

<b>Title of Report:</b>	<b>Adoption of Supplementary Planning Document for Developer Contributions</b>
<b>Report to be considered by:</b>	Special Council
<b>Date of Meeting:</b>	6 June 2013
<b>Forward Plan Ref:</b>	C2586

**Purpose of Report:** To seek Full Council approval for the adoption of the Supplementary Planning Document (SPD) for Developer Contributions.

**Recommended Action:**

1. That Council is asked to approve the consultation responses and resultant amendments to the SPD, and to adopt the SPD for developer contributions, to replace the current SPG04/4. The adopted SPD will apply to any applications submitted and appeals considered on or after 1st July 2013.
2. That Council is asked to confirm delegated authority for non-material amendments to the adopted SPD to the Head of Planning in agreement with the Portfolio Member for Planning, Transport (Policy), Culture, Customer Services, and Countryside

**Reason for decision to be taken:** To allow the Council to continue to secure developer contributions until the implementation of the Community Infrastructure Levy

**Other options considered:** Not to adopt the SPD

**Key background documentation:** SPG04/4 – Delivering Investment from Sustainable Development  
EX2583 - report to Executive which approved the SPD prior to consultation

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**
- CSP3 – Improving education**
- CSP4 – Protecting the environment**

The proposals will also help achieve the following Council Strategy principles:

- CSP6 - Living within our means**
- CSP9 - Doing what's important well**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:  
Ensuring the impact of development is mitigated, by requiring contributions and other measures

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole – Tel (01635) 248542
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<b>Date Portfolio Member agreed report:</b>	10 May 2013

  

Contact Officer Details	
<b>Name:</b>	Caroline Walsh
<b>Job Title:</b>	Developer Contributions Officer
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<b>E-mail Address:</b>	cwalsh@westberks.gov.uk

## Implications

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<b>Policy:</b>	The policy basis for the SPD is contained within the West Berkshire Core Strategy. The adoption of an SPD for developer contributions will ensure that there is adequate guidance in place for developers until the adoption of a Community Infrastructure Levy for West Berkshire in 2014.
<b>Financial:</b>	The new formulae reflect the likely costs to the Council of capital investment to provide infrastructure required to mitigate the impact of new developments. S106 contributions will continue to be ringfenced mainly for capital spending on infrastructure and will be built into the capital programme.
<b>Personnel:</b>	N/A
<b>Legal/Procurement:</b>	For infrastructure being provided by the developer there are possible implications in terms of the Public Contracts Regulations 2006.
<b>Property:</b>	N/A
<b>Risk Management:</b>	N/A

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input checked="" type="checkbox"/>	
• Is it a major policy, significantly affecting how functions are delivered?		<input checked="" type="checkbox"/>	
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input checked="" type="checkbox"/>	
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input checked="" type="checkbox"/>	
• Does the policy relate to an area with known inequalities?		<input checked="" type="checkbox"/>	
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>			<input type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

# Executive Summary

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## 1. Introduction

- 1.1 The Council currently seeks developer contributions in accordance with SPG04/4 - Delivering Investment from Sustainable Development (SPG). The SPG provides detailed guidance to developers and sets out our approach and procedures for securing developer contributions from development of 1 new dwelling or more, or 200 square metres of office floor space (or equivalent).
- 1.2 Since its adoption, the SPG and the formulaic approach has been regularly reviewed and scrutinised, both by officers and members, and by developers through the application and appeal process. The last non-material update to the documents took effect from 1st May 2010.
- 1.3 It is necessary to update the SPG to:
- (1) Allow the SPG to be replaced as a Supplementary Planning Document (SPD)
  - (2) Take account of the new occupancy levels, established following a survey of new properties by colleagues in Education
  - (3) Take account of new local and national planning policies
  - (4) Take account of new costs and other updates
  - (5) Ensure the documents are as up to date as possible before the Council adopts a Community Infrastructure Levy in 2014
- 1.4 On 14<sup>th</sup> February 2013 the Council's Executive approved the draft SPD prior to a 6 week public consultation period which took place from 15th February 2013 to 2nd April 2013.
- 1.5 A total of 40 consultation responses were received from 18 contributing consultees. These have all been considered by officers and amendments have been made to the SPD as appropriate.

## 2. Recommendations

- 2.1 Members are asked to approve the Statement of Consultation attached at Appendix B, and to adopt the Delivering Investment from Sustainable Development SPD as attached at Appendix C. The adopted SPD will apply to any applications submitted and appeals considered on or after 1st July 2013.
- 2.2 Members are asked to confirm delegated authority for non-material amendments to the adopted SPD to the Head of Planning in agreement with the Portfolio Member for Planning, Property, Highways and Transport.

## 3. Equalities Impact Assessment Outcomes

- 3.1 This item is not relevant to equality.

