

## Planning Contributions Strategy – Representations to 2<sup>nd</sup> Consultation

Consultee	Representation	NCC Response and Action (*)
Ashfield DC	<ul style="list-style-type: none"> <li>- Archaeology (page 11) – information noted. Generally planning conditions are sufficient but there may be occasions where a s.106 contribution is necessary;</li> <li>- Education (page 12) – (1) Dev Control Team under the impression that a review of the 21:100 and 16:100 ratios was to be undertaken. Could the revised figures be incorporated? (2) Could catchment areas which have a particular requirement for a new school / classroom be identified so that spend could be directly related to the school? (3) Evidence needs to be forthcoming which confirms the £14,739 secondary and £9,646 primary figures. Each county has a specific DFES figure and the NCC specific figure did not reflect the Notts DFES figure. Can this be investigated? It should be transparent to developers. Why have Dec 2004 figures been used not Dec 2005? (4) The tariff needs to be fixed or linked to the RPI. The DFES cost multiplier has in fact risen by double digit inflation over each of the past few years. Hence a £1m contribution now can easily double in a very short period. (5) On large developments it could be a number of years before a contribution has to be paid. This needs to be clarified. (6) What is included and excluded from the DFES cost multiplier? This could change from year to year – could some certainty and clarity be included? (7) Why is sixth form contribution not included? (8) The 10 unit threshold appears low. This could lead to an increased</li> </ul>	<ul style="list-style-type: none"> <li>- noted</li> <li>- (1) These are the figures based on the 2001 Census (previously 22 primary and 16 secondary)</li> <li>- (2) It is not appropriate to identify requirements in the document as they can change time and will be dependent on the development actually coming forward</li> <li>- (3) The figures used in the Strategy are the DFES figures for Notts for 2006/7 (see <a href="http://www.teachernet.gov.uk">www.teachernet.gov.uk</a>). The figures are actually April 2006 figures, Dec 2004 was incorrect</li> <li>- (4) RPI is not a true indication of the increase in build costs. The DFES multiplier is based on build costs (BCIS)</li> <li>- (5) s.106 agreements need to</li> </ul>

	<p>amount of s.106 agreements which could potentially impinge on the Council's staffing costs and could also have implications on the Council's performance. (9) Can this be simplified by just giving a cost per dwelling?</p> <ul style="list-style-type: none"> <li>- Natural Heritage (page 15) – the Council currently requires a 15 year maintenance sum;</li> <li>- Transport (page 16) – the tariff should be increased and linked to RPI;</li> </ul>	<ul style="list-style-type: none"> <li>- be linked to BCIS not RPI</li> <li>- (6) DFES ratio x Notts cost multiplier (which is 0.93 for 2006/7) hence Primary is <math>£10,372 \times 0.93 = £9,646</math> and Secondary is <math>£15,848 \times 0.93 = £14,739</math>. These figures are reviewed annually by DFES</li> <li>- (7) Post 16 education is difficult to predict because it is not statutory and there are variations across areas</li> <li>- (8) Threshold is not unreasonable and it is important for the cumulative effects of smaller developments to be taken into account and contributions are only sought where a need arises as a result of the development</li> <li>- (9) Could be converted to cost per dwelling however, current approach clearly shows where the contribution is needed</li> <li>- noted</li> <li>- the figures will be reviewed as part of the ongoing assessment of the Strategy</li> </ul>
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	<ul style="list-style-type: none"> <li>- Table 1/Table 2 (pages 19 and 20) – should the tables now relate to the Regional Plan areas?</li> </ul>	<ul style="list-style-type: none"> <li>- no, the Tables reflect the LTPs</li> </ul>
Broxtowe BC	<ul style="list-style-type: none"> <li>- strongly oppose the production of this document except with regard to the “county matters” of minerals and waste. Despite changes made to earlier drafts, there will still be a serious risk that developers and others will be confused about the relative weight that should be given to this document compared with borough council policies, SPD and guidelines. Will be for the borough council to determine what contributions should be sought;</li> <li>- welcome the amendments to, and expansion of, the introductory section which helps to provide some clarification on the status and role of the document;</li> <li>- no objection to the deletion of the section on community facilities;</li> <li>- in relation to natural heritage, it would still be helpful to refer more specifically to SINCs, SSSIs, BAP habitats and protected species in order to more clearly indicate the type of development which may trigger need. It is unclear how mitigation measures should be carried out since funding to the LPA might indicate it would be our responsibility to undertake such work when this may not be the case. These measures could be dealt with by condition;</li> <li>- welcome the addition of the text which provides the explanation for the transport requirements;</li> <li>- still appears to be major problems regarding education. Whilst additional explanatory text is welcomed, it does not appear to fully clarify the basis for the requirements. Question remains of whether the provision of proper education facilities</li> </ul>	<ul style="list-style-type: none"> <li>- noted. Paragraph 2.2 explains that the Strategy will be a material consideration in determining planning applications but is not a statutory document. Further reference to be made to the role of the LPA *</li> <li>- noted</li> <li>- noted</li> <li>- it is not considered appropriate to do this. Do not want to potentially limited opportunities for biodiversity. Conditions should be used wherever possible in line with Circ 05/05 and acknowledged in the Additional Comments</li> <li>- noted</li> <li>- the onus is on NCC to secure the relevant contributions. The contribution is based on need which varies over time</li> </ul>

