

## Section 106 Developer Contributions Supplementary Planning Document Statement of Consultation of Main Issues Raised through Public Consultation

### I. INTRODUCTION

Under the Planning and Compulsory Purchase Act 2004 a local planning authority shall not adopt a Supplementary Planning Document until:

- Representations made in respect of the draft SPD have been considered;
- A statement is prepared setting out a summary of the main issues raised in these representations and how these main issues have been addressed in the SPD which it is intended to adopt.

This document sets out the main issues raised through public consultation on the draft Section 106 Developer Contributions SPD and indicates how these main issues were addressed in revising the SPD for adoption.

38 responses have been received on the SPD and 7 of which were from Members of Barrow upon Soar Parish Council. The respondents were:

Barrow upon Soar Parish Council	BSPC	Leicestershire Fire and Rescue Service	LFR
Burton on the Wolds Parish Council	BWPC	Natural England	NE
British Waterways	BW	Network Rail	NR
Campaign to Protect Rural England Charnwood District Committee	CPRE	Mountsorrel Parish Council	MPC
Councillor D Green	CllrG	Mr R I Porter Resident Loughborough	MrP
David Wilson Homes East Midlands	DW	Quorn Parish Council	QPC
Director of Regeneration Charnwood Borough Council	DirR	Radleigh Homes	RH
East Midlands Regional Assembly	EMRA	RPS on behalf of Keyhaven Developments Limited	RPS
Environment Agency	EA	Sileby Parish Council	SPC
Garendon Park Countryside Protection Group	GP	Storer and Ashby Area Resident's Group	SARG
GVA Grimley on behalf of Jelson Limited	GVA	TES Property Development Limited	TES
House Builders Federation	HBF	The Planning Bureau Limited on behalf of McCarthy and Stone	TPB
Indigo on behalf of SSL	IN	Thrusington Parish Council	TPC
Landscape Architect Charnwood Borough Council	LA	William Davies Limited	WD
Leicestershire and Rutland Wildlife Trust	LRWT		
Leicestershire Constabulary	LCon		
Leicestershire County Council	LCC		

### 2. MAIN ISSUES RAISED THROUGH CONSULTATION AND HOW THE ISSUES WERE ADDRESSED Document Generally

MAIN ISSUES	RESPONSE TO ISSUE
The Draft East Midlands Regional Plan, Policy 55, encourages local planning authorities to produce delivery plans, including section 106 contribution documents; and secondly, the areas covered in Charnwood's draft document all accord with regional planning policy objectives.	Noted
In light of the government initiative to introduce the PGS the timing for the production of the SPD may not be appropriate.	This issue is discussed in the document at 5.0 and was considered by cabinet on 23 November 2006
As a supplementary planning document, it is, by its nature, supplementary to the Council's development plan documents. It is therefore a little surprising that the Council should be preparing this ahead of its DPDs. It would seem more logical to first establish the policy framework in statutory DPDs and then, as the SPD itself says, "expand upon policy or provide further detail to policies...". With no adopted DPDs in place there are as yet no policies to supplement. That said, in so far as the SPD endeavours to formalise justification for, and make transparent the calculation of, contributions sought it is to be welcomed.	This document expands on current policies and is not reliant on the production of a Development Plan Document.
Planning obligations, which are of a prescriptive nature, should not be presented and considered simply as a Supplementary Planning Document. They could potentially have a considerable impact on developments and their viability and therefore should be examined independently as a Development Plan Document.	This document supplements and expands on existing planning policies and does not set or introduce new policies therefore it is appropriate to be a SPD rather than a DPD
In establishing the scale of contributions to be sought it is necessary to establish: • first, that the development gives rise to a need/impact for which contributions are sought that would otherwise not materialise, and • second, that such need is not already met, or capable of being met, by existing facilities.	Paragraph 7.2 explains that all contributions/requirements will be assessed on a site-by-site and development-by-development basis and will be directly related to the impact the proposed development has on local services, infrastructure and resources.
The Council needs to identify that different developments will trigger different contributions and requirements. The Council seems to have lumped all housing into one basket and assume that they all have the same impact, this is not the case	This is guidance and it is possible that developers could show different circumstance apply to the norm and these will be considered on a case by case basis.
It neglects to fully identify the positive contributions that housing developments can add to a community	This is guidance supplements and expands on existing policies and does not seek to introduce new policy. Paragraph 1.4 identifies that housing development can have a positive effect on a community.
Many of the requirements for contributions are unnecessary as there is an increasing amount of households due to; an ageing population, increase in one person households, etc. which means that although more houses required, there are no additional people to cater for. Further trends have indicated that the average household size is decreasing which supports the above argument. Existing mechanisms, such as Council Tax, should be used to provide funding for such facilities.	Contributions are required to ensure any adverse impact a proposal might have on local services, facilities and amenities, housing balance or highway safety is minimised and such requirements are provided along side and at the time the development takes place and within its vicinity.
Contributions calculated by reference to the proposed number of dwellings in any given development are too crude. Rather, they should be linked to occupancy and based on the estimated net increase in population. Different developments will comprise different occupancy rates (household sizes) depending on the size and type of dwellings built. Contributions formulae should reflect this, differentiating between, for example, one bedroom flats and four bedroom houses.	Calculations are in the majority based on unit numbers. The number of bedrooms does not always relate to occupancy rates and bedroom numbers can change without planning permission.
Consider the impact the SPD will have in terms of the viability and affordability of a development. It is inevitable that within this interim period where land has already been purchased and such developer contributions have not been factored in to the cost of development, in order to ensure the development remains viable, these costs will be passed on to the prospective buyer. This further inflates prices and may result in the development being unaffordable.	Paragraph 15.3 states that a developer can provide evidence of the financial viability of the scheme for consideration.

