
Consultation Draft Planning Obligations Supplementary Planning Document

SYNOPSIS

This report seeks the comments of Local Plan Committee Members and their approval to undertake public consultation on the draft Planning Obligations Supplementary Planning Document.

1. Introduction

- 1.1 Members may recall that the draft Developer Contributions Supplementary Planning Document (SPD) was agreed at Local Plan Committee on 5th March 2014 for public consultation.
- 1.2 The consultation period lasted 6 weeks between 9th May 2014 and 20th June 2014. A total of 29 individual comments were received to the consultation from 19 respondents. A full schedule of responses to the consultation is included at Appendix B.
- 1.3 Since that time there have been significant policy developments, namely adoption of the North Northamptonshire Joint Core Strategy and publication of the Northamptonshire Planning Obligations Framework and Guidance. In addition the Community Infrastructure Levy has not been introduced as anticipated. It is considered important to update the SPD in light of these policy developments in addition to other suggested changes as a result of public consultation and other minor amendments. As these changes overall are substantial to the document, it is necessary for the SPD to be subject to further consultation.

2. SPD

- 2.1 Local planning policy operates within a hierarchy. At the top, national policy sets out general policy principles, which must be reflected within local policy and can be material considerations in decisions on planning applications. Local plans are therefore based on the principles of national policy, but taking account of local circumstances and opportunities. Corby's Local Plan is currently contained in the Part 1 North Northamptonshire Joint Core Strategy, which was adopted in July 2016 and sets out a broad strategy and policies to guide development across the area to 2031. The Part 2 Local Plan for Corby is currently in production and will sit alongside the Part 1 document and have equal status. To address issues where more detailed guidance is needed, supplementary policy can be produced through SPD. Although they carry less weight than the Joint Core Strategy and Local Plan for Corby, SPDs are statutory documents that are produced according to planning regulations and have weight when planning applications are being considered.
- 2.2 The Planning Obligations SPD will build on the policies in the Joint Core Strategy relating to infrastructure and service provision.

3. Further Consultation

- 3.1 Initial, informal consultation was undertaken on an updated preliminary draft SPD at the start of the year. This was targeted towards various service providers, including

Northamptonshire County Council, Northamptonshire Police, NHS and the Environment Agency. Internal consultation has also been undertaken with colleagues from other service areas including Culture and Leisure, Development Control, Housing and Legal. The draft SPD has also been considered by Senior Management Team, following a presentation by officers in January 2017. This informal consultation was an opportunity for internal and external stakeholders to submit their views on the emerging document.

3.2 Before an SPD can be adopted by the Council it must be subject to a process of consultation. This report gives Members an opportunity to discuss the key issues and suggest any amendments before it is subject to wider public and stakeholder consultation.

3.3 It is proposed that the Council will undertake consultation in accordance with statutory guidelines and the North Northamptonshire Statement of Community Involvement. This involves:

- A press notice and release
- Copies being made available for public viewing at the One Stop Shop, local libraries and on the Council's website
- Notifying contacts on the Local Plan consultation database
- Social media alerts
- Details uploaded to the Council's website

3.4 The Draft Planning Obligations SPD will be accompanied by a Consultation Statement setting out who has been consulted, a summary of the main issues and how those issues have been addressed in the SPD.

4. Next Steps

4.1 Subject to Member agreement, the draft SPD attached at Appendix A will be published for wider public and stakeholder consultation. It is proposed to undertake consultation for a period of six weeks in accordance with the Statement of Community Involvement.

4.2 The responses received will be summarised and considered, then changes made to the document where necessary. A final version will then be presented to Local Plan Committee for adoption as SPD.

5. Options to be considered (if any)

Options considered are:

- To proceed with the drafting and consultation on a Planning Obligations SPD: this is recommended to improve the robustness and transparency of the planning obligations process.
- To withdraw from the process of introducing a SPD: this is not recommended, as it may reduce the Council's ability to secure planning obligations to mitigate the impacts of development.

6. Issues to be taken into account:-

Policy Priorities

Planning obligations assist in delivering the infrastructure needs and support the development of the area. Investment in infrastructure to match a step change of

growth in homes and jobs is a key aim of the adopted Joint Core Strategy and Corporate Service Plan

Financial

While there will be costs to preparing an SPD, these can be absorbed within existing budgets.

Legal

Consultation will be undertaken in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Performance Information

None directly linked to this report.

Best Value

None directly linked to this report.

Human Rights

None directly linked to this report.

Equalities and Sustainability

A Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) screening has been carried out. On the basis of the screening process the Council determined that a SEA and Appropriate Assessment is not required for the proposed SPD. Natural England, Historic England and the Environment Agency have been consulted on the Councils draft determination and have not raised objection to this.

