

### Planning Obligations SPD: Summary of Representations and Responses

	Representation	Response	
1	Sustainable measures incorporated into development should be taken into account in considering the level of contribution required.	Developers are welcome to make representations regarding viability in respect of any contribution requested. The Council will take these into account having regard to Section 4.7 (on viability) in the SPD.	Simon Metcalfe WYG, on behalf of Sainsburys
	Case-by-case assessment of contributions welcomed.	Noted.	
2	All this does is bring together information that may be found elsewhere into a single document.	The purpose of the document is to provide a single source of information.	Robert Price
	Reinvents the wheel, one nation wide document should be produced to cut costs and bureaucracy.	Circular 05/2005 encourages planning authorities to produce such SPDs. This document reflects Exeter's local requirements.	
3	Affirmation of current affordable housing policy is welcomed.	Noted.	T J Baker
	Car club contributions should be deleted as there is no evidence that they reduce car ownership or use. There is no policy basis for this contribution.	Normally, car club contributions are sought on sites as an option when there is limited or reduced parking provision, particularly developments in the city centre. The policy basis for this contribution is the Council's adopted Car Club Supplementary Planning Guidance (SPG). This outlines certain thresholds which are used when the policy is applied. The Carplus website, referred to in 'Further Information', provides analysis of the role car clubs can play in reducing car usage. The language has been clarified to make the section clear in the SPD.	
	Environmental enhancements section is unclear as to what the policy is attempting to achieve.	Any contributions sought will be site specific so it is difficult to specify in general terms what the policy seeks to achieve. Normally, however, the contributions will relate to improvements to the public realm. The language has been clarified to make the section clear in the SPD.	

	It would be preferable for public art contributions to be made for on site provision.	As a general rule, contributions for public art would be made for on site provision. However, there may be some exceptions and therefore an assessment is required on a case by case basis.	
	Site specific contributions must be a reasonable interpretation of national policy.	Agreed.	
	No justification for education contributions as there is capacity in all schools in Exeter.	Contributions are only sought where the Local Education Authority advise that there is a shortfall in capacity at the catchment schools.	
4	Obligations should not be subverted by off site payments. Where affordable housing has been required, a payment from the developer has been accepted in lieu of the actual provision and has not then materialised.	Policy H6 requires proposals for development of 15 or more dwellings to include provision of affordable housing. Off site provision will only be acceptable where the City Council is convinced that special circumstances exist. In lieu payments to the Council are always used to provide affordable housing. This allegation is not substantiated.	CPRE, Devon
	Valuation advice should be taken from independent bodies, not other developers, valuers or estate agents.	Valuation advice would be sought from an independent third party as specified in paragraph 4.7.1.	
	Concern is raised over provisions of Section 6.5 (Modifying and Discharging Planning Obligations). 5 years is too short a period and could result in an application for discharge of an obligation early in the development.	The time limit after which a submission may be made is set by national legislation – Section 106A of the Town and Country Planning Act 1990 (as amended). This is explained in Section 6.5 of the SPD.	
	As many planning requirements as possible should be built into the basic permission. This would save time and contention in the preparation of an additional legal document.	Circular 05/2005 agrees with this. Planning obligations should only be used when the scope of a planning condition is exceeded and cannot be used to address a certain matter. This is explained in Section 4.1 of the SPD. The Council seeks Heads of Terms early in the planning process and, when applicable, sets out these Terms at Planning Committee.	
5	DCC welcomes this document as a guide for developers as to their responsibilities and requirements when making planning applications.	Noted.	Devon County Council

<p>With regard to obligations to the County Council for Education, it would be better to refer to the requirements and then, for further details, direct applicants to either the Education Directorate or to the DCC website rather than put in actual figures which will change during the lifetime of the document.</p>	<p>The opening paragraph of the Summary of Planning Obligations Sought acknowledges that the financial figures quoted will be subject to review in line with policy changes and inflation. The text within the education section has been amended to emphasise this point.</p>	
<p>The Education section should also include early years, children's centre, youth provision, special education needs and also social care.</p>	<p>Devon County Council would need to provide an evidence base for this as contributions for these have not been sought in the past.</p>	
<p>There should be references to the requirements for contributions to Green Infrastructure.</p>	<p>Green Infrastructure is included in the Parks, Leisure and Open Spaces section of the Summary of Planning Obligations Sought. Other matters, whilst not explicitly mentioned, would fall within the Site Specific section.</p>	
<p>Contributions to walking and cycling facilities should be included.</p>	<p>On-site, provision for walking and cycling facilities would be dealt with by condition. Contributions for any off-site provision would fall within the Highways section of the Summary of Planning Obligations sought. The summary has been amended to include references to these.</p>	
<p>Policy H7 of the Local Plan refers to provision for 'housing that can easily be adapted for occupation by people permanently confined to wheelchairs' and that this will be negotiated and should therefore be included.</p>	<p>Agreed – the SPD has been amended to include this requirement.</p>	
<p>Reference to allotment requirements should be included.</p>	<p>Policy L10 of the Exeter Local Plan merely seeks to protect existing provision rather than secure new allotment sites. The Council's Allotment Strategy recognises that new policies will need to come through the LDF process. Where allotments are offered or secured as part as open space, it would be considered a site specific obligation.</p>	
<p>Reference should be made to CCTV requirements as indicated in the Local Plan Paragraph 5.38.</p>	<p>Paragraph 5.38 of the Local Plan relates to problems that can arise from food and drink outlets – noise, litter, anti-social behaviour and late night disturbance. The Council agrees with this comment and the SPD has been amended to include this requirement.</p>	