<p>If contributions are levied to the maximum extent proposed in the SPD it would be extremely onerous. This impact would be most severe in respect of brownfield land where any increase in value arising from its development potential will be greatly reduced due to its existing use value (compared to greenfield land). The effect of excessive contributions could affect viability and thus deter beneficial redevelopment, contrary to government policy to make the most effective use of such sites. The SPD does not appear to differentiate between brownfield and greenfield developments, nor recognise the inability of the former to absorb contributions. Contributions from such sites should be discounted to reflect existing use value.</p>	<p>Paragraph 15.3 states that a developer can provide evidence of the financial viability of the scheme for consideration.</p>
<p>This document is too prescriptive and comprehensive. It will render sites unviable and therefore undeliverable. It is therefore not conducive to providing a step change in housing delivery as currently advocated by Government.</p>	<p>The document is required to give guidance to developers and land owners and the government supports the use of SPD in 'Planning Obligations Practice Guidance', Communities and Local Government August 2006. Paragraph 15.3 states that a developer can provide evidence of the financial viability of the scheme for consideration.</p>
<p>Communities should be consulted and encouraged to take an active role in the decision making on the expenditure of funds raised from S106 developer's contributions. We believe it's also important to provide flexibility on the deployment of funds. Otherwise, some communities will face differential degrees of attention to others. There are already examples of new small developments planning dedicated playground facilities before it's even established what child facilities are required for new residents. Common sense and flexibility is the key.</p>	<p>Communities are consulted on planning applications and are encouraged to raise issues where there are known deficiencies in services/infrastructure etc. these should be highlighted at an early stage. Flexibility on deployment of funds is limited but should be taken into account when an agreement is drafted.</p>
<p>It has the potential to contribute to targets in Local Biodiversity Action Plans, especially the creation of much needed new habitats.</p>	<p>Only if it is related to the development.</p>
<p>The Council is to be congratulated for producing a well argued and clearly defined framework document which gives precise guidance to developers of the corresponding financial obligations that they will incur in order to ensure that associated investment in ancillary community provision resulting from those developments does not fall on the public authorities.</p>	<p>Noted</p>
<p>Further guidance and a framework for decision making is required which will ensure that the monies that are secured through S106 agreements are then used for the most pressing community needs and implemented by the most appropriate public body. In some instances the provision for example of open space or community facilities could in fact be best provided by the parish council. The current arrangements for taking such decisions are unsatisfactory and not transparent from a community or individual point of view. They seem to take the form of a closed discussion within the Borough Council and perhaps with the County Council but without the opportunity for more local community interest. It would be an important step forward to introduce a protocol and guidelines to ensure that these important decisions on how best to spend S106 monies are taken in a well informed and transparent manner.</p>	<p>The use of S106 money is limited to meet the five tests (Para 4.5) and should never be used purely as a means of securing for the local community a share in the profits of development, i.e. as a means of securing a "betterment levy". It is therefore for the Borough Council to take such decisions and is based on the information that is before them.</p>
<p>Local needs should be prioritize the use of the 106 money so that if necessary it may be used for one project only and not split between projects.</p>	<p>This will depend on the circumstances of each case and can not be covered by this document.</p>
<p>The 'shopping list' set out in Appendix 2 appears in some cases to extend way beyond the tests set out in circular 05/05. Obligations must have a clear planning purpose and only be levied in order to overcome valid planning objections</p>	<p>It is not considered that the list goes beyond the circular advice, They all follow adopted policies and have a clear planning purpose.</p>
<p>Without further details as to how the sums referred to are derived, there is insufficient transparency to ensure they are fairly and reasonably related to the impacts they are designed to mitigate. It is suggested that such information either be included in the SPD or reference to additional documents made explicit in order to</p>	<p>The sums and calculations referred to in the document are based on standards from the service providers. A general brief explanation is given in the document on how the calculation is</p>

provide for independent scrutiny and verification.	made. In depth details can be obtained from the service provider for independent scrutiny and verification.
The parish councils should be consulted at a very early stage. They are the best placed to assess the needs of the local community and the effect that a development may have.	Consultations do take place on planning applications and parish councils can comment on issues to be included in any agreement
Should any capital amount become due for payment it should include interest linked to current rates of inflation or the bank rate.	It is considered that contributions should be reviewed annually. Since contribution payments are normally available because of the land value uplift it may be difficult to expect inflation rises after the agreement has been entered into.
The draft SPD fails a number of the tests of soundness set out in PPS12: Test iv – It is not in conformity with the DPDs which it is intended to supplement since those DPDs have yet to be adopted. Test vi – Similarly the SPD is not consistent with the DPDs because the latter have yet to be produced. Test vii – The SPD does not appear to be founded on a robust and credible evidence base. It is unclear how commercial development will generate a requirement for a library or recreation, community and amenity land.	PPS12 also states that supplementary planning documents may be prepared before a development plan document provided the authority shows clear conformity with a saved policy, the policies in the local plan are saved policies.
Where residential development is proposed on a site covered by Policy E/8 of the current Local Plan or where residential development is proposed on sites not anticipated in the Local Plan or in areas where there are limited local opportunities it is suggested to seek S106 contributions towards local economic development or regeneration initiatives. It is not considered that a standard formula can be applied for calculating such contributions. They will need to be negotiated taking account of the circumstances of the site and the needs of the local area.	As stated in the comment a standard formula can not be applied also such development would be contrary to policy E/8, therefore it would be inappropriate to include in the document. If there are circumstance where a policy should be set aside with a contribution this will be a matter to be consider in respect of each case.
Many of the obligations referred to in the document are based on standard formulae for calculating up front payments to bodies such as the County Council and the PCT. A mechanism is required for those bodies to provide evidence that the payments are used for the purposes for which they were required and in the areas for which they were intended?	Such evidence can be requested at present and if not used for the purpose specified in the agreement the builder can reclaim the money. It is agreed that there should be some method to easily monitor this and this is being developed. But is not part of this SPD
The requirement for a S106 agreement associated with waterways could fall under many of the existing headings and local plan policies therefore we feel it would be appropriate as an 'aide memoir' for developers, land owners, councillors and officers to have a section specifically related to inland waterways in Appendix 2.	This is not considered to be appropriate. As stated such requirements would fall within existing headings and it would depend on what requirements are necessary to secure a planning permission. A section on waterways as suggested would have to cover every eventuality and keep things generalised is considered more appropriate when it can not be quantified.
Hope proposed policies are beneficial to the community and that future developments are properly thought through. The lament planning application / development on the Barkby side of Syston has given no consideration to the infrastructure. We hope this omission is not repeated in future developments _ as traffic chaos around Syston will ensue for sure!!	Noted
As Network Rail is funded primarily to maintain the existing railway it needs to make use of redevelopment opportunities on its own land as one way of delivering more significant enhancements to its transport infrastructure. It would therefore be appropriate for any emerging policies that consider the use of planning obligations to recognise that where schemes on our land are proposed in order to fund infrastructure works then the scale and cost of those works should be taken into account in negotiations on the overall planning obligation 'package" sought from Network Rail.	Paragraph 15.3 states that a developer can provide evidence of the financial viability of the scheme for consideration.

<p>We would give the document a guarded welcome. Many of the proposals are positive, if long overdue. Our reservations are informed by experience. Will our civil servants apply the proposed guidelines and will our elected representatives enforce them?</p> <p>Enforcement and the costs of enforcement are hardly mentioned and certainly not addressed. What about other 106 Agreements which do not involve payment of a specified sum? If 106 Agreements are to continue to be used for undertakings such as No Car Agreements, which do not involve the developer in making a financial contribution, they will remain unenforceable unless there is a strong Enforcement Team with a budget sufficient to meet the costs of taking developers or future owners of the development to court if necessary.</p> <p>It would be advantageous to the Borough Council for 106 No Car Agreements to include a financial commitment. This would then go towards paying for enforcement, i.e. it could kill two birds with one stone. It could increase the size of the enforcement section and discourage developers from thinking they are getting off cheaply by not having to provide parking. A sum of, for example, £1000 pa. for ten years, i.e. £10000 could be required. The Council could set a realistic sum based on a calculation of staff costs etc. Three such financial requirements could pay for an extra member of enforcement staff.</p> <p>Finally, what sanctions, beyond the Council Ombudsman, are available for members of the public to invoke when the policies set out herein are not adhered to/executed?</p>	<p>Each matter whether to require an agreement or to take enforcement action is for the Borough Council to determine based on all the matters before them.</p> <p>Any financial requirement has to have a planning basis and be relevant to the development. It would not be appropriate to have a financial requirement just in case enforcement action is necessary.</p>
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## 1.0 Introduction