	<p>is dependent on developer contributions or whether the government will provide the necessary funds, provided that the county council has made “every effort” to secure contributions. A further major problems arises in practice because the education authority’s assessment of need appears to vary considerably within short timescales and the fact that the contributions are calculated in an “all or nothing” basis exacerbates the consequent variation in expected contributions;</p> <ul style="list-style-type: none"> <li>- one of the major benefits of contributions guidelines is that they can provide a considerable degree of certainty for developers, land owners and authorities, however, this does not currently apply to education contributions.</li> </ul>	<p>due to matters beyond NCC’s control (e.g. OFSTED report, parental choice)</p> <ul style="list-style-type: none"> <li>- noted. Certainty can only be achieved by producing a formula as in the Strategy as the need arising from the development will be dependent on the circumstances at the time</li> </ul>
Mansfield District Council	<ul style="list-style-type: none"> <li>- acknowledge benefits of the use of legal agreements to secure appropriate planning benefits but question whether it is prudent to proceed with such a document in light of the proposed PGS. Will it be fit for purpose?</li> <li>- concern regarding the non-statutory status of document and the limited weight to be attributed to it therefore making it difficult to refuse planning permission where requirements are</li> </ul>	<ul style="list-style-type: none"> <li>- the government is still consulting on the PGS and has recently put back the earliest date of implementation to 2009. Therefore important to have a Strategy in pace, even if only for the meantime, to ensure the necessary infrastructure can be delivered</li> <li>- the non-statutory status of the document is acknowledged in paragraph 2.2 but it will be a</li> </ul>

	<p>not fully met, especially where LPA have own requirements set out in LDF;</p> <ul style="list-style-type: none"> <li>- concern regarding cumulative impact of requests for contributions on viability of development, particularly as seeking to regenerate Mansfield area;</li> <li>- strategy should be sufficiently flexible to allow each development to be treated on its own merits, to ensure resources are not deviated from areas of greatest need;</li> <li>- document does not make clear who would be making the decisions regarding negotiation of schemes leading to concern of duplication of work undertaken by LPA. Should be a matter for districts to negotiate in the round with all other relevant issues;</li> <li>- document should be made explicit in signposting developers to LPA who take the lead and coordinate negotiations. Should include the County Council in pre-application discussions at the earliest stage;</li> </ul> <ul style="list-style-type: none"> <li>- document does not make clear who would be making decisions regarding preferences for the allocation of money, concern that money raised in Mansfield may be spent on delivering major strategic infrastructure in other parts of the County;</li> </ul> <ul style="list-style-type: none"> <li>- document should include implementation and monitoring</li> </ul>	<p>material consideration</p> <ul style="list-style-type: none"> <li>- the need for flexibility in the approach is highlighted in paragraph 6.5</li> <li>- the need for flexibility in the approach is highlighted in paragraph 6.5</li> <li>- will be addressed in the revised document *</li> </ul> <ul style="list-style-type: none"> <li>- will be addressed in the revised document *. Welcome reference to including NCC in pre-app discussions. This will ensure that negotiations at planning permission stage are better informed and likely to take less time to agree</li> <li>- may need to be more explicit regarding negotiations *. However, the need for a clear link between the contributions and the development is made explicit throughout the document</li> <li>- would be desirable to have</li> </ul>
