

WEST BERKSHIRE DISTRICT COUNCIL

PROPOSED SUPPLEMENTARY PLANNING DOCUMENT (SPD) - DELIVERING INVESTMENT FROM SUSTAINABLE DEVELOPMENT

STATEMENT OF CONSULTATION – MAY 2013

Details of Consultation

The draft SPD for developer contributions was published for consultation on Friday 15th February, following approval at a meeting of the Council's Executive on 14th February. The consultation process ran for 6 weeks and closed on 2nd April 2013.

A total of 40 comments were received from 18 contributing consultees, and have been considered, and amendments made to the draft SPD as appropriate. The first table (pages 1 – 3) provides a summary of the changes that have been made to the SPD following the consultation. The second table (pages 4 – 46) sets out the comments received together with the Council's response.

Summary of changes made to the SPD following the consultation process

Topic Paper		Paragraph Number	Change Made	Reason for Change
CG	Core Guidance	6	Correction of Title of Topic Paper 8	Correction
CG	Core Guidance	12-14	Further information included to explain the residual use of S106 after the implementation of CIL	Further clarification requested by a number of consultees
CG	Core Guidance	15	Paragraph removed	Revocation of Regional Spatial Strategy
CG	Core Guidance	Table 1	Sentence added to clarify that the requirement for affordable housing will be applied to the gross number of dwellings on a site - in accordance with Policy CS6 of the adopted West Berkshire Local Plan Core Strategy	Clarification suggested by officers

Topic Paper		Paragraph Number	Change Made	Reason for Change
TP1	Affordable Housing	1.18	Sentence added to clarify that the requirement for affordable housing will be applied to the gross number of dwellings on a site - in accordance with Policy CS6 of the adopted West Berkshire Local Plan Core Strategy	Clarification suggested by officers
TP1	Affordable Housing	1.31	Removal of paragraph - requirements for CSH Level 3 lower than the local requirements	Clarification suggested by officers
TP1	Affordable Housing	1.32	Removal of first two bullet points as they do not reflect current policy	Clarification suggested by officers
TP2	Transport	2.4 and 2.14	Inclusion of new paragraph above Paragraph 2.4 to clarify the use of transport assessments. Inclusion of new paragraph below Paragraph 2.14 to include rail infrastructure requirements	Further clarification requested by Network Rail
TP3	Education	3.33	Paragraph amended to remove 'and on a net gain of dwellings not bedrooms' from the sentence.	Further clarification requested by Burghfield Parish Council
TP4	Libraries	n/a	No changes made	
TP5	Community Facilities	5.5	Addition to Paragraph 5.5 to describe community facilities	As a result of the response from the Theatres Trust
TP6	Healthcare	6.5 to 6.8	Update to paragraphs to reflect changes to the operational structure of the NHS	Clarification suggested by officer
TP7	Open Spaces	7.5	NPFA has been replaced by FIT - amendment to reflect the change, and to update the space standards	Update suggested by Rissance Ltd
TP7	Open Spaces	7.33 to 7.38	Update to residential costs to reflect amended space standards	As a result of the new (FIT) space standards
TP7	Open Spaces	7.44 and 7.47	Update to commercial costs to reflect amended space standards	As a result of the new (FIT) space standards
TP7	Open Spaces	7.52	Update to wording to reflect the completion of the needs assessment	Clarification suggested by officer
TP8	Waste Management	8.6	Further clarification of basis for contribution level	Further clarification requested by Rissance Ltd
TP8	Waste Management	Figure 2	Title of table amended	Clarification suggested by officers

Topic Paper		Paragraph Number	Change Made	Reason for Change
TP9	Environmental Enhancements	9.6	Inclusion of examples of sites or issues of environmental significance	Further clarification requested by Natural England
TP9	Environmental Enhancements	9.7	Inclusion of references to flood alleviation measures and green corridors	Further clarification requested by Environment Agency, and Natural England
TP10	Archaeology, Conservation and the Historic Environment	10.17	Email address has been hyperlinked	Request by officer
TP10	Archaeology, Conservation and the Historic Environment	10.17	Addition of Source document box at the end of the Topic Paper	Request by officer
TP11	Fire and Rescue Infrastructure	n/a	No changes made	
TP12	Preventing Crime and Disorder	12.18	New paragraph after 12.18 to include requirements for strategic / significant new developments	Further clarification requested by Thames Valley Police
TP12	Preventing Crime and Disorder	12.24	Inclusion of reference to Thames Valley Police, and police kit and equipment.	Further clarification requested by Thames Valley Police
TP12	Preventing Crime and Disorder	12.27	New paragraph after 12.27 to include information about Automatic Number Plate Recognition Cameras (ANPR). Inclusion of ANPR in paragraphs 12.28 and 12.29	Further clarification requested by Thames Valley Police
TP13	Adult Social Care	n/a	No changes made	
EC	Example Contributions Document	13,15 and 17	Notes added to tables to clarify that the requirement for affordable housing will be applied to the gross number of dwellings on a site - in accordance with Policy CS6 of the adopted West Berkshire Local Plan Core Strategy	Clarification suggested by officers
EC	Example Contributions Document	12,13, and 20	Adjustment to open space contribution levels for residential and commercial.	As a result of the new (FIT) space standards

STATEMENT OF CONSULTATION

Delivering Investment from Sustainable Development Draft SPD

Public Consultation from 15th February 2013 to 2nd April 2013

Total of 40 comments from 18 contributing consultees

Consultee / Agent		On Behalf Of	Consultation Response	Council's Response	Proposed Action
Full Name	Company / Organisation				
Responses Received on the overall SPD Documentation					
Ms Fiona Hope	Berkshire Gardens Trust		Please see Berkshire Gardens Trust comments in relation to Topic Paper 10 below. Fiona Hope, BGT Exec. Sec.	Noted – please see page 33 of this document	No change
Mrs Jayne Kirk	Stratfield Mortimer Parish Council		Stratfield Mortimer Parish Council found this to be a good document and fully support this.	Thank you for responding. Your response is noted.	No change
Professor Andrew Holmes			I have looked at the draft development map for Hungerford and it shows a strong tendency for Hungerford to develop to the south rather than more uniformly in all directions. This places a severe strain on transport as the A338 has a bad bottle neck at the bridge over the canal and also increases local traffic on the A338 as the more remote southern part of the town can only reach the centre and industrial areas by car. As there is no north-south bypass but there is good east-west communications, it would be far more logical to develop either the eastern or western town boundaries and possibly the	This response was not intended for this consultation. The consultee has been informed and the consultation response has been redirected.	No change

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			northern edge also. These areas are far closer to the town centre and service areas including the railway. In short I think the present draft plan is not consistent with sustainable town development or the recent Hungerford Town Survey and is more in keeping with developer's wishes. This should be changed!		
Mr Duncan Crook	Ressance Limited		According to our analysis of the proposed CIL rates, on a like for like basis CIL will result in significantly lower contributions. We calculate approximately 40% lower for a 4-bed house and almost 25% lower for a 2-bed flat. This, together with other our comments and comparisons to other local authorities charging regime points towards excessive charging under SPG 4/04.	Your comment is noted; however CIL and S106 are totally separate mechanisms and cannot be directly compared. The Community Infrastructure Levy (CIL) Regulations define the methodology for calculating the rate payable, and will result in insufficient funds to deliver the infrastructure required as a result of development. This is in comparison to the current policy where the impact of development is fully mitigated.	No change
Mr John Moran	Health and Safety Executive		We have concluded that we have no representation to make at this stage of your local planning process. This is because there is insufficient information in the consultation documents on the location and use class of sites that could be developed. In the absence of this information, the HSE is unable to give advice regarding the compatibility of future developments within the consultation zones of major hazard installations and MAHPs located in the area of your local plan.	Thank you for responding. Your comment is noted.	No change

