

Draft Developer Contributions Supplementary Planning Document

Part Three - Schedule of responses to pre draft consultation on Heads of Terms Report and Scoping Report and LPA comments

Section/Paragraph	Organisation/Individual	Issues Raised	LPA Comments in response to issues raised
Heads of Terms			
Paras. 7.7 & 8.5	North Yorkshire County Council – Education Service	1.1 Officer comments only. (Note the Education Service will become the 'Children's Services from April 2006)	Noted
Para 7.7		1.2 The current position regarding Section 106 contributions towards educational facilities are accurately described.	Noted
Paras. 7.9/7/10		1.3 Questions the potential for extending eligibility for contributions towards additional educational places to uses other than residential; though could conceive of possibility of contributions to childcare for employees.	One aspect of educational provision that could appropriately attract developer contributions arising out of non-residential developments would be for places on vocational courses at secondary and tertiary levels. There may be others. There could be an overlap here between standard educational contributions and contributions for employment development training.
		1.4 There are occasional inconsistencies in the thresholds at which contributions are sought (seeks clarification).	Officers raised the issue of thresholds with Members at the P&R committee meeting of 22 November 2005 and it was resolved that the thresholds for seeking education contributions should be amended to 15 dwellings in urban areas and 5 dwellings in rural areas. This resolution has been discussed with the NYCC officers. It is clear that there would be considerable difficulty in justifying contributions from small housing developments. For example, a scheme of 5 dwellings would be assumed to introduce one new child (whose parents may or may not choose the local school) to the village/local area; through the multiplier this would produce insufficient money to achieve any improvement

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Paras. 8.5 – 8.7		1.5 Considers that the policy should extend to secondary education . SDC, through development briefs for large housing sites, has sought contributions for secondary/tertiary education. It may be appropriate now to extend this to all developments.	<p>to the facilities at any Primary School that is oversubscribed.</p> <p>No other District in the County appears to operate with a threshold lower than 25 dwellings (originally the suggested threshold was 40 dwellings – assumed to introduce 10 children of Primary School age). However, the County officers considered that a threshold of 15 dwellings could possibly be workable in rural areas where there are small schools. The situation is complicated further with the introduction of contributions for Secondary Schools into the equation. In addition there would be a significant resource cost in negotiating, securing and using the money, if indeed there was anything on which the money could reasonably and justifiably spent. The approach adopted is to propose thresholds of 25 dwellings in urban area and 15 in rural areas.</p> <p>An extension of the policy on education contributions to secondary and possibly local tertiary education provision would be both logical and in planning terms reasonable. This issue was also the subject of discussions with NYCC and it was agreed that this was a logical, feasible and justifiable addition to the current policy. NYCC are responsible only for the provision of places for Secondary education for children of 16 years of age or less. It is proposed that a threshold of 150 dwellings or sites of 5 hectares be set; NYCC have calculated a multiplier of 0.13; that is 150 new dwellings could introduce about 20 children aged 11-16 into the local</p>

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		<p>1.6 It is of great importance to consider the <u>application</u> of developer contributions for education, care, health and community facilities as a whole. NYCC LEA has always advocated co-locating services when considering substantial housing development and the requirements of the new Children’s Services will make this even more important. Reflection of this ‘multi-agency shared agenda’ within development plans.</p>	<p>area for whom secondary school places would be required. Responsibility for over 16’s lies with the Learning and Skills Council. It is suggested that at this time there is insufficient information available on which to determine clear criteria for a general district-wide threshold setting and the calculation of multipliers for post 16 education; However, the District Council would consider the individual circumstances relating to any large-scale development and if a specific, justifiable need can be demonstrated in the local area, that would arise out or be sufficiently aggravated by the development</p> <p>It is considered that only where larger housing schemes are concerned can the co-location of a range of social and community facilities be realistically and reasonably sought, e.g. the Staynor Hall Farm development in Selby. However, when considering the range of community benefits that may reasonably be sought in connection with any development, discussions with all the relevant providers should address issues arising out of the interrelationships between the different services that may be affected and co-location may in some instances be one of the relevant issues.</p>

