

30 October 2012**Agenda Item: 5****REPORT OF GROUP MANAGER, PLANNING****ASHFIELD DISTRICT COUNCIL LOCAL PLAN 2010-2023 PREFERRED
APPROACH CONSULTATION****Purpose of the Report**

1. To consider a response to Ashfield District Council (ADC) who are currently consulting on their Local Plan 2010-2023 Preferred Approach on which the County will need to provide detailed comments by the 9th November 2012. This report will be verbally updated at this committee on the 30th October 2012.

Information and Advice***Introduction***

2. The Ashfield Local Plan will be Ashfield District Council's key planning document and performs the following functions, it
 - defines a spatial vision for Ashfield to 2023;
 - sets out a number of objectives to achieve the vision;
 - sets out key strategic policies both for the District and Area Based (split into Hucknall, Kirkby-in-Ashfield and Sutton-in-Ashfield and the villages of Selston, Jacksdale and Underwood);
 - indicates the numbers and locations of new homes to be built over the plan period; and provides policies which will guide the determination of planning applications.
3. ADC have previously held consultations on the review of the ADC Local Plan (2002), these were undertaken as part of the Local Development Framework (LDF) process. Since this there have been significant changes to the way councils undertake planning, most significantly the Government's introduction of the National Planning Policy Framework (NPPF) and the Localism Agenda. As such all councils are now required to produce Local Plans.
4. The ADC Local Plan Preferred Approach relies and builds upon relevant information received from previous rounds of consultation, these include ADC Core Strategy Issues and Options (June 2009), Spatial Growth Options (October 2009) and Core Strategy Preferred Options (March 2010). The County Council has previously commented on these stages.

5. The ADC Local Plan Preferred Approach contains 14 objectives to help it realise its overall vision for the District and these include issues such as economic prosperity, protecting the environment, addressing climate change, housing and being environmentally responsible.

Strategic Policies

6. The ADC Local Plan Preferred Options document contains 3 strategic policies:
 - SP1 Sustainable Development Principles – which sets out a general strategy so that new development contributes towards achieving sustainable development;
 - SP2 Strategy for Growth – which sets out that development will primarily be focussed on Hucknall, Kirkby-in-Ashfield and Sutton-in-Ashfield; and
 - SP3 Settlement and Town Centre Hierarchies – that identifies Hucknall, Kirkby-in-Ashfield and Sutton-in-Ashfield as the major centres for growths, with the villages of Selston, Jacksdale and Underwood accommodating a smaller level of growth and the smaller settlement of Teversal supporting limited infill development.

Area Based Policies

7. The ADC Local Plan Preferred Options document contains a number of area based policies, they include anticipated new homes required for the period 2010-2023, employment requirements, town centre priorities and green infrastructure priorities.

Hucknall

8. The Local Plan identifies that 2,284 new dwellings will be provided in Hucknall, principally located at Rolls Royce with no sites being identified for development outside the existing urban boundary. Additional employment land for Hucknall is also identified at Rolls Royce. Town Centre projects include the redevelopment of Piggins Croft, the delivery of the Town Centre Improvement Scheme and improvements to Station Approach. Green Infrastructure priorities include improving links along the Lee Corridor, South Hucknall and Central Hucknall former railway lines.

Kirkby-in-Ashfield and Sutton-in-Ashfield

9. The Local Plan identifies a housing requirement of 4,121 homes for the period 2010-2023 in Kirkby-in-Ashfield and Sutton-in-Ashfield. This will require a number of new housing allocations to be identified. Employment land requirements will be met by existing allocated employment sites.

Selston, Jacksdale and Underwood

10. In Selston, Jacksdale and Underwood 689 new homes have been proposed. This will necessitate amendments to the settlement boundaries and the Green Belt. The emphasis is on retaining existing employment sites with support for economic development appropriate to the character of the villages. The Green Infrastructure priorities include links to and from Kirkby-in-Ashfield, along the Erewash Valley and between Jacksdale and Ironville.

