

Core Guidance	
Summary of Comments Received (respondent ref in brackets)	Council's Response
Principle of SPG	
<ul style="list-style-type: none"> ▪ Support aspects of what is proposed, (1, 29) - do not object to principle of obligations (1, 4) ▪ Well thought out and presented document. Clarifies concept of S106 funding in a straightforward way. Removes often publicly held perception that such actions are inducements to gain development rights (2) ▪ Principle of establishing reasonable level of know contributions early in any development proposal is welcome, brings consistent approach, welcome in development industry (3) ▪ Fully support idea of SPG on the issue of developer contributions (8) ▪ Formalisation/standardisation of Council's approach to planning gain in an SPG is considered helpful in principle (19, 30) 	<p>This support for the principles of the SPG is welcomed</p>
<ul style="list-style-type: none"> ▪ Abandon/ withdraw SPG (7, 23, 26), or address significant shortcomings, continue to negotiate with developers as required by 1/97, assess matter again when there is clear guidance from central Government (7, 23) 	<p>Through consultation the Council aims to refine and improve the proposed SPG, but it will not be withdrawn – many consultees have highlighted its usefulness.</p>
Overall Approach	
<ul style="list-style-type: none"> ▪ Guidance must comply with Government advice in Circular 1/97 – should not pre-empt expected new Government guidance (general comment in many responses) ▪ Contributions should comply with the five tests set out in the circular (4, 14, 19, 24, 26) – the approach in draft SPG questioned in that respect, and weight to be given to SPG relative to Government policy is questioned (4) SPG clearly does not comply with 1/97 (7) 	<p>Various revisions have been made to the draft SPG and the Council considers that it fully complies with Circular 1/97 and case law. Contributions sought are considered to be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and otherwise reasonable.</p>

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<ul style="list-style-type: none"> Draft implies a 'shopping list' approach contrary to 1/97 (14) Understand wish to provide clear guidance but SPG must follow 1/97 (23) 	See above
<ul style="list-style-type: none"> SPG not consistent with development plan policy (7) SPG should refer to national, regional and development plan policy, be consistent with it(23) 	The SPG is directly related to development plan policies which are referred to in the text. National policy is also referred to. The SPG, as revised, is considered to be consistent with both.
<ul style="list-style-type: none"> A system based on locally negotiated agreements will deliver stated objectives better so long as this system is set within a strong policy framework that reflects the needs of local communities (13) 	Agreements will be negotiated based on the approaches and formulas in the SPG.
<ul style="list-style-type: none"> Welcome the recognition that the Council will negotiate for provision of infrastructure and that this will be done in accordance with Circular 1/97(1, 7, 23) 	Noted
<ul style="list-style-type: none"> Acknowledge that similar types of development create similar impacts, and that contributions should be made in a consistent and transparent way but does not follow that guidance will provide assistance to development industry (23) 	The guidance aims to provide clarity, consistency and transparency in a way which complies with Circular 1/97
<ul style="list-style-type: none"> Contributions should be necessary in order for development to proceed. Do not consider some provision to be sought is necessary (4) 	Various revisions to the text have been made and the Council considers the contributions likely to be sought are necessary. However, this is still examined in detailed at the application stage.
<ul style="list-style-type: none"> Agree with comments of The House Builders Federation – <i>response 1</i> (4, 26) 	See Council's response to HBF comments – response 1.
<ul style="list-style-type: none"> 'Appropriate' should be added after 'provides' and before 'social' on penultimate line of paragraph 1.1 because residential development should not be required to make up for existing deficiencies. (1) 	The word appropriate has been added to the text.
<ul style="list-style-type: none"> Word 'expects' should not be used (para 2.1 etc) because obligations should be sought through negotiation. (1, 14) 	The word 'expects' has been replaced with 'sought' throughout the SPG where appropriate.
<ul style="list-style-type: none"> SPG positive step forward but should be a more positive stance to a number of elements where 'will' needs to be used rather than 	The wording reflects the overall approach to developer contributions. Government guidance refers to seeking contributions rather than

