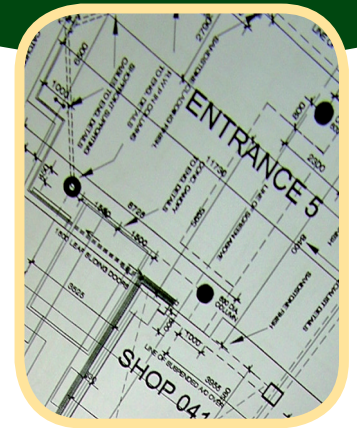


Planning Contributions and Affordable Housing: Priorities and Delivery

Adopted
Supplementary
Planning
Document



Torbay
Local Development
Framework
2005 - 2026

Planning Contributions and Affordable Housing: Priorities and Delivery

Adopted
Supplementary Planning Document

Local Development Document
LDD6

April 2008



The Planning Contributions and Affordable Housing: Priorities and Delivery Supplementary Planning Document is available:

- On the Torbay Council Website: **www.torbay.gov.uk/ldf**
- At the Torbay Council Offices at Roebuck House, or any of the Council Libraries and Connections Offices in Torquay, Paignton or Brixham.

If you would like any further information about this document or any aspect of the Torbay Local Development Framework please contact us. You can also register your interest in the emerging Torbay Local Development Framework (LDF). Your details will be added to our LDF consultation database and you will be kept informed about the various the Local Development Documents as they are produced.

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Other links that will provide more detailed background information on the spatial planning system include:

- Planning Policy Statement 12 - Local Development Frameworks www.communities.gov.uk
- The Planning Portal (www.planningportal.gov.uk) is the Government's online service for planning which includes advice and information on the plan-led and emerging Local Development Framework.

This document can be made available in a range of languages, on tape, in Braille, large print and in other formats. For further information please contact 01803 208804.

Foreword

Planning Contributions - or “Section 106 Agreements” - are an important way in which development “pays its way” for the impact it has on Torbay’s environment, community and economy. They are also an important way in which the area’s pressing need for affordable homes is met.

We are pleased to present the ‘Planning Contributions and Affordable Housing: Priorities and Delivery’ Supplementary Planning Document (SPD), which sets out the Council’s intentions for the use of planning contributions. We hope that the document will give certainty to developers whilst harnessing the development process to meet Community Plan objectives.

The document is a Supplementary Planning Document that forms part of the Torbay Local Development Framework. It has been produced in consultation with a wide range of partners and developed in the context of the Torbay Community Plan 2007+ “Turning the Tide”. The SPD is intended to promote and improve good development, and not to stifle it. Therefore the SPD contains advice on implementing planning contributions and testing viability.

We hope that the SPD will be of interest and assistance to those involved with planning, and the delivery of affordable housing.



Councillor Chris Lewis

Cabinet Member for Transport and Planning

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Key Terms & Abbreviations used in the new planning system:

Local Development Framework (LDF)

Local Development Scheme (LDS)

Local Development Document (LDD)

Development Plan Document (DPD)

Supplementary Planning Document (SPD)

Sustainability Appraisal (SA)

Statement of Community Involvement (SCI)

Section 106 Agreement (s106)

Department for Communities and Local Government (DCLG)

1.0 INTRODUCTION AND BACKGROUND

SPD Objectives

- 1.1 Planning Obligations are an important way of providing the physical and social infrastructure needed by development. It is also one of the main ways in which affordable housing is provided.
- 1.2 This is Torbay Council's Supplementary Planning Document on Planning Contributions and Affordable Housing. It sets out how the Council intends to use developer obligations/ contributions. These are also called 's106 Agreements' because councils are entitled to seek them under Section 106 of the Town and Country Planning Act 1990 (possibly to be modified by s46 and s47 of the Planning and Compulsory Purchase Act 2004 or subsequent legislation in the Planning Bill).
- 1.3 The SPD was the subject of consultation in June 2006 (Pre-Regulation 17 Draft) and November 2007 (Regulation 17 Draft). **The Planning Contributions and Affordable Housing Supplementary Planning Document was adopted by Torbay Council on 28 February 2008**, in accordance with the current Torbay Local Development Scheme.
- 1.4 The SPD provides detailed guidance on the implementation of Policies in the Saved Adopted Torbay Local Plan 1995 – 2011. It should use s106 Obligations to deliver high quality sustainable development and meet the priorities in the Torbay Community Plan. The intention of the SPD is to provide transparent advice on the Council's requirements, which will help make the planning process faster, more certain and provide guidance on priorities when determining planning applications.
- 1.5 The Planning Contributions and Affordable Housing SPD also provides guidance on implementation and the use of independent third party advice to test viability issues. Note that the figures contained in the SPD may be adjusted for inflation and the Council will usually take the Retail Price Index (RPI) as the most appropriate measure, unless there are particular circumstances that render another measurement more relevant.
- 1.6 The SPD replaces the 2003 Supplementary Planning Guidance on affordable housing.
- 1.7 The SPD also sets out an undertaking by the Council to spend s106 moneys for the purpose which they were collected within a given time period: normally 5 years, but 10 years in the case of major highway or infrastructure projects.

Government Policy

- 1.8 Planning obligations must meet Government stipulations. In particular Circular 5/2005 specifies that planning obligations must be:

- necessary
- relevant to planning
- directly related to the development proposed
- fairly and reasonably related to the scale and timing of the proposed development and
- reasonable in other respects.

1.9 Planning obligations may be used to prescribe the nature of development (eg seek affordable housing), mitigate the impact of development, or compensate for loss or damage. Planning obligations should not be used purely as a tax on development profits. **Planning obligations should not be used where a planning condition would suffice.**

1.10 Government also produced good practice advice on planning obligations (July 2006) and affordable housing (November 2006). The October 2007 Pre-Budget Report and Comprehensive Spending Review proposed the introduction of a local tariff to fund infrastructure referred to as the Community Infrastructure Levy (CIL). Guidance on implementing the CIL was published by Government in January 2008. It would be introduced through the forthcoming Planning Reform Bill and may in due course require this SPD to be revised.

1.11 Policy ST4 of the Devon Structure Plan 2001-2016 and Development Policy D of the emerging Regional Spatial Strategy, require infrastructure to be provided to meet the needs arising from development. These policies expect developers to contribute towards the cost of infrastructure.

Summary of SPD Structure

1.12 The Planning Contributions and Affordable Housing Priorities and Delivery Supplementary Planning Document provides guidance on the provision of developer contributions (s106 Agreements) and guides the implementation of Policies in the Saved Torbay Local Plan 1995-2011.

1.13 The SPD is structured around three main areas:

(1) Development Site Acceptability Contributions

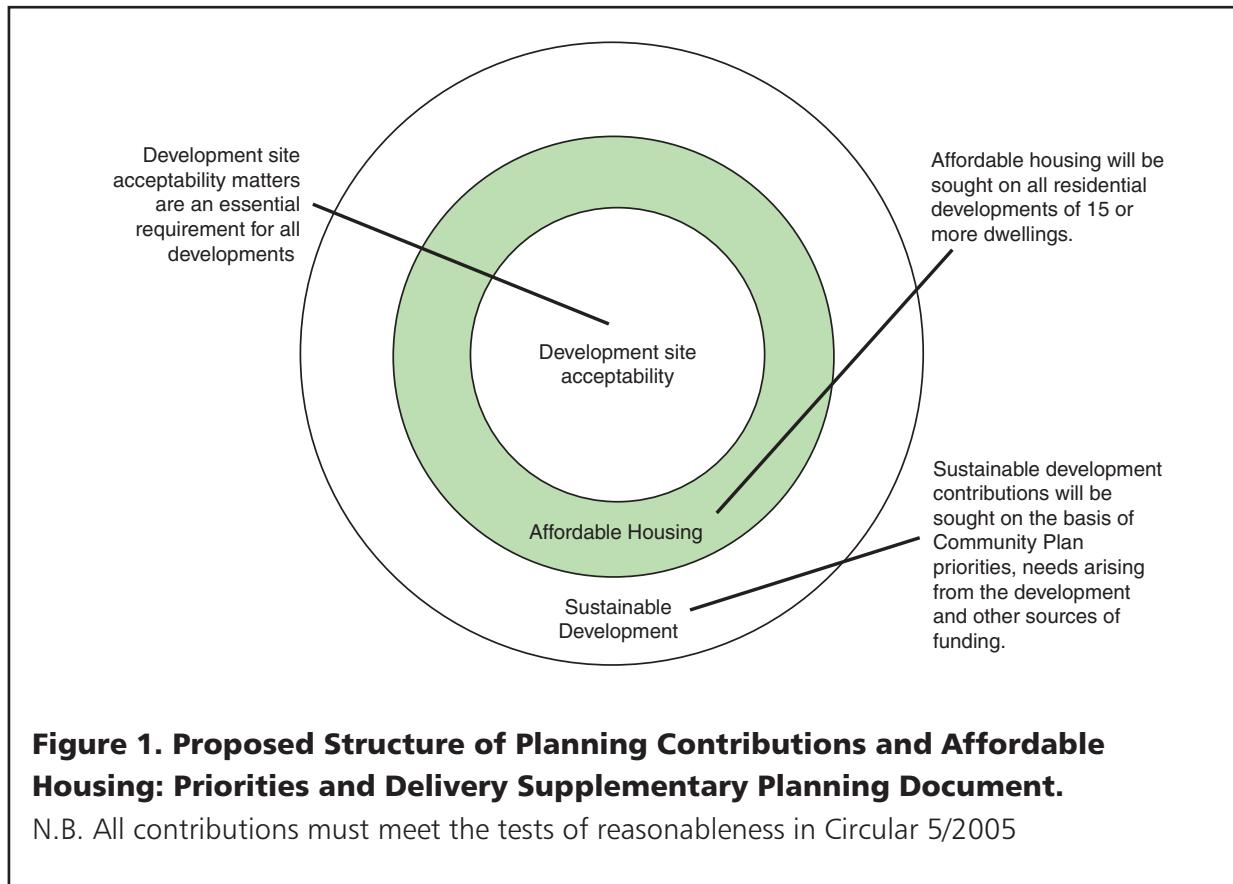
1.14 This relates to works that must be carried out directly to the site to render development workable in physical terms. It includes matters such as access and landscaping. Many matters can be addressed through the use of conditions rather than requiring a legal agreement.

(2) Affordable Housing

- 1.15 On the basis of Adopted Torbay Local Plan policies, thirty percent (30%) affordable housing is sought on residential developments of 15 or more dwellings. Three quarters of the affordable housing should be for social rent and one quarter for intermediate sale or rent.
- 1.16 The value of the developer/landowner contribution towards providing the affordable housing will be assessed on the basis of the amount of money a registered social landlord (RSL) is able to raise for the affordable units (through rent and possible grant – referred to in the SPG as the ‘Supportable Deficit Transfer Price’). This approach allows a ‘fall back’ position whereby affordable housing can still be provided even if no public subsidy is involved.
- 1.17 Affordable housing should be provided in kind and on-site. Commuted sums for off site provision will only be permitted in exceptional circumstances.