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	The Countryside Agency	2.1 Some elements of development and developer contributions could have significant effects on the landscape , e.g. recreation open space, transport and highways and infrastructure.	It is not considered that any significant effects on the landscape would emanate from the application of this SPD, including in the terms of the spirit of the SEA Directive. This issue is addressed in the SA of this SPD Rather the effects would be the result of the requirements of existing legislation, planning policy guidance and development plan policies, including specific policies in the SDLP. Additionally the relevant policies of the SDLP have been the subject of a Sustainability Appraisal in connection with the preparation of this SPD, whilst the RSS and much of the relevant planning policy guidance has been subject to an SA or some other form of appraisal of their environmental effects.
	Yorkshire Forward	3.1 Welcome the opportunity to comment on local planning policy making as a statutory consultee. 3.2 Welcome the preparation of the DC-SPD and support the identification of the issues likely to be the subject of developer contributions and the potential methodologies [for assessing them]. However, given the long list of [matters] that could be the subject of negotiations, it would be helpful if the LPA's/Communities priorities were made more explicit.	Noted It is difficult to be explicit with a set of priorities for all development across the whole District that would be applied consistently for all sites. It is considered that the principle, contained in planning policy guidance, of considering and negotiating the provision of developer contributions on a site by site basis means that the priorities will be determined having regard for all the relevant circumstances that exist at the time the proposal for development is being determined and the place in which it is to be built. Having said this, the thresholds set for considering whether contributions will

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		<p>3.4 Also, the methodologies and formulae used in calculating contributions are made available in the SPD, thus improving the transparency and the certainty for all involved in the process.</p> <p>3.5 To address the growing need for affordable housing in the District, especially in smaller settlements, feel that the SPD should require all proposals for new housing development to</p>	<p>be sought, effectively establish priorities; in addition it is clear that, in most circumstances, matters such as Affordable Housing, education contributions and recreation open space, for which there are long established and very firmly based policies will often be high priorities. But there could potentially be individual sites where something like overcoming a crucial physical impediment to development could take up so much resource that there may be limited availability of funds for other requirements, which might thus be assigned a lower than normal priority.</p> <p>Methodologies and formulae for assessing and calculating contributions, are included in the SPD, where there is a clear basis for doing so. In the cases of some subject areas covered in the SPD, e.g. enhancing the public realm, such detailed methodologies, formulae are not available and, within the more general parameters set out in the SPD, will be negotiated on a site by site basis, having regard for the full range of circumstances in each case. For example, taking account of the impact of the particular development on the Public Realm, whether visually or in other ways and assessing whether mitigation can reasonably be achieved through an enhancement to the Public Realm.</p> <p>The new Selby Housing Needs Study (2005) has led to adoption of a threshold of 15 dwellings. This is down from the 25 dwellings threshold set in the SDLP, which was based on, what is now, out-of-date housing needs</p>

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		<p>make some level of contribution to affordable housing. Recognise that for some smaller development proposals providing affordable housing on-site may not be viable or practical; in these cases a financial contribution towards off-site provision, though [wherever practicable] on-site provision should be encouraged.</p>	<p>information and planning policy guidance and development plan policies that are in the process of change (Draft PPS3 and the Plan for Yorkshire and the Humber. In addition, it is regarded as sensible, legitimate, rational and justified for the LPA to alter policy at this time on the basis of the recognition in the SDLP of the following factors/issues:</p> <ul style="list-style-type: none"> a) There will be a shortfall in the provision of affordable housing in the District; b) The need to negotiate the “precise amount of and mix of subsidised housing, low-cost market housing and general, market housing ... taking account of the extent of local need, site size, suitability and the economics of provision.” (an extract from Policy H4), which implies the necessity of keeping housing need under review and; c) The need to respond to developing national policy for housing and planning. <p>However, though the policy change to a threshold of 15 dwellings/0.5 hectares and a ‘contribution’ of 40% of the housing on a site, is considered to be fully justified for the reasons set out above, it is not considered by the LPA that a further, fairly radical change, for example to sites of 5 or more dwellings in rural areas, would not be warranted without taking such a proposal through a formal process based on a consideration of relevant strategic and local planning issues set out in the Core Strategy and possibly the housing delivery DPD.</p>

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		<p>3.6 With regard to the methodology for establishing the precise type of affordable housing to be provided, the [SPD] would have the maximum benefit if it was based on the identified needs in the local community. The housing should fill a gap in terms of size, type or tenure in the local community. This approach would make a valuable contribution to the development and maintenance of balanced and sustainable communities.</p> <p>3.7 Open space makes a significant contribution to creating sustainable and balanced communities, by improving quality of life through recreational and health benefits. The SPD should also require developer contributions from a range of uses, including larger commercial developments (e.g. retail/office).</p> <p>3.8 Public art can make a valuable contribution to enhancing the visual appearance of towns and villages, highlight local identity and enhance civic</p>	<p>It is agreed that the needs of the local community are of paramount importance in determining the precise type of affordable housing (for local needs). Thus, it is considered that in almost all circumstances on-site provision should be sought; the second best option is specifically identified physical provision on a site as close as possible to the development site; a financial contribution would be very rarely appropriate. It is, however, acknowledged that if thresholds were to be significantly lowered the circumstances where financial contributions may be the only practicable option could occur more often. Although Draft PPS3 indicates that it may be appropriate for LPA's to set lower thresholds in certain circumstances, but, as stated above, it is considered that this would be such a significant change from recent and existing policy, that it could only be reasonably justified if fully tested under the more rigorous and fundamental scrutiny of a DPD process</p> <p>Agree</p> <p>It is agreed that in connection with some large non-residential developments it may be appropriate and reasonable to seek open space provision.</p>

