



Draft Developer Contributions and Planning Obligations SPD

Consultation Responses Document

November 2013

Draft Developer Contributions and Planning Obligations SPD – Consultation Responses Document – November 2013

The following summarises the responses received as part of the consultation on the Draft Developer Contributions and Planning Obligations SPD which was undertaken between 16th September and 28th October 2013.

Part 1 Approach to Developer Contributions and Planning Obligations

Q1 Do you feel that the Council’s proposed approach to Developer Contributions and Planning Obligations is appropriate and if not how could it be improved?

Respondent	Comments	NSDC Response	Proposed Action
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes	<p>The consultee refers to the ‘Funding Statement’ which was submitted as part of the examination in to the Site Allocations & Development Management DPD and consider that the Council have not streamlined the Developer Contributions SPD (which they said they would do).</p> <p>Whilst acknowledging that the Development Management Policy DM3 facilitates negotiation on S106 contributions where financial viability is an issue, it should be clear to the Council that the overall burden of obligation on the developer is way too high.</p> <p>Considered that the current consultation document, with its proliferation of requirements does little to clarify infrastructure priorities as appeared to be the message contained within the Funding Statement submission EB38 to the examination of the Site Allocations DPD.</p> <p>In their opinion, the Council needs to review the nature and extent of the obligations sought, the levels of financial contribution sought and/ or be clearer in where the Council's priorities lie in this difficult housing market.</p>	<p>Whilst the market is currently experiencing difficult times, recent market activity appears to be improving and this document needs to be sufficiently flexible to work in all financial circumstances. Therefore this document needs to be future proofed and reflect the varying requirements of different sites and locations within the District. As a result it covers the greatest range of common contributions that the Council may wish to seek.</p> <p>It has become clear that developers are seeing the SPD as a list of requirements for all sites. It is recommended that the document is amended to make it clearer that it is only</p>	<p>Section 1 - Introduction, Part 2 after paragraph 8.1 and Appendix A</p> <p>Insert text box stating:</p> <p><i>‘It should be noted that contributions will not be requested as a per dwelling payment as a matter of course. It is the impact of each individual proposal that will need to be assessed on a site by site basis to identify what contributions may be needed to make development acceptable.’</i></p> <p>Section 2 - Purpose of the SPD:</p> <p>Insert new paragraph’s</p>

Respondent	Comments	NSDC Response	Proposed Action
<p>Antony Asbury Associates Ltd – On behalf of Larkfleet Homes Continued</p>		<p>where the proposed scheme has such an impact on the provision of services / infrastructure that it should be refused unless appropriate contributions are sought to mitigate the effects of development.</p> <p>In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.</p>	<p>2.4 - 2.6 to include reference to the Council's Funding Statement and priorities for allocated sites, alongside references to the Infrastructure Delivery Plan</p> <p>Insert new sentence at the end of paragraph 4.3:</p> <p><i>'Where a need is established, the way in which these types of facilities /services may be sought is set out in part 2.'</i></p> <p>Amend Paragraph 6.12, Second sentence to say:</p> <p><i>'Contributions will be expected from those developments which exceed the predetermined thresholds, where they are necessary to make the development acceptable.'</i></p> <p>Delete first sentence of paragraph 8.3</p>

Respondent	Comments	NSDC Response	Proposed Action
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes Continued			<p>Appendix A - Insert new paragraph above schedule for Schedule for Residential Schemes:</p> <p><i>‘Whilst it is unlikely that the majority of development will trigger all of the requirements indicated in the schedule below, they reflect the widest range of common contributions which may be sought. It is therefore important that developers liaise / engage with the LPA through the pre-app and application stages to understand the specific impacts in the location of their proposed development.’</i></p>
Canal & River Trust	The approach is considered appropriate	Support is welcomed and noted	No further action required
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottingham Community Housing Association	Where sites are being developed for 100% Affordable Housing Schemes an exemption on planning contributions should be considered. Without this some Housing Associations will be deterred from investing in NSDC and will invest in LA areas where planning contributions are required. This is particularly relevant given the reduction in grant funding available to HAs	The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Nottingham Community Housing Association Continued		provision by relevant providers. In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.	
Nottinghamshire County Council	Approach is considered appropriate	Support is welcomed and noted	No further action required
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required

Q2 Purpose of the SPD – Do you agree that this section of the SPD is appropriate and if not how could it be improved?

Respondent	Comments	NSDC Response	Proposed Action
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes	No issue with the purpose of the SPD. Concern relates to the extent and quantum of obligations proposed within the document which have not been substantially refined or reduced since the introduction of CIL. With these unrealistic aspirations for developer contributions there is no clarity either for the developer or the Council as to an appropriate level of contribution and where infrastructure priorities lie.	See response to Antony Aspbury Associates Ltd in relation to Question 1	See proposed actions in response to consultee's comments on Question 1.
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottinghamshire County Council	This section is considered appropriate	Support is welcomed and noted	No further action required
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required

Q3 Procedural Matters - Do you agree that this section of the SPD is appropriate and if not how could it be improved?

