

South Worcestershire Development Plan

Developer Contributions Supplementary Planning Document (SPD)

Statement of Consultation:

July 2018

1. **Introduction**

- 1.1 This consultation statement has been prepared in accordance with Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The statement sets out who was consulted on the Revised Draft Developer Contributions Supplementary Planning Document (SPD), when and how, and summarises the representations received and how they have influenced the Developer Contributions SPD.

2. **Name and Purpose of the SPD**

Name

- 2.1 South Worcestershire Revised Developer Contributions Supplementary Planning Document (SPD)

Purpose

- 2.2 The purpose of the Developer Contributions SPD is to set out the South Worcestershire Councils' approach to seeking developer contributions via the South Worcestershire Development Plan (SWDP) for infrastructure or environmental improvements required as a result of allocated development or additional windfall development. It is intended for use by all interested parties including developers, planning agents and the general public. It seeks to provide an understanding of when planning obligations will be expected and how developer contributions will be used.
- 2.3 The SWDP policies relating to infrastructure provision are;
- SWDP3: Employment, Housing and Retail Provision Requirement and Delivery
 - SWDP5: Green Infrastructure
 - SWDP6: Historic Environment
 - SWDP7: Infrastructure
 - SWDP4: Moving Around South Worcestershire
 - SWDP5: Green Infrastructure
 - SWDP14: Housing Mix
 - SWDP15: Meeting Affordable Housing Needs
 - SWDP16: Rural Exception Sites
 - SWDP22: Biodiversity and Geodiversity
 - SWDP23: The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty

- SWDP24: Management of the Historic Environment
- SWDP25: Landscape Character
- SWDP28: Management of Flood Risk
- SWDP29: Sustainable Drainage Systems
- SWDP30: Water Resource, Efficiency and Treatment
- SWDP37: Built Community Facilities
- SWDP38: Local Green Network
- SWDP39: Provision for Outdoor Community Uses in New Development, and
- SWDP43 to SWDP61 with regard to specific infrastructure requirements associated with site allocations policies.

3. Who was Consulted on the SPD

3.1 The Revised Draft Developer Contributions SPD consultation was targeted towards those organisations, agents and developers with an interest in the delivery of infrastructure. The statutory consultees set out in regulation 4 of The Town and Country Planning (Local Planning) (England) regulations 2012 were all consulted. The list below provides an overview of the types of organisation consulted. A collaborative approach has been taken to the preparation of the Developer Contributions SPD; relevant internal colleagues have been directly involved in contributing to and reviewing the draft.

4. How Were People Consulted?

4.1 A revised draft version of the South Worcestershire Developer Contributions SPD was the subject of public consultation from the 2nd February 16th March 2018.

4.2 A notification letter was sent to a wide range of consultees as summarised below in time for the start of the consultation. The Revised Draft Developer Contributions SPD was also available on the three South Worcestershire Councils' websites and the SWDP website, together with an electronic response form, for the duration of the consultation period. Hard copies of the Revised Draft SPD were placed in the Customer Service Centres and libraries throughout South Worcestershire, together with hard copy response forms. A press release was also issued to promote the consultation within the local area.

5. What Issues were Raised and how have these Been Addressed in the Developer Contributions SPD?

- 5.1 20 responses were received 9 from public sector organisations, 4 from representatives of registered providers, 3 from representatives of developers, 2 from community groups and 2 from Parish and Town Councils.
- 5.2 The 20 responses have been split into 67 separate representations. Responses on behalf of developers and registered providers raise concerns about the proposed increase in the scope and scale of developer contributions. Specific concerns include the suggestion that the new developer contributions do not pass the NPPF tests for developer contributions and that in one case at least there are other sources of finance to fund infrastructure.
- 5.3 Sport England's response does not support the proposed additional developer contributions for sport pitches. This is a very significant challenge to the inclusion of a tariff based approach to collecting developer contributions for this open space typology and is consistent with Sport England's representations to the SWDP examination.
- 5.4 Following informal consultation with Worcestershire County Council the Children, Families and Community Planning Team have agreed to the retention in the SPD of exemptions for affordable housing units.
- 5.5 The most significant changes to the Supplementary Planning Document as a result of this consultation are:
- Inserting an explanation that contributions for formal sports pitches are only justified if evidence shows that there is a clear deficit in provision that development will make worse.
 - Insertion of an additional explanation about when education contributions will be sought via a Section 106 agreement.
 - Amendments to achieve a consistent approach to exemptions for affordable housing.
 - Amendments to the health contributions section to ensure the example contribution provides a transparent basis for determining the value of contributions and changes to ensure any contribution is proportionate to the specific characteristics of a development.

