



LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS to be made by the Lead Member for Transport and Environment,
Councillor Claire Dowling

MONDAY, 11 MARCH 2024 AT 10.00 AM

COMMITTEE ROOM, COUNTY HALL, LEWES

AGENDA

1. Decisions made by the Lead Cabinet Member on 15 January 2024 (*Pages 3 - 6*)
2. Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
3. Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
4. Capital Programme for Transport Improvements 2024/25 (*Pages 7 - 14*)
Report by the Director of Communities, Economy and Transport
5. The development of "Minor Works Agreements" under Section 278 of the Highways Act for developer led or third-party highway works (*Pages 15 - 38*)
Report by the Director of Communities, Economy and Transport
6. East Sussex County Council Guidance for Parking at New Developments (*Pages 39 - 66*)
Report by the Director of Communities, Economy and Transport
7. Any urgent items previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

1 March 2024

Contact Sophie Webb, Interim Senior Governance and Democracy Officer,
01273 337495
Email: sophie.webb@eastsussex.gov.uk

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LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS made by the Lead Member for Transport and Environment, Councillor Claire Dowling, on 15 January 2024 at Committee Room, County Hall, Lewes

Councillors Pat Rodohan and Ian Hollidge spoke on item 4 (see minute 57)

Councillors Colin Belsey, Ian Hollidge, Christine Robinson, Pat Rodohan, Colin Swansborough and David Tutt spoke on item 5 (see minute 56)

Councillors Godfrey Daniel, Julia Hilton and Ian Hollidge spoke on item 6 (see minute 58)

52. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 11 DECEMBER 2023

52.1 The Lead Member approved as a correct record the minutes of the meeting held on 11 December 2023.

53. DISCLOSURE OF INTERESTS

53.1 Councillor Hilton declared a personal interest in Item 6 as a member of the Hastings Garden Town project. She did not consider this to be prejudicial.

54. URGENT ITEMS

54.1 There were none.

55. REPORTS

55.1 Reports referred to in the minutes below are contained in the minute book.

56. BUS SERVICE IMPROVEMENT PLAN (BSIP) - BUS PRIORITY MEASURES CONSULTATION OUTCOME

56.1 The Lead Member considered a report by the Director of Communities, Economy and Transport together with written comments of Local Member Councillor Holt.

DECISIONS

56.2 The Lead Member RESOLVED to:

(1) Note the outcomes of the stakeholder and public consultation on the Bus Service Improvement Plan bus priority measures;

(2) Approve the recommended next steps for each proposed scheme within the Bus Service Improvement Plan bus priority programme as set out in Appendix 4 of the report; and

(3) Delegate authority to the Director of Communities, Economy and Transport to approve, in consultation with the Lead Member for Transport and Environment the final content of the bus priority package included in the Project Adjustment Request submitted to the Department for Transport and to take any actions necessary to give effect to (2) above.

REASONS

56.3 Following receipt of Government funding to deliver the County Council's Bus Service Improvement Plan (BSIP), the initial package of bus priority measures was identified and developed focussed on two areas – Eastbourne and Newhaven / Peacehaven. A final package of seven bus priority schemes across these two areas were prioritised and put forward for public consultation between July and September 2023 on the basis that they generated the highest benefits for bus users and could generate additional bus passengers and meet the Department for Transport's delivery timescales. An initial costing exercise highlighted that the cumulative value of the schemes put forward for consultation exceeded the £18.5m BSIP capital allocation available.

56.4 The delivery of the bus priority measures (bus lanes, bus gates) will contribute towards achieving the objectives of East Sussex's draft Local Transport Plan 4 (LTP4) and BSIP. Various factors have been considered in determining which schemes should proceed to the next design stages and construction, including the consultation feedback, bus user benefits, the delivery timescale of 31 March 2025 and costs of each scheme, and that not all schemes can be afforded within the funding envelope.

57. PETITION TO INTRODUCE TRAFFIC CALMING MEASURES INCLUDING A 20MPH SPEED LIMIT, RELEVANT MANDATORY SIGNS AND OCCASIONAL RADAR CHECKS TO DELIVER SAFETY IN SOUTHFIELDS ROAD, EASTBOURNE

57.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.

57.2 Mr David Hodkinson, the Lead Petitioner for the petition calling on the County Council to introduce traffic calming measures including a 20mph speed limit, relevant mandatory signs and occasional radar checks to deliver safety in Southfields Road, Eastbourne spoke to highlight safety concerns relating to speed of vehicles and the use of Southfields Road for buses and large vehicles.

DECISIONS

57.3 The Lead Member RESOLVED to advise petitioners that:

(1) A potential scheme to implement a 20mph speed limit, traffic calming and relevant mandatory signs has been assessed through the approved High Level Sift process and is not a priority for the County Council at the present time;

(2) Petitioners may wish to consider setting up a Community Speed Watch group for the area to carry out occasional speed checks; and

(3) Petitioners may wish to consider taking a potential scheme forward through Community Match. A Community Match Appraisal at a cost of £500 would be required prior to a Community Match application.

REASONS

57.4 A scheme to implement a 20mph speed limit, traffic calming measures and relevant mandatory signs in Southfields Road has been assessed through the approved High Level Sift process and did not meet the benchmark score to be taken forward. However, appropriate improvements could be considered should an alternative source of funding become available, or an application through Community Match was successful.

57.5 To determine what measures could be suitable in this area, prior to a Community Match application, the petitioners would need to commission a Community Match Appraisal at a cost of £500. This would help identify possible improvements for further discussions and provide the group with an estimate of what they might cost to assist in their budget considerations.

57.6 Occasional radar checks could be carried out by concerned residents, should they wish to form a Community Speed Watch group. Contact details for the District Speedwatch Administrator can be provided to Councillor Rodohan and the Lead Petitioner upon request.

58. HASTINGS AND BEXHILL MOVEMENT AND ACCESS PACKAGE

58.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.

DECISIONS

58.2 The Lead Member RESOLVED to:

(1) Note the South East Local Enterprise Partnership Accountability Board decision to proceed with a revised delivery package for the Hastings and Bexhill Movement and Access Package;

(2) Approve the revised package moving forward to construction in 2024/25 to be included in the forthcoming Capital Programme for Local Transport Improvements 2024/25; and

(3) Delegate authority to the Chief Finance Officer and Assistant Chief Executive, to negotiate and agree the financial package development costs with the South East Local Enterprise Partnership as covered in paragraphs 2.15 to 2.18 of the report.

REASONS

58.3 Since the County Council secured £9m of Local Growth Fund monies from the South East Local Enterprise Partnership (SELEP) towards the development and delivery of the Hastings and Bexhill Movement and Access Package in 2018, significant progress has been made in progressing each of the schemes towards delivering cycling, walking, bus infrastructure, traffic management and public realm improvements, aimed at supporting economic growth across Hastings and Bexhill.

58.4 Due to sharp increases in costs across the construction sector because of high inflation, the war in Ukraine and delays due to the Covid-19 pandemic, the cost to deliver the remaining schemes now exceeds the £3.84m remaining funding.

58.5 Following a comprehensive cost estimate and business case review exercise undertaken by transport consultants, and in consultation with key stakeholders as set out in paragraphs 2.9 of the report, a revised scheme package was approved by the SELEP Accountability Board in September 2023 to deliver the following remaining schemes by March 2026:

- Albert Road, Hastings
- Station Approach, Hastings and
- Bexhill Cycle Route A.

Report to: Lead Member for Transport and Environment

Date of meeting: 11 March 2024

By: Director of Communities, Economy and Transport

Title: Capital Programme for Local Transport Improvements 2024/25

Purpose: To seek approval for the proposed allocation of funds to a specific programme of local transport improvements for 2024/25

RECOMMENDATIONS: The Lead Member is recommended to:

- (1) Agree the programme of local transport improvements for 2024/25 set out in Appendix 1 to this report; and**
- (2) Agree the allocation of County Council capital funding, development contributions and Local Growth Fund monies towards specific improvements identified in the 2024/25 programme.**

1. Background Information

1.1 The capital programme for local transport improvements sets out a proposed programme of schemes to be developed and delivered in various locations across the county in 2024/25. The programme is funded from a number of sources including a capital allocation from the County Council, development contributions and funding secured from the Government's Local Growth Fund (LGF) through the South East Local Enterprise Partnership (SELEP). A copy of the draft capital programme for 2024/25 is included in Appendix 1.

2. Supporting Information

2.1 In May 2011, the County Council approved the Local Transport Plan (LTP3) 2011 – 2026 which identified the Council's strategy for transport investment. The strategic approach adopted in the LTP3 is to invest in infrastructure which delivers the Plan's objectives including sustainable economic growth; improving safety, security and health and tackling climate change. This will be achieved by developing schemes which tackle congestion, improve safety for all road users and where practical and appropriate, promote sustainable travel on foot, by bike and by public transport.

2.2 The LTP3 is complemented by a series of Implementation Plans setting out delivery proposals in line with the priorities set out in the Plan supporting sustainable economic growth and improving safety, health and security for 5-year time periods over its lifetime.

2.3 The draft capital programme for 2024/25 has been reviewed to take account of the priorities set out in the Council Plan including sustainable economic growth as well as contributing towards the target of achieving carbon neutrality by 2050; LTP3 and its associated Implementation Plan, as well as ensuring the continuation of schemes that have commenced in the previous financial years and the availability of funding.

2.4 As part of LTP3 and its Implementation Plans, and with a single budget for Local Transport and Road Safety schemes, a more robust, evidence-based prioritisation process was developed to assess requests received for all types of schemes. One of the key elements of this process involves assessing the extent to which scheme requests would meet the LTP objectives.

2.5 The County Council is currently developing its next Local Transport Plan (LTP4) for the period 2024 to 2050. The current prioritisation process will be reviewed and updates proposed to ensure it is in alignment with the draft LTP4 which will have an emphasis on enabling safer and more accessible journeys, developing healthier places, decarbonising transport and supporting a more equitable, inclusive and sustainable economy. The draft LTP4 will be considered for adoption by the Council in summer 2024.

Draft 2024/25 capital programme

2.6 The County Council's capital programme considered by Cabinet on 23 January 2024 sets out the programme for the medium-term financial period of 2024/25 to 2026/27. This included an allocation of funds for Local Transport improvements. The Council's capital programme was considered and approved at County Council on 6 February 2024.

2.7 In 2024/25, the £2.5m Local Transport allocation comprised:

- £1.004m East Sussex County Council capital borrowing
- £1.496m external funding

2.8 As at 2023/24 Q3, there has been a slippage of £0.951m of County Council Local Transport capital funding into 2024/25, meaning a total of £1.955m available next financial year. From a review of all the existing committed schemes in the programme, the estimated forecast for County Council Local Transport capital spend is £3.736m. Therefore, the delivery of the 2024/25 programme is subject to a £1.781m capital variation to accelerate County Council's Local Transport capital funding from 2025/26.

Local Growth Fund funded packages - context

2.9 In March 2014, SELEP with the support of businesses, local authorities and education leaders from across the area, submitted their Growth Deal proposals with a focus on infrastructure required to unlock housing and employment growth. Through the various growth deal rounds, over £64m has been made available to fund transport projects in East Sussex.

2.10 The Growth Deal included funding awarded for the phased delivery of packages of local transport improvements (walking, cycling, town centre public realm, public transport infrastructure and localised junction improvements) which support housing and employment growth in identified locations known as "growth corridors" around Eastbourne / South Wealden and Bexhill / Hastings. SELEP has agreed the extension of certain LGF projects being delivered beyond the end of the initial Growth Deal period of 31 March 2021 up to March 2026 at the latest.

Hastings and Bexhill Movement and Access Package (HBMAP)

2.11 Significant progress has been made towards delivering cycling, walking, bus infrastructure, traffic management and public realm improvements aimed at supporting economic growth across Hastings and Bexhill utilising the £9m LGF secured in 2018 towards the development and delivery of the HBMAP.

2.12 Following a review of the HBMAP programme in 2022, it was identified that the total amount of funding required to complete the design and delivery of the remaining schemes in the package would be significantly higher than the remaining LGF monies available primarily due to increases in costs across the construction sector. The Lead Member was advised at her decision-making meeting in March 2023 that work on HBMAP would be paused while a business case review was undertaken to determine which of the remaining schemes could be taken forward for final development and/or delivery within the remaining funding available.

2.13 A revised package of schemes was approved by the SELEP Accountability Board on 22 September 2023, and the Lead Member at her decision-making meeting on 15 January 2024, to deliver the following remaining schemes by March 2026:

- Albert Road, Hastings
- Station Approach, Hastings
- Bexhill Cycle Route A

Eastbourne and South Wealden Walking and Cycling Package (ESWWCP)

2.14 Equally significant progress has been made on progressing each of the schemes in the £6.6m ESWWCP. Following a similar review to HBMAP, the total expected out-turn costs for completing the design and delivery of the remaining ESWWCP schemes would be significantly higher than the remaining LGF funding available.

2.15 For this reason, work on the package was paused to undertake a full scheme and programme assessment and determine which schemes should be recommended to progress to final development and delivery in 2024/25 and 2025/26 within the remaining £1.985m LGF available. The assessment considered whether there were options for descoping and/or value engineering the schemes as well as exploring other existing funding sources such as development contributions to augment the LGF.

