

**Developer Contributions  
Supplementary Planning  
Document (SPD)  
Consultation Statement  
May 2016**

## **Developer Contributions Supplementary Planning Document Town and Country Planning (Local Planning) (England) Regulations 2012 Consultation Statement in accordance with Regulation 12(a)**

The Town and County Planning (Local Planning) Regulations of 2012 stipulate in regulation 12(a) that before adoption of a supplementary planning document, the local planning authority must prepare a statement setting out:

- I. The persons that local planning authority consulted when preparing the supplementary planning document;
- II. A summary of the main issues raised by those persons, and;
- III. How those issues have been addressed in the supplementary planning document.

In accordance with that regulation 12(a) the persons and organisations listed in appendix A were consulted in preparing the Developer Contributions SPD.

Consultation on the draft SPD was carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the measures set out in the Council's adopted Statement of Community Involvement.

The document was made available for public inspection for a six week period between the 1st February 2016 and the 14th March 2016. Copies of the draft SPD were available during normal office hours at the following location:

- Lichfield District Council Office, Frog Lane, Lichfield.

Copies were also available to view on the Council's website. Further information was available by contacting the Spatial Policy and Delivery Team or e mailing [developmentplans@lichfielddc.gov.uk](mailto:developmentplans@lichfielddc.gov.uk). Responses could be made via the development plans e mail at [developmentplans@lichfielddc.gov.uk](mailto:developmentplans@lichfielddc.gov.uk) and via the council's consultation system at <http://lichfielddc-consult.limehouse.co.uk/portal> or sent in writing to Spatial Policy and Delivery Manager. It was made clear on all publications that the consultation ended on Monday 14<sup>th</sup> March 2016 at 5.15pm

The following measures were undertaken to inform persons of the draft SPD consultation and document availability:

- Notification e mails were sent to all individuals/organisations/bodies that the Council considered would be affected or interested in the SPD.
- A Press Notice was posted in a local paper
- A press release was issued
- The SPD and details of the consultation were posted on the Council's website.

Appendix B to this document sets out the responses received to the consultation and how the issues raised have been addressed in the SPD.

# Appendix A

## Persons Consulted on the Developer Contributions SPD

All consultation was via email through the Planning Consultation Portal

<b>Persons Consulted</b>	
<b>SPECIFIC CONSULTATION BODIES</b>	
<p><b>All Parish Councils within Lichfield District</b></p>	<p><b>People on the Consultation Portal list: over 2000</b></p>
<p><b>Parish Councils outside Lichfield District</b></p> <ul style="list-style-type: none"> <li>• Abbots Bromley Parish Council</li> <li>• Blithfield Parish Council</li> <li>• Brereton &amp; Ravenhill Parish Council</li> <li>• Coton in the Elms Parish Council</li> <li>• Hoar Cross Parish Council</li> <li>• Lullington Parish Council</li> <li>• Middleton Parish Council</li> <li>• Netherseal Parish Council</li> <li>• Newton Regis, Seckington &amp; No Man's Heath PC</li> <li>• Norton Canes Parish Council</li> <li>• Overseal Parish Council</li> <li>• Rugeley Town Council</li> <li>• Shuttington Parish Council</li> <li>• Stowe by Chartley Parish Council</li> <li>• Walton on Trent Parish Council</li> <li>• Yoxall Parish Council</li> </ul>	<p><b>County Councils/Unitary Authorities</b></p> <ul style="list-style-type: none"> <li>• Birmingham City Council</li> <li>• Derbyshire County Council</li> <li>• Leicestershire County Council</li> <li>• Staffordshire County Council</li> <li>• Stoke on Trent City Council</li> <li>• Walsall Metropolitan Borough Council</li> <li>• Warwickshire County Council</li> </ul>
<p><b>Local Planning Authorities</b></p> <ul style="list-style-type: none"> <li>• Cannock Chase Council</li> <li>• East Staffordshire Borough Council</li> <li>• Newcastle under Lyme Borough Council</li> <li>• North Warwickshire Borough Council</li> <li>• North West Leicestershire District Council</li> <li>• South Derbyshire District Council</li> <li>• South Staffordshire Council</li> <li>• Stafford Borough Council</li> <li>• Staffs Moorlands District Council</li> <li>• Tamworth Borough Council</li> </ul>	<p><b>National Organisations</b></p> <ul style="list-style-type: none"> <li>• Arts Council</li> <li>• British Pipelines Agency</li> <li>• British Telecom Group</li> <li>• Canal &amp; River Trust</li> <li>• Central Networks</li> <li>• Centro</li> <li>• Crown Estates</li> <li>• Council of British Archaeology</li> <li>• Defence Infrastructure Organisation</li> <li>• Design Council</li> <li>• Forestry Commission</li> <li>• Environment Agency</li> <li>• Health and Safety Executive</li> <li>• Heritage Lottery Fund</li> <li>• Highways Agency</li> <li>• Historic England - Birmingham Office</li> <li>• Home Builders Federation</li> <li>• Inland Waterways Association (Lichfield Branch)</li> <li>• National Federation of Gypsy Liaison Groups</li> </ul>

**Schools**

- Chase Terrace Primary School
- Chase Terrace Technical College
- Hayes Meadow County Primary School
- Holly Grove Primary School
- John Taylor High School
- Little Aston Primary School
- Nether Stowe School
- Rawlett High School
- Saxon Hill School
- St. Stephens Primary School
- The Friary High School

- National Grid (Gas)
- National Grid Plant Protection
- National Trust
- Natural England
- Network Rail
- Office of Rail Regulation
- Royal Mail Group c/o DTZ
- Severn Trent Water Ltd
- Sport England
- Sport England West Midlands
- The Coal Authority
- Western Power Distribution

**Other consultee groups/organisations**

- Aldi Stores Ltd
- Alpha Project Management Ltd
- Alrewas Civic Society
- Alrewas Conservation Group
- Arts Foundation for Lichfield
- Ashfield Land Ltd
- Aspen Retirement Group
- AVK Motorsport Ltd
- Barton Willmore
- Barwood Strategic Land II LLP
- Beacon Street Area Residents' Association
- Beautiful Gardens
- BNP Paribas Real Estate UK
- Booth Trustees
- Borrowcop & District Residents' Association
- Borrowcop Management Consulting Ltd
- Bradshaw Bros. Ltd.
- Broome Manor Limited
- Building Research Establishment
- Burntwood Action Group
- Burntwood and Hammerwich Action Group
- Burntwood Business Community
- Burntwood Live at Home Scheme
- CALA Homes (Mids)
- Campaign for Real Ale Limited

- McClean Family Pension Fund
- Mease Valley Group
- Midland Co-op
- Miller Homes Ltd - East Midlands Region
- National Memorial Arboretum
- NAYC (Whitemoor Haye)
- NFGLG
- NFU Mutual Office
- NHS Cannock Chase Clinical Commissioning Group
- NHS Property Services Ltd
- NHS South East Staffordshire & Seisdon Peninsula CCG
- Objective Corporation
- Open Spaces Society
- OPT
- Orbit Housing Association
- Overbury
- Pall Mall Investments Ltd
- Palletways UK Ltd
- Paradise Found
- Parkridge Homes
- Partner Construction Ltd
- PDSA
- Persimmon Homes (West Midlands) Ltd
- Persimmon Homes Ltd
- Peter Roberts
- Pipe Green Trust
- Planning and Design Practice
- Planware Limited
- ProLogis
- Radleigh Homes

