

Uttlesford District Council

Developer Contributions SPD

Public consultation - ran for 6 weeks 17 Nov 2022 until 06 Jan 23

Consultation response	Person/organisation	Address	Our response
<i>The document is almost exclusively for residential. We occasionally do seek S106s for commercial, but usually that is just mitigation. Where we have large commercial (such as the airport or Northside), then the S106 are very bespoke and outside of the SPD I suggest. So stick to residential in the SPD.</i>	Nigel Brown, Development Manager, UDC	Uttlesford District Council	Noted and text amended.
<p>One or two \Observations</p> <p>....there is reference to the Corporate Plan 2020-2024 and one of the objectives is: UDC Corporate Plan 2020-2024</p> <p>Masterplan our new communities for and with residents</p> <p>a. Use locally led Development Corporations to deliver sustainable new settlements</p> <p>- We will need to review the use of the LLDC</p>	Lois Bowser, Principal Community Infrastructure Planner (New Communities, Uttlesford)	Growth and Development, Dept. Place & Public Health, Essex County Council	Noted
<p>Secondly, the Consultation document states that we will:</p> <p>Implement the community infrastructure levy (CIL) along with s106 to deliver strategic community projects and greater local benefit from development; -</p> <p>....We need to explore this, including non-cil matters further. FYI, County is reviewing its Developers Contributions; Alatheia is the lead (Alethea Evans - Strategic Development Lead Alethea.Evans@essex.gov.uk)</p>			Noted. This SPD is based on the current adopted 2005 plan. A review will be undertaken as we develop the new local plan.
<p>Having reviewed this document and for any implications for North Hertfordshire we have no comments to make.</p>	Laura Allen MPlan MRTPI Senior Planning Officer	North-herts	Noted
<p>1.5 – In practical terms, and apart from occasional sports facilities, developer contributions are seen by many in the community as insufficient compensation for development impact.</p> <p>In reality, while a brand new sports facility, for example, clearly adds value for to a community, more often than not there are other community needs that are completely bypassed by the developer contributions system. These might include:</p> <ul style="list-style-type: none"> • An old village hall that needs repairs, an upgrade, or even a rebuild. • Children's play equipment that is past its sell-by date and needs refreshing or replacement. • Local community organisations that are desperately in need of funds to maintain the facilities that are provided to the community. The cricket club's mower could be coming to the end of its useful life, the cricket pavilion or bowls clubhouse could need repairs, the tennis courts could need resurfacing, etc, etc. <p>These needs may not always be apparent at the time of the development but, with increased future use resulting from the enhanced local population the development will cause, there will be a clear link to the development. An injection of cash from developers' contributions would, therefore, benefit both existing residents and incoming residents from the development.</p> <p>The current system fails to reflect the fact that it is not just the statutory providers of services to the community (such as housing, education, highways and healthcare) that suffer both the immediate and the longer-term impacts of the development but, more directly, local residents who experience the day to day development effects. These might include:</p> <ul style="list-style-type: none"> • the usual development period interruption of normal community life – the noise, the dust, the mud on the roads, the heavy development traffic, all for months and sometimes a year or two, depending on the 			<p>Para 1.5 states '...These contributions recognise that incoming residents will need access to amenities, often generating a requirement for additional or improved facilities where there is a need.' Therefore it does recognise that improvements to existing facilities can be a local need. Parish and Town Councils can work with developers and the Council in the negotiation of the drafting of developer agreements to secure the contributions that are needed locally. No change needed.</p>

<p>1.7 – Sadly, our experience to date is that developers will either decline to engage with the community or if they do, the consultation is, at best, cursory. Failure to properly comply with the Council's Statement of Community Involvement should be a matter that weighs heavily against a development proposal.</p> <p>We suggest that in the developer's Planning Statement:</p> <p>(i) where there has been no general engagement with the community, the developer should be required to explain why not. One reason might be that the development comprises a single house only that may not warrant community consultation beyond, perhaps, the immediate neighbours.</p> <p>(ii) where there has been a general engagement with the community, the developer should be required to explain precisely what steps have been taken in that respect. That explanation should include identifying exactly which portion of the local community the developer has sought to engage and what reasons there were for excluding other parts of the local community. The developer should also explain the nature, length and extent of the consultation (for example, whether the developer held an 'open day' or simply arranged for information to be delivered to households); and</p> <p>(iii) where the local community has submitted suggestions relating to the design, content or extent of the development, the developer should be asked to state which of those suggestions were adopted and how the development has been amended to reflect them. This would assist in meeting the criticism that, in reality, most developer consultations are simply 'window dressing'.</p>	
<p>1.10 –If the Council's corporate plan truly puts residents first as a matter of practice, strong enforcement of S106 Agreements should be a top priority to ensure that the community benefits arising from those Agreements actually come to fruition. Otherwise, statements such as: "ensure that strong planning enforcement holds developers to account" will have very little meaning and developers will simply ignore their obligations, relying on the passage of time to lessen the chances of enforcement.</p>	
<p>2.8 – We trust that the proposed new Local Plan will continue to refer to "community facilities" in general terms where these are required due to the cumulative impact of local developments. This will avoid limiting the nature of those community facilities. From the practical point of view, however, it is hoped that developer contributions will be used either to provide, or to support, a broader range of "community facilities" than is currently the case.</p>	

<p>The planning legislation is clear about the requirements on community engagement. The statement of community involvement is compliant with that legislation and the policy team and development management team are responsible for ensuring compliance in terms of plan making and planning applications. No change required.</p>	
Noted	
<p>All stakeholders will have the opportunity to engage in and comment on the new local plan as it emerges. But yes, community facilities and services are an important aspect of sustainable development.</p>	

<p>4.3 and 4.13 – In most cases, affordable housing requirements are met onsite. This means that a rural development's affordable housing requirement is placed in the same rural location.</p> <p>By its very definition, the need for affordable housing is generated by those unable to afford open market housing, whether that be for rent or purchase. Years ago, rural areas provided rural employment on the farms close to rural housing. Nowadays, the scope for rural employment is generally limited, although probably more diverse. This means that placing affordable houses in rural areas forces those residing in them to look beyond the immediate locality for employment. In practical terms, this requires the purchase and use of a car when finances are tight. While the NPPF recognises greater car use in rural areas, that should not be interpreted as active encouragement for the development of rural affordable housing even though this is what is often argued by developers who seek to manicure the NPPF wording and turn it into a justification for more rural housing.</p> <p>In addition, while some villages are fortunate enough to have a village shop, inevitably, a village shop's purchasing power cannot compete with the likes of Tesco or Aldi. So, affordable housing residents of limited means are faced with the difficult choice of paying more at the local shop or incurring the cost of fuel and car parking in order to shop in the nearest town, or paying extra for home delivery.</p> <p>Furthermore, whatever facilities a rural village may possess, only in the larger village settlements do these extend to medical or school facilities, let alone providing opportunities for the purchase of clothes, furniture, and the multitude of things available in a local town that cannot be found in a rural village. Again, this simply means incurring the cost of additional car use.</p> <p>As a consequence it is, inevitably, more expensive to live in a rural village than in a town. We would, therefore, ask the Council to consider</p>		
<p>4.9 – Somewhat suspiciously, there have been instances where a previously viable development that includes affordable housing, is subsequently argued by the developer to have become non-viable once the planning principle has been established by the grant of outline planning permission. For this reason, the Council should subject the developer's related viability assessment to rigorous audit procedures, possibly more so than in times past. Developers know full well, right from the outset, the financial impact of the provision of affordable housing on a market-led development, whatever might subsequently be alleged.</p>		
<p>4.10 – Experience in Clavering does not reflect the Council's desire for "noncontiguous clusters" of affordable housing. On the Eldridge Close estate, the units of affordable housing are clustered together. More recently, the same applies to the positioning of affordable housing in the development of 31 houses behind the school in Stortford Road and to the grouping together of the affordable housing in respect of the current application for 10 houses on the land west of Colehills Close. The Council needs to ensure that what it wishes to happen is, in fact, carried through into the planning application decision process. Otherwise the concept of "non-contiguous clusters" becomes little more than a pipe dream.</p>		
<p>4.12 – Exactly how would a S106 Agreement ensure that affordable housing benefits pass to successive occupiers when the original occupier has exercised the right to buy, resulting in the property passing into the general housing market?</p>		

Frank Woods, Deputy Chair

Keep Clavering Rural

<p>Noted. Neither para 4.3 or 4.13 of the draft SPD refers to rural affordable housing or rural exceptions housing. Only that 'In exceptional circumstances where on-site provision cannot be achieved, off-site provision and/or commuted payments in lieu may be supported ... ' No change required. If rural exception housing were to be proposed, this is controlled by a development management policy.</p>	
<p>Noted. The purpose of this SPD is to assist in securing viability assessments from developers with an ability to independently audit them. No change required.</p>	
<p>Noted. The purpose of this SPD is to assist in securing the distribution of non-contiguous clusters of affordable housing throughout development. No change required.</p>	
<p>Through a s106 agreement. A condition is effectively placed on a dwelling or a number of dwellings in a development to keep them as affordable units in perpetuity. No change needed.</p>	

4.21 – We have seen developers argue that the provision of a relatively modest planted area or green open space within a development, more than compensates for the loss of habitat occasioned by placing a housing estate on virgin agricultural land. There is a general level of community disbelief that these 'green' areas that are freely accessible to human recreational activity can possibly be attractive to wildlife or promote biodiversity, whatever might be the technical assessment by the developer's professional advisers. The encouragement by the Council of a policy of offsetting by the provision of an off-site replacement habitat would go some way to meeting biodiversity needs in a way that actually works. In many cases, the landowner promoting the development has additional land that might easily be brought into play for that purpose. In the past 8 years, however, we have only seen one example where off-site habitat provision has been put forward in Clavering by a developer.	
4.29 and 4.30 – We agree entirely that "private adoption is not desirable" and is yet another reason for strong enforcement of developer adoption obligations in S106 Agreements.	
4.35 – While we would support the advice that: "small areas of open space hold less recreational use and value", if the Council is to adopt a holistic approach to development generally, it needs to consider the position of even a small area of open space that has not been concreted over, in terms of its value as a receptor for surface water drainage purposes. In Clavering, at times of heavy rainfall, surface water can be seen rushing down the pavements of the access road into the Eldridge Close estate and collecting into the Stickling Green Road public highway. It is relevant that there are no areas of open space on that development beyond the small front and rear gardens allocated to residents by the developer.	
4.36, 4.37 and 4.38 – While provision can be made for maintenance payments to be directed towards Parish Councils, many Parish Councils are reluctant to take on additional landscaped/open space areas, even more so where play equipment is concerned that will require replacement at intervals. The reason is quite simple. Experience has demonstrated the inadequacy of those payments in terms of the real long-term maintenance costs. This factor, combined with the limited budgets of Parish Councils, means that there is little wriggle room for making good any future shortfall in maintenance costs without adding unreasonably to the precept. Accordingly, Parish Councils will need some convincing that the formula referred to in paragraph 4.38 will adequately future-proof them.	
4.42 and 4.47 – It needs to be fully understood that with many rural sites, accessibility by "a choice of travel modes" is somewhat confined to walking and the car, particularly in those villages that, like Clavering, have no scheduled bus services. Consequently, the opportunities for development in those villages should be regarded as restricted by that factor.	
4.49 – The protection of public rights of way should not be confined to considerations of increased wear and tear caused by additional residents resulting from development. The wider value of a public right of way is its strong connection to the open and uninterrupted countryside views that are so often marred by the built form. It is these views that also require protection. Representations relate to SEGRO's land interests at Stansted Airport, including FedEx Cargo Warehouse and Stansted Multi-let Cargo Terrace located off Pincey Road. This is a total of 482,260 ft2 and 4 acres of development land.	
SEGRO supports the principle of the preparation of the Draft SPD as it helps provide certainty and guidance on the general approach to requests for contributions. It also helps to ensure and the application of a proportionate approach to ensure obligations are fair, reasonable and justified in accordance with the tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and paragraph 57 of the National Planning Policy Framework (NPPF). Planning obligations should only be sought if the development will have harmful impacts that cannot be mitigated.	

Para 4.21 of the draft SPD relates specifically to the safe removal of protected species and the relocation to replacement receptor habitat. Comments are noted. Developments need to be designed to incorporate open space and other green and blue infrastructure features on site where ever possible, but where this has limited potential or could have better outcomes off-site, provision will be sought here. The new local plan seeks to address this more comprehensively. However, a new section on green infrastructure has been added.	
Noted.	
Para 4.35 of the draft SPD refers to advice in an open space standards paper. Good place making and design is needed which takes into account future maintenance costs. However, paragraph has been amended to reflect the multi functional benefits of open space and SuDS. These matters will be picked up in the development of the new emerging local plan.	
Noted. The purpose of this SPD is to assist with the drafting of s106 agreements, which are done in consultation and engagement with Parish and Town Council's. Maintenance costs on individual sites will be addressed on a case-by-case basis. No change required.	
Noted. The purpose of this SPD is to consider those provisions that are required under developer contributions. Public Rights of Way are covered under Para 4.49 and developments are required to submit a transport assessment / travel plan to show how their proposals will impact on the highway network and seek to reduce that impact. No change required. However, note this paragraph is being removed at the suggestion of Essex County Council in the interest of future proofing the document.	
Noted. However that is not the purpose of a s106 agreement or this SPD. No change required.	
Noted	
Noted	

<p>As per the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG), an SPD should add further detail to the policies in the development plan. They are a material consideration but do not form part of the development plan (NPPF, Glossary). The Planning Practice Guidance (PPG, ID: 61-008-20190315) states:</p> <p><i>"As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decisionmaking. They should not add unnecessarily to the financial burdens on development."</i></p> <p>29971/A3/CC/EP 2 4th January 2023</p> <p>Related to this, the PPG also provides guidance on 'Viability and Plan Making' which states that plans should set out the contributions expected from development. PPG (ID 10-001-20190509) stipulates that policy requirements should be informed by "evidence of infrastructure and a proportionate assessment of viability that takes into account and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and Section 106". Our representations have been prepared with these national planning policy and guidance considerations in mind.</p>
<p>Negotiation of Section 106 Agreements</p> <p><i>Pre-Application: Paragraph 3.1 states that "it is the developer's responsibility to begin pre-application discussions with the Council as the local planning authority as soon as possible". SEGRO consider that this should be updated to reflect paragraph 40 of the NPPF which states that LPA's "cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer".</i></p> <p><i>Suggested change:</i></p> <ul style="list-style-type: none"> • Paragraph 3.1 should be amended to state that developers are encouraged to begin pre-application discussions with the Council as opposed to being a developer's responsibility.
<p><i>Planning Application Submission: Paragraph 3.5 includes the submission of a complete, signed copy of a unilateral undertaking to be considered in the application determination process. SEGRO considers that the Draft SPD should make it clear that a unilateral undertaking is not a validation requirement as this will be negotiated and considered during the application determination process. Indeed, this is not a requirement of the Council's Local Validation Checklist (April 2019).</i></p> <p><i>Suggested change:</i></p> <ul style="list-style-type: none"> • Paragraph 3.5 should clearly state that a unilateral undertaking is not a validation requirement

Noted
Amended
Amended

Planning Application Determination:

Paragraph 3.7 notes that “when a planning application has been resolved to be granted subject to a s106 agreement, the Council will send appropriate formal instructions to its solicitor”. SEGRO considers that this step could take place sooner with the agreement of the applicant to cover reasonable costs. This will reduce delays in the Section 106 negotiation process.

Paragraph 3.9 states that “a failure to complete the Section 106 agreement within the given timescale will result in a planning application being refused for the reasons set out in the committee report”. Given the legally binding nature of a Section 106 agreement and the level of negotiations that are undertaken between the person/s with an interest in the land, their solicitors and the local planning authority, a legal agreement can take time to agree. It is therefore considered that the draft SPD needs to offer a more flexible approach, particularly where a scheme has a resolution to grant and is pending agreement of a Section 106 legal agreement (based on agreed Heads of Terms). This should take the form of additional wording clarifying that an extension of time is permissible.

Suggested change:

- Paragraph 3.7 should be amended to note “or if earlier agreement has been reached with the applicant to cover reasonable costs”.*
- Paragraph 3.9 should be amended to state: “a failure to complete the Section 106 agreement within the given timescale will result in a planning application being refused for the reasons set out in the committee report or will result in further negotiations with the Council to agree an extension of time to grant approval”.*

Model Agreements: Paragraph 3.10 relates to the Council’s template for the Section 106. The draft text strongly advises developers to use the standard wording to avoid delays in the negotiation process. The principle of this is supported and SEGRO welcome the avoidance of any unnecessary delays. However, the draft SPD should provide for flexibility to this standard wording, related to the site, development type and development specific circumstances.