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Mrs Shirley Goodhind			All of the development will only overload the present transport, health and social facilities in this backwater area. The appropriate approach would be to build up the existing infrastructure to provide an adequate structure for current population size. Then consider how to go forward with development proposals jointly with services provision.	Your comment is noted, however S106 contributions can only be sought to mitigate the impact of new development. They cannot be used to resolve existing deficiencies.	No change
Comments Received on the Core Guidance Paper					
Mr Graham Hunt	Newbury Town Council		<p>Thank you for the opportunity to respond to the Consultation on the West Berkshire Council - Delivering Investment from Sustainable Development Draft SPD. Given that current S106 requests are delegated to the Chief Executive Officer, this response was drafted by the Chief Executive Officer and subsequently discussed and ratified at the Planning & Highways Committee meeting of Newbury Town Council on 11 March 2013.</p> <p>a) Although a fundamental update to the document, to cater for significant changes in the planning regime, Newbury Town Council is pleased to see the continuation of existing S106 Planning Obligation calculations in use for as long as possible, before the switch over to the Community Infrastructure Levy.</p>	Thank you for responding. Your response is noted.	No change
Mr David Wilson	Savills	Thames Water	<p>Thames Water Utilities Ltd (Thames Water) Property Services function is now being delivered by Savills (UK) Limited as Thames Water's appointed supplier. Savills are therefore pleased to respond to the above consultation on behalf of Thames Water.</p> <p>Thames Water are the statutory water and sewerage undertaker for the West Berks District and are hence a "specific consultation body" in accordance with the Town & Country Planning (Local Planning)</p>	<p>West Berkshire Council accepts that there is a clear link between development and additional pressure on water supply and waste water infrastructure.</p> <p>However the SPD is concerned with the collection of developer</p>	No change

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			<p>Regulations 2012. The provision of sewerage/waste water and water infrastructure is essential to any development.</p> <p>We have the following comments on the consultation document:</p> <p>Omission of Section on Water Supply and Waste Water Infrastructure</p> <p>Regarding the funding of water and sewerage infrastructure, it is Thames Water's understanding that Section 106 Agreements cannot be required to be used to secure water and waste water infrastructure upgrades. However, it is essential to ensure that such infrastructure is in place to avoid unacceptable impacts on the environment such as sewage flooding of residential and commercial property, pollution of land and watercourses plus water shortages with associated low pressure water supply problems.</p> <p>Water and sewerage undertakers also have limited powers under the water industry act to prevent connection ahead of infrastructure upgrades and therefore rely heavily on the planning system to ensure infrastructure is provided ahead of development either through phasing and Local Plan policies or the use of Grampian style conditions attached to planning permissions.</p> <p>It is essential that developers demonstrate that adequate capacity exists both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to overloading of existing water & sewerage infrastructure. Where there is a capacity problem and no improvements are programmed by the</p>	<p>contributions and mitigation measures through S106 of the Town and Country Planning Act 1990. It would not be appropriate to include the wording as suggested, given that the mitigation, if required, is achieved through another route. Thames Water is consulted on all planning application and where additional mitigation is required, a planning condition or an informative is included within planning decision notices to enable the mitigation measure(s) to be dealt with by the developer directly with Thames Water.</p>	

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			<p>water company, then the developer needs to contact the water company to agree what improvements are required and how they will be funded prior to any occupation of the development.</p> <p>Thames Water relies heavily on the planning process to ensure they have the necessary infrastructure in areas where development is clearly identified and seek planning conditions where it is not. Capacity problems, possibly leading to flooding, could occur in some cases if Thames Water have not been given the opportunity, either through advance planning or through conditional planning approvals, to provide the capacity prior to the development taking place.</p> <p>If the developer fails to consult with Thames Water in the early planning stages then, as noted above, this will lead to Thames Water requesting a Grampian style condition or potentially objecting to the application.</p> <p>We therefore consider that the following section should also be added to the SPD:</p> <p>“Water Supply & Sewerage Infrastructure</p> <p>Developers will be required to demonstrate that there is adequate water supply, waste water capacity and surface water drainage both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing water and/or waste water infrastructure. Drainage on the site must maintain separation of foul and surface flows.</p>		

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			<p>Further information for Developers on water/sewerage infrastructure can be found on Thames Water's website at: http://www.thameswater.co.uk/cps/rde/xchg/corp/hs.xsl/558.htm</p> <p>Or contact can be made with Thames Water Developer Services</p> <p>By post at: Thames Water Developer Services, Reading Mailroom, Rose Kiln Court, Rose Kiln Lane, Reading RG2 0BY;</p> <p>By telephone on: 0845 850 2777;</p> <p>Or by email: developer.services@thameswater.co.uk "</p> <p>Flood Risk</p> <p>In relation to flood risk, the guidance needs to make reference to flooding from sewers as pluvial flooding is particularly significant in urban areas.</p> <p>The technical Guidance to the National Planning Policy Framework which retains key elements of PPS25: Development and Flood Risk states that a sequential approach should be used by local planning authorities in areas to be at risk from forms of flooding other than from river and sea which includes "Flooding from Sewers".</p> <p>It is vital that sewerage/waste water treatment infrastructure is in place ahead of development if sewer flooding issues are to be avoided. It is also important not to under estimate the time required to deliver necessary infrastructure, for example:</p>		

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			<p>- local network upgrades take around 18 months</p> <p>- sewage treatment works upgrades can take 3-5 years</p> <p>As part of surface water management plans the Council may wish to consider using S106 or CIL contributions for enhancements to the sewerage network beyond that covered by the Water Industry Act and sewerage undertakers, for example by providing greater levels of protection for surface water flooding schemes. Sewerage undertakers are currently only funded to a circa 1:30 flood event.</p>		
Mr Paul Lawrence	Burghfield Parish Council		<p>Burghfield Parish Council, having reviewed the draft for consultation document "Delivering Investment from Sustainable Development" is broadly in favour of the approach taken by WBDC.</p> <p>However there are a couple of points noted that BPC seek clarification on and possibly amendment to the document once they have been considered.</p> <p>The Section 106 contributions/agreements are mentioned alongside the CIL. It is not clear when or even if one takes over from the other or how each is different from the other in the context of this document. It would help if there was a clear statement of focus of how WBDC is planning on using them in the arena of planning.</p>	The Core Guidance document will be updated to further clarify the residual use of S106 and the SPD for Developer Contributions, once the Council adopts a CIL. Further clarification will also be added to the Draft Charging Schedule.	The Core Guidance will be updated, and further clarification will be included in the Draft Charging Schedule
Miss Jessica Stanley	Deloitte LLP	Oxford Properties	<p>The introduction of the Community Infrastructure Levy (CIL) has significant implications for the use of Section 106 Planning Obligations (S106) which is not fully considered in the introduction to the SPD.</p> <p>Section 3 and 12 of the SPD does not fully explain how CIL and S106</p>	The Core Guidance document will be updated to further clarify the residual use of S106 and the SPD for Developer Contributions, once the Council adopts a CIL. Further	The Core Guidance will be updated, and further clarification

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			<p>will be used together as methods of securing infrastructure and community benefits. The document should set out how CIL differs from S106 contributions and be clear what both CIL and S106 are intended to be used for.</p> <p>The introduction should reflect that deliverability and viability should be a key consideration when negotiating S106 requirements in line with paragraph 173 of the NPPF. Paragraph 173 states:</p> <p>... "Sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of the development to be deliverable."</p>	<p>clarification will also be added to the Draft Charging Schedule.</p> <p>Each planning application is assessed individually and site viability is a consideration. Applicants are invited to submit viability studies if necessary.</p>	will be included in the Draft Charging Schedule
Mr Duncan Crook	Ressance Limited		<p>As a result of errors in formulae, data and methodological approach, the Council has benefited from excessive contributions in the past (e.g. Public Open Space contribution between 2004 and 2007 was £4,133 per 2-bedroom flat. It reduced to around £1,200 following corrections to formulae/occupancy in 2007 consequent of a planning appeal (£1,330 as at 2010). On data produced by the Council in this consultation the contribution for a 2-bed flat should be at most £682 (about 50% less than 2010 value), which means that historical contributions were vastly excessive. In Section 106 agreements indexation is routinely added to the excessive charges, thereby compounding the excess.</p> <p>Seeking to increase contributions in the midst of a property crisis especially considering the previous overcharges will be counter</p>	<p>The overall approach to seeking contributions on a formulaic basis is established and has withstood challenges both at planning appeal and at the High Court. The formulaic approach to seeking developer contributions has necessarily been refined since the original adoption of the Supplementary Planning Guidance in 2004. Contributions, where sought, reflect the actual cost of mitigating harm caused by development.</p>	No change