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		<p>pride. Welcome role developer contributions can play in these aims, but consideration should be given to the wider ‘public realm’, this could involve enhancing public spaces in the form of, for example, lighting, paving, public [amenity] space, safety and security measures, street furniture, planting/landscaping and art.</p> <p>3.9 Recognises the benefits a highly skilled population can bring to communities and the wider economy; therefore is committed to making skills development and training opportunities available to all and supports initiatives to promote inclusion and training opportunities [as in the SPD].</p>	<p>Agree. At the P&R Committee meeting of 22 November 2005 Members discussed the issue of consideration being given to the wider topic of the Public Realm rather than the narrower one of Public Art and officers were asked to replace the latter with the former in the Draft SPD.</p>

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		3.10 Reducing the need to travel, encouraging travel by sustainable modes and ensuring good accessibility to local jobs, services and facilities, [are objectives] requiring explicit reference to [means of improving] accessibility [in the SPD]; possibly using the methodology used in the Local Transport Plan's Accessibility Strategy to make process of securing developer contributions for sustainable community transport/accessibility more transparent.	Agree. One approach to dealing with improving accessibility and addressing sustainability in terms of transport, will be to require that 'Green' Travel Plans be submitted with all large scale development proposals and seeking facilities and layouts to enhance the role of modes of travel other than by private car, e.g. by providing pedestrian and cycle routes connecting conveniently to public transport routes within or near the proposed development.
	Home Builders Federation	<p>4.1 The timing of the SPD is not helpful and recommend that the Council wait for clearer national policy guidance. PPS 3 and the planning obligations supplements are expected in mid/late November, which may alter the approach adopted for the SPD.</p> <p>4.2 The overriding concerns relate to the cumulative impact of the SPD. This could render sites unviable. Full account must be had to land economics, as the ever growing wish lists for 'planning gain' that could severely stifle delivery of housing rates.</p>	<p>The Local Development Scheme sets the programme for preparing and the SPD and to meet the deadline for its adoption it is essential to continue the technical work and community involvement processes without undue delay. The recent publication of Draft PPS 3 and planning obligation guidance recently, also of the Plan for Yorkshire and the Humber (emerging RSS) are regarded by the LPA as very positive factors in continuing with the currently proposed timetable for pursuing the work on this SPD.</p> <p>The SPD is being prepared, effectively, as an amplification of the relevant policies in the Council's recently adopted SDLP, which is 'saved' for three years. As such it will act as a bridging document enabling the Council to implement existing development plan policies until the new policy basis is established over the next three years, through the LDF. This will enable the Council to undertake negotiations on developer contributions, aimed at mitigating potential negative</p>

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		<p>4.3 It is not appropriate for the Council to seek to meet the Districts general needs for infrastructure and services [through developer contributions]. Further, whilst it is appropriate that the public are given an opportunity to identify community needs, it is for the Council to prioritise the benefits to be sought through individual developments. Question the appropriateness of requesting developer contributions through an SPD. Matters of importance to development costs need to be set out in a Development Plan Document, which the HBF consider is the type of document the Council should be preparing.</p> <p>4.4 The HBF does not object to the principle of securing of developer contributions towards appropriate and necessary additional infrastructure through planning obligations in association with proposals for residential development, if this is achieved in accordance with government advice in</p>	<p>impacts of development, based on comprehensive, transparent, well-founded, properly prepared and adopted detailed planning policies. In the absence of an SPD, a fragmented and outdated set of interim policies, prepared and adopted without the necessary community involvement would have to continue to serve as the basis for negotiating developer contributions for some time to come. This is not seen as an acceptable basis for such activities beyond March 2006.</p> <p>It is agreed that contributions towards general District needs for infrastructure or services is not appropriate. Priorities are a matter primarily for the District Council to determine in any particular case. However it will be necessary to determine priorities in the context of established planning policies, including this SPD, and through involving service providers and the community more generally as laid down in government guidance and as set out in the emerging Statement of Community Involvement (as part of the Local Development Framework for Selby District).</p> <p>Noted. The Draft SPD will include the necessary references to Circular 05/2005, including the 'five tests of reasonableness' set out therein and it will be made clear that in seeking developer contributions these five tests and the relevant case law will be adhered to. The LPA is aware of the Government's development of</p>