Suggested change:

- The draft SPD should recognise that there are circumstances where the standard template may require flexibility, particularly for non-residential development where certain clauses would not be relevant.*

Charges for Monitoring of Obligations: It is set out in paragraph 3.12 that the Council has a schedule of monitoring charges (as included in Appendix A of the draft SPD). These charges are largely focused on residential development i.e., number of homes. SEGRO would welcome clarity on the monitoring charges for non-residential development – noting that these should be graded according to the amount of floorspace proposed. This will ensure the monitoring charge is fairly and reasonably related in scale and kind to the development. We reserve the right to comment on these specific charges at a later stage.

Suggested change:

- The draft SPD should include monitoring charges for non-residential development on a graded basis.*

S106 instructions are discretionary and dealt with on a case-by-case basis. Similarly an application can be refused as a result of failure to enter into a legal agreement. No change required.

The SPD has been refined to be more specifically relevant to residential development. The council are aware flexibility on a case by case basis is required including for non-residential development.

The SPD has been refined to be more specifically relevant to residential development.

<p>Offsetting</p> <p><i>This section relates to protected species and identifying suitable replacement habitats. The obligations note at para 4.1 that “unless the replacement habitat is within the developer’s control, a willing third party will be needed and a side-agreement between the third party and the developer”. SEGRO recognise the importance of conserving protected species, however request flexibility is added to this requirement in the form of a mitigation strategy.</i></p> <p><i>Where a site includes protected species, a mitigation strategy should be agreed as part of the planning application and secured via condition. This should include measures to mitigate the potential impacts of development, and this can include details of replacement habitats (including any side-agreements between third parties/developers) where necessary to make the development acceptable in planning terms. This amendment will ensure the draft SPD is more in line with the adopted Local Plan Policy GEN7 (Nature Conservation). As per the NPPF and Planning Policy Guidance (PPG), an SPD should add further detail to the policies in the development plan.</i></p> <p>Suggested change:</p> <ul style="list-style-type: none"> • Paragraph 4.21 should be amended as follows to add flexibility to this obligation: “In some instances, it will be necessary to safely remove protected species from a development site to a replacement receptor habitat. In this case an appropriate mitigation strategy should be agreed and secured via planning condition. The mitigation strategy may include There is a need to identify a suitable replacement habitat as close to the development site as possible and ideally larger to allow for better growth and natural dispersal of the protected species. Unless the replacement habitat is within the developer’s control, a willing third party will be needed and a side-agreement between the third party and the developer”. 		
<p>Education and school transport</p> <p>Given the nature of the proposed education and school contributions, it is understood that these do not apply to commercial and industrial development in accordance with the planning obligation tests (NPPF, paragraph 57) and in accordance with CIL Regulation 122(2) (the three ‘tests’). Planning obligations must only be sought where they are directly related to the development.</p> <p>However, paragraph 4.27 within this section relates to employment and skills. This states that “ where necessary, 29971/A3/CC/EP 4 4th January 2023 financial contributions are required for 250+ homes and 2,500sqm of employment floorspace”.</p> <p>SEGRO support the contribution that new development can make towards employment and training initiatives.</p> <p>The Responsible SEGRO Framework1 (2021) sets out that investment in local communities and environments is a long-term priority for the Company.</p> <p>Notwithstanding, SEGRO consider that the draft SPD should provide indicative metrics which are used to calculate the required financial contributions for employment. This would provide a clearer steer on the likely level of contributions for landowners and developers, enabling any implications for the development scheme to be considered at the earliest opportunity. Furthermore, it is important that requirements are clearly evidenced to ensure it will not impact of the viability of the development and add unnecessarily to the financial burdens on development (PPG, ID: 61-008-20190315). Indeed, the Uttlesford Economic Viability Study (June 2018) concludes that all B class uses produce a negative residual value.</p> <p>Suggested change:</p> <ul style="list-style-type: none"> • The draft SPD should provide clarity on how the financial contributions for employment floorspace (over 2,500 sqm) is calculated with regard to viability testing. • To avoid confusion, the employment/skills obligation should be a separate section on in the draft SPD. 		

Charlotte Cook,
Senior Planner

Stantec (Barton Willmore) on
behalf of Segro

<p>Amended</p>
<p>The SPD has been refined to be more specifically relevant to residential development. The employment needs of mixed used schemes that require employment floorspace will be negotiated on a case by case basis and early engagement is encouraged by the developer with the council. No change required.</p>

<p>Flood and Water Management</p> <p>This section of the draft SPD relates to flood and water management. Paragraph 4.30 states that "The District Council will work with the developer to secure the long-term maintenance of SuDS through a combination of planning obligation, planning condition and commuted sum payment". The Council's approach should ensure that any planning obligations towards the long-term SuDS maintenance are in accordance with CIL Regulation 122(2) (the three 'tests') and that there are no other sources of funding streams available, so that developments are not subject to an unnecessary burdensome scale of obligations.</p> <p>Paragraph 4.29 states that private adoption of SuDs is not desirable. For the avoidance of doubt, SEGRO requires further clarification on this point and do not consider that all SuD's should be adopted. Private development should be considered separately.</p> <p>Suggested change:</p> <ul style="list-style-type: none"> • In light of the above, we suggest paragraph 4.30 is amended as follows: "The District Council will work with the developer to secure the long-term maintenance of SuDS through a combination of planning obligation, planning condition and/or commuted sum payment where it meets the CIL regulation tests and would not undermine the viability of the development". • An additional paragraph should be added relating to private development. The Draft SPD should note that if a SuD is in private ownership then the need for commuted sums would not be necessary and maintenance regimes can be secured by obligation/condition. 	
<p>Landscaping and Open Space</p> <p>This section of the draft SPD focuses on requirements for landscaping and open space. The draft SPD has been informed by the UDC Open Space Standards Paper (2019) which details the approach to securing open space facilities through new housing development. As such, SEGRO suggest that for clarity and the avoidance of doubt, the obligations for landscaping and open space are separated rather than dealt with as a combined consideration – particularly as the open space considerations are more associated with residential schemes (as confirmed within the Open Space Standards Paper). This will ensure that the obligations sought are fairly and reasonably related in scale and kind to the development. In addition, it should be reflected in the draft SPD that landscaping can be privately managed and as such the preferred route of Parish Council management would not apply to these developments.</p> <p>SEGRO also request that flexibility is added which requires landscaping schemes/masterplans to be secured via a planning condition, rather than planning obligation (where appropriate) to provide further flexibility and reflect the site and development specific circumstances. As set out in the PPG, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (Reference ID: 23b-003- 20190901).</p> <p>Suggested change:</p> <ul style="list-style-type: none"> • For the avoidance of doubt, the draft SPD section which considers landscaping and open space should be divided into two separate sub-sections of the document. • Additional text should be added which relegates the requirement for landscaping to be secured via a planning condition, rather than planning obligation in accordance with the PPG. • The preferred route of Town/Parish Council management should not apply landscaping <u>that is privately managed by developers</u>. 	
<p>Moving Around</p> <p>This Section relates to highways and sets out when a full transport assessment (as opposed to transport statement) and travel plan would be required to be submitted as part of a planning application. However, it is noted that the trigger in the draft SPD relates to residential schemes only. SEGRO suggest that a trigger should be included for employment schemes based on floorspace and the local validation requirements. For travel plans this should be commensurate with the level of impact and clearly evidenced to ensure it will not impact of the viability of the development and add unnecessarily to the financial burdens on development (PPG, ID: 61-008-20190315).</p>	

<p>Developers need to be mindful of the potential constraints on a site that a proposal will be required to mitigate if development is to proceed and factor this in when buying land. In accordance with national policy, viability is not a reason, alone, to suggest mitigation cannot be met. Reference to CIL regulation test added. No change is proposed in relation to private adoption of SuDS. The County Council's preference as the lead local flood authority is for the drainage network and its accompanying SuDS features to be adopted by a public body (such as a water authority) to ensure lifelong maintenance. The County Council will only in exceptional circumstances allow private adoption, as these are not desirable.</p>	
<p>Reference to landscaping removed.</p>	
<p>The SPD has been refined to be more specifically relevant to residential development.</p>	

<p>Conclusion</p> <p>We trust these representations are helpful to inform the next version of the Draft Developer Contributions SPD. Should you require any clarification of the points please contact me or my colleague Mark Sitch. Please note that we wish to be notified of the adoption of the SPD in due course, or any further consultations on draft versions of the SPD.</p>			<p>Noted</p>
<p>When new development is proposed within the county the key priorities for ECC are in relation to our statutory roles. ECC's statutory functions that are reviewed to determine the impact future development may have on the delivery of future infrastructure include -</p> <ul style="list-style-type: none"> - Highway Authority and Transportation Authority to ensure that future infrastructure delivery supports the delivery of the Essex Local Transport Plan; - Lead authority for education ensuring the provision of appropriate primary and secondary education, Early Years and Childcare (EYCC), Special Education Needs and Disabilities, and Post 16 education; - Minerals and Waste Planning Authority (MWPA); - Lead Local Flood Authority (LLFA); - Lead advisors on public health; and - Adult social care in relation to securing the right housing mix taking into account the needs of older people and adults with disabilities. 			<p>Noted</p>
<p>ECC's Key Recommendation</p> <p>The overarching recommendation from ECC is that the SPD includes a reference pointing the reader/user to the ECC's Developers' Guide to Infrastructure Contributions (the Guide). This would be instead of referring separately to statutory ECC infrastructure responsibilities within each section of the SPD. In doing so, this will allow ECC to update and review the Guide, with the SPD remaining unchanged and up to date. It is recommended that UDC include the following wording within section 4 of the SPD to cover the range of matters ECC may seek contributions for, as outlined in the Guide.</p> <p>"Planning obligations may be required for the following service areas:</p> <ul style="list-style-type: none"> • Early years and childcare; • Schools; • School transport and sustainable travel; • Employment and Skills Plans; • Highways and transportation; • Sustainable Travel Planning; • Passenger Transport; • Public Rights of Way; • Waste Management; • Libraries • Flood and Water Management and Sustainable Drainage Systems (SuDS) <p>Planning obligations for infrastructure that is provided for by ECC will be sought in accordance with ECC's Developers' Guide to Infrastructure Contributions".</p>			<p>Section 4 updated with amended proposed text, and fully reviewed and revised where considered appropriate. Document does reflect future proofing, for example under schools that '...trigger points for education contributions...' are '(generally starting at 20+ homes)' which reflects this may vary in the future. However, this is clarified with the addition of text at the beginning of the section. Furthermore, it also states that '....evidence is not repeated here.' which does give future proofing to the SPD should the ECC guide be updated in the future.</p>

<p>ECC has continued to review the information set out in the SPD and the comments are set out below.</p> <p>The rest of the ECC response reviews services outlined in the SPD and suggested amendments.</p> <p>ECC's Comments on the SPD</p> <p>Chapter 1 – Introduction</p> <p>Purpose of this Supplementary Planning Document - ECC notes that paragraph 1.4 highlights that the SPD supports and supplements the adopted 2005 Uttlesford Local Plan. This Local Plan is over 12 years old and therefore out of date. It is highlighted that saved policies are utilised to underpin the draft SPD. ECC is mindful that a revised Local Plan is currently being prepared by UDC. The SPD states that it will be "replaced by a further new one reflecting the content of the new plan and associated Infrastructure Delivery Plan (IDP)" (para 1.4). This is supported and welcomed by ECC, as it ensures the revised SPD will continue to reflect and assist in the delivery of the infrastructure to support the planned spatial development strategy within UDC. ECC recommends that UDC provide a clear trajectory for the delivery of the revised SPD, relative to the timescales for producing the emerging Local Plan. ECC continues to welcome early engagement with UDC to assist shaping the revised SPD.</p>
<p>Paragraph 1.6 of the SPD provides an appreciation of the persons that are likely to utilise it, stating that it will be used by "developers and the Council". ECC questions this, as it is important that UDC appreciates that planning contributions are required for other infrastructure beyond UDC's statutory responsibility. The SPD is therefore likely to be utilised by ECC as a second tier local authority with a statutory infrastructure role, as well as a point of reference for other statutory bodies with relevant physical, social and community infrastructure responsibilities. It is recommended that this wording is changed to reflect this.</p> <p>ECC considers that it is important that the SPD demonstrates a clear understanding of the two tier local government system. Whilst it is welcomed that the SPD acknowledges ECC's statutory responsibilities it is equally important to recognise the working relationships between the two authorities. As effective partnership working and delivering a plan led system is imperative for ensuring infrastructure is delivered to support future development. The recommended wording for this paragraph includes –</p> <p>"The Council operates within a two-tier local government system. Essex County Council (ECC) has a statutory role as the highway and transportation authority, appropriate lead authority for education, minerals and waste planning authority (MWPA), lead local flood authority (LLFA), lead advisors on public health, the provision of libraries and adult social care. As such, if a planning obligation is sought for contributions covering these matters, then ECC will need to be party to the Section 106 (S106) agreement. Planning obligations for infrastructure provided for by ECC must be sought in accordance with ECC's Developer's' Guide to Infrastructure Contributions".</p> <p>An overriding principle regarding infrastructure contributions is that applicants are expected to contribute to the infrastructure that is required to mitigate their developments, as well as cumulative impacts, and any other developments benefitting from the infrastructure should contribute towards it. It should not be for the public purse to fund these necessary mitigation measures and there should be no financial risk for the Council or any infrastructure providers such as ECC."</p>
<p>Similarly, it is recommended the SPD includes an appreciation of how other statutory bodies will be consulted on planning applications and how UDC will consider their future needs and requirements to mitigate the impacts of development. ECC notes that the SPD sets out the infrastructure services that contributions will be sought for separately within chapter 4. In terms of ECC statutory responsibilities it is noted that there are some gaps. It is recommended that the SPD refers to ECC's Guide from the outset. A clear direction to the reader to utilise the Guide, would save the SPD having to refer specifically to infrastructure that ECC has a statutory responsibility to deliver. As already outlined above, ECC recommends that wording to include reference to the Guide be inserted within this section.</p>

<p>Noted. Given the time scales involved in plan making, it is suggested that the review of this SPD and the infrastructure delivery plan be added to the councils local development scheme when it is revised next. No change to this SPD.</p>
Amended
Amended
Amended

Chapter 1 - Council Priorities

ECC notes that the UDC Corporate Plan delivery includes the implementation of a Community Infrastructure Levy (CIL) (paragraph 1.10). In seeking to develop CIL, it is important Essex Local Authorities are mindful of ECC views with regards to developing CIL working arrangements. ECC engages with all Essex authorities developing CIL, and Government highlighting matters for consideration to improve the effectiveness of CIL and the delivery of infrastructure to support future development. UDC should note that ECC responded to the recent Government White Paper entitled 'Planning for the Future' (August 2020). The ECC response supported local authorities having flexibility on spending new levy monies, in principle, but highlighted that levy expenditure should be directly related to development and its supporting infrastructure. ECC also recommended that Government considers setting a requirement for local authorities to establish clear governance arrangements with key infrastructure providers, especially in two tier authorities, for determining the apportionment of levy monies to infrastructure projects and providers. ECC therefore recommends that UDC develop clear governance arrangements to support the future UDC CIL, and welcomes involvement for the effective and sustainable delivery of infrastructure.

Chapter 2 – Legal and Planning Background

The Development Plan ECC welcomes reference to the Essex Minerals Local Plan (adopted 2014) and the Essex and Southend-on-Sea Waste Local Plan (adopted 2017) as part of the statutory development plan for Uttlesford. This is set out in paragraph 2.7. Paragraph 2.10 sets out thematic matters to be included within the new and emerging UDC Local Plan. ECC welcomes the insight into the thematic policy areas that the emerging plan will address. However, it is noted that community facilities gives examples of halls and community centres. ECC recommends that explicit reference is given to education and Early Years and Child Care (EYCC) facilities. These facilities are so important for communities, in seeking to support quality of life and economic prosperity of residents into the future.

