

Developer Contributions SPD
Consultation Statement

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1.0 Introduction

- 1.1 The Allerdale Local Plan (Part 1) was adopted in July 2014. It identified a need for an extra 5,471 houses and 54 hectares of employment land across the district until the end of the Plan Period in 2029. It should be noted that the Local Plan and the proposed Supplementary Planning Document does not cover the area of Allerdale inside the National Park.
- 1.2 In order to support this level of development, additional infrastructure, community infrastructure and services will be required. Policy S21 of the Local Plan (Part 1) sets out the Council's commitment to ensuring that the necessary infrastructure is available to meet the needs of development, whilst ensuring that the requirements of local areas and residents and the quality of the environment is not compromised.
- 1.3 Policy S21 sets out when the Council will secure planning obligations from new developments to appropriately mitigate the effects of development. Planning obligations are legally binding agreements between local authorities and applicants/landowners which can form part of planning applications to ensure that developments meets, or contributes to meeting, the infrastructure requirements necessary to make the development acceptable in planning terms.
- 1.4 The Developer Contributions SPD contains two parts; the first part sets out the Council's overall approach to planning obligations including pre-application engagement, pooled contributions, monitoring and viability. Part Two sets out the type of obligations that the Council may seek to secure from development. It sets out the relevant types of development to which the obligation will apply, thresholds over which the obligation will be sought and the basis on which the level of obligation will be calculated.
- 1.5 The document sets out that the Council may seek contributions towards affordable housing and open space (including amenity green space and sports facilities). In addition, the document explains that Allerdale is part of a two tier authority, and that Cumbria County Council may require planning obligations towards education, highways, transport and drainage as a result of proposed development.
- 1.6 The production of this SPD does not preclude the potential introduction of a Community Infrastructure Levy (CIL). CIL is another method of collecting contributions from different developments which can then be combined to provide funding for larger pieces of infrastructure. The Planning Policy team will assess the potential for the introduction of CIL to Allerdale through the preparation of the Local Plan (Part 2) – Site Allocations document.

2.0 Consultation Process

- 2.1 A draft Developer Contributions SPD was released for consultation on 22nd January 2016 for a six week period until 4th March; the consultation was carried out in line with the Council's adopted Statement of Community

Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 2.2 The Council notified its statutory consultees, Town and Parish Councils, district councillors, Allerdale County councillors, neighbouring authorities and the members of the public, agents, developers and organisations contained on the planning policy database about the consultation. Legal notifications were also placed in the local newspapers (see Appendix 1).
- 2.3 Prior to the public consultation, the planning policy team liaised with the internal Council departments of Development Management, Legal, Housing and Open Space. Informal consultation was also undertaken with the Highways, Drainage (Lead Local Flood Authority) and Education departments of Cumbria County Council.
- 2.4 The SPD was available to view online on the Councils website (<http://www.allerdale.gov.uk/planning-and-buildings/planning/planning-policy/developer-contributions-spd.aspx>) with hard copies of the document available at the Council's main offices at Allerdale House and other Council locations during their normal opening hours:
 - Aspatria Library
 - Cockermouth Customer Services Centre
 - Cockermouth Library
 - Maryport Library
 - Maryport Customer Services Centre
 - Silloth Library
 - Wigton Library
 - Wigton Local Link
 - Workington Library
- 2.5 Comments were invited in writing to be sent either via email or by post; a comments form was available in both a Word and PDF format.
- 2.6 The draft Developer Contributions SPD was subjected to both a Strategic Environmental Assessment Screening Report and an Equality Impact Assessment Screening Report. The Council considers that the SPD does not require a Strategic Environmental Assessment or an Equality Impact Assessment.
- 2.7 A pre-consultation statement was also prepared, which outlined the bodies and individuals who were formally consulted on the draft Developer Contributions SPD.

3.0 Representation Summary

3.1 A total of 22 responses were received:

- Local Authorities - 1

- Statutory consultees - 10
- Parish/Town Councils - 4
- Councillors – 2
- Developers – 3
- Local interest groups – 1
- Members of the public – 1

3.2 Appendix 2 summarises the responses received to the consultation and provides the Council's replies to each of the comments.

Appendix 1 – Legal Notifications

Cumberland News – 22nd January 2016

Allerdale Borough Council
Town and Country Planning (Local Planning) (England)
Regulations 2012

Draft Developer Contributions Supplementary Planning Document
Allerdale Borough Council has prepared a draft Developer Contributions document with the view to adopting it as a Supplementary Planning Document (SPD) under the above Regulations.

The draft SPD covers the whole district (excluding those areas within the Lake District National Park) and will provide details of when developers will be required to deliver infrastructure to mitigate the effects of development.

The draft SPD and associated documents can be viewed on the Council website <http://www.allerdale.gov.uk/planning-and-buildings/planning/planning-policy.aspx> and at Allerdale House, Workington from 8.45 am to 5.15 pm on Monday-Thursday and 8.45 am to 4.45 pm on Fridays. Copies are also available to read at any of the following buildings: Aspatria Library, Maryport Library, Cockermouth Library, Silloth Library, Wigton Local Links Centre, Workington Library as well as Cockermouth Customer Service Centre and Maryport Customer Service Centre.

Copies can also be requested from the Planning Policy team by telephoning 01900 702610.

Comments on the SPD, or requests for notification of document adoption, should be sent to the Council no later than 4 pm on Friday 4 March. Comments/requests can either be sent via email to localplan@allerdale.gov.uk or be made in writing to: Francesca Robinson, Planning Policy Team, Allerdale Borough Council, Allerdale House, Workington CA14 3YJ
Kevin Kerrigan
Head of Development Services
22 January 2016

Times and Star – 22nd January 2016

Allerdale Borough Council
Town and Country Planning (Local Planning) (England)
Regulations 2012

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Kevin Kerrigan
Head of Development Services
22 January 2016

Appendix 2 – Summary of responses received

ID	Paragraph	Comment	Council's Response
Question 1 - Is the document clear enough? If not, please suggest improvements			
2	N/A	Yes	Noted.
11	N/A	Not easy to cross reference throughout the document	Noted. Sections of the document have been redrafted to make it more accessible.
14	N/A	Yes it is generally, although there are some areas of repetition	Noted. Repeated sections have been deleted.
17	N/A	This is potentially quite a complex subject, but the style and language used in the draft SPD explains it in a clear way	Noted.
Question 2 - Do you have any comments on paragraph 1.45 about the Council's intention to reduce all contributions equally across all contribution areas if viability evidence proves that contribution levels need to be reduced?			
11	1.45	The contributions should not be reduced - developers should be required to pay the full amount	The contributions necessary to make the development acceptable in planning terms will always be sought. Viability of the overall scheme is a consideration and a balanced judgement is required to ensure the scheme is acceptable in terms of infrastructure provision while not compromising delivery.
14	1.45	If the level of planning obligation is going to be reduced, this should be taken to Development Panel for Member agreement	If the application had been determined by the Development Panel any change to the planning obligation will be taken back to the Development Panel for consideration
16	1.45	This approach would not meet NPPF requirements (paragraphs 173 and 205) as it would not be flexible and would not ensure that developments are able to be delivered viably. Local circumstances should be taken into account in the level of reduction to contribution levels to allow sufficient delivery of viable developments to meet the scale of development outlined in the Local Plan.	The SPD addresses viability in the amended para 1.25

