

## Part 2 – Approach to determining development contributions

This section summarises the main provisions of this SPG. It explains the circumstances where contributions will be required to comply with Structure Plan policy, the thresholds for development that may trigger the need for a contribution and how contributions may be secured through planning obligations.

### Introduction

2.1 This SPG sets out an approach to the determination of development contributions towards the provision of County Council infrastructure, services and resources. The approach aims to be fair, consistent and transparent.

2.2 Incorporation of measures to properly address a development's wider impacts improves the sustainability and quality of the scheme and can also add value to the development and improve its acceptability to the community.

2.3 A key feature of the new approach taken in this guidance is the distinction made between the circumstances of Stress Areas and other areas, and the differing requirements for development contributions towards County Council infrastructure etc. that this places on new development.

### Stress Areas

#### Purpose and definition

2.4 Stress Areas are areas where existing infrastructure and services are already close to, at, or even beyond their capacity or are of poor quality. In such circumstances, even small scale developments are likely to create problems by overloading facilities or aggravating existing stresses. Stress Areas also include areas where important and sensitive County Council environmental resources are present.

2.5 The identification of Stress Areas signals, in advance, to developers those areas of the county where further development may give rise to particular infrastructure problems. If development is to proceed, specific provision secured by development contributions is likely

to be required to overcome local capacity difficulties or to minimise and mitigate harm to sensitive environment resources. However, contributions will only be sought to the extent that development creates or aggravates a local stress and will not be required to remedy unrelated existing deficiencies.

#### Identification of Stress Areas

2.6 Stress Areas are highlighted, as far as practical, in Part 3 of this document. They are described in outline form only; further details may be found in the relevant parent strategy/service plan (e.g. Local Transport Plan, School Organisation Plan etc.), available from the County Council and by contacting the relevant County Council department (contact details given in Appendix 1). Stressed facilities/resources and their catchment areas<sup>1</sup> (i.e. where development may trigger this SPG) will be mapped, wherever practical, in future versions of the SPG.

2.7 The Stress Areas are extensive in a number of instances. In the case of transport, and, potentially, social services, they encompass the entire county. Similarly, stresses in the rights of way network for which the Council has a lead responsibility cover much of the county's urban fringe areas and rural area, whilst a pressing need for economic regeneration is also recognised across much of East Sussex. In addition, a significant number of schools and nurseries, libraries and waste management facilities are also identified as operating close to, at or above their capacity.

2.8 For convenience, the Stress Areas described in Part 3 are presented on a district basis. Within each district, there are further breakdowns providing more detailed information for particular towns and other areas, as appropriate.

<sup>1</sup> Where practical, details of catchments for particular facilities are specified. The School Organisation Plan provides a context for school catchments. Where facility catchment areas are not indicated, catchment areas normally comprise those areas that are closer to one particular facility than any other. Where there is a realistic choice of facilities, catchment areas may overlap.

## Review of Stress Areas

2.9 The identification of, and information about, Stress Areas will be updated regularly, informed by the preparation/review of the County Council's Council Plan, Capital Strategy, Asset Management Plan and individual strategies/business plans for different service areas.

### Other areas

2.10 Outside of Stress Areas, small scale development is unlikely to have significant impacts. However, large scale developments or schemes with special characteristics (such as accommodation for special needs or the elderly) are much more likely to place excessive demand on existing infrastructure and services by exhausting/overloading any current surplus capacity. Development contributions will be required in these circumstances to avoid creating a new shortfall or stress in the provision of supporting infrastructure and services.

### Calculation of contributions

#### Key principle

2.11 The type and scale of provision/contribution required in this guidance to comply with relevant Structure Plan policies will be directly related to the impact of the development on the provision of the relevant service, infrastructure or resource. As such, development contributions sought are locally cost-based and are not directly related to land or development value. Normally, it will be appropriate to calculate requirements on a strict pro-rata basis, with developments contributing proportionately to the measures required to support them or to offset any other impacts on environmental or community resources.

#### Methodology and considerations

2.12 Part 4 sets out details of the method for calculating required development contributions for each type of County Council infrastructure/service, together with a broad indication of the range, scale and costs of required measures; a worked example of such a calculation is given in Appendix 3. Contributions will also include provision of associated land requirements. The main contribution requirements in Stress Areas are summarised in Table 4 below. Details of relevant minimum development thresholds

which trigger the requirements are set out in Part 4 and summarised in Table 5.