Paragraph 1.2 add reference to post-permission monitoring, etc (e.g. ' during and after the processing of planning applications')	added
Paragraph 1.4 - the text should refer to 'additional' rather than 'unacceptable services' that contributions should address and alleviate.	Noted and added to text rather than replaced
Para 1.7: 'adverse impact <i>that</i> a proposal'	corrected
Para 1.8 should <i>normally</i> be met?	corrected
The terminology used at paragraph 1.8 that the provision of infrastructure and community facilities required by the development should be easily met by the developer / landowner suggests that the costs of meeting s106 obligations are of little consequence to the development industry. It could perpetuate the perception that developers have bottomless pockets and disposable profits and should therefore be seen as a limitless source of revenue. The reality is that the industry is increasingly competitive and the costs of development, particularly on brownfield sites continue to rise. The development of some sites will therefore remain on the limits of profitability, even without s106 obligations. The reference to obligations being 'easily met' should therefore be deleted.	See comments above
Para 1.8 - suggest delete 'should therefore easily be met' and replace with 'can therefore be met by the developer/landowner' and delete 'at the community'	See comment above.
Place the onus on the developer to provide detailed economic evidence to justify why reduced contributions may be justified.	Paragraph 15.3 states that a developer can provide evidence of the financial viability of the scheme for consideration.
Judgements will need to be made on the circumstances of the case where limited funds are available, the document should make some reference to it.	Paragraph 15.3 states that a developer can provide evidence of the financial viability of the scheme for consideration.
Paragraph 1.9 suggests that where services are under more pressure or where there is no spare capacity, this will be reflected in the nature and levels of obligations required. The SPD ought to recognise that this principle should equally apply in situations where services or facilities are adequate (and are anticipated to remain so for the foreseeable future). E.g. if there is sufficient capacity in local schools to serve all foreseeable future	Paragraph 7.2 explains 7.2 that all contributions/requirements will be assessed on a site-by-site and development-by-development basis and will be directly related to the impact the proposed development has on local services, infrastructure and resources.

development, or school roles are reducing, then a contribution should not be required.	
<b>2.0 Legislation</b>	
Enforcement will only happen successfully if there are sufficient officers to deal with developments throughout Charnwood.	Noted
<b>3.0 National Policy Background</b>	
<b>4.0 Current National Policy</b>	
Para 4.2 - suggest add 'however, in the event that case law suggests that this is not a Lawful approach, planning obligations will continue to be able' to last sentence of this paragraph.	This change is not necessary
Para 4.3 - the meaning of this paragraph is unclear and it is suggested that it is deleted as reference to planning policy is made clear elsewhere in the document.	This is far clarification following the previous paragraph
Para 4.4 is missing.	Altered in the report
'The use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold' <i>This statement does not accord with our experience. It seems all too easy for developers to get out of including children's play provision on site by negotiating a financial agreement which is supposed to 'enhance play provision' in the neighbourhood. There have been several local developments in this area, with no evidence that the money has been used in that way.</i>	This is not factually correct
<b>5.0 The need for SPD</b>	
Para 5.1: It is likely that the date 2008 will 'slip' further into the future	noted
<b>6.0 Source of S106 requirements</b>	
<b>7.0 Proposed S 106 requirements</b>	
Para 7.1: It is not correct that <u>all</u> planning obligations shall ensure development is sustainable and secure..... 'benefits'. Maybe 'Planning obligations should seek to ensure that .... etc ?	corrected
Paragraph 7.2 the SPD suggests that contributions will be sought where there is an existing requirement for facilities within the vicinity of the site. To require anything that is not directly required as a result of the proposed development would appear to conflict with paragraph B9 of Circular 05/2005 which states that, "Planning Obligations should not be used solely to resolve existing deficiencies in infrastructure provision.	It is made clear that contributions "will be directly related to the impact the proposed development has on local services, infrastructure and resources." Suggest amending wording to make clearer
Although reference is made to the fact that contributions will be assessed on a site-by-site basis and will be directly related to impact of the development on local services and infrastructure (paragraphs 7.2 and 12.2 refer) I note that paragraph 7.1 goes on to make reference to contributions being applied "where there is a known requirement, either <u>existing</u> or because of the development....". This suggests that some standard charges may seek to overcome existing deficiencies in services rather than to being directly related to meet needs arising from the development. As such it is contrary to Paragraph B9 of Circular 05/2005 which reminds us that "Planning obligations should not be used solely to resolve <u>existing deficiencies</u> .....".	Suggest amending wording to make clearer.
Paragraph B3, Appendix B, Circular 05/2005 states contributions should only be sought where it is "...intended to make acceptable development which would otherwise be unacceptable in planning terms." Para 7.2 should be re-worded to reflect this.	Suggest amending wording to make clearer.
Paragraph 7.2 states all contributions will be worked out on a site by site / development by development basis	Noted

and will be directly related to the impact the proposed development has on local services. This principle is supported.	
paragraph 7.7 In certain circumstances contributions may need to be prioritised is welcomed. It would be useful here to cross refer to paragraph 15.3 which provides more detail on financial viability.	Noted and document amended
Para 7.7 - suggest adding a sentence to the effect that examples of this approach will be where a scheme is made economically unviable by the pursuit of affordable housing or where a site has significant abnormal or remediation costs.	Noted and document amended as above
Para 7.7: Add cross reference to para 15.3 (proof of viability)?	Noted and document amended as above
Subject to clarification in Section 5 of the Sustainability Appraisal the Environment Agency is satisfied that statements in Paragraphs 7.2 and 7.4 of the SPD would allow developer contribution to be sought in the exceptional circumstances. PPS25 Annex G sets out the circumstances where S106 developer contribution will be appropriate. However, contribution is only likely to be required for development which is not sustainable in terms of flood risk and will be exceptional rather than the rule.	Noted

## 8.0 contributions

The SPD requires that, in paragraph 8.1, 'payments will normally be required in the form of a lump sum, which may have to be paid in advance'. It is considered that this requirement is premature as developers will not have been able to secure receipts for the dwellings. This is particularly an issue for the smaller developers who may not have sufficient funds up front.	This paragraph clear states a number of other payment methods and is therefore considered to be satisfactory
The SPD raises the prospect of indexing contributions (paragraph 8.1). If this is to be done, then contributions must be expected to move up or down <input type="checkbox"/> upward only indexation cannot be equitable.	Noted
Para 8.1 - reference should be made here to circumstances where obligations can secure the provision of new or replacement habitats and allow developments to proceed on the basis that these are provided and maintained.	It is not considered necessary to make reference here to specific circumstances.
paragraph 8.3 should be amended to read" If the legal agreement states that a sum of money must be paid, the agreement shall describe the specific purpose to which the contribution will be put and set out the time frame during which the money must be applied for its intended purpose." This will ensure that the specific use to which the contribution will be put is identifiable at the time the agreement is made, assisting negotiation and providing a discrete audit trail.	It is not considered appropriate in all cases to specify specific purposes, the agreement will normally be drafted to take account any possible changes to circumstances.
Could you make it clearer that this document refers to providing facilities OUTSIDE the site (as explained in the covering letter abstract below, but not so clearly in the document itself. Apart from 8.1) <i>Provides guidance to Developers, Land Owners, Members and Officers on where a developer will be required to contribute towards improving local facilities and other works outside the site of a development in order to mitigate and help reduce its impact upon the immediate landscape and local facilities.</i> Add more emphasis to 8.1 "where facilities are required they are normally expected to be provided on the site of the development and it is only where justified that such provision can be accepted elsewhere"	It is not only for providing facilities outside the site that is why facilities are required on site except where justification is provided for it to be else where.