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		<p>Circular 05/2005. In setting out the legal and policy basis for preparing the SPD, reference should be made to the Circular and the 'five tests of reasonableness which planning obligations are required to meet.</p> <p>4.5 Agree that thresholds for different matters should vary. Though it complicates calculations it is sensible and allows consideration of requirements on a site-by-site basis. It is crucial that the Council understand the requirements and risks of development and show flexibility from site to site.</p> <p>4.6 With regard to the specific requirements of the SPD, it is clear that there are gaps and uncertainties and that further methodologies and policies need devising.</p> <p>Affordable Housing 4.7 Object to the 40% requirement, regardless of other developer contributions, as this will render sites unviable due to an unreasonable cumulative burden on the development. Where it is necessary to contribute to other facilities the affordable housing percentage should be reduced.</p>	<p>policy on Planning Contributions (sections 46 and 47 of the Planning and Compulsory Purchase Act 2004 and recent decisions that statutory provision for Planning Contributions will not become effective until 2008.</p> <p>The LPA is aware of the issue of priorities in seeking multiple contributions and the need to take account of the feasibility of a particular development meeting all the identified needs for developer contributions (see 4.4 above).</p> <p>It is accepted that further work is necessary to develop, improve and fill gaps in the methodologies for determining such things as the nature and scale, etc. of contributions and the circumstance in which it would be appropriate to negotiate provision. In the Draft SPD these matters are addressed and further development of these may well arise out of the consultations on the Draft.</p> <p>The objection is noted. The effect of developer contributions on the viability and timeliness of development would be a matter that the District Council would be willing to take into account in considering and negotiating provision in relation to a particular scheme. However, the onus would always be on the developer to</p>

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		<p>4.8 Object to the increase in the affordable housing requirement to 40% approved in the interim policy guidance of June 2005, which is based on an untested housing needs study.</p>	<p>demonstrate the exceptional circumstances pertaining to a particular site that might justify reducing the normal level of contribution, whether it be for Affordable Housing or any other form of provision. Examples might relate to such situations as: binding legal agreements entered into by a developer prior to June 2005; or convincing financial/economic grounds based on special features of a site and/or proposed development.. The Council will expect developers to submit financial appraisals and these will be considered on a confidential basis.</p> <p>The objection is noted. The Housing Needs Study was carried out in accordance with nationally established methodologies and its findings are very much in line with those of other local authorities in North Yorkshire and the wider Region and with similar authorities elsewhere. In the Study it was clearly shown that the proportion of Affordable Housing that it would be justified to seek on a District-wide basis could up to 47% of all new housing Furthermore, the 40% is consistent with the policy for Affordable Housing (Policy H3) in the Draft RSS A Plan for Yorkshire and the Humber (page 154) submitted to the First Secretary of State in December 2005 and issued for public consultation in January 2006 until April 2006. There it is stated, in summary (inter alia): that LPA's, in plans and planning decisions, " ... ensure the provision of affordable housing to meet the needs of their local communitieson developments of more</p>

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		<p>4.9 The regulations, rules, practices and procedures for the delivery of affordable housing are in a state of uncertainty. The local authority social housing grant has long gone and with it the control of LA's over precisely how and who provides the housing. This is even more so now that it is not only HA's, that can bid for Housing Corporation funding. Thus the methods of delivering affordable housing will be very different in the future. Therefore, the SPD will need to allow for a more flexible approach to who provides the housing and what is sought.</p> <p>4.10 As the availability of subsidy will be a key factor in the provision of affordable housing, there should be flexibility in tenure requirements, so that provision is not stifled due to lack of funding. The SPD should address this under the heading of public subsidy; it should refer to the cascade mechanism to ensure sites continue to come forward.</p>	<p>than 15 homes (or a site area of more than 0.5 hectares) authorities should seek: i) Over 40% in areas of high need ..." and should set a lower threshold where justified.</p> <p>It is not considered that there is a state of uncertainty in the policy and delivery context for the provision of Affordable housing for local needs. As always, national and local policy development process is continuous. The LPA do not consider that the current circumstances are such as to warrant any significant changes in the basic approach that has been adopted. The existing policy of the LPA for providing Affordable local needs housing is flexible with regard to how the housing is to be provided and by whom. Although the provider of choice will normally be a Registered Social Landlord, any other provider who can guarantee that all the District Council's requirements, e.g. affordability in perpetuity and mechanisms to ensure preference is given to satisfying local housing needs, are met would be acceptable.</p> <p>Though tenure is not of itself generally regarded to be a material planning consideration in connection with general needs housing, in respect of Affordable local needs housing, if identified priority local needs can only be met through low cost housing for rent, then it is reasonable for the LPA to seek such provision, if necessary even to the exclusion of other forms of provision. However, there is a perceived urgent need for low cost housing other than for rent e.g. for young</p>