Respondent	Comments	NSDC Response	Proposed Action
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes	Consider this section to be appropriate however question whether some of the contributions sought satisfactorily meet the tests within CIL Regulation 122.	See response to Antony Aspbury Associates Ltd in relation to Question 1	See proposed actions in response to consultees comments on Question 1
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottinghamshire County Council	This section is considered appropriate	Support is welcomed and noted	No further action required
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required

Q4 Phasing Viability and Renegotiation - Do you agree that this section of the SPD is appropriate and if not how could it be improved?

Respondent	Comments	NSDC Response	Proposed Action
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes	Support the proposed phasing, viability and deferment provisions within the document. These are considered to be essential, particularly in a context where the 'bar' is set too high for developer contributions from the outset.	Support is welcomed and noted	No further action required
Barton Willmore – On behalf of Catesby Estates Residential	<p>The consultee sets out the importance of viability on a scheme and refers to the work undertaken by the District Council to develop the CIL Charging Schedule and Allocations & Development Management DPD and what this means in respect of charges per dwelling.</p> <p>The consultee notes that the costs set out in the draft SPD are significantly higher and as such would have considerable impacts on the viability of schemes and the possibility of development coming forward over the plan period.</p>	See response to Antony Aspbury Associates Ltd in relation to Question 1	See proposed actions in response to Antony Aspbury Associates Ltd comments on Question 1

Respondent	Comments	NSDC Response	Proposed Action
Barton Willmore – On behalf of Catesby Estates Residential Continued	Request that further analysis of the implications on a cumulative basis (of the SPD), combined with other requirements such as CIL and Affordable Housing, is undertaken in order to fully understand the potential impact on the delivery of new development. Where this is likely to have a negative impact, the rates should be amended accordingly		See proposed actions in response to Antony Aspbury Associates Ltd comments on Question 1
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottinghamshire County Council	This section is considered appropriate	Support is welcomed and noted	No further action required
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required

Q5 Late Payments and Enforcement - Do you agree that this section of the SPD is appropriate and if not how could it be improved?

Respondent	Comments	NSDC Response	Proposed Action
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottinghamshire County Council	This section is considered appropriate	Support is welcomed and noted	No further action required
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required

Q6 Monitoring Obligations - Do you agree that this section of the SPD is appropriate and if not how could it be improved?

Respondent	Comments	NSDC Response	Proposed Action
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottinghamshire County Council	This section is considered appropriate	Support is welcomed and noted	No further action required

Part Two Types of Contribution

Q7 Affordable Housing – Which of the options for calculating commuted sums for affordable housing do you think is the most appropriate and why?

Respondent	Comments	NSDC Response	Proposed Action
<p>Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes</p>	<p>The individual viability of a scheme will be the main determinant in agreeing the level of affordable housing provision, in the light of the extensive list of S106 'requirements' that NSDC has set out in this DPD alongside the CIL tariff.</p> <p>In circumstances however, when a commuted sum is payable, clients are of the view that options b) and potentially option e) represent their preferred options. Option b) is perhaps the more traditional approach and in the current market where few schemes will viably deliver the full 30% target , the most straightforward to implement as the calculation will reflect actual site specific cost considerations and can be demonstrated in the developer appraisal</p>	<p>See response to Antony Aspbury Associates Ltd in relation to Question 1</p> <p>The consultation response is noted. However having had regard to the responses on this matter in total and previous responses in relation to the Affordable Housing SPD, it is the Authorities opinion that Option C is the most appropriate method for securing the requirements of that SPD</p>	<p>See proposed actions in response to consultees comments on Question 1</p> <p>Amend ‘How are the costs calculated and what are they?’ section of the table in Section 9 Affordable Housing to confirm that Option C is the approach which will be used by the Council to secure commuted sums for affordable housing.</p>
<p>Clipstone Parish Council</p>	<p>Consider that the lowest calculation should be used to encourage affordable housing</p>	<p>The consultation response is noted. However having had regard to the responses on this matter in total and previous responses in relation to the Affordable Housing SPD, it is the Authorities opinion that Option C is the most appropriate method for securing the requirements of that SPD</p>	<p>Amend ‘How are the costs calculated and what are they?’ section of the table in Section 9 Affordable Housing to confirm that Option C is the approach which will be used by the Council to secure commuted sums for affordable housing</p>

Respondent	Comments	NSDC Response	Proposed Action
Nottingham Community Housing Association	The actual contribution a developer makes when providing an affordable unit is the lost income from selling to a Registered Provider at a discount. i.e. Open market value (less selling costs) less the amount an RP would pay for that unit. (option c)	Agreed	Amend 'How are the costs calculated and what are they?' section of the table in Section 9 Affordable Housing to confirm that Option C is the approach which will be used by the Council to secure commuted sums for affordable housing
Southwell Town Council	D) For the commuted sum to be a standard sum set annually by the District Council, based on the latest average house price data available for the relevant housing market/need area. This option will make it simpler to calculate and as the number of affordable houses is already set by the size of the development it will provide the funds required to provide affordable housing elsewhere. This standard sum will need to be reviewed annually.	The consultation response is noted. However having had regard to the responses on this matter in total and previous responses in relation to the Affordable Housing SPD, it is the Authorities opinion that Option C is the most appropriate method for securing the requirements of that SPD	Amend 'How are the costs calculated and what are they?' section of the table in Section 9 Affordable Housing to confirm that Option C is the approach which will be used by the Council to secure commuted sums for affordable housing

Q8 Community Facilities - Do you believe the Council's approach to Community Facilities, including thresholds and calculations, is appropriate?