- Campaign to Protect Rural England - Staffordshire District Group
- Cannock Chase AONB Joint Committee
- Cannock Chase AONB Unit
- Carillion Developments
- Carnegie UK Trust
- CBI West Midlands Region
- Central Garage
- Central Rivers Initiative
- Chartre Associates Limited
- Chase & Partners
- Chasetown Preservation Group
- Chasewater Wildlife Group
- Christchurch Primary School
- Church Commissioners
- Civic Society
- Clifton Campville Millenium Green Trust
- Clinical Commissioning Group, NHS England
- Coltman Precast Concrete Ltd
- Country Land & Business Association Ltd
- CPBigwood
- CT Planning
- Curborough Consortium (RPS)
- Cycling Club Giro
- Data Identic Ltd
- David Wilson Estates
- Davy Developments Ltd
- Deloitte LLP
- Deltabridge Investments
- Derbyshire Gypsy Liaison Group
- Development Securities (Lichfield) Ltd
- Dorsman Estates Ltd
- Drayton Manor Park
- Eden Wood Limited
- Elford Homes Ltd
- Entec UK Ltd
- Envirowatch UK
- F W Ridout & Co
- Field Hamlin
- Fields In Trust
- Ramblers Association
- RCA Regeneration Limited
- Redrow Homes (Midlands) Ltd
- Represented by Star Planning
- Retirement Housing Group
- Revelan
- Revelan Group Plc
- Richborough Estates Ltd
- Ridware History Society
- Rob Duncan Planning Consultancy
- ROM Ltd
- Rowe & Sons
- Royal Institute of British Architects Client Services
- Royal Sutton Cycling Club
- RSPB Midlands Regional Office
- Rugeley Power Ltd
- S Harrison Developments Ltd
- Sainsbury's Supermarkets Limited
- Salton Europe Ltd
- Satnam Planning Services Ltd
- Savills
- Shenstone & District Car Club - Curborough
- Shipley Estates Limited
- Skills Funding Agency
- Smiths Gore ATE Wales
- Soleco UK Limited
- South Lichfield Residents Group
- South Staffordshire Mental Health Network
- South Staffordshire Water Plc
- Spire Healthcare Limited
- Sport Across Staffordshire & Stoke on Trent
- SSLEP
- St Giles Hospice
- St John's Church Shenstone & St Peter's Church Stonnall
- St Martins Property Investments Ltd
- St Pauls Res. & Commercial Property

- Fine Thompson Ltd
- First City
- Forest of Mercia
- Fosse Way Investments Limited
- Fradley Against Curborough Town
- Fradley Park Developments Ltd
- Fradley Village Hall Management Committee
- Fradley West Consortium
- Friend Associates
- Friends of Hopwas Wood
- Fulfen Primary School
- Future Energy Solutions
- GABEM (504225) Ltd
- GBSLEP
- GKN Group Services Limited
- Gladman Developments
- Gleeson Stategic Land
- Global Mapping Ltd
- Gregory Gray Associates
- Grosvenor Gospel Hall Trust
- Hammerwich Environment Group
- Hodgetts Estates
- Homes and Community Agency
- Hopwas Methodist Church
- Howkins and Harrison
- HS2 Ltd
- HSBC Bank PLC
- HSI UK Active Fund
- IGM Projects Ltd
- Infrastructure Planning & Design Limited
- Instaffs (UK) Ltd
- Institute of Directors
- International Power Plc
- J S Bloor (Services) Ltd
- J T Leavesley Ltd
- J.A. Nichols
- Johnson Fellows
- JPE Holdings Ltd
- JVH Town Planning Consultants Ltd
- St. Matthews Hospital Cricket Club
- Staffordshire Fire & Rescue Service HQ
- Staffordshire Gardens & Parks Trust
- Staffordshire Police - Trent Valley Division
- Staffordshire Police Partnership
- Staffordshire University Lichfield Centre
- Staffordshire Wildlife Trust
- Stewart Ross Associates
- Stoford Developments Ltd
- Streethay Against Development
- Sustrans
- Tamworth North Consortium/Walton Homes
- Taylor Wimpey UK Limited
- The Ancient Tree Forum
- The Association of Inland Navigation Authorities
- The Co-operative Group
- The Crown Estate
- The Landor Society of Rugeley
- The Meynell & South Staffs Hunt
- The National Forest Company
- The Ramblers Association - Staffordshire Area
- The Theatres Trust
- The Tree Council (UK)
- The Trent Valley Bowls Club
- Thomas Eggar
- Thomas Vale Construction
- Trustees of St. John's Hospital
- Village Retail Services Association
- W M Morrison Supermarkets
- Waitrose Ltd
- Walton Homes Limited
- Waterloo Housing Association Ltd
- West Midlands HARP Planning Consortium

- K B Jackson & Son (Midlands) Ltd
- Kenton Manor
- Kingfisher Holiday Park
- Kingswood Homes
- Lafarge Aggregates Ltd
- Lambert Smith Hampton
- LCP
- Leavesley Group
- Leomansley Area Residents Association
- Lichfield & District Council Voluntary Services
- Lichfield & District Cycle Forum
- Lichfield & Hatherton Canals Restoration Trust
- Lichfield & Tamworth Chamber of Commerce & Industry
- Lichfield & Tamworth Liberal Democrats
- Lichfield Alliance
- Lichfield Aspergers Parent Support Group
- Lichfield Cathedral
- Lichfield Civic Society
- Lichfield Cricket and Hockey Club and affiliate clubs
- Lichfield Cruising Club 2000 Ltd
- Lichfield Islamic Cultural Society
- Lichfield Rail Promotion Group
- Lichfield Skatepark Association
- Lingfield Assets LLP
- Lingfield Plc (Harris Lamb)
- Lingfield Securities plc
- Lioncourt Homes Ltd
- Little Aston Community Association
- London & Cambridge Properties Ltd
- London Midland
- Loxton Developments
- Lyalvale Express Ltd
- MADE
- West Midlands RSL Planning Consortium
- West Midlands, NHS Property Services Ltd
- Wilson Bowden Developments Ltd
- Woodland Trust



- Make it Stoke on Trent & Staffordshire
- Maples Hayes Trust
- Marine Fabrications Ltd
- Marrons

As part of the consultation 1396 members of the public were consulted. Details can be provided on request.

# Appendix B

## Appendix B

### Developer Contributions Supplementary Planning Document Consultation Summary Table

Organisation	Comment	Response
<p><b>Barton Willmore on behalf of the Church Commissioners for England</b></p>	<p><b>Affordable housing</b></p> <p>The Council have set a target of up to 40% for new housing within the SPD to be provided as affordable units, in line with Policy H2: Provision of Affordable Homes in the adopted Local Plan Strategy 2015. With regard to the requirement of 40% of new housing to be provided as affordable units – it is considered that this target is considered out of date, as it was based upon an affordable housing viability study carried out between 2008 and 2010. According to the Building Cost Information Service, build costs have increased by 17% since January 2008 and according to Land Registry data, house prices in Staffordshire are still 5.8% below their 2008 levels. With the simultaneous increase in build costs and reduction in house prices over the last eight years, the overall viability of a development within the District has come under immense pressure. As a result, a review of the level of affordable housing should be undertaken to reduce the requirement in order to improve viability.</p>	<p><b>Response: Rep Para 1</b></p> <p><b>Local Plan Strategy Policy H2: Provision of Affordable Homes</b></p> <p>Para 2 states that the District Council will vary the overall delivery of affordable housing percentage in line with a model of dynamic viability. The levels will be reviewed annually informed by the following factors</p> <ul style="list-style-type: none"> <li>• Market land values</li> <li>• House prices and</li> <li>• Index of building costs</li> </ul> <p>The Annual monitoring Report 2015 para 6.29 states that the current viable affordable housing target is between 31-34%.</p>

