

PLACES SCRUTINY PANEL

26 November 2015

PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

Report of the Director for Places (Development & Economy)

Strategic Aim:	Building our Infrastructure Meeting the health & wellbeing needs of the community	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Deputy Leader and Portfolio Holder for Places (Development and Economy) and Resources	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Panel considers the Planning Obligations Supplementary Planning Document set out at Appendix A and that any comments be reported to Cabinet as appropriate.

1 PURPOSE OF THE REPORT

- 1.1 To consider a review and update of existing Supplementary Planning Documents (SPDs) relating to planning obligations in the light of consultation responses, to be applied alongside the Council's Community Infrastructure Levy (CIL) Charging Schedule.

2 BACKGROUND

- 2.1 There are two currently adopted SPDs on planning obligations which provide guidance on the adopted local plan:
- Planning Obligations and Developer Contributions SPD adopted in June 2010;
 - Developer Contributions to Off-Site Affordable Housing SPD adopted in June 2012, which required sites of any size to make provision towards affordable housing.
- 2.2 There are three related reasons for reviewing and updating these SPDs:

- the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) have introduced changes in the way that planning obligations can be applied;
- Government has established CIL as an alternative way of securing developer contributions towards community infrastructure to help mitigate the impact of planned growth, which will be implemented across Rutland in early 2016;
- consolidation of the two current SPDs and associated informal guidance into a single document.

2.3 Following the approval of the Council's CIL Charging Schedule by the Examiner, it is essential that a clear revised SPD is agreed that explains where, when and how section 106 obligations will be sought to resolve matters that CIL cannot address (such as the provision of affordable housing).

2.4 The role of the revised SPD will be to provide policy guidance relating to the use of section 106 legal agreements to secure any or all of the following:

- affordable housing (as this falls outside the scope of CIL), to secure provision either on-site or through off-site provision including commuted sums;
- infrastructure, such as the provision of on-site public open space, which is required as a result of specific development (and which is not included in the CIL Regulation 123 list which identifies items of community infrastructure to be funded from CIL);
- commuted sums for the maintenance of facilities/infrastructure that the developer would like another body to adopt; and
- measures to mitigate the impacts of development (for example, relating to environmental mitigation, archaeology, transport, highways and access etc.). In the case of highways work, this can include the use of section 106 and/or section 278 planning obligations which are both covered by the draft revised SPD.

2.5 A Ministerial Statement in November 2014 was followed by changes to the national PPG. These appeared to mean that sites of fewer than 11 dwellings in Oakham and Uppingham and sites of fewer than 6 dwellings elsewhere in Rutland would generally no longer be required to make contributions through section 106 agreements towards community infrastructure and affordable housing. The revised PPG also introduced a Vacant Building Credit to standardise how councils should off-set some of the section 106 liability on residential developments where part demolition or conversion of vacant property was involved.

2.6 Accordingly, Cabinet agreed in January 2015 that Rutland would implement these national changes with immediate effect (minute no. 9/2015 refers), to be followed by consultation on a revised SPD incorporating the national policy changes. The public consultation was held for 6 weeks during May and June 2015. A summary of responses and Officer comments on these are attached at Appendix B.

2.7 However, the Government's policy guidance was withdrawn following a Judicial Review in July 2015 and therefore the first draft revised SPD has not been adopted. Although the Government were granted leave to appeal the judgment in

September, the need to adopt the SPD is pressing and the Council has to give guidance based on current local policy and the revised PPG following the Court ruling.

3 CONSULTATION ON THE SECOND DRAFT REVISED SPD

- 3.1 A second draft revised SPD was then prepared to re-align the Council's approach with the Council's local plan and the PPG. The opportunity has also been taken to exempt new proposals for single dwellings from providing affordable housing to help to bring forward sustainable development. The second draft revised SPD retains the proposed reduction in the normal affordable housing requirement from 35% to 30% for viability reasons, which was also in the first draft. The second draft also takes into account responses from the first consultation.
- 3.2 The Local Plan Members Working Group (LPMWG) at its meeting on 11 September 2015 considered the second draft revised SPD and the timetable for consultation. The LPMWG asked about the number of dwellings at which affordable housing contributions began, phasing of levels and times of payment and the need to ensure that the provisions were enforceable in practice.
- 3.3 The second draft revised SPD was consulted on for a four week period from 24 September to 22 October 2015. A summary of responses and Officer comments on these are attached at Appendix C.

4 FINANCIAL IMPLICATIONS

- 4.1 Alongside CIL, this SPD will help the Council in managing the provision of adequate infrastructure and Affordable Housing to support the growth planned across Rutland in accordance with the aims and objectives of the Council's Local Plan.
- 4.2 The payment of financial contributions to meet the planning obligations will help fund infrastructure provision and Affordable Housing either directly by the Council or through stakeholder service providers.
- 4.3 There will be some financial costs involved in advertising and publicising the adoption of the document that will be met within existing mainstream budgets.

5 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 5.1 The revised SPD will provide clear, consolidated guidance on planning obligations in the context of CIL. It will help to facilitate sustainable development which addresses site-specific infrastructure requirements.
- 5.2 The second draft revised SPD has been amended further in the light of responses from the two public consultation stages. The revised SPD proposed for adoption is attached at Appendix A.
- 5.3 Following consideration by the Places Scrutiny Panel, the proposed document together with any comments will be considered by Cabinet.
- 5.4 Subject to Cabinet approval, it is intended that the document be recommended for adoption to Council on 11 January 2016. Once adopted, they will provide guidance

and be a material consideration when determining planning applications in Rutland, alongside the Community Infrastructure Levy Charging Schedule.

6 BACKGROUND PAPERS

6.1 There are no additional background papers to the report.

7 APPENDICES

7.1 Appendix A – Planning Obligations Supplementary Planning Document

7.2 Appendix B – First Draft Planning Obligations Supplementary Planning Document
Summary of Consultation Responses

7.3 Appendix C - Second Draft Planning Obligations Supplementary Planning
Document Summary of Consultation Responses

A Large Print or Braille Version of this Report is available upon request –
Contact 01572 722577. (18pt)



Planning Obligations Supplementary Planning Document



November 2015

Planning Obligations Supplementary Planning Document

Title

Planning Obligations Supplementary Planning Document

Subject matter

To provide supplementary guidance on Policies CS8 (Developer contributions) and CS11 (Affordable housing) in the Core Strategy Development Plan Document (adopted July 2011) and the implementation of Planning Obligations in the Local Plan.

Adoption Date

The Planning Obligations Supplementary Planning Document was adopted by the Council on 11 January 2016 and will come into effect from 1 March 2016. This document can be made available on request in large print or Braille by contacting:

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1 Introduction

- 1.1 This Supplementary Planning Document (SPD) sits alongside and is linked with the Council's proposed adoption of a Community Infrastructure Levy (CIL). Together the SPD and CIL will promote essential, sustainable and viable growth, including the provision of necessary infrastructure and (where applicable) Affordable Housing. The SPD is aimed at developers, agents, the general public and other stakeholders and statutory agencies. It facilitates sustainable growth by setting out when planning contributions will be sought and how they will be used.
- 1.2 This document provides more detailed guidance relating to the use of the principal policies in the Local Plan regarding Planning Obligations, which are Policies CS8 (Developer contributions) and CS11 (Affordable housing) in the Core Strategy DPD (adopted July 2011). It will also be relevant to mitigating the effects of development under other policies, which are summarised in Appendix A of this SPD. Further information on CIL is provided in paragraph 2.5 of this SPD.
- 1.3 All development has the potential to impact on the environment, and place pressure on local infrastructure and services. The planning system should be used to ensure that new development contributes positively to the local environment, and helps to mitigate against any adverse impacts on infrastructure.
- 1.4 In Rutland, legal agreements (known as 'planning obligations') have typically been entered into with developers to help secure essential infrastructure, or other benefits. Planning obligations are usually sought under section 106 of the Town and Country Planning Act 1990, but can also be sought under other legislation such as section 278 of the Highways Act 1980 (as amended) for highways works. In all cases planning obligations must have robust justification and be fully evidenced.
- 1.5 However, the introduction of a Community Infrastructure Levy (CIL) Charging Schedule in 2015/16 means that many future contributions towards the provision of community infrastructure and services will be made in the form of CIL payments, rather than through planning obligations.
- 1.6 In Rutland, there will be no Affordable Housing required from single dwelling sites, unless the dwelling is on a rural exception site.
- 1.7 For sites of 2 to 5 dwellings inclusive Affordable Housing requirements may be met off-site through the payment of a commuted sum (except in the case of rural exception sites).
- 1.8 Affordable Housing contributions will also not be sought from any development consisting only of the construction of a residential annex or extension within the curtilage of an existing dwelling.

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- 1.9 The Government's view is that there should be no Affordable Housing requirement from 'starter homes' on brownfield exception sites, as defined by the Ministerial Statement of 2 March 2015 and the Planning Practice Guidance (PPG), anywhere in Rutland. This area of policy is evolving and the Council will consider the implications of applications for brownfield starter homes on their merits in the light of local and national policy and legal requirements.
- 1.10 It is important to note that planning obligations to secure essential site specific physical infrastructure may be required to make any development acceptable, irrespective of its size.
- 1.11 The number of developments needing to enter into planning obligations will be less in the future when CIL is adopted and applied. This SPD aims to provide developers, agents and applicants with:
- an overview of the Council's approach to securing mitigation through planning obligations and CIL;
 - clarification on the relationship between planning obligations and the Community Infrastructure Levy;
 - guidance on the type and nature of planning obligations that may be sought, and the basis for charges.
- 1.12 When adopted by the Council alongside CIL this SPD will be a material consideration when determining planning applications. It will replace the following local planning policy documents applied by the Council to determine planning obligations:
- The "Planning Obligations and Developer Contribution Supplementary Planning Document 2010"
 - The "Developer Contributions to Off-site Affordable Housing Supplementary Planning Document 2012" and
 - The "Guidance on the Council priorities in negotiating Planning Obligations and Developer Contributions 2010".
- 1.13 Non-residential developments, particularly retail, business/industrial, waste and minerals, will be considered on a case by case basis. The Council will not "double-dip" by charging for the same items of infrastructure through both planning obligations and CIL.

