

**PLANNING
OBLIGATIONS
Supplementary Planning
Document**

Statement of Consultation

September 2016



Wyre Forest District Council

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1. Introduction

- 1.1 This consultation statement sets out details of the consultation undertaken in accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement sets out who was consulted, when, and how, and summarises the representations received and how they have influenced the Supplementary Planning Document (SPD).

2. Name and Purpose of the SPD

- 2.1 Planning Obligations Supplementary Planning Document (SPD)

Purpose

- 2.2 The aim of this SPD is to clearly set out the District Council's approach, policies and procedures in respect of the use of planning obligations. The SPD will aid the smooth processing of planning applications by explaining the Council's process and procedures for planning obligations to local residents, developers and landowners; Explain the circumstances under which the Council will collect planning obligations to mitigate the impacts of a development and the basis for the charges; Help ensure that the physical, social and green infrastructure needs are fulfilled as part of new development proposals; Ensure that the process is fair and transparent to developers, landowners and the general public; Provide certainty for developers. This will provide certainty and clarity for those bringing forward development within the District. Wyre Forest District Council's Development Plan is made up of the Adopted Core Strategy (2010), the Site Allocations and Policies Local Plan (2013) and the Kidderminster Central Area Action Plan (2013). The following District Council planning policy relate to planning obligations:

- Adopted Core Strategy – CP07 Delivering Community Wellbeing.

- 2.3 The SPD sets out Wyre Forest District Council's approach to securing planning obligations and developer contributions towards physical, social and green infrastructure. It is intended as a guide for landowners, developers and residents.

- 2.4 The District Council adopted an Affordable Housing SPD in July 2014. Due to changes in Government legislation, and the likelihood of more changes to come, the Affordable Housing SPD will remain in force. Affordable Housing is therefore not covered in the Planning Obligations SPD.

3. Who was consulted on the SPD?

- 3.1 Consultation on the draft document was targeted towards those organisations and individuals with an interest in planning obligations issues. Appendix 1 lists those organisations consulted and this includes the statutory consultees set out within Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012. A collaborative approach has been taken to preparing the SPD. Colleagues within a number of

Council departments have been directly involved with the preparation of the SPD.

4. How Were People Consulted?

4.1 The consultation period ran from Monday 18th January 2016 until 5pm on Monday 29th February 2016.

4.2 The draft SPD was made available on the District Council's website. The document was also available to view at the Worcestershire Hub, located within in Kidderminster Town Hall, and at the libraries in Kidderminster, Stourport-on-Severn and Bewdley. The consultation document was made available, to those consultees listed within Appendix A, in time for the start of the consultation. The draft SPD was also made available on the District Council's consultation portal to allow representations to be made electronically. A press release was prepared to mark the start of the consultation.

5. Summary of Responses and Main Issues

5.1 A total of 233 representations were received from 30 respondents.

5.2 Generally the responses were supportive of the SPD or raised comments in relation to its proposed content.

5.3 There were two objections raised in relation to the proposal to require an additional fee to cover the costs of collecting, spending and monitoring obligations that are contained within a S106 agreement. Upon further advice from the Council's solicitors this has been removed from the SPD.

5.4 Many comments related to affordable housing which has been removed from the SPD due to changing legislation.

5.5 One consultee commented that there was too much uncertainty to review the SPD and that the Council's efforts should be focussed on employment and housing forecasts and ensuring that the District had a robust 5 year housing land supply. The District Council, however, considers that it is important to have a clear Planning Obligations Policy, that is in accordance with the new rules, which came into effect in April 2015. A review of the existing SPD is therefore considered essential. The District Council is currently gathering the evidence required to support a Local Plan Review. The District currently has a five year housing land supply and updates are published in April and October each year.

5.6 Summaries of all representations received and the District Council's response to each can be found in Appendix B.

6. How have those Issues been addressed in the Draft SPD?

6.1 The table at Appendix B sets out how each of the comments made has been considered within the SPD.

Appendix A: List of Consultees

Specific Consultees

Wyre Forest District Parish/Town Councils

Bewdley Town Council
Broome Parish Council
Chaddesley Corbett Parish Council
Churchill and Blakedown Parish Council
Kidderminster Town Council
Kidderminster Foreign Parish Council
Rock Parish Council
Rushock Parish Council
Stone Parish Council
Stourport-on-Severn Town Council
Upper Arley Parish Council
Wolverley & Cookley Parish Council

Other Specific Consultees

British Telecom
Bromsgrove District Council
Central Networks
Directorate of Adult Services and Health (DASH)
Dudley Metropolitan Borough Council
EE
Environment Agency
Greater Birmingham and Solihull Local Enterprise Partnership
Hereford & Worcester Ambulance Service
Hereford & Worcester Fire & Rescue Service
Highways England
Historic England
Homes & Communities Agency
Malvern Hills District Council
National Grid
Natural England
Network Rail
NHS Commissioning Board
Office of Rail Regulation
Oil and Pipelines Agency (The)
Severn Trent Water Ltd
Shropshire Council
South Staffordshire District Council
South Staffordshire Water Plc
Staffordshire County Council
The Coal Authority
The Planning Inspectorate
Three
Transco West Midlands Local Distribution Zone
Vodafone and O2
West Mercia Constabulary
Western Power Distribution
Worcestershire County Council
Worcestershire Local Enterprise Partnership
Worcestershire Local Nature Partnership

Worcestershire Regulatory Services
Wychavon District Council
Wyre Forest Clinical Commissioning Group

General Consultees

Organisations registered in the Planning Policy database including:

- agents
- business and commerce groups
- conservation interest groups
- developers
- education and youth groups
- housing interest groups
- land owners
- local interest groups
- registered providers
- service providers

APPENDIX B – RESPONSES TO DRAFT PLANNING OBLIGATIONS CONSULTATION (JANUARY 2016)

Respondent	ID	Section of Document	Support/ Object/ Comment	Comments	Officer Response
Watkins R A	DrPO46	Document	Comment	Generally very supportive of this approach rather than CIL. Too much reference to non-specific improvements in the public realm. Demanding a financial contribution <u>now</u> to fund a public project with no approval, no timescale, no design or costs will <u>not</u> stand scrutiny. Better to review the SPD every 3 years or so to reflect the Council's capital schemes etc.	The SPD will be reviewed in line with the Local Plan Review process.
Worcestershire Regulatory Services	DrPO47	Document	Comment	No adverse comments to make regarding the above consultation with respect to Air Quality, Contaminated land and Noise control measures.	No adverse comments are noted.
Highways England	DrPO56	Document	Comment	The Strategic Road Network (SRN) does not run directly through the Wyre Forest district and the SPD therefore does not impact on the SRN. The SPD does not set new policy and our comments on the Local Plan Review, provided in October 2015, remain relevant.	Agree that the M5 which, is outside the boundary of the District, is a strategic roadway network which would be used by residents within Wyre Forest District.
Canal & River Trust	DrPO65	Document	Support	The Canal & River Trust is supportive of the revised Planning Obligations SPD. The SPD recognises the multifunctional nature of the waterways and will give a strong policy backing to requiring that developments contribute to this valuable asset where appropriate.	Support is noted and welcomed.
Staffordshire & Worcestershire Canal Society	DrPO85	Document	Support	The Staffordshire and Worcestershire Canal Society are pleased to commend this document. The District Council can rely on the Society's unfailing support in its endeavours to conserve and enhance the many values and assets of the canal.	Support is noted.
Historic England	DrPO96	SEA Screening	Comment	We look forward to continuing to be involved with the revised Planning Obligations SPD, and any other plans and programmes the Council may produce, in the future. We expect that you will be providing a SEA	Comments noted. Liaison mentioned but para.1.14 of Jan 2016 document explains the SEA Directive position.

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Respondent	ID	Section of Document	Support/ Object/ Comment	Comments	Officer Response
				screening report on the plan document and will wait to hear from you on that matter in due course.	
Gladman Developments Ltd	DrPO125	Document	Comment	Gladman welcome the opportunity to comment on the Draft Revised Planning Obligations SPD. The key point Gladman reiterate through this submission is the need to ensure that any obligations sought meet the Regulation 122 tests, which states that they need to be: <ul style="list-style-type: none"> • <u>Necessary</u> to make the development acceptable in planning terms • <u>Directly relevant</u> to the development: and • Fairly and reasonably related in scale and kind to the development 	The Local Authority is aware of the Regulation 122 tests.
Taylor Wimpey West Midlands	DrPO131	Document	Comment	Taylor Wimpey has a number of land interests in the District.	Points all noted.
Kidderminster Town Council	DrPO142	Document	Support	The Town Council supports the draft document	Support is welcomed.
Chaddesley Corbett Parish Council	DrPO148	Document	Comment	The proposals could be more onerous than at present. Careful monitoring should take place to ensure that this framework of obligations does not adversely affect the inclination of developers to bring forward beneficial projects.	Points duly noted and accepted.
WFDC - Cultural Services	DrPO179	Document	Comment	Do we need to include something in this document about Developers supplying and paying for bins for new properties?	Point noted and SPD amended to incorporate this point.
WFDC - Cultural Services	DrPO180	Document	Comment	We need schemes which contribute to existing facilities so that the pressure from these new developments are accounted for	Noted - funding from new development has to relate to that development.
Taylor Wimpey	DrPO132	Core Guidance	Comment	There is a need to consider, holistically, the full range of	Points welcomed and duly noted.

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West Midlands				obligations and infrastructure needs in the area through the Local Plan Review. It is considered appropriate for the District Council to progress CIL alongside the review of the Local Plan.	
Taylor Wimpey West Midlands	DrPO133	Core Guidance	Comment	<p>Supports the update of the 2007 Planning Obligations SPD provided that impacts on viability are carefully considered, the guidance provides sufficient flexibility to prevent planned development from being stalled and the obligations sought are compliant with legislation and national policy.</p> <p>The Wyre Forest Core Strategy pre-dates the NPPF and it is unlikely that the affordable housing targets and other policy requirements were 'whole plan' viability tested. Suggest that that an up to date viability assessment is undertaken by the Council to accompany the preparation of the Planning Obligations SPD. The findings set out in the Harman Report should be noted, which highlights that</p> <p><i>"what ultimately matters for housing delivery is whether the value received by land owners is sufficient to persuade him or her to sell their land for development"</i></p> <p>It is important that the SPD does not identify a package of developer contributions that adversely affects the viability of development.</p>	Points welcomed and duly noted. Whole plan viability assessment will be carried out in conjunction with the Local Plan Review.
WCC - Planning Economy & Performance	DrPO185	1.1	Comment	Suggest a reference/footnote to the Worcs. GI Partnership's definition of green infrastructure.	Amended and has been incorporated.
WFDC- Housing	DrPO222	1.3	Comment	Can you clarify that this document replaces the current Affordable Housing SPD.	Due to national change the affordable housing section has been removed
Core 11	DrPO4	1.5	Support	SPD refers to WFDC area. All previous national statutory planning documents.	The SPD will cover the whole of WFDC's area.