2.16 The following 5 schemes, either from the original approved business case or SELEP approved project change request, were considered as part of the assessment:

- Horsey Way cycle route phase 1b;
- Eastbourne Town Centre cycle route;
- Willingdon Drove cycle route;
- Langney Rise cycle route; and
- Eastbourne cycle parking phase 2.

2.17 Two schemes set out in the original SELEP approved business case for the south Wealden area were Hailsham cycle route (A271 Upper Horsebridge Road) and Hailsham cycle parking. The cycle route was unable to progress due to topography and access difficulties associated with the proposal which would exceed the available funding, whilst the cycle parking facilities have been introduced as part of Department for Transport Emergency Active Travel Fund and are no longer part of this package.

2.18 Following the assessment process, the following three schemes have been identified for inclusion in the revised package as they all either presented higher benefit cost ratios than the two non-prioritised schemes, and/or are deliverable within the proposed extended funding timescales of December 2025:

- Horsey Way cycle route phase 1b,
- Eastbourne Town Centre cycle route, and
- Eastbourne cycle parking phase 2

2.19 All three schemes are affordable within the remaining LGF funding available against the package. This revised package was endorsed by Team East Sussex, the local Growth Board made up of business, local authority, social enterprise and education representatives from across the county, following its meeting on 29 January 2024. SELEP will not be in a position to approve the revised Business Case and Economic Appraisal prior to the transfer of LEP responsibilities to upper tier authorities in April 2024. Therefore, the determination of the approved package and revised business case assessment will be undertaken by the County Council following the LEP transition process and when appropriate governance processes are in place.

Road Safety

2.20 Historically, the capital programme has included a separate allocation for road safety measures to fund the implementation of engineering schemes at specific sites identified as having a high crash record. The number of specific sites identified has reduced over the years and the latest approach combines a mix of site specific and route-based interventions.

2.21 As part of the Strategic Casualty Reduction Programme, targeted engineering measures will continue to be introduced at identified sites and routes through the ongoing analysis of crash data where road safety issues have been identified but no specific site or causation factor may be evident. Precedence will be given to those sites of highest priority that have the potential to positively impact casualty reduction. Road safety engineering work will be focussed on low-cost traffic management measures (e.g. improvements to signing and lining) and targeted engineering works at identified sites and high-risk sections of A and B roads where crashes have occurred.

2.22 The following allocations have been made in the programme for road safety:

- £373,000 - Strategic Casualty Reduction Programme (£250,000 annual allocation plus £133,000 slippage from 2023/24 programme). The funding may be used in conjunction with other funding, if available, to maximise this impact.
- £50,000 - Annual allocation for speed management interventions.

- £110,000 - Speed limit review (slippage from 2023/24 programme). To undertake a systematic review and assessment of the A and B class network and identify lengths of the main road network that would benefit from a reduced speed limit. The review would also check that existing speed limits are effective and producing the desired reductions in vehicle speeds. The review would also identify sites of greatest need and local concern where proven traffic management measures would have a positive effect and enhance the effectiveness of the speed limits.

Development contributions

2.23 The use of external funding in the form of development contributions will continue to be used, as appropriate, to increase the level of funding available to implement local transport improvements. There are constraints on how this funding may be applied, as it can only be used on specific schemes in specific geographical areas and some contributions are time limited.

2.24 The total amount of external funding from development contributions (s106 contributions and Community Infrastructure Levy) will amount to £0.848m in 2024/25. As highlighted in para 2.7, £1.496m of external funding is within the overall £2.5m Local Transport capital allocation for 2024/25. This means a slippage of £0.648m of development contributions into future financial years.

Consultation on draft 2024/25 programme

2.25 The draft capital programme and briefing note was circulated by email to all Councillors on 14 February 2024 for comment. Councillors were given the opportunity to speak to officers about the schemes within the programme and discuss whether they felt any schemes from previous years' programmes had been omitted in error.

2.26 It was requested that any comments about the programme be reported back through their spokespeople for Transport and Environment. These comments were considered at the cross-party Member Panel on 21 February 2024 and the outcomes of the Panel discussion will be reported verbally at the Lead Member's decision-making meeting on 11 March 2024.

3. Conclusion and Reasons for Recommendation

3.1 The draft capital programme for local transport improvements 2024/25 represents a balanced programme of improvements which will help deliver not only the objectives of the County Council's current Local Transport Plan but also contribute to achieving the broader corporate objectives of reducing carbon emissions, supporting economic recovery and growth, and promoting health and wellbeing.

3.2 It is therefore recommended that the funding approved by the County Council, development contributions and Local Growth Fund monies for the Eastbourne South Wealden Walking and Cycling Package, Hastings and Bexhill Movement and Access Package and the Hailsham, Polegate and Eastbourne Movement and Access Corridor identified to support the capital programme for local transport improvements for 2024/25 be allocated to the respective schemes set out in Appendix 1.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officers: Andrew Keer/Chris Tree

Tel. No. 07876 878370

Email: andrew.keer@eastsussex.gov.uk / chris.tree@eastsussex.gov.uk

LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None

Capital Programme for Transport Improvements 2024/25			Scheme Type		Key to Stages Commenced																					
			CY	Cycling	F	Feasibility																				
			WA	Walking	P	Preliminary Design																				
			TM	Traffic Management	D	Detailed Design																				
			BI	Bus Infrastructure	C	Construction																				
			PC	Pedestrian Crossing	PC	Post Construction																				
			RD	Local Road Scheme																						
			TC	Traffic Calming																						
			LS	Local Safety Scheme																						
			BL	Bus Priority																						
			Proposed Programme 2024-2025						Proposed Programme 2025-2026 (LGF only)																	
			Funding Sources			Total Funding	Stages to be commenced			Funding Sources			Total Funding	Stages to be commenced												
Source	Location	Title	Principal Scheme Type	ESCC	DC's/CIL	LGF	F	P	D	C	PC	ESCC	DC's/CIL	LGF	F	P	D	C	PC							
Hastings and Bexhill Movement and Access Package																										
LGF	Bexhill	Bexhill Walking & Cycling Route A: Sidley to Bexhill Town Centre	CY/WA			£300,000	£	300,000			■			£	44,000	£	439,000	£	728,000	£	1,211,000				■	
LGF	Hastings	Hastings: Station Approach/Havelock Road/Devonshire Road junction improvement (MARS Station to Seafront)	TM	£	102,000	£1,328,000	£	1,430,000				■	■													
	Hastings	Hastings: Town Centre Public Realm and Green Connections - contribution	WA			£400,000	£	400,000				■														
LGF	Bexhill	Bexhill: Sackville Road and Beeching Road mini roundabouts	TM			£80,000	£	80,000					■													
LGF	Hastings	Hastings: Albert Road/A259 junction improvement (MARS Seafront Connectivity)	PC			£850,000	£	850,000				■	■													
LGF	Hastings	Churchwood Bus Stop remedials	BI			£10,000	£	10,000					■													
				£	-	£	102,000	£	2,968,000	£	3,070,000				£	44,000	£	439,000	£	728,000	£	1,211,000				
						remaining LGF funding available	£	3,696,000											remaining LGF funding available	£	728,000					
						carry forward to 25/26 programme	£	728,000											Variance	£	-					
Eastbourne and South Wealden Walking and Cycling Package (pending LEP/ESCC approval of final package)																										
LGF	Eastbourne	Eastbourne Walking and Cycle Network - Horsey Way cycle route phase 1b (Cavendish Place to Ringwood Road)	CY			£	200,000	£	200,000			■							£	1,153,000	£	1,153,000			■	■
LGF	Eastbourne	Eastbourne / South Wealden cycling and walking improvements-Eastbourne Cycle Parking phase 2	CY			£	112,000	£	112,000				■	■					£	-						
LGF	Eastbourne	Eastbourne / South Wealden cycling and walking improvements - Eastbourne Town Centre (station to seafront) cycle route	CY			£	200,000	£	200,000			■	■						£	264,000	£	264,000			■	■
				£	-	£	-	£	512,000	£	512,000				£	-	£	-	£	1,417,000	£	1,417,000				
						remaining LGF funding available	£	1,985,000											remaining LGF funding available	£	1,473,000					
						Variance	£	1,473,000											Variance	£	56,000					

				Proposed Programme 2024-2025						Proposed Programme 2025-2026 (LGF only)												
				Funding Sources			Total Funding	Stages to be commenced			Funding Sources			Total Funding	Stages to be commenced							
Source	Location	Title	Principal Scheme Type	ESCC	DC's/CIL	LGF		F	P	D	C	PC	ESCC	DC's/CIL	LGF		F	P	D	C	PC	
		Staff Recharges (IPP/MPG) - including Road Safety Audit costs		£ 605,000		£ -	£ 605,000															
		Programme Management - East Sussex Highways		£ 200,000		£ -	£ 200,000															
External funding				ESCC	DC's/CIL	LGF		F	P	D	C	PC										
Devpt Cont	Crowborough	Crowborough pedestrian crossing improvements	PC		£ 3,000		£ 3,000					■										
ESCC	Hastings	Hastings: The Ridge Bus Stops - Phase 2	BI		£ 50,000		£ 50,000			■												
Devpt Cont	Polegate	Polegate: High Street pedestrian improvements and 20mph zone	WA/CY/TM		£ 50,000		£ 50,000			■												
ESCC	Uckfield	Uckfield: Phase 3 Bus Station	BI		£ 630,000		£ 630,000			■	■	■										
				£ -	£ 733,000	£ -	£ 733,000															
		TOTAL		£ 3,736,000	£ 848,000	£ 3,524,000	£ 8,108,000															
			24/25 ITM allocation (ESCC)	£ 1,004,000	£ 1,496,000																	
			Slippage from 23/24 (as at Q3)	£ 951,000																		
			TOTAL ITM FUNDING	£ 1,955,000																		
			Variance	-£ 1,781,000	-£ 648,000																	
			Accelerate ITM from 2025/26	£ 1,781,000																		
			Slip S106/CIL to 2025/26		£ 648,000																	

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Report to:	Lead Member for Transport and Environment
Date of meeting:	11 March 2024
By:	Director of Communities, Economy and Transport
Title:	The development of “Minor Works Agreements” under Section 278 of the Highways Act for developer led or third-party highway works
Purpose:	To seek approval of the use of a new legal agreement format and accompanying guidance notes

RECOMMENDATION: The Lead Member is recommended to approve the use of the “Minor Works Agreements under Section 278 legal agreement process for development related highway works.

1. Background Information

1.1 The Transport Development Control (TDC) team at East Sussex County Council (ESCC) currently uses Section 278 (S278) Agreements under the Highways Act 1980 in order to manage development related highway works. The proposal in this report advocates an enhancement to this existing process.

1.2 S278 Agreements are regularly used by TDC to manage development related highway works that are undertaken by a third party. These will often be highway works that have been secured through a planning permission and can consist of measures such as new access roads, improvements to junctions, footway works, pedestrian crossings, bus stops, etc.

2. Supporting information

2.1 Section 278 Agreements ensure that third party highway works are undertaken to the appropriate standard and do not place any increased maintenance liability on the County Council. Such Agreements are also used to secure bonds from those undertaking the works, which can then be utilised in the event that the Council has to step in and complete the works.

2.2 An alternative for more modest works is a Section 171 licence, this is appropriate and currently used for proposals such as footway crossovers on classified roads, temporary construction accesses and the digging of trial holes to verify the position of statutory undertaker’s equipment.

2.3 For anything beyond Section 171 works a full S278 Agreement is currently required. The time taken to prepare and agree a S278 agreement is often lengthy and can be disproportionate for the scale of works being undertaken.

2.4 To address the issue, the option of a “Minor Works S278” has been developed and proposed to be used in lieu of a full S278 in appropriate circumstances. The use of a Minor Works S278 would be considered where land is not required to be dedicated as highway and where a refundable cash deposit is payable to the County Council instead of a separate legally binding guarantee (a bond provided by a surety).

2.5 The Minor Works S278 process is used successfully by numerous other Highway Authorities across the Country and negates the need for third parties to instruct legal representation. It is a simpler and less onerous version of a full S278.

2.6 Minor Works S278 agreements will largely be appropriate for works such as formation of a new access to a small (generally unadopted) new development with no significant additional off-site highway works and where there are no new highway areas created. The Minor Works S278 could also be used when appropriate for proposals being promoted by Town and Parish Councils, such as those utilising Community Match. In such cases works would be minor and, as the County Council are working with a fellow public body, the County Council would not usually require such stringent financial guarantees as those for a private developer.

2.7 The appropriate use of the Minor Works S278 will be considered by TDC Officers on a case-by-case basis and in the best interests of ESCC as Highway Authority. All other requirements such as public liability insurance levels will remain the same and there will be no increased risk introduced to ESCC.

2.8 From a financial perspective, TDC receives a fee income of 10% of the value of development related highway works regardless of whether they are undertaken under licence, Minor Works S278 or a full S278. TDC's income levels will therefore be unaffected. There will however be administrative and time savings for all parties, including ESCC's TDC and Legal Officers, Developers and Town and Parish Councils. There will also be cost savings for third parties as they will not need legal representation. The Minor Works S278 process is more straightforward and will require less guidance and support from ESCC Officers to third parties who do not regularly deal with highway works.

2.9 A draft Minor Works S278 Agreement, which can be found at Appendix 1, has been produced in liaison with ESCC's Legal Services team and has been deemed appropriate and fit for purpose. Accompanying Developer Guidance Notes are provided at Appendix 2.