(3) Sustainable Development Contributions.

- 1.18 This includes wider community infrastructure which is required in order to make development sustainable and acceptable in spatial planning terms. This area includes matters such as sustainable transport, compensation for the loss of employment, safer communities, lifelong learning, and provision of open space.
- 1.19 Figure 1 shows this approach. Development site acceptability matters will need to be provided before wider sustainable development objectives, since these are necessary to achieve a successful development in direct physical and environmental terms. Affordable housing will be sought as a priority on qualifying sites (ie of 15 or more dwellings). In prioritising sustainable development contributions, regard will be had to:
- The specific impact of the development.
 - Community Plan themes (Pride in the Bay, Learning and Skills for the Future, The New Economy and Stronger Communities). The Community Plan’s core principle is to achieve economic prosperity.
 - The availability of other sources of funding.



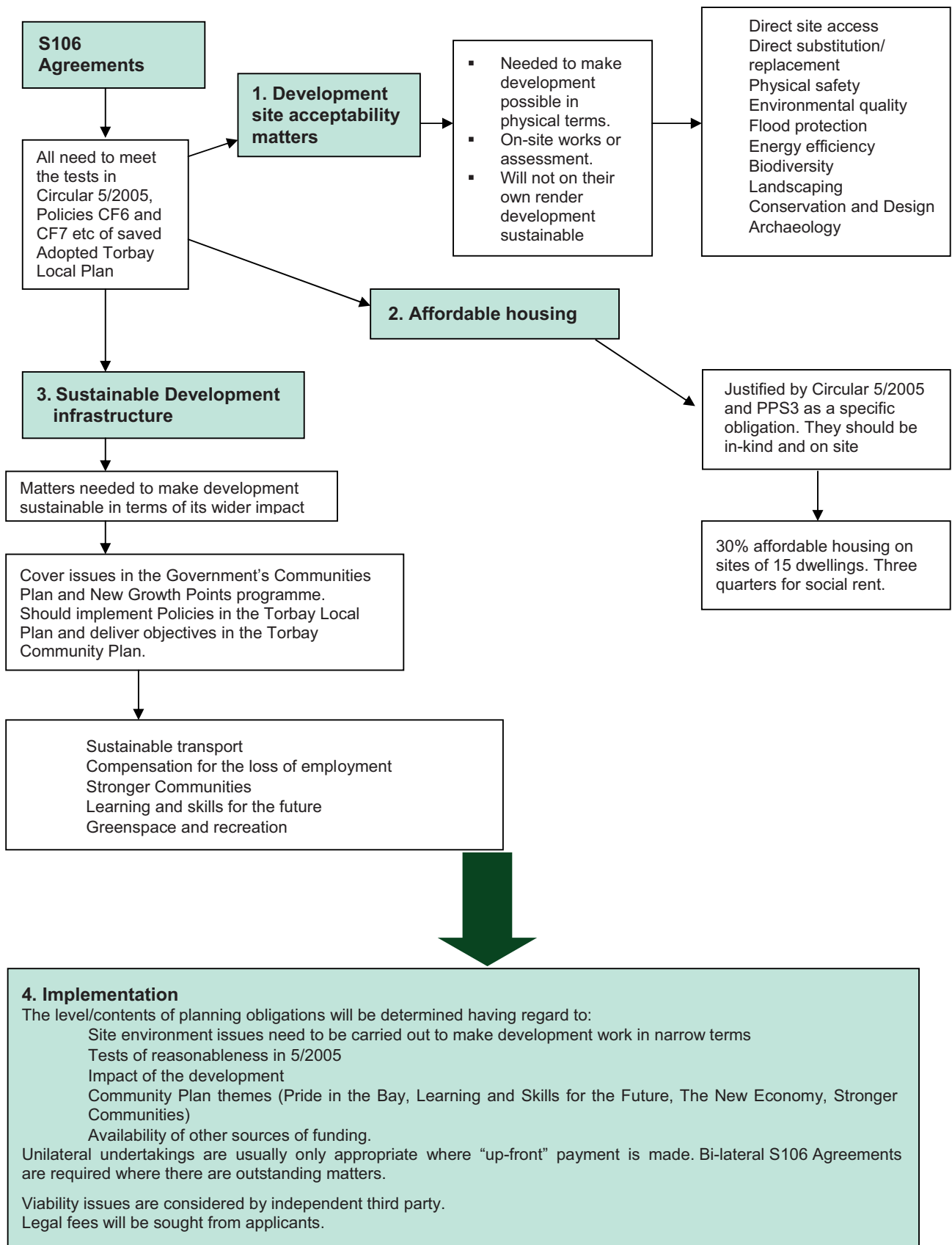
1.20 Figure 2 sets out this structure in more detail.

1.21 Early discussion with Planning and Development Services and the Council's Sustainable Transport and Affordable Housing Coordinators is advised in order to determine the required contribution and other matters

Sustainability Appraisal

1.22 A Sustainability Appraisal (SA) has been carried out in parallel with the preparation of this document. This is a requirement under the Planning and Compulsory Purchase Act 2004, and seeks to ensure that environmental, social and economic effects of the SPD are considered. The Draft SPD has been amended to reflect the findings of the sustainability appraisal. For further information on the SA process and the work carried out in relation to this sustainability appraisal please see the accompanying full Sustainability Appraisal Report for the Regulation 17 Planning Contributions and Affordable Housing: Priorities and Delivery SPD. The report is also available on the Torbay Council website at www.torbay.gov.uk/ldf (click on sustainability appraisal) or upon request from the Strategic Planning Group of Torbay Council (Tel: 01803 208804).

Figure 2. Flow Chart for the Calculation of Planning Obligation



Appropriate Assessment

- 1.23 The European Habitats Directive (transposed into UK law in Part IVA of the Habitats Regulations) requires Appropriate Assessment (AA) to be undertaken on all land use plans in order to determine their impact on sites of European Nature Conservation importance. Where significant negative impacts are identified, alternative options should be examined to avoid any potential damaging effects.
- 1.24 Consultants Enfusion undertook the Appropriate Assessment work on the Planning Contributions and Affordable Housing SPD, and have prepared an Appropriate Assessment Screening Report to accompany the final SPD. Enfusion's assessment was that the Planning Contributions and Affordable Housing SPD itself will have no significant effect, either on the South Hams SAC or the other European sites. This is due primarily to the fact that the SPD makes no provision itself for new development, but seeks to provide guidance on the implementation of policies in the Saved Adopted Torbay Local Plan 1995 – 2011. Therefore no further Assessment work is required on the Planning Contributions and Affordable Housing SPD. The Assessment is available on the Torbay Council website at www.torbay.gov.uk/ldf or upon request from the Strategic Planning Group of Torbay Council (Tel: 01803 208804).

Community Involvement

- 1.25 The SA and SPD were both subject to community engagement and consultation during their preparation, in accordance with the relevant Regulations and the Council's Statement of Community Involvement. A separate Regulation 17 Consultation Statement summarises the consultation process that has been undertaken in their preparation.

2.0 DEVELOPMENT SITE ACCEPTABILITY

Scope

- 2.1 Development site acceptability contributions are sought to make development acceptable in terms of its direct impact on the site. Because site impacts are unique to each development it is not practical to set standard formulae. Development site acceptability matters will need to be addressed before other obligations can be sought. Moreover, this section is not intended to imply that all development is capable of mitigation. Some proposals will be unacceptable due to their environmental or other impact.
- 2.2 Development site acceptability covers:
- Direct site access including provision of sustainable transport infrastructure.
 - Direct replacement/substitution.
 - Physical safety.
 - Environmental quality
 - Flood protection
 - Energy efficiency
 - Biodiversity
 - Landscaping
 - Conservation and design
 - Archaeological protection
- 2.3 Some of the matters necessary to render the site/development physically workable may be addressed by the use of planning conditions. For example, conditions can be used to secure planting, the provision of wildlife conservation measures or safety measures. Conditions will be used in preference to Section 106 Agreements where possible (see Circular 5/2005, paragraph B2).
- 2.4 **Direct site access, including provision of sustainable transport infrastructure.** There is an expectation that developers will pay for access to a development site and/or additional works necessary for safety or operational purposes (eg traffic lights, pedestrian crossings, cycle ways, footpaths etc). Highway works are currently provided for through Section 278 of the 1980 Highways Act. The Council will require site access and associated works to be carried out by the developer under Section 278 in most instances, although there may be instances where it is appropriate to use S106.

- 2.5 Policy **T1 Development Accessibility** in the Adopted Torbay Local Plan requires developments to be accessible to walking, cycling and public transport. In line with this Policy, the provision of footpaths, cycle lanes, bus routes and shelters will be required as site environment matters (*Note: the Council may also seek sustainable transport contributions for matters such as the provision of buses. These are dealt with under 'Sustainable Development Contributions' in Section 4 below*). Developments should make adequate provision for parking and safe storage of cycles. This will usually be achieved through the development management process.
- 2.6 **Physical Safety** – This will often be dealt with through conditions for example requiring traffic calming, junction layout and visibility, railings, safe play equipment, security lighting of paths etc. Developers will need to liaise with the Council to ensure that play equipment, paths etc are of an adoptable standard. **Policy CF2 'Crime Prevention'** requires that development is designed to minimise crime and sets out design principles to achieve this.
- 2.7 **Direct replacement / substitution contributions** Circular 5/2005 indicates that s106 Agreements can be used to provide compensation or replacement of features, resources or habitats that are lost or affected by development. Usually replacement will be in-kind and can be secured through a planning condition (for example providing replacement public open space or tree planting). However there may be instances where a financial contribution is an appropriate way to provide mitigation or substitution on adjoining land. This could include matters such as a contribution or donation of land to Torbay Coast and Countryside Trust for planting or countryside management. As noted above, some development impacts would be so significant that they cannot be mitigated and would therefore warrant refusal of an application.
- 2.8 **Environmental quality.** This includes measures such as noise dampening measures, measures to minimise light pollution etc. These matters are addressed in the Environmental Policy chapter of the Adopted Torbay Local Plan. They will usually be achieved through planning condition.
- 2.9 **Flooding.** PPS25 'Development and Flood Risk' (2006) indicates that planning should avoid and manage flood risks. PPS25 introduces a sequential approach whereby development should be located away from high flood risk areas. Local authorities should only permit development in areas of flood risk where there are no reasonably available lower flood risk areas and the benefits of development outweigh the risk of flooding. The Environment Agency issues maps indicating flood risk zones. Areas of Torbay, particularly Torquay and Paignton town centres are vulnerable to flooding. There is an issue of flash flooding as well as a serious longer term vulnerability to sea level rise. Further guidance is set out in the **Torbay Strategic Flood Risk Assessment**. The Council will have regard to these issues when considering the location of development.
- 2.10 Local Plan Policy **EP12 'Coastal Protection Zone'** is also relevant. There is a heavy emphasis on the provision of sustainable drainage measures to reduce off-site flooding effects. Where developments within high probability flood risk areas (especially '3a' or '3b' areas) are

considered to be acceptable, having regard to the sequential approach in PPS25, they will need to be rendered flood proof. In particular basement or ground floor residential developments should be avoided, whilst commercial development will need measures to minimise risk and damage caused by flooding. More major developments within '3a' high flood risk areas will be required to contribute to wider defence works, if these are necessary to the safe functioning of the development. Further information on Torquay Harbour is set out in the **Torquay Harbour Area Action Plan**.