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Core 11	DrPO5	1.5	Support	SPD along with existing National Statutory documents identifies the positives of good environmental planning.	Comments noted.
Core 11	DrPO2	1.6	Comment	Density issue must not take precedence over the Local Authority's intention for good planning.	In most cases the density of proposed development should be similar to the density of the surrounding area.
Bewdley Town Council	DrPO100	1.6 and 1.43	Comment	Para 1.6 and 1.43 - NPPF and LPAs should ensure that obligations in relation to the preparation of brown field sites for development do not discourage the use of brown field as opposed to green field sites. If favour is given to brownfield, it should be attractive to prospective developers.	Points noted but need for consistency with national guidance.
Core 11	DrPO6	1.7	Support	Support	Noted
Core 11	DrPO7	1.8	Comment	Issue for CIL is should firstly be used for benefit in area of receipt.	Comments regarding CIL will be noted
WCC - Planning Economy & Performance	DrPO186	1.8 /1.9	Comment	1.8 and 1.9 Could this be clearer that it is up to the district council whether or not to implement the CIL, and state that this has not yet been decided?	This has now been reworded.
Core 11	DrPO8	1.9	Comment	Recognition of the need for careful levy funding.	Comments regarding levy funding are noted.
WCC - Planning Economy & Performance	DrPO184	1.9	Comment	The Public Health team would welcome consultation and discussion during the preparation of a CIL Charging Schedule and list of infrastructure requirements	Point noted and will be considered as part of CIL deliberations.
Core 11	DrPO9	1.10	Support	SPG gives help to developers having previously used PPG documents.	The SPD is designed to be clear and informative to developers.
Core 11	DrPO3	1.11	Support	As far as general public concerned probably the most important part of the SPD.	Comments are noted.
Core 11	DrPO10	1.12	Support	Support - intensions are to be applauded and given	The support is noted and welcomed.

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Respondent	ID	Section of Document	Support/ Object/ Comment	Comments	Officer Response
				attention.	
G Herbert Banks	DrPO52	1.12	Comment	The SPD is designed to create certainty for developers and is welcomed in most cases, however, it should not be a concrete approach - there should be flexibility for developers and landowners in bringing land forward and delivering housing for the district. This is supported by para. 205 of the NPPF which states that: "local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled".	Comments regarding flexibility to prevent planned development being stalled are noted.
Core 11	DrPO11	1.13	Comment	Any EU planning obligation should be noted provisionally.	Comments noted.
Core 11	DrPO12	1.14	Support	Support	Support noted
Gladman Developments Ltd	DrPO102	Regulations	Comment	The Government made clear that when implementing the restriction in regard to pooling Planning Obligations, it was doing so in the expectation that Council's would move towards the implementation of a CIL Charging Schedule and those that chose not to would have to manage within the limitations placed upon S106. If councils have already provided for more than five pooled obligations for a specific infrastructure project or type of infrastructure, no further contributions can be sought for it Gladman is unclear why the Council are expending time, money and effort on the production of an SPD for a system whose use is being significantly curtailed, especially when CIL should cover the vast majority of infrastructure funding and s106 agreements should only be used for very specific pieces of infrastructure directly linked to a development, such as bus stops or the management of open space.	The Local Authority is updating a Planning Obligations SPD as the previous one is from 2007. It is intended that CIL will be adopted at the same time as the new Local Plan which is likely to be in 2018 and so this SPD should be viewed as an interim document.

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				Planning Obligations should be applied flexibly to prevent planned development from being stalled. Where obligations are being sought the Council should take into account changes in market conditions over time. The costs of any requirements likely to be applied to development should, when taking account the normal costs of development, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.	
Core 11	DrPO13	1.16	Comment	106 agreements have failed in the past and will do in the future.	Section 106 agreements form an important part of planning in providing local infrastructure.
Core 11	DrPO14	1.17	Support	Support.	Support noted.
Staffordshire & Worcestershire Canal Society	DrPO78	1.17	Comment	<p>The CIL Regulations – The Society notes that the regulations identify that where appropriate to the development and planning requirements, ‘.....where they are:</p> <ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms • Directly related to the development.....’ <p>In this respect the Society commends the DC’s intent to identify opportunities within and surrounding developments to meet needs listed under :-</p>	Comments noted.
Core 11	DrPO15	1.18	Comment	It should be remembered that planning law has precedence over the NPPF as the NPPF is not a statutory document.	Local Authority policies must be in compliance with the NPPF which sets the national planning policy for England.
Core 11	DrPO16	1.19	Comment	A planning application cannot be accepted if it breaks any existing laws.	The paragraph referred to is as stated in the NPPF which is a requirement of Local

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					Authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
Core 11	DrPO17	1.20	Comment	Appears the SPD is trying to justify finding a way around existing legislation. If unsure the local community and the department for community and local government should be consulted.	The paragraph the comments relate to is a quote from the NPPF so the comments do not seem to relate.
Core 11	DrPO18	1.21	Comment	The Localism Act seems to be being ignored in this SPD.	This SPD relates to planning obligations.
Core 11	DrPO19	1.22	Comment	Paragraph 174 of the NPPF states that Local Authorities should set out their policy on local standards in the local plan.	Comments noted.
Gladman Developments Ltd	DrPO103	Local Policy	Comment	Relationship with the Local Plan Gladman ref to the Planning Practice Guidance, specifically ID 23b-003020150326 which states Supplementary planning documents should not be used to add unnecessarily to the financial burdens of development and should not be used to set rates or charges which have not been established through development plan policy. It is key that SPDs are not used as a means to set new policy, but merely to add the necessary clarity and detail to policies which have been prepared and adopted through the Local Plan process. SPDs do not go through the same level of scrutiny as Local Plans and should not be used as a mechanism for setting additional cumbersome policy requirements.	This SPD is designed to give guidance and clarity and does not bring new policy.
Core 11	DrPO20	1.23	Support	Support.	Support noted.
WCC - Planning Economy &	DrPO183	1.23	Comment	The references to the WF Corporate Plan are not necessary – they do not add anything to the other more	It is considered that reference to the Wyre Forest Corporate Plan should remain in the

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Performance				pertinent references to local and national planning policy and guidance. Para 1.41, for example, seems unnecessary when planning policy already sets this out very clearly	SPD.
Core 11	DrPO21	1.24	Comment	The Local Plans are primarily in line with the Core Strategy 2006-2026. As such it is legally binding. The environmental aspect could be promoted much more. Housing is important. Yet the use of open space, such as green belt land is rarely explored considering recent relaxation of constraints for the use of Green Belt for environment improvement.	Comments are noted.
WCC - Planning Economy & Performance	DrPO187	1.25	Comment	Suggest a reference/footnote to explain what/who the Worcs. Partnership is.	Amended and has been incorporated.
WCC - Planning Economy & Performance	DrPO188	1.27	Comment	Suggest adding a clarification that the district priorities are actually within the same Strategy (rather than to be found somewhere else).	Amended.
Core 11	DrPO22	1.28	Comment	Paragraphs 1.25 / 1.26 / 1.27 / 1.28 make reference to the environment. Many of the tasks to improve the local surroundings are by comparison Less costly than other development projects, yet start up of many small environmental projects are set aside. A low budget start up programme would be invaluable.	Comments relating to small start up environmental programmes are noted,
WCC - Planning Economy & Performance	DrPO189	1.34	Comment	A brief summary or bullet points of the key aims of the Worcestershire LTP3 and how they fit with Planning Obligations would be useful.	Amended.
Gladman Developments Ltd	DrPO104	1.37	Support	Gladman support the approach allowing the phased payments of certain planning obligations For viability reasons there may be the need for phased payments set against certain trigger points within the development.	Comments are noted.

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Chaddesley Corbett Parish Council	DrPO149	1.37	Comment	The proposal to return unspent contributions seems questionable; payments may not be linked to any specific project, or the related project may take longer to bring forward than anticipated. There may also be the complication that the relevant contribution has been pooled with others (para 1.39).	The point is understood but some form of repayment approach is best practice and less likely to be challenged.
WCC - Planning Economy & Performance	DrPO190	1.39	Comment	In the first line, suggest changing "may" to "will, where appropriate". Also amend first sentence to "...across the District to address the wider impacts of strategic matters such as transport infrastructure", and in last sentence to "In these cases the District Council will work closely with the relevant public infrastructure providers to agree the need for, type and level of pooled contributions along with the mechanism and timeframe for delivery".	Amended.
WCC - Schools Information and Planning Section	DrPO202	Process and Procedures	Comment	The County Council is making changes to its approach to education Section 106 contributions and thresholds for education contributions are being revised. The County Council has produced an evidence base document to expand on the methodology and policies it intends to use, and intends to consult on this document in due course.	Amended in line with comments from Worcestershire County Council.
WCC - Planning Economy & Performance	DrPO230	1.40	Comment	Suggest minor tweak to first sentence as follows: "One of the aims of this SPD is to provide a clear framework for developers to identify if they are required to complete a Section106 Agreement as part of their planning application. It is important that the process of securing appropriate developer contributions does not result in undue delays in the determination of planning applications.	Wording amended.
Watkins R A	DrPO23	1.41	Comment	The table needs a cross reference to 3.15 onwards re definition of 'child bed spaces'	Amended to cross reference.

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WFDC - Economic Prosperity & Place	DrPO48	1.41	Comment	What is the current position on developers preparing the documents as well instead of relying on the Council's legal team?	Wyre Forest District's legal team would have to be party and approve each Section 106 prepared by developers. For consistency it is considered appropriate for the Wyre Forest District legal team to continue to prepare them.
G Herbert Banks	DrPO53	1.41	Comment	Encouraging developer's to make use of pre-application advice is valid and understood, however, this can only be undertaken if the staffing at the LPA is capable of handling such requests alongside their increasing day to day workload and such a route does not cause delay in bring a site forward.	Agree with this valid point.
Gladman Developments Ltd	DrPO105	Thresholds	Support	Gladman note that the threshold table included within the consultation document refers to the fact that this is a guide and there may be circumstances where it is appropriate to depart from this. This element of flexibility is welcomed.	Comments are noted.
Chaddesley Corbett Parish Council	DrPO150	Table of Thresholds	Comment	Table of Thresholds. The table omits proposed obligations in respect of Community (para 3.43) and Health (para 3.50). It would have been helpful if the table had highlighted any changes from the current provisions	Point noted but in practical terms it is difficult to include these elements in the table.
WFDC - Development Control	DrPO156	Thresholds Table	Comment	<ul style="list-style-type: none"> • Transport impact Less than 5 dwellings should be a tick and not a cross - Site specifics may justify an obligation for less than 5 dwellings • Open Space 5-75 child bed spaces. What happens after 75 spaces? • Transport Impact - Less than 1000sqm of non residential floor space. This could catch/penalise minor commercial when Planning Obligations is actually not required / appropriate • First bullet point at the bottom of the table 	Points noted. Table amended..

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				needs to be clearer - perhaps move to the top of the table.	
WCC - Schools Information and Planning Section	DrPO203	1.41	Comment	In light of the County's imminent consultation on S106 Thresholds: Education contributions will apply to any development of 35 dwellings or more where the impact of the development cannot be absorbed by existing local schools. Developments of more than 10 dwellings but less than 35 may be asked to contribute in exceptional cases, usually in rural areas where there may be fewer schools within a reasonable travel distance of the site and so the ability of the system to absorb the impact of smaller sites is lessened. We suggest the 10 to 30 dwellings column is ticked for education.	Amended in line with comments.
Historic England	DrPO91	Thresholds Table	Comment	The thresholds table needs a reference label. Would be useful if the types of obligation set out in the table linked to those mentioned at 1.11 – physical, social, green – perhaps colour coding the table accordingly. It is disappointing that the historic environment is not referred to in the thresholds table.	The table has been amended in terms of information and heading but not by colour coding. It should be noted that this table can not cover all planning obligations in this table format.
G Herbert Banks	DrPO54	1.43	Comment	Pleased that financial viability has been acknowledged to be of importance. Most developers factor in potential contributions and affordable housing at an early stage however viability is controlled by the margins between cost of build and end sale values and must also take into account a proper profit, when taking into account the expenditure and risk undertaken by a developer. Most developments have seen building costs rise between 7- 15% in the last 12 -18 months and sale values are not increasing as quickly by comparison. It is not,	Comments noted.