3. Conclusion and Reasons for Recommendations

3.1 In order to provide an improved service to customers and to most efficiently and effectively manage development related highway works, the Lead Member is recommended to approve the use of Minor Works S278 Highway Works Agreements and associated Developer Guidance Notes with immediate effect.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Michelle Edser, Transport Development Control Manager

Tel. No. 07542 029 131

Email: michelle.edser@eastsussex.gov.uk

LOCAL MEMBERS

ALL

BACKGROUND DOCUMENTS

None

Dated the [redacted] day of [redacted] 20 [redacted]

MINOR WORKS AGREEMENT

Pursuant to Section 278 of the Highways Act 1980 Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 relating to works on the public highway at ("the Location")

B E T W E E N

- (1) **EAST SUSSEX COUNTY COUNCIL** (Governance Services) of County Hall, St. Anne's Crescent, Lewes, East Sussex BN7 1UE ("the County Council") and
- (2) [redacted] (Company Number [redacted]) whose registered office is situated at [redacted] ("the Developer")

W H E R E A S :

- (a) The County Council is the Highway Authority for highways in the county of East Sussex
- (b) The Developer is the owner of or has the permission of the landowner to enter into this Agreement in order to secure the carrying out of the Works at the Location and has agreed that it will pay the full cost of the Works, in relation to the Planning Permission and in accordance with the terms and conditions of this Agreement.
- (c) The County Council agrees to enable the Works on the highway maintainable at public expense on the terms and conditions contained in this Agreement.
- (d) The County Council is satisfied pursuant to Section 278 of the Act that it will be of benefit to the public for it to enter into this Agreement for the execution of the Works by the Developer which Works it is authorised to execute pursuant to the Highways Act 1980.

IT IS AGREED THAT:

- 1. This Agreement is made pursuant to Section 59 and Section 278 of the Highways Act 1980 and Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 and Section 1 of the Localism Act 2011
- 2. Where any party comprises more than one person the obligations and liabilities of that party under this Agreement shall be joint and several obligations and liabilities of those persons and references to that party shall include references to each or any of those persons
- 3. The provisions of Schedule A hereto shall apply to the construction and interpretation of this Agreement.
- 4. Any notice or approval given by the parties under the terms of this Agreement shall be given in writing both by email and by post to the following officials/persons at the respective addresses specified below:-
The County Council : F.A.O - Transport Development Control Team Manager, Communities, Economy & Transport

Email – developmentcontrol.transport@eastsussex.gov.uk

Post – at the address set out above

The Developer: F.A.O – [redacted]
Email – [redacted]
Post – [redacted]

5. Developer's Obligations

The Developer hereby covenants with the County Council as follows:

- 5.1 to carry out the Works at its own expense by a person or company approved by the County Council.
- 5.2 to pay to the County Council, on or before the execution of this Agreement, the sums specified in Schedule C
- 5.3 that the Works will require a Traffic Management Permit and the Works will not commence until the Traffic Management Permit has been issued
- 5.4 that the Works will not commence until this Agreement has been completed
- 5.5 that if the Works are subject to the CDM Regulations the provisions of paragraph 3 of Schedule C will apply
- 5.6 that under Section 59 of the Highways Act 1980 the Highway Authority is permitted to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The County Council will require the Developer to pay the costs of any excess repairs compared to normal maintenance costs and the Developer hereby agrees to pay such costs.
- 5.7 to give the County Council at least seven (7) days notice in writing of the proposed start date of the Works.
- 5.8 to commence the Works within [REDACTED] calendar weeks from the date of this Agreement and to carry out and complete the Works within the area hatched pink on the Agreement Drawing at no cost to the County Council in accordance with the Approved Drawings and any conditions attached to the Permit to Work.
- 5.9 not to commence the Works unless and until the Permit to Work has been issued.
- 5.10 to complete the Works within [REDACTED] calendar weeks of their commencement and to notify the County Council of completion of the Works in writing within seven (7) days of such completion.
- 5.11 to indemnify and keep indemnified the County Council in respect of all claims as specified in paragraph 2 of Schedule C
- 5.12 to undertake a Development Engineering Inspection Regime (to include pre-commencement survey) and to agree a programme of implementation of all necessary statutory utility works associated with the Development, including liaison between East Sussex Highways (as agent for the County Council) and the relevant Statutory Undertakers, to ensure that where possible the Works take the route of least disruption and occur at the least disruptive times for highway users.
- 5.13 upon receipt of the Preliminary Certificate to maintain the Works during the Maintenance Period to the satisfaction of the County Council
- 5.14 Before the expiry of the Maintenance Period to provide to the County Council:
 - (a) an electronic copy of As Built Drawings; and
 - (b) an electronic copy of the Health & Safety File.
- 5.15 to permit the County Council to enter onto and upon and remain upon with or without workmen plant and machinery so much of the land in the ownership of or under the control of the Developer as shall be necessary for the County Council to carry out its obligations under this Agreement and/or to fulfil its duties statutory but so that the County Council shall not obstruct or delay the carrying out of the Works
- 5.16 to give the County Council free and unrestricted access to every part of the Works during their construction upon reasonable prior notice except in the event of emergencies and at any time during the Maintenance Period.

6. County Council's Obligations

The County Council hereby:

- 6.1 authorises the Developer to carry out and complete the Works subject to and strictly in accordance with the terms and conditions set out in clause 6 above
- 6.2 consents to the Developer being elected as the sole client for the purposes of the CDM Regulations
- 6.3 agrees that where any approval is to be given under this Agreement the same shall not be unreasonably withheld or delayed
- 6.4 agrees that upon practical completion of the Works:
- (a) it shall issue the Preliminary Certificate PROVIDED THAT if in the opinion of the County Council the Works will be used by the construction traffic associated with the Development, the County Council shall be entitled to delay the issue of the Preliminary Certificate until such time as such activities have ceased; and
 - (b) within one (1) calendar month of the issue of the Preliminary Certificate it shall reduce the Deposited Sum by a maximum of seventy five per cent (75%) and shall pay the Developer a sum equivalent to such reduction
- 6.5 agrees that:
- (a) after the expiry of the Maintenance Period and provided that any defects arising during the Maintenance Period from defective goods materials or workmanship have been made good to the satisfaction of the County Council it shall issue a Final Certificate for the Works and upon its issue the Developer shall no longer have any liability for the Works save for the indemnities provided in Schedule C
 - (b) upon the issue of the Final Certificate the County Council shall repay to the Developer the balance of the Deposited Sum remaining after the reduction as referred to in Schedule C Clause 1.5 or in the event of the Deposited Sum being used in accordance with Schedule C Clause 1.5 a sum equivalent to the balance of such part of the Deposited Sum as remains

SCHEDULE A

Construction and Interpretation

“Accredited Supervisor”	means a supervisor who is accredited under the New Roads and Street Works Act 1991
“Agreement Fee”	a sum being equal to 10% of the cost of the Works or the sum of TWO THOUSAND POUNDS (£2,000), whichever is the greater, being payment of the expenses incurred by the County Council in relation to this Agreement and any other expenses in connection with the inspection of the Works
“As Built Drawings”	the Approved Drawings revised by the Developer to include any changes to the Works arising from their construction
“Approved Drawings”	the drawings and specification attached at Schedule B submitted by the Developer to the County Council and approved by the County Council and subject to, as needed, any Road Safety Audit prior to the

“Commutated Sum”	<p>commencement of the Works within the publicly maintained highway.</p> <p>the sum of (£) to meet the additional maintenance costs arising from the Works</p>
“CDM Regulations”	<p>the Construction (Design and Management) Regulations 2015 and any successor legislation</p>
“Deposited Sum”	<p>The sum of (£) being a cash deposit equal to the cost of the Works including any Statutory Undertakers costs</p>
“Development Engineering Inspection Regime”	<p>To ensure throughout the duration of the Works that they are supervised by an Accredited Supervisor as necessary for the proper superintendence of the Works.</p>
“Development”	<p>the construction works associated with the implementation of the Planning Permission</p>
“Final Certificate”	<p>the certificate issued by the County Council after the expiry of the Maintenance Period</p>
“Health & Safety File”	<p>a file produced in accordance with the CDM Regulations containing information content of which shall be as defined by the Approved Code of Practice and Guidance to the CDM and as specified by the County Council</p>
“Insolvency Event”	<p>means any of the following:</p> <p>if the developer is an individual or a firm:-</p> <p>the presentation of a petition for the Developer’s bankruptcy; or the making of a criminal bankruptcy order against the Developer or any partner in the firm; or the Developer or any partner in the firm making a composition or arrangement for the benefit of creditors; or the making of a conveyance or assignment for the benefit of creditors; or the appointment of an administrator to manage the Developer’s or firm’s affairs</p> <p>If the developer is a company:-</p> <p>the company passing a resolution for winding up or dissolution (otherwise than for the purposes of and followed by an amalgamation or reconstruction); or the making of an application for, or any meeting of its members resolving to make an application for an administration order in relation to it; or the giving or filing of notice by any party of intention to appoint an administrator of it; or the appointing of such an administrator or the making by the court of a winding up order, or the company</p>

“Legal Fees”	making a composition or arrangement with its creditors, or the appointment of an administrative receiver, receiver or manager or supervisor by a creditor or by the court, or the taking of possession of its property under the terms of a fixed or floating charge the sum of FIVE HUNDRED POUNDS (£500.00) required to meet the County Council's legal costs
“Permit to Work”	the permit issued by the County Council certifying that technical and construction approval have been granted in respect of the Works
“Planning Permission”	the permission issued pursuant to the planning application as set out in Schedule B
“Preliminary Certificate”	the certificate issued by the County Council upon practical completion of the Works to the satisfaction of the County Council
“Land”	the land shown edged red on the Approved Drawings
“Maintenance Period”	the period of twelve (12) months commencing on the date of issue of the Preliminary Certificate
“Traffic Management Permit”	the permit to carry out the Works issued by the County Council under the terms of the Traffic Management Act 2004.
“Safety Audit Report”	the formal report produced by either the County Council or the Developer examining the safety performance of the Works
“Statutory Undertaker”	shall have the meaning ascribed to it by Section 329 of the Highways Act 1980 and shall include persons authorised under any enactment to carry on an undertaking for the supply of electricity gas or water and any sewerage undertaking and shall also include the Environment Agency the holder of a licence to operate telecommunication systems the Civil Aviation Authority and the holder of a licence to supply cable television
“Sums Payable”	Together the:- Agreement Fee Commutated Sum Deposited Sum; and Legal Fees
“Works”	the alteration of the existing publicly maintained highway as described in

SCHEDULE B

The Development:	Brief description of the planning application
Address:	
Planning application reference number:	
Approved Drawing reference number	

Full Description of the Works:	as illustrated on the Approved Drawings together with any other ancillary works reasonably required by the Director.
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SCHEDULE C

1 Sums payable by the Developer:

- 1.1 the Agreement Fee, the Commuted Sum and the Legal Fees
- 1.2 Within 14 days of demand the full cost to the County Council in applying for obtaining altering and implementing any necessary Traffic Regulation Orders required for the works whether or not such Traffic Regulation Orders are confirmed
- 1.3 Within 14 days of demand the full cost to the County Council in preparing any Safety Audit Reports including the cost of any correspondence and additional reports related to the Safety Audit Reports
- 1.4 The Deposited Sum which the County Council will hold in its general account and without undertaking any fiduciary obligations as trustee for the Developer PROVIDED THAT IF:
 - (a) The Developer fails to carry out and or complete the Works within the period specified in this Agreement, or
 - (b) the Developer having received written notice from the County Council fails to remedy any defects and or carry out any remedial works specified in such notice to the satisfaction of the County Council within the period of time specified in such notice (or such longer period as the County Council may agree in writing and its absolute sole discretion); or
 - (c) An Insolvency Event occurs in respect of the Developer
the County Council may itself carry out and complete the Works or at its discretion restore the safe operation of the public highway affected by the Works and deduct from the Deposited Sum all costs fees and expenses incurred by the County Council in so doing including the cost fees and expenses of preparing an alternative contract for the Works and of supervising the execution of such alternative contract and all of the sums due from the Developer under the terms of this Agreement not payable by Deposited Sum.

2. Developer’s Indemnities

- 2.1 to indemnify and keep indemnified the County Council against all actions claims demands expenses and proceedings arising out of or in connection with or incidental to the carrying out of the Works and their subsequent use and any works required by any Statutory Undertaker other than those arising under Parts I and II of the Land Compensation Act 1973 in respect of which the provisions of clause 2.2 below shall apply
- 2.2 to indemnify and keep indemnified the County Council against all claims under Part I and Part II of the Land Compensation Act 1973 arising out of the use of the Works and all fees reasonably incurred by the claimants and those of the County Council or its agents or contractor in negotiating any claims (together with Value Added Tax payable upon the claimant’s professional advisors’ fees) and statutory interest payments to claimant and their professional advisors together with the County Council’s reasonable legal costs in making such payments of compensation and interest. For the purpose of this indemnity the Developer is deemed to carry out the Works as agent for the County Council
- 2.3 without prejudice to its liability under Clauses 2.1 and 2.2 above to indemnify the County Council the Developer shall take out and maintain public liability insurance for a sum of at least ten million pounds (£10,000,000) in respect of any one claim and shall ensure that any person or persons carrying out the Works on its behalf is similarly insured and the Developer or any person authorised by it to carry out the Works shall on request by the County Council produce for inspection the relevant policies of insurance together with receipts for the premiums paid

3. Construction Design and Management (CDM) Regulations

If the Works are subject to the CDM Regulations:-

- (a) the Developer hereby elects itself to be treated as the only client for the purposes of the CDM Regulations; and
- (b) the County Council consents to such election and shall not be subject to any duty owed by a client under the CDM Regulations save for the duties in regulations 5(1)(b) 10(1) 15 and 17(1) in so far as those duties relate to information in its possession

4. Jurisdiction

This Agreement is governed by and interpreted in accordance with the law of England

IN WITNESS whereof the parties hereto have executed this Deed on the day and year before written.