18	1.45	In the context of paragraph 74(ii) of NPPF, Sport England would not accept a reduction in contributions where development on playing field land is proposed. Sport England policy requires an "equivalent or better quality and quantity" replacement where it cannot be demonstrated a playing field site is not clearly demonstrated to be surplus to requirements to meet existing and future demand throughout the Local Plan period.	this approach has been deleted
19	1.45	Each contribution should be assessed at the outset, prior to the viability exercise, to ascertain if they accord with the CIL Regulations and if they are necessary to make the scheme acceptable in planning terms. Subsequent to this, if viability is in question, then the level of affordable housing would need to be reduced, not the original level of developer contributions, otherwise it would be contrary to the CIL tests.	Noted and agreed that contributions are based on making schemes accessible in planning terms and that a reduction of contributions across all infrastructure (where viability is an issue) will not be taken forward.
Question 3 - Are there other matters which should be included within the SPD? If yes, please specify			
1	N/A	The Ramblers are concerned about the narrow range of coverage with regard to open space. Any development having an impact on the coast should be considered for developer contributions to enhancing the route and amenity of walkers on such a route	The SPD covers the types of contributions most commonly sought in relation to planning applications. Text has been added highlighting that the types of obligation included in the document are not exhaustive.(para 1.5) Each application will be considered on a case-by-case basis and, when required, other necessary contributions may be identified.
8	N/A	Cumbria Constabulary and the Office of the Police and Crime Commissioner seeks Council support in attracting funding from developers (perhaps through Community Infrastructure Levy) to enhance and develop Emergency Services infrastructure	The Council is currently considering whether to introduce a CIL to provide infrastructure to support the growth set out in the Local Plan. Requests for developer contributions for emergency services infrastructure would need to satisfy the CIL regulations.

12	N/A	Network Rail is seeking to close level crossings wherever possible in order to reduce the risk to members of the public. The SPD should include a policy that requires developers to provide funding to mitigation measures at level crossings (e.g. replacement bridge, diversion of routes, enhancement measures where level crossings cannot be closed)	The SPD covers the types of contributions most commonly sought in relation to planning applications. Text has been added highlighting that the types of obligation included in the document are not exhaustive(para 1.5). Each application will be considered on a case-by-case basis and, when required, other necessary contributions may be identified.
5	N/A	The document should set out expectations to obtain a bond from renewable energy developers which should be held to use for the dismantling of wind turbines and solar panel arrays when they are no longer required	Arrangements for the dismantling of wind turbines and solar panel arrays when they are no longer required are addressed in the planning conditions attached to the planning permission for the development. The cost of dismantling of wind turbines and solar panel arrays will be at the developers expense.
5	N/A	The document should provide clear guidance setting out what will be expected from renewable energy providers in terms of community benefits	Planning legislation prevents local planning authorities from specifically seeking developer contributions where they are not considered necessary to make the development acceptable in planning terms. Within this context, community benefits are not seen as relevant to deciding whether a development is granted planning permission.
11	N/A	The views of Parishioners should be taken into account when determining applications, especially when everyone strongly objects and there is research to show that there is no need or demand for development in the area	Objections to planning applications will be considered as part of overall determination process if they are a valid and material. The level of housing and employment growth for the Allerdale Plan Area is set out in the Local Plan (Part 1) which has been through an examination in public and was adopted in July 2014.
18	N/A	It is not clear if the SPD has considered the impact of housing development on the capacity of indoor sports facilities. Sport England is unaware of Allerdale Borough Council having an up to date Built Sports Facilities Strategy but that is the relevant assessment	The Council undertook an indoor sports facilities study in 2014 and the evidence within the Study was used in the preparation of this SPD. No significant under provision was identified that would generate the need to planning obligations to be sought

		of need that should be used to inform whether sport facilities are already at capacity, over capacity or have space capacity to take the additional demand	
21	N/A	The County Council has sought and will continue to seek, where it is considered appropriate, contributions towards community transport. It is therefore suggested that the SPD includes the provided calculation for community transport.	The Council have not specifically referred community transport within the SPD. However it highlights that the types of obligation included in the document are not exhaustive. Each application will be considered on a case-by-case basis and, when required, other necessary contributions may be identified.
Question 4 - Does the draft SPD comply with the requirements of national planning policy, guidance and regulations, including the Community Infrastructure Levy Regulations?			
17	1.31	It is our understanding that Unilateral Undertakings can be used for more than just financial payments (e.g. a developer/landowner covenants to not subdivide a plot or to restrict uses to a specific Use Class, or to permit a third party to provide infrastructure across the application site at a later date)	The Council maintain that Unilateral Undertaking are used solely of the payment of financial contributions (para 1.3)
18	N/A	Yes but it should be made clear that contributions to mitigate the loss of playing field (or any other open space typology) is a separate issue to the requirement to provide contributions that provide open space to support the new development. Contributions required by the Council to increase capacity in open space/sports facilities to support the development cannot also be used to mitigate a loss caused by a development - the two issues must be considered entirely separately.	The purpose of this SPD is to set out the circumstances when a development may be required to provide a developer contribution for open space. The loss of open space as a result of a development would be considered during planning application stage and any mitigative measures would be sought separately.