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'should' (10)	requiring them. However, this does not mean that contributions are optional. They must be provided to mitigate the impacts of development.
<ul style="list-style-type: none"> Should be more recognition of costs associated with previously developed sites (24) 	Such matters can be addressed within individual negotiations but in general the use of previously developed land does not create exceptional costs.
<ul style="list-style-type: none"> Should be continuity of approach between neighbouring authorities (3) 	Neighbouring authorities have been consulted. However, the guidance has been formulated in the West Berkshire context and seeks to address issues that arise here.
<ul style="list-style-type: none"> Should be stronger reference to sustainable development (22) 	Sustainability underpins the approach in the local plan and hence this supplementary guidance. It is considered a key aspect of sustainable development that development mitigates its impacts and creates wider benefits – the SPG aims to achieve this.
<ul style="list-style-type: none"> Contributions and obligations should be used as a mechanism to ensure that development provides social, economic and environmental benefits to the community as a whole. Whilst contributions should be used to contribute towards broader community benefits such as public transport provision, this should not be at the expense of local improvements or securing benefits to communities most affected by a development (13) 	The SPG aims to address the impacts of the development and secure local improvements.
<ul style="list-style-type: none"> Intention to clarify guidance on contributions supported, suggest latest version of emerging Structure Plan is referred to (21) 	Noted – the SPG will be revised as the emerging Structure Plan moves towards adoption.
Clarity and transparency of explanation	
<ul style="list-style-type: none"> Themes of transparency, simplicity and accountability run should run through the document (3) 	The Council aims to achieve these matters through the SPG. Simplicity is desirable but the guidance also needs to contain sufficient detail and to comply with the guidance in Circular 1/97. See response below.
<ul style="list-style-type: none"> SPG lacks necessary detail to transparently justify what is being sought – result is an inflexible wish list. Guide should pay more regard to relationship between what is being sought (based on 	Various revisions to the papers have been made. They indicate why contributions are required and how this relates to individual developments.

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the identified need for what is being sought and existing provision) and the needs generated by the proposal. (1, 4). Lack of transparency in how figures are derived (7)	
<ul style="list-style-type: none"> ▪ SPG is too complicated, needs to be simple and clear (8) Document is extensive and complicated. There is duplication and long-windedness which could be eliminated (3) 	It has been necessary to produce a detailed document to demonstrate the need for contributions and compliance with government advice. However, the Council accepts the need for conciseness and has made every effort to streamline the documents into their latest form.
<ul style="list-style-type: none"> ▪ Strongly recommend a more flexible approach to all financial contributions. Discussion should take place between the local authority and the developer rather than the Council automatically determining what sort of provision should be made (4) Emphasis should be on considering each site on its own merits (14, 23) ▪ Guidance a helpful indicator of the scope and scale of developer contributions but each scheme must be considered on an individual basis; Council should negotiate, not adopt inflexible approach to planning gain (19) 	Consultees are divided as to whether the guidance should be firm or flexible. The Council considers that the guidance as amended strikes the right balance between consistency and the consideration of individual circumstances.
<ul style="list-style-type: none"> ▪ The absence of likely commuted sums per unit (or bed space) would appear contrary to the objectives of this SPG – i.e reducing the number of calls to LPA over likely contributions. Also basic contributions should be broken down into what it comprises (31) 	See responses above
Thresholds, Impact of Smaller Developments	
<ul style="list-style-type: none"> ▪ No justification of for site size threshold of one dwelling. (1, 4, 7) Ridiculous to claim single dwelling has a significant impact on local services. (1, 7) More likely to have minimal impact and is probably unmeasurable. Low threshold inconsistent with 1/97 as there is unlikely to be demonstrable link between impact of development and obligation sought (1) Difficult to envisage circumstances where a single new dwelling creates significant pressure (23) Threshold should be 15 dwellings (1) 	Even small developments have an impact on local services and facilities both individually and where their effects are considered cumulatively. In 2001 the Government raised the possibility of residential developments of 150 square metres and above making contributions under its tariff proposal.

