

Planning Obligations

Supplementary Planning Document

Consultation Statement

April 2017



Consultation Details

The public consultation ran for 6 weeks between 9th March 2017 and the 20th April 2017, and was undertaken in accordance with the North Northamptonshire Statement of Community Involvement. This involved:

- A press notice and press 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

Persons Consulted

All of the people and organisations listed below were sent letters or emails to notify them that the consultation was taking place and to provide them with details regarding the dates of the consultation, how to view the document and how to submit a response to the consultation.

These are a combination of the specific consultees which the Council has a statutory duty to consult and general consultees who had previously opted to be placed onto the Local Plan database to be contacted when consultation is taking place.

Persons or Company Consulted	
Asra Midlands Housing Association Ltd	Northampton Volunteer Centre
Astral Developments Ltd	Northants Bird Club
Buccleuch Property/Boughton Estate Ltd	NTL UK
Bulwick Estates	Outreach Community Transport & Shopmobility
Byways And Bridleways Trust	Princes Trust Volunteer Group
Campaign For Dark Skies	Thomas Roberts Estates Ltd
Chamber Of Trade & Commerce	Turley Associates
Charles Planning Associates	Waste Recycling Group Plc
Council For Ethnic Minority Communities	E. On Uk Plc
Deejak	Northampton General Hospital NHS Trust
Deenethorpe Airfield	Bulwick Parish Council
Defence Infrastructure Organisation	East Midlands Councils
Drayton Estate	EMH Group
Exeter Primary School	East Northamptonshire Business Partnership
Friends Of The Earth - East Midlands Region	East Northamptonshire Local Strategic Partnership
Geoff Amos Coaches Ltd	Elton Estates Co. Ltd
Groundwork North Northamptonshire	EMH Group
Forterra	Endurance Property
Health And Safety Executive	Entec Uk
Kettering And District Chamber Of Trade	Epworth House
Kettering Chamber Of Trade And Commerce	Evolution Planning

Metropolitan Housing Trust	Exeter Neighbourhood Association
Midland Mainline	Fah Swallow
New Pastures Community And Youthwork Group	Fairhurst
North Northants Badger Group	Faulks Perry Culley Rech
Federation Of Master Builders	I Plan Solutions
Ferguson Broadbent	Ig Land & Planning
Fernbrook Builders Ltd	Improvement And Development Agency
Fields In Trust	Indian Hindu Welfare Association (Northampton) Ltd
Forestry Commission	Indigo Planning
Forestry Commission East Midlands	Inland Waterways Association - Northampton Branch
Fox Lodge	Insight Town Planning Ltd
Foxley Tagg Planning Limited	Institute Of Energy And Sustainable Development
Fpd Savills	Intellect
Framptons Planning	Irchester Country Park
Francis Jackson Homes	Irthlingborough And District Chamber Of Trade
Freight Transport Association	Isis Land Ltd
Furnace Lane Action Group	J B Planning Associates Ltd
G P Planning Ltd	J S Bloor
G Webb Haulage Ltd	J Scott (Thrapston) Ltd
Gallagher Estates Limited	Jeakins Weir Ltd
Galliford Try	Jelson Homes Ltd
Mencap	Jennifer Lampert Associates
General Aviation Awareness Council	John Drake And Co
Geoplan Consultants Ltd	John Martin & Associates
George Wimpey (South Midlands)	Keepmoat PLC
George Wimpey UK Ltd (South Midlands)	Kember Loudon Williams
GL Hearn	Kettering And District Art Society
Gladman Developments	Kettering Civic Society
Godfrey-Payton Chartered Surveyors	Kettering Community Leisure Ltd
Grace Homes	Kettering Environmental Forum
Graham Court Design Associates	Kettering General Hospital
Grantscape	Kettering Leisure Village
Great Oakley Estates	Kettering Ramblers' Association
Gretton Primary School	Kettering Town Forum
Groundwork Northamptonshire	Kettering Trades Council
Gva Grimley	Kier Homes
H M Prison Service	Kier Land
Hallam Land Management	King West
Hampton Brook	Kingswood Neighbourhood Association
Hanover Housing Association	Kingswood Primary Academy
Harris Lamb	Kingswood Secondary Academy

