

AGENDA



CABINET

MONDAY, 11 JUNE 2012

11.00 AM

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,
GRANTHAM**

Beverly Agass, Chief Executive

MEMBERS: Councillor Mrs. Linda Neal (Leader/Portfolio: Policy, Strategy and Strategic Partnerships), Councillor Paul Carpenter (Deputy Leader & Portfolio: Governance & Communication), Councillor Mrs Frances Cartwright (Portfolio: Grow the Economy and Economic Development), Councillor John Smith (Portfolio: Green, Healthy and Arts), Councillor Mike Taylor (Portfolio: Strategic Resources - Well Run Council) and Councillor Teri Bryant (Portfolio: Good Housing)

Committee Support Officer: Lucy Bonshor 01476 40 61 20
e-mail: l.bonshor@southkesteven.gov.uk

Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following pages. Key decisions are marked *.

1. APOLOGIES

2. MINUTES

3. DECLARATIONS OF INTEREST (IF ANY)

4. *PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

Report PLA931 from the Portfolio Holder for the Portfolio Grow the Economy and Economic Development.

(Enclosure)

(Please note that due to the size of the appendix attached to report PLA931 it has not been included in the hard copy of this agenda it is available electronically at: www.southkesteven.gov.uk via the link for Your Council and Democracy/Agendas, minutes and reports/Cabinet)

5. MATTERS REFERRED TO CABINET BY THE COUNCIL, SCRUTINY COMMITTEE OR THE POLICY DEVELOPMENT GROUPS

6. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.

7. REPRESENTATIONS RECEIVED FROM MEMBERS OF THE PUBLIC ON MATTERS WITHIN THE FORWARD PLAN (IF ANY)

8. REPRESENTATIONS RECEIVED FROM NON CABINET MEMBERS

9. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT



MEETING OF THE CABINET
21 MAY 2012 - 11.00 AM – 11.22 AM

PRESENT:

Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Mike Taylor
Councillor Teri Bryant

Councillor Mrs. Linda Neal - Chairman

Chief Executive (Beverly Agass)
Strategic Director Corporate Focus (Daren Turner)
Property Development Manager (Neil Cucksey)
**Head of Legal & Democratic Services/Monitoring
Officer (Lucy Youles)**
Legal Executive (Shelley Hardy)
Cabinet Support Officer (Lucy Bonshor)

Non-Cabinet Members : Councillor Ray Wootten

CO1. APOLOGIES

An apology for absence was received by Councillor John Smith.

CO2. MINUTES

The minutes of the meeting held on 2nd April were agreed as a correct record of the decisions taken.

CO3. DECLARATIONS OF INTEREST (IF ANY)

Councillor Carpenter and Councillor Bryant declared a personal interest in agenda item 4.

CO4. CIVIL PARKING ENFORCEMENT

Decision

To approve the Draft South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012 as attached to report PD002 for consultation with the statutory bodies and the public in accordance with Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Considerations/reasons for decision:

- 1) Report PD002 by the Property Development Manager.
- 2) The need to consult with statutory bodies and the public in readiness for the introduction of civil parking enforcement throughout the county of Lincolnshire.
- 3) The Council must adopt an appropriate Order which permits enforcement of contravention in accordance with civil parking enforcement.
- 4) Comments made by the Portfolio Holder Governance and Communication about the payment methods.
- 5) Comments made by the Portfolio Holder Good Housing which would be taken on board during the development of the Fees and Charges Strategy being undertaken by the Resources PDG.

DATE DECISIONS EFFECTIVE:

Decision CO04, as made on 21st May 2012 can be implemented by 30th May unless subject to call-in by the Scrutiny Committee Chairman or any five members of the Council from any political groups.

**South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham,
Lincolnshire NG31 6PZ**

**Contact: Cabinet Support Officer - Lucy Bonshor Tel: 01476 40 61 20
e-mail: l.bonshor@southkesteven.gov.uk**

REPORT TO CABINET

REPORT OF: Portfolio Holder for Portfolio: Grow the Economy and Economic Development

REPORT NO: PLA 931

DATE: 11th June 2012

TITLE:	Planning Obligations SPD: Adoption as a Supplementary Planning Document	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright Grow the Economy and Economic Development Portfolio	
CONTACT OFFICER:	Andy Moger, Planning Policy Officer 01476 406049 a.moger@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	No	
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Cabinet Report PLA914 dated 7 th November 2011	

1. RECOMMENDATION

1.1 That:

- a) Cabinet notes the comments received in response to the public consultation on the Draft Planning Obligations SPD
- b) the proposed changes to the Draft Planning Obligations SPD set out in Appendix 1 to the report are approved
- c) the Planning Obligations SPD, as amended in accordance with recommendation b) above, is adopted as a Supplementary Planning Document

d) the Planning Obligations SPD take effect following the end of the call in period and it be applied to all qualifying planning applications registered as valid after this date

2. PURPOSE OF THE REPORT/DECISION REQUIRED

2.1 To enable the Cabinet to consider the issues raised in the representations made during the public consultation on the draft Planning Obligations SPD, to consider proposed changes and for the document to be adopted as a Supplementary Planning Document (SPD).

2.2 The adoption of the Planning Obligations SPD would support the Grow the Economy, Keep South Kesteven clean, green and healthy, Promote leisure, Arts and Culture and Support Good Housing for All priority themes.

3. DETAILS OF REPORT

3.1 The Draft Planning Obligations SPD was approved for the purposes of public consultation by the Cabinet on the 7th November 2011 (Report PLA 914).

3.2 The Planning Obligations SPD is intended to help ensure development proposals make a positive contribution to sustainable development by providing social, economic and environmental mitigation which considers the community as a whole. In addition to this it will help to increase understanding of Planning Obligations and enable applicants to take the potential costs of a proposed development into account at the earliest opportunity.

3.3 The SPD aims to:

- Give an indication of the requirements that are likely to be needed to make development acceptable which would be otherwise unacceptable in planning terms
- Set out guidance on standard formulae for calculating contributions wherever appropriate
- Set out a framework for securing planning obligations and encourage early negotiation
- Ensure that unnecessary burden is not added to development and ensure that contributions will only be sought where there is insufficient existing spare capacity to cope with the demand arising from new development
- Establish the Council's process for determining development viability in relation to planning obligation requirements
- Comply with the National Planning Policy Framework

3.4 Public consultation on the draft Planning Obligations SPD took place between Friday 2nd December 2011 and Friday 27th January 2012. Widespread consultation was carried out with developers and landowners active in the local

area, Lincolnshire County Council, relevant local service providers, Town Councils and relevant national, regional and local organisations. The SPD, Statement of Consultation and other relevant consultation material were also made available at the District Council offices and the library in Grantham, as well as the Area Offices and Libraries in Stamford, Bourne and The Deepings. In addition to this they were also available on the Councils website and publication was advertised by way of a statutory notice published in the Grantham Journal, Stamford Mercury and Bourne Local and issuing of a press release.

- 3.5 At the end of the consultation period, a total of 25 representations were received from individuals, landowners, businesses and organisations. Some of the responses were general comments whilst others were more specific in respect of a particular aspect of the SPD. The appendix attached to this report summarises the representations received together with a response, and where appropriate, recommended changes to the SPD. The relevant service providers have been notified of the proposed changes.
- 3.6 In addition there will also be a need to update the text of the SPD to reflect changes since it was prepared i.e. publication of the National Planning Policy Framework. These minor changes are also set out in the report appendix.
- 3.7 The main issues raised, the more contentious areas of the SPD and how it is proposed to respond to these are set out below.

3.8 SECTION ONE

- 3.8.1 In March 2012 the Coalition Government published the National Planning Policy Framework (NPPF). This replaces the previous Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG) as well as replacing Circular 2005/05 which governed Planning Obligations.
- 3.8.2 The Policy Framework section of the SPD therefore required updating to reflect this change in national policy with all references to PPSs and PPGs removed and replaced with the relevant references to the NPPF. There are no major changes proposed to the content of the SPD as a result of the NPPF other than ensuring that national policy references are in line with this.
- 3.8.3 Lincolnshire Police Force submitted a representation requesting that a section be added to the SPD to secure contributions from development towards Policing. On consideration it was felt that this was not an appropriate contribution to levy upon development given that this would be covered through the Police's precept levied upon Council Tax and these funds should be used towards providing additional policing to cover new development.

- 3.8.4 The text of the SPD has been amended to provide clarification on the circumstances in which developer contributions will be sought and spent, both in Section 1 and throughout the document where relevant.
- 3.8.5 The proposal to require Heads of Terms for a Section 106 Agreement to have been agreed prior to submission of a planning application was challenged as being an unreasonable requirement. However it was felt that undertaking pre-application advice and consultation with the Council would ensure that this was not a major issue and would also help to speed up the planning process by removing protracted negotiations over Section 106 Agreements during the determination period following submission of a planning application.
- 3.8.6 There was concern raised about the principle of refusing an application when the Section 106 Agreement has not been signed six weeks post committee date. It was felt that the principle was entirely reasonable, however, clarification has been given that where the delay is out of the applicants control e.g. the delay is caused by a third party (such as the PCT), or the delay is caused by no fault of the applicant, then the application would not be refused in such circumstances.
- 3.8.7 A number of representations received highlighted that requiring payment of planning obligations upon commencement of development could adversely impact upon cash flow and therefore the viability of development. It was felt that this was a reasonable argument and it is proposed that the SPD be amended to require contributions to be paid upon first occupation, or at the point at which the impacts of the development occur, whichever is the sooner. An example of this would be the trigger point for payment of an education contribution based on practical completion of a number of dwellings. The SPD would, however, still allow for situations where payments may be required at other times.
- 3.8.8 There was also some concern over the SPD stating that repayment clauses would only be inserted into Section 106 Agreements at the applicants express request. On reflection this was an unreasonable position to take and therefore, in line with the Regulations, it is proposed that the SPD clearly states that the Council will repay to the applicant any unspent funds at the end of the time period for expenditure at the applicants written request and that such repayment clauses will be inserted into Section 106 Agreements as standard.
- 3.8.9 The SPD proposed that index linking should be charged from the date at which Heads of Terms are agreed. However, representations received felt that this was unreasonable as there could be an unreasonably long delay between agreement of Heads of Terms and consent being granted. On reflection it was considered that it would be more appropriate for the SPD to state that index linking would apply from the date at which planning consent is granted.
- 3.8.10 The proposal to change the current position of securing a sum equivalent to the cost of a 25 year maintenance period levied on facilities, which the Council would

take ownership of, to 30 years was challenged as being unreasonable as facilities normally become self financing within such a time period. This was felt to be a reasonable argument and therefore it is proposed that the SPD reverts back to the standard 25 year maintenance period sum that the Council currently utilises.

- 3.8.11 There was some concern expressed that as currently worded the requirement for the applicant to cover the Council's legal fees allowed for this to be without limitation. This concern was accepted and it is proposed that the SPD be amended to clarify that the Council's "reasonable" legal fees be paid by the applicant.
- 3.8.12 In respect of several types of contribution, it is proposed to amend the repayment period to 5 years rather than 10 years in response to a number of representations made.

3.9 SECTION TWO

3.9.1 AFFORDABLE HOUSING

- 3.9.2 It was highlighted that the SPD did not make it clear that stand alone affordable housing schemes would be exempt from other Section 106 contributions, therefore, it is proposed that an additional paragraph be added to clarify that this is the case.
- 3.9.3 The policy of grouping no more than five affordable dwellings together was challenged as being unreasonable and potentially problematic from a management point of view. It is considered that this is a reasonable position to take, and the wording in the SPD provides sufficient flexibility where it states that "affordable homes are to be grouped in clusters of no more than 5 properties unless otherwise agreed with the Council". Additional wording is proposed to enable the Council to encourage the location of certain types of affordable housing in certain locations e.g. affordable homes for the elderly close to local services and public transport.
- 3.9.4 There were concerns raised about the default position of requiring the completion and transfer of all affordable housing prior to the completion of 50% of the open market value properties being too prescriptive and adversely impacting upon cash flow. However, it is considered that the SPD provides sufficient flexibility as it states that this is the requirement "unless otherwise agreed with the Council".
- 3.9.5 The requirement for an increased number of units to be provided when affordable housing is to be provided off-site was challenged by consultees. It is considered however that this is not an unreasonable position for the Council to take given that off-site provision of affordable housing enables the applicant to provide a greater number of open market value dwellings on-site.

3.9.6 The application of overage provisions is challenged under the claim of being contrary to the provisions of Circular 2005/05 which governs planning obligations. It is considered that this is no longer relevant given that Circular 2005/05 has been replaced by the National Planning Policy Framework, in addition to which, overage is common practice among numerous local authorities and this section of the SPD merely expands upon the application of Core Strategy Policy SP4

3.10 PUBLIC OPEN SPACE

3.10.1 The application of the open space standards in the SPD was challenged on the basis that these were derived from the Council's PPG17 Study of Open Space, Sport and Recreation and the Submission Grantham Area Action Plan (SGAAP) which is yet to be tested in public and therefore not yet found to be sound or the standards justified. Neither of the Submission DPDs received any representations in respect of the policies containing the open space standards. However, should the standards be amended through the examination process then the SPD can be amended to reflect this.

3.10.2 It was suggested that balancing lagoons and flood attenuation ponds be included as part of the calculation of open space requirements. However, it is considered that these are not "usable" areas of public open space due to their flood management function and therefore it is proposed that these should not be included within any calculation of open space requirements.

3.10.3 The draft SPD used three separate figures for the provision of financial contributions towards the provision of children and young people's equipped space. This was considered to be over complicated and therefore a single standard figure of £93 per sqm is proposed.

3.11 HIGHWAYS

3.11.1 The consultation process brought forward the suggestion of making reference to the need to consider the strategic highway network as part of this chapter of the SPD. This was considered to be an appropriate addition, particularly in light of the fact that this could be applied to the need to deliver the Grantham Southern Relief Road. It is therefore proposed that a new paragraph be added to reference the importance of the strategic highway network. In addition to this, it was suggested that reference should be added at paragraph 2.3.1 to the need to consider Travel Plans as a way of addressing highway and transportation issues arising from development and it is considered that this would be an appropriate addition to this chapter.

3.12 PUBLIC REALM AND PUBLIC ART

3.12.1 Concerns were expressed about this chapter failing to ensure that contributions secured for public realm and/or public art were required to be spent where they would be reasonably capable of serving the application site from which they were secured. It is proposed that the wording of paragraph 2.4.11 be amended to ensure that this principle applies.

3.12.2 There was some confusion over paragraphs 2.4.25 and 2.4.26 as these appeared to suggest that there would be a requirement of 1% for public art and then an additional 1% requirement for public realm. It is proposed that the SPD be amended to clarify that the 1% requirement applies to a combined contribution for public realm and public art.

3.13 EDUCATION

3.13.1 The County Council's representation suggested that it would be appropriate for the updated education contribution multipliers that were utilised during the Manthorpe Appeal Inquiry to be used in the SPD. This was considered to be a sensible suggestion and it is proposed that these be used in the SPD.

3.14 LIBRARY FACILITIES

3.14.1 Lincolnshire County Council also proposed an amendment to the 5 dwelling threshold set out in the consultation draft SPD to seeking schemes of 100 dwellings or more to be highlighted to the library service so that they may assess the impact of such developments on the provision of library services, including the cumulative impacts of development. It is proposed that this amendment be included in the SPD.

3.15 SPORTS FACILITIES

3.15.1 A challenge was made to the quantity and access standards set out in this chapter on the basis of them being too prescriptive and on the basis that the cost per person rates were not justified. It is considered that this is not the case as the standards are based upon the evidence from the Council's PPG17 Study of Open Space, Sport and Recreation and that the cost per person rates were derived from Sport England's Sports Facility Calculator, using a Lincolnshire cost weighting.

3.16 HEALTHCARE FACILITIES

3.16.1 A number of representations referred to the SPD seeking contributions towards pharmaceutical provision and argued that this was unreasonable as pharmacy operates as a commercial enterprise so should not be subject to provision through planning obligations. A similar argument was made for dentistry provision. In the case of both dentistry and pharmacies these were considered to

be credible arguments and it is proposed that the SPD is amended to remove the requirement for contributions towards pharmaceutical and dentistry provision.

3.17 CHILDCARE PROVISION

3.17.1 The requirement for childcare contributions was challenged on the basis that childcare should be provided privately with no public subsidy, and if any contributions were to be sought then these should relate solely to the element of childcare for which the Council has a duty to provide. It is considered that the requirement for contributions towards childcare is reasonable and justified as the Council's obligation to secure sufficiency does not mean that Council must provide childcare themselves, but provide market facilitation and support across the sector to enable parents to work. Where sufficiency is not met and there is nothing projected to come forward then the expansion of existing or new build facilities to deliver childcare by providers from the private, voluntary or independent sectors will be sought.

3.18 FIRE AND RESCUE

3.18.1 The representation received by the County Council proposed considerable amendments to this chapter so as to include the ability to secure contributions towards fire stations and appliances from new development. On consideration, it was not felt that this was an appropriate or justifiable contribution to be seeking from new development and that the thresholds of 10 dwellings and 1,000 sqm commercial floor space that they proposed were inappropriately low. Therefore it is not proposed that any amendments be made to enable contributions towards fire stations and appliances to be sought.

3.19 LIFETIME HOMES

3.19.1 Representations received challenged the requirement for lifetime homes on the basis that the provision of lifetime homes can have a considerable financial impact upon development viability and it was suggested that thought should be given as to its relative priority against other infrastructure items. It was also suggested that there is insufficient policy basis for lifetime homes to be a "requirement" and that they more appropriately be an "aim"

3.19.2 Given that the provision of lifetime homes is a Council corporate priority under the priority area of supporting good housing for all, it was felt that the current wording of this section was appropriate. As with all elements of the SPD there is room for negotiation depending upon individual circumstances as well as demonstrable viability issues by the developer. However, it was not felt necessary to amend the wording of this section to reflect this, as this principle is set out in Section One of the SPD.

3.20 WASTE AND RECYCLING FACILITIES

3.20.1 Following the decision of the Council to charge for the green bin service, it is considered that it would be unreasonable to continue to seek contributions for green bin provision through planning obligations. It is proposed that the requirement for green bins is removed from this chapter, but the requirement for the provision of silver bins through planning obligations will remain.

3.21 SPD APPENDIX E

3.21.1 There were a number of suggested amendments to the template Section 106 Agreement within Appendix E. However, it is proposed that Appendix E is removed from the SPD as the template Section 106 Agreement is currently under review to ensure compliance with the new obligations in the SPD and may be subject to further amendments. In order to ensure accuracy both now and in the future it is considered more appropriate to remove it from the SPD completely.

4. OTHER OPTIONS CONSIDERED

4.1 Do not adopt as SPD – the alternative would be to continue to rely on the informal process of negotiating Section 106 Agreements. The preparation of the SPD is more positive in that it provides a framework that sets out the Council's approach, policies and procedures for Planning Obligations and in doing so allows applicants to take into account the potential costs of development proposals at the earliest opportunity whilst also increasing understanding.

5. RESOURCE IMPLICATIONS

5.1 There will be some resource implications arising from the adoption process primarily costs associated with the publication of a statutory notice and printing of the document, although this will be kept to a minimum through the provision of electronic as opposed to hard copy versions. Costs can therefore be accommodated within this financial years Planning Policy budget.

6. RISK AND MITIGATION

6.1 None identified.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 When adopted, the SPD will 'hang off' policies contained in the Core Strategy Site Allocation and Policies DPD (when adopted) and Grantham Area Action Plan (when adopted), which have been the subject to equality impact assessments.

8. CRIME AND DISORDER IMPLICATIONS

8.1 None arising out of this report.

9. COMMENTS OF FINANCIAL SERVICES

9.1 Any specific costs associated with the development of the Local development Framework will be met from within existing budgets supported by allocated Housing and Planning Delivery Grant award.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 The purpose of the report to Cabinet is to consider the Planning Obligations SPD for adoption, taking into account relevant representations and proposed amendments to the consultation draft Planning Obligations SPD.

11. APPENDICES:

Appendix A Responses to consultation and proposed changes

Appendix A: Responses to consultation and proposed changes

Respondent	Section/ page	Comment	SKDC Response
Neal Rothwell (Lincolnshire Police)	General	<p>I'd like to express Lincolnshire Police's interest in S106 and CIL contributions. The Lincolnshire Police Authority is very keen to ensure that contributions are secured for increases in the Police infrastructure as a result of development.</p> <p>We are more than happy to work with Key Partner organisations to share 'community assets' and would prefer this approach to the provision of discrete premises, unless the development or accumulation of development increases pressure on Custody and Police Stations to such an extent that additional facilities of this nature would be required.</p>	<p><i>The Council does not consider that it is justifiable to seek contributions towards the provision of, and/or improvements to, policing through planning obligations. The Police already secure funding from new development by levying a precept on the Council Tax generated through development and therefore the Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Rosemary Woolley (Baston Parish Council)	General	<p>Money raised from 106 Agreements would be used within the local area but this may not actually be within the Parish where the development took place. They are against money being used away from Baston if the village has had development, large or small.</p>	<p><i>Should Section 106 contributions be secured from a development in Baston then they would be utilised in such a way that they were reasonably capable of benefitting the site from which they were secured.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Rosemary Woolley (Baston Parish Council)	General	<p>They are happy that a developer will be informed of contributions before purchasing land and that an amount is paid even if the numbers built are below the threshold.</p>	<p><i>The SPD enables developers to take into account potential Section 106 costs when they are negotiating the purchase price of land. Ordinarily a contribution would not be required when development proposed falls below the recognised thresholds, however where the Council feels a site is part of a larger site where the smaller application is being used as a way to avoid planning obligations then contributions would be sought in such circumstances.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Owen Walters (The Highways Agency)	General	<p>The Highways Agency (HA) welcomes the opportunity to comment upon the South Kesteven Draft Planning Obligations Supplementary Planning Document. It is the role of the HA to maintain the safe and efficient operation of the Strategic Road Network (SRN) as set out in DfT Circular 02/2007: Planning and the Strategic Road Network. The Agency is also mindful of the guidance set out in PPS12 on the preparation of local development documents.</p>	<p><i>The Council does not consider that any changes are required to the draft SPD to address these representations.</i></p>
Owen Walters (The Highways Agency)	General	<p>Development in South Kesteven (including housing and other uses) has the potential to impact on the highway network, either on an individual or cumulative basis. In this respect, the Highways Agency's specific interest relates to the SRN in the area, comprising the A1 and A52 which link the District to the rest of the region and further afield.</p>	

Owen Walters (The Highways Agency)	General	The Agency supports the production of the SPD and the intention to provide a clear basis for securing funding from developers, which will enable the timely provision of infrastructure necessary to accommodate growth in the area. A process which seeks to be consistent across South Kesteven and transparent in its application is welcomed, as is the fact that the document reflects the most recent guidance issued by Government in relation to the Community Infrastructure Levy Regulations (2010) and the requirements of Circular 05/2005.	
Owen Walters (The Highways Agency)	General	The approach set out in the SPD seeks to promote pre-application dialogue with applicants to ensure early identification of infrastructure requirements and indicative levels of the contributions arising. The Agency supports this approach, as it is aligned with its own 'Planning Protocol' published in August 2010.	
Owen Walters (The Highways Agency)	General	The Agency welcomes the opportunity to comment upon the draft South Kesteven Planning Obligations SPD and is keen to maintain its ongoing commitment to the underlying technical work. The pro-active approach embodied in the SPD to securing funding from developers to provide the necessary infrastructure to accommodate growth in the District is fully supported.	
Rose Freeman (Theatres Trust)	General	The Theatres Trust is The National Advisory Public Body for Theatres. The Theatres Trust Act 1976 states that ' <i>The Theatres Trust exists to promote the better protection of theatres</i> '. It currently delivers statutory planning advice on theatre buildings and theatre use through the Town & Country Planning (General Development Procedure) (England) Order 2010 (DMPO), Articles 16 & 17, Schedule 5, para.(w) that requires the Trust to be consulted by local authorities on planning applications which include ' <i>development involving any land on which there is a theatre</i> .'	
Jennifer Dean (Anglian Water Services)	General	We have no specific comments to make in respect to the draft produced, however, we are keen that appropriate surface water management is secured for future development in South Kesteven. In order to ensure we adapt to Climate Change we need to ensure surface water is managed in the most appropriate method following the flood risk management hierarchy set out in Part H of the Building Regulations. Given the need of maintenance of these systems, SKDC may consider planning obligations an appropriate method to secure the necessary funds.	<i>The Council considers that the draft SPD makes provision for the possibility of securing contributions towards the future maintenance of surface water management systems under the Natural and Built Environment section.</i> <i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i>
Elizabeth Newman (Natural England)	General	Natural England considers the SPD allows positive benefits for biodiversity protection and enhancement and open space provision, including green infrastructure. Natural England supports the use of planning obligations to secure: <ul style="list-style-type: none"> - Improvements to access and modes of sustainable travel - Green infrastructure improvements 	<i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i>

		<ul style="list-style-type: none"> - Maintenance of green space - Conservation of areas for nature conservation - Water management <p>Natural England supports there being no lower threshold for biodiversity and nature conservation as impacts should be mitigated regardless of the size of the development.</p>	
Michael Parker (M Parker and Sons Ltd)	General	<p>Parker and Sons considered that insufficient time has been allowed for the analysis of the document.</p> <p>They consider that the Council is wrong to suggest that the landowner should accept a reduced price for their land to take account of planning obligations as the landowner will instead opt to retain their land until there are changes in the political climate.</p> <p>Parker and Sons also considered that increase in land prices and complex planning requirements will lead to a monopoly with two or three national house builders controlling the market, building the same house types everywhere.</p> <p>They also consider that cheap housing will not be achieved by putting costs on the developer as the house purchaser will end up paying, which combined with the current economic situation will not increase affordability and lead to an increase in the housing crisis.</p>	<p><i>The Council is statutorily required to undertake a six week period of public consultation on SPDs. Given that this consultation period ran over the Christmas and New Year break, an additional two weeks were added to this to take account of the Christmas and New Year break which took the total consultation period for this SPD to eight weeks. This was over and above the time period that the Council is required to consult upon this document.</i></p> <p><i>Therefore the Council considers that a reasonable time frame was given to allow for consideration of the SPD and for representations to be made.</i></p> <p><i>The SPD makes it clear that the Council does not expect every single qualifying development to bear the full costs of all the Section 106 requirements set out in the document. Contributions will only be sought where there is insufficient existing spare capacity in the infrastructure required to serve the development to cope with the population increase generated by the development.</i></p> <p><i>Furthermore, the SPD makes provision for the Council to take account of the viability of development when negotiating Section 106 contributions where the developer is able to demonstrate that the contributions sought render the scheme unviable.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Martin Herbert (Herbert Brown and Co) Representing: <ul style="list-style-type: none"> • Robert and Steven Pask • Namulas Pension Trust • Trustees of AJ Snarey 1987 Settlement • HPC 	General	<p>Objection.</p> <p>Herbert Brown and Co considers that the levels of contribution in the draft SPD are too high and will curtail development when taking into account land values in the District.</p> <p>A worked example is given to demonstrate this which works on the basis of a 100 dwelling development requiring the sum of £21,290 per dwelling in addition to the affordable housing requirement.</p> <p>Herbert Brown and Co consider that in the case of brownfield sites, the net residential land value will be less than the existing use value when the full range of planning obligations are sought. In addition for a Greenfield</p>	<p><i>The SPD makes it clear that the Council does not expect every single qualifying development to bear the full costs of all the Section 106 requirements set out in the document. Contributions will only be sought where there is insufficient existing spare capacity in the infrastructure required to serve the development to cope with the population increase generated by the development.</i></p> <p><i>Furthermore, the SPD makes provision for the Council to take account of the viability of development when negotiating Section 106 contributions where the developer is able to demonstrate that the contributions sought render the scheme unviable.</i></p> <p><i>The Council does not consider that any changes are required to the draft</i></p>

Development s • Larkfleet Ltd		site the value would be lower than what could be achieved on an affordable exception site.	<i>SPD to address this representation.</i>
Patricia Stuart-Mogg (Stamford Town Council)	General	Stamford Town Council welcomes the opportunity to give feedback on this document. We believe this to be a good piece of work which covers a lot of the suggestions made to SKDC over the years. In particular it sets out clearly the formulae which are used for all planning applications; it is quite comprehensive and can be used by our own planning committee when assessing applications.	<i>The Council does not consider that any changes are required to the draft SPD to address these representations.</i>
Patricia Stuart-Mogg (Stamford Town Council)	General	SKDC have realised the need to ensure contributions from developers and this has been tidied up and strengthened by this document.	
Tim Waller (JB Planning) Representing • Constable Homes	General	We recognise the need for planning obligations to mitigate the wider effects of development, and we welcome the clarity which an SPD on the subject can bring to the planning application process. However, we are keen that the SPD must be entirely sound, and in accordance with its parent policies in the Core Strategy, and we have noted below that this is not always the case, particularly in the case of affordable housing.	<i>The Council contends that the SPD is in conformity with the policies contained within the Core Strategy and as such is 'sound'.</i> <i>However it is noted that there is some misunderstanding in regard to paragraph 2.1.18 and Appendix A with reference to Core Strategy Policy H3. Therefore the Council proposes to amend the SPD to state that the tenure split shall be based upon local need.</i> <i>It should also be noted that an SPD is not required to be put to an Examination in Public in order to be found 'sound', it merely has to conform with the statutory guidance for SPDs and the Council's own LDF.</i>
Tim Waller (JB Planning) Representing • Constable Homes	General	This SPD also sets out a great many different financial contributions which the Council will seek from new development, notably relating to affordable housing, education and open space. It is important for the SPD to also acknowledge that it will not always be possible for development proposals to provide all of these contributions, as the viability of many development sites are currently poor, particularly in the lower value areas of the District, such as Grantham.	<i>The SPD makes it clear that the Council does not expect every single qualifying development to bear the full costs of all the Section 106 requirements set out in the document. Contributions will only be sought where there is insufficient existing spare capacity in the infrastructure required to serve the development to cope with the population increase generated by the development.</i> <i>Furthermore, the SPD makes provision for the Council to take account of the viability of development when negotiating Section 106 contributions where the developer is able to demonstrate that the contributions sought render the scheme unviable.</i> <i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i>
Deeping St James Parish Council	General	1. The Parish Council would like SKDC to reinforce the idea of giving weight to off-site contributions under the existing regime. 2. Would welcome clarification that when CIL comes into force, smaller contributions from small developments will be accumulated for meaningful projects.	1. <i>The Council considers that the SPD already makes sufficient provision for securing off-site Section 106 contributions from development.</i> 2. <i>At this stage the Council cannot confirm what projects contributions from CIL will be spent on. However the principle of pooling together contributions from small developments to help deliver larger projects</i>

