

Shropshire Local Development Framework

Statement of Consultation on the Developer Contributions Supplementary Planning Document

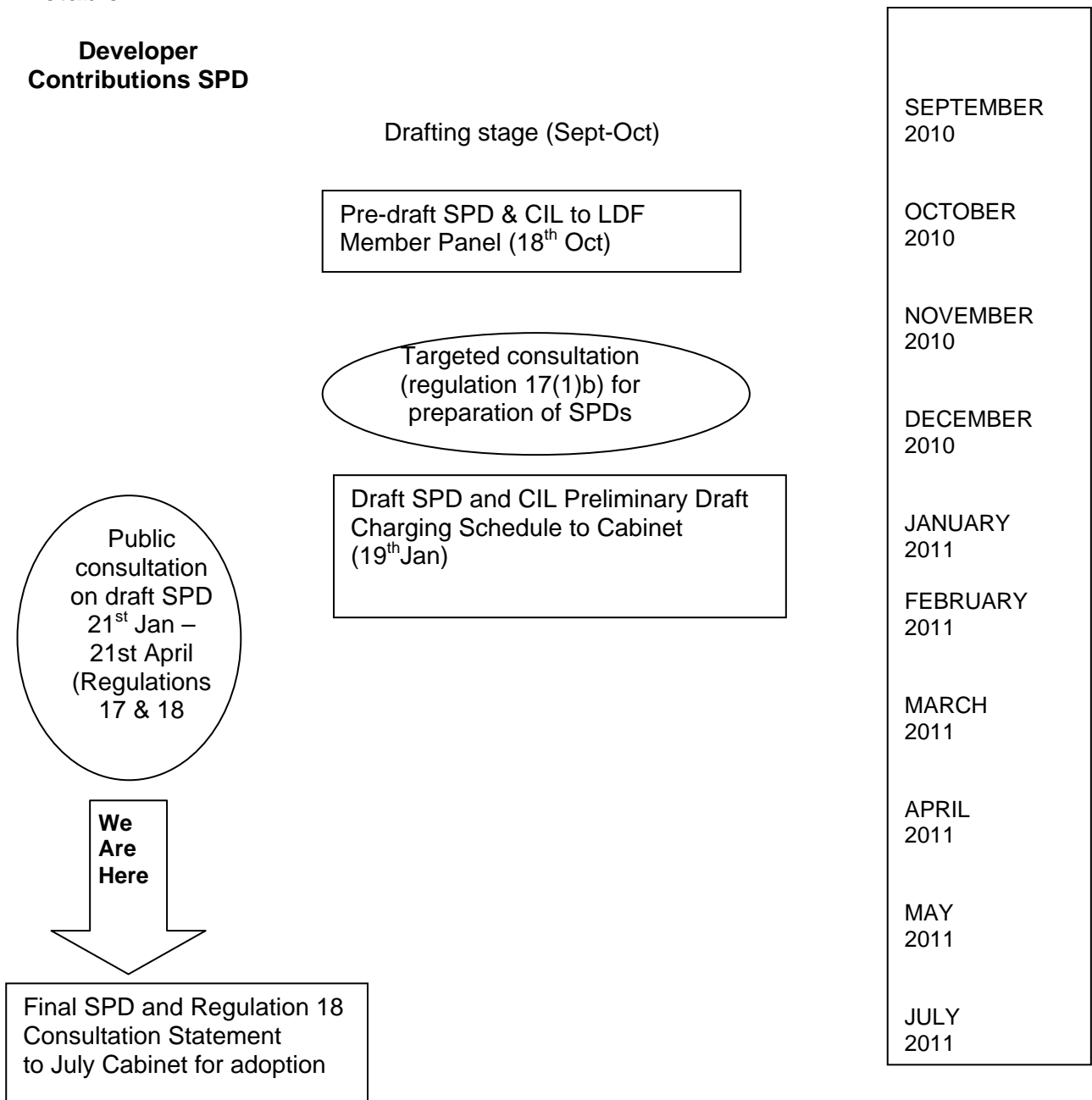
13th July 2011

Introduction

1. The preparation of Supplementary Planning Documents (SPDs) is governed by the Town and Country Planning (Local Development) (England) Regulations 2004. It requires that the main consultation stage on a draft SPD is accompanied by a statement that sets out who contributed to the preparation of the SPD. This statement of consultation is to fulfil this requirement (Regulation 17).
2. A Statement on the draft SPD (Regulation 17) was published together with the draft SPD in January 2011, and is available on the Shropshire Council website under Planning Policy >SPD Developer Contributions. This Statement (Regulation 18) is being reported to Shropshire Council's Cabinet to inform its decision of the SPD.