6. Summery List of Consultees

- Worcestershire County Council
- Parish and Town Councils
- Parish, Town and District Councils adjoining south Worcestershire
- The Police and Crime Commissioner
- The Local nature partnership
- The Coal Authority
- The Environment Agency
- English Heritage
- Natural England
- Network Rail
- Highways England)
- Utility providers
- The Homes and Communities Agency

Table One Revised South Worcestershire Developer Contributions Supplementary Planning Document Responses to Consultation 2nd February 16th March 2018.

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
1	Worcestershire Health & Care NHS Trust		Support for the inclusion of Health Contributions as set out under section 2.6	Noted	No Change
2			Endorse the proposal at section 2.7 to consider the impact of development on Health related infrastructure other than GP Practices	Noted	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
3	Worcestershire Acute Hospitals NHS Trust		Population growth has the same impact on demand for hospital infrastructure as GP surgery facilities. There are practical and unfunded financial impacts upon Acute NHS Trust services that arise from new developments	Agree, however the larger the catchment area for public services the more difficult it is to show a direct link between a development and demand on services. The SWCs do not have evidence to quantify the acute health costs that arise from new development. The South Worcestershire Council's Regulation 123 list makes clear that strategic health facilities will be funded from CIL receipts.	No change
4			Insert 'and hospital' between GP and infrastructure in para 2.6.2		
5			Insert 'Trust' after Clinical Commissioning Group in para 2.6.18		
6			In paras 2.6.10 to 2.6.13 add 'Developments of over 50 dwellings will normally be expected to contribute to the provision of acute healthcare infrastructure'.		

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
7			We would suggest a developer contributions of between £1,000 and £1,500 per dwelling this figure should be based on a local evidence base.	The SWCs do not have an evidence base from which to determine the appropriate charge per dwelling.	
8			Insert 'or acute' between primary and medical in para 2.6.16 and 'acute healthcare infrastructure' after surgery.	See response above.	
9			Add a specific reference to acute healthcare infrastructure in section 2.7 if the above changes cannot be made.	Agree section 2.7 could include acute health care infrastructure	Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
10	Highways England		Welcome the requirement for Transport Assessments to be undertaken and that developments that generate additional traffic will be subject to planning obligations and developer contributions to mitigate any impacts on the road network, including the Strategic Road Network.	Noted	No Change
11	Worcestershire Regulatory Services (WRS)		WRS have no adverse comments to make with regard to the above consultation.	Noted	No Change
12	Natural England		No comment	Noted	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
13	Historic England		We note that the historic environment is not addressed specifically within the document, and you may wish to consider its inclusion in a reasonable and proportionate fashion.	Noted the SPD is intended to provide guidance about the likely value of developer contributions which may be sought from development. There is no planning benefit to the inclusion of site specific infrastructure costs such as those that may arise from development in or adjacent to heritage assets	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
14	Environment Agency		The existing flood alleviation schemes have been constructed to protect existing properties and should not be used to enable new development. In cases where new development is reliant of an existing flood alleviation scheme developer contributions towards the maintaining, operating and/or storing it are justified.	Agree this should be made clear in section 2.5	Change
15			Developer contributions should also be sought towards the maintenance of flood warning systems when a development is dependant on these (£1,000 per dwelling).		