Chapter 4 - Detailed Considerations

Housing

ECC recommends that reference be given to the Essex Housing Strategy within the revised SPD as it sets out actions ECC takes to achieve the following goals:

1. Growing Essex while protecting the best of the county.
2. Enabling people to live independently throughout their life.
3. Supporting people facing homelessness or rough sleeping

The Housing Strategy seeks to ensure that persons within Essex are able to live independently with the services they require. It is recommended that the SPD ensures there is a commitment to consult ECC for advice on the priority Specialist Residential Accommodation needs, and that local demand.

ECC recommends that the SPD includes reference to the Guide which provides details on the characteristics of suitable sites/ buildings for older people and adults with learning disabilities.

Zhanine Smith
Principal Planning Officer (Spatial
Planning)

Essex County Council

Noted. UDC is likely to develop an infrastructure delivery plan as part of developing its new local plan. As further details emerge on national policy UDC will take these into account. This SPD relates to the existing adopted 2005 plan. No change required.

Amended

Amended

<p>Biodiversity and Green Infrastructure</p> <p>ECC recommends paragraphs 4.15 – 4.21 make reference to biodiversity net gain beyond Essex Coast RAMS, contributing to offsetting pressure on Hatfield Forest. ECC notes that the Environment Act, 2021 requires a minimum of 10% biodiversity net gain, with a caveat for a local target for Essex to be agreed. It is therefore recommended that UDC adopts an approach that is consistent with statute. ECC is mindful that UDC will be aware that the Essex Local Nature Partnership Biodiversity and Planning Working Group are exploring the feasibility for 20% biodiversity net gain. UDC may wish to consider adopting a higher figure once further evidence on delivery and viability is available.</p> <p>ECC notes that paragraph 4.20 states that the Council “should also be ensured that new housing developments include adequate and well-designed on-site green infrastructure so that residents have access to greenspace within easy reach of their home and are less likely to rely on the Forest for routine access to nature.” ECC welcomes reference made to multifunctional green infrastructure, however it is important that this reference acknowledges the reduction in pressure on the forest as well as delivering other benefits. Other benefits may include delivering biodiversity net gain, green corridors, shading through street trees, natural flood management, air quality, encouraging active travel (greening Public Rights of Way (PRoW) routes), other activities for health and wellbeing, mitigation and adaptation measures for climate change.</p> <p>Delivery and funding of green infrastructure can use planning conditions, obligations, or the CIL. UDC could make it more explicit in the SPD how development can provide and improve green infrastructure. The National Planning Policy Framework (NPPF) (paragraph 20, 91, 150 and 171) recognises the importance of green infrastructure within the planning system supporting sustainable development. The Natural Environment Planning Practice Guidance (PPG), 2019 supplements the information provided in the NPPF; describing green infrastructure benefits and how they can be considered in planning policy. The PPG emphasises that green infrastructure opportunities and requirements need to be considered at the earliest stages, and as an integral part, of development proposals. To assist this aim, ECC recommends reference is made to the need for developers to use</p>	Planning)	Amended
<p>Community Facilities</p> <p>Libraries</p> <p>ECC notes that paragraph 4.22 refers to the provision of new libraries, and also acknowledges that a new library is unlikely in UDC. It is therefore important to note that for the provision of new libraries, including within community shared facilities, the process below is followed, with local district considerations taken into account:</p> <ul style="list-style-type: none"> • Planning applications for developments with 20 or more dwellings will be considered; • Other known growth in the area will be taken into account; • Long term capacity and future requirements across the area <p>Where the increase in projected population more than doubles an existing library catchment area, it is likely that a new facility or building will be required. Provision of this space could be as part of a shared community or educational facility for example – and would allow consideration to be made for varying scales of development.</p>		Amended

<p>Education and School Transport</p> <p>ECC notes that the SPD refers to education, but does not include reference to early years and childcare, post 16 and Special Education Needs (SEN). ECC recommends that the SPD refers explicitly to the Developers' Guide, as within section 5.1 sets out the statutory duty that ECC is required to meet regarding providing sufficient childcare places. Section 6 of the Childcare Act defines 'sufficient childcare' as sufficient to meet the requirements of parents in the area who require childcare in order to enable them to take up, or remain in, work or undertake education or training which could reasonably be expected to assist them to obtain work. Unlike education, parents can choose to access childcare away from their home area, for example near to a place of work or training.</p> <p>The County Council has statutory duties that must be met regarding Funded Early Education Entitlement (FEEE) and childcare:</p> <ul style="list-style-type: none"> • Funded early education entitlement funding for 2 year olds: • Parents who meet national criteria as set by central government (the 40% most disadvantaged 2 year olds) are entitled to 15 hours of funded early education for 38 weeks of the year of funded nursery education (or up to a maximum of 570 hours per financial year). The aim of this scheme is to narrow the gap for the most disadvantaged families. • Funded early education entitlement funding for 3 and 4 year olds: • All children from the term after they are three until they start reception are entitled to 15 hours of funded early education for 382 weeks of the year (or up to a maximum of 570 hours over a financial year). • 30 hours funded childcare for 3 and 4 year olds: • Working parents who meet a national criteria as set by central government are entitled to an additional 15 hours of funded childcare in addition to the 15 hours of free early education entitlement funding (or up to an additional 570 hours over a financial year). <p><i>Attending families with children up to the age of 14 /19 for children with special</i></p> <p>Flood and Water Management</p> <p>ECC welcomes that the SPD includes reference to the ECC Sustainable Drainage Systems (SuDS) Design Guide for Essex 2020. It provides a clear understanding and signposts the reader, providing all the relevant guidance that a developer or other body would require. ECC recommends that additional text within paragraph 4.30 be included to ensure a consistent approach to the recently updated PPG - Flood Risk and Coastal Change (August 2022) which strengthens authorities' ability to require better flood resilience in new developments by ensuring developers adapt to the challenges of a changing climate, deliver sustainable new homes and Councils demonstrate that development; will be safe from flooding for its lifetime, not increase flood risk elsewhere, and where possible reduce flood risk overall.</p> <p>ECC draws attention to the change to the exception test which now relates to all forms of flood risk, including from surface water. Where land with existing flood risk is still be developed following an initial sequential test, the developer must demonstrate that the development will provide wider sustainability benefits to the community that outweigh flood risk. ECC, as LLFA, is hopeful that this approach will provide an opportunity to address existing flood risk through new development. The PPG states that 'Local planning authorities need to set their own criteria for this assessment, having regard to the objectives of their Plan's Sustainability Appraisal framework, and provide advice which will enable applicants to provide relevant and proportionate evidence'. It should be noted that one example of how a developer may demonstrate that wider sustainability benefits to the community, would be to ensure an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure. ECC, as LLFA, recommends that UDC identifies this requirement and where necessary requests contributions from developers towards wider flood mitigation.</p>	
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<p>Amended</p>	
<p>Amended where necessary. This SPD is based on the adopted policies in the 2005 local plan and its purpose is to guide where contributions are needed to ensure that developments provide the right needs in the right place such as for flood and water management. Through the development of the new emerging local plan this SPD will be reviewed.</p>	

<p>Healthcare ECC notes that the SPD refers to the delivery of primary healthcare provision and general practice. However, it is recommended that the SPD provides further advice on healthy placemaking with reference to the Active Design principles embedded throughout the Essex Design Guide. It is also recommended that the SPD signposts readers to Health Impact Assessments as this will ensure that greater consideration is given to what needs to be considered when looking at health, wellbeing and the environment, to ensure there is a wider focus than just primary healthcare provision and general practice.</p>			Amended
<p>Landscaping and Open Spaces ECC recommends that paragraphs 4.34 – 4.35 should refer to the recommendation for multipurpose open spaces. Multifunctional spaces bring a wider spectrum of environmental, social and economic benefits to urban areas, especially for small areas of open spaces and are a more cost-effective way of addressing wellbeing, drainage and other hard infrastructure needs.</p>			Reference to landscaping has been removed from this section. A new section on green infrastructure has been added.
<p>Stewardship ECC Recommends that paragraphs 4.36 and 4.40 include reference to green infrastructure, with consideration given the management and maintenance of biodiversity habitat enhancements as part of a Biodiversity Gain Plan. It is important to note that the Environment Act, 2021 requires mandatory Biodiversity Net Gain to be secured for at least 30 years via obligations/ conservation covenant. See comments above in this response for further details.</p>			New section on green infrastructure has been added.
<p>Moving Around ECC welcomes the current wording within the 'Moving Around' section of the SPD. It is noted that the SPD is seeking to refer to the NPPF, the Government's Bus Back Better national strategy, the Developers' Guide, and ECC's Bus Service Improvement Plan 2021-26 (BSIP). ECC recommends that the SPD is less explicit and more general in the references to ECC publications, to allow for review and ensure the SPD remains up to date. It should be noted ECC are reviewing the Local Transport Plan 3. Engagement with Essex and other neighbouring Planning and County Authorities will assist in shaping the emerging views, and a consultation is expected Summer 2023. ECC welcomes that this section refers to – - Highways and transportation; - Sustainable Travel planning; - Passenger transport; and - Public Rights of Way. ECC recommends that the text within paragraph 4.47 be strengthened to emphasise the positive attributes of developing travel plans. It is recommended that the second sentence be amended to read – "Travel plans (for the workplace, school or residential where more than 80 homes are proposed) can help to reduce the use of the private car, improve local air quality, increase physical activity and tackle localised congestion."</p>			Updated where necessary.
<p>Para 4.3 - Anglian Water supports this approach. We actively promote SuDS as a sustainable and natural way of controlling surface water run-off. Further information can be found in our sustainable drainage systems manual: https://www.anglianwater.co.uk/siteassets/developers/aw_suds_manual_aw_fp_web.pdf Developers can also apply to us to consider the adoption of proposed SuDS schemes. Information including a pre-design strategic discussion form can be found on our website: https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/</p>			Noted

Para 1.1 - Anglian Water as the statutory sewerage undertaker for Uttlesford local planning authority area, welcomes the invitation to comment on the Draft Developer Contributions SPD. Whilst our infrastructure is funded through developers connecting new developments to our network or through our investment plans funded through customers' bills, we do seek to work collaboratively with other stakeholders to address matters such as surface water management. We also will consider the adoption of sustainable drainage systems where the design meets our requirements. Anglian Water (AW) recognises the need to support the national drive to implement sustainable drainage management both for new and redevelopment sites to provide a sustainable environment and provide mitigation on environmental impacts from climate change.	Tessa Saunders	Anglian Water Services	Noted
Para 2.8 - Developers are all to aware of these requirements and are able to ignore these rules by building multiple sites, multiple individual planning applications within one area. Further, they use subsidiary companies to hide these multiple applications. UDC MUST be forceful in applying strict financial levies proportionate with the overall development within an area and not just for that individual plan. Small developments may not have much impact but when combined together will have significant detrimental impact on existing communities, residents, services and travel requirements to an area.	Mr Bill Critchley		All developments that meet that threshold and requirement for s106 will be required to comply with the necessary policy and guidance, which this SPD seeks to provide guidance on. The future emerging local plan will be accompanied by an infrastructure delivery plan which will seek to address strategic infrastructure requirements for future development. No change to required.
Para 4.41 Much greater weight MUST be given to the development impact on existing residents travel plans and road usage. Such consideration must include ALL developments within an area and NOT just one individual plan. A significant number of small developments within an area will have greater impact than one larger development. Essex Council are responsible for the roads they MUST be aggressive when reviewing the totality of developments within an area.			UDC will follow the recommendations of ECC transport requirements when assessing developments. The SPD has been amended slightly following comments from Essex County Council.
Para 4.42 Local Parish Councils should be consulted. Multiple smaller developments have as much impact if not more than one larger development. Within certain Parishes Traffic assessment and travel plans should be required for these smaller developments. M11 junction 8 has already been identified by DfT as being unable to cope with multiple small developments.			Parish and town council's are consulted on planning applications. All applications that are likely to impact on a highway are required to submit a transport assessment. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD. No change required.
Para 4.49 - Wherever possible the existing characteristics of a PROW should be maintained. An existing open footpath should not become an enclosed rat run. New PROWs should be encouraged.			Noted. These aspects are addressed through design of developments and the SPD does reference the importance of protecting PROW. No change required.
Para 2.1 Surely Educational Facilities should be specifically included in this list.	Mr David Greenwood		Assuming this comment was in regards to Para 2.1 of the Draft SPD, this is a quote from the Town and Country Planning Act which is explaining when contributions for development might be required. Not the type of things contributions should be put towards. These are covered later in the SPD. No change required.
Para 4.49 - As well as public rights of way on the proposed sites I would like to suggest that this be extended to cover an additional distance along each RoW. Upgrading the paths for say, a mile beyond the site would help to protect and sustain the RoW from the additional load that the development will bring to the area.	Mr Bob Wright		Developer contributions have to be directly related to the development and therefore will be assessed on a case by case basis. No change required.
Para 1.5 - Final sentence: delete the stray ", or"	Mr Ken McDonald		Amended
Para 2.7 - In line 1, change "planfor" to "plan for"			Formatting issue. No change required.
Para 3.2 - Insert "clear" before "development objectives." The meaning of the final sentence is unclear. Are these options or requirements? Clarify the final phrase - does it mean an opportunity or requirement, and does it relate to members of the district council or town or parish council or what?			No need to have 'clear' twice in one sentence. 'Clear vision <u>and</u> set of development objectives' as now proposed. The final sentence now reads: Each includes meetings with council officers (and appointed specialists, if necessary); engagement with the town or parish council and a presentation to members. Council officers refers to the district and the town and parish council is mentioned laterly. For clarity District is added prior to council officers. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD.
Para 3.4 - What is meant by "members" and by "multi meetings" ?			Members are elected members of the councils cabinet and multi meetings has been amended to multiple meetings for clarity.
Para 3.5 - In the final sentence, after "required" remove the comma and replace it with "so"			Amended
Para 3.6 - Two reference to "committee report". The first should be more correctly referred to as "the case officer's written report to the committee" and the second then referred to as "the case officer's report".			Not necessary. No change required.

<p>Para 3.8 - Second sentence would be clearer if it began "At this stage, the Council will want to agree how the obligation . . .</p> <p>Para 3.11 This should either read "a sample . . . clause." or "sample . . . clauses."</p> <p>Para 3.12 - Replace ">" with "greater than "</p> <p>Para 3.13 - Change "fewer different ones" to "fewer trigger points"</p> <p>Para 14 - Change "committee report" to "their report to the committee". It is not clear when the final sentence may apply.</p> <p>Para 4.19 - Insert space after the first sentence. What on Earth is a ZoI ? If this document is intended to be helpful it should avoid such jargon.</p> <p>Para 4.49 - Insert "require" after "may"</p>		<p>Amended</p> <p>Amended</p> <p>Amended</p> <p>Amended to 'varying' as this relates to different types of monitoring triggers not the triggers themselves.</p> <p>Amended to 'their committee report'.</p> <p>Formatting issue. ZoI is the Zone of Influence and is explained in full and then abbreviated within the document which is standard practice. This has been made bold to draw peoples attention to it.</p> <p>Amended</p>
<p>Para 3.8 - Perhaps we need to distinguish smaller major applications on this. At outline stage, smaller major applications are likely to present a frontloading opportunity to do the s106 before the reserved matters. Perhaps a distinction, to manage such expectations, in the text may be appropriate. Thanks.</p> <p>Para 3.9 - What is the time frame? What incentives or disincentives can we give to developers to agree the s106 as soon as possible?</p> <p>Para 3.5 - Please clarify explicitly that the HoTs must be agreed upon with the developer as soon as possible prior to the determination of the application, as instructions to Legal must be sent early and as the application cannot be presented to Committee without the HoTs agreed.</p> <p>Para 4.5 - What is the role of the Council's Housing Officers on this? If First Homes should be physically indistinguishable from the equivalent market homes, how developers should present them in drawings?</p> <p>Para 4.13 - Please give examples of exceptional circumstances where on-site provision cannot be achieved.</p> <p>4.17 - Please clarify whether the identification of a need for RAMS payments is the responsibility of UDC or the developer. And whether the RAMS payment will be sought at validation stage of any application. Please also clarify that Minor applications are included in the list.</p>	Avgerinos Vlachos	<p>The SPD is a guide for officers it is not meant to be prescriptive. But frontloading as much as possible would be advantageous. No change required.</p> <p>The SPD is a guide for officers it is not meant to be prescriptive. Every application will be different and it will be for the case officer to determine the timeframe depending on the complexity of the scheme and in negotiation with the applicant. No change required.</p> <p>Sentence added to clarify that - 'Although not a requirement for the validation of a planning application, it is strongly recommended applicants do submit any PPA if prior engagement on the matter has already been undertaken.'</p> <p>It is recommended that liaison with the council's Housing Officer's is undertaken. All forms of affordable housing including first homes should not be clustered together in one area of a new scheme but distributed through a scheme in an appropriate way. The standards of construction, including insulating properties should not be substandard in comparison to market housing. It is recommended that officers consider best practice from other local authorities and consult with the council's Principal Urban Designer. No change required.</p> <p>It will be for the developer to demonstrate that on-site provision cannot be provided and for the council to be satisfied that exceptional circumstances have been met. This will be based on a case by case basis. No change required.</p> <p>The identification of RAMS payments is the responsibility of UDC as the responsible body under the Habitat Regulations. But developers also have responsibilities for the protection of habitats. RAMS payment will be sought at the validation stage of any application. All applications, including minors and permitted developments that fall with the Zone of Influence for the Essex Coast RAMS will be liable for the associated fee. A new paragraph has been added to include the text 'Payment should be made at the validation stage.'</p>
<p>Para 1.5 - We need CIL. Newport has had 55% expansion in around five years, most developments contributing nothing and the larger ones cash to education and medical and 'affordables'. Nothing for roads, sport or community facilities. From the medical cash the surgery has received no upgrade as far as I know. A need for better sport facilities is identified in the Neighbourhood Plan but the s106 rules don't support this and despite requests UDC officers have ignored it. The statement in para 1.5 is a self evident truth but on current rules I can't see how a SPD is going to secure cash to aggregate towards a project which individually could not be secured under s106. CIL would do this without having to fight the case on every application. And vitally obtain cash from every house, where of course individual plots are more valuable than estate plots and contribute nothing. Implementing CIL is however a nightmare.</p> <p>Para 2.9 - How do we establish that a contribution is needed towards say existing community facilities from developments on a cumulative impact basis? Eg village of 1500 houses and a 100 house application? Education applies a cost per pupil formula. Newport needs c£2m to rebuild the poor sport provision. How is the 'significant weight' from GEN6 to be applied.</p>	Mr Neil Hargreaves	<p>Noted. The purpose of the SPD is to secure contributions to deliver the infrastructure the community needs. The new emerging local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.</p> <p>Developer contributions can only apply to the development to which it reasonably relates. Open space provision is covered in Appendix C. Essex County Council is consulted on planning applications in regards to educational needs. The new emerging local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.</p>