	<p>The Policy underlines that “the District Council will normally require at least 65% of the affordable housing on site to be social rented managed by a registered provider”. Whilst we acknowledge the Local Plan Strategy 2015 has been adopted, we consider greater flexibility and scope should be given to affordable rented products, rather than social rented. As referenced at paragraph 10.3, affordable rent can be no higher than 80% of the full market rent, whilst in comparison social rent is typically at 40%-60% of market rent, which is the Council’s preferred rented tenure.</p> <p>In order to improve the overall deliverability of housing developments within the District and the delivery of new affordable homes, we suggest that the SPD be amended so that the District Council seeks a higher proportion of affordable rent and shared ownership tenures, with social rent still forming part of the mix but at a lower percentage of the total provision. Such a split would improve the viability of developments and still provide a sufficient mix of affordable housing tenures, as opposed to a target percentage of 65% for social rented.</p> <p>Notwithstanding our above suggestions we do support the Council’s flexibility in respect to negotiation, as outlined at paragraph 10.20, whereby the Council recognise that it may be necessary to negotiate over the percentage target, type and mix of affordable housing, as to not impinge on the viability of a</p>	<p><b>Recommendation</b> No Recommendation</p> <p><b>Response: Rep Para 2</b> Duly Noted</p> <p><b>Recommendation</b> No amendment</p> <p><b>Response: Rep Para 3</b> The form of social housing will need to comply with Policy H2: Provision of Affordable Homes. Policy cannot be amended via the SPD.</p> <p><b>Recommendation</b> No amendments</p>
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	<p>development scheme. However, we do suggest that the reference made to a flexible approach being taken on a scheme by scheme basis to reflect local housing need should be reinforced within section 10 Appendix D Affordable Housing.</p> <p><b>Community Infrastructure Levy and Planning Obligations</b></p> <p>We note that LDC recently received the Examination of the Lichfield District Council Community Infrastructure Levy Charging Schedule Final Report following Examination Hearings, which took place on 28th January 2016. The Inspector’s Report, published on 24th February 2016, recommends that subject to modifications, the Charging Schedule can be approved. On this note, we fully expect that LDC will comply with Planning Policy Guidance [Paragraph: 093 Reference ID: 25-093-20140612 to Paragraph: 103 Reference ID: 25-103-20140612] which states that:</p> <p><b>“When a charging authority introduces the levy, section 106 requirements should be scaled back to those matters that are directly related to a specific site, and are not set out in a regulation 123 list”</b></p> <p>At this point in time, we do not have concerns with the Draft Regulations 123 List, however, as underlined at paragraph 25 of the Inspector’s Report, it is acknowledged that the list “is very much in draft form with a number of gaps and details to be added”. On this note, LDC should ensure the relationship</p>	<p><b>Response: Rep Para 4</b></p> <p>Para 10.20 of Appendix D is supported by Local Plan Strategy Policy H2 Para 5.</p> <p><b>Recommendation</b></p> <p>No Recommendation</p> <p><b>Response: Rep Para 4</b></p> <p>Duly Noted</p> <p><b>Recommendation</b></p> <p>No Recommendation</p>
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	<p>between CIL and Planning Obligations is maintained as is now when amendments are made to the List.</p> <p><b>Conclusion</b></p> <p>Having reviewed the LDC Developer Contributions, we consider that there is merit in further work being undertaken to ensure the appropriate balance of affordable housing rented tenure and that assumptions and calculations are based on an up to date affordable housing viability study. Consideration must be given to paragraph 173 of the National Planning Policy Framework, which underlines that sustainable development requires careful attention to viability, and that sites should not be subject to such a scale of obligations that their ability to be developed viably is threatened. In this instance, the costs of providing affordable housing and its tenure mix, when coupled with normal cost of development and mitigation should provide competitive returns to a willing landowner/developer to enable the development to be deliverable.</p>	<p><b>Response: Rep Para 5</b></p> <p>Duly Noted. Following comments made in the Report on the Examination of the Draft Lichfield District Council Community Infrastructure Levy Charging Schedule report 24<sup>th</sup> February 2016, amendments to aid clarification have been made to the Draft Reg 123 list, (Appendix A of the Draft Developer Contributions SPD January 2016). The Reg 123 list was adopted by Full Council on the 19<sup>th</sup> April.</p> <p><b>Recommendation</b></p> <p>No amendments</p>
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		<p><b>Response: Rep Para 6</b></p> <p>Duly Noted</p> <p><b>Recommendation</b></p> <p>No amendments</p>
<p><b>Framptons on behalf of Deanslade Park Consortium</b></p>	<p><b>Chapter 3 Policy Content</b></p> <p>2.1 The Consortium generally supports this section of the SPD. However, it should either be rewritten post April 2016 to make referee to the final version of the Housing and Planning Bill 2016 or include a sentence stating it will be reviewed in light of the Housing and Planning Bill. This is considered necessary as the Bill includes a number of fundamental changes in legislation which will impact on Developer Contributions. These include Starter Homes; Self Build; Social Housing as well as changes to planning procedure and compulsory purchase.</p> <p><b>Chapter 4 Community Infrastructure Levy</b></p> <p>2.2 The Consortium notes the progression of LDC’s CIL programme which is a process they have participated actively in in recent years. It is noted that there is a degree of overlap between infrastructure on the emerging Reg 123 list and</p>	<p><b>Response: Rep Para 2.1</b></p> <p>Duly Noted</p> <p><b>Recommendation</b></p> <p>Approval through delegated authority will be sought to enable the Appendices of the Developer Contributions SPD to be amended to reflect accurately the Housing and Planning Bill 2016 following enactment.</p> <p><b>Response: Rep Para 2.2 and 2.3</b></p>