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
16			Developments on or affecting contaminated land may be required to provide a developer contribution towards the costs of on going ground water monitoring.	Agree	Change, ground water monitoring has been added to the list of contributions at paragraph 2.7
17			Where a development requires new or improved flood defences the developer is expected to provide these or pay for the timely completion of the necessary works.	Agree this is already included in paras 2.5.8 and 2.5.9	No Change
18			Where there are identified infrastructure constraints within your Council's Water Cycle Strategy it may be appropriate to use a planning obligation for foul drainage infrastructure	This is a matter for the SWDP review. Noted	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
19			Sport England do not support a standards approach to the provision of sports pitches. Sport England recommend that a needs based approach is taken in line with paragraph 73 of the NPPF.	Agree the SPD cannot seek developer contributions that are not in accordance with the NPPF, however it can set out the costs that developers may face in cases where there is evidence of need for additional formal sports pitches.	Change an explanation that contributions for formal sports pitches will only be sought where there is clear evidence of an infrastructure deficit that will be increased if development is approved has been added on page 11
20	Sport England		The proposed Fields in Trust benchmark of 1.2 hectares per 1,000 residents is a national standard, this may not deliver playing pitches that meet identified needs. Sport England preference is for standards based on locally derived data.	Agree however developer contributions are justified where there is existing infrastructure deficit that will be increased if development is approved and the Fields in Trust standards have been accepted for decades as the standard for planned development.	