Risk Management

The main risk of not proceeding with the drafting and consultation on the Planning Obligations SPD is that the council will not have a transparent and established method for calculating planning obligations, and therefore collect contributions on an ad-hoc-basis and the associated risk of a developer challenging the requirement and/or level of the contributions.

7. Recommendation

- 7.1 That subject to any amendments that are recommended, Members approve six weeks public consultation on the Planning Obligations SPD

Background Papers

SMT Minutes (5th January 2017).

[Draft Developer Contributions Supplementary Planning Document](#), May 2014

[North Northamptonshire Statement of Community Involvement](#), November 2013

Officer to Contact

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Appendix A

Revised Draft Planning Obligations

Supplementary Planning Document

March 2017



PREFACE

Corby Borough Council is currently preparing a new Supplementary Planning Document (SPD) on Planning Obligations. The SPD will explain the Council's approach to using planning obligations when considering planning applications for development in the Borough.

The Draft SPD originally went out to public consultation in May 2014. However since that time there have been some significant policy developments, namely adoption of the North Northamptonshire Joint Core Strategy, publication of the Northamptonshire Planning Obligations Framework and Guidance and the Community Infrastructure Levy has not been progressed as anticipated. The Council considered it important to update the SPD in light of these policy developments in addition to other suggested changes as a result of public consultation and other minor amendments. As these changes overall are substantial to the document, it is necessary for the SPD to be subject to further consultation.

We therefore welcome your views on the content of this Revised Draft Planning Obligations SPD. The consultation period closes on ***tbc***

There are a number of ways you can respond:

Email: localplans.consultation@corby.gov.uk

Post: Local Plans, Corby Borough Council, Deene House, New Post Office Square, Corby, Northamptonshire NN17 1GD

Comments in respect of this draft SPD will be considered and will help inform a final draft. A summary of comments received along with the final draft of the SPD will be submitted to the Local Plan Committee for consideration and final approval. Once adopted the SPD will be a material consideration in the determination of planning applications.

If you require this information in an alternative format or language please contact Terry Begley on 01536 463185 or email terry.begley@corby.gov.uk

1. POLICY AND PROCEDURES

1.1 Introduction

- 1.1.1 Supplementary Planning Document (SPD) sets out Corby Borough Council's (the Council) approach to planning obligations when considering planning applications for development in the Borough.
- 1.1.2 Planning obligations are negotiated between local authorities and developers in the context of granting planning permission. They provide a means to ensure that a proposed development contributes to the provision of necessary infrastructure, services and facilities required by national and local planning policies.
- 1.1.3 At the current time, the Council is not pursuing implementation of the Community Infrastructure Levy. Therefore this Council will continue to rely on planning obligations secured through Section 106 to contribute towards infrastructure where required. The purpose of this SPD is to provide clarification on the basis on which planning obligations will be sought. It outlines the scope and scale of planning obligations that may be required and sets out the basis on which the level of obligation will be calculated, where appropriate.
- 1.1.4 The SPD supplements Policy 10 of the North Northamptonshire Joint Core Strategy which seeks to ensure the timely delivery of infrastructure, services and facilities to meet the needs of the Borough and support sustainable development. This SPD also provides detail on how other policies related to infrastructure provision in the Local Plan will be implemented.

1.2 Legislative and Policy Framework

- 1.2.1 The legislative basis for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act.
- 1.2.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and Paragraph 204 of the National Planning Policy Framework (NPPF) set out the following tests that must be satisfied in order for obligations to be required in respect of development proposals:
- the obligation must be necessary to make the proposed development acceptable in planning terms
 - the obligation must be directly related to the proposed development
 - the obligation must be fairly and reasonably related in scale and kind to the proposed development
- 1.2.3 Regulation 123 of the Community Infrastructure Levy (CIL) Regulations prevents the pooling of Section 106 contributions from more than five developments to enable

the provision of new infrastructure. However, the provision of affordable housing remains within the remit of Section 106 obligations.

- 1.2.4 The NPPF at paragraph 203 advises that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 1.2.5 The North Northamptonshire Joint Core Strategy was adopted in July 2016 and sets out development strategy for the area and policies for delivering growth in the Borough. To support the level of development set out in the Plan, Policy 10 of the Joint Core Strategy requires direct provision or contributions towards the delivery of infrastructure where there is a need.
- 1.2.6 In addition, the following policies in the Joint Core Strategy require the provision of infrastructure to meet the needs of development:
- Policy 4 – Biodiversity and Geodiversity
 - Policy 7 – Community Services and Facilities
 - Policy 18 - HGV Parking
 - Policy 19 – The Delivery of Green Infrastructure
 - Policy 21 – Rockingham Forest
 - Policy 30 – Housing Mix and Tenure
 - Policy 32 – West Corby Sustainable Urban Extension
- 1.2.7 The North Northamptonshire Infrastructure Delivery Plan sets out the key pieces of infrastructure required in order to deliver the objectives and policies in the Joint Core Strategy; and provide the evidence on how, and when these are proposed to be delivered, and by whom. The latest version of the Infrastructure Delivery Plan was produced in January 2015 and is available at www.nnjpu.org.uk, but the Infrastructure Delivery Plan is a living document and will evolve as additional evidence becomes available, and as the Infrastructure Delivery Plan is monitored and reviewed.
- 1.2.8 The policies within the Northamptonshire Minerals and Waste Local Plan are also relevant to planning obligations in some cases.
- 1.2.9 Relevant statutory undertakers or service providers may have their own policy or guidance, for example, the Northamptonshire County Council Planning Obligations Framework and Guidance Document¹ which outlines the County Council’s approach to developer contributions via planning obligations, through Section 106 agreements.

