

# **Planning Obligations Supplementary Planning Document**

## **Statement of Consultation Report**

**July 2018**



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## **1. Introduction**

- 1.1 The Planning Obligations Supplementary Planning Document (SPD) Review sets out the Council's approach to seeking and negotiating S106 contributions from new development.
- 1.2 The SPD Review provides an up-front guide for agents, developers and landowners to find out the scale and type of development eligible for S106 contributions. The contribution rates in the document provide an indication of the likely costs for a development scheme.
- 1.3 On 3 November 2017 the Council's Cabinet Member for Regeneration and Economy considered a report on the reviewed SPD and approved its recommendation for officers to undertake a consultation to seek the views of statutory bodies, local businesses, planning agents, developers and the wider community on the reviewed SPD. It was at the meeting on this date that it was decided to run the public consultation beyond the statutory minimum of 4 weeks in order to extend the time over the Christmas public holiday period. This is consistent with the guidance in the Council's Statement of Community Involvement (SCI).
- 1.4 This report has been produced to set out how the consultation was undertaken, the responses received and any subsequent amendments made to the reviewed SPD.

## **2. How was the Consultation Carried Out?**

- 2.1 The consultation ran for 7 weeks and 3 days, beginning on 13<sup>th</sup> November 2017 and ending on 3 January 2018. The consultation was carried out in accordance with the Town and Country (Local Planning) (England) Regulations 2012 and was informed by the Council's reviewed SCI adopted in 2017.
- 2.2 The following methods were used to publicise the consultation.
  - Publication of the document on the Council's website
  - Emails and letters to those on the Council's Local Development Framework consultation database
  - Your City, Your Say
  - Making the document available in Derby's libraries and Council House reception
  - Article on Derby Newsroom
  - Coverage in local press; the Derby Telegraph ran an item about the consultation on 5<sup>th</sup> December 2017
  - Internal consultation through In Touch and other media. A copy of the article is included in Appendix 1 of this statement.
  - Emails were sent to Chief Officers and Councillors informing them that the consultation had started

### 3. Summary of Responses

- 3.1 The following section contains a brief summary of the points raised through the consultation and a recommended response follows each comment. In addition to the consultation, two further comments were received; one through the Equalities Impact Assessment process (EIA) and another from the internal committee approval process.
- 3.2 Where amendments to the draft SPD are recommended, deleted text has been crossed through (for example, ~~crossed through~~) and new text underlined (for example, underlined).
- 3.3 To accord with the Council's consultation policy, comments made by Statutory Bodies, partner organisations, developers and planning agents have been attributed; responses made by members of the public are not attributed to any named individual.
- 3.4 Taking into account the consultation, the EIA process and the internal reporting process, there were twenty respondents. 4 were from statutory bodies, 1 from other Council, 9 from other organisations, planning agents or developers, 3 from members of the public, 2 from internal officers and 1 from the EIA assessment team.
- 3.5 The following table lists, in document order, the comments the Council received, the Council's response and any consequential amendments to the Planning Obligations SPD Review.

<b>Respondent</b>	<b>Section, paragraph or table</b>	<b>Object, Support or Comment</b>	<b>Comment</b>	<b>Recommended Council Response</b>
Derbyshire Police Designing Out Crime Officer	Section 3, Paragraph 3.17	Support	Happy to support the section relating to community safety without amendments	Support welcomed.
Highways England	Whole document	Support	Highways England support investment in sustainable transport solutions and measures which reduce the need to travel, encourage modal shift away from the use of the car and help to reduce congestion on the road network.	Support welcomed.
Natural England	Whole document	Comment	The SPD should consider making provision for Green Infrastructure within development. This can be through the provision of urban green space or green roof systems, green walls, tree planting or landscape enhancement. The SPD could also consider incorporating features which are beneficial to wildlife within development, such as requiring one nest box per residential unit.	The SPD provides further detail for the Local Plan Part 1 Policy CP16 Green Infrastructure and Policy CP17 Public Green Space in terms of how in practical terms in-kind or financial contributions towards public green space will be negotiated from appropriate types and scale of development. In Section 3, paragraphs 3.13-3.14, the SPD details how in certain circumstances the Council may use S106 to secure contributions towards the conservation of the natural

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				<p>environment and its biodiversity. The Council consults the Derbyshire Wildlife Trust on planning applications for advice on protected species and on appropriate mitigation measures where proposed development may have an adverse impact. Any contributions sought will need to comply with the CIL Regulation 122.</p> <p><b>Recommendation:</b> no change</p>
Derbyshire County Council	Section 1 General Principles	Comment	Various corrections to grammatical and typing errors suggested	These minor corrections will be made to the modified draft as suggested.
Derbyshire County Council	Section 2 Transport 2.2.18	Object	Suggest that transport contributions may not meet the CIL tests, in particular the test which requires them to be directly related to development.	<p>The SPD Transport section complies with the Derby Local Plan Policies CP23 and MH1 which ensure that new development contributes to public transport, cycle and pedestrian infrastructure.</p> <p>Paragraph 1.13 of the General Principles Section refers to S106 agreements addressing the specific mitigation required by new</p>



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				<p>development. As such the transport S106 contribution will be directly related to a development proposal as set out in paragraphs 2.2.23 to 2.2.29 in the Transport section. Paragraph 2.2.25 states that for residential development, the contribution rates have been calculated as a direct relationship between the total LTP programme costs and the total number of dwellings in Derby. The other land use contributions have been calculated from this base rate depending on their individual trip generation rates, relative to residential. Where the transport assessment on an individual application provides evidence of lower trip rates the contribution rate may be negotiated accordingly. Hence the approach of the SPD review towards securing planning obligations is compliant with the CIL Regulations.</p> <p><b>Recommendation:</b> in order to further emphasise that the contributions relate directly to the site, it is recommended that the following paragraphs be</p>

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				<p>inserted under paragraph 1.41 in the General Principles section as follows:</p> <p><b>Tailoring the contributions</b>  <u>The contribution rates set out in Appendix B are not fixed charges that will be rigidly applied to all development regardless of circumstances. The Council will only seek contributions where existing facilities are insufficient to cope with the increased demand that the new population from a development will create. If existing facilities and services can absorb this new demand, the Council will not seek contributions. The rates set out in Appendix B are standard rates for different types of development and will be used to guide an appropriate level of contribution from a given site. These rates can be reduced if it can be demonstrated, to the Council's satisfaction, that the development would have a lesser impact than expected. For example, if the Transport Assessment for a development showed a lower trip</u></p>