Hawkins Brown	Kirkby And Diamond
Hazel Leys Neighbourhood Association	Kirkwells Town Planning And Sustainable Development Consultants
Hazel Leys School	Lagan Homes
Head Mann Associates Ltd	Lambert Smith Hampton
Henry H Bletsoe & Son	Land Access And Recreation Association
Historic England	Land Trust
Home Builders Federation	Landplan Associates
Home-Start	Larkfleet Homes
Hourigan Connolly	Latham Architects
House Of Commons	LDA Design
Housing and Care 21	Leicestershire County Council
Howkins And Harrison	Midlands Rural Housing Association
Lidl	Northamptonshire Environmental Forum
Live/Work Network	Northamptonshire Gardens Trust
Lockhart Garratt	Northamptonshire Local Nature Partnership
Lodge Park Technology College	Northamptonshire Skills And Learning Consortium
Lovell Partnerships Ltd	Northamptonshire Somali Forum
Malcolm Scott Consultants	Northants Bat Group
Manor House Farm	Nortoft
Maplefields School	Oakley Vale Community Association
Marcus Bates Ltd	Oakley Vale Primary
Marrons	OHL Ltd
Martin Grant Homes (Uk) Ltd And Harcourt Developments Ltd	Old Lodge Park Neighbourhood Association
Martin Pendered & Co	Old Road Securities Plc
Martin Robeson Planning Practice	Ors Plc
Mather Jamie	Oundle Association Of Chamber Of Trade
Matrix Planning	Oundle Association Of Trade And Commerce
Mccarthy & Stone Retirement Lifestyles Ltd	Oundle Planning Working Party
Mick George (Haulage) Ltd	Our Lady Of Walsingham Catholic Primary School
Midland Fox Ltd	Parish Nursing Steering Group
Midlands Rural Housing	Paul Bancroft Architects
Montague Evans	PC Howard
Muir Group	Peacock And Smith
Museum And Art Gallery	Peel Holdings (Management) Ltd
Nagarjuna Buddhist Centre	Pegasus Planning
Nathaniel Lichfield And Partners	Pen Green Centre For Children And Their Families (Nursery)
National Farmers Union	Pendimo Development Land & Property Consultants
National Trust- East Midlands	Pentan Partnership
Nene Valley Community Action	Persimmon Homes Midlands
Nene Valley Nature Improvement Area (NIA)	Peter Brett

North Northamptonshire Development Company	Peterborough Diocesan Board
North Northamptonshire Landowners Group	Philips Planning Services Ltd
Northampton Chamber Of Trade	Places For People
Northampton Disabled People's Forum	PlanInfo (DPDS Consulting)
Northampton Fire And Rescue	Planware Ltd
Phab Club	Priors Hall Park Neighbourhood Association
Northampton Rail Users Group	Prologis
Northampton Town Centre Partnership	Quadrant Estates
Northamptonshire Acre	Racial Equality Council
Northamptonshire Archaeological Society	Rapleys LLP
Northamptonshire Association For The Blind	Redrow Homes (South Midlands) Ltd
Northamptonshire Association Of Youth Clubs	Redrow Homes Ltd
Northamptonshire Black History Association	RG+P Ltd
Northamptonshire Carers	River Nene Regional Park
Northamptonshire Central Library	Road Haulage Association Southern & Eastern Region
Northamptonshire Chamber Of Commerce	Robert Doughty Consultancy
Northamptonshire Churches	Robinons And Hall
Northamptonshire Co-Operative Development Agency	Rockingham Castle Estates
Rockingham Forest Housing Association	Swansgate Centre
Rockingham Forest Trust	Swanspool Allotment Association
Rockingham Motor Speedway	Swoders Agricultural
Rockingham Primary School	Sywell Aerodrome Ltd
Rothwell & Desborough Futures Ltd	Taylor Wimpey
RPS Group Plc	Taylor Wimpey - South Midlands Limited
RSPB	The Arts Barn Theatre Company
Salvation Army	The Burghley House Preservation Trust
Samuel Rose Ltd	The Campaign For Real Ale
Sanctuary In The Midlands	The Coal Authority
Savills	Diocese Of Peterborough
Scope Northamptonshire	The Great Oakley Estate
Seagrave Developments	The John Phillips Planning Consultancy
Seatons	The Living Landscape Trust
Service 6 - Northamptonshire Youth Advisory Service	The Mayo Family
Shire Lodge & The Chestnuts Neighbourhood Association	The National Energy Foundation
Silverstone Circuits Ltd	The National Federation Of Gypsy Liaison Groups
Sita	The Planning Bureau For McCarthy Stone
Sj Technologies Ltd	The Planning Inspectorate
Smith Jenkins	The Prince'S Foundation For The Built Environment