- 2.11 **Energy Efficiency.** Policy **EP1** 'energy efficiency design' and Policy **EP2** 'renewable energy' of the Adopted Torbay Local Plan supports the use of renewable energy so long as amenity, health etc are not adversely affected. Policy CO11 'Conserving Energy Resources' of the Adopted Devon Structure Plan 2001-2016 requires that direct and indirect energy consumption in new development should be minimised. Structure Plan Policy CO12 promotes renewable energy development.
- 2.12 Development Policy G of the emerging RSS will require that all new and refurbished buildings achieve at least Code for Sustainable Homes Level 3 (25% energy efficiency improvement on 2006 Building Regulations Standards (Part 6)). Residential developments of 10 or more dwellings should meet Code for Sustainable Homes Level 4 in 2008-10 and Level 5 in 2011-15. The emerging RSS also sets CO₂ reduction targets for non-residential development.
- 2.13 It is recognised that planning cannot require current Building Regulations to be exceeded in all instances. However, when approved, RSS is likely to require a significant increase in energy efficient design. The Council will encourage RSS energy efficient measures to be incorporated into residential and commercial development, particularly on greenfield land, as a matter of good practice. It is recognised that this will increase development costs, but this is considered to be outweighed by the benefits.
- 2.14 **Municipal Waste and Recycling.** Torbay's population is growing and Torbay's projected municipal waste will be over 90,000 tonnes by 2025. Local authorities will be heavily penalised for exceeding their allocated landfill allowance under the Landfill Allowance Trading Scheme which came into force in 2005/2006. The cost to Torbay is likely to be at least £27 million by 2020 if we continue as we are.
- 2.15 Longer term solutions to waste management will need to be found through the Council's Municipal Waste Strategy 2007-2025 and the Local Development Framework.
- 2.16 However, in the short term there is a pressing need to increase recycling rates and remove biological waste from kerbside collections. The Municipal Waste Strategy identifies this as an urgent interim priority. This will also help the Council meet its domestic recycling targets of 40% by 2010, 45% by 2015 and 50% by 2020.

- 2.17 Planning Policy Statement 10 sets out the Government's priorities on waste management. **Policy W3, W5 and W6** of the Adopted Torbay Local Plan seek to maximise the reduction and recycling of waste. **Policy W7** requires new developments to provide the necessary facilities for recycling, storage, treatment and removal of waste where necessary through S106 Contributions. Policy W1 of the Devon Structure Plan 2001-2016 and Policies W1-W4 of the emerging Regional Spatial Strategy are also relevant.
- 2.18 All development should make provision for adequate storage of waste and recycling materials. Larger developments will need to incorporate facilities for the recycling of glass, paper, clothes etc. This can often be achieved through conditions or the usual development management process. It is estimated that the additional per-dwelling cost of providing twin bins, rescheduling collections etc is £51.00. The Council will seek this from new residential developments. Additional contributions may be sought on larger developments where there is a need for additional pooled waste management facilities.
- 2.19 **Biodiversity.** Development should avoid harming habitats such as hedge rows and trees. Priority species and habitats identified in the **Local Biodiversity Action Plan (LBAP)** will need particular protection. The LBAP also contains a range of biodiversity projects. Whilst this will mean resisting development in some instances, there will be other cases where the impact of development can be mitigated. Measures such as wildlife habitats, bird or insect boxes etc may be necessary in order to mitigate the impact of development (see policy **NCS** of the Adopted Torbay Local Plan). Much of this can be achieved through careful design and the use of conditions. However, in some instances a commuted sum to Torbay Coast and Countryside Trust may be the most appropriate way of securing biodiversity protection and mitigation.
- 2.20 **Landscape.** Measures such as on-site planting or off-site strategic landscaping are set out in Policy **L9** in the Adopted Torbay Local Plan. Note that landscaping would usually be achieved through condition. However, a s106 Agreement may be required for off-site planting or for management.
- 2.21 **Conservation / design.** Policies in the Built Environment chapter of the Adopted Torbay Local Plan seek a high quality of design both within and outside of conservation areas. Layout and design matters will usually be dealt with through the development management process, but there may be instances where a contribution towards replacement architectural or townscape features is sought. In the case of major commercial developments public art or similar features will often enhance the development setting. These could be either provided directly by the developer or through pooled contributions.

2.22 **Archaeological Protection.** Archaeological Assessment may be required as part of the planning application process (see Policy **BE9** of the Adopted Torbay Local Plan). Protection, retention or recording of features will usually be an on-site development management matter. However, there will be instances where an s106 contribution is sought for the preservation or curation of archaeological artefacts (see Policy **BE10** in the Adopted Torbay Local Plan).

3.0 PROVISION OF AFFORDABLE HOUSING

- 3.1 The Council's Housing Service will work closely with the developer and any chosen RSL partner to determine the location, phasing, timing, type, size and tenure of affordable homes.
- 3.2 ***The provision of affordable housing can be complicated and early contact with the Council's Affordable Housing Coordinator is urged. He can be contacted on: 01803 208720 or affordablehousing@torbay.gov.uk***

Policy Background

- 3.3 **Planning Policy Statement 3 "Housing" (2006)** and the Delivering Affordable Housing Policy Statement (DCLG 2006) both seek to help local authorities and other key players deliver more high quality affordable housing within mixed and sustainable communities.

Government policy on affordable housing is targeted around three themes:-

- Providing high quality affordable homes in mixed sustainable communities for those in need.
- Widening the opportunities for home ownership.
- Offering greater quality flexibility and choice for those who rent.

Note that PPS3 has replaced Circular 6/98 as the Government's formal planning advice on affordable housing.

- 3.4 **Policies H5 and H6** of the saved Adopted Torbay Local Plan sets out a requirement for affordable housing:
- 3.5 **H5 Affordable housing on identified sites**

The provision of around 1350 new units of affordable housing – equal to 135 units per year over the remainder of the Plan period (2001 – 2011) are proposed to meet the identified need.

These units are to be delivered through a subsidy at below the open market rate. Where appropriate they will be secured by a Section 106 Agreement and involve a Registered Social Landlord. An element of supported housing will be sought. The following locations (set out in table 2, page 46 of the Adopted Torbay Local Plan Written Statement) have been identified as sites to meet part of this need. Negotiations about the amount of affordable housing will be governed by the indicative targets set out in table 2 (in the Written Statement).

3.6 H6 Affordable housing on unidentified sites

The Council will seek to secure an element of affordable housing on all sites for residential development that meet the minimum threshold requirements permitted by Government.

The appropriate level and type of provision will be for negotiation between the Council and the developer. In the assessment of proposals, consideration will be given to:-

- a) the accessibility of the site to local services and facilities and public transport;***
- b) the particular costs associated with development of the site;***
- c) whether the provision of affordable housing would prejudice the realisation of other planning objectives; and***
- d) the need to create a successful housing development.***

The current minimum site size threshold permitted under Circular 6/98 is developments of 15 units or more, or 0.5 hectares or more in area. These thresholds may change during the Plan period. (Note PPS3 has now replaced Circular 6/98 – see above).

3.7 In addition, Policy ST18 of the Saved Devon Structure Plan 2001-2016 requires adequate provision of affordable housing, based on local assessments of need. Policy HO3 of Regional Planning Guidance 10 and Policy H1 of the emerging Regional Spatial Strategy require the provision of affordable housing.

3.8 The Council's Supplementary Planning Guidance on Affordable Housing was Adopted in September 2003, and is superseded by this SPD.

Affordable Housing Need

3.9 Torbay has a very pressing need for affordable housing, in common with much of the South West. Indicators of need are as follows:-

- **Torbay Housing Market Assessment** (ORS 2007). This examined housing requirements on a sub-regional basis, including the Exeter and Torbay housing market areas. A 5-yearly requirement for 4,087 dwelling was identified in Torbay Unitary Authority area, equal to 820 dwellings per year. Of this requirement, 49.4% was for social housing, 11.7% for intermediate housing and 38.9% for market housing.

The HMA finds that there is a need for 4700 additional dwellings over 5 years, equal to 950

dwellings per year in the Torbay Housing Market Area. The Torbay Housing Market Area extends slightly beyond Torbay Unitary Authority boundaries.

- A **Strategic Housing Land Availability Assessment** is currently underway (Baker Associates, Forthcoming 2008). However, in the short term (ie until the Core Strategy and Site Allocation Development Plan documents are adopted), housing will need to be provided on sites proposed in the Adopted Torbay Local Plan and on brownfield windfall sites. Torbay Council's New Growth Points programme of Development (October 2007) sets out a housing trajectory in more detail.
- **Torbay Housing Needs Survey** (Fordham Research 2003). This indicated a very high need for affordable housing. The headline housing need survey figure was for 1816 affordable dwellings per year of which 1362 should be for rent.

The Housing Needs Survey also carried out a 'balancing housing markets' analysis, which is similar in its approach to a housing market assessment. This found that if around 540 dwellings were built per year, there would be a yearly shortfall of around 950 affordable homes.

- **Low wages.** Average wages are only 71.4% of the national average. Gross value added (GVA) is 61.8% of the national average. Nearly 20% the working age population claiming benefit compared to a regional figure of 12% and a national figure of 15%. 17% of Torbay's population receive housing benefit, compared to 13.3% in the South West and 16.3% in England and Wales.
- **House Price: Incomes Ratio.** In Torbay house prices are around the national average. However the low wage nature of the economy introduces severe affordability problems. In 2005/2006, house prices in Torbay peaked at over 11 times average earnings, compared to 10 times in the South West and 8.5 in the UK. The ratio of lower quartile property prices to lower quartile earnings was over 17 times, indicating severe unaffordability at the lower end of the market. The slowdown in the housing market in 2007/8 has reduced this affordability gap a little, as set out in Figure 3. Ratios of more than 3.5 indicate unaffordability and therefore a very significant gap between incomes and house prices remains. Moreover, credit is likely to be less available following the crisis in the American Sub-Prime Market.
- **Housing Waiting List.** In February 2008 there were 5112 households in housing need on the 'Homefinder Torbay' waiting list, and 470 households on the Home 2 Own shared ownership waiting list.

Figure 3. Average and Lower Quartile House Price Affordability, 4th Quarter 2007.

Mean average gross pay	Average house prices	Lower quartile house prices	Affordability ratio – average property prices to average pay	Affordability ratio – lower quartile property prices to average pay	Lower quartile pay	Affordability ratio – lower quartile property prices to lower quartile pay
England and Wales £23,354	£184,469	£150,000	7.3	5.9	£12,247	12.2
South West - £22,498	£196,062	£150,000	6.7	6.7	£11,458	13
Torbay – £17,863	£179,025	£140,000	10	7.8	£9,225	15.2

Source: Land Registry House Prices 4th quarter 2007. Annual Survey of Hours and Earnings 2007 (Gross pay by place of residence). Lower quartile house prices estimated from flats and terraced houses.