		<p>3. Have seen Section 106 monies spent on health, education and affordable housing over the past few years and look forward to seeing monies allocated towards community centres, village halls, libraries, green spaces, outdoor space, allotments, sports facilities, public art and employment & training initiatives.</p> <p>4. Very keen to get involved in negotiations for how funds will be allocated under the new CIL.</p>	<p><i>is likely to be applied.</i></p> <p>3. <i>Noted. No response required.</i></p> <p>4. <i>Noted. The regulations governing CIL make provision for a meaningful proportion of CIL revenues raised in a neighbourhood to be allocated back to that neighbourhood to help ensure that where a neighbourhood bears the brunt of new development, it receives sufficient money to help it manage those impacts.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Bernard Champness (Clerk to Thurlby Parish Council)	General	Thurlby Parish Council has no comments to make to the proposals.	<i>Noted.</i>
Bob Bowe (Community Lincs)	1.1	<p>Objection.</p> <p>Community Lincs indicate that whilst they have denoted objection they may more appropriately mean concern.</p> <p>They query whether the timing of the SPD is appropriate given the Council's plans to develop an Affordable Housing SPD and CIL.</p> <p>Community Lincs consider that the repetition of existing legislation and policy combined with the SPD making clear that planning obligations will be negotiated on a case by case basis do not provide clarity and certainty and will delay the process.</p> <p>They consider that the list of community infrastructure requirements and fact that each agreement will be negotiated on a case by case basis could deter development of marginally viable sites.</p> <p>Community Lincs propose that rather than pursue this SPD, SKDC draw up their CIL in collaboration with other surrounding local authorities to avoid destructive competition and improve the likelihood of community enhancing development.</p>	<p><i>The SPD is intended to act as an interim measure to provide guidance on the use of Section 106 Agreements in the District prior to the adoption of a CIL.</i></p> <p><i>The existing legislation and local planning policy are set out to show the context within which planning obligations must operate. The Council contends that the SPD does provide greater clarity and certainty to developers than is currently the case as it sets out guidance on standard formulae for calculating contributions wherever possible which will help to speed up the development process.</i></p> <p><i>The SPD makes it clear that the Council does not expect every single qualifying development to bear the full costs of all the Section 106 requirements set out in the document. Contributions will only be sought where there is insufficient existing spare capacity in the infrastructure required to serve the development to cope with the population increase generated by the development.</i></p> <p><i>Furthermore, the SPD makes provision for the Council to take account of the viability of development when negotiating Section 106 contributions where the developer is able to demonstrate that the contributions sought render the scheme unviable.</i></p> <p><i>With this in mind, the Council considers that this SPD will not dissuade developers from undertaking development in the District.</i></p> <p><i>It should be noted that a number of the requirements set out in the SPD are Lincolnshire County Council requirements which they apply across the County and consequently other adjoining authorities within Lincolnshire</i></p>

			<p><i>will also be expected to take these into account when negotiating Section 106 Agreements.</i></p> <p><i>The Council intends to develop its own CIL. As an authority's CIL should be related to the charging authority and based upon viability evidence. There will be significantly different infrastructure requirements, development costs and land values within each authority which would make developing a joint CIL both inappropriate and unnecessarily complicated.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Brendan Gallagher (Lincolnshire County Council)	1.1.1	Where it reads: "tests set out in Circular 2005/05" – are references to C5/05 better changed to Reg 122?	<p><i>The Council considers that it would be more appropriate to refer to the CIL Regulations following the publication of the National Planning Policy Framework. Therefore paragraph 1.1.1 will be amended to read:</i></p> <p><i>"New development often creates demand for additional or improved community facilities and services. Without meeting this demand, there could be a detrimental effect upon the quality of the environment and local amenity. In addition to this, development is required to make provision for affordable housing. Planning obligations, which are also known as Section 106 Agreements, are the mechanism that local authorities use to secure such measures and to ensure the enhancement of both the development and the wider environment. They are governed by the tests set out in CIL Regulation 122 which must be satisfied in order for planning obligations to be required."</i></p>
Brendan Gallagher (Lincolnshire County Council)	1.1.2	The language doesn't fit with c5/05 or Reg 122 and could therefore potentially be open to challenge, amend to read: "...and environmental mitigation which considers the community as a..."	<p><i>The Council agrees that the wording at present is misleading and could be construed as being in conflict with Circular 05/05 and CIL Regulation 122 and will amend the text at paragraph 1.1.2 to read:</i></p> <p><i>"This Supplementary Planning Document (SPD) is intended to help ensure development proposals make a positive contribution to sustainable development by providing social, economic and environmental mitigation which considers the community as a whole."</i></p>
Internal SKDC Review of Content	1.1.4	Add a new paragraph to clarify that the full list of planning obligation requirements is not required from every development proposal and any requirements will be based upon whether there is spare capacity within existing infrastructure to cope with the additional demand.	<p><i>The Council proposes to provide greater clarity to potential applicants by providing a new paragraph at 1.1.4 to read:</i></p> <p><i>"This SPD seeks to ensure that contributions will only be sought from development where there is a recognised need to mitigate the impact of the development proposal. The full list of planning obligation requirements set out in this SPD would not be required from every development proposal. If there is sufficient infrastructure capacity within the catchment area of the development site e.g. sufficient spare capacity within the school to accommodate the pupil numbers generated by development, then contributions will not normally be sought in the area of infrastructure</i></p>

			<i>where this applies.”</i>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.1.7	<p>Objection.</p> <p>The Draft SPD states that the bare minimum required for major applications is that detailed Heads of Terms for a draft agreement are submitted upon formal submission of the application; this is to include agreed financial sums and trigger points. This is wholly unreasonable given the complex arrangement of many applications and that many of the financial contributions may not be available as information from Council officers at both county and district level. The assumption seems to be that this SPD will be an agreed policy binding both the County and District Council in combined section 106 agreements.</p>	<p><i>The Council contends that this is not an unreasonable position to take regarding major applications.</i></p> <p><i>Undertaking pre-application advice and consultation with the Council will ensure that applicants are able to establish and agree their likely Section 106 obligations prior to submission of their planning application. This will then help to speed up the planning application process once an application has been submitted and validated as there will be no protracted negotiation of the Section 106 Agreement during the determination period for the application.</i></p> <p><i>It is acknowledged that many applications and therefore Section 106 Agreements may be complex. This however merely adds weight to the importance of pre-application discussions and consultation with the Council.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.1.10 1.1.11	<p>Objection.</p> <p>States that a cut-off date beyond which an application will be refused on the basis that the necessary infrastructure or community contributions have not been forthcoming is a period of six weeks post the date of the committee (save where only engrossment is required). There is concern that there may be extenuating circumstances beyond the client’s control when information is required from the Council and this should be borne in mind in administration of this deadline. The onus seems to be on the applicant which is unreasonable particularly where there may be multiple parties to an agreement in particular Lincolnshire County Council or the relevant local PCT. The Council would be better served by establishing firm performance targets for its own planning and legal teams, and those public authorities that are commonly parties to Section 106 obligations in respect of the engrossment of any agreement, as our experience is that delay more often arises on the Council’s behalf.</p>	<p><i>1.1.11 states that such a refusal will only occur where there are no extenuating circumstances which would justify a further extension of time. Concern regarding extenuating circumstances being beyond the applicants control is noted. However, where such delays are arising from the District Council, County Council or other public sector party such as the PCT, the application would be unlikely to be refused as this would be beyond the applicant’s control.</i></p> <p><i>The wording of this paragraph will be amended to better reflect this position as follows:</i></p> <p><i>“In the event that the agreement has not been concluded and where in the opinion of the Development Management Manger, acting in consultation with the Chairman/Vice Chairman of the Development Control Committee, there are no extenuating circumstances beyond the applicant’s control which could justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be an unacceptable development acceptable have not been forthcoming.”</i></p>
<p>Nelly Jacobs (Bourne Town Council)</p>	1.2.3	<p>There is no reference to either cemetery provision or extension to cemetery facilities. Include reference to cemeteries – new provision or extension.</p>	<p><i>It is difficult to justify links between new development and the need for cemetery requirements, consequently the SPD will not set out specific requirements for cemetery provision or extension. However, there may be certain circumstances where such a contribution is necessary and therefore an additional bullet point will be added under paragraph 1.2.3 as follows:</i></p> <ul style="list-style-type: none"> • <i>“Provision of, and/or improvements to, cemeteries”</i>

Clare Sterling (Lincolnshire Wildlife Trust)	1.2.3	The Trust strongly supports the inclusion of issues relating to the improvement, provision and maintenance of green space, and the conservation and/or provision of land and water for nature conservation.	<i>Noted.</i>
Ken Pratt (Upper Witham Internal Drainage Board)	1.2.3	Supported, because a large number of developments seem to be disposing of surface water through a regulation system and discharge into an unmaintained watercourse. By highlighting water management and drainage it suggests that provision can be made to allow for future maintenance of watercourses and thereby assist in providing a sustainable solution to the surface water disposal issues.	<i>Noted.</i>
Brendan Gallagher (Lincolnshire County Council)	1.2.3	Under the bullet point: “Improvements to and/or provision of community buildings and/or facilities and green spaces for recreation, social, leisure, health and education purposes” – there is no mention of libraries.	<i>The Council accepts that there is an omission with reference to libraries under the community buildings/facilities bullet point and the text will be amended under paragraph 1.2.3 as follows to include this:</i> <i>“Improvements to and/or provision of community buildings and/or facilities and green spaces for recreation, social, leisure, library, health and education purposes”</i>
Matthew Bagnall (DLP Planning Consultants LTD) Representing • Linden Homes • Stamford Property Company • Mrs Linda Cross	1.2.3 – 1.2.7	Objection. The Council set out a list of specific proposals without limitation as the items that could be included in a planning obligation. It seems unreasonable to not request at the scoping stage of an application that the items for inclusion should be specified by the Council. If not then surely if the Council has missed an item it is unreasonable that the applicant should be penalised through time limits for completion of the items in the s106?	<i>Undertaking pre-application advice and consultation with the Council will ensure that applicants are able to establish and agree their likely Section 106 obligations prior to submission of their planning application, this will then help to speed up the planning application process once an application has been submitted and validated as there will be no protracted negotiation of the Section 106 Agreement during the determination period for the application.</i> <i>If the Council has missed an item once Heads of Terms have been agreed then the Council would not then penalise the applicant by coming back to renegotiate additional items to add to the S106 package.</i> <i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i>
Owen Walters (The Highways Agency)	1.4	It is anticipated that the Planning Obligations SPD will assist the Agency in determining the relationship between development impacts and Strategic Road Network (SRN) infrastructure requirements, which could also include mechanisms such as Grampian style conditions (where a development phasing relies on provision of an SRN measure and not just financial mechanisms). The Agency is keen to remain involved in the development of the CIL charging schedule as it is taken forward.	<i>Noted.</i>
Internal SKDC Review of Content	1.4.3 1.4.4 1.4.5 1.4.6 1.4.7 1.4.8	The National Planning Policy Framework has replaced the Planning Policy Statements and Planning Policy Guidance notes, as well as Circular 2005/05 and therefore this section needs to be updated.	<i>The Council considers that it would be appropriate to update this section in line with the published National Planning Policy Framework and therefore proposes the following amendments.</i> <i>Paragraph 1.4.3 will be amended to read:</i>

	1.4.9 1.4.10 1.4.11		<p><i>“The National Planning Policy Framework (NPPF) takes the approach of placing a presumption in favour of sustainable development. Under the Core Planning Principles outlined in the NPPF, it states that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.”</i></p> <p><i>Paragraph 1.4.4 will be amended to read:</i></p> <p><i>“Chapter 4 of the NPPF promotes sustainable transport and states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Encouragement should be given to solutions which support reductions in greenhouse gas emission and reduce congestion. It sets out that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.”</i></p> <p><i>Paragraph 1.4.5 will be amended to read:</i></p> <p><i>“Chapter 6 sets out the need to deliver a wide choice of high quality homes supported by an evidence base to ensure that the full objectively assessed needs for market and affordable housing in the housing market area are met.”</i></p> <p><i>Paragraph 1.4.6 will be deleted, as will paragraphs 1.4.9 and 1.4.10.</i></p> <p><i>Paragraph 1.4.11 will be amended to read:</i> <i>“The NPPF sets out the Government’s guidance on the use of planning obligations which are negotiated agreements between Local Planning Authorities and individuals with an interest in the land. Planning obligations are enforceable by the Local Planning Authority. They may be used to:</i></p> <ul style="list-style-type: none"> <i>• Prescribe the nature of the development (e.g. by requiring that a given proportion of housing is affordable).</i> <i>• Secure a contribution from an applicant to compensate for loss or damage created by a development (e.g. loss of open space).</i> <i>• Mitigate a developments impact (e.g. through increased provision for transport).”</i>
Brendan Gallagher (Lincolnshire County Council)	1.4.15	Reference made to Circular 05/2005 – amend to CIL Regulation 122?	<i>The Council considers that it would be more appropriate to refer to the CIL Regulations following the publication of the National Planning Policy Framework.</i>
Brendan Gallagher (Lincolnshire County Council)	1.4.16	Reference made to Circular 05/2005 – amend to CIL Regulation 122?	<p><i>Therefore paragraph 1.4.15 will be deleted as paragraph 1.4.18 sets out the details of CIL Regulation 122.</i></p> <p><i>Paragraph 1.4.16 will be amended to read:</i></p>

			<p><i>"The Government's policy in respect of planning obligations has been well established for some time. In recent years the interpretation of its policy tests has become much wider, and it has become common for local authorities to adopt a tariff based approach requiring general financial contributions towards the delivery of infrastructure."</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.4.26	<p>Objection.</p> <p>We do not accept the premise of paragraph 1.4.26. The term 'in some situations' is not defined and there is no guidance on what scale of development the Council might consider would impact on infrastructure requirements in South Kesteven to the extent that it would be entitled to seek contributions in order to make the development acceptable. This approach would set a dangerous precedent insofar as the Council might deem any development that would potentially draw on services of facilities within any part of South Kesteven should be a matter in which SKDC should be involved – yet the Council appears to make no provision for any reciprocal arrangements.</p> <p>In the event that there are legitimate reasons for seeking contributions from development outside the district boundary, again the imposition of a cut off date would be wholly unreasonable where SKDC are not the lead authority.</p>	<p><i>The Council considers that any such cross boundary issues will be dealt with through the plan making process through the Duty to Cooperate rather than through the planning obligations process. Therefore, it is proposed that paragraph 1.4.26 be removed from the SPD.</i></p>
<p>Nelly Jacobs (Bourne Town Council)</p>	1.4.27	<p>There is no reference to either cemetery provision or extension to cemetery facilities. Include reference to cemeteries – new provision or extension.</p>	<p><i>The four priority themes outlined under 1.4.27 are the Council's Corporate Priority theme areas.</i></p> <p><i>It is difficult to justify links between new development and the need for cemetery requirements, consequently the SPD will not set out specific requirements for cemetery provision or extension. However, there may be certain circumstances where such a contribution is necessary and therefore an additional bullet point will be added under paragraph 1.2.3 as follows:</i></p> <p><i>"Provision of, and/or improvements to, cemeteries"</i></p>
<p>Alan Hubbard (National Trust)</p>	1.5	<p>Objection.</p> <p>The SPD is imprecise about who will be required to contribute planning obligations and how commercial development will be defined.</p> <p>There is no provision made for the exemption of charities from planning obligations.</p> <p>It is considered that:</p> <ol style="list-style-type: none"> a) The position of charities should be made clear in the document; b) The text at para 1.6.4 (or elsewhere) should state that charities will be 	<p><i>For the purposes of the SPD, commercial development can be defined as all development other than the C3 Dwelling Houses classification in the Use Classes Order. A new paragraph will be added at 1.7.2 which will state:</i></p> <p><i>"For the purposes of this SPD, commercial development will be defined as all development other than the C3 Dwelling Houses classification in the Use Classes Order."</i></p> <p><i>The CIL Regulations offer exemption for charities from the collection of CIL, there are no such exemptions for the collection of contributions</i></p>

		<p>exempt from making contributions under the terms of the SPD; and</p> <p>A definition of 'commercial development' should be included in the SPD, making it clear that development in association with an organisation's charitable purposes would not be subject to the SPD.</p>	<p><i>through planning obligations. The Council does not offer charities exemption at present and does not intend to do so through this SPD. Charities would be expected to demonstrate that planning obligation requirements would render their scheme unviable in order to negotiate any form of reduction in requirements the same as any other applicant would have to.</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.5.1	<p>Objection.</p> <p>The Council state that following the publication of the Community Infrastructure Levy Regulations in April 2010 SKDC intends to adopt a CIL by 2014 however that this is in effect an interim SPD is to provide guidance between that time and the present. Many of the items identified in paragraph 1.2.3 are therefore likely to change into a CIL contribution, where they will be subject to the need for evidence of justification and proper testing through examination.</p>	<p><i>The Council is aware of the requirement for CIL contributions to be evidenced and justified and tested through examination and will ensure that the development of CIL reflects this.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.6.1	<p>Objection.</p> <p>The Council acknowledge that in complex applications there will be a need to consider the prioritisation of various elements of a Section 106 Agreement. Again at 1.6.5 the Council acknowledge that there may be site-specific requirements that can only be known as an application is progressed. This reflects upon our concern that the Council cannot reasonably insist that a planning application is submitted together with all the items required as stated at 1.1.7.</p>	<p><i>The Council contends that this is not an unreasonable position to take regarding major applications.</i></p> <p><i>Undertaking pre-application advice and consultation with the Council will ensure that applicants are able to establish and agree their likely Section 106 obligations prior to submission of their planning application, this will then help to speed up the planning application process once an application has been submitted and validated as there will be no protracted negotiation of the Section 106 Agreement during the determination period for the application.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Nelly Jacobs (Bourne Town Council)</p>	1.6.4	<p>There would seem to be no mechanism to enable Town and Parish Councils to express their needs to SKDC in order to gain local benefit.</p> <p>Stakeholder reference should include Town and Parish Councils to ensure they have an input in local planning gain.</p>	<p><i>The paragraph states that where appropriate, the Council will involve other stakeholders in considering reducing planning obligation requirements. Where the Town and/or Parish Councils are the appropriate stakeholders then the Council will liaise with them accordingly. Furthermore, Parish and Town Councils can make representations in response to planning application consultations in the first instance.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Alan Hubbard (National Trust)</p>	1.6.4	<p>Objection.</p> <p>The SPD is imprecise about who will be required to contribute planning obligations and how commercial development will be defined.</p> <p>There is no provision made for the exemption of charities from planning obligations.</p>	<p><i>For the purposes of the SPD, commercial development can be defined as all development other than the C3 Dwelling Houses classification in the Use Classes Order. A new paragraph will be added at 1.7.2 which will state:</i></p> <p><i>"For the purposes of this SPD, commercial development will be defined as all development other than the C3 Dwelling Houses classification in the</i></p>

		<p>It is considered that:</p> <p>c) The position of charities should be made clear in the document;</p> <p>d) The text at para 1.6.4 (or elsewhere) should state that charities will be exempt from making contributions under the terms of the SPD; and</p> <p>A definition of 'commercial development' should be included in the SPD, making it clear that development in association with an organisation's charitable purposes would not be subject to the SPD.</p>	<p><i>Use Classes Order."</i></p> <p><i>The CIL Regulations offer exemption for charities from the collection of CIL, there are no such exemptions for the collection of contributions through planning obligations. The Council does not offer charities exemption at present and does not intend to do so through this SPD. Charities would be expected to demonstrate that planning obligation requirements would render their scheme unviable in order to negotiate any form of reduction in requirements the same as any other applicant would have to.</i></p>						
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> Linden Homes Stamford Property Company Mrs Linda Cross 	1.6.4	<p>Objection.</p> <p>We would remind the Council that they have a duty to provide evidence of need in order to be compliant with the statutory requirements. Indeed in those instances where the requirement for financial contributions demonstrably renders development unviable that would otherwise be acceptable, it will be for the Local Planning Authority to determine the scale and reduction of any specific contributions that will be acceptable in order for the development to go ahead.</p>	<p><i>The Council recognises that the requirement for planning obligation contributions should be based upon evidence of need and will be able to demonstrate such need where contributions are sought.</i></p> <p><i>It is acknowledged that the Council will need to balance the acceptability of reducing the contributions against the impact this would have on infrastructure required to support the development, nevertheless it will be for the applicant to demonstrate that the scale and/or range of contributions being sought would be too burdensome in order to make a convincing case for any reduction in the scale and/or scope of the contributions.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>						
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	1.7	<p>Tables 1a, 1b and 1c set out the thresholds at which the Council will seek obligations in relation to "residential", "commercial" and "other" developments. Tables 1a and 1b are clear in what they are seeking to achieve but Table 1c does not provide any information about the types of development that will attract contributions, the subject of contributions or the thresholds that will apply. The schedule of contributions should be precise and justified and Table 1c does not currently fulfil this requirement.</p> <p>Changes Considered Necessary:</p> <p>Deletion of Table 1c</p>	<p><i>The Council agrees that Table 1c does not provide sufficient clarity and will therefore be amended as follows:</i></p> <table border="1"> <thead> <tr> <th>LAND USE – COMMUNITY/ CULTURAL USES</th> <th></th> </tr> <tr> <th>Contribution</th> <th>Threshold</th> </tr> </thead> <tbody> <tr> <td><i>As required</i></td> <td><i>Case-by-case basis</i></td> </tr> </tbody> </table>	LAND USE – COMMUNITY/ CULTURAL USES		Contribution	Threshold	<i>As required</i>	<i>Case-by-case basis</i>
LAND USE – COMMUNITY/ CULTURAL USES									
Contribution	Threshold								
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<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> Linden Homes Stamford Property Company Mrs Linda Cross 	1.7	<p>We note that thresholds for contributions are set out in a table in relation to residential, commercial and other applications. We welcome that the Council acknowledges that these thresholds are a guide against which each application will be judged on its own merits.</p>	<p><i>Noted.</i></p>						

Alan Hubbard (National Trust)	1.7.1 Table 1b	Despite its length the draft SPD is imprecise about who will be requested to enter into planning obligations and how 'commercial development' (Table 1b) will be defined.	For the purposes of the SPD, commercial development can be defined as all development other than the C3 Dwelling Houses classification in the Use Classes Order. A new paragraph will be added at 1.7.2 which will state: "For the purposes of this SPD, commercial development will be defined as all development other than the C3 Dwelling Houses classification in the Use Classes Order."				
Ken Pratt (Upper Witham Internal Drainage Board)	1.7.1 Tables 1a and 1b	Under table 1a and 1b, although flooding is mentioned there is no obvious water management or drainage provision. It is agreed that there should be no lower threshold but it should be highlighted that "Flooding" is more than the provision of flood defences, it could include watercourse maintenance etc. Either add "Drainage" to the list or expand the "Flooding" definition	The Council acknowledges the importance of including provision for drainage and therefore under tables 1a and 1b the text will be amended as follows: <table border="1" data-bbox="1323 504 2092 588"> <thead> <tr> <th>Contribution</th> <th>Threshold</th> </tr> </thead> <tbody> <tr> <td>Flooding, Drainage and Watercourse Management</td> <td>No lower threshold</td> </tr> </tbody> </table>	Contribution	Threshold	Flooding, Drainage and Watercourse Management	No lower threshold
Contribution	Threshold						
Flooding, Drainage and Watercourse Management	No lower threshold						
Clare Sterling (Lincolnshire Wildlife Trust)	1.7.2	We support the treatment of the Natural Environment on a case by case basis, with no lower threshold for contributions. We strongly support the recognition in paragraph 1.7.2 that 'There may be some areas, such as biodiversity and nature conservation, where no minimum threshold is applicable as the impacts of even the smallest development will need to be minimised'.	Noted.				
Matthew Bagnall (DLP Planning Consultants LTD) Representing • Linden Homes • Stamford Property Company • Mrs Linda Cross	1.7.3	Objection. We note and broadly support the intention to treat comprehensively, sites that may come forward in parcels through reason of differing ownerships or other justifiable reasons. Nevertheless, the obligation will fall on the individual landowner and there cannot be any obligation on one owner/developer to pay the contributions due from other land where there may be no certainty that other parcels come forward.	The point is noted, however, contributions would only become payable at the point at which such 'other' land comes forward for development. Therefore, if the land does not come forward then the landowner will not be liable for contributions attributed to it. The Council does not consider that any changes are required to the draft SPD to address this representation.				
Martin Herbert (Brown and Co) Representing • Robert and Steven Pask • Namulas Pension Trust • Trustees of AJ Snarey 1987 Settlement • HPC	1.9.2	Objection. The requirement to 'normally' pay the financial contributions upon commencement of development is punitive and unreasonable. The requirement to improve a particular service will generally only be necessary once occupation has taken place which could be many months after a development commences. Any necessary contributions should be phased to align with occupation and should not be required at the beginning of a development proposal due to the potential harmful effects on cash flow.	It should be noted that the requirement to pay upon commencement was intended to be seen as the Council's starting point, and as with numerous other elements of a Section 106 Agreement this was subject to negotiation. Nevertheless the Council acknowledges the potential negative impact that payment upon commencement could have in the current economic climate and, therefore, proposes to amend the SPD so that financial contributions are required to be paid upon first occupation or when the impacts of the development that the contribution is intended to address occur, whichever is the sooner.				

Developments <ul style="list-style-type: none"> Larkfleet Ltd 			<p>Paragraph 1.9.2 will be amended to read:</p>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> Linden Homes Stamford Property Company Mrs Linda Cross 	1.9.2	<p>Objection.</p> <p>We strongly object to the statement that the trigger for the payments should be at commencement of development. This is financially burdensome in all circumstances – although there may be circumstances where payment at commencement is justified it will be for the Authority to demonstrate why development should not be commenced with the payment being made or the requisite works being carried out. The default period for payment should be at such point as there is a demonstrable need for the benefit being provided by the obligation. This is likely to fall at different points depending on the type and scale of the development and the deficiency of the local infrastructure. It would therefore be more appropriate to set trigger points as percentages of the scheme, such percentages being capable of being tested in individual cases and varied by mutual consent where there is sound evidence to do so. Thus for instance funding of off-site traffic signals that are only needed toward the end of a development when warranted by the assessment of traffic levels cannot reasonably be demanded to be paid at the commencement of the scheme because at commencement the contribution does not meet the tests of Regulation 122.</p>	<p><i>“Financial contributions will normally be required to be paid upon first occupation or when the impacts of the development that the contribution is intended to address occur, whichever is the sooner. However, there may be some circumstances where payments can occur at different stages during development, such as commencement of development or legal completion. For the purposes of this SPD, legal completion is defined as the exchange of contracts upon purchase.”</i></p>
Boyer Planning Representing <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	1.9.2 1.9.4 1.9.5	<p>Objection.</p> <p>Paragraph 1.9.2 states that financial contributions will normally be required to be paid upon commencement of development, although refers to circumstances where payment can occur at different stages during development. We consider that the need to mitigate the impacts of development tends only to arise at occupation and this should be the principle for the timing of payment.</p> <p>Paragraph 1.9.4 details that Section 106 monies will be held in designated accounts until they have been assigned to a particular programme. It states that where S106 money is not spent within the specified time period, any unspent contributions “may” be repaid to the applicant upon their written request. The wording of this implies a degree of uncertainty and should be amended to remove the ambiguity.</p> <p>1.9.5 states: “Clauses specifying that the Council will repay any leftover sums together with any interest accrued on these will not normally be inserted into the Section 106 Agreement”. It is unclear as to whether the emphasis of this is on the repayment of leftover sums or the repayment with interest. We consider it would be unreasonable to withhold either and an alternative wording is suggested.</p>	<p><i>The Council proposes to amend paragraph 1.9.2 as follows:</i></p> <p><i>“Financial contributions will normally be required to be paid upon first occupation or when the impacts of the development that the contribution is intended to address occur, whichever is the sooner. However, there may be some circumstances where payments can occur at different stages during development, such as commencement of development or legal completion. For the purposes of this SPD, legal completion is defined as the exchange of contracts upon purchase.”</i></p> <p><i>The Council accepts that the current wording of 1.9.4 implies a degree of uncertainty and therefore paragraph 1.9.4 will be amended to read:</i></p> <p><i>“Any contributions that remain unspent at the end of the time period specified in the Section 106 Agreement will be repaid to the applicant upon their written request.”</i></p> <p><i>The Council accepts that repayment clauses are required to be inserted into Section 106 Agreements and therefore paragraph 1.9.5 will be amended to read:</i></p> <p><i>“The Section 106 Agreement will include clauses to the effect that any monies that remain unspent at the end of the time period specified in the</i></p>