Respondent	Comments	NSDC Response	Proposed Action
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes	There appears to be no available evidence related to the IDP or newly adopted Site Allocations DPD identifying any justified need to upgrade any specific community facilities within the respective settlements where site allocations are made. Believe the Council are the only authority seeking contributions on this basis and we consider that such contribution, as necessary needs to be justified in documented evidence as opposed to being requested in each case as a per dwelling payment as a matter of course.	As noted in response to Antony Aspbury Associates Ltd in relation to Question 1, contributions will not be requested as a per dwelling payment as a matter of course. Only where evidence of need, as a result of the proposed	See proposed actions in response to consultees comments on Question 1

Respondent	Comments	NSDC Response	Proposed Action
		development, can be shown for a specific community facility will payments be requested.	
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Mr Hardy - Business Manager - Community, Sport & Arts Development	<p>Whilst the threshold of 10 dwellings has not changed ideally it would be lower. Despite this happy to use this figure if considered appropriate.</p> <p>Notes that allotments have been added to the definition of community facilities (para. 10.1). However there is no reference to heritage, although this could fit under the broader definition of cultural activity, it is queried as to whether it should it be mentioned though for the avoidance of doubt</p>	<p>The desire for a lower threshold needs to be balanced against the ability to collect contributions from a limited number of sites. It is considered that a threshold of 10 dwellings is still the most appropriate</p> <p>Allotments will be retained within the SPD however this adequately addressed within Section 14 (Open Space)</p> <p>Heritage needs tend to be quite site specific and can often be addressed by the imposition of an appropriate condition.</p> <p>As set out in paragraph 6.3 of the Draft SPD the LPA may wish to negotiate other obligations where they are considered necessary and relevant to a development.</p>	<p>No further action required</p> <p>Delete reference to allotments at the end of paragraph 10.1</p>
Nottingham Community Housing Association	100% Affordable Housing schemes should be exempt	The District Council is a reasonable authority and requests for contributions will	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Nottingham Community Housing Association Continued		<p>be based on objectively assessed need, following consideration of the impact of development on existing service provision by relevant providers.</p> <p>In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.</p>	
Nottinghamshire County Council	This section is considered appropriate	Support is welcomed and noted	No further action required
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required

Q9 Education Provision - Do you believe the Council's approach to Education provision, including thresholds and calculations, is appropriate?

Respondent	Comments	NSDC Response	Proposed Action
Antony Asbury Associates Ltd – On behalf of Larkfleet Homes	<p>The consultee does not question the need for school places to be funded by development. However they note the significant cost implications of providing a school on the larger strategic sites around Newark.</p> <p>Considers that where a school site is required in addition to new school construction costs, the land value element of the site should be offset against CIL. As CIL levels are not proportionally lower for strategic urban extensions it is felt that the application of the 'land in-lieu of CIL principle ' should be applied to developers required to provide school sites within the major urban extensions</p>	<p>As CIL monies are not being used for primary education it would not be appropriate to reduce the CIL bill.</p> <p>However as set out on the 'Regulation 123 List of Infrastructure to be funded by CIL' the District Council propose to use this funding mechanism to contribute towards</p>	<p>New paragraph 4.5 added to clarify this point:</p> <p><i>'Secondary schools are included within the Council's Reg 123 List of infrastructure to be funded by CIL. Therefore if new or improved secondary education is required as</i></p>

Respondent	Comments	NSDC Response	Proposed Action
Antony Asbury Associates Ltd – On behalf of Larkfleet Homes Continued		secondary education (and a number of strategic highway improvements). Therefore if new or improved secondary education was required as part of the development Section 73 of the CIL regulations would allow for land to be provided in lieu of CIL payments. Such requests will need to be made in accordance with the criteria within the CIL Regulations.	<i>part of the development Section 73 of the CIL regulations allow for land to be provided in lieu of CIL payments. Such requests will need to be made to the District Council in accordance with the criteria within the CIL Regulations. Primary education is not on the Reg 123 list and therefore is covered by the provisions of this SPD.'</i>
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottingham Community Housing Association	100% Affordable Housing schemes should be exempt	<p>The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by relevant providers.</p> <p>In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.</p>	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Nottinghamshire County Council	The County would welcome a reference within the document to its own Planning Contributions Strategy.	Agreed	Insert signposting reference to the County Councils Planning Contributions Strategy (which is available on their website) at sections 11, 13 and 15.
	Requests that the Council note that the LEA is now the Local Authority (LA) - Para 11.2 & page 19 1st paragraph	Comments Noted	Amend Para 11.2 & page 19 1st paragraph to say Local Authority (LA)
	With reference to the trigger payment for new schools (page 19 - 2nd paragraph) this can be amended to read This may not be appropriate rather than this will not be appropriate	Comments Noted	Amend last sentence of 2nd paragraph of page 19 to say: <i>'This may not be appropriate,.....'</i>
	Pupil projections are revised annually (3rd bullet point at bottom of page 18 and 19) however the date given is changing. The consultee has contacted their Data Management section for a revised date, but has not received a response in time for the consultation deadline.	Comments Noted	Amend 3rd bullet point at bottom of page 18 and 19 to read: <i>'Pupil projections are revised annually; and'</i>
	With reference to the revised cost per dwelling (page 20) The document refers to 'this figure being updated as and when the DfE produces updated information'. However, the DfE no longer provide a revised figure. For the purpose of commenting on this document it might be more appropriate just to say that the figure will be updated annually. The County Council would like to then discuss how they are going to address this in their policy first. Revising the figure annually based on any increase in the PUBSEC index would seem a way forward.	Comments Noted	Amend 1 st sentence of first paragraph on page 20 to say: <i>'This figure will be updated annually.'</i> Delete all references to the Department for Education in 'How are the costs calculated and what are they?'
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required

