

Development Viability, Affordable Housing and Financial Contributions SPD – Amendments to

SPD following consultation

Page Amended	Nature of amendment	Representation Amendment is in response to		
P11 - para 4.2	Additional text added to the end of the paragraph to reflect that facilities may also be managed by town or parish councils: “The long-term maintenance of on-site infrastructure is usually secured through adoption agreements between the developer and a suitable organisation; for example roads and street lighting with the highway authority (DCC); sewers with the utility provider; communal areas and open spaces with a residents’ management company or with Durham County Council or a town or parish council where appropriate ”.	1 (Steve Ragg on behalf of the County Association of Local Councils)		
P12 - para 4.8	NPPF reference changed: “Planning obligations can only be sought where they are necessary to make a development acceptable in planning terms. A local planning authority must ensure that the obligation meets the relevant tests for planning obligations (para 56 57 of the NPPF)”	Officers		
P15 - para 5.4, table 1	New text added to Table 1 to confirm where Open space/GI/recreation s106 will be spent. <table><tr><td>Open space / GI / sport / recreation</td><td>Electoral Division – monies will be allocated to the Electoral Division where the application site is located, or a specific priority projects/site(s) identified within the PPS & Action Plan or OSNA</td></tr></table>	Open space / GI / sport / recreation	Electoral Division – monies will be allocated to the Electoral Division where the application site is located, or a specific priority projects/site(s) identified within the PPS & Action Plan or OSNA	Officers
Open space / GI / sport / recreation	Electoral Division – monies will be allocated to the Electoral Division where the application site is located, or a specific priority projects/site(s) identified within the PPS & Action Plan or OSNA			
P15 - para 5.4, table 1	New text added to Table 1 to confirm where Education s106 will be spent. <table><tr><td>Education</td><td>Relevant school age group (primary / secondary / High Needs Learners) and school placement planning area</td></tr></table>	Education	Relevant school age group (primary / secondary / High Needs Learners) and school placement planning area	Officers
Education	Relevant school age group (primary / secondary / High Needs Learners) and school placement planning area			
P15 - para 5.4, table 1	New text added to Table 1 to confirm where ecology/heritage coast s106 will be spent.	10 (Avant Homes)		

	<table><tr><td>Ecology / Heritage Coast</td><td>As considered appropriate to the particular application. Will be spent within the area affected by a development</td></tr></table>	Ecology / Heritage Coast	As considered appropriate to the particular application. Will be spent within the area affected by a development			
Ecology / Heritage Coast	As considered appropriate to the particular application. Will be spent within the area affected by a development					
P15 - para 5.4, table 1	<table><tr><td colspan="2">New text added to Table 1 to confirm where transport and digital infrastructure s106 will be spent.</td></tr><tr><td>Transport and Digital Infrastructure</td><td>As considered appropriate to the particular application. Will be spent within the area and/or projects/schemes affected by a development</td></tr></table>	New text added to Table 1 to confirm where transport and digital infrastructure s106 will be spent.		Transport and Digital Infrastructure	As considered appropriate to the particular application. Will be spent within the area and/or projects/schemes affected by a development	10 (Avant Homes)
New text added to Table 1 to confirm where transport and digital infrastructure s106 will be spent.						
Transport and Digital Infrastructure	As considered appropriate to the particular application. Will be spent within the area and/or projects/schemes affected by a development					
P15 - para 5.4	New footnote added: "Secured in accordance with Community Infrastructure Levy Regulations 2010 (reg 122(2))"	13 (Miller Homes (Pegasus Group))				
P15 - para 5.5	Typo corrected: "The Council will establish a s106 'Strategic Investment Group' to ensure a strategic approach to where the s106 monies are applied in line with this SPD. This will be a Member / Officer working Group, covering the full range of relevant departments, to focus on delivering better forward planning in the application of s106 monies. The Group will meet regularly throughout the year to review both those Agreements that have been approved at Planning Committee as part of the granting of planning permission and to review the latest list of Agreements where monies have been paid in and are available for allocation.	Officers				
P15 - para 5.6 - 5.7	<p>Text deleted:</p> <p>5.6. — It is considered that the formation of this Strategic Investment Group, specifically charged with the future planning of the allocation of s106 monies, will ensure that opportunities to align s106 funding to core Council projects are not missed. Clearly there will be instances where available monies might not align with core Council projects and in these cases they could continue to be available for bidding into from the community, as per present practices.</p> <p>5.7. — In addition it is considered that the more strategic use of s106 monies to deliver Council core projects will free up base Council capital funding so as to ensure it may be applied more in those areas that may not normally benefit from S106 funding through a lack of development.</p>	<p>3 Home Builders Federation (HBF)</p> <p>10 Avant Homes (Richard Newsome)</p> <p>13 Miller Homes (Pegasus Group)</p>				
P16 - para 5.7 (formerly 5.9)	Text amended to reflect current practice: "Local planning authorities are expected to use all of the	Officers				