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			productive to economic growth and put businesses and employment at risk. It would also constrain the supply of new housing and place more strain on Affordable Housing.	Indexation is an accepted, reasonable method of ensuring the current value of a contribution is paid when it becomes due. Contributions are sought to mitigate the impact of development on local infrastructure and services. It is reasonable to make adjustments to the expected contribution levels.	
			We question the accuracy of average occupancy data. Please see comments relating to Education TP3.	Please see response below in respect to the Education comment	
Comments received on Affordable Housing (Topic Paper 1)					
Mr Duncan Crook	Ressance Limited		No evidence is supplied to support 70/30 social rented/intermediate equity mix.	The Housing Needs Assessment & Affordable Rent Review 2012 has demonstrated that this tenure split is valid.	No changes
			Pepper Potting: This method of delivery is impractical and costly in terms of construction and on-going management and maintenance. Pepper potting is therefore counter productive in terms of affordability.	The NPPF recognises the need to develop mixed, sustainable communities at neighbourhood level. Each site will be assessed at its own merits based on the housing needs at the time of the planning application.	

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			Design Standard: The design standard imposed by the Council is far higher than for private housing. This adds to the cost of provision which is counter productive. Furthermore, the Topic Paper is clear AH is to be supplied without grant funding (the basis used for calculating the commuted sums) then the reason for the enhanced standard is invalid.	The Council expects a minimum standard to ensure the sustainability of affordable housing in the District. Policy CS15 of the Adopted Core Strategy established that all development must meet Code for Sustainable Homes Level 4 as standard.	
			AH2 Definition: By seeking to achieve rents below 80% of open market the Council is at odds with the cut and thrust of Government Policy, which is to increase supply by improving rental values. Furthermore, the statement is ambiguous; does it mean seek one percentage point or something else entirely? The reference to the Councils intention to seek lower rents should be removed.	AH2 states that Affordable Rents will be available at up to 80%, which is in line with Government policy. Furthermore, the Housing Needs Assessment & Affordable Rent Review 2012 has demonstrated that rents at 80% of Open Market Value are unaffordable in this District.	
			Committed Sum: The approach to calculation is fundamentally flawed as it seeks to secure a share in profit for the Council. The calculation should have the same impact as if actual housing units were delivered. Using 2-bedroom flats for the purpose of illustration: The Council's example of a development of 30 units contributing actual housing would produce an affordable housing contribution of 9 units, 6 of which would be social rent and 3 intermediate. The value of these units (assuming the Council's unit values) should be 6 x £98,817 plus 3 x £62,416 (the latter being 35% of open market value). Total value £780,151. This is what the contribution amount should be. The	The calculation is based upon social rent as this is the tenure of greatest need in the District. The calculation takes into consideration the benefit that the developer achieves by having 100% private housing on the originating site.	

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			Council's formula produces a value of £1,185,804. Consequently the Council would receive £405,653 or 52% more than it should. Grossing up a development results in a share of the development profit, which is not permissible. Failure to take Intermediate Housing in to account is at odds with the Council's AH policy.		
Comments received on Transport (Topic Paper 2)					
Mr Benjamin Walmsley			<ul style="list-style-type: none"> - Developments should ensure that the traffic flow at bottleneck points during peak-times continues to be free flowing, which in Hungerford means the town bridge. Developers should be required to fund developments to ensure that peak-time traffic flow is able to achieve two thirds of the appropriate speed limit for that road section (e.g. 20mph in a 30pmh zone). - Developers funding should be sought to cover the cost of implementing traffic control measures in areas that are going to be impacted by the development, not restricted to the immediate area. For example, speed control measures at the entry/exit points of towns. - Developers should be required to mitigate local pinch points that would prevent free access (ingress and egress) for the emergency services and regular traffic in the case of a major arterial road into the built up area is blocked due to road works or accident. Where this happens, backup routes should be collectively able to cover the same flow volume of traffic maintaining at least two thirds of the appropriate speed limits for the arterial road. This will ensure that emergency and high-priority traffic is not caught up in gridlock. - Under 'Travel Plans' (sections 2.9 – 2.13), an additional surcharge 	<p>Thank you for your comments in relation to transport mitigation measures. The Council's aim is to ensure that traffic congestion is not worsened by development.</p> <p>Larger development proposals are submitted with a transport assessment, to assess the impact of development and set out measures to mitigate the impact. A travel plan is also required to encourage travel by means other than the car, and therefore has the aim of reducing congestion.</p> <p>To specify revenue contributions for bus services for a period of 20 years would be unduly onerous and at a prohibitive cost to the developer. It would also be extremely difficult to accurately forecast the level of subsidy that</p>	No changes

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			<p>should be placed on developers where the developments will result in out-of-town daily migration of traffic, with the level of the surcharge increasing with the greater distance likely to be travelled. This will directly contribute to sustainable developments, driving employment into the local areas and supporting the government/councils green agendas through trying to limit the number of cars performing long journeys.</p> <p>- Under section 2.15, the revenue contributions from developers to public transport improvements should be for 20 years rather than 5 to ensure that these transport routes remain in place long enough for the community to establish a foothold. This is in line with the duration of funding under "TP 12 - Preventing Crime and Disorder".</p>	<p>would be required for later years. The current 5-year time frame should, in most cases, allow for the successful introduction of services to be supported at an appropriately sized development for sufficient time for services to be marketed etc so that they have a good chance of being financially sustainable at the end of the 5-year funding period.</p>	
Mr Ian Wheaton	Network Rail		<p>Network Rail has been consulted by West Berkshire Council on the Delivering Investment from Sustainable Development Draft SPD Consultation. Thank you for providing us with this opportunity to comment on this planning document. This email forms the basis of our response to this consultation request.</p> <p>As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.</p> <p>The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in</p>	<p>Thank you for your response. Identification of potential additional rail passenger numbers could be included as part of the Transport assessment where relevant. Measures and initiatives to encourage rail travel could be included as part of the Travel Plan process to encourage wider sustainable travel. Given the completed rail station audits, we are well placed to identify station improvements with Network Rail and the train operating company where appropriate.</p> <p>Appropriate additions will be made</p>	<p>Inclusion of new paragraph above Paragraph 2.4 to clarify the use of transport assessments. Inclusion of new paragraph below Paragraph 2.14 to set out possible rail</p>

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			<p>support of a planning application that this quantifies in detail the likely impact on the rail network.</p> <p>To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:</p> <ul style="list-style-type: none"> • A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated. <p>Upon further review of this document, in reference to those aspects surrounding the Community Infrastructure Levy and those obligations that would be required through the sites redevelopment, we would refer the Council to Network Rails comments provided on the consultation of the CIL Preliminary Draft Charging Schedule.</p> <p>Thank you for providing us with this opportunity to comment on this Planning Policy document. I would be grateful if confirmation of receipt of these comments could be provided.</p>	to the Topic Paper.	infrastructure requirements.
Mr Duncan Crook	Ressance Limited		<p>We obtained from the Council information relation to the level of per bedroom charges. The information merely states the amount per metre to be applied and does not provide any evidence to justify the calculation of the financial sum being sought.</p>	As detailed in Paragraph 2.6 of Topic Paper 2, the costs are based on (a) the cost of damage to transport infrastructure by the increased traffic, and (b) the increased transport needs by the increased population, as a result of development. The cost was	