Q10 Health - Do you believe the Council's approach to Health, including thresholds and calculations, is appropriate?

Respondent	Comments	NSDC Response	Proposed Action
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes	<p>Consultee has no issue with the principle of contribution where it is clearly required and justified such as with new premises within major new urban extensions, how it is considered that there needs to be greater clarity from the CCG's when contributions are sought for smaller scheme.</p> <p>There appears to be no firm evidence base to clearly identify where existing facilities may need to be improved and/or extended as a result of development of sites identified in the Site Allocations DPD, which could provide more clarity and certainty for developers assessing their S106 obligation.</p>	<p>Any contributions sought are to deal with the impact of the development. Until the level of development proposed is known it is not possible to know whether or not new or improved provision will be required. Therefore requests for health provision will be dealt with on a case by case basis. The Council will consult the health authority when applications are submitted and where contributions are requested this will be accompanied by appropriate evidence.</p>	No further action required
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottingham Community Housing Association	100% Affordable Housing schemes should be exempt	<p>The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by relevant providers.</p> <p>In accordance with the NPPF, no proposals should be subject to</p>	No further action required

Respondent	Comments	NSDC Response	Proposed Action
		such a scale of obligation and policy burden that its ability to be developed viably is threatened.	
Nottingham Trent University	Request that the SPD explicitly recognise that Nottingham Trent University already provides healthcare facilities at its Brackenhurst campus, both for its students who live on campus and in Southwell and the area generally. The Council will need to take into account the Healthcare facilities provided by the university at the Campus.	The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by providers.	No further action required
Nottinghamshire County Council	This section is considered appropriate	Support is welcomed and noted	No further action required
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required
Mr Thomas	Considers that it is unlawful for councils to demand anything more than land in regard to health given the Government have a statutory duty to provide the actual facilities and if it can be secured by other existing legislation it is not permitted to do so by other means.	If new development has an impact of health services to an extent that a demonstrable need for further investment is required, it is considered reasonable to request the contributions set out within the SPD	No further action required

Q11 Libraries - Do you believe the Council’s approach to Libraries, including thresholds and calculations, is appropriate?

Respondent	Comments	NSDC Response	Proposed Action
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes	<p>The consultee notes that the approach to library contributions has not changed significantly over the years. They question the approach and feel that the balance between the building costs and stock costs needs to be reviewed in light of technology changing the nature and format of reading and learning resources available and the extent to which we need to access and utilise library premises.</p> <p>As part of the monitoring process of this SPD, they would wish to see a review provided by Nottinghamshire County Council to justify ongoing library contributions, particularly for the building element of the contributions sought.</p>	<p>The County Council has a statutory responsibility under the terms of the 1964 Public Libraries and Museums Act, to provide “a comprehensive and efficient library service for all persons desiring to make use thereof”.</p> <p>In Nottinghamshire, public library services are delivered through a network of library buildings and mobile libraries.</p> <p>Nottinghamshire County Council are consulting on a Draft Planning Obligations Strategy between 16th October and 13th November 2013 (available on their website). This includes reference to seeking Library contributions and the rationale / justification for this.</p>	No further action required
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottingham Community Housing Association	100% Affordable Housing schemes should be exempt	The District Council is a reasonable authority and requests for contributions will be based on objectively	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Nottingham Community Housing Association Continued		<p>assessed need, following consideration of the impact of development on existing service provision by relevant providers.</p> <p>In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.</p>	
Nottinghamshire County Council	This section is considered appropriate	Support is welcomed and noted	No further action required
Nottingham Trent University	Request that the SPD explicitly recognise that Nottingham Trent University already provides a library for students at its Brackenhurst campus, both for its students living on campus and in Southwell and the area generally. The Council will need to take into account the existing library facilities at the campus.	The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by providers.	No further action required
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required

Q12 Open Space - Do you believe the Council's approach to Open Space, including thresholds and calculations, is appropriate?