EXECUTED as a DEED by affixing hereto)
the **COMMON SEAL** of **EAST SUSSEX**)
COUNTY COUNCIL in the presence of:-)

.....
Authorised Signatory

For limited company

EXECUTED as a DEED on behalf of

In the presence of:

Director.....
(Signature)

.....
(Name – Block Capitals)

Director/Company Secretary.....
(Signature)

.....
(Name – Block Capitals)

For individuals

SIGNED as a DEED

By

Signature.....

Signature of witness.....

Witness name (Block Capitals).....

Witness address.....

.....

.....

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EAST SUSSEX COUNTY COUNCIL

Minor Works Section 278 Agreement Guidance Notes

February 2024

This document is intended to assist developers when their planning permission requires them to undertake minor development related highway works under Sec 278 of the Highways Act 1980.

A Minor Works Sec 278 Agreement may be used in lieu of a full Sec 278 Agreement where land is not required to be dedicated as highway and where a refundable cash deposit is payable to the County Council in lieu of a separate legally binding guarantee (bond provided by a surety).

The Developer shall enter the following information into the Minor Works Sec 278 Agreement Form and send all other information by email and Post to East Sussex County Council, Transport Development Control.

For help with completing the Agreement Form, please see **Appendix 4**.

1. The name, registration number and registered address of developer.
2. The location of the proposed works.
3. The estimated length of time for the completion of the highway works. Please allow sufficient time to account for any unexpected delays.
4. A description of the required highway works. This should be non-technical but sufficiently detailed to identify each element of the works.
5. The estimated total cost of the works.
6. The total cost of the works forming the Cash Deposit
7. A copy of the Planning Application Form and approved drawing.
8. A copy of the Planning Application Decision Notice.
9. Two copies of a 1/500 scale Agreement Drawing based upon a site survey showing the existing highway land upon which works are to be carried out coloured pink.
10. Two copies of a 1:1250 Ordnance Survey location plan, preferably incorporated on the above Agreement Drawing.
11. One set of drawings comprising technical details for the proposed works. Engineering drawings shall be produced by a competent Engineer in PDF format (sent electronically) and in paper format (sent by post) and shall include all specifications to a standard to enable construction. Such details shall include a detailed design layout, longitudinal and cross sections and construction details of the following where relevant:
 - Carriageway or drainage works
 - Road Markings
 - Signs
 - Bus Stops
 - Street Furniture
 - Street Lighting
 - Statutory Authorities equipment

All of the above will need to be approved prior to construction. Where required, the works will need to satisfactorily meet the requirements of a Road Safety Audit.

12. A detailed bill of quantities of the total cost of the works. This shall be used for calculating the fee of 10% of the estimated works cost or £2000.00, whichever is the greater.
13. A detailed bill of quantities for relocating utility equipment if necessary. This shall be added to the estimate for the total cost of the works for the purpose of calculating the deposit.
14. The payment of a cash deposit equal to the cost of the works including the cost of relocating or altering any utility equipment.
15. A commuted sum may be payable if nonstandard materials or features requiring enhanced levels of maintenance are used. The fee will be confirmed by the Transport Development Control Team and will need to be paid prior to the Minor Works Sec 278 agreement be completed.
16. The payment of an agreement fee of 10% of the estimated total cost of the works (or a minimum of £2000.00) to cover administrative costs, engineering assessment and inspection. Additional costs will be incurred for any Traffic Regulations Orders required, if applicable.
17. The payment of an additional fee of £500.00 to cover the Council's legal costs.
18. Written confirmation that the Developer will pay all costs incurred by the County Council if the Agreement is not signed.
19. Confirmation that the Developer will comply with the terms of these Guidance Notes.

Two signed paper copies of the agreement shall be sent by post to Transport Development Control (TDC) for completion by ESCC's Solicitors. Once complete a paper copy will be returned to the Developer.

Please note that failure to provide a completed Agreement Form and any of the requirements above will result in your application being rejected or delayed. Full details of the Minor Works Sec 278 Process can be found at Appendix 1.

The following explanatory notes also so apply to all Agreements unless otherwise agreed.

- a) The Developer will be responsible for funding any additional works which may be reasonably required and as a result of any inadequacies in the Agreement drawings or arising from unforeseen circumstances before or during construction.
- b) Separately from the Agreement, the developer shall be responsible for applying for and gaining a permit from East Sussex Highways, Network Management Team to implement the works on the highway. The notice period varies depending upon the scale of the works and the classification of the road, but an application may need to be submitted at least 3 months in advance of the intended start date.
- c) Highway works may also be subject to a Lane Rental Charge if they occur on the most congested sections of our Strategic Road Network within peak periods. The developer is responsible for paying any Lane Rental Charges as maybe necessary. Further information on Street Work Permits and Lane Rental can be obtained by contacting the East Sussex Highways, Network Management Team. They can be contact on 0345 60 80 193 or at network.management@eastsussexhighways.com
- d) The Developer is also responsible for ~~agreements~~ and informing residents, businesses, and Councillors of the construction of the works in accordance with details to be agreed in advance with the Transport Development Control team.

- e) Where appropriate, East Sussex County Council, as Highway Authority, will require developers to pay a commuted sum to pay for the additional future maintenance costs of the works if nonstandard materials or features requiring enhanced levels of maintenance are used. The fee will be confirmed by the Transport Development Control Team and will need to be paid prior to the Minor Works Sec 278 agreement be completed.
- f) The Agreement Fee is calculated at a rate of 10% of the estimated cost of the works or £2000.00, whichever is the greater and payable with the Developer's submission of the Agreement.
- g) East Sussex County Council will hold in trust for the duration of the works, a Cash Deposit equal to the estimated Cost of Works in order to mitigate against the failure of the Developer to carry out or complete the works in the agreed time period, or its failure to carry out any remedial works to the satisfaction of the County Council. Upon the issue of the Provisional Certificate, 75% of the Cash Deposit will be returned to the Developer, with the remaining 25% returned upon issue of the Final Certificate.
- h) The Developer is responsible for the full costs incurred in respect of the following:
 - a) any Stage 1,2,3 (and potentially 4) Road Safety Audits required.
 - b) any alteration to, or provision of new Traffic Regulation Orders (to include advertising, processing Orders, staff admin cost, resolution of objections, signs, road markings etc.).
- i) East Sussex Highways (ESH) / Balfour Beatty Living Places (BBLP), East Sussex's Street Lighting Contractor manages the streetlights in East Sussex on behalf of the County Council. Specification and adoption details for streetlights in new developments can be obtained from the East Sussex Highways, Street Lighting Team. They can be contacted on 0345 60 90 193 or at streetlighting@eastsussexhighways.com
- j) ESH/BBLP will check Sec 278 Agreement Street lighting designs to ensure that they meet the council's requirements. It is therefore recommended that developers employ ESH / BBLP to design street lighting in order to avoid delays associated with designs produced by others. Developers may still use others, but ESH / BBLP will need to check their designs. Street lighting on Sec 278 agreements works must be installed by ESH / BBLP. Others cannot work on streetlights on the public highway, unless otherwise agreed in writing by ESH / BBLP. Once technical approval has been issued the developer should make their own arrangements directly with ESH / BBLP to install the approved street lighting. Developers need to include street lighting information on their as-built drawings submission and the works been signed off by ESH, before the Sec 278 works are handed over to the council.

Applications for Minor Works Sec 278 Agreements should be submitted to TDC at:

East Sussex County Council
 Transport Development Control
 West C, County Hall
 St Anne's Crescent
 East Sussex
 BN7 1UE
 Email: developmentcontrol.transport@eastsussex.gov.uk
 Tel: 01273 482254
 Website: [Transport Development Control | East Sussex County Council](#)

Before submitting your application, please ensure that you have included the following:

- A copy of the Planning Application Form and approved drawing **(by email)**
- A copy of the Planning Application Decision Notice **(by email)**
- 2 copies of a 1/500 scale Agreement Drawing based upon a site survey **(If A3 size or smaller by email, by post if larger than A3)**
- 2 copies of a 1:1250 Ordnance Survey location plan **(If A3 size or smaller by email, by post if larger than A3)**
- 1 set of technical drawings **(If A3 size or smaller by email, by post if larger than A3)**
- A bill of quantities (estimate) of the total cost of the works including utility equipment **(by email)**
- Payments **(BACS Transfer or Invoice if requested):**
 - Cash deposit
 - Agreement fee
 - Council's legal costs (£500.00)
 - Commuted Sum (if applicable)
- Two signed paper copies of the agreement **(by post).**

Appendix 1: Pre - Construction Process Map

Stage 1: Transportation Development Control (TDC) receive an enquiry from a developer for S278 Agreement

Stage 2: Does the enquiry include the need for Land Dedication or a Surety? If yes go to Stage 3 if no go to Stage 4.

Stage 3: TDC send the developer the Sec 278 Guidance Notes for them to submit

Stage 4: TDC send the developer the Minor Works Sec 278 Guidance Notes including the TDC contact information

Stage 5: Developer submits the Minor Works Sec 278 Application to TDC which includes a completed Minor Works Sec 278 Agreement Form, drawings, payments and all the information required by the guidance Notes

Stage 6: TDC review the returned application including 2 paper copies of the Agreement, ensuring that all sections have been correctly completed and that all payments and drawings have been received. TDC issue instructions to ESCC (East Sussex County Council) Legal team to complete the Agreement. Once completed ESCC Legal inform the Local Planning Authority Planning Register, return the completed agreement to the developer and sends a copy of the completed agreement to TDC.

Stage 7: TDC to assess the technical drawings for Technical Approval including any necessary Road Safety Audits or Traffic Regulation Orders, or other procedural requirements. Once satisfied, TDC will issue written technical approval to the Developer. The Developer will then consult with ESH Network Management Team and TDC to agree a provisional start date.

Stage 8: TDC save the Agreement including technically approved drawings and other documentation onto Mastergov and email a copy of the completed Agreement to ESCC Highways Information Team, ESCC Local Highways Team, TDC Principal Development Engineer, ESCC Network Management Team

Stage 9: TDC can then inform the Developer that the S278 works may commence.

Appendix 2: Post Construction Process Map

Stage1: Works Commence on Site subject to ESH Network Management Team and ESCC TDC Team

Stage 2: TDC inspect the works at intervals agreed with the Developer

Stage 3: The Developer notifies TDC upon completion of works.

Stage 4: TDC undertakes a final inspection and requests a Stage 3 Safety Audit (where required) and provides a list of defects to the developer.

Stage 5: The Developer to resolve any Stage 3 Safety Audit actions and identified defects as agreed with TDC Engineer.

Stage 6: TDC inspect the works and once satisfied advise the Developer that the works are substantially complete.

Stage 7: TDC checks that all the relevant clauses of the Agreement have been met. Once satisfied TDC shall.

- Issue the provisional certificate, copied to ESCC Local Highways Team, ESH / BBLP Infrastructure, ESCC Legal Services and ESCC Highway Information Team and TDC Business Support
- Confirm commencement of the 12-month Maintenance Period
- Return 75% of the cash deposit to the Developer.

Stage 8: During the maintenance period the Developer prepares and provides As Built drawings and Health and Safety file prior to the issue of the final certificate.

Stage 9: At the end of the 12-month Maintenance Period the Developer requests a final inspection from TDC.

Stage 10: TDC inspects the works and provides a list of any further defects to the Developer. TDC checks that all the relevant clauses of the Agreement have been met, once satisfied that all defects have been addressed TDC shall:

- Issue the final certificate, copied to ESCC Local Highways Team, ESH / BBLP, ESCC Legal Services and ESCC Highway Information Team and TDC Business Support
- Return the remaining 25% cash deposit to the developer.
- Send the As Built drawings to ESCC Local Highway team, ESCC Highways Information Team and ESH / BBLP
- Save the Health and Safety file, Agreement, As Built drawings and final certificate onto Mastergov

Appendix 3: Works Communication

East Sussex County Council Highways Works Communication and Customer Engagement Plan

Guidance for Works Constructed under Section 278 of the Highways Act 1980

Prior to the commencement of works relating to your Sec 278 Agreement with East Sussex County Council and to ensure smooth delivery of your works, you have an obligation to make advance contact with our Network Management Team to obtain the necessary Permit, pay any necessary Lane Rental fees and to agree advanced communications with Transport Development Control Team

Prior to the advanced notification of any works by the developer/contractor, final sign off must be obtained from the ESCC. As a guide, the developer/contractor must provide the following information in advance of ESCC sign off:

- A description of the planning application and summary of any consultation that relate to the works.
- Details of proposed works (for example: location, description, dates).
- Name and contacts for the contractor.
- Copy of the leaflet to be distributed and date to be delivered, other methods of communication for example: signs to be displayed, traffic management/diversion route

Appendix 4: Minor Works S278 Form

The following are guidance notes to assist with completing the Minor Works Sec 278 Form. Please check that the form has been completed thoroughly prior to submitting to ESCC. If further assistance is needed, please speak to the Transport Development Control Officer dealing with the Agreement.

