

Developer Contributions SPD: Schedule of Modifications

Please note that there are two tables of modifications (A and B) listed below.

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

Reference	Section /Paragraph number	Modification (deleted text has strike through ; new text is underlined)
A1	Front cover	<u>New front cover added</u>
A2	Title	High Peak Draft Developer Contributions Supplementary Planning Document (SPD)
A3	Footer	<u>October 2023 Draft</u> January 2023
A4	2.7	High Peak Borough Council adopted their Local Plan in April 2016, setting out the spatial strategy, development requirements, site allocations and development management policies for the period 2011 to 2031. The previous Planning Obligations Supplementary Planning Document (SPD) was adopted in December 2005 and precedes the current Local Plan, therefore this SPD (once adopted) provides an update to take account of changes within the legislative and policy framework. <u>The SPD will be reviewed when the 2016 Local Plan is superseded by a new Local Plan.</u>
A5	3.5	Once a planning application has been submitted, the Council will liaise with the County Council (for major developments of 10 or more dwellings) and other relevant stakeholders, and discuss with the applicant specific obligations to be sought as Section 106 agreements.
A6	3.8	If contributions have not been paid within the agreed time period, then late payment interest will be charged at rate of 3% above the Bank of England standard base rate. <u>Once paid contributions must be spent within agreed timescales, and if not, details regarding repayment will be set out in the S106 agreement.</u>
A7	3.9	All financial contributions contained in a S106 will be indexlinked from the date of the Planning Applications Committee to the trigger date when the contribution payment is due in order to ensure that the real value of developer contributions is maintained up to the date of payment. The indexation provisions will be detailed within the legal agreement. The preferred index that will be used is the latest Construction Materials Price Index (CMP Index), which is published by the <u>Department for Business and Trade</u> of Business Innovation and Skills (BIS)
A8	3.12	<ul style="list-style-type: none"> • Critical on and off-site infrastructure needed to achieve the development of the site (e.g. highways, open space, sewer/drainage, nutrient mitigation). • On-site affordable housing. • Contributions for education provision. • Biodiversity⁽⁷⁾ and other green infrastructure, playing pitches /leisure facilities, sustainable transport provision directly serving the site.

		<ul style="list-style-type: none"> • Off-site affordable housing. • Other infrastructure not specifically required by the Local Plan but reasonably requested by an infrastructure provider / consultee <u>such as mitigation of a heritage asset.</u>
A9	4.3	<p>The Council’s overall approach to affordable housing is set out in Policy H4 of the Local Plan and supporting text. This policy states that residential developments of 25 dwellings or more should provide 30% affordable housing and that sites of 5-24 dwellings (0.16 hectares or more) should provide 20% affordable housing. Since the Local Plan was adopted the NPPF update in 2018 stated that affordable housing should not be sought for residential developments that are not major developments ⁽⁹⁾ (other than designated rural areas). In light of the ministerial statement, High Peak’s requirement for affordable housing is therefore applicable to sites of 10 or more dwellings, with 20% provision expected on proposed sites of 10-24 homes. Where affordable housing proposed is below the requirement, applicants will need to provide robust evidence by way of a financial appraisal as justification. Affordable housing should be provided on site, unless in exceptional circumstances when off-site of commuted sums may be considered towards affordable housing on alternative suitable sites. <u>If a proposed scheme is considered to fall within Use Class C2 (residential institutions) there will not be a requirement for affordable housing.</u></p>
A10	<u>New paragraph after 4.5</u>	<p><u>Government guidance allows local authorities to set local eligibility criteria to enable First Homes to work effectively in the area, although these only apply for a maximum of three months of marketing. To align with our existing approach to affordable housing, we will therefore require purchasers (at least one person within the household) of First Homes to have a local connection to the Borough (including priority for defined key workers*) in line with the following criteria:</u></p> <ul style="list-style-type: none"> - <u>Being a current resident of the Borough;</u> - <u>Permanently employed within the Borough; or</u> - <u>Needing to move to take up employment within the Borough.</u> <p><u>*as defined by ONS</u></p>
A11	4.6	<p>Percentages will be rounded to the nearest whole unit. <u>If the affordable housing contribution is not a whole number; up to 0.49 will be rounded down, whilst 0.5 and above will be rounded up to the nearest whole number</u> with the table below providing a guide to the affordable housing requirements for sites of different sizes.</p>
A12	4.8	<p>On this basis, commuted sums will normally be calculated at a <u>minimum</u> rate of 50%–60% OMV for affordable rent and 30% for shared ownership, which relates to a notional affordable unit in order to reflect the ‘developer subsidy’ element of affordable housing provision.</p>
A13	4.12	<p>To support the use of brownfield land, the NPPF makes provision for vacant buildings being reused or redeveloped to reduce affordable housing contributions by a proportionate amount. Vacant Building Credit (VBC) is designed to encourage this type of development for a qualifying building or land to be brought back into use. PPG provides further guidance, stating that where a</p>

		vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. <u>A vacant building is considered to be a building that has not been in continuous use for any 6 month period during the last 3 years. This means the whole building must have been vacant, not just a single planning unit or part of the building. The building must be vacant at the time the application is validated for the VBC to be applied.</u>																													
A14	4.13	Affordable housing contributions will be sought for any additional increase in floorspace, which will be calculated in the same way as any other development. 'A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation (PPG). <u>A worked example is provided in Appendix 1.</u>																													
A15	4.14	Satisfactory evidence should be provided to demonstrate that the site meets the definition of 'previously developed land' in the NPPF. VBC will only apply when in the Council's opinion the building has <u>not</u> been abandoned, the assessment for which will take into consideration the following factors:.....																													
A16	Table 2	<table border="1"> <thead> <tr> <th>Nature of open space</th> <th>Provision required in hectares per 1,000 population</th> <th>Standard per new dwelling m²</th> <th>Cost per m² *</th> <th>Contribution per dwelling</th> </tr> </thead> <tbody> <tr> <td>Amenity Greenspace</td> <td>0.6</td> <td>13.8</td> <td colspan="2">To be provided on site by the developer.</td> </tr> <tr> <td rowspan="2">Equipped children's play</td> <td rowspan="2">0.13</td> <td rowspan="2">3</td> <td colspan="2">a) To be provided on site by the developer <u>or</u></td> </tr> <tr> <td>b) £83.10</td> <td>Off-site contribution £249.30</td> </tr> <tr> <td rowspan="2">Allotments</td> <td rowspan="2">0.24</td> <td rowspan="2">5.5</td> <td colspan="2">a) To be provided on site by the developer <u>or</u></td> </tr> <tr> <td>b) £16.60</td> <td>Off-site contribution £91.30</td> </tr> <tr> <td>Parks and Gardens</td> <td>1.15</td> <td>26.4</td> <td>£23.50</td> <td>£620.40</td> </tr> </tbody> </table> <p><u>*costs are dated January 2023 and are subject to indexation.</u></p>	Nature of open space	Provision required in hectares per 1,000 population	Standard per new dwelling m ²	Cost per m ² *	Contribution per dwelling	Amenity Greenspace	0.6	13.8	To be provided on site by the developer.		Equipped children's play	0.13	3	a) To be provided on site by the developer <u>or</u>		b) £83.10	Off-site contribution £249.30	Allotments	0.24	5.5	a) To be provided on site by the developer <u>or</u>		b) £16.60	Off-site contribution £91.30	Parks and Gardens	1.15	26.4	£23.50	£620.40
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A17	4.24	The Playing Pitch Strategy Assessment and Action Plan (2018) provides a strategic framework which ensures that the provision of outdoor sports facilities meet the local needs of existing and future residents within High Peak. The strategy produced in accordance with PPG, provides robust and objective justification for future needs throughout the Borough. It identifies likely demand for pitch sports generated from housing growth in the Local Plan, which is set out in the table below. <u>The Council is due to review the 2018 Playing Pitch Strategy to ensure that demand and requirements for provision continues to be up to date.</u>
A18	4.28	Greenways, woodlands and wildlife sites can provide informal opportunities for play, sport and recreation and in some instances these sites may be better placed to facilitate those wider experiences than traditional play areas, parks and gardens. Green infrastructure networks have a key role to play in providing opportunities for outdoor recreation and social interaction, improving accessibility for walking, cycling and horse riding. The <u>greenways and canal network are is an important recreational facilities</u> that support healthier and more active lifestyles. Increased use and footfall generated by residential development near <u>greenways and waterways</u> can often lead to increased liabilities for the <u>County Council and the Canal and Rivers Trust respectively</u> . It is important to be able to secure developer contributions to help maintain <u>greenways and the canal infrastructure</u> when it is impacted by development, to enhance quality and ease of access.
A19	4.31The requirements of Environment Act will be implemented as mandatory in winter 2023; however, the Council will work with developers to proactively encourage that appropriate contributions are sought for BNG in advance of the 2023 date and in accordance with Policy EQ5. Discussions will be informed by the Council's own emerging Biodiversity Strategy as well as the Local Nature Recovery Strategy for Derbyshire. <u>The Green Infrastructure Framework launched in February 2023 by Natural England includes a set of principles and standards, design guidance and a mapping tool which will help identify priorities for GI enhancement and creation, and to address inequalities in access to green space.</u> https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx
A20	4.42	The Council works closely with key stakeholders in the health and wellbeing sector, including NHS, ICS, Public Health and High Peak Place Alliance, to ensure a coordinated approach for effective collection of developer contributions. The ICS will be consulted on all major planning applications that are submitted to the Council. Generally, the ICS will ask that financial developer contributions are made from schemes of 50 dwellings or more towards improving healthcare <u>where it can be demonstrated that these would meet the CIL Regulations.</u>
A21	4.45 Contributions towards employment, skills and training may be secured through S106 from residential or non-residential development that will create more than 20 temporary or permanent jobs (<u>total number of jobs</u>). The Council will work collaboratively with applicants and stakeholders to ensure that the aims of the charter are achieved and relevant initiatives are provided for proposals.
A22	4.47This mechanism can also allow the Highway Authority to seek contributions towards Travel Planning, Public Transport services <u>including bus stops, real time information and bus services</u> , sustainable travel and pedestrian and cycle infrastructure,

