

Report to	Lead Cabinet Member for Transport and Environment
Date	24 February 2009
Report By	Director of Transport and Environment
Title of Report	Proposal to remove the interim threshold in the Local Sustainable Accessibility Improvement Contributions
Purpose of Report	To exempt formally Local Sustainable Accessibility Improvement Contributions from the interim threshold of 15 dwellings set by the County Council's adopted Interim Supplementary Planning Guidance 'A New Approach to Development Contributions towards East Sussex County Council infrastructure and facilities'

RECOMMENDATION: the Lead Member is recommended to amend the supplementary planning guidance 'A New Approach to Development Contributions towards East Sussex County Council infrastructure and facilities' by exempting the local sustainable accessibility improvement contributions from the interim threshold of 15 dwellings

1. Financial Appraisal

1.1 The Local Sustainable Accessibility Improvement Contributions (LSAICs) agreed during the year 2007/08 amounted to approximately £1.25m and a further £365,000 of LSAICs have been agreed during 2008/09.

1.2 Considering the numbers of planning applications received below the 15 dwelling interim threshold, it is anticipated that several hundred thousand pounds could be realised on an annual basis. A note of caution must be added in light of the current financial climate as it is unclear how the market will develop over the next 12 months.

2. Background Information

2.1 The County Council adopted the Supplementary Planning Guidance 'A New Approach to Development Contributions towards East Sussex County Council infrastructure and facilities' (the SPG) in 2003 and the methodology for calculating LSAICs was adopted as an addendum to the SPG in 2004. The 'Interim Threshold' is currently set at 15 dwellings and is detailed within Part 2, Page 11 - Part 2 Table 5 of the SPG. The LSAIC is a material consideration relevant to planning applications within the county.

2.2 The interim threshold was introduced in order to encourage the Local Planning Authorities (LPA) to implement the SPG and adopt it as their own guidance. To date, only Eastbourne Borough Council has adopted the SPG. However, the SPG is applicable across the county and is being promoted by the County Council through its responses to planning application consultations from each LPA. The extent to which this approach has become accepted and successful over the last 4.5 years is demonstrated in 1.2 above.

2.3 The object of LSAICs is to mitigate the impact of development by applying the proceeds to schemes promoted through the Local Area Transport Strategies (LATS) and/or relevant off-site transport measures that will improve sustainable accessibility in the local area.

2.4 The County Council has worked closely with the LPAs and agreed a number of LSAICs covering smaller developments over the last year. Those contributions will enable accessibility improvements to be provided in those local areas, addressing the impact of additional movements on the transport network. This approach meets the tests of Circular 05/2005 on Planning Obligations.

2.5 In a number of appeals across the South East the principle of securing financial contributions for similar purposes from small scale developments has been upheld by the Planning Inspectorate.

3. Appraisal and Consultation

3.1 The current interim threshold STET results in developments of less than 15 impacting on the transport network, but not mitigating this impact. The proposal is to lower the

threshold to include all residential developments on the basis that every new dwelling has an impact on the transport network. By lowering the threshold a number of additional improvements ranging from provision of dropped kerbs to major improvement schemes could be realised.

3.2 Consultations have been carried out with each of the five Local Planning Authorities to gauge their views. Written responses have been received from Hastings Borough Council and Lewes District Council. Discussions have taken place with Eastbourne Borough Council who support this approach and will take the removal of the interim threshold to their Cabinet on 1 April 2009. Discussions have also taken place with Wealden District Council who have been supportive of a lower threshold and in partnership with the County Council have applied the LSAIC to all residential development in the Uckfield area specifically to address a local congestion issue.

3.3 There is support for the concept that all development should contribute towards mitigating its impact, and there is a willingness to apply a lower threshold on an informal basis in the first instance. The main area of concern for the LPAs is the limited timeframe within which they have to determine applications: 8 weeks for less than 10 dwellings and 13 weeks for 10 or more dwellings. The concern is that it may be difficult to complete the necessary legal agreements within these timeframes.

3.4 Furthermore it is recognised that staff resourcing would be an issue for the County Council if consultation responses made on all developments of 5 dwellings or less required consideration of a LSAIC.

3.5 To address these concerns, the proposal is for the LPAs to informally apply the LSAIC to proposals of 5 dwellings and above. This will achieve an increase in contributions, but will reduce the number of S106 agreements required. In addition, the County Council is working to create a generic S106 agreement, which it is intended will be available online for applicants to download and complete as part of their planning application.

3.6 Contributions are secured to mitigate the impact of the developments and are used towards schemes in the LATS or similar proposals. The lowering of the threshold would lead to additional smaller contributions being secured. Where appropriate, these contributions would be used towards smaller local improvements. Where a larger scheme exists, the contributions would be pooled together to allow for implementation in accordance with Paragraph B21 of Circular 5/2005.

3.7 Further consultation has taken place with other Highway Authorities in the South East to establish their policies. A number of these authorities (West Sussex, Surrey, Dorset and Hampshire) have contribution methodologies in place and the majority of these authorities do not impose any thresholds.

4. Conclusion and Reason for Recommendation

4.1 All new development has an impact on the transport network and should contribute towards mitigation measures. The interim threshold of 15 dwellings results in smaller developments impacting on the transport network, but not mitigating that impact.

4.2 The County Council works closely with the planning departments of the 5 LPAs. To address the concerns of the LPAs, the County Council will provide a generic legal agreement to speed up the process and suggest that they apply the LSIAC at 5 dwellings.

4.3 I therefore recommend that the 'Interim Threshold' of 15 dwellings be removed and the new approach be commended to the District and Borough Councils in the County.

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Local Member: All

BACKGROUND DOCUMENTS

'A New Approach to Development Contributions towards East Sussex County Council infrastructure and facilities' - adopted by the County Council in 2003 as Interim Supplementary Planning Guidance (the SPG)

The LSAIC Methodology adopted as an Addendum to the above in 2004.

Government Circular 5/2005 – Planning Obligations