Smiths Gore	RSPB
South East Midlands Local Enterprise Partnership	The Showmen's Guild Of Great Britain
Southams	The Synagogue
Sovereign Centros	The Theatres Trust
Spire Homes	The Wildlife Trust For Bedfordshire, Cambridgeshire, Northamptonshire & Peterborough
Sport England	The Woodland Trust
SSA Planning Limited	Thomas (Haulage) Ltd
St Brendan'S Catholic Junior School	Thomas Eggar LLP
St Patrick'S Catholic Primary School	Tingdene Holdings Limited
Stagecoach East	Midland Heart
Stagecoach Midlands	Town Planning Services
Stamford Homes Ltd	Traveller's Education Service
Linden Homes Ltd	Tresham Institute
Stanion C.E. Primary School	Trustees Of Desborough Settlement
Stanley Mews Community Trust	Ttsp
Stansgate Planning Llp	Twigden Homes East Anglia Ltd
Stephen Bowley Planning Consultancy	University Of Cambridge
Stewart Ross Associates	Vincent And Gorbing
Stodec Products Ltd	Walker Plant (Earthmoving) Ltd
Strategic Lead Local Relationships Central (East)	Waste Services Division - Shanks
Strutt & Parker	Waterland Associates
Studfall Junior School	Waterloo Housing
Sursham Tompkins And Partners	Watford Estate
Sustrans	Weetabix Ltd
Weldon C.E. Primary School	Mr David Lewis
Welfare Rights	Mr William Millen
Welland Transport Initiative	Mr Godfrey Bigley
Wellingborough And District Horticultural Society	Mr David Coe
Wellingborough Landowners Association	Mr Tony Skipper
Wellingborough Town Centre Partnership	Mr Rajeet Loibl
Westleigh Partnerships	Mr Simon James
Wilbraham Associates	Mrs Shelley-Anne Lawrence-Harris
Wildlife Trust For Bedfordshire, Cambridgeshire Northamptonshire And Peterborough	Mrs Barbara Baldwin
William Davis	Mrs Alison Mclaven
Wilson Bowden	Mrs Sally Harrison
Wilson Browne Solicitors	Mrs Paula Holmes
Woodland Pytchley Hunt	Ms Laura Ross
Woodnewton Infant School	Ms Partridge
Woods Hardwick	Ibby Mallett

WYG Group	Peter Wathen
WYG Planning & Environment	Brian Skittrall
Wythe Holland Partnership	Richard Robson
Yates Walker	Peter Quincey
Youth Offending Services	Maria Cross
Education Group	Rachel Terry
Mr Terry Sandy	Maxwell Scott
Mr John Padwick	David Jackon
Stuart Beatty	Jacqui Webb
Barry Waive	Marian Anderson
Mark Rose	Ray Dinsdale
Ravinder Baines	H Jackson
Andy Hiorns	Lesley Kabbabe
Mr Paul Bingham	Sarah Brant
Mr Alexander De Capell Brooke	Mr John Gregson
Mrs Cynthia Bailey	Mr Joe Waugh
Rev Ted Hale	David Rafferty
Miss V Broucke	Tristan Peck
Mr Neil Kipling	Francesca Wray
Mr Mark Ormerod	Jeremy Sawtell
Mr Michael Mills	Anna Roberts
Mr John Burton	Ellen Hudspith
Mr Thomas Lyons	Caroline Chave
Mr Martin Lawrence-Harris	Vickesh Rathod
Mr Tim Fox	Helen Williams
Mr Moiz Khanbhai	Oliver Burke
Mr Sach Shah	Alan Smith
Mr Charles Best	Colin Lewis
Mr F A H Swallow	Glyn Mabey
Mr Kevin Abraham	Jessica Miln
Dominic Harman	NHS Northamptonshire
John Lagan	NHS Property Services
Helen Durkin	North Northamptonshire Joint Planning Unit
Robert Waite	Northamptonshire County Council
James Moore	Northamptonshire Fire And Rescue Service
Peter Allen	Northamptonshire Police
Bill Temple-Pediani	Rockingham Parish Council
Joseph Shearer	Rutland County Council
Jodi Stokes	Safeguarding Hub
Melissa Balk	Stanion Parish Council
Rhianon Boulton	University Hospitals Of Leicester NHS Trust
Richard Barwick	Vodafone Ltd
Lawrence Miller	Wayleaves And Property Department
National Grid	Weldon Parish Council
Anglian Water	West Northamptonshire Joint Planning Unit
Association for Decentralised Energy	Geddington, Newton and Little Oakley Parish