3.10 A national assessment of house prices: earnings was carried out for the Joseph Rowntree Foundation (Wilcox 2004), which found Torbay to be the 13th least affordable area in the UK for first time buyers under 40.

Affordable Housing Stock

3.11 Torbay has a historically low stock of social rented housing, although the gap with the national average has narrowed slightly in recent years.

Figure 4. Registered Social Landlord Dwelling Stock as a % of Overall Dwelling Stock

Area	2001	2002	2003	2004	2005
Torbay	7.7%	7.7%	8.2%	8.3% (5,105 dwellings at 2004)	8%
South West	14%	13.8%	13.7%	13.6%	13.5%
England	20%	19.6%	19.3%	18.8%	18%

Source: ONS/Torbay Key Stats 2006/Housing Market Assessment 2007

3.12 Torbay has a lower than national average owner occupation rate (although within this there is a higher than national average rate of outright ownership), a larger than average private rented sector and a very low level of intermediate home ownership.

Figure 5. Tenure in Torbay at 2001

Area	Outright Owners	Own with Mortgage	Intermediate Home Ownership*	Rent Privately	Rent from Council/RSL
Torbay	37%	35.5%	1%	17.8%	8.2%
South West	34.1%	38.4%	0.6%	13.5%	13.5%
England	29%	38.8%	2.2%	12%	19%

Source: Census 2001, Low cost home ownership such as shared ownership. Figures do not always add up to 100% due to rounding.*

Definitions of Affordable Housing

3.13 Detailed definitions of affordable housing are set out in Planning Policy Statement 3 (2006) (or Subsequent Government Planning Policy Statement). In summary, affordable housing is defined as:

- **Affordable housing** includes social rented and intermediate housing, provided at a subsidy below market rate to households whose needs are not met by the market.
- **Social rented housing** is rented housing owned and managed by registered social landlords or other bodies, for which guideline subsidised rents are set through the national rent regime.
- **Intermediate Housing** is housing provided at prices and rents above those of social rent, but below market price or rents. It includes shared equity products (eg HomeBuy), other subsidised homes for sale and intermediate rent.

3.14 “Low cost market housing” (ie small dwellings likely to sell or rent at the lower end of the housing market) is **not** suitable to meeting identified housing needs of people who cannot afford to buy a property, and is specifically excluded from the definition of affordable housing in PPS3. However it is a useful form of market housing aimed at people requiring a small dwelling or entering the housing market.

Requirement for Affordable Housing

3.15 On the basis of Torbay’s high level of housing need, 30% affordable housing will be sought on all developments of 15 or more dwellings. This includes:

- new build, conversions and mixed use schemes,
- sheltered housing developments,
- schemes designed for student accommodation where there is no legal restriction on future occupation solely to students,
- phased developments where the threshold will be exceeded by cumulative totals,
- developments by registered social landlords (formerly known as housing associations),
- schemes for very small units that may be at the bottom 'low cost' end of the market such as self contained studio and micro apartments.

- 3.16 The Council's preferred method of delivery is through a **registered social landlord (RSL)**. In particular a number of RSLs are part of the Torbay Housing Partnership. Contact details may be found on the Council's website at: www.torbay.gov.uk/index/living/housing/thp/housingassociations.htm. Where appropriate, the Council will also support the creation of community land trusts (CLTs), particularly when public land is developed for affordable housing.
- 3.17 Of the 30% affordable housing, the Council will seek 75% for social rent and 25% intermediate. It is recognised that site specific factors may require this tenure mix to vary from site to site. The Council will treat shared ownership dwellings which are half owner occupied and half rented from an RSL as the benchmark for intermediate housing, although it will accept a higher proportion of the equity as rented. More than 50% equity for initial sale (i.e before "staircasing") is unlikely to meet Torbay's needs profile. The Council will be investigating affordable housing thresholds and tenure split: particularly the scope to reduce thresholds and the role played by intermediate housing, as part of the emerging Local Development Framework Core Strategy.
- 3.18 At least five percent of affordable housing should be accessible by wheelchair users. Regard should be had to Council guideline specifications for dwellings for persons with disabilities. The guidelines are available from the Affordable Housing Coordinator.
- 3.19 Affordable housing should be provided on-site and commuted payments for off-site provision will only be accepted in very exceptional circumstances. Torbay Council's Housing Services require social housing to be let on full assured tenancies at an affordable rent within Housing Corporation rent levels and subject to controls on other outgoings such as service levels and charges. The Council's partner RSLs are listed at paragraph 3.16 above.
- 3.20 In all cases, the benefits of affordable housing must be available in perpetuity (at least 80 years) to subsequent occupiers of the property, unless this is specifically precluded by statutory rights, such as Right to Buy and Right to Acquire.
- 3.21 Shared ownership owners have the right to 'staircase' (to move up from partial to full ownership). Some social housing tenants have a Right to Buy. Where any such home ceases to

be affordable because staircasing or Right to Buy has taken place, the Council will expect that affordable housing providers will invest the receipts from the sale in replacement affordable housing in Torbay.

Non RSL Developments

3.22 As stated, the Council's preferred method of delivery is through a registered social landlord (RSL). Developers who wish to provide affordable housing through a non-RSL provider will need to satisfy the Council that there are secure long term arrangements, which provide at least as good a standard of housing provision as would be achieved by an RSL. This should be included within the terms of a s106 Agreement and include:

- Publicly available policies and procedures.
- Management arrangements, including conflict resolution and tenant support.
- Security of tenure equal or better to what would be achieved through an RSL.
- Control over the management and changes of ownership and occupation that favour designated households (ie households agreed by the Council to be in housing need).
- Maintenance policies that ensure that homes continue to remain safe and habitable and of an environmentally acceptable standard.
- Letting and re-letting will be through Homefinder Torbay, Home2Own or whatever subsequent arrangements the Council operates its waiting list.
- Retention of the housing as affordable housing in perpetuity as far as is legally possible.
- The affordable housing shall remain occupied as such even if freehold ownership changes or the affordable housing supplier goes into liquidation. This does not affect rights contained within the lease such as Right to Buy or Right to Acquire.

3.23 Non-RSL affordable housing developments involve the Council in significant monitoring. On this basis a monitoring/ administrator charge will be sought from affordable housing schemes that are not administered by an RSL or similar public body. This will equal £200.00 per dwelling (at 2008 prices, adjusted for inflation – see paragraphs 5.6-5.8 below).

Who is Eligible for Affordable Housing: Designated Persons

3.24 A covenant, planning condition or planning obligation will be imposed on all affordable housing, restricting ownership occupation to 'designated persons' defined by Housing Services as those in housing need, or someone agreed by the Local Authority as a Key Worker (see 3.27 below).

3.25 All references to waiting lists shall be treated as references to the versions currently applicable at the time of construction of the dwellings. Where any waiting list has been replaced by another model, references shall be treated as being to that later model.

- 3.26 The Council will seek nominations in perpetuity for designated persons to vacancies in completed homes and subsequent re-lets and re-sales. It will require this arrangement to be part of the Planning Agreement.
- 3.27 The Council will also support key worker housing schemes, where appropriately located within easy walking distance of hospitals etc, and where managed by a registered social landlord or similar public sector organisation. The definition of key workers in this context is set out in the South West Regional Housing Strategy 2005-2016 as 'those workers who are essential to the provision of public services and who are employed by a public body' (and whose income levels do not usually allow them to enter the housing market).

Who Pays for Affordable Housing: Determining the Level of Private (Developer or Landowner) Subsidy

- 3.28 The provision of affordable housing usually requires a level of subsidy from the developer (or landowner) as well as the public sector (usually the Housing Corporation). There will be an expectation that Housing Corporation or other public funding should 'add value' to what could be achieved purely through developer/landowner subsidy, in order to make the most effective use of limited public finance.
- 3.29 The availability of grants from the Housing Corporation and Torbay Council are subject to annual change. Current information can be obtained from the Affordable Housing Coordinator at Torbay Council, or directly from the Housing Corporation.

Providing Affordable Housing on Site

- 3.30 Affordable housing is normally built by the developer and transferred to the RSL at a price below the full market value. The gap between the full market value and the price paid by a developer represents the level of private subsidy (e.g. developer or landowner subsidy).
- 3.31 It is proposed to use a "supportable transfer value" approach to calculate the level of private (developer) subsidy. This calculates the amount an RSL can afford to pay for completed units, taking into account the rental/ part sale value of the property and prevailing level of Housing Corporation subsidy.
- 3.32 The Section 106 Agreement will set a maximum price that an RSL will pay a developer for the transfer of completed dwellings. This is based on what the RSL is likely to be able to afford for affordable housing taking into account rent levels and likely grant. Because affordable housing rents are lower than open market rents, it is likely that the "transfer price" will be below open market value. The difference between the transfer price and open market value represents the "developer" subsidy.

3.33 Current guideline transfer prices are set out in Figure 6 below, but will be reviewed yearly. The levels used will be those applying at the time any planning obligation is signed and be subject to any index linking mechanism specified. (NB figure may need to be adjusted to reflect prevailing grant rate and other circumstances during the lifetime of the SPD).

Figure 6. Guideline Supportable Affordable Housing Transfer Prices (August 2007)

	Floor Area (approximate)	Supportable Transfer Price (£)	
		Social Rented	Intermediate
1 bedroom, 2 person flat	45-50 sqm	£35,500	£61,900
2 bedroom 3 person flat	55-65 sqm	£46,400	£74,900
3 bedroom 4 person flat	65-75 sqm	£57,200	£90,100
2 bedroom 3 person house	70-80 sqm	£51,100	£86,700
2/3 bedroom 4 person house	75-80 sqm	£57,300	£95,500
3 bedroom 5 person house	80-90 sqm	£66,900	£119,000
4 bedroom 6 person house	95-120 sqm	£84,500	Not usually suitable for intermediate housing
4+ bedroom house	120+ sqm	£89,400	Not usually suitable for intermediate housing

Note: This table will be updated yearly to account for likely public subsidy, building costs and other factors. Intermediate housing usually entails sale of part of the equity so its value is usually higher than for social rented housing. The figures assume no grant for intermediate housing, since there is an expectation from the Housing Corporation for intermediate housing to be delivered without grant.

- 3.34 This method will set a target level for developer subsidy. Where public subsidy is not available to pay the target transfer price set out in Table 6 above, the Council will consider increasing the level of intermediate housing, so long as these are provided through a partner RSL or Community Land Trust. Further details about viability testing are set out in Chapter 5.
- 3.35 If another arrangement is made, such as an RSL commissioning its own builder, then an equivalent financial provision in a Section 106 Agreement will be necessary. Where an RSL develops a site itself the s106 Agreement will usually require free serviced land to be provided to the RSL. This should include connection to utilities such as water, gas, electricity, telephone network and highways. The location, siting and timing of donation of the land will need to be specified in the s106 Agreement. The land provided should not be worth less than the value of the supportable transfer price set out above.