Respondent	Comments	NSDC Response	Proposed Action
Barton Willmore – On behalf of Catesby Estates Residential	In the context of large scale development such as Land South of Newark, where extensive areas of public open space are proposed well in excess of the Council's standards to the benefit of both new and existing residents, some allowance for potential economies of	Permissions where provision of this kind is likely are few and far between. However, the District Council is a reasonable	No further action required

Respondent	Comments	NSDC Response	Proposed Action
	scale should be acknowledged within the Draft SPD in respect of maintenance contributions	Authority and negotiations will take place on a site by site basis where special circumstances may apply.	
Canal & River Trust	The approach is considered to be appropriate. In certain cases where development occurs close to waterways, developer contributions towards improvements to the waterway corridor should be considered within the amenity greenspace and 'natural/semi-natural greenspace' categories. This could be used to fund towpath improvements, vegetation management, links to green routes, facilities for waterway users and interpretation of heritage structures where this is required to make a development acceptable in planning terms and related to the development in question. This could occur for example where a new development would result in higher levels of footfall on a length of riverside walkway or where the waterway corridor could be drawn into the greenspace provision requirements resulting from development.	Applications for development close to waterways could be considered within the Amenity Green Space and Natural / Semi-Natural Green Space Categories where appropriate. As set out in paragraph 6.3 of the Draft SPD the LPA may wish to negotiate other obligations where they are considered necessary and relevant to a development.	No further action required
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Environment Agency	Support that developer contributions will be sought towards open space as this can also benefit flood risk management by securing green areas for flood water storage or green corridors adjacent to watercourses that benefit people and wildlife and satisfies other environmental criteria such as Water Framework Directive improvements and habitat creation, in line with the England Biodiversity Strategy	Support is welcomed and noted	No further action required
Natural England	Welcomes the SPD as it will allow for positive benefits for their core interests in biodiversity protection and enhancement and provision of public open space. Particularly welcome Section 14 on Open Space and the recognition of its importance both for biodiversity and the health and well-being of local people. The consultee is encouraged by the inclusion of bullet point 4 of	Support is welcomed and noted	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Natural England Continued	paragraph 14.2 which promotes biodiversity within open spaces with green links between habitats.		
	Consultee recognises that the standards for access to natural and semi natural green space which have been set out in the Local Standards for Green Space table broadly concur with their own Accessible Natural Green Space Standards (ANGSt)	Support is welcomed and noted	No further action required
	SANGS Natural England consider that the Council has taken a positive approach to the section on Suitable Alternative Natural Green Space (SANGs) which relates to the proposed mitigation for the identified likely significant effects on the Birklands and Bilhaugh SAC. They acknowledge that their recommendation that SANGs must be provided for “in perpetuity”, made in their comments to the Allocations and Development Management Strategy, has been incorporated into the wording of this document in paragraph 14.4 which we consider will provide greater security for SANG provision.	Support is welcomed and noted	No further action required
	Express concern about the threshold limit of 30 houses which may trigger the need for SANG provision and would like to see the evidence on how this number has arisen. This is because SANG provision will be required for any development which may lead to an effect on a European site as a result of a recreational pressure. In addition the 30 houses threshold does not take into account possible in-combination effects resulting from individual smaller scale development. Natural England advises a similar approach to the one taken in the current SPD (October 2008) which does not outline a threshold in relation to mitigation measures (under Natural Heritage). Instead it states that the trigger is all development which may have an impact on ecologically sensitive features and locations will need to be assessed individually.	Concern is noted. It is acknowledged that, in some circumstances, smaller developments, such as children’s homes may have a greater impact than a larger development for sheltered accommodation. Therefore on reflection it is considered that it is best to take an impact led approach whereby likely pressure is assessed based on the nature of the development proposed rather than by the size or land-take.	Remove reference to Residential trigger in “Type and size of development which may trigger need”

Respondent	Comments	NSDC Response	Proposed Action
Natural England Continued	Further detail is required to outline how SANGs will be secured through the planning system, including their delivery and on-going management, e.g. will this be through developer contributions via s106 agreement or through the Community Infrastructure Levy.	As set out in section 14 of the SPD, it is proposed that SANGs may be secured through S106 agreements.	No further action required
	Suggest that the SPD should make reference to the potential Sherwood SPA which may also require green infrastructure areas in the future to prevent recreational disturbance. Although this area has yet to be designated it is advisable to take a risk based approach for the future.	Not considered appropriate as a SPA has not been designated. The provisions of Core Strategy Policy CP12 'Biodiversity & Green Infrastructure' already allow for such provision to be negotiated	No further action required
Nottingham Community Housing Association	100% Affordable Housing schemes should be exempt	The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by relevant providers. In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.	No further action required
Nottinghamshire County Council	This section is considered appropriate	Support is welcomed and noted	No further action required
Nottingham Trent University	Request that the SPD explicitly recognise that Nottingham Trent University already provides extensive sports and open space	The District Council is a reasonable authority and	No further action required

Respondent	Comments	NSDC Response	Proposed Action
	facilities for students at its Brackenhurst campus, both for its students living on campus and in Southwell and the area generally. The Council will need to take into account the open space facilities provided at the campus.	requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by providers.	
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required
The Woodland Trust	The consultee is pleased to see that natural greenspace is considered in this section and that the Natural England ANGST standard is quoted as a measure of how much such greenspace may be needed. Think it is important that woodland is included as part of natural greenspace in new development, in appropriate locations. The consultee has developed an access to woodland standard to measure the requirement for new woodland as part of development. This aspires that everyone should have a two hectare or larger wood within 500 metres of their home and a wood of at least 20 hectares within 4 kilometres. Would be happy to discuss this with officers in more detail on request.	The consultees access to Woodland Standard aspirations are noted. As set out in paragraph 6.3 of the Draft SPD the LPA may wish to negotiate other obligations where they are considered necessary and relevant to a development.	No further action required

Q13 Transport - Do you believe the Council's approach to Transport, including thresholds and calculations, is appropriate?