	<p>funding received by way of a planning obligation within a reasonable time frame. Agreements will normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time where they are not. This period is usually five years but may be longer or shorter if deemed appropriate. If the money is not allocated spent within the agreed period, the developer will, upon request, be reimbursed with the outstanding amount, together with any interest accrued unless the agreement is varied”.</p>	
P18 - para 6.5	<p>Typo corrected which erroneously said normal instead of abnormal:</p> <p>“It will not be sufficient for developers to argue that they did not take into account the need to provide affordable housing or account for the need to provide infrastructure in the amount they have paid (or agreed to pay) for the land as it is reasonable to expect that land values will reflect the requirements of the CDP. The Council also considers that any abnormal development costs, such as site demolition, preparation, retaining walls, piling, infrastructure provision and flood mitigation should be established at the outset and reflected in the amount paid (agreed to pay) for land”.</p>	3 (Home Builders Federation (HBF))
P21 - new para 7.10	<p>New text added to cover the scenario whereby the NPPF updates the definition of affordable housing:</p> <p>“Should the definition of affordable housing be amended through future updates to the NPPF, development schemes will be expected to reflect the latest position set out within national policy”.</p>	13 (Miller Homes (Pegasus Group))
P22 - para 7.13 (formerly 7.12)	<p>New text added to clarify how affordable housing will be sought where an application site crosses different viability areas:</p> <p>“Policy 15 confirms that Affordable Housing will be sought on sites of over 10 units. In designated rural areas, schemes of between 6 and 9 units will provide a financial contribution towards the delivery of affordable housing. The table below sets out the percentage of affordable units required within different viability areas within the county. This method of calculating the affordable contribution was found sound by the appointed Planning Inspector through the Local Plan Examination in Public. In setting targets for affordable housing delivery, it is recognised that new housing development in the highest and high value areas, where prices for new houses are more buoyant, can support the greatest level of provision. In instances where a site straddles more than one viability area, the affordable housing requirement should reflect the viability area for the majority of the site”.</p>	10 (Avant Homes)
P23 - para 7.14	<p>Para amended to better reflect the requirements of Policy 15 (Addressing Housing Need):</p> <p>“The Council's targets for on-site provision will only be</p>	Officers

	reduced where it is demonstrated through an open book viability assessment (see earlier Viability Chapter) that the required affordable housing target contribution makes the development unviable. In accordance with the NPPF , major housing development should always provide 10% of the homes to be available for affordable home ownership.													
P23 - para 7.15 (now 7.16)	<p>Para amended to clarify the % of affordable housing is agreed at the outline stage and secured by s106 agreement. It also covers the scenario where an application for planning permission for development which forms part of a more substantial potential development on the same land or adjoining land, will be treated as an application for planning permission for the more substantial development. Para has been amended to clarify this:</p> <p>“Where a planning application is submitted for a development which forms part of a more substantial proposed development, on the same or adjoining land, an overall figure for affordable housing would be agreed at the onset outset for the entire site. Where required the phasing and timing of the delivery of the affordable housing will be, for subsequently reviewed during the phasing of the development as reserved matters applications come forward on schemes with outline permission. This approach also takes account of relevant case law in respect of aggregated areas of land”.</p>	13 (Miller Homes (Pegasus Group))												
P24 - para 7.17	<p>New text added to cover the Government’s ‘First Homes’ policy:</p> <p>“Since the CDP was adopted, the Government’s First Homes policy has come into force. Details on First Homes can be found here: https://www.gov.uk/guidance/first-homes and the Council’s approach to implementing First Homes (for example, in terms of local eligibility and price cap) is set out within the ‘Housing Needs’ SPD, but essentially a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF. So, in practice, we consider that the First Homes eats into the para 65 requirement for affordable home ownership, and the contribution above 10% AH should still be provided as affordable housing for rent in line with Policy 15. Based on this, the affordable homes requirements for a 100-unit development would be as follows across the different viability areas:</p> <p>Table *: Worked examples 100 unit scheme</p> <table><tr><td>Viability Value Area</td><td>Proportion of affordable homes required</td><td>Total number of AH homes</td><td>First Homes requirement at 25% of AH units</td><td>NPPF para 65 requirement of homes for</td><td>Policy 15 requirement for any contribution above 10%</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>	Viability Value Area	Proportion of affordable homes required	Total number of AH homes	First Homes requirement at 25% of AH units	NPPF para 65 requirement of homes for	Policy 15 requirement for any contribution above 10%							Officers and the need to cross refer to SPD covering Housing Needs
Viability Value Area	Proportion of affordable homes required	Total number of AH homes	First Homes requirement at 25% of AH units	NPPF para 65 requirement of homes for	Policy 15 requirement for any contribution above 10%									