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				<p>therefore, as simple as stating that transparency will allow developers to factor in contributions from an early stage.</p> <p>Land acquisition and pricing is often dictated by the market with many sites which are secured on option agreements having already agreed a minimum price per acre. If land values are not attractive enough, landowners will not release it – that is not to say that high land values contributing to reduced margins should mean less contributions, new development in large chunks will of course require contributions to integrate and support a new development.</p>	
WCC - Planning Economy & Performance	DrPO191	1.45	Comment	Is the term "suitably qualified professional" too vague? In the second bullet point amend "mitigate" to "reduce"	Amended.
Gladman Developments Ltd	DrPO106	1.47	Object	<p>Gladman note that paragraph 1.47 of the consultation document refers to occasions where a monitoring fee may be required. Gladman object to monitoring fees and would not agree to this. 'There is established case law (Oxfordshire County Council v SSCLG (2015) EWHC 186 (Admin)) where the judge found that requesting monitoring fees was not CIL compliant as it is not necessary to make the development acceptable in planning terms.</p> <p>Gladman recommend that the reference to monitoring fees within the SPD is removed.</p>	This has been taken out of SPD.
Taylor Wimpey West Midlands	DrPO134	1.47	Object	Objection is raised to the proposal to require an additional fee to cover the costs of collecting, spending and monitoring obligations that are contained within a S106 agreement. This fee, which essentially reflects a monitoring fee, is not considered to be CIL compliant.	This has been taken out of SPD.

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WFDC - Legal	DrPO182	1.47	Comment	Paragraph 1.47 refers to recovery of monitoring costs. Following the Oxfordshire CC v SoS for Communities & Local Government [2015] case it has been held unlawful for councils to include such monitoring fees in s106 Agreements. This element should be removed from the SPD.	This has been removed from SPD.
G Herbert Banks	DrPO55	1.51	Comment	In relation to future review – CIL is a rigid way of securing contributions. When CIL is adopted by WFDC – it is important that contributions are reviewed regularly alongside the housing market, building costs etc. to create an up to date approach to bringing housing forward – furthermore housing sites should be considered on an individual basis.	Comments are noted regarding regularly reviewing contributions and assessing sites on an individual basis.
Bewdley Town Council	DrPO99	1.51 and 2.16	Support	Para 1.51 and 2.16 - Definitions of affordable housing will need to be amended if the changes to the NPPF are agreed to include discounted market housing.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force. Point accepted and will be considered as part of the Affordable Housing SPD review.
Gladman Developments Ltd	DrPO110	Starter Homes	Comment	Gladman recommend that consideration is given regarding the development of starter homes. <u>Starter Homes</u> Affordable housing contributions must take into account upcoming changes that will be introduced by the Housing Bill in relation to 'starter homes' provision and their implications for the delivery of other types of affordable housing. Gladman refer to the PPG in respect of starter homes. ID ref 23b-031-201 50814 which states "As set out in the	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.

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				<p>Starter Homes Written Ministerial Statement of 2 March 2015, starter homes exception sites should not be required to make affordable housing or tariff-style section 106 contributions.”</p> <p>Gladman believe the SPD needs to reflect this exception for affordable housing provision.</p>	
West Midlands HARP Planning Consortium	DrPO89	Affordable Housing	Comment	<p>Support the approach to the further guidance on affordable housing within the document, especially regarding flexibility over the tenures to be agreed on a site by site basis, reflective of need and context. The document recognises that whilst there is an objectively assessed need (OAN) for over 300 affordable homes per year but that the Core Strategy only makes provision for 60 affordable houses per year. We believe further guidance to Policy CP04 (Providing Affordable Housing) of the Core Strategy could help to maximise the provision over the plan period.</p> <p>With regards to rural exception sites, Policy CP04 is very tightly drawn and guidance should be given to allow for the delivery of affordable housing through cross-subsidy where it can be demonstrated that affordable housing development cannot be achieved without an element of open market housing. This will encourage continued delivery of affordable housing across the District at a time when economic circumstances and reductions in Government subsidy have significantly reduced viability of 100% affordable housing developments. This will also ensure that the policy accords with paragraph 54 of the NPPF which in relation to exception sites states: " <i>local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local</i></p>	<p>Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.</p>

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				<i>planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs".</i>	
Taylor Wimpey West Midlands	DrPO135	Affordable Housing	Comment	Whilst many aspects of the Council's approach to securing affordable housing are supported, the definition of affordable housing as set out in paragraphs 2.12 to 2.22 should be updated to reflect the emerging changes to legislation and national policy, which seeks to broaden the definition of affordable housing to support people to access home ownership. This is necessary to ensure that the SPD is not out of date from the point of adoption.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
Stourport on Severn Town Council	DrPO140	Affordable Housing	Comment	The Town Council's biggest concern relates to the provision of new affordable housing in the town. It is hoped that when and if the District Council progresses with Starter Homes on allocated sites that the values have an upper limit that does not prove to be prohibitive for local first time buyers.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
WFDC - Legal	DrPO181	Affordable Housing	Comment	In light of the proposal to change the definition of affordable housing within the Housing & Planning Bill, which if progressed will result in a change to the NPPF, I would suggest that flexibility is built in, so that the definition can mirror the definition within the NPPF as it exists from time to time.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
WCC - Planning Economy & Performance	DrPO192	2.4	Comment	SHMA target of 335 - It would aid clarity to state that this is the total number of units (rather than solely affordable housing units). The difference in numbers between this Para and the figures mentioned in Para 2.4 should also be clarified.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing

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					Affordable Housing SPD (2014) will remain in force. Point noted and will be considered as part of Affordable Housing revision.
WFDC- Housing	DrPO223	2.4 and 2.5	Comment	Refers to the SHMA. Are we able to update this now we have the data from the OAHN?	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
Kidderminster Town Council	DrPO143	2.8	Comment	The Town Council supports the target contribution of 30% for sites of 10 or more dwellings in Kidderminster and Stourport and 6 or more in Bewdley – subject to viability tests.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
Kidderminster Town Council	DrPO144	2.12	Comment	The Town Council has noted that the definition of "affordable housing" matches the definition in the National Planning and Policy Framework (paragraph 2.12).	National definitions are now being changed. Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
WFDC - Development Control	DrPO157	2.12	Comment	Affordable housing definition needs to include starter homes	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing

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					Affordable Housing SPD (2014) will remain in force.
WCC - Planning Economy & Performance	DrPO193	2.12	Comment	Definition at 2.12 should be at the very first part of this chapter – bullet pointed with the definitions and characteristics and clearly defined targets	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force. Point noted and will be considered as part of the Affordable Housing Review.
WFDC - Economic Prosperity & Place	DrPO49	2.16	Comment	Needs a refresh in the light of the Starter Homes situation.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
WFDC- Housing	DrPO224	2.16	Comment	Whilst I agree with the statement that “Homes that do not meet the above definition of affordable housing, such as ‘low cost market housing may not be considered as affordable housing for planning purposes” and would like to keep this in the document, will this still be enforceable give the Govt’s starter homes initiative?	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
WCC - Planning Economy & Performance	DrPO194	2.19	Comment	This duplicates paragraph 2.14.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain

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					in force.
Gladman Developments Ltd	DrPO107	2.23	Comment	<p><u>On and offsite contributions</u></p> <p>In relation to offsite contributions, Gladman welcome the recognition that there may be circumstances where off site contributions are more appropriate. Gladman agree that justification needs to be provided to support a financial contribution in lieu of on-site affordable housing provision. A circumstance where Gladman have experienced this is when there is a high concentration of affordable housing within the locations, but high levels of need elsewhere across the District. In these types of circumstances Gladman believe a pragmatic approach should be accepted.</p>	<p>Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.</p> <p>Comments regarding on and off site contributions are noted.</p>
WFDC - Development Control	DrPO158	2.23	Comment	Does this replace the Affordable Housing SPD?	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
Watkins R A	DrPO24	2.27	Comment	Why should affordable "usually expect the dwellings to be clustered"? Seems to contradict the ethos in para 2.34 which I support.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
Watkins R A	DrPO25	2.28	Comment	Last bullet point - "extremely unlikely" is too prescriptive. Also links to 2.27 and 2.34 (see previous comment). Social integration via design is an essential aim, but these paragraphs seem to indicate a lack of clear guidance to	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has

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				developers and their developments.	been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
Chaddesley Corbett Parish Council	DrPO151	2.28	Comment	Off-site contributions should also be considered for remote sites with no or limited access to public transport or other infrastructure.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
Gladman Developments Ltd	DrPO108	2.30	Comment	The Consultation document sets out that the Council will seek to achieve a 70:30 tenure split in relation to affordable housing (70% social rented and 30% intermediate units). Whilst Gladman support the split being 70:30, Gladman recommend that this should be 70% affordable rent rather than social rented.	Affordable rent is set at a higher rent level than social rent so this would favour the developer rather than the tenant. Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
WFDC- Housing	DrPO225	2.30	Comment	This paragraph may need to be updated following the OAHN work as the current 70/30% split is based on evidence from the SHMA.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
Gladman Developments Ltd	DrPO109	2.31	Support	Gladman note that the document refers to the fact that the District Council will take a flexible approach where local need is more appropriately met by one tenure over another. Gladman support this flexible approach.	Comments noted. Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to

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					come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
WFDC - Development Control	DrPO159	2.31	Comment	Isn't this split now 80:20?	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force. Point needs to be considered as part of the Affordable Housing Review.
West Midlands HARP Planning Consortium	DrPO90	2.35, 2.38, 3.52	Comment	<p>The Housing Standards Review, which concluded in March 2015, created a new approach for the setting of technical standards for new housing. The new system comprises of national optional Building Regulations (technical standards) and an optional nationally described space standard. These new standards encompass optional Building Regulations on water and access, and a national standard on internal space of new dwellings, to act alongside existing Building Regulations through the planning system.</p> <p>The Written Ministerial Statement (WMS) of 25 March 2015 makes it clear that these standards cannot be imposed through a Supplementary Planning Document; they can only be implemented through a Local Plan policy.</p> <p>In this context the references in the document to Lifetime Homes (paragraph 2.38); Secured by Design (paragraph 3.52) and most importantly, Nationally Described Space Standards (paragraph 2.35) should be</p>	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.

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				removed. Should the Council wish to incorporated any of the optional technical standards or the Nationally Described Space Standards they should only be included through a Local Plan policy and only if the Council are able to demonstrate that there is a clear need for them and that their inclusion will not have a significantly detrimental impact upon the viability of the Plan as a whole.	
Chaddesley Corbett Parish Council	DrPO152	2.35	Comment	Floor Space Standards. It should be a requirement that all developments (affordable or otherwise) should at least meet the minimum standards set out by the DCLG	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
WFDC- Housing	DrPO226	2.36	Comment	Can we include something about Developers including furniture layout plans when submitting their application? This really helps assess the design of a unit.	Due to changes in legislation following the Housing and Planning Act 2016, and the likelihood of more changes to guidance to come, the affordable housing section has been removed from this SPD. The existing Affordable Housing SPD (2014) will remain in force.
Gladman Developments Ltd	DrPO111	Transport Impact Mitigation	Comment	Gladman note that in relation to Transport Impact when mitigation measures are required these can be sought using either s.106 of the Town and Country Planning Act (1990 or Section 278 of the Highways Act (1980). Gladman accept that when proposing medium and large scale residential developments there will often be a justified need to provide some form of transport mitigation. The Council need to ensure that requests made are CIL compliant and that they do not attempt to use one development as a means to plug the funding gap	Comments regarding transport infrastructure are noted.