<p>This is a vastly complex set of procedures and objectives. I can't see officers being able to know and implement all of it effectively Suggest that the trigger points for each requirement ie house numbers per application are loaded to a system. Enter the number of houses for an application and it tells the officer AND the applicant what requirements should be followed/requested. Otherwise how will anyone know that what they are considering should eg have a circular dog walk? Danger of spending months fine tuning (yet another) document but not being able to know or control that it is being fully used</p>		<p>Officers are all qualified planning professionals capable of understanding and interpreting this guidance for whom it is written, along with applicants / developers, including any national policy and guidance on the topic. Every application and scheme will be different and therefore negotiations will vary and take time, but this guide provides a template from which those conversations can start and hopefully help speed up the process. No change required.</p>
<p>Para 1.11 - Building materials such as CemFree mortars, building blocks and the like should be required. Reducing the carbon impact of the build process. Overall water usage should be paramount in any new properties. Our area does not have sufficient water supplies to meet demand. Nor do we have sufficient sewage treatment for existing properties, let alone new properties being built</p>	Mr Bill Critchley	<p>Noted. These are sustainable design and construction matters which can be addressed through planning conditions. The new emerging local plan is also seeking to address these matters. No change required.</p>
<p>Para 2.9 - Multiple small developments in one area should be considered as one. Smaller developments, over 5 units, in certain Parish's, such as Takeley, Takeley Street, Little Canfield, where significant small developments have taken place should attract infrastructure contributions.</p>		<p>Noted. Developer contributions can only apply to the development to which it reasonably relates. The new emerging local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required to the SPD.</p>
<p>Para 2.1 - The plan should also include sustainability, energy efficiency, water usage, sewage treatment.</p>		<p>The purpose of a S106 and developer contributions is to 'seek planning obligations from developers where financial or other contributions are required to make development proposals acceptable in planning terms (but cannot be achieved through conditions on any planning permission).' The SPD has been amended to make it more explicit with regards to a focus on residential development. Each application will vary and officers will use this SPD as a guide, a template, on which to consider the issues on a case by case basis on which to base any required s106, i.e. those that cannot be addressed via a planning condition. No change required.</p>
<p>Para 3.8 - In this period of high inflation the developers payments should be indexed linked. This will allow for the delays between approval and occupancy.</p>		<p>Index linking of payments is already covered in the draft SPD at paragraph 3.19. No change required.</p>
<p>Para 4.25 - Again, multiple smaller sites within certain Parishes will not attract developers contribution. Leaving rate payers to absorb these costs. Smaller developments within these Parishes should attract suitable levies. The size of the the dwellings will impact on educational demand.</p>		<p>The new emerging local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. Essex County Council is consulted on planning applications in regards to educational needs. No change required.</p>
<p>Para 4.29 - We live in a water challenged area. Given that these requirements are for future generations we should be looking to reduce waste water. Utilising rainwater for toilet flushing and other areas should make new homes more sustainable. Less reliant on ground source water provided by our local water companies.</p>		<p>Noted. These are matters which can be addressed through planning conditions. The new emerging local plan is also seeking to address these matters. No change required.</p>
<p>Para 4.31 - Again, multiple smaller developments within certain Parishes means that no contributions are collected. Within these Parishes smaller developments should attract levies to benefit local residents.</p>		<p>Noted. Developer contributions can only apply to the development to which it reasonably relates. The new emerging local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.</p>

<p>Para 2.1 - The current policy within Uttlesford DC to help provide new community facilities, such as a new community hall, is to include within a developer's S106 agreement, provision for a contribution to be made towards the funding of a new hall. In the case of Elsenham, this process has been somewhat irregular, in that UDC arranged for three separate developers to each make a contribution towards a new community hall in the village. Unfortunately, due to various delays, the funding is still incomplete; also, given these delays the cost of building a community hall large enough to meet the needs of a significantly increased village population. Thus the existing funding is insufficient to meet the costs of the required new hall. Other developers have subsequently come forward with applications for additional residential housing, but unfortunately UDC failed within its S106 processes, to provide for additional new community hall contributions to be included. It was left to Elsenham Parish Council to make its own approaches to each of the developers, requesting a community contribution. South Cambridgeshire District Council has adopted a different approach to obtaining S106 contributions from developers for new community infrastructure, such as community halls (see attached SCDC document - Community Facilities Audit September 2009). Within this document, SCDC has firstly carried out an audit of all community facilities within its District, and secondly, has established the policy and process that determines whether a community facilities contribution is necessary, appropriate and desirable. By applying the community facilities assessment process to all developer applications, it removes the current hit-and-miss approach and also establishes a source of funding for both the building of new halls and provided ongoing support to existing halls. This, I suggest is a much more straightforward means of supporting and funding community facilities, and something that Uttlesford should give serious consideration.</p>	Mr. Peter Johnson		<p>Noted. Developer contributions can only apply to the development to which it reasonably relates. The new emerging local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.</p>
<p>Para 2.4 - To avoid developers delays in starting works section 106 payments should fall due within six months of planning permission being granted</p>	Mr Bill Critchley		<p>Planning permission being granted and works starting are two separate matters and often two separate issues. The payment of s106 monies will be required at varying times for different applications. Often a s106 is a condition of planning permission being granted and therefore can take time to be drawn up and agreed before the planning condition can be signed off and the s106 paid for and planning works commence, once all other planning conditions have been met. No change required.</p>
<p>Para 3.5 - To avoid conflict Case Officers must be aware of Councils policies, orders and plans. Their recommendations should at the very least comment on Council policies, orders & plans, highlighting where they conflict with their recommendations.</p>			<p>Officers are all qualified planning professionals capable of determining planning applications against national and local policy and negotiating planning obligations. The purpose of this SPD is to offer a guide to officers on developer contributions. No change required.</p>
<p>Para 4.26 - Given how challenging accessing primary healthcare is around Uttlesford. How reliable are GP registrations?</p>			<p>UDC consults the health care providers as statutory consultee and takes their advice on board. No change required.</p>
<p>Para 4.44 - Prior to authorising highway works Highway Authorities and developers must give due consideration to existing residents as multiple works cause undue delays and frustrations to existing residents.</p>			<p>Noted. Case officers consider a wide range of issues when determining applications. However, the purpose of this SPD is to offer a guide to officers on developer contributions. No change required.</p>
<p>Para 1.3 - Any new development should include a commitment to improve adjacent public rights of way and to ensure that development provides a reasonable buffer between these and the property boundary. Improvements could consist of all weather surfaces, bridges and gates and accurate signage.</p>	Mr Bob Wright		<p>Noted. However, developer contributions cannot be used where the matter can be addressed via a planning condition. Any matters which cannot be addressed via condition can be picked up via a s106, as appropriate. No change required.</p>
<p>Para 1.5 - As well as a percentage of the developmemnt being allocated to green spaces, developers should also contribute to appropriate landasaping of the property boundary and to ensure that wildlife corridors connect surrounding green areas.</p>			<p>Noted. However, developer contributions cannot be used where the matter can be addressed via a planning condition. Any matters which cannot be addressed via condition can be picked up via a s106, as appropriate. No change required.</p>
<p>Para 1.11 - New properties should meet a green standard with the use of heat pumps, solar panels on roof etc to minimise the energy required to run the property</p>			<p>Noted. These are sustainable design and construction matters which can be addressed through planning conditions. The new emerging local plan is also seeking to address these matters. No change required.</p>
<p>Para 3.13 - Any monies set aside for local improvements should be payable at the START of the development and not be dependent on completion or occupation.</p>			<p>Paragraph 3.13 and 3.14 of the draft SPD set out the timing and triggers for action or payment. 'Prior to commencement or prior to first occupation' is already mentioned, along with other options. No change required.</p>

<p>The attached guidance from CoMoUK showcases some exemplar schemes for shared transport provision and active travel as part of sustainable development, picking up on issues of density and consideration of commercial viability along with identification of other critical factors for the success of low-car developments.</p> <p>It feels like there is opportunity to develop a matrix as Marcus has suggested below, so we have some clear and consistent expectations for developer contributions. Thought is also needed around how we achieve development scale of sufficient size to support sustainable transport modes in a development or surrounding area.</p> <p>As part of the Clean Air project we have been having some discussion around how we get an appropriate level of investment in sustainable travel from developer contributions, and also about being consistent in what we are asking developers to include, which potentially needs to involve shared transport operators early in the planning process.</p> <p>Please could we be kept involved in the development of the SPDs relevant to sustainable travel - I am not sure what documents are/ or have been written as part of the local plan. If possible, it would be great to get a bit more of an overview of how the current consultation and other SPDs fit/work together as this is a new area for me.</p>			<p>Noted. This SPD is based on the current adopted 2005 plan. The new emerging local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.</p>
<p>With population growth there will be the inevitable increases in traffic, associated congestion and emissions of pollutants. It is clear that the transition to hybrid and electric vehicles will result in some in emission reductions, but issues with pollutants such as particular matter will remain. It is acknowledged by the government that Air Quality remains the largest environmental risk to public health in the UK and in response to increasing evidence on the long term health impacts of air pollution they are introducing new national target levels.</p> <p>Clearly, nobody wants to live in a poorer environment and it is essential to ensure that funding is generated to support improvements to active travel infrastructure, incentivise their use and ultimately discourage private car ownership. These measures will ultimately serve existing communities and enhance development. Furthermore, contributions to reduce air quality emissions go hand in hand with local and national climate change policies, contributing to reductions in carbon emissions, supporting mitigation measures and adaption. There are great benefits from effective policies, infrastructure, and funding to improve air quality. The environment will improve, carbon emissions will reduce and people's health will improve as a result of the cleaner air but also as a consequence of increased activity.</p> <p>In respect of dedicated contributions towards AQ, DEFRA has produced a damage cost calculation for specific pollutant emissions that identifies the environmental damage costs associated with a proposed development and determines the amount or value of mitigation that is expected to be spent on measures to reduce the impacts. Further information on this is here: Air quality appraisal: damage cost guidance - GOV.UK (www.gov.uk). Contributions based on the damage costs approach is seen to be good practice within the IAQM guidance IAQM planning guidance.pdf.</p> <p>Economic appraisal and guidance on the use of the damage cost approach can also be found here: Assess the impact of air quality - GOV.UK (www.gov.uk) . It may be that this approach could be a suitable tool for the purposes of securing dedicated contributions to mitigate the impacts of emissions.</p> <p>One other point to note is that there may be a benefit to developing a matrix that will</p>	Victoria Reed		<p>Noted. Text added with regards to the DEFRA damage cost calculation. Other aspects will be picked up as part of the development of the emerging new local plan, which will seek to address future needs and will review this SPD and produce an infrastructure delivery plan.</p>
<p>NHSPS supports the identification of healthcare in sections 4.31- 4.33 as a key consideration when assessing planning applications and the seeking of contributions to mitigate the impacts of development on local infrastructure. Large residential developments often have very significant impacts in terms of the need for additional healthcare provision for future residents, meaning that a planning obligation requiring developments make provisions for a new healthcare facility is often necessary.</p> <p>Furthermore, the significant cumulative impacts of smaller residential developments and their need for mitigation should also be recognised.</p> <p>NHSPS are supportive of Section 4.32, however note that the NHS should also have flexibility alongside the option of seeking financial contributions, to seek the provision of new on-site healthcare infrastructure and to secure free land and infrastructure/ property to meet the relevant healthcare needs arising from developments.</p>			Amended

<p>In relation to Section 4.33, NHSPS supports the adoption of a floorspace to patient assumption and the use of recognised approaches to establishing the means of mitigation. The 120 square metres should state '120m² NIA/ 150m² GIA'. NHSPS suggests that population assumptions could also be crosschecked against Office for National Statistic and Census datasets, and that construction cost data could be benchmarked and supplemented in collaboration with advice from the NHS and partner organisations. From NHSPS's experience on healthcare infrastructure delivery, the assumption of £3,000/m² is considered a starting point and likely only forms the base construction cost which do not take into account the true expenditure associated with the delivery of healthcare infrastructure. The adopted construction cost rate within the health obligation contribution should be revised to allow for all costs associated with the delivery of the healthcare infrastructure. This would typically include, but is not limited to:</p> <ul style="list-style-type: none"> • Base build cost; • Externals allowance; • Preliminaries; • Risk allowance such as general price and design risk; • Construction risk allowance; • Contractor's overheads and profit; • Fit out allowance such as General Equipment/ IT/ Data; • Professional fees; • Sustainability Allowances (if relevant to local area); and • Contingencies. <p>In addition, where the provision of the healthcare infrastructure will likely be undertaken by the public sector, the construction costs should include the appropriate assumptions, such as an element of optimism bias. This is a standard required assumption for public sector construction projects. NHSPS request that the current construction cost of £3,000 assumption is recognised as only a starting point and must allow for inclusion of the relevant build costs set out above.</p>		Mr Marc Hoenen	Amended
<p>Index-linking Obligations secured for health infrastructure should be index linked, as it reflects the change in costs between the planning application be granted and the development taking place. It would be appropriate to link the index to the Building Cost Information Service ("BCIS") All-in Tender Price Index. BCIS is widely accepted across the build environment and commonly used for adjusting cost estimates and budgets to different dates.</p>			Paragraph 3.19 of the draft SPD already refers to using the index-linked retail prices index. The Retail Price Indexation measures the best rate of inflation from the date of the signed agreement to when the development starts implementing works and is therefore considered a fair rate to apply. However, the SPD is a guide for case officers and developers for negotiations on applications. It is recognised that each application will need to be addressed on a case-by-case basis. No change required.
<p>Partnership working between NHS and the Council Our experience has shown that the provision of new purpose-built healthcare infrastructure to mitigate the impacts of development requires extensive capital funding. This means significant funding secured through S106 or CIL allocations (should a CIL charging schedule be adopted) for health should be anticipated over the Local Plan period. The NHS, Council and other partners must work together to plan the infrastructure and necessary funding required to support the projected housing development and related population growth across the borough. Continued partnership working with the Council is encouraged to help secure the appropriate infrastructure to support sustainable development in the borough. A vital part of this is ensuring that the NHS has the resources required to develop additional healthcare infrastructure where necessary. This means updates to the Infrastructure Delivery Plan and where a CIL charging schedule is adopted, they must identify and help fund the delivery of healthcare infrastructure in order to ensure the Council meets the objectives of the Local Plan as a whole.</p>			Noted. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.
<p>Conclusion NHSPS strongly support the approach of securing infrastructure and contributions for health through planning obligations to ensure developments provide adequate measures to mitigate their impacts. NHSPS would welcome further engagement in relation to the above comments on the draft document.</p>			Noted