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	<p>section including a detail protocol for dealing with legal agreements and enforcement procedures to ensure agreements are honoured. It is essential that the document sets out clear and transparent procedure for dealing with all the issues relating to the negotiation, collection and accounting of financial contributions;</p> <ul style="list-style-type: none"> <li>- concern about clarity of document and disagreement across most of districts with regard to it;</li> <li>- Archaeology – most, if not all matters, can be adequately dealt with by the use of a planning condition, this should be reflected and archaeology given less prominence;</li> <li>- Education – concern at lack of justification for a threshold of 10 dwellings, which is considered to be too low. Threshold should reflect County’s budgetary provision for education. Concern regarding administrative process in consulting for all applications of 10 or more dwellings. Document does not make clear what happens if housing mix is used at outline but then the full planning permission is somewhat different – potential for significantly over or under charging a developer;</li> <li>- Natural Heritage - most, if not all matters, can be adequately dealt with by the use of a planning condition, this should be reflected and this issue given less prominence;</li> <li>- Transport – endorse the need to have a list of identified schemes within the general areas of the site and that the LTP is a starting point. However, concern over lack of reference to minor local schemes. Strategy should make more explicit that the district council can use monies to fund minor schemes and other measures based on local priorities if a need is proven in the development plan.</li> </ul>	<p>one approach for negotiation, collection and accounting but at present each district has a different approach and so this cannot be reflected in the Strategy</p> <ul style="list-style-type: none"> <li>- noted</li> <li>- the Additional Comments to the table acknowledge this</li> <li>- threshold is not unreasonable and it is important for the cumulative effects of smaller developments to be taken into account. At outline stage the s.106 agreement is likely to include the formula if the exact number of houses is not known</li> <li>- the Additional Comments to the table acknowledge this</li> <li>- noted. The Strategy only relates to NCC functions and any local schemes which can be delivered by MDC are not intended to be addressed by the document</li> </ul>
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<p>Newark &amp; Sherwood DC</p>	<ul style="list-style-type: none"> <li>- to be noted that these are officer level comments;</li> <li>- welcome the decision of NCC to publish a transparent document which sets out the circumstances it will expect LPAs to negotiate planning contributions for important local infrastructure but there are a number of concerns;</li> <li>- N&amp;SDC will shortly be carrying out consultation on its Core Strategy Preferred Options which includes a preferred option requiring developers to provide contributions towards: affordable housing, community centres, village halls, places of worship, education, flood defence and mitigation, health facilities, public open space, local shopping facilities, public transport and highways, recreational facilities (including libraries and sports halls) and recycling centres. The codification of your requirements on education and transport will be helpful in supporting the technical detail required for the production of any SPD, however, the district council would require more clarity and a high level of support from NCC, both at the pre-application and application stages;</li>   <li>- In relation to transport, NCC must make clear for N&amp;SDC to be able to negotiate with developers, where the money will be used and if not the exact location, the scheme which it will be used in; the relationship between the site and the proposed</li> </ul>	<ul style="list-style-type: none"> <li>- noted</li> <li>- noted</li>   <li>- NCC are very keen to get involved at all stages, from commenting on LDD/SPDs to pre-application discussions to negotiations on planning applications (including providing necessary support on appeal if permission is refused). The document will be revised to reflect this commitment, however, this document is intended for developers as well as LPAs and so it is not appropriate to provide details of this commitment here. Hope to work with districts to set up protocols regarding commitments *</li>   <li>- bringing about modal change is a very different concept than 'predict and provide'. The cumulative impact of</li> </ul>
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	<p>works/scheme; and the relationship between the proposed works/scheme and the LTP. This information is required to ensure the document can be implemented in a robust and transparent manner, commensurate with the requirements of the circular;</p>	<p>many small actions is the only way modal change will be achieved. NCC fully understands that improvements funded by developer contributions have to be directly related to the development providing the funding, however achieving modal change will require some lateral thinking in this regard. We do not need to specify exactly what the contribution will be spent on in the S106, or exactly where. The S106 should provide as much flexibility as possible specifying the limits of where the contribution can be spent i.e. the agreement for the M&amp;S food store in West Bridgford specified the contribution could be spent within West Bridgford town centre and/or along the radial roads leading to the town centre. Such an approach allows for pooling of other contributions in the same area, and for contributions to</p>