Question 5 - Does the draft document provide the required level of clarity to explain what types of development will be expected to make planning obligations?			
14	N/A	It seems light on small scale/shared industrial/housing detail	The types of obligation identified in the SPD relate primarily to residential development. Highways and drainage obligations are equally applicable to employment uses however.
18	2.43	This paragraph requires more explanation. It is not clear how the threshold of 60 dwellings or more has been calculated for outdoor sports facilities. The wording says developers 'may' be required to make a contribution, but there is no explanation to say in what circumstances that requirement will be triggered.	Following further assessment, the threshold has been revised to 150 dwelling to reflect that only larger strategic development sites will generate the population uplift that may impact on the capacity of existing sports facilities. The text has been amended to provide greater clarity regarding the circumstances in which a requirement for a contribution may be triggered. Para 2.45
Question 6 - Do you have any comments on Part 1 of the SPD?			
12	1.27	Network Rail encourages early engagement from Local Planning Authorities and developers prior to the submission of a planning application to determine if proposals could impact upon footfall at railway stations or have an impact on level crossings and therefore potentially lead to a requirement for station improvements.	Noted.
14	1.2	The text could be made clearer that brownfield development is preferred	This is not a matter for this SPD to address. The Allerdale Local Plan (Part 1) sets out the Councils position with regards to the development of brownfield land
14	1.4	The text should refer to the fact that there is an enforcement process to ensure that the identified mitigation measures are adhered to	This is addressed in the monitoring, management and review section (1.22)
14	1.5	Why does a SPD not have the same weight as the Development Plan?	The purpose of an SPD is to expand upon policies within Development Plan Documents, or to provide further detailed guidance to such policies. Whilst they are not statutory documents, they are a material consideration in

			the determination of planning applications
14	1.6	What mitigation is the document seeking planning obligations for?	The SPD focuses specifically on affordable housing, open space, education, surface water management and highways and transport. However, as set out in the 'Scope of the document' the list is not definitive and each application will be considered on a case-by-case basis and, when required, other necessary contributions may be identified. Para 1.5
14	1.8	Applications should be looked at strategically, not just on a case-by-case basis	In the case where several developments proposed concurrently, the cumulative impacts are considered in the assessment of infrastructure capacity and requests for developer contributions
14	1.16	The Council should produce a timescale for the investigation of the potential of establishing CIL	The possibility of introducing a Community Infrastructure Levy is currently being explored through the preparation of the Local Plan (Part 2) - Site Allocations
14	1.16	The Council should liaise with other authorities who have implemented CIL	Noted.
14	1.20	Applicants should be advised of potential local cumulative impacts which could give rise to the need for contributions	In the case where several developments proposed concurrently, the cumulative impacts are considered in the assessment of infrastructure capacity and requests for developer contributions
14	1.20	Consultation with communities, and especially Parish Councils, about development should avoid 'late engagement' and the 'Christmas rush'	The Statement of Community Involvement (SCI) document sets out the Council's policy for engaging the community and stakeholders in the planning application process and the development of planning policy
14	1.24	Planning obligations should not be returned to developers if the money has not been spent by the agreed date - the community cannot be put at risk of Council inefficiency	S106 Agreements are legally binding and the Council must comply with any clauses stipulating that any unspent money must be returned by a certain date. The Council will seek to ensure that any financial contributions are spent within the specified timeframe.

14	1.25	Where is the data to show that six months is a reasonable timescale?	The Council consider that six months is a reasonable timescale for the drafting, engrossment and execution of complex S106 agreements that cover several infrastructure types.
14	1.26	The word 'could' should be replaced with 'will' for the avoidance of doubt	Paragraph has been deleted.
14	1.27	Pre-application engagement should also happen early with stakeholders	Noted. Paragraph 1.17 amended to include 'key stakeholders'
14	1.31	Does this cover Lord Egremont's mineral rights claims?	This is outside the remit of the SPD
14	1.34	The developer should have little say in the timescales for spending the planning obligation money	The timescale for receiving and spending financial contributions from a developer to provide or upgrade infrastructure will be set out in the S106 agreement, including when the work will be carried out and if it is not carried out to the specified timescale how the unspent funds will be returned by the Council
14	1.37	If payments are delayed, then the development should be stopped, rather than chasing the applicant with letters - this would be simpler and more cost effective	The suggested approach is considered to be overly onerous. As outlined in the 'Monitoring, Management and Review' section(para 1.22), the Council will bring any outstanding in-kind or financial contributions to the attention of the developer, who will be given a short period of time to rectify the situation. Once this period has expired then formal enforcement action will be taken.
14	1.37	Could the Council seek a bond upfront to secure payments?	The Council consider that this approach would not be legally compliant
14	1.39	Repetition of paragraphs 1.24 and 1.34	Noted.
14	1.42	This paragraph should have more reasons included for not accepting non-viability	The Council considers that that decisions in relation to arguments of non-viability should be considered on a case by case basis on the basis of the assessment provided by the developer.

14	1.46	New text should after paragraph 1.46 be added which reads: "If the development for an obligation unchanged by consideration of viability generates more profit than expected, then the developer's good fortune can be shared, through the Council, with the local community too"	The Councils considers that the suggested text would not be legally compliant
17	1.8	There will be situations where other contributions will be required to meet off-site provisions that are essential to enable a development to be permitted. However, it is acknowledged that such cases will need to be considered on a one-off basis and it is not possible for the guidance to predict all scenarios or set out detailed specific guidance. In this context, paragraph 1.8 is essential to the overall SPD and should be emphasised (e.g. use of bold text, putting it in a separate box) and considering adding some examples of one-off cases	Noted. Text to be highlighted
17	1.46	The intention here is noted and accepted. However, if it is to be realised then presumably there will be a standard clause in the revised Planning Obligation requiring financial returns to be made to the Council at different stages of the development and a mechanism agreed (as part of the Planning Obligation) to determine the proportion of any additional profit made that is to be paid to the Council. It is suggested that the SPD needs to clearly spell out, at the very least, the fact that such arrangements will be included in any Planning Obligation where, as a result of viability analysis, the full contribution is not to be made.	Text within Paragraph 1.46 has been deleted

19	1.23	Not all contributions will need to be index linked. However, if indexation is applied, then recognition is needed that indexation can both increase and decrease. The form of indexation should be set out within the SPD in order for the development industry to understand the likely cost of development at the appropriate time.	The Council consider that the requirement for indexation may cause unnecessary confusion. Text within Paragraph 1.23 has been deleted.
19	1.23	The Council should be transparent in terms of how the developer contributions are spent and, where required, any unspent monies are returned.	This information will be shared in the Council's Annual Monitoring Report
19	1.33	It would be beneficial for the Council to maintain a regularly updated list of infrastructure projects and individual contributions which are committed to contribute towards these projects - this will help monitor the pooling restrictions.	This information is included in the Council's Infrastructure Delivery Plan
19	N/A	The SPD should be explicit that the Council is not planning to the margins of viability and that the overall objective of the Development Plan is to deliver the full objectively assessed needs for housing development over the Plan period.	The issue of marginal viability and the Councils approach is acknowledged in the 'viability' section para 1.25
20	1.16	When assessing the potential introduction of CIL, viability should be thoroughly investigated to ensure that it will not constrict delivery of housing sites.	The possibility of introducing a Community Infrastructure Levy is being explored through the preparation of the Local Plan (Part 2) - Site Allocations. A viability assessment forms an integral part of this process.
20	1.27	Ensuring a robust and thorough pre-application service is encouraged to ensure any potential issues are raised before an application is submitted. It is important to ensure there is continuity from the advice received throughout the determination process. There could be difficulties with this, especially as input will be required from Cumbria County Council to ensure the specific obligations can be agreed.	The Council has introduced a pre-application service to improve consistency and advice, and the determination of any subsequent planning application. Where possible, the Council will work with appropriate stakeholders at this stage.