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				<p><u>generation than expected, the contribution could be reduced pro-rata. Similarly the rates will be adjusted where it can be shown that there is some capacity in existing infrastructure or services to meet part of the impact or demand arising from the development. In this way the requirement for contributions to be fairly and reasonably related in scale and kind to the development in paragraph 204 of the NPPF can be complied with.</u></p>
Derbyshire County Council	Section 2.2 Transport	Object	Highlights a change to Planning Practice Guidance relating to the circumstances where infrastructure contributions through planning obligations should not be sought from developers. This change puts into effect a Ministerial Statement from November 2014 whereby "contributions should not be sought from developments of 10 units or less and which have a	<p>Agree that the SPD should comply with Planning Practice Guidance and accept the County Council's suggestion to seek contributions from new residential developments of 11 units or more or where residential development is over 1,000sqm and commercial development of 1,000 sqm or more.</p> <p><b>Recommendation:</b> To add the following:</p>

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			maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)."	<p>The first sentence of Paragraph 2.2.18, "Contributions to transport improvements will therefore be sought from new developments of <del>40</del><u>11 residential units or more</u> or where residential development is over 1,000sqm...."</p> <p>Amend the first column of the Contributions Thresholds table in Appendix A as follows:  <del>40</del> <u>11 units</u></p>
Derbyshire County Council	Section 2.3 Public Green Space Paragraphs 2.3.10 to 2.3.12	Object	Refer to Planning Practice Guidance with regard to tariff based contributions on developments of 10 units or less.	<p>Accept suggestion to seek contributions from new residential developments of 11 units or more or where residential development is over 1,000sqm.</p> <p><b>Recommendation:</b> amend Paragraph 2.3.12 to read as follows: "For developments of <del>40</del> <u>11 units</u> and above or where residential development has a gross internal area of 1,000 square metres or more, Amenity Green Space</p>

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				<p>is to be provided..."</p> <p>Amend the first column of the Contributions Thresholds table in Appendix A as follows:  <del>40</del> <u>11 units</u></p>
Derbyshire County Council	Section 2.4 Education Paragraph 2.4.4	Object	<p>Para 2.4.4 indicates that the new secondary school is to serve the southern part of Derby. Derby City is not making any contributions to the new school and it will be funded from S106 contributions generated by developments in South Derbyshire around the city boundary. The statement is misleading as any shortfalls in funding will have to be met by the County Council.</p>	<p>The proposal for the new secondary school in South Derbyshire is a specific example of a local situation cited by the reasoned justification under the Local Plan Policy CP21. The reference is not strictly required in the SPD because it is already explained in the Local Plan so if it helps to avoid any further misunderstanding then the reference can be removed.</p> <p>However the point of paragraph 2.4.4 is to highlight that there needs to be a flexible approach towards seeking contributions for education provision for new residential development on the edge of Derby on both sides of the city boundary. This provision applies to primary school places as well as to</p>

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				<p>secondary places. The City Council has already secured contributions from some city sites which have funded school places in schools outside the City boundary, where those schools were the most sustainable solutions for those sites.</p> <p>It is likely therefore that there will continue to be a need for cross boundary solutions for edge of city developments and the SPD should reflect this. As such, it will be more logical to include a reference to this point under Paragraph 1.64 which refers to cross boundary agreements.</p> <p><b>Recommendation:</b> to delete paragraph 2.4.4 and add the following text to paragraph 1.64:</p> <p><u>In considering primary and secondary education provision for residential developments on the edge of the City, contributions may be required from City sites towards schools beyond the City boundary which provide the most</u></p>

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				<u>sustainable solution.</u>
Derbyshire County Council	Section 2.4 Education Paragraph 2.4.5	Object	Derby City Council only seeks education contributions from residential developments of 25 dwellings and above. However, the County Council's Developer Contributions Protocol seeks contributions from residential developments of 11 units or more. Where a residential development is within Derby City but which falls within a normal area of a school where school place planning is provided by Derbyshire County Council, it is requested that Derby City's SPD reflects the County Council thresholds.	<p>The City Council's seeks contributions towards education from residential developments of 25 dwellings and above where there is insufficient existing capacity in local schools in the City. The City considers that there is sufficient capacity in City schools to accommodate the numbers of pupils generated by residential development below this threshold. In addition to this, the City and the County use different pupil yield multipliers which reflect their demographic differences.</p> <p>The threshold needs to be consistent across all areas of the City to provide clarity and certainty for prospective developers. The threshold of 25 dwellings is also considered to be fair and reasonable to the scale of developments in the City.</p> <p>The SPD's approach is sufficiently flexible to enable the most appropriate</p>

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				<p>solution to school place planning to be negotiated for individual applications where the school catchment area extends across the boundary into the County.</p> <p><b>Recommendation:</b> no change.</p>
Derbyshire County Council	Section 2.4 Education Paragraph 2.4.6	Comment	<p>Para 2.4.6 indicates that the Council will look at available capacity which includes projected future pupil numbers. However the formula in para. 2.4.7 does not appear to include projected pupil numbers, only those which are existing. Should the formula include the projected number?</p>	<p>Projected future pupil numbers are only estimations. The City Council prefers to calculate the contributions using factual evidence such as surplus places and school census data which provide greater certainty. Paragraph 2.4.8 of the SPD sets out how the City Council will calculate the contributions at reserved matters stage when there is a more accurate picture of school capacity at the point at which the developer is close to starting on site. This helps to ensure that the contribution is directly related to the individual development.</p> <p><b>Recommendation:</b> no change.</p>
Derwent Valley	Whole document	Comment	The Review makes no reference	The remit of the SPD Review does not



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Mills World Heritage Site			<p>to the Derwent Valley Mills World Heritage Site (DVMWHS).</p> <p>The Review should reflect the Council's commitment to conserve and protect the site as a member of the DVMWHS Partnership. There should be a reference to the need for authenticity for the WHS to avoid pastiche developments.</p>	<p>include building design, therefore there is no need to refer to the treatment of new developments in and around the DVMWHS. The DCLP1 policy CP20 on which this part of the SPD Review is based sets out the Council's planning policy on DVMWHS and it is not considered necessary to refer to it again in the SPD Review.</p> <p><b>Recommendation:</b> no change.</p>
Historic England	Section 1.49-1.53	Support	Historic England supports the references to flexibility in respect of viability issues relating to heritage at risk and heritage led schemes	Support welcomed.
Historic England	Section 3.16	Object	<p>Historic England are concerned that the use of 'only' and 'or' in in the following sentence could be misinterpreted and result in contributions not being sought if more than one element is required:</p> <p><i>'S106 will be in situations where new development is allowed only,</i></p>	<p>The wording that the Council have proposed is to set out that contributions towards the historic environment will only be sought in exceptional cases. What Historic England have proposed widens the scope of this to include specific instances where a contribution will be required.</p>