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				established in 2003 and has been regularly increased since then in line with increases in construction costs.	
Miss Jessica Stanley	Deloitte LLP	Oxford Properties	<p>It is not clear how CIL and S106 will be applied to new developments in order to secure transport contributions in a manner which is transparent and avoids double counting. It is noted that this will be especially relevant to residential schemes given that the draft charging schedule sets a nil rate for employment development. At present, CIL is expected to be used to fund "road and other transport facilities" and S106 is required to fund transport infrastructure. The distinction is not clear and further information should be provided. It is noted that subsequent drafts of the CIL charging schedule should identify key infrastructure projects that CIL will fund.</p> <p>The SPD states at Section 2.5 that:</p> <p>"West Berkshire Council will seek contributions towards off-site improvements such as new and improved road infrastructure, traffic calming, public transport improvements, cycleways, footpaths, lighting and associated landscaping to mitigate the potential transport impact of a development and to provide other forms of transport. The Council may also in appropriate circumstances seek ongoing revenue contributions to fund the running of a service made necessary by the development."</p> <p>This section should be clear about how the Authority intends to capture contributions from S106 and how that will be managed alongside the charges to be imposed through CIL.</p>	<p>The Core Guidance document will be updated to further clarify the residual use of S106 and the SPD for Developer Contributions, once the Council adopts a CIL. Further clarification will also be added to the Draft Charging Schedule.</p> <p>Each planning application is assessed individually and site viability is a consideration. Applicants are invited to submit viability studies if necessary.</p>	The Core Guidance will be updated, and further clarification will be included in the Draft Charging Schedule

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			Section 2.8 is not clear either upon the circumstances that Table 2 of the SPD's Core Guidance Paper will be applied to commercial, industrial, retail and leisure development or in relation to the exceptions to this requirement that will be considered, taking into account the individual circumstances of a site.		
Comments received on Education (Topic Paper 3)					
Mr Benjamin Walmsley			- Funding for additional educational establishments should be assured through primary and secondary, but also to include pre-school and college education to ensure that these 'home based' phases of education are available to the proportion of the population that requires them	A contribution is sought for Early Years, Primary and Secondary education. This includes children and young people from 3 - 18 years. These age groups have a statutory entitlement to education in some form and it is this that we seek a contribution for.	No change
			- Developer funding should be proportionate to ensure that facilities are available within short-commuting distance (i.e. max 20 mins) to support working families	West Berkshire Council arranges its schools on a catchment area basis. Our Admissions Policy is based on pupils living within the catchment area of the school and it is on this basis that we seek our developer contributions.	No change
			- The catchment area capacity calculations in 3.17 – 3.22 are ineffective for areas bordering other counties (e.g. Hungerford). The school age population needs to include out-of-catchment registrations in neighbouring counties to ensure that the funding/educational gaps are not underestimated leaving a funding gap in the budget.	Each LA has a statutory duty to provide sufficient school places for the children residing within the district. This LA seeks to provide these places at the catchment school and seeks a contribution from the developer where	No change

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				sufficient places do not already exist. This LA only seeks a contribution from developments within the district and also seeks to spend these contributions only within the district. Schools outside the LA area are outside our control - we cannot ensure that places are provided and offered therefore cannot seek to mitigate an impact outside our boundaries. This does not prevent movement across boundaries, if parents choose and sufficient capacity exists.	
			- Section 3.29 leaves a loophole for development in areas where school capacity exists, resulting in West Berkshire covering the increased costs from development. Contributions should be sought from all developments regardless of existing capacity to ensure this does not leave a budget gap for the county	Planning law requires that any contributions sought meet a number of tests, one of which is that there is a harm which requires mitigation. In terms of school places, if we can accommodate the pupils from a development then harm is not created and under planning law a contribution cannot be sought. In this case, if capacity existed the Council would not incur any costs as the infrastructure already existed.	No change
			- 3.37 includes project management cost at 1%. This should be benchmarked against industry standards for project management	This 1% contribution is not for project management. It is to fund	No change

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			<p>effort required the private housing developments to ensure that this is sufficient</p>	<p>the resource needed within the Client service for the development, with key stakeholders, of a strategic project brief and for client input into the delivery of the project. This is additional workload which results directly from the project and would not be carried out ordinarily. A contribution for Project Design and Development has been sought since August 2008, following the same methodology outlined in the Supplementary Planning Document. It was subject to public consultation in 2008 prior to being adopted by the Council. This was again subject to public consultation in Autumn 2011.</p>	
			<p>- Sections 3.39 & 3.40, should make reference to no excluding developer funding of operating (long-term) costs in favour of capital funding for facilities (one-time costs). Operating costs will outweigh the one-time costs quite considerably. Both should be required.</p>	<p>We seek Section 106 contributions for the provision of capital infrastructure. Revenue costs for schools are met by a funding formula, based on pupil numbers. This will therefore increase accordingly if schools expand.</p>	No change
Mr Duncan Crook	Ressance Limited		<p>Housing Study: In response to the consultation in 2011 we called into question the robustness of the housing study. The average occupancy used to calculate contributions appears not to have taken</p>	<p>The study was carried out following the same methodology as previously employed. The study</p>	No change

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			our comments into account. The comments are repeated below:	was carried out across the Berkshire Unitary authorities, so we all follow a common approach. A professional, independent market research company carries out the research for us and uses an appropriate method for securing interviews and information. The company chooses the addresses from a large sample provided by each LA. The company is required to provide us with statistically reliable data that is relevant to our authority area. We do not rely on data for other parts of the county. The housing study is therefore local, statistically reliable and independent.	
			1. In some cases the sample size is very small, for example for two bedroom flats there are just 23 dwellings in the case of private market and 42 overall. This compares with 96 overall in the 2005 study	The independent Market Research company was asked to provide statistically reliable data on each of the housing types and sizes. This data was provided from across the district, and addresses were selected by the market research company from the sample provided.	No change
			2. Rissance has examined sales data from 45 2-bedroom private	The data that we have is district	No change

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			market flats developed within the past 4 years and has found that child (3 – 17) occupancy is approximately 0.088, which is 34% of the number found in the recent WBC housing study but roughly accords with the value from the Council's 2005 study.	wide and is based on a sample taken by an independent market research company. It is fair comment that across the district there may be pockets of higher or lower pupils numbers than the research suggests, however we feel that the methodology used to carry out the survey, and the use of a professional and independent company, is the most transparent way, that we are aware of, for securing information on pupil numbers.	
			3. The statistical values are very different to that in the previous study (2005). For example the number of children aged 3 – 17 in 2-bedroom flats (all tenures) was 0.17 in 2005 compared to 0.21 in the current study. In private market flats the gap is even greater, the values are 0.1 compared to 0.21. Conversely the child occupancy in Affordable Housing is far higher than in 2005 (0.58).	Our housing study was carried out using the same methodology as previously and has shown an increase in pupil numbers in this size of property. As stated above there may be factors that have influenced this, but we have to rely on the data provided.	No change
			4. The all-age all-dwelling average occupancy value from the new data appears to be 2.82. This is at odds with 2.46 in the District Profile published by the Council.	The data that we have relates to the impact from new housing as this is what we seek to mitigate. Our data suggests a higher child yield from new dwellings when comparing them with numbers from all housing - we were able to	No change

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				compare a previous survey to the previous census as they had been collected at a similar time. The difference between pupil numbers from now and all housing may be why there is a difference between our data and the district profile data.	
			Average Occupancy: As it would be impractical to supply detailed analysis for each dwelling type Ressance has supplied examples based on 2-bedroom flats. We understand that the only criteria used to calculate average occupancy are age and dwelling type (i.e. number of bedrooms). Specifically the Council's average occupancy does not take into account other data collated, for example tenure or migration (i.e. moved within borough or moved into borough).	For the reasons stated elsewhere in this response we have sought to determine the numbers of pupils generated by all new housing. Children have to be educated regardless of the tenure of the property concerned. As stated below, the calculation could become incredibly complex and introduce a lot of uncertainty if a number of different factors were weighted against the information. As mentioned above, the key for the education service is how many pupils we expect from a development that we will need to ensure sufficient education provision for.	No change
			Accounting for Migration: Migration has a considerable effect on occupancy: Our analysis of 2-bedroom flats reveals that calculating impact based on new dwellings whose occupants have moved in to	Additional housing will necessarily put additional pressure on the infrastructure in the area. This	No change