	Councils
Bedford Group Of Drainage Boards	Brigstock Parish Council
Borough Council Of Wellingborough	English Heritage
British Pipeline Agency Ltd	NHS Nene Clinical Commissioning Group
British Telecommunications	NHS Corby Clinical Commissioning Group
Cable And Wireless Ltd	NHS Property Services
Caldecott Parish Council	Northamptonshire County Council
Central Network Plc	Highways Agency
Corby CCG	Highways England
East Carlton Parish Council	Western Power
Cottingham Parish Council	Ashley Parish Council
East Northamptonshire Council	Wilbarston Parish Council
Ecotricity	Bringhurst Drayton & Nevill Holt Parish Meeting
Energylink Limited	Great Easton Parish Council
Environment Agency	Caldecott Parish Council
Environment Agency - Lincolnshire & Northamptonshire	Thorpe By Water Parish Meeting
Gpss, Fisher German Chartered Surveyors	Lyddington Parish Council
Gretton Parish Council	Harringworth Parish Council
Harborough District Council	Deene & Deenethorpe Parish Council
Highways England	Benefield Parish Council
Homes And Communities Agency	Geddington, Newton and Little Oakley Parish Councils
Kettering Borough Council	Rushton Parish Council
Kettering General Hospital NHS Trust Headquarters	Electric Corby
Marine Management Organisation	Network Rail
Middleton Parish Council	NHS Cambridge And Peterborough Clinical Commissioning Group.
Mobile Operators Association	NHS England Hertfordshire And South Midlands
National Grid	NHS Milton Keynes CCG
Natural England	

Schedule of Consultation Responses and Actions

Name	Organisation	Comments	Our response and proposed action
Allison J Chippendale	Health and Safety Executive	<i>"No representation to make"</i>	N/A
Sharon Nolan	Lincolnshire and Northamptonshire Environment Agency	<p><i>"We provided comments on preliminary draft Planning Obligations Supplementary Planning Document (SPD) to your Authority on the 13 February 2017 (our ref: AN/2013/118485/SD-02/IS1-L01).</i></p> <p><i>We note that our recommendation in paragraph 4 of the letter has not been included in the revised SPD as detailed below:</i></p> <p><i>..." in point 2.4.6 we consider that the Environment Agency should be included as a point of contact in the early stages of development proposal preparation. We lead on the Water Framework Directive and need to ensure that watercourses within and around network corridors are protected and enhanced through development."</i></p> <p><i>Other than the above recommendation above which we hope will be included in any updated SPD, we consider that the Policies 4, 10 and 19 in the adopted North Northants Joint Core Strategy have been adequately considered in the relevant sections of the SPD."</i></p>	Noted. Environment Agency is already included in the list at 2.4.6.

Stewart Patience	Anglian Water Services	<i>"No comments to make"</i>	N/A
Emilie Carr	Historic England	<i>"Reference to the historic environment within paragraph 2.8.1 is welcomed."</i>	Noted. Change already made.
Kayleigh Cheese	Natural England	<i>"Natural England generally supports the approach that the Supplementary Planning Document has taken and considers that it provides useful information on securing contributions from developers. We particularly welcome the sections on Green Infrastructure and Biodiversity and Geodiversity as they will help to ensure that the natural environment is fully considered within the planning process. Strategic Environmental Assessment/Habitats Regulations Assessment We concur with the conclusions of the SEA and HRA screening report."</i>	Noted. No change required.
Steve Beard	Sport England	<i>"Thank you for consulting Sport England on the revised SPD. Concern no ref to PPS or Open space sport and recreation in section 2.4 but it is raised in section 2.5, should be cross referenced as the evidence relates to both sections? Para 2.4.4 open space standards see note attached does this give an opportunity to review to ensure that the requirements meet the Section 122/NPPF tests , it is noted that this has begun to be addressed in the comments section –Appendix B.</i>	Noted. Paragraph 2.5.3 has been amended from "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 Recreations Study as a starting point for negotiations."