# Executive Report

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## 1. Introduction

- 1.1 SPG04/4 - Delivering Investment from Sustainable Development has been in place since 2004 and provides guidance in support of policies in the adopted Local Plan (West Berkshire Core Strategy and the saved policies of the West Berkshire District Local Plan). It sets out our approach and procedures for securing contributions to mitigate the impact of development in West Berkshire. It has been regularly updated, to reflect changes to national and local policies, and changes to the methodology /formulae in place.
- 1.2 The formulaic approach has regard to the size and type of development, and makes use of the likely occupancy of each size of dwelling to calculate the contributions payable.

## 2. Update to SPG04/4

- 2.1 In 2011, officers in Education carried out a survey of new properties to ascertain occupancy levels, in order to provide the evidence to support any necessary change the formulaic approach. The SPD was therefore prepared in order to:
- (1) Allow the SPG to be replaced as a Supplementary Planning Document
  - (2) Take account of the new occupancy levels
  - (3) Take account of new local and national planning policies
  - (4) Take account of new costs and other updates
  - (5) Ensure the documents are as up to date as possible before the Council adopts a Community Infrastructure Levy in 2014

## 3. Screening Report

- 3.1 In order for the SPG04/4 to be replaced as a Supplementary Planning Document, officers completed a screening report to ascertain whether either a Strategic Environmental Assessment (SEA) and/or a Habitat Regulations Assessment (HRA) would be required. The screening report was sent to the three statutory consultees in November 2012, and was completed in December 2012. The report is attached at Appendix A for information and includes responses from the three consultees - English Heritage, Environment Agency and Natural England, all of whom agreed with officers' initial assessment that neither an SEA nor a HRA was required.

## 4. Consultation process

- 4.1 On 14th February 2013 the Council's Executive approved the draft SPD prior to a 6 week public consultation period which took place from 15th February 2013 to 2nd April 2013.
- 4.2 A total of 40 consultation responses were received from 18 contributing consultees during the consultation period. These have all been considered by officers and amendments have been made to the SPD as appropriate. None of the

amendments are considered material; the majority provide additional clarity or supplementary information.

4.3 Attached at Appendix B is the consultation response statement, which lists the 40 consultation responses in full. The Council's proposed response to those consultation responses is shown, together with any action or changes proposed to the SPD as a result.

4.4 The table below summarises the responses received for each Topic Paper and any changes made as a result.

<b>Document</b>	<b>Comments Made</b>	<b>By</b>	<b>Changes Made</b>
Overall Draft SPD	Support for the document overall	Stratfield Mortimer PC	See below for changes made
	Pleased to see the continuation of the Planning Obligation regime.	Newbury Town Council	
	All development will overload facilities. Need to build up the existing infrastructure	Mrs S Goodhind	
	CIL will be lower, meaning that S16 contributions are excessive.	Ressance Ltd	
	No representation to make	Health & Safety Executive	
	Response intended for a different consultation	Professor Andrew Holmes	
Core Guidance	Historical contribution levels were excessive. Average occupancy data is inaccurate.	Ressance Ltd	Correction of Title of Topic Paper 8. Further explanation regarding the residual use of S106 following the adoption of CIL. Paragraph removed following the revocation of the Regional Spatial Strategy. Clarification added with regard to Affordable Housing thresholds to reflect the Local Plan Core
	Request further clarification on how S106 will operate alongside CIL.	Oxford Properties	
	Broadly in favour of the document, but request further clarification on how S106 will operate alongside CIL.	Burghfield Parish Council	
	Information should be provided on Water Supply and Waste Water	Thames Water	

<b>Document</b>	<b>Comments Made</b>	<b>By</b>	<b>Changes Made</b>
	Infrastructure		Strategy Policy CS6.
Topic Paper 1 - Affordable Housing	Tenure split is not evidenced, pepper potting is impractical, design standard too costly, Affordable Rents definition is at odds with Government policy, commuted sum calculation is fundamentally flawed.	Ressance Ltd	Clarification added with regard to Affordable Housing thresholds to reflect the Local Plan Core Strategy Policy CS6. Update to document to reflect current required level for Code for Sustainable Homes.
Topic Paper 2 - Transport	Transport assessments should quantify the likely impact on the rail network.	Network Rail	Inclusion of new paragraph to clarify the use of transport assessments, and new paragraph to explain rail infrastructure requirements
	no evidence to support the charges	Ressance Ltd	
	Development should ensure that traffic is free flowing, contributions should be sought towards traffic control measures, developers should mitigate local pinch points, a surcharge should be placed to cover migration of traffic, public transport improvements should be for 20 years.	Mr B Walmsley	

<b>Document</b>	<b>Comments Made</b>	<b>By</b>	<b>Changes Made</b>
Topic Paper 3 - Education	Call into question the robustness of the housing study used to calculate average occupancy and contribution levels. Migration has a considerable effect on occupancy. Calculating contributions by assessing capacity is fundamentally flawed. Sample data does not justify a contribution from 1 bed flats. Occupancy should be calculated separately for private and affordable housing.	Ressance Ltd	Amendment to wording of one paragraph to improve clarity
	Clarification on assessment of development	Burghfield Parish Council	
	Funding should also be secured for pre-school and college education. Facilities should be available within short commuting distances. Neighbouring authorities' requirements should be taken into account. Contributions should be sought from all development regardless of capacity. Project Management costs should be benchmarked. Operating costs should be included.	Mr B Walmsley	
Topic Paper 4 - Public Libraries	Duplicate comments as for Topic Paper 3	Ressance Ltd	No changes made
	A blanket charge should not be made for libraries on all commercial development	Oxford Properties	
Topic Paper 5 - Community Facilities	A description for the term 'community facilities' should be included	The Theatres Trust	Addition of wording to describe community facilities
	Requests specific reference to pensioner specific facilities	Burghfield Parish Council	