	<table><tr><td></td><td></td><td></td><td></td><td>affordable home ownership (at 10% of homes on the site)</td><td>to be provided as affordable housing for rent.</td></tr><tr><td>Highest</td><td>25%</td><td>25</td><td>6*(25% of 25)</td><td>10 – 6 = 4</td><td>15</td></tr><tr><td>High</td><td>20%</td><td>20</td><td>5 (25% of 20)</td><td>10 – 5 = 5</td><td>10</td></tr><tr><td>Medium</td><td>15%</td><td>15</td><td>4* (25% of 15)</td><td>10 – 4 = 6</td><td>5</td></tr><tr><td>Low</td><td>10%</td><td>10</td><td>3* (25% of 10)</td><td>10 – 3 = 7</td><td>0</td></tr></table>					affordable home ownership (at 10% of homes on the site)	to be provided as affordable housing for rent.	Highest	25%	25	6*(25% of 25)	10 – 6 = 4	15	High	20%	20	5 (25% of 20)	10 – 5 = 5	10	Medium	15%	15	4* (25% of 15)	10 – 4 = 6	5	Low	10%	10	3* (25% of 10)	10 – 3 = 7	0	
				affordable home ownership (at 10% of homes on the site)	to be provided as affordable housing for rent.																											
Highest	25%	25	6*(25% of 25)	10 – 6 = 4	15																											
High	20%	20	5 (25% of 20)	10 – 5 = 5	10																											
Medium	15%	15	4* (25% of 15)	10 – 4 = 6	5																											
Low	10%	10	3* (25% of 10)	10 – 3 = 7	0																											
P26 – para 7.25 (was 7.22)	<p>Text amended:</p> <p>In accordance with CIL Regulation 122 and Para 57 of the NPPF (2021) the methodology behind the calculation of commuted sums for affordable housing must be:</p> <p>a) Necessary to make the development acceptable in planning terms; Fair and reasonable</p> <p>b) Directly related to the development; and Reflective of the site to which the application relates</p> <p>b) c) Fairly and reasonably related in scale and kind to the development.</p>	Officers																														
P26 – para 7.26 (was 7.23)	<p>New Text:</p> <p>The calculations on the pro-forma calculator reflect the above tests and are aimed at establishing what subsidy a developer would have had to contribute to provide the policy level of affordable housing on site. This is without any assistance from Social Housing Grant in accordance with the NAHP Prospectus.</p>	Officers																														
P26 – para 7.27	<p>New Text:</p> <p>The calculations do not try to share in the uplift in values on-site that will be achieved by putting affordable housing off-site.</p>	Officers																														
P27 – para 7.28	<p>New Text:</p> <p>The calculator is based on the requirements of Policy 15 of the CDP in terms of the Affordable Housing provision targets and the split of tenures.</p>	Officers																														
P27 – para 7.29 (was 7.25)	<p>Text amended:</p> <p>The calculations are based on the following formula which reflects the true cost to a developer, had the affordable housing been delivered on site:</p> <p>Open Market value of units on site</p> <p>Less: Developer’s profit (inclusive of marketing costs)</p> <p>Equals: cost of developing units on site (ie land + build costs + fees)</p> <p>Less: anticipated sale income from a Registered provider or Discounted Market Sale</p>	Officers																														

	purchaser (Capitalised rents, shared ownership sales) Equals: Cost to developer of subsidising affordable housing	
P27 – para 7.29	Text deleted: The percentage of and number of affordable rented units are automatically calculated on the basis of the input above (cell E9).	Officers
P27 – para 7.33	The number of intermediate tenure units are automatically calculated based on the basis of the input at (cell E9 policy requirement for 10% of units). Intermediate tenure is taken as Discounted Market Sale by the calculator. Should an alternative tenure be considered appropriate please consult the Housing Dept.	Officers
P27 – para 7.34 (was 7.30)	New Text: The percentage of, and number of, affordable rented units are automatically calculated on the basis of the overall Affordable Housing percentage (input at cell E10) less the percentage requirement for Intermediate units (cell E14) as per the requirement of Policy 15.	Officers
P28 – para 7.36 (was 7.32)	New Text: The amount of off-site affordable rented and intermediate units are inputted in cells B26 to B36 and B42 to B47. The mix of units should reflect that on the application site even if that means an input which is a fraction of a unit.	Officers
P29 – para 7.37 (was 7.33)	New Text: The Open Market Value (OMV) of each unit should be input in cells C26 to C36 and C42 to C47. The OMV should be the anticipated net achievable price for the unit type , i.e. net of any discounts or marketing incentives.	Officers
P28 – para 7.38 (was 7.34)	New Text: The profit level to be inputted at cell D25 should be the gross profit. inclusive of marketing costs as these would not apply to affordable housing. The default allowance is 15% 7.5% as per the Local Plan supporting evidence (see footnote 10 above) and NPPG. Any deviation from this level will need to be justified.	Officers
P28 – para 7.39 (was 7.35)	Text amended: Affordable Rents – the rent level per week for each unit type should be agreed with the DCC Housing Department. The rent should be net of any service charge tenants would be due to pay as part of their rent. As a default the calculator is populated with LHA rates for July 2021 November 2022.	Officers
P28 – para 7.41 (was 7.37)	New Text: Intermediate units are generally provided as “Discounted Market Sale” units. The discount to OMV is to be input at cell F41. The percentage discount will have to ensure that the units are affordable to the target market for this type of	Officers