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<ul style="list-style-type: none"> Thresholds of 1 dwelling welcomed, especially principle of accumulation (2), recognition of cumulative impact of small forms of development (29) 	The comments are welcomed.
<ul style="list-style-type: none"> Irrational to have thresholds below which no contribution is required (8) 	The SPG aims to ensure that contributions are sought from those developments which will create impacts.
<ul style="list-style-type: none"> Would prefer to see commercial development quantified by cost/value as per the housing development section. (2) 	The impacts of commercial development can be assessed in various ways. The SPG bases its thresholds on the likely number of employees but other factors are taken into account when assessing the impact and the need for contributions.
<ul style="list-style-type: none"> Para. 4.5 - Efficient use of land should be addressed in individual planning applications on their merits, not in SPG (7, 23) 	Efficient use of land is a key element of national and local policies – the SPG reflects that.
Basic Level Contribution (1 – 14 dwellings)/ Tariff Approach?	
<ul style="list-style-type: none"> Section should be deleted (1,4) Contrary to 1/97, especially paragraph B17. Arbitrary (1) Approach in tables contrary to 1/97 (23) No rationale given for the figures (7) No justification in breakdown of amount payable in paragraph 4.9, unless schemes are identified, no value in dividing level of contributions in this way (23) Element for affordable housing cannot be sought (23) - on sites less than 25 dwellings (1) Point of principle about cumulative impacts of smaller developments accepted but guidance does not show how cumulative impact is assessed (23) Should not introduce a tariff based system (13, 24, 26, 27) 	<p>The basic level of contribution approach has been deleted from the SPG. The approach is now that schemes of 1dwelling or more will be assessed for contributions based on the approaches and formulas set out in the topic papers.</p>
<ul style="list-style-type: none"> Table 1 unnecessarily complicated. Replace with simpler 'Community Service Tariff' based on payment per residential unit or commercial floorspace. Tariff divided into specific pots to allow developer to ascertain where the funding had been spent within a reasonable distance of the development. When 	<p>Table 1 has been comprehensively revised to reflect the approach referred to above. The idea for the community service tariff is of great interest. However, in the absence of revised Government guidance and regulations, the Council considers the approach set out in the revised SPG is consistent with existing</p>

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<p>abnormal contributions demonstrated to be required, these should be limited to affordable housing, transport infrastructure and public open space (3) Tariff approach welcomed, approach in draft SPG lacks certainty – a properly set tariff will allow Council to plan and commission those additional contributions set out in SPG. Only things outside the tariff should be things utterly site specific – likely to be very few of those.</p>	<p>Government guidance and can be readily implemented. However, the Council notes the Government's intended changes and will revisit this matter in due course.</p>
<ul style="list-style-type: none"> ▪ Contributions should be made against total square metres of a project not against number of units (17) ▪ Suggest a contribution simply based on per square foot basis. (this will also avoid housing developers preferring to build larger rather than smaller dwellings (8) 	<p>There are various ways of establishing contributions. Using number of residential units is a practical approach in most instances (Government uses number of units for affordable housing provision thresholds). Measurements based on floorspace are also used where appropriate. This will be kept under review.</p>
<ul style="list-style-type: none"> ▪ Sliding scale of contribution based on economies of scale not appropriate (3, 8, 23). Implies developers can be asked for greater contribution based on what they are able to contribute (3) Suggest simple tariff approach (3,) Economies of scale not necessarily less on smaller schemes (8) ▪ No rationale for increasing contribution with increasing size of development based on economies of scale, Council attempting to squeeze more out of landowners (7) 	<p>The basic level of contribution approach has been deleted from the guidance but the SPG still aims to secure appropriate contributions from the smallest appropriate and practicable scale of development. See responses above.</p>
<ul style="list-style-type: none"> ▪ Principle of seeking a basic level of contributions is sound (6) ▪ Where a new development has a specific impact on the local area would expect monies to be negotiated for that purpose (6) 	<p>Comments are noted but it is also noted that others have challenged this approach. The Council has amended the guidance to remove that approach but it is still intended to seek contributions from the smallest appropriate and practicable level based on the formulas set out in the topic papers.</p>
Exemptions from contributions	
<ul style="list-style-type: none"> ▪ Following residential developments should be considered for exemption from contribution – change of use to dwellings, care homes, hostels, boarding houses, proposals on brownfield sites 	<p>It would be entirely inappropriate to exempt proposals on previously developed land from contributions. The majority of development sites in West Berkshire are on such land and in general</p>