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				for an identified highways infrastructure project.	
Taylor Wimpey West Midlands	DrPO136	Transport Impact Mitigation	Comment	CIL Regulations limit the pooling of Section 106 obligations to a maximum of five for a project or type of infrastructure - this is recognised in a number of subsections however is absent from the section relating to off-site transport impact mitigation and health provision.	Point regarding pooling is made at 1.44, this relates to whole of the document so it is unnecessary to make this point in every section.
Kidderminster Town Council	DrPO145	2.39	Support	The Town Council supports paragraph 2.39 onwards dealing with transport impact mitigation including steps to address the air quality issues in Horsefair/Coventry Street; and the sort of contributions that can be required in the guise of highways improvements, enhancement to footpaths and cycle paths, contributions to public transport etc.	Points noted and welcomed.
WCC - Planning Economy & Performance	DrPO195	2.39	Comment	This section would benefit from beginning with the main issues, then outlining the main transport priorities and how planning obligations can help achieve them and tie in with LTP3. Suggest minor amendment to wording as follows: "Traffic congestion has detrimental effects on the District and is becoming more prevalent within the three towns, resulting in accessibility and transport planning issues in parts of the District particularly in Kidderminster and Stourport. As a result urban areas are experiencing declining air quality and there are already two designated Air Quality Management Areas (AQMAs). Increasing growth in traffic volume will exacerbate these problems unless they are tackled through investment in sustainable transport infrastructure and a comprehensive travel package".	Amended following comments from County Council.
WCC - Planning	DrPO196	2.40	Comment	The first and second sentences should actually be one	Amended.

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Economy & Performance				single sentence, joined with "and".	
WCC - Planning Economy & Performance	DrPO197	2.41	Comment	This appears unnecessary.	Removed from SPD.
WCC - Planning Economy & Performance	DrPO231	2.44	Comment	This section should refer to 'Travel Choices' as a key element of the LTP which emphasis the need for developers to provide a level of promotion and support to encourage sustainable transport measures aimed at transport impact mitigation. Occupiers of housing and economic development will contribute significantly to the problems highlighted in this section.	Additional paragraph added.
Highways England	DrPO57	2.48	Support	Highways England generally agrees with the approach that development contributions, where practicable, should help in both mitigating impacts of development and promoting infrastructure improvements	Agree that contributions where practicable should help to mitigate impact of development and promote infrastructure improvements.
Highways England	DrPO58	2.50	Support	Highways England agrees that larger development sites should be required to produce Transport Assessments (TA) and Travel Plans. Should any TA indicate that the development generates a number of trips that may affect the SRN then Highways England would wish to be consulted on the resulting planning application.	Comments are noted.
WCC	DrPO213	2.50	Comment	There is a threshold for developments where a Transport Assessment or a Transport Statement is <u>required</u> and must be submitted. The language should therefore be strengthened here, as "expected" is not strong enough. Transport Statements are for smaller-scale developments, but it should be stated that a Travel Plan will be required for either.	Amended to reflect comments.
WCC	DrPO214	2.53	Comment	This needs to be firmer. Travel Plans are a good way of	Amended.

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				helping the District and County to implement and promote their sustainable transport policies, reduce congestion, improve air quality and improve health through cycling and walking. This is much more than managing access. Suggest minor amendment to wording as follows: "In accordance with the NPPF, Travel Plans are an invaluable tool for WFDC and Worcestershire County Council in the delivery of sustainable transport outcomes. Strong travel plans provide the measures and resources for the implementation and promotion of sustainable transport policies that aim to reduce congestion, improve air quality and improve health through increasing walking and cycling. Travel Plans, along with transport assessments, can provide the mechanism for assessing and managing access to sites, and the means to improve accessibility both to and from the site and local amenities and services".	
WCC	DrPO215	2.54	Comment	This could also state that the District Council will work with the County Council to ensure that Travel Plans are deliverable, measureable, incentivised and fully supported wherever possible. Suggest amending the first sentence as follows: "The NPPF states that a travel plan should be required for developments that generate significant amounts of movement". Travel Plan Thresholds Table provided.	Amended.
WCC	DrPO216	2.58 - 2.61	Comment	2.58 - 2.61 Considering the problems with congestion and air quality already raised, this section could offer more support for solutions or joint working.	This issue will be considered further as part of the review of the Local Plan.
Canal & River Trust	DrPO66	2.62	Comment	The canal towpath is an important car-free walking and cycling route for both leisure and utility walkers. We welcome the use of our towpath for these purposes however new developments can place further strain on	Agree that the canals are an important asset which should be enhanced where possible.

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				this network. We are, therefore, pleased to see that developments will be required to make contributions towards enhancements to walking and cycling routes, which includes the canal towpath.	
WCC	DrPO217	2.62 - 2.64	Comment	<p>2.62 - 2.64 Introduction could outline some key cycling facts such as number of routes, percentage of cycling, Bikeability, partnerships and so forth. Then bullet point the key aims of the Wyre Forest Cycle Strategy followed by the same priorities for the Core Strategy and if appropriate the County Cycling Strategy. For example, the District Cycling Strategy aims:</p> <ul style="list-style-type: none"> • To create safer cycle routes for local people to utilise • To ensure that cyclists needs are catered for in new developments within the District <p>Cycling policies could then be outlined with regard to planning and what the District expect from the planning process and from developers. The term "may" should be avoided and be replaced with "will, when deemed appropriate" or similar.</p> <p>The section would benefit from a reference to partnership working with the County Council. Further background could be included on how the planning process can help to develop cycling. The benefits of cycling could be more clearly outlined to developers. All developments should, as a matter of course, be linked into the cycle network with the appropriate infrastructure. There is increasing evidence in the West Midlands – for example on the Longbridge development - that developers, occupiers and home owners are receptive to cycle provision.</p>	Cycling section reworded.
WCC	DrPO218	2.63	Comment	Consideration could be given to including new routes or	Cycling section reworded.

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				cycle access points, and short links to routes within this list. These small measures can often make a big difference to cycling levels and help the network grow.	
Staffordshire & Worcestershire Canal Society	DrPO79	Section 3	Comment	Social Infrastructure - 'such as Nature Reserves and leisure areas.' The Canal is an important continuous leisure and ecology asset and the Society hopes that where possible and appropriate such CIL monies are used to the benefit of the canal but also on the physical and social interface of developments adjacent to the canal.	Agree that the canal and its surroundings are a valuable resource.
Taylor Wimpey West Midlands	DrPO137	Public Open Space	Comment	Concern is raised that in respect of public open space. The evidence base upon which the approach to contributions is predicated, relies on evidence prepared in 2008 and a 2015 costing that seems to have no justification. Further justification is sought on the cost of £20.74 per sqm. and the open space typology that this relates to.	The issue of the evidence used has been discussed with colleagues in Cultural Services. The evidence base will be updated later in 2016 as part of the Local Plan Review.
Campaign to Protect Rural England	DrPO147	3.1	Comment	It should not be acceptable for developers to maintain play areas or other open space. Once a developer has finished building an estate, it will have no interest in funding maintenance from its own resources and will be unlikely to do so. Maintenance should be by a management company – providing a revenue stream is secured (normally from the householders of the estate).	Point is noted.
WCC - Planning Economy & Performance	DrPO232	3.2	Comment	Mentions obesity, but no mention of this in the preceding Walking and Cycling section. A much stronger policy hook could refer to the need to provide strategic walking and cycling infrastructure to link residential and employment areas, the town centre and the railway station to provide an integrated network of attractive routes. Such a network would be well-placed to	Comments noted. Paragraph amended to incorporate suggestions.

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				incorporate enhancements to green infrastructure and the wider public realm. Active travel modes should be prioritised above all other modes, recognising the significant wider benefits that can be derived from investment in this area. Suggest adding a paragraph to place greater emphasis on where developments can contribute to increasing levels of walking and cycling through investment in infrastructure and services	
Gladman Developments Ltd	DrPO112	3.5	Comment	Gladman support the recognition that there may be circumstances where off site provision of open space and play space is more appropriate than on-site provision.	Comments regarding off site open space and play provision are noted.
WFDC - Cultural Services	DrPO172	3.6	Comment	3.6 presume an off site contribution, preferred	Text amended.
WFDC - Development Control	DrPO160	3.7	Comment	Need threshold figures for LAP / LEAP / NEAP in terms of child bed spaces	Reworded and child bed space thresholds added.
WFDC - Cultural Services	DrPO175	3.7	Comment	The design should be approved by the Landscape Officer/Parks and Open Spaces It would be better to list the Council's strategic play areas here (in place of the schedule) and ask for off site contributions. The strategic play areas are Brinton Park, Stourport Riverside, St Georges Park and Northwood Lane.	Amended to incorporate that the design should be approved by the Landscape Officer/Parks and Open Spaces.
WFDC - Development Control	DrPO161	3.8	Comment	Can this be to WFDC specification when WFDC won't take it on after?	Reworded - To the satisfaction of WFDC
Gladman Developments Ltd	DrPO113	3.9	Comment	Gladman support the approach that maintenance of open space and play space being provided by the developer could either be maintained by the developer	Comments regarding maintenance of open space and play space are noted.

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				themselves or via a management company. Gladman's preferred approach is for a management company to provide the maintenance and this can easily be secured by a planning condition.	
WFDC - Development Control	DrPO162	3.9	Comment	Para 3.9 ... "In <u>some instances it may be appropriate</u> for the open...." As WFDC will not be taking new provision do we need to go further e.g. "exceptional instances" not "some"	Amended.
WFDC - Cultural Services	DrPO174	3.9	Comment	3.9 Parks Manager title is wrong I think, should be Parks and Open Spaces Manager? Wording here should say 'by exception'.	Amended to exceptional circumstances, title also amended.
WFDC - Economic Prosperity & Place	DrPO50	3.10	Comment	Include reference to Community Wellbeing and Environment Directorate masterplan for the Riverside Meadows redevelopment.	Amended to reflect comments.
WFDC - Cultural Services	DrPO178	3.14	Comment	Page 27, this seems at odds with the rest of the document – using specific calculation here but not elsewhere?	The point raised has been considered but the calculation is relevant and is not the only calculation in the SPD.
WFDC - Cultural Services	DrPO227	Financial Contributions	Comment	Contributions should be sought for play, recreation and amenity open space and applied to all bed space rather than child bed spaces.	This point has been considered carefully, the contribution amount has been raised and this will be revisited as part of the Local Plan Review as the SPD is an interim document.
WFDC - Cultural Services	DrPO228	Financial Contributions	Comment	Layout costs in draft are not feasible and should be changed from £20.74sq.m to £133.76	The current amount has been increased to £23.50, it was not considered appropriate to increase the amount to £133.76 as following discussion with Development Management concern that viability of sites would be compromised.