	tenure, and this will vary from ward to ward. Please check with the Housing Department about the acceptable level of discount for your scheme, which will be based on affordability to the purchaser. The default level is 30% of open market value, which matches the criteria of "First Homes" and is the value the Council expect to be used unless specific circumstances apply as noted above.	
P32 - para 7.45 (was 7.41)	Footnote 25 updated: "Paragraph 64 65 of the NPPF and Paragraph's: 026 – 028 Reference IDs: 23b-026-028-20190315: https://www.gov.uk/guidance/planning-obligations "	Officers
P32 - para 7.49 (was 7.45)	New footnote 26 added to confirm where requirement for older persons housing comes from: "As required by Policy 15 (Addressing Housing Need) of the CDP"	Officers
P35 - para 8.7	New text added: "The application of Table 19 from the OSNA in assessing planning application will need to be flexible and take account of local circumstances. For example, there may be instances where the scheme is of a certain size to warrant the development of formal play space. However, the development site may be proposed in a location where there is already an existing facility within the accepted access standard for the typology of open space. In such circumstances, there is scope to be flexible, and the optimum solution may be one which seeks a financial contribution in-lieu of providing on site provision. This money could then be used to improve the quality of the existing facility. The OSNA area profiles will provide the evidence in terms of the location and quality of existing green infrastructure provision, and each case will be assessed on its merits. The interrelationship between the OSNA and the PPS (see Section below) will also be tailored to individual schemes. As outlined in Table 19 of the OSNA, only developments of 250 dwellings or greater would be expected to provide on-site provision of parks, sports and recreation grounds, however, the PPS warrants separating playing pitches from the park and recreation grounds typology. On schemes which meet the threshold for on-site provision of Parks, Sports and Recreation Grounds (250 dwellings) in the OSNA, we will seek the delivery of the parks and gardens element, and also deliver/seek enhancements to playing pitches in line with the PPS and its recommendations".	10 (Avant Homes) Sport England (Dave McGuire)
P36 - para 8.9 & 8.10	Data from the 2021 census is now becoming available and gives a figure of 2.2236 persons per household in County Durham which is no material change since 2011. Text updated to reflect this: (2011 2021).	Miller Homes (Pegasus Group)
P38 - para 8.18	New text and footnote 29 covering 'catchment' added:	Sport England (Dave McGuire)

	<p>“Where development is proposed (for example under Policy 6: Development on Unallocated Sites of the CDP) within the catchment of an existing or proposed pitch site(s) which has clear recommendations identified within the PPS and its Action Plan, then a financial contribution will be sought to assist with implementing those recommendations. There may also be instances where existing pitch sites are currently fine with the amount of demand that they accommodate and do not feature in the PPS & Action Plan. However a major development in their catchment area might produce a level of demand which, if accommodated by the pitch(es) in the catchment, would mean that the pitch(es) would become overplayed, thus leading to its decline in quality. In instances where there is a development which has an additional impact from population growth, developers will be expected to mitigate the impact from the development to ensure that the existing pitches have their carrying capacity improved so that they can absorb the additional demands that would be placed upon them”.</p> <p>Footnote 29: “The catchment reflects the distance which teams are prepared to travel to access pitches and will vary depending on the type and standard of sport played, as well as the age groups involved”.</p>	
P39 - new paras 8.19 - 8.23	<p>New Chapter added covering the Rights of Way Improvement Plan:</p> <p>The Rights of Way Improvement Plan (4)</p> <p>8.19. Durham County Council’s fourth Rights of Way Improvement Plan (ROWIP4) is a 10-year plan (2023-2033) and focusses on improving County Durham’s Public Rights of Way (PROWs) network to make it suitable for the 21st century. The Plan is community-led and is driven by the quality of information; ROWIP4 aims to implement high-standard monitoring methods, as well as develop a county-wide app.</p> <p>8.20. Developers can (potentially) refer to ROWIP4 to see where PROWs can connect to building developments and to understand the importance of PROWs as purposive wellbeing and healthy infrastructure. People need access to the outdoor environment, which was illustrated during the Covid-19 pandemic, where people benefitted considerably from having access to PROWs on their doorstep; the culture has changed where PROWs are becoming crucial for mental and physical wellbeing. Developments which prioritise access to PROWs and focus on pathways near communities strengthen the interest in the PROW network and enable healthy infrastructure to be created for a range of users: wheelchair users, pushchair users, cyclists, horse-riders, and</p>	Officers

	<p>dog walkers, and develop a sense of local living.</p> <p>8.21. For PROWs, under Policy 26 (Green Infrastructure) of the CDP, development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists, and horse-riders. Proposals must not result in the loss of, or deterioration in the quality of, PROWs. Therefore, developers must take careful consideration of PROWs during any nature of development in the County, not just as part of residential development. Any diversions that are required or put in place due to development must ensure new routes are direct, convenient, and attractive, and must not have a detrimental impact on environmental or heritage assets that form a part of PROWs.</p> <p>8.22. Green Infrastructure is important to highlight because it fulfils several important functions that ROWIP4 will aim to additionally address. These functions include equality of access, increasing recreational and sport activities, making towns and settlements attractive, improving health and wellbeing, and climate change mitigation. Furthermore, Green Infrastructure remains important because it enables the provision of safe and sustainable modes of travel (Policy 21 of the CDP), such as walking and cycling, to take place through using the PROW. Routes must have a clear link to existing services and local amenities for the convenience of all users. Green Infrastructure, in tandem with ROWIP4, therefore increases opportunities for healthy living.</p> <p>8.23. To support the provision of PROWs and to fund improvements to PROWs across the County, financial contributions can be used through open space investment, encouraging developers to increase access to Green Infrastructure through specialist design, and thereby enable developers to financially contribute to PROWs and physical activity. Financial contributions would have to be negotiated on a site-by-site basis depending on the characteristics of the site. Greater financial investment in PROWs creates a high-standard network of routes for residents and tourists to enjoy.</p>	
P41 - para 9.1	<p>New text added to clarify that it is not a new policy approach:</p> <p>“Durham County Council has a statutory responsibility to ensure that there are sufficient school places for pupils within the County. New developments will generate demand for school places in all ages which is above natural population changes. If there is not enough capacity, nearby schools will be negatively impacted by this increase in demand. Therefore,</p>	Officers