Respondent	Comments	NSDC Response	Proposed Action
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes	The move away from the sliding scale of financial contributions previously sought by Nottinghamshire County Council through their Integrated Transport Contributions policy is welcomed. The revised approach, with contributions assessed on a site by site basis, tied to a demonstrable need for specific improvements linked directly to the site development and identified through a Transport Statement or Transport Assessment is supported	Support is welcomed and noted Support is welcomed and noted	No further action required No further action required

Respondent	Comments	NSDC Response	Proposed Action
Clipstone Parish Council	Agree with Proposed approach	Support is welcomed and noted	No further action required
Nottingham Community Housing Association	100% Affordable Housing schemes should be exempt	The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by relevant providers. In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.	No further action required
Nottinghamshire County Council	This section is considered appropriate The County would welcome a reference with the document to its own Planning Contributions Strategy.	Support is welcomed and noted Agreed	No further action required Insert signposting reference to the County Councils Planning Contributions Strategy (which is available on their website) at sections 11, 13 and 15.
Southwell Town Council	Approach is considered appropriate	Support is welcomed and noted	No further action required

Any Other Comments

Respondent	Comments	NSDC Response	Proposed Action
Anglian Water - Growth Planning & Equivalence Team	No comments to make on basis that Anglian Water were consulted during the Allocations and Development Management Options consultation in 2011 in which it was identified that no proposed sites were located within their catchment area.	Support is welcomed and noted	No further action required
Antony Aspbury Associates Ltd – On behalf of Larkfleet Homes	<p>NSDC have not streamlined the Developer Contributions DPD as proposed in the evidence submissions to the Site Allocations and Development Management DPD. As a result, Newark & Sherwood's combined requests for CIL and S106 Contributions remain amongst the highest in the region and this has had implications for a slowed rate of housing development starts in the District due to viability considerations.</p> <p>The knock-on implications of an overly high request for financial contributions, is that one or more elements of the package will have to give and that almost invariably means a reduction in the level and/or tenure mix of the affordable housing offer. This will continue to be the case unless the Council set clear priorities for S106 expenditure and refine or rephrase their Developer Contributions SPD accordingly.</p>	See response to Antony Aspbury Associates Ltd in relation to Question 1	See proposed actions in response to consultees comments on Question 1
Barton Willmore – On behalf of Catesby Estates Residential	<p>The consultee considers that the Draft SPD provides little or no recognition of the fact that in accordance with the adopted Development Plan, each Strategic Site seeks to deliver a new community comprising a range of on-site facilities to serve its new residents and to enable a sustainable pattern of development.</p> <p>The consultee considers that the SPD should acknowledge that in such cases facilities associated with such development will be provided by the developer as part of a comprehensive development, as opposed to making financial contributions via Planning Obligations and relying on other parties to deliver them.</p>	Permissions where provision of this kind is likely are few and far between. However, the District Council is a reasonable Authority and negotiations will take place on a site by site basis where special circumstances may apply. Where facilities are provided by the developer there will not be a need for other mechanisms to provide them.	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Clipstone Parish Council	The Council applauds the target of 30% affordable housing. There is still a dire shortage of rented and 1 bedroom properties. Many recent applications for large scale development have excluded affordable housing.	Noted, as set out in this SPD and the Affordable Housing SPD the District Council will continue to seek provision of affordable housing where appropriate and viable. This will be achieved either through on site provision or commuted sums.	No further action required
Collingham Parish Council	The document talks about decisions over the needs of the community being made by the developer and District Council. The Parish Council would ask that the local community and Parish Council are consulted over decisions to be made as they have a greater knowledge of the area than either the developer or District Council.	Members raised the issue of the involvement of Town & Parish Councils in providing valuable local knowledge to support the Local Planning Authority drawing up Section 106 agreements at a previous meeting. In carrying out the consultation the District Council, raised this issue specifically at the Parish Council Conference and in the letters sent to Parishes.	The results of this element of the consultation will help inform our future approach to Town & Parish Council involvement in the process, and this will be separately reported to committee in the New Year.
	The document talks about the number of services that are required for 10+, 30+ houses etc. The Parish Council feels that piecemeal development also needs to be taken into consideration. If 10 separate planning applications are passed for 1 new house each, this would have the same effect on the communities services and amenities as one development of 10 houses.	The desire for a lower threshold needs to be balanced against the ability to collect contributions from a limited number of sites. It is considered that a threshold of 10 dwellings is still the most appropriate	No further action required
English Heritage	Consider that 'Cultural Heritage' should be one of the topic areas covered. This is due to the historic environment and its importance to the Districts character and identity.	Heritage needs tend to be quite site specific and can often be addressed by the imposition of	No further action required