Timetable

Developer Contributions SPD



Targeted consultation on the pre-draft SPD

2. In preparing the Draft Developer Contributions SPD the Council sought out those with technical knowledge of the subject, to ensure that the SPD is well thought through and has had appropriate input from all the necessary specialisms.
3. A draft SPD, incorporating a working draft of the Preliminary Draft Charging Schedule and a summary of the evidence base, was circulated to the following in October 2010:
 - The LDF Member Panel
 - Development Management Officers*
 - Shropshire Council's legal team
 - Shropshire Council's finance team*
 - Shropshire Council's Enabling and Implementation team
 - Shropshire Council's Education Department*
 - Shropshire Council's Transport and Highways Department*
 - Shropshire Council's Leisure and Outdoor Recreation Department*
 - Shropshire Council's Natural Environment team*
 - Shropshire Council's Drainage Engineers*
 - The Environment Agency
 - The Shropshire Primary Care Trust*
 - Herefordshire Council's Section 106 officer
 - Representatives of the development industry, through the pre-existing SHLAA Developer Panel, at its meetings on 10th September, 29th September and 22nd, October, 28th February and 4th May.

** Members of the CIL working group*
4. As the SPD and CIL Charging Schedule will elaborate and provide part of the basis for the implementation of Core Strategy Policies CS4, CS8 and CS9, it was desirable to have the working pre-draft available during the Core Strategy examination in November 2010. The pre-draft was published with the other Core Strategy evidence papers as "ShropsEV141" and was available to the Inspector and participants at the Core Strategy examination.
5. The pre-draft SPD was also discussed at the Infrastructure Planning and CIL Project Group, comprised of around 20 local authorities that share emerging best practice, on 9th December 2010.
6. A Statement of Consultation on the Draft Developer Contributions SPD was reported to Cabinet on the 19th January 2011. At the same time that Cabinet meeting was asked to approve the Draft Developer Contributions SPD for consultation between 21st January and 21st April 2011.

Consultation on The Draft SPD: Summary of responses and consideration of the issues raised

7. As a consequence of the consultation on the Draft version, 33 responses were received. In addition, Officers consulted the SHLAA Developer Panel which met on the 28th February and 4th May 2011.

Comments and formal representations are included at Appendix A and comprise SHLAA Developer Panel feedback together with 33 individual responses are summarised as follows:-

1. Clarity and Transparency

Concerns were expressed with regard to what additional contributions would be required beyond those prescribed by CIL Charging Schedule. It was felt that there was a need for greater clarity and transparency. There was particular concern with regard to the provision, maintenance and adoption of open space which historically has generated significant developer contributions. Appendix 2 'Provision of open space, sport & recreation on residential developments' differentiates between on-site design requirements and contributions to wider infrastructure. The former are subject of the Design and Sustainability SPD. The Developer Contributions SPD makes clear cross references to other LDF documents.

2. Phased payments

The requirement to pay both the CIL levy and the commuted sum within 60 days of commencement was viewed as being onerous for developers. The Developer Panel wished to see the introduction of an Instalment Policy. Other suggestions included flexible payments and payment on occupation. In response, an Instalment Policy has been prepared as a stand alone document. The CIL Instalment Policy proposes payments in two equal instalments, the first remains at 60 days, as per the Regulations and the final payment 150 days from commencement, therefore allowing an extended period of 90 days.

3. Implementation

Concern was expressed with regard to a potential transitional period following adoption. The Developer Panel requested more certainty of when CIL would be likely to take effect from. The CIL Regulations are prescriptive and thus do not allow for a 'transitional period'. The implementation of CIL is governed by statutory requirements and these provide little scope for flexibility with regard to transitional arrangements. There will be continued publicity and communications with regard to dissemination of the date at which time the CIL will come into operation.