	<p>this impact must be mitigated by providing a contribution to create more education infrastructure to support new development. The council introduced a policy and methodology for securing developer contribution for education through Cabinet approval in 2015 and a subsequent review in 2017. The following approach does not seek to introduce a new policy approach or methodology”.</p>	
P41 - para 9.3	<p>New text and footnote 30 added to provide clarification of pupil place planning schedule and link:</p> <p>“Contributions will be sought where forecasts suggest that the appropriate educational establishments or pupil place planning area in relation to the development cannot reasonably accommodate the increase in demand for places. Contributions will be sought in the cases where development will result in a specific school or school place planning areas having less than 5% surplus space. The council produces a Pupil Place Planning document which is compiled following the completion of the school census every October/November and states the current and forecasted school roll information. The schedule is available to view on the council’s website”.</p> <p>Footnote 30: https://www.durham.gov.uk/schoolorganisation</p>	Officers
P41 - para 9.4	<p>New Footnote added to clarify what distance the Council uses for free home to school transport:</p> <p>Footnote 31: “The council policy for free home to school transport currently uses a distance of 2miles”.</p>	Officers
P41 – para 9.5 (new)	<p>New paragraph added to cover Special Education Needs & Disability (SEND):</p> <p>“Most children of school age who have Special Education Needs & Disability (SEND) will attend a mainstream school and these schools may receive resources to offer additional support. Some children with more complex needs will attend a school with provision suitable for the type of need – Enhanced Mainstream Provision (EMP) or a SEN School. There are 10 SEN schools within County Durham which provide specialist provision for children and young people aged 2 to 19. As these schools provide for specific types of need the closest SEN school to a young person’s home may not be the most appropriate provision. Consequently, the Council will utilise developer contributions for SEND places at the school where the pressure is greatest to meet the type of need and not necessarily the SEN school closest to the development”.</p>	Officers
P43 - para 9.13	S106 figures amended to reflect inclusion of high needs	Officers

	<p>learners:</p> <p>Primary Example: 100 dwellings x 0.29 = 29 places – 10 surplus spaces = 19 places required. 19 x £14,703 = £279,357 developer contribution</p> <p>Secondary Example: 100 dwellings x 0.11 = 11 places – 5 surplus places = 6 places required 6 x £16,554 = £99,324 developer contribution</p> <p>High needs learners who need specialist provision Example: 100 dwellings x 0.03 = 3 places – 0 surplus places = 3 places required 3 x £62,514 = £187,542 developer contribution</p>	
P44 - para 9.14	<p>New text added to clarify why 300+ dwelling is used:</p> <p>“Where developments are in excess of 300 dwellings (including phased proposals or the cumulative impact of multiple or phased proposals) and have the potential to require either major development programmes to existing schools or potentially trigger the need for a new school, discussions and negotiations will be needed to agree the following;”</p>	Officers
P44 – (new) para 9.16	<p>New text added to introduce within the document that a national approach may be coming in the future and to provide the scope to embed the approach within this policy framework:</p> <p>“The council is aware that Government have recently undertaken a consultation regarding a national approach towards calculating pupil yields and build costs. At the time of preparing this document no further details are available, however, in the future should a national approach towards pupil yields and build costs be introduced by Government, the council will seek to embed the approach within the existing policy framework for securing developer contributions towards education”.</p>	Officers
Chapter 10 – P45-49	Whole Chapter amended/updated to reflect response from the NHS and discussion with Public Health.	Officers NHS
P45 – para 10.2	<p>Para 10.3 amended to reflect that only capital infrastructure costs will be sought:</p> <p>“Where there is any new development that causes an increase in demand for health services, and health partners can demonstrate that their current facilities cannot physically accommodate the expected increase in demand, then contributions towards health services (capital infrastructure only) will be sought. It is expected that health partners will also be able to demonstrate that any such mitigation is deliverable, including the recruitment of appropriate staff (which will be the responsibility of the health provider)”.</p>	Miller Homes (Pegasus Group)