20	1.40	It is encouraging that the Council recognises that viability is a key concern. The pre-application discussions are therefore vital to ensure all the obligations and contributions are made clear and can be included from an early stage of the planning process. The obligations should not change part way through the determination process.	Noted.
20	1.46	The potential claw back referred to is unreasonable. The market is continually changing and the Section 106 and commuted sums should reflect the application at the current time. If claw back was included in the SPD, clarification would be helpful if the Council would support the reverse and allow for re-negotiation if market conditions declined and financial contributions were no longer possible.	Text within Paragraph 1.46 has been deleted
21	1.16	Welcome the recognition given to the potential role of CIL. It is considered that the SPD should highlight the potential role of developer contributions in supporting the delivery of large scale infrastructure that may be needed to support future strategic growth.	Policy S21 establishes this, together with the Infrastructure Delivery Plan.
21	1.18	There should be specific reference to the infrastructure the County Council is responsible for rather than referring to 'strategic infrastructure'.	Noted. Text amended in the 'Two tier authority' section (1.11) to identify the infrastructure that the County Council is responsible for.
Question 7 - Is the formula in paragraph 2.16 for determining commuted sums for affordable housing appropriate, fair and reasonable? If not, what approach would you propose?			
16	2.16	The formula is reasonable, however it should be applied with sufficient flexibility to acknowledge instances where the full sum would threaten the viability of proposed development.	Local Plan Policy S8 in the Local Plan allows for this.

20	2.16	The basis of the formula seems unfounded - there is no reason why the potential price paid by the Registered Provider should be used. A major obstacle to providing affordable dwellings is partnering with a Registered Provider. Therefore, if this is not possible, a price paid by the Registered Provider is an unknown quantity. Further, if the Registered Provider price is not at a viable level, then the contribution will be large and make the contribution unviable too. An alternative calculation method is recommended which includes the open market valuation and an agreed level of discount.	Noted. The text and formula has been amended. A set figure of 50% market value has been included, which is based on a capitalised net revenue stream approach. If viability is an issue then policy S8 can address this.
Question 8 - Do you have any other comments on the Affordable Housing section of Part 2 of the SPD?			
11	N/A	What about the devaluation of surrounding properties and compensation?	House valuations are not a material consideration in the determination of planning applications
14	2.16	The second sentence in the paragraph appears to finish early	Noted. The text and formula has been amended. A set figure of 50% market value has been included, which is based on a capitalised net revenue stream approach. If viability is an issue then policy S8 can address this.
14	2.20	Would this include demolition and rebuild?	The Council considered that the text in Paragraph 2.20 listing of how financial contributions will be spent is unnecessary and has been deleted
16	2.3	The requirement for evidence of Registered Provider interest on the submission of a planning application as a determining factor in the tenure split is welcomed. Any flexibility should also be reflected in future applications made to amend existing s106 requirements and any change in circumstances prior to the commencement of (or indeed during) development should be taken account of in any application to revise this tenure mix.	The text refers to house types not tenure. The tenure split for affordable housing is fixed by Policy S8 in the Local Plan

16	2.4	Great care must be taken to ensure the way that this is applied in practice does not result in conflict with the NPPF requirement for the Council to take account of market changes and be sufficiently flexible to prevent development from stalling.	Noted. The Council is confident that there is sufficient flexibility within Policy S8 to react to market changes
16	2.4	The SPD should identify circumstances other than viability where planning obligations may be revised (e.g. a change in the market conditions may mean that a Registered Provider is unable to take on a requirement for social rented dwellings). The SPD should acknowledge that the Council will work pro-actively with developers to ensure that changes in market conditions will not result in development stalling. This would be particularly useful in ensuring the Council meets the NPPF requirement of boosting its housing supply.	The SPD acknowledges this potential scenario and that the Council would consider an alternative tenure mix if an RP cannot be secured.
16	N/A	In its current draft form, the policy may not provide sufficient flexibility to respond to changeable circumstances and market conditions for both new s106 Agreements and instances where s106 Agreements need to be amended as a result of issues other than viability.	The Council is confident that there is sufficient flexibility within Policy S8 to enable the Council to consider changing circumstances.
16	2.9	It is requested that the requirement for social rented dwellings to be "completed, and where applicable, transferred to a Registered Provider, before 60% of the open market dwellings are occupied" is amended to read "completed, and arrangement made for the transfer to a Registered Provider, before 60% of the open market dwellings are occupied". This would be sufficient to ensure that the developer has executed their own obligations but does not open the development up to unnecessary delay where the	Noted. Suggested text not taken forward. The text has been amended to 'The Council will expect all affordable housing units to be ready for occupation prior to the occupation of 70% of the open market dwellings within a defined phase' para 2.8

		transfer could be help up in administration or funding shortfalls.	
19	N/A	The SPD should make reference to the potential change to the definition of affordable homes to include starter homes.	Noted. The SPD will use the definition of affordable housing set out in national planning policy to ensure it remains up-to-date
19	2.6/2.7	There is no need for the SPD to include these paragraphs as paragraph 47 of the NPPF and Local Plan policy DM14 both emphasise the need for housing density to be considered on a site-by-site basis in order to reflect local circumstances. It is considered that the potential for intentionally low densities designed to circumvent affordable housing requirements will not occur and, as a consequence, the SPD should not seek to control housing densities.	The Council considers it appropriate to raise the issue in the SPD. The last sentence in paragraph 2.6 could be regarded as overly onerous and is to be deleted
19	2.8	The requirement to complete and transfer all affordable housing before 60% of the open market dwelling are occupied is too restrictive. A more realistic and workable alternative is to require that an affordable housing element should be 'ready for occupation' prior to the occupation of 60% of the open market dwellings within a specifically defined phase.	Noted. Suggested text taken forward but slightly amended. The text has been amended to 'The Council will expect all affordable housing units to be ready for occupation prior to the occupation of 70% of the open market dwellings within a defined phase' para 2.8
19	2.10	An additional degree of clarity is required for the reference to 'exceptional circumstances'. It would be helpful, although acknowledged as not exhaustive, to provide examples of such exceptional circumstances	The Council has amended the text (para 2.9) to set out the tests that developers must fulfil for the council to accept off-site provision. It is not possible to quantify exceptional circumstances by definition and they will be