Transitional arrangements

- 1.14 Provision is made in this SPD for the continued reliance, where development is underway, of signed section 106 agreements entered into prior to the adoption of this SPD. There are agreements for example that commit tariff style developer contributions entered into in accordance with the 2010 SPD.
- 1.15 Where a planning permission has started (i.e., there is "commencement of development" or "implementation" as defined in a signed legal agreement) the

agreement will not be fully discharged until all trigger points for payments and any other requirements contained in the agreement have been met and development is complete.

- 1.16 The aim of waiving the Affordable Housing requirement for single dwellings is to enable genuinely new proposals for sustainable development to be brought forward. Where there is an existing consent for a single dwelling with an Affordable Housing requirement and that planning permission has started, the Council is unlikely to waive the Policy CS11 affordable housing requirement through Policy SP1 if a subsequent relevant application is made on the same or substantially the same site.

2 Policy background

National planning policy

- 2.1 The 1990 Town and Country Planning Act (as amended by the Planning and Compensation Act 1991 & Planning Act 2008) has established the statutory framework for developer contributions in the form of section 106 planning obligations.
- 2.2 The Community Infrastructure Levy Regulations 2010 (as amended) (“the CIL Regulations”) changed the arrangements for section 106 planning obligations. Regulation 122 of the CIL Regulations contains 3 statutory tests for the scope and appropriateness of seeking developer contributions:-
- ‘(a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.’
- 2.3 These are also set out as policy tests in the National Planning Policy Framework (NPPF).
- 2.4 A fundamental principle of planning obligations is that they are not used to ‘buy’ a planning permission nor should they be used as a means of taxing a developer. Therefore a development which is unsuitable in planning terms cannot be made acceptable by applying developer contributions to the scheme. Planning obligations also cannot be sought or used to mitigate an existing problem in the area; they can only be sought against a future need that would be created by the proposed development and that remains within the scope of section 106 agreements.
- 2.5 The Community Infrastructure Levy Regulations (2010) specify that when the levy is introduced, regulation 123 limits the use of planning obligations where there have been five or more obligations in respect of a specific infrastructure project or type of infrastructure entered into on or after 6 April 2010. This restriction does not apply to financial contributions for Affordable Housing. The restriction on pooling is because the Government is encouraging the adoption of CIL by councils. CIL will replace the use of Section 106

agreements for most new developments. CIL provides a more predictable funding stream so that infrastructure projects can be delivered more effectively, as well as providing greater certainty for developers. This is because it is set at a rate of £ per m² on the Gross Internal Area of the qualifying building.

- 2.6 Where CIL has been introduced, a 'Regulation 123 list' will set out the types of community infrastructure projects on which CIL monies will be spent locally. Planning obligations cannot be sought from a developer towards items of infrastructure identified on the Regulation 123 list. This is because payment of CIL, where applicable, will be required instead and a developer should not be asked to pay twice for the same item of infrastructure.
- 2.7 Where there are additional requirements for site-specific physical infrastructure on or serving the site, without which the scheme could not proceed, these can still be sought through a planning obligation if they are not on the Regulation 123 list.
- 2.8 Paragraphs 173 to 177 of the NPPF set out the Government's expectations regarding planning obligations and the requests made of developers. Further information is included in the PPG.
- 2.9 Changes to the PPG on planning obligations were made on 28 November 2014. This advised that councils should not generally seek Affordable Housing provision or tariff-style contributions on residential sites of 10 dwellings or fewer with an overall floorspace of not more than 1,000m². The main exceptions to this were for rural exception sites for Affordable Housing, or where a council has decided to charge sites of 6-10 dwellings in Designated Rural Areas under section 157 of the Housing Act 1985.
- 2.10 Following a successful Judicial Review of this change in government guidance, announced on 31 July 2015, the PPG was revised on 3 August 2015 with all the new guidance contained in paragraphs 012 to 023 of the PPG being removed.

Local planning policy in Rutland

- 2.11 On 6 January 2015, the Council formally resolved to implement the changes to the PPG introduced in November 2014, including the lower threshold for Designated Rural Areas (which were parishes in Rutland except for Oakham and Uppingham). This was incorporated into an earlier draft of this SPD which was the subject of public consultation over a 6 week period in May – June 2015.
- 2.12 However, following the further recent changes to national guidance, the opportunity has been taken to confirm the position going forward in a revised version of the SPD. It is proposed that this should be based on Policy CS11 (Affordable housing) which as written would normally require affordable housing provision from residential developments of any size. However, in the light of the more recent Policy SP1 (Presumption in favour of sustainable

development) affordable housing will not be required from single dwelling developments unless they are rural exception sites.

- 2.13 The SPD should be considered in conjunction with the Council's Community Infrastructure Levy Charging Schedule (which sets charges on residential, retail and some other forms of development), the Regulation 123 list and the accompanying CIL Guidance Note for applicants. These can be viewed at www.rutland.gov.uk/localplan.
- 2.14 The SPD needs to be read in conjunction with Policies CS8 (Developer contributions) and CS11 (Affordable housing) and their supporting text which are in the Council's Local Plan. The SPD provides further guidance on these policies. Neighbourhood Plans may also be relevant. More information on Policies CS8 and CS11 and other relevant Local Plan policies is included in Appendix A of this SPD and can be viewed at www.rutland.gov.uk/localplan.
- 2.15 Further additional information regarding the Council's policies is included in Appendix B for Affordable Housing and in Appendix C for Recreation, Sport and Leisure.
- 2.16 It has been necessary to screen the SPD proposals for impacts on the environment and habitats to determine whether a sustainability report is necessary to comply with the EU Strategic Environmental Assessment (SEA) Directive. On the basis of the screening assessment, it is considered there will not be any likely significant environmental effects arising from the SPD and as such, the SPD does not require a full SEA to be undertaken. The screening assessment can be viewed at;

[Sustainability Assessment Screening Report \(PDF\) Sept 2015](#)

3 The Council's approach to developer contributions

- 3.1 This section sets out the Council's general approach towards seeking planning contributions from development schemes and the interaction with CIL.
- 3.2 In all cases where planning permission is required, it will be necessary to assess the potential impact of the proposed development and the scope for planning obligations to mitigate any adverse impact. This will always be the case, whether CIL is being applied or not.
- 3.3 Appropriate planning obligations would include essential site specific physical infrastructure, for example, the provision of specified highway works, or re-alignment of public rights of way needed before development could take place. Other infrastructure requirements may include flood defence or drainage improvements and other essential utility investment, including where applicable, adequate street lighting or superfast broadband connections. In an area rich with historic buildings and archaeological remains, in some cases it

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may be necessary for a planning obligation to mitigate impact if a planning condition could not do so satisfactorily. What will not be included is any requirement to enter into a tariff-style contribution to infrastructure. That kind of investment will be secured through CIL. It may also be necessary to seek contributions to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements, such as addressing certain environmental issues.

- 3.4 CIL payments will be sought in line with the Council's adopted CIL Charging Schedule to pay for items on the Regulation 123 list to help address the impact of the development on the capacity of the local infrastructure of community services and facilities. In addition, developers will be expected to mitigate any impact on the environment or local infrastructure that arises directly as a result of the development that is not covered by CIL through the Regulation 123 list. Further details are included in sections 4 and 5 and in Appendix D. Appendix D confirms that, after the payment of CIL is allowed for, the highest priority ("Priority One") will be given "to provide for the physical infrastructure needed to deliver the project, as without this the scheme will not proceed."
- 3.5 Affordable Housing will also continue to be provided through planning obligations. 'Starter homes' on brownfield exception sites, as defined by the Ministerial Statement of 2 March 2015, are not Affordable Housing but will require planning obligations that protect their use as 'starter homes' to the extent permitted by national planning policy. Therefore, although the scope of planning obligations was scaled back after 5 April 2015, they will still be sought in relation to the following:
1. Affordable Housing (as this falls outside the scope of CIL). Further information is in Appendices A & B
 2. 'Starter home' developments on brownfield exception sites (subject to emerging national policy)
 3. Infrastructure which is required as a result of specific development (and which is not included in the CIL Regulation 123 list). One common example would be the provision of on-site public open space
 4. Commuted sums for the maintenance of facilities/infrastructure that the developer would like another body to adopt; and
 5. Mitigating the impacts of development (for example, relating to environmental mitigation, archaeology, transport, highways and access etc.).
- 3.6 CIL is expected to require a review of its level, including viability, every 3 years. This is critical when a Council's local plan is being reviewed over an extended period (as is currently the case with the Rutland Local Plan). As

part of the review, a reassessment of infrastructure priorities will be needed as well as the appropriate CIL rates. The impact on section 106 will be such that a combined review is likely to be the most appropriate way forward.