<p>No matter where new residential developments take place, the incoming residents will need to access local services, which normally would be found in the town and village centres in the district.</p> <p>It is important that those town and village centres are well maintained and are able to evolve over time in response to changing needs. Contributions from developers should be able to be used in town and village centres as they play an essential role in the life of all residents.</p>	Linda Howells	Noted. Developer contributions can only apply to the development to which it reasonably relates. The new emerging local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.
<p>Paragraph 3.9 states that failure to complete the s106 within the given timescale will result in the application being refused. However, it does not indicate what the timescale is. We suggest that the SPF provides clarity on this. We would also suggest that meeting any timescale for completing a s106 will be dependent on both the applicant and the Council engaging in S106 discussions at the earliest opportunity and as such we would encourage the SPD to confirm that the Council be willing to engage in s106 discussions (and instruct solicitors) prior to an application going to planning committee.</p>	Mr Rob Snowling	<p>The s106 instructions is discretionary and dealt with on a case-by-case basis. Similarly an application can be refused as a result of failure to enter into a legal agreement. In addition, the purpose of this SPD is to assist with encouraging s106 negotiations at an early stage. Additional text has been added to the SPD which reflects that whilst these are '....not a requirement for the validation of a planning application, it is strongly recommended applicants do submit any PPA if prior engagement on the matter has already been undertaken.' No further change required.</p>
<p>Para 3.11 - It is important that any standard clauses are acceptable to Registered Providers. In particular, RPs may have different requirements in respect of Mortgagee in Possession clauses. Therefore a 'one-size fits all' standard may not be appropriate and the SPD should allow flexibility in this regard, in order to help boost the supply of affordable homes.</p>		<p>Noted. The SPD is a guide for case officers and developers. It is recognised that each application will need to be addressed on a case-by-case basis. No change required.</p>
<p>Para 3.14 - It may not be possible to agree trigger points, which should be linked to phasing of development, for outline planning applications. Therefore the SPD should allow for triggers to be agreed, through the submission of an Open Space Scheme for example, to allow the delivery of infrastructure to be phased with the overall scheme delivery, once the detailed design has been progressed to a sufficient point (i.e. at the submission of Reserved Matters).</p>		<p>The draft SPD is not prescriptive on triggers and timings in order to give flexibility. It will be part of the negotiations for the council and developers to agree and phasing of development and phasing of payments is included. No change required.</p>
<p>Para 3.19 - We would suggest the use of the BCIS index where financial contributions relate to construction or building works.</p>		<p>Paragraph 3.19 of the draft SPD already refers to using the index-linked retail prices index. The Retail Price Indexation measures the best rate of inflation from the date of the signed agreement to when the development starts implementing works and is therefore considered a fair rate to apply. However, the SPD is a guide for case officers and developers for negotiations on applications. It is recognised that each application will need to be addressed on a case-by-case basis. No change required.</p>
<p>Para 4.11 - We would suggest that the SPD should provide flexibility in respect of the affordable housing split to allow for changing circumstances and affordable housing needs, which are likely to vary as the Council's waiting list changes over time. Adopting an overly rigid approach runs the risk of reducing (rather than boosting) affordable housing supply.</p>		<p>Noted. The purpose of this SPD is to provide a guide to case officers and developers on which to base s106 negotiations. No change required.</p>
<p>Para 4.18 - The SPD should include details of the basis for £137.71/dwelling cost and provide details of what the monies will be spent upon.</p>		<p>The basis for the fee is explained in paragraph 4.15 of the draft SPD. This includes that monies will be spent on mitigation associated with development that impact on the Essex Coast RAMS. No change required.</p>
<p>Para 4.19 - The SPD should provide clarity on what is required in order to make development within the ZOI acceptable. The SPD as drafted does not provide sufficient clarity in respect of what may be required in order to mitigate impacts upon Hatfield Forest.</p>		<p>There is nothing that can mitigate the impacts of any development that occurs within the Zone Of Influence (ZOI) for the Essex Coast RAMS. All the local planning authorities have agreed, as responsible bodies under the Habitat Regulations to contribute a proportionate fee depending on the extent to which the ZOI impacts on their local authority area. This fee is payable by all development occurring in the ZOI which goes towards mitigation projects to assist in the safeguarding of the protected habitat. No change required.</p>
<p>Para 4.30 - We assume that the reference to commuted sums is in relation to where a SuDS feature is adopted by the District or Town/Parish Council. However, the SPD should clarify this point and make clear that a commuted sum will not be required where SuDS are adopted by a resident management company, for example.</p>		<p>Paragraph 3.30 of the draft SPD has been updated to reflect the CIL Regulation tests. A paragraph has been added regarding the latest flood risk and coastal change national policy and guidance. Applications and s106 obligations will be addressed on a case-by-case basis. No further change required.</p>
<p>Para 4.35 - The paragraph states that "Mostly, it is anticipated that developments will need to provide open space via off-site contributions." We would suggest that whether open space is provided on or off-site will be determined by the scale and design of the scheme and the amount of open space being proposed. We would therefore suggest that this sentence should be deleted.</p>		<p>Amended</p>

<p>Para 4.36 - Whilst we fully support early engagement with Parish and Town Councils, there may be instances where a Parish or Town Council does not wish to adopt on-site green space. As such, the SPD should provide flexibility to enable the green space within a scheme to be managed and maintained by a range of bodies, including residents' management groups, landowners (particularly where they manage and maintain a wider land holding), as well as the Parish or Town Council. There may also be instances where a landowner wishes to provide green space in excess of the Council's policy requirements, in which case the SPD should provide flexibility for that space to be managed and maintained by the developer/landowner where they are able to do this more cost effectively than a public body in order to avoid discouraging applicants from including green space in excess of policy requirements (i.e. as a result of requiring commuted sums up front, for example).</p>			<p>Noted. The purpose of this SPD is to provide a guide to case officers and developers on which to base s106 negotiations. Applications will be dealt with on a case-by-case basis. No change required.</p>
<p>Para 4.38 - We would query the requirement for a 15-year maintenance period. A 10-year requirement is the normal requirement and would generally provide sufficient revenue to cover maintenance and the costs are covered by the Town or Parish Council (through Council Tax receipts). As per our response to paragraph 4.36 above, this requirement is likely to disincentivise the provision of green space in excess of policy requirements, which can often play an important part in creating high quality and beautiful places.</p>			<p>Noted. However, many green infrastructure features can take years to establish and if failure should occur, a mechanism is needed to ensure replacement, management and maintenance to ensure that features can reach their full potential as intended by the proposed scheme. No change required.</p>
<p>With population growth there will be the inevitable increases in traffic, associated congestion and emissions of pollutants. It is clear that the transition to hybrid and electric vehicles will result in some in emission reductions, but issues with pollutants such as particular matter will remain. It is acknowledged by the government that Air Quality remains the largest environmental risk to public health in the UK and in response to increasing evidence on the long term health impacts of air pollution they are introducing new national target levels.</p> <p>Clearly, nobody wants to live in a poorer environment and it is essential to ensure that funding is generated to support improvements to active travel infrastructure, incentivise their use and ultimately discourage private car ownership. These measures will ultimately serve existing communities and enhance development. Furthermore, contributions to reduce air quality emissions go hand in hand with local and national climate change policies, contributing to reductions in carbon emissions, supporting mitigation measures and adaption. There are great benefits from effective policies, infrastructure, and funding to improve air quality. The environment will improve, carbon emissions will reduce and people's health will improve as a result of the cleaner air but also as a consequence of increased activity.</p> <p>In respect of dedicated contributions towards AQ, DEFRA has produced a damage cost calculation for specific pollutant emissions that identifies the environmental damage costs associated with a proposed development and determines the amount or value of mitigation that is expected to be spent on measures to reduce the impacts. Further information on this is here: Air quality appraisal: damage cost guidance - GOV.UK (www.gov.uk). Contributions based on the damage costs approach is seen to be good practice within the IAQM guidance IAQM planning guidance.pdf.</p> <p>Economic appraisal and guidance on the use of the damage cost approach can also be found here: Assess the impact of air quality - GOV.UK (www.gov.uk) . It may be that this approach could be a suitable tool for the purposes of securing dedicated contributions to mitigate the impacts of emissions.</p> <p>One other point to note is that there may be a benefit to developing a metric that will</p>	<p>Mr Marcus Watts</p>		<p>Noted. Text added with regards to the DEFRA damage cost calculation. Other aspects will be picked up as part of the development of the emerging new local plan, which will seek to address future needs and will review this SPD and produce an infrastructure delivery plan.</p>

<p>Purpose of Supplementary Planning Documents (SPDs)</p> <p>SPDs are not subject to the same degree of consultation and examination as policies contained in Local Plans and should only be prepared, therefore, to provide additional guidance to those bringing forward development proposals across the district. The National Planning Policy Framework (NPPF 2021) confirms this in Annex 2: Glossary where it defines SPDs as:</p> <p>“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”</p> <p>The role of the SPD should therefore seek to provide guidance on existing planning policy contained in the adopted Development Plan. It is important to note that this does not present an opportunity to reinvent existing planning policies contained in the adopted Local Plan.</p> <p>Scope of the draft Developer Contributions SPD</p> <p>Gladman welcome the preparation of the SPD which sets out how the Council will seek contributions from developers via planning obligations and replaces previous guidance from 2015. It is noted that the SPD is primarily intended for use by developers of residential schemes alongside that all applications will be determined on a case-by-case basis and that the SPD will not cover all circumstances and bespoke approaches to contributions may sometimes be required.</p> <p>Gladman welcome the acknowledgement in paragraphs 1.2 and 2.16 of the document that a new draft SPD will be prepared as preparation of the new Local Plan progresses.</p> <p>Notwithstanding the above, Gladman are concerned that the proposed obligations and monitoring charges set out in the SPD do not appear to have been informed by a proportionate viability assessment which accounts for all relevant policies, local & national standards and the cost implications of the planning obligations proposed¹. Such assessments are required to ensure that the cumulative cost of all relevant policies and proposed planning obligations do not undermine the viability of a plan and indeed</p>	<p>Josh Plant</p>		<p>Noted. The purpose of this SPD is as a guide for case officers and developers. Applications will be based on a case-by-case basis. The SPD has been amended to reflect the CIL Regulations.</p>
<p>Charges for Monitoring of Obligations</p> <p>Appendix A of the draft Developer Obligations SPD sets out the monitoring charges schedule set out to allow the Council to fulfil its role to monitor all clauses for S106 obligations.</p> <p>Firstly, Gladman are concerned that there does not appear to be any robust evidence justifying the proposed charges, including the general administration fee or hourly rate for admin and site visits or how the proposed charges vary across development scales. It cannot be determined whether the proposed fees reflect the actual costs of monitoring and preparing legal agreements</p> <p>Furthermore, the proposed charges do not appear to have been informed by a proportionate assessment of viability that takes into account relevant policies</p> <p>The PPG also advises that authorities must report all monitoring fees in their Infrastructure Funding Statements (IFS) and this information should be fed into reviews of Local Plans to ensure that policy</p> <p>1 PPG Paragraph: 005 Reference ID: 23b-005-20190315</p> <p>2 See footnote 1.</p> <p>requirements for contributions are realistic and do not undermine the deliverability of the plan³. The latest IFS does not appear to report this and it is also not clear whether the latest IFS has fed into the preparation of the SPD⁴.</p> <p>It might be more appropriate for the Council to pause preparation of this SPD and align the development of the document alongside the emerging Local Plan and utilise historic data in the IFS.</p> <p>Finally, the PPG suggests that authorities could implement a monitoring fee cap to ensure that fees do not become excessive, it may be prudent for the Council to consider this alongside any corresponding viability assessment.</p> <p>Conclusions</p> <p>Gladman welcome the opportunity to comment on the draft Developer Contributions SPD and would like to be kept informed as the document is progressed. Gladman reserve the right to provide further comments on the SPD at any later stage of public consultation.</p>			<p>This SPD is based on the Adopted 2005 plan. Charges are considered standard public sector rates. The emerging new local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.</p>

<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment on the details of the SPD other than to support the references to the developer contributions required in relation to the Essex Coast RAMS and the strategic solution being developed to address recreational pressure at Hatfield Forest SSSI/NNR.</p> <p>Should the SPD be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>	Tessa Lambert	Natural England	Noted
<p>Para 1.1 - This document comprises over 100 sections plus appendices. The many documents referenced cumulatively number many hundred pages. A period of under six weeks, including the Christmas/New Year holiday period, has been given in which to respond. This cannot amount to a full consultation.</p>			<p>The Statutory period for consultation is 6 weeks. We offered a longer period of time to take account of the festive period. The document was 24 pages long with 5 sections. The documents referenced are for the eventual end users such as case officers and developers. Comments were not expected on linked documents. No change required.</p>
<p>Para 1.5 - There is evidently something awry with the wording of the penultimate line. We suggest it should read: communal facilities integrated into residential areas . . .</p>			Amended
<p>Para 1.7 - The SCI does not only assist developers; it also places obligations on UDC, including: 6.8 Prior to submission or during determination of an application, discussions will be held between planning officers, and applicants and representative of the parish council to discuss issues such as infrastructure, amenities and matters subject to any S106. The Parish Council has pointed out on many occasions that UDC has failed to abide by its own policy in this respect. Policy statements are all very well, but of no value if there is no mechanism to ensure compliance.</p>			<p>Noted. The purpose of this SPD is to provide a guide for case officers and developers. No change required.</p>
<p>Para 1.9 - 'The best' is too ambitious, and not susceptible to confirmation. It should be amended to: making Uttlesford a good place . . . Referring to the CCP, Putting Residents First, 1) a) The influence of residents in planning matters cannot be increased when all decisions are subject to Government policy. UDC's Planning Committee attempted to listen to residents by refusing applications, with the consequence that the Council has now been 'designated' for major applications, and developers have the option of applying direct to PINS. There is much by way of pious hopes in the CCP; rather less as to how these hopes are to be achieved. See the comment on 1.10 below.</p>			Noted
<p>Para 1.1 - How will you enforce this last bullet point? A major new development (350 dwellings) commenced recently in our parish; the PC have asked the developers several times for contact details where residents might address problems or questions, without success. Concerning the commitment to put residents first, there should be a greater and more effective commitment to engage with town and parish councils.</p>			<p>Noted. The purpose of this SPD is as a guide for case officers and developers. Parish and town councils will be engaged and involved. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD. Applications will be based on a case-by-case basis. No change required.</p>
<p>Para 2.1 - It is very important that the allocations in the new Local Plan take account of all the new developments approved since the previous Local Plan expired in 2011.</p>			<p>This SPD is based on the Adopted 2005 plan. The emerging new local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.</p>

Para 3.1 - After: as the local planning authority insert: and with the town or parish council
Para 3.4 - After with the Council insert: and with the town or parish council
Para 3.5 - line 2: after the developer and others insert: , including the town or parish council,
Para 3.6 - line 1: a definition of major planning applications is needed
Para 3.8 - line 3: insert the word developer after: will want to agree with the
Para 3.10 - The Parish Council is firmly of the view that developers should be required to use UDC's S106 agreement template, unless there is some very good reason otherwise. It would ensure that all issues are covered which UDC has identified as needing attention; it would result in a large saving of time for UDC officers and also for interested parties such as members of town and parish councils, all of whom become used to locating particular items in the document as a whole. Permitting S106 agreements to be drawn up by solicitors for the developer can only mean that the wording will tend to advantage the developer, sometimes in subtle and opaque ways.
Para 3.12 - Appendix A is in Section 5. There is no Section 6 in the document as presented.
Para 3.15 - line 2. It was stated at a meeting with the Development Manager many months ago that the Council's S106 database would be accessible to the public, read only, in November 2022. The expected date for delivery should now be given.
Para 3.17 - lines 4/5 say: if the money is not spent within a set period, it must be paid back to the developer with interest. Elsenham Parish Council enquired whether funds held by UDC over a long period were in a fund attracting interest, and the answer was in the negative. Clearly, UDC should hold these funds in an interest-bearing account if there is any possibility that they will be repaid later with interest; if the funds do attract interest, then that interest should be included in payments made to the town or parish council.
Para 4.20 - The SHMA link above also gives access to a later document, Housing for New Communities in Uttlesford and Braintree, 2020. Is this no longer current?
Para 4.25 - It is extraordinary that ECC's Developers' Guide to Infrastructure Contributions, Revised 2020 (the document referred to above) contains no provision, as far as can be ascertained, for consulting town and parish councils regarding S106 provisions. This remark applies to all the topics covered by the guide, including education and, most notably, transport (4.42 below). The result is a series of inappropriate provisions which take no account whatsoever of genuine local needs. The Parish Council takes the view that due involvement by town and parish councils in decisions and recommendations made by ECC is essential if UDC is to produce a Local Plan which will prove to be viable and effective.
Para 4.29 - The sentence at lines 5 to 6 is incomplete. It should be made clear to developers that when they are considering the offering of public open spaces to town or parish councils, SuDS should always be specifically excluded.
Para 4.32 - It is not at all clear how a financial contribution can pay for additional healthcare provision when all of the existing provision is used to capacity, there are no possibilities for the extension of existing facilities, and there is no possibility of new provision owing to the unavailability of land suitable for the purpose. In such circumstances, the lack of capacity for the extension of healthcare provision should be a sufficient reason for refusal of a planning application.