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		<p>Recreation Open Space 4.11 Needs to be related to the direct impact of development with regard to the amount of open space required. The HBF are not against a flexible formula if it accords with national guidelines, more particularly the NPFA standards. Provision should be assessed on the basis of up-to-date information on the supply of recreation open space in the District to ensure that developer contributions meet shortfalls and need.</p> <p>Waste and Recycling 4.12 Should this not be dealt with through building regulations? Asking for developer contributions towards a service paid for through the Council Tax is unfair; the developer is effectively paying twice.</p> <p>Education</p>	<p>couples unable to afford starter housing on the open market. Hence the Council's policy to encourage a mix of affordable housing tenures for local needs (some for rent and some for shared equity and discounted for sale)</p> <p>Noted. NPFA standards provide a useful and widely used benchmark used by many LPA's and have been a basis for the policies for ROS provision in the existing Selby Draft SPG (December 2001) and the Draft Selby District Council Recreation Open Space Strategy 2005-2010. Provision will be assessed in the context of the most recent assessment of ROS needs. The SPD will in effect formalise the implementation aspects of the established ROS policies on the basis of the most up-to-date information.</p> <p>The District Council has approved an Interim Policy Guidance on Waste and Recycling Facilities in New Development (May 2005) This sets out the planning policy context for providing facilities for managing domestic waste in new housing schemes in accordance with the principles of sustainable development. This Policy will be formalise by incorporation into this SPD.</p>

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		<p>4.13 The developer contributions for education need to be related to the capacity in schools and they should be directly related to the proposed development and if there is sufficient capacity no contribution should be required.</p> <p>4.14 There should be a 'local move' factor included in the calculations, reflecting that most moves to a new housing scheme are local. Most authorities do include this factor in devising Pupil Product Ratios. The PPR is based on the assumption that a dwelling of a given size will contain a certain % of occupants of school age; to this a cost multiplier is applied to calculate a contribution per dwelling, this process should include a local move factor, as local movers do not create any additional burden on the need for local education provision.</p> <p>Health 4.15 Details of the proposed methodology to assess developer contributions to health facilities. The threshold for contributions should be clearly justified taking account of Circular 05/2005 tests.</p>	<p>Agree.</p> <p>The suggestion that a 'local move' factor should be included in calculating the contribution per dwelling to meet the need for the additional educational provision created by a new residential development. Has been discussed with officers of the NYCC and other interested parties. It is considered that such a factor would be difficult to apply according to a general formula covering all developments across the District. There is no evidence on which to base such a calculation, which would be likely to vary considerably from area to area, site to site and time to time. It is, therefore, not proposed to include a 'local move' factor into the methodology for calculating developer contributions. If such a factor were to be put forward for consideration in future negotiations, the onus would be entirely on the developer to demonstrate very clearly that there was a strong justification for taking it into account..</p> <p>Discussions with the Primary Care Trust have taken place with a view to generalising a methodology developed for developer contributions in connection with the Staynor Hall Farm residential development. And a methodology will be included in the SPD.</p>

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		<p>Community Facilities 4.16 Await further details on a methodology and approach. The HBF would object to a requirement for a blanket payment, without reference to the nature, extent and location of existing provision. These factors must be built into the methodology for determining whether a contribution should be required and, if so what, i.e. new buildings, extensions or other forms of provision, e.g. services or equipment. The requirement must clearly relate to the nature and extent of demand directly created by the development.</p> <p>Transport/Highways 4.17 It is agreed that development should provide for all the necessary transport infrastructure to serve development, including something towards sustainable alternatives to the private car. But concerned with approaches of applying a formula regardless of what is directly provided directly as part of the development. In accordance with 05/2005, if direct provision is made for sustainable modes, e.g. cycle/footpaths, then a 'per dwelling unit' financial contribution would not be appropriate.</p> <p>Drainage infrastructure 4.18 All developments should provide for mitigation of deficiencies in the existing network. However,</p>	<p>A methodology has yet to be established for community facilities contributions, but requirements will be related to an assessment of existing provision and the needs created by new development.</p> <p>Agree. It is not intended to apply a formula for determining contributions in respect of the transport /highways requirements arising from new development. The calculation of contributions will be related to local circumstances and the demands arising out of the proposed development.</p> <p>Agree. Contributions will be negotiated on a site by site basis and be related to infrastructure deficiencies and</p>