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			<p>the district reduces school age child occupancy by about 65%. Quite clearly the impact on services from new development is a product of people moving into the district. We realise it could be argued that people moving within the borough could release old housing stock for new occupants, but it is unsafe to assume that all occupants of new housing will result in immigration to the district; for example many smaller households (e.g. flats) are formed by young adults leaving home or divorce. The Council has not collected that data. It follows therefore that the Council's occupancy calculation should be based only on the data available, or the Council should investigate net migration.</p>	<p>impact has to be met. As a Section 106 contribution is to mitigate the impact of the life of the development, it is reasonable to assume that over time children will live in these houses and will want to access the catchment school - which therefore has to have sufficient capacity to meet this demand. It is not possible to 'remove' non-catchment pupils from a school to allow pupils from a development to gain access. A single point in time is used to determine capacity, regardless of where the pupils come from. We therefore do not take into account forecasts, parental choice or out of area pupils - if we did we would have to factor in a number of different areas and the process would become more complex and less certain for all involved. Our approach is based on fact and can be justified.</p>	
			<p>Catchment: Calculating contributions by assessing capacity in catchment schools is fundamentally flawed: If there is insufficient capacity in a "catchment school" then a developer contribution will not result in a child in new development being given a place in a catchment school. In reality, if no "catchment" place exists then the</p>	<p>This LA organises admissions on a catchment area basis. Pupils and parents have an expectation that they will receive a place at the catchment school. They are then</p>	<p>No change</p>

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			<p>"new" child will attend a school elsewhere in the district that has capacity. Hence in such circumstances the developer's contribution would not have any effect which could be directly linked to the particular new development, as is the requirement in CIL and Circular 5/05. Furthermore catchment schools are far too prescriptive; there are many instances where there is a choice of several schools within an acceptable distance from the development site. Many "catchment" schools are attended by children from outside the district (e.g. apparently 30%-40% of pupils attending St. Bartholomew School are not from within the catchment and many are from outside West Berkshire). The point being that but for "non-catchment" children, a school might have capacity. The Council should adopt distance (e.g. radius of five miles) criterion rather than a single catchment. Contributions should be assessed based on capacity within the radius.</p>	<p>able to choose another place if they wish. It is not appropriate for a family to be expected to choose another school because a developer has failed to mitigate the impact of that development and for the taxpayer to have to pay to transport that child to another school. This approach would also fail to meet the tests of the circulars and also of CIL regulations where we have to show a geographical link between the development and the harm created.</p> <p>We have a statutory duty to provide sufficient places for the pupils of West Berkshire. In order to do this effectively we have organised the district into areas, around our schools - these are the catchment areas. We therefore aim to ensure that the catchment school is of sufficient size to meet the expected demand from the housing within this area. If the housing levels rise, then the numbers of places available will also need to rise to ensure that the catchment school can continue to</p>	

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				meet the demand. In order for the Council to continue to organise school places we cannot change catchment areas to suit individual developments - this is a statutory process that takes several years to complete - and we cannot send children from some developments to other schools. The admissions process is complex and is based on catchment areas, as well as parental choice to some degree.	
			1-bed dwellings: The sample data does not justify a contribution from 1-bedroom flats. There are 62 flats in the sample of which one has a school age (incl. early years) child but the occupant moved within the borough (i.e. the child was already in the system). Furthermore that single unit is an Affordable Housing dwelling; there are no school age children in Private Market dwellings.	The amount sought is proportionate to the numbers of children identified. The survey did identify an impact and this is what developers are being asked to meet. Children may reside within the district but we seek to ensure that there is sufficient capacity at the schools that serve the developments, the catchment schools. Overall the numbers of dwellings in the district has increased and therefore sufficient places, where places do not already exist, need to be provided to serve the development site.	No change
			Dwelling Type: Given the comments above, the Council should	It is not possible to determine the	No change

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			calculate occupancy by dwelling tenure (private and affordable housing) and apply the resulting values appropriately. This would reduce the contributions sought from private dwellings.	final tenure of all properties at planning application stage. As stated above we have sought to have a straight forward approach that could become very complex if a number of different factors are taken in to account. We do not therefore take tenure in to account. The housing study should be representative of the proportions of tenure's built across the district and therefore proportionate contributions are being sought.	
Mr Paul Lawrence	Burghfield Parish Council		<p>Burghfield Parish Council, having reviewed the draft for consultation document "Delivering Investment from Sustainable Development" is broadly in favour of the approach taken by WBDC.</p> <p>However there are a couple of points noted that BPC seek clarification on and possibly amendment to the document once they have been considered.</p> <p>Under Topic Paper 3 – Education, page 35, paragraph 3.33, last sentence:</p> <p>"A development will therefore be assessed on a by bed basis and on a net gain of dwellings not bedrooms."</p> <p>Please explain how this as it seems contradictory,</p>	Thank you for your response. We will amend this paragraph of the Topic Paper for clarification.	Remove ' <i>and on a net gain of dwellings not bedrooms</i> ' from the paragraph 3.33 of Topic Paper 3.

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Comments received on Libraries (Topic Paper 4)					
Mr Duncan Crook	Ressance Limited		Average Occupancy: See comments relating to Education	Please see response provided for the Education comments.	No change
Miss Jessica Stanley	Deloitte LLP	Oxford Properties	Section 4.19 implies that all proposed commercial development should provide a financial contribution to library authorities. A blanket approach should not be applied and this section should recognise that the level of contribution required should be assessed on the individual circumstances of a site.	A formulaic approach is considered a reasonable way to ensure that the likely impact of development is mitigated. Each planning application is assessed individually having regard to the impact the proposed development will have on council services and infrastructure.	No change
Comments received on Community Facilities (Topic Paper 5)					
Ms Rose Freeman	The Theatres Trust		<p>Thank you for the email from 'Objective' of 15 February consulting The Theatres Trust on the Draft Supplementary Planning Document, Delivering Investment from Sustainable Development.</p> <p>Following our comments in October 2011 on the Developer Contributions Topic Papers regarding clarity for a description of the term 'community facilities' in Topic Paper 5, we reiterate our request for your cultural buildings to be included as part of the 'family' of community facilities.</p> <p>Policy S6 on Community Infrastructure in The Regional Spatial Strategy for South East England is quoted on page 6 with the guidance that policies should contain creative thinking and action on new mixes of cultural and community facilities.</p>	Thank you for your comments; we will include the definition of community facilities to improve clarity within Topic Paper 5.	Amend Paragraph 5.5 of Topic Paper 5

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			<p>Also, local planning authorities are advised at item 156 of the National Planning Policy Framework that their Local Plans should set out strategic priorities to deliver the provision of health, security, community and cultural infrastructure and other local facilities.</p> <p>Paragraph 10.7 on page 68 deals with the individual assessment of a site or issue of cultural or heritage significance. Does this only refer to cultural heritage items or does it include your arts and cultural assets in the form of your theatres and art centre? It isn't clear.</p> <p>We assume that buildings that house your cultural offer such as your theatres, performance spaces and art centre should be classified as community facilities, as they are facilities for the community, and be included in this document. So that guidelines are clear and consistent, we therefore request that a comprehensive description for the term 'community facilities' is included in para.5.5 or para.56 on page 43, and recommend - community facilities provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community.</p>		
Mr Paul Lawrence	Burghfield Parish Council		<p>Burghfield Parish Council, having reviewed the draft for consultation document "Delivering Investment from Sustainable Development" is broadly in favour of the approach taken by WBDC.</p> <p>However there are a couple of points noted that BPC seek clarification on and possibly amendment to the document once they have been considered.</p> <p>Under Topic Paper 5 – Community Facilities, there is mention of community and youth facilities, but no specific note regarding</p>	<p>Thank you for your response, your support for the document is noted.</p> <p>Paragraph 5.6 includes examples of community facilities and covers facilities that may be required by or used by the older generation. No change to the Topic Paper is proposed</p>	No change