2.13 The actual calculation of contribution requirements for specific types of infrastructure will take into account local and other material circumstances, as necessary, including the relative impact of any relevant lawful use of the site on County Council facilities and services. Where appropriate, the detailed form of the contribution required will be negotiated with the developer. It may be possible to reduce overall costs where it is practical and desirable to combine required facilities.

2.14 Required contributions will be aggregated to give a total scheme requirement. As appropriate, this will take into account the severity of impact on individual County Council services/facilities/resources, County Council corporate priorities, and, where relevant, issues of viability, as described below.

#### Apportioning and phasing of contributions

2.15 In large-scale developments<sup>2</sup> or for schemes where there is more than one developer, the aim will be to ensure that the costs of required measures/contributions are equitably shared. However, it will be appropriate in some such instances for a scheme to, initially, at least, bear the entire costs of any required measure if the development is to be acceptable. This may be the case where:

- the required measures (e.g. transport safety measures) are essential from the initial commencement or occupation of the scheme and, are, also, effectively indivisible and therefore unable to be phased<sup>3</sup>)
- there is no good prospect of any other development occurring (which would enable the balance of the cost of required measures to be funded) within the realistic timescale for the implementation of the proposed scheme because of planning policy constraints, market conditions or lack of funding.

2.16 Where a development is to be phased, it may be appropriate to link the provision of measures/development contributions accordingly – for example, funding local bus service improvements may be tied to the completion of a certain phase of a residential development scheme.

<sup>2</sup> Including where large scale allocations are developed incrementally.

<sup>3</sup> Where there is scope for further development unlocked by such measures to retrospectively share the burden, this will be explored.

<b>Table 4: summary of contributions requirements in Stress Areas</b>		
County Council Facility	Residential Development	Other Types of Development
<b>Transport</b>		
Enabling measures	As required by Transport Assessment	As required by Transport Assessment
Local Sustainable Accessibility Improvement	Methodology to be prepared <sup>1</sup>	Methodology to be prepared <sup>1</sup>
<b>Education</b>		
<b>Expand existing</b>	<b>House</b> <b>Flat<sup>2</sup></b>	
Nursery	£187      £28	Large scale <sup>3</sup> employment use: case-by-case
Primary school	£1,949      £292	Not applicable
Secondary school	£1,981      £297	Not applicable
6th form	£454      £68	Not applicable
Special needs	£113      £17	Not applicable
Youth facility	£1,981      £297	Large scale <sup>3</sup> retail or leisure or tourism use: case-by-case
<b>New facility<sup>4</sup></b>	Case-by-case	Case-by-case
<b>Library</b>		
Main (strategic)	£170 per dwelling	Large scale <sup>3</sup> employment use: case-by-case
Community (strategic)	£120 per dwelling	Large scale <sup>3</sup> employment use: case-by-case
Satellite	£120 per dwelling	Not applicable
Mobile	£187 per dwelling	Not applicable
Computer point	Case-by-case	Not applicable
<b>Social services</b>		
	Case-by-case	Case-by-case
<b>Household waste</b>		
Raise site capacity	£21 per dwelling	Case-by-case
Site extension	£41 per dwelling	Case-by-case
New site	£59 per dwelling	Case-by-case
<b>Environment, countryside management and rights of way</b>		
Direct impact on parks, nature reserves or rights of way	Remedial action: case-by-case	All harmful development. Remedial action: case-by-case
Pressure on parks & nature reserves	Remedial action: case-by-case	Large scale <sup>3</sup> development. Remedial action: case-by-case
Pressure on rights of way	£20 per dwelling	Large scale <sup>3</sup> development. Remedial action: case-by-case
<b>Economic development</b>		
Viable business land Loss (3,000 sq ms/1 hectare site)	All harmful development. Remedial action: case-by-case	All harmful development <sup>5</sup> . Remedial action: case-by-case
Economic regeneration	Large scale <sup>3</sup> development. Remedial action: case-by-case	Large scale <sup>3</sup> development. Remedial action: case-by-case
<b>Archaeology</b>		
	All harmful development. Remedial action: case-by-case	All harmful development. Remedial action: case-by-case

**Table 4: notes**

- 1 In the interim, this will be determined on a case by case basis.
- 2 Excludes one bedroom flats.
- 3 Large scale development typically comprises 100 dwellings or more, or 5,000 sq ms floorspace or more of employment/retail/leisure/tourism floorspace or any large scale generator of County Council facility users, as appropriate.
- 4 As a guide, 840 houses will trigger the need for a new one form entry primary school providing 210 places; the cost of provision of a new nursery unit as part of new primary school provision would be calculated at £780 per house or £117 per two or more bedroom flat.
- 5 Except, as appropriate, waste uses.