## 9.0 Maintenance Payments

The specific funding arrangements of public bodies may mean that maintenance works may not become included in public sector funding streams and as such maintenance payments may be appropriate.	Noted
Para 9.1 Move 'pump-priming' to end of sentence	No change

## 10.0 Pooled Contributions

The pooling of contributions (section 10) is acceptable in principle. However, it requires complete transparency such that funds should be held in separate, ring fenced, interest bearing accounts and used solely for the purposes for which the contributions were collected. If they are not spent within a five year period they should be returned to the developer.	Noted
welcome reference to pooled contributions as the impact of incremental development can be of particular relevance in relation to the additional use of a towpath as a sustainable transport route or as a recreation facility	Noted
The pooling of planning obligations from numerous developments to mitigate their combined impact upon the railway (in accordance with Circular 05/05), especially paragraphs B21-B24 and B33-B35, is welcomed.	Noted

## 11.0 Commercial Developments

It is accepted that employment development may give rise to contributions arising from transportation considerations. However, it is totally inappropriate to suggest generally that contributions may be sought for other “community and library services leisure and recreational facilities” without giving any further detailed justification and explanation of when this may be deemed appropriate. The guidance set out at paragraph 11.1 is vague and may give rise to requests for contributions in what are wholly inappropriate circumstances. The only circumstances we can foresee when a contribution towards community facilities may be merited for commercial development is for very large employment sites (of circa 35 ha plus) which may be remote from existing facilities. On such sites it may be deemed appropriate to make provision for land to be made available for recreation/incidental open space facilities and other services.	It is difficult to give detailed justification and explanation because each case is so different. However contributions to community and library services can not be ruled out as the writer explains it maybe appropriate to make available services because of the remote location. Workers may also want to have easy access to such services and may create an extra demand on existing services within the area.
A threshold for the size of development likely to trigger such contributions should be included within the Document.	Unfortunately it is not considered appropriate to set thresholds for commercial development, each one will be considered on there own merits.

## 12.0 Standard Charges and Formulae

Paragraph 12.2 standard charges will be consistent and will reflect the actual impacts of the development. It is assumed that this is intended to reflect the advice in paragraph B35 of Circular 05/2005. However, this paragraph actually refers to the application of standard charges and not the charges themselves. This should be clarified.	The types of standard charges are identified in appendix 2 of the document. It is considered that it is clear how standard charges will be applied. Any standard applied can be questioned and re-evaluated if necessary. Any standard charges are to be used as a guide.
It would be helpful to include the advice from the same paragraph of Circular 05/2005 which states that standard charges and formulae should not be applied in a blanket form.	This is considered to be clear, see above
‘Where it is appropriate’ appears to be a ‘get out’ clause. What does CBC mean here?	The standards are in appendix 2 of the document and it is clear that these are the areas where it maybe appropriate.

## 13.0 Cost recovery

Para 13.4 The reference to pro rata split of monitoring costs (between CC and BC), based on a 2 x our proposed rate of 250 pounds is welcomed. We would need to investigate the mechanism for this (maybe by separate clauses in a legal agreement). The County Council would welcome further discussions with Charnwood borough Council on this matter.	Noted
With reference to paragraph 13.2, requiring developers to cover costs incurred by the Council where necessary, this is wholly unreasonable.	These costs will only be incurred by the Council because of a legal agreement and therefore because of the development. Such costs should therefore not be met through the Council finances

The Council charges a planning application fee for the determination of planning applications which is monitored and managed by Government to ensure the fee accurately reflect the cost incurred by Local Authorities in the determination of planning applications. It is the Council, which is imposing these Section 106 requirements, and it should bear costs of entering into such an agreement.	A legal agreement is required to ensure a development can proceed satisfactory. The application fee does not cover the additional expenses required in the circumstances where a legal agreement is required.
In many cases the developer will use their own legal team to draft the documentation. The SPD should acknowledge that in such circumstances the minimum fee will be waived or reduced, depending on the actual level of involvement by the authority's legal team.	This would be a unilateral undertaking rather than an agreement
A contribution should not be sought for "monitoring and ensuring implementation of legal agreements" (paragraphs 13.2(ii) and 13.4 refers). Paragraph B34 of Circular 05/2005 allows for charges to be applied for "preparing and completing the planning obligation itself," but not for subsequent monitoring and implementation of the agreement.	An obligation is not completed until its requirements are discharged. Therefore monitoring and ensuring implementation is considered to be part of completing the agreement.
Is the council going to invest some of the resources, gained in this way, to increase the size of the enforcement department?	This will be monitored
Para 13.4- whilst the pursuit of monitoring costs may not be unreasonable in principle the level of charge being suggested is significantly over what is required to do the job. A charge of 0.5% of the total financial contributions of £250,000 on a modest scheme of say 50 dwellings would equate to £1250. This is equivalent to 25 hours work based on an hourly rate of £50.00. It is not considered that such a workload would be generated by such an agreement. If the alternative approach of £500 per contribution is sought, some agreements may have 8-10 such contributions, equating to £4-5,000!	The document has been amended because of a drafting error and which ever is the lower figure is what is required. 25 Hours work in monitoring and ensuring compliance is not considered unreasonable, especially when this amount also includes all on costs such as travelling etc.

#### **14.0 Payment of Financial Contributions**

How will the public, the biggest stakeholder, know that this has happened? We are not aware of how money for play provision has been spent in our area.	We are publishing this information on the Council's Web site and are looking to improve this information.
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#### **15.0 Pre application and application discussions**

The use of pre-application consultations are supported. Reference should also be made to the inclusion of all those likely to require input into a S106 agreement at an early stage e.g. statutory consultees. We also welcome recognition of the costs of developing on previously developed land as set out in paragraph 15.3	noted
The Council's request for developers and agents to submit all details of an application so to be informed of the likely level of contributions is supported. However, paragraph 15.1 states planning obligations should be agreed and in place prior to permission being given. It is not always possible to have a Section 106 signed prior to determination of an application. It is therefore suggested that reference to securing obligations through planning conditions should be inserted in paragraph 15.1 in the event that it is not possible to have a S106 signed prior to a permission is granted.	noted

#### **16.0 Implementation and monitoring of planning obligations**

Proposals for robust and transparent monitoring of s106 contributions is welcomed	noted
The Council's aims in implementing and monitoring obligations sound good, but will need considerable budgetary expenditure in the procurement of the staff necessary to make them a reality.	noted

## **APPENDICES**

## Appendix 1 Planning Policies and advice which may require SI06 agreements

Local Plan Policies under the heading Infrastructure off-site – Pedestrian and cycle facilities – policy TR13 appears to be missing.	corrected
Page 13, we would like the title of “Landfill and recycling facilities” changed to “Recycling, treatment and disposal facilities”. This reinforces the changing focus of the service away from the landfilling of waste.	corrected
In relation to the Appendices, it is considered that further justification for the items and amounts being sought is required. In detail, it is considered that the title of Appendix 1 should be Planning Policies and Advice in relation to Section 106 Agreements.	See comments below. The title of appendix 1 is considered to be satisfactory