			<i>Section 106 Agreement will be repaid to the applicant upon their written request.”</i>
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> • Robert and Steven Pask • Namulas Pension Trust • Trustees of AJ Snarey 1987 Settlement • HPC Developments • Larkfleet Ltd 	1.9.4	<p>Objection.</p> <p>Any unspent contributions at the end of the specified time should be repaid to the developer as a matter of course and should not be discretionary or require a written request for repayment.</p>	<p><i>The Council accepts that the current wording of 1.9.4 implies a degree of uncertainty and therefore paragraph 1.9.4 will be amended to read:</i></p> <p><i>“Any contributions that remain unspent at the end of the time period specified in the Section 106 Agreement will be repaid to the applicant upon their written request.”</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.9.5	<p>Objection.</p> <p>We strongly object to paragraph 1.9.5 as it falls wholly contrary to Section 106 (A) (4). The relevant period for the time limit of a Section 106 Agreement is 5 years unless otherwise agreed. The Council indicates that clauses specifying that the Council will repay any leftover sums together with any interest are not intended to be inserted in to Section 106 Agreements however this seeks to circumvent the requirement that leftover sums together with interest shall be repaid to the supplying party or monies returned in the event that they are not used for the purpose specified. We believe that this is in contravention of paragraph Section 106 (A) of the Town and Country Planning Act 1990 as, if the moneys are not spent, the Council cannot demonstrate that the payments were secured in accord with the provisions of Regulation 122 as they were demonstrably not necessary to make the development acceptable in planning terms. If they were not necessary the Council will have acted illegally in seeking them in the first instance.</p>	<p><i>The Council accepts that repayment clauses are required to be inserted into Section 106 Agreements and therefore paragraph 1.9.5 will be amended to read:</i></p> <p><i>“The Section 106 Agreement will include clauses to the effect that any monies that remain unspent at the end of the time period specified in the Section 106 Agreement will be repaid to the applicant upon their written request.”</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.11.1 – 1.11.2	<p>Objection.</p> <p>It is stated that the Council intend to index link financial contributions from the date of the final agreed Heads of Terms not from its completion. This is wholly unacceptable. Take for example the instance where terms are agreed prior to submission of an application but that application is refused contrary to officer recommendation or called-in. Index linking can only take place from the date on which the agreement is engrossed at the time that consent is issued.</p> <p>The Council's proposed approach merely reflects the fact that the proposals outlined at paragraph 1.1.7 are unworkable as well as being</p>	<p><i>The Council notes the inconsistency between the two paragraphs and therefore paragraph 1.11.2 will be amended to read:</i></p> <p><i>“All financial contributions specified within Section 106 Agreements will be index linked from the date of the decision to grant planning permission using the Retail Prices Index or other appropriate indices.”</i></p>

		unreasonable. A complete rethink of the approach is therefore required to bring the Strategy within the terms of Regulation 122 and to avoid all future applications in the District necessarily being determined on appeal. Moreover it is noted that there is reference to 'agreed' Heads of Terms however there is no mechanism suggested by which Heads could be agreed – that is the process that occurs when an application is determined by Members of the Council and it is noted that even 1.1.7 does not require the submission of 'agreed' Heads of terms.	
Boyer Planning Representing <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	1.11.2	Objection. Paragraph 1.11.2 states that Section 106 agreements will be indexed linked from the date of final agreed Heads of Terms. This is inconsistent with paragraph 1.11.1 which states that index linking will apply from the date of the final decision to grant permission. We consider that the wording in paragraph 1.11.1 is the correct position and that paragraph 1.11.2 should be amended to reflect this.	
Owen Walters (The Highways Agency)	1.12	Section 1.12 of the document discusses the pooling of contributions where the combined impact of a number of developments creates the need for infrastructure. The Agency is supportive of this approach, as it may be reasonable for the associated developers cash contributions, secured via planning obligations, to be pooled in order to allow the infrastructure to be secured in a fair and equitable way. However, the Agency assumes that this approach will be superseded once the CIL is in place.	<i>The Agency is correct to assume that the pooling of S106 contributions will be superseded by the authority's CIL once it is put in place.</i> <i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i>
Internal SKDC Review of Content	1.12.1 1.12.2	Update in line with the National Planning Policy Framework.	<i>In order to comply with the NPPF, paragraph 1.12.1 will be amended to read:</i> <i>"Where the combined impact of several developments creates the need for infrastructure, the Council may pool contributions. Infrastructure requirements may be identified and their cost calculated, based on the cumulative impact of developments. The cost of this infrastructure would then be split proportionately relating to the needs arising from the development to ensure that it is provided in a fair and equitable manner."</i>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.12.3	Objection. This paragraph states that where individual developments will have some impact, but not sufficient enough to justify the needs for discrete pieces of infrastructure, the Council may still seek monetary contributions towards future provision so long as the need is demonstrated. We refer to our previous comments at 1.9.5 above. If such situations occur then it is unreasonable that the applicant has paid sums but does not have the opportunity for repayment if they are not spent for the purposes for which they were collected. Any other approach would be unlawful.	<i>The Council accepts that repayment clauses are required to be inserted into Section 106 Agreements and therefore paragraph 1.9.5 will be amended to read:</i> <i>"The Section 106 Agreement will include clauses to the effect that any monies that remain unspent at the end of the time period specified in the Section 106 Agreement will be repaid to the applicant upon their written request."</i>
Martin Herbert (Brown and Co)	1.14.2	Objection.	<i>The Council accepts that some facilities will become self financing within the time frame defined in the paragraph at present. The Council will</i>

Representing <ul style="list-style-type: none"> • Robert and Steven Pask • Namulas Pension Trust • Trustees of AJ Snarey 1987 Settlement • HPC Developments • Larkfleet Ltd 		The requirement to make a financial contribution to cover 30 years maintenance of facilities passed to the Council is unreasonable. Certain facilities will become self-financing well in advance of 30 years and it is therefore not reasonable to expect developers to make such a contribution. Each facility needs to be considered on its own individual merits in order to ascertain what the future maintenance requirements will be, including consideration of other income streams that will contribute to the future upkeep.	<i>therefore revert back to its existing standards of 25 years maintenance. Paragraph 1.14.2 will be amended to read:</i> <i>"When development results in a requirement for new facilities and the ownership of these facilities are passed to the Council, then the Council will require a maintenance contribution, normally as a one-off payment. This contribution will normally cover the physical upkeep of the facility and be equivalent to the cost of 25 years maintenance."</i>
Boyer Planning Representing <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	1.14.2	Objection. We consider the reference to a maintenance contribution being equivalent to <i>"the cost of 30 years maintenance"</i> is very onerous, not justified and likely to impact adversely on viability.	
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.14.2	Objection. This clause states that the maintenance period for which contributions will be sought for the physical upkeep facilities will be 30 years. This is an excessive period of time bearing in mind that most contracts are between 15 to 20 years in our experience. Maintenance periods should be subject to negotiation.	
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.14.3	We note that the Council proposes to give the opportunity to the applicants to choose to retain responsibility for the provided facility and we believe that it is important that this avenue of future maintenance be maintained.	<i>Noted.</i>
Bob Bowe (Community Lincs)	1.15	Objection. If SKDC wishes to pursue SPD in lieu of its CIL then it must create certainty, both for developers and the communities the SPD is intended to benefit. Despite all of the seemingly prescriptive contribution requirements, there remains the invitation to "horse trading" through potentially protracted negotiation.	<i>The Council is not pursuing this SPD in lieu of a CIL, the SPD is intended to act as guidance between now and the point at which the Council adopts its CIL.</i> <i>The SPD sets out the Council's starting point for negotiations rather than setting out exactly what has to be provided from every development site. The Council will not require contributions where there is existing spare</i>

		<p>For instance, paragraph 1.15.4 invites developers to provide evidence to show why they cannot comply with the planning obligation. Then, paragraph 1.15.6 requires the local authority to make a subjective judgment of what constitutes "a more acceptable land use" when considering a developer's plea to avoid making the required contributions.</p> <p>At best these prevarications will delay the development process. At worst, the uncertainty and inconsistency it will cause will alienate local communities and/or developers.</p> <p>The SPD should allow the community and developers to be satisfied that planning obligations will be applied fairly and consistently, even if it means that there will be winners and losers. A clear and transparent policy should not leave the door open to abuse or manipulation.</p> <p>We therefore suggest that, should the SPD wish to include reference to the exceptions clauses, then the criteria and indicators for making a judgment be spelled out clearly.</p>	<p><i>capacity in infrastructure that is capable of serving the population increase arising from development.</i></p> <p><i>It is not unreasonable for the Council to expect developers to demonstrate why they feel a contribution should not be required.</i></p> <p><i>In reference to paragraph 1.15.6, the Council's Core Strategy planning policies shall be applied to determine what constitutes a more acceptable land use.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	1.15	<p>This section of the SPD states that where financial viability is being questioned, the Council require the applicant to provide a standard development industry recognised financial appraisal in order to make their case. We welcome that fact that SKDC does not seek to specify the model to be used which we believe provides flexibility for each case to be considered on its merits. For example standard use of the HCA model or the GVA Grimley model may not be appropriate in some circumstances.</p>	<p><i>Noted.</i></p>
<p>Tim Waller (JB Planning) Representing</p> <ul style="list-style-type: none"> • Constable Homes 	1.15.1	<p>With regard to the viability of affordable housing, we note the comments at paragraphs 1.15.1 and 2.1.45, which require the cost of affordable housing to be taken into account at the point of purchasing land. However, there also needs to be an acknowledgement in the SPD that some sites, or options on land, were purchased both before the recent recession, when development values were better, and also before the extensive list of contributions proposed in this SPD were published. It is important that the Council takes a pragmatic approach to viability in these instances, to avoid the possibility of sterilising development sites and to ensure it can deliver the development the District needs.</p>	<p><i>The Council acknowledges that some sites and/or options were purchased before the recent recession at higher values, however this is not to say that the Council should therefore accept inappropriate development which places undue burden on existing infrastructure. The Council will take a pragmatic approach to viability.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes 	1.15.2 – 1.15.3	<p>Objection.</p> <p>It is not the Council's responsibility to comment on the valuation of land. The wording of the clause implies that the landowner is expected to receive less payment to comply with planning benefits identified by the Council which would stultify the delivery of sites as with the incentive of</p>	<p><i>It is common practice for local authorities to expect applicants to take into account the potential costs of Section 106 obligations when negotiating the purchase price for a development site as applicants will otherwise use this as a way to avoid making Section 106 contributions through claiming that contributions will render the site unviable.</i></p>

<ul style="list-style-type: none"> Stamford Property Company Mrs Linda Cross 		<p>achieving realistic market value then sites will not come forward</p> <p>Clause 1.15.3 should be removed as there is market evidence that the landowner and developer shall have to resort to achieving reasonable rates of return on their property or profit margin and given the fact that we're in a recession.</p> <p>The Council's aspirations are unlikely to be met where land values are depressed. Its role is to balance delivery of new development and growth whilst securing sufficient infrastructure, unless and until it can understand how to achieve this balance then the development plan is undeliverable and Section 1.15 needs to be redrafted.</p>	<p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Tim Waller (JB Planning) Representing</p> <ul style="list-style-type: none"> Constable Homes 	1.15.4	<p>Paragraph 1.15.4 notes that there may be circumstances under which it will be necessary to reduce the financial burden of planning obligations in order to make a site financially viable. It also suggests a means by which this can be fairly tested, and there is no reason why this could not be applied to all sites. The subsequent assumption in the first sentence of paragraph 1.15.6 relating to greenfield sites is unnecessary, unjustified and counter-productive, and it should be deleted. This paragraph should be amended to remove specific reference to either greenfield or brownfield sites.</p>	<p><i>The Council contends that it is not an unreasonable position to expect that Greenfield sites are more capable of delivering planning obligation requirements than Brownfield sites, given that the existing use value of a Greenfield site will likely be considerably lower and there are unlikely to be the same contamination issues that Brownfield sites face.</i></p> <p><i>Paragraph 1.15.4 states that it is the Council's 'expectation' that Greenfield sites will deliver planning obligation requirements in full, this does not set a blanket requirement. Whilst the Council's expectation is that Greenfield sites would be more likely to be able to support planning obligation contributions, as with all elements of Section 106 Agreements this is open to negotiation and where the applicant is able to demonstrate that there are legitimate viability issues with the site then the Council will take account of this in negotiating the Section 106 Agreement.</i></p>
<p>Tim Waller (JB Planning) Representing</p> <ul style="list-style-type: none"> Constable Homes 	1.15.6	<p>Paragraph 1.15.6 assumes that Greenfield development will be able to deliver the Council's full planning obligation requirements. This ignores the complex realities of new development where it is not simply Brownfield or Greenfield. It states that Brownfield sites may have costs which make them financially unsustainable to develop and Greenfield sites should be treated the same.</p> <p>Examples of this are the Southern Quadrant and Poplar Farm developments in Grantham due to high infrastructure and ransom costs. Not all sites will have these constraints but a range of factors can affect viability from technical constraints through to market-related issues.</p> <p>Paragraph 1.15.6 acknowledges that if conditions aren't favourable then land won't be released and so won't be developed. Blanket requirements for Greenfield sites to deliver all planning obligations or remain undeveloped will work against the council's wider aims, especially in Grantham.</p>	<p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	1.16.1	<p>We consider that this should refer to applicants paying the Council's reasonable legal costs.</p> <p>Changes Considered Necessary:</p> <p>Revised the first line of paragraph 1.16.1 as follows:</p>	<p><i>The Council does not agree to the insertion of a cap for legal fee contributions as the contribution sought for legal fees shall be based upon the amount of time spent on the agreement by Legal Officers, and the complexity of the agreement.</i></p> <p><i>The amended wording suggested is accepted and paragraph 1.16.1 will be amended to read:</i></p>

		<i>“Applicants are required to pay the Council’s reasonable legal costs.....”</i>	<i>“Applicants are required to pay the Council’s reasonable legal costs for preparing and completing the Section 106 Agreement and where appropriate, those of third parties such as Lincolnshire County Council. Applicants will also be required to cover any abortive legal fees and expenses.”</i>
Tim Waller (JB Planning) Representing • Constable Homes	1.16.1	Paragraph 1.16.1 should be amended to read “...the Council’s reasonable legal costs...” These costs, as is the case with planning obligations in general, must be fair and reasonable, in order to meet the requirements of the Community Infrastructure Levy regulations, and Policy SP4 of the Core Strategy.	
Matthew Bagnall (DLP Planning Consultants LTD) Representing • Linden Homes • Stamford Property Company • Mrs Linda Cross	1.16.2 – 1.16.3	Objection. Whilst it may be reasonable to expect an applicant to contribute towards the Council’s legal fees and those of other Authorities party to an agreement, minimum charges are not acceptable unless the applicant is able to appoint the legal representation on behalf of the Authorities. The Council’s proposal is an open ended prescription for the Council to charge unregulated fees for whatever it wishes and is unjustified and unacceptable. All legal fee contributions should be capped at a maximum level.	
Ken Pratt (Upper Witham Internal Drainage Board)	1.17.2 1.17.3	It may be that the Council should look to drafting standard agreements such as for watercourse maintenance regime downstream of the site where surface water outflows into an unmaintained system. The council draft and agreement and list watercourse maintenance in the list in 1.17.2.	<i>The Council does not currently have standard wording to cover watercourse maintenance. The intention would be to deal with this under the Natural and Built Environment heading with further details added of precisely what is required in terms of watercourse maintenance under such a clause.</i> <i>Paragraph 1.17.2 will be amended to include a bullet point reference to Natural and Built Environment as follows to ensure that this is covered:</i> • <i>“Natural and Built Environment”</i>
Nelly Jacobs (Bourne Town Council)	2.1	In sub paragraph 2.1.13, the Peterborough Sub-Region Strategic Housing Market Assessment Update (2010) established a need for 38% of the housing requirements to be affordable in the South Kesteven Housing Market Area. This area covers a large proportion of the District. The Grantham Sub-Region would be hamstrung by a restriction or any opportunity for a developer to minimise the provision of ‘Affordable’ housing to the benefit of ‘Market’ housing provision. Then in 2.1.4, the document gives a provision of up to 35% of ‘Affordable’ housing. This is also qualified in this section and in section 2.1.47 by the concept of ‘Viability’, which, if proven by the developer, could result in a much lower figure. This would defeat the object of providing a sufficient supply of ‘Affordable’ housing. Viability of a development is not a material planning consideration.	<i>The requirement for up to 35% affordable housing is set out in Policy H3 of the Core Strategy which is the parent document to this SPD. Consequently the SPD cannot be amended as suggested as an SPD cannot amend a Core Strategy policy.</i> <i>The concept of viability will also remain within the document as this is an important element of every development site.</i> <i>The SPD makes provision for the Council to take account of the viability of development when negotiating Section 106 contributions where the developer is able to demonstrate that the contributions sought render the scheme unviable.</i> <i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i>

		<p>Amend to require a developer to provide a minimum of 35% of 'Affordable' housing and that the Peterborough Sub-Region SHMA Update (2010) be taken into consideration to increase the requirement accordingly.</p> <p>The erroneous concept of 'Viability' should be removed from the document. It should play no part in the process.</p>	
Bob Bowe (Community Lincs)	2.1	<p>Objection.</p> <p>The SPD does not clarify if a stand-alone affordable housing development (say by a Registered Provider on an allocated, windfall or exceptions site) will be required to contribute through planning obligations, or will it be exempt. If it is not exempt then the threat to its viability will be maximised. If it is exempt then should the affordable element of any mixed housing development be also exempt?</p> <p>More confusing still, if it is exempt then should the affordable housing contribution required by this SPD in a housing development proposal be discounted from the overall contribution calculation. e.g. in a proposed housing development of 10 units, say 3 are required to be affordable housing. Will the remainder of the planning obligation contributions be calculated on 10 or 7 units?</p> <p>The SPD needs to clarify how, if at all, affordable housing will be required to make contributions through planning obligations.</p>	<p><i>The Council accepts that the SPD does not currently make provision for exemption from Section 106 contributions for stand-alone affordable housing developments.</i></p> <p><i>The SPD will be amended to ensure that it is clear that stand-alone affordable housing developments will be exempt.</i></p> <p><i>A new paragraph will be added at 1.9.9 to read:</i></p> <p><i>"Developments of purely affordable housing (with no open market dwellings) will be exempt from Planning Obligation contributions. A Section 106 Agreement may however still be required to ensure that the dwellings remain as affordable housing in perpetuity."</i></p>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.1.1 – 2.1.44	<p>Objection.</p> <p>We question what purpose these paragraphs serve in this SPD when the Council clearly state that they will produce a separate Affordable Housing SPD. These paragraphs should be struck out and this SPD focused on the financial issues of affordable housing provision. We note specifically the reference at Paragraph 2.1.31 to pepper potting at no more than five in one cluster and consider that this is a matter for negotiation with the relevant RHP's who may not be prepared to manage properties in as small a group as this due to the adverse effect on their ongoing management costs.</p>	<p><i>The affordable housing section of this SPD is to give advice in the interim period between now and the adoption of an Affordable Housing SPD which will provide more detailed guidance on the implementation of Core Strategy Policy H3.</i></p> <p><i>The SPD clearly provides some flexibility in stating that the Authority requires grouping of no more than five or more dwellings "unless otherwise agreed with the Council". The five dwellings limit is the Council's starting point</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Internal SKDC Review of Content	2.1.2	Amendment required to reflect publication of the National Planning Policy Framework.	<i>The Council considers that it would be appropriate to remove paragraph 2.1.2 and its reference to Planning Policy Statement 3.</i>

<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	<p>2.1.4 Affordable Rent</p>	<p>Section 2.1 sets out the Council's approach to affordable housing in the District. Throughout this section of the chapter there is a lack of clarity in respect of the approach to the new affordable housing tenure. Paragraph 2.1.4 states that affordable elements of schemes are expected to include a mix of social rented and intermediate housing, but makes no reference to affordable rent as an affordable housing tenure.</p> <p>It is noteworthy however that the following paragraph (2.1.5) goes on to provide a definition of the new tenure. Paragraph 2.1.18 states that the Council's priority is to secure a minimum of 60% "affordable rented housing" with the remaining 40% to be secured as intermediate housing, whilst paragraph 2.1.20 refers to a 60/40 split in favour of affordable rented accommodation.</p> <p>The SPD is therefore inconsistent in referring to "social rent" in some instances and "affordable rent" in others. It should ensure all references are to "affordable rent" unless a scheme is part of a programme of renewal where social rented provision may be considered appropriate. This is necessary to ensure consistency with national policy and guidance.</p> <p>Changes Considered Necessary:</p> <p>The last sentence of 2.1.4 be amended to:</p> <p><i>"Where affordable housing is to be provided on-site, a target of up to 35% of the total capacity of a scheme should be affordable. The affordable element will be expected to include a mix of affordable rented and intermediate housing appropriate to the current evidence of local need unless the scheme is part of a programme of renewal where social rented provision maybe considered appropriate."</i></p>	<p><i>For planning obligation contributions, the starting point will be social rent, followed by intermediate rent. Only Registered Providers with grant funding from the Homes and Communities Agency (HCA) can provide Affordable Rent.</i></p> <p><i>The text will be amended throughout Chapter 2 to show that "Affordable Rented" refers to HCA funded dwellings, whereas "affordable rented" refers to social rent affordable dwellings.</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	<p>2.1.5 Affordable Rent</p>	<p>We consider the definition of affordable rent should be expanded to ensure consistency with the definition in PPS3 and within the Affordable Homes Programme Framework issued by the Homes and Communities Agency. This is to ensure consistency with national policy.</p> <p>Changes Considered Necessary:</p> <p>We suggest that paragraph 2.1.5 be amended to read as follows:</p> <p><i>"For the purposes of this SPD, Affordable rent is rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent inclusive of service charges of no more than 80 per cent of the gross local market rent"</i></p>	<p><i>The text will be amended throughout Chapter 2 to show that "Affordable Rented" refers to HCA funded dwellings, whereas "affordable rented" refers to social rent affordable dwellings.</i></p> <p><i>The proposed amendments to the text are accepted in part and paragraph 2.1.5 will be amended to read:</i></p> <p><i>"For the purposes of this SPD, Affordable Rent is rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent inclusive of service charges of no more than 80 per cent of the gross local market rent which reflects the property size and location."</i></p>

		<i>which reflects the property size and location. The RICS has provided guidance on the assessment of gross local market rent.”</i>	
Jayne Wilson (Nottingham Community Housing Association)	2.1.5	I think where Affordable Rents are referred to as 80% of market rents that it should be made clear that the figure must include the service charges	
Bob Bowe (Community Lincs)	2.1.5 – 2.1.12	<p>Objection.</p> <p>There appears to be a missed opportunity here for furthering the case for developing affordable housing to bolster vulnerable rural communities whose sustainability is under threat. Neither does the Council define its stance on the principle of cross subsidy to increase the viability of affordable housing schemes in rural areas.</p> <p>The SPD could encourage developers to explore the opportunities for rural affordable housing on exceptions sites by explaining what is required to demonstrate need - and how this might be assessed (for instance by an independent Rural Housing Enabler!).</p> <p>This SPD - or the Affordable Housing SPD - should clarify the Council's position on the opportunities for cross subsidy housing development to enable rural affordable housing, especially now that it has been advocated in the Government's National Planning Policy Framework as an acceptable and legitimate enabling tool.</p>	<p><i>The Council's adopted affordable housing policy does not support cross subsidy on rural exception sites. However, there would be no objection to this on sites in LSC's. An SPD cannot change an adopted policy approach.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Jayne Wilson (Nottingham Community Housing Association)	2.1.8	Throughout the SPD shouldn't the reference be to Registered Providers (RPs) not Registered Housing Providers?	<p><i>The Council accepts that RP's would be a more appropriate abbreviation to use than RHP's. The name used for such bodies was changed after the adoption of the Core Strategy, therefore a footnote will be added to Chapter 2 to read:</i></p> <p><i>“Registered Providers are abbreviated to RP's within this SPD. Other documents within the Council's Local Plan use the term Registered Housing Provider (RHP) when referring to RP's although the meaning is the same.”</i></p>
Nelly Jacobs (Bourne Town Council)	2.1.14	<p>In sub paragraph 2.1.13, the Peterborough Sub-Region Strategic Housing Market Assessment Update (2010) established a need for 38% of the housing requirements to be affordable in the South Kesteven Housing Market Area. This area covers a large proportion of the District. The Grantham Sub-Region would be hamstrung by a restriction or any opportunity for a developer to minimise the provision of 'Affordable' housing to the benefit of 'Market' housing provision.</p> <p>Then in 2.1.4, the document gives a provision of up to 35% of 'Affordable' housing. This is also qualified in this section and in section 2.1.47 by the</p>	<p><i>The requirement for up to 35% affordable housing is set out in Policy H3 of the Core Strategy which is the parent document to this SPD. Consequently the SPD cannot be amended as suggested as an SPD cannot amend a Core Strategy policy.</i></p> <p><i>The concept of viability will also remain within the document as this is an important element of every development site.</i></p> <p><i>The SPD makes provision for the Council to take account of the viability of development when negotiating Section 106 contributions where the</i></p>

		<p>concept of 'Viability', which, if proven by the developer, could result in a much lower figure. This would defeat the object of providing a sufficient supply of 'Affordable' housing. Viability of a development is not a material planning consideration.</p> <p>Amend to require a developer to provide a minimum of 35% of 'Affordable' housing and that the Peterborough Sub-Region SHMA Update (2010) be taken into consideration to increase the requirement accordingly.</p> <p>The erroneous concept of 'Viability' should be removed from the document. It should play no part in the process.</p>	<p><i>developer is able to demonstrate that the contributions sought render the scheme unviable.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Tim Waller (JB Planning) Representing</p> <ul style="list-style-type: none"> • Constable Homes 	2.1.18	<p>In addition, paragraph 2.1.18 and the text at Appendix A both state that affordable housing should be provided with a split of 60% affordable rented and 40% intermediate housing. This is also contrary to the provisions of Policy H3, which requires the division of rented and shared ownership housing to be determined on the basis of the latest evidence base; setting a specific requirement in this SPD both makes it inconsistent with Policy H3, and likely to go out of date very quickly.</p> <p>Consequently, paragraph 2.1.18 and the following paragraphs are contrary to Policy H3, and should be deleted. The first bullet point on page 82 should also be replaced with the following words:</p> <ul style="list-style-type: none"> • 'Provision should be in accordance with the requirements of Policy H3 of the Core Strategy'. 	<p><i>The Council accepts that the tenure split may change over time as well as from site to site. Therefore paragraph 2.1.18 will be amended to read:</i></p> <p><i>"In order to meet the needs identified in the SHMA, as well as those identified by applicants on the Housing Register, the Council's priority is to secure the appropriate tenure mix for each site, with the precise tenure mix reflecting local housing need. Provision should be in accordance with the requirements of Policy H3 of the Core Strategy."</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	2.1.23	<p>We welcome the Council's commitment to support the provision of additional extra care housing to meet the housing needs of the elderly within the District. The number of people aged 65 and above is expected to almost double between 2010 and 2030 and the provision of new facilities will be an essential strand of planning policy in achieving an increase to meet this need.</p> <p>It should be recognised that extra care housing is provided commercially and can form an important part of "Special Needs" provision within private housing schemes. However, it is not clear how this element of housing will be dealt with in the context of the overall provision of affordable housing and this needs proper explanation and justification.</p>	<p><i>This paragraph is not intended to refer to Extra Care Housing but rather the provision of Lifetime Homes provided through development (both in market and affordable dwellings) enabling people to remain in their homes as their circumstances change.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Jayne Wilson (Nottingham Community Housing Association)</p>	2.1.24	<p>Whilst in the past having higher standards than the developer proposed for market housing was good for arguing additionality in order to secure grant, having to meet Design and Quality standards/Building for Life score/Lifetime Homes, whilst desirable for the RP may give a developer ammunition to argue that providing the affordable units is not viable (this could lead to successfully negotiating the provision of a reduced number of units).</p>	<p><i>The Council acknowledges this position and will amend paragraph 2.1.24 to read:</i></p> <p><i>"The Council's aim is for all affordable housing provided in the District to meet the Housing Corporation Design and Quality Standards (2007), or any subsequent standards that amend or replace them. As specified within the core standard, various levels should aim to be achieved based on the requirements of HQL v4 (2007), Code for Sustainable Homes and Building for Life Standards, or any subsequent standards that replace or amend</i></p>
<p>Martin Herbert (Brown and Co)</p>	2.1.24 – 2.1.26	<p>Objection.</p>	

<p>Representing</p> <ul style="list-style-type: none"> • Robert and Steven Pask • Namulas Pension Trust • Trustees of AJ Snarey 1987 Settlement • HPC Developments • Larkfleet Ltd 		<p>Constructing affordable homes to Design and Quality Standard, the Code for Sustainable Homes and Building for Life Standards can only be achieved where public subsidy is included. There is no justification for applying a higher standard for non-grant funded affordable homes above the prevailing Building Regulations applicable at the time. The additional cost of meeting the standards will not be reflected in the transfer value from the Registered Housing Provider and as such will be an additional cost that must be met by the developers.</p> <p>2.1.24 – 2.1.26 - The wording needs to be amended to state that “where public subsidy is being provided all affordable housing will meet the DQS, the CfSH and BfL standards applicable at the time.”</p>	<p>them.”</p> <p><i>Paragraph 2.1.25 will be amended to read:</i></p> <p><i>“The Code for Sustainable Homes Level 3 is currently the aim, although this will be reviewed upwards over time in line with the change in the Homes and Communities Agency (HCA) requirements.”</i></p> <p><i>Paragraph 2.1.26 will be amended to read:</i></p> <p><i>“For the Building for Life standards, the aim will be for 12 or more of the questions to receive positive responses. The Council are developing an Affordable Housing SPD to deal with issues other than those related to financial contributions, Should this specific any higher standard, then it will supersede those within this SPD.”</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	<p>2.1.24-2.1.27</p>	<p>Objection.</p> <p>We welcome the statement in paragraph 2.1.9 that <i>“In negotiating the level of affordable housing on sites, the Council will have regard to the overall viability of individual development schemes”</i>. However, it is important that this principle is reflected throughout the SPD and that it applies to requirements for the specification of affordable homes as well as the number or proportion of affordable homes to be provided.</p> <p>We consider there should be a reference to ensuring that design and specification standards when applied to affordable housing, do not compromise <i>“overall viability”</i> and the principle set out in para 2.1.3.</p> <p>We would like to see additional flexibility as national policy does not require that all affordable housing is delivered to a particular standard without grant. Therefore the baseline qualitative measure should be Building Regulations. Additional quality parameters may be delivered where grant is forthcoming. Further, we do not consider it appropriate for the SPD to seek to identify future revised standards which will be the subject of a further consultation.</p> <p>We propose that paragraph 2.1.24 be re-worded as follows:</p> <p><i>“The Council will seek, subject to grant funding support, that affordable housing...or amend them.”</i></p> <p>We propose that paragraph 2.1.25 be re-worded as follows:</p> <p><i>“The Code for Sustainable Homes Level 3 is currently required for grant funded homes, although this will be reviewed upwards over time in line with the change in the Homes and Communities Agency (HCA) requirements.”</i></p>	<p><i>With regard to paragraph 2.1.35, it will be amended to read:</i></p> <p><i>“The Council consider the Code for Sustainable Homes for assessing housing schemes and it is expected that all affordable housing will aim to achieve a Code Level 3 or greater, and achieve higher standards in line with step ups in building regulations in order to achieve Carbon Neutrality by 2016”.</i></p>