## Qualifying forms of development

2.17 The requirements set out in this SPG apply to:

- all forms of development which would place a stress on the broad areas of infrastructure service provision for which the County Council has a relevant responsibility<sup>4</sup>
- any development which would result in loss or damage to an existing environmental or community resource present on the site or in the wider area which is owned, operated or managed by the County Council.

These include development outside the East Sussex administrative area which would impact on relevant County Council facilities, services or resource.

## Implications for different land uses

2.18 Proposals for residential development will generally have the greatest implications for County Council education, library, social service and waste management provision. However, a broad range of types of development could have significant impacts on the transport network, economic development, environmental resources, countryside management and rights of way. Large scale employment development could also have implications for nursery school and library facilities. Agricultural development will not normally impact on County Council service areas covered in this SPG, except transport, archaeology, environment, and, occasionally, countryside management & rights of way. Proposals for sheltered housing, student accommodation and one-bedroom dwellings of any type will not be expected to contribute towards education facilities. At the same time, certain specialist forms of development (e.g. care homes and retirement villages) in any location may have particular implications for County Council infrastructure/services (for example, Social Services).

## Development thresholds triggering the need for contributions

### Development in Stress Areas

2.19 Recommended interim minimum development thresholds for individual County Council service responsibilities are summarised in the table following and are also given in Part 4. These will be reviewed in co-operation with the District Councils and amended as necessary in subsequent revised guidance. Districts may vary these interim thresholds, where justified, in line with the joint protocol between the County and East Sussex District Councils on the implementation of this SPG.

### Undershooting of thresholds

2.20 Where allocated sites or developments are artificially split to avoid any threshold, or where the phasing of a larger scheme results in individual phases undershooting relevant thresholds, it will be appropriate to apply a correspondingly lower threshold figure.

### Variations in thresholds for different infrastructure types

2.21 The thresholds vary according to types of development and their particular implications for different County Council infrastructure, services and resources. Whilst even small developments can individually, overload the capacity of an area or unacceptably impact on a local resource and their cumulative effect can be substantial over time, the interim thresholds have been set at levels which are considered to be administratively practicable to apply and should not unacceptably impact on the efficiency of the districts' development control services. Where thresholds are pitched relatively high (e.g. 100 dwellings), this also reflects the scale of development which is likely to appreciably impact on the relevant County Council service (e.g. social services/economic development).

<sup>4</sup> Development encompasses redevelopment, changes of use and conversions of, or extensions to, existing buildings. The guidance is also relevant to applications for temporary permission and renewals of existing permission as well as to full applications. This SPG will also apply to waste and minerals development proposals and to the County Council's own development, where appropriate.

**Table 5: summary of recommended interim minimum development thresholds in Stress Areas (see Part 4 for more details)**

Recommended minimum development thresholds <sup>1</sup>	
<b>Transport</b>	
Enabling measures	All development generating travel demands: no minimum
Local Sustainable Accessibility Improvement	15 dwellings/1,000 sq ms non-residential floorspace or in any case where a Transport Assessment is required.
<b>Education<sup>2</sup></b>	
Nursery school	15 dwellings or large scale employment development (e.g. 5,000 sq ms floorspace)
Primary school	15 dwellings
Secondary school	15 dwellings
Sixth form provision	30 dwellings
Special needs provision	100 dwellings
Youth facilities	100 dwellings or large scale retail, leisure or tourism development (e.g. 5,000 sq ms floorspace)
<b>Libraries</b>	
Main/community (strategic)	15 dwellings or large scale employment development (e.g. 5,000 sq ms floorspace)
Satellite/mobile	15 dwellings
Computer point	15 dwellings
<b>Social services</b>	
	100 dwellings or major (e.g. 15 or more dwellings) development specifically catering for special needs groups (e.g. sheltered housing)
<b>Waste management and recycling</b>	
	15 dwellings
<b>Environment, countryside management and rights of way</b>	
Direct impact on parks, nature reserves or rights of way	All harmful development: no minimum.
Pressure on country parks or nature reserves	Large scale employment, retail, leisure or tourism development (e.g. 5,000 sq ms floorspace) development or 100 dwellings.
Pressure on rights of ways	15 dwellings or large scale employment, retail, leisure or tourism development (e.g. 5,000 sq ms floorspace)
<b>Economic Development</b>	
Loss of viable business land <sup>3</sup>	1 hectare/3,000 sq ms
Economic regeneration	Large scale employment, retail, leisure or tourism development (e.g. 5,000 sq ms floorspace) or 100 dwellings
<b>Archaeology</b>	
	All harmful development: no minimum