		provided that the NPPF planning tests are met. Active and sustainable travel have also been considered under the Climate Change section.						
A23	4.48Increased use of cycleways by developments that directly link to existing cycle infrastructure place additional management and operational obligations on the managing authority. Where a development directly links to <u>an existing KCN and LCN route</u> it is proposed that a proportionate requirement for maintenance <u>of the existing asset may be sought to account for the additional usage arising as a result of a development</u> is noted .						
A24	<u>new paragraph after 4.48</u>	<u>Transport Assessments (TAs) should consider the potential for Increased footfall at railway stations as a result of proposals for residential or commercial development. Where proposals are likely to increase footfall and the need for car parking, developer contributions should be sought, provided the NPPF planning tests are met. Contributions may also be sought where proposals impact on level crossings to mitigate the impacts of those developments.</u>						
A25	4.59	Related to the above measures to improve air quality and in order to promote more sustainable transport modes, developments that generate significant demand for travel should provide features such as walking/cycle path linkages or improved access to public transport. <u>All new developments should include appropriate cycle storage to facilitate and encourage this mode of travel. All new dwellings should be provided with secure and accessible storage, and new commercial development should be provided with storage for staff and visitors, in line with LTN 1/20 Cycle Infrastructure Design. https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120</u>						
A26	4.75	In accordance with Policy EQ7, the Council will protect and enhance the built and historic environment. Where appropriate, contributions towards the conservation, restoration and enhancement of the historic environment and archaeological sites and monuments will be sought where an impact affecting a heritage asset, including its setting, is directly linked as a consequence of a development site and requires mitigation. <u>There may be further opportunities to benefit the historic environment through works to public realm improvements, town centre improvements, green infrastructure and open spaces.</u>						
A27	<u>Appendix 1</u>	<p><u>Example of vacant building credit calculation</u></p> <table border="1"> <tr> <td><u>Proposal</u></td> <td colspan="2"> <u>Housing development of 50 dwellings</u> <u>Affordable Housing requirement 30%</u> <u>The Proposed Gross Internal Floor Area (GIA): 5,000sqm</u> <u>The existing Gross Internal Floor Area (GIFA): 1,000sqm</u> </td> </tr> <tr> <td><u>Step 1</u></td> <td> <u>Calculate the affordable housing contribution based on the total number of eligible dwellings and the</u> </td> <td> <u>Affordable housing contribution 50 units x 30% = 15 units</u> </td> </tr> </table>	<u>Proposal</u>	<u>Housing development of 50 dwellings</u> <u>Affordable Housing requirement 30%</u> <u>The Proposed Gross Internal Floor Area (GIA): 5,000sqm</u> <u>The existing Gross Internal Floor Area (GIFA): 1,000sqm</u>		<u>Step 1</u>	<u>Calculate the affordable housing contribution based on the total number of eligible dwellings and the</u>	<u>Affordable housing contribution 50 units x 30% = 15 units</u>
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			<u>affordable housing percentage (30%) required by the council's planning policy</u>	
		<u>Step 2</u>	<u>Calculate the amount of existing floorspace, if any, as a proportion of the floorspace provided by the development: E/P x 100 (where E = existing floorspace and P = proposed floorspace)</u>	<u>1,000 sqm / 5,000 sqm x 100 = 20%</u>
		<u>Step 3</u>	<u>Calculate the amount of AH credit: Step 1 AH units x Step 2 percentage</u>	<u>15 units x 20% = 3 units</u>
		<u>Step 4</u>	<u>Deduct the AH credit from the policy compliant affordable housing contribution, Step 1 AH number – Step 3 AH credit</u>	<u>15 units – 3 units = 12 units (12 affordable dwellings to be delivered on-site)</u>