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<p>(costs need to be taken into account), listed buildings (3)</p> <ul style="list-style-type: none"> Affordable housing, which is a contribution and should be set outside the equation (3) 	<p>redevelopment does not result in exceptional costs. The SPG allows for specific circumstances to be addressed but in general where development makes impacts contributions will be sought. Any exemptions from contributions should be assessed on a case by case basis but the assumption will be that development which creates impacts should make appropriate contributions.</p>
Commercial Development	
<ul style="list-style-type: none"> No specific local plan background for inclusion of contributions from commercial development. Topics covered by commercial development contributions should be limited to those applicable to them and should not be duplicated through residential contributions (3) Categories of contribution questioned (4) 	<p>Policy OVS.3 covers all forms of development which might create impacts on local services, infrastructure and amenities. The SPG seeks to ensure that contributions are not duplicated. Assessments are based around the particular impacts of the development, and address such matters as the likelihood of employees coming from outside West Berkshire (see especially the Public Libraries paper).</p>
<ul style="list-style-type: none"> No basis for identifying any specific site size threshold for contribution from commercial developments, contributions should be sought on an individual site by site basis (4) 	<p>Contributions are assessed individually based on the approaches and formulas set out in the supporting papers. Thresholds are set to establish practicable levels of development from which so seek contributions and to reflect likely impacts.</p>
<ul style="list-style-type: none"> Many employees of new development will also live within West Berkshire. More research needed on employees travelling from outside area (4) 	<p>The SPG has taken account of the fact that many employees come from outside West Berkshire. However, employees in work places create impacts local to the development regardless of where they live.</p>
<ul style="list-style-type: none"> Principle of seeking contributions from commercial development supported. Suggest consideration given to further guidance on contributions designed to mitigate the impact of such development on demand for housing, skills and labour as Policy E2 of emerging Structure Plan (21) 	<p>Comments are welcomed. These matters will be given further consideration as the Structure Plan progresses towards adoption.</p>
Impact on development	
<ul style="list-style-type: none"> Vast array of contributions sought likely to discourage developers from developing in the area. Reference to Newbury 2025 made (4,) Sheer scale of contributions could frustrate a number of 	<p>The SPG does not seek a vast array of contributions. It is focused on specific areas where new development will have an impact. However, it is right that development should address the range of</p>

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worthwhile developments by making development unviable (24) could conflict with preferences for brownfield development (27)	impacts that it creates.
Public funding v developer contributions	
<ul style="list-style-type: none"> Several respondents suggest contributions to services such as education, healthcare, libraries, community facilities represent an attempt to remedy existing deficiencies where such provision is normally secured through national and local taxation (various respondents) 	The aim of the SPG is to ensure that development addresses the impacts it creates in accordance with adopted planning policies. By addressing those impacts it is not attempting to remedy existing deficiencies.
Review	
<ul style="list-style-type: none"> Para. 6.3 – any update to cost should be consulted on to assess whether levels are reasonable and necessary, not certain RPI is relevant to every case (23) 	Changes in costs are considered to be factual matters and are directly relate to meeting the impact of the development. Consultation would not normally be necessary – however where there are exceptional changes the Council may carry out further consultation.
Processes	
<ul style="list-style-type: none"> Too many contacts listed – should be one point of contact responsible for co-ordinating the Council's response and dealing with negotiations (3) 	The document has been streamlined as much as is possible – it was considered useful to include contacts, however.
<ul style="list-style-type: none"> Council should take a positive approach to unilateral undertakings (3) Unilateral undertakings referred to in 1/97 (14) 	The Council notes the role of unilateral undertakings which should accord with the provisions of this SPG.
<ul style="list-style-type: none"> As this is a significant change in way Council operates, there should be a lead in period of 12 months. (3) 	A start date for applying the range of approaches set out in the SPG has been specified. However, the Council already seeks developer contributions and so a 12 month lead in period is unnecessary.
<ul style="list-style-type: none"> How will the new funds be managed? (6) Will parish council's be able to ask that funds are used to meet general needs in the village e.g parking schemes? (6) Mechanisms should be in place to assure those making contributions that money is being spent efficiently and effectively (8) Clarity required on the implementation of improvements to local 	These are matters of process and will be continually kept under review to ensure they are robust and transparent.