**Table 5: notes**

1. Except where East Sussex District Councils wish to operate a variant in line with an agreed protocol with County Council.
2. Whilst no actual contributions will be required in respect of sheltered housing, student accommodation or one bedroom flats towards general education provision, such dwellings will count towards the scheme total for the purpose of assessing it against the thresholds set out in this table.
3. Except where lost to waste use.

### Outline applications

2.22 Where outline applications do not specify the scale of development, a suitable planning obligation will be required, attached to the outline permission, to safeguard and secure any necessary contributions towards infrastructure and services where these and other relevant details are agreed. As a general rule, the 15 dwelling development threshold, indicated in the table below, will be considered to be triggered by residential planning applications which do not specify dwelling numbers where sites are:

- 0.5 hectares or more in size
- are physically capable of accommodating 15 or more dwellings.

### Development outside of Stress Areas

2.23 Generally, a more flexible and less stringent approach will apply outside of Stress Areas. Small scale development that is outside of, and does not adversely impact on, Stress Areas will not be required to make provision for County Council infrastructure and services. However, large scale development and particular forms of development which place concentrated pressure on County Council infrastructure and services will be required to make appropriate development contributions where they would otherwise exhaust or overload the capacity of existing provision and/or damage environmental and community resources, creating new local stresses and shortfalls where none previously existed.

2.24 The thresholds that trigger the need for large scale and special forms of development outside of Stress Areas to make contributions will depend upon the nature and scale of any surplus infrastructure/service capacity available in the relevant area. Such requirements will be identified on a case-by-case basis.

### Designation of County as transport and social services Stress Area

2.25 The whole county is identified as a potential Stress Area for the purpose of assessing the transport and social services implications of development. Whilst only very large schemes or special forms of development will be required to contribute towards the associated costs of provision for social services, there is no recommended minimum

development threshold for triggering contributions towards necessary transport provision. Consequently, and throughout the county, even very small scale developments may be required to make some contribution towards associated access requirements.

### Arrangements for securing development contributions

2.26 Details of the administrative and legal arrangements for the implementation of the SPG will be set out in a protocol between the County and District Councils. Arrangements may vary between districts to reflect local circumstances.

### Forms of contribution

#### Range of measures

2.27 Development contributions may be required, as appropriate, to secure wholly new measures, enhance or amend existing measures, and/or to bring forward and secure the commitment of necessary supporting schemes identified in capital programmes or other relevant strategies.

2.28 Development contribution requirements may comprise on- and/or off-site works/measures. This may involve provision of measures in another district area, where appropriate (see Implementation of measures – paragraphs 2.38/2.39).

2.29 Development contributions will, normally, be in the form of:

- a commuted financial sum
- works or measures in kind<sup>5</sup>
- the dedication or safeguarding of land/premises
- a combination of these, as appropriate.

2.30 Contributions will include, as appropriate, suitable assistance with the maintenance of necessary infrastructure, facilities and services, (such as County Council open space, transport services and other highway works where the measures entail additional maintenance expense).

2.31 Where practical, the generally preferred method is for developers to undertake any required measures themselves. However, required maintenance payments will normally be paid as a commuted sum.

<sup>5</sup> Secured, as appropriate, by a bond.

## Mechanisms for securing contributions

2.32 Required development contributions must be secured as part of any outline or full planning permission. Mechanisms are set out below.