## Appendix 2 Proposed Standard formula and charges

### Civic amenity and Waste Management

item 3 please add the Leicestershire Municipal Waste Management Strategy to the current guidance list.	corrected
People create waste and not houses and therefore should not be a requirement. If waste minimisation schemes prove successful, the Local Planning Authority will have less waste to dispose of and therefore the cost of disposal should decrease.	This may happen in the future but is not at present. The issue will then be re-evaluated
If waste minimisation schemes prove successful, leads to less waste to dispose of and therefore the cost of disposal should decrease.	This may happen in the future but is not at present. The issue will then be re-evaluated
It is not clear whether some or all of the existing facilities are at capacity. Further information should be provided on this. Clearly, contributions may only be levied where there is no surplus capacity and new facilities are required. It is noted that contributions are calculated per unit, whereas the amount of waste generated is likely to vary in relation to the number of occupiers. It is therefore suggested that a variable rate is levied, with a lower figure for smaller dwellings.	It is considered to be clear which facilities currently have no surplus capacity however this will change over time. The rate is per number of dwellings rather than size of dwelling because the difference would be so little.
The table identifies that Loughborough and Sileby are nearing capacity. It does not, however, indicate how financial contributions would be utilised to increase capacity.	It does state that contributions would be used to increase capacity of those sites or provide a new site.
The Civic Amenity facilities contribution refers to other types of facility for which contributions may be sought but gives no further detail. This is deficient and insufficient to justify further contributions.	Any further contributions would be justified if considered necessary.
The threshold for contributions appears too low on the basis £200, and begs the question as to whether this would merit preparation of a Section 106 Agreement.	This is agreed and such sums may only be requested as a package with others.
item 8 the minimum threshold is six or more not “10 or more”.	This is not compatible with other thresholds
item 9 It should be noted that whilst we have suspended new claims for the Loughborough site, with continuing residential development in the area it is likely contributions will be resumed in the near future or in response to a large scheme. Additionally, it would be better to re-phrase or remove the specific site reference; developments close to the district border may fall in the catchment of a site other than Sileby or Loughborough. It may be pertinent to state that each residential development proposal will be assessed and except for those in the Shepshed area are likely to require a contribution.	Noted but no changes necessary as this is provided for information only and is likely to change again
The draft supplementary planning document makes no mention of providing new wheeled bins. For example,	Included in document

if a new village of 2,500 properties were built then the WCA would face an additional cost of 2500*£20 = £50,000 (allowing for £16 per bin and a delivery cost). This cost is a valid need that could be met through a developer contribution (as well as litter bins, land for a bring recycling site etc.).	
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### **Ecology/ Geology/ Environment/ Geomorphology**

The term environmental consultancy is not clear when many organisations have land which support ecological designations and are charged with protecting the environment. A more generic term should be used which includes such bodies as British Waterways	Changed to consultancies and include organisations
Expand to make reference to Landscape Character and to reference the relevant Joint Character Area.	This would be difficult and is not covered by policy
any new habitat creation projects or open public space provision, we consider 3 years management costs insufficient to guarantee continuation of these sites and therefore suggest a full aftercare programme and proposals for adoption of the management by an organisation once complete are explored.	Changed to a minimum of 3 years and always require a management plan
Maintenance costs should be for a longer period than 3 years. 6 years is suggested	There is no evidence given to support a minimum of 6 years maintenance. If this is provided it could be considered on a case by case basis.
There is no mention of habitat protection. Mitigation exercises do not necessarily protect existing important habitat areas	But they do if required. No change necessary

### **Children and Young People**

It is not appropriate for all new housing development to contribute towards the provision of, educational facilities if there is no direct link between the need for those facilities and the development proposed. This could be because the type of housing proposed will not be occupied by persons who would use those facilities (e.g. retirement dwellings), because there is adequate provision or provision with spare capacity already in existence, or because they should be provided out of the public purse and are already being or will be paid for by the occupants of new housing through their Council Tax.	The document says such contributions will only be asked for where there is a need. Educational facilities are also used by retired people. The provision of the facility would be required because of the development and therefore should not be at the Local Authority's expense.
There is no indication of Sheltered Housing being exempt from contributing. As you are aware elderly residents of a Sheltered Housing scheme would not have an impact on children attending local schools.	Schools also cater for elderly residents
There are more households due to an ageing population etc. Therefore, there are no additional people to cater for and there should be no additional contribution.	The demand for provision in an area is created by new development and therefore where there is no capacity this needs to be met
A variable rate should be levied, with a lower figure for smaller dwellings.	It is not correct that larger houses need more facilities. The figures used ensure it is easier to calculate
The number of school places per 100 houses would appear abnormally high. Based on a national birth rate of 0.011, average household size of 2.4ppu (which may indeed prove high given identified trends) and 7 primary school years and 5 secondary school years, appropriate figures should be 18 primary places and 13 secondary spaces per 100 houses.	The figures are considered to be appropriate and based on experience realistic.
A contribution will be required where there is a need. It would be useful to describe how need will be defined.	The need is defined by the education authority at the time a request for information is made.
The text refers to the provision of a site but does not specify whether it should be provided for free or at market value.	The provision of a site or a contribution would suggest that it is free.
The guidance given in this section meets policy requirements better because reference is made to contribution being related to 'need' and to whether there is spare capacity in a given school. However, it should be made explicit that any contributions should also reflect the type of accommodation being provided. For example no contribution should be required for 1-bed units which will not have child bed spaces.	This is not always the case. However it may be something that is taken into account in assessing the requirement.

## Highways and Transportation

General comments made in respect of little 'net' impact of a development on infrastructure apply equally to the highway network.	Noted
Increases on other networks not belonging to the highways authority may trigger a need, e.g. increased pedestrian or cycle traffic on the towpath. This should be recognised.	This is recognised
Where it has been identified that rail patronage has increased as a direct result of new development, contributions for transport links should be sought. These could be for infrastructure enhancements and could include station upgrading work, additional car parking, improved waiting facilities, improved accessibility (e.g. cycle routes/storage), public transport access, disabled access or improved layout	This is recognised but would require clear justification

## Library Services

This requirement is not directly related to the five tests as set out in Circular 05/05. Furthermore, not all members of the community use library services therefore it is unfair to expect the potential buyer to pay for a service they may not require, particularly now with the widespread use of the Internet at home.	Do not agree
This takes no consideration towards the type of development, or where the development site is located. The council is simply requesting money towards the improvement of libraries as it feels that all houses will have an impact. The type of development, location, unit numbers all need to be taken into consideration when requesting a contribution.	All residential property will generally have an impact on this service provision, therefore extra provision will be required.
The costs per dwelling as set out in the schedule are based upon every bedroom space being occupied. However, the reality is that household sizes have been getting smaller. It is clearly not the case that the average 3 bedroom house is occupied by 2 children, 4 bedroom house is occupied by 3 children and so on. The reality is many 3, 4 and 5 bedroom dwellings are only occupied by couples. Consequently, the Council must base any requirement upon actual household sizes found within the Local Planning Authority for different sized bedroom dwellings, not upon unrealistic full occupancy criteria.	The cost is based on the development proposed and in this case has been worked out using number of bedrooms. It does not assume a full occupancy but uses averages to work out contribution costs. This would appear to be very detailed and clear to understand. The fact not everyone uses the service as with every service has been taken into account in the calculations.
The possibility of increased demand for library use from residential and certainly from employment development will be far from clear-cut. The potential requirement for contributions will also largely depend on the nature of existing facilities within the settlement. It should be made explicit that a contribution will only be sought where existing facilities are considered insufficient to meet reasonable additional demands arising from the proposed development. It is not clear that commercial development will give direct justification for improvement to these services, and this reference should be deleted.	Commercial development can increase demand in an area and therefore this has been allowed for.