4. Planning Obligations, the Development Control process, payments of contributions and indexation

Planning Obligations

- 4.1 Planning obligations are usually in the form of either a unilateral undertaking or a bilateral legal agreement.
- 4.2 Examples of agreements to be used in Rutland can be found on the Council's website at www.rutland.gov.uk/localplan. In rare cases, various service providers may be signatories to the final planning agreement, depending how resources are to be allocated.

The Development Control process

- 4.3 The Council will always use best endeavours to conclude negotiations on planning obligations within statutory timescales. However, given the various recent changes identified earlier, most development proposals that require obligations will now be major development schemes, 'starter homes' or developments requiring Affordable Housing. The Council will expect a Preliminary Enquiry submission prior to formal submission of a planning application, enabling the specific requirements to be identified at an early stage.
- 4.4 As part of the submission of a planning application for any major development, a statement summarising any provisions to be delivered by section 106 obligation to address policy and site specific requirements is likely to be helpful. In all cases the Council will ensure that all relevant service providers, including external organisations, are consulted on the proposed development in order to establish essential infrastructure priorities.
- 4.5 Where a planning obligation is required, a draft agreement will need to be included as part of the application submission that includes the main 'heads of terms', full details provided of the applicant's legal representative responsible for progressing the obligation, proof of title, details of all parties with an interest in the land and the applicant's agreement to pay the Council's reasonable legal costs incurred in preparing and/or completing the agreement.
- 4.6 Timely resolution of legal agreements can also be best achieved where applicants commit to paying for the legal costs incurred by the Council in drawing up the agreement at the time the planning application is submitted. This will ensure prompt commissioning of the legal work by the Council. The

Council will generally seek to avoid setting a strict timeframe which, if not met, could result in an unhelpful refusal of the planning application.

- 4.7 Where there is failure to agree on the obligations required, the Council may make provisions for independent arbitration in accordance with any national measures in place at that time. Where there is a subsequent failure to complete the agreement within a reasonable timescale, however, the status of the application and the planning merits of the proposals will be subject to review by the Council. The review will take account of prevailing planning circumstances, including the absence of the measures required to be delivered through a section 106 obligation to make the application acceptable. Where there is no reasonable justification for the delay in completing the agreement, this may lead to an amended recommendation and ultimately a refusal of the application.

Trigger points and phased contributions

- 4.8 'Trigger points' are stages within a development at which payment of a contribution or provision becomes necessary; examples include: 'upon commencement', 'upon the occupation of the nth open market dwelling', 'prior to _____ occurring'. During the negotiation process, trigger points for each planning obligation will be agreed upon between the developer and the Council which will be included within the section 106 agreement. In most cases, the Council and the developer will be able to agree an appropriate approach, but an independent viability appraisal may be needed if the scale of the obligations or the impact of the proposed phasing of the contributions required by the Council is considered to threaten the viability - and therefore deliverability- of the proposals.
- 4.9 Trigger points should be both clear and reasonable, with the aim of securing the full delivery of both the development and the necessary planning obligation. Where a financial contribution is required, the trigger point will normally be upon the signing of the obligation if a unilateral undertaking is used, or the commencement of development.
- 4.10 The Council will consider the use of different or multiple trigger points, such as practical completion or occupation, to help enable development to proceed where justified and practicable, whilst securing the timely provision of the necessary obligations. In some cases, such as the provision of Affordable Housing on-site, provision would not normally be possible until some time after the commencement of development.

- 4.11 The timescale for development can be influenced in part by the site and infrastructure works required initially or before a certain phase or aspect can commence. This should be discussed with the Council at the pre-application stage. This is particularly likely to be the case for large developments which may take place over an extended period of time with a trigger point timetable relative to overall and/or phase build-out. For instance, where a large residential development is phased, there could be a number of trigger points for Affordable Housing for each phase, as well as trigger points for the delivery of Affordable Housing for the development as a whole; a number of other trigger points could also be used for other items of key site specific infrastructure.
- 4.12 Developers will normally be required to serve notice upon the Council in writing, addressed to the Planning Policy and Housing Manager, within 5 working days of the trigger point being reached.

Indexation

- 4.13 Indexation will be used in the calculation of the payment of contributions in accordance with the legal agreement. In accordance with the CIL Regulations, financial contributions will normally be linked to the national All in Tender Price Index of Construction Costs published and reviewed regularly by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. This will reflect the inflation costs between the completion of a Section 106 agreement and the relevant payment date. In the event that the BCIS index ceases to be published, a reasonable equivalent index will be specified by the Council.

Late payment of contributions

- 4.14 Late payment of contributions (more than three weeks after the specified trigger points) without the written agreement of the Council will result in a reminder letter. Non-payment within 30 calendar days of the date of the invoice by any developer or their agent will result in the Council pursuing appropriate action (including legal action where necessary) to ensure prompt payment of outstanding amounts. Any unpaid amounts, including interest and associated costs, will be pursued.

5 Development viability, discounts and deferred contributions

- 5.1 All relevant developments are required to pay the approved rate of CIL for Rutland. The Council commissioned high-level viability work shows that the level of Planning Obligations required is normally viable, taking CIL into account. The CIL Viability Study Update June 2014 allows for up to £2,500

per dwelling for 'incidental' section 106 charges for essential investment without which the planning application could not be granted, as part of the calculation showing that a residential CIL rate of £100/m² is viable across Rutland.

- 5.2 Where viability is identified as an issue, a site specific financial evaluation will be required to demonstrate to the Council that a scheme will be unviable as a consequence of developer contributions being sought through Planning Obligations. Any such claims will need to be confidentially validated using an open book financial appraisal by an independent third party in advance of a planning application being submitted. The Council will arrange the financial viability appraisal with an independent third party (for example, the Valuation Office Agency (District Valuer) may be used), which the applicant will be required to pay for in advance.
- 5.3 Based on the independent viability findings, developer contributions may be discounted, phased or deferred where this would not make the development unacceptable in planning terms. This retains a degree of flexibility in applying requirements where affordability based on development viability is clearly demonstrated, without compromising the planning necessity for identified infrastructure. Appendix D provides guidance on the Council's priorities in these circumstances.

Discounted or Deferred contributions

- 5.4 A discounted contribution is allowed for when the level of provision agreed is less than is normally required (following the viability process outlined above) but where the application is still suitable for approval in planning terms.
- 5.5 Where the viability assessment suggests that a deferred contribution is justified to offset short term viability constraints, the Council may seek to include provisions in the section 106 agreement to recover all or part of the obligation at a later stage in the delivery of the project. This is particularly likely to be used for larger developments, where it may be a significant period of time before the development becomes fully available for use. Where agreed, this will be included within the planning obligation.

6 Spending of commuted sums

Pooling of Planning Obligations

- 6.1 Where the combined impact of a number of developments creates the need for infrastructure, services and facilities it may be reasonable for the developers' contributions to be pooled. Where development has an impact which is not addressed by CIL, but does not sufficiently justify the need for a

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discrete piece of infrastructure, the Council may seek contributions to specific future provision as long as the need is demonstrable.

- 6.2 The Community Infrastructure Levy Regulations (2010) specify that regulation 123 limits the use of planning obligations where there have been five or more obligations in respect of a specific infrastructure project or type of infrastructure entered into on or after 6 April 2010.
- 6.3 Where a number of developments are expected to contribute to the provision of infrastructure that is not covered by CIL, the financial contribution will be ring fenced for the identified pooled infrastructure and held either by the Council or the direct provider where this is a separate organisation. It will be released as quickly as is possible to infrastructure providers in order to ensure timely implementation or commissioning of the relevant works. The monitoring database will make clear where development funding has come from to deliver each scheme.

Time Period for Spending Submitted Contributions

- 6.4 Legal agreements will specify a time period within which any submitted contributions must be spent, committed or allocated (where no phasing is otherwise agreed as part of the agreement). The usual time period for spending, or committing to spend, or allocating contributions is ten years from the date of payment unless otherwise agreed between the applicant and Local Planning Authority. There must be certainty that a scheme will be forthcoming in such circumstances as it is unreasonable to hold funds in perpetuity. Where contributions have not been spent, committed or allocated within the specified time period, the Council as the accountable body will arrange to return any unspent monies, including any interest earned, from itself and appropriate service providers when requested in writing by the applicant.

Distribution of Monies

- 6.5 Where financial contributions are paid through a planning obligation and are to be spent, or committed, or allocated by the Council and appropriate service providers, they will be accounted for in such a way that contributions can be clearly identified and spent on the purposes for which they were intended. The Council will make available to the developer through the monitoring process information that identifies how and where their contributions have or will be spent by the Council and appropriate service providers.
- 6.6 Any contributions received on behalf of third parties who are not signatories to the planning obligation shall be passed on to them.

7 Monitoring and review of developer contributions

- 7.1 The monitoring of planning obligations will be undertaken by the Council to ensure that all obligations entered into are complied with on the part of both the developer and the Council. Enforcement action may be taken by the Council where conditions or planning obligations are not being complied with.
- 7.2 Monitoring information detailing the agreements and the progress of agreements will be kept by the Council; monitoring reports will be produced annually detailing information relating to all agreements entered into, financial contributions received and the completion of proposals funded from financial contributions. The process will ensure prompt and strategic spending of financial contributions once they have been received, and will provide assurance that obligations have been spent in full and appropriately.