Louise Johnson

Pre-application discussions are voluntary, even with the district council. Paragraph has been amended to reflect that engagement is encouraged and parish and town council's have been added to this. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD.
This is a formality, no change required.
Amended
The definition of major applications is set by national policy and does not need to be reiterated in the SPD. In terms of planning obligations and the varying requirements these will be on a case-by-case basis on which this SPD should be used as a guide. No change required.
Amended
Noted. The SPD already states that the council strongly advises the use of the template. The council cannot require or insist on it. No change required.
Amended
The Exacom database is available on the council's website for public viewing. It was launched in January 2023 but is still being worked on in some areas but this does not affect the s106 agreements and obligations that are available to be seen publicly. No change required.
Noted
This SPD is based on the Adopted 2005 plan. The emerging new local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.
At paragraph 4.24 of the draft SPD it states: 'It is a particular requirement of the NPPF that local authorities work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues at the pre-application stage.' Statutory bodies include Parish and Town Councils. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD. No change required.
Sentence has been clarified. The maintenance of assets will be agreed on a case-by-case basis via the s106 negotiation process. No further change required.
Noted. The appropriate health providers are consulted on applications. Applications are assessed on a case-by-case basis. Section has been updated to include reference to new facilities as well as financial contributions. The new emerging local plan will seek to address future needs and will review this SPD and produce an infrastructure delivery plan.

Para 4.36 - A provision is necessary to ensure that developers do not assure potential purchasers that open space will be transferred to the town or parish council unless a firm commitment has been made. Purchasers must know if there is a possibility that the assets will be transferred to a management company, with charges made direct to residents.		Noted. This would form part of any s106 agreement. Therefore a matter to be addressed on a case-by-case basis. No change required.
Para 4.37 - Town/parish councils must be included in the site inspection.		Safety inspections will be carried out by qualified individuals and do not need the presence of case officers, developers or members to undertake such assessments. No change required.
Para 4.42 - There should also be discussion with the town or parish council. It is extraordinary that ECC's Developers' Guide to Infrastructure Contributions, Revised 2020 contains no provision, as far as can be ascertained, for consulting town and parish councils regarding S106 provisions. This remark applies to all the topics covered by the guide, most notably transport. The result is a series of inappropriate provisions which take no account whatsoever of genuine local needs. ECC Highways' responses to planning applications are similarly ill-informed. Elsenham Parish Council takes the view that due involvement by town and parish councils in decisions and recommendations made by ECC is essential if UDC is to produce a Local Plan which will prove to be viable and effective.		At paragraph 4.24 of the draft SPD it states: 'It is a particular requirement of the NPPF that local authorities work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues at the pre-application stage.' Statutory bodies include Parish and Town Councils. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD. No change required.
Para 4.49 - line 4. After: the County Council may a word such as: request should be inserted.		Amended with 'require'.
Para 4.61 - As elsewhere, the Council should also consult with the town or parish council in order to determine local need. It is necessary to appraise the cumulative impact of new developments over a period of time.		There is no need to consult the parish and town councils in using the proposed Sport England pitch calculator. No change required.
Para 4.63 - As elsewhere, the Council should also consult with the town or parish council in order to determine local need. It is necessary to appraise the cumulative impact of new developments over a period of time.		There is no need to repeat in each paragraph that engagement with the parish and town councils is required. This is understood and as a statutory body will be engaged and involved as the SPD makes clear elsewhere. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD. No change required.
Para 4.64 - As elsewhere, the Council should also consult with the town or parish council in order to determine local need. It is necessary to appraise the cumulative impact of new developments over a period of time. Community facilities receives only a passing reference in bullet point 2 above, and only within the context of indoor sports facilities. There should be a strategy with regard to indoor provision for the local community, to include halls, meeting rooms, office space for the parish clerk if needed and indoor sports. Discussion with the town or parish council is essential.		The bullet pointed list that follows the draft SPD para 4.64 makes clear a wide list of facilities and services that could and should be considered. There is no need to repeat that engagement with the parish and town councils is required. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD. The purpose of the SPD is a guide and applications will be addressed on a case-by-case basis. No change required.
Para 4.65 - As elsewhere, the Council should also consult with the town or parish council in order to determine local need.		There is no need to consult the parish and town councils in using the proposed Sport England pitch calculator. But parish and town councils are involved in the s106 negotiations as a whole, however this does not need to be repeated here. No change required.
Para 5.19 - Whilst acknowledging that costs associated with monitoring S106 agreements have risen, the proposal suggests a circa 100% fee increase. This will be damaging for S.M.E. builders particularly those developing in smaller numbers. We would suggest an additional category to include these smaller developments. The proposed category of <40 units will capture smaller rural affordable Rural Exception Sites (commonly around 6 units) and will be an increased burden on already stretched Housing Association funds. We would like to see a discount implemented for schemes that are submitted by or on behalf of a Registered Provider of Social Housing.	Mr Graham Mann	The purpose of the SPD is a guide for case officers and developers. Each application will be based on a case-by-case basis via the s106 negotiations. No change required.
Thank you for this opportunity to comment and contribute to this planning document. I am secretary of Flitch Way Action Group, a registered charity formed to reconnect the Flitch Way by creating a safe off road link routes (bridleways) for walkers, horse riders and cyclists through Dunmow and from Start Hill into Bishops Stortford. I am also an Uttlesford area representative for Essex Bridleways Association, a charity established over 40 years ago with over 700 members to preserve and develop the bridleway network throughout Essex. I have lived in Uttlesford for over 28 years.		Noted

Para 1.1 - Sections of the route reconnecting the Flitch Way through Dunmow have been constructed via funding from s106 Agreements. Developers have both funded and constructed routes through Maynard Park and The Brambles and there is a s106 Agreement (Staggs Farm) in place for construction of a route from The Brambles to Buttleys Lane. Further agreements will in time enable a route through the proposed development at Smiths Farm and across the road to Byway 57 at Hoblongs. However there is still much to be done. A new bridge over the river Chelmer suitable for walkers, equestrians and cyclists is needed to replace the existing wholly inadequate bridge and ford crossing. Funding will be needed to create a safe route from the severed end of the Flitch Way at Start Hill into Stortford. There is an opportunity to create link routes to Stansted airport for workers and anyone wishing to travel onwards by train, plane or coach.
Para 1.1 - A key part of the Council's climate change policy should be to provide residents and visitors with attractive safe means of travel which do not pollute the air by the use of motorised vehicles and do improve the user's physical and mental health via exercise in the open air. The Flitch Way would provide this if the severed sections were replaced with a safe off road route: a bridleway both for travel to school, work etc and for leisure use.
Para 2.1 - S106 agreements should as a matter of course include links to and funding for paths and bridleways to enable residents to travel safely without the need for cars.
Para 2.1 - The new local plan should name the Flitch Way and the proposed link routes and require that all larger developments in and around Dunmow contribute to the provision of routes to reconnect the Flitch way through Dunmow. Developments east of Dunmow should also be required to contribute to a link route into Stortford.
Para 3.13 - Trigger points should be backed up with a requirement that the work on s106 schemes be completed eg within 2 years of the date of the Agreement.
Para 3.17 - Pay back clauses seem to operate to deprive the community of agreed benefits that are then not provided. A case in point is the non-existent new bus service in Dunmow where all the developer has done is build a redundant bus shelter. Can something be done to avoid this kind of waste of resources...eg by diverting developer funding to other associated infrastructure improvements?
Para 2.8 - The infrastructure provision in and around Great Dunmow hasn't kept pace with the number of new houses built. Schools are full. GP surgeries have unacceptable long wait times for appointments. Roads are busy and will only get busier and more dangerous and there has been a woefully inadequate provision of paths and tracks for walkers, cyclists and equestrians. As a result residents rely wholly on their cars. Woodside Way is a case in point. Cyclists and runners use the road and equestrians avoid it altogether. Why were developers not required to provide a track for non-motorised users separate from the road? Hardly anyone cycles in an around Dunmow because it is perceived (rightly) to be too dangerous and unpleasant. We need more off-road provision and slower speed limits. There is no safe access to the Flitch Way from Dunmow town centre. The roads and in particular the road crossings are hazardous and discourage walking and cycling. The footbridge over the B1256 south of Dunmow needs to be modified to allow use by cyclists with the footpaths on either side being upgraded to shared cycle and footpath use. Pegasus/pelican crossing is needed on Ongar Road between the Brambles and the developments south of Ongar Road to enable everyone to cross in safety and use the paths/bridleway through the Brambles and Maynard Park. A Pegasus crossing is needed over the B1256 at Hoblongs to give access to the network of public rights of way, the David Cock community woodland and the Flitch way east of Dunmow. All of the above could be funded via s106 contributions.
Para 1.1 - It's a great idea to involve the local community but this is a really daunting document to respond to. I fear most people will be discouraged by its length and complexity. I very much hope that the responses will inform and influence council policy.

Ms Sarah Hodgson

Noted. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required. We would recommend, if you are not already, signing up to notifications on the emerging local plan.
Noted. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required. We would recommend, if you are not already, signing up to notifications on the emerging local plan.
Noted
Noted. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required. We would recommend, if you are not already, signing up to notifications on the emerging local plan.
The SPD makes clear that triggers will vary for different schemes due to the different sized schemes that could come forward. It will be for the s106 negotiations to agree the details on a case-by-case basis. No change required.
Developer contributions can only be spent on that which was agreed in the s106. In accordance with national policy if these go unspent the developer has the right to claw back funds. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required.
Noted. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required. We would recommend, if you are not already, signing up to notifications on the emerging local plan.
Noted. The draft document is short at 24 pages in comparison to local plans. Its main audience is case officers and developers. The responses have been reviewed and have informed a review and a revised version of the final SPD.

Para 4.20 - The Flitch Way is both a means of access to Hatfield Forest and a means of syphoning off/ redirecting some of the footfall away from the Forest to the Flitch Way. Reconnecting the Flitch Way via bridleway links from Stortford to Start Hill and through Great Dunmow would greatly enhance the usefulness of the Flitch Way as a green resource for walkers, equestrians and cyclists.			Noted
Para 4.25 - The plan to move HRS and add a primary school to the site near Buttleys Lane offers an opportunity to encourage sustainable green travel to school on foot/ bike via the Flitch Way provided there is a link route from Dunmow town centre. The link route is already there in part. The "missing" sections now need to be constructed as a matter of urgency before the school move.			Noted
Para 4.46 - Reconnecting the Flitch Way will transform it from a purely leisure linear park to a safe all weather viable route for poeple travelling to work and school. Developers cite the proximity of the Flitch Way as a means of fulfilling their obligation to provide sustainable travel. Developers should be funding and undertaking the work needed to enable the Flitch Way to perform this function. The link routes through Dunmow and into Stortford are vital to this as is the provision of a bridleway bridge across the River Chelmer which is currently served by a very inadequate footbridge and a deep ford through the river which noone is going to attempt on their way to school/work.			Noted
Para 4.49 - Uttlesford is still a largely rural community in which public rights of way play a key part. During Covid lockdowns rights of way provided much needed respite from isolation indoors. It is sad to see that funding for rights of way has been severely cut and is wholly inadequate even to deal with emergency maintenance issues. Rights of Way need not only to be maintained but also developed and extended so as to provide useful and usable links between communities and encourage people to go out for walks, rides and for exercise and leisure and to connect with the natural world ...both for their physical and mental health. Developers should be required to contibute significant sums to improve and develop rights of way for ALL non motorised users including equestrians (mostly women and children) whose needs are all too often overlooked and who are the most vulnerable of all road users. Rights of way are existing means of green sustainable travel with the added advantage of historic interest and charm for their users to enjoy. A far higher value needs to be placed on their importance.			Noted. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No change required. We would recommend, if you are not already, signing up to notifications on the emerging local plan.
NHS West Essex CCG became Hertfordshire and West Essex Integrated Care Board (HWEICB) 1st July 2022. At this time, CCG's ceased to exist.	Miss Alison Morris	Hertfordshire and West Essex Integrated Care Board	Noted and amended where necessary

<p>Absence of historic environment considerations in the draft SPD</p> <p>Paragraph 190 of the NPPF requires that local authorities set out in their Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to this SPD, this means the provision of contributions to safeguard and encourage appropriate and viable uses for the historic environment. It is therefore surprising that historic environment is not mentioned within the draft SPD, especially when there are sections on biodiversity, community facilities, flood and water management, healthcare, landscape, transport, public rights of way and sports facilities).</p> <p>Historic England advocates a wide definition of the historic environment which includes not only those areas and buildings with statutory designated protection (e.g. listed buildings, scheduled monuments, registered parks and gardens) but also those which are locally valued and important, as well as the landscape and townscape components of the historic environment.</p> <p>We therefore request that the SPD is expanded to include a brief section on the historic environment, outlining instances in which contributions may be sought, for example:</p> <ul style="list-style-type: none"> • Repair, restoration and maintenance of heritage asset(s) and their setting; • Increased public access and improved signage to and from heritage assets; • Interpretation panels / historical information and public open days; • Production and implementation of up to date Conservation Area management plans and appraisals; • Measures for investigation, preservation and display of archaeological remains and sites; • Provision of local capacity for the storage of, and public access to, archives resulting from archaeological and/or historical investigation; • Dissemination of historic environment information for public/school education and research, including museum displays for popularisation of archaeological discoveries; <p>Sustainability issues require further consultation for historic buildings</p>		Historic England	Amended
<p>Para 4.20 - The National Trust supports the inclusion of Paragraphs 4.19 and 4.20 which refer to Hatfield Forest, which the National Trust owns. These paragraphs reflect the work that has been undertaken to date. It also reflects the statutory advice from Natural England in terms of developing a strategic solution and the requirement for mitigation to be secured from residential developments within the agreed Zone of Influence. This will help ensure the conservation and resilience of the Forest to future visitor pressure, and to protect sensitive and notified features and habitats. The sentence 'The HFMS aims to secure 22% of the total site management costs from developer contributions based on the predicted 22% rise in visits to the Forest over the next 15 years' is slightly ambiguous as it would not secure 22% of the total management costs for Hatfield Forest. It would secure 22% of the agreed strategic access management and monitoring measures (SAMMs), as set out in the Mitigation Strategy. It is therefore requested that the text is amended to reflect this. Reference should be made to how the contributions will be secured (via planning obligation). Mitigation packages should also have regard to the most up to date assessments (including Zone of Influence), mitigation strategy and/or strategic solution.</p>	Nina Crabb	National Trust	Amended
<p>Para 1.2 - Please note this response has been prepared by Saffron Walden Town Council as considered at the Planning and Transport Committee meeting held on 15 December 2022. To note, our response refers to the adopted Saffron Walden Neighbourhood Plan (SWNP). Firstly a query regarding this SPD, when is this SPD document scheduled for adoption post consultation?</p>			Noted. It is hoped the SPD will go to Cabinet in March 2023 for approval for adoption. No change required.
<p>Para 1.7 - Parish and Town Council's must be involved in HOTs and pre-app discussions with UDC and the developer. As town/parishes have a local understanding of the area and its needs. Saffron Walden Town Council has an adopted contrubtion wishlist attached to this comment. Also attached is the SWNP.</p>			Paragraph 1.7 of the draft SPD already refers to consultation with parish and town councils. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD. No change required.
<p>Para 1.10 The SPD states "increase the transparency of the s106 agreement process and councillor engagement in it.." This should incldue the councillor AND town/ parish councils.</p>			Amended