## Museums and Heritage

It is difficult to see how such contributions meet the tests of the circular.	It is considered that it does
Such an obligation cannot be argued to be necessary in order to make a development acceptable in planning terms. These facilities are for tourists not generally the local population.	Do not agree the local population uses local facilities
Other bodies also have heritage and cultural assets. The draft RSS identifies the water environment as a cultural facility. This should be recognised.	This would fall within cultural amenities and is therefore recognised.
It is considered that greater justification is needed for this contribution.	Justification is given through the local plan policies ST/1 and ST/3 and further justification, explanation will be given when and why a contribution is required
Detailed justification for contribution towards these services is lacking and the fact that new development could increase visitors to local facilities (in much the same way as for libraries) does not necessarily indicate a need for contribution.	Justification is given through the local plan policies ST/1 and ST/3 and further justification, explanation will be given when and why a contribution is required. Increase in usage due to new development puts pressures on facilities and needs to be

	addressed before it happens.
<b>Public Art</b>	
It is difficult to see how such contributions meet the tests of the circular.	Do not agree and it meets planning policies
The Council is simply requiring developers to contribute towards making the borough look better through additional art. This Policy is unjust and should not be part of the SPD.	This is in line with policy and contributions are only required where it can not be provided on site.
A threshold should be provided for the provision of onsite public art in residential schemes. This is not likely to be viable at the suggested threshold of 10 dwellings. Pooled contributions should only be required where there is a specific site identified that is geographically related to the development.	Public Art does not have to be expensive and will help in the design and appearance of the development. Contributions are required and will be used on art within the vicinity. It would be difficult to specify exactly what the contribution will be for unless it meets the whole cost.
Contributions to be capable of being amalgamated for more than one scheme/development in any one town village or area such as the Wolds to enable a more substantial art work to be commissioned	This is possible
It is also not clear what is meant by 1% of <u>capital cost</u> of development. We assume that you mean total build costs, which should be net of any other Section 106 contributions and other infrastructure costs.	It would appear to be clear, in that it is the capital cost with no exclusions.
<b>Recreation, community facilities and amenity land</b>	
The trigger of 10 units for a new children's play space or equipment and youth/ adult play is wholly unreasonable. Such a requirement may result in the development being unviable. All sites should be judged on their merits and the evident need and the available facilities in the area.	All sites are judged on their merits against any evident need. The trigger of 10 units would appear to be reasonable.
It is accepted that PPS17 advises that open space standards be set locally, but there would appear to be little justification for those specified in the SPD, either in the document itself or in the Council's Green Spaces Strategy. These are either significantly in excess of the widely used 6 acre standard or are based on infeasibly high assumed occupancy rates.	The 6 acre standard is for outdoor playing space and is not the same as public open space this standard is therefore considered to be reasonable.
comments regarding the use of anticipated population rather than unit numbers apply	Unit numbers to calculate the contribution is considered appropriate.
I was confused about what Charnwood seeks for open space, recreation and children's play. The Standard Formula Sheet appears to favour developers paying for off site provision of both play areas and larger recreation space (which understandably they may prefer as better financially). Perhaps it is just a typing error that suggests this: I suggest maybe extending the bracket in p23 to the end of item 6, or re-wording it to read '(Where appropriate youth/adult recreational space cannot be provided within the development a commuted sum contribution of £706 is required per dwelling. Where appropriate children's equipped playgrounds or other children's play space cannot be provided within the development a commuted sum contribution of £1,066 is required per dwelling).	Document amended
POS and the procedure for adoption is not covered by or mentioned in this SPD. Will there be another document to cover the adoption of open space by Charnwood Borough Council (or other authority) and what commuted sums are required if these open spaces are adopted eg recreation play and amenity?	This is not a procedure document and is therefore the first issue is not covered. The only figures for open space provision is for providing off site and includes adoption.
The Standard Formula Sheet considers the same sum of money should be made over for all sizes of dwellings. Could this cause concern to developers? I am aware of earlier attitudes (particularly for children's play) that some dwellings (apartments mostly, but Sheltered Housing may also be included) may not generate a demand for children's play. Some services' figures are determined by 'house' or 'flats' size, (notably Education but libraries and health also have a sliding scale).	This is for the developer to provide information as an exception to the standard.
Ongoing maintenance to be born by the developer via a commuted sum to CBC or to be maintained by CBC and not at the cost of individual Parish/Communities unless that Parish/Community request to maintain.	This is the case and is included in the figures but will only account for maintenance for a limited time period.

British Waterways should be recognised as a service provider particularly as rivers and canals are recognised in the definition of open space in PPG17: Planning for Open Space, Sport and Recreation. Welcome the inclusion of water facilities.	Included in document
It is unclear why a figure of 400 dwellings has been chosen for the provision of a community hall. Further information is required to justify this	This is based on the County Council's standard requirements
Contributions conflicts with established policy in the Charnwood Borough Local Plan. Policy RT3 provides that contributions can be sought towards children's play areas in the case of developments of less than 10 dwellings. However in Policies RT4 for Youth/Adult Play and Policy RT5 for Amenity Open space the policy trigger does not extend to schemes below 10 dwellings. This should be made clear within the SPD	The norm is 10 dwellings and above however it is stated that less than ten dwellings can require a contribution toward local recreational deficiencies.

### Health Care

This would only be appropriate if the Local Planning Authority undertook a Health Impact Assessment and it's conclusions recommended such an approach. As this is not the case and is therefore an unreasonable requirement.	The PCT have assessed the need for facilities and will continue to do so taking into account the current provision in an area.
The costs per dwelling as set out in the schedule are based upon every bedroom space being occupied. However, the reality is that household sizes have been getting smaller. It is clearly not the case that the average 3 bedroom house is occupied by 2 children, 4 bedroom house is occupied by 3 children and so on. The reality is many 3, 4 and 5 bedroom dwellings are only occupied by couples. Consequently, the Council must base any requirement upon actual household sizes found within the Local Planning Authority for different sized bedroom dwellings, not upon unrealistic full occupancy criteria.	The calculations are based on dwelling sizes because that is the data available and occupancy rates are taken into account in setting the calculation
PCTs are funded directly by government and such funding is directly linked to the catchment population. It follows that any increase in population that might be expected to arise from new development will have already been taken into account by the population projections on which the PCT's grant settlement has been calculated.	The requirement is to have the facilities available when the development is first occupied. The PCT grant settlement will provide on going costs.
The formula for instance requires further explanation or demonstration by reference to a worked example.	The formula is complicated and it is not considered necessary to reproduce it in this document, since it would only confuse matters. Full details can be obtained from the PCT

### Leicestershire Constabulary

There is no basis provided for calculating such a contribution or determining the impact of development on policing requirements for any particular area.	Community safety is a community need and is a requirement to be met in the local plan policies
Money for the running and expansion of this service is provided by other methods and is therefore not warranted	The requirement is for capital expenditure only
Police contribution - the appropriateness of seeking a contribution towards the cost of additional policing is questioned as the occupiers of the new dwellings to be constructed would contribute towards policing as part of their Council Tax payment. No site of development is given in respect of justifying a new police station facility	The facilities are require before the development is occupied and therefore the capital costs should be bourn by the developer rather than existing users