P48 - para 10.17	<p>New text added to clarify that over 750 dwellings does not mean a new facility is require, only where existing facilities cannot be extended:</p> <p>“Where developments (including the cumulative impact of multiple or phased proposals in an area) are in excess of 750 dwellings (including triggering the need for new build facilities where it is not possible to provide mitigation at existing facilities) discussion and negotiations will need to take place to agree the following”:</p>	Officers
P50 - para 11.5	<p>New text added:</p> <p>“The policy sets out how development sites should link to local cycling routes and walking routes as set out in the Local Cycling and Walking Infrastructure Plans (LCWIPs) and have regard to local bus routes to improve the provision of sustainable transport to new development sites”.</p>	Officers
P51 - (new) para’s 11.6 – 11.13	<p>New text added:</p> <p>11.6. The Council have now developed 12 Local and Cycling Walking Infrastructure Plans (LCWIPs) for 12 of our larger settlements. LCWIPs are a strategic approach to identifying cycling and walking improvements at the local level which enable a long-term approach to planning for cycling and walking. The LCWIP process is a part of the councils ambition for the uptake of walking and cycling as set out in the County Durham Strategic Cycling and Walking Delivery Plan 2019-29. It is important that developers recognise the need to link all developments to the LCWIP network when designing streets.</p> <p>11.7. Where a development site is not within a location covered by an LCWIP, the development must facilitate walking and cycling in its design and should still link to existing cycling routes where possible. If it is not possible to do this through scheme design and layout, a financial contribution may be sought to ensure the development delivers appropriate safe sustainable walking and cycling links in accordance with Policy 21 of the Plan.</p> <p>11.8. As set out in chapter 8, development will also be expected to maintain or improve the permeability of public rights of way (PROWs) for pedestrians, cyclists, and horse-riders. Proposals must not result in the loss of, or deterioration in the quality of, PROWs in accordance with Policy 26 (Green Infrastructure) of the CDP.</p> <p>Public Transport</p> <p>11.9. There is a presumption that new or amended developments will have access to public transport services to appropriate destinations at the required frequency. This may</p>	Officers

	<p>be facilitated by access to existing services, variation to existing services or entirely new services and developers will be required to make financial contributions to infrastructure and operational costs as appropriate.</p> <p>Existing service</p> <p>11.10. Where there are appropriate existing services to relevant destinations consideration must be given to possible impacts on capacity and whether measures are required in mitigation. Consideration must also be given to journey times and implications of increased journey times on operational cost. Higher density housing should be located nearest the bus routes and appropriate safe direct walking routes provided to existing or new bus stops.</p> <p>Variation to existing service</p> <p>11.11. Where accessibility can be addressed by variation to an existing service or services by re-routing then consideration must be given to the additional costs of operation incurred.</p> <p>New service</p> <p>11.12. Some developments, in areas not currently served by public transport, or beyond recognised acceptable walk distances to access public transport, may require the introduction of a whole new service.</p> <p>11.13. Developers may be required to make financial contributions to enable the setting up of public transport services at an early stage in the development. In any of the scenarios outlined above, developers would be required to contribute towards or fund the revised or additional services for either a specified length of time, or until such time as the service becomes commercially viable without developer support. The length, and level of developer support would be determined through negotiations with Durham County Council, and the operator of the effected bus service during the planning process.</p>	
P52 - (new) para's 11.16 – 11.20	<p>New text added:</p> <p>11.16. In instances where there is potential for a development proposal to impact on National Highways Strategic Road Network, the Council will engage with them as part of pre-application discussions to ensure that the likely developer contributions are determined at an early stage in the planning process. The developer should have regard to Department for Transport Circular 02/2013 and Highways England – “The strategic road network - Planning for the Future” (2015) . Where necessary a developer will be</p>	National Highways

	<p>expected to provide National Highways with all the information required to fully consider the interaction of the development with the SRN, and the suitability of any related actions proposed. This information is typically presented within the Transport Assessment.</p> <p>11.17. Development proposals are likely to be wholly acceptable to National Highways if:</p> <ul style="list-style-type: none"> • They can be accommodated within the existing capacity of a section (link or junction) of the SRN; or, • They do not increase demand for use of a section that is already at full capacity, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed. <p>11.18. Where these tests are not satisfied, additional assessment will be required to enable all parties to understand the scope and scale of the impact that the proposals are likely to have on the SRN. Where necessary, the Transport Assessment should include the identification of any mitigation.</p> <p>11.19. Where a contribution towards the cost of a mitigation scheme on the National Highways network is identified, then they will be consulted to agree details such as design, cost and scope. Mitigation schemes on the SRN would need to undergo Stages 1-4 of the Road Safety Audit process in liaison with National Highways.</p> <p>11.20. Measures to address development impact on the SRN are generally delivered by a means of funding agreement between the developer(s) and National Highways, such as a Section 278 agreement (see paragraph 4.14). The s278 agreement cannot be entered into and works cannot commence until planning permission for the development is in place and any relevant conditions have been satisfactorily discharged.</p>	
P53 - para 11.22 (was 11.8)	<p>New text added:</p> <p>“However, in addition to land take-up, there may be cost implications relating to providing EV chargepoint, public transport accessibility or secure parking provision for cycle parking.</p>	Officers
P53 - para 11.23 (was 11.19)	<p>New bullet point added:</p> <p>The SPD sets out specific standards for:</p> <ul style="list-style-type: none"> • Accessibility Guidance • Car parking at origin and destination • Parking for blue badge holders • Electric vehicle charging bays 	Officers

