

## Appendix C – Response List

<u>Ref</u>	<u>Consultee Name</u>	<u>Section/ Para</u>	<u>Consultee Comment</u>	<u>Cumbria County Council Response</u>	<u>Changes in response to comment</u>
1	Highways Agency	General	The document appears to clearly set out the framework that is required to inform the consideration of planning obligations to deliver the implementation of this policy.	Recognition of the clarity provided within the policy document is welcome.	No changes are considered necessary to the Policy Document
2	Highways Agency	Section 5 Highways and Transport	The main concern is that where any development is located near to the Strategic Road Network and may have an impact, then it is recommended that the infrastructure requirements are discussed with us as early as possible at the pre application stages in the planning process. Early discussions with the Highways Agency would also be of value with regard to the scope and parameters of any assessment or statement being prepared that effect the SRN.	The document sets out what and when planning obligations may be sought by CCC. It is felt it would therefore be inappropriate to include reference to other organisations concerns or requirements and would result in the document being lengthy and unwieldy. The concerns raised would be best addressed directly with the Local Planning Authorities within Cumbria. However, CCC as Local Highway Authority will continue to highlight to the Local Planning Authorities where development would likely impact the SRN and for the HA to be consulted.	No changes are considered necessary to the Policy Document
3	Highways Agency	Section 5 Highways and Transport	The Agency also notes that the County Council have addressed the issue of the requirement of a Travel Plan to ensure that sites can be accessed through sustainable means. The remainder of the plan appears to clearly provide detailed information with regard to the relevant contributions required by developers for different types of infrastructure requirements. The Highways Agency has no further comments to make on this element of the document.	These comments are noted.	No changes are considered necessary to the Policy Document
4	County Land & Business Association	General	Consultee directed CCC to their standing guidance about CIL. Guidance relates primarily to the use of CIL. It highlights concerns that CIL charging may affect the viability of rural development in order to provide infrastructure for Urban areas.	It is agreed that the creation of viable and vibrant rural communities is very important. The policy document is alive to issues around viability and it needs to be pointed out that the majority of possible contributions would not apply to the scales of development likely to be found in rural areas. The comments provided primarily relate to the operation of CIL in rural areas. CIL is beyond the immediate scope of this policy, so although these comments are helpful, they are not considered to be	No changes are considered necessary to the Policy Document

				directly related to the consultation in place. By way of general comment, the current consultation document has regard to the consideration of viability.	
5	Natural England	General	Natural England welcomes that the Policy document has referenced that environmental factors should be fully regarded in order to support development. However Natural England feels that the policy could go a lot further in order to ensure contributions are secured for development proposals to preserve and enhance the natural environment.	It is agreed that the natural environment is an important consideration, nevertheless, the Policy Document relates to the infrastructure and functions for which Cumbria County Council has responsibility. As such it is not considered that detailed reference to ecological matters is required as consideration of these matters is the responsibility of the District Local Planning Authorities, rather than CCC. It is suggested that Natural England continue to engage with Cumbria's Local Planning Authorities as they develop their own policies around planning obligations.	No changes are considered necessary to the Policy Document
6	Natural England	General	Natural England welcomes that the policy comments on how the level of green infrastructure required for proposed development should be considered. However we feel the document could go further and expand on how contributions for green infrastructure are valuable in order to secure environmental benefits. It is important to note that there are opportunities for GI links to be made through all the key areas ie; minerals and waste, education, housing and health etc.. Green infrastructure is a term used to refer to the living network of green spaces, water and other environmental features in both urban and rural areas. It is often used in an urban context to cover benefits provided by trees, parks, gardens, road verges, allotments, cemeteries, woodlands, rivers and wetlands. Green infrastructure is also relevant in a rural context, where it might refer to the use of farmland, woodland, wetlands or other natural features to provide services such as flood protection, carbon storage or water purification. Green infrastructure maintains critical ecological links between town and country.	It is agreed that the natural environment is an important consideration, nevertheless, the policy document relates to the infrastructure and functions of Cumbria County Council. As such it is not considered that individual reference to ecological matters is required as consideration of these matters is the responsibility of the District Local Planning Authorities, rather than CCC. Around this, it is suggested that Natural England continue to engage with Cumbria's Local Planning Authorities as they develop their policy around planning obligations.	No changes are considered necessary to the Policy Document