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<p>services, in terms of timescale and proximity to the development - contributions must be ring-fenced and remain available only for the purpose stated and the locality of the development (28) Public register of agreements, obligations and contributions is required and an annual audit of implementation of schemes (28)</p>	
<ul style="list-style-type: none"> ▪ Unclear when basic level of contribution has to be paid (6) 	This element from the draft SPG has been removed.
<ul style="list-style-type: none"> ▪ Land or buildings no longer required for purpose negotiated should be put to other community purposes or disposed of at value with income ring-fenced for other recognised needs in the locality (28) 	It would be expected that facilities negotiated for are required and put to that use. Any change of use of a facility that has been constructed would be a matter to consider having regard to development plan policies and any other material considerations.
<ul style="list-style-type: none"> ▪ Opportunity to review legal processes: Suggest: agreement completed before committee subject to developer paying Council's capped costs; time based charter for Council to deal with legal process with penalties; developers may choose in house lawyers or panel of local lawyers (selected by Council); standard form of agreement; conditions should be used wherever possible, rather than agreements; simple sq ft tariff would enable S111 agreements (7) ▪ Agreement heads of terms should be agreed by planning committee (17,) ▪ Package of agreements, obligations and contributions must be made public and open to comment before application for planning permission is determined (28) 	The comments on process are noted and will be taken account but the focus of the SPG is guidance on how local plan policy is applied.
<ul style="list-style-type: none"> ▪ How does this interact with the Council's applications for central Government funding in relation to the services it provides? (8) 	The aim of this SPG is to ensure that the impacts of development are met but contributions could complement other sources of funding on occasion.
<ul style="list-style-type: none"> ▪ Speeding up of planning process essential, time taken to complete legal agreements not acceptable, impacts significantly on general and affordable housing delivery (17) 	Comments are noted.
Other	

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<ul style="list-style-type: none"> ▪ Local communities should help define the benefits to be secured. Wide community participation through Community Strategies LDFs etc should ensure that local needs are properly articulated. ▪ The Quality of Life Capital approach is a useful planning tool (13) to define benefits which obligations could secure and provides certainty to the process. In appropriate cases the local communities should directly manage the benefits secured, using a local trust or other mechanism. Elsewhere, payments have been passed directly to trusts or other bodies. (13) 	<p>The Council will be working closely with the West Berkshire Partnership in the preparation of the new Local Development Framework.</p> <p>These issues and roles have already been recognised in the Environmental Enhancements topic paper</p>
<ul style="list-style-type: none"> ▪ Can contributions involve an element of revenue? (8) 	<p>Contributions can include revenue in some circumstances as set out in the topic papers.</p>
<ul style="list-style-type: none"> ▪ In rural areas a desirable sustainable development package may not be deliverable using obligations alone. Ways of combining funding via planning obligations with other sources of funding should be investigated in these cases. (13) 	<p>The comments are notes. This is a matter to consider on a case by case basis.</p>
<ul style="list-style-type: none"> ▪ The Countryside Agency is undertaking research into this area and will be sharing findings as a good practice guide on planning obligations in the near future. (13) 	<p>Noted. This will be welcomed.</p>