### Leicestershire Fire and Rescue

It is assumed that the £29 capital cost will not be required where adequate provision is made within development proposals.	This is correct.
Money for the running and expansion of this service is provided by other methods and is therefore not warranted	The requirement is for capital expenditure only
The need for a contribution towards additional hydrants etc. is questioned as provision can be made on site. It is suggested that the Water Authorities be consulted on this specific issue.	This can not be guaranteed

<p>The formula will be applied to major developments i.e. those exceeding 10 domestic dwelling units (houses, flats, apartments etc) and developments exceeding 0.5 hectares of industrial, commercial and retail use. The calculation is based on the capital cost or the initial cost of the item with no revenue additions.</p> <p>Domestic Property - In order to take account of the demands on the Fire Service of fires in domestic property an activity factor has been added to the equation.</p> <p><math>(\text{Fire station} + \text{Fire appliance} + \text{Fire hydrants per station area}) \times \text{Activity factor} = \text{Contribution per unit}</math></p> <p><math>(\text{Number of domestic properties per station area})</math></p> <p><math>(633700 + 200.000 + 837600) \times 33\% = \text{£29 Contribution per domestic unit.}</math></p> <p>(19,176)</p>	<p>Included in document</p>
<p>Industrial, Commercial and Retail Developments</p> <p>There are fewer fires in industrial, commercial and retail developments but the magnitude is greater than in domestic properties requiring more resources. The following calculation is therefore provided based on activity in industrial, commercial and retail premises.</p> <p><math>(\text{Fire station} + \text{Fire appliance} + \text{Fire hydrants per station area}) = \text{Contribution per increment of 0.5}</math></p> <p><math>(\text{Number of non domestic properties per station area})</math></p> <p><math>(633700 + 200.000 + 837.600) = \text{£1100 per increment of 0.5 hectares}</math></p> <p>(1517)</p>	<p>Included in document</p>

### Community Cohesion

<p>Is there any way that the community facilities bit could be widened to include 'sustainable community' work? In some cases the incremental effect of development is to create social problems which cannot be met by facilities in a building. This may be because no building is available or because the type of person who needs support is cannot relate to traditional centres.</p> <p>I am thinking particularly of youth work, which often needs to be done on the street where young people are. Areas such as Hastings Ward have seen a significant growth in flats over the last few years and this has contributed to the violence and drug problems in the area. It could have been identified at planning stage, along with our housing policy, that vulnerable young people were likely to housed in this area in and needed the infrastructure there to help with the cohesion issues. Similarly, there may be a need for young families. I just feel that the ability to use Section 106 for outreach projects could give us a lot more flexibility in dealing with the incremental effects on communities.</p>	<p>This is covered in the Community Cohesion requirement and will be judged on a site by site basis. It may be difficult however for developers to except that their development would need to provide such a service at the design and planning stage.</p>
<p>It is not clear from the table what contributions in this section might be used for or what level they would be set at. Unless more specific guidance can be provided then it is recommended that the section be deleted. Without such guidance it might be used as unqualified catch all.</p>	<p>This is set in planning policies, it would not be possible to set out all the possible requirements, it is however considered that the advice shows those areas where money would generally be used. An explanation would be required in order to request such a contribution.</p>
<p>It fails to satisfy the tests in Circular 05/2005</p>	<p>Disagree</p>
<p>This is the first time I have seen this in a Section 106 SPD. Personally it seems like financial contribution towards a party or gathering to get everyone to meet one another. This Policy should not be found in this SPD.</p>	<p>This is embedded in policy and is to ensure a new community integrates smoothly with existing communities</p>
<p>The basis for this contribution is questioned as it is difficult to see how it relates to additional schemes/new developments. The form of payment and amounts are not specified.</p>	<p>It would not be possible to set the form and amount of payments or to identify the issues it would be required to meet. Each development would be considered on its own merits</p>
<p>It is not at all clear what is being sought under this item or how need for any contribution will be assessed.</p>	<p>It is explained what it is but can not identify all the issues it may cover. The need will be assessed on a site by site basis.</p>

## Adult Social Care

This section is vague in terms of the level of requirement or what it might be used for.	It is not considered that the section is vague it is to be used on capital projects for adult care.
The basis for this contribution is questioned as it is difficult to see how it relates to additional schemes/new developments. The form of payment and amounts are not specified.	The basis for this contribution is set in the Local Plan Policies to meet community needs. The form of payment and amounts would be addressed on a case by case basis.

## Affordable Housing

Circular 6/98 has been cancelled and replaced with the Delivering Affordable Housing Policy Statement, November 2006	corrected
The policy approach makes no allowance for site suitability, viability or deliverability. It is unclear how such onerous proportions will help to readdress the current under provisions of affordable housing. Simply increasing the burden upon developers will make sites more costly to develop, stifle development and put increasing strain on RSLs partnering with developers.	If there extenuating circumstances because of other financial requirements of the site these will be taken into account if submitted.
PPS3 identifies that the affordable housing requirement should be viable and practicable. The issues and option bear no reference to viability, which is a prime concern when undertaking a development. Particularly in the transitional period when the developer has already secured the land at a certain price, prior to the implementation of this supplementary planning document, it may now become unviable to bring this land forward for development.	If there extenuating circumstances because of other financial requirements of the site these will be taken into account if submitted.
The requirement must be related directly to local need and not to an arbitrary aspiration applied to the whole of the District. In addition, there are sites where the provision of affordable housing is inappropriate, where sites are too small to be developed profitably if an element of affordable housing is required or where the local need for affordable housing has not been identified. It is therefore inappropriate for all sites to be required to provide for 30% affordable housing and this option should be amended to include "where appropriate".	Affordable housing is required across the authority. If there extenuating circumstances because of other financial requirements of the site these will be taken into account if submitted.
Increased proportions of affordable housing on development sites are not conducive with achieving sustainable mixed communities as PPS3 or the Governments Sustainable Communities Plan suggests. There is a need to balance and mix communities and for that mix to include tenures that reflect the assessed needs of the market and not an aspirational figure that is imposed irrespective of urban and rural characteristics.	It is considered that this can achieve a balanced and mixed community which would not affect the urban and rural characteristics.
A blanket tenure approach (75% social rented) would not take into account the specific characteristics of each site. The tenure should be determined in accordance with the need and demand within a locality and not overall across the district. Similarly with housing types, planning policy should not prescribe the dwelling mix. It should be considered on a site-by-site basis in accordance with the need and demand within a locality and not overall across the district.	This would appear to be reasonable and in accordance with PPS3
Should more social rented dwellings be required, the selling price of the market housing will need to be increased in order to cover the costs of providing more as the developer gets the least returns from this affordable housing products. This will ultimately widen the affordability gap. Therefore, it is essential that an appropriate balance be struck in order to balance needs	noted
There are concerns of 10 houses or more being proposed to trigger the need for affordable housing.	The threshold is 15 dwellings
The requirement that 75% of affordable housing is to be for social rent is opposed. Tenure split will be set by RSS and LDD policy which has yet to be scrutinised by an independent panel. The SPD should reflect the final version of the policy when this is known.	This is in line with the Council's adopted SPD on affordable housing.
Affordable housing in villages should be provided to meet local need and on the basis set out in Village Appraisals or other supplementary planning documents for that village and not based on CBC borough wide	There is already adopted SPD on affordable housing and village appraisals or other SPD are unlikely to change such requirements