<b>Document</b>	<b>Comments Made</b>	<b>By</b>	<b>Changes Made</b>
Topic Paper 6 - Healthcare Provision	Duplicate comments as for Topic Paper 3. A doctor is capable of servicing a larger list size	Ressance Ltd	Update to paragraphs to reflect changes to the operational structure of the NHS
	The contribution request should take account of the local population demographic	Mr B Walmsley	
Topic Paper 7 - Open Space	Duplicate comments as for Topic Paper 3. Space Standard applied is out of date. CPI is preferred to RPI. No evidence of need. Retirement housing should be exempt from contributing towards play areas.	Ressance Ltd	Update to remove references to the National Playing fields Association (NPFA) and replacement with Fields in Trust (FIT). Small amendment (less than 2% decrease) to contribution levels to reflect new space standards recommended by FIT. Additional wording to clarify the completion of the needs assessment.
	Commercial developments which provide on -site open space should not pay a contribution	Oxford Properties	
	Contributions based on sound justifications and have the approval of the Town Council	Newbury Town Council	
Topic Paper 8 - Waste Management	No evidence is provided	Ressance Ltd	Further clarification of the basis for the contribution sought. Title of second table amended for clarify.
Topic Paper 9 - Environmental Enhancements	Request to add green corridors. Concern that flood risk is not a Topic Paper	Environment Agency	Inclusion of examples of sites or issues of environmental significance. Inclusion of references to flood alleviation measures and green corridors.
	Clarification requested on relationship between the SPD and Thames Basin Heath Special Protection Area. Clarification requested on delivery of Green Infrastructure policy	Natural England	

<b>Document</b>	<b>Comments Made</b>	<b>By</b>	<b>Changes Made</b>
Topic Paper 10 - Archaeology, Conservation and the Historic Environment	Recommend that the SPD is informed by an evidence base for historic environment and heritage assets	English Heritage	Hyperlink added to contact details. Addition of 'Source Documents' box at the end of the Topic Paper.
	Request to add Source Documents box and a hyperlink	Sarah Orr, West Berkshire Council	
	Support for Topic Paper 10	Berkshire Gardens Trust	
Topic Paper 11 - Fire & Rescue Infrastructure	Adequate levels of emergency fire cover should be funded	Mr B Walmsley	No changes made
Topic Paper 12 - Preventing Crime and Disorder	Request for inclusion of additional references to Thames Valley Police initiatives and schemes	Thames Valley Police	Inclusion of references to Thames Valley Police, police kit and equipment, and information regarding Automatic Number Plate Recognition Cameras (ANPR).
	Adequate levels of police resourcing should be funded	Mr B Walmsley	
Topic Paper 13 - Adult Social Care	Duplicate comments as for Topic Paper 3. The approach is fundamentally flawed. The methodology assumes that development will be occupied immediately once planning permission is obtained.	Ressance Ltd	No changes made
	Calculation should be re-worked to take account of the social care needs of the population	Mr B Walmsley	

Document	Comments Made	By	Changes Made
Example Contributions	No comments made		Clarification added with regard to Affordable Housing thresholds to reflect the Local Plan Core Strategy Policy CS6. Adjustment to open spaces contribution levels for residential (between 1.2% and 2% reduction) and commercial (between 0.09% and 0.4% reduction).

## 5. Conclusion

The consultation process resulted in comments from some developers, but in the main from our partners involved in service delivery. As a result the changes made to the draft SPD serve to strengthen and improve it overall. It continues to be a strong document to provide guidance about developer contributions. It will serve its purpose well until the adoption of a CIL for West Berkshire, planned for 2014.

## 6. Recommendation

- 6.1 **Council is asked to approve the Statement of Consultation attached at Appendix B, and adopt the Delivering Investment from Sustainable Development SPD as attached at Appendix C, to replace the current SPG04/4. The adopted SPD will apply to any applications submitted and appeals considered on or after 1st July 2013.**
- 6.2 **Council is asked to confirm delegated authority for non-material amendments to the adopted SPD to the Head of Planning in agreement with the Portfolio Member for Planning, Transport (Policy), Culture, Customer Services, and Countryside.**

### Appendices (provided electronically only)

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Appendix A – Screening Report

Appendix B – Statement of Consultation

Appendix C – Proposed Supplementary Planning Document – Delivering Investment from Sustainable Development

### Consultees

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**Local Stakeholders:** Full public consultation

**Officers Consulted:** Bryan Lyttle Planning and Transportation Policy Manager, All Service Units with Topic Papers, Sharon Armour, Solicitor, Corporate Board

**Trade Union:** N/A