	Items identified in paragraphs 8.17 - 8.19 of the Local Plan could benefit from greater clarity.	These paragraphs form a section on Developer Contributions. Various forms of physical and social infrastructure are listed to explain why and when contributions may be required on a given development. Whilst some of the items identified are not explicitly mentioned in the SPD, all would fit within one of the categories contained in the summary.	
	Requirements for the Historic Environment could be made more explicit.	Although not explicitly mentioned, these would fall within the Site Specific section of the Summary of Planning Obligations Sought.	
	Paragraph 3.1. is confusing and could be written as 'Regional Planning Guidance 10 and the Devon Structure Plan 2001 - 2016 set... The RSS, when adopted, will..... Each....	The paragraph merely explains the regional and county policy context for the SPD. The Council does not consider this paragraph to be confusing.	
6	In reaching agreement on what provision should be made, three parties should be at the table – the developer, the planning authority and representatives of the local community. Clear procedures should be incorporated to ensure local opinion is canvassed and represented.	Members of the public are not signatories to a Section 106 agreement and therefore it is not appropriate that they are at the negotiating table. Nonetheless, they can make their views known in a number of ways. Consultations are carried out on all policy documents and planning applications. Members of the public can make their views known during these consultations. Members of the Planning Committee, who represent the local community, play a key role in the adoption of planning policies and the determination of planning applications.	G Richards
7	Tetlow King, representing the South West RSL (Registered Social Landlord) Planning Consortium, welcomes the Council's attempts to adopt an SPD. This will add more weight to affordable housing policies.	Noted.	Tetlow King Planning
	100% affordable housing schemes are primarily delivered for residents already living in the district and therefore should not be liable for the same level of contributions as general market housing schemes. Circular 05/05 states all contributions should be 'fairly and reasonably related in scale and kind to the proposed development'. Reducing the rate of contributions for RSL development will encourage organisations to bring forward more 100% affordable housing schemes. The Council will need	The contributions sought relate to development and are based on the net gain in the number of dwellings rather than on the people living in the dwellings. Section 4.9 of the SPD addresses how the Council will handle any problems that may arise regarding the viability of a scheme.	

<p>schemes of this type to come forward to meet the housing allocations in the Regional Spatial Strategy and to reduce social housing waiting lists.</p>		
<p>Tetlow King objects to the inclusion of affordable housing total and mix requirements as based on the draft Affordable Housing SPD. The emerging Regional Spatial Strategy states that housing policies, including on housing mix, should be set within DPDs. The suitability and robustness of the evidence base in setting policy is questioned, in particular affordable housing thresholds and targets for the proportion of social rented and intermediate affordable housing. The Social Housing Market Assessment provides insufficient details with which to determine policy. Detailed policies should be set within the Core Strategy.</p>	<p>The Council produced, and consulted on, a Draft Affordable Housing SPD in November 2007. Officers are currently revising the document and intend to carry out a second public consultation in due course. At this stage, no changes to the proposed housing mix requirements are planned. Once adopted, the SPD will introduce formally this requirement. The proposed provisions are based on the targets contained in, and are consistent with, Policy H6 of the Exeter Local Plan First Review 1995-2011. The Council is also currently working on the production of its Core Strategy, which forms part of the Local Development Framework. This will include policies on affordable housing.</p>	
<p>Affordable housing schemes should be made exempt from, or have a reduction in, the requirement to provide car clubs. At present the Car Club SPD only states that contributions may be negotiated as an alternative to other measures. Residents of affordable housing are less likely to own cars.</p>	<p>The Car Club SPG does not create a compulsory framework for obligations. Contributions will be considered on a case by case basis.</p>	
<p>The SPD should not reproduce unadopted policy but have its basis in up to date planning policy and guidance.</p>	<p>The Draft Affordable Housing SPD expands on local planning policies – specifically H6 of the Exeter Local Plan.</p>	
<p>The Council should specify what circumstances would constitute a development not maximising site potential as Paragraph 4.6.1 is otherwise too ambiguous to be fairly interpreted by all parties involved in development.</p>	<p>Paragraph 4.6.1 of the SPD seeks to explain that planning obligations will be sought from sites considered capable of yielding 15 or more dwellings. This is to prevent developers from avoiding a planning obligation by reducing the scale of their proposals. In order to ensure this is clear, the wording of the paragraph has been amended.</p>	

<p>In the current economic climate, developers need to be assured that affordable housing costs will not sink entire schemes. Promotion of a flexible approach towards seeking affordable housing will encourage developers to bring forward schemes.</p>	<p>Noted.</p>	
<p>An administration fee for monitoring the payment of Section 106 monies is unnecessary. The Council already charges significant application fees and a further fee to draw up the legal agreement. Circular 04/2008 on planning fees makes no provision for charging for the monitoring of planning obligations.</p>	<p>The administration fee is not an extra charge. It will form part of the overall contribution figure. It will allow the Council to spend money on work associated with planning obligations – such as ordering play equipment or commissioning housing needs survey.</p>	
<p>The Government are looking at exemptions for affordable housing. The draft Community Infrastructure Levy guidance indicates that a reduced rate of CIL will be sought on affordable housing development. This approach should be continued at the local level through documents such as this. Numerous other Authorities around the country are adopting such an approach.</p>	<p>Noted. Should the Council adopt CIL, further consultation will be held at a future date. The contributions sought relate to development and are based on the net gain in the number of dwellings rather than on the people living in the dwellings. Section 4.9 of the SPD addresses how the Council will handle any problems that may arise regarding the viability of a scheme.</p>	