Respondent	Comments	NSDC Response	Proposed Action
English Heritage Continued	<p>The SPD presents the opportunity for contributions to be sought for the preservation, maintenance and enhancement of historic features which will help strengthen local places and communities in accordance with Para. 126 of the NPPF</p>	<p>an appropriate condition.</p> <p>As set out in paragraph 6.3 of the Draft SPD the LPA may wish to negotiate other obligations where they are considered necessary and relevant to a development.</p>	
	<p>Contributions to heritage at risk, or enhancement of historic townscape through public realm improvements, would help new development have a more positive effect on the character and appearance of a place. This does not negate the need for proper consideration of the merits of a particular scheme; no amount of financial contribution will make a bad scheme avoid having a negative effect on a historic place.</p>	<p>Heritage needs tend to be quite site specific and can often be addressed by the imposition of an appropriate condition.</p> <p>As set out in paragraph 6.3 of the Draft SPD the LPA may wish to negotiate other obligations where they are considered necessary and relevant to a development.</p>	No further action required
Environment Agency	<p>There is currently no provision in the SPD or any other mechanism for securing funding directly for flood risk management in light of the NSDC CIL Charging Scheme. Where existing flood risk management assets exist that may not provide a level of protection appropriate for the full life of the development, there may also be opportunities for developers to contribute towards the upgrade of these assets</p>	<p>Flood Risk Management needs tend to be quite site specific and can often be addressed by the imposition of an appropriate condition.</p> <p>As set out in paragraph 6.3 of the Draft SPD the LPA may wish to negotiate other obligations where they are considered necessary and relevant to a development.</p>	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Environment Agency Continued	The consultee questions the required investment for water and sewerage to accommodate growth will be delivered? In order to explore this further it is considered the Council will need to consult with Seven Trent Water and Anglian Water.	<p>The needs for water and sewerage are very site specific and can often be addressed by the imposition of an appropriate condition.</p> <p>As set out in paragraph 6.3 of the Draft SPD the LPA may wish to negotiate other obligations where they are considered necessary and relevant to a development.</p> <p>There is a statutory duty for various elements of water and sewerage to be provided. As part of the development of the infrastructure Delivery Plan and this SPD the Council consulted both Anglian Water and Severn Trent Water</p>	No further action required
Home Builders Federation	<p>The consultee refers to previous work that was undertaken which indicated an allowance of £5,000 per unit for financial contributions and £2,000 (plus CIL Charge). It is considered that the Council should clarify the justification for the draft SPD setting out combined CIL charges and Section 106 contributions in excess of those allowances previously viability tested during the plan making process. The draft SDP is in contravention of the principles outlined in Paragraphs 173,174 and 175 of the NPPF.</p> <p>The increases in combined CIL and S106 payments are unjustified and such cost increases will impede the delivery of development across Newark & Sherwood District Council's</p>	<p>This document needs to be future proofed therefore it covers the greatest range of contributions that the Council may wish to seek.</p> <p>However as set out in paragraph 8.3 of the Draft SPD, only the very largest of applications are likely to be subject to all of the requirements detailed within</p>	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Home Builders Federation Continued	administrative area.	<p>the SPD. The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by relevant providers.</p> <p>In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.</p> <p>Whilst the market is currently experiencing difficult times, recent market activity appears to be improving and this document needs to be sufficiently flexible to work in all financial circumstances.</p>	
Homes & Communities Agency	Note the content of the SPD including the role of CIL and S106 agreements, addressing viability in connection with the NPPF, affordable housing needs and other contributions arising from development in the District. Support overall proposals	Support is welcomed and noted	No further action required
Highways Agency	The consultee has no comments on the SPD, as their major concerns for impacts on the A1 and A46 have been accommodated by CIL, and other more localised impacts will be addressed with individual developers via a S278 agreement where required.	Comments noted	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Newark Town Council	<p>There is a concern that the imposition of Section 106 Agreements could result in a disincentive to future developments by imposing additional financial obligations over and above the CIL. Concern that that these could make Newark too dear for future developers who will be looking at competing sites in other towns and locations.</p>	<p>The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by relevant providers.</p> <p>In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.</p>	No further action required
	<p>A more pro-active role and engagement with Parish Councils is missing from the document. Local Government is moving into a period where it is likely that more and more services will be provided at the Parish Council level and it is vital therefore that the provision of services and/or investments are agreed with them in advance as they may well become the organisation that takes on the future running and financial responsibility for them. In this context it is important that the financial contributions which accompany every S106 Agreement, both one off capital and on-going revenue elements, are passed to Parish Councils if they are taking on the future responsibility for the service</p>	<p>Members raised the issue of the involvement of Town & Parish Councils in providing valuable local knowledge to support the Local Planning Authority drawing up Section 106 agreements at a previous meeting. In carrying out the consultation the District Council, raised this issue specifically at the Parish Council Conference and in the letters sent to Parishes.</p>	<p>The results of this element of the consultation will help inform our future approach to Town & Parish Council involvement in the process, and this will be separately reported to committee in the New Year.</p>
	<p>Whilst the document identifies the range of infrastructure needs that can be included within a S106 Agreement there appears to be no hierarchy or ranking of these, whilst it is understood that each development will need to be considered individually and each may</p>	<p>As infrastructure can only be required as a result of individual developments it is unfortunately not possible to</p>	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Newark Town Council Continued	have very different impacts and consequently infrastructure needs, there does not appear to be any process for agreeing what is needed and can be delivered apart from a negotiation with individual developers. The Town Council feels that a more rigorous assessment of priorities with service providers, including Parish Councils, would be beneficial.	<p>prioritise needs.</p> <p>Members raised the issue of the involvement of Town & Parish Councils in providing valuable local knowledge to support the Local Planning Authority drawing up Section 106 agreements at a previous meeting. In carrying out the consultation the District Council, raised this issue specifically at the Parish Council Conference and in the letters sent to Parishes.</p>	The results of this element of the consultation will help inform our future approach to Town & Parish Council involvement in the process, and this will be separately reported to committee in the New Year.
Southwell Town Council	<p>Councillor. S Rodgers: Disappointed to see that only libraries are listed as having a contribution with no mention of heritage facilities. This would be a perfect opportunity to raise funds towards provision of museums and heritage education centres. The District is rich in heritage and as a tourist destination it would benefit from additional provision throughout the district. It has been proved that children gain a much better sense of place and pride in their locality when provided with an opportunity to link with their village / towns past.</p>	<p>Heritage needs tend to be quite site specific and can often be addressed by the imposition of an appropriate condition.</p> <p>As set out in paragraph 6.3 of the Draft SPD the LPA may wish to negotiate other obligations where they are considered necessary and relevant to a development.</p>	No further action required
	<p>Councillor P Handley: Has been asked to respond on behalf of Southwell Town Council, and confirms full agreement with the proposals made'.</p>	Comments noted	No further action required