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	<ul style="list-style-type: none"> <li>- It is unlikely to be acceptable to N&amp;SDC for transport monies collected to be spent in another district. The LTP does not proposed any major cross-boundary schemes within North Notts and monies collected should be spent in the settlement concerned or nearby which would still benefit the development site;</li>   <li>- Whilst it is acknowledged the LEA cannot have a complete picture of school numbers, in order for any mechanism to correctly identify applications where the LEA should be consulted a system of signposting should be introduced. At regular intervals the LEA could send out a bulletin to the Districts setting out the situation in each school catchment areas, detailing what levels of development would provoke a requirement for a contribution;</li> <li>- At present archaeology and natural heritage are dealt with through the use of conditions. In most circumstances this will continue to be the most appropriate approach to take;</li> <li>- whilst minerals and waste is a county matter, suggest reference should be made to the securing of mini recycling centres for large-scale development as set out in our preferred options;</li> <li>- if the Newark and Balderton Growth Point Bid is successful</li> </ul>	<ul style="list-style-type: none"> <li>be supplemented with additional funds from the LTP.</li> <li>- NCC is fully aware that any contribution has to be spent on measure directly related to the application site. Therefore the only likelihood of a contribution being spent in an adjoining district is where a development was very close to a district boundary or the contribution funds a bus service which travels across more than one district</li> <li>- it is more appropriate and less open to misunderstanding for each district to consult NCC on relevant planning applications</li>   <li>- the Additional Comments to the tables acknowledge this</li>   <li>- facilities such as mini-recycling centres are a local, not a County, matter</li>   <li>- noted and agreed</li> </ul>
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	<p>the district and county will need to work closely together to maximise benefits from future development in the most sustainable manner.</p>	
<p>Rushcliffe BC</p>	<ul style="list-style-type: none"> <li>- draft strategy mixes county matters with those which are the responsibility of districts. It would be clearer if the two areas were separate;</li> <li>- it is noted that para 6.8 refers to unilateral undertakings, however, so should para 4.6;</li> <li>- the removal of the section on community facilities is generally supported as this was previously imprecise and unclear;</li> <li>- the strategy contains a range of thresholds and triggers for contributions. RBC currently has a standard threshold of 25 dwellings for consideration of developer contributions, with the only exception being for affordable housing (15 dw or 0.5 ha). It is considered that a standard threshold of 25 dwellings or 1 hectare is the most appropriate threshold for contributions, unless it can be shown that there are clear reasons for using an alternative approach;</li> <li>- the threshold for education contributions is too low and is likely to affect how quickly monies can be spent within a local community. 25 dwellings is considered to represent a more appropriate level. It would be helpful if more information could be provided about the mechanism for spending monies received, as the Borough Council currently holds a considerable amount of money obtained through planning contributions and has no information about how and when it will be spent. More justification is required in the face of falling school numbers;</li> <li>- the draft strategy covers a number of issues in relation to</li> </ul>	<ul style="list-style-type: none"> <li>- disagree, at present the approach taken here is considered to be the most appropriate</li> <li>- agree, amendments to be made *</li> <li>- noted</li> <li>- the thresholds are considered appropriate and it is important for the cumulative effects of smaller developments to be taken into account.</li> <li>- threshold is not unreasonable and it is important for the cumulative effects of smaller developments to be taken into account. NCC will contact RBC directly regarding the spending of contributions secured. Any fall in school numbers will be reflected in the projections</li> <li>- given that each case is</li> </ul>

	<p>archaeology and natural heritage which are currently either reasons for refusal of planning permission or where mitigation measures are covered by a suitable planning condition. Whilst it is acknowledged within the document, more information could be provided to explain the type of circumstances in which a planning contribution would be more appropriate than a condition. It remains unclear whether NCC is seeking a contribution towards its own costs in relation to these matters;</p> <ul style="list-style-type: none"> <li>- more information is required regarding natural heritage about how it would operate and the types of development which would trigger contributions as at present this is imprecise and unclear. This section should relate solely to statutory designations;</li> <li>- it is noted that the transport section generally repeats the current approach. However, reference is made to a requirement for legal agreements to outline, in general terms, where contributions will be used. While such an approach would be generally welcomed, it may be restrictive in certain cases;</li> <li>- it would be helpful to have an implementation section which details the procedures for drawing up agreements, including: details of the information to be provided, such as commitment and proof of title; general form of the draft agreements which should be submitted with the application; when and how</li> </ul>	<p>different, it is difficult to give details of precisely when planning obligations will be used</p> <ul style="list-style-type: none"> <li>- given that each case is different, it is difficult to give details of precisely when planning obligations will be used. Should not just relate to statutory designations as the aim is to protect and enhance all natural heritage wherever possible, in line with JSP policies 2/1 to 2/6</li> <li>- the approach is intended to provide the right balance between providing certainty and flexibility</li> <li>- in most cases at present, the legal agreements are drawn up by the LPA, not NCC, however, this is an area for future work</li> </ul>