Development Management Policies and Site Allocation Policies

11. The ADC Local Plan Preferred Approach document contains a number of Development Management and Site Allocation Policies that provide the basis for the determination of planning applications, sets out sites that are proposed for development and sites that are proposed to be protected from development or specific aspects of development. These include policies on renewable and low carbon energy generation, water resource management, flood risk, retail, the natural and built environment, design, amenity, traffic and parking and the location of housing and employment development.

Issues for Nottinghamshire County Council

Housing

12. The plan period covered by the Ashfield Preferred Approach is 2012-2023, a period of 10 years, this compares with 2006 to 2026 of the Regional Strategy. With regard to planning strategically for Nottinghamshire it is helpful to plan over a long period. The NPPF at paragraph 157 states that Local Plans, in order for them to be positively planned should cover an appropriate time scale, preferably 15 years to take into account longer term development requirements. It is considered that the plan period although sufficient, would benefit from being longer to allow planning across the whole of Nottinghamshire to be broadly similar for example the Aligned Core Strategy June 2012 produced by Broxtowe Borough Council, Nottingham City Council and Gedling Borough Council has a plan period of 2011-2028. This would allow neighbouring Districts and Boroughs within Nottinghamshire to plan effectively beyond 2023 as they would know what the potential scale of development within Ashfield District is likely to be.
13. Overall the proposed number of dwellings within the Ashfield Preferred Approach is comparable with the dwellings requirements set out in the Regional Strategy, as such is considered acceptable.

Ecology

14. In terms of ecology, objections to the soundness of the Preferred Approach are raised on the grounds that Policy EV4: Green Infrastructure, Biodiversity and Geological Conservation offers the same level of protection to internationally designated sites as it does to locally designated sites, the policy needs to distinguish between the hierarchy of designated nature conservation sites that exist, to comply with paragraph 113 of the National Planning Policy Framework (NPPF).
15. Reference needs to be made to the preservation, restoration and re-creation of priority habitats and the protection and recovery of priority species as listed in the UK Biodiversity Action Plan, and as required by the NPPF in paragraph 117.
16. Full ecology comments are set out at Appendix 1.

Property Interests

17. Comments in relation to Nottinghamshire County Council's property interests will be circulated prior to Committee.

Historic Environment

18. In terms of the County's Historic Environment a number of concerns are raised, of particular concern is the lack of recognition of the historical nature of Kirkby-in-Ashfield, Sutton-in-Ashfield, Jacksdale, Selston and Underwood. In addition support is provided for Policy EV11 that relates specifically to the Historic Environment, however, would welcome the inclusion of the NCC Buildings at Risk Register in the evidence base.
19. Full historic environment comments are set out at Appendix 1.

Transport

20. Objections to the Preferred Approach are raised on highway grounds as it is considered that the transport evidence is unsound. This can of course be subsequently withdrawn if the transport modelling is satisfactorily completed prior to an Examination in Public (EiP).
21. Full Transport comments are set out at Appendix 1.

Developer Contributions

22. The infrastructure need generated by a proposed development is a material consideration in the determination of a planning application. The capacity of existing infrastructure may be exceeded as a consequence of new development, generating a need for new infrastructure or facilities. The use of planning obligations may be appropriate to require developers to make contributions for the provision of infrastructure to support proposed development.
23. Policy PJ5 is not balanced in that it most frequently refers to "education" in terms of adult education and work skills training. Whilst this is obviously important, the Policy fails to sufficiently recognise the fact that the vast majority of education undertaken in Ashfield is the Primary and Secondary education of young people in its schools.
24. Policy SD4 places an emphasis on "local skills enhancement" at several points, without identifying how this might happen in terms of developer contributions. Clarity on this point would be welcomed.
25. Full Developer Contributions comments are set out at Appendix 1.

Other Options Considered

26. As the consultation requires representations to be made on the soundness of the plan the only other option was not to make representations.

Reasons for Recommendations

27. Having assessed the Preferred Option against the NPPF tests of soundness and as set out above, it is considered that the document does not include or make reference to any evidence to support the stated transport provision and therefore has not been demonstrated as sound as it is not justified on the basis of available evidence.