Off-site Contributions

- 3.36 Torbay has a shortage of sites that are suitable for affordable housing and it is important that opportunities to provide it are taken, subject to the need to create mixed and balanced communities.
- 3.37 Financial contributions in lieu of on-site provision will only be considered in exceptional circumstances. Contributions will equal the full cost of buying on the open market, the same number of new properties of the size and type and in a similar location, that would have been provided on site. For simplicity, numbers will be rounded to the nearest whole dwelling. This will be calculated on the basis of the open market price, minus supportable transfer value set out above (which represents what an RSL can afford to pay for such units), plus an additional 10% conveyancing/site identification/planning fee. The open market price will need to be agreed between the various parties, but can be easily determined through discussions with estate agents and prevailing prices in the area. Note that new dwellings are more expensive than second hand ones, so the second hand market should not usually be considered as a proxy.

3.38 Worked Examples

- A development of 16 luxury flats (65+ Sq M) would be liable to provide 5 affordable dwellings (30% of 16 = 4.8 rounded to nearest 1 = 5). Of these 4 should be social rented (75% of 5, rounded to nearest 1) and one shared ownership. The s106 Agreement would require that 4 dwellings are sold to an RSL for £57,200k for social housing and one for £90,100k for intermediate housing (i.e transfer of five units for a total of £318,900).
- If the Council and developer agree that there are exceptional circumstances that would justify a commuted sum, this should be calculated on the basis of open market price minus supportable transfer price, plus 10% conveyancing/site identification fee. (Note that commuted sums should not be accepted simply to avoid locating social housing in affluent areas: the aim of the planning system is to create mixed communities).

- If the flats had a full market value of £250,00 each, then the commuted sum would be: £1.25 million (5x 250k) minus £318,900 (the supportable transfer price as calculated above), plus 10%. This comes to £1,024,210 (£1.024 million).
- A development of 16 flats (of 65+Sq M) in a deprived area. The supportable transfer price would still be £318,900. If however the Council agreed to accept a commuted payment, for example because it does not want to create an over concentration of deprivation, then the commuted sum would be calculated on the basis of market price minus supportable transfer price plus 10%. If the flats' market value is £100,000, then the commuted sum would be £500,000 minus £318,900 (£181,100) plus 10% = £199,210.

Design and Distribution

- 3.39 Torbay Council and the Government wish to achieve mixed and inclusive communities and to avoid concentrations of deprivation. Policy H9 'Layout Design and Community Aspects' of the Adopted Torbay Local Plan sets out relevant considerations. Registered Social Landlords (RSLs) often prefer affordable housing to be clustered for maintenance and management purposes. Affordable housing should be provided in small clusters of no more than 5 houses, unless otherwise agreed by the Council. Affordable houses should be pepper-potted around the development, and the final position agreed with Torbay Council as the Planning and Housing Authority. It is accepted that for management purposes, development of apartments may need to exceed this number.
- 3.40 Affordable housing shall comprise a mixture of dwelling types matching and in proportion to the overall mixture of dwelling types and sizes on the site. Design of wheel chair accessible housing should have regard to the Council's guideline specifications for such housing (see 3.18 above).
- 3.41 Affordable housing should be to the same design standards and quality of materials as market housing, reflecting the distinctive character of the area. Properties should be 'tenure blind' –i.e. tenure should not be evident from location or appearance.

Phasing

- 3.42 The S106 will need to specify phasing of affordable housing units. Under normal circumstances the Council will require affordable housing to be provided before 50% of the market housing. However, where pepperpotting or other phasing makes this impracticable, the affordable housing should be completed before 75% of the open market housing.
- 3.43 Units to be transferred to an affordable housing provider should meet Housing Corporation Scheme Design Standards. As noted above, the Council will seek, and the Housing Corporation

will require affordable housing to meet Code for Sustainable Homes Level 3/ Eco Homes Very Good standard. The Council will encourage the development of 'eco-homes' (ie built to Code for Sustainable Homes Level 4 or higher), particularly on greenfield sites. It will support the targeting of Housing Corporation and other funding to create exemplar schemes. In particular innovative design of affordable homes and their environment will be encouraged to make them:

- Sustainable, for example through enhanced energy efficiency measures such as solar power, recycled water, sustainable materials, increased insulation etc.
- Maintainable, durable and adaptable.
- Resilient to the effects of climate change by ensuring their structural integrity and building fabric is adequate for future increases in the intensity of wind and rain penetration.
- Quiet and enjoyable to residents.

Further advice is set out in the Council's Adopted Urban Design Guide, particularly paragraphs G4, H2 and H9.

3.44 At least 5% of affordable homes should be designed to be accessible by households containing a disabled person who uses a wheelchair.

Other Planning Obligations on Affordable Housing

3.45 The Council also seeks planning obligations for development site acceptability matters (e.g. access) and sustainable development infrastructure, details of which are set out in this Supplementary Planning Document.

3.46 Development site acceptability measures must be carried out in order for development physically to proceed and apply to all developments.

3.47 As a general principle, sustainable development infrastructure contributions will not be sought on social rented housing and a 50% discount will be applied on on-site intermediate housing units provided through an RSL.

3.48 Where off-site contributions are made in lieu of on-site provision, the full rate of community infrastructure contributions will apply.

Legal Matters

3.49 Affordable housing usually requires a Section 106 agreement. Early negotiation between the developer and the Councils' Affordable Housing Coordinator is urged in order to facilitate the process and help agree the details of a s106 Agreement.

- 3.50 Affordable housing clauses in s106 Agreements will usually specify that completed dwellings are transferred (at a stated discount) to an RSL within a given time (see paragraph 3.42 above).
- 3.51 The Council will accept mortgage in possession clauses in s106 Agreements only for RSLs.
- 3.52 Where affordable housing is provided through off-site contribution, these can be set out in a unilateral undertaking, so long as payment is made “up front” before the commencement of development and there are no other outstanding matters. (See Section 5 on Implementation below).

4.0 SUSTAINABLE DEVELOPMENT CONTRIBUTIONS

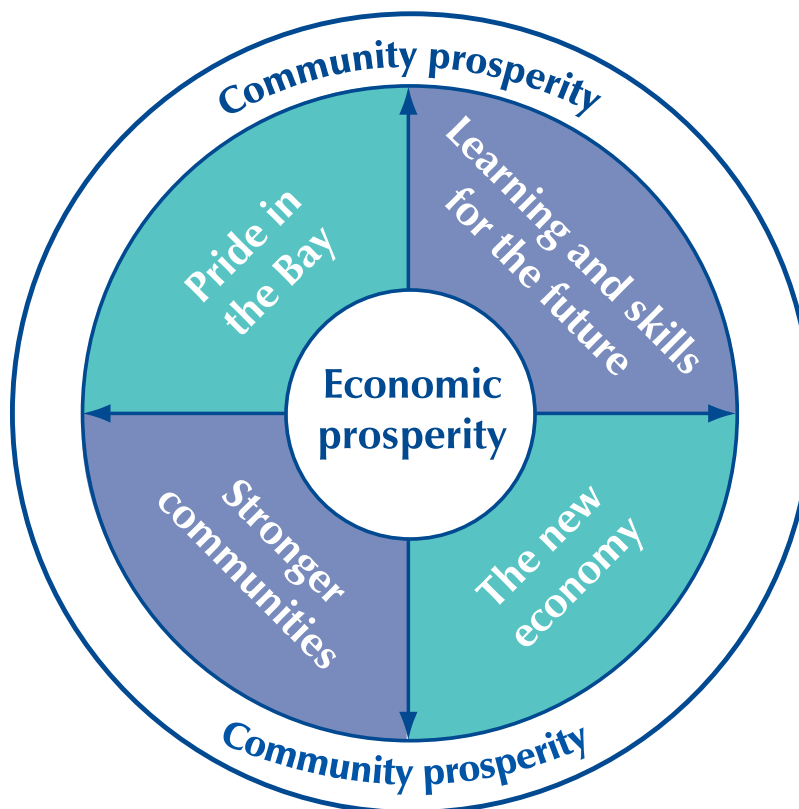
Background

- 4.1 The Government is clear that development should contribute to the creation of sustainable communities. This is set out in its Sustainable Communities Plan (2003) and daughter documents, "Homes for All" (2005) and "People, Places and Prosperity" (2005). PPS1 'Delivering Sustainable Development' (2005) also sets planning in a wider spatial context which considers the other policies and programmes which influence the nature of places and how they function. The Local Development Framework should be the spatial expression of the Community Strategy (PPS 12 and Chapter 8 of the 2007 Planning White Paper refer).
- 4.2 The Adopted Torbay Local Plan (1995-2011) sets out several policies on planning contributions. These are intended to render development sustainable in terms of its economic, social, environmental and resource management implications. In particular:
- 4.3 **Policy CF6 'Community Infrastructure Contributions'**
"Where additional social, physical or environmental infrastructure is needed in order for development to go ahead, appropriate contributions, fairly and reasonably related in terms of scale and kind to the proposed development, will be sought from the developers."

Torbay Community Plan

- 4.4 Report ENV/62/04 to Development Control Committee on 20/12/04 recommended that planning contributions should be prioritised according to Community Plan priorities.
- 4.5 The Torbay Community Plan 2007+, **"Turning the Tide for Torbay 2007-2027"** was approved by Council in March 2007. It builds on the previous Community Plan, "Teaming up for Torbay's Future 2004 – 2007".
- 4.6 Turning the Tide puts economic prosperity at the centre of 'the wheel' of priorities (see Figure 7) and this is seen as the core priority of the Community Plan. Around the core priority of economic prosperity are the following themes:
- Pride in the Bay
 - Learning and Skills for the Future
 - The New Economy
 - Stronger Communities

Figure 7. Torbay Community Plan “Wheel”



4.7 Within these topics, the community plan identifies a number of objectives which have spatial implications. These are set out in Appendix 1.

4.8 In calculating sustainable development infrastructure contributions sought from developers, the council will have regard to:

- Tests of reasonableness in Circular 5/2005.
- The impact on the development upon the community and the need for infrastructure that the development generates.
- Community Plan objectives/priorities, particularly the core priority of achieving economic prosperity.
- Availability of other sources of funding.

4.9 Circular 5/2005 allows contributions to be pooled to meet the combined impact of development.

4.10 The Council seeks sustainable community infrastructure in the following areas:

- Sustainable transport
- Compensation for loss of employment
- Stronger communities
- Learning and skills for the future
- Open space and recreation

4.11 However, this is not an exhaustive list and other matters may be sought if the development in question gives rise to a particular need.

SUSTAINABLE TRANSPORT

(Community Plan Theme – The New Economy, Stronger Communities, Pride in the Bay)

Policy Justification

4.12 The implementation of sustainable transport measures is regarded by Government as essential to reducing traffic congestion, improving air quality and addressing climate change. **Note that physical works to create sustainable access such as cycle tracks and footpaths are sought under site environment matters above.** These will often be delivered under Section 278 Agreements but can also be through s106 Agreements. This section deals with sustainable transport matters such as bus contributions, which are sought through s106 Agreements.