		<p>We propose that paragraph 2.1.26 be reworded as follows:</p> <p><i>“For the Building for Life standards, the requirement will be for 12 or more of the questions to receive positive responses.”</i></p> <p>We propose that paragraph 2.1.35 be deleted.</p>	
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	2.1.30	<p>We welcome the Council's commitment to support the provision of additional extra care housing to meet the housing needs of the elderly within the District. The number of people aged 65 and above is expected to almost double between 2010 and 2030 and the provision of new facilities will be an essential strand of planning policy in achieving an increase to meet this need.</p> <p>It should be recognised that extra care housing is provided commercially and can form an important part of “Special Needs” provision within private housing schemes. However, it is not clear how this element of housing will be dealt with in the context of the overall provision of affordable housing and this needs proper explanation and justification.</p>	<p><i>Private Extra Care Housing or any other private sector special needs provision does not fall within the Council’s definition of ‘affordable’.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Jayne Wilson (Nottingham Community Housing Association)</p>	2.1.31	<p>Clusters of no more than 5 units can cause difficult housing management issues although the principle behind this is understood. However, in the current climate this could restrict affordable units from being built out – on some sites the affordable units only are being constructed as they represent a guaranteed payment</p>	<p><i>The SPD clearly provides some flexibility in stating that the Authority requires grouping of no more than five or more dwellings ‘unless otherwise agreed with the Council’.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> Robert and Steven Pask Namulas Pension Trust Trustees of AJ Snarey 1987 Settlement HPC Developments Larkfleet Ltd 	2.1.31	<p>Objection.</p> <p>The requirements to have clusters of affordable homes not exceeding 5 units will have severe implications for design and layout of development schemes. Most development proposals are broken down into character areas some of which would be unsuitable for the provision of affordable housing. Such diverse provision of affordable homes across a development site presents management issues for the RHP that does not necessarily arise with larger groupings. Additionally, paragraph 2.1.28 requires affordable homes to be ‘tenure blind’ from the market units so there appears to be little justification in restricting the use of clusters.</p>	<p><i>The SPD clearly provides some flexibility in stating that the Authority requires grouping of no more than five or more dwellings ‘unless otherwise agreed with the Council’.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	2.1.31 - 2.1.33	<p>Additional flexibility is necessary to ensure that the distribution of affordable housing within development does not fetter a sensible and practicable approach to the management of affordable housing. The grouping of affordable housing into clusters of five or less dwellings does not feature in national policy and is not robustly evidenced to produce a more sustainable community or one which avoids or reduces the incidence of social exclusion.</p>	<p><i>The proposed amendment to paragraph 2.3.31 is not accepted, the Council contends that the SPD clearly provides some flexibility in stating that the Authority requires grouping of no more than five or more dwellings’ unless otherwise agreed with the Council’. The five dwellings limit is the Council’s starting point</i></p> <p><i>The Council will amend paragraph 2.1.32 to read:</i></p>

		<p>We propose that paragraph 2.1.31 be revised as follows: <i>“The Council supports the development of sustainable, mixed and balanced communities. Affordable housing within housing schemes should generally be distributed across the site The Council will seek affordable homes to be grouped in clusters of no more than 15 properties unless otherwise agreed with the Council.”</i></p> <p>We propose that paragraph 2.1.32 be revised as follows: <i>“The Council may, where appropriate and in discussion with the applicant, encourage the location of particular types of affordable housing in certain areas of a site. This could, for example, mean that affordable homes designed for the elderly (perhaps as “Extra Care”) would be encouraged close to local services and public transport because these residents are less able to walk long distances.”</i></p> <p>We proposed that paragraph 2.1.33 be revised as follows: <i>“The location of the affordable housing will be a matter for discussion with the Council and where appropriate in conjunction with the applicant’s appointed RHP. The final location must be agreed before development starts.”</i></p>	<p><i>“The Council may, where appropriate and in discussion with the applicant, encourage the location of particular types of affordable housing in certain areas of a site. This could, for example, mean that affordable homes designed for the elderly would be encouraged close to local services and public transport because these residents are less able to walk long distances.”</i></p> <p><i>The proposed amendment to paragraph 2.1.33 is not accepted. The Council contends that it is reasonable to expect the applicant to discuss and agree the location of the affordable housing at an early stage with both the authority and the RP (if appointed).</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	2.1.35	<p>Objection.</p> <p>We propose that paragraph 2.1.35 be deleted.</p>	<p><i>The Council does not intend to delete paragraph 2.1.35, it will however amend the paragraph to read:</i></p> <p><i>“The Council will consider the Code for Sustainable Homes for assessing housing schemes and it is expected that all affordable housing will aim to achieve a Code Level 3 or greater, and achieve higher standards in line with step ups in building regulations in order to achieve Carbon Neutrality by 2016”.</i></p>
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> Robert and Steven Pask, Namulas Pension Trust, Trustees of AJ Snarey 1987 Settlement HPC Developments Larkfleet Ltd 	2.1.37	<p>Objection.</p> <p>Constructing affordable homes to Design and Quality Standard, the Code for Sustainable Homes and Building for Life Standards can only be achieved where public subsidy is included. There is no justification for applying a higher standard for non-grant funded affordable homes above the prevailing Building Regulations applicable at the time. The additional cost of meeting the standards will not be reflected in the transfer value from the Registered Housing provider and as such will be an additional cost that must be met by the developers.</p>	<p><i>The Council acknowledges this position and will amend paragraph 2.1.37 to read:</i></p> <p><i>“The Council’s aim is for all affordable units to be built to Lifetime Homes standards. The level of wheelchair units provided in accordance with the Wheelchair Housing Design Guide, 2nd Edition BRE Press, will be determined on a site-by-site basis depending on particular needs.”</i></p>
Boyer Planning Representing	2.1.38	Paragraph 2.1.38 makes a distinction between “social rent” and “affordable rent” and sets out different definitions. Consistent with our comments on paragraph 2.1.4, we consider that all references to social	<i>For planning obligation contributions, the starting point will be social rent, followed by intermediate rent. Only Registered Providers with grant funding from the HCA can provide Affordable Rent.</i>

<ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 		<p>rent should be replaced by affordable rent in order to comply with Government policy on how affordable housing is to be defined. We note also the use of the term “social rented units” in the text box on page 27 of the document.</p> <p>However, these are matters which should be properly dealt with by the affordable housing definitions rather than in the specific context of affordability. It is therefore suggested that these provisions are moved to more suitable parts of the SPD such as “Affordable Housing and Property Type” from paragraph 2.1.16.</p> <p>The requirement for mandatory sinking funds for flats is not clear and is not justified. We therefore consider it should be deleted.</p> <p>We consider that paragraph 2.1.38 should be deleted.</p> <p>As a minimum, we consider that in order to remove any ambiguity, reference to social rented properties in 2.1.38, and in the text box on page 27, should be removed.</p>	<p><i>The text will be amended throughout Chapter 2 to show that “Affordable Rented” refers to HCA funded dwellings, whereas “affordable rented” refers to general affordable dwellings.</i></p> <p><i>The requirement for a mandatory sinking fund for the development of affordable dwellings as flats is considered to be good practice estate management in order to prevent potential future shortfalls in unplanned maintenance works and will therefore remain in the SPD.</i></p> <p><i>The Council contends that 2.1.38 should remain as it provides greater clarity, it will however be amended slightly to remove the reference to affordable rented being let at no more than 80% of market rent.</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	2.1.39	<p>We consider that it will not always be possible or practical to minimise service charges on affordable housing as the provisions of the Landlord and Tenant Act 1985 prevent, for instance, differential charging structures for households receiving the same level of service. In addition there will be potentially instances where service charge levels must be balanced with achieving particular sales values in market accommodation. Adjustment or minimisation in this context will potentially affect project viability.</p> <p>Changes Considered Necessary:</p> <p>We suggest that paragraph 2.1.39 be revised to make it clear that where practical the costs of service charges will be minimised.</p>	<p><i>The Council will amend paragraph 2.1.39 to read:</i></p> <p><i>“Although the emphasis in determining affordability is primarily focused on rent or purchase price, it is the total cost of occupation that ultimately determines affordability. Some residential developments have high levels of service charges, and this impacts upon the affordability of the accommodation. Such potentially significant additional costs may result in affordable housing extending beyond the financial reach of those in housing need. It is, therefore, anticipated that the costs of service charges will where practical be minimised. The proposed level of service charges should form part of pre-application discussions.”</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> Linden Homes Stamford Property Company Mrs Linda Cross 	2.1.41 – 2.1.46	<p>We note and welcome the fact that all parties should assume that no subsidy will be available for affordable homes and that viability assessment may demonstrate that the quantum or mix of tenures/types may need to be subject to negotiation.</p>	<p><i>Noted.</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group 	2.1.42 – 2.1.43 Registered Housing	<p>Objection.</p> <p>National policy in “<i>Delivering Affordable Housing</i>” (paragraph 48) prevents restrictions which may preclude innovation and or competition between</p>	<p><i>It is common practice for local authorities to have a list of preferred providers whom they would prefer applicants to use for a number of reasons including their local presence (for management issues) and their ability (both in terms of financial status and partnership status with the</i></p>

<ul style="list-style-type: none"> Cecil Estate Family Trust 	Providers	<p>potential affordable housing providers. The Homes and Communities Agency and Tenants Services Authority regulate the list of Registered Providers as described by the Housing and Regeneration Act. Additional criteria are therefore not appropriate at a local level. Amendments are therefore necessary to align with national guidance.</p> <p>We suggest that paragraph 2.1.43 be revised as follows: <i>"The Council works with a number of 'preferred' RHPs although applicants may use an RHP who is not a preferred partner where they are, HCA accredited for management or delivery"</i></p>	<p><i>HCA) and willingness to develop within the District. However, the paragraph allows enough flexibility for applicants to use other HCA accredited management organisations, subject to suitability.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Bob Bowe (Community Lincs)	2.1.43	<p>Objection.</p> <p>We accept that "preferred RPs" have been hitherto effective in working with local authorities in bringing forward affordable housing but we are concerned at the lack of safeguards to prevent overly "cosy" relationships between the local authority and a preferred RP obscuring transparency and procurement fairness.</p> <p>At best, this narrows the opportunities for a wider range of RPs to contribute to affordable housing provision or, at worst, destroys the communities' confidence in the Council's impartiality in the development process.</p> <p>The SPD should clarify why certain RPs are considered to be "preferred" and should list the criteria necessary to become considered as a preferred RP or it should avoid the term "preferred".</p>	
Tim Waller (JB Planning) Representing <ul style="list-style-type: none"> Constable Homes 	2.1.45	<p>With regard to the viability of affordable housing, we note the comments at paragraphs 1.15.1 and 2.1.45, which require the cost of affordable housing to be taken into account at the point of purchasing land. However, there also needs to be an acknowledgement in the SPD that some sites, or options on land, were purchased both before the recent recession, when development values were better, and also before the extensive list of contributions proposed in this SPD were published. It is important that the Council takes a pragmatic approach to viability in these instances, to avoid the possibility of sterilising development sites and to ensure it can deliver the development the District needs.</p>	<p><i>The SPD makes provision for the Council to take account of the viability of development when negotiating Section 106 contributions where the developer is able to demonstrate that the contributions sought render the scheme unviable.</i></p> <p><i>With this in mind, the Council considers that this SPD will not sterilise development sites and will help ensure the delivery of the development the District needs.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Boyer Planning Representing <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	2.1.46	<p>Objection.</p> <p>Paragraph 2.1.46 sets out key elements that the viability assessment will consider but this list is not comprehensive and the wording should reflect this. We suggest that the word <i>"abnormal"</i> be deleted from the element <i>"abnormal development cost"</i> as it is all development costs that need to be considered in a viability assessment and not just those judged <i>"abnormal"</i>. Paragraph 39 of the draft National Planning Policy Framework (draft</p>	<p><i>Paragraph 2.1.46 will be amended to read:</i></p> <p><i>"In all cases it should be assumed that public funding will not be available at the outset, and the site value will be calculated at the time of assessing viability. The viability assessment will consider a range of factors that impact upon viability, including:"</i></p> <p><i>It is also proposed to amend the 5th bullet point to read "unknown"</i></p>

		<p>NPPF) makes clear that it is the “normal cost of development” that should be considered.</p> <p>At paragraph 2.1.46 replace the words “the viability assessment will consider the following key elements” with “the viability assessment will consider a range of factors that impact upon viability, including:”</p> <p>Delete the word “abnormal” from the fifth bullet point of paragraph 2.1.46.</p>	<p>abnormal development costs”.</p>
Nelly Jacobs (Bourne Town Council)	2.1.47	<p>In sub paragraph 2.1.13, the Peterborough Sub-Region Strategic Housing Market Assessment Update (2010) established a need for 38% of the housing requirements to be affordable in the South Kesteven Housing Market Area. This area covers a large proportion of the District. The Grantham Sub-Region would be hamstrung by a restriction or any opportunity for a developer to minimise the provision of ‘Affordable’ housing to the benefit of ‘Market’ housing provision.</p> <p>Then in paragraph 2.1.4, the document gives a provision of up to 35% of ‘Affordable’ housing. This is also qualified in this section and in section 2.1.47 by the concept of ‘Viability’, which, if proven by the developer, could result in a much lower figure. This would defeat the object of providing a sufficient supply of ‘Affordable’ housing. Viability of a development is not a material planning consideration.</p> <p>Amend to require a developer to provide a minimum of 35% of ‘Affordable’ housing and that the Peterborough Sub-Region SHMA Update (2010) be taken into consideration to increase the requirement accordingly.</p> <p>The erroneous concept of ‘Viability’ should be removed from the document. It should play no part in the process.</p>	<p><i>The requirement for up to 35% affordable housing is set out in Policy H3 of the Core Strategy which is the parent document to this SPD. Consequently the SPD cannot be amended as suggested as an SPD cannot amend a Core Strategy policy.</i></p> <p><i>The concept of viability will also remain within the document as this is an important element of every development site.</i></p> <p><i>The SPD makes provision for the Council to take account of the viability of development when negotiating Section 106 contributions where the developer is able to demonstrate that the contributions sought render the scheme unviable.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Boyer Planning Representing • Commercial Estates Group • Cecil Estate Family Trust	2.1.49 – 2.1.50 Timing of Delivery	<p>Objection.</p> <p>The default position of the need to complete and transfer all affordable units prior to 50% of the market dwellings being completed is too prescriptive and could adversely impact upon cash flow and therefore prejudice overall viability and deliverability. Trigger points for completion and transfer of affordable housing should be judged on a site-by-site basis taking account of individual circumstances and development costs.</p> <p>This is inconsistent with paragraph 2.1.31 relating to pepper-potting and is unnecessarily inflexible.</p> <p>Early delivery of affordable housing is not a requirement of national policy.</p> <p>Paragraph 2.1.49 should be revised as follows:</p>	<p><i>The amendment proposed to paragraph 2.1.49 is no different to the existing wording of the paragraph.</i></p> <p><i>Paragraph 2.1.50 begins by stating “unless agreed otherwise, this timescale will be before the legal completion of 50% of the market dwellings”. The Council contends that this provides sufficient flexibility to enable the applicant to make a case for a different timescale to be applicable on their scheme.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>

		<p><i>"Where provision is to be made on-site or off-site, the Section 106 Agreement shall require the following before the legal completion of an agreed percentage of the market dwellings:</i></p> <ul style="list-style-type: none"> <i>Complete the affordable housing in accordance with the agreed standards and specification.</i> <i>Complete an agreement with an approved RHP (if involved) to transfer the affordable units to them in accordance with the agreed terms."</i> <p>Paragraph 2.1.50 should be revised as follows:</p> <p><i>"The timescale for the delivery of the affordable housing element will be determined on a case-by-case basis, taking into account the local needs of the area and the viability of the development process including the developer's projection of cash flow, the timing of delivery of other S106 costs, infrastructure requirements and when costs are incurred"</i></p>	
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> Robert and Steven Pask Namulas Pension Trust Trustees of AJ Snarey 1987 Settlement HPC Developments Larkfleet Ltd 	2.1.50	<p>Objection.</p> <p>The requirement to provide all the affordable housing units before the completion of 50% of the market units is far too prescriptive and takes no account whatsoever of the layout of the particular site and the positioning of the affordable dwellings. The unintended consequence of this requirement could be pockets of affordable dwellings located in isolation some distance away from the other completed and occupied units. The delivery programme should be reflective of each scheme and tailored accordingly.</p>	
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> Linden Homes Stamford Property Company Mrs Linda Cross 	2.1.52	<p>Objection.</p> <p>We note the assumption in the wording of this paragraph that provision off site of affordable housing assumes a greater increase in the number of units a developer will provide on the original site. There could be cases where a lower density is decided upon. We therefore suggest that this reference should be amended to allow negotiation of each site on its merits.</p>	<p><i>It is not unreasonable for the Council to require an increase in the number of affordable units to be provided where they are to be provided off-site, given that this allows the developer to provide a larger number of market dwellings on-site. It will be for the applicant to make a case to demonstrate otherwise.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Bob Bowe (Community Lincs)</p>	2.1.52 – 2.1.53	<p>We are impressed at the clarity of explanation of the need for, and calculation of, off-site commuted sum contributions. Whilst not necessarily understanding the justification for choice of thresholds, the outcome seems very fair and is very clear.</p>	<p><i>Contributions held within the Council's account that were not spent within the required time period would be returned to the applicant at their request.</i></p>

		<p>Our only query would be "What happens to contributions into the Council's coffers if they are not spent after, say, 3 or 5 years?"</p> <p>The SPD should clarify if and how the Council will return any financial contributions remaining unspent after 5 years.</p>	<p><i>Any funds that remain in the Council's Section 106 account beyond the agreed period for expenditure set out within the Section 106 Agreement will be repayable to the applicant subject to the applicants written request. This is covered within paragraph 1.9.4.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	2.1.53 Overage provision	<p>Overage provisions are contrary to the provisions of Circular 2005/05 which prevents the introduction of obligations which act as a betterment levy (paragraph B7). Furthermore this provision is not a feature of the adopted plan policy and cannot therefore be introduced as a new policy within the SPD. This would be avoiding the opportunity for the proper examination of policy in accordance with PPS12 (see paragraph 6.1). The following section should therefore be deleted.</p>	<p><i>The use of overage clauses within Section 106 Agreements are common practice across a number of other authorities.</i></p> <p><i>Paragraph 2.1.53 does not set new policy, it expands upon how the Council will apply Core Strategy Policy SP4, as does the entire Planning Obligations SPD.</i></p> <p><i>The Council contends that it is reasonable to utilise overage provisions in the current market given that the applicant may not start development for a number of years following consent and the development market may have seem a substantial degree of recovery by that point. This could mean that the development is capable of delivering planning obligations whereas it may previously not have been able to do so.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> Linden Homes Stamford Property Company Mrs Linda Cross 	2.1.53	<p>Objection.</p> <p>We strongly object to the assertion in this paragraph that Financial Contributions will be held for ten years. This we believe is contrary to the overall provisions of Section 106 (4) (b) of the Town and Country Planning Act 1990.</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years maintenance. Consequently paragraph 2.1.53 will be amended to read:</i></p> <p><i>"Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request."</i></p>
Elizabeth Newman (Natural England)	2.2	<p>We support the aim to improve quality and quantity of provision of public open space which is an important part of built development. Public open space should be appropriate to local landscape character and use native species of local provenance and be managed to improve biodiversity.</p> <p>Planning obligations are an important tool to facilitate environmental improvement, including the provision of open space, protection and enhancement of green infrastructure networks, particularly in the light of climate change and ecosystems service so support the approach which sets specific contributions towards the provision of greenspace.</p> <p>Pleased to note that the document addresses the future management of</p>	<p><i>Noted.</i></p>

		<p>open space which is a very important aspect of supporting and enhancing biodiversity as such sites can soon fall into neglect unless appropriately managed on a long term basis.</p> <p>Local Nature Reserves are a good mechanism of securing good quality natural space. LNRs contribute to Natural England's Access to Natural Green Space standards (ANGST), in particular the standard of 1 ha per 1,000 population. Planning obligations are seen by Natural England as a useful way to achieve this standard.</p>	
Brendan Gallagher (Lincolnshire County Council)	2.2	<p>Further reference in this section to Rights of Way, including bridleways by equestrian users, would be worthwhile. Improvements would include increases in accessibility (the replacement of stiles for gates or total removal of features and the improved surfacing of appropriate routes) and improved interpretation.</p> <p>On site existing routes and new routes created to meet the wider network should remain open in aspect and ideally be combined with Public Open Space provision. On no account should unsafe design e.g. creating alleyways or generally the enclosure of routes be acceptable</p>	<p><i>A new paragraph will be created under Informal/Natural Greenspace at paragraph 2.2.30 to read:</i></p> <p><i>"Rights of way – other forms of open informal open space may include rights of way as well as bridleways for equestrian users. Improvements in accessibility (the replacement of stiles for gates or total removal of features and the improved surfacing of appropriate routes) and improved interpretation are examples of what may be appropriate."</i></p>
Clare Sterling (Lincolnshire Wildlife Trust)	2.2	<p>Creating new green infrastructure is a key tool in reversing habitat fragmentation, supporting linkages between habitats and supporting the adaptive capacity of existing habitats. Connecting rural ecosystems with urban areas encourages greater biodiversity in once sterile environments. 'Making Space for Nature: A review of England's Wildlife Sites and Ecological Network' published in September 2010 makes the following key points for establishing a strong and connected natural environment:</p> <ul style="list-style-type: none"> • That we better protect and manage our designated wildlife sites; • That we establish new Ecological Restoration Zones; • That we better protect our non-designated wildlife sites; <p>In new developments we would recommend that Natural England's Accessible Natural Greenspace Standards (ANGSt) are used as a guide. Taking the ANGSt approach puts the environment right at the centre of the planning process, and can produce a strategic and linked, multi-functional network of spaces with benefits for people and wildlife and enables local authorities to meet their duty to conserve biodiversity under Section 40 of the Natural Environment and Rural Communities Act (NERC) 2006'.</p> <p>Within new areas of green infrastructure developers should aim to create priority habitats listed within the UK and Lincolnshire Biodiversity Action Plans to contribute towards meeting habitat and species targets.</p>	<p><i>Noted.</i></p>
Matthew Bagnall (DLP Planning Consultants LTD) Representing	2.2.13	<p>Objection.</p> <p>We object to the fact that the Open Space calculation is based on space per person generated. This does not take into account the provision of</p>	<p><i>Paragraph 2.2.13 clearly states that where housing development "generates a need for additional Public Open Space (POS) and related facilities" then it will be required to be provided.</i></p>

<ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 		<p>existing open space and an understanding of whether in a specific location there is an oversupply of open space at present . The Council should amend this policy to show that there should be a quantified evidence of need provided perhaps by reference to its own PPG17 Study of Open Space before requiring this contribution.</p>	<p><i>Furthermore the Submission Grantham Area Action Plan Policy OSS1 reinforces these POS standards and states that they will be used to achieve the delivery of “additional open space where it is required.”</i></p> <p><i>Consequently if an applicant is able to demonstrate that there is POS of sufficient scale, quality and accessibility to appropriately serve their development then such contributions could be negotiated.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	<p>2.2.14 2.2.30 2.2.35 2.2.44 2.2.55 2.2.62 Appendix A</p>	<p>Objection.</p> <ul style="list-style-type: none"> • The open space standards in the SPD are as proposed within Policy SAP10 of the Site Allocations and Policies (SAP) DPD Submission Draft. The DPD is the correct place for these as it will be subject to public examination and scrutiny. Inclusion in the SPD pre-empts this process. • The standards applied do not have a clear derivation or justification in the PPG17 study. They should be properly justified and the relationship between quantity required, population and proximity explained. • Paragraph 2.2.14’s assumed occupancy rates are a useful starting point but should be applied flexibly depending on the circumstances of the development proposed. District wide figures may not be applicable equally in every settlement and this should be acknowledged. • If the standards are justified and found sound by the DPD process then they should be applied flexibly from site to site depending on local circumstances. • The standards do not allow an assessment of the existing quality and quantity of provision on a site which could lead to duplication of existing open space provision close to the site leading to neglect and under-use. This also ignores the potential to improve existing open space. • Delete reference to standards in this SPD but note that these will be published after adoption of the DPD. • If standards are to be included then make provision for the consideration of existing facilities close to the development. 	<p><i>The Council contends that the Public Open Space (POS) standards included within the SPD do not pre-empt the Site Allocations and Policies (SAP) DPD or Grantham Area Action Plan (GAAP) DPDs, and are instead derived from the Council’s PPG17 Study of Open Space.</i></p> <p><i>The PPG17 Study was informed by a credible evidence base and whilst it is acknowledged that it does indeed inform the standards within the SAP DPD and GAAP, it also forms part of the Core Strategy evidence base which is the parent document to all of the aforementioned LDF documents.</i></p> <p><i>Furthermore, should there be a change to these standards through the DPD process then the SPD can be updated to reflect the updated DPD standards.</i></p> <p><i>The application of assumed population figures are common practice in a number of other planning authorities and the assumptions made are considered to be both reasonable and fair when applied throughout the District.</i></p> <p><i>The point relating to duplication of existing facilities is noted. However, the Council would contend that the additional growth in population generated by development would be likely to place an increased burden upon existing facilities and there may, therefore, be the need to provide similar such facilities to help accommodate this, and/or make improvements to existing facilities.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Boyer Planning</p>	<p>2.2.15</p>	<p>Section 2.2 provides guidance for the provision of public open space</p>	<p><i>The Council considers that making provision for the upgrade of existing</i></p>

<p>Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 		<p>within new developments. 2.2.15 acknowledges that financial contributions may be an appropriate alternative to on-site provision where suitable POS land is not available to the applicant or POS cannot be satisfactorily incorporated into a development. It is considered however that there are other circumstances in which a financial payment in lieu of on-site provision might be considered beneficial to the community, local authority and applicant. For instance, where a development is proposed close to an existing area of POS which would benefit from additional investment, the provision of additional space in accordance with the standards might not necessarily make the most effective and efficient use of land. An alternative form of words for paragraph 2.2.15 is suggested below.</p> <p>We consider that paragraph 2.2.15 should be amended to read as follows: <i>"In circumstances where suitable land for POS is not available to an applicant, or where POS cannot be satisfactorily incorporated into a development, or where it is considered that the upgrade of existing facilities in the area would be of benefit to the wider community, the District Council may, as an alternative, accept an index linked payment based on the cost to the Council of acquiring, laying out, equipping and maintaining land".</i></p>	<p><i>facilities to increase capacity is an appropriate way of utilising such contributions. Therefore, paragraph 2.2.15 will be amended to read:</i></p> <p><i>"In circumstances where suitable land for Public Open Space (POS) is not available to an applicant, or where POS cannot be satisfactorily incorporated into a development, or where it is considered that the upgrade of existing facilities in the area would be of benefit to the wider community, the District Council may, as an alternative, accept an index linked payment based on the cost to the Council of acquiring, laying out, equipping and maintaining land".</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> Linden Homes Stamford Property Company Mrs Linda Cross 	2.2.18	<p>Objection.</p> <p>We object to the requirement to provide a commuted sum payment for 30 years or longer. This seems excessive and reference should be made to the alternative set out at Paragraph 2.2.20 where the provider has the opportunity to maintain in perpetuity.</p>	<p><i>The Council intends to continue to utilise its current standard of 25 years maintenance. Consequently paragraph 2.2.18 will be amended to read:</i></p> <p><i>"If requested, the Council may adopt areas of Public Open Space (POS). In such cases the applicant will have to maintain the POS to the Council's reasonable satisfaction for a minimum period of 12 months after the Council has certified that it has been laid out satisfactorily. At the end of the maintenance period the applicant will transfer ownership of the land to the Council and pay a commuted sum to cover the maintenance costs for 25 years. There may be, however, some exceptional circumstances where this period is longer."</i></p>
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> Robert and Steven Pask Namulas Pension Trust Trustees of AJ Snarey 1987 Settlement HPC Developments Larkfleet Ltd 	2.2.24	<p>Objection.</p> <p>The draft SPD states that balancing lagoons and attenuation ponds will not be considered as open space when calculating the appropriate requirement for development proposals. The Council needs to recognise that such features are necessary to provide sustainable drainage solutions but also contribute to the overall design and layout of the scheme. The Council needs to take these features into account and include them in any calculation of informal POS that may arise.</p>	<p><i>The Council contends that there is a difference between dry lagoons and flood attenuation pools which are largely boggy and moist, thereby rendering them unsuitable 'usable' areas of Public Open Space (POS). Furthermore, where balancing pools regularly retain standing water the Council considers that there is a risk involved with classing this as 'usable' POS. Consequently dry lagoons and flood attenuation pools will not be included in any calculation of informal POS.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>

Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.2.33	Objection. We object to the Council's requirement that funds will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section Agreement as set out in the overall provisions of Section 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.	<i>The Council intends to continue to utilise its current standard of 5 years maintenance. Consequently paragraph 2.2.33 will be amended to read: "Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request."</i>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.2.42	Objection. We object to the requirement that funds for the outdoor sports spaces will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of Section 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.	<i>The Council intends to continue to utilise its current standard of 5 years maintenance. Consequently paragraph 2.2.42 will be amended to read: "Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request."</i>
Internal SKDC Review of Content	2.2.53 Working Example	It would be beneficial to establish one financial amount per sqm of equipped play space rather than applying three different rates dependent on whether it is a LAP, LEAP or NEAP.	<i>The Council has worked with its Leisure and Amenities Officers and Quantity Surveyors to establish a standard charge of £93 per sqm for Children's Equipped Spaces. The text in the working example will be amended to reflect the change to a standard charge of £93 per sqm rather than a variable rate depending on the type of play area provided.</i>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.2.53	Objection. We object to the requirement that funds for Children's Equipped Spaces will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of S 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.	<i>The Council intends to continue to utilise its current standard of 5 years maintenance. Consequently paragraph 2.2.53 will be amended to read: "Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request."</i>
Patricia Stuart-Mogg (Stamford Town Council)	2.2.54	Allotments threshold - If allotments are to be provided on housing development, we are unclear who would control such allotments provided by developer if they are to be met on sites of 10 dwellings or more. This point needs to be clarified.	<i>Paragraph 2.2.58 states that a commuted maintenance sum equivalent to the costs of 5 years management and maintenance will be payable to enable the site to be managed and maintained by the Council until a residents group and/or Parish Council is able to take over responsibility. The Council does not consider that any changes are required to the draft SPD to address this representation.</i>

Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.2.60	<p>Objection.</p> <p>We object to the requirement that funds for Allotments will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of S 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years maintenance. Consequently paragraph 2.2.60 will be amended to read:</i></p> <p><i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i></p>
Patricia Stuart-Mogg (Stamford Town Council)	2.2.61	<p>Recreation grounds - On sites of 10 dwellings or more, contributions towards parks and recreation grounds are to be provided and will be calculated on the basis of PPG17 assessment standard of 3 sqm per person (0.3 ha per 1,000 people), excluding any required buffer space. Presumably we could request contributions towards projects on the Recreation Ground and Meadows as part of these contributions?</p>	<p><i>Where the development proposed would be lead to increased use of an existing recreation ground facility then contributions could be sought towards improving capacity and/or extending that facility to accommodate the increased population.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.2.69	<p>Objection.</p> <p>We object to the requirement that funds for Parks and Recreation Grounds will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section106 Agreement as set out in the overall provisions of Section 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years maintenance. Consequently paragraph 2.2.69 will be amended to read:</i></p> <p><i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i></p>
Elizabeth Newman (Natural England)	2.3	<p>We support the approach which requires development proposals to try to minimise the impact of travel to and from the site by provision and promotion of sustainable modes of travel.</p>	<p><i>Noted.</i></p>
Owen Walters (The Highways Agency)	2.3	<p>The Agency is fully supportive of the approach of the Authority in terms of seeking to located development where it can be accessed by a range of transport modes and, further, that appropriate Transport Assessment work, including Travel Plans, will be required as part of forthcoming development so as to mitigate any adverse impacts upon the highway network.</p> <p>It is considered that this section of the SPD should be strengthened by including specific reference to the need for consideration of the potential impacts of development, both individually and cumulatively, upon the Strategic Road Network in the District. This is particularly important from the Agency’s point of view given the fact that, as noted in the SPD, the rural nature of the District and the limited availability of public transport services results in a heavy reliance on the private car for trip making</p>	<p><i>The Council accepts that reference to the need for consideration of the potential impacts of development, both individually and cumulatively upon the Strategic Road Network in the District would be an acceptable addition to the text, consequently a new paragraph will be added at 2.3.18 to read:</i></p> <p><i>“The potential impacts of development, both individually and cumulatively, upon the Strategic Road Network in the District shall be taken into consideration when determining planning obligation requirements.”</i></p>

		purposes.	
Owen Walters (The Highways Agency)	2.3	<p>The SPD states that ‘significant investment will need to be made to transport infrastructure and services’ to sustain the economic and residential land use growth planned for the District. With specific reference to the transport measures identified as part of the Grantham Transport Strategy, the document notes that there is insufficient public funding to deliver all of the improvements proposed. The Agency therefore appreciates the need for the Authority to seek planning obligations from the private sector (in accordance with Core Strategy Policy SP4) to contribute towards the costs of large scale infrastructure proposals identified in the Strategy.</p> <p>The Agency has previously commented upon the Site Allocations and Policies DPD which referred to the Infrastructure Delivery Schedule (included within the Core Strategy) which identifies the critical infrastructure necessary to serve new development during the plan period. It would be helpful if the Planning Obligations SPD referred to the Infrastructure Delivery Schedule, particularly in respect to transport, and how this relates to securing developer contributions.</p> <p>It is noted that the SPD does not refer to any strategic infrastructure – that which is separate from site specific infrastructure. The Agency considers that it is important to have clarity on this aspect, and whether there are separate requirements for the two.</p>	
Brendan Gallagher (Lincolnshire County Council)	2.3	<p>Further reference in this section to Rights of Way, including bridleways by equestrian users, would be worthwhile. Improvements would include increases in accessibility (the replacement of stiles for gates or total removal of features and the improved surfacing of appropriate routes) and improved interpretation.</p> <p>On-site existing routes and new routes created to meet the wider network should remain open in aspect and ideally be combined with Public Open Space provision. On no account should unsafe design e.g. creating alleyways or generally the enclosure of routes be acceptable</p>	<p><i>This is already covered through the provision of a new paragraph under Informal/Natural Greenspace at paragraph 2.2.30 to read:</i></p> <p><i>“Rights of way – other forms of open informal open space may include rights of way as well as bridleways for equestrian users. Improvements in accessibility (the replacement of stiles for gates or total removal of features and the improved surfacing of appropriate routes) and improved interpretation are examples of what may be appropriate.”</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.3.1	<p>For clarity, amend to read: “...of Transport Statement, Transport Assessments, and Travel Plans to address identified...” – Travel plans can be required where TS/TA isn’t</p>	<p><i>The Council considers that adding the reference to Travel Plans is an acceptable addition to the text and paragraph 2.1.3 will be amended to read:</i></p> <p><i>“Larger developments present a complex range of travel patterns and issues and will therefore require the use of Transport Statements, Transport Assessments and Travel plans to address identified issues.”</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.3.7	<p>This paragraph is unnecessary as this is obvious through its inclusion in the SPD.</p>	<p><i>The Council considers that the reference to the Grantham Movement Strategy and the need to consider its recommendations in negotiating planning obligation contributions is not unnecessary.</i></p>

			<i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.3.13	Objection. We object to the wording at Paragraph 2.3.13 stating that “All” works required under the Transport Assessment or Transport Statement will need to be secured under the Section 106 Agreement. We believe that this is too prescriptive and that in some instances a Planning Condition could be used.	<i>The Council considers that it would be appropriate to amend paragraph 2.3.13 to read: “Therefore works required under the Transport Assessment or Transport Statement will normally be secured under the Section 106 Agreement (or where appropriate planning condition and/or Section 278 Agreement) and will normally be carried out by the applicant.”</i>
Martin Herbert (Brown and Co) Representing <ul style="list-style-type: none"> • Robert and Steven Pask • Namulas Pension Trus • Trustees of AJ Snarey 1987 Settlement • HPC Developments • Larkfleet Ltd 	2.3.14 2.3.15	Objection. It is doubtful that the Council can demonstrate that the requirements in paragraphs 2.3.14 and 2.3.15 meet the necessary compliance test as set out in Regulations 122 of the Community Infrastructure Levy Regulations. It is difficult to understand how the provision of car parking for public use can be construed as being: (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 This is equally applicable to major development proposals in Grantham which will not as a matter of course directly contribute to town centre traffic congestion. Each proposal needs to be judged on its individual planning merits and where it is demonstrably the case that the proposal does adversely impact on town congestion an appropriate contribution can then be legitimately sought.	<i>The Council contends that there will be situations where such contributions would be acceptable and compliant with Regulation 122, for example the development of an existing car park. The Council accepts that contributions towards strategic highway infrastructure could only be sought in instances where it can be demonstrated that the infrastructure in question can directly benefit the development site. The Council does not consider that any changes are required to the draft SPD to address this representation.</i>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.3.26	Objection. We believe this should be reworded .The Council states that in the vast majority of cases off site highway works will need to be completed before occupation of the first unit. Proposals should be judged on their merits as off site works might be required due to the gradual cumulative impact of development.	<i>The Council does not consider this to be an unreasonable position to take and as with other elements of the SPD should be read as the Council’s starting position. If the applicant can demonstrate a more appropriate timing for such works then this will be borne out through negotiations with the Council. The Council does not consider that any changes are required to the draft SPD to address this representation.</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.28	Where it reads: “trip generation” – is this vehicular or multi-modal?	<i>The text is intended to refer to vehicular trip generation, for clarification paragraph 2.3.28 will be amended to read: “Where a number of different developments will give rise to a need for off-site highways improvements, contributions will be required from each</i>

			<i>development towards those works. The level of contribution for each development will be determined by applying a pro-rata contribution based on the vehicular trip generation of each development.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.29	For clarity a new paragraph should be inserted to read: “Travel Plans should be considered in the early stages of development proposals. Applicants should discuss potential Travel Plans with the District and County Councils at pre-application stage.”	<i>The Council will insert a new paragraph at 2.3.29 to read: “Travel Plans should be considered in the early stages of development proposals. Applicants should discuss potential Travel Plans with the District and County Councils at pre-application stage.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.30	To take account of the new paragraph, amend 2.3.29 to 2.3.30 and start sentence with “Travel Plans...”	<i>The Council acknowledges that numbering changes are required and paragraph 2.29 will be amended to paragraph “2.3.30.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.31	Amend 2.3.30 to 2.3.31 and start sentence with “Where appropriate, there...”	<i>The Council accepts that annual reports would be required where appropriate and consequently the paragraph number will be changed to 2.3.31 and the text amended to read: “Where appropriate, there will be a requirement placed upon the applicant to submit annual reports on whether, or to what extent, the Travel Plan targets have been met for that year.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.32	Amend 2.3.31 to 2.3.32 and amend text to read: “...applicant will, where appropriate, be required...”	<i>The Council accepts that financial contributions would be required where appropriate for failure to meet Travel Plan targets, consequently the paragraph number will be changed to 2.3.32 and the text amended to read: “If Travel Plan targets have not been met then the applicant will, where appropriate, be required to pay a financial contribution to the Council.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.33	Amend 2.3.32 to 2.3.33 and start sentence with “Where appropriate, the Council...”	<i>The Council accepts that the annual charge will only be applied where appropriate, therefore the paragraph number will be changed to 2.3.33 and the text amended to read: “Where appropriate, the Council will establish an annual charge for missed targets within a Section 106 Agreement. There will be a sliding scale incorporated into the agreement so that the degree to which the target has been missed is taken into account.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.33	Delete existing 2.3.33 text which reads “When the Travel Plan....from the development.” It’s too specific in forcing the authorities to a particular option and provides unnecessary detail in any case.	<i>The Council accepts that the details provided in this paragraph are unnecessarily detailed and therefore the existing paragraph 2.3.33 will be removed from the SPD.</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.34	Amend paragraph number.	<i>The Council accepts that paragraph 2.3.34 should be amended to “2.3.35”</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.35	Delete text as it contradicts paragraph 2.3.36.	<i>The Council considers that it is more appropriate to remove paragraph 2.3.35 as 2.3.36 sets out that highways contributions will be determined on a case-by-case basis. Therefore paragraph 2.3.35 will be removed from the SPD.</i>

Brendan Gallagher (Lincolnshire County Council)	2.3.36	Amend paragraph number.	<i>The Council accepts that the existing paragraph 2.3.36 will need to be amended to read "2.3.35"</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.37	Rather than rigidly specifying 10 years, amend text to read: "...period of 10 years. In some cases, a period of more or less than 10 years will be appropriate. The relevant period will be written into the legal agreements. Any funds that remain unspent at the end of the period specified in the legal agreement may be repaid at the applicant express request."	<i>The Council intends to continue to utilise its current standard of 5 years. Consequently paragraph 2.3.37 will be amended to read: "Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request."</i>
Matthew Bagnall (DLP Planning Consultants LTD) Representing • Linden Homes • Stamford Property Company • Mrs Linda Cross	2.3.37	Objection. We object to the requirement that funds for Highways and Transportation will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of Section 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.	
Brendan Gallagher (Lincolnshire County Council)	2.3.38	For clarification amend to read: "Contributions for employment land..."	<i>The Council accepts that contributions rather than rates is a more appropriate form of wording, therefore 2.3.38 will be amended to read: "Contributions for employment land uses will be calculated on a case-by-case basis, taking into account the results of the Transport Assessment, any other relevant modelling, and existing highway network capacity in the area."</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.39	One would expect that large supermarkets that sell ancillary non-food goods would attract trips from a much wider catchment in most cases but case-by-case evidence should be used, therefore amend to read: "Depending on the characteristics and location of the supermarket, difference in the number of trips and catchment area will apply. Therefore there will be..."	<i>The Council accepts that as the overall approach taken with contributions towards highways infrastructure is that of a case-by-case basis, it would be appropriate to amend paragraph 2.3.39 to read: "Depending on the characteristics and location of the supermarket, difference in the number of trips and catchment area will apply. Therefore there will be a major difference in the distribution of traffic in the local area and level of new and bypass trips. The Council will consider food retail applications on an individual case-by-case basis."</i>
Brendan Gallagher (Lincolnshire County Council)	2.3.40	"Material" – this need thought and perhaps some additional text criteria or examples to provide greater clarity.	<i>The Council accepts the impact needs to be demonstrable, therefore paragraph 2.3.40 will be amended to read: "All other development, including commercial leisure, tourism, health and education should contribute where there is a demonstrable material impact on the transport network."</i>
Tom Gilbert- Wooldridge (English Heritage)	2.4	We welcome the change from the 2010 Consultation Draft with regards to public realm contributions now being applicable across the District. The 2010 Consultation Draft stated that contributions would only apply in the	<i>Noted.</i>

		four towns, which would have prevented funding going towards public realm improvements in smaller settlements.	
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> • Robert and Steven Pask • Namulas Pension Trust • Trustees of AJ Snarey 1987 Settlement • HPC Developments • Larkfleet Ltd 	<p>2.4.10 2.4.11 2.4.14 2.4.16</p>	<p>Objection.</p> <p>It is doubtful that the Council can demonstrate that the requirements in these paragraphs meet the necessary compliance tests as set out in Regulation 122 of the Community Infrastructure Levy Regulations. It is difficult to understand how public realm contributions can be construed as being:</p> <p>(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</p> <p>Each proposal needs to be judged on its individual planning merits and where it is demonstrably the case that the proposal generates a genuine public realm need, then an appropriate contribution can be legitimately sought.</p> <p>There is no justification for applying an arbitrary value of public realm contributions/improvements of 1% of the total development costs of the scheme. Such a levy is not justifiable to make the development acceptable in planning terms or directly related to the development.</p>	<p><i>The 'percent for art' is an established planning obligation contribution that is widely used throughout the country by many authorities.</i></p> <p><i>It is acknowledged however that it is more of a discretionary contribution and the Council is therefore likely to prioritise the provision of other infrastructure.</i></p> <p><i>In terms of public realm improvements, the Council contends that there will be situations, such as some town centre developments, where the provision of public realm improvements would comply with Regulation 122.</i></p> <p><i>Furthermore the requirement states "up to 1%" which provides sufficient flexibility for negotiation and for appropriate contributions to be decided on a case-by-case basis.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	<p>2.4.11</p>	<p>Objection.</p> <p>We object to the wording of this clause where it states that "contributions should fund improvements within the same settlement or elsewhere in the District." Contributions should be reasonably related to the development. Regulation 122 of the Community Infrastructure Levy Regulations states that contributions should be directly related to the development.</p>	<p><i>The Council accepts the point made in the representation and will amend the text to ensure that such contributions will be utilised in such a way that they can reasonably be expected to be related to the development.</i></p> <p><i>Paragraph 2.4.11 to be amended to read:</i></p> <p><i>"There may be cases where relevant planning considerations suggest that the contribution should fund improvements within the same settlement as the proposed development, but in all instances the infrastructure on which the contribution is spent should be reasonably capable of serving the application site from which it was secured."</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	<p>2.4.14</p>	<p>Objection.</p> <p>We object to this paragraph for the same reasons as paragraph 2.4.11.</p>	<p><i>The Council considers that the current wording is sufficiently compliant with Regulation 122.</i></p>
<p>Matthew Bagnall (DLP Planning)</p>	<p>2.4.16 2.4.25</p>	<p>Objection.</p>	<p><i>The requirement states "up to 1%" which provides sufficient flexibility for negotiation and for appropriate contributions to be determined on a case-</i></p>

<p>Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 		<p>We object to the scale of this contribution as 1% of development costs is an excessive allowance where major schemes run in to many millions. Furthermore we do not understand how this can be assessed at the inception of a scheme where some costs are estimates.</p>	<p><i>by-case basis.</i></p> <p><i>The values of percent for art schemes are normally determined early on in the development process and it is not unreasonable for this to be based upon cost estimations.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	<p>2.4.16 2.4.20 2.4.24 2.4.25</p>	<p>Objection.</p> <p>Paragraph 2.4.16 is too prescriptive and inflexible. The wording should be changed to be consistent with a process of negotiation rather than a blanket requirement.</p> <p>The impact of public art/public realm contributions on overall viability should be considered and taken on a case-by-case basis against competing planning obligation requirements.</p> <p>Paragraph 2.4.20 sets an arbitrary trigger point. The timing of the completion of a scheme should be considered on a case-by-case basis to reflect viability and cash flow. Reference to completion before 75% occupation should be deleted.</p> <p>Paragraphs 2.4.24 to 25 are inconsistent with paragraph 2.4.16 which refers public realm and/or public art. Paragraphs 2.4.24-25 suggests that provision for each should be no less than 1% of development costs. Paragraph 2.4.16 is sufficient.</p> <p>Paragraph 2.4.16 should be re-worded to introduce flexibility and to allow consideration on a case-by-case basis as well as take into account the viability of development.</p> <p>Reference to completion before 75% occupation in paragraph 2.4.20 should be deleted.</p> <p>Paragraphs 2.4.24 and 2.4.25 are inconsistent with paragraph 2.4.16 and should be deleted.</p> <p>We propose that revisions be made to the provision for Public Realm and Public Art in Appendix A to reflect these considerations.</p>	<p><i>The amended wording for 2.4.16 is accepted in part and will be amended to read:</i></p> <p><i>“On development that exceeds the threshold for public art/public realm, the applicant will be requested to implement a scheme of public realm and/or public art improvements up to the value of 1% of development costs. The Council supports early engagement in the design process to improve outcomes. In requesting a scheme of public art, the Council will have due regard to the financial impact of such provision in relation to the overall burden of Section 106 requirements and the viability of the development. The level of priority to be attached to public art in circumstances where viability is in question will be considered by the Council in discussion with the developer.”</i></p> <p><i>It is acknowledged that public art is more of a discretionary contribution than other infrastructure requirements and the Council may therefore prioritise the provision of other infrastructure above the provision of schemes for art.</i></p> <p><i>The requirement states “up to 1%” which provides sufficient flexibility for negotiation and for appropriate contributions to be decided on a case-by-case basis.</i></p> <p><i>The point concerning 2.4.24 and 2.4.25 is noted, these paragraphs will be merged so that they also refer to public realm and/or public art as one entity.</i></p> <p><i>Paragraph 2.2.20 states that “in most cases the scheme must be completed before legal occupation of 75% of dwellings”. It is felt that this provides sufficient flexibility for applicants to make a case for other timescales that they consider more appropriate to their development scheme.</i></p> <p><i>Appendix A will be amended to clarify that it will be “up to the value of 1%” whether it is an in-kind or financial contribution for art and/or public realm.</i></p>
<p>Matthew Bagnall (DLP Planning)</p>	<p>2.4.27</p>	<p>Objection.</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years. Consequently paragraph 2.4.27 will be amended to read:</i></p>

<p>Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 		<p>We object to the requirement that funds for Public Realm will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of Section 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.</p>	<p><i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i></p>
<p>Rose Freeman (Theatres Trust)</p>	<p>2.5</p>	<p>The examples given of community facilities under paragraph 2.5.1 omit cultural facilities in the form of the two arts centres.</p> <p>The theatre buildings (the two arts centres) do not benefit appropriately under the SPD. Theatres always need improvements to keep pace with expectations. Section 106 contributions will only be allowed where directly related to development and will be scaled back by 2014. We hope therefore that the new CIL charging schedule will include provision for arts facilities. The Arts Council England recommends a standard charge of £149.30 per person for new housing.</p>	<p><i>The Council considers that it would be difficult to justify seeking contributions towards the two art centres given that the impact upon these would be difficult to measure in terms of the effect that increases in population arising from development would have upon the use of the arts centres.</i></p> <p><i>Whether or not the costs of future improvements to and/or expansion of theatres are included within the Council’s CIL is not a matter to be addressed in this SPD.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Jenny Young (Heritage Trust for Lincolnshire)</p>	<p>2.5</p>	<p>In 2011, two museums within the District were closed due to the withdrawal of funding from the County Council. There is an opportunity here to secure funding for the future for a museum in the District through planning obligations.</p>	<p><i>The Council considers that there may be instances where contributions towards museum and heritage funding would be appropriate, however such contributions would be sought on a case-by-case basis.</i></p> <p><i>Paragraph 2.5.1 will be amended to read:</i> <i>“Community facilities such as schools, community centres, libraries, museums, public toilets, sports facilities, health centres and community safety measures (including, but not limited to, CCTV) are vital to ensure communities are prosperous, sustainable, healthy, vibrant and safe.”</i></p> <p><i>In addition, a new paragraph will be added at 2.5.4 to read:</i> <i>“There may be instances where contributions towards the provision of, and/or improvements to, museum and heritage facilities and/or assets would be appropriate. In such instances, the level of contributions will be determined on a case-by-case basis.”</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	<p>2.6 Education</p>	<p>We welcome some of the guidance provided by this section which is helpful and pragmatic. In particular, we welcome:</p> <ul style="list-style-type: none"> • The statement in paragraph 2.6.3 that <i>“Contributions will only be sought for qualifying development where there is insufficient permanent capacity (currently or projected) in existing local schools.”</i> • Recognition in paragraph 2.6.16 that the standard formula may not be appropriate in all cases and in paragraph 2.6.17 that <i>“each site will need to be considered on an individual basis having regard to factors</i> 	<p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>

		<p><i>such as site constraints, site abnormalities and scale of the expansion work required to accommodate pupils from the development”</i></p> <p>These important considerations are not always included in guidance on planning obligations in other topic areas. We consider that guidance on all Section 106 contributions should include similar principles to those set out above.</p>	
Brendan Gallagher (Lincolnshire County Council)	2.6	<p>In terms of the detailed calculations of pupil generation there have been slight tweaks of late following some recent research, these were quoted at the Planning Inquiry for Manthorpe.</p> <p>In order to ensure consistency, it would be beneficial to use those figures in this SPD. It is likely that the overall figure will not change much but the details will change somewhat (i.e. for 3-bed units or 4-bed units)</p>	<i>The Council accepts that it would be appropriate to utilise the same calculation used during the Manthorpe Appeal and therefore the working example and Appendix A will be amended to ensure consistency.</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.2	<p>We now have QC’s advice that developers cannot directly provide a new school due to EU public procurement rules. Amend to read:</p> <p>“Lincolnshire County Council is the local education authority and has the statutory duty to ensure adequate education provision across South Kesteven District in schools and academies. Development likely to generate an increased demand for school places will need to contribute towards education facilities where there is insufficient available, accessible permanent capacity to support the development. This will include capital contributions and the transfer of land to enable school(s) to be built or extended, where necessary.”</p>	<p><i>The Council accepts the representation made and will therefore amend paragraph 2.6.2 to read:</i></p> <p><i>“Lincolnshire County Council is the local education authority and has the statutory duty to ensure adequate education provision across South Kesteven District in schools and academies. Development likely to generate an increased demand for school places will need to contribute towards education facilities where there is insufficient available, accessible permanent capacity to support the development. This will include capital contributions and the transfer of land to enable school(s) to be built or extended, where necessary.”</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.6.3	<p>To ensure consistency, amend to read: “...will only be sought from qualifying development...”</p>	<p><i>The Council accepts that the proposed amendment is a more appropriate form of words, therefore paragraph 2.6.3 will be amended to read:</i></p> <p><i>“Contributions will only be sought from qualifying development where there is insufficient permanent capacity (currently or projected) in existing local schools.”</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.6.8	<p>Provide clarity by amending the text to read: “...cases where a new school is to be provided...”</p>	<p><i>The Council accepts that the proposed amendment makes it clear that in such cases a new school is required. Paragraph 2.6.8 will be amended to read:</i></p> <p><i>“For developments of approximately 1,000 dwellings or more a primary school will normally be required on-site, unless there is sufficient, accessible permanent capacity in local schools. In cases where a new school is to be provide on-site, an applicant will normally be expected to provide a suitable parcel of land on-site which would be used to construct new education facilities together with a financial contribution to cover construction costs.”</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.6.10	<p>Provide clarity with regard to construction by the applicants by amending to read: “...The Council will only accept provision by the applicants, subject to</p>	<i>The Council accepts that clarity should be provided over the County Council’s position with regard to provision of new schools. Paragraph 2.6.10 will be amended to read:</i>

		County Council design and specification and a Council controlled procurement process that is fully compliant with EU and UK law.”	<i>“In cases where a school is to be provided off-site, the applicant will normally be expected to contribute fully to the construction of educational facilities to the County Council’s design and specification. The Council will only accept provision by the applicants, subject to County Council design and specification and a Council controlled procurement process that is fully compliant with EU and UK law.”</i>
Martin Herbert (Brown and Co) Representing • Robert and Steven Pask • Namulas Pension Trust • Trustees of AJ Snarey 1987 Settlement • HPC Developments • Larkfleet Ltd	2.6.11	Objection. Developers cannot be held to ransom by having to acquire third party land that is neither in the control of the Council or the developer. This is an unacceptable development cost and there is no certainty that such land can ever be acquired.	<i>It is not unreasonable for the Council to assume that the applicant should acquire the land to construct the school if it is to be provided off-site given that this will allow the applicant more developable space on-site. If the applicant does not feel that they are able to provide the school off-site then it will be for the applicant to find an appropriate way in which to accommodate the school on-site. The Council does not consider that any changes are required to the draft SPD to address this representation.</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.11	Clarify that the land would be for the new school by amending to read: “If the land required for the new school is not in either party’s ownership, then the applicant will be expected to acquire the site for the construction of educational facilities. The District and County Council’s will take reasonable steps to assist and cooperate with the applicant in acquiring the site.”	<i>The Council accepts that this provides greater clarity and will amend paragraph 2.6.11 to read: “If the land required for the new school is not in either party’s ownership, then the applicant will be expected to acquire the site for the construction of educational facilities. The District and County Council’s will take reasonable steps to assist and cooperate with the applicant in acquiring the site.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.13	Provide clarification over wording by amending to read: “The County Council will apply multipliers to calculate pupil numbers generated by development which will be based on previous schemes across Lincolnshire and are subject to revision.”	<i>The Council accepts that this is a more appropriate form of words. Paragraph 2,6,13 will be amended to read: “The County Council will apply multipliers to calculate pupil numbers generated by development which will be based on previous schemes across Lincolnshire and are subject to revision.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.14	Clarify the position over cost data from the Department for Children, School and Families (DfCSF) by amending to read: “...and Families (DfCSF) have previously provided capital...”	<i>The Council accepts that a clarification over the provision of costs data from the Department for Children, School and Families (DfCSF) is appropriate and will amend paragraph 2.6.14 to read: “The Department for Children, Schools and Families (DfCSF) have previously provided capital costs data for the provision of school places which are reduced to reflect regional building cost, which may change over time.”</i>
Brendan Gallagher (Lincolnshire)	2.6.15	Provide flexibility over the future source of data by amending to read: “This formula will be applied where a contribution is required from a site.	<i>The Council will provide greater flexibility over data sources by amending paragraph 2.6.15 to read:</i>

County Council)		The figures are updated periodically and may be replaced by local comparable data from similar schemes in the future, therefore, the relevant figure will be applied based on the date of application.”	<i>“This formula will be applied where a contribution is required from a site. The figures are updated periodically and may be replaced by local comparable data from similar schemes in the future; therefore, the relevant figure will be applied based on the date of application.”</i>																
Brendan Gallagher (Lincolnshire County Council)	2.6.16	Reword this paragraph to make it easier to read: “Where possible, the standard formula will be used to calculate funding required for school expansions to accommodate pupils from housing developments, however each individual site does have its own set of circumstances and therefore funding received through the standard formula may not be appropriate in all cases.”	<i>The Council accepts that the amended wording provides greater clarification and will amend paragraph 2.6.16 to read: “Where possible the standard formula will be used to calculate funding required for school expansions to accommodate pupils from housing developments. However, each individual site does have its own set of circumstances and, therefore, funding received through the standard formula may not be appropriate in all cases.”</i>																
Brendan Gallagher (Lincolnshire County Council)	2.6.18	Provide clarity that the contributions will be held for a defined period following the final payment, amend to read: “Financial contributions will normally be held for a period of 10 years from the date of final payment. Any funds that remain unspent at the end of this period may be repaid at the applicants express request.”	<i>The Council intends to continue to utilise its current standard of 5 years. Consequently paragraph 2.6.18 will be amended to read: “Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i>																
Brendan Gallagher (Lincolnshire County Council)	2.6.18 Working Example	Amend the primary pupil product multipliers for 3-bed and 4-bed dwellings respectively to: 3-bed = 0.17 4-bed = 0.33 And amend remainder of working example to reflect this.	<i>The Council accepts the updated multipliers and the working example at 2.6.18 will be amended to read: “Development of 1,000 houses (250 x 2-bed, 500 x 30bed & 250 x 4-bed in an area requiring a new school with no spare capacity.</i> <table border="0"> <tr> <td><u>Residential Property</u></td> <td></td> <td><u>Primary Pupil Product</u></td> <td></td> </tr> <tr> <td>250 x 2-bed</td> <td>x</td> <td>0.09</td> <td>= 22.5</td> </tr> <tr> <td>500 x 3-bed</td> <td>x</td> <td>0.17</td> <td>= 85</td> </tr> <tr> <td>250 x 4-bed</td> <td>x</td> <td>0.33</td> <td>= 82.5</td> </tr> </table> <i>Calculation is: Number of properties x pupil product x local multiplier per pupil place(s) x local multiplier of 0.92 for Lincolnshire = contribution required 250 x 0.09 x £13,043 x 0.92 = £269,990 500 x 0.17 x £13,043 x 0.92 = £1,019,963 250 x 0.33 x £13,043 x 0.92 = £989,964 Total: £2,279,917 Therefore, the total sum required for primary education in the example show above would be £2,279,917 towards the provision of a new school for the 190 pupils generated by the development.”</i>	<u>Residential Property</u>		<u>Primary Pupil Product</u>		250 x 2-bed	x	0.09	= 22.5	500 x 3-bed	x	0.17	= 85	250 x 4-bed	x	0.33	= 82.5
<u>Residential Property</u>		<u>Primary Pupil Product</u>																	
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500 x 3-bed	x	0.17	= 85																
250 x 4-bed	x	0.33	= 82.5																
Brendan Gallagher (Lincolnshire	2.6.15	Provide flexibility over the future source of data by amending to read: “This formula will be applied where a contribution is required from a site.	<i>The Council will provide greater flexibility over data sources by amending paragraph 2.6.15 to read:</i>																