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			"pensioner" specific facilities and as the demographics of country/district seem to be changing towards the older generation, would WBDC not consider such provision or mention note worthy?		
Comments received on Healthcare (Topic Paper 6)					
Mr Benjamin Walmsley			<ul style="list-style-type: none"> - The calculation of GP list size does not take account of the population demographic of the local area, or the number of appointment times available (resulting from part-time GPs) and therefore the actual pressure on the practice. - Healthcare funding required should be based on this actual appointments and care required from the local population to ensure developer funding is appropriate. For example, higher funding and lower list sizes (meaning longer appointments) for areas with an older population density. - There is no funding consideration for additional social, home or palliative care based on local demographics. This is necessary to ensure that local services area appropriately sized for the local demand. 	West Berkshire Council has adopted a formulaic approach to arrive at the likely impact from development in the West Berkshire. A balance has been reached between recognising that an impact is created without making the calculation too detailed and onerous. Whilst your suggestion could provide a local result, the process would become very complex and would not be appropriate.	No change
Mr Duncan Crook	Ressance Limited		There is no rationale to support the link between average patient list and the WTE doctor's capacity. Indeed, by definition a WTE doctor must be capable of servicing more than the UK average list size, which means that the hurdle rate at which Council is seeking to impose a contribution is too low. The Council should have carried out research into local provision to determine capacity. Our research suggests that a WTE doctor can accommodate over 2,500 patients.	The Topic Paper sets out the basis for requesting contributions towards healthcare. The average list size across the UK is taken as a benchmark to establish that those facilities with a greater list size are considered to be operating under pressure. The approach is reasonable and allows	

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				GP surgeries in West Berkshire to continue to offer adequate facilities to serve the increased population.	
			Dwelling Occupancy: See comment relating to Education.	Please see response provided for the Education comments.	
			Average Occupancy: See comments relating to Education	Please see response provided for the Education comments.	
Comments received on Open Space (Topic Paper 7)					
Mr Graham Hunt	Newbury Town Council		<p>Thank you for the opportunity to respond to the Consultation on the West Berkshire Council - Delivering Investment from Sustainable Development Draft SPD. Given that current S106 requests are delegated to the Chief Executive Officer, this response was drafted by the Chief Executive Officer and subsequently discussed and ratified at the Planning & Highways Committee meeting of Newbury Town Council on 11 March 2013.</p> <p>b) Newbury Town Council has successfully worked in partnership with West Berkshire Council in this area over many years, particularly in relation to Developer Contributions relating to Open Space. The changes in Open Space contributions (although mostly downwards) appear to be based on sound justifications and have the approval of Newbury Town Council.</p>	Thank you for responding. Your response is noted.	No action
Miss Jessica Stanley	Deloitte LLP	Oxford Properties	Given the significant network of open space that has already been established within Green Park, we would request that the Local Planning Authority considers specifically excluding the area from the requirement to provide financial contributions to open space. We do	Your response is noted. Each planning application is assessed individually having regard to the impact the proposed development	No action

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			however welcome the exemption approach applied at Section 7.49 which allows for individual site circumstances to be assessed and recognises that commercial developments which provide on site open space should not be required to contribute to open space provision elsewhere in the Borough.	will have on council services and infrastructure. This includes assessment of open spaces already provided in the vicinity.	
Mr Duncan Crook	Ressance Limited		<p>Calculator:</p> <p>1. The POS calculator contains an error in that it uses a child occupancy value for children of all ages whereas it should use the average for children aged 3 to 17. For example, in the case of 2-bedroom flats the impact is that 0.38 should be reduced to 0.24 (or 0.21 according to our analysis of the housing data), which produces a corrected contribution of £682 per dwelling.</p>	Developer contributions are sought to mitigate the impact caused by development, not just at the point of occupation, but throughout the life of the development. It is appropriate to use the child occupancy figure for all ages in order that the full impact of the development is mitigated.	
			2. The comparison sum in cell E179 is incorrect	Thank you for advising us. The cell has been corrected.	Spreadsheet corrected
			<p>Space Standard: The Council has cited NPFA standard for playing fields and equipped play space. From 2007 NPFA was renamed Fields in Trust (FIT). The Council must state which FIT standard is being applied; the areas prescribed areas by the Council do not appear in FIT's guide - Planning and Design for Outdoor Sport and Play There does not therefore appear to be any evidence to support to support the Council's prescribed areas (not least given the outdated reference to NPFA). Neither 2007 Saved Policies nor the Core Strategy polices provide policy backed breakdown of space and do not mention Equipped Play Space. Furthermore it is inappropriate to base space standards on national occupancy averages and then</p>	<p>It is acknowledged that FIT's guide 'Planning and Design for Outdoor Sport and Play' has superseded the NPFA standard and that the SPD should reflect this. The new standards are:</p> <ul style="list-style-type: none"> • 1.2ha of sports pitches per 1000 persons • 1.6ha of informal open space per 1000 persons • 0.25ha of equipped play 	Topic Paper to be amended and example contributions document to be amended to reflect the amended contribution levels

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			<p>apply to local occupancy averages to calculate the financial contribution (which is in effect what the Council has done). The Council has had ample opportunity to have completed an assessment of need and capacity based on current facilities. The Council has not committed to a particular method of Equipped Play Space provision (e.g. LEAP/NEAP and guidance from FIT and Play England) and the approach to costing provision is therefore unclear.</p>	<p>space per 1000 persons The Topic Paper will be updated to reflect this, and the contributions levels will be updated accordingly.</p> <p>The policy has due regard to national standards and local occupancy rates. This approach is appropriate.</p> <p>It should be noted that PPG17 referred to in the FIT document has now been superseded by the National Planning and Policy Framework. It says that open space standards should be based on an assessment of need which WBC carried out in 2005.</p> <p>The method of calculation for equipped play space is based on a modest play area consisting of 7 items of equipment.</p>	
			Indexation: CPI preferred to RPI	RPI is used as the standard index in all S106 agreements	No change
			Occupancy: See comments relating to Education. This has a material impact on average occupancy values, especially in respect of child	Please see response above in respect to the Education	No change

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			occupants. An example for 2-bedroom flats is that average child (aged 3 to 17) occupancy = 0.12 per dwelling compared to 0.24 in the study (0.21 according to our analysis of the Housing data).	comment.	
			Accounting for Migration: See comments relating to Education. Migration has a considerable effect on occupancy: Our analysis of 2-bedroom flats reveals that calculating impact based on new dwellings whose occupants have moved in to the district reduces school age child occupancy by about 65%.	Please see response above in respect to the Education comment	No change
			Maintenance: The application of RPI is inappropriate, CPI should be used. Furthermore the explanation of how indexation will be applied (n para 7.37) is unclear. It states that the rate of indexation will be set at the date of the agreement, but the POS calculator applies a fixed rate of 3%. An average over, say, five years, should be used.	Indexation is calculated when contributions are payable and has regard to the increase between the index in place at the time the agreement is completed, compared to the index in place when the contribution becomes payable. The POS calculator estimates the cost of maintenance over the period and is set at 3%.	No change
			Assessing Existing Capacity (evidence of need): The Topic Paper makes no attempt to establish evidence of need and as such falls foul of the requirement in CIL. WBC has recent experience at appeal (e.g. APP/W0340/A/11/2146719) of the need to supply evidence of need. The correct approach should be to establish if current facilities have sufficient capacity to accommodate the impact of new development. This is the approach taken by the Education service. The Council has had ample opportunity to complete its POS Needs Assessment and	The assessment of need was carried out in 2005.	No change