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WFDC - Cultural Services	DrPO229	Financial Contributions	Comment	There is no allowance for a commuted sum for the ongoing maintenance of On or OFF site maintenance costs and these should be built into the document unless there is other guidance that advises that we can not request this contribution.	This is covered in the SPD - ongoing maintenance for 20 years is considered the normal period of time for the commuted sum.
WFDC - Cultural Services	DrPO171	3.16	Comment	Fields in Trust calculation – is this the only option available? It is very low. Could the Council develop their own calculation? Development puts pressure on our parks and open spaces and street scene and recreational facilities – all of which relates to numbers of people and not just children	Amended figure slightly but this will all be reconsidered as part of the Local Plan Review as agree figure is low.
Watkins R A	DrPO26	3.17	Comment	Paragraph 3.17 onwards is very confusing.	Paragraph 3.17 has been reworded.
WCC - Schools Information and Planning Section	DrPO204	3.17	Comment	We would like to see reference at the beginning of this section to the fact that Worcestershire County Council is the relevant infrastructure provider for education facilities and that we will be working in partnership with WFDC to deliver the infrastructure required to support housing growth.	Amended to reflect comments.
Gladman Developments Ltd	DrPO114	3.18	Comment	Gladman note that paragraph 3.18 of the consultation document only partially quotes from paragraph 72 of the Framework, as well as being proactive, LPAs are also required to take a ‘positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.’ Gladman believe this to mean that LPAs should not use lack of school places / the absence of an expansion programme / long-term strategy as a reason to refuse planning applications, but should work with developers to overcome any Issues.	Comments regarding paragraph 3.18 and the wording of paragraph 72 of the NPPF are noted.
Watkins R A	DrPO27	3.21	Comment	Opening sentence is too woolly! How does this tie up with the education authority policy on catchments?	Paragraph 3.21 has been worded in consultation with Worcestershire County

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					Council.
Watkins R A	DrPO28	3.22	Comment	What does the last sentence mean?	Section 3.22 has been reworded for clarity.
WCC - Schools Information and Planning Section	DrPO205	3.22	Comment	Suggest amending wording to "Obligations may be required for early years (0-5 year olds), primary (5-11 year olds) and secondary (11-16) school facilities, sixth form provision and special education facilities. Appropriate supporting evidence will be supplied for each obligation requested."	Reworded and amended as per comments.
Watkins R A	DrPO29	3.23	Comment	2001 Census is now too outdated and probably invalid. What does 2011 analysis show?	Updated with 2011 Census statistics.
Gladman Developments Ltd	DrPO115	3.23	Comment	The consultation document at paragraph 3.23 refers to a formula which takes various elements into account it would add clarity to the SPD if this formula was included and a worked example provided. The second bullet point within paragraph 3.23 refers to data (pupil yield) being derived from the 2001 Census. Gladman query whether the Council should be using more up-to-date information than this.	Text amended to update and formula included.
WCC - Schools Information and Planning Section	DrPO206	3.23	Comment	In light of WCC imminent consultation on education S106 / CIL - suggest amending wording: Education contributions for sites of 100 dwellings or less will be calculated on a cost per dwelling basis. The cost per dwelling is calculated by a formula which takes account of the following factors: <ul style="list-style-type: none"> • number and phase of year groups in the relevant school(s). • average pupil yield - currently 0.028 children per school year group per dwelling based on analysis of the 2011 Census of Population. • building cost multiplier – set cost per pupil for building 	Reworded as per comments.

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				<p>new school accommodation, based on original figures published by the Department for Education (DfE) and uplifted periodically in line with inflation.</p> <ul style="list-style-type: none"> • size and type of dwellings – dwellings with four or more bedrooms attract a 50% additional weighting due to the higher likely pupil yield. Conversely, flats and apartments have a 60% discount applied due to a reduced pupil yield. One bedroom dwellings of any type are not subject to a contribution, but are included in the calculation of the overall size of the development. <p>The formula is: $P \times 0.028 \times PBCM) + (S \times 0.028 \times SBCM) + (F \times 0.5 \times 0.028 \times FBCM) = \text{Base Contribution}$</p> <p>Where: P = the number of primary phase year groups in the school PBCM = Primary Building Cost Multiplier S = the number of secondary phase year groups in the school SBCM = Secondary Building Cost Multiplier F = the number of sixth form year groups in the school FBCM = Sixth Form Building Cost Multiplier The Base Contribution is the level set for 2/3 bed open market dwellings, with a weighting applied for 4/5 bed dwellings and flats and apartments</p>	
Gladman Developments Ltd	DrPO116	3.24	Comment	<p>The document, at paragraph 3.24, refers to a separate document setting out the schedule of rates, and provides the web link for this. Having reviewed this document. Gladman found this to be very confusing and believe it lacks clarity as to how the sums requested per dwelling take into account any surplus capacity and it is a needlessly complicated approach. Gladman refer the Council to paragraph 154 of the Framework which</p>	<p>The link is to a Worcestershire County Council document that lists a schedule of charges relating to education provision.</p>

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				outlines the need for policies to be clear and unambiguous.	
WCC - Schools Information and Planning Section	DrPO207	3.24	Comment	Suggest amending wording to "The current schedule of rates and other supporting information is available to download from ..."	Amended.
Watkins R A	DrPO30	3.25	Comment	Why is 30 dwellings (net) a starting point? This could accommodate over 30 children.	This figure has been set by Worcestershire County Council.
Gladman Developments Ltd	DrPO117	3.25	Comment	Paragraph 3.25 of the consultation document moves on to outline the threshold for contributions. This refers to the number of surplus places at schools serving the development. It would be helpful if the SPD defined what this would be. Gladman recommend this should be all schools within 2 miles of the development. Paragraph 3.25 also refers to requiring contributions when schools have no surplus places in at least one year group. Gladman believe that rather than this approach the Council should take into account the situation at the school overall, as although one year group may be full, there may be surplus capacity in other age groups. The justification for this alternative approach is that developers cannot know what years the pupils generated from a development will fall into, not all the pupils arrive at once (as the development takes several years to build out), a proportion are likely to be pupils already attending the school (i.e. they already live in the area) and the delay in starting development (2 years) means space can be reserved for pupils from the scheme it large numbers are generally admitted from outside the catchment area.	Wording has been agreed with Worcestershire County Council for clarification.
WCC - Schools	DrPO208	3.25	Comment	In light of WCC imminent S106 /CIL consultation - suggest	Amended.

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Information and Planning Section				<p>amending wording to:</p> <p>The threshold for contributions will depend on the size of the development and the ability of schools related to the development to absorb the additional pupils likely to be generated. The size of the development is determined by the net gain in dwellings. For example, a building project involving the demolition of two existing dwellings and the construction of 35 new dwellings will be considered to be a development of 33 dwellings for the purposes of assessing the Section 106 education contributions.</p> <p>For developments of 35 dwellings or less, contributions will only be considered where there is an exceptional need to increase capacity in the related schools. It is anticipated that most exceptional cases will be in rural settlements where the local school is under pressure. This will be assessed on a case-by-case basis, with relevant evidence provided by the County Council.</p> <p>For developments of between 36 and 100 dwellings the County Council will consider the average number of surplus places per year group in related schools and how this compares to the expected impact of the development.</p> <p>For developments of more than 100 dwellings the County Council will carry out the same assessment but may seek to negotiate a bespoke contribution package depending on the specific infrastructure requirements of the development. The County Council may seek the provision of land and/or buildings as an in-kind contribution from larger developments.</p>	
Watkins R A	DrPO31	3.26 and 3.27	Comment	Basing a contribution policy on such short term data is dangerous and open to challenge.	Reworded in consultation with Worcestershire County Council.
WCC - Schools	DrPO209	3.26	Comment	Suggest amending wording to:	Amended.

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Information and Planning Section				The County Council will assess the average number of surplus places by reference to the number of pupils on roll as at the October school census. This will be compared to the Published Admission Number for the most recent September intake for that school.	
WCC - Schools Information and Planning Section	DrPO210	3.27	Comment	Suggest amending wording to: Contributions will be sought from housing developments where it can be shown that the scheme will result in a direct need for additional school facilities at one or more of the schools related to the development. Related schools will usually be those whose catchment area includes the proposed development site. Schools that do not use catchment areas may be identified as related schools where they are in close proximity to the development, meet the criteria on lack of surplus capacity, and can demonstrate a likely demand from families moving onto the development. If the school(s) identified as related to a development have no scope to expand, consideration will be given to nominating an alternative school which can be expanded.	Amended.
Watkins R A	DrPO32	3.28	Comment	Is this legal? Surely planning approval and inclusion in the education authority's capital programme is essential at the outset.	Following consultation with Worcestershire County Council the wording has been retained.
Watkins R A	DrPO33	3.29	Object	A contribution must be made by all new dwellings over 1 bedroom unless 3.31 applies.	This point has been agreed with Worcestershire County Council.
WCC - Schools Information and Planning Section	DrPO211	3.33	Comment	Education S106 contributions will be payable directly to Worcestershire County Council as the infrastructure provider.	Amended.
Bewdley Town	DrPO101	3.34	Comment	Para 3.34 - 7-10 years seems like a long period of time in	Comments relating to educational

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Council				order to make new development viable in relation to education provision. Families will not be encouraged into the area if there are no school places.	provision and child places are noted. 7-10 years is the outer time limit used by the County Council.
WCC - Schools Information and Planning Section	DrPO212	3.34	Comment	Spend period will usually be 10 years but not less than 5. We are happy for this to be not less than 7 if this fits with WFDC standards.	Retained at 7-10 years.
Taylor Wimpey West Midlands	DrPO138	Community Facilities	Comment	It is accepted that facilities such as community centres, youth facilities and meeting rooms can play an important part in community life, but it is not clear how the Council will determine whether a development proposal would give rise to the need for an additional facility as a direct result. Further information should be outlined to give necessary certainty in respect of the Council's approach to requiring community facilities.	Points noted and clarification has been given as far as is possible
Gladman Developments Ltd	DrPO118	3.41	Comment	Gladman support the use of a community facilities audit to inform request for planning obligations towards community facilities. This evidence needs to be up to date to ensure the necessary justification for <i>any</i> contribution.	Agree that up to date information is essential.
WFDC - Cultural Services	DrPO173	3.42	Comment	3.42 what is the formula for this or the process? Malvern, Wychavon and Bromsgrove/Redditch – all have section 106 money for leisure facilities e.g. sports centre. There is no presumption that it is just play or open space and not for community facilities. Please could we look at this?	South Worcestershire have recently consulted on a new developer contributions SPD which is less specific regarding facilities. This point will be reconsidered as part of the review of the Local Plan.
WFDC - Cultural Services	DrPO176	3.42	Comment	3.42 – can we explain rationale and how and why?	List is not limited to those listed, these are just some examples.
Gladman Developments	DrPO119	Health	Comment	Gladman note that the SPD includes a section on Health, which refers to either the provision of land to enable	Agree that the basis for health contributions will be based on need and

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Ltd				<p>provision of healthcare facilities or a financial contribution to support the needs of new or existing facilities.</p> <p>Gladman agree that in some circumstances a planning obligation in relation to Healthcare will be appropriate. This will need to be justified by evidence of existing capacity in service provision in the locality and any obligations sought should be based on the provision of an identified scheme or project.</p>	additional use of services.
Taylor Wimpey West Midlands	DrPO139	Health	Comment	The Planning Obligations SPD should be clear that for off-site health contributions a maximum of five obligations will be utilised for any single project. Therefore, any strategic health projects may require the introduction of CIL within Wyre Forest District or need to establish other funding streams to ensure delivery.	Point regarding pooling is made at 1.44, this relates to whole of the document so it is unnecessary to make this point in every section.
WCC - Planning Economy & Performance	DrPO221	Health	Comment	<p>The Public Health team recommends that Health Impact Assessments (HIA) are completed on planning applications which are expected to have a significant impact on the health and wellbeing of the local population, to assist the Local Planning Authority in identifying the scope for developer contributions. This should complement the health services and facilities provision needs specified by the CCG and NHS.</p> <p>Additionally, a HIA could inform negotiations regarding wider aspects linked to health and wellbeing and health inequalities in the local population, such as provision of sustainable transport, public footpaths, open and green spaces or community facilities. This approach is supported by national policy, and the Planning Practice Guidance (PPG) states that Local Planning Authorities should engage with relevant health bodies, consider health and wellbeing impacts, and develop any necessary</p>	This will be considered as part of the review of the Local Plan and work is progressing on Worcestershire County Council Health SPD.