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	<p>monies should be paid over along with information about how they will be drawn down;</p> <ul style="list-style-type: none"> <li>- details of draft agreements and model clauses for agreements;</li> <li>- RBC would wish to retain the current arrangement with respect to planning contributions, whereby monies are collected and retained by the Borough until such time as they are committed to schemes directly related to the development.</li> </ul>	<ul style="list-style-type: none"> <li>- in most cases at present, the legal agreements are drawn up by the LPA, not NCC, however, this is an area for future work</li> <li>- noted</li> </ul>
GOEM	<ul style="list-style-type: none"> <li>- note the inclusion of a contents page and glossary, as advised;</li> <li>- note that the appended tables now make reference to circ 05/2005;</li> <li>- para 2.2 now appears to make clear that the document has no statutory status to avoid any risk of confusion with SPDs;</li> <li>- would be helpful to have feedback in relation to representations you receive and your response to them. Also want to be kept informed in relation to subsequent stages of the documents preparation.</li> </ul>	<ul style="list-style-type: none"> <li>- noted</li> <li>- noted</li> <li>- noted</li> <li>- noted</li> </ul>
Allison Homes Eastern Ltd	<ul style="list-style-type: none"> <li>- the draft strategy fails to consider the important point of emerging government guidance on developer contributions;</li> <li>- key concern relates to proposed developer contributions for</li> </ul>	<ul style="list-style-type: none"> <li>- the document takes into account all relevant guidance on planning contributions. The proposals for PGS are still proposals and will not be implemented, if at all, until at least 2009</li> <li>- the ratio is based on a mix</li> </ul>

	<p>education. It is acknowledged that pupil places have been calculated on the basis of a mix of housing types and developments solely for 1-bed or specialist units are excluded. However, it must be recognised that many new homes on a new development with a mix of housing types will include such units and will not generate a requirement for school places. Two bed dwellings, occupied by newly established households who are unlikely to have children over the age of 5 are unlikely to generate a requirement for school places. It is therefore requested that any formulae for determining education contributions are based on experience of actual pupil occupation levels in different sizes and types of dwellings;</p> <ul style="list-style-type: none"> <li>- new family housing does not necessarily increase the requirement for additional school places. Those residents occupying the affordable housing including the social rented dwellings, will already be resident in the area and their needs would need to be met whether or not they moved into newly built accommodation. It is only where there is no control over the occupation of the new dwelling that any monies should be sought to meet the additional needs arising from the development;</li> <li>- concern is raised about the statement that the redevelopment of existing school sites would trigger the need for a replacement school. The reasons for the school closure and redevelopment must be taken into account, particularly if falling school roles had resulted in its closure, there can be no justification for its replacement. If NCC has secured a capital receipt from the sale of the school site it should reinvest these monies in education provision in the area;</li> </ul>	<p>which includes 1 beds. If 1 beds were to be removed from this, the ratio for the remaining dwellings would be higher. There is no data to substantiate the claim in relation to 2 bed dwellings and this would be unenforceable in planning terms. It should be noted that Housing Associations place families in 2 bed flats and houses</p> <ul style="list-style-type: none"> <li>- disagree, there is no evidence to support this</li>   <li>- agree, this is what happens in practice. There appears to have been a misunderstanding regarding the meaning of the document. Clarify in table *</li> </ul>
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	<ul style="list-style-type: none"> <li>- the document states that leisure, tourism, health and education contributions will be “determined locally” for Greater Nottingham and North Notts. Allison Homes would be very concerned if such a system were to be imposed which either included a “wish list” of facilities unrelated to the needs arising from a development or which was required to meet existing deficiencies in provision.</li> </ul>	<ul style="list-style-type: none"> <li>- contributions sought are always based on a need generated as a direct result of the development</li> </ul>