¹ Planning Obligations Framework and Guidance available at <http://www.northamptonshire.gov.uk/en/councilservices/Environ/economic/Documents/Creating%20Sustainable%20Communities%20Jan%202015%20FINAL.pdf>

1.2.10 It should be noted that in February 2017 the Government published a white paper entitled 'Fixing our broken housing market'. Published alongside this was an independent review of the Community Infrastructure Levy which identified issues with the current system. The white paper stated that the Government intends to examine the options for reforming the system of developer contributions and will make an announcement at the time of the Autumn Budget 2017. As such the SPD and Council's position on Community Infrastructure Levy will be reviewed in due course. Full consultation will be carried out when the SPD is proposed for review.

1.3 Procedures

1.3.1 Developers are advised to initiate negotiations at a pre-application stage with officers of the Council, since it may be necessary to take into account several potential planning obligations in their calculations of the development value of a site and to ensure they are reasonable and related in scale and kind. They may find it useful to view the Council's Pre-Application Planning Advice available at: <http://www.corby.gov.uk/sites/default/files/planning%20pre-application%20advice%201.pdf>, including the fees payable for this service. This way, the developers will discuss the planning application Heads of Terms at the earliest opportunity, understand how this might impact on viability of their proposals, be clear and certain about the process and minimise delays in determining planning applications.

1.4 Timing and Phasing of Provision

1.4.1 The Council would expect the payment of financial contributions to be on or before the commencement of development in order to co-ordinate the delivery of any planning obligations with the delivery of the development. This should be agreed at the planning application stage and be set out in the Section 106 Agreement or Unilateral Undertaking.

1.4.2 In the case of larger developments schemes, it may be acceptable to phase payments. However this will require the production of a phasing agreement with appropriate 'triggers points', to be agreed with the Council. Following this, the onus will be on the developers to inform the Council when the relevant triggers have been reached.

1.4.3 What constitutes commencement will be specified in the legal agreement but will normally be as set out in the Town and Country Planning Act 1990 (as amended). However, the performance of planning obligations can be deferred to suitable stages in the site's development depending on the nature of the development.

1.4.4 Late payment of financial obligations beyond the stipulated trigger points will attract an interest at 4% above the Barclays lending rate in force at the time from the date that the relevant payment falls due to the date of actual payment. The rate of interest will be specified in the legal agreement.

1.4.5 If it becomes evident that a legal agreement is not being complied with, the legal team will instigate appropriate enforcement action, which could be through the use of an injunction to stop the development, or use of the Council's powers of entry to carry out any works related to the agreement. The Council will recover the costs for this action from the developer.

1.4.6 The obligations will specify time limits for the expenditure of Section 106 planning obligations. This will be determined on a case by case basis. Unspent obligations beyond the agreed period will be returned to the developer with interest, as specified in the legal agreement.

1.5 Maintaining the value of financial contributions

1.5.1 In order to maintain the real value of payment to the Council, as development progresses, it is usual for the financial sums required to be paid to be indexed linked. The indexation applied may vary depending upon the particular type of works to which the contribution will relate (e.g. BCIS Price Adjustment Formulae Indices or Consumer Prices Index).

1.6 Viability

1.6.1 The Council is aware that there may be occasions where the level of planning obligations required would render the development proposal unviable.

1.6.2 Where a developer believes that viability is an issue for their scheme, they must submit evidence to the Council to support their case. This should clearly set out:

- The considerations which demonstrate that they are unable to provide the full policy requirements, and
- Demonstrate what the benefits of not meeting the policy requirements and delivering the site immediately are

1.6.3 For purposes of assessing the developer's case, what constitutes "benefits" is a material consideration in the decision making process which will be determined on a case by case basis. It will involve balancing the planning benefits against the harm resulting from under-provision or delayed provision of infrastructure (including affordable housing), and any other policy requirements.

1.6.4 As guidance on the nature and content of the viability assessments, the Council will require that:

- Financial information is provided on an "open book" basis
- Current values and costs (not historical) are the basis for the valuation (larger schemes may require a viability review after 5 years).