Statutory and Policy Implications

28. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

29. There are no direct financial implications.

Implications for Sustainability and the Environment

30. The failure to consider the representations of the County Council on strategic planning and transport matters could lead to unsustainable development taking place, possibly without the adequate context of an adopted Local Plan. The education and transport interests of the County Council as a service provider could also be compromised by the lack of a suitable Local Plan.

RECOMMENDATION

1) That the issues raised above in paragraphs 12 to 25 and in Appendix 1, together with additional property comments circulated prior to Committee, form the basis of a response to Ashfield District Council.

Sally Gill
Planning Group Manager

For any enquiries about this report please contact: Nina Wilson, Planning Policy Team, 0115 977 3793

Constitutional Comments (MA 22.10.12)

31. There are no direct financial implications.

Financial Comments (DJK 22.10.2012)

32. The contents of this report are duly noted; there are no financial implications.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The Ashfield Local Plan Preferred Approach 2010-2023 Consultation.

Electoral Division(s) and Member(s) Affected

Fiona Asbury – Sutton in Ashfield West
Steve Carroll – Sutton in Ashfield East
Michelle Gent – Sutton in Ashfield Central
Reverend Tom Irvine – Hucknall
John Knight – Kirkby in Ashfield North
Rachel Madden – Kirkby in Ashfield South
Mick Murphy – Hucknall
Kevin Rostance – Hucknall
Gail Turner – Selston
Jason Zadrozny – Sutton in Ashfield North

Appendix 1 – Internal Officer Comments

Ecology Comments

From: Nick Crouch, Senior Practitioner Nature Conservation, Conservation Team, Floor 6, TBH
To: Nina Wilson, Strategic Planning
Date: 8 October 2012

Re: Ashfield Local Plan 2010-2023 – Preferred Approach: ecology Comments

Thank you for consulting the Nature Conservation Unit of the Conservation Team on the above matter. We have the following comments regarding nature conservation issues:

Introduction

Reference is made in paragraphs 1.16 and 1.17 to the production of a Habitats Regulations Assessment, but I cannot find this on the ADC website. It is assumed that Natural England have been/will be consulted on this.

A Portrait of Ashfield

Although not a matter of soundness or legal compliance, I would suggest that the information in section 2.28 regarding the natural environment is rather scant, and that it might be appropriate to include some of the information contained in the supporting text for Policy EV4 (e.g. appropriate sections of paragraphs 8.53 to 8.63) at this location.

The Vision for Ashfield

The penultimate paragraph deals with the natural environment in the context of growth; it is suggested that this should be reframed to read something like:

“Ashfield will be a place rich in wildlife, and growth will be accommodated in a manner that achieves the protection, restoration, enhancement and management of environmental assets, including Green Infrastructure networks, priority habitats and populations of priority species.”

Policy SP1 – Sustainable Development Principles

It is assumed that ‘sustainable development’, as referenced in section 4(a) of this policy, is defined as per the NPPF. This may need clarifying.

Policy EV4: Green Infrastructure, Biodiversity and Geological Conservation

Overall, this policy is supported. However;

1. The policy needs to clearly distinguish between the hierarchy of designated nature conservation sites that exist. As currently worded, the policy offers the same level of protection to internationally designated sites as it does to locally designated sites. This change is required to ensure compliance with paragraph 113 of the NPPF.

2. As worded, the policy may not be compliant with the Habitats Regulations (in relation to internationally designated sites), but this would have to be assessed in the Habitats Regulations Assessment.

3. Reference needs to be made to the preservation, restoration and re-creation of priority habitats and the protection and recovery of priority species as listed in the UK Biodiversity Action Plan, and as required by the NPPF in paragraph 117. Ecological networks, wildlife corridors and stepping stones (as also referenced in paragraph 117 of the NPPF) are considered to be adequately addressed through the section of the policy that deals with Green Infrastructure, although it might be helpful to explicitly highlight these in section 1 of the policy.