4. Monitoring and Delivery

It was considered that greater clarity needs to be achieved with regard to how the Authority intends to ensure that infrastructure will be delivered in a timely manner and that funds will be ring fenced to be used in the locality. Also questioned was the weight attributed to Place Plans when determining infrastructure requirements and acceptability of development in planning terms. These concerns have been addressed through the LDF Implementation Plan and the Code of Practice on Developer Contributions with clear references to these documents added to The SPD. Additional funding initiatives were noted for inclusion within the Place Plans. CIL Regulation 61 allows for the Charging Authority to introduce an administrative charge of 5% for CIL payments. In addition, the Council is proposing to introduce a 2% administrative charge for

S106 agreements. In response to requests to introduce 'capping' the maximum admin charge payable, a capped rate of £10,000 is proposed for Section 106 agreements. Monitoring and assessment of the effectiveness of spend will be undertaken on an annual basis through the Place Plans.

5. Levy rates

As with the preliminary draft SPD, comments were received regarding the differential levy rates. In addition, comments were received with regard to rural areas cross subsidising other areas and the potential for CIL to stifle development. These concerns are addressed through the separate CIL Charging Schedule examination, and by reference in The SPD to the process by which the Charging Schedule will be reviewed in the future.

6. Viability concerns

The issue of viability of development remains of concern and comments indicate that the levy should reflect viability. Also suggested is the concern that small and rural development is less likely to be viable. In responding, viability was tested at the Core Strategy Examination and will be further tested at the Independent Examination into the Community Infrastructure Levy (CIL) Developer Contributions Charging Schedule. The viability of the affordable housing contribution in relation to market conditions will be reviewed annually. Greater reference to viability has been added to the SPD to address the concerns raised.

Appendix A: Respondents

Ref	Name and organisation	
1	M Sackett, RPS	Persimmon Homes
2	M Sackett, RPS	Mosaic Estates
3	M Sackett, RPS	J Ross Developments
4	Howard Horsley	Much Wenlock Civic Society
5	Rebecca Booth, Leith Planning Ltd	Perrybank Properties
6	James Stevens, Strategic Planner	HBF
7	Mr T Perkins, Balfours	Mr and Mrs Mainwaring
8	Mr T Perkins, Balfours	Reeves Family, Halston Estate
9	Mr T Perkins, Balfours	Harvey Family, Halston Estate
10	Mr T Perkins, Balfours	A Jackson Esq
11	Mr T Perkins, Balfours	Trustees of Action Reynald Estate
12	AB Consulting	AB Consulting
13	Smiths Gore	Hereford Diocese
14	Harrislamb	Telereal Trillium
15	Woodland Trust	Woodland Trust
16	Wem Rural Parish Council	Wem Rural Parish Council
17	Welshampton and Lyneal PC	Welshampton and Lyneal PC
18	The Theatres Trust	The Theatres Trust
19	Sport England	Sport England
20	Selattyn and Gobowen PC	Selattyn and Gobowen PC
21	Peter Richards	Peter Richards
22	Eric Steer, Senior Environmental Planner	Natural England
24	Strutt and Parker	The Leverhulme Estate
25	Les Stephan	Les Stephan Planning Ltd
26	Kinnerley PC	Kinnerley PC
27	Great Ness and Little Ness PC	Great Ness and Little Ness PC
28	Patrick Downes, Harrislamb	Bovale Limited
29	Amanda Smith, Regional Planner	English Heritage
30	Mark Davies, Regional Planner	English Heritage
31	Mike Pender	Anwyl Construction Ltd
32	Christine Hemming – Area Planner	British Waterways
33	Charlene Sussums	Carter Jonas

SHLAA Developer Panel

Name	Representing
Ashley James	Wyro Developments Ltd
Chris Bywater	First City
Howard Thorne	Shropshire Homes
Jon Rowson	Barratt Homes
Jonathan Westwood	Fletcher Homes
Kathryn Ventham	Barton Willmore on behalf of Taylor Wimpey
Mark Sackett	RPS Group
Mike Pender	Anwyl
Nick Scott	J Ross Developments

Developer Contributions SPD: Statement of Consultation July 2011

Name	Representing
Nigel Clarke	Galliers Homes
Paul Sutton	South Shropshire Housing Association
Peter Richards	Peter Richards
Sepp Sargeant	Sevenside Housing
Simon Miller	Persimmon Homes
Stuart Taylor	Les Stephan Planning