Respondent	Comments	NSDC Response	Proposed Action
Southwell Town Council Continued	<p>Councillor P Harris: Supports the general principle of the SPD however does not agree with Councillor Handley's blanket support.</p> <p>There is no clear localisation of the SPD income; proposes that any SPD income should be devolved to local parishes as a principle, or at the very least ring fenced to the parish locality of the development.</p> <p>Also larger applications where there is an SPD contribution there should be engagement with the local Parish Council [as there is with the County Council] in order to ensure that the contribution is appropriate, and manageable.</p>	<p>Comments noted</p> <p>Contributions can only be sought where they are necessary to make the development acceptable. Therefore it is implicit that in seeking contributions it is to offset the impact of the development in the relevant area. Any requests for contributions will be in accordance with the three tests set out in the NPPF and CIL Regulations.</p> <p>Members raised the issue of the involvement of Town & Parish Councils in providing valuable local knowledge to support the Local Planning Authority drawing up Section 106 agreements at a previous meeting. In carrying out the consultation the District Council, raised this issue specifically at the Parish Council Conference and in the letters sent to Parishes.</p>	<p>No further action required</p> <p>No further action required</p> <p>The results of this element of the consultation will help inform our future approach to Town & Parish Council involvement in the process, and this will be separately reported to committee in the New Year.</p>

Respondent	Comments	NSDC Response	Proposed Action
Southwell Town Council Continued	<p>Councillor P Harris: Where there is an affordability issue, the local Parish Council should also be engaged with to ensure that there is a common approach to the reduction of requirement when viability is queried by developers.</p>	<p>Members raised the issue of the involvement of Town & Parish Councils in providing valuable local knowledge to support the Local Planning Authority drawing up Section 106 agreements at a previous meeting. In carrying out the consultation the District Council, raised this issue specifically at the Parish Council Conference and in the letters sent to Parishes</p>	<p>The results of this element of the consultation will help inform our future approach to Town & Parish Council involvement in the process, and this will be separately reported to committee in the New Year.</p>
	<p>Councillor P Harris: There should be presumption against off-site contributions. This should be done by weighting the commuted sum for off-site contribution with an additional 10%. If offsite contributions are unavoidable, must be limited to the parish where the development is located.</p>	<p>Where appropriate the District Council will seek on site contributions as a first option. Where this is not appropriate, off site contributions can be sought to provide the required infrastructure which is needed to make the development acceptable. Developer Contributions/Planning Obligations are not a tax and there is no justification for imposing a 10% increase of contribution over and above what is require under the tests set out in the NPPF and CIL Regulations.</p>	<p>No further action required</p>
	<p>Councillor P Harris: On the SA there should be a line indicating that where there is a</p>	<p>The District Council has not undertaken a Sustainability</p>	<p>No further action required</p>

Respondent	Comments	NSDC Response	Proposed Action
Southwell Town Council Continued	Neighbourhood Plan the LPA will support the process of SA in the development and application of the Plan, especially where there is a requirement for an SPA.	Assessment of this SPD because in screening the SPD it has been determined that one is not necessary. Matters relating to the Neighbourhood Plan and the need for a Sustainability Appraisal/Strategic Environmental Assessment are not relevant to this process.	
Mr Thomas	<p>Notes the reference within the document which refers to the need for smaller affordable housing units due to the high house price to income ratio. Whilst low level of income is a consideration, it should not mean that the houses provided are smaller and that people should live in a home which is not fit for purpose.</p> <p>There is a need to promote solutions which address economic issues</p>	Comments noted	No further action required