SCHEDULE A

The Development:	Brief description of planning application
Address:	
Planning Application Reference Number:	Planning Reference Number
The Agreement Drawing:	Drawing Reference Number

Full Description of s278 Works:

Complete Schedule A by providing:

- Brief description of the planning application proposals
- Address of works (Location Address)
- Planning Reference number
- Agree final drawing reference number.

Please enter a full description of the Minor Works S278 works to be completed.

For individuals, complete the following:

This deed has been duly executed the day and year first before written.

Signed as a deed by Full Name of Individual / Acting Power of Attorney (delete as appropriate)

Full Name of Individual / Acting Power of Attorney (BLOCK CAPITALS) in the presence of a witness

Signature:

Signature of witness: Witness Name (Block Capitals):

Witness Address:

If you are a Limited Company, otherwise than under a common seal, complete the following:

Executed as a deed by

acting by [a director and its secretary] / [two directors]

Signature of Director: Name (Block Capitals):

Signature of [Secretary][Director]: Name (Block Capitals):

Once all the fields have been completed, please remember to sign the form and return all drawings, documents and payments required by these guidance notes to Transport Development Control.

Appendix 5: FAQ's

What is a Minor Works Sec 278 Agreement?

Until recently the Council used three mechanisms for delivering private resident/developer works in the highway, (i) a standard vehicle crossover process, (ii) a highways licence and (iii) a full Sec 278 Agreement. A Minor Works Sec 278 agreement provides another option.

Will certain cases be referred to East Sussex Highways for delivery by a highway Sec 184 licence? Yes, for a simple vehicle crossover. The resident or developer will apply to highways for a crossover using the existing crossover. All other works will be managed by Transport Development Control (TDC) in the form of a Sec 171 Licence, Minor Works S278 or full S278 Agreement.

What's the threshold for the type of works to be delivered by Minor Works Sec 278?

The Minor Works Sec 278 could be used to deliver schemes that include works greater in scope than just a simple vehicle crossover. For example, where a new bell mouth access is required with minor footway works.

Is there an upper threshold in regard to the value of works deliverable by a Minor Works S278? The threshold is determined by the value of the works. Subject to the works being eligible, those with a value of less than £50,000 may be delivered by a Minor Works Sec 278, whereas those with a value exceeding £50,000 will be delivered by a normal Sec 278.

Can I use a Minor Works Sec 278 for works with a value greater than £50,000?

In some cases, this may be appropriate. If the works are compliant with the Minor Works Sec 278 process in all other regards and if the works are simple and their construction and will have little overall impact on highway users, this may be possible subject to agreement with TDC.

Can the Minor Works Sec 278 be used for works where land dedication is required?

No, if land dedication is required, a full S278 should be used. In some cases, it may be possible to progress a Minor Works S278 Agreement alongside a separate land dedication Agreement, again subject to agreement with TDC.

Can a Surety be used for a Minor Works Sec 278?

A Surety is a financial guarantee that provides a Bond that can be called upon by ESCC where the developer fails to complete the works. A Surety may only be used in a full Sec 278 where the Surety, (normally a financial institution or NHBC), is required to be a signatory to the Agreement. Minor Works Sec 278's may only use a cash deposit and as with full Sec 278's, this must be of equal value to the full cost of the works, including any Stats costs.

Can I change the standard wording of the Minor Works S278 Agreement?

If it necessary to change the standard wording approval MUST be obtained from ESCC Legal Services at the time of issuing Instructions. Additional legal costs may be incurred by the developer.

How much is the TDC fee?

The minimum fee for a Minor Works Sec 278 is 10% of the cost of the works (excluding Stats costs) or £2000.00 whichever is the greater.

How are ESCC's Legal Costs being met?

The Minor Works Sec 278 Agreement includes Page 36 Agreement for a flat rate fee of £500.00 to cover Legal Services' costs in executing the Agreement.

How long does it take to complete a Minor Works S278 Agreement?

Once a signed Agreement has been received and approved by TDC and all other requirements have been met, TDC will send the Agreement to ESCC Legal Services for completion. From its receipt ESCC Legal Services aim to return signed and sealed Agreements as soon as possible.

Who will assess the construction details and in section works delivered by Minor Works Section 278 agreements?

The construction details for Minor Works Sec 278's will be assessed by TDC and subsequently inspected in the same manner as full Sec 278's.

What if there is no Director or Secretary within the company to provide a second signature on the Agreement Form?

The Companies Act 2006 s44(2)(b) allows a company to execute a document under the law of England by a single director if that signature is witnessed and attested by an independent witness. Therefore, the signature block can be executed with the company name following the words 'Executed as a deed by' rather than the name of the director. The words next to the second signature box, Secretary/Director, can be struck through and the word Witness written instead. The witness should sign and put their name in block capitals in the existing boxes.

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Report to: Lead Member for Transport and Environment

Date of meeting: 11 March 2024

By: Director of Communities, Economy and Transport

Title: East Sussex County Council Guidance for Parking at New Developments

Purpose: To seek approval of ‘Guidance for Parking at New Development’ which will help to ensure that there is sufficient parking provision to accommodate an agreed level of demand whilst exploiting the potential for sustainable travel and minimising adverse effects on highway safety. This document will replace two existing guidance documents (for residential and non-residential development).

RECOMMENDATIONS: The Lead Member is recommended to approve the use of the ‘Guidance for Parking at New Developments’ at Appendix 1.

1 Background Information

1.1. Assessing development proposals and determining the appropriate level of parking provision is a key consideration for the County Council as Highway Authority in assessing the transport impacts of development.

1.2. National guidance is clear that the emphasis remains on highway authorities to set parking standards or guidance for their areas. In doing so, it is recognised that instead of simply applying a maximum standard due consideration should be given to local circumstances, accessibility and local car ownership levels. The National Planning Policy Framework 2023 (para 111) states:

If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*

1.3. The County Council currently uses two separate guidance documents to ensure that the optimum amount and type of parking is provided at new developments. It is proposed that these documents, ‘Guidance for Parking at Non-Residential Development’ (2012) and ‘Guidance for Parking at New Residential Developments’ (2017), will be replaced with a single document titled ‘Guidance for Parking at New Development’ (Appendix 1). The use of this guidance will allow developers and officers to ascertain an optimum level and design of car parking provision. This is important as poor parking design can lead to problems that can be detrimental to pedestrian and road safety.

1.4. A calculation tool for residential development was developed in 2012 that uses census ward data. It has been used successfully since that time to allow for site specific determination of a predicted parking demand. The current calculation tool, which is linked on the East Sussex County Council website, uses 2011 Census data to understand the differing levels of car ownership and therefore parking demand across the county. The relevant 2021 Census data has now been released and the calculation tool has been updated to reflect more up to date car ownership data.

1.5. The update to the calculation tool has also allowed for adjustments to be made to accurately reflect ward boundaries, some of which have changed since the last update in 2017. Other sections of the guidance have been updated to respond to current guidance and best practice.

1.6 The draft document was shared with the Local Planning Authorities in East Sussex and comments were invited. No significant issues or concerns were raised.

2 Supporting information

2.1 The proposed updated guidance considers parking for all types of vehicles and land uses and seeks to balance the need to provide an appropriate parking provision, ensure the safe operation of the public highway and encourage travel by sustainable modes.

General Principles

2.2 The overarching aim of the document is to ensure that new developments provide an appropriate level and type of parking whilst taking into account the characteristics of the location within the county. The document sets out general principles that establishes the County Council's recommended approach to parking for both residential and non-residential developments. These principles cover: accommodating parking demand; size, design & layout; accessible parking for disabled people; electric vehicle charging infrastructure; cycle parking; and powered two-wheeler parking. Changes have also been made to ensure that the guidance better reflects the key principles set out in emerging Local Transport Plan 4, particularly aims to promote sustainable modes of transport.

2.3 The optimum level of parking for any development is influenced by its location. For example, the need for parking in a rural settlement is very different to the need at a town centre location. Therefore, there is a need to develop an approach which takes into account a variety of factors and can be applied flexibly where appropriate. As such, a key principle embedded throughout the document is that the level of parking provided for each development reflects local characteristics. These considerations, particularly the levels of accessibility, will be site specific and therefore it is essential that each site and proposal is assessed on its own merits.

2.4 Although the key principles will be applicable to all types of development, the proposed guidance explains the different approaches that will be applied for residential and non-residential developments.

Residential Development

2.5 Section 6 of the document sets out specific guidance on the type of parking associated with residential development. It also covers matters such as visitor parking and courtyard parking and clarifies the continuation of the approach that counts the provision of a garage space as only one third of a space due to their limited use.

2.6 The level of car ownership is one key factor that influences the optimum level of parking provision for residential developments. To understand prevailing ownership levels, specialist consultants (Pelham Transport Consulting) were commissioned to undertake a review of the

existing parking calculation tool using recently released census data. The review has shown that car ownership levels in East Sussex are influenced by dwelling size, type and tenure and that different levels of car ownership were apparent in each of the districts and boroughs. Unsurprisingly, houses have higher car ownership than flats and, generally, car ownership increases with the size of dwellings. Car ownership is also higher for owner occupied houses compared to all residential dwellings classified as 'affordable housing'.

2.7 The data also showed that, in general terms, locations in built up and town centre locations with higher public transport accessibility and with on street parking controls in place had the lowest levels of car ownership. Rural locations had the highest level of car ownership. The lowest level of car ownership was in Eastbourne and the highest in Wealden. The figures in the parking calculation tool have been updated to reflect these findings.

2.8 Users of the calculator are able to enter details of any proposal for residential development (location, dwelling type, size and the way parking is provided etc) into the tool in order to generate the required level of parking. The calculator tool now accurately reflects the current ward boundaries in the County, some of which have changed since the last version of the calculator was published.

2.9 The updated calculation tool for residential proposals provides a robust tool to forecast the predicted parking demand that reflects the location of the development, the housing to be delivered and the way that parking is provided. Appendix A of the proposed guidance document provides further guidance on the use of the calculation tool.

Non-Residential Development

2.10 The parking guidelines (vehicular and cycle) for non-residential development are set out by land-use class and are tabulated within Appendix B of the proposed guidance document. The parking guidelines for different use classes are based on the requirements set out in the current East Sussex County Council guidance along with best practice from other comparable Highway Authorities.

2.11 It is explained that the level of provision for non-residential uses would be dependent on local characteristics and other considerations such as the proposed land use, the accessibility of the site for non-car mode users and forecast trip rates. The intention is that the guidance for non-residential development is used to provide an initial indication for developers who may then undertake a site-specific assessment. This assessment will seek to balance operational needs, space requirements, efficient use of land and cost attributed to providing parking and where relevant, attracting and retaining staff. For some land use types where transport patterns are difficult to generalise, parking provision may be calculated on an individual assessment using a Transport Assessment or similar.

2.12 The requirements for non-residential uses have been revised to reflect the current Use Class Order in England, including the relatively new Use Class E (Commercial, Business and Services) which, in effect, provides for greater flexibility for changes between certain land uses.

3 Conclusion and Reasons for Recommendations

3.1 Assessing parking provision for new development is one key aspect of assessing planning applications. The proposed updated document conforms to relevant guidance and reflects current best practice. The updated calculation tool for residential development has been developed based on current ward boundaries and the most up to date East Sussex specific car ownership ward data available to reflect the different characteristics that occur across the County. The calculation tool provides developers and other interested parties a user-friendly method to ascertain the optimum

car parking provision for residential development whilst not compromising road safety for all road users.

3.2. The application of the guidance will ensure that the right type and amount of all forms of parking for new development is provided. This will mean that the right balance is struck between meeting parking demand whilst exploiting the potential for sustainable travel and minimising adverse effects on highway safety. The guidance will be kept under review and carefully monitored to ensure that it meets these objectives and remains effective.

3.3 The Lead Member is recommended to approve the use of the revised “Guidance for Parking at New Development” (Appendix 1).

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Ian Moody

Tel. No. 07835138377

Email: ian.moody@eastsussex.gov.uk

LOCAL MEMBERS

ALL

BACKGROUND DOCUMENTS

- None



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Guidance on Parking at New Developments

Transport Development Control
March 2024



Guidance for Parking at New Developments

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1 Introduction

Parking is an important part of our transport network for both private vehicles and bicycles. Being able to travel easily to key locations is a fundamental part of our society and quality of life, and for many of our journeys, this requires parking. The key is to achieve a balance of parking which supports travel choices across a variety of modes.

The provision of the optimum amount and type of parking is key in helping to deliver successful and sustainable developments. The County Council, in its role as the Local Highway Authority, is a statutory consultee on planning applications that affect the highway and have wider transportation impacts. In addition, the County Council is also consulted during the preparation of Local Plans and Neighbourhood Plans.

This guidance document outlines the County Council's approach to parking at new developments (both residential and non-residential). It should be used by site promoters to help determine the level of parking at new developments and it provides the basis for the County Council's evidence-based advice to the Local Planning Authorities (LPAs) in East Sussex on planning applications and the soundness of policies relating to parking.