		within the SPD.	considered on a case by case basis
20	2.1	With the likely changes to the definition of affordable housing, the adopted SPD should include a caveat that the definition can be updated when the NPPF is updated.	Noted. The SPD will use the definition of affordable housing set out in national planning policy to ensure it remains up-to-date
20	2.9	The trigger for affordable housing is potentially onerous. Delivering all affordable units before 60% of the open market dwellings may not be possible or practical; this will be compounded when the clustering policy is also adopted for the location of these units. It is recommended that these triggers are either removed or amended closer to 85% and a lower percentage of affordable housing delivery (e.g. 50% of affordable to be delivered and 50% of private).	Noted. Suggested text not taken forward. The text has been amended to 'The Council will expect all affordable housing units to be ready for occupation prior to the occupation of 70% of the open market dwellings within a defined phase' para 2.8
21	N/A	The SPD should include support for the delivery of affordable Extra Care Housing as part of the affordable housing mix on development sites, particularly on large sites. This would help secure implementation of Local Plan Policy S10 which identifies that developer contributions may be used to deliver adult social care facilities.	Local Plan Policy S8 allows house type to be considered on a case by case basis dependent on local evidence of need.
21	N/A	The SPD should recognise the ageing population by encouraging the delivery of new homes that can be more readily adapted to allow residents to stay in their homes for longer (Lifetime Homes).	Local Plan Policy S10 encourages the lifetime home standards

Question 9 - Is the formula in Appendix 4 for determining commuted sums for open space appropriate, fair and reasonable? If not, what approach would you propose?			
14	N/A	The descriptors in Appendix 4 are not testable without references - the reader cannot judge if these sums are standard across the country/industry. Examples of contribution levels from other rural authorities will help the reader decide if the contribution levels are fair.	Text has been added referring to the Council's Review of Non-Strategic Play Areas 2010 that provided the basis for the off-site provision costs para 2.36
19	2.38	Offsite enhancement/improvement of Amenity Green Space referred to in paragraph 2.38 in not included within Table 3, with reference only to onsite provision - it is considered that offsite provision of Amenity Green Space needs to be included within Table 3.	Text referring to the requirement for off-site contributions to AGS has been deleted
19	2.43	No formula for the calculation of a contribution is contained within paragraph 2.43 or Appendix 4. For the purpose of transparency, the formula used needs to be specifically stated.	Text has been amended and the threshold for provision increased to 150 dwellings. A formula and methodology has been added for clarity para 2.45
19	2.43	Justification for the threshold of 60 dwellings or more needs to be clarified.	The threshold for provision has been increased to 150 dwellings. Based on average household size in Cumbria a development of 150 dwellings would generate an additional population of 345. This is considered to be a reasonable uplift to justify a developer contribution for the enhancement of municipal facilities and infrastructure. para 2.45
Question 10 - Do you have any comments on the Open Space section of Part 2 of the SPD?			
2	2.33	Why does Table 1 merge the villages of Great Broughton and Little Broughton into a non-existing super village of 'Broughton'? Please resist in combining the two villages - it is bad planning practice and irritates residents	The settlement is referred to as 'Broughton' in the Local Plan (Part 1) and will continue to be so for consistency purposes

3	2.33	Please can Allerdale Borough Council stop referring to Great Broughton and Little Broughton as the singular 'Broughton' (Table 1) - 'Broughton' does not exist. Great Broughton and Little Broughton are two separate villages	The settlement is referred to as 'Broughton' in the Local Plan (Part 1) and will continue to be so for consistency purposes
7	2.33	Table 1 should not refer to 'Broughton' as it does not exist. The Parish of Broughton encompasses Great Broughton and Little Broughton - whilst they are close in locality, they are two individual villages. The two villages are likely to have differing needs/requirements if the Council were to considered them individually. The individual villages may welcome a small number of infill houses, the infrastructure of the area is nearly at capacity and any large number of houses would put unreasonable pressure on the infrastructure and services of the local area	The settlement is referred to as 'Broughton' in the Local Plan (Part 1) and will continue to be so for consistency purposes
14	N/A	This section is under-ambitious. We need to get the income up from developers in Allerdale.	The formulae and calculations are based on evidence identifying open space standards and local needs in terms of quantity and quality of provision.
14	2.25	Who still considers the companion guide of PPG17 accurate?	This statement was made by the consultants KKP who produced the Open Space, Sport and Recreation Study. PPG17 has been subsequently revoked. Text to be deleted.
14	2.33	Is column D in Table 1 referring to future population levels in 2029?	Yes
14	2.33	In Table 1, what is meant by 'settlement standard' and 'Allerdale standard'?	The two columns calculate the amount of open space required based on the existing level of provision in the settlement itself (Column E) and the borough-wide average (Column F). Column E to be deleted from the tables to avoid confusion.

14	2.33	Should the reference in Table 1 to Broughton not be 'Little Broughton' and 'Great Broughton'?	The settlement is referred to as 'Broughton' in the Local Plan (Part 1) and will continue to be so for consistency purposes
14	2.35	All levels of development should be required to provide some level of open space/amenity greenspace	Paragraph 2.36 highlights that Policy DM14 of the Local Plan (Part 1) requires all new development to incorporate landscaping that may include areas of amenity greenspace.
14	2.35	Table 3 - how come development of up to 59 dwellings does not have to make on-site provision?	The threshold have been reconsidered and revised taking into account: (a) the likely number of children living on the development, using the formula used to estimate school pupils and (b) the cost of providing play areas on site and the impact on viability and (c) avoiding the creation of a plethora of small areas to the detriment of larger strategic neighbourhood play areas.
14	2.36	All development should contribute to off-site facilities if there is no deficiencies identified as that's where people will go to	For development of less than 10 dwellings, where no financial contribution will be sought, a requirement to provide a financial contribution would have an adverse impact on viability
14	2.37	Figure 3 - part of the flowchart should be removed as the Council should never fail to get money	If there is no shortfall in the quantity of provision or deficiency in the quality of open space then it would be considered unreasonable and onerous to request financial contributions from developers
14	2.38	The figures seem unrealistic - not sure if this would cover the cost of cutting grass in most parishes	The Council considers the figure to be reasonable and consistent with established practice
14	2.42	Is it sustainable for developers to use a Management Company?	This is the typical approach adopted by developers
14	2.43	The threshold at which developers may be required to make a contribution to the provision of outdoor sports facilities in areas where deficits are identified, should be reduced from 60 dwellings to 20 dwellings. Table 3 should be amended to reflect this (and also the reference to 59 dwellings in the table should be	The threshold have been reconsidered and revised taking into account the evidence in the Play Pitch Strategy that only the largest developments are likely to create deficits in provision and trigger the need for developer contributions.