Para 3.2 - Town and Parish Council and Councillors should be invited to PPAs for major applications. The SPD states "engagement with town/parish council and a presentation to its members" but not certain this formally happens currently because SWTC has not been involved within PPAs. (Some developers have engaged and presented to SWTC but this has been separate to the PPA with UDC.)
Para 3.4 - Town and Parish Councils should still be involved to ensure local level knowledge is circulated.
Para 3.10 - The draft S106 document says: Public Open Space shall mean all landscaped areas [and Sustainable Drainage Schemes] POS should exclude the SUDs. The Saffron Walden Neighbourhood Plan (SWNP) litmus test (11.3.8) states that POS should be usable, walkable and large enough to walk your dog / throw a ball. SUDs areas typically do not pass this litmus test and therefore should have their own management programme, contribution and be excluded from the POS calculation. The draft S106 does not include any community facility, art, culture contributions. Query, this model agreement relates to contributions for housing developments but no reference to non-housing development contributions (i.e., retail) should this be included?
Para 3.13 - SPD states "Development related triggers should be used.. rather than fixed dates.." This is still not helpful. i.e., a trigger point of 75% prior to occupation means payment can be made any point between occupation of the first dwelling or on 75% occupation. This statement is only helpful if the trigger point is enforced with UDC legal team. Query, should all contributions have the same trigger point or not? Assuming not should each contribution type trigger be considered within this SPD?
Para 3.15 - "The monitoring officer will also check that the transfer of land and/or buildings to third parties takes place on time and any agreed contributions paid (such as for future maintenance)." All trigger points must be complied with and all land on transfer must be at a satisfactory level. If not or when this happens UDC enforcement / legal MUST take action, this should be defined within this SPD.
Para 3.18 - Again, if there is a reason the trigger points can not be met. Suitable enforcement action and conversations must be carried out with a time agreed extension. Whilst it is the developer's responsibility to contact the monitoring officer - should UDC become aware of a potential breach it is their responsibility to action and contact the developer. This should be detailed within the SPD.
Para 4.1 - This comment refers to the Detailed Consideration section as a whole. The SPD has no reference to: CCTV & Safety Community facilities (i.e., community centres) Cemetery/ burial land Culture & tourism The Arts Air Quality Biodiversity Allotments Waste / Recycling These should be included as part of developer contributions SPD and are in other councils. (i.e., Exeter City Council, Cherwell District Council, Vale of White Horse District Council & South Oxfordshire District Council, copies of two SPDs attached). Th SPD should include a requirement for appropriate contributions to be made.
Para 4.3 - This is inconsistent with paragraph 4.8, major development should be 10+ dwellings
Para 4.8 - Inconsistent with paragraph 4.3, major development should be 10+ dwellings SWNP states a major development being 10+ homes. What would take precedence in a SW development, 10 or 15 dwellings?
Para 4.10 - For note, this complies with SWNP, SW2 Affordable housing units will be distributed through the development in appropriately sized, non-contiguous clusters.

The purpose of the SPD is a guide for case officers and developers. Pre-application discussions are voluntary, even with the district council. Paragraph 3.1 has been amended to reflect that engagement is encouraged and parish and town council's have been added to this. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD.
Noted
The SPD has been made more specific to residential development. Community facilities are addressed such as libraries, schools, transport, water management, healthcare, open space, green infrastructure and heritage and landscape and townscape have been added, and sports facilities are also included. The purpose of the SPD is a guide for case officers and developers. Applications and s106 negotiations will be determined on a case-by-case basis and therefore this SPD is not necessarily an exhaustive list of assets for contributions. Text on open space and SuDS have been clarified with some additional text, for example around ensuring '...well-designed SuDS, including multi-functional SuDS such as open spaces that can retain surface rainwater runoff during periods of heavy rainfall and likely flood events.' No further changes required.
No, not all contributions should have the same trigger. Different schemes will be of varying scales and sizes. The purpose of the SPD is a guide for case officers and developers. Each application will be based on a case-by-case basis via the s106 negotiations, where individual triggers can be agreed and set. No change required.
The planning obligation will be subject of a planning condition to a planning approval, which sets out the necessary legal requirements should conditions not be met. The purpose of this SPD is to provide a guide on contributions to case officers and developers. No change required.
The planning obligation will be subject of a planning condition to a planning approval, which sets out the necessary legal requirements should conditions not be met. The purpose of this SPD is to provide a guide on contributions to case officers and developers. No change required.
The main Community facilities are addressed and green infrastructure and heritage and landscape and townscape have been added. The purpose of the SPD is a guide for case officers and developers. Applications and s106 negotiations will be determined on a case-by-case basis and therefore this SPD is not necessarily an exhaustive list of assets for contributions to be considered. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No further changes required.
Paragraph 4.8 in the draft plan is referring to affordable housing thresholds. No change required.
This would depend on your understanding of the difference between the affordable housing threshold of 15 dwellings and 10+ dwellings for major development. Major development is 10+ dwellings. In the case of affordable housing contributions these will be sought at 40% from developments of 15 dwellings or more or over a certain site size threshold. No change required.
Noted

Para 4.11 - Query, this differs to SWNP 4.2.9, 11+ homes have to provide 40% of them in the form of affordable housing. 70% of these are Affordable Rent and 30% are Shared Ownership
Para 4.21 - Should a species be offset to another area of land, that land must be safeguarded. (I.e., another development proposal should not develop where the species has been offset.)
Para 4.22 - Libraries are not the only community facility. There should be consideration for other services (i.e., allotments, the arts, tourism and /or a depot for operational matters for town and parish councils) Town and parish councils should be involved in these discussions as they would know what is required in the area.
Para 4.23 - Generally regarding the Education and school transport section: No contributions are listed for early years or nursery. Can UDC request education provisions within their policy, even if Essex County Council don't? ECC is not currently asking for secondary contributions in SW, can UDC request a secondary contribution?
Para 4.30 - SUDS should be built correctly so they can be adopted by the water authority for responsibility (please see SWNP appendix 6.2). The POS calculation should exclude the SUDs land so: One, it is not offered for adoption by town or parish councils and two the poor land is not considered usable POS.
Para 4.34 - Clarity is required here - is the OSSP 2019 formally adopted, if so the SPD should directly included reference to it. It is recommended the SPD includes the table in the OSSP 2019, 4.3.1 as a required standard contribution.
Para 4.35 - "One piece of advice in the OSSP is that small areas of open space hold less recreational use and value." Does this SPD agree with this statement or not? This SPD should be in line with the SWNP litmus test question for whether a site is suitable for consideration as an open space for informal recreation. Can several people use it at once for activities such as flying a kite and throwing a ball for a dog ? If the answer is no, then it is likely to be too small to be useful for and counted as recreational space, although it may serve as a small piece of land of environmental value if for example the grass inside the fence was left long. This is detailed within SWNP policy SW17 and should be replicated in the SPD. SWNP Appendix 6.2 is also relevant detailing that very small parcels of land on new developments which are of little public value should not be permitted.
Para 4.36 - SPD "The Council considers that the best owners and maintainers of landscaping and/or open space are the appropriate town/parish council. " SWTC Response: Town and parishes therefore should be contacted at the earliest stage (PPA) regarding the maintenance contributions within the S106/HOTs SPD "Developers should open pre-app..." SWTC Response: Developers should not be responsible for opening the PPA discussion with town and parishes. UDC should contact the third parties. SPD " and any play equipment prior to submitting..." SWTC response: SWNP SW17 states equipment must be located centrally to a development and built with durable materials, please replicate this within the SPD. SPD " This should avoid subsequent delay..." The POS tiger point must be clear and enforced to avoid delays in transfer.

Miss Georgia Arnold

Saffron Walden Town Council

Developments that occur in the Neighbourhood Area for Saffron Walden would need to comply with the Made NDP policy in this regard. SPD amended to make this clear.
Paragraph has been amended with a new sentence to include reference to safeguarding thereafter, as follows: Details should be set out in a Habitat / biodiversity mitigation strategy and secured by condition and the site should be safeguarded thereafter.
The main Community facilities are addressed and green infrastructure and heritage and landscape and townscape have been added. The purpose of the SPD is a guide for case officers and developers. Applications and s106 negotiations will be determined on a case-by-case basis and therefore this SPD is not necessarily an exhaustive list of assets for contributions to be considered. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No further changes required.
Amendments have been made following representations from Essex County Council, including inclusion of early years and childcare. Unclear what is meant by secondary contributions? If this refers to secondary education, this is understood to be included in schools generally. The purpose of the SPD is a guide for case officers and developers. Each application will be based on a case-by-case basis via the s106 negotiations. No further changes required.
Flood and water management section has been updated. Text on open space and SuDS have been clarified for example around ensuring '...well-designed SuDS, including multi-functional SuDS such as open spaces that can retain surface rainwater runoff during periods of heavy rainfall and likely flood events.' No further changes required.
The OSSP 2019 is a piece of evidence base on which to inform development plans and policies such as this SPD. It does not require adoption. No change required.
Flood and water management section has been updated. Text on open space and SuDS have been clarified with additional text, for example around ensuring '...well-designed SuDS, including multi-functional SuDS such as open spaces that can retain surface rainwater runoff during periods of heavy rainfall and likely flood events.' What you describe here is what planners call SLOAP - Space Left Over After Planning and through good design and place making these should be avoided and planning conditions should control this. The purpose of the SPD is to offer a guide and to 'seek planning obligations from developers where financial or other contributions are required to make development proposals acceptable in planning terms (but <u>cannot</u> be achieved through conditions on any planning permission).' Each application will be based on a case-by-case basis via the s106 negotiations. No further changes required.
The s106 instructions is discretionary and dealt with on a case-by-case basis. Similarly an application can be refused as a result of failure to enter into a legal agreement. In addition, the purpose of this SPD is to assist with encouraging s106 negotiations at an early stage. Additional text has been added to, which reflects that whilst these are '...not a requirement for the validation of a planning application, it is strongly recommended applicants do submit any PPA if prior engagement on the matter has already been undertaken.' No further change required.

Para 4.37 - This paragraph details the inspection requirement but does not have a timeframe limit for transferring to the town/parish council/management company. Can there be a transfer time limit/deadline to avoid delays? If so this should be included in this SPD.		S106 negotiations will be dealt with on a case-by-case basis. Schemes will be of varying scales and sizes and therefore the purpose of the SPD is a guide for case officers and developers. No change required.
Para 4.38 - The SWNP appendix 6.2 suggests monetary contributions should be for 20 years not 15. Which should be favoured in Saffron Walden developments? SUDS should not be included in the POS contribution because they fail the SWNP litmus test of POS requirements (SWNP 11.3.8 and policy SW17). This should be reflected in this SPD/		SPD has been updated to reflect Made NDPs.
Para 4.39 - It would be useful for town and parishes to be provided with the calculation. SPD says " it would save time if the developer can do the calculations and table them for the Council to consider. " It should be clear in the SPD that developer calculations will be checked and approved by UDC and not simply considered.		The calculations are set out in the appendices to the SPD. The figures may be different for different applications. The SPD is seeking developers to complete the calculations for their schemes for the council to consider. This is the correct language to use in the case of the balance of planning judgement on planning applications and viability of applications. No change required.
Para 4.41 - Highway contributions must conform with SWNP SW12, particularly any off-site highways schemes or improvements must conform to the hierarchy outlined in the NPPF which is to give priority to pedestrian and cycle movement first, then facilitate access to high quality public transport. The SPD should contain a similar provision. Exeter City Council has SPD's for developer contributions AND sustainable transport. Both refer to Car Clubs contributions within S106s. This should be included in UDCs developer contribution SPD.		Amendments have been made following representations from Essex County Council. Developments that occur in any Neighbourhood Area with a Made Neighbourhood Development Plan would need to comply with policies in that plan. This SPD is based on the adopted 2005 plan. The purpose of the SPD is a guide for case officers and developers. Each application will be based on a case-by-case basis via the s106 negotiations. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No changes required.
Para 4.46 - It is not clear here when the travel plans will be formulated and whether third parties can have any input. Travel Plans must conform to SWNP policy SW13 by having measurable objectives, this SPD should contain a similar provision.		Amendments have been made following representations from Essex County Council. The purpose of the SPD is a guide for case officers and developers. The SPD makes clear that parish and town councils will be consulted. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD. Each application will be based on a case-by-case basis via the s106 negotiations. No change required.
Para 4.50 - It is not clear here if the PPS&AP is adopted or just being referred to. A clear requirement must be listed within the SPD.		The Playing Pitch Strategy is not a document that requires adoption as it is not part of the development plan for Uttlesford. 'Evidence base' added to sentence to make this clearer.
Para 4.51 - Most provisions are at a shortfall, the PPS&AP is almost four years out of date. So the provisions that are expected to have a future shortfall will be currently or soon be facing that shortfall. Please refer to SWNP paragraph 11.2.10 which states " In order to meet demand, identified by their own waiting lists and confirmed by the UDC Sports Strategies, the Saffron Walden sports groups have identified the need for a multi-sports campus, which would achieve economies of scale by hosting several different sports across one site, as well as solving important shortages in capacity by providing modern sports facilities." The SPD should be reworded to the above affect or note within Uttlesford the town and parishes have a varying demand and any developments will be considered individually, per their respective Neighbourhood Plans, where relevant.		Noted. A later paragraph in this section has been updated with: Where an area has a Made Neighbourhood Development Plan with associated sports evidence base this should be considered.
Para 4.61 - To note this is in line with SWNP. The SWNP SW16 states Developer contributions will be sought to contribute towards sports provision, and the calculation will be subject to the Sport England Playing Pitch New Development Calculator and Sport England Facilities Calculator or its successor.		Noted
Para 4.50 - Support is offered for the general approach to securing developer contributions towards outdoor sports facilities because it is consistent with the advice in the Councils current evidence base in the Playing Pitch Strategy. It is suggested that the sub-title of this section is changed from Playing Pitches to Outdoor Sports Facilities to reflect that the scope of this section of the SPD extends beyond playing pitches. For example, bowls, tennis, athletics and netball facilities are not technically playing pitches although they are covered within the Playing Pitch Strategy.		Amended

<p>Paragraphs 4.51-4.60 summarise the Playing Pitch Strategy conclusions relating to quantitative deficiencies for the various sports. However, there should be recognition in this section that the Playing Pitch Strategy has identified a range of qualitative deficiencies for the existing outdoor sports facility stock as well as the quantitative findings. This is important because for some sports or for some sub-areas of the district there may not be any quantitative deficiencies but there may be qualitative deficiencies which is not addressed will result in facilities not being fit for and potentially falling out of operational use. The ability for existing facilities to meet the needs of housing growth will depend on the pitches, courts and the facilities that support them (especially changing/toilet facilities) being fit for purpose for the duration of the local plan period. It is considered reasonable and justifiable for developer contributions to be used for helping to address qualitative deficiencies if this will assist to maintain capacity of facilities. This is recognised in paragraph 4.63 of the SPD. It would therefore be helpful if a paragraph was added to this section which highlights that the Playing Pitch Strategy has also identified a range of qualitative deficiencies and that these will be taken into account when determining whether a financial contribution should be sought.</p>
<p>Para 4.61 - The proposed use of the Playing Pitch Calculator https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/playing-pitch-calculator for determining developer contributions is welcomed as this is consistent with the advice in the Councils Playing Pitch Strategy and the appropriate use of the calculator would be consistent with the tests in the CIL Regulations because it calculates the additional demand generated by the population of a development using data derived from the Councils evidence base. However, for accuracy the calculator is now called the Playing Pitch Calculator rather than the Playing Pitch New Development Calculator. Furthermore, it is requested that paragraph 4.61 recognises that the principal purpose of the calculator is to estimate the demand for playing pitches that may be generated by a new population. The calculator also identifies the current capital cost of meeting this demand which can then be used for informing the amount of any financial contributions that are secured but this is not its main purpose.</p>
<p>Para 4.62 For accuracy, it is requested that the relevant statutory bodies is replaced with the relevant bodies such as Sport England and the sports national governing bodies. This would recognise that Sport England and the governing bodies are not technically statutory bodies for the purpose of providing advice on sports facility provision in new development and to provide clarity to developers on who the bodies may be that are being referred to.</p>
<p>Para 4.63 - For accuracy it is suggested that references to playing fields and pitches be replace with outdoor sports facilities to reflect that the scope of this section of the SPD extends beyond playing pitches. For example, bowls, tennis, athletics and netball facilities are not technically playing fields or playing pitches although they are covered by the Playing Pitch Strategy.</p>
<p>Para 4.64 - Support is offered for the general approach to securing developer contributions towards indoor sports facilities because it is consistent with the advice in the Councils current evidence base in the Indoor and Built Facilities Strategy. It is suggested that this section makes reference to the strategy making recommendations for indoor facility types (e.g. sports halls and swimming pools) and specific facilities as well as sports specific recommendations because the needs and priorities identified in the strategy are broader than just the sports specific recommendations.</p>