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				mitigation for all relevant planning applications. The PPG suggests completing a HIA to identify these health impacts. The PPG also states (Paragraph: 004 Reference ID: 53-004-20140306) that "information gathered from this engagement should assist local planning authorities consider whether the identified impact(s) should be addressed through a Section 106 obligation or a planning condition". This HIA approach has been taken forward by Local Authorities nationally.	
Worcestershire Acute Hospitals NHS Trust	DrPO97	3.46	Comment	<p>"3.46 The provision of adequate levels of health care is an essential part of any sustainable community. Worcestershire Primary Care Trust (PCT) plans and provides the health care facilities within the District." This latter statement is inaccurate as PCTs ceased to exist as part of NHS reorganisation in 2013. Wyre Forest CCG are now responsible for planning healthcare in the district as indicated on their website as follows:</p> <ul style="list-style-type: none"> • <i>NHS Wyre Forest Clinical Commissioning Group is responsible for planning and buying a wide range of healthcare services, including most hospital, community and mental health services and ensuring the quality of these services.</i> • <i>We serve a patient population of 112,000 patients and have a budget of approximately £127 million. We are accountable to our members which consists of the practices in the Wyre Forest Area. Body is the formal decision-making body in the CCG. It is made up of a membership that includes doctors and healthcare professionals, other NHS managers, lay members.</i> 	Text amended.

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				In respect of the first bullet point above I can advise that this Trust provides acute hospital care whilst Worcestershire Health and Care Trust provides community and mental health services	
WCC - Planning Economy & Performance	DrPO219	3.46	Comment	Primary Care Trusts were abolished on 31 March 2013. Should refer to the Wyre Forest Clinical Commissioning Group	Amended.
WCC - Planning Economy & Performance	DrPO220	3.46 - 3.51	Comment	3.46 - 3.51 This section may benefit from firstly setting out the health issues as an overview, and making clear that planning policy and developments can contribute to lessening the impact of certain illnesses attributed to inactivity and poor air quality	Amended.
Worcestershire Acute Hospitals NHS Trust	DrPO98	3.47 - 3.51	Comment	Worcestershire Acute Hospitals NHS Trust supports the Health section of the Draft Revised Planning Obligations SPD (January 2016) but would also wish to reiterate my earlier comments submitted on 9/1/15 as part of the initial consultation exercise, particularly in respect of points 3.50 and 3.51: “It is important to recognise that whenever the requirements for the provision of healthcare services and facilities are considered, that this should include acute hospital facilities as well as primary care e.g. GP facilities, as clearly any population growth also leads to increased demand for secondary healthcare services. Residential development and population growth clearly impact on the demand for all elements of social infrastructure, including education, health and emergency services”	Full response noted and text reworded.
Place Partnership Ltd	DrPO59	3.52 - 3.62	Comment	WP, WMP and HWFRS welcome and support the inclusion of content on emergency services infrastructure needs within the District, as part of Chapter 3 – Social Infrastructure. The content, in so far	Comments noted.

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				as it is currently drafted, is in principle in accordance with paragraph 153 of the National Planning Policy Framework (NPPF).	
Place Partnership Ltd	DrPO60	3.52-3.62	Comment	<p>Subsection would significantly benefit from the inclusion of the following additional information: Clear statement that ‘emergency services infrastructure’ includes the police, fire and rescue and ambulance services.</p> <p>Whilst ‘fire and rescue’ is referenced, which we welcome, the other two ‘blue light services’ are not. This has potential to create difficulties during Section 106 negotiations particularly, as doubt is created as to whether ‘preventing <i>crime and disorder</i>’ includes police infrastructure or not. A large body of recent appeal decisions confirm that contributions to such infrastructure are compliant with the Community Infrastructure Levy (CIL) Regulations. The NPPG makes a clear distinction between infrastructure for the police and that required to ensure community safety more generally, whilst at the same time confirming the acceptability of contributions to both. It is consequently very important that the SPD does the same.</p>	Amended to take into account comments.
Place Partnership Ltd	DrPO61	3.52-3.62	Comment	<p>Subsection would significantly benefit from the inclusion of the following additional information: Confirmation as to the current national and local planning policy which supports developer Contributions (Section 106 and CIL) to the emergency services.</p> <p>Although some information is provided within paragraph 3.52 on the planning policy background supporting planning obligations to the emergency services, it would be much clearer and more robust if the paragraph</p>	Document amended to include comments.

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				<p>instead stated: 'The current guidance supporting developer contributions (Section 106 and CIL) to emergency services infrastructure, which includes the police, fire & rescue and ambulance services, is as follows:</p> <ul style="list-style-type: none"> - <i>Crime and Disorder Act 1998</i> - <i>National Planning Policy Framework: Paragraphs 17, 58, 69, 70, 156, 162, 177 and 204</i> - <i>National Planning Practice Guidance: Paragraph 072 Reference ID 25-072-20140612</i> - <i>Core Strategy 2006 – 2026 (adopted December 2010): Policy CP07 – Delivering Community Wellbeing</i> - <i>Site Allocations and Policies Local Plan 2006 – 2026 (adopted July 2013): Policy SAL.UP7 – Quality Design and Local Distinctiveness</i> - <i>Kidderminster Central Area Action Plan (adopted July 2013): Policy KCA.DPL2 – Mixed Use Development and Policy KCA.GPB7 – Evening Economy</i> 	
Place Partnership Ltd	DrPO62	3.52 -3.62	Comment	<p>Specify whether contributions will be spent on capital or revenue costs for the emergency services. Contributions received by WP, WMP and HWFRS will be used for capital purposes only. The services anticipate using rates and Home Office revenues to pay for staff salaries and their day-to-day routine additional costs (e.g. call charges on telephony and Airwaves, vehicles maintenance and so on).</p>	This point has been addressed.

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Place Partnership Ltd	DrPO63	3.52-3.62	Comment	<p>Include confirmation that the Council will work in partnership with WP, WMP and HWFRS to ensure compliance with the CIL Regulations.</p> <p>As stated in our previous representations, the Council will need to decide what is meant by the terms ‘infrastructure project’ and ‘infrastructure type’. This will then need to be applied to all providers in a fair, consistent and transparent way throughout the plan period.</p> <p>The consultation document does not confirm what is meant by these terms in Wyre Forest District per se, other than a broad statement in paragraph 1.39 that the Council will work with partners on this matter. Expanding on this statement within the emergency services subsection would be helpful and aid partnership working.</p>	This SPD relates to Planning Obligations, not CIL.
Place Partnership Ltd	DrPO64	3.52-3.62	Comment	<p>Subsection would significantly benefit from the inclusion of the following additional information:</p> <p>Identifying emergency service infrastructures that could receive developer funding, via Section 106 agreements and CIL, and include confirmation that this cannot come from other sources.</p> <p>We welcome the identification of fire hydrants and other works necessary to ensure adequate supplies of water for firefighting within new development. We further support the commitment to partnership work with HWFRS to agree the locations of new hydrants.</p> <p>Infrastructure should be identified as acceptable for contributions by the SPD:</p> <ul style="list-style-type: none"> • Personal equipment for staff comprising workstations, radios, protective equipment • Police vehicles of varying types and functions 	Comments regarding the use of monies for different types of requirement are noted.

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				<p>covering existing patterns of development and community demand</p> <ul style="list-style-type: none"> • Automatic Number Plate Recognition (ANPR) cameras • Premises sufficient to accommodate the staff delivering services to the District <p>Other capital infrastructures are needed by WP and WMP, such as control room telephony, specialist equipment in use by forensics, support teams such as firearms and dog unit, prisoner detention, transportation and processing at custody suites in core locations. However, as there is currently capacity in these infrastructures to absorb the impact of development growth, WP and WMP do not seek developer contributions towards them. WP and WMP do use their existing funds to provide the above infrastructures, as far as they stretch to meet the demands of an expanding population and overwhelmingly for staffing. However, it is the limit of these funds which propels Section 106 and CIL requests. The police do not seek contributions where other funds are available to meet their needs. The reality of this financial situation is a major factor in the police's plans for growth in that whilst WP and WMP can plan using their revenue resources to meet their on-going, and to a limited extent, additional revenue costs, these do not stretch to fund necessary additional investment in their infrastructures. Local plan documents across WP and WMP's geographical area reference additional capital infrastructure to accompany growth, and that is what the NPPF expects in its assertions about inclusive planning and the delivery of this by planning. The Wyre</p>	

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				Forest Core Strategy (adopted December 2010) and supporting Infrastructure Delivery Plan, directly support contributions to police and other emergency services infrastructure.	
Gladman Developments Ltd	DrPO120	Emergency Services Infrastructure	Comment	With respect of contributions to emergency services infrastructure, Gladman remind the Council of the need to ensure that any planning obligations sought meet the Regulation 122 tests, namely that they are necessary, directly relevant and fairly and reasonably related in scale and kind to the development	The Local Authority is fully aware of the Regulation 122 tests.
Taylor Wimpey West Midlands	DrPO141	Emergency Services Infrastructure	Comment	There seems to be a lack of evidence to support the requirement for contributions for emergency services infrastructure. The preventing crime and disorder section is not clear on the type of projects that could be sought through a planning obligation, to mitigate for issues of safety and security.	Text amended.
Watkins R A	DrPO34	3.54	Comment	Better guidance is needed before this becomes policy. This is potentially <u>very</u> expensive and could kill smaller developments.	Concern regarding cost of fire hydrants is noted.
Staffordshire & Worcestershire Canal Society	DrPO80	3.59	Comment	3.59 referring to the fifth bullet point of paragraph 58 of the NPPF the Society whole heartedly endorses the stated view that, '.....developments [should] create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'. The Society believes that these and the maximising of public footfall will lead to a reduction of antisocial activity on the canals in urban areas.	Agree with these points.
Watkins R A	DrPO35	3.62	Comment	What does the last sentence mean in practice? If it goes beyond 'designing out crime' developers /	Effective and appropriate design of new development can help to reduce crime.