4. The policy should refer to avoiding harm to geological conservation interests, which it currently does not mention.

5. In section 5, reference to priority species and habitats should be added in, in addition to protected species.

Proposals Map

Paragraph 8.54 states that “The protection and enhancement of ... locally designated areas such as ... Sites of Importance for Nature Conservation (SINC) ... is vital.” In addition, paragraphs 4.4, 5.4 and 6.4 which support the Green Infrastructure policy within the Strategic Area Based Policies for each of the three areas states that “to ensure that existing areas maintain or enhance Green Infrastructure and Biodiversity it is important to protect existing assets...”. However, the proposals map appears to contradict this approach, with at least five SINC areas included within proposed housing or employment land allocations (four wholly, and one partially):

Regarding the Rolls Royce site in Hucknall, which affects Hucknall Airfield SINC 5/918, Section 2 of Policy SPH2 (Hucknall Housing Growth) states that the protection and enhancement of areas of biological importance will be required to achieve sustainable development. However, given that a large proportion of the allocation is designated as a Local Wildlife Site/SINC, it is unclear how this can be achieved. Significant compensatory habitat works may be required, which could feasibly be delivered through an approach such as Biodiversity Offsetting.

Regarding the two employment land allocations at Huthwaite, it is assumed that the two SINC areas (Hucknall Disused Railways SINC 2/181 and New Hucknall Sidings Grasslands SINC 2/146) can be accommodated within the developments; clarification of this would be welcomed (as would a redrawing of the allocation boundaries to exclude the SINC areas).

Regarding the Summit Colliery site (Kirkby Wasteland SINC 2/221), this site is subject to an ongoing planning proposal, through which compensation for habitat loss is being sought.

Of particular concern is the allocation for housing of a SINC between Selston and Pinxton, called Hall Green Grassland SINC 1/49. This is described as 'a classic Coal

Measures grassland', and forms an area of diverse grassland, scrub and woodland on a steep bank. The site is small and the whole SINC is included within the designation, and it appears that development is unlikely to be accommodated without complete loss of the SINC. The inclusion of this 'new' site appears to run contrary to policies and their supporting text elsewhere in the Local Plan, and as such I strongly object to its inclusion on the Proposals Map. It should also be noted that the site sits within one of the District Strategic Corridors identified in the Green Infrastructure Strategy. In addition, one allocation in particular (Rushley Farm) is likely to have the potential to conflict with the prospective Sherwood SPA (of which I can find no reference in the Local Plan). The site abuts an area known to support breeding Nightjar (and potentially also breeding Woodlark), and as such the development of this site would have to be very carefully planned to avoid impacts on these species.

Green Infrastructure Strategy

The GI Strategy is welcomed and supported, and its role in underpinning a number of the policies in the Local Plan is recognised. However, the following points are raised:

The list of priority habitats provided on page 23 has a number of errors in it, as it includes a number of habitats which are not (or are no longer) priorities, or which have been amalgamated with other habitats. It is suggested that the list is updated with reference to (<http://www.nottsbag.org.uk/projects.htm#bap>).

Biodiversity comes out strongly as a theme in the GI Strategy, especially in terms of maintaining what it is already present, but it is felt the strategy could go further in meeting some of the objectives outlined in "Making Space for Nature" (Lawton 2009) and Biodiversity 2020 (Defra 2011) – that is Better, Bigger, More and Joined. In particular, reference to the targeted creation of new areas of habitat, perhaps with reference to the forthcoming county Biodiversity Opportunity Map, should be made, especially where this will increase connectivity between existing areas of habitat.