4.13 Government legislation, set out in the 2000 Transport Act and 2004 Traffic Management Act requires that local authorities improve the efficiency and sustainability of their traffic networks. The draft Local Transport Bill will promote sustainable transport and increase the responsibilities and powers of transport authorities to provide alternatives to the private car.

4.14 PPG13 (2001) sets out Governments policy on transportation and its integration with the spatial planning system. The emerging Regional Spatial Strategy is closely linked to the Regional Transport Strategy (RTS). Policy TR1 of RSS prioritises transport demand management measures. Policies TR1-TR9 of the Devon Structure Plan 2001-2016 seek to promote sustainable travel, integrate land use and transport planning and manage the demand for transport.

4.15 The **Torbay Local Transport Plan** 2006-2011 (LTP) contains a range of measures aimed at improving accessibility, air quality, road safety and quality of life and reducing congestion and the impact of transport.

- 4.16 **Policy TS** of the Adopted Torbay Local Plan sets a land use transportation strategy which seeks to reduce the environmental impact of transport systems, to reduce the need to travel by car and to encourage sustainable transport measures. **Policy T1** 'Development Accessibility' requires all development to be accessibly located. All non-residential development should be accessible by foot, cycle or public transport by at least 50% of users. All residential development should be within safe walking distance of a range of facilities and residential layouts should allow bus penetration to within 400m of each dwelling. **Policy T1** also requires **travel plans** to be prepared and implemented for larger developments. **Policy T2** 'Transport Hierarchy' promotes walking, cycling and public transport. Various policies in the transport and accessibility chapter of the Local Plan deal with sustainable means of transport. **Policy T24** requires new development to contribute to traffic reduction and safety measures in traffic management zones.
- 4.17 Local authorities are required to support essential community facilities such as transport services and maintain infrastructure stemming directly from development. This puts a considerable long term additional pressure on the Council's ability to provide high service quality and support. "Whole life costing" is increasingly being adopted as a measure of the true social, environmental and economic cost of any development throughout its useful life. Unless this is met by developer contributions, it has to be borne by the local authority or its council taxpayers.
- 4.18 Much of Torbay's transport infrastructure operates at or over capacity and delivering growth is only likely to be achievable if accompanied by measures to ensure that it does not rely heavily on car borne transport. Failure to meet these objectives would undermine Local Plan and LTP objectives. On this basis it is essential that new development that generates traffic should provide sustainable transport contributions.

Calculation of Sustainable Transport contributions

- 4.19 All developments in Torbay will be assessed to identify whether they generate additional trips and should therefore contribute towards sustainable transport. Contributions will be used for a range of sustainable transport measures identified in the Local Plan and Local Transport Plan. This will involve pooling of contributions. In calculating contribution, priority will be given to improving accessibility, including availability and public transport within walking distance of the development (about 400m) followed by the pooling of contribution for measures that will benefit the development, such as subsidised bus provision. In addition, local air quality (particularly the proximity of Air Quality Action Zones) will be taken into account.
- 4.20 Sustainable transport contributions will be sought on the basis of a calculation of the additional impact that development has upon the transport network. This includes cumulative impacts. The traffic generated by existing uses will be taken into account when calculating the net figure. The figures set out below will be taken as a starting point. Additional obligations may be sought where developments have a greater impact upon traffic generation or create a particular

need for ongoing revenue support for equipment and running costs, for example as could arise from out of town retail proposals.

- 4.21 In setting the level of sustainable transport contributions, regard will be had to the criteria in paragraph 4.8 above. In particular the guiding principle in the Community Plan of achieving economic prosperity means that sustainable transport contributions will only be sought from employment (use class B1/B2) or hotel (Use class C2) developments where there is a particular need arising from the development. In addition, regard will be had to the level of direct sustainable transport works provided by the developer (as a development site acceptability matter).
- 4.22 There is a funding gap of £13.1m to provide the measures set out in the Integrated Transport Budget Local Transport Plan and anticipated traffic growth (ie cost of capital and revenue projects minus anticipated central government funding of £8.425 million). The Torbay Local Plan and current estimates of growth between 2006-11 anticipate a growth rate of 2500 dwellings and 1690 jobs 2006-11. (Note that this figure may rise in the emerging Regional Spatial Strategy, which will require a reassessment of infrastructure needs). The Council has used Trip Rate Information Computer System (TRICS) to calculate the number of journeys generated by development, adjusted by the accessibility of development. This estimates that a total of 35,869 additional trips will be generated by development. Figure 8 sets these out.

Figure 8. Trips Generated by Projected Levels of Development in Torbay

Sector	Sqm of 2006-2011	Trips per 100sqm	Trips per sector
Manufacturing	5760	3.459	199.23
Warehousing	3000	6.095	182.85
Retail	9600	100.755	9672.48
Hotels and Catering	2600	78.791	2048.56
Office	11780	13.439	1583.11
Health and Social Care	17100	35.673	6100.08
Sector	Units of 2006-2011	Trips per Unit	Trips per sector
Residential	2,500	6.433	19,467
Total Trips			35,869

Source: Torbay Council, Strategic Transportation Team 2008. Torbay Employment Land Review 2006, Torbay Retail Study 2006.

- 4.23 Given that the underfund from the LTP is £13.1 million, the hypothetical cost per trip is £365

(£13.1 million divided by 35,869 trips). Multiplying this out by an estimate of trip generation by various forms of development from TRICS provides a cost of sustainable transport generated by development. This is set out in Figure 9.

Figure 9. Sustainable Transport Contribution Sought from Commercial Development

Sector	Trips per 100sqm	Cost per 100sqm
Retail: town centre*	27.94	£10,198
Retail: out of town centre*	173.57	£63,353
Office	13.439	£4,905
Manufacturing	3.459	£1,263
Warehousing	6.095	£2,225
Hotels and Catering	78.791	£28,758
Health and Social Care, Assembly and Leisure	35.673	£13,020

*Town Centre boundaries are indicated on the Torbay Local Plan 1995-2011 Proposals Map

Residential

4.24 The TRICS Model only provides a standard trip generation level per household of 6.433 trips per day. This translates to a cost of £2,348 per dwelling (i.e. 6.433 X £365). However larger dwellings are likely to generate a higher level of traffic than smaller ones. Therefore the model used to calculate the contribution has been refined to reflect dwelling size. It is assumed that the baseline figure of 6.433 trips per day relates to an average size dwelling of 75-94 Sqm. Figure 11 sets out the contribution sought from a range of dwelling sizes.

Figure 10. Sustainable Transport Contribution Sought from Residential Development

Floor Area	Typical type of dwelling	Average persons (per household)	Cost per unit
45-54sq m	1 bedroom	1.4	£1,264
55-74sq m	2 bedrooms	1.9	£1716
75-94 sq m	3 bedrooms	2.6	£2,348
95-119 sq m	4 bedrooms	3	£2,709
120sq m+	Larger properties	4	£3,612

COMPENSATION FOR LOSS OF EMPLOYMENT (Community Plan Theme – The New Economy)

4.25 Torbay has a very poor economic profile. Its Gross Value Added (GVA) is just over 60% of the national average. This is due in part to the heavily service-based nature of the economy. About 8% of Torbay's employment is in the manufacturing sector compared to 12.5% regionally and

12.6% nationally. Improving Torbay's prosperity is the Mayor's key priority and at the centre of the Community Plan 'Wheel'. It is vital for the creation of sustainable communities that new, good quality, jobs are provided to meet the employment needs of new residents and to make housing more affordable. This is particularly the case where land in employment use becomes residential since there is a loss of employment floor space and an increase in dwelling numbers, which will generate a need for employment.

- 4.26 Policy SR37 of the emerging Regional Spatial Strategy proposes the creation of 11,700 jobs in Torbay by 2026, equal to 585 per year. The Strategic Sustainability Appraisal of the Torbay and South Devon Joint Sub Regional Study (Enfusion 2005) identified the possibility that job growth may not keep pace with new housing as a key sustainability risk. The Torbay Employment Land Review (UPE 2006) sets out a range of forecasts for job growth, based upon a Chelmer economic model. The baseline forecast equals around 540 jobs per year, the bulk of which arise in service sector industries and exclude any major high value Class B1 business/hi-tech investment, which are termed as "wildcard" investment. UPE's core forecast of 540 new jobs per year leaves a gap of 45 jobs per year fewer than the RSS target. Moreover, the main need is for higher value added jobs, which are essential to raising GVA.
- 4.27 Where a development proposal results in the loss of jobs (for example change of use away from offices or workshops particularly to residential use), a commuted sum will be required to help create similar employment elsewhere in Torbay. It is recognised that flexibility may be required to avoid harming local organisations or businesses.
- 4.28 Such contributions will be ring-fenced for investment in regeneration projects and unlocking employment development. They will be used to help provide enabling infrastructure such as road network improving accessibility particularly to alternatives to the private car, site servicing or decontamination costs for regeneration and employment generating schemes. Priority will be given to facilitating employment schemes as close as possible where contributions arise from. Note that contributions do not imply that a change of use away from employment use (Class B1/B2) is acceptable in terms of planning merit. Such applications will be assessed on the basis of Policies in the saved Adopted Torbay Local Plan, particularly **E6 'Retention of Employment Land'**.
- 4.29 Employment contributions will be calculated on the basis of an assessment of the cost of creating a new job multiplied by the number of jobs on the site (based on Arup/English Partnership 2001 and Torbay Development Agency). English Partnerships/TDA set out estimates for the gross cost of creating a job. These figures range from £16,600 for areas with few infrastructure constraints to £42,000 for areas with high constraints. A mid range figure of £27,500 is considered appropriate given that Torbay faces significant constraints for office, high tech and industrial (Use Class B1/B2) jobs.

4.30 The TDA estimates that the cost to the public sector of unlocking employment development is 15-20% of the total figure although the figures vary widely. In order to set a reasonable figure, contributions are sought to compensate for this public cost of replacing jobs (rather than the entire cost). Figure 11 sets out these figures.

Figure 11. Loss of Employment Contributions

Existing Use	Job generation: 1 job per: *		Hypothetical public sector cost (15% of full cost per job of £27,500) = contribution sought per job
	Sq M	Sq Foot	
B1(a) Offices	19	205	£4,125
B1(b) R&D/High tech	29	310	£4,125
B1(c) Light industry	32	340	£4,125
B2 General industry	34	365	£4,125
B8 Wholesale, ware-housing, distribution	50	540	£4,125

Source: *Employment Densities: A Simple Guide, Arup/English Partnerships/ Regional Development Agencies 2001. This table does not imply the acceptability of changes of use. See Policies ES and E6 of the Adopted Torbay Local Plan.*

STRONGER COMMUNITIES

(Community Plan Theme – Strong Communities, Pride in the Bay)

4.31 The Torbay Community Plan has stronger communities as a central theme in achieving sustainable development in Torbay. In particular the aim to “Create a safer environment by maintaining our street wardens, undertaking programmes of neighbourhood improvement and designing out crime in new developments” has a direct spatial planning implication. Policies **CFS** and **CF1** of the Adopted Toray Local Plan seek to ensure the provision of community infrastructure. Policy **CF2** requires new development to be designed to minimise crime. The minimisation of crime through good design is an important ‘development site acceptability matter that will be sought through the normal development management policies. ‘Secured by Design’ is a Police initiative to provide a range of information on designing out crime. More information is available at www.securedbydesign.com.