Table B: The following table identifies additional modifications made to the SPD in response to comments following The Executive on 22nd June 2023 in agreement with the Planning portfolio holder and the Head of Development Services.

Reference	Section /Paragraph number	Modification (deleted text has strike through ; <u>new text is underlined</u>)
B1	3.12	(Last line before bullet) Whilst each case needs to be assessed on its own merits, the general approach that will be taken to prioritise contributions is as <u>is</u> outlined below:
B2	4.3	(Penultimate sentence) Affordable housing should be provided on site, unless in exceptional circumstances when off-site of commuted sums may be considered towards affordable housing on alternative suitable sites.
B3	4.11	Policy H3 New Housing Development, applies the nationally described space standards (NDSS) set out <u>in</u> the Technical Housing Standards requirements (DLUHC, 2015) ⁽¹¹⁾ for internal space within new dwellings across all tenures.
B4	4.13	(Penultimate sentence) This means the whole building must be have been <u>be</u> vacant, not just a single planning unit or part of the building. The building must be vacant at the time the application is validated for the VBC to be applied.
B5	4.24	If in exceptional circumstances, on agreement with the Council, the developer wishes to transfer responsibility to the Council, a commuted sum contribution will be collected to cover a minimum of a <u>of</u> 25-year period lifecycle costs to will <u>to</u> contribute