		changed to 19 dwellings)	
17	2.39	The word 'multifunctional' appears twice but it is not defined within the SPD. It is considered sensible that the SPD includes a definition of multifunctional green infrastructure and a link to relevant local guidance	Acknowledged. Text will be inserted to clarify the meaning of multifunctional green space and its purpose
18	N/A	Sport England will only support on site provision where the new provision can clearly meet identified demand in the Playing Pitch Strategy, is sustainable and is supported by the relevant national governing body of sport.	The SPD affirms that the Council will not seek on-site contributions for outdoor sports facilities
19	2.35	Full justification for the three separate site size thresholds applied within paragraph 2.35 is required	The thresholds have been determined using assumptions of housing mix and type within developments set out in the Councils Viability Assessment (2 bed 20%; 3 Bed 45%; 4+ beds 35%). From this average household sizes have been applied to estimate the levels of population uplift and school pupil generation. The scenarios have been retested using the same approach and the thresholds have been revised to ensure that a greater balance is struck between deliverability, viability and the provision of infrastructure.
20	N/A	The different types of open space does complicate matters as it is not clear which would be applicable. A simpler minimum requirement of 'Public Open Space' with a formula for off-site contribution if this is not met would make the process simpler.	Acknowledged. Text and process flow charts will be amended to provide greater clarity

20	N/A	The management of open spaces needs to be considered further. The option to transfer to the Local Authority for maintenance with a suitable commuted sum should be considered in more depth. Another possibility which should be explored is a transfer to the Parish Council.	This matter is addressed in the SPD under the 'Maintenance of amenity greenspace and provision for children and young people' section
Question 11 - Is the formula in paragraphs 2.49-2.51 for determining pupil yield appropriate, fair and reasonable? If not, what approach would you propose?			
11	N/A	The Council needs to look at the travel to and from school and the safety of both pupils and other road users. Accessibility to schools is an issue due to regular local rural road flooding. Some of the schools are not owned by the County Council - they are owned by Charitable organisations and have no scope for development	Issues in relation to accessibility and rural road flooding are considered by the County Council. The SPD outlines the role of the County Council where new developments come forward in areas that affect schools which are academies/charitable trusts.
14	2.49	Which census data is being referred to? This should be mentioned so that the reader can check the details	The census data that is referred to is from the 2001 census; it is the County Council's intention that when they update their Planning Obligation Policy, 2011 census data will be used.
19	N/A	The number of non-catchment pupils should be taken into account when calculating capacity. This is a policy decision that has been taken by the school/education authority as the school/education authority could make a policy based decision in the future to reduce the number of non-catchment pupils to create subsequent capacity, once those non-catchment pupils leave the school.	The County Council does not take out of catchment children into consideration when calculating school capacity as the County Council has no control of parental preference. If children are already in a school they cannot be removed if new children come into in the area. The County Council seeks to provide places in the catchment school where possible or we would take a strategic view point to provide sufficient school places for the children from new housing developments.
20	N/A	The formula is known and accepted, assuming the data used in the calculation is updated periodically. The County Council needs to be engaged in the pre-application process to determine if an education	Noted.

		contribution will be required from a development.	
21	2.49-2.51	The calculations should be placed in an appendix so they can be easily updated in future to ensure a consistent approach is taken.	Noted.
Question 12 - Is the formula in Figure 6 for a cumulative development calculation appropriate, fair and reasonable? If not, what approach would you propose?			
14	2.60	It is considered that these figures are too low. The Council should provide the reference for the Department of Education multiplier to allow the reader to check this	In 2013 the DfE Multiplier attributed mean sums of £12,051 for each primary place and £18,188 for each 11-16 secondary place at base index of 190 (DTI Public Sector Index and a location factor of 1.02). The DfE Multiplier shall be adjusted to the index level of the DTI Public Sector Tender Price Index published at the appropriate time. As part of the County Council's update of their Planning Obligation Policy the multipliers will be reviewed to ensure the most up to date figures are used.
Question 13 - Do you have any other comments on the Education section of Part 2 of the SPD?			
11	N/A	The local school is owned by a charitable trust for the village pupils - there is no scope for development, there are parking issues so people park on the main through road creating risk of accidents and the footpath floods regularly.	Specific constraints affecting schools will be considered if the need to generate additional capacity arises. The SPD sets out alternative solutions when the capacity cannot be provided on site at the local school.
14	2.46	The Council seems to be missing an opportunity for seeking money by not looking for education contributions from developments for 1 bed dwellings, student accommodation or specialist housing for older people	Developer contributions cannot be sought from these types of schemes as it is not considered that children will occupy such developments.
14	2.53	Money for educational facilities should always be sought from all developments - extra money could be held in a pot in case it is needed for anything else	Any requests for contributions must be related to the development and it must be specified where the money will be spent therefore the Council is not able to seek

			money from all development to fund potential future infrastructure improvements
14	2.58	The money for the provision of this additional capacity could come from a County Council held pot into which all developments must contribute	Any requests for contributions must be related to the development and it must be specified where the money will be spent therefore the Council is not able to seek money from all development to fund potential future infrastructure improvements
14	2.59	Does the cumulative effect taking into account existing dwellings?	Existing demand for school places will be taken into account when looking at the need for the provision of a school within an area.
14	2.61	The reference made to paragraph 2.84 should actually be paragraph 2.85	Agreed - this will be amended
14	2.61	This paragraph should be re-written as Development Panel is not keen on bussing children to schools outside their settlements as part of proposed new estates. Developers should be told at the pre-application stage that home-to-school transport is a non starter. If developers want to pursue this, then early community engagement is vital	Bussing children to school will only be considered should all other options be exhausted. However, it is accepted that for some developments, it will be the only method of ensuring that children from new developments are able to attend school and that it should be approved in certain circumstances.
19	2.47	It would be Allerdale Borough Council as the Planning Authority and not the County Council as the Education Authority that would be seeking an education contribution.	noted
19	2.47	It is assumed that the bullet points within 2.47 are not a collective requirement but alternatives as the preceding text refers to 'options'.	yes
19	2.47	Any contribution sought needs to be fairly and reasonably related in scale and kind. Therefore, in certain circumstances, it would be reasonable for the Council to request a pro-rata contribution.	It is agreed that in certain circumstances, a pro-rata contribution may be appropriate. However, if a pro-rata contribution would not provide a sufficient standard/level of infrastructure (e.g. it would provide only half a classroom) then the Council, in conjunction with the