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		<p>concerned at reference to the possibility of all sizes of site being eligible for developer contributions for drainage infrastructure. Flexibility should be built in and, as stated in para. 8.8, contributions should be calculated on a site-by-site basis.</p> <p>Public Art 4.19 The aim of seeking public art in developments is laudable but the HBF object to excessive requirements. There is no policy in the SDLP (see para 8.9 of the Heads of Terms Report) and, as the SPD must relate to a development plan policy, a public art contribution cannot be enforced. The HBF would not object to a 'Per Cent for Art' approach in future policies, but the Arts Council's recommended policy wording should be used, to the effect that works of public art should be encouraged as part of some development schemes. Public Art is desirable rather than necessary and cannot be justified in every case.</p> <p>Economic Development Training 4.20 No methodology or specific policy is in place</p>	<p>the demands created by new development.</p> <p>The Public Art topic, referred to in the pre-draft SPD documents, is to be replaced by the wider ranging term, Enhancing the Public Realm. Developer contributions to the improvement and enhancement of the visual and cultural environment will be assessed in relation to the mitigation of likely adverse impacts of new development and the opportunities presented to enhance the quality of the site, its surroundings and the community spaces in the settlement in which is located. It is considered that planning policy guidance and the development plan provide ample justification for seeking developer contributions to mitigate the effects of significant new development proposals, many of which will have impacts on the quality of the public realm both on-site and off-site and may constitute a legitimate basis for seeking to enhance the socio-cultural infrastructure in the local area/community. It is agreed that consideration of this subject would not be appropriate in every case and it is proposed to consider it only with regard to large, or otherwise significant developments.</p> <p>Agree. A general methodology is provided that would</p>

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		with regard to economic development training. Therefore, await information on criteria and methodology. Regard must be had to Circular 05/2005 tests, whilst contributions should be from commercial developments rather than residential.	apply only to some developments and would relate to two separate phases: the construction phase and the development phase. The contributions sought would relate directly to the needs of the community in the area around the development and to the opportunities presented by development to support local skills development and employment training. Developments considered appropriate for seeking contributions for this purpose would be of all types, but would normally be large scale.

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	<p>Persimmon Homes</p>	<p>5.1 Reiterate the HBF point about applying the ‘tests of reasonableness’ in Circular 05/2005 on the purpose and use of S. 106 Planning Obligations. 5.2 It is stressed that planning obligations should never be used merely as a means of transferring a share of development profits to the community. Also, planning obligations must be necessary in terms of planning and must be justified on the basis of development plan policies. 5.3 Thus the SPD must be based on 05/2005 and must ensure that contributions are fairly and reasonably related in scale and kind to the proposed development and are grounded on relevant development plan policies, namely CS6, RT2 and H4 of the SDLP. 5.4 Circular 05/2005 (paras. B21-B23) provide for developer contributions to be pooled, where the cumulative effects of developments impact on infrastructure provision, but individual developments have insufficient impact on their own. 5.5 Where infrastructure provision does not proceed in accord with an agreed timetable all unexpended contributions must be returned to the developers (para. B.24 of 05/2005). The SPD should set out clearly how the unexpended monies will be held and spent and a commitment to return monies not expended, within a given timetable, should be clearly set out.</p>	<p>See the response to a similar point made by the HBF at paragraph 4.4 above.</p> <p>Agree.</p> <p>Agree with the principles stated here. Other policies of the SDLP may also be applicable in some circumstances, e.g. ENV1, H6, H7, T6, T7 and RT1.</p> <p>Noted.</p> <p>Specific proposals are set out in the SPD with regard to the conditions for the return of monies to the developer, where the object of or purpose for which developer contributions have been secured is not provided or achieved. It is, in any case, standard good practice for Section 106 Obligation Agreements and Unilateral Undertakings to include such provisions.</p>
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	Persimmons (continued)	<p>Affordable Housing</p> <p>5.5 No objection to the methodology in line with Policy H4 of the SDLP. However, PPS12 makes clear that SPD's must conform to a DPD or saved development plan policy. The relevant policies here are H4 and H11 (rural schemes), the former sets a threshold of 25 dwellings. The 'Heads of Terms Report' proposes a threshold of 15 dwellings or 0.5 hectares and reference is made to an Interim Policy adopted by the Council in March 2005, based on a an analysis of the 2004 Selby Housing Needs Survey. The interim policy has not gone through public scrutiny, unlike the SDLP adopted in February 2005. The Interim Policy does not accord with the local plan and, as the saved Policy H4 and written justification contains no requirement for a 'standard contribution', in accordance the threshold for the SPD should thus be 25 dwellings.</p> <p>5.6 It is also considered that the imposition of a standard contribution is contrary to the 05/2005 tests as it does not directly relate to a proposed development. The SPD should set out a framework for calculating a contribution in accordance with Policy H4 for each site in terms of local need by location, house type, tenure and the sustainability and accessibility of the site.</p>	<p>In Policy H4 of the SDLP, it is made clear that the precise number and type of affordable dwellings will be a matter for negotiation based on, inter alia, "taking into account the extent of local need. The assessment of needs, must, in accordance with planning policy advice be kept up-to-date. The existing Policy takes these points into account and on the basis of the most recent assessment of housing needs, which has not been challenged, the revised threshold has been determined in order that clearly demonstrated needs can be more nearly met. Though it should be realised that even under the latest policy requirements there will be a significant shortfall in provision. The recently published Draft RSS (Policy H3) and Draft PPS3 (paras. 23 to 27) are material and clearly support the updated LPA Council Policy (see also the response to similar points by the HBF at paragraph 4.8 above).</p> <p>The Council's policy is in accordance with relevant planning guidance. The target and thresholds are general to the District as a whole and will be the starting point for assessments and negotiations in connexion with individual sites and proposals. But in the light of the Draft RSS and recent government advice, it is clear that the current District wide figures will normally be the minima or starting point, and any reduction would have to be strongly supported by evidence with the onus on the developer to show why they should not be met in</p>