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				designers need to know.	
Chaddesley Corbett Parish Council	DrPO153	3.62	Comment	Preventing Crime. It should be a requirement that all developments meet or exceed the security standards set out in DLG's "Requirement Q1 – Unauthorised Access".	Agree that all developments should meet or exceed statutory requirements for security standards.
Staffordshire & Worcestershire Canal Society	DrPO77	Green Infrastructure	Comment	On behalf of the Society I wish to thank the District Council for the opportunity to comment upon the 'Draft Revised Planning Obligations Supplementary Planning Document'. Furthermore the Society congratulates the planning department on the quality and scope of the document.	Support is noted.
Environment Agency	DrPO126	Green Infrastructure	Comment	We welcome reference to Green Infrastructure within the draft SPD, including contaminated land (paragraph 4.17-4.20), biodiversity (paragraph 4.28-4.38) and flood alleviation (paragraph 4.47).	Noted
WCC - Planning Economy & Performance	DrPO198	4.1	Comment	Suggest beginning with the definition of green infrastructure as stated by the Worcs. GI Partnership.	Amended.
WCC - Planning Economy & Performance	DrPO199	4.2	Comment	Consideration could be given to including some of the key aims from these documents.	Amended.
Staffordshire & Worcestershire Canal Society	DrPO81	4.3	Comment	4.3 The statement that, '... As a first priority, adverse environmental impacts should always be avoided.' Reaffirms our view that the canal is too important an asset and amenity to the community to be subjected to harmful and deleterious development. The District Council has a justly proud record of ensuring developments enhance the built and rural environment in relation to the wellbeing of the community.	Agree with these points.
Watkins R A	DrPO39	Environmental	Comment	Light pollution. Why no reference?	In the current adopted plans there is not a

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		Requirements			section relating to light pollution. An additional policy cannot be added to an SPD, but as part of the review of the Local Plan this will be investigated.
WCC - Planning Economy & Performance	DrPO200	4.4	Comment	Consideration could be given to citing the NPPF before the NPPG, as this is the stronger policy document (for example Paras 109, 112, and 123), before going on to discuss the detailed provisions of the NPPG.	Text amended.
Watkins R A	DrPO36	4.11	Comment	Change '10 properties' to 10 dwellings.	Amended as per comment.
Chaddesley Corbett Parish Council	DrPO154	4.11	Comment	Air Quality/Car parking spaces - car parking spaces need to reflect the realities of modern living (e.g. young people at work continuing to live with parents). Rural areas have limited access to public transport and cars are essential for travel to work and everyday living. Rural developments need to be adequate for the size of the development, provide space for visitors, and ensure that there is no adverse overspill of vehicle parking into adjacent streets, which are often already congested.	Point noted but this section of the SPD seeks to reflect current policy.
WFDC - Development Control	DrPO163	4.11	Comment	Most of this could be dealt with by condition - not S106	Reworded.
WCC - Planning Economy & Performance	DrPO233	4.11	Comment	Suggest minor amendment to wording as follows: "Residential developments of 10 or more dwellings, commercial developments with 10 or more parking spaces or developments likely to increase traffic and therefore emissions, will be required, usually through planning conditions, to put in place measures to mitigate increased emissions. Such measures could include Travel Plans, design improvements, reduced car parking, sustainable vehicle measures, cycling/pedestrian	Paragraph amended to as suggested.

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				facilities and improvements to local public transport".	
Watkins R A	DrPO37	4.12	Comment	4.12 first sentence - who does the 'assessment' and 'when'?	The assessment would be made by the appropriate body.
Watkins R A	DrPO38	4.13	Comment	Para 4.13 onwards. The practical application of these paragraphs is <u>very</u> questionable. At the very least the local planning authority needs to identify and plot known sources of noise pollution.	Comments noted.
WFDC - Development Control	DrPO164	4.20	Comment	In the majority of cases planning conditions should suffice - should this be stressed here?	Text amended.
Gladman Developments Ltd	DrPO121	Historic Environment	Comment	In respect of the historic environment, the consultation document sets out that planning obligations would fall into three categories. <ul style="list-style-type: none"> • To require the carrying out of specific operations or activities to a heritage asset • To require a sum or sums of money to be paid towards the cost of the carrying out of specific operations or activities to a heritage asset • To restrict the development or use of the land until the identified 'heritage objective' has been met Whilst Gladman have no specific comments to make in relation to this type of planning obligation, again Gladman reiterate the need to ensure the Regulation 122 tests are met in order for the planning obligations to be CIL compliant	The Local Authority is fully aware of the Regulation 122 tests.
Watkins R A	DrPO40	4.21	Comment	Para 4.21 onwards - generally supportive, but what if a development only affects setting and not curtilage? Could any of the para 4.26 contribution be expected in that scenario?	Amended to include 'or their setting'.
Historic England	DrPO92	4.21	Comment	Paragraph 4.21 fourth line refers to <i>'The continued</i>	Text amended.

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				<i>preservation, maintenance and enhancement...'</i> . It is recommended that this wording be amended to read <i>'The continued protection, conservation and enhancement...'</i> in line with NPPF wording and also in line with the wording included in Policy SAL.UP6	
Staffordshire & Worcestershire Canal Society	DrPO82	4.23	Comment	4.23 ' Policy SAL.UP6: Safeguarding the Historic Environment of the Site Allocations and Policies Local Plan requires any development proposal to demonstrate how the heritage assets will be protected, conserved and, where appropriate, enhanced.' The Society notes and strongly supports this view in relation to the Canal and its environs.	Support for proposals to demonstrate how heritage assets will be protected, conserved and where possible enhanced are noted.
Canal & River Trust	DrPO67	4.25	Support	The Trust supports this section of the SPD which sets out that developments close to heritage assets (which includes the canals) will be required to contribute to their repair, restoration or maintenance. We also support contributions towards interpretation panels for canalside developments explaining the rich history and heritage of the waterways.	Support is noted.
Staffordshire & Worcestershire Canal Society	DrPO83	4.25	Comment	' Planning applications which are close to certain types of heritage asset (e.g. canals, publicly owned Listed or Locally Listed Buildings etc), or that directly impact upon, or fall within a heritage asset may result in a developer being required to either carry out specific improvement works or to set aside a commuted sum of money.' Likewise the Society is pleased to see the reaffirmation of the District Council's recognition of the essential role the canal plays in helping to maintain a healthy ecology and broad biodiversity:-	The Local Authority recognises the valuable role that the canal plays in terms of ecology and biodiversity.
WCC - Planning Economy &	DrPO201	4.25	Comment	Suggest that a heritage asset's setting should also be mentioned	Amended.

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Performance					
Historic England	DrPO93	4.26	Support	Paragraph 4.26 and the associated indicative list is welcomed.	Comments noted.
WFDC - Development Control	DrPO165	4.27	Comment	Para 4.27 "Consultation with the landowner <u>may</u> be required..." This should read Consultation with the landowner <u>will</u> be required"	Amended.
Gladman Developments Ltd	DrPO122	Biodiversity and Geodiversity	Comment	Gladman note that the mitigation in relation to biodiversity and geodiversity is often very site specific, and therefore it is difficult to provide further guidance regarding this. Whilst Gladman accept this and welcome discussions regarding individual scheme and the mitigation required, it is key that the planning obligations sought are justified and again will need to meet the CIL Regulation 122 tests.	The Local Authority is fully aware of the Regulation 122 tests.
Environment Agency	DrPO129	Biodiversity and Geodiversity	Comment	In relation to a contribution to Green Infrastructure, we have a number of projects where Water Framework Directive (WFD) funding has been sought. We also have Restoring Sustainable Abstraction work being carried out in your Council's area relating to low flow issues. We would be happy to discuss this work and how it could be picked up under the Planning Obligations SPD in further detail with you. July 2016 funding has been approved for this project and therefore will not be sought through Section 106.	No further action required.
Worcestershire Wildlife Trust	DrPO73	4.28	Support	We are pleased to support the proposed Revised Planning Obligations SPD and in particular the comments concerning Biodiversity beginning at paragraph 4.28	Welcome the support especially relating to biodiversity.
Historic England	DrPO94	4.28	Comment	Paragraph 4.48 refers to public realm works which can impact on the historic environment and heritage assets and their settings. As such it is recommended that at the	Wording amended.

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				end of the paragraph, where public realm is linked to transport choices and connectivity, additional text could be included to read ' <i>and can also enhance the historic environment</i> ' or a similar alternative. Reference to the historic environment here would emphasise the synergistic opportunities which could potentially be available through a planning obligation.	
Canal & River Trust	DrPO68	4.31	Comment	The Trust supports this section of the SPD which sets out that developments within the Kidderminster Central Area adjacent to the Staffordshire & Worcester Canal and the River Stour will be required to contribute to their biodiversity enhancement, where appropriate. We note that any biodiversity enhancements within our water space would require a licence and agreement from the Canal & River Trust.	Support is noted.
Staffordshire & Worcestershire Canal Society	DrPO84	4.31	Comment	Policy KCA.UP7 of the Kidderminster Central Area Action Plan requires sites adjacent to the Staffordshire & Worcestershire Canal and the River Stour to enhance the biodiversity value of the canal and rivers where appropriate'.	Comments noted.
Woodland Trust	DrPO86	4.33	Comment	The Woodland Trust would like to see a specific paragraph added supporting woodland creation as a key planning obligation tool to deliver green infrastructure. Trees and woods can deliver a wide range of green infrastructure benefits for placemaking for local communities, in both a rural and urban setting, and this is supported by current national planning policy. Woodland creation delivers across a wide range of benefits – see our publication Woodland Creation – why it matters . These include for both landscape and biodiversity (helping habitats become more robust to adapt to climate change, buffering and extending	Many valid points made, inclusion of support for woodland creation as a planning obligation will be investigated.

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				<p>fragmented ancient woodland), for quality of life and climate change (amenity & recreation, public health, flood amelioration, urban cooling) and for the local economy (timber and wood fuel markets).</p> <p>The Council has a statutory duty to protect trees and promote tree planting: Section 197 of the Planning Act (1990) - Planning permission to include appropriate provision for preservation and planting of trees.</p> <p>The National Planning Policy Framework (NPPF) supports the need for more habitat creation: '<i>Local planning authorities should: set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure</i>', Also para 117 states that: '<i>planning policies should:....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets and identify suitable indicators for monitoring biodiversity in the plan</i>'. </p> <p>Creating a great place for living: Defra’s strategy to 2020 (Defra, EA, NE, FC Jan 2016) contains the aspirations to increase biodiversity, improve habitat and expand woodland areas.</p> <p>England Biodiversity Strategy which makes it clear that expansion of priority habitats like native woodland remains a key aim.</p> <p>A reading of these policies in the National Planning Policy Framework together with the England Biodiversity Strategy indicates that habitat expansion, like native woodland creation, should form a high priority for this new Allocations Plan.</p> <p>Woodland creation also forms a significant element of the Government Forestry Policy Statement (Defra Jan</p>	

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				<p>2013)</p> <p>Other benefits of tree planting include –</p> <p>Urban heat island: Trees and woods can reduce the impact of the 'urban heat island effect' which occurs when hard surfaces in summer act as giant storage heaters, absorbing heat during the day and releasing it at night.</p> <p>Air quality: Trees further improve air quality through the adsorption of particulates from vehicle emissions and other</p> <p>Water management - flooding : Trees can reduce the likelihood of surface water flooding, when rain water overwhelms the local drainage system, by regulating the rate at which rainfall reaches the ground and contributes to run off.</p> <p>We would therefore like to see an additional paragraph inserted to read: “Development proposals will be expected to provide for appropriate tree planting to benefit recreation & amenity, health & wellbeing and water flow & quality as well as wildlife and landscape.</p>	
Worcestershire Wildlife Trust	DrPO74	4.35	Comment	<p>Management and monitoring of mitigation will be critical in delivering successful outcomes and we would therefore suggest that explicit reference be made to the need for management agreements to be brought forward as part of any mitigation package. These should run for at least the same length of time as the establishment period (see below) but there will be cases where they will be required for the lifetime of the development. Commentary on this could be included in any of the paras. 4.35 – 4.38</p>	Paragraph partially reworded to take into account comments.
Woodland Trust	DrPO87	4.35 -4.38	Comment	<p><u>It is not possible to mitigate the loss of, or replace, ancient woodland by planting a new site, or attempting</u></p>	Interesting points are raised which will be investigated through engagement with