		<p><i>Both the Playing Pitch Strategy and Built Sports Facilities Strategy should be able to be used to link specific development to specific contribution requirements in line with the tests.”</i></p> <p>The Sport England CIL & Planning Obligations Advice Note was also attached to the response and has been provided during the information stakeholder consultation period.</p>	<p>to</p> <p>“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 policy and the Open Space, Sport and Recreations Study as a starting point for negotiations.”</p> <p>Noted.</p> <p>The line below was added to section 2.4: “For information on the provision of open space, sport and recreational facilities see section 2.5.”</p> <p>Comments on paragraph 2.4.4 are noted. The NPPF and CIL regulations are outlined at the start of the document and apply throughout.</p>
<p>Kayleigh Cheese</p>	<p>Natural England-Northamptonshire Local Delivery Team</p>	<p><i>“Natural England generally supports the approach that the Supplementary Planning Document has taken and considers that it provides useful information on securing contributions from developers. We particularly welcome the sections on Green Infrastructure and Biodiversity and Geodiversity as they will help to ensure that the natural environment is fully considered within the planning process.</i></p>	<p>Noted. No change required.</p>

		Strategic Environmental Assessment/Habitats Regulations Assessment <i>We concur with the conclusions of the SEA and HRA screening report."</i>	
Ben Hunter	Northamptonshire County Council	<p><i>"1.1.2 – current wording is “planning obligations are negotiated between local authorities and developers” – suggest rewording to incorporate ‘and statutory providers of infrastructure’ (local authorities potentially being too narrow a scope?)</i></p> <p><i>1.3.1 – current wording is “Developers are advised to initiate negotiations at a pre-application stage with officers of the Council” – suggest including ‘and statutory providers of infrastructure’ (same as above)</i></p> <p><i>1.6.7 – suggest that the Council (CBC) should be required to consult with statutory providers where viability is an issue, and where obligations may lead to development being stalled / delayed.</i></p> <p><i>2.3.1 – Current wording is that CBC “will liaise with Northamptonshire County Council when considering educational infrastructure in new developments” – suggest amending to “will liaise with Northamptonshire County Council when considering educational infrastructure requirements in and as a result of new developments”</i></p>	<p>Noted.</p> <p>Paragraph 1.1.2 amended to reflect suggested change.</p> <p>Paragraph 1.3.1 amended to reflect suggested change.</p> <p>Paragraph 1.6.7- Noted. No change made. Officers of the Council carry out informal discussions with infrastructure providers where viability is an issue, but Officers make the final decision on which Heads of Terms are given priority and which Planning Obligations are finally achieved.</p> <p>Paragraph 2.3.1 amended to reflect suggested change.</p>

		<p><i>2.3.2 – refers to 1FE primary schools as required for developments of 700 homes – suggest this needs to be revised in line with NCC’s policy and requirements for min. 2FE / space to expand. Would suggest inclusion of wording to effect that developers / CBC should liaise with NCC early in the planning process to identify what the most appropriate form of infrastructure may be. The document refers the NCC’s planning obligations framework several times (and links to it) – perhaps need to have a disclaimer in there to include ‘and subsequent versions’ of the document to ensure developers / CBC are not using out of date policy.”</i></p>	<p>Paragraph 2.3.2 removed.</p> <p>Noted. The phrase “current or any subsequent version of the” has been added where the document is referenced in the main text and footnotes.</p>
Ms Alice Kirkham	Permission Homes and Charles Church Midlands.	<p><i>“This letter outlines the Persimmon Homes/ Charles Church Midlands (PHM) response to Corby Borough Council’s consultation on the Revised Draft Planning Obligations Supplementary Planning Document (SPD) dated March 2017.</i></p> <p><i>Planning Practice Guidance states that,</i></p> <p><i>“Policies for seeking planning obligations should be set out in a Local Plan...to enable fair and open testing of the policy at examination. Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy (PPG, Reference ID: 23b-003-20150326).</i></p>	<p>Noted.</p> <p>Paragraph 1.1.1 amended to read: <i>“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. The aim of this SPD is to provide clarity and guidance for developers, build on the policies in the Joint Core Strategy and direct developers to the documents and requirements provided by Northamptonshire County Council and other infrastructure providers.”</i></p> <p>Noted. The Infrastructure Delivery Plan is not a matter for this SPD.</p>