County Council)		The figures are updated periodically and may be replaced by local comparable data from similar schemes in the future, therefore, the relevant figure will be applied based on the date of application.”	<i>“This formula will be applied where a contribution is required from a site. The figures are updated periodically and may be replaced by local comparable data from similar schemes in the future; therefore, the relevant figure will be applied based on the date of application.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.16	Reword the paragraph for greater clarity to read: “Where possible, the standard formula will be used to calculate funding required for school expansions to accommodate pupils from housing developments, however each individual site does have its own set of circumstances and therefore funding received through the standard formula may not be appropriate in all cases.”	<i>The Council accepts that the proposed wording provides a clearer steer and will amend paragraph 2.6.16 to read: “Where possible the standard formula will be used to calculate funding required for school expansions to accommodate pupils from housing developments, however each individual site does have its own set of circumstances and therefore funding received through the standard formula may not be appropriate in all cases.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.18	Provide clarity that the contributions will be held for a defined period following the final payment, amend to read: “Financial contributions will normally be held for a period of 10 years from the date of final payment. Any funds that remain unspent at the end of this period may be repaid at the applicants express request.”	<i>The Council intends to continue to utilise its current standard of 5 years. Consequently paragraph 2.6.18 will be amended to read: “Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.19	Make provision for exceptional circumstances by amending to read: “...can be undertaken, this would be exceptional rather than the norm.”	<i>The Council accepts that such provision is appropriate and will amend paragraph 2.6.19 to read: “In certain circumstances, the multipliers used in the working example above may be insufficient to deliver the infrastructure needed and a site specific cost may be sought, e.g. where a listed building require alterations incurring extra cost or where the site has specific issues (beyond those normally anticipated) to be addressed before the extension can be undertaken, this would be the exception rather than the norm.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.20	Amend to take account of limits to projected school places, amend to read: “...is limited existing and projected secondary schools capacity and, taking into account...”	<i>The Council accepts that provision can be made in the wording to allow for the lack of projected future school places provision. Paragraph 2.6.20 will be amended to read: “There is limited existing and projected secondary schools capacity, taking into account the scale and distribution of development proposed in the Core Strategy, most of the schools will need to expand to serve the level of proposed new development in the District”</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.22	To ensure that it is clear that this will depend on projected space capacity, amend to read: “...subject to projected spare permanent capacity.”	<i>The Council will ensure that this is taken account of by amending paragraph 2.6.22 to read: “For developments of 10 or more dwellings a contribution towards the expansion of new or existing secondary school facilities will normally be required, subject to projected spare permanent capacity.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.23	In order to ensure flexibility, amend to read: “...to construct or enlarge existing education facilities...”	<i>The Council considers that it would be sensible to allow for flexibility in the wording of this paragraph and will amend 2.6.23 to read:</i>

			<i>"In certain circumstances the Council may require a parcel of land to be provided which would be used to construct new, or enlarge existing, education facilities together with a financial contribution to cover construction costs."</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.24	Provide greater clarity by amending to read: "The provision of a secondary school on-site may be required in limited circumstances (most likely just Grantham Southern Quadrant). In most circumstances pooled contributions would be required. In the situation, where a new school is required a site may need to be reserved within a development, together with a pro-rata contribution from each development in that area towards its provision."	<i>The Council accepts the proposed amendment in part and will amend paragraph 2.6.24 to read: "The provision of a secondary school on-site may be required in limited circumstances. In most circumstances pooled contributions would be required. In the situation where a new school is required a site may need to be reserved within a development, together with a pro-rata contribution from each development in that area towards its provision."</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.25	Clarify the position with regard to school provision by amending to read: "In such cases each part of the development would pay pro-rata contribution dependant on the number of children it would be generating. If land is provided, the value of that land would be taken into account in determining the relevant financial contribution (i.e. any cost of acquiring the site would be additional to the capital build costs and charged pro-rata to the various developers) unless the owner is also the main applicant causing the need for a new school.	<i>The Council accepts that this provides greater clarification and will amend paragraph 2.6.25 to read: "In such cases each part of the development would pay pro-rata contribution dependant on the number of children it would be generating. If land is provided, the value of that land would be taken into account in determining the relevant financial contribution (i.e. any cost of acquiring the site would be additional to the capital build costs and charged pro-rata to the various developers) unless the owner is also the main applicant causing the need for a new school."</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.28	Clarify the County Council's position by amending to read: "The County Council will apply multipliers to assess pupil numbers..."	<i>The Council accepts that the proposed wording provides greater clarity and will amend paragraph 2.6.28 to read: "The County Council will apply multipliers to assess pupil numbers generated by development which will be based on schemes across Lincolnshire and are subject to change."</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.29	Clarify the previous data source by amending to read: "...and Families previously provided pupil numbers..."	<i>The Council accepts that the proposed wording provides greater clarity and will amend paragraph 2.6.29 to read: "The Department for Children, Schools and Families previously provided pupil numbers data for the provision of school places which are reduced to reflect regional build costs."</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.30	Provide clarification over potential changes to future data sources by amending to read: "...updated periodically and may be replaced by local comparable data from similar schemes in Lincolnshire in the future, therefore the..."	<i>The Council accepts that the County Council may utilise other data sources in the future and will therefore amend paragraph 2.6.30 to read: "This formula will be applied where a contribution is required from a site. The figure is updated periodically and may be replaced by local comparable data from similar schemes in Lincolnshire in the future, therefore the relevant annual figure will be applied."</i>
Brendan Gallagher (Lincolnshire County Council)	2.6.31	Provide further detail and clarification by amending to read: "...some circumstances (where necessary) will be used to fund (or part fund) the construction of a new secondary school (particularly schemes in Grantham South)."	<i>The Council accepts the proposed change in part and will amend paragraph 2.6.31 to read: "Contributions will normally be spent on extensions to existing local</i>

			<i>schools to provide pupil places, but in some circumstances (where necessary) will be used to fund (or part fund) the construction of a new secondary school."</i>												
Brendan Gallagher (Lincolnshire County Council)	Working Example	Amend the Secondary Pupil Product multipliers to read: 2-bed = 0.09 3-bed = 0.17 4-bed = 0.27 Also amend the rest of the calculation to reflect the changes in the multipliers.	<i>The Council acknowledges the updated pupil product multipliers and will amend the Working Example to read:</i> <i>"Development of 1,000 houses (250 x 2-bed, 500 x 30bed & 250 x 4-bed in an area with no spare capacity, and requiring a new school.</i> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: left;"><u>Residential Property</u></td> <td></td> <td style="text-align: left;"><u>Secondary Pupil Product</u></td> </tr> <tr> <td>250 x 2-bed</td> <td style="text-align: center;">x</td> <td>0.09</td> </tr> <tr> <td>500 x 3-bed</td> <td style="text-align: center;">x</td> <td>0.17</td> </tr> <tr> <td>250 x 4-bed</td> <td style="text-align: center;">x</td> <td>0.27</td> </tr> </table> <i>Calculation is:</i> <i>Number of properties x pupil product x local multiplier per pupil place(s) x local multiplier of 0.92 for Lincolnshire = contribution required</i> <i>250 x 0.09 x £19,588 x 0.92 = £405,472</i> <i>500 x 0.17 x £19,588 x 0.92 = £1,531,782</i> <i>250 x 0.27 x £19,588 x 0.92 = £1,216,415</i> <i style="text-align: right;">Total: £3,153,669</i> <i>Therefore, the total sum required for secondary education in the example show above would be £3,153,669."</i>	<u>Residential Property</u>		<u>Secondary Pupil Product</u>	250 x 2-bed	x	0.09	500 x 3-bed	x	0.17	250 x 4-bed	x	0.27
<u>Residential Property</u>		<u>Secondary Pupil Product</u>													
250 x 2-bed	x	0.09													
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Brendan Gallagher (Lincolnshire County Council)	2.6.34	Provide clarification on the provision of Sixth form in the District by amending to read: "Sixth form provision is available in all four towns and pupils from all areas are able to attend a sixth form should they wish."	<i>The Council accepts the amendment as it clarifies the Local Education Authority's position and will amend paragraph 2.6.34 to read:</i> <i>"Sixth form provision is available in all four towns and pupils from all areas are able to attend a sixth form should they wish."</i>												
Brendan Gallagher (Lincolnshire County Council)	2.6.35	Provide clarification on the provision of Sixth form in the District by amending to read: "Whilst it is anticipated that these will be at capacity there is scope for such facilities to be expanded on existing or new sites."	<i>The Council accepts the amendment as it clarifies the Local Education Authority's position and will amend paragraph 2.6.35 to read:</i> <i>"Whilst it is anticipated that these will be at capacity there is scope for such facilities to be expanded on existing or new sites."</i>												
Brendan Gallagher (Lincolnshire County Council)	2.6.37	Provide clarification by amending to read: "In most circumstances pooled contributions would be applicable, due to a number of developments planned in an area where additional sixth form educational facilities would be required."	<i>The Council accepts the amendment to provide greater clarity and will amend paragraph 2.6.37 to read:</i> <i>"In most circumstances pooled contributions would be applicable, due to a number of developments planned in an area where additional sixth form educational facilities would be required."</i>												
Brendan Gallagher (Lincolnshire County Council)	2.6.39	Clarify the County Council's position on calculating Sixth form by amending to read: "The County Council will apply assumptions for school based sixth form	<i>The Council accepts the clarification for calculating Sixth form and will amend paragraph 2.6.39 to read:</i>												

		pupil numbers generated by development which will be based on evidence across Lincolnshire and current 'staying on' rates and are subject to change."	"The County Council will apply assumptions for school based sixth form pupil numbers generated by development which will be based on evidence across Lincolnshire and current 'staying on' rates and are subject to change."												
Brendan Gallagher (Lincolnshire County Council)	Working Example	<p>Amend the Sixth Form Pupil Product multipliers to read:</p> <p>2-bed = 0.18 3-bed = 0.34 4-bed = 0.54</p> <p>Amend the rest of the calculation to reflect the amended multipliers.</p>	<p>The Council acknowledges the updated multipliers and will amend the Working Example to read:</p> <p>"Development of 1,000 houses (250 x 2-bed, 500 x 3bed & 250 x 4-bed in an area with no spare capacity, and requiring a new school with sixth form being built.</p> <table border="0"> <thead> <tr> <th><u>Residential Property</u></th> <th></th> <th><u>Secondary Pupil Product</u></th> </tr> </thead> <tbody> <tr> <td>250 x 2-bed</td> <td>x</td> <td>0.18</td> </tr> <tr> <td>500 x 3-bed</td> <td>x</td> <td>0.34</td> </tr> <tr> <td>250 x 4-bed</td> <td>x</td> <td>0.54</td> </tr> </tbody> </table> <p>Calculation is:</p> <p>Number of properties x pupil product x local multiplier per pupil place(s) x local multiplier of 0.92 for Lincolnshire = contribution required</p> <p>250 x 0.18 x £21,396 x 0.92 = £88,579 500 x 0.34 x £21,396 x 0.92 = £334,633 250 x 0.54 x £21,396 x 0.92 = £265,738 Total: £688,950</p> <p>Therefore, the total sum required for sixth form education in the example show above would be £688,950."</p>	<u>Residential Property</u>		<u>Secondary Pupil Product</u>	250 x 2-bed	x	0.18	500 x 3-bed	x	0.34	250 x 4-bed	x	0.54
<u>Residential Property</u>		<u>Secondary Pupil Product</u>													
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250 x 4-bed	x	0.54													
Martin Herbert (Brown and Co) Representing <ul style="list-style-type: none"> Robert and Steven Pask Namulas Pension Trust Trustees of AJ Snarey 1987 Settlement HPC Developments Larkfleet Ltd 	2.6.48	<p>Objection.</p> <p>Education is mandatory for children up to the age of 16, after which further education is voluntary. There seems to be little justification in seeking financial or other in-kind contributions towards discretionary educational facilities that are managed and run as commercial businesses.</p>	<p>The County Council uses multipliers provided by the Department for Children, Schools and Families which indicate the level of sixth form students that qualifying development is likely to generate. It should not be assumed that because mandatory education stops at the age of 16 there will be no sixth form students arising from their development. Consequently the multiplier shall be used to secure contributions towards sixth form provision from qualifying development.</p> <p>The Council does not consider that any changes are required to the draft SPD to address this representation.</p>												
Boyer Planning Representing <ul style="list-style-type: none"> Commercial 	2.7	<p>Objection.</p> <p>The requirement of 0.25 sqm per person and financial contribution of £245</p>	<p>As with all contributions sought in the SPD, they will only be sought where there is insufficient capacity within existing facilities reasonably capable of serving the application site to serve the new population arising from the</p>												

<p>Estates Group</p> <ul style="list-style-type: none"> • Cecil Estate Family Trust 		<p>per person are not justified and it is not possible to precisely determine community centre/village hall requirements on a fixed proportional basis. The formula is unnecessary and unjustified and this should be assessed on a case-by-case basis.</p> <p>No account is made of quality or quantity of existing provision. The guidance in this section should caveat provision to be sought by reference to:</p> <ul style="list-style-type: none"> • The possible impact on the viability of development and; • The need to assess the need for and advantages of such provision against other competing priorities for planning obligations. <p>The formula in this section should be deleted and community centre/village hall requirements be assessed on a case-by-case basis. Wording should be added to clarify that regard will be given to the overall burden of Section 106 requirements on the viability of the development and the level of priority attached to community centre/village halls will be considered by the Council and developer.</p>	<p><i>development.</i></p> <p><i>The level of provision of 0.25 sqm per person is based upon the recommendations of the Council's PPG17 Study. The cost of provision at £245 per person has been derived from SPONS 2010 (135th Edition) by calculating the average cost of providing a 500 sqm facility and dividing this between the population this is intended to serve to provide a cost per person.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Internal Review of SKDC Content</p>	<p>2.7.3</p>	<p>Amend to reflect the National Planning Policy Framework.</p>	<p><i>The Council will amend paragraph 2.7.3 to remove reference to Planning Policy Guidance Note 17, to read:</i></p> <p><i>"Village Halls are invaluable assets to Local Service Centres and villages, providing a venue for a range of community uses including sport and recreation activities."</i></p>
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> • Robert and Steven Pask • Namulas Pension Trust • Trustees of AJ Snarey 1987 Settlement • HPC Developments • Larkfleet Ltd 	<p>2.7.12</p>	<p>Objection.</p> <p>This is completely unjustifiable. It cannot be deemed to be reasonable to require a contribution to promote the use of a community building. If the Council has demonstrated that a community building is necessary to make a development acceptable in planning terms then it must demonstrably the case that its use will not need to be promoted. The cost of any promotion of the building should not be the responsibility of the developer and if this is an ongoing requirement then it should be paid for out the revenue received for its use.</p>	<p><i>The Council accepts that placing such a cost implication upon the development would not be appropriate and will therefore remove paragraph "2.7.12."</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property 	<p>2.7.16</p>	<p>Objection.</p> <p>We object to the requirement that funds for Community Centres and Village Halls will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of Section 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.7.16 will be amended to read:</i></p> <p><i>"Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request."</i></p>

<p>Company</p> <ul style="list-style-type: none"> Mrs Linda Cross 		<p>upon the applicant to apply for the repayment.</p>	
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	<p>2.8</p>	<p>Objection.</p> <p>The requirement of £114 per person is not justified and it is difficult to determine a requirement for libraries on a fixed proportional basis. Library contributions should be determined on a case-by-case basis.</p> <p>Paragraph 2.8.3 refers to £114 per person as a “typical” requirement and we assume this acknowledges the need for a bespoke assessment of any need to contribute towards library facilities for each development site.</p> <p>No account is made of quality or quantity of existing provision. The guidance in this section should caveat provision to be sought by reference to:</p> <ul style="list-style-type: none"> The possible impact on the viability of development and; The need to assess the need for and advantages of such provision against other competing priorities for planning obligations. <p>The formula in this section should be deleted and library requirements be assessed on a case-by-case basis. Wording should be added to clarify that regard will be given to the overall burden of S106 requirements on the viability of the development and the level of priority attached to libraries will be considered by the Council and developer.</p>	<p><i>As with all contributions sought in the SPD, they will only be sought where there is insufficient capacity within existing facilities, reasonably capable of serving the application site, to serve the new population arising from the development.</i></p> <p><i>The sum of £114 per person has been derived from work undertaken by the County Council which indicates that the minimum provision of library space should be at 37.16 sqm per 1,000 people, or 0.037 per person. Providing this level of additional provision equates to the sum of £114 per person.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Brendan Gallagher (Lincolnshire County Council)</p>	<p>2.8.2</p>	<p>Provide clarification on the County Council’s position with regard to provision of library facilities.</p> <p>Delete existing text and insert new paragraph here to read: “Lincolnshire County Council has a statutory responsibility to provide a “comprehensive and efficient library service” under the Public Libraries and Museums Act 1964. Lincolnshire County Council directly provides and otherwise supports library provision in South Kesteven through a number of static and mobile libraries. The library service is under review within LCC as a result of national cuts in public sector spending. Although the ways in which the public will access the library service in the future are likely to change with some services provided directly by the County Council, such as the library catalogue and online services, and others provided in partnership with other bodies such as local authorities and community organisations.”</p>	<p><i>The Council accepts that this provides greater clarity on the County Council’s position and will amend paragraph 2.8.2 to read:</i></p> <p><i>“Lincolnshire County Council has a statutory responsibility to provide a “comprehensive and efficient library service” under the Public Libraries and Museums Act 1964. Lincolnshire County Council directly provides and otherwise supports library provision in South Kesteven through a number of static and mobile libraries. The library service is under review within LCC as a result of national cuts in public sector spending. The ways in which the public will access the library service in the future are likely to change with some services provided directly by the County Council, such as the library catalogue and online services, and others provided in partnership with other bodies such as local authorities and community organisations.”</i></p>
<p>Brendan Gallagher (Lincolnshire County Council)</p>	<p>2.8.3</p>	<p>Provide clarification on the County Council’s position with regard to provision of library facilities.</p> <p>Delete existing text and insert new paragraph to read:</p>	<p><i>The Council accepts that this provides greater clarity on the County Council’s position and will amend paragraph 2.8.3 to read:</i></p> <p><i>“The key county libraries in the 13 economic zones (Lincolnshire’s major</i></p>

		<p>“The key county libraries in the 13 economic zones (Lincolnshire’s major settlements, including Grantham, Bourne and Stamford) will be the focus for any development funding. The South Kesteven Core Strategy promotes these three towns as locations for major housing growth and other developments. However, with the emerging localism/neighbourhood planning agenda, it is likely that other locations could see major growth proposals in statutory development plans and LCC libraries may seek financial contributions to meet local needs in partnership with other community services and facilities wherever possible.”</p>	<p><i>settlements, including Grantham, Bourne and Stamford) will be the focus for any development funding. The South Kesteven Core Strategy promotes these three towns as locations for major housing growth and other developments. However, with the emerging localism/neighbourhood planning agenda, other locations may see growth proposals and Lincolnshire County Council (LCC) libraries may seek financial contributions to meet local needs in partnership with other community services and facilities wherever possible.”</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.8.4	<p>Revise the proposed threshold to a more appropriate level by deleting the existing text and inserting a new paragraph to read: “Any developments over 100 dwellings should be highlighted to the library service to assess impact and come up with a library solution, with relevant partners. This is particularly the case where unallocated developments come forward and/or where neighbourhood plans are to be adopted.”</p>	<p><i>The Council accepts the proposed upwards revision to the library contributions threshold and will amend paragraph 2.8.4 to read:</i></p> <p><i>“Any developments over 100 dwellings should be highlighted to the library service to assess impact and come up with a library solution, with relevant partners. This is particularly the case where unallocated developments come forward and/or where neighbourhood plans are to be adopted.”</i></p> <p><i>Amendment will also therefore be required to Table 1a under paragraph 1.7.1.</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.8.5	<p>Provide further clarification over thresholds by inserting a new paragraph to read: “In many cases, a development of less than 500 dwellings is unlikely to create significant increased demands. However, where the impact is significant or cumulative, if other developments are taken into consideration in that location, it might be appropriate for a new library facility to be provided. Subject to the relevant national policy/legal criteria and the characteristics of the proposed development. Lincolnshire County Council may seek a proportionate contribution to library services. The following formula should be considered as a broad indication of financial contribution, if a new facility is required.”</p>	<p><i>The Council accepts the further clarification over thresholds for library contributions and will amend paragraph 2.8.5 to read:</i></p> <p><i>“In many cases, a development of less than 500 dwellings is unlikely to create significant increased demands. However, where the impact is significant or cumulative, if other developments are taken into consideration in that location, it might be appropriate for a new library facility to be provided. Subject to the relevant national policy/legal criteria and the characteristics of the proposed development. Lincolnshire County Council may seek a proportionate contribution to library services. The following formula should be considered as a broad indication of financial contribution, if a new facility is required.”</i></p>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.8.5	<p>Objection.</p> <p>We object to the requirement that funds for Community Centres and Village Halls will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of S 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.8.5 will be amended to read:</i></p> <p><i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.8.6	<p>Provide further clarification in relation to library contributions by inserting a new paragraph to read: “Based on library space of 929 sq metres per 25,000 population/37.16 sq metres per 1,000 population. (A tariff of £114 per person)</p>	<p><i>The Council accepts the proposed amendment and will insert a new paragraph at 2.8.6 to read:</i></p> <p><i>“Based on library space of 929 sq metres per 25,000 population/37.16 sq</i></p>

		<ul style="list-style-type: none"> • 1 bedroom = 1.5 people x £114 = £171 • 2 bedroom = 1.9 people x £114 = £217 • 3 bedroom = 2.4 people x £114 = £274 • 4 bedroom or more = 3 people x £114 = £342” 	<p><i>metres per 1,000 population. (A tariff of £114 per person)</i></p> <ul style="list-style-type: none"> • 1 bedroom = 1.5 people x £114 = £171 • 2 bedroom = 1.9 people x £114 = £217 • 3 bedroom = 2.4 people x £114 = £274 • 4 bedroom or more = 3 people x £114 = £342”
Brendan Gallagher (Lincolnshire County Council)	2.8.7	Take account of the changes to this section by amending existing paragraph number 2.8.5 to 2.8.7 and amend text to read: “...of 10 years or other date specified in the legal agreement. Any funds...”	<p><i>The need to amend paragraph numbers in light of the new paragraphs added to the section is noted.</i></p> <p><i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.8.7 will be amended to read:</i></p> <p><i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.</i></p>
Boyer Planning (Commercial Estates Group and Cecil Estate Family Trust)	2.9	<p>Objection.</p> <p>We consider the quantity and access standards set out in Table 3, the translation of these into the number of square metres required per person and the expression of this in financial terms as an amount per person or dwelling, to be too prescriptive. In reality the need for sports facilities is not capable of such exact measurement and to approach this in terms of thresholds or quantity standards could detract from the need for considered judgements in each case.</p> <p>We consider that any provision for sports facilities should be considered and justified according to the specific circumstances and requirements of each site and the nature of the development proposals. The key consideration will be the impact of the development itself rather than meeting ideal standards of provision.</p> <p>We suggest that Table 3 and the table of specific contributions per person and per dwelling within Appendix A (on page 85) be deleted and that the text refers instead to assessment of development impacts and requirements on a case by case basis.</p>	<p><i>The Council contends that the standards of provision for sports facilities are appropriate and are evidence based, having been taken from the Council’s PPG17 Study.</i></p> <p><i>The costs of provision have been derived from the Sport England Sports Facility Calculator using a Lincolnshire weighting and are considered to be appropriate for the SPD.</i></p> <p><i>Clearly the impact of development on sports facilities will be a key consideration, and contributions will only be sought where there is insufficient capacity in existing facilities to accommodate the population increase from the development. The figures and standards provided in the SPD set out the Council’s starting point in negotiations.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Tony Aitchison (Sport England)	2.9	Sport England’s website provides a number of tools to assist local authorities in assessing whether the supply of sports facilities is likely to be meeting the demand, to calculate the cost of providing new or improved facilities and to assess what contributions to improved facilities developers ought to make. These can be accessed on our website at:- http://www.sportengland.org/facilities_planning/planning_tools_and_guidance.aspx	<i>Noted.</i>
Patricia Stuart- Mogg	2.9	The Town Council believes Stamford has a dearth of facilities compared to other towns. A petition revealed swimming facilities as people’s primary	<i>Contributions towards sports facilities would generally be intended to be utilised for improvements, enhancements and extensions to existing sports</i>

(Stamford Town Council)		<p>concern. Funds raised from Section106 are unlikely to go far in improving the current facilities.</p> <p>Stamford needs a single sports centre with competition size pool and other appropriate facilities e.g. café, crèche, function room, sauna, steam rooms etc.</p> <p>Will the Town Council have the opportunity to be involved in deciding the type and location of such facilities?</p> <p>Based on the standards provided, Stamford is very close to the population level which would require a fully functioning swimming pool and this should be borne in mind when assessing applications.</p>	<p><i>facilities to accommodate the additional population, therefore, the Council would not envisage facilities in new locations to be required. In terms of the types of facilities, the Council's Assets and Facilities department would advise on what current capacity facilities were operating under and where additional capacity needed to be created.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Tony Aitchison (Sport England)	2.9.7	<p>There may be occasions where improvements to sports facilities involve enhancement to or better use of existing facilities and do not necessarily involve an "extension" or a "new" facility. The Council will therefore retain greater discretion to determine what is most valuable in specific circumstances if "improve" is used instead "extend" in paragraph 2.9.7, as below:-</p> <p>"Contributions will be pooled to be used to improve existing sports facilities or provide new facilities."</p>	<p><i>The Council acknowledges that the proposed wording provides greater flexibility and will amend paragraph 2.9.7 to read:</i></p> <p><i>"Contributions will be pooled to be used to improve and/or extend existing sports facilities or provide new facilities".</i></p>
Tony Aitchison (Sport England)	2.9.8 2.9.9	<p>The tools which can relate to demand are (1) Action Places Power (APP) (Available just to local authorities) and (2) at a more sophisticated level and on payment of certain costs, the Facilities Planning Model (FPM) for pools, sports halls and STPs. The sports facility calculator assesses the additional demand that a given population increase will generate, the amount of new provision this equates to and the cost of building this. It does not relate this additional demand to existing provision, as suggested in your draft text.</p> <p>It is therefore suggested that to be accurate the draft text should be amended as indicated below:-</p> <p>2.9.8 Sport England has produced a tool called the 'Sports Facility Calculator' that can be used to determine the number of additional sports facilities that are needed to meet the needs of the additional population.</p> <p>2.9.9 This tool can help pinpoint requirements from new developments, therefore for all developments of 10 dwellings or more, the Council will be able to calculate what additional facilities are needed to cope with the demand generated by the new development.</p>	<p><i>The Council accepts that the amendments suggested provide clarity on the Sport England tools and will amend paragraph 2.9.8 to read:</i></p> <p><i>"Sport England has produced a tool called the 'Sports Facility Calculator' that can be used to determine the number of additional sports facilities that are needed to meet the needs of the additional population."</i></p> <p><i>In addition, paragraph 2.9.9 will be amended to read:</i></p> <p><i>"This tool can help pinpoint requirements from new developments and, therefore, for all developments of 10 dwellings or more the Council will be able to calculate what additional facilities are needed to cope with the demand generated by the new development."</i></p>
Tony Aitchison (Sport England)	2.9.10	<p>The costs of different types of sports facilities are also shown within Sport England's Sport Facility Calculator. Therefore using this information, appropriate contributions levels have been calculated and can be found in</p>	<p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>

		<p>the Financial Contributions Matrix in Appendix A.</p> <p>The references to Active Design and the Sports Facility Calculator are welcomed and helpful. In addition I would remind you that there is information on our website concerning the costs of construction of several kinds of sports facilities, both indoor and outdoor, which are regularly updated and can be accessed from our website at the following link:- http://www.sportyengland.org/facilities_planning/planning_tools_and_guidance/planning_kitbag.aspx</p> <p>The most recent costs can be accessed from the website at:- http://www.sportengland.org/facilities_planning/planning_tools_and_guidance/planning_kitbag/facilities_costs_-1st_quarter.aspx</p>	
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes • Stamford Property Company • Mrs Linda Cross 	2.9.13	<p>Objection.</p> <p>We object to the requirement that funds for Sports Facilities will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of Section 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.9.13 will be amended to read:</i></p> <p><i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	2.10	<p>Objection.</p> <p>We welcome the requirement for contributions to be linked to spare capacity and for no contribution to be sought where there is sufficient spare capacity. We don't envisage a need for 100% NHS dentistry as such provision is not realistically available to the general public as most dentists operate, at least partly, on a private basis.</p> <p>In terms of pharmacy contributions, the figure is not justified and most pharmacies operate on a commercial basis anyway so no subsidy would be required.</p> <p>Remove the reference to dentistry as a possible subject of developer contributions from Section 2.10 and from Appendix A. Remove reference to pharmacies as a possible subject of developer contributions from Section 2.10 and from Appendix A.</p>	<p><i>The Council accepts that dentistry and pharmaceutical provision should not be costs placed upon development and therefore will remove paragraphs “2.10.18, 2.10.19 and 2.10.20”</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> • Linden Homes 	2.10.17	<p>Objection.</p> <p>We object to the requirement that funds for Healthcare and Community Safety Measures will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of Section 106 (4) (b) of the Town and</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.10.17 will be amended to read:</i></p> <p><i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the</i></p>

<ul style="list-style-type: none"> Stamford Property Company Mrs Linda Cross 		<p>Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment</p>	<p><i>applicants express request."</i></p>
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> Robert and Steven Pask Namulas Pension Trust Trustees of AJ Snarey 1987 Settlement HPC Developments Larkfleet Ltd 	<p>2.10.19</p>	<p>Objection.</p> <p>Pharmacies are privately run commercial enterprises and are not provided by the public sector. It cannot be justifiable or reasonable to expect developers to contribute towards commercial facilities that are self-financing and ultimately profitable commercial businesses. Such provision cannot be construed as being:</p> <p>(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</p>	<p><i>The Council accepts that pharmaceutical provision should not be costs placed upon development and therefore will remove paragraphs "2.10.19 and 2.10.20"</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	<p>2.11</p>	<p>Objection.</p> <p>We consider that the need for Community Safety Measures should be directly related to the circumstances of each site, the nature of the development and its impacts. These should be subject to individual assessment and we object to the statement in paragraph 2.11.5 that qualifying developments will be required to pay the specific amounts set out in Appendix A.</p> <p>We request that paragraphs 2.11.4 and 2.11.5 be deleted, together with the specific sums for CCTV provision in Appendix A, and that the following replacement paragraph 2.11.4 be inserted: <i>"Any contributions will be sought according to the specific needs arising from each development based on its nature, location and characteristics"</i></p>	<p><i>Community safety measures, as with all planning obligation requirements in the SPD, will be based upon the level of existing spare capacity to cope with the additional increase in population arising from development. This principle is outlined in Section One and should be read as applicable throughout the entire document.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Internal SKDC Review of Content</p>	<p>2.11.7</p>	<p>Grammatical amendments required to be made to ensure clarity.</p>	<p><i>Paragraph 2.11.7 will be amended to read:</i></p> <p><i>"In some instances (where appropriate) the Council may seek financial contributions towards the provision of, maintenance of, and/or extension of CCTV in the town within which the development is located. Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution required in such instances."</i></p>
<p>Matthew Bagnall (DLP Planning Consultants LTD) Representing</p> <ul style="list-style-type: none"> Linden Homes 	<p>2.11.8</p>	<p>Objection.</p> <p>We object to the requirement that funds for the Healthcare and Community Safety Measures will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.11.8 will be amended to read:</i></p> <p><i>"Financial contributions will normally be held for a period of 5 years. Any</i></p>