Cost recovery

- 7.3 Developers will be liable for all of the Council's and other service providers' legal fees for the processing, preparation and conclusion of legal agreements. Government advice considers it justifiable that Local Planning Authorities also recover reasonable costs of obtaining independent advice, if necessary, to validate specific aspects of the obligation.
- 7.4 Where viability is identified as an issue, fees for a viability assessment by an independent third party appointed by the Council will be met in full by the developer.
- 7.5 The Council will seek a payment towards monitoring the implementation of the section 106 Planning Obligations where it is essential for planning purposes to secure the obligations in accordance with the terms of the agreement. This is only likely to be required in relation to large, strategic developments. Where payment of a monitoring fee is required this will be a maximum of 2% of the value of the developer contributions.
- 7.6 Where the Planning Obligation is a Section 278 agreement, the payments sought by the Council will be based instead on the scope of appropriate cost recovery permitted under that legislation.
- 7.7 Any cost recovery monies for legal and other fees will normally be payable prior to the completion of any planning obligation (agreement or undertaking), which must be completed before the planning decision notice may be issued and may be payable in any case if a developer does not proceed to completion of the obligation.

- 7.8 The Council will regularly monitor compliance with legal agreements. Quarterly reports will be published on the Council's web page on obligations entered into and the infrastructure investment derived from the payment of the developer contributions.

8 Further advice

This guidance relates to many of the factors that may need to be taken into account in considering the developer contributions and planning obligations relating to development in the County. However, the contents of the guidance may not apply in their entirety or, alternatively, may not be fully comprehensive, in respect of any one particular development. It is always advisable to discuss your proposals at an early stage with the Council's Community Infrastructure and Planning Obligations Officer. The address is:

Planning Policy and Housing Team
Places Directorate
Rutland County Council
Council Offices
Catmose
Oakham
Rutland
LE15 6HP

Telephone: 01572 758251

Email: planning@rutland.gov.uk

Appendix A – Relevant adopted local plan policies

A1.1 This document provides more detailed guidance relating to the use of the principal policies in the Local Plan regarding Planning Obligations, which are Policies CS8 (Developer contributions) and CS11 (Affordable housing) in the Core Strategy DPD (adopted July 2011). It will also be relevant to mitigating the effects of development under other policies, particularly those outlined below:

- Policy CS1 (Sustainable development principles)
- Policy CS5 (Spatial Strategy for Oakham / Sustainable urban extension to Oakham)
- Policy CS7 (Delivering socially inclusive communities)
- Policy CS8 (Developer contributions)
- Policy CS11 (Affordable housing)
- Policy CS15 (Tourism)
- Policy CS17 (Town centres and retailing)
- Policy CS18 (Sustainable transport and accessibility)
- Policy CS21 (The natural environment)
- Policy CS22 (The historic and cultural environment)
- Policy CS23 (Green infrastructure, open space, sport and recreation).

A1.2 The key policies in the Site Allocations and Policies DPD (adopted October 2014) relevant to Planning Obligations are:

- Policy SP1 (Presumption in favour of sustainable development)
- Policy SP3 (Sites for retail development)
- Policy SP9 (Affordable housing)
- Policy SP10 (Market housing within rural exception sites)
- Policy SP15 (Design and amenity),
- Policy SP19 (Biodiversity and geodiversity conservation)
- Policy SP22 (Provision of new open space)
- Policy SP28 (Waste-related development).

A1.3 The policies within the Minerals Core Strategy & Development Control Policies Development Plan Document (adopted October 2010) are also relevant to Planning Obligations in some cases. This may also be the case with some policies in Neighbourhood Plans.

A1.4 The policies outlined above can be viewed on the Council's website at www.rutland.gov.uk/localplan

A1.5 Further information on the Council's policies concerning the provision of Affordable Housing is in Appendix B and concerning Recreation, Sport and Leisure, in Appendix C.

Appendix B – Guidance on the provision of Affordable Housing

B1 General policy requirements

B1.1 The key Local Plan policies specific to Affordable Housing are listed in Appendix A. Additional guidance on the interpretation of these, including the impact of viability information, is given below. This SPD must be read together with these policies.

When provision for affordable housing is required

B1.2 Policy CS11, as written, states that Affordable Housing provision must be made by new residential developments of any size. This would include, for instance, new builds, conversions and changes of use. It would also include housing that is not “within the wire” for operational defence personnel. However, in the light of the more recent Policy SP1 (Presumption in favour of sustainable development) and paragraph 14 of the NPPF, affordable housing will not be required from single dwelling developments unless they are rural exception sites. This also helps to bring greater consistency with CIL, as CIL exempts many single dwellings (e.g. many self-build and converted properties). The Council’s Policies covering rural exception sites are CS11 (Affordable housing) and SP10 (Market housing within rural exception sites).

B1.3 The Affordable Housing requirement does not apply to holiday lets, agricultural / equestrian / forestry workers’ dwellings or to shared / “barracks” accommodation “within the wire” for operational defence personnel, provided they continue to be used for that purpose and where relevant meet the criteria (including functional need, size and viability) in Policy SP6 (Housing in the countryside) and Appendix 1 of the Site Allocations and Policies DPD. If the development consists of more than one dwelling, conditions or Planning Obligations may be used where appropriate to restrict future use. This approach would ensure the provision of Affordable Housing should the occupation of some or all of the dwellings cease to be used for the original purpose, as a Planning Obligation would be required for the occupancy restriction to be lifted.

B1.4 The Government’s view is that there should be no Affordable Housing requirement from ‘starter homes’ on brownfield exception sites, as defined by the Ministerial Statement of 2 March 2015 and the Planning Practice Guidance (PPG), anywhere in Rutland. This area of policy is evolving and the Council will consider the implications of applications for brownfield starter homes on their merits in the light of local and national policy and legal requirements.

B1.5 The following will be considered on a case by case basis regarding whether the requirement is applicable:

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- Continuing Care Retirement Communities (CCRC) or similar
- Sites for Travellers, Gypsies and Showpeople
- Hostels
- Housing for operational defence personnel which can be used as family housing and is “within the wire”
- Temporary planning permissions and personal permissions.

- B1.6 Where staff accommodation is provided that is used for more than 6 months per year (and it is not housing for operational defence personnel) and consists of more than a single dwelling, the Council will consider on a case by case basis whether to require the provision of Affordable Housing. These proposals should be exempt from an Affordable Housing contribution if there will be a firm condition or section 106 agreement regarding its use and the accommodation will be let at a cost substantially below market rates and there is evidence demonstrating that the business is viable. In addition to these requirements, when considering whether to exempt this accommodation from an Affordable Housing contribution, the Council will also have regard to:
- whether an employee’s contract of employment requires them to occupy the dwelling for the better performance of their duties
 - whether the nature of accommodation means that it would be difficult to use as an unrestricted dwelling (for instance, whether it were physically and operationally an integral part of larger business premises)
 - whether the accommodation is of an appropriate scale and size for its function.

Amount of Affordable Housing provided

- B1.7 Policy CS11 states that the Council expects a minimum Affordable Housing target of 35% to be met where this is viable on all new housing developments. The supporting text shows that this approach applies both to site-specific viability (such as for a single application) and also to the viability of the overall target which is subject to review from time to time. These reviews come within the scope of Policy CS11 as it stands and do not require policy changes.
- B1.8 Paragraphs 173 to 177 of the NPPF highlight the importance of the Council taking into account viability when considering developer contributions, including taking into account the combined effect of planning obligations and CIL. This includes keeping the Affordable Housing requirement under review.
- B1.9 The Council published an Assessment of the Viability of the Affordable Housing Target as a supporting paper to the consultation on this SPD. This showed, in the context of the proposed level of CIL of £100/m², that a minimum level of 30% Affordable Housing for sites liable to pay CIL was appropriate. This is with the exception of rural exception sites under Policy CS11 and Policy SP9 where the relevant proportions stated in those policies would be required. The recommendations of this viability assessment are

endorsed by this SPD at the time of its adoption and until any relevant future revision of the SPD or change to the Local Plan. Therefore, for new permissions following adoption of CIL, the minimum Affordable Housing requirement of Policy CS11 should be normally interpreted as 30%, subject to viability.

B1.10 Similarly, the Council recognises that, under Policy SP9 (Affordable Housing), it will sometimes be necessary to provide affordable houses of 5 bedrooms or more for rent, or bungalows with 3 or more bedrooms for rent that are suitable for full-time wheelchair users. Where this is the case and is agreed by the Council and the rent levels are within the levels allowed for in state benefits, each of these properties provided may be counted as two affordable homes for the purposes of calculating the Affordable Housing requirement and the mix of Affordable Housing tenures. This does not affect the calculation of commuted sums, where applicable.

B2 Whether Affordable Housing should be provided on-site or off-site

B2.1 Under Policy CS11 (Affordable housing), residential developments are normally required to provide Affordable Housing on-site.

B2.2 Developments of 5 or fewer dwellings or less, or sites of 0.15 hectares or less, may provide Affordable Housing off-site as an alternative to on-site provision.

B2.3 Where developments are larger than 5 homes or sites are more than 0.15 hectares, Policy CS11 states: “Commuted sum payments may also be made in exceptional circumstances where provision of Affordable Housing is considered by the Council to be detrimental [for] environmental, demographic or other reasons.” Applicants would need to provide robust justification of how they envisage that off-site provision would be necessary in terms of Policy CS11 and how this would promote the delivery of mixed communities with respect to the application site and / or the off-site provision. Paragraph 3.35 of the Core Strategy provides possible examples, such as where the provision of Affordable Housing on-site would, to an exceptional extent:

- be detrimental to the local environment
- adversely affect a conservation area or listed building
- result in abnormal service charge costs for residents.