Mr Roy Warren

Sport England

Amended
Amended
Amended
Amended
Amended

<p>Para 4.65 - The proposed use of the Sports Facilities Calculator https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/sports-facility-calculator for calculating developer contributions is welcomed as this is consistent with the advice in the Councils Indoor and Built Facilities Strategy and the appropriate use of the calculator would be consistent with the tests in the CIL Regulations because it calculates the additional demand generated by the estimated population of a development for the principal indoor sports facility types. However, it is requested that paragraph 4.65 confirms that the Council will use the calculator to estimate the demand for indoor sports facilities that may be generated by an additional population as well as calculating the contribution. This would that the principal purpose of the calculator is to estimate the demand for indoor sports facilities that may be generated by a new population. The calculator also identifies the current capital cost of meeting this demand which can then be used for informing the amount of any financial contributions that are secured but this is not its main purpose.</p>		Amended
<p>Para 1.4 - Why is this consultation taking place now? Why not wait until the new Local Plan is completed and base the document on the new policies?</p>		<p>This SPD is based on the Adopted 2005 plan. The purpose of the SPD is a guide for case officers and developers to use now. The emerging new local plan seeks to address future needs and once adopted this SPD will be reviewed and an infrastructure delivery plan produced. No change required.</p>
<p>Para 1.5 - Contributions should be able to be allocated towards improvement of existing roads which link to new development, whether this is the condition of the road, widening of a footway, installation of street-lighting etc.</p>		<p>Developer contributions have to be directly related to the development and therefore will be assessed on a case by case basis. No change required.</p>
<p>Para 2.3 - Hopefully "acceptable in planning terms" means the ability of the new development to link to the existing community and funds can be allocated for the improvement of the highway links as previously commented.</p>		<p>Acceptable in planning terms' refers to how planning obligations can be used in accordance with the CIL regulations. The purpose of a S106 and developer contributions is to 'seek planning obligations from developers where financial or other contributions are required to make development proposals acceptable in planning terms (but cannot be achieved through conditions on any planning permission).' I.e. planning obligations and contributions can only be sought where a planning condition cannot resolve the matter. So yes, that could mean resolving management issues or landscaping on larger schemes but as every scheme is different in terms of scale and size each will be determined on a case-by-case basis. This SPD is based on the Adopted 2005 plan. The purpose of the SPD is a guide for case officers and developers. The emerging new local plan seeks to address future needs and once adopted this SPD will be reviewed and an infrastructure delivery plan produced. No change required.</p>
<p>Para 1.7 - Community involvement is only "effective" if the wishes of the community are listened to. As a Parish Council, we have had input into, for example, landscaping proposals for a large development, making alternative suggestions for land which will eventually be handed over to us to manage, and have been completely ignored.</p>		<p>Noted. Planning is often a balance of local need, viability for the developer, and policy compliance. Local engagement and involvement is important. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD. The purpose of the SPD is a guide for case officers and developers. The emerging new local plan seeks to address future needs and once adopted this SPD will be reviewed and an infrastructure delivery plan produced. No change required.</p>
<p>Para 1.10 - Support and look forward to seeing all of these in practice.</p>		Noted
<p>Para 2.4 - We would always prefer to see a S.106 or CIL agreement rather than a unilateral undertaking. Agreements that cannot be enforced are pointless.</p>		<p>Noted. S106 agreements are often conditions of planning application approvals. An application can be refused as a result of failure to enter into a legal agreement.</p>
<p>Para 1.11 - What kind of climate change contributions are requested?</p>		<p>The SPD provides a link to the interim Climate Change policy document. Every scheme will be different given size and scale and therefore developments will be considered on a case-by-case basis on what they might be able to offer regarding climate change mitigation and adaptation, and contributions. No change required.</p>
<p>Para 2.5 - Referring to the final sentence, this is why it is essential that planning conditions are robust and are meticulously and promptly enforced.</p>		Noted

Mrs Ruth Clifford

Para 3.2 - We would like to see PPAs, and therefore engagement with the local Town or Parish Council, a formal requirement. What is the role of planning officers in "strongly urging" developers to engage and what guidance is given to the developers?			The purpose of the SPD is a guide for case officers and developers. Pre-application discussions are voluntary, even with the district council. Paragraph 3.1 of the draft plan has been amended to reflect that engagement is encouraged and parish and town council's have been added to this. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD.
Para 3.15 - UDC needs to provide additional resources to ensure timely action is taken when developers do not pay contributions within reasonable timescale.			Noted. The council does have a s106 officer. No change required.
Para 3.10 - Why can UDC not REQUIRE developers to use the template?			There is no requirement in legislation or national policy. The SPD goes as far as it can by strongly advising developers use the template. No change required.
Para 4.25 - How is the cumulative impact of smaller developments accounted for?			Developer contributions have to be directly related to the development. This SPD is based on the Adopted 2005 plan. The purpose of the SPD is a guide for case officers and developers. The emerging new local plan seeks to address future needs and once adopted this SPD will be reviewed and an infrastructure delivery plan produced. No change required.
Para 4.32 - How is the impact on dispensing pharmacies accounted for?			The SPD makes reference to Community facilities as a whole such as libraries, schools, transport, water management, healthcare, open space, green infrastructure and heritage and landscape and townscape have been added, and sports facilities are also included. The purpose of the SPD is a guide for case officers and developers. Applications and s106 negotiations will be determined on a case-by-case basis and therefore this SPD is not necessarily an exhaustive list of assets for contributions. No further changes required.
Para 4.36 - Suggest re-wording the second sentence to read "Developers MUST" and to see this rigorously enforced.			The purpose of the SPD is a guide for case officers and developers. Pre-application discussions are voluntary, even with the district council. Paragraph 3.1 of the draft plan has been amended to reflect that engagement is encouraged and parish and town council's have been added to this. The Development Management Team are drafting a new protocol for engaging parish and town councils in pre-app discussions alongside the preparation of this SPD.
Para 4.40 - We would like Parish/Town Councils to be involved in discussions about Management Companies. There needs to be a fallback provision for cases where the Management Company defaults on its obligations or goes out of business.			Noted. Parish and town councils are involved in s106 discussions as a statutory consultee and this is made clear in this SPD. It does not need to be repeated here. No change required.
<p>CONTEXT</p> <p>Landsec welcomes the preparation of a Developer Contributions SPD, in order to provide greater certainty and consistency in the approach to seeking contributions from development in the district. On adoption the SPD will also assist in ensuring a proportionate approach is taken to ensure obligations are fair, reasonable and justified in accordance with the tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and paragraph 57 of the National Planning Policy Framework (NPPF).</p> <p>We note that the draft SPD is based on the policies of the adopted Local Plan (2005) and confirms the Council's intention to replace the SPD, following adoption of the new Local Plan, scheduled to take place in 2025. It is also anticipated that CIL will be adopted alongside the new Local Plan and SPD.</p>			Noted

<p>GENERAL</p> <p>Landsec also supports the overarching requirement, set out in the draft SPD, that developer obligations must meet the CIL regulation tests and also not undermine the viability of the development.</p> <p>Landsec supports the acknowledgment in the draft SPD that there may be occasions when a bespoke approach to contributions is required. In particular, we consider this is likely to be the case in relation to strategic sites, such as new Garden Communities.</p> <p>As set out in the PPG, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (Reference ID: 23b-003-20190901). The draft SPD (Paragraph 2.5) confirms that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. However, the draft SPD is inconsistent in its approach to referencing on site provision, to be secured by planning condition. In particular, the Biodiversity and Landscaping and Open Space sections should include greater clarity to confirm that appropriate mitigation could potentially be addressed on site, and secured by planning condition, as opposed to a planning obligation.</p>			<p>Noted. A new green infrastructure (GI) section has been added.</p> <p>Landscape has been removed from open space and a new heritage and landscape/townscape section has been inserted. Text has been added to the GI section that reflects that 'appropriate mitigation could potentially be addressed on site, and secured by planning condition, as opposed to a planning obligation.' No further changes required.</p>
<p>MODEL AGREEMENTS</p> <p>We note Uttlesford District Council's (UDC's) preference to use their template clauses to avoid delays in the S106 negotiation process. While Landsec supports this approach in principle, we consider the draft SPD should recognise that there are circumstances where the standard template clauses may not be appropriate, in order to provide flexibility to agree an alternative form of wording. In this regard, we note that the existing s106 template (February 2022) includes several definitions and provisions which would need to be adjusted to reflect site specific circumstances, including viability and design considerations.</p> <p>We also note that the existing s106 template states that UDC is continually reviewing it's template agreements. Therefore, it is only pertinent to comment on the applicable template, at the time a S106 negotiation is underway, and not as part of a formal consultation process. Given this situation, it is imperative that the draft SPD acknowledges the need for flexibility in the approach to use of the template clauses.</p>	Marie Jasper		<p>The purpose of the SPD is to guide case officers and developers. The s106 template is not a requirement but is strongly advised to be used. The council recognise that schemes will need to be based on case-by-case basis hence this flexibility. Flexibility is already recognised in the text with the existing wording ' If the standard wording is used,...'. No change required.</p>
<p>AFFORDABLE HOUSING</p> <p>Landsec notes UDC's affordable housing target and preferred tenure split, including the introduction of First Homes, as set out in the draft SPD. All S106 negotiations will need to reflect site specific circumstances, including viability and design considerations.</p> <p>Additionally, in relation to affordable homes, it will be important to ensure that the proposed tenure split is aligned to local needs, at the time the development is brought forward, in particular given that First Homes are a relatively new and untested concept in the district. As such, we suggest that the draft SPD confirms that there is flexibility in the approach to the affordable housing provision and tenure split.</p>			<p>The purpose of the SPD is to guide case officers and developers. Applications will be determined on a case-by-case basis including through s106 negotiations. No change required.</p>
<p>EDUCATION AND SCHOOL TRANSPORT</p> <p>Landsec consider that the draft SPD should provide clarity on how financial contributions for employment floorspace (over 2,500 sqm) will be calculated with regard to viability testing in order to provide certainty in the consideration of development proposal.</p> <p>Additionally, paragraph 4.26 appears to relate to employment and skills obligations. For clarity we consider that this should be covered within a separate section in the draft SPD.</p>			<p>The SPD has been refined to be more specifically relevant to residential development. The council are aware flexibility on a case by case basis is required including for non-residential development.</p>

<p>Para 4.11 - First Homes Thank you for the opportunity to comment on the Uttlesford DC draft Developer Contributions SPD. McCarthy Stone is the leading provider of specialist housing for older people in the UK. Paras 4.4 to 4.7 and 4.11 introduce First Homes to the Affordable housing mix. As a minimum the SPD should clarify that certain specialist housing schemes such as those meeting the needs of older people should be exempt from providing First Homes and Starter Homes on site. This is because it would not be appropriate to mix First Homes, Starter Homes and general discount market sales in specialist housing schemes for older people which by their very nature are based around communal facilities and communal living. Older persons housing schemes are also more likely to be delivered on smaller sites usually in central locations where it is be likely to be unviable to deliver significant levels of affordable housing, if at all. This would be in accordance with NPPF para 65 which exempts older persons housing from delivering an affordable home ownership element. Recommendation: Add after para 4.11. Older persons housing schemes will be exempt from providing affordable home ownership and First Homes in line with para 65 of NPPF.</p>			Amended
<p>Para 4.28 - Education provision Thank you for the opportunity to comment on the Uttlesford DC draft Developer Contributions SPD. McCarthy Stone is the leading provider of specialist housing for older people in the UK. Para 4.23 to para 4.28 looks to ensure that education contributions are provided for with any housing development. This section should exempt older persons housing schemes from needing to provide education contributions as such developments will not have children living within them given the age restrictions attached to such developments. Recommendation: Add after para 4.28: Older peoples housing schemes will be exempt from providing education contributions.</p>			The purpose of the SPD is to provide a guide to case officers and developers. Applications will be based on a case-by-case basis when determining s106 contributions. No change required.
<p>Para 4.31 to 4.33 confirms that the CCG will assess planning applications for the effect on primary healthcare provision and will set a financial contribution based on any deficit in provision. The para 4.33 confirm that this will be assessed on an occupancy assumption of 2.4 persons per dwelling. The council should note that there is a common misconception that older persons housing places an additional burden on healthcare infrastructure and the SPD should recognise this. Specialist Retirement Accommodation produces a large number of benefits which can help to reduce the demands exerted on Health and Social Services and other care facilities, not only in terms of the fact that many of the residents remain in better health, both physically and mentally, but also doctors, physiotherapists, community nurses, hairdressers and other essential practitioners can all attend to visit several occupiers at once. This leads to a far more efficient and effective use of public resources. The report 'Healthier and Happier' An analysis of the fiscal and wellbeing benefits of building more homes for later living by WPI Strategy for Homes for Later Living explored the significant savings that Government and individuals could expect to make if more older people in the UK could access this type of housing. The analysis showed that: Each person living in a home for later living enjoys a reduced risk of health challenges, contributing to fiscal savings to the NHS and social care services of approximately £3,500 per year. Building 30,000 more retirement housing dwellings every year for the next 10 years would generate fiscal savings across the NHS and social services of £2.1bn per year. On a selection of national well-being criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing to housing specially designed for later living. This is supported by PPG that in June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising the need to provide housing for older people. Paragraph 001 Reference ID: 63-001-20190626 states: Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early</p>	Natasha Styles	The Planning Bureau	Noted. This SPD is based on the Adopted 2005 local plan. The emerging new local plan seeks to address future needs and once adopted this SPD will be reviewed and an infrastructure delivery plan produced. No change required.

Para 4.63 - Playing pitches and indoor and built sports facilities Thank you for the opportunity to comment on the Uttlesford DC draft Developer Contributions SPD. McCarthy Stone is the leading provider of specialist housing for older people in the UK. Paras 4.50 to 4.65 look at how playing pitches and indoor and built sports facilities will be provided through developer contributions. However, the SPD should note that the open space needs of older people are much less than mainstream housing. For older people the quality of open space either on site or easily accessible for passive recreation is much more important than formal open space. The draft SPD should therefore note this and ensure that provision of open spaces for older peoples housing is based on the quality of the space is negotiated on a site-by-site basis. Recommendation: Add after para 4.63: Older persons housing schemes will be exempt from the above playing pitch requirement so long as on site amenity space is of a high quality for passive recreation. Add after para 4.65: Older persons housing schemes will be exempt from the above indoor and built sports facilities so long as on site amenity space is of a high quality for passive recreation.

Para 4.65 - Playing pitches and indoor and built sports facilities Thank you for the opportunity to comment on the Uttlesford DC draft Developer Contributions SPD. McCarthy Stone is the leading provider of specialist housing for older people in the UK. Paras 4.50 to 4.65 look at how playing pitches and indoor and built sports facilities will be provided through developer contributions. However, the SPD should note that the open space needs of older people are much less than mainstream housing. For older people the quality of open space either on site or easily accessible for passive recreation is much more important than formal open space. The draft SPD should therefore note this and ensure that provision of open spaces for older peoples housing is based on the quality of the space is negotiated on a site-by-site basis. Recommendation: Add after para 4.65: Older persons housing schemes will be exempt from the above indoor and built sports facilities so long as on site amenity space is of a high quality for passive recreation.

Noted. A new green infrastructure section has been added. The purpose of the SPD is a guide for case officers and developers. Applications and s106 negotiations will be determined on a case-by-case basis and therefore this SPD is not necessarily an exhaustive list of assets for contributions to be considered. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No further changes required.

Noted. A new green infrastructure section has been added. The purpose of the SPD is a guide for case officers and developers. Applications and s106 negotiations will be determined on a case-by-case basis and therefore this SPD is not necessarily an exhaustive list of assets for contributions to be considered. This SPD is based on the adopted 2005 plan. The emerging new local plan seeks to address future needs and will review this SPD and produce an infrastructure delivery plan. No further changes required.