	<p><i>The draft SPD makes reference to a number of policies within the adopted Joint Core Strategy which is the appropriate place for policies on planning obligations to be contained. The SPD should therefore only be used to clarify points of process and not set out new policy.</i></p> <p><i>Paragraph 1.2.7 makes reference to the latest Infrastructure Delivery Plan that was published in January 2015. PHM believe this should be updated at least annually in order to provide a robust evidence base.</i></p> <p><i>The draft SPD contains information on timing and phasing of contributions and on viability. These two factors are very important in the delivery of housing developments, particularly those of a large scale. The Council should be aware that the cumulative effect of the conditions and obligations imposed on development have a hugely significant bearing on whether a scheme can be delivered. There should be recognition during the negotiation of obligations on every scheme that their scale and timing should be considered in the context of the scheme viability and deliverability, with a flexible approach taken to trigger points and phrasing.</i></p> <p><i>This revised draft maintains the requirement from the previous draft that if the calculation of the affordable housing obligation involves a fraction that the figure will be rounded up to the nearest whole number. PHM</i></p>	<p>Noted.</p> <p>Paragraph 2.1.2 amended to: <i>“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, this will be rounded to the nearest whole number.”</i></p>
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		<p><i>remain of the view that it would be inappropriate to round up the requirement where the calculation results in a fraction less than 0.5. For example, where the calculation results in a requirement of 15.2 dwellings, the provision should be 15 dwellings, not 16. This is supported by Paragraph 9.37 of the North Northamptonshire Joint Core Strategy which confirms that the percentage requirements for affordable housing represent a maximum.</i></p> <p><i>I trust these comments will be taken into consideration in preparing the final document. Please do not hesitate to contact me should you require clarification on any of the points.”</i></p>	
Neville Surtees	Barton Willmore	<p><i>“We are pleased to respond to this consultation on behalf of the promoters of West Corby Sustainable Urban Extension (SUE), namely Great Oakley Farms, Rockingham Castle Estate, Taylor Wimpey and Barratt Developments.</i></p> <p><i>On 31st march 2017, the promoters of West Corby SUE submitted an outline planning application to Cprby Borough Council. The proposed development is pursuant to the delivery of the allocation of the site as a Sustainable Urban Extension in the adopted North Northamptonshire Joint Core Strategy (July 2017).</i></p> <p><i>Having reviewed the contents of the draft SPD, the Promoters wish to note that they are broadly in support with the contents of the document. In terms of</i></p>	Noted.