East Midlands Development Agency	<ul style="list-style-type: none"> <li>- will consider the report and will forward any appropriate comments within the timescale.</li> </ul>	<ul style="list-style-type: none"> <li>- noted, no further comments received</li> </ul>
English Heritage	<ul style="list-style-type: none"> <li>- welcome the inclusion of archaeology as a key area for planning contributions. However, question whether there may be other opportunities for securing funding or agreeing actions for the management of the County’s cultural heritage, e.g. securing the repair and reuse of listed buildings. EH is currently working on revised guidance on this matter;</li> <li>- mineral extraction is likely to have significant effects on archaeology and historic landscape features. Whilst it is partly covered by the archaeology section, recommend reference should also be made in page 14 under “Type of facilities for which provision may be required” to the management of the archaeological resource, including archaeological investigation, preservation and interpretation and access, and identifying opportunities for improving the setting of historic assets through sympathetic restoration schemes.</li> </ul>	<ul style="list-style-type: none"> <li>- noted. Any further work could be fed into later versions of the Strategy as it is updated</li> <li>- not appropriate as the document should be read as a whole</li> </ul>
Environment Agency	<ul style="list-style-type: none"> <li>- section 4 – PPG25 para 65 considers the circumstances where developer contributions may be appropriately used to manage flood risk and this should be included in para 4.3.</li> </ul>	<ul style="list-style-type: none"> <li>- flood risk is not a function of NCC and so it has not been included</li> </ul>

	<p>Developer contributions may be relevant to the determination of minerals applications to secure off-site works to mitigate flood risk;</p> <ul style="list-style-type: none"> <li>- section 5 – reference to flood risk should be made in para 5.2. On occasion, areas of open space (para 5.5) may also serve as flood storage areas and may need to be secured through developer contributions. Important in relation to “county matters”;</li> <li>- section 6 – support the principles set out in section 6. Where NCC are the determining authority, EA would wish to be engaged early in the planning process and may identify the need for developer contributions. Para 6.10 identifies where NCC may seek developer contributions. Areas in EA’s remit where additional contributions may be appropriate will be in respect of application relating to waste, minerals or transport;</li> <li>- minerals – flood risk management should be identified in the “Types of facilities for which provision may be required” on page 14;</li> <li>- natural heritage – EA support seeking developer contributions for mitigation, habitat restoration and habitat creation;</li> <li>- transport – may be appropriate to seek developer contributions for the management of flood risk related to</li> </ul>	<ul style="list-style-type: none"> <li>- flood risk is not a function of NCC and so it has not been included here. Where it relates to the Minerals and Waste planning functions of the County Council this would be better addressed through the LDFs for these matters</li> <li>- where matters relate to the Minerals and Waste planning functions of the County Council these would be better addressed through the LDFs for these topics</li> <li>- flood risk is not a function of NCC and so it has not been included here. Where it relates to the Minerals and Waste planning functions of the County Council this would be better addressed through the LDFs for these matters</li> <li>- noted</li> <li>- flood risk is not a function of NCC and so it has not been</li> </ul>
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	<p>new/major highway schemes;</p> <ul style="list-style-type: none"> <li>- waste – flood risk management should be identified in the “Types of facilities for which provision may be required” on page 21.</li> </ul>	<p>included here</p> <ul style="list-style-type: none"> <li>- flood risk is not a function of NCC and so it has not been included here. Where it relates to the Minerals and Waste planning functions of the County Council this would be better addressed through the LDFs for these matters</li> </ul>
Highways Agency	<ul style="list-style-type: none"> <li>- the strategy accords with the way the HA like to approach planning application and reflects many of the best practices identified in Circ 4/2001, which deals with developments affecting the trunk road network.</li> </ul>	<ul style="list-style-type: none"> <li>- noted</li> </ul>
Home Builders Federation	<ul style="list-style-type: none"> <li>- consider that planning policies such as planning obligations, which are of a prescriptive nature, should not be presented and considered simply as a Strategy. Firstly it is unclear exactly where this document fits within the overall LDF for each of the local authorities within the county. Secondly, such policies could potentially have a considerable impact on developments and their viability and therefore should be examined independently as a DPD;</li> <li>- development should only be required to make provision for</li> </ul>	<ul style="list-style-type: none"> <li>- as explained in paragraph 2.2, this document does not form part of the development plan and is not SPD. County Councils are not able to produce SPD to structure plans under the Planning and Compulsory Purchase Act 2004, it therefore cannot be a DPD and there is no basis for an independent examination. However, consultation has been undertaken in the production of this document</li> <li>- agree. This is reflected in</li> </ul>