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
21			The proposed cost per 1,000 additional residents seems a little on the conservative side.	To ensure developer contributions are fully justified and cannot be challenged by developers it is sensible to set charges at a level that is easily justified on the basis of the costs of providing the infrastructure	Change to reflect the latest update to Sport England's costings bulletin
22	Worcestershire County Council		Worcestershire County Council education contributions are currently under review, a number of changes to the education section will be required to ensure the SPD remains up to date	There are no plans to update this SPD following this revision. Any conflict between Worcestershire County Council policy and planning policy will be resolved at the determination of the planning application in accordance with the adopted SWDP policy and the revised Developer Contributions SPD.	Change, minor updating of the text and the re-introduction of the paragraphs about exemptions have been agreed
23			Add post 16 provision in para 2.4.3	This would not pass the test of no other willing provider.	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
24			Remove indexing from para 2.4.6 and add costs will be reviewed annually	This will ensure costs remain in line with real world costs for education places.	Change
25			Para 2.4.7 replace "will be used" with "is currently used".	This change may result in disputes about what pupil yield figure should be used but it is likely that the SPD will be updated again before this issue arises.	Change
26			Para 2.4.8 re-word to better explain the phases of education available in different parts of South Worcestershire.	Agree this improves the clarity of this paragraph.	Change
27			Delete para 2.4.9 and refer to the education evidence base document.	The education evidence base document is not yet available and has not been the subject of public consultation. The result is that the basis for developer contributions is not transparent.	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
28			Para 2.4.11 re-word to explain when education places will be funded via S106 agreements and CIL receipts.	Agree this improves the clarity of this paragraph.	Change paras 2.4.11 to 2.4.14 can be merged into a single para to explain the relationship between CIL and S106 in South Worcestershire.
29			Para 2.4.12 re-word to allow contributions from smaller developments	This appears to contradict the changes sought to para 2.4.11	
30			Delete para 2.4.13 as this is no longer relevant	Only if the changes to Para 2.4.12 are made	
31			Move para 2.4.19 so that it follows para 2.4.14 and delete May before 2018.	The delays in the production of the education evidence base for developer contributions means that developer contributions for education provision have not been set in a transparent way as required by national planning policy.	Change to re-instate the original paragraphs about exemptions.
32	Worcester Civic Society		The Civic Society welcome the publication of the Revised Developer Contributions SPD	Noted	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
33	Malvern Town Council		How was the Community Infrastructure Levy set for the Great Malvern urban area?	This is explained in the evidence base for the South Worcestershire CIL charging schedules and is not relevant to this consultation.	No Change
34			What plans are being prepared to mitigate the ongoing flooding in the Great Malvern urban area.	This is a matter for the South Worcestershire land drainage service, Severn Trent Water and the Environment Agency and is not relevant to this consultation.	No Change
35	Hagley Parish Council		Support for the inclusion of contributions for health related infrastructure other than GP practices.	Noted	No Change
36	Herefordshire & Worcestershire Earth Heritage Trust		No specific comments	Noted	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
37	Tetlow King Planning	West Midlands HARP	Reiterate the statement in 2016 version of the SPD that social rented housing, intermediate housing and specialist housing for the elderly or people with disabilities will be counted as a nil contribution.	Agree exemptions should be consistent across all types of developer contributions.	Change to ensure exemptions from developer contributions are consistent between different types of infrastructure.
38			Further guidance on what the Council expects to be included within a Health Impact Assessment is necessary to avoid delays to the determination of applications. This should be included in the developer contributions SPD or briefly within an update to the validation checklist.	This is a matter for the South Worcestershire Planning for Health SPD or a review of the validation checklists in each of the three South Worcestershire Councils.	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
39			Contributions for health care facilities should not be sought from affordable units as generally affordable housing units are only made available to people on the local housing register and therefore already registered with a GP. Contributions for health care facilities should only relate to additional costs arising from inward migration.	Agree exemptions need to be consistent across different types of developer contributions.	Change
40			Consideration should also be given to exceptions or discounts for extra care and care home developments which provide healthcare facilities on site, as these have been shown to reduce the burden on local primary healthcare facilities.	This is contrary to the advice received from the Clinical Commissioning Group.	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
41			A review of the Worcester validation check list is over due and a revised checklist needs to include the all the SWDP requirements for documents required when an application is submitted.	Comment passed on to Deputy Director Planning.	No Change
42	Sanctuary Housing		The education evidence base document is not available; can this be shared so we can see the likely impact on developer contributions?	Agree however it is the intention of Worcestershire County Council to consult on the content of the education evidence base document before it is adopted as County Council policy.	No Change
43			Do the South Worcestershire Councils plan to introduce any sort of reduction or exemption for affordable housing units from health developer contributions?	This was not the intention but exemptions should be consistent across different types of developer contributions.	Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
44			<p>What information will take precedence should there be any conflict between the evidence in a Health Impact Assessment and the mitigation required by the Clinical Commissioning Group before development can be approved.</p>	<p>The formula to determine the value of any health contributions is set out in the SPD. Health Impact Assessments should be focused on providing healthy environments if over time these reduce the demand on GP services this can be reflected in the formula for determining health contributions. The risk of any policy conflicts arising is very slight.</p>	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
45			Using an average number of bed spaces per dwelling to calculate health contributions will result in the contribution from developments of smaller dwellings not being proportionate to the nature of the development contrary to national policy	Agree	Change, paragraph 2.6.9 has been amended to include a range of rates depending on the size of dwellings.
46	Rooftop Housing Group		We object to developer contributions that reduce our ability to deliver affordable homes. Taking into account the work we do as a Housing Association and not just a developer we would encourage the South Worcestershire Planning Policy Team to consider an exemption from developer contributions for all Housing Associations.	Agree such an exemption will be considered and included in the final version of the SPD unless those seeking developer contributions can justify that seeking contributions from affordable housing is proportionate.	Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
47	Walsingham Planning Ltd	Bovis Homes	Delete new para 2.4.19 and re-instate the preceding paragraphs. The exemptions policy should remain part of SPD and not be left to a separate document produced by another authority. The previous exemptions remain fully justified.	Agree	Change - the original paragraphs have been reinstated
48			The SPD should make clear what education infrastructure will be funded from CIL receipts.	Agree	Change - text added at para 2.4.4 and paras 2.4.11 to 2.4.14 have been deleted
49			The SPD should make clear that developer contributions to address existing deficiencies in health infrastructure are not justified.	Agree however this is not just limited to health, this will be made clear in the introduction to the SPD.	Change, add a sentence to para 1.1.3 to make clear developer contributions can not be used to pay for infrastructure that seeks to provide for existing infrastructure deficits.