### Multi-lateral planning obligations

2.33 The County Council's preferred method for securing development contributions towards County Council infrastructure, services and resources is the use of 'planning obligations' under Section 106 (S.106) of the Town and Country Planning Act 1990. Land owners, developers (if not the land owner) and District Councils (if they so wish) will be parties to such agreements, as will anyone else with a legal interest in the land, such as a mortgagee. Planning obligations will always be required where the contribution involves relevant off-site works, financial payments, transfers of property, access to or across council property, the carrying out of measures by third parties or complex arrangements.

2.34 The County Council and the East Sussex District Councils will aim to prepare one agreement only, even if each has separate requirements that need securing. If the District Council has requested that a planning obligation under S.106 covering a County Council function be completed before planning permission is issued, the district authority will prepare the agreement and the County Council (which must be a party to it) will supply suitable clauses for inclusion.

### Unilateral planning obligations

2.35 Although the County Council will enter into discussions with any developer(s) proposing a 'unilateral planning obligation', a negotiated agreement is to be preferred as it is more likely to satisfy all parties.

2.36 In cases where the County Council is both the developer and the determining planning authority, it may be appropriate for the County Council to make a unilateral planning obligation to undertake the necessary measures.

## Planning conditions

2.37 The use of conditions attached to planning permission is generally discouraged as a means of securing contributions towards County Council infrastructure and services. "Grampian Conditions" will be appropriate in limited circumstances only; for example:

- where the relevant required enabling works are beyond the capability of the developer and the condition effectively serves as a restriction on the timing of the development
- the required measures are on-site physical works, minor in scale and integral to the development
- the requirements relate to archaeological investigations or certain types of travel plan.

## Implementation of development contributions

2.38 Development contributions received will be directed at those measures necessary to offset the adverse impact of the development concerned. Whilst these will be specified in the planning obligation or condition wherever practical, it will be appropriate in a number of instances<sup>6</sup> to allow some flexibility in the precise means of mitigation and its location.

2.39 Normally, the measures funded by development contribution will be in the locality of the development as defined in the planning obligation/condition. In some circumstances, however, required mitigation measures may be most effectively located outside of the settlement or even district in which the development is sited (e.g. development near the borders of one district may place a stress on a school or roads in the neighbouring district).

## Financial and timing issues

### Costs of preparing legal agreements

2.40 Developers will be required to pay all the County Council's legal, planning and highway officer costs (such costs to have been expended on preparing the agreement).

<sup>6</sup> Examples may include:

- where funds are collected to help implement a local strategy, measures will normally be described in generic terms only, in anticipation of the details of individual schemes being worked up subsequently
- where development is served by more than one school (e.g. in the larger towns, funds collected to provide school places may be switched between these as need requires).

### Indexing of contributions

2.41 Contributions secured will be indexed, as appropriate, in any agreement.

### Dedicated budgets and pooling of contributions

2.42 Funds received will be held in a special budget, dedicated for the appropriate purpose. The pooling of funds in dedicated budgets may be undertaken where there is a requirement to contribute towards the provision of a 'strategic' facility (i.e. infrastructure/services etc. serving a wider area or a number of developments) or wider strategy.

### Bond

2.43 Where the developer undertakes to carry out the required works him/herself, a bond will be required to secure these. This sum of money can subsequently be used if the developer fails to undertake the covenanted works.

### Timing of payments

2.44 Contributions will normally be payable and required works/measures in place on commencement of the development or prior to start-up/occupation, as appropriate. Any necessary bond should normally be in place before works begin. However, in appropriate circumstances, contributions may be:

- phased (e.g. in a large development)
- linked to the outcome of subsequent technical investigations<sup>7</sup>.

### Repayment of unspent monies

2.45 If, under the terms of the agreement, a financial contribution to a scheme is required (e.g. a highway improvement scheme), then the agreement will contain an obligation on the local authority involved to repay this to the developer if the contribution has not been spent within a defined time period either on the scheme itself or on a larger strategic scheme that requires contributions from other parties over a longer period. As a general guide, the relevant time periods are likely to be:

- 5-7 years from completion or occupation (as appropriate) of the development if the funds are allocated to specific scheme

- 10 years from completion or occupation (as appropriate) of the development if the funds are a contribution towards a larger, strategic scheme or programme or strategy or where there is no specific scheme identified, to reflect lead-in and scheme development times.

