

Appendix B – Summary of Main Comments

1. Role and Status of Document

Stakeholder Comments

- § *The appropriateness of the County Council seeking legitimate planning obligations is broadly accepted. However a number of respondents questioned the role and planning weight of the planning obligations policy document, highlighting that the County Council is not the determining authority for most planning decisions.*

CCC Response

- § *The County Council is a major infrastructure provider and has responsibilities around areas such as highways and transport and education. The role of the policy document will be to set out in a clear and robust fashion what legitimate and reasonable contributions the County Council may request through the planning system, where they are needed to mitigate negative effects of development on the local communities and the infrastructure needed to support them.*
- § *The policy document will be able to stand alone as County Council Policy but it should also be able to dovetail with other policy and guidance including District policies and plans. It is not intended that this policy document would be adopted as a Supplementary Planning Document by Local Planning Authorities, but could be used to inform any planning obligations policy document or as evidence for infrastructure policies prepared by Local Planning Authorities (i.e. through their Local Plan).*
- § *It is the County Council's policy approach including technical guidance, and we are satisfied that this policy document will have material planning weight and will aid decision making in Cumbria.*
- § *To address some of the points raised by consultees, some amendments have been made to ensure the status of this document and how the County Council will engage with Cumbria's other Local Planning Authorities is more apparent.*

2. Viability

Stakeholder Comments

- § *A number of respondents highlighted that the economic viability of development in Cumbria should not be prejudiced by the contributions that may be sought. Others have pointed out that the viability impacts of the policy document were not tested across Cumbria. While recognising the weight being given to viability concerns within the policy document, other comments raised concerns that there is an expectation for applicants to provide development appraisals to demonstrate viability challenges. They considered this overly onerous.*

- § *Another question that arose concerned how contributions are to be prioritised should a scheme be unable to meet the full range of contributions that may be required from the Local Planning Authority and the County Council.*
- § *A further question that arose concerned the wording around how viability testing would take place and how well this reflects the advice contained in Government Guidance.*

CCC Response

- § *It is necessary to emphasise that contributions would be sought, only when assessments show that they are required to mitigate specific effects of a development. It should not be expected that every development would be required to provide every potential contribution identified within the policy document.*
- § *The County Council recognises the importance of maintaining the viability of development within the County, therefore the policy document has the flexibility to ensure that where material and evidenced viability issues can be demonstrated, consideration should be given to opportunities to reapportion the range of contributions that may be sought. This is the normal approach to testing viability.*
- § *The Cumbria LEP has recently agreed a template for development appraisals; this should help streamline the process of testing viability and the weighing of the benefits associated with a development.*
- § *The policy makes clear that when it is considered that a proposed development cannot provide the full balance of contributions that may be sought, Authorities would work closely to review the range of contributions and to agree a suitable reapportionment. This process will be dependant on prioritisation and close cooperation between Authorities will be essential.*
- § *Testing the impact of this policy on the viability of development across the County is not necessary or indeed practical given that needs and hence viability will be different in every development proposed. The flexible, case by case, way to consider viability as part of the development management process is considered best practice when looking at the approaches within other two tier authority areas.*
- § *Wider viability testing would also take place during the development of District/National Park Local Plans, when all possible contributions and costs would be considered on a general basis. This however, does not conflict with the case by case testing of individual sites, which is still the most valid way to test viability.*
- § *The viability of a scheme is not the sole responsibility of the Local Planning Authority. Although deliverability is a key factor, ultimate responsibility for the viability of a scheme must rest with the developer. It is they that must ensure that the full range of costs associated with a development are*

properly factored into their development appraisals, prior to agreeing land values with landowners. In this way, the true costs of development can be measured and accounted for. To aid this process, it is critical that at the pre-application stage there is clear involvement of the County Council in negotiating appropriate infrastructure contributions through the use of recognised development appraisal techniques. This approach should mean that neither the developer nor the legitimate requirements of the Local Authority can be thwarted by unreasonably high land values expected by landowners who might otherwise expect a significant uplift, without recognising their responsibility for the effects of development on local communities.

- § *To address some of the concerns of consultees an amendment has been made to the text concerning the testing of viability of schemes. It is felt that these amendments give greater flexibility to take account of viability concerns and better reflects the guidance of the NPPF and the support it gives to the delivery of sustainable development.*
- § *Further to the formal stakeholder consultation, dialogue was conducted with members of the Cumbria Housing Group's Affordable and New Homes Group where concerns were raised about planning obligations and the potential impact they may have on the Homes and Community Agency (HCA) grant in the County. Through subsequent dialogue with the HCA it was agreed that the thresholds within the policy combined with the clear regard it has to viability mean it would not have an impact on HCA grant received in Cumbria.*

3. Highways

Stakeholder Comments

- § *The principle of seeking contributions towards the provision of highway and transport was generally accepted. However, some questions arose around the County's use of Travel Plans and in particular the use of bonds to secure their implementation. Others sought to reiterate that contributions requested should be appropriately linked to the effects of development.*