		<p><i>specific comments the Promoters wish to note the following and request that further changes are made to the document.</i></p> <p><i>Paragraph 1.2.3: It is acknowledges that the Regulation 123 of the Community Infrastructure Levy (CIL) Regulations prevents the pooling of Section 106 contributes from more than five developments to enable the provision of new infrastructure. However, it is not known as to whether CBC has a schedule of pooled S106 contributions since 2010.</i></p> <p><i>It is, therefore, requested that revisions are made to Paragraph 1.2.3. In particular, the SPD should state that, in negotiating with developers, the Borough Council will provide evidence where pooled contributions are being sought that it has not already reached its quota of 5. The addition of such text would provide clarity and certainty for future S106 negotiations with developers.</i></p> <p><i>Paragraph 1.4.2 (and paragraph 1.6.4) The SPD at paragraph 1.4.2 (and paragraph 1.6.4) refers to 'larger developments' in the context of phasing payments and viability assessment but does not define what scale of development qualifies as being large.</i></p> <p><i>Although paragraph 2.6.2 of the draft SPD refers to the</i></p>	<p>Noted. This information is already shared where appropriate with developers when preparing Section 106 agreements.</p> <p>Noted. Paragraph 1.4.2 amended to remove reference to 'larger development' as at present this is applied to all developments where it is felt to be useful.</p>
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	<p><i>term ‘major’ development (i.e. sites of more than 10 dwellings or 1000 sqm), it is not considered that these particular scales of development are applicable in the context of paragraphs 1.4.2 and 1.6.4. Larger sizes of development should be identified and consulted on prior to the adoption of the SPD.</i></p> <p><i>The SPD should define what constitutes a larger development in order to provide clarity for future S106 negotiations with developers.</i></p> <p><i>Paragraph 1.4.3: It is acknowledged that the draft SPD leaves the definition of commencement of development to be specified in the legal agreement, as normally specified in the TCPA 1990. In this regard it is noted that the SPD refers to the “performance of planning obligations” being “deferred to suitable stages of the development”.</i></p> <p><i>As with other comments made in this response, the wording of SPD would be improved, to aid S106 negotiations, if it referred to the ‘commencement’ of the actual development being proposed (such as housebuilding) or to a particular phase. Otherwise, commencement could be taken as being as the start of enabling infrastructure works, which could- in the case of large-scale developments such as the West Corby SUE- start a significant period of time beforehand, the consequence of which would be to negatively skew</i></p>	<p>Noted. No change made. Current practise on Section 106 wording makes clear operations which Corby Borough Council exclude from being a material operation.</p>
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		<p><i>S106 negotiations.</i></p> <p><i>Paragraph 1.4.4:</i> <i>Whilst it is far from the intention of the promoters of the West Corby SUE to make late payments of financial obligations, for fairness it is noted that the 4% above base (i.e. Barclays lending rate) penalty rate is twice what other local authorities are currently using.</i></p> <p><i>There is no reasoning or justification given for applying this rate and it is therefore requested that this penalty rate is reduced to 2% above base.</i></p> <p><i>Paragraph 1.6.4:</i> <i>With regard to viability assessments, the SPD refers to "Current values and costs (not historical)" being the "Basis for valuation".</i></p> <p><i>This approach is questioned. As drafted, and without definition as to what is meant by 'current' and 'historic' costs (i.e. in terms of their respective ages), attempts to follow this requirement in viability assessments could lead to the frustration of sensible and pragmatic S106 negotiations. This could also lead to realistic development scenarios not being taken into consideration in the viability assessment. The basis for</i></p>	<p>Para 1.4.4 amended from: "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."</p> <p>to "Should a payment not be made on or before the date due, interest will be charged in order to act as a disincentive to late payment, as detailed in the planning agreement."</p> <p>Noted. Paragraph 1.6.4, bullet point two amended from: "Current values and costs (not historical) are the basis for the valuation (larger schemes may require a viability review after 5 years)."</p> <p>to "Current values and costs including abnormalities are the basis for the valuation (schemes may require a viability review after 5 years)."</p> <p>The definition, in this instance, of the term 'current' is the date which the assessor is satisfied is the valid</p>
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		<p><i>this particular element of viability assessment has not been settled. Indeed, there have been many occasions where Inspectors have taken pragmatic views on the age of land purchase values and had regard to the actual costs incurred by developers.</i></p> <p><i>It is, therefore, requested that the second bullet point is amended to refer to 'realistic' values and costs.</i></p> <p><i>Paragraph 1.6.6: Also within the context of viability assessments, the draft SPD states that where one is submitted with a valid planning application the LPA "will redact the commercially sensitive elements of the assessment".</i></p> <p><i>Whilst this proposed action is welcomed, the SPD does not state how the LPA will determine if certain information contained within a viability assessment is commercially sensitive. This is a cause for concern and should be addressed before the SPD is adopted.</i></p> <p><i>It is requested that the paragraph is amended to include developers in any discussions with the LPA as to what is or is not commercially sensitive information. In addition, the SPD should state that the LPA will not make the viability assessment a public document until such time as agreement is reached with the applicant in defining whether any part of it is commercially sensitive.</i></p>	<p>date of the assessment.</p> <p>Paragraph 1.6.6 amended from: "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."</p> <p>to "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 following consultation."</p> <p>Para 2.2.1 covered above.</p>
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	<p><i>Paragraph 2.1.1: The SPD states that, where the calculation of the provision of affordable housing results in the total number involving a fraction that “the figure will be rounded up to the nearest whole number”.</i></p> <p><i>This is an inequitable basis of calculation. Instead, it is requested that fractions should rounded to the nearest whole number (0.5 to 1 and less than 0.5 to 0).</i></p> <p><i>We trust this response is helpful and the Promoters’ comments and requests for changes to the draft SPD will be taken into consideration and made.”</i></p>	
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