<ul style="list-style-type: none"> Stamford Property Company Mrs Linda Cross 		<p>Agreement as set out in the overall provisions of S 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment</p>	<p><i>funds that remain unspent at the end of this period will be repaid at the applicants express request."</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	<p>2.12</p>	<p>Objection.</p> <p>We note that the Council has a duty to secure childcare provision. However, a substantial proportion of childcare facilities in most areas is provided on a commercial basis and requires no public subsidy. Any requirement for contributions to childcare should be restricted to that which cannot be provided on a commercial basis. This may mean limiting developer contributions to the element of childcare that the Council has a duty to provide free of charge.</p> <p>At present, the formula set out for childcare contributions appears to take no account of the role and availability of commercially available childcare. If that is the case, the SPD requirement in this subject area is not justified.</p> <p>We consider the SPD must provide more information about the scope and limitations of the Council's duty to provide childcare and should tailor the developer's contribution, if any, to the Council's specific responsibility rather than seeking to meet all forms of childcare regardless of the ability of new residents to pay for it.</p> <p>We propose that the worked examples and the financial contribution tables in Section 2.12 and Appendix A be deleted and that the guidance is left to the statement in paragraph 2.12.12 with additional wording to illustrate that the developments impact and role of commercially available childcare facilities will be taken into account.</p>	<p><i>Under section 6 of the Childcare Act 2006, the local authority has a duty to secure childcare provision that is sufficient to meet the requirements of parents of children aged 0 years to 14 years (17 years for children with a disability) who require childcare in order to enable them to take up, or remain in, work or to undertake education or training which could reasonably be expected to assist them to obtain work.</i></p> <p><i>Securing sufficiency does not mean local authorities providing childcare themselves. The 2006 act sets the local authority role as one of market facilitation and support across the sector to ensure that childcare provision is sufficient to enable parents to work.</i></p> <p><i>Where sufficiency is not currently met and there are no market entrants known to the Local Authority to be developing in the immediate geographical vicinity during the development period that meet the sufficiency requirement contributions will be sought for the development of accommodation, either expansion of existing or new build, for the delivery of childcare by a provider from the private, voluntary or independent sector.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> Robert and Steven Pask Namulas Pension Trust Trustees of AJ Snarey 1987 Settlement HPC Developments Larkfleet Ltd 	<p>2.12 Working Example</p>	<p>Objection.</p> <p>The two worked examples are incorrect. The figures shown for 0-1 years shows a multiplier of 17.5 for a 3 bed property. The figure should correctly be shown as 12.5.</p>	<p><i>The Council contends that the correct multiplier is used in the example shown.</i></p>

Brendan Gallagher (Lincolnshire County Council)	2.12 Working Example	<p>Amend the sums used in the childcare working example to read:</p> <p>0-1 years = £8,694 2-4 years = £6,872 5-10 years = £6,127 11-14 years = 6,127</p> <p>Amend the figures in the table to read:</p> <table border="1" data-bbox="506 419 1279 788"> <thead> <tr> <th colspan="6">No of beds</th> </tr> <tr> <th>Age of children</th> <th>2</th> <th>3</th> <th>4</th> <th>Total no of children</th> <th>No of places needed</th> </tr> </thead> <tbody> <tr> <td>0 years – 1 years</td> <td>6.25</td> <td>17.5</td> <td>8.75</td> <td>32.5</td> <td>5</td> </tr> <tr> <td>2 years – 4 years</td> <td>8.75</td> <td>27.5</td> <td>13.75</td> <td>50</td> <td>12</td> </tr> <tr> <td>5 years – 10 years</td> <td>13.75</td> <td>57.5</td> <td>35</td> <td>106.25</td> <td>13</td> </tr> <tr> <td>11 years – 14 years</td> <td>6.25</td> <td>40</td> <td>26.25</td> <td>72.5</td> <td>2</td> </tr> </tbody> </table> <p>Amend the calculation to reflect the changes to the sums and table.</p>	No of beds						Age of children	2	3	4	Total no of children	No of places needed	0 years – 1 years	6.25	17.5	8.75	32.5	5	2 years – 4 years	8.75	27.5	13.75	50	12	5 years – 10 years	13.75	57.5	35	106.25	13	11 years – 14 years	6.25	40	26.25	72.5	2	<p><i>The Council accepts the updated sums for childcare and will amend the Working Example to read:</i></p> <p><i>“Development of 500 dwellings (125 x 2-bed, 250 x 3-bed and 125 x 4-bed) in an area without sufficient, accessible capacity.</i></p> <p><i>Number of children generated and places required to support:</i></p> <table border="1" data-bbox="1323 389 2092 703"> <thead> <tr> <th colspan="6">No of beds</th> </tr> <tr> <th>Age of children</th> <th>2</th> <th>3</th> <th>4</th> <th>Total No of children</th> <th>No of places needed</th> </tr> </thead> <tbody> <tr> <td>0-1 years</td> <td>6.25</td> <td>17.5</td> <td>8.75</td> <td>32.5</td> <td>5</td> </tr> <tr> <td>2-4 years</td> <td>8.75</td> <td>27.5</td> <td>13.75</td> <td>50</td> <td>12</td> </tr> <tr> <td>5-10 years</td> <td>13.75</td> <td>57.5</td> <td>35</td> <td>106.25</td> <td>13</td> </tr> <tr> <td>11-14 years</td> <td>6.25</td> <td>40</td> <td>26.25</td> <td>72.5</td> <td>2</td> </tr> </tbody> </table> <p><i>Calculation is:</i></p> <p><i>(Number of places needed – spare capacity) x formulae per place(s) cost = contribution required</i></p> <p><i>5 x £8,694 = £43,470</i> <i>12 x £6,872 = £82,464</i> <i>13 x £6,127 = £79,651</i> <i>2 x £6,127 = £12,254</i> <i>Total = £217,839</i></p> <p><i>Therefore the total sum required for childcare provision in the example above would be £217,839.”</i></p>	No of beds						Age of children	2	3	4	Total No of children	No of places needed	0-1 years	6.25	17.5	8.75	32.5	5	2-4 years	8.75	27.5	13.75	50	12	5-10 years	13.75	57.5	35	106.25	13	11-14 years	6.25	40	26.25	72.5	2
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Age of children	2	3	4	Total no of children	No of places needed	Spare capacity																																																																			
0 – 1 years	6.25	17.5	8.75	32.5	5	3																																																																			
2 – 4 years	8.75	27.5	13.75	50	12	24																																																																			
5 – 10 years	13.75	57.5	35	106.25	13	12																																																																			
11 – 14 years	6.25	40	26.25	72.5	2	5																																																																			
				children	needed																																																																				
0 years – 1 years	6.25	17.5	8.75	32.5	5	3																																																																			
2 years – 4 years	8.75	27.5	13.75	50	12	24																																																																			
5 years – 10 years	13.75	57.5	35	106.25	13	12																																																																			
11 years – 14 years	6.25	40	26.25	72.5	2	5																																																																			
Matthew Bagnall (DLP Planning Consultants LTD) Representing	2.12.14	<p>Objection.</p> <p>We object to the requirement that funds for Healthcare and Community Safety Measures will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of Section 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.12.14 will be amended to read:</i></p> <p><i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i></p>																																																																						
Brendan Gallagher (Lincolnshire County Council)	2.13	<p>Insert new text into the paragraph which enables contributions to be sought towards the provision of, and/or improvements to, fire stations and appliances.</p> <p>Use a threshold of 10 dwellings and 1,000 sqm for commercial floor space.</p> <p>Seek contributions on a cost per dwelling basis for residential development and a cost per sqm for commercial development.</p> <p>A fire station for one appliance, based on recent experience, is approximately £1,138,000. Every fire appliance in Lincolnshire serves</p>	<p><i>The Council does not consider that it is justifiable to seek contributions towards the provision of, and/or improvements to, fire stations and appliances through planning obligations.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>																																																																						

		<p>approximately 7,675 residential properties and 622 commercial properties. Recent evidence suggests approximately 60% of fires are residential and 40% non-residential. In Lincolnshire the average floor space for a non-domestic property is 4,126 square metres.</p> <p>The average cost of one appliance is £1,138,000</p> <p>For residential: £1,138,000/7,675 dwellings per appliance x 60% fires = £88.96 as an expected cost per dwelling.</p> <p>£88.96 x 50 dwellings = £4,448 as a total expected costs of provision</p> <p>For commercial: £1,138,000/622 properties per appliance x 40% fires = £732.16 as an expected cost per property.</p> <p>£732.16/4,126 sqm for the average property = £0.18 per sqm</p> <p>£0.18 x 1,000 sqm = £180 as a total expected cost of provision</p>	
Brendan Gallagher (Lincolnshire County Council)	2.13.1	Insert footnote to reference the national guidance on provision of water for fire fighting.	<p><i>The Council accepts that the reference is relevant to the section of the SPD and will insert a footnote to 2.13.1 to read:</i></p> <p><i>"http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf"</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.13.3	Simplify the text by amending to read: Securing water for fire fighting purposes on new sites, all new development should be considered at the planning stage with a view to securing water meeting fire-fighting needs. Both the Fire and Rescue Service and Water Companies as consultees should require provision of water for fire-fighting by applicants/developers/owners”	<p><i>The Council does not consider that the amendment is necessary as the text sets out the position appropriately in its current format.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.13.5	Add reference to the Fire Service by amending to read: “...between applicants, the Fire and Rescue Service and the Council...”	<p><i>The Council acknowledges that it is appropriate to refer to the Fire and Rescue Service in this paragraph and will amend 2.13.5 to read:</i></p> <p><i>“Alternative sources to the mains for fire fighting water supply include balancing lakes and underground tanks. Where these are appropriate the provision will need to be negotiated between applicants, the Fire and Rescue Service and the Council on a case-by-case basis.</i></p>
Brendan Gallagher (Lincolnshire County Council)	2.13.7	Provide greater clarity by amending to read: “...in residential areas. Water supply should be capable of delivering a minimum pressure of up to 35 litres per second through any single hydrant, lower minimum pressure might be acceptable in line with the guidance set out in The Code of Practice (See footnote above).”	<p><i>The Council accepts that this provides further necessary detail and will amend paragraph 2.13.7 to read:</i></p> <p><i>“End washouts are required on cul-de-sacs by water companies for mains flushing to maintain water quality. Hydrants should be provided at a</i></p>

			<i>maximum of 200m apart in residential areas. Water supply should be capable of delivering a minimum pressure of up to 35 litres per second through any single hydrant, lower minimum pressure might be acceptable in line with the guidance set out in The Code of Practice (See footnote)”</i>
Brendan Gallagher (Lincolnshire County Council)	2.13.8	Provide greater clarity by amending to read: “Hydrants in new industrial areas, town centres and other commercial developments must be on mains of 150mm or above and provided at a maximum of 100m apart. Subject to site size, the Code recommends varying pressure: from 20 litres per second on a site below one hectare to 75 litres per second on a site of over three hectares. Shops, offices and premises in recreation or tourism use should also have pressures of 20 to 75 litres per second, as suggested by the Code.”	<i>The Council accepts that this would provide further necessary detail and will amend paragraph 2.13.8 to read: “Hydrants in new industrial areas, town centres and other commercial developments must be on mains of 150mm or above and provided at a maximum of 100m apart. Subject to site size, the Code recommends varying pressure: from 20 litres per second on a site below one hectare to 75 litres per second on a site of over three hectares. Shops, offices and premises in recreation or tourism use should also have pressures of 20 to 75 litres per second, as suggested by the Code.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.13.9	Expand the details to read: “have a hydrant provided within 70 metres with minimum flows of up to 35 litres per second.”	<i>The Council accepts the additional wording and will amend paragraph 2.13.9 to read: “Hospitals, institutions, Council premises and so on must confirm to any relevant Codes of Practice and Manuals for Design, in the absence of which they will be treated as industrial and have a hydrant provided within 70 metres with minimum flows of up to 35 litres per second.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.13.11	To clarify the position, add sentence to read: “The provision of fire hydrants connected to water mains and the completion of other works necessary to ensure adequate supplies of water, in terms of both volume and pressure, for fire fighting will be sought from the Fire and Rescue.”	<i>The Council accepts the clarification through the additional sentence and will amend paragraph 2.13.11 to read: “In rural areas hydrants should be located adjacent to special risk and recognisable geographical locations such as road junction, churches, village halls etc. Hydrants installations at field entrances and in verges require careful consideration to avoid subsequent damage by heavy machinery. The provision of fire hydrants connected to water mains and the completion of other works necessary to ensure adequate supplies of water, in terms of both volume and pressure, for fire fighting will be sought from the Fire and Rescue contribution.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.13.12	To take account of contributions towards stations and appliances, amend the title above to read: “Threshold – Hydrants”	<i>The Council does not consider that it is justifiable to seek contributions towards the provision of, and/or improvements to, fire stations and appliances through planning obligations and consequently there is no need to amend this title.</i>
Brendan Gallagher (Lincolnshire County Council)	2.13.13	For clarity, amend the text to read: “In some cases, particularly sites of below one hectare, in existing built-up areas, existing hydrants could provide adequate supply, without the need for a contribution.”	<i>The Council does not consider this change necessary as the paragraph already sets out that this is the case.</i>
Brendan Gallagher (Lincolnshire County Council)	2.13.14	To take account of contributions towards stations and appliances, amend the title above to read: “Level of Contribution – Hydrants”	<i>The Council does not consider that it is justifiable to seek contributions towards the provision of, and/or improvements to, fire stations and appliances through planning obligations and consequently there is no need to amend this title.</i>

Brendan Gallagher (Lincolnshire County Council)	2.13.16	To take account of contributions towards stations and appliances, amend the title above to read: “Financial Contributions – Hydrants”	<i>The Council does not consider that it is justifiable to seek contributions towards the provision of, and/or improvements to, fire stations and appliances through planning obligations and consequently there is no need to amend the titles.</i>
	2.13.18	To take account of contributions towards stations and appliances, amend the title above to read: “Working Examples – Hydrants”	
Matthew Bagnall (DLP Planning Consultants LTD) Representing • Linden Homes • Stamford Property Company • Mrs Linda Cross	2.13.18	Objection. We object to the requirement that funds for the Fire Services will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of S 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment	<i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.13.18 will be amended to read: “Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.13.19	For clarity, amend the title above to read: “High Risk Development and Mitigation”	<i>The Council accepts that this provides further clarification of what is detailed in this section and will amend the title at paragraph 2.13.39 to read: “High Risk Development and Mitigation.”</i>
Brendan Gallagher (Lincolnshire County Council)	2.13.20 – 2.13.22	In order to build upon the mitigation under the revised title for 2.13.19, add new paragraphs to read: 2.13.20 The District Council, with the Fire Authority and other relevant organisations, will consider likely environmental impacts, should a fire occur. In some cases, the fire service will not be permitted by the Environment Agency to use copious amounts of water to extinguish the fire due to the environmentally hazardous effects of fire water run-off with certain land uses. Advice from the Environment Agency should be sought to with regard to the use of water for fire fighting and site-specific consideration such as materials stored or processed at the proposed site, the local geology and proximity to water courses. 2.13.21 There are a number of mitigation methods available, through which the fire water run-off problem can be addressed, the most obvious being to use a fire suppression system to contain a fire, thus not requiring large volumes of water. Alternatively, containment measures can be used, such as bund walls or drainage systems with lagoons, interceptors, reed beds or treatment plants. 2.13.21 The Fire Authority and Planning Authority will require a suitable measure or range of measures and a suitable maintenance	<i>The Council accepts that this expands upon the details required under this section and will therefore add new paragraphs to read: “2.13.20 The District Council, with the Fire Authority and other relevant organisations, will consider likely environmental impacts, should a fire occur. In some cases, the fire service will not be permitted by the Environment Agency to use copious amounts of water to extinguish the fire due to the environmentally hazardous effects of fire water run-off with certain land uses. Advice from the Environment Agency should be sought to with regard to the use of water for fire fighting and site-specific consideration such as materials stored or processed at the proposed site, the local geology and proximity to water courses. 2.13.21 There are a number of mitigation methods available, through which the fire water run-off problem can be addressed, the most obvious being to use a fire suppression system to contain a fire, thus not requiring large volumes of water. Alternatively, containment measures can be used, such as bund walls or drainage systems with lagoons, interceptors, reed beds or treatment plants. 2.13.21 The Fire Authority and Planning Authority will require a suitable measure or range of measures and a suitable maintenance</i>

		<p>regime, secured by appropriate planning condition and/or planning obligation. It is for the applicant to consider which approach to take in each case.</p> <p>Access by Fire Appliances</p> <p>2.13.22 In the design and layout of all development, applicants should consider external access by fire appliances. Such access arrangements, required in the interests of the health and safety of people in and around proposed buildings, will be secured by planning condition and, where necessary, planning obligation. The appropriate arrangements will be subject to the use and size of the proposed buildings. Access arrangements must be in place prior to the commencement of any proposed building works.”</p>	<p><i>regime, secured by appropriate planning condition and/or planning obligation. It is for the applicant to consider which approach to take in each case.</i></p> <p><i>Access by Fire Appliances</i></p> <p><i>2.13.22 In the design and layout of all development, applicants should consider external access by fire appliances. Such access arrangements, required in the interests of the health and safety of people in and around proposed buildings, will be secured by planning condition and, where necessary, planning obligation. The appropriate arrangements will be subject to the use and size of the proposed buildings. Access arrangements must be in place prior to the commencement of any proposed building works.”</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	2.14	<p>The requirement for 10% lifetime homes is not justified or necessary.</p> <p>The provision of Lifetime Homes should be considered as part of the total burden of Section 106 obligations and viability considerations may make it necessary for the Council to either:</p> <ul style="list-style-type: none"> Reduce the scale of the requirement Consider the relative priority to be given to Lifetime Homes against other competing priorities for funding such that the requirement can be reduced or omitted if necessary to manage the overall financial burden upon the development. <p>An additional paragraph should be added to set out that the Council will have due regard to the financial impact of such provision against the overall burden of Section 106 requirements and the level of priority attached to Lifetime Homes will be considered by the Council and developer.</p>	<p><i>The Council considers that the current wording of this section is appropriate given that one of the Council’s corporate priorities is to support good housing for all, which includes the provision of Lifetime Homes.</i></p> <p><i>As with all contributions set out in this SPD, the relative importance in terms of prioritising contributions will depend upon local circumstances as well as any demonstrable viability issues by the developer</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Martin Herbert (Brown and Co) Representing</p> <ul style="list-style-type: none"> Robert and Steven Pask Namulas Pension Trust Trustees of AJ Snarey 1987 Settlement HPC Developments 	2.14.13	<p>Objection.</p> <p>There is no evidence to suggest that Lifetime Homes attract a higher value than standard specification dwellings. The extra over costs of meeting the Lifetime Homes standard is not recovered through enhanced sales income and is therefore an additional cost to the scheme. This cost needs to be taken into account by the Council when considering the appropriateness of the provision and other planning obligations.</p>	

<ul style="list-style-type: none"> • Larkfleet Ltd <p>Boyer Planning Representing</p> <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	2.15	<p>We note the requirement to enter into a Recruitment and Training Agreement with the Council. However, we consider the requirement to provide detailed information on the numbers and types of jobs and skills required by the jobs likely to be created will, in many cases, be impossible to fulfil. The requirement is likely to be particularly inappropriate in the context of outline applications and speculative proposals where such details will not be known at the point of determination.</p> <p>In the case of residential developments, it is not clear how or why the development will generate a need for a Recruitment and Training Agreement unless this is limited to the construction period.</p> <p>There are inherent benefits from employment proposals in terms of creating jobs, and boosting the local economy but viability is a key consideration. It may be counterproductive to impose an additional burden that could, in some circumstances, prevent implementation.</p>	<p><i>The applicant will be expected to provide such information where they are able to do so. In cases where they are unable to provide the full details then this does not prevent them from entering into a Recruitment and Training Agreement to work with the Council and Job Centre to provide opportunities for local people to benefit from employment opportunities arising through development.</i></p> <p><i>The Council considers that residential development will provide opportunities for skilled labour apprenticeship positions and encourages applicants to work with the Council and Job Centre to utilise the opportunity for creating such positions.</i></p> <p><i>The SPD makes provision for the Council to take account of the viability of development when negotiating Section 106 contributions where the developer is able to demonstrate that the contributions sought render the scheme unviable.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Andrew Astin (Indigo Planning) Representing</p> <ul style="list-style-type: none"> • Sainsbury's Supermarket LTD 	2.15	<p>In respect of the Employment and Training plan, Sainsbury's Supermarkets Limited (SSL) support the requirement to maximise opportunities for local unemployed people, however, it is recommended that the Council should first look to the applicant to provide such a document.</p>	<p><i>The Council acknowledges that where the applicant is able to demonstrate that they have a similar plan in place a Recruitment and Training Agreement would not normally be required.</i></p> <p><i>Paragraph 2.15.4 will be amended to read:</i></p> <p><i>"The Recruitment and Training Agreement does not replace any existing arrangements the applicant may have with Jobcentre Plus or any other organisations including the Skills Funding Agency. Where the applicant is able to demonstrate that they have an appropriate similar plan in place then a Recruitment and Training Agreement will not normally be required."</i></p>
<p>Ken Pratt (Upper Witham Internal Drainage Board)</p>	2.16	<p>Within the specific contribution section there is no mention of flooding or the extended description of off-site watercourse maintenance requirements etc.</p> <p>Add a new section which reads:</p> <p>It is important that new development is located where it does not increase flood risk and can be served by exiting infrastructure. The FRA, where required, or the Design and Access Statement must provide proposals on how developments are to be drained and where the public sewer or private sewer discharges. Information should also be provided as to the maintenance arrangements of the receiving watercourses.</p> <p>Consideration of the Water Cycle Strategy comments is required in most</p>	<p><i>The Council considers that both flooding and water course maintenance are included within the Natural and Built Environment Section at paragraph 2.16.</i></p> <p><i>The Council accepts that further detail can be added to this section for the SPD and therefore proposes that a new paragraph be inserted at 2.16.10 to read:</i></p> <p><i>"It is important that new development is located where it does not increase flood risk and can be served by existing infrastructure. The Flood Risk Assessment (FRA), where required, or the Design and Access Statement should provide proposals on how developments are to be drained and where the public sewer or private sewer discharges. Information should also be provided as to the maintenance arrangements of the receiving</i></p>

		<p>cases.</p> <p>The level of financial contribution to off-site works can only be determined following discussion between the applicant, his/their agents and flood risk management authorities through the local planning process to assess future needs. Where a number of different developments lie within a catchment, contributions will be required from each development and the level can be determined utilising a pro-rata process.</p>	<p><i>watercourses.</i></p> <p><i>Consideration of the Water Cycle Strategy comments will be required in most cases.</i></p> <p><i>The level of financial contribution to off-site works should be determined following discussion between the applicant, their agents and flood risk management authorities through the local planning process to assess requirements. Where a number of different developments lie within a catchment, contributions will be required from each development and the level can be determined utilising a pro-rata process."</i></p>
Elizabeth Newman (Natural England)	2.16	<p>We welcome the Council's approach which seeks to ensure the protection and enhancement of the built and natural environment. Natural England expect positive planning for all development, in line with the key principles of PPS9 there should be not net loss of biodiversity through development and opportunities for enhancement should be pursued.</p> <p>Natural England support the use of Sustainable Urban Drainage Systems (SUDs) which can help to mitigate the impacts of climate change by helping to prevent and manage flooding whilst offering additional benefits such as rehabilitating landscape character, enhancing biodiversity and providing amenity areas.</p>	<p><i>Noted.</i></p>
Tom Gilbert- Wooldridge (English Heritage)	2.16	<p>We welcome the inclusion of built heritage and archaeological interest issues in paragraphs 2.16.13 and 2.16.14, and the recognition that planning obligations may be necessary in certain developments affecting the historic environment.</p> <p>We regret the removal of a specific section relating to "heritage facilities", which was included in the 2010 Consultation Draft to cover improvements to cultural heritage visitor/tourist sites across the district. It might be difficult to have a standard approach to developer contributions for this type of facility, but there may be circumstances where a bespoke planning obligation might be needed. It would be helpful to refer to the issue of "heritage facilities" in paragraphs 2.16.13 and 2.6.14, in order to recognise the potential for relevant planning obligations in specific cases.</p>	<p><i>The Council acknowledges that there is no longer a specific section setting out requirements for Heritage. However, provision has been made for such contributions to be sought, where appropriate and justifiable, through a new paragraph added at 2.5.4 to read:</i></p> <p><i>"There may be instances where contributions towards the provision of, and/or improvements to, museum and heritage facilities and/or assets would be appropriate. In such instances, the level of contribution will be determined on a case-by-case basis."</i></p>
Clare Sterling (Lincolnshire Wildlife Trust)	2.16	<p>It is important to protect and enhance designated and protected sites. Section 40 of the Natural Environment and Rural Communities Act places a duty on local authorities to conserve biodiversity when restoring or enhancing a population or habitat. We recommend there is reference to designated sites such as Local Wildlife Sites, protected species and BAP priority habitats and species.</p> <p>We agree that no lower threshold should be applicable (2.16.3). Whilst welcoming replacement of trees on a like for like basis (2.16.6), we would prefer to retain wildlife habitats in the first instance.</p>	<p><i>Insert a new paragraph at 2.16.3 to read</i></p> <p><i>"Areas of existing value should be extended and linked through the Living Landscape approach advocated by the Wildlife Trust. Such initiatives in SKDC fall under "Life on the Verge" initiative which aims to address the fragmented condition of limestone grassland across the Natural Area. A comprehensive survey of verges began in 2009 to enable work to be targeted (see www.lifeontheverge.org.uk)"</i></p> <p><i>A further paragraph will be added at 2.16.4 to read:</i></p>

		<p>Development should enhance biodiversity of an area and provide networks of greenspaces and seek to achieve a net gain in biodiversity. Sufficient natural greenspace should be available for both people and wildlife to meet Natural England's ANGSt guidelines.</p> <p>Areas of existing value should be extended and linked through the Living Landscape approach advocated by the Wildlife Trust. Such initiatives in SKDC fall under "Life on the Verge" initiative which aims to address the fragmented condition of limestone grassland across the Natural Area. A comprehensive survey of verges began in 2009 to enable work to be targeted (see www.lifeontheverge.org.uk)</p> <p>South Lincolnshire Fenlands Partnership initiative aims to restore up to 800 hectares of lost fenlands between Bourne and Market Deeping. The project partners are seeking to create a sustainably managed landscape (see www.lincsfenlands.org.uk).</p> <p>We would welcome recognition of these Living Landscape projects in this SPD and reference that developers could contribute to the aims of these projects through financial contributions.</p>	<p><i>"South Lincolnshire Fenlands Partnership initiative aims to restore up to 800 hectares of lost fenlands between Bourne and Market Deeping. The project partners are seeking to create a sustainably managed landscape (see www.lincsfenlands.org.uk)."</i></p> <p><i>Generally the approach will be that contributions received relating to the Natural and Built Environment are more appropriately left to be determined, together with the precise details of their distribution for expenditure, on a case-by-case basis.</i></p>
Alan Hubbard (National Trust)	2.16.1 – 2.16.6	<p>Objection.</p> <p>The approach set out here is supported, but it is unclear how contributions will be utilised. Especially with natural environment resources (but also potentially the built environment and open spaces) finance received for off-site works might best be used, in terms of benefit to the occupiers of a new development, if allocated to an existing nearby habitat owned by a third party where extension of that habitat or improvement to it (e.g. better access) might provide the greatest benefit. As an example, this could include extension to a Woodland Trust owned woodland, or specific improvements to the habitat to address local BAP Priorities; or the linking of habitats to extend a network and assist flora and fauna to migrate in response to climate change.</p> <p>Whereas the draft legal agreement indicates a role for the PCT in holding/spending monies collected it is unclear why similar arrangements are not identified in other areas – in particular environmental improvements.</p> <p>Supplement the text in Section 2.16 to make specific provision for contributions for off-site works to be distributed to appropriate NGOs specifically to extend and/or improve existing habitats to enhance their nature conservation value.</p>	

		Give similar consideration to the approach to a) open space, b) public realms, and c) the historic environment	
Annette Hewitson (Environment Agency)	2.16.7	<p>Paragraph 2.16.7 - refers to the off-site implications of sustainable drainage schemes. We would suggest that this point needs some clarification as there should be no increase in off-site flood risk. However, there may be some implications in terms of setting aside areas of land for sustainable drainage features. It is currently unclear if this is what the paragraph is referring to?</p> <p>We do not wish to provide exact amended wording as there is currently some uncertainty as to what is intended. Therefore we would prefer South Kesteven to first clarify this and then we could assist with any amended wording if required.</p>	<p><i>The Council shall amend the wording of paragraph 2.16.7 to read:</i></p> <p><i>“Planning Obligations will be sought, where appropriate, for the provision of, and/or maintenance of, suitable surface water drainage system, especially those using Sustainable Urban Drainage (SUDs) principles and/or which may have off-site implications.”</i></p>
Annette Hewitson (Environment Agency)	2.16.8	<p>Paragraph 2.16.8 - we have concern that this paragraph may be misinterpreted by developers and used to try and justify the building of defences to facilitate development. Planning Policy Statement 25 does not allow this approach to be used (paragraphs G4 and G5) and we do not anticipate that the introduction of the National Planning Policy Framework will amend this.</p> <p>We do not wish to provide exact amended wording as there is currently some uncertainty as to what is intended. Therefore we would prefer South Kesteven to first clarify this and then we could assist with any amended wording if required.</p>	<p><i>The Council will amend paragraph 2.16.8 to reduce the risk of misinterpretation to read:</i></p> <p><i>“Flood protection works, especially those required to ensure a development is not at risk from flooding or to protect other areas from flooding as a result of the development, may be required on appropriate sites. In no instances will the Council accept the building of defences as a means to facilitate development in areas unsuitable for development in terms of flood risk.”</i></p>
Annette Hewitson (Environment Agency)	2.16.9	<p>Paragraph 2.16.9 - refers to the County Council as Lead Local Flood Authority (LLFA). However, there may be other drainage authorities involved, such as Internal Drainage Boards, and we would suggest this paragraph also makes reference to these. As the timetable for the responsibility for SUDs is currently unknown it may also be useful to provide advice on the current responsibilities.</p> <p>We do not wish to provide exact amended wording as there is currently some uncertainty as to what is intended. Therefore we would prefer South Kesteven to first clarify this and then we could assist with any amended wording if required.</p>	<p><i>The Council will amend paragraph 2.16.9 to read:</i></p> <p><i>“Statutory responsibility for SUDs approval will come to Lincolnshire County Council as Lead Local Flood Authority (LLFA), in line with the timetable in statute. There may however also be other drainage authorities involved, such as the Internal Drainage Boards. The Council encourages applicants to undertake pre-application discussions with the LLFA and any other relevant drainage authorities at the earliest opportunity as SUDs design can often be integral to the layout of a development. Failure to do so could lead to a situation where the applicants achieve a planning consent but no SUDs approval.”</i></p>
Martin Herbert (Brown and Co) Representing	2.17.3	<p>Objection.</p> <p>The promotion of renewable energy measures is supported as a matter of principle. However, the list provided under paragraph 2.17.3 should only be used as examples and not be an exhaustive list. Technology in this field is extremely fast moving and dynamic and the Council must recognise that other technologies are currently available along with new solutions that will be developed going forward.</p> <p>Re-word paragraph 2.17.3 as follows:</p>	<p><i>The Council accepts that this is a fast evolving area of the development industry and will therefore amend paragraph 2.17.3 to read:</i></p> <p><i>“Examples of renewable energy are defined as follows but this list is not exhaustive.”</i></p>