As far as I can tell the District Strategic Corridors appear to be largely based on access corridors, and as a result, it is felt that a number of important GI corridors (of a strategic nature) have been omitted from the strategy (i.e. as shown on Figure 9.10). In particular, reference to Figure 9.2 suggests that a strong network of sites of ecological value cuts across the district, running north-east from Morning Springs to Harlow Wood (linking into Bagthorpe grasslands, Bentinck Void, Newstead and Annesley Country park, Newstead Park/Leen Corridor, and Coxmoor Golf Course/Stobnehills Palntation along its route), which would particularly benefit from strengthening, but which has been overlooked in large part. In addition, the following areas also appear to be of importance:

- Teversal north-west to Harwick Hall (via Silverhill and Dovedale Wood)
- Pinxton north-east into Sutton-in-Ashfield, along the 'The Dumbles'
- Bagthorpe grasslands east through Millington Springs to Davis's

Bottom/Sherwood Business Park and then north-west to Bentinck Void

We trust you will find the above comments of use, but if you require any further information, please do not hesitate to contact us.

Nick Crouch

Nature Conservation Leader

For more information please contact: Nick Crouch (0115 969 6520)

Historic Environment Comments

Prepared by: Jason Mordan,
Senior Practitioner Historic Buildings,
Notts County Council

Oct 2012

These comments are based on the guidance provided in NPPF, relevant sections will be referenced to highlight this as appropriate.

Environmental Characteristics

2.28 may be the right place to add a reference to the districts designated and undesignated heritage of the district. The figures for Ashfield, based on the National Heritage list and draft local interest database are as follows:

	Listed Buildings	Undesignated historic buildings	Conservation areas	Scheduled Ancient Monuments	Undesignated archaeological sites	Registered and (unregistered historic parks)
Ashfield	79	376	4	8	<i>Discuss with Ursilla</i>	2 (check with V Baddeley)

No. of heritage assets by type in Ashfield DC

Objectives for Realising the Vision

S012 – this is welcomed and should be cross referenced to the information I have provided above.

S013 - the 'local distinctiveness, settlement identity and measures that might be used to develop a strong sense of place requires research through proper historic characterisation project. NCC is happy to contribute expertise to a project that would do this. The county council is in discussion with English Heritage and British Geological Survey regarding Strategic Stone Assessment that would potentially act as an important evidence for identifying and securing access to vernacular stone within the district.

Policy SP2: Strategy for Growth

3.30 – the Council's '*commitment to protecting, conserving and enhancing the natural and historic environment*' is directly linked to quality of life indicators and local economics. Regeneration of heritage at risk, in particular the Annesley Hall site, is crucial element of any strategy for growth. Despite the low number of designated heritage assets in the district, the rate of Buildings At Risk is the second highest in the county at 11.4%, way above the national average of c.7% (source – Nottinghamshire County Council Buildings At Risk Register in). The condition of Annesley Hall not only impacts on economic opportunity of the district but directly threatens the condition of recently HLF scheme of repairs to All Saints Church.

Policy SP3: Settlement and Town Centre Hierarchies

3.40 Recognises that the conservation areas of Bagthorpe and Teversal are further reasons/restrictions to growth, BUT there is no reference to the conservation area of Kirkby (and in particular to the restriction on expansion to the south resulting from the need to protect the setting of the conservation area), nor is there any reference to New Annesley conservation area.

Policy SPH1 – Green Infrastructure Ina and around Hucknall

4.5 acknowledges the multifunctional aspect of 'green Infrastructure' but nowhere does it acknowledge that the infrastructure overlaps with the historic environment and, for instance along the Leen Valley, contains designated heritage of international significance.

Policy SPH4: Hucknall Town Centre

4.19 states that Hucknall has a rich heritage, but the policy does not mention the many buildings of architectural interest (designated and undesignated). The policy misses the opportunity to indicate that it will preserve buildings that contribute to the heritage and local distinctiveness.

Policy SPKS1: Green Infrastructure In Kirkby in Ashfield and Sutton In Ashfield

5.5 – see comments above against 4.5.

Policy SPKS4: Kirkby in Ashfield and Sutton in Ashfield Town Centres

5.23 - why is there no reference to the heritage and local distinctiveness of these towns? Unlike Hucknall, where the heritage is acknowledged, Kirkby has a designated conservation area, and arguably, the Market Place in Sutton is worthy of a conservation area designation. See also 5.30 and 5.38 which fail to reference local distinctiveness as a driver to underpin quality of design and 5.35 which fails to note the quality of Sutton's Market Place as a desirable environment for markets and independent shopping/small retailers....