CCC Response

- § *The County's approach means that planning obligations or the delivery of mitigation measures will be sought to address the negative impacts of development.*
- § *The need for a Travel Plan to make a development acceptable in planning terms is set out in National Planning Policy Framework (NPPF). The NPPF emphasises the importance of Travel Plans as they are a necessary and key part of ensuring the sustainability of a development, and are the primary mechanism for delivering appropriate sustainable transport options. National Guidelines set out best practice for securing Travel Plans and their delivery via planning obligations including the use of financial incentives/penalties.*

- § *To address some of the concerns of consultees, where they are reasonable and acceptable the policy approach has been revised to remove the upfront financial contribution related to the achievement of the Travel Plan targets as it may act as a disincentive for developers to ensure effective implementation of the Travel Plan. The revised approach is to ensure submitted Travel Plans include an action plan of measures to be implemented (with allocated budget for each measure shown) which will be secured via a Section 106 Agreement. Where the inclusion of such an action plan is not possible a contribution will be secured which would be payable at the end of the Travel Plan monitoring period should the targets not be achieved. These amendments respond to a more significant level of concern raised in consultation.*

4. Education

Stakeholder Comments

- § *The principle of seeking education contributions were broadly accepted by respondents. One respondent stated that the County should ensure that information and evidence around contributions should be robust and upfront. Another point related to whether a developer should pay the full cost of the infrastructure where the County Council considers that this is necessary to mitigate the effects of their development.*
- § *Subsequent to the consultation, at a subsequent meeting with the Cumbria Housing Group, the point was raised that housing development and affordable housing would contain children who are already within the school system in the County, reducing the impact of new development upon school infrastructure.*

CCC Response

- § *The policy clearly sets out the County Council's approach to seeking contributions towards the provision of education infrastructure. This means that where contributions are sought, the County Council will always provide clear and robust evidence, and contributions would be sought in those circumstances where there are not enough local school places to mitigate the negative effects of a development. Information concerning school places would be maintained on an ongoing basis by the Education Officers.*
- § *It is considered reasonable for a developer to pay the full cost of that infrastructure required to mitigate the effects of a development where sought. In these cases it should be recognised that if it were not for the proposed development, such facilities would not be required meaning it is right that the developer looks to fund this. It is felt that to do otherwise would mean that the effects of development would not be appropriately mitigated, and that the cost of development would unreasonably fall upon the 'public purse'. In order to better ensure the clarity and consistency of this aspect of the proposed policy, some wording amendments have been made to the document.*

- § *With respect to the point raised at the Cumbria Housing Group meeting, it is important to realise that the methodology used is based around an assessment of the impact a development has on local schools and not the global Cumbria wide pupil numbers. This means whether or not people are already living in the County is immaterial, as the impact of a development is considered not on a County wide basis but in terms of the local impacts of a development, this approach is necessary to ensure the robustness of the policy. Moreover, even should people be previously living within the vicinity of a school, they would leave a spare house space that could then be filled by another household. It also needs to be also pointed out that over the past decade Cumbria has borne witness to net inward migration, this despite the recessions that have taken place during that period.*

5. Adult Social Care

Stakeholder comments

- § *Some respondents questioned as to whether or not such contributions would relate to the actual impact of developments, and did not see the connection between the developments proposed and the mitigation measures sought.*

CCC Response

- § *The proposed policy approach makes clear that contributions would be linked to the care requirements created by new development whose occupant's needs are likely to change over time. In line with this logic the level of contribution would be determined having regard to the likely extra care housing needs or requirements for domiciliary care created by a proposal. This would depend on the design and location, the availability of infrastructure (in the case of Extra Care Housing) or the design of the development (in the case of DFG support/domiciliary care).*
- § *The proposed approach is based on evidence (much of which was derived from the work around the Joint Strategic Needs Assessment) and, where sought, a very modest level of contribution would be linked to this evidence. It is considered that these contributions should help to mitigate the negative effects of development on local services and infrastructure but also encourage the delivery of homes which can be easily adapted to provide level entry WC facilities and a stair lift, aiding sustainability.*
- § *In order to address some of the concerns of consultee, where they are reasonable and acceptable some amendments have been made in order to enhance the clarity of the policy.*

6. Safer Communities

Stakeholder Comments

- § *There were questions raised during consultation about the appropriateness of some of the safer community contributions relating to school/community education measures and strength of the linkages between housing development and community safety initiatives.*

CCC Response

- § *It is felt that where new development would increase the potential for crime and community safety issues, it is considered right for proposals to provide mitigation to help reduce the potential adverse effects.*
- § *In order to address some of the concerns of consultees where they are reasonable and acceptable, the view has been taken that the requirement for residential developments to contribute to crime and safety measures should be removed. This does not affect the requirement for leisure/commercial proposals that are still expected to have a potential adverse impact to contribute towards appropriate forms of mitigation. Within the policy, references to safety education initiatives have also been removed as these did not have the strongest of link to the impact of a development may have on community safety.*