1.6.5 The Council will normally seek independent valuation advice to review viability assessments. Where this is required, the developer will bear the costs.

- 1.6.6 It should be noted that due to Freedom of Information requirements and requests, if a viability assessment is submitted in relation to a valid planning application then the local planning authority will treat the submission as a public document, but will redact the commercially sensitive elements of the assessment.
- 1.6.7 The Council may take actions to prevent large developments from being stalled on viability grounds. This involves defining the scope and scale of obligations, which elements can be paid initially and deferring other payments linked to future reassessment of viability or changes to land values over time. This approach recognises the impact the current conditions have on viability while acknowledging that the conditions may improve in the future in accordance with paragraph 205 of the NPPF. The Council will work with developers on the principles of this mechanism. If a developer satisfactorily demonstrates that a scheme is unviable due to policy and guidance requirements, the Council has agreed a Deferred Developer Contributions protocol² to prevent large developments from being stalled on viability grounds.

1.7 Monitoring and Enforcement

- 1.7.1 The Council will monitor planning obligation requirements to ensure that they are compiled with. Where the Council identifies situations where the requirements are not being compiled with, enforcement action may be taken by the Council.

² Section 106 – Deferred Developer Contributions available at <http://www.corby.gov.uk/sites/corby.gov.uk/files/Section%20106%20Deferred%20Developer%20Contribution.pdf>

2. TYPES OF CONTRIBUTIONS

2.1 Affordable Housing

2.1.1 Policy 30 of the Joint Core Strategy enables the authority to seek planning obligations to secure the delivery of affordable housing. On private sector developments of 15 or more dwellings (net) or where the combined gross floor area of dwellings will exceed 1,500m² in Corby and 11 or more dwellings (net) or where the combined gross floor area of dwellings will exceed 1,000m² elsewhere, the local planning authority will seek the provision of affordable housing in line with the following targets:

- Sustainable Urban Extensions - 20% of total dwellings in phases to be developed by March 2026, with provision to be made for a review of the viable levels of affordable housing in later phases
- Corby – 30% of total dwellings
- Rural areas including all villages – 40% of total dwellings

2.1.2 Applications which try to artificially subdivide or phase sites so as to avoid or minimise the provision of affordable housing will not be approved by the Council. If the calculation of the amount of affordable housing involves a fraction, the figure will be rounded up to the nearest whole number.

Definition

2.1.3 The definition of affordable housing that the Council will use in applying this guidance accords with the NPPF³. For further guidance on its interpretation, please refer to the Corby Tenancy Strategy 2012-17⁴ and/or contact the Housing Strategy section of the Council.

Design and Integration

2.1.4 The Council expects affordable housing to be well designed and built to a high standard. The affordable and market housing should be indistinguishable neither by location, design, external appearance or parking arrangements. Further details will be set out in the North Northamptonshire Place Shaping Supplementary Planning Document.

Location of affordable housing

³ Refer to glossary of NPPF, on page 50

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

⁴ Corby Tenancy Strategy 2012-2017 available at

<http://www.corby.gov.uk/sites/default/files/documents/files/Corby%20Tenancy%20Strategy%202012-2017.pdf>

2.1.5 Affordable housing will be provided on site unless the developer can demonstrate exceptional circumstances which necessitate provision on another site, or the Council is satisfied that, off-site delivery or an equivalent financial contribution for affordable housing will support urban regeneration and/or the creation of sustainable mixed and inclusive communities. This might include the need to improve or make more effective use of existing affordable housing stock where there may be difficulties over delivery, design or management. Whether on or off-site, the Council will seek to achieve mixed and balanced communities at all times. The Council will determine each case on its own merits.

2.2 Transport

2.2.1 Northamptonshire County Council are responsible for identifying specific types of infrastructure needed to support development in the Borough. The County Council has a duty to manage the local road network with a view to securing the expeditious movement of traffic.

2.2.2 Local transport and highway requirements are set out within the Northamptonshire Transportation Plan and associated Daughter Documents, as well as Policies 15 to 18 of the Joint Core Strategy. These measures will support planned growth, ensuring better connectivity and more sustainable patterns of travel.

2.2.3 Northamptonshire County Council determines the need for site specific measures on a case by case basis in accordance with the impact, highway safety and ease of movement.

2.3.4 The Council will work closely with the highway authority to ensure any required transport infrastructure identified in the Local Plan or on a site specific basis is delivered, so long as need can be evidenced, and they meet the three tests set out in CIL Regulations.

2.3.5 The County Council considers that it is not appropriate to set a threshold level above which development will contribute towards transport infrastructure. Therefore, all new development is liable to pay contribution towards transport based on their proportionate impact on the local infrastructure, as identified through Transport Assessment or Transport Statement. Further guidance on contributing to transport infrastructure can be found in the Planning Obligations Framework and Guidance Document published by Northamptonshire County Council. Developers can also contact the County Council's Development Management team on 01604 366634.