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			<p><i>or largely, to fund works to heritage assets or to fund archaeological works'</i></p> <p>It is also not clear how the impact on DWMWHS and other heritage assets will be mitigated against through the S106 process</p> <p>Alternative wording has been provided by Historic England to address these issues. The underlined text is the new wording proposed by Historic England.</p> <p>In the majority of cases, requirements associated with heritage assets can be dealt with by negotiation or condition. However on rare occasions it may be necessary to include these issues within the S106 agreement to <u>address any impact</u> (<i>strike though remaining SPD text</i>):</p> <p><u>Planning Obligations may be required on new developments</u></p>	<p>This is not the intention of the SDP Review which only requires these on a case by case basis to keep the Review compliant with CIL regulations.</p> <p>This can be clarified by the simple addition of the word 'usually' into the text.</p> <p><b>Recommendation:</b> to amend Paragraph 3.16 from the second sentence in line three as follows:</p> <p>This will <u>usually</u> be in situations where new development is allowed only or largely, to fund works to heritage assets or to fund archaeological works.</p>

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			<p><u>which fall into either of the two following categories:</u></p> <p><u>-Developments impacting upon heritage/archaeological/architectural assets i.e harmful actions and</u></p> <p><u>-Developments impacting upon the Derwent Valley Mills World Heritage Site, Conservation Areas, Locally Listed assets, Listed Buildings, Scheduled Monuments and other sites of national and/or regional importance i.e location based.</u></p>	
Historic England	Section 2.6.20	Comment	Additional text is suggested to expand the scope of contributions that can be sought in relation to OCOR and the River Derwent Corridor to link with the historic environment, biodiversity and public realm and to avoid confusion should a viability report be submitted.	<p>Contributions secured towards off-site works associated with the OCOR project are specific to flood defence measures as stated in paragraph 2.6.20. The historical environment, public realm and biodiversity are separate contributions and will be negotiated separately as required on a site by site basis.</p> <p><b>Recommendation:</b> no change.</p>

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NHS Southern Derbyshire Clinical Commissioning Group (CCG)	Paragraph 2.5.35	Comment	The reference only to expansion of GP practices is too specific as in the future, GP services may be provided through partnerships with pharmacies and/or acute trusts. The current scope for spending contributions may be too restrictive in the future.	<p>The SPD Review is based on the policies in operation at the time of drafting. At the current time, the CCG formula focuses on GP practices therefore this will continue to be the focus of health contributions. However in order to acknowledge the CCG's position and avoid the need for an early review of the document, additional text is recommended.</p> <p><b>Recommendation:</b> to update paragraph 2.5.35 from the beginning of the third sentence as follows:</p> <p>The CCG have a standard formula which they use to determine the population increase from the development and therefore the impact it will have on local GP <del>practices</del> <u>services</u>. - If <u>existing</u> GP practices do not have the capacity to take the anticipated new population then a formula will be applied to determine the level of contribution required. <del>One or more local GP practices will be identified where the contribution will be</del></p>

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				<del>applied.</del> <u>The CCG will identify a facility where additional GP services can be provided.</u> The <del>practice facility</del> identified for receipt of contributions may not always be the one nearest to the development in question as that <del>practice facility</del> may not have a space to expand.
Gladman Developments Limited	Section 1 General Principles, paragraph 1.4	Support	Gladman note and support the draft SPD's advice to developers to initiate discussions and negotiation at pre-application stage. Gladman suggest that such discussions are open, transparent and meaningful with a clear outcome rather than simply a reiteration of what policies apply.	Support welcomed and comment noted
Gladman Developments Limited	Section 1, Paragraphs 1.61-1.62	Object	The reference to administrative monitoring fees should be removed in light of established case law, or the SPD should highlight that payments of monitoring fees can only be required in exceptional	Paragraph 1.61 sets out the circumstances when an administrative fee will be sought but it is accepted that it will help to clarify this paragraph if it is highlighted that such fees are only required in exceptional circumstances: <b>Recommendation:</b> to insert the

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			circumstances.	following sentence at the end of paragraph 1.61 as follows: <u>"Therefore there may be exceptional circumstances where an administration fee will be sought."</u>
Gladman Developments Limited	Section 2, Paragraphs 2.2.36-2.2.40 Travel Plan Monitoring fees	Object	The reference to travel plan monitoring fees should be removed or listed as something which may be pursued only in exceptional circumstances.	Paragraph 2.2.32 explains that whilst most travel plans will be secured by planning condition, there will be circumstances where travel plans will be required through S106. It is accepted that the wording of this paragraph could be amended to clarify that these will only be in "exceptional" circumstances.  <b>Recommendation:</b> to amend the second sentence of paragraph 2.2.32 as follows:  However, there will be <u>exceptional</u> circumstances where the Travel Plan will be required through the S106.
Gladman Developments Limited	Section 2, Paragraph 2.1.12 Design and		The Council does not have an adopted policy on enhanced standards for dwellings	We would agree with the point that we cannot require enhanced a standards on affordable housing design through

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	accessibility standards		constructed to part M4(2) and M4(3) Building Regulations and therefore it is not appropriate to include any text in the draft SPD that relates only to an option in the emerging Local Plan Part 2.	<p>the SPD for the reason that there is not a current policy in the Local Plan Part 1. Such designs will be subject to the requirements of Building Regulations. However as a Council we will still encourage developers to consider designs for affordable housing that take into account people with mobility impairments in accordance with the Council Plan and its priority outcomes as set out in paragraph 1.20 of the Draft SPD.</p> <p><b>Recommendation:</b> delete the following sentence from paragraph 2.1.12:</p> <p><del>“If a future DCLP2 policy requires other standards, these will be included in any heads of terms for S106 agreements.”</del></p>
Gladman Developments Limited	Section 2, Paragraphs 2.1.25 Off-site affordable dwellings provision	Object	The requirement to increase the number of affordable housing units delivered off site, than originally proposed on the application site, due to the increase in market units on the	For the reason that the SPD must not be used as a means to set new policy and it should only add clarity or detail to policies that are in the Derby Local Plan Part 1, the Council accepts this point and recommends deleting

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			original site, should be deleted from the draft SPD. There is no reference to this requirement in Policy CP7 of the Local Plan Part 1.	paragraph 2.1.25 and the working example in paragraph 2.1.30.
Gladman Developments Limited	Section 1, Paragraph 1.31 In-kind contributions	Object	It is not appropriate for the Council to require a developer to gift land to the local authority, to still require a financial contribution in lieu of the developer providing facilities.	<p>The Council seeks contributions that are fair and reasonable in scale and kind to the development proposed. In cases where land is gifted in order to meet an agreed planning obligation, the value of that land has to be equivalent to the contribution considered appropriate to mitigate the impact of the development.</p> <p>Paragraph 1.31 is referring to situations where the value of the gifted land is less than the value of the contribution agreed and a financial contribution is required to make up the difference. It is accepted that there is a need to clarify this reasoning.</p> <p><b>Recommendation:</b> to delete paragraph 1.31 and replace it with the following:</p>