### Accounting system

2.46 The County Council will maintain a transparent accounting system to ensure that all financial contributions can be traced from payment to final expenditure or repayment. Each payment made will be given a unique identification code and will only be used for the purpose for which it was required.

### Payment of interest

2.47 Interest will be payable to the County Council by developers on late payment of contributions and to developers by the County Council if financial contributions have to be returned because the agreed scheme has not commenced within the specified time. The County Council's standard interest clause reads as follows:

*"If the Measures/Works are not commenced within [x] years of the Commencement of Development then the County Council shall repay the contribution to the Developer together with interest on the same calculated on a daily basis at a daily rate of 1/365th of the annual rate of interest of 4% per annum greater than the National Westminster Bank PLC base rate in force from time to time from the Due Date to the date of payment thereof."*

### Other potential requirements

2.48 This draft guidance is not exhaustive and the determining planning authority (usually the District Council) may identify a need for additional measures to satisfactorily service the proposal and to offset any associated harm to an environmental or community resource. Appendix 1 indicates a range of other possible requirements that the determining authority might specify.

<sup>7</sup> For example, where the degree of site contamination, and, hence, abnormal development costs will only be determined at the implementation of development stage or measures are tied in to the achievement of targets set out in an approved (green) travel plan.

## Impact on viability

2.49 A prime purpose of this SPG is to alert developers and landowners at the earliest possible stage in the development process of the likely requirements that development will generate for infrastructure provision and other supporting measures. This allows for such costs and works to be factored into any land transactions and the formulation/design of a scheme well in advance of any planning application being submitted.

### Demonstration of viability impacts

2.50 Where a developer considers that the requirements set out in this SPG seriously jeopardise their proposal's viability (for example, the site has major abnormal development costs), the onus will be on them to prove this to the satisfaction of the determining planning authority. In these circumstances, appropriate financial and other documentation should be provided for scrutiny by the authority and its specialist advisers. This information should be shared with the County Council where its own infrastructure, resources or services are affected. Whilst commercially sensitive information will be treated with due confidentiality, any material broad conclusions drawn from such information will be published in relevant Council reports, as appropriate.

### Consideration of viability issues

2.51 Section 54A of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise. This SPG serves as formal guidance on relevant aspects of the development plan (i.e. the particular Structure Plan policies referred to in Part 1 and reproduced in Appendix 2).

2.52 Proven adverse impact on the viability of a development resulting from any requirement for contributions as set out in this SPG will, likewise, be a material factor in the determination of the planning application. In each case, it will be for the determining planning authority to decide what weight to attach to any such proven harm. Refusal of permission may be justified where:

- the applicant has failed to prove significant harm to the viability of the proposed scheme
- even where harm to viability is proven, the determining authority considers that the detailed guidance expressed through this SPG outweighs that fact and should still prevail.

### Departures from the development plan

2.53 Where the determining planning authority is minded to approve an application which fails to provide for any key requirement set out in this SPG (because of a proven harmful impact on viability or because the scheme's other benefits are judged to outweigh the requirements of this guidance) and it is considered that such a failure would significantly prejudice the implementation of the development plan's policies and proposals, the determining planning authority should treat the application as a departure to the development plan<sup>8</sup>. The County Council will wish to be fully consulted by the determining planning authority in all cases where issues of development viability might have implications for any contributions sought towards the provision of County Council services or infrastructure.

### Unrelated benefits

2.54 Contributions offered by developers in support of particular proposals will only be regarded as relevant to the extent that they are material to the consideration of the proposed development. Any unrelated or excessive benefits that may be offered will be discounted in determining planning applications.

### Openness

2.55 The Government encourages the process of agreeing planning obligations to be as transparent as possible, and best practice advice is that agreed 'Heads of Terms' for any planning obligation should be set out in reports to council committees considering planning applications. The terms of any planning obligation are also required by law to be included in the Planning Register.

<sup>8</sup> Under Town & Country Planning (Development Plans and Consultation) (Departures) Directions 1999, paragraph 3 c), the determining authority shall notify the Secretary of State of any application which is for development not in accordance with the development plan which they propose not to refuse and which by reason of its scale or nature or the location of the land would significantly prejudice the implementation of the development plan's policies and proposals. Further guidance is set out in Department of the Environment and the Regions Circular 07/99.