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			occupancy analysis and should apply a consistent approach across all services.		
			Exemptions: Retirement housing should be exempt from contributing towards Equipped Play Area	Please refer to Para 7.39 of Topic Paper 7 where this is stated.	No change
Comments received on Waste Management (Topic Paper 8)					
Mr Duncan Crook	Ressance Limited		There is no evidence supplied to support a contribution.	Further clarification has been included in Topic Paper 8	Amend paragraph 8.6 of TP8
Comments received on Environmental Enhancements (Topic Paper 9)					
Ms Francesca Barker	Natural England		<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Thank you for allowing Natural England to comment on this draft of the Delivering Investment from Sustainable Development SPD. Our preliminary comments on the document are as follows:</p> <p>Natural England believes it would be helpful to clarify the relationship between this SPD and the Thames Basin Heaths Special Protection Area (TBH SPA). This could be done by cross-referencing the TBH SPA Delivery Guidance and the Core Strategy Area Delivery Policy 6 in this SPD. This will reaffirm to developers what contributions may be needed as part of the TBH avoidance measures detailed in the Core Strategy.</p>	The Thames Basin Heath Special Protection Area is detailed in the supporting text of West Berkshire's Local Plan Core Strategy Policy CS 17 for Biodiversity and Geodiversity – paragraph 5.113. Policy CS 17 is referred to in Paragraph 9.1 of Topic Paper 9, however further reference to the SPA will be included in Paragraph 9.6 of the Topic Paper	Amend text in Paragraph 9.6 of Topic Paper 9

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			<p>We also understand that the council has a Green Infrastructure policy (CS18), however it is not clear how this SPD sets out to fund the delivery of this?</p> <p>Topic Paper 7 (Open Space) does not appear to deal with the variety of issues that a GI Strategy would do, such as provision of accessible natural green space, flood attenuation, biodiversity etc. The council have already made a commitment to Green Infrastructure through policy CS18, and GI is promoted in the NPPF (Para 17). The SPD provides a good opportunity to help fund the delivery of the multifunctional benefits associated with GI. The production of a GI strategy would provide the basis to understand the component proposals and the costs of delivering GI in the district.</p> <p>If you need clarification on any of the issues raised, please do not hesitate to contact me.</p>	<p>Topic Papers 7 and 9 cover many of the issues you have raised adequately, however the Council intends to adopt a Green Infrastructure SPD in due course.</p>	<p>No change</p>
Mrs Cathy Harrison	Environment Agency		<p>We particularly support Topic Paper 9, but wish to add the additional element of green corridors. We are concerned that flood risk is not a separate Topic Paper.</p>	<p>Thank you for your support of the Topic Paper. Flood risk is dealt with at planning application stage, and risks are mitigated in the first instance by on-site measures secured by planning conditions. A reference to green corridors has been added to paragraph 9.7 of Topic Paper 9, together with a reference to flood alleviation measures.</p>	<p>Amend text in paragraph 9.7 of Topic Paper 9</p>
<p>Comments received on Archaeology, Conservation and the Historic Environment (Topic Paper 10)</p>					

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Ms Fiona Hope	Berkshire Gardens Trust		<p>Berkshire Gardens Trust (BGT) welcomes Topic Paper 10 and its approach, with the need for Historic Landscape Character Assessments for proposed development sites in terms of their Heritage Assets, their settings and that development should be suitable in terms of scale and form. We consider these essential elements of planning policy and in particular note the guidance available from English Heritage about such matters and particularly the Setting of Historic Assets.</p> <p>Fiona Hope, BGT Executive Secretary</p>	Thank you for responding. Your response is noted.	No changes
Mrs Sarah Orr	West Berkshire Council		<p>I have already commented/ provided text on previous versions of this and don't think there is anything else particular to add to the section on Archaeology, Conservation and the Historic Environment. However I've noticed when skimming through the whole document that some other topic papers have been formatted with a grey box titled 'Sources/ Documents referred to:' which we didn't include. If you wanted to add this box to our section for uniformity, perhaps you could list these documents for TP 10 please.</p> <p>National Planning Policy Framework - March 2012</p> <p>West Berkshire Local Plan Core Strategy - adopted July 2012</p> <p>West Berkshire Council Strategy 2013-2017 - NB if you do add this box in, could you please also edit the years of the strategy in the main body of the text from 2012-2016 as I see it's been changed from my original.</p> <p>And other very minor point - could the email address for archaeology under Contacts in 10.17 become hyperlinked?</p>	Thank you for your comments, your requested updates will be added to the Topic Paper	Update TP10 to include Source Documents box, and hyperlink for email address.

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Mr Martin Small	English Heritage		<p>Thank you for consulting English Heritage on your Council's Delivering Investment from Sustainable Development Draft Supplementary Planning Document. As the Government's Statutory Advisor on the Historic Environment, English Heritage is pleased to comment on this document. We have the following comments.</p> <p>We recommend that the SPD is fully informed by an appropriate and robust evidence base for the historic environment and heritage assets. The evidence base will help to identify issues and opportunities for the area's historic environment and heritage assets. This will contribute to a wider understanding of a place and how future development can best support the needs of existing and new communities. The evidence base will also aid in understanding and addressing the demands that new development may place on the areas that host it, and the potential implications and opportunities this may have for the historic environment.</p> <p>The evidence base is likely to include the national Heritage at Risk Register and any local at risk registers, conservation area appraisals and management plans, the Historic Environment Record, local lists, and historic characterisation studies as well as qualitative information gained through public surveys and the advice of local authority conservation officers.</p> <p>We recommend early and ongoing discussions with the Council's historic environment team. They are best placed to provide information on the historic environment, advise on local historic environment issues and priorities, indicate how heritage assets may be affected and identify opportunities for securing wider benefits through the conservation and enhancement of the historic</p>	<p>Thank you for responding, your comments are noted.</p> <p>We acknowledge that we agree with your recommendation to consider wider infrastructure investment and this is something that could be considered once CIL is adopted.</p> <p>Mitigation in relation to heritage assets, both designated and non designated are usually dealt with by means of planning conditions attached to planning permissions and listed buildings consents.</p> <p>Developer contributions are used to improve council infrastructure and services where additional harm or pressure on that infrastructure or service is caused by the development. A direct link must be proven between the development and the impact created.</p> <p>Developer contributions cannot be used to mitigate existing deficiencies in infrastructure and</p>	No changes

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			<p>environment.</p> <p>We welcome Topic Paper 10 Archaeology, Conservation and the Historic Environment. However, we feel that limiting contributions to development 'associated with a site or issue of cultural or heritage significance (including archaeological remains)' may result in missing important opportunities for investment in heritage assets as part of wider community infrastructure.</p> <p>In certain cases the direct investment in a heritage asset might be required for supporting the development of an area. For example, this could include investment in the improvement and or maintenance of a historic bridge where it is part of the transport infrastructure for the planned development. The questions to ask are:</p> <p>Are there any historic buildings, particularly those identified as at risk, which could be targeted for investment for their repair and appropriate reuse in support of the economy and/or community ?</p> <p>Are there any areas where the public realm could be highlighted for future investment, especially where the local area is likely to receive future development and increased use and pressure?</p> <p>Historic buildings, including places of worship, can accommodate many social and community services and activities as well as represent a focus for the community in their own right. Investment in their continued or improved maintenance could be warranted in supporting and extending the capacity of existing infrastructure. Promoting the adaptive reuse of a vacant or underused building or facilitating the multiple-use of existing buildings for a wider range of</p>	<p>can only be sought for improvements to assets or expansion of services in the council's control.</p> <p>No changes are proposed to the Topic Paper.</p>	