	<ul style="list-style-type: none"> Cycle parking 	
P53 - para 11.24 (was 11.10)	<p>New text added to first bullet point:</p> <p>“The Building for Life SPD and the Parking and Accessibility SPD requires consideration to be given to public transport access as part of a new development, including maximising public transport accessibility through the layout of the development.</p>	Officers
P62 - para 12:30-12:38	<p>Text Added to HRA section</p> <p>Nutrient Neutrality</p> <p>On the 16th of March Natural England sent a letter to Durham County Council and other councils across 23 river catchment areas, which provided new advice for local planning authorities (LPAs) in relation to development proposals with the potential to affect water quality resulting in adverse nutrient impacts (in County Durham this specifically relates to Nitrogen) on protected habitat sites.</p> <p>Nutrient pollution is a big environmental issue for many of our most important places for nature in England. In freshwater habitats and estuaries, increased levels of nutrients (especially nitrogen and phosphorus) can speed up the growth of certain plants, impacting wildlife. This is called ‘eutrophication’ and it is damaging protected sites. As such, some sites are classified as being in ‘unfavourable condition’.</p> <p>The sources of nutrients generally include sewage treatment works, septic tanks, livestock, arable farming and industrial processes. Where sites are already in unfavourable (poor) condition, extra wastewater from new housing developments can make matters worse. The additional nutrient load can also be as a result of agricultural or surface water run-off and groundwater leaching.</p> <p>By designing development alongside suitable mitigation measures, that additional damage can often be avoided. This approach is called ‘nutrient neutrality’. It essentially allows developments to be permitted without impacting on the condition of the important wildlife / protected sites.</p> <p>In our case the River Tees Special Protection Area (SPA) is legally protected under the Conservation of Habitats and Species Regulations, and it is in an ‘unfavourable condition’ due to excessive Nitrogen. This means all areas within the River Tees catchment are affected including the southern part of County Durham, parts of Richmondshire, Hambleton and Redcar and Cleveland and the entirety of Darlington, Middlesbrough and Stockton local authority areas.</p> <p>The requirement for nutrient neutrality impacts on all</p>	Text added to provide a position statement on the emerging Nutrient Neutrality issue.

	<p>planning applications within the Tees catchment, both existing and proposed, which relate to all types of overnight accommodation, such as new dwellings, care homes, student accommodation, holiday accommodation etc. and impacts all developments for one dwelling upwards. It also affects other applications where development may impact upon water quality, including agricultural intensification which results in an increased discharge of nutrients.</p> <p>It is understood that until appropriate mitigation is identified planning applications, whether in outline or reserved matters, for the type of development affected cannot be approved. In addition, any sites with permission but where there are outstanding conditions to be discharged relating to drainage also require suitable mitigation before the conditions can be discharged.</p> <p>The likely impact of development on the river catchment and therefore the amount of mitigation needed can be calculated using a Nutrient Neutrality Budget Calculator (NNBC) provided by Natural England. If the nutrient calculation results in an increase in nutrients associated with a project, mitigation will be necessary to achieve Nutrient Neutrality. Mitigation means action taken to stop nutrient pollution impacting protected sites. This could be onsite – preventing nutrient pollution directly from the development in question for example through a wastewater treatment works, or offsite – reducing nutrients from other sources to offset those produced by the new development, for example this could be taking existing agricultural land out of production (agriculture is one of the biggest contributors to nutrient pollution) and then converting it to a woodland or wetland. Any mitigation will have to be agreed with Natural England and legally secured.</p> <p>There are still a great number of unknowns on the topic of Nutrient Neutrality. Therefore, we will continue to monitor Government announcements for a clearer direction for the future of this issue and will continue to look at mitigation options in partnership with Natural England, Northumbrian Water, the Environment Agency, developers and other delivery partners such as the Woodland Trust and River Trusts.</p>	
P64 – para 13.16	<p>New text added to paragraph.</p> <p>The Council does not have to offer to take on responsibility of delivering the off-site BNG instead of the applicant; it should be the responsibility of the applicant to try and deliver the BNG even if it requires purchase or renting of land to deliver the off-site requirements. However, to try and facilitate development in County Durham the Council is considering how</p>	Text reviewed to provide clarity to developers on delivery of BNG.

	<p>it can provide a role in this process; a further two options may be available should there be clear evidence that the three options above are not available. and the Council has land available for the purposes of offsetting at the time of the application.</p> <ol style="list-style-type: none"> 4. the Council provides the land upon which the applicant delivers the habitat creation or enhancement works required to deliver the required level of biodiversity units. The applicant will lease the land from the county council for a period of 30 years and be responsible for the management and monitoring of the land, maintenance of any infrastructure and be responsible for all liabilities. The applicant will be responsible for collecting baseline ecological data on the land to inform the metric. The land will revert to the County Council at the end of the 30-year term; or 5. the applicant provides the Council with a financial contribution that funds the Council to undertake land management and monitoring on an identified site, for a period of 30 years, to deliver the required number of biodiversity units. The applicant will be responsible for collecting baseline ecological data to inform the metric and for producing a Biodiversity Management and Monitoring Plan for the site. The Council's in house contractors and Ecology team will provide a bespoke cost for the long term management and monitoring of the site that forms the financial contribution. Or tariff per biodiversity unit to deliver the required biodiversity units. 6. if there is no identifiable Council land available then, as a last resort, the applicant provides the Council with a financial contribution based on an identified price per biodiversity unit. 	
P64 – Footnote	<p>A biodiversity unit is a unit of account. Metrics assign all habitats a unit value according to their relative biodiversity value (e.g. species-rich grassland is more valuable than species-poor grassland) and condition. The scores assigned to habitats vary between the different metrics.</p>	Text reviewed to provide clarity to developers on delivery of BNG.
P67 – para 13.17	<p>The sum of money required for 1 Biodiversity Unit will be £20,000 £15,000¹ index-linked (and pro-rata i.e., 0.4 Biodiversity Units = £8,000 £6,000). This price per BU tariff rate will be reassessed on an annual basis.</p>	Unit costs have been revised based on revised costings and viability testing.