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				<p><u>"There may be circumstances where the developer will undertake the provision of facilities themselves either on-site or off-site as in-kind contributions. However there will be times where the Council wishes to provide certain facilities themselves. In such cases, the Council may wish to receive a land parcel free of charge from the developer. If the value of that gifted land is less than the contribution agreed to mitigate the impact of the development, then an additional financial contribution may be required to make up the difference in value."</u></p>
Gladman Developments Limited	<p>Section 3, Paragraphs 3.6-3.12</p> <p>Public Art and Public Realm</p>		<p>Further justification for including public art and public realm in the SPD is necessary to demonstrate that they would pass the CIL Regulation tests.</p>	<p>A policy objective of the local plan is to achieve high quality design in new development. The SPD Review reflects this policy in paragraphs 3.2 - 3.5 in that it clearly states that public art will only be sought on a site by site basis where it is appropriate to the particular location and characteristics of the scheme, that is, directly related to the development, and will meet the local</p>

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				<p>plan objective.</p> <p>Local Plan Policy CP3 states that contributions will be sought towards public art from major development proposals which as a general rule in this context are defined as residential developments of 100 units or more or commercial development of 2500sqm or more. Paragraph 3.8 of the SPD sets out these triggers for the size of schemes where it is considered fair and reasonable to seek contributions if the scheme is situated in the types of location identified. However, the triggers for public realm as set out in paragraph 3.7 have been set at a lower level. It would be more consistent in the context of Policy CP3 if the triggers for public realm were set at a similar level to public art.</p> <p>Recommendation: To amend the first sentence of paragraph 3.7 as follows: "Within the Central Business District, ...contributions towards public realm may be sought from residential</p>

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				development of <del>50 units</del> <u>100 units</u> and over and from commercial development of <del>4000sqm</del> <u>2500sqm and over</u> , where appropriate."
Lichfields on behalf of Intu Properties plc	Section 1, Paragraph 1.3 and 1.9-1.11	Comment	The reference to the three tests that all planning obligations must comply with is welcomed however further emphasis should be given to these in paragraphs 1.9-1.11 to ensure that more prominence is given to them from the outset.	<p>Comments noted and accepted.</p> <p><b>Recommendation:</b> to add a sentence at the end of paragraph 1.11 as follows:</p> <p><u>The Council will only seek contributions which meet all three tests. All contributions will be tailored to the specific circumstances of the development (See Para 1.42 &amp; 1.43) and all S106 agreements will include named projects or tightly drawn geographic areas within which to spend contributions, to ensure compliance with the Regulations.</u></p>
Lichfields on behalf of Intu Properties plc	Section1, Paragraph 1.63 and Section 2,	Object	It is not clear how the Council will monitor contributions under pooling restrictions. The Council should provide evidence of what	It is not for the SPD Review to set out how the Council will monitor the number of contributions received however the Council is committed to

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	Paragraph 2.28		projects or types of infrastructure it considers will count as contributions for the purposes of the restrictions (specifically in relation to transport) and should state how many have already been secured since April 2010 to provide clarity for developers. The Council should revise the document and reconsult.	making this data available on request.  <b>Recommendation:</b> no change
Lichfields on behalf of Intu Properties plc	Section 2, Paragraphs 2.2.15-2.2.31	Object	More evidence and justification is required as to how the figures were derived for the Sustainable Transport Corridor contributions.	The broad objectives and principles for the transport projects identified in Table 3 are set out in the Council's adopted Local Transport Plan, LTP3. LTP3 and its supporting documents can be viewed on the Transport Planning page of the Council's website. However to ensure the strategic context and justification for the contributions are more accessible, the Review could be slightly amended to refer readers to the specific webpage. The detailed costings in Table 3 which provide the justification for the transport contributions are derived from; the existing costings for major schemes

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				<p>(current at the date of publication of the SPD draft in November 2017), the Highways &amp; Transportation Capital Programme and current transport strategies and bids that have been produced by the Council. To make these figures more transparent it is recommended to replace Table 3 with a more detailed costings table which breaks it down into individual projects.</p> <p><b>Recommendations:</b>  (1) to add the following to the end of paragraph 2.2.23:</p> <p><u>The strategic context and justification for the projects are set out in the LTP3.</u></p> <p><u>Further information on the LTP3 can be found by viewing the Council's transport planning webpage at:</u>  <a href="https://www.derby.gov.uk/transport-and-streets/transport-policy/planning-transport-policy">https://www.derby.gov.uk/transport-and-streets/transport-policy/planning-transport-policy</a></p> <p>(2) To insert a new sentence before Table 3 after the words, "have been</p>

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				<p>included ...” as follows:  <u>The costings of the transport capital projects are derived from the existing costings of major schemes (as identified at November 2017), the Highways and Transportation Capital Programme and transport strategies and bids produced by the Council. These costs are indicative and may change over time however this will not affect the contribution rates set out in Appendix B.</u></p> <p>(3) To replace Table 3 with one that contains further details on the transport project costings. (The recommended replacement Table 3 will be underlined in the modifications draft as it is too large to show in this representations table.)</p>

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Lichfields on behalf of Intu Properties plc	Section 2, Paragraphs 2.2.28 and 2.2.30	Object	The starting point for calculating a contribution should be mitigating the actual impacts of the development not the other way round. In relation to the Sustainable Transport Corridor contributions, it should not be for the developer to prove to the Council that the contribution requested is not proportionate to their proposals.	<p>The Council believes that stating a contribution which, as above, is grounded in clear evidence, derived using LTP3 and the TRICS database is helpful to prospective developers, departments and members of the public in that it enables them to understand at an early stage what level of contributions may be required. This can then be used where necessary to inform negotiations on land prices and the scale and nature of development. The Council is however open to negotiation and where clear evidence is provided that the level of contribution would be contrary to Regulation 122 of the Community Infrastructure Levy regulations 2010, or would not be required to mitigate the impacts of development, it will adjust contributions accordingly. The onus should however always be on developers to demonstrate why the contribution should be adjusted.</p> <p><b>Recommendation:</b></p>

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				<p>(1) to insert the following text to paragraph 2.2.28:  The contribution rates in Appendix B are maximum <u>standard</u> levels. If the TA for an individual application shows that lower trip generation rates are applicable, the Council will <del>look at</del> <u>agree</u> lower contribution rates on a site by site basis, if backed up with reliable evidence. <u>Rates will be reduced pro-rata in line with the trip generation rates.</u></p> <p><u>(2)</u> to amend paragraph 2.2.30 as set out in the response to the objection from WYG below.</p>
Lonsdale Swimming and Sports Trust	Section 2, Paragraphs 2.5.18 and 2.5.19	Object	The Council is not planning for enough pool provision. The Trust is planning a new build, public community facility in the west of the city as a replacement for their current pool which is likely to close in 2025. The SPD Review should refer to the new pool as a facility that planning obligations	<p>Paragraph 2.5.18 is based on Policy CP21 of the Local Plan. This makes no mention of the Lonsdale Trust's proposals or for an additional pool above those already identified. It is therefore not possible to include the proposals in the SPD Review.</p> <p>Any project included in the SPD Review is first required to be dealt with</p>



Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
			could contribute to.	through a Local Plan policy. <b>Recommendation:</b> no change.
Sport England	Section 1 General Principles Paragraphs 1.27	Support	Agree with paragraph 1.27 that thresholds should be used as a guide and each case will be judged on its own merits.	Support welcomed.
Sport England	Section 1 General Principles Paras 1.28-1.29	Object	The thresholds for outdoor and indoor facilities should be set at lower levels than at 25 and 50 dwellings and there is a need to clarify what is covered by the sports facilities within the two categories.	Sport England does not provide any additional evidence as to why the thresholds should be set at lower levels. Outdoor facilities such as sports pitches or tennis courts can be provided through the major open space contributions which are required from residential development of 25 units and above. Indoor facilities may be funded by contributions towards built sports facilities which are required from developments of 50 units and above. Contributions towards built sports facilities will only be sought from development where the existing local facilities do not have any spare capacity for a new population generated. Below the threshold of 50,

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
				<p>it is considered that the populations generated can be accommodated by the existing facilities. The thresholds are set so that they are fairly and reasonably related in scale to the development.</p> <p><b>Recommendation:</b> no change.</p>
Sport England	Section 1 General Principles Para. 1.39	Object	The method for revising how contributions are calculated needs to be clarified.	<p>Paragraph 1.39 refers to the method that the Council will use to ensure that the value of the contributions is consistent with universal increases in economic costs. As such the contribution rates will be annually reviewed against the Retail Prices Index.</p> <p><b>Recommendation:</b> no change.</p>
Sport England	Section 1 General Principles Para 1.64	Support	Support the reference to cross boundary work.	Support welcomed.
Sport England	Section 2 Contributions	Support	Support the principle of securing contributions to meet additional indoor and outdoor sports needs	Support welcomed.

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
			generated by development.	
Sport England	Section 2 Para 2.3.7	Object	<p>The definitions and terminology used as contributions stemming from Policy CP17 do not appear to correspond with open space typologies specified within the umbrella of Public Green Space under Policy CP17.</p> <p>There is no clear definition of what is meant by Major Open Space in para. 2.3.7. The term is not referenced in Appendix D of the Core Strategy.</p>	<p>The term “major open space” is an umbrella term for those typologies identified by CP17 that make up public green space and it comprises parks and outdoor sports facilities. The SPD Review defines major open space in the second bullet point under paragraph 2.3.7.</p> <p>Appendix D identifies the different types of park which are also listed under paragraph 2.3.7.</p> <p><b>Recommendation:</b> to clarify the definition of major open space in paragraph 2.3.7 by amending the first sentence of the second bullet point as follows:</p> <p>“major open space <del>refers to</del> <u>comprises</u> formal green spaces....</p>
Sport England	Section 2 Para 2.3.10	Object	There does not appear to be an explanation of how the thresholds in paragraph 2.3.10 relate to the	The Local Plan policy contains a public green space standard of 3.8 per 1000 population. Paragraph 2.3.10 of the

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
			typologies defined under para 2.3.7.	<p>SPD Review breaks down this higher level figure so that it can be fairly and reasonably applied to different types and scales of development.</p> <p><b>Recommendation:</b> no change.</p>
Sport England	Section 2	Object	Robust and up to date evidence should be used to inform the need for contributions triggered by the specific circumstances of each case.	<p>Understanding the capacity of existing built sports facilities to serve a growth in population from a new development is necessary for determining whether a contribution can be sought. The Council's Leisure Team are consulted during negotiations for planning obligations on eligible residential proposals. The Leisure Team will draw upon the most up to date evidence available to them at the time.</p> <p><b>Recommendation:</b> no change.</p>
Sport England	Section 2 Para. 2.5.22, Built Sports Facilities	Object	Robust and up to date evidence should be used to inform the need for contributions triggered by the specific circumstances of each case. Strategies for playing pitches and outdoor sport are	<p>The contribution rates for the built sports facilities have been reviewed against the evidence that is currently available.</p> <p>Paragraphs 2.5.23 and 2.5.24 explain</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
			currently under preparation and are due to be completed in the next few months and paragraph 2.5.22 will need to be updated to reflect this emerging evidence.	<p>how this current evidence will be used alongside the Sports Facilities Calculator to assess whether the existing facilities can cope with demand generated by new development proposals. Therefore for appropriate cases, all up to date evidence available at the time will be taken into account when assessing the existing capacity of built sports facilities.</p> <p>However, it will help to clarify this paragraph if it is amended to reflect the point that the assessments need to take into account up to date evidence</p> <p><b>Recommendation:</b> to insert the following at the end of Paragraph 2.5.22:</p> <p><u>During the assessment of local capacity on individual cases, all robust evidence at the time of assessment will be taken into account.</u></p>
Derby and Sandiacre Canal	Section 2	Support	The Canal Trust appreciates that a reference to the canal	Support welcomed

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Trust			restoration has been included in the draft SPD	
Derby and Sandiacre Canal Trust	Section 3 Site Specific Contributions Para 3.18	Comment	Given the significant economic benefits that the canal's restoration may bring to the City, it is suggested that contributions could be sought city wide, ie from suitable sites beyond those in the immediate vicinity. With respect to the CIL regulations, it would be prudent not to rule out such contributions, especially in relation to open space, public realm and transport where this could be achieved.	<p>The Derby City Local Plan – Part 1 recognises the wider economic and environmental values to the city of the restoration of the Derby and Sandiacre Canal by safeguarding of the route under Policy CP24. Because of the restrictions of the CIL regulations on planning obligations, contributions towards the canal restoration may only be sought where they are directly related to a proposed development.</p> <p><b>Recommendation:</b> no change</p>
Derby and Sandiacre Canal Trust	Section 3 Site Specific Contributions Para 3.19	Comment	The term “land adjacent” can have a very narrow definition in planning law, and could potentially preclude contributions from sites that are not immediately adjacent. It is suggested a better phrase would be “in the vicinity of...”	The alternative term suggested “in the vicinity of” could be too broad when determining whether the restoration of the canal directly relates to a development proposal. There would need to be a clear relationship such as where the canal route lies within or along the boundary of the application site or where a development proposal conflicts with the local plan objective to

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
				<p>safeguard the route. However, it is accepted that some clarification is needed.</p> <p><b>Recommendation:</b> to delete the phrase, “adjacent to” in paragraph 3.19 and replace it with the following:</p> <p>“Where new development proposals are on land <del>adjacent to</del> <u>that lies along and/or may potentially sever the</u> safeguarded route of the Derby and Sandiacre Canal...”</p>
WYG on behalf of Miller Homes and William Davis	Whole document	Objection withdrawn	The SPD document be progressed as a development plan document because of the wide ranging nature of the document and because the nature and calculation of the contributions to transport and to a lesser extent, major open space , go beyond the policy framework on the Core Strategy.	Following discussion of this point with the representor, which included legal advice, this representation has been withdrawn.
WYG on behalf	General Principles,	Objection	There should be a mechanism to	See above. This objection has also