	<p>those other items of infrastructure that maybe requested via the Developer Contributions route. The Consortium requests that at the application stage the transparency between these two parallel contribution processes follows a logical and easily interpretable route.</p> <p>2.3 The SPD fails to give certainty on how the two processes will be presented. Whilst the Consortium supports the two parallel documents as a framework they would like to put a clear marker down that each site has specific constraints and circumstances that will need to be explored at pre-app and during the application determination. The transparency of any contribution requests therefore needs a robust mechanism for presentation.</p> <p><b>Chapter 5 Viability</b></p> <p>2.4 The Consortium supports the inclusion of a chapter addressing development viability which can be a material planning consideration. The Consortium submits that this chapter should give more detail over the process of assessing viability to give prospective developers more certainty over how viability concerns needs to be presented, at what point in the development process and</p>	<p>Duly Noted. Following comments made in the Report on the Examination of the Draft Lichfield District Council Community Infrastructure Levy Charging Schedule report 24<sup>th</sup> February 2016, amendments to aid clarification have been made to the Draft Reg 123 list, (Appendix A of the Draft Developer Contributions SPD January 2016). The Reg 123 list was adopted by Full Council on the 19<sup>th</sup> April.</p> <p><b>Recommendation</b></p> <p>No amendments</p> <p><b>Response: Rep Para 2.4</b></p> <p>Duly Noted</p> <p><b>Recommendation</b></p> <p>Included a footnote to clarify 6.6.1. Included an additional para between 5.4 and 5.5 to outline instruction and cost process.</p>
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	<p>give indicative timescales. If for example LDC are proposing to use a specific toolkit (e.g. Three Dragons) this should be explained.</p> <p><b>Chapter 6.1 Affordable Housing</b></p> <p>2.5 The Consortium supports the ‘target’ of 40% affordable housing on qualifying sites stated at para 6.1.3 of the draft SPD. The flexibility of affordable housing is critical to the viable delivery of large scale strategic development sites which have significant infrastructure demands. The affordable housing chapter should again be re-written post April 2016 to make referee to the Housing and Planning Bill 2016 or include a sentence stating it will be reviewed in light of the Housing and Planning Bill. In relation to affordable housing this is considered critical as the Housing and Planning Bill 2016 is anticipated to make changes to the definitions of affordable housing and starter homes which will have clear</p>	<p>Consider viability assessments submitted, but that we will need to instruct an independent suitably qualified person to assess these and that the Council will expect the developer/applicant pay for the cost of the independent assessment. In addition see <b>Internal Housing Strategy LDC rep and recommendation.</b></p> <p><b>Response: Rep Para 2.5</b></p> <p>Duly Noted</p> <p><b>Recommendation</b></p> <p>Approval through delegated authority will be sought to enable the Appendices of the Developer Contributions SPD to be amended to reflect accurately Housing and Planning Bill 2016 following enactment.</p>
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	<p>implications for the District. The same comment applies to Appendix D starting on Page 35.</p> <p><b>Chapter 6.2 Transport 2.6</b></p> <p>2.6 The chapter relating to transport is generally broad in scope, but does raise one strategic item of infrastructure that is associated with the land at Deanslade Farm by reason of it needing land in the control of the Consortium to deliver.</p> <p>2.7 The Lichfield Southern Bypass is referred to at para 6.2.1 which is effectively a summary of the Local Plan requirement for this infrastructure to be completed. The Consortium does not object to this aspiration having emphasis in the SPD, however the Consortium does wish to clarify their consistent position with regard to this matter. The Consortium will assist with the delivery of the southern bypass where it is able to do so, however the nature of this assistance is still a discussion that is ongoing with Staffordshire County Council and will be negotiated as part of any future application.</p> <p>2.8 Appendix 9 of the SPD (page 28) lists the draft Reg 123 list which includes reference to the Completion of the Southern Bypass. The same position applies as summarised in para 2.6 above that any contribution and provision of land has yet to be negotiated. The Consortium is presently compiling transportation related evidence in consultation with Staffordshire County Council which will determine what transport infrastructure is necessary to support the application</p>	<p><b>Response: Rep Para 2.6,2.7,2.8</b></p> <p>Duly Noted</p> <p><b>Recommendation</b></p> <p>No amendment</p>
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	<p>at Deanslade Farm, the findings of this work and the subsequent negotiations will determine what mitigation is needed and any contributions will need to satisfy the tests identified by Reg 122.</p> <p>2.9 Para 6.2.3 makes reference to the need for any development to engage with SCC over the S.278 agreement. Whilst this position is a matter of fact the Consortium would request that chapter 6.2 of the SPD include some detail on mechanisms the District Council as LPA will commit to as a means of ensuring timely delivery. If SCC as a partner authority are seeking obligations it is considered reasonable that they give some certainty over timescales and mechanisms to ensure the two processes do not conflict or delay one another and that this would be best detailed in the SPD.</p> <p><b>Chapter 6.3 Education</b></p> <p>2.10 Para 6.3.2 makes specific reference to Local Plan Policy Lichfield 6 concept statement being drawing up and used in the formation of the CIL Reg 123 list. The Consortium has acknowledged that research to date has indicated that there is pressure on places in primary schools, and rather less on secondary places, at present. The County Council (LEA) expects the number of pupils arising from a development of 450 dwellings at Deanslade Farm would be about 142 primary pupils and 122 secondary and sixth form pupils.</p>	<p><b>Response Rep Para 2.9</b></p> <p>Duly noted</p> <p><b>Recommendation</b></p> <p>See SCC representation, Transportation suggested amendments.</p>
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	<p>2.11 Discussions with the LEA suggested there is little or no opportunity for sensibly adding capacity at existing primary schools. The consortium is aware that a new primary school is proposed for St John’s (the allocated South Lichfield site next door, which is already the subject of a planning resolution to grant) and that it is proposed this new school could be larger than needed for that development. Therefore throughout its promotion the emerging master plans have shown a 1.09 ha school site and the Consortium accepts it is a material consideration and one which will need exploring at application stage. Provided there is no double counting between CIL and S106 provision the Consortium remains willing to explore a suitable strategy.</p> <p><b>Chapter 6.4 Open Space</b></p> <p>2.12 Deanslade Park has consistently been promoted with the aspirations for the delivery of a circa 16 ha country park to occupy the higher ground to provide elevated views over the skyline of the City of Lichfield. The Consortium therefore supports in principle the inclusion of a chapter in the SPD relating to the issue. The policy would be made sound if it included details of the Council position on over provision of open space and whether this could be offset against other requirements. This is further explored at para 2.11 of this note.</p>	<p><b>Response Rep Para 2.10, 2.11</b></p> <p>Duly noted</p> <p><b>Recommendation</b></p> <p>No amendment</p>
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	<p>2.13 The Consortium has no specific comments to raise concerning the 15km zone as this is for the Council and its partners to justify. The one observation the Consortium would like to raise is that the policy should be sufficiently flexible to recognise opportunities for sites to provide on-site mitigation for alternative natural green space if the particular site is appropriate. In the case of Deanslade Farm the formation of the circa 16 ha Country Park offers an opportunity for such a facility and the policy should facilitate this being investigated. Such an approach would encourage recreation on site and reduce pressure on the SAC destinations.</p> <p><b>Chapter 6.6 Sustainable Urban Drainage (SuDs)</b></p> <p>2.14 The Consortium notes the aspirations of the draft SPD to ensure sustainable drainage is an integral part of all schemes and supports this aspiration. Whilst it is not specifically relevant to the consultation the</p>	<p><b>Response Rep Para 2.12</b></p> <p>Duly noted. There is no provision for offsetting relating to the provision of open space. The negotiation of site specific infrastructure will be made on a site by site basis, compliant with Reg 122</p> <p><b>Recommendation</b></p> <p>No amendments</p> <p><b>Response Rep Para 2.13</b></p> <p>Duly noted. Guidance to Mitigate the impact of residential development on the Cannock Chase SAC (March 2015) provides further guidance on the</p>
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	<p>Consortium do wish to put a clear marker down that they are not willing to entertain SuDs for Deanslade Farm being part of the restoration of the Lichfield Canal. This position has been consistently adopted by the consortium through the Local Plan promotion.</p> <p>2.15 The Council will be aware that the land required for the restoration of the canal alongside Falkland Road, has already been transferred to Staffordshire County Council pending delivery on the ground by the canal charity. This was done at the time of the southern bypass being constructed and the ground is presently open grassland.</p> <p>2.16 The open space on the Deanslade Park master plan is intended to connect to the canal open space and in this sense it will form part of the wider green infrastructure network. However, to clarify the canal land adjacent to Falkland Road will be outside of any future application red line associated with Deanslade Park.</p> <p><b>2.17 Chapter 6.7 Air Quality Management Areas</b></p> <p>2.18 The Consortium notes that an Air Quality Assessment (AQA) will be required where a development is anticipated to give rise to significant changes in air quality. There may also be the need to assess air quality implications of a development where significant change in relevant exposure is anticipated, such</p>	<p><b>Recommendation</b></p> <p>Cross reference to the Guidance to mitigate the impact of residential development on the Cannock Chase SAC (March 2015) be included at 6.5.5.</p> <p><b>Response Rep Para 2.14, 2.15, 2.16</b></p> <p>Duly noted</p> <p><b>Recommendation</b></p> <p>No amendments</p>
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	<p>as when residential properties are proposed in an area of existing poor air quality.</p> <p>2.19 In Lichfield District, an AQMA has been declared at Muckley Corner for continued exceedances of the annual mean objective for nitrogen dioxide (NO2), resulting from road traffic emissions. Muckley Corner is located approximately 4km from the Deanslade Farm site. It is considered a material consideration that the application process should investigate and any mitigation discussed as part of the application determination process.</p> <p><b>Conclusion</b></p> <p>3.1 Generally the Consortium, is supportive of the proposed SPD as a policy document to bring together developer contributions to deliver the Local Plan’s Special Strategy alongside CIL. There are clearly topics and contributions listed in the draft which in the Consortium’s opinion require further clarification and many elements that should only be debated at applications stage when full site specific evidence is available. This is because the Local Plan and the IDP which underpins the spatial strategy is broad in nature and applying CIL reg 122’s tests site specifically, along with reasonable viability , are detailed considerations.</p> <p>3.2 Therefore the Consortium seeks to put a clear marker down that they will meet the obligations that are lawfully justified pursuant to the provisions of</p>	<p><b>Response Rep Para 2.17, 2.18, 2.19</b></p> <p>Duly noted</p> <p><b>Recommendation</b></p>
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<p><b>Health and Safety Executive</b></p>	<p>We have concluded that we have no representation to make at this stage of your local planning process. This is because there is insufficient information in the consultation documents on the location and use class of sites that could be developed. In the absence of this information, HSE is unable to give advice regarding the compatibility of future developments within the consultation zones of major hazard establishments and MAHPS located in the area of your Local Plan.</p>	<p>Duly Noted.</p> <p><b>Recommendation</b></p> <p>No amendments</p>

<p><b>Highways England</b></p>	<p>We have reviewed the Developer Contributions SPD and can confirm that it is largely an informative document which details the Council’s approach to planning obligations and complements the Council’s CIL, which is intended to be implemented in early 2016. The national and local policy context is set out, highlighting the Local Plan Strategy in terms of the key infrastructure expected to be delivered in the District over the Plan period. The SPD provides Planning Obligation Guidance in relation to specific Local Plan Policies under a number of key themes (transport, housing etc.). Of relevance to the SRN, the Transport section sets out the strategic transport infrastructure to be delivered, in addition to an indication of that expected to be delivered in part or full by the CIL. In addition, the Air Quality Management Area section indicates the mitigation process required if an air quality assessment for a proposed development indicates a negative impact on air quality.</p> <p>Its content and information therefore has relevance to Highways England. All significant developments and proposed infrastructure delivery coming forward requires consideration for involvement and review by Highways England in terms of securing Developer Contributions in line with key guidance and regulations. Highways England therefore welcome ongoing consultation on the SPD and Local Plan Strategy in terms of key infrastructure delivery and securing developer contributions.</p>	<p>Duly Noted.</p> <p><b>Recommendation</b></p> <p>No amendments</p>
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<p><b>Historic England</b></p>	<p>Historic England is aware that the CIL SPD has been approved by PINS subject to minor modifications. We have now had the opportunity to assess the submission document in relation to the previous comments we made to the CIL consultation and would wish to make the following comments:</p> <p><u>Section 6.5 - Environmental and Biodiversity Improvements and Protection</u></p> <p>Historic environment contributions via CIL are not specifically stated in that document. As such Historic England recommends that Section 6.5 of the Developer Contributions SPD includes reference to the historic environment to ensure that development proposals, where appropriate, are required to contribute towards the protection, conservation and enhancement of the historic environment and heritage assets and their setting.</p> <p>It is recommended that Core Policy 14: Our Built and Historic Environment is referred to within the list of Local Plan Policies which begin Section 6.5 (either with other core policies or after natural heritage policies but before Policy BE1).</p>	<p><b>Rep response Para 2</b></p> <p>Duly Noted</p> <p><b>Recommendation</b></p> <p>Core Policy 14: Our Built and Historic Environment is added to the list of policies in section 6.5.</p>