<ul style="list-style-type: none"> HPC Developments Larkfleet Ltd 		<p>“Examples of renewable energy are defined as follows but this list is not exhaustive.”</p>	
Internal SKDC Review of Content	2.18	<p>The Council has elected to charge £25 per annum for green bin collections which makes it unreasonable to continue to seek contributions towards green bins through Section 106 contributions and this should therefore be removed from the SPD.</p>	<p><i>The Council will amend the paragraph 2.18.6 to read:</i></p> <p><i>Contributions are determined by assessing the cost of providing one silver bin (household waste recycling) per new household created.”</i></p> <p><i>The Working Example section of this chapter will also be amended to read:</i></p> <p><i>“Development of 10 houses</i></p> <p><i>10 x silver bin @ £20 per bin = £200</i></p> <p><i>Total: £200</i></p> <p><i>Therefore the total sum required for household waste and recycling storage in the example shown is £200.”</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	2.18	<p>Objection.</p> <p>We note the statement in paragraph 2.18.1 that new development places a strain upon the Council’s ability to deliver this service as it creates additional demand. However, that demand is addressed through the Council Tax generated by each new home and we consider that it is wrong to require contributions that do not take this into account.</p> <p>We suggest that this section be confined to guidance to applicants regarding the provision of adequate storage for refuse and recycling bins and accessibility for servicing.</p>	<p><i>To help ensure the sustainability of future growth within the District, it is considered a reasonable approach for the SPD to seek to ensure the provision of silver recycling bins on new development</i></p> <p><i>The requirement for green bins will be removed given that the Council has now introduced an annual charge for the green waste service.</i></p> <p><i>Therefore the following amendments will be made:</i></p> <p><i>Paragraph 2.18.6</i></p> <p><i>“Contributions are determined by assessing the cost of providing one silver bin (household waster recycling) per new household created”</i></p> <p><i>“Working Example</i></p> <p><i>Development of 10 houses</i></p> <p><i>10 x silver bin @ £20 per bin = £200</i></p> <p><i>Total: £200</i></p> <p><i>Therefore the total sum required for household waste and recycling storage in the example shown is £200.”</i></p>
Matthew Bagnall (DLP Planning Consultants LTD)	2.18.8	<p>Objection.</p> <p>We object to the requirement that funds for Waste Disposal will be held for</p>	<p><i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.18.8 will be amended to read:</i></p>

Representing <ul style="list-style-type: none"> Linden Homes Stamford Property Company Mrs Linda Cross 		ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of S 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.	<i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i>
Matthew Bagnall (DLP Planning Consultants LTD) Representing <ul style="list-style-type: none"> Linden Homes Stamford Property Company Mrs Linda Cross 	2.19.14	Objection. We object to the requirement that funds for Air Quality will be held for ten years. This we believe is contrary to the general provisions of the duration of a Section 106 Agreement as set out in the overall provisions of S 106 (4) (b) of the Town and Country Planning Act 1990. Furthermore we object to the fact that the onus is set upon the applicant to apply for the repayment.	<i>The Council intends to continue to utilise its current standard of 5 years to spend contributions. Consequently paragraph 2.19.14 will be amended to read:</i> <i>“Financial contributions will normally be held for a period of 5 years. Any funds that remain unspent at the end of this period will be repaid at the applicants express request.”</i>
Owen Walters (The Highways Agency)	Appendix A	Contains a financial contributions matrix which, for highways and transportation, states that: <ul style="list-style-type: none"> Any works that are required by the Transport Assessment will need to be secured; and that Financial contributions will be determined on a case-by-case basis It is also understood that there is no lower threshold for residential development contributions towards highways and transportation. It will be important for the authority to differentiate between transport infrastructure that is expected to be delivered through CIL and other transport infrastructure directly related to the development of a particular site which may better be secured through specific Section 106 obligations/planning conditions.	<i>The does not consider it necessary to set out in this SPD what transport infrastructure is to be delivered through CIL and which will be delivered through Section 106. This will be a matter for the CIL to address once the Council has adopted its CIL.</i> <i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i>
Nelly Jacobs (Bourne Town Council)	Appendix A Table 5	There is no reference to either cemetery provision or extension to cemetery facilities. Include reference to cemeteries – new provision or extension.	<i>It is difficult to justify links between new development and the need for cemetery requirements, consequently the SPD will not set out specific requirements for cemetery provision or extension. However, there may be certain circumstances where such a contribution is necessary and therefore an additional bullet point will be added under paragraph 1.2.3 as follows:</i> <i>“Provision of, and/or improvements to, cemeteries”</i>
Andrew Astin (Indigo Planning) Representing <ul style="list-style-type: none"> Sainsbury’s Supermarket 	Appendix A	Indigo act on behalf of Sainsbury’s Supermarkets Limited (SSL) who have existing foodstores in Grantham, Stamford and Bourne. SSL wish to make the following comments on the Draft Planning Obligations SPD. SSL do not consider it unreasonable to seek contributions where they are	<i>The Council accepts that contributions shall only be sought where there is insufficient capacity in existing infrastructure to support the population increase arising from the development and it is considered that the SPD makes this clear within Section One. Nevertheless Appendix A will be amended to clarify that contributions will only be sought where there is</i>

LTD		<p>appropriate and “necessary”. However, obligations (where no CIL is in place) should be dealt with on a case-by-case basis (as with other matters) in order to balance the social, environmental or economic benefits of a proposed development; and in order to take account of the site specific issues, the viability of a scheme, and level of contributions required if necessary.</p> <p>The CIL Regulations (2010) imposes a significantly more stringent regime for dealing with planning obligations. The level of obligations must be demonstrably necessary, fairly and reasonably related to both in scale and kind to the development proposed.</p> <p>The Regulations state that contributions secured via a planning obligations can only be secured where they are:</p> <ol style="list-style-type: none"> Necessary to make the development acceptable in planning terms; Directly related to the development; and Fairly and reasonably related in scale and kind to the development <p>In order for the Planning Obligations SPD to be “sound” in respect of PPS12 it must be found to be justified, effective and consistent with national policy (and legislation).</p> <p>Whilst it is welcomed that the SPD states that contributions will be required where needed such as for public realm/public art, Table 6 and Appendix A: Financial Contributions Matrix do not include such wording and appear to include a blanket requirements towards contributions for all new requirements which is contrary to the CIL Regulations.</p> <p>As such it is recommended that the table and matrix are amended to state that such contributions will only be sought where appropriate and reasonable in relation to the impact of the proposed development (i.e. they are dealt with on a case-by-case basis).</p>	<p><i>insufficient existing spare capacity.</i></p> <p><i>A new paragraph will be added to the start of Appendix A to read:</i></p> <p><i>“Contributions shall only be sought where there is insufficient permanent and/or projected space capacity in existing infrastructure to support the population increase arising from new development.”</i></p>
Boyer Planning Representing <ul style="list-style-type: none"> • Commercial Estates Group • Cecil Estate Family Trust 	Appendix A	<p>We are concerned at the prescriptive nature of the formula for calculation of commuted sums for affordable housing in Appendix A (and within the financial contributions text at 2.1.53). The level of subsidy required to deliver affordable housing is not the difference between market value and ‘affordable housing value’ as there are costs associated with switching tenure alongside additional risk elements to the developer. The relationship of commuted sums according to average value bands is therefore not appropriate. We consider that any commuted sums should be calculated on a site by site basis.</p> <p>Delete the affordable housing section of Appendix A.</p>	<p><i>The Council contends that it is reasonable for financial contributions towards affordable housing to be based upon the actual cost of providing such units and that the value bands help to provide a measure of what the average costs will be to the applicant if they do not provide affordable housing on-site.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Boyer Planning Representing	Appendix A	Objection.	<p><i>The Council contends that the open space standards included within the SPD do not pre-empt the Site Allocations and Policies (SAP) or Grantham</i></p>

<ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 		<ul style="list-style-type: none"> The open space standards in the SPD are as proposed within Policy SAP10 of the Site Allocations and Policies (SAP) DPD Submission Draft. The DPD is the correct place for these as it will be subject to public examination and scrutiny. Inclusion in the SPD pre-empts this process. The standards applied do not have a clear derivation or justification in the PPG17 study. They should be properly justified and the relationship between quantity required, population and proximity explained. Paragraph 2.2.14's assumed occupancy rates are a useful starting point but should be applied flexibly depending on the circumstances of the development proposed. District wide figures may not be applicable equally in every settlement and this should be acknowledged. If the standards are justified and found sound by the DPD process then they should be applied flexibly from site to site depending on local circumstances. The standards do not allow an assessment of the existing quality and quantity of provision on a site which could lead to duplication of existing open space provision close to the site leading to neglect and under-use. This also ignores the potential to improve existing open space. Delete reference to standards in this SPD but note that these will be published after adoption of the DPD. If standards are to be included then make provision for the consideration of existing facilities close to the development. 	<p><i>Area Action Plan (GAAP) DPDs, and are instead derived from the Council's PPG17 Study of Open Space.</i></p> <p><i>The PPG17 Study was informed by a credible evidence base and whilst it is acknowledged that it does indeed inform the standards within the SAP DPD and GAAP, it also forms part of the Core Strategy evidence base which is the parent document to all of the aforementioned LDF documents.</i></p> <p><i>Furthermore, should there be a change to these standards through the DPD process then the SPD can be updated to reflect the updated DPD standards.</i></p> <p><i>The application of assumed population figures are common practice in a number of other planning authorities and the assumptions made are considered to be both reasonable and fair when applied throughout the District.</i></p> <p><i>The point relating to duplication of existing facilities is noted. However, the Council would contend that the additional growth in population generated by development would be likely to place an increased burden upon existing facilities and there may therefore be the need to provide similar such facilities to help accommodate this, and/or make improvements to existing facilities.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Internal SKDC Review of Content	Appendix A	It would be beneficial to establish one financial amount per sqm of equipped play space rather than applying three different rates dependent on whether it is a LAP, LEAP or NEAP.	<p><i>The Council has worked with its Leisure and Amenities Officers and Quantity Surveyors to establish a standard charge of £93 per sqm for Children's Equipped Spaces.</i></p> <p><i>Under "Children and Young People's Space" the text will be amended to read:</i></p> <p><i>"</i></p> <ul style="list-style-type: none"> <i>On-site provision should be made at 0.3 ha per 1,000 people (3 sqm per person).</i> <i>Where adequate provision cannot be met on-site a financial contribution will be sought at £93 per sqm</i> <i>For on-site provision, 25 year commuted maintenance sums for</i>

			<i>Children and Young Peoples Equipped Space will be determined on a case-by-case basis. Further information on maintenance sums can be found in Appendix B.”</i>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	Appendix A	<p>Objection.</p> <p>The requirement of 0.25 sqm per person and financial contribution of £245 per person are not justified and its not possible to precisely determine Community Centre/Village Hall requirements on a fixed proportional basis. The formula is unnecessary and unjustified and this should be assessed on a case-by-case basis.</p> <p>No account is made of quality or quantity of existing provision. The guidance in this section should caveat provision to be sought by reference to:</p> <ul style="list-style-type: none"> The possible impact on the viability of development and; The need to assess the need for and advantages of such provision against other competing priorities for planning obligations. <p>The formula in this section should be deleted and Community Centre/Village Hall requirements be assessed on a case-by-case basis. Wording should be added to clarify that regard will be given to the overall burden of S106 requirements on the viability of the development and the level of priority attached to community centre/village halls will be considered by the Council and developer.</p>	<p><i>As with all contributions sought in the SPD, they will only be sought where there is insufficient capacity within existing facilities, reasonably capable of serving the application site, to serve the new population arising from the development.</i></p> <p><i>The level of provision of 0.25 sqm per person is based upon the recommendations of the Council’s PPG17 study. The cost of provision at £245 per person has been derived from SPONS 2010 (135th Edition) by calculating the average cost of providing a 500 sqm facility and dividing this between the population this is intended to serve to provide a cost per person.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	Appendix A	<p>OBJECTION</p> <p>The requirement of £114 per person is not justified and its difficult to determine a requirement for libraries on a fixed proportional basis. Library contributions should be determined on a case-by-case basis.</p> <p>Paragraph 2.8.3 refers to £114 per person as a “typical” requirement and we assume this acknowledges the need for a bespoke assessment of any need to contribute towards library facilities for each development site.</p> <p>No account is made of quality or quantity of existing provision. The guidance in this section should caveat provision to be sought by reference to:</p> <ul style="list-style-type: none"> The possible impact on the viability of development and; The need to assess the need for and advantages of such provision against other competing priorities for planning obligations. <p>The formula in this section should be deleted and library requirements be assessed on a case-by-case basis. Wording should be added to clarify</p>	<p><i>As with all contributions sought in the SPD, they will only be sought where there is insufficient capacity within existing facilities, reasonably capable of serving the application site, to serve the new population arising from the development.</i></p> <p><i>The sum of £114 per person has been derived from work undertaken by the County Council which indicates that the minimum provision of library space should be at 37.16 sqm per 1,000 people, or 0.037 per person. Providing this level of additional provision equates to the sum of £114 per person.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>

		that regard will be given to the overall burden of Section 106 requirements on the viability of the development and the level of priority attached to libraries will be considered by the Council and developer.	
Boyer Planning Representing <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	Appendix A	<p>Objection.</p> <p>We consider the quantity and access standards set out in Table 3, the translation of these into the number of square metres required per person and the expression of this in financial terms as an amount per person or dwelling, to be too prescriptive. In reality the need for sports facilities is not capable of such exact measurement and to approach this in terms of thresholds or quantity standards could detract from the need for considered judgements in each case.</p> <p>We consider that any provision for sports facilities should be considered and justified according to the specific circumstances and requirements of each site and the nature of the development proposals. The key consideration will be the impact of the development itself rather than meeting ideal standards of provision.</p> <p>We suggest that Table 3 and the table of specific contributions per person and per dwelling within Appendix A (on page 85) be deleted and that the text refers instead to assessment of development impacts and requirements on a case by case basis.</p>	<p><i>The Council contends that the standards of provision for sports facilities are appropriate and are evidence based, having been taken from the Council's PPG17 Study.</i></p> <p><i>The costs of provision have been derived from the Sport England Sports Facility Calculator using a Lincolnshire weighting and are considered to be appropriate for the SPD.</i></p> <p><i>Clearly the impact of development on sports facilities will be a key consideration and contributions will only be sought where there is insufficient capacity in existing facilities to accommodate the population increase from the development. The figures and standards provided in the SPD set out the Council's starting point in negotiations.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Boyer Planning Representing <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	Appendix A	<p>Objection.</p> <p>We welcome the requirement for contributions to be linked to spare capacity and for no contribution to be sought where there is sufficient spare capacity. We don't envisage a need for 100% NHS dentistry as such provision is not realistically available to the general public as most dentists operate, at least partly, on a private basis.</p> <p>In terms of pharmacy contributions, the figure is not justified and most pharmacies operate on a commercial basis anyway so no subsidy would be required.</p> <p>Remove the reference to dentistry as a possible subject of developer contributions from Section 2.10 and from Appendix A. Remove reference to pharmacies as a possible subject of developer contributions from Section 2.10 and from Appendix A.</p>	<p><i>The Council accepts that dentistry and pharmaceutical provision should not be costs placed upon development and therefore will remove reference to these under the Healthcare section of Appendix A.</i></p>
Boyer Planning Representing <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	Appendix A	<p>Objection.</p> <p>We consider that the need for Community Safety Measures should be directly related to the circumstances of each site, the nature of the development and its impacts. These should be subject to individual assessment and we object to the statement in paragraph 2.11.5 that</p>	<p><i>Community safety measures, as with all planning obligation requirements in the SPD will be based upon the level of existing spare capacity to cope with the additional increase in population arising from development. This principle is outlined in Section One and should be read as applicable throughout the entire document.</i></p>

		<p>qualifying developments will be required to pay the specific amounts set out in Appendix A</p> <p>Changes Considered Necessary:</p> <p>We request that paragraphs 2.11.4 and 2.11.5 be deleted, together with the specific sums for CCTV provision in Appendix A, and that the following replacement paragraph 2.11.4 be inserted:</p> <p><i>“Any contributions will be sought according to the specific needs arising from each development based on its nature, location and characteristics”</i></p>	<p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Boyer Planning Representing</p> <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	Appendix A	<p>Objection.</p> <p>We note that the Council has a duty to secure childcare provision. However, a substantial proportion of childcare facilities in most areas is provided on a commercial basis and requires no public subsidy. Any requirement for contributions to childcare should be restricted to that which cannot be provided on a commercial basis. This may mean limiting developer contributions to the element of childcare that the Council has a duty to provide free of charge.</p> <p>At present, the formula set out for childcare contributions appears to take no account of the role and availability of commercially available childcare. If that is the case, the SPD requirement in this subject area is not justified.</p> <p>We consider the SPD must provide more information about the scope and limitations of the Council’s duty to provide childcare and should tailor the developer’s contribution, if any, to the Council’s specific responsibility rather than seeking to meet all forms of childcare regardless of the ability of new residents to pay for it.</p> <p>We propose that the worked examples and the financial contribution tables in Section 2.12 and Appendix A be deleted and that the guidance is left to the statement in paragraph 2.12.12 with additional wording to illustrate that the developments impact and role of commercially available childcare facilities will be taken into account.</p>	<p><i>Under section 6 of the Childcare Act 2006, the local authority has a duty to secure childcare provision that is sufficient to meet the requirements of parents of children aged 0 years to 14 years (17 years for children with a disability) who require childcare in order to enable them to take up, or remain in, work or to undertake education or training which could reasonably be expected to assist them to obtain work.</i></p> <p><i>Securing sufficiency does not mean local authorities providing childcare themselves. The 2006 act sets the Local Authority role as one of market facilitation and support across the sector to ensure that childcare provision is sufficient to enable parents to work.</i></p> <p><i>Where sufficiency is not currently met and there are no market entrants known to the Local Authority to be developing in the immediate geographical vicinity during the development period that meet the sufficiency requirement contributions will be sought for the development of accommodation, either expansion of existing or new build, for the delivery of childcare by a provider from the private, voluntary or independent sector.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
<p>Tim Waller (JB Planning) Representing</p> <ul style="list-style-type: none"> Constable Homes 	Appendix A	<p>The statement in Appendix A that ‘Provision should be at the target rate of 35% of the total number of dwellings’ is inconsistent with Policy H3 of the Core Strategy. Policy H3 is clear that the 35% target is just this, and not an absolute level at which provision should be.</p>	<p><i>For consistency, the Council will amend the first bullet point under the affordable housing heading in Appendix A to read:</i></p> <p><i>“Provision should be at the target rate of up to 35% of the total number of dwellings.”</i></p>
<p>Tim Waller (JB Planning) Representing</p>	Table 1a Appendix A	<p>We recognise the benefits which public art can bring to a new development, and we have no objection to the proposed threshold of 50 dwellings proposed in Table 1a. However, the proposed requirement</p>	<p><i>The Council contends that it has not hidden the proposed public art requirement within Appendix A given that the Public Realm and Public Art section of the main body of the SPD clearly sets out the 1% requirement.</i></p>

<ul style="list-style-type: none"> Constable Homes 		<p>hidden in Appendix A for 1% of the total development costs to be dedicated to public art is unreasonable and unjustified. This would be a very substantial cost for a development, particularly in the current economic climate.</p> <p>The Council's own evidence base shows that the viability of developments in Grantham, for instance, is so poor that typically only 10% of housing on new developments is likely to be affordable, far less than the Core Strategy 'target' of 35%. In these circumstances, spending a very significant proportion of the available funding for planning obligations on public art can be seen to be potentially irresponsible, and not in accordance with the Core Strategy's objectives, which place great emphasis on the need for housing to meet social needs, but give only passing reference to the arts.</p> <p>We suggest that the principle of providing public art as part of a range of planning obligations should remain in Table 1a, but that any reference to the specific amount of funding which should be allocated to it should be removed from the SPD, as it would be unsound.</p>	<p><i>The Council's evidence base in fact indicates that within Grantham a minimum of 21% affordable housing on new developments is likely to be affordable, which is reflected in Policy HS1 of the Submission Grantham Area Action Plan.</i></p> <p><i>The requirement states "up to 1%" which provides sufficient flexibility for negotiation and for appropriate contributions to be decided on a case-by-case.</i></p> <p><i>The Council does not consider that any changes are required to the draft SPD to address this representation.</i></p>
Brendan Gallagher (Lincolnshire County Council)	Appendix A	<p>Amend the sums under Childcare to read:</p> <p>"0-1 years - £8,694 2-4 years - £6,872 5-10 years - £6,127 11-14 years - £6,127"</p>	<p><i>The Council will update the Childcare sums in Appendix A to read:</i></p> <p><i>"0-1 years - £8,694 2-4 years - £6,872 5-10 years - £6,127 11-14 years - £6,127"</i></p>
Brendan Gallagher (Lincolnshire County Council)	Appendix A	<p>Amend the text under Highways and Transportation within the Commercial Development section to read:</p> <p>"Any mitigation measures required by the Transport Assessment or Travel Plan will need to be secured. Financial contributions will be determined on a case-by-case basis."</p>	<p><i>The Council will amend the Highways and Transportation sections of Appendix A to read:</i></p> <p><i>"Any mitigation measures required by the Transport Assessment or Travel Plan will need to be secured. Financial contributions will be determined on a case-by-case basis."</i></p>
Brendan Gallagher (Lincolnshire County Council)	Appendix A	<p>Amend the text under Education section to read:</p> <p>Education (NB costs shown are based on new school build costs, where there is existing projected capacity then this will reduce the amounts required).</p> <ul style="list-style-type: none"> £13,043 per primary school place generated by the development £19,588 per secondary school place generated by the development £21,396 per sixth form place generated by the development The cost of further education places generated by development will be calculated on a case-by-case basis using standard multipliers reflecting when a new facility is needed or an extension to existing facilities is required. 	<p><i>The Council will amend the Education section of Appendix A to read:</i></p> <p><i>"Education (NB costs shown are based on new school build costs, where there is existing projected capacity then this will reduce the amounts required).</i></p> <ul style="list-style-type: none"> <i>£13,043 per primary school place generated by the development</i> <i>£19,588 per secondary school place generated by the development</i> <i>£21,396 per sixth form place generated by the development</i> <p><i>The cost of further education places generated by development will be calculated on a case-by-case basis using standard multipliers reflecting when a new facility is needed or an extension to existing facilities is required."</i></p>

<p>Andrew Astin (Indigo Planning) Representing</p> <ul style="list-style-type: none"> Sainsbury's Supermarket LTD 	<p>Appendix D</p>	<p>In respect of the Employment and Training plan, Sainsbury's Supermarkets Limited support the requirement to maximise opportunities for local unemployed people, however, it is recommended that the Council should first look to the applicant to provide such a document.</p>	<p><i>The Council acknowledges that where the applicant is able to demonstrate that they have a similar plan in place a Recruitment and Training Agreement would not normally be required. This has been clarified through the amendments to paragraph 2.15.4.</i></p>
<p>Tim Waller (JB Planning) Representing</p> <ul style="list-style-type: none"> Constable Homes 	<p>Appendix D</p>	<p>We question whether the proposals for Recruitment and Training Agreements in the draft SPD would meet the tests in the CIL regulations, and Policy SP4 of the Core Strategy. The SPD states that an agreement is required in order 'to assist in encouraging local unemployed people back to work.' The fact that local people are unemployed is not related to any need which is generated by the development itself and the need to help get people back into work is not therefore directly related to the development.</p> <p>We also note that the type of development which would be required to submit an agreement like this would by its nature provide employment. Businesses setting up in the local area would logically require staff who worked within a reasonable commuting distance. Similarly, building contractors working on residential developments of more than 100 dwellings would also logically seek a construction work force which was cost-effective, and they would be likely to advertise locally. It is by bringing this type of development to the District that local unemployment can be combated, and it is unreasonable to place additional burdens on that development to make good a pre-existing situation.</p> <p>The Council is not in a position to require applicants to enter into this type of agreement, as acknowledged in the heading of the model agreement at Appendix D as a 'voluntary agreement'. We also note that the proposals, as drafted in the SPD, appear extremely onerous, and would form a very significant commitment for applicants. These requirements will have substantial cost and time implications, which would detract from the funding available for other planning obligations.</p> <p>The SPD should therefore be clear that while these agreements represent an aspiration for the Council, they are in no way a planning obligation.</p>	<p><i>The Council accepts that the level of unemployment within the District is not related to any need generated by a new development.</i></p> <p><i>Greater clarification over the status of Recruitment and Training Agreements will be set out through the following amendments:</i></p> <p><i>2.15</i> <i>"Voluntary Recruitment and Training Agreement"</i></p> <p><i>2.15.3</i> <i>"The Council has a Voluntary Recruitment and Training Agreement, which aims to maximise employment and training opportunities for local unemployed people."</i></p> <p><i>2.15.4</i> <i>"The Voluntary Recruitment and Training Agreement does not replace any existing arrangements the applicant may have with Jobcentre Plus or any other organisations including the Skills Funding Agency. Where the applicant is able to demonstrate that they have an appropriate similar plan in place then a Voluntary Recruitment and Training Agreement will not normally be required."</i></p> <p><i>2.15.5</i> <i>"For commercial, retail and leisure development the threshold for signing up to the Voluntary Recruitment and Training Agreement is any development of 1,000 sqm or more gross floor space and/or an increase of 25 or more employees. Applicants will be expected to provide information relating to the projected recruitment and training requirements when draft Heads of Terms are being negotiated. An example of the projected Voluntary Recruitment and Training Agreement requirements pro-forma can be found in Appendix D."</i></p> <p><i>2.15.6</i> <i>"For residential development, the threshold for signing up to the Voluntary Recruitment and Training Agreement is 100 dwellings or more."</i></p> <p><i>In addition, wherever the Recruitment and Training Agreement is referred to elsewhere within the SPD it will be amended to "Voluntary Recruitment and Training Agreement"</i></p>

Boyer Planning Representing <ul style="list-style-type: none"> Commercial Estates Group Cecil Estate Family Trust 	Appendix E Section 106 Agreement Template	We consider that the wording of this template will not be appropriate in all circumstances and is, in places, not consistent with the guidance in the main document. We would look to structure and tailor any agreement to the circumstances of the site and the development.	<p><i>The Council considers that it would be appropriate to remove the template agreement from the Appendices and to keep this as a separate template document. Proposed amendments to the template will be dealt with outside of the SPD process.</i></p> <p><i>Remove Appendix E from the SPD.</i></p>															
Brendan Gallagher (Lincolnshire County Council)	Appendix E	To reflect changes in the SPD, amend the example under 2.16 to read: “B = the figures shown in the *All Items Index of Retail Prices issued by the Office for National Statistics Service of the Royal Institution of Chartered Surveyors or any successor organisation (for the period immediately prior to the due date for payment of such sum under the provision of this Agreement C = the figure shown in the *All Items Index of Retail Prices published by the Office for National Statistics Information Service of the Royal Institution of Chartered Surveyors or any successor organisation for the period last published prior to the date of this agreement.”																
Brendan Gallagher (Lincolnshire County Council)	Appendix E 5 th Schedule	To reflect changes in the SPD, amend to read: “3. To hold the Education Contribution in an interest bearing account and to repay to the Owner all or any part of it which shall not have been used within a period of five/ten years for the purposes specified in paragraph 1 Part IV of the Third Schedule here to. 4. To return the Education Contributions or any part thereof to the Owner together with all interest that shall have accrued on the amount returned which shall remain unspent on the purposes aforesaid at the expiration of a period of 5/10 years from the date of final payment to the County Council.”																
Brendan Gallagher (Lincolnshire County Council)	Appendix E Annex B Formula	To reflect changes in the SPD, amend the tables to read: “The tables below provides the calculation mechanism: 1. Primary <table border="1" data-bbox="504 1062 1301 1286"> <thead> <tr> <th>House Type</th> <th>No. of Properties</th> <th>Pupil Productivity Ratio</th> <th>Primary Pupils Generated</th> </tr> </thead> <tbody> <tr> <td>2 Bedroom</td> <td></td> <td>0.09</td> <td></td> </tr> <tr> <td>3 Bedroom</td> <td></td> <td>0.17</td> <td></td> </tr> <tr> <td>4 & 5 bedroom</td> <td></td> <td>0.33</td> <td></td> </tr> </tbody> </table> 2. Secondary	House Type	No. of Properties	Pupil Productivity Ratio	Primary Pupils Generated	2 Bedroom		0.09		3 Bedroom		0.17		4 & 5 bedroom		0.33	
House Type	No. of Properties	Pupil Productivity Ratio	Primary Pupils Generated															
2 Bedroom		0.09																
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House Type	No. of Properties	Pupil Productivity Ratio	Secondary Pupils Generated
2 Bedroom		0.09	
3 Bedroom		0.17	
4 & 5 bedroom		0.27	

3. Sixth Form

House Type	No. of Properties	Pupil Multiplier	Most Recent Cost Multiplier
2 Bedroom		0.018	
3 Bedroom		0.034	
4 & 5 bedroom		0.054	

NB: Multipliers are reviewed periodically when the latest data becomes available.”