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		<p>Recreation Open Space 5.7 No objection in principle to open space contributions in accord with Policy RT2.</p> <p>5.8 The Heads of Terms Report refers to a proposal to change the calculation methodology. The SPD should be restricted to a framework for calculating a contribution.</p> <p>5.9 The first stage should be to decide whether the open space will serve the development only or the wider community. This distinction should be made to establish the validity of requiring a contribution for long term maintenance, as 05/2005 states that developers cannot be required to provide maintenance for open space for the community as a whole. Then the SPD should then set out the level of on-site/off-site contributions based on, for example: development size, local need (based on an up-to-date assessment) and per capita open space standards. If a commuted sum, as an alternative to physical provision, is required a framework for calculating this is necessary.</p> <p>Waste and recycling 5.10 Object to the inclusion of waste and recycling as a legitimate area for developer contributions, as there is no clear basis in Policy CS6 and it is not</p>	<p>any particular case.</p> <p>Noted.</p> <p>Noted.</p> <p>Agree. The open space requirement will be calculated, on the basis of the quantity and quality needed to serve the development, whether the provision is on-site or off-site.</p> <p>The provision for waste disposal and recycling facilities on development sites is a form of physical infrastructure as essential as others forms of provision. Thus it is</p>

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		<p>mentioned in the reasoned justification in the list of 'development needs', whilst it is considered that the Policy is not intended to be as widely interpreted as assumed in the SPD. The provision for waste and recycling should be integral to the development, and should be conditioned as necessary and not be the subject of an obligation. The wider community need for these facilities does not a fairly and reasonably relate to a particular development.</p> <p>Education 5.11 No objection in principle and support the NYCC methodology.</p> <p>5.12 The SPD should set out the framework for calculating contributions based on the demand created by the development and the capacity of local schools. The payments should only relate to the identified shortfall in capacity attributable to the development.</p> <p>Health 5.13 Accepts that contributions towards health facilities are reasonable in principle.</p> <p>5.14 However doubt that Policy CS6 provides sufficient justification for seeking contributions and the Council is thus requested to reconsider whether this is a topic that should be included in</p>	<p>firmly based on Policy CS6 of the SDLP as supplemented by the Council's Interim Policy Guidance – Waste and Recycling Facilities in New Development (In this document the wider policy justification for requiring this type of provision in new developments is clearly demonstrated.). The provision could be secured by a condition or an obligation depending on the particular circumstances relating an individual development.</p> <p>Noted.</p> <p>Agree.</p> <p>Noted.</p> <p>It is clear that Primary Health facilities comprise physical infrastructure and community facility, whilst Primary Health care, though not specifically mentioned in SDLP Policy CS6, is a community service of just as much as</p>

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		<p>the SPD.</p> <p>5.15 If health facilities are to be included then the provision sought must be consistent with 05/2005 and must relate to demand created by the development and whether the demand can be accommodated within existing provision.</p> <p>5.16 The SPD must identify what elements of primary care provision could reasonable be supported, e.g. doctor's [G.P.] services and then the standard for assessing whether current provision meets local needs. This would provide a basis for assessing how a new development would impact on services. Contributions must relate only to the additional demand created by the development, not to revenue and the calculation methodology should be based on a per capita/household contribution.</p> <p>Community Facilities</p> <p>5.17 Do not object in principle to contributions to provide or improve community facilities.</p> <p>5.18 The SPD should identify what facilities qualify, e.g. village halls. Only provision directly related to</p>	<p>education and can similarly be identified as a need the provision of which arises directly from a development. Hence it will be reasonable in respect of some developments to seek developer contributions in order to 'remedy shortfalls or adverse impacts' in local Primary Health care facilities and services.</p> <p>Agree.</p> <p>Discussions have been held with the Primary Health Care Trust to develop a sound basis for assessing the local need for Primary Health facilities and services. It is clear that the type of facility could relate to any activity normally to be found in local primary health care facility within a reasonable distance of a site, or, in the case of very large developments that might be capable of being provided on-site. It is agreed that provision must relate to demand created by the development and that calculating contributions will be based on a per dwelling basis.</p> <p>Noted.</p> <p>Agree. However there must be scope for negotiations in respect of the needs of local communities, as expressed</p>