<p>criteria for rented accommodation at 75% of the total number of units to be provided as stated on page 30(4). As this percentage for rent may not be the most effective way of providing affordable housing in villages. Consultation should take place during the initial planning process to establish the most effective type of affordable accommodation to be provided within the development.</p>	<p>since this requirement is based on policy and recognised housing needs studies.</p>
<p>PPS3 (paras 27 - 29) clearly states that its Affordable housing section (paras 27 - 29) should be read in conjunction with the Governments Affordable Housing Policy Statement. Therefore the whole of the advice should be reflected in this section of the LDF SIO6 in its entirety which includes the opportunity to set an even lower threshold in rural areas. The overall target set by LPAs should reflect the new definition etc. It is noted in pan 29 that LPAs can set a lower minimum threshold where viable and practical, including rural areas. Considering the findings of the most recent Housing Needs Survey it is essential that a target of less than 15 dwellings is appropriate for rural villages in Charnwood. It is clearly supported by the research of the Housing Needs Survey. Therefore a reduced threshold minimum target should be adopted in these circumstances and be contained in para 8. The draft East Midlands Regional Plan suggests that it would be appropriate to consider setting separate targets in rural areas. Therefore current National and Regional advice supports the view of the CPRE in order to provide affordable housing in village locations. CPRE consider that a minimum threshold in rural areas should be 0.1 Ha and/or capable of accommodating at least 3 dwellings. It is interesting to note that NW Leicestershire District Councils' draft Affordable Housing Document, presently under consultation, has responded to this key issue with a <u>Key Principle - Site thresholds</u>. This states that <i>The provision of affordable housing will be sought on sites of 0.2/1a in size and/or capable of accommodating at least 6 dwellings. In rural areas the threshold will be reduced to 0.1/1a and/or capable of accommodating at least 3 dwellings.</i></p>	<p>The document follows the advice in the Affordable Housing SPD and until the evidence is available to indicate a lower threshold should be adopted for rural areas the adopted approach should be followed. If evidence shows otherwise then amendments will be necessary to both documents. Otherwise the comments are noted.</p>

### Appendix 3 List of contacts

<p>Suggest that the list of contacts recognises that other bodies may make requests for SIO6 contributions e.g. British Waterways and therefore pre-application consultation is important.</p>	<p>Noted</p>
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### Appendix 4 Model SIO6 Agreement

### Appendix 5 References

## Sustainability Appraisal Report

### Document generally

<p>The aim of the SPD in offering greater certainty to applicants, officers, and Members makes good sense. However, <i>'ensuring that any new development pays due regard to the site context and features, planning objectives for</i></p>	<p>This is not the case, however sometimes policies are set aside depending on the circumstances of the case, and these issues</p>
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<p><i>the area and existing amenities</i> 'is not guaranteed. The Local Plan supposedly offers the same assurances, but its policies have been 'overlooked' on countless occasions by some officers and Members in coming to a determination of planning applications.</p>	are fully debated.
<p>The planning objectives are:  <i>'A ... sustainable development which responds to the needs of the area and its surroundings and relates sensitively to its neighbours; To conserve and enhance the historic, cultural and built environment; To promote vibrant and viable settlements'</i>          These objectives cannot be argued against. However, the public's experience is that such objectives go by the board if it seems 'expedient' that the development should go ahead e.g. the Wharf development, which did not adhere to these specific planning objectives which again, are part of the Local Plan.</p>	Each application is considered on its own merits.
<p>Wish to see slightly more detail in respect to the sub objectives and their discussion within the commentary field in the sustainability appraisal. The landscape/townscape character comment would benefit from further detail on built design, the need to incorporate local design characteristics and the possibility of linking new and existing development/open space through green infrastructure. Whilst we fully appreciate that such matters are not directly linked to this topic, a steer to developers towards the council's aspirational expectations can only be advantageous to the built environment and the community as a whole.</p>	These are not issues that can be part of this SPD
<p>The objective to optimise the use of renewable resources can be strengthened by changing the can to <u>should</u> therefore reading as <i>however such matters should be taken into account in the detail and design of the scheme</i>, reference could also be made to the newly strengthened Code for Sustainable Homes</p>	It is stated that these are not issues can be part of this SPD and such matters can to be considered on the application. Changing the wording here to should does not change anything.

## Sustainability Appraisal Report Appendix 2

<p><i>'Maintain and enhance landscape and townscape character by: Minimising the detrimental visual intrusion of development;          Minimising light pollution'</i>          These policies are also integral to the Local Plan, but were totally ignored in granting permission for the Wharf development. Will they not only be observed but <i>adhered</i> to in the new SPD?</p>	This is not accepted.
<p><i>'Reduce contributions to climate change          Reduce vulnerability to climate change'</i>          The objectives are to:  <i>Reduce greenhouse gas emissions, Reduce energy consumption'</i>          Why are there no specific requirements on these issues in this document? They should be a material consideration in any kind of development and should not be omitted from the SPD. Without SMART targets these objectives are meaningless. Changing one light bulb for an energy saver light bulb would meet them. They must be expressed as a % and be timed. They must be Specific, Measurable, Achievable, Realistic, Time-Bound. Having anything less makes a nonsense of the policy.</p>	It is a material consideration on an application but is not an issue to be covered by a legal agreement.
<p><i>'Minimise the use of energy and optimise the use of renewable resources'</i>          The objectives are to:  <i>'Increase measures to ensure energy efficiency Increase the use of renewable energy supplies Increase supply of locally produced clean energy eg combined heat and power'</i>          The Commentary states that: <i>'This document does not address this issue. However such matters can be taken into account in the detail and design of the scheme.</i> This approach is too open to the use of the term 'expediency' or to 'on balance' views of officers. It should be included in the SPD as a requirement of any development —</p>	This is covered by the design and detail and not required to be covered by a legal agreement

<p>domestic or commercial. If CBC is truly 'green' and not simply paying lip-service, this document MUST address this issue for all large scale developments on designated sites and public works developments such as hospitals, schools, Council Amenities &amp; Offices (e.g. Southfields, the Leisure Centre - they should be as subject to I06 agreements as any other developer)</p>	
<p><i>'Promote a strong community where people feel they have a say in the future'</i>  The objective is to: <i>increase community engagement and the capacity of the local community to influence decisions.'</i>  This policy is welcomed, but what does it mean in practice? The consultation process at the moment puts the community on the back foot. We are asked to comment, as with this consultation document, long after Cabinet has given its approval to the draft. If community as stakeholder is to have a proper role in influencing decisions, public consultation needs to take place <i>before</i> the draft goes to Members. The Council needs to make a commitment to fully taking on board the public's views. Without a commitment to implement the majority (say&gt;65%) of feedback received, exhortations to the public to engage in the local government process is tokenism.</p>	<p>All comments made on this document will be fully considered.</p>
<p><i>'Ensure that the housing stock meets the needs of all sections of the community'</i>  The requirement to provide affordable homes in new developments of more than 15 dwellings is a positive step. In many developments within Loughborough, however, the price of 'exclusive' apartments and 'quality' town houses is well beyond the reach of many local people who do not come into the category of qualifying for social housing. Added to that, the takeover of family houses by the buy-to-let market is forcing many young and not so young Loughburians to live in their parental homes far longer than previously. The need for reasonably priced housing within larger developments should become a I06 obligation which is <i>not</i> over-rideable in any major development. This would enable local first time buyers who wish to remain in Loughborough to get on the first rung of the housing ladder.</p>	<p>noted</p>