¹ £15k based on DEFRA net gain proposals consultation

P67 – footnote 42	£15k £20k based on DEFRA net gain proposals consultation	Unit costs have been revised based on revised costings and viability testing.
P69 – para 13.25	<ul style="list-style-type: none"> Applicant delivers BNG on Durham County Council Land use. The use of Council land must be agreed with Corporate Property and Land (CPAL) and be clearly identified as part of the application and included within the DEFRA metric and BMMP. <p>The proposed metric will determine a reasonable area of land required for compensatory habitats, identification of this land area and agreement by CPAL provides the Council with the confidence that the applicant can deliver net gains.</p> <p>The delivery of a revised DEFRA metric, Habitats Plan and BMMP for on-site and off-site locations commensurate with the scale and type held within the proposed DEFRA metric will be secured through a planning obligation in a Section 106 (S106) agreement.</p> <ul style="list-style-type: none"> Applicant provides a financial contribution for identified Durham County Council Land. The use of Council land must be agreed with Corporate Property and Land (CPAL) and be clearly identified as part of the application and included within the DEFRA metric and BMMP. <p>The proposed metric will determine a reasonable number of biodiversity units required to deliver net gains and a suitable Council Landholding will be identified. The Council will provide an estimated financial contribution at the time of the application.</p> <p>The provision of a financial contribution, revised DEFRA metric, habitats Plan and BMMP for on site and off site locations commensurate with the scale and type held within the proposed DEFRA metric will be secured through a planning obligation in a Section 106 (S106) agreement. The amount payable to the Council will be calculated based on the revised BMMP for the off site location.</p> <p>BNG-Tariff. Applicant provides a financial contribution based on a price per Biodiversity Unit. An estimated financial contribution will be calculated using the metric results and the price per BU the tariff rate at the time of the application</p> <p>A S106 will secure the submission of revised DEFRA metric based on the finalised Habitats Plan, the amount of tariff contribution payable to the Council will be calculated</p>	Text reviewed to provide clarity to developers on delivery of BNG.

	using the revised DEFRA metric and the tariff rate price per BU at the time of the outline application.	
P71 – Para 13.30	<p>A Further two options may be available should there be clear evidence that the options above are not available.</p> <ul style="list-style-type: none"> • Applicant delivers BNG on Durham County Council Land. The use of DCC land must be agreed with Corporate Property and Land and be clearly identified as part of the application and included within the DEFRA metric and BMMP. • Applicant provides a financial contribution for identified Durham County Council Land. The use of DCC land must be agreed with Corporate property and Land and be clearly identified as part of the application and included within the DEFRA metric and BMMP. The financial contribution will be calculated at the time of the application and be secured through an appropriate legal mechanism or unilateral undertaking. • BNG Tariff. Applicant provides a financial contribution based on a price per Biodiversity Unit. The financial contribution will be calculated using the metric results and the tariff rate price per BU at the time of the application. The payment of the tariff contribution will be secured through an appropriate legal mechanism or unilateral undertaking. 	Text reviewed to provide clarity to developers on delivery of BNG.
P74 – para 13.38	<ul style="list-style-type: none"> • BNG Tariff. The financial contribution will be calculated using the DEFRA metric results and the tariff rate at the time of the application. The payment of the tariff will be secured through an appropriate legal mechanism or unilateral undertaking. • Durham County Council Land. The use of DCC land must be agreed with Corporate Property and Land and be clearly identified as part of the application and included within the DEFRA metric. • Off-site location provided by applicant. If the applicant proposes to provide compensation on land owned or controlled by the applicant, then the compensation land must be clearly identified as part of the application and included within the DEFRA metric. • BNG Delivery Provider. If the applicant has decided to use a third party or broker to deliver any off-site biodiversity requirements the COUNCIL will require evidence in the form of documentation from a BNG delivery provider to demonstrate that they have secured the required level of 	Text reviewed and re-ordered to provide clarity to developers on delivery of BNG.

	<p>biodiversity units</p> <ul style="list-style-type: none"> • Applicant delivers BNG on Durham County Council Land. The use of DCC land must be agreed with Corporate Property and Land and be clearly identified as part of the application and included within the DEFRA metric and BMMP. • Applicant provides a financial contribution for identified Durham County Council Land. The use of DCC land must be agreed with Corporate Property and Land and be clearly identified as part of the application and included within the DEFRA metric and BMMP. The financial contribution will be calculated at the time of the application and be secured through an appropriate legal mechanism or unilateral undertaking. • Off site location provided by applicant. If the applicant proposes to provide compensation on land owned or controlled by the applicant, then the compensation land must be clearly identified as part of the application and included within the DEFRA metric. • BNG Tariff. Applicant provides a financial contribution based on price per Biodiversity Unit. The financial contribution will be calculated using the DEFRA metric results and the tariff rate price per BU at the time of the application. The payment of the tariff contribution will be secured through an appropriate legal mechanism or unilateral undertaking. 	