B2.4 Where affordable housing is provided off-site, the contribution is calculated on the basis of the net number of additional residential dwellings from the main application site. The net number of additional dwellings is the homes to be built on site, less any homes demolished on the site as a result of the development (provided that the new homes have less than 100m² of additional Gross Internal Area on average than the demolished dwellings).

B3 Off-site provision by commuted sum

Calculation of commuted sums

- B3.1 Where commuted sums are accepted in lieu of on-site provision they should be 'of broadly equivalent value' to ensure, where practicable, that the same number and type of affordable dwellings can be provided on an alternative site in the same or similar locality.
- B3.2 Paragraph 3.34 of the Core Strategy states: "The sum payable will be calculated on the basis of the requirements set out in the Council's Affordable Housing Viability Study and will vary according to the locality and circumstances of each site."
- B3.3 The Council's policy – and the calculation method used – is based on the commuted sum being broadly equivalent to the cost of on-site provision and may therefore contain elements of the construction and services cost as well as the land cost. The calculation (which may be both the proportion of affordable homes required and the amount of commuted sum per affordable home) will be revised as necessary in line with market conditions and as subsequent studies are undertaken. This can be done without having to change or replace this SPD. (For ease of reference, the working for the commuted sum used at the time of writing is in Appendix A of Cabinet Report No. 73/2013 showing the contribution on a 35% basis.)
- B3.4 At April 2015, the Affordable Housing contribution was £189/m² for each market dwelling, up to a maximum average of £20,223 per market property on the development. When adjusted for affordable housing provision at 30%, it becomes £162/m², capped at £17,334 per market property. It will be increased from 1 April each year for new agreements in line with the indexation arrangements in 4.13, so that new agreements have a starting figure which allows for indexation since the standard rate for Affordable Housing commuted sums was calculated. For ease of reference, the relevant sum in use for new agreements will be posted on the Council's website.

Use of commuted sums Received for Affordable Housing

- B3.5 Payments received in lieu of Affordable Housing on site will be held by the Council to be used for capital funding to enable the provision of Affordable Housing within Rutland. Unless the commuted sum is required to be set aside explicitly for a specific scheme, it may be pooled with other commuted sums for Affordable Housing and will be utilised to enable timely and efficient provision of Affordable Housing as determined by Rutland County Council. The Council may operate more than one 'pool', so that separate pools might be used if appropriate for different localities, initiatives or schemes. If a commuted sum is set aside for a specific scheme, the Planning Obligation

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may include provision for that sum to be pooled with other commuted sums for Affordable Housing, if the specific scheme cannot be delivered within a reasonable timescale.

- B3.6 The Council will seek to make the most effective use of any commuted sums received, taking into account the availability of suitable opportunities at the time commuted sums become available. The following list of potential spending options is not exhaustive, and may change over time, depending on needs and opportunities. Expenditure may be directly by the Council, or by other providers of Affordable Housing, which may or may not be registered.
- B3.7 Examples of how resources in the fund may be spent include:
- developing, or contributing to the development of, Affordable Housing which may be new build, or converted, or existing private sector properties purchased for use as Affordable Housing;
 - purchase of land, or options to purchase land, intended for the future development of Affordable Housing;
 - provision of necessary extensions or adaptations to existing affordable homes to make them suitable for use by some households who would otherwise have unsuitable housing.
- B3.8 'Affordable Housing' may include the provision of Gypsy and Traveller sites, where the site is suitable and there is a strongly identified local need, provided these proposals fall within the definition of 'Affordable Housing' used in this SPD.
- B3.9 'Affordable Housing' can also include the payment of funds to assist residents with the purchase of their own properties if this creates a new or vacant affordable home in Rutland that can be used for someone in need of Affordable Housing, provided these proposals fall within the definition of 'Affordable Housing' used in this SPD.
- B3.10 Policy CS11 states: "Committed sum payments will be used where possible for the provision of affordable housing within the vicinity of the development site within a reasonable time frame. In other circumstances contributions will be pooled to provide affordable housing elsewhere in Rutland." Normally this will be affordable housing in the local area (defined as the parish) provided it appears to the Council (acting as housing authority) that there is a reasonable prospect of construction of the affordable housing commencing within 2 years of the committed sum being received and provided that the proposed provision would constitute good value for money. If this is not the case, the Council will consider whether provision in immediately adjacent parishes would be appropriate, practicable and good value. If provision is not readily achievable in an immediately adjacent Parish, then other locations will be considered.

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- B3.11 The Council, in its role as the housing authority, will consider locations where the financial contributions may be spent (subject to planning consent where needed), depending on the availability of suitable sites or existing properties, other funding that may be required, cost and feasibility of development, sustainability, local housing need and the amount of time needed to complete the scheme.
- B3.12 It is not the Council's intention for commuted sums received from one development to be used to finance the minimum affordable housing contribution on another development, unless the commuted sum is to be spent on a site where the housing is wholly affordable or where the commuted sum allows the construction of more rented affordable homes than would have been viable otherwise.
- B3.13 The Council will use documents such as the Local Investment Plan, the Homelessness Strategy, the Housing Strategy, the local need for Affordable Housing and the Strategic Housing Market Assessment to assist in identifying the priorities for the expenditure of commuted sums on affordable housing.

B4 Off-site provision in kind

- B4.1 There is scope for provision of Affordable Housing off-site in kind under paragraph 50 of the NPPF. This may be appropriate as an alternative to a commuted sum where off-site provision is acceptable in principle, but it is not an alternative to on-site provision where that is required. If a developer wishes to provide Affordable Housing off-site in kind, they will need to show that it promotes viable delivery and sustainable communities.
- B4.2 Applicants must remember that each planning application is determined on its merits and that it is their responsibility to seek and obtain all planning approvals needed for off-site provision. If consent is not forthcoming or is delayed, or if the off-site provision in kind is delayed for other reasons, the applicant must still conform with all planning requirements and agree alternative suitable arrangements for the provision of Affordable Housing with the Council.

Calculating the amount of off-site Affordable Housing provision in kind

- B4.3 The amount of an off-site contribution in kind is calculated in dwellings, in a similar way to on-site provisions. (In other words, it is not calculated in the same way as an off-site financial contribution and then converted back to dwellings.) If a viability assessment is required, the costs and income relating to the development site and proposed off-site provision would be taken into account.
- B4.4 Provision of completed units on an alternative site will be in addition to any applicable Affordable Housing requirement arising from the development of the alternative site. This will not prevent the alternative site from being a rural exception site.

Nature of off-site provision in kind

- B4.5 Proposals for off-site provision in kind must meet the local need for Affordable Housing. As with commuted sums for off-site provision, above, the Council will use documents such as the Local Investment Plan, the Homelessness Strategy, the Housing Strategy, local housing need and the Strategic Housing Market Assessment to assist in identifying this. Paragraph 3.36 of the Core Strategy, Policy CS11 and Policy SP9 outline the Council's general approach to tenure mix, although it is accepted that where small numbers of dwellings are involved, some flexibility may be required to achieve viable delivery.
- B4.6 The same considerations regarding the following apply to off-site provision in kind just as they would apply to on-site provision:

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- quality
- type
- phasing of the market and affordable dwellings and trigger points
- nominations
- occupancy and need.

B4.7 Further guidance is provided by Policies CS10 (Housing density and mix), CS11, SP9 and their supporting text. More detailed issues such as phasing and trigger points should be dealt with under negotiation of individual planning applications. The phasing of their availability must be closely linked to the phasing of the development site and trigger points which generated the contribution. Off-site provision in kind must consist of fully completed dwellings.

B4.8 Proposals by developers to purchase or convert existing properties for use as Affordable Housing will be considered on their merits.

B4.9 Off-site provision in kind must be in a location agreed with the Council, normally through a Planning Obligation specifying the details of the Affordable Housing provision and covering both the development site and the site where off-site provision is being made. Ideally this should be in the Parish where the development site is proposed. If this is not practicable, provision in an adjacent Parish may be appropriate. If neither of these is possible, the Council will consider provision in other parts of the County but will also need to consider whether a commuted sum may be a preferable way of promoting mixed communities.

Appendix C - Recreation, sport and leisure

- C1.1 The main policies in the Core Strategy DPD (adopted July 2011) regarding the provision of open space are Policies CS8 (Developer contributions) and CS23 (Green infrastructure, open space, sport and recreation).
- C1.2 In the Site Allocations and Policies DPD, Policies SP15 (Design and Amenity), SP22 (Provision of new open space) and Appendix 5 outline requirements for providing open space, sport and recreation space. The Council intends to adopt an SPD on open space by 2016.
- C1.3 Where Open Space, Sport or Recreation Space is to be provided on the site, or provided in kind nearby, for the direct benefit of the new development, developers will be required to make provision for maintenance. They may make their own arrangements, subject to obtaining the Council's written agreement. Alternatively, where developers wish to transfer ownership and future management to the Council or other body, they will be required to maintain the open space for a period to be determined by the Council. This will not be expected to last for less than 24 months. The Council will charge for the adoption and on-going maintenance of open space.
- C1.4 Policy C23(c) sets strict criteria regarding developments which impact on existing green infrastructure, including the provision of alternative infrastructure of at least equal accessibility, quality and benefit. Section 106 agreements may be used to secure such site-specific mitigation.