Policy SPV1: Green Infrastructure in and around Selston, Jacksdale and Underwood

See comments under 4.5 above

Policy EV2: Reuse or adaptation of Existing Buildings in the Green Belt

g) the recognition that these buildings may have 'historic or architectural value' is appropriate. The statement that the proposed scheme will 'preserve and enhance' the building requires expert historic building conservation input to deliver. Issues such as appropriate materials and detailing are a key component of preservation and enhancement – without which these claims will be unfounded/undelivered. 8.33 acknowledges some of the key issues for historic/listed farm buildings but the use of appropriate materials and craft skills (both to preserve significance and enhance local traditions and distinctiveness) is missed.

Policy EV11: The Historic Environment

This policy is welcomed, the section is extensive and possibly a little longer than it needs be, however, most points are covered. With reference to the comments above under 'Environmental Characteristics' it would be appropriate to list the 'local/ non-designated heritage assets).

8.117 Refers to the NCC Buildings At Risk Register but does not include the published on-line register in the list of Evidence base. The figures for Ashfield are as follows:

Ashfield B@R Figures

Grade I Listed Buildings	0	
Grade II* Listed Buildings	0	
Grade II Listed Buildings	9	11.4% at risk rate
Local Interest Buildings	2	
Total number of Listed Buildings in district	79	

Transport Comments

Nina, we have discussed this document within the team and have the following observations / comments to make.

It is hard to decipher the housing land allocations as policy HG1 seems to include all the existing permissions and partly built out sites. It would be helpful if plans / tables separately identify sites with existing approvals to newly promoted sites.

Policy SP2 7 & 8 advise that new sustainable transport infrastructure will be provided and a hierarchical approach to sustainable transport networks will be adopted. This is good but stronger links to cross reference additional detail in the Local Transport Plan would be beneficial.

Policy SPKS4 re Kirkby town centre doesn't explicitly mention the proposed transport improvements around Ellis Street in 2013/14. This scheme is included in NCC programme of works but should it also be detailed within the LP to protect the interests of the District and support their Masterplanning exercise.

Policy SD4 re developer contributions and CIL is was particularly good and picks up some of the issues and concerns that NCC raised re Gedling's CIL. NB the IDP and CIL consultations are currently a work in progress.

Policy SD8 Traffic Management and Highway Safety, page 280 examines the thresholds used for requiring submission of travel plans – these need clarification with respect to the commercial definition which should vary by land use and not only be for any development over 1000 sq m.

Policy SD8 Traffic Management and Highway Safety. 1b) Parking provisions conform to local standards and or can be shown to satisfy the requirements of the development: This is weak and provides an easy get out and needs strengthening to reinforce the aims of sustainability.....1g) 'Suitable provision is made for cyclists and people with a disability' and not 'Provision is made for cyclists and people with a disability where necessary' for the same reasons as above.

Policy SD8 Traffic Management and Highway Safety. 2) Where development places.... paid towards transport improvements - needs strengthening to reflect the necessary mitigation of any worsening and not just a contribution towards such proposals.

Policy SD8 Traffic Management and Highway Safety. 2&3) These refer to new development, either singularly, or in combination providing a sufficient package of transport measures to ensure the wider transport system is not compromised. However, the necessary transport study to demonstrate that this can be achieved is not yet completed. Consequently, an objection must be raised on highways grounds pending satisfactory completion of this work, prior to any examination in public.

Policy SD8 Traffic Management and Highway Safety. This policy does not specify the LTP transport schemes that need to be delivered to bring about the ADC 'vision'. This policy probably should name the transport schemes that need to be safeguarded and implemented eg Hucknall Town centre improvement scheme, Kirkby Town Centre improvement scheme and any other committed LTP schemes in Ashfield for 2012/13 and beyond, but should at least reference

the schemes as detailed in the Local Transport Plan and its supporting implementation/delivery plans.