2.3 Education

2.3.1 Population increase from new developments creates the need for additional school places and increased pressure on the use of education facilities. The Council will liaise with Northamptonshire County Council as the local education authority when considering educational infrastructure in new development.

- 2.3.2 As a general guide, the County Council will expect development of approximately 700 houses to generate the need for a single form entry (1FE) primary school and a development of approximately 4000 homes to generate the need for a new secondary school.
- 2.3.3 Primary and secondary education facilities are required on the West Corby Sustainable Urban Extension (Policy 32 c) of the Joint Core Strategy) and these should be provided by the developer as part of the planning permission for the development.
- 2.3.4 Further guidance on contributing to education obligations can be found in the Planning Obligations Framework and Guidance Document published by Northamptonshire County Council.

2.4 Green Infrastructure

- 2.4.1 Green infrastructure is a catch all term applied to the network of multi-functional green or water spaces and other environmental features that together are capable of delivering a wide range of environmental and quality of life benefits (ecosystem services) for local communities. For example, green infrastructure can help to reduce flood risk by reducing the volume and speed of rainfall flowing into rivers, while also helping to reduce water pollution and contributing to the objectives of the Water Framework Directive. Green infrastructure includes parks, open spaces, playing fields, woodlands, wetlands, grasslands, river and canal corridors and allotments. The greatest benefit will be gained when it is designed and managed as a multifunctional resource. For example, street trees add aesthetic quality to an urban area, but will also reduce airborne pollution, provide shade, mitigate wind chill and turbulence and increase biodiversity.
- 2.4.2 Policy 19 of the Joint Core Strategy aims to secure a net gain in green infrastructure through protection and enhancement of assets and the establishment of multi functional areas of green space. The policy identifies sub-regional and local green infrastructure corridors across North Northamptonshire. One of the key mechanisms to deliver Policy 19 and green infrastructure is criterion b) ii 'using developer contributions to facilitate improvements to their quality and robustness'.
- 2.4.3 Strategic allocations and other large development sites should be subject to master plans which translate green infrastructure aspirations into detailed proposals. For example, master plans should identify:
- Measures to establish multi-functional green spaces within the green infrastructure network
 - Opportunities to provide new wildlife habitats, facilities and routes to enhance assets and the linkages between them
 - Measures to support the strategic green infrastructure priorities of the Rockingham Forest (Policy 21)

- 2.4.4 On site provision of accessible green space will be made in accordance with the space standards contained within Policy 7b) of the Joint Core Strategy.
- 2.4.5 In November 2016 the Council published a green infrastructure map that further defined the existing resources and needs and opportunities to create or enhance the network of green and blue space in the Borough. To contribute towards the net gain in green infrastructure and enhance the assets and linkages between them, developers are encouraged to:
- Protect and enhance existing corridors
 - Identify and plug gaps in connectivity between green infrastructure assets
 - Ensure new green infrastructure assets connect to the wider green infrastructure network
 - Improve accessibility along existing green corridors subject to nature conservation or public safety interests
 - protect and enhance the local diversity and distinctiveness of the landscape character areas
- 2.4.6 When preparing their proposals, developers should consult with relevant agencies such as Northamptonshire County Council, the Wildlife Trust and the Local Nature Partnership as well as with the local parish council and community groups.
- 2.4.7 The need for planning obligations will be determined on a case by case basis from developments of 10 dwellings having regard to the tests set out in regulation 122 and 123 of the CIL Regulations.

2.5 Community Services and Facilities

- 2.5.1 Community services and facilities (sometimes referred to as community assets) are those that provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. They play a vital role in promoting the sustainability of communities and contributing to their self-reliance. Population increase from new development creates increased pressure on the use of community assets and new development should contribute to its provision.
- 2.5.2 Policy 7 of the Joint Core Strategy provides for new or enhanced community services and facilities to meet the needs arising from the development utilising, where possible, opportunities for the co-location of facilities or the use of existing suitable sites. It also supports the provision of accessible greenspace in accordance with Natural England's Accessible Natural Greenspace Standards and the Woodland Trust's Woodland Access Standard unless local standards have been adopted.
- 2.5.3 The Council is currently updating the evidence base in respect to open space, sport and recreation to meet the requirements of the NPPF and support the implementation of the Joint Core Strategy. Until that evidence base is updated, the Council will continue to determine the level of planning obligations for the provision

of open space, sport and recreational facilities using national standards and the Open Space, Sport and Receptions Study⁵ as a starting point for negotiations.

2.5.4 New community assets are required at the West Corby Sustainable Urban Extension (Policy 32 of the Joint Core Strategy) and these should be provided by the developer as part of the planning permission for the development.