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		<p>the impact of the development should be sought and no revenue costs should be included.</p> <p>Transport/Highways and Drainage Infrastructure 5.19 Accepted in principle, but contributions should only relate to the direct impact of the development and the payment for or undertaking of works necessary to accommodate the development satisfactorily.</p> <p>Public Art 5.20 Only where there is a clear Policy basis can public art be fairly and reasonable be required in connection with development, CS 6 does not provide such a basis, there is thus no justification for including this matter in the SPD.</p> <p>Economic Development Training Objects to the inclusion of this topic in the SPD and it should be deleted. It is not considered to be a planning matter and fails to meet the 05/2005 tests. It is questionable whether it could be directly related to a development proposal and there is no policy basis for seeking such contributions or for determining a reasonable scale of contribution.</p>	<p>by them at the time they are affected by a particular development proposal.</p> <p>Agree.</p> <p>See the response to similar points made by the HBF at paragraph 4.19 above.</p> <p>The objection is noted. But see the response to the HBF's concerns at paragraph 4.20 above.</p>

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	English Nature	6.1 The only comment at this stage is that there is an absence of any recognition to the contribution developers can make to Biodiversity. The Scoping Report states that Environment protection does not form a major element in the SPD; this is a missed opportunity. In the Selby Biodiversity Action Plan, recently adopted as SPG, it is recognised that developer contributions can improve biodiversity (para. 44) and that the 'principle of biodiversity action'; will be encouraged through development. Thus EN recommend that some reference is include in the SPD to improving the biodiversity resource of the District through developer contributions.	It has been decided by the District Council that the areas covered by the SPD should be limited to a selected range of topics. It is intended that other topics be dealt with, as appropriate, at a later stage in the process of preparing the portfolio of documents that will make up the Selby District Local Development Framework. Biodiversity will continue to be an important consideration in the determination of planning applications. Where appropriate, Biodiversity matters will be the subject of conditions and obligations, particularly in the cases of large developments or other developments affecting sensitive areas of nature conservation interest. Notwithstanding the fact that it is not a subject dealt with in this SPD, where appropriate developer contributions will be sought to enable the preservation or enhancement of biodiversity in parts of sites or adjoining land affected by proposed development.
	Sport England	7.1 All the necessary issues are covered. 7.2 It will be important to ensure that the methodologies for assessments include future maintenance sums to avoid liabilities to Parish Councils. 7.3 Sport England advocate a 6 step approach assessing developer contribution requirements in terms of sports facilities (open space or buildings) - Need generated by development.	Noted. Noted. Commuted sums for maintenance can only relate to contributions to facilities directly related to the development itself and is normally limited in scope and timescale. Noted. The 6 steps are reflected in the SPD.

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	Yorkshire Water	<ul style="list-style-type: none"> - Local need/requirements. - On-site or off-site provision. - Level of contribution to off-site facilities. - Commuted sums for maintenance. - Securing by planning obligation <p>If these points are covered in the SPD, with sufficient evidence, it should be a robust document.</p> <p>7.4 It is advocated non-residential development should be included in this policy, such as large retail and employment sites.</p> <p>7.5 As every new house adds demand for facilities and open space suggest that every house contributes in some way.</p> <p>7.6 Sport England have developed a 'kitbag' with example of SPG's, etc., developed with other LPA's.</p> <p>8.1 Refer to the statements in PPS 12 – Local Development Frameworks relevant to infrastructure provision for all major new</p>	<p>Agreed. The possibility of large non-residential developments being assessed for recreational open space contributions will be considered in respect of large developments.</p> <p>The possibility of a 'Planning Contribution (tariff) on development is being considered by The Government, but such a provision will not come into effect before 2008. It is considered that under the saved local plan policies a 'levy' on all dwellings is not justified. Also in terms of planning policy guidance and practicalities it is considered that such an approach is not feasible or desirable at this time.</p> <p>Noted.</p> <p>Noted.</p>

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		<p>developments, drawing particular attention to references relating to the requirement for water and sewerage providers to identify the need for additional infrastructure. The reference to the important function of the planning system to co-ordinate new development with the infrastructure it demands is stressed.</p> <p>8.2 The power to requisition water or sewerage infrastructure by a developer in connection with new development where there is insufficient in place. However, it is pointed out that there are elements of water and waste water infrastructure that cannot be requisitioned. For example, a developer cannot requisition capacity at a waste water treatment works. Yorkshire Water has a policy, whereby, if existing treatment capacity is insufficient and cannot be overcome by requisition and there is no reasonable prospect of capacity being provided by YW within 5 years, it will object to the planning application. In other cases YW would recommend conditions precluding development until sufficient capacity is available. In most cases where new infrastructure is required outside its 5-year capital programme (the current programme runs until March 2010).</p>	<p>Noted. This information is taken into account in the Draft SPD.</p>