	<p>those facilities that are necessary as a direct result of new development and which fairly and reasonably relate in scale and kind to the development proposed. If there is already adequate provision in a locality, further provision cannot be justified on the basis of these tests in Circ 5/2005;</p> <ul style="list-style-type: none"> <li>- it is not appropriate for all new housing developments to contribute towards the provision of educational facilities if there is no direct link between the need for those facilities and the development proposed. This could be because the type of housing proposed will not be occupied by persons who would use those facilities (e.g. retirement dwellings), because there is adequate provision or provision with spare capacity already in existence, or because they should be provided out of the public purse and are already being or will be paid for by the occupants of new housing through their Council Tax;</li> <li>- concerned that this document is seeking contributions for services, which are already being or will be paid for by the occupants of new housing through their Council Tax. By increasing the amounts of contributions, the LPA is increasingly making the development of land for housing more complicated may also be ultimately compromising the viability of schemes;</li> <li>- this document will not assist in speeding up the delivery of housing and therefore not meet the “Barker” objectives to deliver a step change in housing provision.</li> </ul>	<p>paragraphs 3.4, 4.2 and 4.4</p> <ul style="list-style-type: none"> <li>- education contributions are only sought and collected as a direct result of need generated from new development</li> <li>- contributions are only sought for infrastructure provision necessitated as a direct result of new development</li> <li>- disagree, the document is intended to provide a fair, transparent and consistent approach across the County</li> </ul>
National Trust	<ul style="list-style-type: none"> <li>- no specific comments at this stage.</li> </ul>	<ul style="list-style-type: none"> <li>- noted</li> </ul>
Natural England	<ul style="list-style-type: none"> <li>- support para 3.3 where it makes clear that the overall</li> </ul>	<ul style="list-style-type: none"> <li>- noted</li> </ul>

	<p>objective of the planning system is sustainable development and that economic, social and environmental issues all contribute to that end;</p> <ul style="list-style-type: none"> <li>- access – para 4.3 should also mention access in addition to highways and transport matters. New development often provides opportunities to resolve difficult access scenarios and therefore the strategy should include the need to protect, enhance and facilitate access for walking and cycling. Areas of high biodiversity, landscape and leisure value should have open access to the public except where their features of special interest may be compromised by high visitor numbers;</li> <li>- support approach in para 4.4 and 6.9 whereby contributions are determined according to local situation. Suggest that the document could better illustrate how developers review the local situation by highlighting examples and key references;</li> <li>- advocate that the document should be revised to show how developers and the LPA can better harness established references of when the community has already defined matters and benefits, which could be secured through planning obligations. E.g. – through active involvement in Community Strategies and LDDs; and community-led initiatives such as parish plans, village and town design statements are a good resource to indicate what is important to the community;</li> <li>- para 5.2 states that the “provision of public transport and pedestrian access.....” This statement is misleading as the range of County planning matters undertaken as the Minerals and Waste LPA the County Council does become involved in such issues and will have to include these matters in planning obligations. Indeed this is shown in the matters outlined in the</li> </ul>	<ul style="list-style-type: none"> <li>- it is not intended to be an exhaustive list</li> <li>- noted. It may be possible to include examples and key references in subsequent updates of the Strategy</li> <li>- not appropriate in this document, would be appropriate in LDF documents</li> <li>- where matters relate specifically to the Minerals and Waste planning functions of the County Council they would be better addressed through the LDFs for these</li> </ul>
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	<p>types of facilities row in the indicative tables for minerals, waste, natural heritage and transport at the end of the strategy document. Suggest that para 5.2 be amended accordingly;</p> <ul style="list-style-type: none"> <li>- JSP – in quoting policy in para 5.5 would be helpful to say how long this policy has been “saved” for following the regulation in the new system;</li> <li>- As a general principle SPD should set out clearly which other detailed plans and strategies could be used to inform planning obligations. Therefore as well as national guidance, regional and sub-regional guidance and strategies should be included, e.g. in relation to natural heritage - The Greenwood Community Forest Strategy, Notts Landscape Guidelines; in relation to transport – Rights of Way Improvement Plan;</li> <li>- Minerals – types of provision required could also include measures to reduce traffic movement (e.g. green travel plan), provide for public access;</li> <li>- Natural heritage – current guidance – circ 06/2005 should be mentioned; types of facilities required – should also state habitat protection as well as creation, may also require public access; types of development which may trigger need – should also include landscape sensitive issues; why is this important? – whilst support the emphasis placed on biodiversity and nature conservation, this para should also mention the need to ensure landscape-sensitive development;</li> <li>- To aid transparency, protocols should be in place and information provided on how contributions are to be spent.