4.32 **Safer Communities Torbay** is a partnership between Torbay Council, Devon & Cornwall Police, Torbay Care Trust, Devon Fire & Rescue, Torbay Youth Offending Team and Devon & Cornwall

Probation Area. The partnership works closely with a wide variety of individuals, community groups, businesses and organisations across the Bay.

4.33 The **Safer Communities Torbay Strategy 2005-2008** aims to reduce overall crime by 17% between 2005-8 and to increase public reassurance, community engagement and confidence in the criminal justice system. The strategy states that crime, disorder and anti-social behaviour are the single most important concern for residents of Torbay.

4.34 It has been indicated that there is a particular need for new development to minimise anti social behaviour and other nuisance, which can blight the lives of residents, often in poorer areas. This includes community development, street wardens, removal of abandoned vehicles, graffiti etc. Figure 12 sets out the cost of the street warden element of this programme.

Figure 12. Cost of Street Wardens.

Cost per Warden (1 FTE)	Cost per Warden for 10 years.	Target – 2 Wardens per ward (ie 30 total)	Cost per person (÷ 136,000)	Hypo- thetical cost of street wardens	No. of persons per household	Cost per household
£30,000	£300,000	£900,000	£66.20	1 bed dwellings	1.4	£92.70
				2 bed dwellings	1.9	£125.80
				3 bed dwellings	2.6	£172.10
				4+ bed dwellings	3	£198.60

4.35 When determining proposals for residential developments, the Planning Authority will consider the need for additional street wardens or Police Community Support Officers to support the development. Where residential developments result in the need for additional resources, contributions will be sought towards a street warden (or part of a post) who will be dedicated to dealing with the development area and its immediate surroundings. This will apply to 'major' developments of 10 or more dwellings.

Commercial Developments

4.36 Non Residential development may generate a need for additional policing, particularly in alcohol and leisure developments. As well as Police Officers, this includes Taxi and Street Marshals, "Know the Code" safe and sensible drinking campaign, alcohol education and town centre management.

- 4.37 The Council's **Licensing Policy (2004)**, indicates that the proper integration of crime prevention, planning, transport, tourism and cultural strategies, is essential to assist in the reduction of public disorder and disturbances.
- 4.38 Planning Contributions will be sought from commercial developments that impact upon policing, public order, town centre management or street cleansing. Contributions will be used to provide and maintain safer communities infrastructure such as street wardens, CCTV, litter/gum clean up etc. Whilst this relates mainly to new floorspace, a contribution will be sought from proposals within existing uses that have an impact on town centre management or policing issues.
- 4.39 Schemes will need to be assessed on their merits in terms of their impact. Contributions will be sought on the basis of an assessment of the likely costs that they give rise to. However developments that are likely to generate a particular need for a safer communities contribution include:
- Class A4 drinking establishments (community policing, taxi marshals, CCTV, drug and alcohol awareness).
 - Class A5 takeaways (street cleansing, town centre management).
 - Nightclubs (community policing, taxi marshals, CCTV, drug and alcohol and health awareness, street cleansing).
 - Casinos – will need to be addressed on the merits of the proposal but likely need for gambling awareness contributions.

LEARNING AND SKILLS FOR THE FUTURE: Community Plan Theme – Learning and Skills for the Future

Education

- 4.40 The provision of high quality schools and lifelong learning facilities is critical to the creation of sustainable communities. Placing learning at the heart of the community is a Community Plan priority.
- 4.41 Torbay is a Unitary Authority and is the Local Education Authority, with responsibility for primary, secondary and sixth form education. As LEA the Council has a statutory duty to provide school places and to match such places as closely as possible to demand. This includes meeting the needs generated by new development.
- 4.42 The Government's **Sustainable Communities Plan (2003)** and daughter documents 'Homes for All' (2005) and 'People, Places and Prosperity' (2005) set out that good education is essential

to providing sustainable communities and is critical to ensuring social inclusion.

- 4.43 **DfES Five Year Strategy.** The Department for Education and Skills' (DfES) objectives for improving education are set out in a five-year strategy for children and learners (July 2004).
- 4.44 **The Torbay Local Plan 1995-2011** contains a number of policies on the provision of community facilities. The dual use of schools to serve the wider community is encouraged. **CFS** sets out a sustainable communities strategy, **CF6** deals with community infrastructure contributions and **CF7** specifically seeks education contributions.
- 4.45 Details and education targets and objectives are set out in the Torbay Children and Young Persons Plan 2006-2009. Children's Services have a wide range of goals seeking to improve quality as well as simply providing school places. Details of education plans and programmes can be viewed online at www.torbay.gov.uk/index/education
- 4.46 It is recognised that school numbers have been falling in recent years and that education is funded principally through central government (DfES). On this basis, education contributions will only be sought from developments where there is a significant shortfall in school places in the locality or where the need generated by development would exacerbate a qualitative deficiency. The sum in Figure 13 (£1,549 per dwelling) will be used as a starting point for calculating education contributions in such instances. Contributions for education are not sought from one bedroom dwellings or sheltered accommodation.

Figure 13. Detailed Calculation of Education Costs per Child

S106 Calculations June 2005 - Children's Education	
Number of Pupils in Torbay = 18,705	(a) Jan 2005 Pupil Level Annual School Census
Number of school years = 13	(b)
Formulaic Capital Allocation = £6,368,227	(c) Average over 3 years of Capital Allocations from the DfES based on current pupil numbers
Capital Cost per NEW Pupil Place for Academic Year (c) divided by (a) = £340.46	(d) Formulaic allocation/Number of pupils in Torbay
Capital Cost per NEW Pupil Place for Average Number of School Years (b)x(d)= £4,425.93	(e) Cost per Pupil Place*Average Number of School Years
Average no. of children per 2+ bed dwelling= 0.35	(f) Estimated from 2001 Census
Average cost per 2+ bed dwelling (e)x(f)= £1,549.07	(g) Number of children (PLASC return) divided by number of 2+ bed dwellings (Estimated from 2001 Census, and annual Housing Monitor, PLASC Returns).
Baseline contribution for education contribution for children's education. £1,549.07	

Lifelong Learning

4.47 The Council, as a unitary authority, has a responsibility to provide a range of lifelong learning services to adults, including adult community learning centres, museums and libraries.

4.48 The Public Libraries and Museums Act 1964 requires all library authorities to “provide a comprehensive and efficient library service for all persons desiring to make use thereof”. In 2001, the Government published “Comprehensive, Efficient and Modern Public Libraries – Standards and Assessment” which contained standards that were intended to both interpret and underpin the 1964 Act. These standards, which were revised in 2004, were set at a level which reflected best practice, and which “all authorities should aspire to provide or undertake in accordance with the principles of Best Value”.

4.49 In 2003, the Department for Culture, Media and Sport (DCMS) published “Framework for the Future: Libraries, Learning and Information in the Next Decade”. This is the DCMS strategic vision for public libraries to be implemented during the next 10 years. It gives libraries an important role in the promoting reading and informal learning, access to ICT, tackling social exclusion, building community identity and developing citizenship. Public libraries are a valuable community resource, which have the potential to help the Council deliver its corporate agenda.

Figure 14. Calculation of Libraries Cost per Person

	Total Cost = budget (2006/7)	Cost per person (based on 136,000 population) and average persons/dwelling	Cost per person & per dwelling per 10 years
Libraries	£2,122,425	£15.61	£156
1 bedroom	£156	1.4	£218.40
2 bedroom	£156	1.9	£296.40
3 bedroom	£156	2.6	£405.60
4+ bedroom	£156	3	£468

4.50 Figure 14 sets out the cost per household of library provision. The council will seek library contributions from developments where there is a specific shortfall in provision. However, in the short term it will not be feasible to build new libraries and funding would need to focus on improving provision at existing libraries or mobile libraries.

4.51 The cost of museums is £330,000 per year, which equates to £2.50 per person per year.

Greenspace And Recreation Contributions (Community Plan Theme: Pride in the Bay).

4.52 **The Recreation Chapter (Chapter 8)** of the Adopted Torbay Local Plan sets a framework for planning for recreation developments and proposes a number of recreation facilities. The

landscape and green environment chapter is also relevant, particularly **Policy L6** Urban Green Spaces and **Policy H11** 'Open Space Requirements for New Housing'.

4.53 The Council's **Greenspace Strategy** is an Adopted Supplementary Planning Document (LDD8 December 2006) that sets out a requirement for the provision and management of open space for recreation. This contains local standards for Greenspace, which are required by PPS17 'Recreation'. These standards are:-

Figure 15. Open Space Requirements Per Person.

Type of open space	Hectares per thousand population	Square metres per person
Playing pitches	1.2	12
Multi use games area	0.2	2
Equipped facilities for children and young people	0.2	2
Greenspace	2.5	25

Type of green space	Size (sq m)	Size (ha)	Square metres per person (area/population)
Community parks	337,342	33.7	2.66
Town parks	174,131	17.4	1.37
Coastal amenity Greenspace	3,317,711	331.8	26.19
Country parks	3,374,995	337.5	26.64
Space for children	45,844	4.6	0.36
Space for young people	44,208	4.4	0.35

Figure 16. Cost of Open Space Provision Per Person

	Sq m per person	Cost of Provision per metre	Cost per person
Playing pitches	12	£12.00	£144
Multi use games area	2	£50.00	£250
Equipped facilities for young people	2	£200	£400
Greenspace	25	£7.75	£193.75
Cost of open space per person:			£787.75

Figure 17. Cost of Open Space Per Dwelling.

Estimated Person Per Dwelling	Cost Per Person	Cost Per Dwelling
1 bedroom – 1.4 persons	£390 (excludes children’s play areas)	£546
2 bedroom – 1.9 persons	£590 (half children’s play area contribution)	£1,121
3 bedroom – 2.6 persons	£790	£2,054
4+ bedroom	£790 (full play park contribution)	£2,370

4.54 The provision of open space will be assessed on its merits having regard to the Local Plan and Greenspace Strategy. Regard will be had to the location, capacity and condition of existing open space, as well as the likely demand on it that development generates.

4.55 Figures 16 and 17 above give a cost per person and dwelling of providing greenspace. However it is recognised that provision will often be in kind through the provision of play parks etc on site. Where developers make on-site provision, the cost of this will count against any financial contribution (with the exception of maintenance payments noted below).

4.56 Where public open space or equipment is provided through a s106 (or other means) by a developer, it should in all cases make financial provision for 10 years maintenance. It is considered by the council that maintenance is essential and therefore these payments should be prioritised. All play space and equipment should be completed to an adoptable standard (currently European Standard EN1776 (Play Areas) and EN1777 (Hard Surfaces)) and agreed by the Director of Community Services.