	<p>The wording contained in the last sentence of part 6.5.3 is welcomed and would provide for mitigation/enhancement in respect of the historic environment and development proposals not liable for CIL.</p> <p>It is recommended that an additional part 6.5.6 is included to read:</p> <p><i>'Core Policy 14 sets out a commitment to protect and improve the built environment and conserve and enhance the historic environment through positive action and partnership working. This is further emphasised in the Adopted Historic Environment SPD. Opportunities for conservation and enhancement of the historic environment will be sought through development</i></p>	<p><b>Rep response para 4</b></p> <p>Para 6.5.3 of the Developer Contributions SPD relates specifically to SAC's.</p> <p><b>Recommendation</b></p> <p>To provide clarification the words "to satisfy Habitat Regulations" to be added to the final sentence.</p> <p><b>Rep response Para 5 and 6</b></p> <p>Suggested text is duplication of text within the Local Plan Strategy and Historic Environment SPD.</p>
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	<p><i>proposals which have an impact on a heritage asset and/or its setting.</i>' - or similar alternative wording.</p> <p>Examples indicating how planning obligations may be used could then be set out below e.g. contribution towards the repair, restoration or maintenance of a heritage asset, contribution towards interpretation, signage etc for heritage assets including any archaeological site or resources resulting from archaeological exploration as part of a development proposal.</p> <p>Contributions for such projects would not conflict with public realm contributions which would be dealt with under CIL. However, since public realm, and natural and historic environment improvements and contributions can be viewed as being synergistic, Historic England would recommend that the opportunity is taken within the Development Contribution SPD to state the historic environment as an individual environmental improvement and protection element. This would ensure that there is opportunity to seek contributions for specific heritage related needs through a development proposal if required.</p>	<p>In terms of development directly related to a heritage asset para 4.6 and 4.7 of the Developer Contributions SPD outlines clearly the need for development to be in compliance with Reg 122.</p> <p>In terms of heritage assets not directly relating to a planning application site the Infrastructure Development Plan makes no reference to specific heritage assets which require investment in order to deliver the Local Plan Strategy or mitigate against the effects of development.</p> <p>Note, vast majority of Heritage Assets across the District are in private ownership.</p> <p>Note, The District Council has a small capital fund which can be</p>
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		<p>used to target Heritage assets at Risk.</p> <p><b>Recommendation</b></p> <p>Para 6.5.6 cross referencing the Historic Environment SPD, and the Sustainable Development SPD.</p>
<p><b>Inland Waterways Association</b></p>	<p>We note the following provision for infrastructure works relating to the restoration of the Lichfield Canal:</p> <p>Appendix C Draft Regulation 123 List – table 9.1 (page 34)</p> <p>Infrastructure to be funded in whole/part by CIL</p> <p>Improvements to the public realm and local environment.</p> <p>This includes access to green space and improvements to landscapes and habituates including the following:</p> <ul style="list-style-type: none"> <li>• Infrastructure works relating to the restoration of the Lichfield and Hatherton Canal, with the exception of any works specifically undertaken in relation to any on – site provision by the developer connected to any of the Couth Lichfield SDA’s.</li> </ul> <p>IWA is pleased to support this provision in the Developer Contributions SPD.</p>	<p>Duly Noted</p> <p><b>Recommendation</b></p> <p>No amendments</p>

	<p>WE also note with satisfaction that the updated Infrastructure Delivery Plan (2015) now includes appropriate requirements for the provision of bridges and canal channel works in conjunction with each of the 3 South Lichfield SDA's</p>	
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<p><b>Lichfield Civic Society</b></p>	<ol style="list-style-type: none"> <li>1. The system is unduly complex and the overlap between the two systems of Community Infrastructure Levy and section 106 is unclear, is not transparent and is not likely to be understood by the local communities, despite claims of the contrary.</li>   <li>2. Overall there is concerns that the contributions being sought by Staffordshire County Council to education provision appear excessive in relation to other important elements of infrastructure, and that a more satisfactory balance is required, and</li>   <li>3. There is concern about the likely scale of the infrastructure funding gap in Lichfield District and whether the development proposals of the Local Plan can proceed in these circumstances where funding of supporting</li> </ol>	<p><b>Rep response Bullet Point 1</b></p> <p>Section 3 and 4 of the Developer Contributions SPD provide clarity.</p> <p><b>Recommendation</b></p> <p>No amendments</p> <p><b>Rep response Bullet Point 2</b></p> <p>Section 5 of the Developer Contributions SPD outlines the District Council’s approach to viability. The need to consider viability in development proposals is identified in a number of policies in the Local Plan Strategy including Policy IP1.</p> <p><b>Recommendation</b></p> <p>No amendments</p> <p><b>Rep response Bullet Point 3</b></p> <p>Duly Noted. The CIL Charging Schedule was independently</p>
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	<p>infrastructure is inadequate. The recent modification of CIL rates in SDAs recommended by the Examiner makes the funding gap even greater.</p>	<p>examined on the 28<sup>th</sup> Jan 2016, the report on the Examination of the Draft Lichfield District Council Community Infrastructure Levy Charging Schedule concluded that subject to some recommended modifications, the Charging Schedule provides an appropriate basis for the collection of the levy in the area. The SPD seeks to provide a mechanisms to secure funds for infrastructure and contributes to meeting the gap, it is however not the only tool available to enable delivery.</p> <p><b>Recommendation</b></p> <p>No amendments</p>
<p><b>National Forest</b></p>	<p>The National Forest Company (NFC) is concerned that no reference is made within the document to the potential for financial contributions to be made towards the creation of The National Forest.</p> <p>Saved Policy EA16 of the 1998 Local Plan expects new development within The National Forest ‘to provide trees and woodland planting to enhance the existing landscape’. This Policy has not been replaced by the Local Plan Strategy but will</p>	<p>Duly Noted</p> <p><b>Recommendation</b></p> <p>Policy EA.16 to be added to the list of Policies under section 6.5</p>

	<p>be addressed through the Allocations document. The National Forest Company will expect that the replacement policy expects new developments within the Forest to comply with the NFC's Guide for Developers and Planners (<a href="http://www.nationalforest.org/woodlands/woodlandcreation/development/">http://www.nationalforest.org/woodlands/woodlandcreation/development/</a>). This will bring the District in line with the remainder of the Forest where all the adopted or emerging Local Plans expect new developments to comply with this guidance.</p> <p>The Guide for Developers and Planners expects woodland planting and landscaping to be undertaken on-site, but where this cannot be accommodated, a mechanism is included for making a financial contribution in lieu.</p> <p>Given that in the first instance, woodland planting and landscaping is expected to occur on-site, contributions towards the creation of The National Forest have not been sought through the Community Infrastructure Levy. However, there remains the possibility that contributions will be sought from specific developments through a planning obligation where planting cannot be accommodated within the development.</p> <p>The NFC therefore considers that the Developer Contributions SPD should be amended to make reference to this. This could fit within section 6.5 Environmental and Biodiversity Improvements and Protection.</p>	<p>Environment and Biodiversity Improvements and Protection.</p> <p>Policy EA 16 does not support off site contributions. The subject of offsite contributions in relation to the National Forest will be reviewed at Allocations along with Policy EA.16.</p>
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<p><b>Natural England</b></p>	<p>Natural England welcomes the document’s reference to the Special Areas of Conservation with the LPA’s area or influence i.e. the River Mease SCA and the Cannock Chase SAC. We have no further specific comments on the SPD.</p>	<p>Duly Noted</p> <p><b>Recommendation</b></p> <p>No amendments</p>
<p><b>Town Planning LNW</b></p> <p><b>Network Rail</b></p>	<p>Network Rail would comment as follows, for the attention of the LPA.</p> <p>Pg 12, “Delivery of an additional parking facility to serve the strategic needs of Lichfield Trent Valley station” 6.2.2 Beyond these strategic infrastructure requirements, the Local Plan policies listed above identify a range of potential improvements to various transport services which may incorporate the need for planning obligations to be sought from development proposals.”</p> <p>Consideration should be given to financial contributions from developers towards enhancements at railway station within the LPA area, which may be required as a result of increased footfall as a result of redevelopment/increased number of dwellings in an area. Financial contributions could be from CIL or S106 or unilateral undertaking. As Network Rail is a public body it is not reasonable to expect funding for railway infrastructure mitigation measures as a result of third party commercial developments.</p> <p>Enhancements could include but not be limited to:</p>	<p>Duly Noted. Information to be used to update the Infrastructure Delivery Plan at next review.</p> <p><b>Recommendation</b></p> <p>No amendments</p>