2.5.5 Northamptonshire County Council's approach to County Council services including libraries and archives is set out in the Planning Obligations Framework and Guidance Document. The Council will work with the County Council to ensure that provision for cultural infrastructure is taken into account in planning obligations.

2.6 Employment and Skills Training

2.6.1 In accordance with paragraph 21 of the NPPF, the Joint Core Strategy sets out a clear economic strategy for the area which positively encourages sustainable economic growth and recognises the need to support programmes of skills development to assist the local workforce. Paragraph 8.10 of the Joint Core Strategy provides the justification for the use of planning obligations. Investment in employment and skills training, including recruitment policies and procedures is important in enabling Corby to achieve a stronger more sustainable economy.

2.6.2 The Council will assess on a case-by-case basis the need for a development to provide local employment and skills training for local residents. Planning obligations to secure such commitments will reflect the scale of the development and are only likely to be necessary on major developments sites of more than 10 dwellings or 1,000m² floorspace.

2.6.3 Developers will be requested to submit an Employment and Skills Strategy to the Council outlining opportunities that will be provided by the development and how they will be promoted and delivered. Such opportunities will include:

- Construction training initiatives – e.g. Through Construction Futures which can provide apprenticeships and training opportunities
- Up skilling through contributions toward higher education in high skilled fields of employment
- Local procurement agreement – potential for local businesses to be included in tender lists

2.7 Biodiversity and Geodiversity

2.7.1 Policy 4 of the Joint Core Strategy identifies the potential need for the use of planning obligations in protecting existing biodiversity and geodiversity assets; and

⁵ Executive Summary of the Open Space, Sport and Receptions Study available at <http://www.corby.gov.uk/sites/default/files/Open%20Space%2C%20Sport%20and%20Recreation%20Study%20%28exec%20summary%29%20%28January%202006%29.doc>

enhancing ecological networks. Such contributions towards biodiversity interests will assist the Council in discharging responsibilities under the Section 40 of the Natural Environment and Rural Communities Act 2006.

2.7.2 Further guidance on how biodiversity should be incorporated into the development process is provided in the Biodiversity SPD for Northamptonshire adopted in July 2016⁶.

2.7.3 The need for planning obligations will be determined on a case by case basis from developments of 10 dwellings or more following an assessment of any requirements for biodiversity and geodiversity.

2.8 Other Obligations

2.8.1 Other site specific measures may be necessary and planning obligations including the following areas may also be sought. Requirements will be assessed on a case by case basis having regard to the evidence and tests set out in regulation 122 and 123 of the CIL Regulations. It is recommended that applicants and developers engage with the Council at an early stage to determine if their specific proposal will result in a requirement for obligation such as:

- HGV parking
- Rockingham Forest
- Public art
- Waste
- Historic environment
- Police
- Healthcare
- Sustainable buildings
- Water Environment, Resources and Flood Risk Management
- Fire and Rescue
- Land affected by contamination
- Renewable and low carbon energy
- Rockingham MRC Enterprise Areas

2.8.2 The absence of detailed guidance for a particular planning obligation does not rule out the Council requiring one where that request meets relevant national guidance or legal requirements.

⁶ Biodiversity SPD for Northamptonshire is available at http://www.nnjpu.org.uk/docs/Biodiversity_SPD_final_Aug_2015.pdf

Appendix B – Schedule of response to the original draft SPD subject to public consultation in May/June 2014.

Name	Organisation	Comments	Our response and proposed action
David Cooper	Kettering Environmental Forum	No comment.	Noted. No action required.
	Anglian Water	I would not expect there to be provision within the CIL for wastewater infrastructure. In general, wastewater treatment infrastructure upgrades to provide for residential growth are funded by Anglian Water through our Asset Management Plan. Network improvements (on-site and off-site) are generally funded/part funded through developer contribution via the relevant sections of the Water Industry Act 1991.	Noted. No action required.
Angela Atkinson	Marine Management Organisation	No comment.	Noted. No action required.
Roslyn Deeming	Natural England	Natural England generally supports the approach that the SPD has taken and considers that it provides useful information on securing contributions from developers. We particularly welcome the sections on Green Infrastructure and Biodiversity as they will help to ensure that the natural environment is fully considered within the planning process.	Support noted. No action required.
Claire Berry	West Northamptonshire Joint Planning Unit	No comment.	Noted. No action required.