			County Council, reserves the right to seek the full costs of providing such infrastructure.
19	2.61	Greater flexibility should be applied due to the rural nature of the area. It is common place that many school children use buses to get to school and it can often be the most appropriate solution, especially where the capacity issues are short term, or where there are very complex delivery issues in providing new accommodation.	The County Council's Planning Obligation Policy and Allerdale Borough Council's draft Developer Contributions SPD allow for flexibility to be applied. The County Council will consider what the most appropriate solution is to mitigate the effect of any proposed development on a case by case basis.
Question 14 - Do you have any comments on the Surface Water Management section of Part 2 of the SPD?			
11	N/A	There have been a number of reports highlighting the serious risk of flooding, especially given that farmers let the surface water from their fields drain off onto the road. The main road from Plumbland to Aspatria floods regularly and there has been access issues for emergency vehicles.	Noted.
11	N/A	Policies S5, S21 and S29 are particularly relevant in ensuring development is not carried out in unsustainable locations and that developers should look to provide sustainable drainage solutions that do not increase the risk of local flooding from surface water	Noted
11	N/A	Under the Flood and Water Management Act 2010 developers are required to reduce the risk of flooding from non-maintained drainage infrastructure	Noted

13	N/A	The Environment Agency would welcome the introduction of text that outlines the responsibilities of developers in relation to the provision of flood risk management. It is not the responsibility of the Environment Agency to provide flood risk management schemes to facilitate new development. It would be the responsibility of a developer to protect any new development in an area at risk of flooding, without increasing flood risk elsewhere. Developers will be required to pay for construction and make arrangements for expected future maintenance costs of flood risk reduction works; this will be applicable even where a proposed development does not require any additional works but such works are considered necessary to prevent consequential additional flood risk to other areas and properties.	Agreed - text to this effect will be added to the Surface Water Management section.
14	N/A	This section is devoid of calculation figures	No standard calculation figures can be included as it will vary on an individual application basis, ensuring that developments meet the required national standards/legislation.
14	N/A	Is the developer 100% responsible for paying the full cost of any works? This needs to be made clear	The developer would be expected to provide the full costs of the works
14	N/A	Brigham Parish Council is very sensitive to surface water being added to watercourses in Brigham and Broughton Cross due to recent events.	Noted.
14	2.66	The idea of Management Companies does not seem to protect the long-term interests of the community and a better idea should be sought. The Council is likely to be around longer so phased payments should be made to them	Management Companies are an established mechanism to secure the long term management and maintenance of SUDS and flood mitigation systems.
14	2.67	Why restrict the pooling of planning obligations to just five developments?	Contributions for a single piece of infrastructure can only be pooled from a maximum of five developments in line

			with the Community Infrastructure Levy Regulations
21	N/A	The County Council is supportive of the Surface Water Management section.	Noted.
Question 15 - Is the formula in paragraph 2.85 for calculating the home-to-school transport contribution appropriate, fair and reasonable? If not, what approach would you propose?			
11	2.82	Statutory walking distance to school is 2 miles for under 8's and 3 miles for older children. There is no safe walking route to Aspatria, and Wigton and Maryport are considerably further away, leading to increased road traffic. Given the number of days the highway floods, it would make it impossible to get to Aspatria, Cockermouth or Maryport	When planning applications are assessed, this will be taken into account by the County Council.
11	2.83	Is the developer going to contribute towards the school transport cost?	Where a development is likely to produce school children and the local school is expected to be full and cannot be expanded, then a developer will be required to make a contribution towards the cost of transporting children to the next nearest school which has capacity.
14	2.85	Why is the calculation based upon ten years for primary schools when children only attend primary schools for seven years?	The time period over which the contribution is required will be dependent on whether transport to a primary or secondary school is required. For primary schools, a ten year period will be required reflecting the time period General Practitioner Register (GPR) information and current school roll information is available. For secondary schools, a five-year period represents the cost of transporting pupils from year 7 to the end of year 11. It should be noted that the costs for the County Council will be ongoing, but the length of the contribution has been limited to 5 and 10 years in order to aid development.

17	2.82	It is unclear what the 'formal route assessment' is. Presumably it is not the County Council's assessment as detailed in the second sentence of the paragraph which suggests that it is a new, independent piece of research, in which case that should be made clear	Text has been amended to provide clarification on what a formal route assessment constitutes
17	2.85	This is time limited to 5 and 10 years whereas in practice there will be new children moving into and growing up in the new housing stock throughout its life. Accordingly, it would appear logical that the contributions should be for the life of the development, unless new walking routes or other relevant transport improvements are secured in the meantime.	The County Council agrees that the impact on the County Council will be throughout the lifespan of the development. However, seeking a lifetime cost from a developer would not be possible as it would not meet the CIL tests and would result in developments not being viable.
Question 16 - Do you have any comments on the Travel Plan monitoring fee included in paragraph 2.80?			
11	2.78	How does the developer propose to mitigate the adverse impact of the development by reducing car trips and encouraging sustainable transport behaviour?	The developer would be required to include this information in their Travel Plan. The progress of the implementation of the Travel Plan will be monitored by the County Council.
11	2.79	The developer should be required to identify the resources and new infrastructure which they will provide in order to meet an agreed target to reduce the anticipated level of car trips associated with the development	The developer would be required to include this information in their Travel Plan.
14	2.80	It is unclear what the word 'for' means - does it mean an annual charge or to cover a five year period?	The £6,664 charge is to cover a five year period - the text will be amended to clarify this
Question 17 - Do you have any other comments on the Highways and Transport section of Part 2 of the SPD?			
1	2.74	Developer contributions should be used to enhance the Public Right of Way network and to make the network adjacent to the developments more robust and sustainable for future use.	Should a planning application affect a Public Right of Way, then a contribution will be sought to mitigate the effects of any potential development.

4	2.74	Any housing development should having an impact on a Public Right of Way should be considered for developer contributions to enhance the route and amenity of walkers; this should include contributions for infrastructure (e.g. signage, fencing, seating etc.) and the legal consent for the construction of new links.	Should a planning application affect a Public Right of Way, then a contribution will be sought to mitigate the effects of any potential development.
4	2.74	Footpaths should be part of the overall design and layout of developments of a reasonable size.	Cumbria Design Guide produced by the County sets out the standards and the Local Plan (part 1) design policies covers this point
4	2.74	The Council should state that it would support extensions to the Public Right of Way network.	This is included within the Local Plan (Part 1) in the supporting text for Policy S17 (paragraph 203).
4	2.74	The reasons for retaining and enhancing Public Rights of Way should be stated: to improve accessibility to services and facilities, as well as to the countryside; to encourage sustainable travel choices; to promote health and well-being; and to provide opportunities for informal recreation for people of all ages.	The role and importance of the public rights of way network and walking are covered in the local plan (part 1)
11	2.86	Due to the rural location and the high risk of flooding, there is no public transport - is the developer going to provide funding for a new or enhanced service for a minimum of five years?	The need for such a contribution would be assessed on an individual planning application basis.
12	2.87	The draft document states that contributions towards railway station improvements may be sought. Network Rail supports this as it is a public body and it is not reasonable to expect to fund railway infrastructure mitigation measures as a result of third party commercial developments. Such enhancements could include, but not be limited to: heated waiting shelters; CCTV; customer information systems; help points; car parking facilities; and access for all.	Noted. The County Council will be responsible for identifying the appropriate station facilities should a contribution be required.