</li> </ul>	<p>topics</p> <ul style="list-style-type: none"> <li>- agree, amendments to be made *</li> <li>- this document is not SPD and does make reference to relevant guidance in the topic area tables. Could include further references</li> <li>- this is not intended to be an exhaustive list and further references could be included *</li> <li>- agree with suggestions and amendments will be made *</li> <li>- how contributions will be spent will depend on the circumstances of each case and it is therefore not appropriate to include such</li> </ul>
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		detail in this document
Notts Wildlife Trust	<ul style="list-style-type: none"> <li>- pleased to note that natural heritage and biodiversity are given due consideration which allows us to support the content of this document</li> </ul>	<ul style="list-style-type: none"> <li>- noted</li> </ul>
Planning Bureau	<ul style="list-style-type: none"> <li>- affordable housing is not addressed and should be, including a written assessment of development site size and the number of affordable houses / financial contribution required.</li> </ul>	<ul style="list-style-type: none"> <li>- affordable housing is not a function of NCC and hence it is not included here</li> </ul>
Quarry Products Association	<ul style="list-style-type: none"> <li>- para 2.2 – do not believe that non-compliance with the strategy would be a valid reason for the refusal of planning permission. Failing to make adequate provision to make the proposed development acceptable in planning terms would be a ground for refusal but that is a judgement that should be based upon development plan policy;</li> <li>- para 5.5 – contributions can be secured by way of a legal agreement or a unilateral undertaking, both of which are voluntary agreements. It would appear that any attempt to “require” a contribution from a developer as set out in the current JSP policy 1/3 could be judged ultra vires;</li> <li>- para 6.8 – a Planning Inspector has no power to insist that a legal agreement is completed prior to the close of a hearing as is stated in this para</li> </ul>	<ul style="list-style-type: none"> <li>- the document is a material consideration to be taken into account in determining planning applications, as explained in paragraph 2.2</li> <li>- contributions can be required in order to make otherwise unacceptable development acceptable. If measures are not provided, development would not be appropriate and therefore planning permission would be refused in line with Circ 05/05</li> <li>- this paragraph means that a legal agreement is to be presented as part of the appellant’s case, the Inspector would require this before the close of the hearing/inquiry in order to</li> </ul>

	<ul style="list-style-type: none"> <li>- archaeology – most of the measures mentioned could be secured more appropriately through planning conditions. If special circumstances will be applicable to “archaeologically sensitive areas those areas should be defined and delineated in the development plan;</li> <li>- minerals – government guidance does not support the requirement for financial guarantees, bonds etc, to make restoration proposals acceptable. However, the QPA Restoration Guarantee Fund should be acknowledged in this document as an effective mechanism for ensuring that restoration schemes are completed.</li> </ul>	<ul style="list-style-type: none"> <li>- take it into account</li> <li>- it is acknowledged in the Additional Comments to the table that the Strategy cannot prescribe what should be included in LDDs</li> <li>- agreed, Strategy to be amended accordingly*</li> </ul>
Sport England	<ul style="list-style-type: none"> <li>- welcome the strategy but has no specific comments to make in the context of the areas of contribution covered by the County Council;</li> <li>- it might be worthwhile reviewing the use of the two terms “contribution” and “agreement” in the document. The emphasis is very much on the latter, but of course the former also includes unilateral undertakings, which though less common, are not exclusively used in appeal situations;</li> <li>- with regard to contributions for small developments, SE support an approach that does not involve thresholds but requires an appropriate size of contribution from even small development such as a single house, if that is justified. This has been supported by Inspectors in Local plan inquiries in the past.</li> </ul>	<ul style="list-style-type: none"> <li>- noted</li> <li>- noted and to be considered and amended where necessary*</li> <li>- noted, however a number of representations call for a much higher threshold than that proposed and it is considered appropriate to retain the current proposed threshold as a balance of these two views</li> </ul>