	<ul style="list-style-type: none"> <li>• Heated waiting shelters</li> <li>• CCTV</li> <li>• Customer Information Systems</li> <li>• Help-Points</li> <li>• Car Parking facilitates</li> <li>• Access for all</li> </ul> <p>Developer contributions towards enhancements at railway stations should be viewed in the same way as contributions towards highways, or local infrastructure improvements. LPAs and developers are welcome to contact Network Rail prior to the submission of outline planning applications to determine if proposals could impact upon footfall at Railway stations. If there is a potential for impact than a developer contribution towards any necessary enhancements should be included as part of the planning obligation.</p>	
<p><b>Tetlow King Planning on behalf of Rentplus.</b></p>	<p><b>What is Affordable Housing?</b></p> <p>It is important to note that, as set out in the enclosed Statement, rent to buy housing has been endorsed by the Government in its recent consultation on proposed amendments to national policy. Specifically, this has included the broadening of the planning definition of affordable housing to include rent to buy. Whilst we consider the Rentplus model to be consistent with the existing definition of affordable housing, the Government’s proposed amendments act as further endorsement. We note the Council has recognised the introduction</p>	<p><b>Rep response: What is Affordable Housing?</b></p> <p>Duly noted</p> <p><b>Recommendation</b></p>

	<p>of Starter Homes and the Housing and Planning Bill’s proposed statutory duties. It also notes at 10.6 that the Government’s proposed changes seek to “encompass a wider range of products that can support people to access home ownership”. The SPD has not fully recognised the Government’s proposal to broaden the definition of affordable housing to specifically include “innovative rent to buy housing”. Evidence given by the Housing and Planning Minister, Brandon Lewis MP, to the CLG Select committee on 24th February 2016 was clear that the Government do not intend to conduct any further consultation on the proposed changes and that changes to the NPPF would be made “over the course of this summer”. The definition of affordable housing given at 10.2 and as shown in the table at 10.3 of the SPD will need to be updated to reflect these changes, not only to recognise Starter Homes but also rent to buy affordable housing. We recommend that the definitions of affordable housing tenures at 10.3 be updated once the Government’s proposed changes are implemented this summer.</p> <p>In due course the Council’s affordable housing policies in the Local Plan will need to be reviewed and fully updated.</p> <p><b>Phasing on Large Sites</b></p> <p>We note the Council’s statement at 10.16 that affordable housing is expected to be developed at the same time as market housing on large sites. It is possible that early delivery of Rentplus homes will help accelerate overall delivery due to the significant levels of private funding for the model. This would allow early</p>	<p>Approval through delegated authority will be sought to enable the Appendices of the Developer Contributions SPD to be amended to reflect accurately the Housing and Planning Bill 2016 following enactment.</p>
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	<p>occupation of affordable housing, and the added benefit of the release of existing affordable housing stock by residents moving to Rentplus homes where this better suits their needs and aspirations.</p> <p>In the case of delivery of Rentplus homes it may not always be suitable or desirable to require full dispersal or pepper-potting of affordable homes across a site. The unique hybrid nature and phased release of Rentplus homes over a 20 year period ensures that a wide range of households on the Council’s housing register can be properly accommodated, with the added benefit of creating multitenure and multi-generational communities within large scale developments over the first 20 years of its development. The Council should take a flexible approach to large scale developments where this will enable high volumes of affordable housing to come forward.</p> <p><b>Design, Layout and Construction of Affordable Housing</b></p> <p>The Council’s statement at 10.19 is now outdated. The Homes and Communities Agency design and quality standards have been replaced with the national technical standards, most relevantly here relating to internal space and accessibility. If the Council wishes to implement these new standards it must undertake a review of local need, and viability test the impact the introduction of the standards would have on deliverability of housing. Such standards may only be introduced through a Local Plan policy, and so references in this paragraph to housing standards should be removed in its entirety.</p>	<p><b>Rep response: Phasing on Large Sites</b></p> <p>Duly noted. In relation to comments made against 10.16, para 10.18 addresses these concerns. In regard to the Rent Plus Modal, if the Model is brought forward by a registered providers it will be considered on a site by site basis.</p> <p><b>Recommendation</b></p> <p>No amendment</p>
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	<p>Should the Council consider it useful, a meeting between relevant planning and housing officers and Rentplus would assist in understanding the implications of introducing Rentplus rent to buy homes as part of the overall housing mix across the District. Such a meeting would enable officers to discuss the practical implications of delivering Rentplus homes in Litchfield, and the use of a Memorandum of Understanding (MoU) to establish a working relationship to provide affordable homes across the Borough.</p>	<p><b>Rep response: Design, Layout and Construction of Affordable Housing</b></p> <p>Duly Noted.</p> <p><b>Recommendation</b></p> <p>Para 10.19, second sentence, insert Registered Providers may require affordable housing to conform to any Housing and Communities Agency design and quality standards that are in place at the time.</p>
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<p><b>Shenstone Parish Council</b></p>	<p>The Shenstone NP is still to have its examination completed and the questions below assume it will be approved.</p> <ol style="list-style-type: none"> <li>1. Shenstone Parish Council wants assurances that the proposed development viability formula has safeguards in place in the Lichfield's SPD revisions to ensure that the overarching Community Infrastructure Levy contribution does not exhaust a housing developer's financial capacity to contribute to the specific and reasonable onsite housing mix, affordability and infrastructure requirements. In particular we need assurance that the "viability cushion" can be used to protect the proposed Shenstone NP on site priorities for the recommended housing development site.</li> <li>2. Shenstone Council understand that "if the percentage housing mix target cannot be delivered for reasons of viability, an open book viability appraisal will be required to satisfy the council that the proposed scheme would not be viable if the full amount of affordable housing was provided on-site and to help determine the amount and type of affordable housing provision that would be reasonable." The Parish Council wants clarification that (a) there are limits to the housing mix adjustments that will be tolerated and (b) adjustments to the CIL</li> </ol>	<p><b>Response Rep Bullet point 1</b></p> <p>CIL rates for Lichfield District Council were independently examined on the 28<sup>th</sup> Jan 2016. The report concluded that subject to some recommended modifications, the LDC Draft CIL Charging Schedule provided an appropriate basis for the collection of the levy in the area. The Charging Schedule was adopted by Full Council on the 19<sup>th</sup> April 2016.</p> <p><b>Recommendation</b></p> <p>No amendments</p> <p><b>Response Rep Bullet point 2 (a)</b></p> <p>The NP once made will form part of the Local Development Plan. Social Housing Relief is governed by the Community Infrastructure Levy Regulations 2010 (as amended), Part 6 section 49, 49A, 49B, 49C, 50, 51.</p>
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	<p>contribution can also be made to secure the NP percentage housing mix target in a proposed development.</p>	<p><b>Recommendation</b></p> <p>No amendments</p> <p><b>Response Rep Bullet point 2 (b)</b></p> <p>CIL rates for Lichfield District Council were independently examined on the 28<sup>th</sup> Jan 2016. The report concluded that subject to some recommended modifications, the LDC Draft CIL Charging Schedule provided an appropriate basis for the collection of the levy in the area. The Charging Schedule was adopted by Full Council on the 19<sup>th</sup> April 2016. Adjustment to CIL payments can only be made using the adopted (19<sup>th</sup> April 2016 Full Council) Exemptions, Relief and Exceptional Circumstances Policy following producers set down in the CIL regulations 2010 (as amended) Part 6 section 44.</p>
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	<p>3. Shenstone Parish Council requests confirmation that for the Shenstone NP when approved the local allocation of 25% of the total levy secured in the Shenstone area can only be spent on the stated off site infrastructure priorities identified in the Shenstone NP when approved.</p> <p>4. If and when the Shenstone Neighbourhood Plan is subject to a positive referendum and is subsequently approved by Lichfield District Council will any current and relevant planning applications for development but not yet approved or relevant development applications with approval</p>	<p><b>Response Rep bullet point 3</b></p> <p>Duly noted, the Duty to Pass CIL to local councils is governed by the Community Infrastructure Levy Regulations 2010 (as amended), Part 7 section 59A – 59F.</p> <p><b>Recommendation</b></p> <p>No amendment</p> <p><b>Response Rep bullet point 4</b></p> <p>Duly noted, when during the planning permission process CIL is liable is governed by Part 12 section 128 Transitional Provision of the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p><b>Recommendation</b></p> <p>No amendment</p>
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	<p>and not yet commenced be included in the local allocation calculation at 25% level.</p>	
<p><b>Sport England</b></p>	<p>Experience, training and legal advice suggests to Sport England that the following three guidelines should apply:</p> <ol style="list-style-type: none"> <li>1. <b>CIL should specifically <u>exclude any mitigation measures</u> required to make a development proposal satisfactory in planning terms, e.g. if housing is proposed on playing field the mitigation for that loss under Par NPPF 74 should be dealt with outside of CIL.</b> This needs to be clarified and encompassed within the SPD.</li> <li>2. <b>CIL 123 lists should only include <u>defined projects</u> and not use generic statements such as ‘open space, sport and recreation’.</b> Our understanding of the legal position is that where a generic statement is used for a facility type then all provision is caught within CIL and therefore none can be delivered via S106 (to avoid double dipping). The table in Appendix C could lead to confusion and contested payments – CIL appears to include all indoor sports facilities and all playing pitches, tennis and bowls provision to accord with the Feasibility Study and PPS BUT does not define those site specific and definable projects. S106 contributions are then expected to include (for outdoor sport only) specific schemes (not identified) in SDAs in 4 named locations (areas but not sites) (the same is the case for open space). Sport England therefore suggests the CIL column is revised to include only specific projects that can reasonably be funded through CIL, and then anything outside those defined projects can still be funded by S106 contributions in accordance with policy/standards? As</li> </ol>	<p><b>Rep response Bullet Point 1</b></p> <p>Duly noted. Para 4.7 of the SPD confirms this.</p> <p><b>Recommendation</b></p> <p>No amendment</p> <p><b>Rep response Bullet Point 2</b></p> <p>Duly Noted. Following comments made in the Report on the Examination of the Draft Lichfield District Council Community Infrastructure Levy Charging Schedule report 24<sup>th</sup> February 2016, amendments to aid clarification have been made to the Draft Reg 123 list, (Appendix A of the Draft Developer Contributions SPD January 2016).</p>