Appendix D – Guidance on the Council priorities in negotiating Planning Obligations and Developer Contributions

- D1.1 There will be circumstances with some planning applications where a developer will not be able to provide all of the developer contributions set out in this SPD, once CIL has been allowed for. In such circumstances, the Council will negotiate such proposals against its list of Priorities at section D2 below. In prioritising the developer contributions, the Council has been guided by the Local Plan, Sustainable Community Strategy and Strategic Aims and Objectives from the Corporate Plan.
- D1.2 The Council will not normally seek additional funding through section 106 or require the developer to enter into a section 278 agreement for the provision of off-site highways works, sustainable transport requirements and dealing with public rights of way because these are included in the Regulation 123 list. However, this is dependent on the required on-site transport-related infrastructure being proportionate and reasonable for the proposal. The Council will not subsidise schemes through the public purse via CIL that have disproportionate transport-related site-specific infrastructure needs and which would not normally be viable, but may in these cases seek section 106 and/or section 278 obligations for transport-related items.
- D1.3 The following planning obligation priorities shall be taken in order, bearing in mind that CIL always has to be paid at the applicable rate.

D2 Planning obligation priorities

- D2.1 **Priority One will be to provide for the physical infrastructure needed to deliver the project, as without this the scheme will not proceed.**
- D2.2 This would include the provision of specified highway works, street lighting and the re-alignment of public rights of way, all of which are needed before the development can take place. Other essential infrastructure requirements such as superfast broadband, off-site flood defence or drainage improvements would also fall within this category.
- D2.3 Cost specifics for a development must also be taken into account. This could include restoring a listed building, meeting archaeological requirements, protecting the biodiversity site or dealing with contamination. Requirements to meet sustainable construction, sustainable waste management and air quality and renewable energy are also included here.
- D2.4 The Council will bear in mind that seeking high specifications on essential infrastructure will reduce the availability of funds for other planning obligations and come to a balanced view. They will also have regard to the overall quality of the development.

D2.5 Priority Two will be to provide for essential community needs and Affordable Housing – these would be a second call on developer contributions

D2.6 Priority two relates to the provision of community facilities that are required to support a development – particularly a residential development – but which lie outside the scope of being funded by CIL. Contributions towards open spaces (both new and the enhancement of existing open space) and play areas will be sought as set out in the Local Plan, this SPD and the forthcoming SPD on open space.

D2.7 In assessing these obligations regard will be given to:

- The extent of existing facilities available in the vicinity of the development and their accessibility and capacity.
- The extent which other agencies (or the Council) could fund such facilities.

D2.8 In the case of residential development, the presumption should be that there will always be some Affordable Housing (up to 50% of the Affordable Housing requirement). The Council will discuss various combinations or options, which could be sought. In doing so, it will take into account the most recent housing needs assessment, the Council's strategies and policies.

D2.9 Priority Three will be to provide for the remaining Affordable Housing provision listed in the SPD – this would be a third call on developer contributions

D2.10 Priority three relates to the remaining Affordable Housing provision.

Conclusion

D2.11 A viability case in relation to a particular development has to be submitted in compliance with the requirements set out in the SPD. Where this is accepted, the use of a prioritisation approach will ensure the Council secures the most appropriate level of planning obligations to mitigate the impact of the development proposal or compensate for any loss or damage it would cause to any environmental or community resources where this has not been addressed by CIL. The requirement for developers to submit a viability appraisal will enable the Council to facilitate a fair, consistent and transparent basis for negotiating planning obligations, whilst being flexible in light of economic market forces.

Appendix E – Glossary

Affordable Housing

Housing provided to eligible households whose needs are not met by the market. This is defined further in the National Planning Policy Framework.

Brownfield

Previously developed land. Does not include garden land, nor agricultural land.

CIL

Community Infrastructure Levy.

CIL Viability Study Update June 2014

A report commissioned by the Council to update previous research regarding the viability of CIL.

CS

Core Strategy

Charging Schedule

This sets out the rates of CIL that will be applicable to new development in Rutland.

Commutated sum

A section 106 payment from a housing developer, collected by the Council, towards the provision of infrastructure instead of the developer providing the infrastructure directly.

Community Infrastructure Levy

A charge that local authorities can levy on most types of new development in their area. These will be based on simple formulae which relate the size of the charge to the size and character of the development paying it. The proceeds of the levy will be spent on providing essential community infrastructure. The Council has adopted CIL and therefore the scope of new Planning Obligations is limited, as reflected in this SPD.

Core Strategy

This is the 'over-arching' document which sets out the key elements of the planning framework for the district. Once adopted all other Development Plan Documents must be in conformity with it.

DPD

Development Plan Document

Deferred contribution

Where the viability assessment suggests that a deferred contribution is justified to offset short term viability constraints, the Council may seek to include provisions in the section 106 agreement to recover all or part of the obligation at a later stage in the delivery of the project.

Development Plan Document

Document subject to independent examination, which forms part of the Local Plan and is not a Neighbourhood Plan.

Discounted contribution

A discounted contribution is allowed for when the level of provision agreed is less than is normally required (following the viability process outlined in the SPD) but where the application is still suitable for approval in planning terms.

Gross Internal Area

This is in brief "the area of a building measured to the internal face of the perimeter walls at each floor level". It is defined more fully in the Royal Institution of Chartered Surveyors Code of Measuring Practice.

Heads of Terms

The general obligations that the developer is willing to put on the table at the start of negotiations. These do not need to be overly detailed, although they may include any trigger points identified. They can also be presented as a draft legal agreement.

Legal Agreement

A document to which the developer and the County Council and other parties are signatories which sets out the agreed obligations, together with any trigger points.

Local Plan

This is a portfolio of individual documents which collectively form the Local Plan for the County of Rutland. This includes the Core Strategy, Site Allocations and Policies DPD, Minerals Core Strategy & Development Control Policies DPD and

Neighbourhood Plans and is supported by Supplementary Planning Documents. A partial review of the Local Plan is commencing in 2015.

Local Planning Authority

The Council with the main responsibility for planning matters, in this case Rutland County Council.

m²

A square metre

NPPF

National Planning Policy Framework

National Planning Policy Framework

Sets out the government's planning policies and how these are expected to be applied.

Neighbourhood Plan

Parish and Town Councils, or designated Neighbourhood Forums in 'unparished' areas, are now empowered to take the lead in delivering a Neighbourhood Plan in areas formally designated for the purpose. Following formal public examination and a successful local referendum a neighbourhood plan can be adopted by the Local Planning Authority as part of the Local Plan.

Open Book Financial Appraisal

This is necessary when a developer is stating that the viability of the proposal would be detrimentally affected by the required planning obligations. It involves independent verification of the development's likely cost and profits. It is commercially sensitive and is therefore not part of the public consultation for the proposal.

PPG

Planning Practice Guidance

Phased Contributions

These are tied to any identified trigger points and allow a developer to spread the cost of obligations for the development.

Planning Obligation(s)

The requirements generated by the proposed development which will mitigate its impacts. Obligations can be either physical works, for example highway improvements, on site provision of a facility or a financial contribution to enable off-site provision.

Planning Practice Guidance

A government document providing more detailed guidance on how aspects of the NPPF can be implemented.

Pooling (or 'Pooled')

This occurs when individual financial contributions need to be collected together to pay for infrastructure, facilities or services which have been identified but could not be funded by an individual contribution.

Proof of title

Proof of legal ownership of the land.

Regulation 123 list

This lists infrastructure projects or types of infrastructure that the Council intends to fund through CIL. Section 106 contributions can still be sought for infrastructure directly related to a development, provided that the infrastructure is not part of the Regulation 123 list.

Robust Justification

Is needed either for the Council requesting an obligation or a developer requesting not to provide it. The justification from service providers will need to include verifiable fact/figures that show a negative impact will result because of the development. Developers negotiating against identified need, will have to show that the viability of the proposal would be detrimentally affected.

Rural exception site

Small sites used for Affordable Housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

SEA

Strategic Environmental Assessment

SP

Site Allocations and Policies DPD

SPD(s)

Supplementary Planning Document(s)

Section 106

The Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991 & Planning Act 2008) established the statutory framework for developer contributions in the form of section 106 planning obligations. A section 106 legal agreement is a document to which the developer and the Council and other parties are signatories which sets out the agreed planning obligations, together with any trigger points.

Section 278

Section 278 of the Highways Act 1980 (as amended) enables Legal Agreements to ensure that a developer provides certain necessary site-specific transport-related items.

Site Allocations and Policies DPD

A development plan document prepared by the Council in order to identify specific sites for development and set out detailed development planning policies.

Strategic Environmental Assessment

Document setting out the environmental assessment of policies, to meet the requirements of the European SEA Directive.

Supplementary Planning Document(s)

These documents provide supplementary guidance to the Local Plan and relate back to policies in individual development plan documents, including the Core Strategy.

Tenure

Ownership type of housing, such as owner-occupied, privately rented and different types of Affordable Housing.

Threshold

In the context of this SPD, the largest size of development which is normally exempted from Affordable Housing provision under the PPG.

Trigger Points

Are stages within a development at which a contribution or provision becomes necessary, examples are:

‘upon commencement’

‘upon the occupation of the nth dwelling’

‘prior to _____ occurring’

Unilateral Undertaking

A legal agreement which is only signed by the developer, and sets out the obligations they are willing to undertake in relation to the proposed development.

“Within the wire”

Within the secure perimeter of a Ministry of Defence establishment.