		towards maintenance and day to day costs.
B6	4.30	The NPPF highlights the need to protect biodiversity, including designated sites, priority habitats and wider ecological networks. It promotes the conservation, restoration and enhancement of priority habitats and ecological networks, including watercourses and priority species. In accordance with the NPPF, planning polices, and development decisions should minimise the impacts on and provide net gains for biodiversity <u>including establishment of coherent ecological networks that are more resilient to current and future pressures.</u>
B7	4.31	Policy EQ8 Green Infrastructure, sets out the requirements of new development to protect and enhance biodiversity and green infrastructure. This includes contribution to the creation or enhancement of existing green infrastructure, including a range of categories of provision. <u>Policy EQ5 also sets out the need to meet the objectives and targets in the Peak District Biodiversity Action Plan or its successor.</u> As well as the crossover to specific policy on Biodiversity in EQ5, the Environment Act supplements existing legislation and policy to introduce new incentives, actions and planning tolls to drive further improvements for nature. A key component of the Act is the requirement for development proposals to deliver at least 10% <u>biodiversity net gain (BNG).</u> The requirements of the Environment Act for BNG are expected to be <u>mandatory from winter 2023.</u> improvement to biodiversity. Policy EQ5 also sets out the need to meet the objectives and targets in the Peak District Biodiversity Action Plan or its successor.
B8	4.32	It is expected that biodiversity and green infrastructure enhancements will generally be secured through planning conditions; however, there may be some circumstances where it will be necessary to ask for specific mitigation or compensation to make a development proposal <u>compliant with acceptable as set out in national legislation.</u> Policy EQ5 seeks to deliver net gains in biodiversity and b <u>By engaging with stakeholders to outline key requirements for 10% BNG for the development (in accordance with the Environment Act and EQ5), to strengthen biodiversity in the Borough,</u> the IDP can help link objectives, strengthen ecological networks and create corridors to ensure <u>environmentally-responsible effective</u> land management and biodiversity value. In accordance with the Environment Act, the developer is required to maintain <u>the enhancements to the habitat</u> for at least 30 years after the completion of works. <u>Whether the net gain is delivered on-site or off-site will depend on how far on-site delivery can contribute to ecological networks.</u> The habitat should be delivered on-site, however where this is not possible offsite contributions or statutory biodiversity credits may be applied. The requirements of the Environment Act will be <u>implemented as mandatory in winter 2023;</u> however, <u>the Council will work with developers to proactively encourage that appropriate contributions are sought for BNG in advance of the 2023 date and in accordance with Policy EQ5.</u> <u>Developer contributions will also recognise the maintenance need of established sites to manage increased pressures from development additional to any net gains made by the development.</u> Discussions will be informed by the Council's own emerging Biodiversity Strategy as well as the Local Nature Recovery Strategy for Derbyshire. The Green Infrastructure Framework launched in February 2023 by Natural England includes a set of principles and standards, design guidance and a mapping tool which will

		help identify priorities for GI enhancement and creation, and to address inequalities in access to green space.
B9	4.34	Developer contributions will also recognise the maintenance need of established sites to manage increased pressures from development additional to any net gains made by the development. The NPPF notes the importance of minimising impacts on and providing net gains for biodiversity, including establishment of coherent ecological networks that are more resilient to current and future pressures. Similarly, this is also reflected in the NPPF, with specific regard to impact of development and improvement of biodiversity integrated through good design, especially to secure net gain or enhance access to nature.
B10	4.37	In the case of larger developments that have the potential to impact on local air quality by creating exposure to road transport emissions to future occupants of a development, or where the proposed development scheme has the potential to increase concentrations of pollutants in the surrounding area, developers are expected to fully mitigate the air quality impacts of these developments by initially undertaking an Air Quality Assessment, to determine impacts of the proposal and then by providing mitigation measures to offset any identified impacts or by making a financial contribution. If a financial or in-kind contribution is deemed necessary, a project or sum will be identified and agreed on a case-by case basis, based on the Air quality appraisal: damage cost guidance issued by defra.
B11	4.47	Policy CF6 Transport and Accessibility seeks to ensure that development can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport, <u>such as diesel and petrol vehicles</u> and help deliver the priorities of the Derbyshire Local Transport Plan. Developer contributions will be used to deliver transport and accessibility improvements required to accord with this policy.
B12	4.50	Transport Assessments (TAs) should consider the potential for increased footfall at railway stations as a result of proposals for residential or commercial development. Where proposals are likely to increase footfall and the need for <u>access car parking</u> , developer contributions should be sought, provided the NPPF planning tests are met. Contributions may also be sought where proposals impact on level crossings to mitigate the impacts of those developments.
B13	4.54	...Since declaring the Climate Emergency, the Council has produced its <u>began work to prepare the Climate Change Action Plan Strategy</u> ⁽¹⁴⁾ which outlines the key targets to reach its Net Zero aim by 2030. This includes tackling emissions and improving energy efficiency in buildings <u>such as improving insulation and installing air source heat pumps or solar panels</u> , as well as increasing public transport use, cycling and walking, managing waste and looking after the environment. Part two of the action plan, Aiming Low: The Way to Net Zero, refers to this SPD in terms of its role in securing developer contributions to support climate change adaptation and mitigation.
B14	4.55	(last sentence) The framework also cross-references the other supporting strategies that have (or will be) produced by the County Council and delivery partners, including energy, transport, waste, air quality, <u>sustainable good</u> growth, biodiversity and natural capital.
B15	4.59	Move the whole of paragraph 4.59 to after paragraph 4.63.