Sean Bell	Northamptonshire Police	<p>The Force's policy is to request funding for Police Community Support Officers (PCSO) for a period of three years to provide an immediate police presence on any new developments.</p> <p>For residential developments the threshold for requesting an obligation will be to provide funding for one PCSO for each five hundred homes. For commercial or mixed residential/commercial developments, each application will be considered according to its potential impact on the Force.</p> <p>The following amendments to the SPD are requested:</p> <ul style="list-style-type: none"> • Table 1 in section 3.6 is amended to add Police Community Support Officers shown as being funded through S106. • Paragraph 10.5 is amended to include reference to the provision of PCSO's to provide a short term police presence. • Paragraph 10.6 includes reference to the thresholds for determining the need for PCSO funding. 	<p>In the 2014 draft consultation document Table 1 under paragraph 2.6 showed the links between S106 and CIL. This included some police requirements but not specific reference to PCSOs.</p> <p>In this updated version of the document for consultation in 2017 reference to CIL, and therefore Table 1 has been removed. In this updated version Section 2.8 was introduced as a list of broad areas for which obligations can be sought where they are required. This has been expanded to include the police.</p>
Sean Bell	Northamptonshire Police	Additional provision for CCTV will continue to be considered on a case by case basis as stated in the SPD.	Noted. No action required.

Mark White	English Heritage	We note that there is no reference in the Developer Contributions DPD to Heritage; the SPD should include confirmation that heritage assets in Corby will continue, for the present, to be eligible for s106 contributions; the important issue will be to ensure that this aspect is not vulnerable to being sacrificed as the last call on a prospective developer's financial contributions.	<p>In the 2014 draft consultation document Table 1 under paragraph 2.6 showed the links between S106 and CIL. This did not include any reference to heritage</p> <p>In this updated version of the document for consultation in 2017 reference to CIL, and therefore Table 1 has been removed. In this updated version Section 2.8 was introduced as a list of broad areas for which obligations can be sought where they are required. This has been expanded to include the historic environment.</p>
Steve Beard	Sport England	In Corby, the latest evidence in respect of open spaces is the Open Space, Recreation and Sport Study produced by PMP in 2006 on behalf of the Council. The report is not considered to be robust and up to date having regards to paragraph 73 of NPPF particularly with regard to a Playing Pitch strategy needs and evidence.	Paragraph 2.5.2 states that the Council is currently updating the evidence base in respect to open space, sport and recreation to meet the requirements of the NPPF. Until that evidence base is updated, the Council will continue to determine the level of planning obligations for the provision of open space, sport and recreational facilities using national standards and the Open Space, Sport and Recreations Study as a starting point for negotiations.
Steve Beard	Sport England	Care should be taken that only 5 projects can fund proposals under section 106 from April next year, the wording of the 106 must be specific to the project, general terms such as 'contribution to formal open space' in a legal agreement will mean that only 5 contributions can be taken for that type.	Noted and agree. No action required.
Steve Beard	Sport England	Paragraph 9.13 Sport England does not have national standards. This methodology will not in our opinion meet the S122 Tests.	In the 2014 draft consultation document paragraph 9.13 outlined the approach that would be taken for indoor facilities.

			Paragraph 2.5.2 states that the Council is currently updating the evidence base in respect to open space, sport and recreation to meet the requirements of the NPPF. Until that evidence base is updated, the Council will continue to determine the level of planning obligations for the provision of open space, sport and recreational facilities using national standards, where applicable, and the Open Space, Sport and Recreations Study as a starting point for negotiations.
Steve Beard	Sport England	The wording in the 123 list bared any other contributions for improvements to sports facilities	Not applicable to the SPD
Steve Beard	Sport England	It is assumed that the standards in appendix 1 relate to the provision for new development on site off site contributions would not in our opinion meet the S122 tests	Appendix 1 in the 2014 draft consultation document contained the standards for open space, sport and recreation. Appendix 1 was deleted in this updated version of the document.
Heather Webb	Nene Valley Nature Improvement Area	The figures in Table 2 on page 20 are incorrect.	Table 2 in the 2014 draft consultation document repeated the figures contained in a Northamptonshire County Council document. In this updated version table 2 has been deleted.
Heather Webb	Nene Valley Nature Improvement Area	Section 9 regarding green infrastructure refers repeatedly to the Open Space, Recreation and Sport Study produced by PMP. This document appears not to be available online, which I believe it should be if it is to be used as evidence.	The executive summary is currently on our website and a hyperlink has been added. However the file size of the whole document was too large therefore we have made it available on request. However we are currently reviewing our web pages so will look to upload the document if possible.