	<p>worded the CIL list can be challenged for indoor sport as it is not project specific, and no S106 contributions can be sought at all for indoor sport. In addition it will be hard to secure S106 funding for any outdoor sport at all as it is captured entirely in the CIL list given the generic reference to the PPS.</p> <p>3. <b>CIL 123 lists should be kept to a list of <u>major key priority projects</u> and not seek to deliver all infrastructure. These projects should be the big ticket items where S106 pooling restrictions prevent S106 agreements being a practical tool and where CIL receipts are sufficient to deliver within a reasonable timescale. The project list should exclude smaller projects/improvement schemes that are simpler/quicker/more enforceable for developers/LAs to deliver on or off site via S106 agreements where delivery can become a planning requirement.</b> It is suggested that the major indoor projects such as at the new pool/leisure centre at Friary School should reasonably be on the CIL list but that all outdoor sports projects (which are generally smaller in nature) should be provided via S106 contributions.</p>	<p>The Reg 123 list was adopted by Full Council on the 19<sup>th</sup> April.</p> <p><b>Recommendation</b></p> <p>No amendment</p> <p><b>Rep response Bullet Point 3</b></p> <p>Duly Noted. Following comments made in the Report on the Examination of the Draft Lichfield District Council Community Infrastructure Levy Charging Schedule report 24<sup>th</sup> February 2016, amendments to aid clarification have been made to the Draft Reg 123 list, (Appendix A of the Draft Developer Contributions SPD January 2016).</p>
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		<p>The Reg 123 list was adopted by Full Council on the 19<sup>th</sup> April.</p> <p><b>Recommendation</b></p> <p>No amendment</p>
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	<p>We have sought Counsel Opinion on this matter, which is summarised below along with details of an associated Appeal decision.</p> <p>Would it be possible for the County Council to define projects at a school to mitigate development and then fund those ourselves on the basis that we will then recoup money from developers via S106? How could we protect ourselves from developers arguing that the capacity is already there because we have been proactive?</p> <p><i>Douglas Edwards QC advised that he had recently been involved with a case in Cambridge which related to a guided bus service. The local authority had built the infrastructure relating to the service first and then sought to recoup the monies from developers. A developer attempted to argue that the infrastructure had already been built and therefore it could not be deemed necessary to make the development acceptable. The local authority was ultimately successful owing to the fact that the SPD which was in place contained the express intention that the infrastructure would be completed upfront and then the monies recouped.</i></p> <p><i>DE summarised that to robustly defend challenge then a policy basis is needed, with specific reference incorporated into the Local Plan or at least an SPD.</i></p>	<p>Duly Noted. This is not something that the SPD currently supports and is not subject to a recommendation.</p> <p>Note: governance arrangements for CIL will be subject to a Cabinet and Full Council Report.</p> <p><b>Recommendation</b></p> <p>No amendment</p>
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	<p>This approach is reinforced in Appeals related to contributions towards the Cambridge Guided Bus</p> <p>(Appeal Decisions APP/Q0505/A/13/2191482, APP/Q0505/E/13/2191474, APP/Q0505/A/13/2196604, APP/Q0505/E/13/2196639).</p> <p>In his decision the Inspector seemed keen to support the local authority in taking a pro-active rather than reactive approach and it clearly wasn't the case of the LA attempting to retrospectively secure infrastructure costs on a speculative basis, as it was apparent that the LA borrowed the money on the basis that it would recoup costs from developers.</p> <p>We would wish to seek a similar approach in Lichfield insofar as where we have an identified piece of infrastructure that needs to be delivered ahead of the housing we can invest with certainty that contributions from the housing will still be payable. However, we are mindful that this principle is not solely limited to education infrastructure and therefore would be happy to discuss with you suitable wording for incorporation into the SPD.</p>	
<p><b>Staffordshire Wildlife Trust</b></p>	<p><b>8 Appendix B Key Infrastructure Summary</b></p> <p>In the last section on Cannock Chase AONB (including SAC) it states:</p> <p>'Measures for mitigating impact of development on CCSAC, plus access</p>	<p><b>Rep Response: 8 Appendix B Key Infrastructure Summary</b></p> <p>Duly Noted. Following comments made in the Report on the Examination of the Draft Lichfield</p>