ESCC's guidance considers parking for all types of vehicles and seeks to balance the need to provide an appropriate parking provision, ensure the safe operation of the public highway and encourage travel by sustainable modes. In this regard, as a demand management tool, the availability of spaces and pricing can help to incentivise alternative journey options.

2021 Census data has been used to understand local levels of car ownership and informs this updated guidance and the accompanying Parking Calculator to be used for residential development proposals. Detail on parking space dimensions and advice of carrying out on-street parking surveys has also been included.

This guidance represents a starting point for engagement with the Highway Authority on parking and layout matters. It also offers a flexible and pragmatic approach to defining optimum levels of car parking provision that can be informed by site-specific considerations. The County Council may use this guidance to raise objections to proposals regarding parking particularly if there is a shortfall that might lead to danger on the adjoining highway or there is an over-provision that does not meet the requirements of sustainable development.

This document replaces the County Council's previous guidance: 'Guidance for Parking at Non-Residential Development' (2012) and 'Guidance for Parking at New Residential Developments' (2017).

2 Background and Policy Context

Whilst the use of parking standards or guidance is not new, the approach to parking at local and national levels has changed considerably over time. In the late 1990s and early 2000s, the concept of maximum parking standards was applied with the aim of significantly lowering levels of off-street parking as a means of reducing car use. However, the Government concluded that the application of maximum standards directly resulted in an increased level of on-street parking consequently causing congestion and potential hazards for pedestrians, cyclists and drivers.

While the emphasis remains on highway authorities to set parking standards or guidance for their areas, it is recognised that instead of simply applying a maximum standard due consideration should be given to local circumstances, accessibility and local car ownership levels. The National Planning Policy Framework (NPPF) 2023 echoes these sentiments:

Para 107. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*

Para 108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

In addition to the NPPF, the National Design Guide (Ministry of Housing, Communities and Local Government, 2021) highlights the importance of well-considered and designed provision of car and cycle parking and the relationship with the built environment.

Manual for Streets (DfT, 2007) provides guidance for practitioners involved in the planning, design, provision and approval of new streets, and modifications to existing ones. In relation to parking, it provides a wide range of design guidance and recommended approaches to the arrangement of car, cycle and motorcycle parking, predominantly in relation to residential development.

This guidance aligns with the current approach to parking. It should, however, be recognised that travel patterns, car ownership and transport technologies are evolving. As such, parking design guidance may need to be applied flexibly as circumstances change.

3 The Optimum Approach for East Sussex

Parking is important at home, work and other destinations. Demand is affected by the availability of parking, its cost and the opportunities for travel by other modes. Optimum parking for each location is different in nature and there is a need to develop an approach for parking which takes into account a variety of factors and can be applied flexibly where appropriate.

Parking provision should be sufficient to accommodate an agreed level of parking demand whilst exploiting the potential for sustainable travel and minimising adverse effects on highway safety. Measures can also be taken that would influence travel behaviour towards more sustainable travel models with resulting reductions in carbon emissions and improvements in air quality. This may be achieved through demand management (parking design, controlled / paid for provision and enforcement) or through the use of new and emerging technology that would help to support multi-modal travel options.

The Council's approach is to seek to balance the number of spaces, providing an appropriate level and type of parking to support the needs of businesses and residents whilst taking into account the characteristics of the location within the County. East Sussex consists of three Districts (Lewes, Rother and Wealden) and two Boroughs (Eastbourne and Hastings). While the two Boroughs could be classed as urban, the three Districts are predominantly rural with urban settlements located throughout. Parts of Lewes, Wealden and Eastbourne form part of the South Downs National Park and the Park Authority has published a Parking Supplementary Planning Document that covers these areas. ESCC is also a Planning Authority in its own right for minerals, waste and the County Council's own development proposals (education, libraries and some highway schemes).

The advice specified in the National Planning Policy Framework needs to be carefully considered for each individual Local Authority. Census data is considered appropriate as a starting point for estimating levels of car ownership. 2021 data showed that in East Sussex, average car ownership is higher than the national average but lower than the average for the South East region.

The review of Census data has shown that car ownership levels in East Sussex were influenced by dwelling size, type and tenure and that different levels of car ownership were apparent in each of the districts and boroughs. Unsurprisingly, houses have higher car ownership than flats and, generally, car ownership increases with the size of units. Car ownership is also higher for owner occupied compared to shared ownership; rented and living rent free ('other'). The figures in the parking calculator have been updated to reflect these findings.

4 General Principles

The following general principles set out the County Council's recommended approach to parking related to both residential and non-residential developments. This overarching guidance should be used to inform all stages of the design of new developments. Unless clearly specified, these principles will apply to both residential and non-residential developments.

4a) Accommodating Parking Demand

Inappropriate provision of parking can have an adverse effect on residential roads and neighbouring areas which can result in obstruction for emergency and service vehicles, pavement parking, the blocking of driveways and damage to soft landscaping and footways. Under-utilised on-site parking areas and congested on-street parking would indicate that the parking strategy was not effective. Therefore, parking provision should be sufficient to accommodate parking demand whilst also minimising adverse effects on road safety.

Manual for Streets and the guidance notes for the National Design Code suggest that a combination of both allocated and unallocated parking can often be the most appropriate parking solution.

Expected levels of parking demand in residential developments will be determined by taking account of location, dwelling size, type of parking provision and any arrangements for control / enforcement. Local considerations to be taken into account are covered in more detail in section 5.

Further detail relating to parking provision for residential development is set out in section 6 and within Appendix A which sets out guidance on the use of the parking calculator. The provision of parking at non-residential development will normally be based on the proposed use and the trip rate associated with the development. Further detail relating to parking provision for non-residential development is set out in section 7 and within Appendix B which sets the parking guidelines by land-use.

When submitting proposals for developments, applicants will be expected to provide a schedule of parking provision, detailing the number of allocated and unallocated spaces, including garages and EV charging facilities. The planning application should include an explanation of how the provision will meet the needs of the development.

If parking is expected to take place in existing streets, then it will be necessary to demonstrate that there is sufficient capacity to accommodate the expected parking demand or that any shortfall can be safely mitigated. A parking capacity survey can be undertaken to make this assessment (see section 8).

To reduce pressure on on-street parking the provision of Car Clubs in appropriate locations will be supported. This will tend to apply to major developments in locations with have good options for public transport and active travel modes.

Controlled Parking Zones (CPZs) are currently in place within certain areas in the following locations within the County: Battle; Bexhill; Eastbourne; Hastings; Lewes / Falmer; and Rye. The use of CPZs makes it easier for residents, visitors and shoppers to park their vehicles and, through enforcement, they can also help to improve road safety, remove obstructions and stop indiscriminate parking. In these areas, permits are required to park on-street during certain hours (further information can be found on the [ESCC website](#)).

The County Council does monitor the number of permits issued within each CPZ and operates a permit ratio scheme with the maximum being 1.5 permits for each bay. Once this has been reached no more permits are issued and a waiting list is introduced. For new development, a permit may not be issued if the address is part of a large development (residential and non-residential) with off street parking in a parking zone. It should also be noted that, in some circumstances, parking permits will not be issued to residents of specific properties. These are generally dwellings with no, or limited, off street parking where ESCC has advised the planning authorities that should planning permission be granted for those dwellings no or restricted permits will be issued.

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4b) Design and Layout

Determining the appropriate level of overall provision will help establish whether the optimum number of parking spaces can be provided. However, the type of spaces being provided (i.e. location, design, control and management) greatly influences the effectiveness of provision. Poor layout can lead to problems that can be detrimental to pedestrian and road safety such as parking on footways and in turning areas. Getting the parking layout right results in a well-functioning development and a better place to live and work.

Developments must be designed around people not the car. The design and layout of the proposed parking provision will be dictated by the size and location of the development. Parking provision should not be detrimental to road safety and should not create additional pressure on existing streets that cannot be mitigated. Developments should provide balanced and mixed parking provision and ensure that all spaces are useable without creating highway safety issues. The approach should be flexible and, where appropriate, should balance between on-street and on-plot provision.

Parking design must consider how parking spaces will be used in practice. Parking spaces which are not well designed, secure and convenient will not be used as intended. Developers are advised that while it is acknowledged that car parking layouts should be designed to make the most efficient use of available land, due consideration should be given to the likely vehicle manoeuvres associated with the chosen design.

Parking areas should be designed as part of the public realm with appropriate planting and soft landscaping to break up the extent of the parking area where appropriate. Parking should not be hidden but equally should not dominate the street scene / site.

Design for new parking spaces should take into account the principles of flood avoidance and sufficient consideration needs to be given regarding provision of drainage. As part of the drainage strategy for the development new parking areas should adopt sustainable drainage systems (SuDS) to minimise the risk of flooding in the County. This should conform to the SuDS Hierarchy, as follows:

- a) discharge into the ground (infiltration);
- b) controlled discharge to a surface water body;
- c) controlled discharge to a surface water sewer.

Consideration needs to be given to the long-term management and maintenance of the drainage infrastructure. In this respect, we strongly recommend early engagement with the County Council's Flood Risk Management team as agreeing a drainage strategy will have wider implications for the layout and design of parking areas.

To ensure that parking provision is of a high-quality design and secure the approach should reflect best practice as set out in national guidance and best practice such as 'Manual for Streets'.

On-Street Parking

The general presumption for new development is that sufficient off-street parking should be provided in accordance with this guidance and reliance should not be made of on-street parking unless it has been appropriately designed from the start and informed by parking capacity surveys (see section 8).

Where a development parking layout is incorporating on-street parking or general on-street parking is to be relied upon, the street must be wide enough to accommodate

parking without compromising pedestrian movements or access by emergency/waste collection vehicles. In addition, the proposed layout must not impair visibility at junctions or on bends. The street must be wide enough to accommodate two lanes of traffic and the on-street parking space/layby. The use of delineated parking bays using different materials and texture of road surfacing can add to the overall design of the new housing.

The layout of on-street parking must comply with 'Traffic Signs Regulations and General Directions (2016)' and, where reasonably practicable, accommodate changes for accessible lifestyle changes. All parking spaces need to be accessed from a footway/hard surfaced area.

Parking Space Dimensions

To ensure that the level of parking for a given development functions as intended, it is essential that parking spaces are large enough to accommodate vehicles. The dimensions set out below take into account the increased size of many modern cars.

Each car parking space should have the minimum dimensions set out below. Any space that does not meet these dimensions will not count towards the overall parking provision.

- Parking Space – 5m x 2.5m
(a minimum additional 0.5m will need to be added to either or both dimensions where the space is adjacent to a wall(s), hedge(s) or fence(s). Spaces in front of garages must be a minimum of 6m long to maintain garage access)
- Disabled Parking Space – 5m x 3.6m
- Car Ports – 5m x 2.8m

If on-street parking is considered (parallel to the kerb) then spaces will need to be longer (usually 6m). Any parking proposal should show that sufficient space has been designed for convenient vehicle circulation and parking. This is best demonstrated by the use of swept path analysis.

Tandem Parking

Tandem parking is where one car parking space is located behind another. This arrangement is unlikely to be utilised to its potential, especially if both cars are in regular use. Whilst independently accessible on-plot parking is preferred, where it is necessary to provide tandem arrangements (e.g. higher density schemes), the use of garages should be avoided. Where tandem parking is used there may be a requirement for additional parking provision within the layout. Tandem parking arrangements are not appropriate on spine roads and may lead to inappropriate and obstructive parking on the carriageway, footpaths and close to junctions.

Echelon Parking

The design and layout will also be determined depending on whether there is likely to be a single flow or two-way flow of vehicles. While perpendicular parking represents the most efficient land use for two-way vehicle flows, it is evident that echelon parking can offer a realistic alternative and has significant manoeuvrability benefits.

4c) Accessible Parking for Disabled People

It is important that adequate parking provision for people with impaired or limited mobility is provided in convenient locations and clearly signed. Provision of accessible parking bays for disabled people should be considered during the design stage and spaces should be of sufficient size, accessible, easy to use and located as close as possible to the main entrance to the facilities served.

Provision should be made for designated accessible car parking spaces for disabled motorists and passengers wherever parking is provided. Ideally, designated accessible spaces should be located adjacent, or as close as possible, to the entrance of the facility they serve, and no more than 50 metres away. Where changes in level between the car park and the development have to be overcome, a ramp should be provided.

Designated accessible car parking spaces should be larger than standard spaces. The spaces should be designed so that drivers and passengers, either of whom may be disabled, can get in and out of the vehicle easily and safely. They need to be designed to encompass a wide range of mobility impairments and should ensure easy access to and from the side and rear of the vehicle and protection from moving traffic.

In relation to the provision of parking for disabled drivers or passengers, best practice guidance is provided in *Inclusive Mobility: a guide to best practice on access to pedestrian and transport infrastructure* (DfT, Jan 2022). This document provides guidance on the appropriate design and the following recommended number of designated accessible parking spaces for Blue Badge holders:

- For car parks associated with existing employment premises: 2% of the total car park capacity, with a minimum of one space. Spaces for disabled employees must be additional to those recommended above; reservations could be ensured, for example, by marking a space with a registration number.
- For car parks associated with newly built employment premises: 5% of the total parking capacity should be designated (to include both employees and visitors).
- For car parks associated with shopping areas, leisure or recreational facilities, and places open to the general public: a minimum of one space for each employee who is a disabled motorist, plus 6% of the total capacity for visiting disabled motorists.