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
of Miller Homes and William Davis	Paragraphs 1.51 and 1.53	withdrawn	allow for the reduction in financial contributions to reflect reductions in profit where there is a difference between landowners and developers in establishing appropriate land values, particularly where sites are subject to a competitive tender process. The Council should take a realistic view of what market value comprises. It is suggested that a form of mediation be considered in relation to any difference in views onsite value.	been withdrawn.
WYG on behalf of Miller Homes and William Davis	Paragraph 1.63, Monitoring pooled contributions	Objection withdrawn	There is a need to be more specific in relation to the requirements for transport improvements, major open space and sports facilities.	The objection has been withdrawn. Similar concerns have been raised by other representations and these are addressed in the Council's response in this report.
WYG on behalf of Miller Homes and William Davis	Affordable Housing Paragraph 2.1.14	Objection withdrawn	A maximum threshold for pepper potting should be increased from a maximum of 10 to 20 units	The objection has been withdrawn.



Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
WYG on behalf of Miller Homes and William Davis	Section 2 Transport Paragraph 2.2.30	Objection withdrawn subject to agreed modification	The proposals for the contribution rates are contrary to the NPPF in that they do not establish how such contributions would be reasonably related to development. Transport assessments should be used to identify measures that directly relate to a development site.	<p>The following response has been discussed with the objector and they have agreed to withdraw their objections subject to SPD being modified to clarify that the Council agrees that it needs to express in a clearer way how the transport contributions would be reasonably related to development in order to comply with the NPPF. I have no objections to this.</p> <p><b>Recommendation:</b> to make the following amendments to paragraph 2.2.30:</p> <p>Contributions will <u>only</u> be used to provide transport improvements that will directly benefit the development. Recommend to insert the following text at the end of paragraph 2.2.30  <u>S106 Agreements will include named projects or specific geographical locations (such as a particular junction or stretch of road) where the Council can spend contributions. Where these are projects that are established</u></p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
				<p><u>through the Transport Assessment the contribution will be adjusted accordingly.</u></p> <p>Recommend also to insert the following text into paragraph 2.2.29:</p> <p>Contributions may also be reduced <u>or waived</u> on a site by site basis where there is an existing land use <u>where existing trip generation can be taken into account</u>, or where viability, backed up with an appraisal, is an issue on the site. <u>However, historic uses which are no longer active or occupy the site will not be taken into account.</u></p> <p>Further modifications have been recommended to address a similar issue raised by Derbyshire County Council above.</p>

<b>Respondent</b>	<b>Section, paragraph or table</b>	<b>Object, Support or Comment</b>	<b>Comment</b>	<b>Recommended Council Response</b>
WYG on behalf of Miller Homes and William Davis	Section 2.3 Public open space	Objection withdrawn	A housing scheme should only contribute to an identified improvement scheme in a specified area of major open space closest to that housing site. There should not be an open ended contribution to major open space across the city.	The objection has been withdrawn.
WYG on behalf of Miller Homes and William Davis	Section 2.4 Education, Paragraphs 2.4.10-2.4.14	Objection withdrawn	The paragraph should be caveated to state that the requirement for the provision of a primary school should relate to the existing capacity of nearby primary schools or their capacity for extension. There should also be flexibility in the Council's approach as to how new primary school provision is implemented.	The objection has been withdrawn

<b>Respondent</b>	<b>Section, paragraph or table</b>	<b>Object, Support or Comment</b>	<b>Comment</b>	<b>Recommended Council Response</b>
WYG on behalf of Miller Homes and William Davis	Section 2.5, Community Facilities section	Objection withdrawn	Community facilities need to be reasonable related to development schemes. The basis of the calculation of contributions towards facilities needs to be fully tested and justified.	The objection has been withdrawn
WYG on behalf of Miller Homes and William Davis	Section 2.5 Community Facilities: health paragraph 2.3.36	Support	WYG agrees with the principles set out in paragraph 2.5.36 in relation to contributions only being sought where there is a deficiency in health provision.	Support welcomed

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Member of the public	Whole document	Comment	The Council does not require planning obligations for sites of 250 dwellings or less. Where developments are taking place close to each other, the cumulative impact of these should be taken into account when negotiating contributions specifically for education and health when individual sites are of 250 dwellings or smaller	<p>The SPD Review makes provision for education contributions on sites of 25 units or more and health on sites of 75 units or more. Paragraph 1.29 sets out the proposed approach to the cumulative impact of developments stating that the Council will take into the account the impact of a number of adjoining small developments.</p> <p><b>Recommendation:</b> no change.</p>
Member of the public	Paragraph 1.64 Cross Boundary Agreements	Object	Recent developments on the city boundaries have illustrated that developers can build houses there and make no contribution to infrastructure. There should be an independent mechanism to ensure funding is appropriately distributed.	<p>As set out in Paragraph 1.64, the Council will work closely with the relevant authority to ensure that when development over the city boundary has an impact on city infrastructure, appropriate contributions are made. In 2015, the Government consulted on a proposed planning obligations mediation service but as yet there are no plans to introduce this either nationally or locally.</p> <p><b>Recommendation:</b> no change.</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Member of the public	Paragraph 2.4.10 Primary schools	Object	The 'catchment area' approach to school provision does not reflect the reality of primary school demand. Children should be educated in their immediate neighbourhood. The planning system should allow funding to be distributed across wider areas.	<p>It is accepted that wherever possible, children should be educated within their immediate neighbourhood. This is normally the catchment area school.</p> <p>In order to meet the tests of Regulation 122 of the Community Infrastructure Levy regulations 2010 (as amended), the Council must make sure that all planning obligations are reasonably related to the application site. It would therefore not be possible to distribute funding into areas not affected by the development. The Council's planning and education teams work closely together to ensure that funding is secured for the appropriate schools.</p> <p><b>Recommendation:</b> no change.</p>
Member of the public	Section 2.4 Education	Object	The section on education does not reflect the relationship between central government funding as a result of acadamisation and funding from	See response above. Where a school has become an academy, it is free to set its own admissions policy however the Council's education team works closely with the planning team to

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
			planning obligations. A school may be affected by development but be unable to access funds because the local authorities wish to direct funds elsewhere.	ensure that funding is secured for the appropriate schools to serve the development whether or not they are an academy.  <b>Recommendation:</b> no change.
Member of the public	Section 2.2 Transport	Object	There needs to be a more robust introductory clause to this section to ensure accesses to developments are designed to enable public transport to use them. The layout of adjacent highways should be addressed in conjunction with network improvements.	The layout of roads and the design of access points are not dealt with through planning obligations.  <b>Recommendation:</b> no change.
Member of the public	Paragraph 1.5	Comment	Agree in principle with the document but the Council should incentivise developers through a fixed contribution to minimise the length of road closures and highway controls implemented due to works associated with developments. Additional fees should be paid for unwarranted closures or controls.	Works in the public highway associated with new developments are controlled by separate legislation and therefore cannot be dealt with through the SPD Review.  <b>Recommendation:</b> no change.