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				<p><u>translocation</u>. Every ancient woodland is a unique habitat that has evolved over centuries, with a complex interdependency of geology, soils, hydrology, flora and fauna. This requires absolute protection in accordance with emerging national policy. (Communities and Local Government (CLG) Select Committee Report July 2014 - This shows a clear direction of travel, recognising that the NPPF does not currently provide sufficient protection for ancient woodland. Until the NPPF is amended there is a clear role for Local Plans and associated documents to provide this improved level of protection and to ensure that irreplaceable habitats get the same level of protection as heritage assets enjoy under the NPPF).</p> <p>Wyre Forest District shows a significantly above average ancient woodland resource at 9.24% of land area compared to a UK average of 2.5%, it is critical that this valuable natural resource is absolutely protected in this Plan and highlighted appropriately. There should be no further avoidable loss of ancient trees through development pressure, mismanagement or poor practice. The Ancient Tree Forum (ATF) and the Woodland Trust would like to see all such trees recognised as historical, cultural and wildlife monuments scheduled under TPOs and highlighted in plans so they are properly valued in planning decision-making. There is also a need for policies ensuring good management of ancient trees, the development of a succession of future ancient trees through new street tree planting and new wood pasture creation, and to raise awareness and understanding of the value and importance of ancient trees. The Ancient Tree Hunt is designed specifically for this purpose.</p> <p>Other - stronger - national policies on ancient woodland</p>	<p>Woodland Trust as part of the Local Plan Review.</p>

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				<p>and ancient trees should be considered:</p> <ul style="list-style-type: none"> • The Government’s policy document ‘ Keepers of Time – A statement of Policy for England’s Ancient & Native Woodland’ The Government’s Independent Panel on Forestry Government <i>Forestry Policy Statement (Defra Jan 2013)</i>:. • <i>The Government’s Natural Environment White Paper – The Natural Choice: securing the value of nature</i> (HM Government, July 2011 • <i>The Biodiversity Strategy for England (Biodiversity 2020: A Strategy for England’s Wildlife & Ecosystem Services , Defra 2011</i> <p><i>There is increasing evidence of other local authorities supporting absolute protection of ancient woodland in their LDF planning documents.</i></p> <p><u>We would like to see this Planning Obligations SPD contain text to the effect that – “Loss and damage to ancient woodland and ancient trees cannot be mitigated and they should therefore be protected absolutely”.</u></p>	
Worcestershire Wildlife Trust	DrPO75	4.36	Comment	<p>We welcome the fact that the SPD reflects the need to provide positive GI and biodiversity enhancement through development and we are pleased to note references to the need for development to avoid harm as a first principle, before moving to mitigation and compensation. With this in mind it may be helpful to make specific reference to paragraph 118 of the NPPF in paragraph 4.36 to further emphasise this important point.</p>	Amended with reference to paragraph 118 of NPPF in 4.35.
Worcestershire	DrPO76	4.38	Comment	<p>We note the two options for mitigation given in</p>	The wording has been amended. Length of

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Wildlife Trust				paragraph 4.38 but we would query the need for these to be placed in order of preference. Which solution is preferable will depend on site circumstances and we would recommend that this is reflected in the wording. In addition we would advocate that the creation and establishment period be extended to 20 years to better reflect the uncertainties surrounding creation of habitat.	time period will be reviewed as part of the review of the Local Plan.
Gladman Developments Ltd	DrPO123	Flood Alleviation	Comment	Gladman note that this element of the SPD refers to options for both on-site and off-site mitigation, but that it is only the off-site that is likely to be secured through planning obligation.	Comments noted.
WFDC	DrPO70	4.40	Comment	At the moment the return periods in this paragraph for fluvial flooding are indicated as 1 in 100 and 1 in 1000. The word 'year' could perhaps be added to this? In addition, it is now encouraged to describe the frequency as a percentage chance for any given year, as this appears to be easier understood by the general public. For the 1 in 100 year event this would be 1% annual probability and for the 1 in 1000 year this would be a 0.1% annual probability. The format in which it is normally done is: 1 in 100 year (or 1% annual probability)	Amended to reflect these comments.
Watkins R A	DrPO42	4.41	Comment	Too woolly.	Reworded after consultation with Environment Agency and Wyre Forest District Water Management.
Environment Agency	DrPO127	4.41	Comment	Technical Guidance referred to at 4.41 is outdated. Suggest update to refer to the current Flood Risk and Coastal Change section of the NPPG.	Amended as per comments.
Chaddesley Corbett Parish Council	DrPO155	4.41	Comment	Flood alleviation. Residential development in areas at risk of flooding should be prohibited.	All residential development in areas at risk of flooding will be considered in consultation with the Environment Agency.

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WFDC	DrPO71	4.44	Comment	This paragraph currently details that it is important that runoff rates and volumes leaving the development site get limited to pre-development levels. Although that is clear to me, I do wonder whether it is clear enough that for Brownfield sites too this means Greenfield levels, not the levels prior to redevelopment? The National Standards for SuDS (Defra, 2015) as mentioned in paragraph 4.46 now prescribe that levels for major developments should be as close as reasonably practicable to the Greenfield runoff rates and volumes for all sites, however never exceeding the levels that would have occurred prior to the redevelopment of the site (standards S3 and S5).	Amended to clarify this comment.
Watkins R A	DrPO41	4.46	Comment	Why only "major developments"? Use of S106 on smaller schemes is too pedantic - just remove permitted development rights which could nullify SUDs on site.	Comments noted.
WFDC	DrPO72	4.46	Comment	This paragraph starts by stating that there is the expectation that SuDS will be provided for the management of runoff in all major developments wherever appropriate. I do wonder how this relates with the Council's Core Strategy CP02 which states that all (not just major!) new developments will be required to incorporate appropriate Sustainable Drainage Measures. Ideally I would like to change the first sentence of paragraph 4.46 into: "There is the expectation that SuDS will be provided for the management of runoff in all major developments wherever appropriate and in all new developments in areas at risk of flooding, and that the design will conform to the non statutory technical standards for SuDS (Defra, 2015).	Changed the sentence as suggested.
Environment	DrPO128	4.47	Comment	Suggest change to heading at para.4.47 to include both	Paragraph amended following these

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Agency				types of infrastructure: Flood Warning and Existing Flood Defence Contributions.	comments and points raised by Water Management.
WFDC - Development Control	DrPO166	4.47	Comment	<p>Para 4.47 -</p> <ul style="list-style-type: none"> "Where it can be demonstrated by the appropriate Risk Management Authority...." How can this be demonstrated? ".. Contributions will be directed towards a specific flood warning system..." Noted but the EA have already asked for this in 5+ cases. No requirement to sign up for this. Not clear how it can be substantiated. 	The risk management authority will decide how this will need to be demonstrated.
Gladman Developments Ltd	DrPO124	Public Realm	Comment	Gladman query the inclusion of public realm contributions within the SPD. Whilst Gladman note that these will only be sought in 'appropriate circumstances', no further clarity is provided as to when the District Council will seek these types of obligations, or what they consider to be appropriate circumstance. Gladman again refer back to the Regulation 122 tests, as it is unclear how obligations for public realm improvements would meet these.	Comments regarding public realm are noted.
WCC - Planning Economy & Performance	DrPO234	4.48	Comment	Suggest revised wording for this paragraph, as follows: "The public realm relates to all areas of the District accessible to the public where societal interaction takes place. High standards of design and the quality of the public realm is essential in creating successful environments for movement, interaction and activity, as well as defining the setting and relationship between surrounding buildings. High standards of public realm will further enhance the historic environment and serve to	Wording amended as suggested.

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				promote sustainable travel choices by facilitating walking, cycling and access to public transport".	
Historic England	DrPO95	4.51	Comment	Paragraph 4.51 relevant local plan policies could also include SAL.UP6 – Historic environment and heritage assets.	Agreed and amended.
Woodland Trust	DrPO88	4.53	Comment	We are pleased to see the reference to tree planting in the public realm, which will help support green infrastructure provision of benefits for health and amenity in the urban environment. The case for trees in the urban environment is comprehensively made by the Urban Forestry and Woodlands Advisory Committee (FWAC) in their new publication <i>'Our vision for a resilient urban forest'</i> (Urban FWAC Network, Feb 2016) – “ <i>The urban forest vision will be shared by developers, planning authorities and communities as a critically important element of plans for new investment, infrastructure and retrofit...It will be a key part of green infrastructure (GI), helping to deliver economically successful, healthy, vibrant and safe places</i> ”.	Noted that reference to tree planting is supported.
WFDC - Cultural Services	DrPO177	4.53	Comment	Would like to see public art highlighted here - also not just in the town centre. Public art could be incorporated into the development e.g. railings, bus shelter, bike racks.	Point understood but list is not in priority order.
Watkins R A	DrPO43	4.54	Comment	What does adjacent to the town centre mean? What does major development mean in this context?	Town centres consist of primary and secondary shopping areas together with other uses such as residential and services.
Watkins R A	DrPO44	4.55	Comment	As with extra school buildings is it reasonable to fund something, in part, that the council might never build?	Worcestershire County Council carefully monitors and commit to spending contributions within a time period

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					specified in the planning agreement.
WFDC - Development Control	DrPO167	4.55	Comment	What public realm projects are there?	Points noted. Examples included at 4.56
Kidderminster Town Council	DrPO146	4.56	Support	The Town Council supports paragraphs 4.56 to 4.62 and the approach to contributions to public realm improvements in the centre of Kidderminster	Points noted and welcomed.
WFDC - Development Control	DrPO168	4.58	Comment	First bullet point. This project is complete	Point noted and text amended.
Watkins R A	DrPO45	4.59	Comment	'Adjacent' is not defined and for a project such as Kidderminster Rail Station, the real 'adjacent' area could be vast.	Adjacent areas for different projects would differ in size, therefore some adjacent areas would be much larger than others.
Canal & River Trust	DrPO69	4.61 and 4.63	Comment	We are pleased to note that new canalside developments within the Kidderminster Central Area and Stourport will be required to contribute to the improvement of the canalside public realm.	Comments are noted.
WFDC - Development Control	DrPO169	4.66	Comment	Isn't this a transport / air quality issue?	Bewdley has many Listed and Locally Listed buildings which limit development opportunities.
WFDC - Economic Prosperity & Place	DrPO51	4.68	Comment	What about a levy for providing new bins on new developments?	Amended to include this point.
Environment Agency	DrPO130	Other Areas	Comment	Waste water infrastructure is a possible area for future contributions. Developers can bring forward schemes through contributions to utility company programmes, accelerating AMP (Asset Management Plan)	Needs careful consideration in terms of policy justification which would be investigated as part of the Local Plan Review.

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				<p>programmes. It may be applicable for a section 106 agreement to be used to secure a future mains foul sewer connection, where there are capacity problems for example, and an upgrade programme exists or for first time sewerage schemes in rural areas (identified infrastructure constraints within your Council’s Water Cycle Strategy).</p> <p>Whilst this is not something which we would lead on, the SPD perhaps provides an opportunity for the inclusion of waste water infrastructure. Going forwards you may therefore wish to discuss this with the relevant sewage utility company, which in this instance is Severn Trent Water.</p>	
WFDC - Development Control	DrPO170	Jargon Guide	Comment	Affordable Housing needs updating to include starter homes	Due to national change the affordable housing section has been removed.