For sites with no or low parking provision due to site constraints, justification of the exclusion of accessible parking areas for disabled people should be clearly set out in planning applications. However, it is advisable that a minimum of one accessible parking bay is provided.

Where specific facilities are likely to attract a higher level of disabled visitors, this should be identified during the planning application process and detailed in transport assessments. The location of suitable drop-off points should also be specified in transport assessments or access statements to demonstrate how the needs of disabled people have been addressed. Routes from parking areas, linking to footways and building entrances also need careful consideration.

4d) Electric Vehicle Charging Infrastructure

Road transport is responsible for the vast majority of the UK's domestic transport emissions. The Government considers that low emission and plug-in vehicles offer the potential to reduce those emissions and thereby assist in delivering climate change targets, whilst still allowing people the mobility that they want and need. It is recognised that safe, convenient and cost-effective charging infrastructure is necessary to realise the potential environmental, economic and energy benefits.

The popularity of Ultra Low Emission Vehicles (ULEVs) has increased in recent years. The Government is committed to growing the market for plug-in vehicles in the UK and proposes to ban the sale of petrol and diesel vehicles from 2035. This will further encourage the uptake of ULEVs.

Planning policy supports the provision of infrastructure for ULEVs, with Paragraph 112 of the NPPF stating that local parking standards should 'be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' It is appropriate, therefore, that new developments incorporate ULEV charging points into parking design. It is the responsibility of the developers to ensure that the electricity supply is sufficient to meet future demand and that any power balancing technology is in place if required.

Design

In order to respond to changing needs, it is important that developers consider the likely demand for electric charging points within new developments, and how this is likely to change over time. Developers should identify ways to cater for this demand within the design of new developments as part of the overall provision of parking facilities. This could include, for example, a mix of spaces with active charging facilities and passive provision, i.e. ducting to allow facilities to be brought into use at a later stage.

For communal residential parking areas and car parks for non-residential uses, it is important to provide a mix of 'active' charging spaces with the charging infrastructure in place at the outset, and 'passive' charging spaces with the wiring and cable conduit in place under the car park for future use. In designing provision for EV charging at non-residential developments there is a need to take account of likely parking behaviours (e.g. duration of stay) as this could affect the number of 'active' spaces. In situations where it is not possible to meet demand for ULEV parking on-site, a financial contribution towards the provision of a charging hub nearby may be sought.

East Sussex County Council aims to create off-street charging hubs in key destinations such as town centres and on-route charging locations. It should be noted that on-street electric vehicle chargers will only be supported in locations where no other option is available locally. This will not only minimise street clutter and provide cost efficiencies but allow users to more easily find a charge point when grouped together.

ULEV parking spaces should be signed and marked for Electric Vehicle Charging Only, which will require ongoing management and enforcement. Charging points at public parking spaces, for example at retail parks or places of work, must be accessible to the general public and employees. Publicly available charging points should be registered with the National Charge-point Registry. Details of how ULEV parking will be allocated and managed should be included within the respective Transport Assessments. This should also set out how ULEV parking for visitors and disabled users will be accommodated.

Standards

Currently, most charging of ULEVs takes place at home, overnight. Therefore, in accordance with current standards and codes of practice, developers are required to include charging facilities for electric vehicles at all properties with off-street parking.

The UK government's current EV charging requirements came into force in England in June 2022, as part of an overhaul of the country's Building Regulations (Part S):

- Every new home, including those created from a change of use, with associated parking must have an EV charge point.
- Residential buildings undergoing a major renovation which will have more than 10 parking spaces must have at least one EV charge point per dwelling with associated parking, along with cable routes in all spaces without charge points.
- All new non-residential buildings with more than 10 parking spaces must have a minimum of one charge point and cable routes for one in five (20%) of the total number of spaces.
- All non-residential buildings undergoing a major renovation that will have more than 10 parking spaces must have a minimum of one charge point, along with cable routes for one in five spaces.

EV charging is a developing technology and the Council will continue to monitor levels of electric vehicle ownership / usage and seek to ensure that connection points are installed in line with demand and the latest published technical requirements and standards. Where appropriate, the Council will support a level of provision higher than the relevant prevailing guidance.

4e) Cycle Parking

Cycle provision offers a realistic alternative to the private car, particularly for shorter journeys and in urban settlements. However, the likelihood of an individual selecting the cycle as their mode of choice is dependent on several factors which can be influenced by development proposals.

The location and design of cycle parking should be in alignment with the guidance outlined in Manual for Streets. More recently, in 2020, the Local Transport Note 1/20 Cycle Infrastructure Design was published by the Department for Transport. This provides guidance to local authorities on delivering high quality cycling infrastructure, including cycle parking standards.

Consideration must be given to 'designing in' cycle parking from the outset of any development and should adhere to the following best practice principles. Cycle parking should be:

- Conveniently located and well-signed;
- Accessible and easy to use;
- Consistently available;
- Safe, secure and well lit;
- Covered (and enclosed for long term parking);
- Fit for purpose;
- Well-managed, monitored and well maintained; and
- Attractive.

Cycle parking provision can be categorised into the following categories:

- Short stay – typically for visitors or customers and located in a convenient and overlooked location as close the destination as possible.
- Long stay – typically for residents and staff in an enclosed and secure store at home, place of education or work.

Driveways or parking spaces may require an additional metre alongside if cycles are to be parked/stored within rear gardens etc. Garages should also be increased in size if they are to also provide for cycle parking. The required level of widening will depend on the number of cycles to be stored.

The emergence of e-bikes, which are typically of a higher value than standard pedal bikes, reinforces the need for secure parking with surveillance (either by CCTV cameras or natural surveillance from people going about their normal business). In order to support the growth and use of electric bikes, where appropriate, electric bike charging points adjacent to any secure cycle parking should be provided.

Guidance for the provision of cycle parking at residential and non-residential developments are set out in section 6 and appendix B respectively. As with car parking, a proportion of the cycle parking (typically 5%) should be provided for non-standard cycles to accommodate people with mobility impairments.

4f) Powered Two-Wheeler Parking

For the purposes of this document motorcycles, mopeds and scooters are all classed as powered two-wheelers (PTWs).

In general, PTW users prefer to park close to their destination in a secure, overlooked location equipped with robust fixed anchor points to deter theft. In most residential situations motorcyclists will be able to use car parking spaces or garages. The size and design of the PTW parking space(s) should be in accordance with the guidance provided in Manual for Streets and the DfT Traffic advisory Leaflet 2/02 – Motorcycling Parking (2002).

Appropriate parking standards are based upon a percentage of the overall parking provision which is typically 5%, or a minimum of one to 2 spaces at all development. This figure can be reasonably increased dependent on the likely use of the development, particularly at colleges. The provision of PTW parking should be in addition to an appropriate level of cycle parking.

Wherever possible, PTW parking spaces should be provided within 50m of their destination to avoid informal or ad-hoc parking which often causes obstruction or hazards to other road users.

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5 Local Characteristics and Other Considerations

There are several factors that will need to be considered in order to achieve the desired optimum level of parking provision at new development. These considerations will be site specific and therefore it is essential that each site is assessed on its own merits. Following this assessment, in some circumstances it may be appropriate to provide some flexibility in the application of parking requirements. Any reduced provision of parking provision will need to be clearly and robustly demonstrated at the design stage when consideration can be given to:

- **Local Characteristics** – whether the site is located within an urban or rural settlement will have a significant impact on the level of parking provision that will need to be provided.
- **High levels of accessibility** - whether the site is located within close proximity of local services with access to cycle routes and within appropriate walking distance of frequent bus and/or rail services to allow the use of non-car modes. In line with the Local Transport Plan the Council aims to lower car use and prioritise walking, cycling and public transport.
- **Travel Plans** – whether a 'SMART' Travel Plan has been submitted with realistic targets aimed at reducing car ownership levels to help promote other forms of sustainable transport. Any sustainable alternatives offered must be actively incentivised and monitored.
- **Car Clubs / Pool Cars** – providing access to a vehicle that can be shared by users of the development. Incentives should also be provided to encourage users to share car journeys to/from the development. Car club spaces should be located as conveniently and as prominently as possible to maximise their use. They should be clearly marked and signed as car club spaces. If located on the highway the car club would require a TRO which should be funded by the developer.
- **Controlled Parking Zones** - proposals that will have an impact on existing Controlled Parking Zones (CPZ), or existing on-street parking restrictions will need to be carefully considered and may require wider consultation.
- **Availability of Public Car Parks** - the use of other car parks in close proximity will give an indication of whether additional parking is required. Similarly, if the existing public car parks are significantly under-utilised then an argument could be constructed that reduced visitor parking provision may be appropriate.

Where a reduction in parking provision is proposed, there is an expectation that the proponent should discuss this with the Highway Authority in advance of submitting a formal planning application. It may be necessary for the applicant to demonstrate that there is sufficient/available on street parking to cater for an agreed level of demand. A Car Parking Capacity Survey may need to be carried out in accordance with the details in Section 8.

6 Guidance for Residential Development

While Highway Authorities may indicate parking standards/guidance for their area, it is recognised that due consideration should be given to local circumstances, accessibility and local car ownership. Within East Sussex a calculation tool for residential proposals has been developed based on Census 2021 data and allows site specific determination of predicted parking demand by entering data including the location (ward), dwelling type (house or flat) size (number of bedrooms) and the way parking is provided (allocated or unallocated). Expected levels of car ownership and demand will be calculated. Appendix A provides guidance on the use of the calculator.

With regard to the type of space provided, designers are faced with several options that include allocated spaces, un-allocated spaces, on-street, garages, carports, driveway parking, tandem parking and parking courtyards. In line with the general principles (see section 4), parking provision for residential uses should respond to the size, type and location of the development.

Car parking also needs to be designed with security in mind and is often best located on plot, preferably at the front or side of the dwelling where it can be overlooked. Parking provided off plot should be located as close as is practicable to the property it will be serving and should be overlooked where possible.

To help prevent the loss of parking areas, designers are encouraged to designate convenient storage areas for refuse and recycling bins.

Driveways

Car parking on driveways is a form of allocated provision and provides parking within the curtilage of a property. Design which results in vehicles overhanging the footway and/or highway and that causes an obstruction of pedestrian access is not acceptable. Driveway parking spaces are best provided side by side or in another independently accessible form and positioned behind the building line.

Garages

Garages are often not used for parking vehicles with research nationally indicating that, depending on location, only 19% - 45% of garages are used for parking vehicles. They are increasingly used for storage or converted into extra accommodation. Furthermore, modern cars are larger, reliable, more resistant to rust and more secure meaning people believe it is safer and more practical to leave them outside.

Given the use of garages, parking on new developments is best provided on driveways, car ports or allocated parking bays. Where garages are proposed, they will need to meet the minimum dimensions set out below. However, due to their limited use, even when these standards are met the garage spaces will only count as 1/3rd space. This means for every 3 garages to be provided, they will only count as 1 parking space towards the overall parking requirement. Garages that are smaller than the minimum dimensions will not be counted as parking provision as they may be too small for modern cars as well as for accommodating cycle parking.

Garages should be constructed to the following minimum internal dimensions:

- 6m x 3m (and larger if to be used for cycle parking)

Any garage must be positioned a minimum of 6m from the highway so there is sufficient space for a car to park in front, access to the garage is maintained and to stop cars parked in front of garage from creating an obstruction on the highway. An access door to the rear, or side of the garage should be provided where possible.

Courtyard Parking

Courtyard parking, especially when at the rear of properties, is often not well used due to security concerns and user convenience. As such, this provision can result in additional on-street parking. In general, courtyard parking should be avoided but, where they are provided, they should be overlooked and/or secured.

Visitor and Unallocated Parking

Consideration should be given to visitor parking at new residential developments. Allocation of parking to individual units increases the amount of parking needed, whereas unallocated parking takes advantage of different levels of car ownership, including those without vehicles, to use the land given over to parking in the most efficient way. It can also satisfy the reasonable needs of visitor parking because of the varying occupancy patterns across the day. As such, unallocated parking allows for the flexible use of parking spaces and is the most efficient way to cater for visitor parking.

The calculator tool (see Appendix A) automatically calculates an estimate for the unallocated parking demand and demand for visitors. To maximise its utility this provision should be well distributed throughout residential developments. Within town centre locations with good accessibility to public transport, it should be encouraged for visitors to use non-car modes or existing public car parks.

Cycle Parking at Residential Developments

Ideally, residential cycle parking should be within the curtilage of the property and at the front of the building. The cycle parking must be enclosed and lockable. Requirements need to take account of the location, size and type of dwelling. Where cycle parking is provided within garages, driveways require extra width to pass by a parked vehicle or a separate path/gate to access cycles should be provided (see 4e for further guidance relating to cycle parking).

All residential development (except sheltered/elderly housing or nursing homes) should, in general, provide 1 cycle space per bedroom.

7 Guidance for Non-residential Development

Careful consideration should be given to parking associated with non-residential development and it is important to differentiate the travel behaviour compared with parking at residential development.

Parking at non-residential development is more likely to be destination based which emphasises the need to provide appropriate levels of parking. Non-residential development should be provided with the appropriate level of car parking provision to avoid any overspill which could have a detrimental effect on road safety. It is also important that excessive parking is not provided to avoid profligate use of land.