Ben Hunter	Northamptonshire County Council	Revise paragraph 5.7 in light of comments relating to the draft R123 list to read: The CIL will fund the wider cumulative impacts arising from incremental growth. Examples of new infrastructure and improvement projects which will be funded by CIL include Corby Northern Orbital, Corby Walk and Corby Rail Bridge.	Section 5 in the 2014 draft consultation document related to highways, access and transport. Due to the changes made to the document this comment is no longer applicable.
Ben Hunter	Northamptonshire County Council	The County Council's latest pupil generation survey has revealed that affordable/social rented dwellings are twice as likely to generate school aged children as market dwellings. Accordingly NCC doesn't agree with most of paragraph 6.8 and would like to see the information relating to possible discounts for affordable removed. Delete everything after "affordable housing" on line two of paragraph 6.8.	Paragraph 6.8 related to education contributions from affordable housing. This has now been deleted.
Ben Hunter	Northamptonshire County Council	The rest of the education background is agreed.	Support noted. No action required.
Alice Kirkham	Persimmon Homes/Charles Church (Midlands)	It is considered that some of the contributions listed in Table 1 do not comply with the statutory test of being necessary to make the development acceptable in planning terms, namely Skills, Training & Employment and Public Art.	In the 2014 draft consultation document Table 1 under paragraph 2.6 showed the links between S106 and CIL. In this updated version of the document for consultation in 2017 reference to CIL, and therefore Table 1 has been removed.
Alice Kirkham	Persimmon Homes/Charles Church (Midlands)	Affordable Housing should be calculated on the net rather than the gross number of dwellings to be provided. This would better reflect the viability considerations associated with developments involving the loss of a dwelling(s).	Calculations based on gross in accordance with Policy 30 of the Joint Core Strategy.

Alice Kirkham	Persimmon Homes/Charles Church (Midlands)	It would be equitable if the calculation of the affordable housing was rounded up if resulting in 0.5 of a dwelling or more, but rounded down if resulting in between 0.1-0.4 of a dwelling. This would assist in ensuring the development remains financially viable.	No change.
Alice Kirkham	Persimmon Homes/Charles Church (Midlands)	It is considered that some of the proposed obligations do not meet the three tests, particularly those relating to Skills, Training & Employment, and Public Art. We would request that these sections are deleted from the SPD as they are not considered to be necessary to make development acceptable in planning terms.	Requirements will be assessed on a case by case basis having regard to the evidence and tests set out in regulation 122 and 123 of the CIL Regulations.
Alice Kirkham	Persimmon Homes/Charles Church (Midlands)	The need for the Council to be able to fully understand the viability considerations associated with the scheme needs to be balanced against the need for developers to be able to protect commercially sensitive information. We consider that an open book appraisal will not be necessary in every case.	Paragraph 1.6.6 clarifies that due to Freedom of Information requirements and requests; if a viability assessment is submitted in relation to a valid planning application then the local planning authority will treat the submission as a public document, but will redact the commercially sensitive elements of the assessment.
Alice Kirkham	Persimmon Homes/Charles Church (Midlands)	Any costs associated with independent valuation advice that is passed on to the developer would need to be reflected in the appraisal itself as a development cost.	The Council considers that it is not necessary to address this issue within the Developer Contributions SPD. No action required.
Abigail Jones	Savills on behalf of a Landowner and Developer Consortium	We would ask that CBC review the list of site specific infrastructure that would be sought through Section 106 Agreements in light of Regulation 122 as we are of the view that certain items on this list do not meet these requirements	SPD is clear that requirements will be assessed on a case by case basis having regard to the evidence and tests set out in regulation 122 and 123 of the CIL Regulations

Sam Silcocks	Harris Lamb on behalf of Tata Steel	The relationship between CIL and s. 106 should be considered now to ensure there are no unnecessary debates through the planning application process. Highways, Access and Transport - both CIL and s. 106 have the potential to secure funding for road improvements and highway capacity improvements. Inevitably works to the highway to mitigate the impact of a specific development will have a wider benefit and it is not clear where CIL would finish and s. 106 would start.	No applicable.
Sam Silcocks	Harris Lamb on behalf of Tata Steel	The relationship between CIL and s. 106 should be considered now to ensure there are no unnecessary debates through the planning application process. Education - It is not clear why primary school contributions are being pursued by S106 whilst secondary education falls under the remit of CIL.	Not applicable.
Sam Silcocks	Harris Lamb on behalf of Tata Steel	The relationship between CIL and S106 should be considered now to ensure there are no unnecessary debates through the planning application process. Green Infrastructure - CIL is said to cover the maintenance and upgrading of play areas and open spaces. For smaller developments it is likely that any s. 106 contributions that might be sought in accordance with the Developer Contributions SPD would also be sought for the maintenance and upgrading of existing play areas and open spaces. An overlap is therefore likely.	Not applicable.

Sam Silcocks	Harris Lamb on behalf of Tata Steel	<p>With regard to education, it is noted that contributions would be applied to all housing, including affordable housing. We would question the extent to which this applies with the statutory tests set out in CIL Reg. 122. This is evident from the justification in the supporting text which states that this 'may place additional demand for school places'. It is therefore difficult to reconcile how this contribution would be 'necessary' or 'directly related to the development'. We consider further work is required to understand what the implication on school places in relation to Affordable Housing actually is before this approach should be explored further. Furthermore, this approach appears to seek to bypass the exclusion of affordable housing from CIL charges.</p>	<p>Paragraph 2.3.4 refers to Planning Obligations Framework and Guidance Document published by Northamptonshire County Council.</p>
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