4.57 Where no new open space is provided to serve new dwellings, the Council may seek contributions to ensure that proper provision is maintained within easy walking distance (300m) of the development (for example by improving maintenance, management and equipment at existing facilities). These contributions are likely to relate to projects identified in the Greenspace Strategy Action Plan.

4.58 Further details are set out in the Council’s Greenspace Strategy and Action Plan www.torbay.gov.uk/ldf_greenspacestrategy

5.0 IMPLEMENTATION

- 5.1 This section sets out guidelines on the implementation of Section 106 Agreements, and particularly to expand on Paragraph **7.50** of the Adopted Torbay Local Plan. This sets out the following considerations when dealing with community infrastructure contribution negotiations:
- (1) monies must be used for the purposes specified within a period of 10 years from its receipt and if not so applied shall become repayable on demand; (note that this SPD undertakes to spend moneys with 5 years, other than major road and infrastructure projects, where 10 years applies);
 - (2) actual payments requested shall be index linked to inflation and in the event of any delay in payment interest shall become payable;
 - (3) where development results in an identifiable social good, for example redeveloping brownfield sites or cleaning contaminated land, or provision of social housing, the authority will take a flexible approach to planning contributions in order to seek to ensure that the social benefits of developments are realised;
 - (4) where developers raise concerns about the viability of schemes due to the requirements of a proposed obligation they will be requested to submit full financial details and valuations to support such concerns;
 - (5) negotiations about Planning Obligations should be carried out as openly as possible. However respect will be had for the financial confidentiality of parties involved in negotiations; and
 - (6) Legal Agreements about planning obligations should cover details of timing of payments. These will be at a stage required for sound planning and operational reasons. In particular, it will usually be undesirable for provision of infrastructure to lag behind the occupation of development.

Unilateral Undertakings Verses S106 Agreements

- 5.2 Where development simply entails a commuted payment, it may be simpler for developers to offer this via a unilateral undertaking. This is where a developer undertakes to provide contributions or other matters. However the unilateral undertaking will have to be acceptable to the Council in terms of allowing for indexing of payments, enforceability etc. Moreover, the Council will need to ensure that the covenantor has the legal capacity to make such an undertaking (i.e has an interest in the land), which necessarily slows down the process.
- 5.3 On this basis, unilateral undertakings will be accepted where an up-front payments is made and there are no other outstanding matters (including later payments). However where there are outstanding matters or payments, a bi-lateral s106 Agreement will be required, in order to protect the Council's interests.

- 5.4 Developers will be expected to pay the Councils legal/ administrative costs of processing legal agreements on the basis of £100 per hour, which equates to around £420 for a typical Agreement.

Timing of Payments

- 5.5 S106 Agreements should specify the timing of payments. The Council will welcome payment before development commences, and this should be the standard for larger commercial developments. Where full payment is made at the signing of the s106 Agreement or unilateral undertaking, a 5% discount to financial contributions will be applied to reflect the reduced costs of collection etc on the Authority. However the Council recognises that cash-flow matters may require phased payments, particularly on smaller residential developments. In such cases 50% payment should be on commencement of development, and the remainder on completion of 50% of the development. Later stage payments should be indexed for inflation. Where phasing payments imposes a monitoring cost on the Council, an additional monitoring charge will be levied as noted below.

Administration/Monitoring of S106 Agreements

- 5.6 Some proposals will impose costs upon the local authority to monitor and enforce. In the absence of adequate monitoring resources, they may have to be refused due to their potentially harmful environmental impact. In addition, where s106 Contributions have "trigger points" these can have a large burden on the Council in terms of monitoring and enforcement. Discounted home ownership and other non-registered social landlord affordable housing requires significant monitoring.
- 5.7 Similarly, holiday occupancy conditions for holiday flats, chalets, etc were, in the past, used to limit occupancy to 11 months in a year. It is now considered good practice to use a condition or obligation indicating that accommodation should be used for holiday purposes only (Planning and Tourism Good Practice Guidance, DCLG 2006). It is particularly important that holiday accommodation (particularly chalets and static caravans) are not allowed to become residential in countryside areas, since this would represent sporadic development unrelated to infrastructure or community facilities. However, monitoring holiday occupancy imposes a cost on councils, as it is much easier to ensure 1 month per year vacancy via a s106 Agreement.
- 5.8 Where an Agreement has a particular need for monitoring (for example of a trigger point, occupancy restriction, or non-RSL affordable housing), the Council will seek contributions for the additional monitoring cost to the Council that this imposes. This will normally be equal to the cost of monitoring for 10 years at £2,000 for schemes of 10 dwellings or more or equivalent. A proportionately lower amount will be sought for smaller developments.

Viability Issues

- 5.9 The Supplementary Planning Document seeks to achieve a general level of contributions that is viable in most instances.
- 5.10 Circular 5/2005 allows for the use of independent third parties to give advice on planning contributions. However, reaching an agreement is the responsibility of the parties concerned and independent advisers are unable to provide binding arbitration (5/2005 paragraphs B37-B40). The Council employs specialist consultants to provide independent third party advice on development viability. Where developers argue that s106 requirements would render development unviable, they will be required to provide details of development costs to the independent adviser appointed by the Council to carry out the assessment. They should provide details including:
- Land value (existing use and proposed use)
 - Details of build costs/quotations
 - Details of abnormal costs
 - Level of interest assumed
 - Level of profit/return assumed. The Council will accept as the developer's need to make a reasonable rate of return.
- 5.11 Developers' commercial confidentiality will be respected.
- 5.12 Developers/applicants will be expected to pay the cost of this viability assessment. In cases where viability is claimed as an issue but detailed information is not supplied or there is no agreement to pay consultants' costs, it is likely that the Council will have no choice other than to refuse the application, because it does not comply with the Local Plan Policy and the terms of this Supplementary Planning Document.
- 5.13 The Council undertakes to spend and monitor developer contributions for the purpose that they were collected within a period of 5 years from collection, except for major highway or infrastructure projects where 10 years will apply, and to ensure that contributions are spent in the most efficient manner possible.

APPENDIX 1

Torbay Community Plan - Turning the Tide: Themes and priorities with a spatial planning implication

Pride in the Bay.

This means:

- Creating and maintaining quality environments that are clean and safe, accessible and pleasant
- improving the quality and quantity of culture on offer

The Community Plan sets out the following priorities related to Pride in the Bay. Those which have a directly spatial implication are italicised.

Promoting and maintaining a clean and attractive environment

- *Ensure that all new developments are 'carbon light' and energy efficient*
- *Promote the use of sustainable energy*
- *Improve the appearance of the gateways to the Bay at Edginswell and our railway stations*
- *Make existing employment areas more attractive*
- *Clear the streets and public places of litter, graffiti and other forms of dumping and discarding*
- *Make our parks safer and more attractive*
- *Develop our parks and gardens as part of the tourism offering*
- *Protect and enhance our coastal areas and aim to be a World Geopark.*

Improving transport choice and make it easier to get around

- *Renovation of Torbay railway stations*
- *Landscaping of the business park at Edginswell*

Improving the range and quality of cultural and leisure opportunities

- Build on the quality of customer services, community advice and libraries in the Bay
- *Improve the quality of some play areas and playing pitches*

- *Increase workshop and exhibition space for the creative industries*
- *Continue to develop Occombe Farm*
- *Continue to improve cycleways and the bus network.*

Learning and Skills for the Future.

This means:

- promoting a culture of life -long learning
- encouraging continuous improvement in achievement
- raising aspirations
- better links between education and training and businesses
- narrowing the gap between the most and least advantaged children
- supporting a range of life long learning opportunities for adults and older people.

The Community Plan sets the following learning and skills for the future priorities:

- Early intervention to support children and families and prevent issues developing
- Targeted intervention when it is needed
- Raise standards of achievement in pre-16 aged children
- Raise aspirations and increasing choice 16-19
- Encourage involvement in learning post 19 for adults of all ages
- Work with the voluntary sector to raise skills through community development
- Commit to Social Enterprise Units and the employment of older people aged 50 plus.

The “New” Economy.

This means:

- building on and developing our traditional industries of fishing and tourism
- encouraging investment and business growth in new businesses that use up-to-date technology
- supporting the development of other growth sectors such as cultural industries
- supporting the renaissance of Torbay with a strong transport infrastructure and affordable housing.

The New Economy priorities are set out below, those which have a direct spatial implication are italicised:

- *Achieve growth in the traditional tourism, retail, manufacturing, health care and fishing sectors*
- *Broaden the economic base by encouraging new opportunities that offer high value jobs*
- *Increase the number of higher value jobs in existing sectors and exploit technology based opportunities*
- Encourage entrepreneurship and innovation
- Encourage business development from traditionally more excluded groups
- *Promote and market a positive image for the Bay locally, regionally and nationally*
- *Use heritage-led regeneration to make areas of the Bay more attractive and accessible*
- Increase the proportion of people of working age in employment and make sure older people are valued as an asset to the Bay.

Several New Economy measures of success relate to spatial projects:

Key measure

Trend of increasing wage levels

Other measures and outcomes

- *South Devon Link Road built*
- *Numbers of new jobs created*
- *Area of employment land brought into use*
- More businesses surviving for more than 18 months
- More businesses surviving for more than 36 months
- Higher levels of full time employment
- Older people feeling valued
- *Greater accessibility to affordable homes.*

Stronger Communities.

This means:

- People feel safe
- People have access to good quality housing and support, education, training and employment
- People live in healthier communities and have happy, independent and healthy lives

- People can develop their own communities and treat each other with respect and consideration
- Older people feel valued and benefit from the Bay's improved economy.

Stronger Communities priorities which have a direct spatial implication are italicised:

- *Develop modern and dependable social and health care services in communities, and modern acute care when needed in a rebuilt Torquay Hospital*
- Public health programmes to prevent avoidable ill health such as introducing measures to halt the rise in obesity
- Promote the health and social well being of young people, including working with schools and South Devon College to reduce the number of teenage pregnancies
- Implement the 'Sure Start to Later Life' model making sure increased independence, healthier, active living, fairness and recognition in work and later life, increased economic well-being and higher quality dignified support and care when needed are all adopted
- Tackle domestic violence by raising awareness and providing coordinated support services
- *Continue to develop the Supporting People programme which offers housing related support to help vulnerable people live independently in the community*
- *Create a safer environment by maintaining our street wardens, undertaking programmes of neighbourhood improvement and designing out crime in new developments*
- Support local decision making in neighbourhoods and integrated access to public services
- Reduce and prevent crime, building on the work of our successful Youth Offending Team to target children who are at risk of offending
- Reduce the fear of crime by taking steps to speed up enforcement actions including the removal of abandoned vehicles, graffiti and vandalism and providing better information to the public. Maintaining programmes to deal with drug and alcohol abuse
- Increased choice in integrated public services and developing some local decision making
- Support volunteers in the community and self help
- *Increase access to and quality of private rented homes*
- Increase the uptake of affordable warmth grants.

The structure of the Local Development Framework