In line with the East Sussex Local Transport Plan, businesses should promote sustainable travel behaviour by encouraging employees to travel by non-car modes and reducing the number of single occupancy car journeys. To support sustainable travel measures the availability of car parking or cost of use should be carefully controlled. These measures will be key to delivering carbon reduction targets and helping to mitigate the impacts of climate change.

Non-residential development will be subject to relevant planning conditions to ensure that car parking spaces are maintained for the desired purpose unless agreed otherwise.

The parking guidelines (vehicular and cycle) for non-residential development are set out by land-use class in Appendix B. However, there should be a degree of flexibility applied depending on the local characteristics (see section 5) and other relevant considerations in relation to the specific site. This will be based on the accessibility of the site for non-car mode users, the proposed land use, forecast trip rates and the user group of staff / visitors (including shift patterns).

The guidance set out in Appendix B should be used as an initial indication for developers, who should undertake a site-specific assessment and seek to balance operational needs, space requirements, efficient use of land and cost attributed to providing parking and where relevant, attracting/retaining staff. For some land use types where transport patterns are difficult to generalise, parking provision should be calculated on individual assessment / justification on the basis of a Transport Assessment / Travel Plan.

Cycle parking for non-residential development may include both long and short stay facilities, appropriately located. For short stay provision, small and sufficiently visible clusters of stands close to the entrances to main attractors are generally preferable to one central 'hub'. Long stay provision is best provided by a secure store or compound appropriately managed and maintained. The cycle parking requirements set out in Appendix B reflect the guidance established in national Cycle Design Guidance (LTN 1/2020) where appropriate.

For workplaces, public buildings (including those used for leisure and recreation) and larger retail developments high quality showers, lockers, changing rooms and drying areas should be provided to promote the use of active travel modes.

8 Car Parking Capacity Surveys

The guidance below seeks to ensure that parking capacity surveys are robust and that information is of a consistent standard, thereby providing a reliable basis for decision-making. This should assist developers and their consultants when considering the parking implications of new development and when preparing Transport Statements, Assessments and Travel Plans.

Parking capacity surveys should seek to satisfy the criteria outlined in this guidance and be agreed with the County Council at the application scoping stage. Surveys should follow the 'Lambeth Methodology' which will provide a live 'snapshot' of parking conditions within a 200m walking distance of the site (measure along walking routes). Surveys are expected to be carried out by an independent body and under typical conditions. Results are expected to be reported in the form of a short summary report which may form part of a Transport Statement or Assessment.

The geographical area to be surveyed should be proportionate to the impact of the development, determined by the number of vehicles that are expected to park on-street in the surrounding area. The survey area is expected to centre on the development site and should include the area's most likely to be used for parking by those living in, or visiting the site, and will therefore need to have regard for site access arrangements.

Surveys timings for residential development may include early morning surveys and/or late evening to assess the amount of overnight parking in the area. For non-residential development surveys should be completed at an agreed peak time in the local area. The duration of the survey will be dependent on the likely impact of the development and whether there are existing pressures on parking space in the area.

Surveys should take the form of a beat survey (or similar alternative) where an enumerator walks a planned route at regular intervals recording appropriate details of the parked vehicles. The enumerator should record sufficient information to provide the following information in a summary report (see table below):

- the rate of turnover of vehicles on each street expressed as a number of vehicles leaving/arriving per hour;
- the number of vehicles parked on each street; and
- an estimate of the parking capacity of each street and a brief explanation of how this was calculated.

If the development is located within a Controlled Parking Zone, the summary report should also provide details of the existing resident permit take-up and/or any waiting lists. This information can be obtained from the East Sussex County Council Parking Team at: parking.escc@eastsussex.gov.uk

A summary report of car parking capacity surveys should be accompanied by:

- A map displaying the geographical area surveyed at a suitable scale for interpretation
- Details of the dates and times of day when survey(s) were undertaken
- Details of parking restrictions (Traffic Regulation Orders) which apply in the survey area

APPENDIX A - The Calculation Tool for Residential Development

A calculation tool has been developed utilising Census Ward data and allows site specific determination of predicted parking demand by entering data including the location (ward) dwelling type (house or flat) size (number of bedrooms) tenure (owner occupied / other (shared ownership / rented / rent free)) and the way parking is provided (allocated or unallocated). Expected levels of car ownership and demand will be calculated using Census 2021 ward data. Corrected data will take account of expected growth to 2036 using TEMPro data.

The tool calculates an estimate for unallocated parking demand and demand for visitors. By altering the allocation of parking the influence on the total parking demand is updated so that the right balance of parking can be determined ensuring efficient use of land.

Generally parking standards project a level of provision for visitors of about one space for every five homes (20%). However, studies by Noble and Jenks found that most visits by non-residents in cars clustered during evenings and weekend, coinciding with periods when some residents were using their cars elsewhere. If the majority of residents' parking is unallocated, this inflow balances with the outflow. Therefore no special provision should be made for visitors when at least half of the parking provision associated with a development is unallocated. If more than 50% of parking is allocated at a development, then this additional demand should be added. The tool will automatically add this demand.

The tool will indicate the appropriate level of parking provision and should be used as a guide. Some flexibility may be applied in determining the actual provision at developments depending on the location and detail of the development proposal. Agreement to any variation will be at the discretion of County Council Officers and should be supported with appropriate justification.

User Guide

This guidance aims to inform users about how to use the calculator. The user is only required to enter data into the columns with the marked blue arrows only.

Opening the Tool

The calculator is a downloadable Excel Macro Enabled based spreadsheet tool. To enable the tool to be used Microsoft Excel desktop software must be installed that allows VBA macros and is available on Microsoft Office Suite versions 2007 and newer. Office 365 online version is not able to run VBA macros and cannot be used to access the tool. and the file should be downloaded and saved on the user's system. When opening the calculator macros should be enabled by clicking "Enable Macros". Excel files downloaded from the internet automatically blocked macros due to online safety. Prior to July 2022 users were able to click Enable Content to run macros but Microsoft have used a further safeguard level. Macros should only be enabled from trusted sites. When saving the tool the user should select properties and unblock security confirming that it is a safe file.

When opening the calculator, click "Enable Macros" as these play an important role in calculating parking demand.

Before inputting any information into the spreadsheet, the user should click the “Reset” button on the summary worksheet.

Ward Information

The calculator uses information about car ownership in wards to calculate levels of car ownership on a site-specific basis. You must know the ward in which the development is located in order to use the tool. To find the appropriate ward it may be necessary to refer to the following link and input postcode and select district ward boundaries.

<https://www.ordnancesurvey.co.uk/election-maps/gb/>

For every development, the user should specify three wards:

Ward 1 – the ward in which the development is located

Ward 2 & 3 – either i) the two nearest wards (other than ward 1), or ii) two nearby wards where the existing housing stock is similar to the proposed development.

Unit Type

The user should specify whether the units are flats or houses.

Tenure

The user should specify whether the units are owner occupied (owned or owned with mortgage) or other (shared ownership; rented; living rent free).

Dwelling Size

The user should specify how many bedrooms rooms the units will have as this figure will be the basis for the tool to calculate appropriate parking standards. This measurement of dwelling size has been used because the number of bedrooms is a coarse measure of dwelling size and significant variation in car ownership has been found between dwellings with the same number of bedrooms.

Habitable rooms include all living rooms, bedrooms and kitchens, but **not** bathrooms, WCs, or circulation space. The tool will automatically calculate the number of habitable rooms based on the number of bedrooms using the conversion below.

The bedroom – habitable conversion table is shown below:

Allocated Parking

The user should specify how many parking spaces will be specifically allocated to individual units. Allocated spaces include numbered parking bays, driveways, garages and parking barns.

Description of Totals

The totals provided by the spreadsheet reflect the expected needs of the development and should be considered in the design of the development. The following list of cells corresponds to cells in the Residential Parking Demand Calculator.

Cell K36

The input total number of allocated spaces (will depend on the design of the development).

Cell M36

The calculated number of unallocated spaces (in addition to those which are being allocated) required to accommodate residents of the development.

Bedroom – Habitable Room Conversion

Flats

Studio = 1 room

1 bed = 2 rooms (1 bedroom, 1 kitchen/living room)

2 bed = 3 rooms (2 bedrooms, 1 kitchen/living room)

3 bed = 4 rooms (3 bedrooms, 1 kitchen/living room)

4 bed = 5 rooms (4 bedrooms, 1 kitchen/living room)

Houses

1 bed = 3 rooms (1 bedroom, 1 kitchen, 1 living room)

2 bed = 4 rooms (2 bedrooms, 1 kitchen, 1 living room)

3 bed = 5 rooms (3 bedrooms, 1 kitchen, 1 living room)

4 bed = 6 rooms (4 bedrooms, 1 kitchen, 1 living room)

5 bed = 7 rooms (5 bedrooms, 1 kitchen, 1 living room)

Cell O36

The calculated total number of unallocated spaces which would be required to accommodate visitors to the development (will remain zero if less than 50% of spaces are allocated to residents).

Cell P36

The calculated expected level of demand for parking at the development.

APPENDIX B - Parking Guidelines for Non-residential Development

The parking guidelines (vehicular and cycle) for non-residential development are set out by land-use class below. As explained within sections 5 and 7, there should be a degree of flexibility applied depending on the local characteristics and other considerations such as the proposed land use, the accessibility of the site for non-car mode users, and forecast trip rates. This guidance should be used as an initial indication for developers who may undertake a site-specific assessment and seek to balance operational needs, space requirements, efficient use of land and cost attributed to providing parking and where relevant, attracting/retaining staff. For some land use types where transport patterns are difficult to generalise, parking provision may be calculated on individual assessment / justification on the basis of a Transport Assessment or similar.

The requirements set out below reflect the current Use Class Order in England, including the relatively new Use Class E (Commercial, Business and Services). The effectiveness of this guidance will be kept under review and carefully monitored to ensure that the right balance is struck between meeting parking demand whilst exploiting the potential for sustainable travel and minimising adverse effects on highway safety.

Use Class	Vehicular Spaces	Cycle Spaces (see 4e for short/long stay guidance)
B2 - General Industrial	1 per 50m ²	<ul style="list-style-type: none"> Short stay – 1 per 1000m² Long stay – 1 per 200m²
B8 - Storage	1 per 100m ²	<ul style="list-style-type: none"> Short stay – 1 per 1000m² Long stay – 1 per 500m²
C1 - Hotels	1 per bedroom (plus 1 per resident staff plus 1 per 2 non-resident staff)	<ul style="list-style-type: none"> 1 cycle space per 8 car-parking spaces provided (subject to a minimum of 2 cycle spaces).
C2 - Residential Care Homes	Site-specific assessment based on operational needs and Transport Assessment, Statement, Travel Plan	
E - Shops and retail	1 per 14m ²	<p>Small (under 200m²)</p> <ul style="list-style-type: none"> Short stay – 1 per 100m² Long stay – 1 per 100m² <p>Medium (200-1000m²)</p> <ul style="list-style-type: none"> Short stay – 1 per 200m² Long stay – 1 per 200m² <p>Large (over 1000m²)</p> <ul style="list-style-type: none"> Short stay – 1 per 250m² Long stay – 1 per 500m²
E – Financial & Professional Services	1 per 30m ²	<ul style="list-style-type: none"> Short stay – 1 per 200m² Long stay – 1 per 100m²

E – Food and drink (mainly on premises)	1 per 5m ² of public area and 1 per 2 f/t equivalent staff members	<ul style="list-style-type: none"> • Short stay - 1 per 25m² • Long stay - 1 per 4 f/t staff
E – Business (office, research and development and light industrial process)	1 per 30m ²	<ul style="list-style-type: none"> • Short stay – 1 per 500m² • Long stay – 1 per 150m²
E – Non-residential institutions (medical or health services, crèches, day nurseries & centres)	Site-specific assessment based on operational needs and Transport Assessment, Statement, Travel Plan	
E – Assembly and Leisure (indoor sport, recreation or fitness, gyms)	Site-specific assessment based on operational needs and Transport Assessment, Statement, Travel Plan	<ul style="list-style-type: none"> • Short stay - 1 per 50m² • Long stay - 1 per 4 f/t staff
F.1 - Learning and non-residential institutions	Site-specific assessment based on operational needs and Transport Assessment, Statement, Travel Plan	Based on travel plan mode share targets but a minimum of: <ul style="list-style-type: none"> • Long stay – 1 per 20 f/t staff / 1 per 10 students
F.2 - Local Community Uses	Site-specific assessment based on operational needs and Transport Assessment, Statement, Travel Plan	<ul style="list-style-type: none"> • Short stay - 1 per 100m² • Long stay - 1 per 4 f/t staff
Sui Generis - Public House, wine bar, drinking establishment	1 per 5m ² of public area plus 1 per 2 f/t equivalent staff members	<ul style="list-style-type: none"> • Short stay - 1 per 100m² • Long stay - 1 per 4 f/t staff
Sui Generis - Hot Food Takeaway	1 per 5m ² of public area plus 1 per 2 f/t equivalent staff members	<ul style="list-style-type: none"> • Short stay - 1 per 100m² • Long stay - 1 per 5 f/t staff
Sui Generis - Cinema, Concert Hall, Bingo Hall, Dance Hall, Live music venue	Site-specific assessment based on operational needs and Transport Assessment, Statement, Travel Plan	