14	N/A	Would it help to have a table within this section so that developers could see the average cost of typical highway improvements?	No as highway improvements are site specific and need to be considered when a development comes forward. The costs will also change on an annual basis meaning the document would need to be updated frequently.
14	N/A	A paragraph could be included for development to meet sustainable development criteria (policy 51) to reduce car usage	This is already set out in the adopted Local Plan (Part 1), particularly through Policies S1 and S2.
14	2.71	Will the developer be required to give the County Council 100% of the costs?	100% of the agreed contribution costs will be given to the County Council.
14	2.71	Text should be amended to read "or by the developer providing the <i>whole of the</i> necessary infrastructure"	The text will be amended to reflect this.
14	2.73	Can Traffic Regulation Orders be used for traffic management controls during any construction phase?	Yes, in agreement with the County Council as the Local Highway Authority.
14	2.80	The cost of £6,664 for the monitoring of the Travel Plan appears to be too low	This figure has been derived by the County Council based on average officer time spent monitoring Travel Plans. Contributions must only reflect annual costs as the Council cannot make a profit.
14	2.81	The text should be amended so that 'may' is replaced with 'will'	Disagree. There may be other methods which could be used to meet the targets rather than seeking financial contributions.
14	2.83	All development should be subject to this cost if necessary	The County Council will assess if other types of development (e.g. employment, retail) will be required to provide/upgrade pedestrian facilities when they are consulted on such planning applications.
14	2.83	The text should be amended so that 'may' is replaced with 'will'	Disagree. There may be other methods which could be used to obtain the necessary facilities rather than seeking financial contributions.

19	2.74	The text should be amended so that a financial contribution 'may' be sought for the upgrading of a Public Right of Way if it can be demonstrated that there is an 'impact'. The requirement for such a contribution to the upgrade would clearly be dependent on the nature and scale of any impact which may not result in the requirement to upgrade at all.	The text will be amended to reflect this.
19	2.83	Clarification is sought on the threshold size of 15 or more dwellings.	It is considered that the threshold of 15 strikes an appropriate balance between ensuring development viability and producing contributions significant enough to provide mitigation.
19	2.86	Clarification is sought on the threshold size of 80 or more dwellings.	Text has been deleted
19	2.86	A definition is sought from the Council for the reference to a 'reasonable bus service'	Text has been deleted
19	2.87	No site size threshold is stipulated to which the requirements of this paragraph applies	Text has been deleted
19	2.87	It is doubtful as to whether the improvement of station facilities satisfies the CIL Regulation tests and paragraph 204 of the NPPF. Therefore, this potential source of contribution should be removed from the draft SPD.	Text has been deleted
20	2.75	If a development affects a Public Right of Way, an alternative route within the development site should be agreed rather than a financial contribution.	Text has been deleted
20	2.81	The sanctions against a failure to comply with Travel Plan targets is unreasonable as it is up to the individual resident on how they travel.	Reference to sanctions has been deleted. Text amended citing that if agreed targets are not met then the performance bond will be used to fund the delivery of remedial measures and/or identified infrastructure upgrades

Question 18 - Any other comments?			
6	N/A	Historic England currently have no comments to make on the content of this draft document	Noted.
9	N/A	Allerdale Borough Council should be encouraged to establish a Community Infrastructure Levy	The possibility of introducing a Community Infrastructure Levy is being explored through the preparation of the Local Plan (Part 2) - Site Allocations
10	N/A	Papcastle Parish Council fully support the introduction of this document - this is a very welcome initiative	Noted.
11	N/A	There are no employment opportunities within Plumbland therefore any development would only increase the carbon footprint. There is no public transport or shops etc. and there is no mains gas - only oil or coal	This will be taken into account in the preparation of the Local Plan (Part 2) - Site Allocations document which will look at the levels of development to be allocated to settlements in line with Policy S3 of the Local Plan (Part 1).
14	N/A	The overall feeling is that the document is just a bit too much in the developer's favour. We could be more ambitious in what sums are achievable	The intention of the SPD is to provide guidance on the main areas of infrastructure that the Council deals with. It does not prevent other requests for developer contributions if there is evidence, it satisfies the CIL tests and does not undermine the deliverability of the scheme.
14	Appendix 1	Bullet point 4 - anticipated monthly sales rates should be justified by recent local sales data	Appendix has been deleted
14	Appendix 1	Bullet point 17 - the Council appears to be expecting developers to regularly seek the reduction of planning obligations. The developer should be expected to provide their evidence and the Council should then decide if it is justified. If community benefit is going to be lost, profits cannot be guaranteed.	Appendix has been deleted
14	Appendix 3	Is there a reference for the design examples? Not convinced that the 'acceptable' examples effectively show the integration of affordable housing	Appendix has been deleted

15	N/A	Do not send further consultations to the Equality Human Rights Commission unless there is a clear and specific equality and human rights concern	Noted.
20	N/A	To help ensure further transparency, it would be helpful if the SPD identified if the contributions were required by Allerdale Borough Council or Cumbria County Council	Noted. Text has been added to the introduction highlighting the two-tier local government system in Cumbria and types of contribution relevant to the County Council
21	N/A	It should be noted that over the next 12 months the County Council will be undertaking a review of its own Planning Obligation Policy. It is acknowledged that the timescales for the update do not align with Allerdale Borough Council's timescales for the production of the Developer Contributions SPD. However, Allerdale Borough Council will have the opportunity to comment upon the proposed changes to the Planning Obligations Policy; the County Council will encourage Allerdale Borough Council to include any changes in any future review of the Developer Contributions SPD.	Noted.
22	N/A	Highways England has no specific comments to make. We have no requirement to change or amend any of the wording and would therefore support the publication of this document in its current format	Noted.
14	2.1	Did the pre-consultation information consultation include the Lead Local Flood Authority?	Yes it did
6	N/A	Historic England would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing policies which have already been subject to a Sustainability Appraisal. As a result, we would endorse the conclusions that it is not necessary to undertake a	Noted.

		Strategic Environmental Assessment of the document.	
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