adequate water supply for fire-fighting), land drainage, surface water and foul sewage disposal, public open space and land and buildings for education, social and health care, libraries, waste disposal and other community facilities.

District Council Boundaries

Appendix 4