**First Draft Planning Obligations
Supplementary Planning Document
Summary of Consultation Responses**

Response number

1 Office of Road and Rail

2 Anglian Water

3 Martin Brookes

4 Uppingham Town Council

5 Natural England

6 Highways England

7 Cottesmore Parish Council

8 National Federation of Gypsy Liaison Groups

9 Peterborough City Council

10 Not Used

11 Leicestershire & Rutland Police

12 English Heritage

13 Uppingham School

Issue	Name	Reference	Summary of Response	Council Response
General				
1.	Office of Road and Rail	General	No comment	Noted
2.	Anglian Water	Planning Obligation Priorities	<p>Paragraph D2.2 refers to drainage improvements as physical infrastructure which may be required to deliver projects and potentially could be sought via planning obligations. Anglian Water would not expect there to be provision within a Section 106 agreement or the Council's CIL Charging Schedule for used (foul) water infrastructure.</p> <p>In general, water recycling centre (previously referred to as sewage or wastewater treatment works) upgrades to provide for residential growth are wholly funded by Anglian Water through our Asset Management Plan.</p> <p>Foul network improvements (on-site and off-site) are generally funded/part funded through developer contribution via the relevant sections of the Water Industry Act 1991.</p> <p>In relation to surface water Anglian Water may consider the adoption of sustainable drainage systems (SuDs) providing they meet the criteria set out in the adoption manual.</p>	<p>No change required</p> <p>This wording is in the adopted SPD. Paragraph 2.2 refers to "drainage improvements" in very general terms which could include SUDS. Suggest no change even if requirements can generally be met without recourse to planning obligations as SUDS may require an agreement to secure to adoptable standards.</p>

3.	Martin Brookes	General Affordable Housing Monitoring	<p>On paper the council's proposals look fine.</p> <p>It is good to see that more work will be carried out before any major application is considered by means of a preliminary inquiry.</p> <p>I note there appears to be no specific mention of how the council could enforce the provision of affordable homes. Would this be considered a key stage failing?</p> <p>I recently spoke to a large developer here in Oakham who are very aware of the fact they are not meeting target to provide affordable homes. The Council seems on the surface not to be taking any action.</p> <p>I wonder why if the council is proposing to monitor developments why it appears on page 13 4.12 the council is reliant on a developer notifying at each key stage?</p>	<p>Once a S106 Agreement or Unilateral Undertaking is signed the Council will be able to ensure obligations are met. Sometimes viability constraints on the development proposed, or evidence of low levels of local need for affordable housing mean reduced requirements are negotiated. The second draft revised SPD now requires affordable housing contributions from sites of 2 dwellings and above.</p> <p>Although this is a requirement of the developer to reduce potential Council costs of monitoring there is also a need for the Council to verify progress in the event that the developer fails to serve notice.</p>
4.	Uppingham Town Council	SA/SEA	<p>With the on-going legal challenge to the Uppingham Neighbourhood Plan, it is suggested that there is absolute clarity on the wording of the strategic and environmental assessments such that it confirms the approach taken covers both positive and negative impacts.</p>	<p>Agreed – all wording in SEA work checked to ensure reference is clearly made to impacts covering both adverse or negative and positive impacts.</p> <p>Agreed to delete word “adverse” in first line of paragraph 2.14 of SPD document accordingly.</p>

5.	Natural England	SA/SEA.	<p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not relate to our remit to any significant extent.</p> <p>We do not therefore wish to comment other than to welcome the completion of the SA & HRA screening assessment and to support its conclusions</p> <p>We note that a screening assessment has been completed which concludes that neither a full Strategic Environmental Assessment nor a full Habitats Regulations Assessment needs to be undertaken for the SPD. Natural England agrees that the proposals contained within this draft SPD are unlikely to have any significant effect on any nationally or internationally designated nature conservation sites.</p>	Noted – no changes required
6.	Highways Agency	General	Highways England understands that the document will sit alongside the Council's Community Infrastructure Levy (CIL). Highways England reviewed the CIL Draft Charging Schedule in March 2015 and considered it was not in a position to comment upon the specifics of the document and it maintains this position in relation to the Planning Obligations SPD. With this said, Highways England has no specific comments and assumes that the Council will be informed by other stakeholder responses.	Noted – no changes required
7.	Cottesmore Parish Council	CIL Funding	The document refers (especially in Paragraph 3.3) to limitations to the applications to which CIL funding may be applied.	Paragraph 3.3 explains the limitations on RCC using CIL in context of the relationship for RCC of applying this

				<p>SPD alongside implementing CIL. The fact that Parish Council will receive some CIL proceeds to spend as they wish is not relevant to the purpose of this paragraph.</p> <p>No action required</p>
8.	National Federation of Gypsy Liaison Groups	Affordable Housing	Contributions towards affordable housing can and should be made available to fund Traveller sites. The new guidance should specifically recognise and acknowledge that the Council will consider the accommodation needs of Gypsies and Travellers alongside the needs of those requiring affordable "brick and mortar" housing.	The Council does consider the needs of Gypsies and Travellers, including through its assessments of housing need and through its preparation of Development Plan Documents. This includes the needs of Travellers who wish to live in caravans. The use of commuted sums for Travellers' sites is permitted under this policy where appropriate and provided the requirements of paragraph B3.8 of the draft SPD are met. No changes required.
9.	Peterborough City Council	General	The draft SPD raises no strategic issues or propose any major development that would impact on Peterborough. PCC has no comments to make on the Draft SPD	No action required
10.	Not Used			

11.	Leicestershire & Rutland Police	General	<p>1. SPD should make clear that it will be adopted when CIL is adopted and that the current 2010 SPD will be applied in the interim (ref paras 1.13 and 1.15)</p> <p>2. Concern that the CIL funding that is made available to support policing may be less than is currently secured through S106 Agreements. Both the SPD and the CIL documentation should make clear that the police requirements will be fully met to mitigate the impact of the developments from where the funding is sourced (ref paras 1.11, 1.12 and 3.6).</p>	<p>1. There are elements of the 2010 SPD guidance that have been overtaken by developments in national policy and policy guidance relating to both CIL and planning obligations secured through legal agreements. These are reflected in the proposed SPD. In effect the 2010 SPD will still be applied until CIL is adopted, subject to the above. Suggested Change; When adopted <i>alongside CIL</i>, this SPD will be a material consideration when determining planning applications after the introduction of CIL in Rutland.</p> <p>2. No change required The use of planning obligations alongside CIL in respect of policing and community safety is not generally envisaged as this is covered by CIL. In exceptional circumstances priority may be given to community infrastructure items as set out at paragraphs</p>
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			<p>3. The repeated commitment to pass funds to providers in relation to S106 is appreciated.</p> <p>4. I believe further thought is required as regards pooled s106 and your para 6.3. Providers are not in a position to advance fund infrastructures, programme, nor project design until funds are vested with us. Neither can we risk funds paid on the basis of our requests not being passed to us as soon as they are received. There is no case for Councils to retain these especially where clawback provisions ensure repayment of unspent. Providers operate their own development specific monitoring and</p>	<p>3.4 - 3.5 (with amendments as suggested below). It is not possible to make a commitment in the SPD that the police requirements will be fully met as suggested. No item of infrastructure can be given such treatment as this would pre-empt processes to be put in place to make hard choices between competing needs.</p> <p>3. Noted – no change required.</p> <p>4. It is agreed that S106 funding should be released as quickly as is possible to infrastructure providers. Suggested Change; Paragraph 6.3 is amended as follows; Where If a number of developments are will be expected to contribute to the</p>
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			<p>implementation and make commitments to account when they seek contributions. Moneys can and should be released on receipt and we are happy to provide a written confirmation that we will abide by s106 clauses. With all this in mind what possible case is there for LPAs to hold onto infrastructure funds that providers need to spend to make development sustainable and acceptable and to deliver what is necessary in good time?</p> <p>5. Reference paragraph 3.5. The police bespoke contribution requests are specific to each development and do not rely on other developments or contributions to be implemented. I suggest that in relation to your priority 3 and priority 5 there is justification to seek contributions to our infrastructures even</p>	<p>provision of infrastructure that is not covered by CIL, the financial contribution will be ring fenced for the identified pooled infrastructure and held either by the Council or the direct provider where this is a separate organisation. It will be released as quickly as is possible to infrastructure providers in order to ensure timely implementation or commissioning of the when the service provider is ready to implement or commission the relevant works. The monitoring database will make clear where development funding has come from to deliver each scheme.</p> <p>5. , 6. and 7. In setting out guidelines explaining the Council's proposed use of planning obligations alongside CIL the council has to consider both the need to avoid double dipping for developer</p>
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			<p>with CIL in place. Any suggested changes in priorities for CIL or s106 need to be in the context of the collaborative approach between providers and LPAs described in NPPF. I note your commitment in para 4.4 and believe we are a good way to establishing these necessary consultation arrangements.</p> <p>6. Reference paragraph 5.3 and Appendix D. At your para 5.3 it might be helpful to draw on recent practice and advice as far as viability is concerned. Mr Dove has advised on a sequential approach which starts with Regulation 122 testing of compliance. Accepted viability constraints then need to be the subject of discussion with providers before priorities are considered and if necessary. Guidance as regards the level of affordable housing should be heeded in this.</p> <p>7. Appendix D, Priority 2 should include community facilities necessary to keep a development safe as indicated in NPPF. This would allow for Police radio communications, CCTV etc.</p>	<p>contributions and how it will prioritise planning obligations after CIL has been met. Paragraph 3.5 explains how priorities will be made if a proposed development scheme is agreed to be unviable with all the planning obligations that it is being required to deliver. The priorities cited at para 3.5 are intended to cover for exceptional circumstances and should be read alongside Appendix D (section D2) which links with paragraph 3.5 items 3 and 5. This prioritisation is consistent with the approach taken in the current SPD. The intention is that planning obligations will generally only be sought for infrastructure other than Affordable Housing either where a large development generates the need for the entire provision of an item of infrastructure to be delivered on-site or works are required on site or on land physically linked to the site to deliver physical mitigation</p>
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			<p>8. The conclusion at paragraph D2.11 of Appendix D should make clear that prioritisation is only a matter for the Council following acceptance of a viability case in relation to a particular development.</p>	<p>which renders the proposal acceptable for granting planning permission. Along with all other similar generic infrastructure types, policing is a matter to be dealt with through CIL.</p> <p>Suggested Change: Amend paragraph 2.6 of Appendix D as follows;</p> <p>Priority two relates to the provision of community facilities that are required to support a development – particularly a residential development – <i>but which lie outside the scope of being funded by CIL.</i></p> <p>8. Agreed. Suggested Change; <i>A viability case in relation to a particular development has to be submitted in compliance with the requirements set out in the SPD. Where this is accepted,</i> the use of a prioritisation approach will ensure the Council secures the most appropriate level of planning</p>
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				obligations to mitigate the impact of the development proposal or compensate for any loss or damage it would cause to any environmental or community resources where this has not been addressed by CIL.
12.	English Heritage	General	Overall EH welcome the contents of the SPD and the references within the text to the historic environment	No action required
13.	Uppingham School	Affordable Housing	Concern that the SPD does not give clear guidance on developer obligations to provide for Affordable Housing in respect of the development of new staff accommodation at Uppingham School. The heading of the section containing paras B1.6-B1.8 of Appendix B on page 20/21 should read “Other circumstances where the Affordable Housing requirement will not apply rather than “may not” which is too ambiguous. The case for this is based on the need for the school to provide from time to time purpose built staff accommodation on its estate land such as small flats or larger homes for families. This is in effect the school meeting a local need on site with key worker affordable housing and does not compete in the local housing market with market or affordable housing. The suggested change would offer greater clarity and certainty for users in respect of NPPF guidelines at paras 153 and 160.	No changes required. The requirements in paragraph B1.6 to B1.8 are proportionate. The heading to the section starting at B1.6 does include the word ‘may’, but this covers a wide range of housing residency types. The relevant paragraph for the scenario referred to is B1.8, where the wording is more detailed and can exempt school workers’ accommodation. The provisions protect the provision of school workers’ accommodation and does not hamper its provision. No changes required.