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Shelton Lock Pre-school	No comments recorded in representation			
Internal- Leisure, Derby City Council	Paragraph 2.5.18 Built sports	Comment	Leisure team supports the document but requests paragraph 2.5.18 be amended to refer to a swimming pool rather than a leisure water facility	<p>The paragraph quotes directly from policy CP21 of the Local Plan. It cannot be changed as it would make the document inconsistent with the Local Plan. This consistency is a legal requirement of SPD.</p> <p><b>Recommendation:</b> no change.</p>
Internal – Head of Economic Regeneration, Derby City Council	Paragraph 1.11 National Policy Framework	Object	What regulations prevent the Council continuing to secure Recruitment and Training Agreements in the SPD Review?	<p>In order to meet the tests of Regulation 122 of the Community Infrastructure Levy regulations 2010(as amended), the Council must make sure that all planning obligations are directly related to planning and the development.</p> <p>An alternative approach to securing Recruitment and Training Agreements on a voluntary basis has been agreed and is outlined in the Cabinet Report.</p>
Internal- Traffic and	Paragraph 2.2.4		Add in “and services” at the end of the last sentence to clarify the	<b>Recommendation:</b> to amend paragraph 2.2.4 to read "the movement



Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Transportation, Derby City Council			point.	of goods <u>and services</u> .”
Internal- Traffic and Transportation, Derby City Council	Paragraph 2.2.7		Add in a reference to air quality and the end of paragraph 2.2.7.	<p>Paragraph 2.2.7 should reflect the detail in Local Plan Policy CP23, and as such it should refer to Air Quality Management Areas.</p> <p><b>Recommendation:</b> to amend the last sentence of paragraph 2.2.7 as follows:</p> <p>“The Council will seek to ensure that new development is not permitted where it would cause or exacerbate, severe transport problems including congestion and safety <u>and where there would be a cumulative impact on Air Quality Management Areas.</u>”</p>
Internal- Traffic and Transportation, Derby City Council	Paragraph 2.2.2		In paragraph 2.2.2 the sentence starting, “These improvements,” should be re-worded so that it is a more accurate description.	<p>This point is accepted.</p> <p><b>Recommendation:</b> to delete the sentence starting “These improvements...” and replace it with the following:</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
				<u>These improvements will only be required where they are necessary to provide access to the development and for the safe and efficient operation of the adjacent highway network'.</u>
Derby 50+ Forum and Disability Equality Hub (comment received through Equality Impact Assessment)	Section 2 Affordable Housing Paragraph 2.1.12	Objection	Object to the omission of the reference to Lifetime Homes in the reviewed SPD.	<p>The original SPD included a requirement for developments to provide a percentage of units with Lifetime Home adjustments that would be secured by S106 agreement. Since the original SPD was adopted, national policy has changed. Accessible and adaptable dwelling standards are now required through the Building Regulations. The Derby Local Plan Part 1 no longer includes a policy on Lifetime Homes and therefore the SPD Review cannot include a requirement.</p> <p><b>Recommendation:</b> no change.</p>
Derby 50+ Forum and Disability	Section 2 Affordable Housing	Comment	There is not strong enough encouragement for developers to provide properties suitable for	The Local Plan does not contain a policy that requires the provision of wheelchair user dwellings and so this

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Equality Hub (comment received through Equality Impact Assessment)	Paragraph 2.1.12		wheelchair users.	<p>cannot be a requirement of the SPD.</p> <p>It will instead be addressed through the Building Regulations. However, the Council will continue to encourage developers to include an element of wheelchair units on all affordable housing schemes.</p> <p><b>Recommendation:</b> no change.</p>
Members of the Regeneration and Housing Scrutiny Review Board	Section 2.6 Flooding and Drainage	Comment	How would the changes in the SPD Review affect the Our City Our River Project?	<p>Section 2.6 of the SPD deals with flooding and drainage issues. Developments which need to provide flood defences in line with OCOR as part of their development would continue to provide these either through the S106 or through a planning condition. Contributions towards OCOR from other developments could be secured where a specific objection has been raised to the development in flooding terms by the Environment Agency.</p> <p><b>Recommendation:</b> no change.</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Members of the Regeneration and Housing Scrutiny Review Board	Section 3 Site Specific Contributions	Comment	How are biodiversity, historic environment and community safety issues being dealt with?	<p>Section 3 of the SPD deals with issues of biodiversity, historic environment and community safety. Often these issues are dealt with via planning condition, but the SPD allows for contributions to be secured through S106 where necessary.</p> <p><b>Recommendation:</b> no change.</p>
Members of the Regeneration and Housing Scrutiny Review Board	General Principles	Comment	The rules in relation to spending S106 contributions	<p>Historically, the way S106 contributions could be spent was quite flexible. However, in order for contributions to meet the tests in the CIL Regulations, contributions now must be more specific. Section 1 of the SPD details how S106 agreements are worded and how contributions can be spent.</p> <p><b>Recommendation:</b> no change.</p>
Members of the Regeneration and Housing Scrutiny Review Board	General Principles	Comment	Was there was a Council Motion to restrict S106 agreements to ward based activity? Is it possible to do this?	<p>Despite significant efforts to find this, no record of a Council motion to this effect has been found.</p> <p>In any event, it is not possible to restrict</p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
				<p>S106 agreements to particular wards as must they relate to the mitigation for the development and that development may be on the edge of, or span more than one ward. Impacts on certain types of infrastructure may also be felt further away from the site and therefore mitigation may be required in other parts of the city.</p> <p><b>Recommendation:</b> no change.</p>
<p>Cross Party Leader briefing on S106 Planning</p> <p>10 April 2018.</p>	General Principles	Comment	<p>The SPD needs to clarify how members and Neighbourhood Managers can get involved in the S106 process</p>	<p>Accepted.</p> <p><b>Recommendation:</b> to add the following wording to the end of para 1.26:</p> <p><u>Further details of how Members and Neighbourhood Managers can get involved in the S106 process can be found in the Council document 'A Guide to Planning Obligations and S106 Agreements for Councillors and Neighbourhood Boards', which is available from the Implementation</u></p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
				<u>Team.</u>
Further comments were received during the internal process of signing off the report to Cabinet				
Internal- Head of Finance- Communities and Place, Derby City Council	Paragraphs 2.4.18 2.4.26 and Appendix B	Comment	The sentences referring to the annual increase in financial contributions would be clearer if they state when the annual increase takes place.	<p>This point is accepted.</p> <p><b>Recommendations:</b>  (1) to delete the words, “using RPI” in paragraphs 2.4.18 and 2.4.26 and replace with the following:  <u>“..using the latest RPI figure available on 1<sup>st</sup> April each year.”</u>  (2) to add the following after “annual basis” in Appendix B;  <u>“..using the latest RPI figure available on 1<sup>st</sup> April each year.”</u></p>
Cabinet member for Leadership, Regeneration and Public Protection	Paragraph 3.10	Comment	We should ensure that public art considers functionality so as to enhance or provide a purpose.	<p>This point is accepted.</p> <p><b>Recommendation:</b> To add the following after the second sentence:  <u>“The Council would welcome public art projects which can provide some functionality as well as fulfilling a public art purpose.”</u></p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Cabinet Member for Leadership, Regeneration and Public Protection	Paragraph 1.25	Comment	The role of Members and local communities should be given greater recognition in the SPD Review.	<p>This point is accepted</p> <p><b>Recommendation:</b> To add the following at the beginning of the paragraph: <u>“Officers recognise the importance of engaging with local communities and that a close working relationship between Officers and Councillors is required throughout the S106 process”</u>.</p>
Cabinet Member for Leadership, Regeneration and Public Protection	Paragraph 1.26	Comment	The SPD Review should state that a review of the process for engagement with Members and communities is being undertaken.	<p>This point is partly accepted. The Guide for Councillors will be updated however once this process is complete it could cause confusion in the future if the SPD Review states that this is currently been undertaken when this is not the case at the time of reading. Some wording will however be included to reflect the fact that the Guide will be kept under review to ensure it reflects current processes.</p> <p><b>Recommendation:</b> To add the following text to the end of the paragraph: <u>“This guide will be reviewed from time to time to ensure that it can</u></p>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
				<u>be kept up to date with the agreed process for local engagement”.</u>
Listed below are a number of omissions and typing errors in the draft SPD that require correction before publication.				
Internal	Paragraph 1.34		Reference to transport erroneously included in list in paragraph 1.34	Accepted.  <b>Recommendation:</b> to delete reference to transport in this paragraph and insert the following paragraph to explain transport contributions:  <u>Contribution rates towards transport will be charged per unit for residential and per 100 sqm for commercial development.</u>
Internal	Appendix A		Student contributions need to be included in table	Accepted.  <b>Recommendation:</b> to insert student accommodation thresholds and contributions into Appendices A and B
Internal	Appendix A		Amenity green space is missing the word "space"	Accepted.  <b>Recommendation:</b> to insert missing word



Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Internal	Paragraph 1.19		Policy MH1 not listed	Accepted.  <b>Recommendation:</b> to insert Policy MH1 into list under paragraph 1.19
Internal	Paragraph 2.6.4		The threshold of 10 dwellings for seeking drainage contributions should be raised to 11 dwellings to be consistent with changes made to highways and open space	Accepted.  <b>Recommendation:</b> to delete 10 dwellings in paragraph 2.6.4 and replace with 11 dwellings.
Internal	Paragraph 2.2.2		In paragraph 2.2.2 the sentence starting, "These improvements," should be re-worded so that it is a more accurate description.	Accepted.  <b>Recommendation:</b> to improve the clarity of paragraph 2.2.2 by deleting the last sentence starting "These improvements..." and replacing it with the following wording:  <u>These improvements will only be required where they are necessary to provide access to the development and for the safe and efficient operation of the adjacent highway network'.</u>

Respondent	Section, paragraph or table	Object, Support or Comment	Comment	Recommended Council Response
Internal	General Principles Paragraph 1.40		To ensure consistency with the other recommended modifications and to comply with the NPPF and the CIL Regulations, it is recommended to clarify that contributions will only be sought where there is a need to mitigate the impact of new development.	<p><u>Accepted.</u></p> <p><b>Recommendation:</b> <u>to add the following text onto the last sentence of paragraph 1.40:</u>  <u>so if a development would result in fewer trips than existing being generated, no contributions would be secured.</u></p>
Internal	Appendix B		Paragraph 1.39 of the SPD, states that the contribution rates in Financial Contributions Matrix in Appendix B will be updated every year on 1 <sup>st</sup> April in line with the Retail Price Index. To ensure that the adopted SPD contains the most up to date figure at time of its publication, a replacement column containing the 2018 rates should be inserted into the table in Appendix B.	<p>Accepted.</p> <p><b>Recommendation:</b> to replace the 2017 column with one containing the 2018 contributions rates as set out in modifications draft.</p>

## **4. Additional Amendments**

- 4.1 The representations table contains a section of internal minor amendments that address omissions in the text, typing errors and clarifications of points that have been highlighted during the consultation period. In addition, amendments have been made to ensure consistency throughout the SPD document as a consequence of modifications being made in response to the consultation replies.
- 4.2 In accordance with the SPD paragraph 1.39, the contribution rates in Financial Contributions Matrix in Appendix B will be updated every year on 1<sup>st</sup> April in line with the Retail Price Index. In this respect, to ensure that the adopted SPD contains the most up to date figure at time of its publication, a replacement column containing the 2018 rates has been inserted into the table in Appendix B. The rates have been indexed linked to November 2017 when the consultation period on the draft SPD Review started.

## Appendix 1

### Derby Newsroom Article 17/11/2017


https://news.derby.gov.uk/consultation-into-the-review-of-planning-obligat... Consultation into the review...

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### Consultation into the review of Planning Obligations Supplementary Planning Document

19/11/2017

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We are carrying out a [public consultation](#) into the review of Derby City Council's [Planning Obligations Supplementary Planning Document \(SPD\)](#) and we are inviting you to make comments on the draft document.

We are reviewing the Council's adopted Planning Obligations SPD to bring it up to date with current Planning Law and the new Derby City Local Plan. The Draft Planning Obligations SPD Review sets out how we will seek Planning Obligations, or Section 106 agreements, to secure developer contributions towards City infrastructure.

The consultation begins today and will end at midnight on Wednesday 3rd January 2018.

You can take part in the consultation by [visiting our website](#).

We Look forward to hearing from you.

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- Consultation into the review of Planning Obligations Supplementary Planning Document
- Remembrance Day parade and service

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 64 0807  
Minicom: 01332 640666

### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

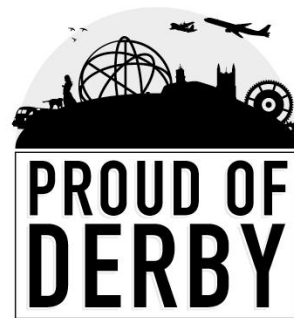
Prosimy o kontakt: 01332 640807 Tel. tekstowy: 01332 640666

### Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ 01332 640807 ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

### Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم 01332 640807 منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council

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