Regards,
Kevin Sharman
Transport Plans and Programmes Team Manager
Nottinghamshire County Council

Developer Contributions Comments

Ashfield District Council Local Plan – Preferred Approach comments re Policy PJ5 (Education, Skills and Training) and Policy SD4 (Infrastructure Provision and Developer Contributions)

Policy PJ5 (page 190) Comments.

General:

The Policy is not balanced in that it most frequently refers to “education” in terms of adult education and work skills training. Whilst this is obviously important, the Policy fails to sufficiently recognise the fact that the vast majority of education undertaken in Ashfield is the Primary and Secondary education of young people in its schools.

More Specific comments:

Policy Para a). Several adult education facilities are individually identified, but the overwhelming majority i.e. local schools, are referred to simply as “other educational establishments”. A more balanced and appropriate approach would be to refer to “Supporting Ashfield’s schools and adult education establishments”.

Policy Paras b,c,d. No comment other than there should be another paragraph inserted before a) and b), which refers to schools, replacing the current para e).

Policy Para e) wrongly refers “Planning for the provision of schools of sufficient size for future population requirements”. In fact, this is a statutory role which is the responsibility of the County Council. I would therefore suggest that this paragraph should be changed to read “working with those statutorily responsible for pupil place planning to ensure new residential developments fully contribute to the provision of additional school places they create, where existing capacity is insufficient to satisfy this”. This paragraph should then be changed from para e) to para b) and other succeeding paragraphs re-numbered accordingly.

Policy SD4 (page 258) – Infrastructure and Developer Contributions

General:

The Policy places an emphasis on “local skills enhancement” at several points, without identifying how this might happen in terms of developer contributions. Clarity on this point would be welcomed.

It is highly likely that the majority of developer contributions, either through s106 or CIL, will relate to the list of services to be mitigated against the adverse impact(s) of a development, detailed in para 5. It would therefore make sense if this paragraph was moved up to paragraph 2 of the Policy, but amended to take into account the comments below.

Policy Para 1.

This paragraph should be slightly changed to recognise that it is likely that not all development which will take place over the life of the Local Plan period will be detailed in the final document – i.e. it does not account for Departures from the Local Plan. The end of the paragraph after “provided” should thus be deleted and should read ***“in relation to all developments taking place within the Local Plan period”***.

Policy Para 5.

As mentioned previously, this important paragraph should be more prominent in the Policy and moved to Para 2. It should also be edited to recognise that (particularly in times when the commercial viability of developments is a significant issue and a judgement may sometimes have to be made regarding for what and for how much developer contributions should be levied) priority should be given to mitigation to services which are the **Statutory** responsibility of a third party, such as the provision of sufficient school places. Otherwise, there is a real risk that monies would be spent on the provision and maintenance of open spaces within a development, at the expense of local children being educated in overcrowded conditions, thereby potentially exacerbating the current education under-performance referred to elsewhere in the Plan.

Elsewhere within this section:

To provide for greater clarity going forward, the Policy should make clear what the Council's priorities are for developer contributions, because as it stands, the Policy makes no judgement between “must haves” and “nice to haves”. This is particularly important given the recent proposal by Government that s106 agreements signed before April 2010 could be reviewed where issues of “viability” prevent a development from happening. In these circumstances, the Policy should make clear the Council's priorities and it is suggested that one important factor that should be recognised is that where a third party has a statutory responsibility for the provision of a service, the planning contributions to mitigate for the impact of a development on that service (e.g. provision of education places), should take precedence over non-statutory and/or more flexible requirements such as the provision of affordable housing, or open space. Para 12.43 refers to the relaxing of a requirement to meet contributions in “exceptional circumstances” and a clear view of the Council's priorities within the Policy would provide a helpful framework for how this process might take place.

In Summary

The document appears generally “sound” and is welcomed, subject to the comments above.

Tom Rawsterne
Developer Contribution Manager