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			<p>community services might also offer the opportunity to support the repair and maintenance of historic buildings, particularly where identified nationally or locally as a building at risk.</p> <p>Are there any historic buildings delivering or with the potential to deliver social and community based services and facilities which are in need of investment for their repair and or future maintenance ?</p> <p>The historic environment and heritage assets can make a valuable contribution to green infrastructure networks and their wider functions, as for example in providing leisure and recreation opportunities, encouraging walking and cycling and strengthening local character. Historic places such as historic parks and gardens, archaeological sites, the grounds of historic buildings and green spaces within conservation areas can form part of a green infrastructure network as well as underpin the character and distinctiveness of an area and its sense of place. Other heritage assets can also offer a range of opportunities such as canal networks and churchyards and the wider countryside including networks of 'green-lanes', common land and historic parkland.</p> <p>In supporting access to green space and encouraging walking and cycling, extensions to the public rights of way network can include improving access to heritage assets and their improved interpretation and enjoyment. The provision of open space might also be linked to improving public access to historic landscapes in the vicinity of a settlement.</p> <p>Are there examples of where heritage assets can be positively identified as part of the area's green infrastructure network and may</p>		

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			<p>warrant investment in their maintenance and management to support the provision and enhancement of green infrastructure needed by new development ?</p> <p>I hope these comments are helpful. Please contact me if you have any queries.</p> <p>Thank you once again for notifying English Heritage of this consultation.</p>		
Comments received on Fire and Rescue Infrastructure (Topic Paper 11)					
Mr Benjamin Walmsley			- Section contains no reference to ensuring that adequate levels of emergency cover are available, and additional funding required from developments to be paid to the Royal Berks Fire & Rescue Service to ensure this cover is available. For example, where developments would trigger the requirement for a retained station to move to a manned station, the one-time costs of this should be supported by the developer	Ongoing running costs such as increased staffing costs resulting from the change from a retained station to a manned station should be met by the precept levied by the Fire and Rescue Service on the additional council tax payers.	No change
Comments received on Preventing Crime and Disorder (Topic Paper 12)					
Mr Benjamin Walmsley			- No reference is made to ensuring adequate levels of Police resourcing are available. Additional funding should be sought from developers to ensure resources are available. This funding should be available for 20 years in line with the other requirements in the document. For example, an increase in Police Officer numbers to cover the additional housing.	Ongoing running costs such as increased staffing costs should be covered by the precept levied by Thames Valley Police on the additional council tax payers.	No change
Mr Simon Dackombe	Thames Valley Police		Thames Valley Police welcome the production of this SPD; it will provide clear guidance for all parties involved in the planning process.	Thank you for your comments and suggestions. Topic Paper 12 will be updated appropriately.	New paragraph after 12.18,

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			<p>We also welcome the identification within the Draft SPD of the need to ensure that investment from new developments contributes toward the prevention of crime and disorder.</p> <p>We welcome the acknowledgement that in mitigating against the impact of development upon crime and disorder and the perception of it the planning process should deliver both mitigation through appropriate design and also the provision of new infrastructure. TVP promote this joint approach with all Local Planning Authorities within its area and advise at pre-application stage and as part of the application consultation process the need to deliver Secured By Design principles and appropriate infrastructure where necessary.</p> <p>With regard to the supporting text within the Topic Paper TVP would request the following amendments;</p> <p>12.24 - ...there are other initiatives and schemes promoted by other bodies, in particular Thames Valley Police, that may provide assistance in reducing crime and disorder. The provision of buildings, or other facilities, police kit and equipment or other financial contributions, in order to facilitate the implementation of such schemes, may also be considered acceptable.</p> <p>In terms of infrastructure to be provided on site TVP would also highlight two key strands of their approach in providing a visible on site presence and an important tool in the prevention and detection of crime, namely Neighbourhood Offices and Automatic Number Plate Recognition Cameras (ANPR). TVP would request that both of these items are specifically identified in the SPD in the same way that CCTV is presented. We would therefore request the following text be added</p>		<p>amendment to paragraph 12.24, new paragraph after 12.27, and amendment to wording in paragraphs 12.28 and 12.29</p>

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			<p>to the SPD (following on from Para 12.29).</p> <p>ANPR</p> <p>12.30 Automatic Number Plate Recognition Cameras (ANPR) are an increasingly important tool in the prevention and detection of criminal activity. ANPR cameras are able to identify unique Vehicle Registration Marks (VRM) associated with vehicles. This in turn enables the VRM to be identified against information held on a national police database that identifies whether the vehicle is associated with any incidents or individuals on the police database.</p> <p>12.31 ANPR has proved to be an invaluable tool in the detection but most crucially the prevention of criminal incidents. It enables officers to respond in an effective and efficient manner and helps reduce crime, the fear of crime and improve public safety.</p> <p>12.32 ANPR has proved particularly effective in rural areas and in areas on or close to the strategic road network. West Berkshire clearly has large rural areas and its proximity to the A34 and M4 means that it is readily accessible from large parts of the wider region. TVP install ANPR in strategic locations to ensure the maximum amount of coverage whilst having regard to matters of design and appearance.</p> <p>12.33 TVP, via the Council, will seek the contributions towards the provision of ANPR when considered necessary, appropriate and directly related to a proposed development.</p> <p>12.34 Where contributions are sought for the provision of ANPR , such contributions will be based on the provision of cameras, the cost</p>		

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			<p>of operation and the ongoing monitoring of the camera for a period of at least 20 years, including compound growth of the monitoring cost based upon the General Index of Retail Prices (all items) published by the CSO, at the time of the agreement.</p> <p>ON-SITE FACILITIES</p> <p>12.35 It is critical to maintain a visible police presence. This can be through the presence of officers on patrol or through the provision of facilities that allow members of the public to come in and meet with officers. The provision of neighbourhood satellite offices in appropriate locations ensures the delivery of visible and prominent police presence.</p> <p>12.36 On strategic new developments TVP will seek the provision of appropriately sized Neighbourhood Offices that will provide TVP officers with a location to utilise as a touch down office and allow members of the public and community groups to directly speak to and liaise with the officers patrolling their neighbourhood.</p> <p>12.37 Typically such facilities would only be delivered on significant new developments, often those which propose facilities such as schools, neighbourhood centres, and community facilities. However each case will be assessed on its own merits.</p> <p>12.38 Such facilities, if required, would normally form part of a new community centre or similar local facilities. Whilst the police accommodation itself would be dedicated and secure TVP would typically share welfare facilities (toilets, kitchen) with other organisations within the overall facility.</p>		

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			12.39 The Neighbourhood Office must be provided by the developer to a specification agreed with TVP. The office will be provided rent free through an appropriately worded lease agreement.		
Comments received on Adult Social Care (Topic Paper 13)					
Mr Benjamin Walmsley			The cost calculations for provision of Social care, place a higher cost on developments which are not likely to generate that kind of support requirement. For example, 5 bedroom houses are not likely to be occupied by old people helped to live at home, where as one & two bedroom flats and houses will attract that population. The calculation should be reworked to take account of the social care needs of the population that will occupy the developments.	The Adult Social Care Topic Paper seeks contributions towards six key services delivered to people with care needs. Two of these are for older people however the other four are for vulnerable adults of working age. It is appropriate that the contribution is based on the number of adults in each size of dwelling, and the detail formulae makes allowances for the proportion of population likely to receive each service. Thus the percentage of West Berkshire's population who are older people is taken account of in the formula.	No changes
Mr Duncan Crook	Ressance Limited		The approach is fundamentally flawed. The Council states that a developer contribution is required to bridge the gap between development taking place and the increase in Annual Settlement. The stated methodology assumes that a new development will	Contributions are required to be paid on commencement of development, not at the granting of planning permission.	No changes

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			<p>occupied immediately upon planning permission being obtained. This is clearly untrue. The Council could quite easily analyse the average time between granting of full consent and first occupancy of a development. Resnance's experience is that the gap is at least two years given which there is no evidence to support a contribution toward ASC. Alternatively the contribution could be based on a formula in a S106 agreement which takes into account the actual time lag between occupancy and the gap.</p> <p>The fact that planning permissions are valid for at least three years suggests a lag between granting of permission and carrying out of development.</p>	<p>The methodology requires a contribution to be paid, 50% of which will be used in the year it is received, and 50% the year after, mirroring the two year time lag between the increase in the population and the reflection of that increase in the Annual Settlement</p>	
			Average Occupancy: See comments relating to Education	Please see response above in respect to the Education comment	