	<p>management measures and Including Gentleshaw Common in line with visitor mitigation strategy. Estimated contribution for Lichfield DC area.'</p> <p>This needs some clarification- as far as we are aware, mitigation of impacts on the Cannock Chase SAC are to be focussed on the SAC itself, and not on alternative green spaces. As now managers of Gentleshaw Common, Staffordshire Wildlife Trust is not aware of any contributions planned to be allocated to the common, or any obligations to manage the site relating to Cannock Chase and visitors.</p> <p>We also note that within the Key Infrastructure Summary there are no green infrastructure or biodiversity projects that have been planned or costed to be delivered. The NPPF requires LPAs to 'Plan for biodiversity at a landscape-scale across local authority boundaries' and 'promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;'</p> <p>PPG Paragraph: 008 Reference ID: 8-008-20140306 states that: 'Local planning authorities and neighbourhood planning bodies should therefore seek opportunities to work collaboratively with other partners, including <a href="#">Local Nature Partnerships</a>, to develop and deliver a strategic approach to protecting and improving the natural environment based on local priorities and evidence. '</p>	<p>District Council Community Infrastructure Levy Charging Schedule report 24<sup>th</sup> February 2016, amendments to aid clarification have been made to the Draft Reg 123 list, (Appendix A of the Draft Developer Contributions SPD January 2016). The Reg 123 list was adopted by Full Council on the 19<sup>th</sup> April. The Reg 123 list along with the Infrastructure Development Plan provides clarity in regard to the CCSAC and other green infrastructure or biodiversity projects. To clarify Environment and Biodiversity project appear on the Reg 123.</p> <p><b>Recommendation</b></p>
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	<p>While individual developments can contribute some biodiversity gain, to significantly enhance ecological networks there do need to be planned areas that work and contributions can help deliver, such as new country parks etc.</p> <p><b>11 Appendix E Open Space Standards</b></p> <p>The contribution per person to Natural/semi natural green space (including woodlands, canals, lakes, rivers and other Green infrastructure) is 39p per m2 which equates to nearly £82 per person, compared to £300 per person for SDA Amenity Green Space including parks and gardens. This seems low, unless existing habitats are to be opened up for public access. Creation and management of high quality diverse semi-natural habitats is probably lower in cost than more intensive green spaces, but still needs ongoing, sometimes specialist, management.</p>	<p>To avoid confusion Appendix B will be removed from the Developer Contributions SPD.</p> <p><b>Rep Response: 11 Appendix E Open Space Standards</b></p> <p>Duly noted. The cost per provision has been calculated using actual examples implemented by the District Council.</p> <p><b>Recommendation</b></p> <p>No amendment.</p>
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<p><b>Tetlow King Planning on behalf of West Midlands HARP Planning Consortium</b></p>	<p><b>Design, Layout and Construction of Affordable Housing</b></p> <p>The Housing Standards Review which concluded in March 2015 has created a new approach for the setting of technical standards for new housing. The new streamlined system which took effect from 1 October 2015 comprises of national optional Building Regulations and an optional Nationally Described Space Standard. The application of the new optional technical standards in decision-taking and plan making was set out by the Government in the Written Ministerial Statement (WMS) of 25 March 2015. These new standards encompass optional Building Regulations on water and access, and a national standard on internal space on new dwellings, to act alongside existing Building Regulations through the planning system.</p> <p><i>As set out in the WMS, “local planning authorities should not set in their emerging Local Plans, neighbourhood plans or supplementary planning documents, any additional technical standards or requirements relating to the construction, internal layout or performance of new dwellings”.</i></p> <p>Paragraph 002 (Reference ID: 56-002-20150327) under <i>Housing – Optional Technical Standards</i> of the Planning Practice Guidance (PPG), states that if a Council wishes to introduce the optional technical standards <u>“local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans”.</u></p> <p>With this in mind, the reference in the SPD to HCA standards is incorrect as these standards can no longer be referred to. Reference should instead now</p>	<p>Duly Noted.</p> <p><b>Recommendation</b></p> <p>Para 10.19, second sentence, insert Registered Providers may require affordable housing to conform to any housing and Communities agency design and quality standards that are in place at the time.</p>
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	<p>be given to the Nationally Described Space Standard and this can only be referred to through a Local Plan policy, not an SPD.</p> <p>The reference to the HCA standards should therefore be removed along with any other technical standards.</p>	
<b>Woodland Trust</b>	<p>We are pleased to support the inclusion of “Woodland and Hedgerow projects” in Appendix C – Draft Regulations 123 List. This complies with the National Policy Planning Framework which clearly states: ‘Local planning authorities should.....set out a strategic approach in their Local Plans, Planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure’</p>	<p>Duly Noted</p> <p><b>Recommendation</b></p> <p>No amendment</p>

**Late Response**

**Cannock Chase AONB**

The Partnership is most concerned with how the document relates to the Infrastructure Delivery Plan (IDP) setting out the key aspects of infrastructure that are considered necessary to deliver the expected development identified in the adopted Local Plan, including measures to protect and enhance the AONB and SAC protection and mitigation . In addition, it is important to consider how it relates to the Local plan policies on Environmental and Biodiversity Improvements and Protection.

In Appendix B of the SPD lists Key Infrastructure Projects. The inclusion of “Cannock Chase AONB (including SAC)” is welcomed.

The Draft Regulation 123 List (IDP) in Appendix C is also welcomed, especially section which refers (in part and by implication) to the AONB.

The details in Appendix G from the adopted local plan on the policy approaches to the Cannock Chase SAC are noted and the clarification provided is important. The AONB Joint Committee supports the approach to SAC protection and mitigation but as infrastructure requirements are defined and implemented, we would like to take the opportunity to reiterate the need to distinguish between the site specific Special Area of Conservation and the wider AONB. It should be noted that the SAC does not include all of the AONB and that it is habitat focused and therefore, does not have the wider coverage of matters related to landscape, scenic beauty and quiet enjoyment. Indeed, it is possible that if they

Duly Noted

**Recommendation**

No amendment

	are not carefully considered, SAC mitigation measures could adversely affect the AONB and consultation will be required as projects are developed. CIL will need be deployed to meet the complementary but sometimes separate needs of the SAC and the AONB.	
<b>Lichfield &amp; Hatherton Canals Restoration Trust</b>	<p>We refer consultation regarding the Developer Contributions SPD and understand that we are responding after the closing date for the consultation.</p> <p>We wish to record that we welcome the inclusion within the documents, on page 34, of a general intention to support our work within the District to restore the Lichfield Canal by means of Developer Contributions.</p>	<p>Duly Noted</p> <p><b>Recommendation</b></p> <p>No amendment</p>
<b>Internal</b>		
<b>Internal: Development Management LDC</b>	Para 6.6.1 the development Management Procedure Order is the '2015' version which superseded the 2010 version.	<p>Duly Noted</p> <p><b>Recommendation</b></p> <p>Amend para 6.6.1</p>
<b>Internal Housing Strategy LDC</b>	Para 10.6 to be reviewed in light of recent government announcements to ensure the statement is accurate.	Duly Noted

	<p>Para 10.19 Remove reference to HCA design and quality standards, these are no longer enforceable.</p> <p>Para 10.21 is too brief and does not provide enough information for developers/applicants. Para 10.21, amended and further paras 10.22, 10.23 and 10.24 include to provide clarity on how commuted sums will be calculated.</p> <p>10.21 Any alternatives to on-site provision will only be considered in exceptional circumstances and where off-site alternatives are considered to be the best way to achieve the delivery of affordable housing. In such circumstances, when robust evidence is available, the developer is encouraged to enter into early discussions with the council to justify the rationale for either off-site provision or a commuted sum payment. Since delivery via a commuted sum would only be applicable in exceptional circumstances, the exact level of payments will be established on a site-by site basis.</p> <p><b>How a commuted sum will be calculated</b></p> <p>10.22 In accordance with the NPPF any commuted sum payment should be broadly equivalent to the cost to the applicant of on-site provision. The sum for each unit will be based on the difference between the Registered Provider offer price (which is the sales revenue expected for each unit) and its open market value. The total calculation will be based on the equivalent number of affordable dwellings that would normally be required on the development site, for example on a site of 20 units, in line with the dynamic viability model the</p>	<p><b>Recommendation</b></p> <p>Para 10.6 : Starter Homes</p> <p>Para 10.19 accept remove of reference.</p> <p>Amended para 10.21 and include proposed paras 10.22,10.23 and 10.24.</p>
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	<p>current affordable housing requirement would be 31%, which would equate to 6 units.</p> <p><b>The calculation will be as follows:</b></p> <p>Commuted sum <math>A = B - C</math></p> <p>A= Developer contribution per unit</p> <p>B= Open market value of each unit</p> <p>C= Registered Provider purchase price for each unit</p> <p>The Registered Provider purchase price (C) will be the offer price per unit in relation to the specific s106 agreement that is being negotiated. An offer price per unit will be obtained from a minimum of 3 council approved Registered Providers, and where it differs the average offer price will be calculated.</p> <p><b>Tenure split</b></p> <p>10.23 The tenure split of the affordable housing will be agreed in line with policy H2 of the Local Plan Strategy and as a guide the District Council will normally require at least 65% of the affordable housing to be social rented.</p> <p><b>The timing of payments</b></p> <p>10.24 The calculation is to be made at the point the Section 106 agreement is signed, however the sums due will increase by the same percentage increase in the index specified in the section 106 agreement between the month prior to the signing of the agreement and the month prior to the date of payment.</p>	
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	<p>The trigger points for the payments should be consistent with the trigger points for the delivery of on-site affordable housing:</p> <ul style="list-style-type: none"> <li>• 50% of the contribution will be paid when 50% of the market homes on the site have been substantially completed, and</li> <li>• the balance of the contribution will be paid when 85% of the market homes on the site have been substantially completed.</li> </ul> <p>In the event of a dispute, the value of the commuted sum will be calculated by a suitable qualified person to be instructed by the council, with costs for this borne by the developer/applicant.</p>	
<p><b>Spatial Policy and Delivery</b></p>	<p>The document should be amended to reflect the CIL Charging Schedule and Reg 123 listed was adopted by Full Council on the 19<sup>th</sup> April 2016.</p>	<p>Duly Noted</p> <p><b>Recommendation</b></p> <p>Update document to reflect current situation.</p>