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
50			The SPD should make clear what health infrastructure will be funded by CIL and S106 agreements.	The South Worcestershire CIL Charging Schedules are the appropriate place to provide this clarity. GP services are not strategic health facilities.	No Change
51			The SPD should make clear that the opportunity will be given to agree the level of health contributions at the pre-application stage.	Agree	Change, add text to para 2.6.18
52			The time period to spend health contributions should be 5 years.	Disagree 10 years is used in the vast majority of circumstances and allows time for up to five contributions to be combined to fund necessary infrastructure improvements.	No Change
53			Agree with para 5.3.2 re viability appraisals.	Noted	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
54	RPS Planning & Development	Gleeson Strategic Land & Welbeck Strategic Land	RPS is concerned at the extra policy burdens the revised SPD will place on development at Malvern North East.	The necessary infrastructure to support development at Malvern North East is set out in SWDP policy SWDP56. The Revised Developer Contributions SPD will not add to these requirements as it is primarily concerned with developer contributions required when infrastructure is not provided within a development. Malvern North East can provide all the necessary infrastructure to support this development on site.	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
55			RPS has concerns over the introduction of costs relating to formal pitches resulting in an increase in the open space costs per dwelling. These additional costs have not been tested in a viability assessment and could compromise the delivery of the SWDP's strategic policies.	These costs only apply where no on site provision is made they will not apply to strategic allocations which include the necessary infrastructure to support development in the policy wording.	No Change
56			The exemptions to developer contributions for education infrastructure should be set out in the SPD. Without these the SPD does not provide the certainty required in national policy and contributions have not been set in a transparent way.	Agree	Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
57			The additional requirements for health contributions have not been explained in a transparent way. The example calculation should allow these costs to be calculated by a developer at the pre planning stage	Agree, the NHS costs per sqm should be included in the SPD.	Change, add the cost per sqm to the example calculation.
58			Disagree with the inclusion of arrangements for clawback clauses in S106 agreements.	Noted, there is no change to these sections of the SPD as a result of the proposed revisions.	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
59			There is a lack of transparency over the source of costs included within the SPD	Where firm figures have been used the SPD includes and explanation of how these have been set. Some infrastructure types, typical those not collected directly by local planning authorities have no clear costs per dwelling. The SWCs are dependant on others for this information and it has been requested.	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
60	David Lock Associates	Hallam Land Management	The inclusion of costs associated with the provision of sports pitches is not proportionate or appropriately evidenced.	Agree but these costs will only arise in cases where no on site provision is made or developers wish the local planning authority to adopt public open space. If these costs are more than on site provision developers have the option to avoid them by making on site provision and using alternative arrangements for future maintenance.	No Change
61			The draft provides no cost figures for health infrastructure, once these are made available re-consultation should be carried out.	Agree that clarity requires the cost per sqm of health floor space to be included in the SPD.	Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
62			The costs of health infrastructure have not been tested via the SWDP Examination in Public or the Community Infrastructure Levy Charging Schedule Examination. There is a case that the CIL rate should be revisited if these additional S106 costs are placed on development.	Agree but the proposed health contributions are in accordance with SWDP7 as they will secure appropriate and proportionate infrastructure to support development.	No Change
63	Tetlow King	Rentplus UK Ltd	The Worcester City Council validation checklist is out of date and leaves developers to decide whether or not to provide information in support of applications based on a list which has been superseded in policy terms.	Agree, this has been referred to the Deputy Director Planning.	No Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
64			As residents of new affordable housing are pulled from the existing local area, there is no new need generated by such developments for Education places and so the exemption remains appropriate. Exemptions to contributions should be set out in the SPD. The deleted paragraphs should be reinstated.	Agree	Change
65			As above affordable housing development does not create additional demand for health services and as such should be exempt from these contributions.	Agree	Change

Rep No.	From	On Behalf Of	Response	Officer Comment	Change/No Change
66			NHS arrangements for capital investment are based on this being funded from anticipated future income. GP practices receive a rent payment based on the size of the building and new capital costs can be met by barrowing against this rent funding. Therefore contributions may not pass the national policy tests that planning obligations are the minimum necessary and that another provider cannot meet the forecast demand.	This is not correct the CCG reimburses the actual rent of GP premises where this is applicable and the money can only be used for rent, not for anything else.	No Change
67			The formula for health contributions should be precisely drafted to provide certainty and rigor when determining planning applications.	Agree	Change