**Second Draft Planning Obligations
Supplementary Planning Document
Summary of Consultation Responses**

Response number

1b Historic England

2b Anglian Water

3b Stephen Lucas for Uppingham School

4b Natural England

5b Uppingham Town Council

6b Sport England

7b Greetham Parish Council

8b Highways England

9b Uppingham Town Council & Neighbourhood Plan Task Group

Issue	Name	Reference	Summary of Response	Council Response
General				
1b	Historic England	General	No comments	No Action Required
2b	Anglian Water	Appendix D and Planning Obligation priorities	<p>Same response as submission on 1st Draft SPD.</p> <p>Paragraph D2.2 refers to drainage improvements as physical infrastructure which may be required to deliver projects and potentially could be sought via planning obligations. Anglian Water would not expect there to be provision with a Section 106 agreement or the Council's CIL Charging Schedule for used (foul) water infrastructure.</p> <p>In general, water recycling centre (previously referred to as sewage or wastewater treatment works) upgrades to provide for residential growth are wholly funded by Anglian Water through our Asset Management Plan.</p> <p>Foul network improvements (on-site and off-site) are generally funded/part funded through developer contribution via the relevant sections of the Water Industry Act 1991.</p> <p>In relation to surface water Anglian Water may consider the adoption of sustainable drainage systems (SuDs) providing they meet the criteria set out in the adoption manual.</p>	<p>No change required</p> <p>This wording is in the adopted SPD. Paragraph 2.2 refers to "drainage improvements" in very general terms which could include SUDS. Suggest no change even if requirements can generally be met without recourse to planning obligations as SUDS may require an agreement to secure to adoptable standards.</p>

Issue	Name	Reference	Summary of Response	Council Response
4b	Natural England	General	The advice provided in the response Natural England submitted to the 1 st draft SPD still stand.	No response needed.
5b	Uppingham Town Council	General	No further views.	No response needed.
6b	Sport England	General	<p>(1) Sport England supports the wording of paragraph 3.5 which clearly defines what is covered by CIL and a planning obligation.</p> <p>(2) However, given the above statement Sport England is concerned that the S123 list is generic and whilst the statement in paragraph 3.5 theoretically allows s106 contributions to be sought the effect of the s123 list would actually prevent this happening for example what does 'county sports provision' mean? what are public and community... infrastructure investments? Concerned that the IDP and the list does not take account of the review currently being undertaken on open space strategy, built sports facilities strategy and playing pitch strategy.</p> <p>(3) Similarly it is assumed that the open space SPD will take account of the above strategic work.</p> <p>(4) Planning obligation priorities – Sport England is concerned that the whilst the list of priorities included new open space the priorities do not</p>	<p>(1) No response needed.</p> <p>(2, 3 & 4) The Council's CIL Infrastructure Project List provides a breakdown of proposed County Sports Provision including 'Outdoor Sports and Playing Fields' and 'Expand or re-modelling of existing indoor facilities eg Halls or Pools'. These requirements are supported by local research. The Infrastructure Project List and section 123 list will be subject to periodic review. The forthcoming open space SPD will provide additional detail and the Local Plan is currently being reviewed and will take the strategic research into account.</p> <p>(4) Appendix C (Recreation, sport and leisure) will be amended to make clear that section 106 agreements may cover</p>

Issue	Name	Reference	Summary of Response	Council Response
			include the provision of appropriate mitigation to overcome a statutory objection such as the replacement for the loss of playing fields paragraph 74 of NPPF based on the evidence established under NPPF paragraph 73 see 2 above.	mitigation for the redevelopment of existing open space, where this meets the strict criteria in Policy CS23 in the Core Strategy. Policy CS23 is clear about the necessity of such mitigation in order for development to take place and therefore a separate reference in Appendix D is not needed.
7b	Greetham Parish Council	General	<p>Document was not an easy read for the general public, partly due to the complexity of the subject and partly because of the degree of cross-referencing to other documents and unnecessary historical information (e.g. paras. 2.9 and 2.10). The document should be made easier to follow or a separate explanatory leaflet produced.</p> <p>Reasoning for some key points not clear, for example,</p>	<p>The document replaces two other SPDs and a range of other informal guidance. As well as stating policy guidance, it also needs to be justified so that the documents are robust if challenged (e.g. during a planning appeal). Paras. 2.9 and 2.10 are included as they relate to the Government's policy guidance on seeking contributions from small sites and the subsequent judicial review. This is included as it is important background to why the second consultation version of the draft SPD was different from the first. Explanatory summary information will be included on the Council's website.</p> <p>Following the events in para. 2.9 and 2.10 there is no longer any specific</p>

Issue	Name	Reference	Summary of Response	Council Response
			<p>1.6 states that there will be no Affordable Housing requirement from single dwelling sites (except rural exception sites). Is this a Government directive or an RCC policy? If the latter, why?</p> <p>Definition of floor area does not make clear that it covers all levels of the building and not just the ground floor.</p>	<p>restriction on small sites. However, Government policy is to promote sustainable development. The reasoning behind the Council's approach is outlined in 2.12. As para. 28 of the Inspector's report on CIL states, single village houses are expected to provide up to 22% of dwellings to be built up to 2026. In order to achieve this level of delivery, the Council believes the recent practice of requiring affordable housing contributions from new consents of single dwellings should be discontinued to improve viability and market incentives.</p> <p>The SPD will be modified to make it clear that the relevant references are to the Gross Internal Area as defined by the Royal Institute of Chartered Surveyors, which is in brief "the area of a building measured to the internal face of the perimeter walls at each floor level".</p>

Issue	Name	Reference	Summary of Response	Council Response
			<p>There is no definition of “brownfield exception sites” and one cannot easily be found by a web search. This should be in Appendix A.</p> <p>Ministerial Statement 2nd March 2015 should be referred to in the Glossary with its full title.</p> <p>Page 14 refers to the 2014 Viability update. What is this and where can it be found? – should be referenced in Appendix A.</p>	<p>Para. 1.9 states that the definition is in the Ministerial Statement and the Planning Practice Guidance. A search for the latter on the two main search engines brings up the document at the top of the list. The Planning Practice Guidance links to the Ministerial Statement.</p> <p>A link to this research was included in the viability documentation on the webpage which accompanied the consultation. The Viability Update will be added to the Glossary, rather than to Appendix A which only lists policies.</p>
8b	Highways England	General	No comments	No action needed
9b	Uppingham Town Council & Neighbourhood Plan Task Group	General	No further comments.	No action needed.

Issue	Name	Reference	Summary of Response	Council Response
Appendix B				
3b	Stephen Lucas	Appendix B	<p>Representations submitted in response to 1st SPD consultation still stand.</p> <p>The most important phrase occurs on page 31 “fair, consistent and transparent”. The word “clarity” should be added here.</p> <p>Title “Other Circumstances where the Affordable Housing Requirement may not apply” which was located between paragraphs B1.5 - B1.6 in the May 2015 draft has been removed all together in the current (September) draft. It was our view and still is that this should be changed to read “Other Circumstances where the Affordable Housing Requirement will not apply”. Please take the time to read our comments as we feel they are entirely reasonable.</p>	<p>No changes required.</p> <p>The relevant paragraph for the scenario referred to is B1.6, where the wording can exempt school workers’ accommodation where the circumstances justify it. The provisions protect the provision of school workers’ accommodation and does not hamper its provision. No changes required.</p>