7	Natural England	General	<p>Natural England welcomes that the paper has referred to Cumbria's aspirations for a sustainable environment but we are disappointed that it has not referenced the need for securing benefits for biodiversity. Where development impinges upon natural environment assets or has adverse implications for biodiversity then Planning Conditions or Planning Obligations will generally be necessary. Cumbria is enormously rich in wildlife and has a tremendous variety of habitats. It has many designated sites of international, national and local status and has more SSSI's (about 278) than any other English county. However Cumbria also receives multiple development proposals for works, including contentious energy developments that can have possible detrimental effects on these assets. It is therefore imperative that contributions are received from developers to both offset any potential harm to biodiversity and to provide enhancements.</p>	<p>The rich ecology of Cumbria is fully understood and recognised, and where possible, Cumbria County Council seeks to ensure the delivery of an appropriate range and quantum of infrastructure. The purpose of this document is not to secure green infrastructure as the policy document relates to the specific infrastructure and functions of Cumbria County Council. As such it is not considered that individual reference to ecological matters is appropriate. Around this, it is suggested that Natural England engage with Cumbria's Local Planning Authorities as they develop their policy around planning obligations.</p>	<p>No changes are considered necessary to the Policy Document</p>
8	Natural England	General	<p>Please refer to paragraph 9 from NPPF. 'Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to):... moving from a net loss of biodiversity to achieving net gains for nature'. Developer contributions may include: keeping or restoring key habitats or features on the development site; re-establishing or creating new habitats on or off the site; aftercare and sympathetic management of key habitats or features on or off the site; providing access for education and scientific research; and facilitating that documentation for all measures are placed in the public domain.</p>	<p>It is agreed that the natural environment is an important consideration, nevertheless, the policy document relates to the specific infrastructure and functions of Cumbria County Council. As such it is not considered that individual reference to ecological matters is appropriate. Around this, it is suggested that Natural England engage with Cumbria's Local Planning Authorities as they develop their policy around planning obligations.</p>	<p>No changes are considered necessary to the Policy Document</p>

9	Natural England		<p>Cumbria has many designated sites for landscape purposes and is home to two National Parks. The policy could therefore be improved if it emphasised the need for contributions for landscape enhancements, where there may be adverse affects caused by development. This policy could also go further and could be used as a tool to ensure there is an appropriate quality and quantity of green space to meet identified local needs. We recommend the use of ANGSt as a useful tool that can help ensure adequate provision of accessible natural greenspace. Natural England's Accessible Natural Greenspace Standard (ANGSt) provides a set of benchmarks for ensuring access to places near to where people live. ANGSt can be used as an indicator to monitor the quality of green space and is accessibility. There are also other national standards such as Green Flag for parks and open spaces and the County Park accreditation schemes.</p>	<p>It is agreed that the natural environment is an important consideration, nevertheless, the policy document relates to the specific infrastructure and functions of Cumbria County Council. As such it is not considered that individual reference to ecological matters is appropriate. Around this, it is suggested that Natural England engage with Cumbria's Local Planning Authorities as they develop their policy around planning obligations.</p>	<p>No changes are considered necessary to the Policy Document</p>
10	Natural England	General	<p>Natural England welcomes that the policy document has made reference for the need for contributions to be sought for sustainable transport modes and flood alleviation measures. However Natural England feels that the policy could further in terms of seeking contributions for schemes to prevent and adapt to climate change. Please refer to paragraph 94 from the NPPF. 'Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'.</p>	<p>It is agreed that the natural environment is an important consideration, nevertheless, this document relates to the specific infrastructure and functions of Cumbria County Council. In line with this, within the policy document, reference is made to surface water management. Beyond this area, it is not considered that further reference is necessary within this policy. Around this, it is suggested that Natural England engage with other infrastructure providers and Cumbria's Local Planning Authorities as they develop their policy around planning obligations which would involve other stakeholders such as United Utilities and the Environment Agency.</p>	<p>No changes are considered necessary to the Policy Document</p>

11	Natural England	General	<p>We have not had sight of the Habitats Regulations Assessment (HRA), which we will need to be consulted on. The plan must be screened with respect to The Conservation of Habitats and Species Regulations 2010. The policy does not set out how it will follow the Sustainability Appraisal (SA) procedure. SA extends the concept of SEA to encompass economic and social concerns. The Planning and Compulsory Purchase Act 2004 and the Planning Act 2008 requires Local Planning Authorities to undertake SA for each of their Development Plan Documents (DPDs).</p>	<p>It is agreed that the natural environment is an important consideration, nevertheless, the requirement to prepare a Habitats Regulation Assessment (HRA) and Sustainability Appraisal (SA) relates to the preparation of a Local Planning Authorities Local Plan Documents. The policy document is not a locally prepared Local Development Document; which means there exists no requirement to prepare a HRA or SA in this case.</p> <p>In any case the County Council is satisfied that the policy document reflects key sustainability principles and would lead to better outcomes for the County help to ensure that development mitigates any negative impacts it may have.</p>	<p>No changes are considered necessary to the Policy Document</p>
12	J Terry	Question A – Purpose and Background	<p>Yes. Don't waste any more time on this.</p>	<p>This comment is noted.</p>	<p>No Changes</p>
13	J Terry	Question B - Viability	<p>The most important thing the county council could do for Cumbria and its people is stop the proposed nuclear dump anywhere in Cumbria I live on the beautiful Solway Plain. The air is beautiful, the views are beautiful and nature is at its best. A nuclear dump in Cumbria hidden underground, regardless of how it is spun by those with a vested interest, will without doubt ,to those who live here, feel like a ticking timebomb that will desecrate this beautiful county ,its tourist and farming industries because regardless of how many millions are set aside to attempt to remarket Cumbria, this will take away the natural, unspoilt clean image Cumbria presently enjoys. That money would be better spent compulsory purchasing anyone's home in Cumbria at market value plus 10% for trauma and inconvenience caused, who wishes to leave, as I now do. An underground repository however its dressed up, will destroy residents peace of mind, that's not fair, ask anyone on the street and they'll tell you the same so please listen and act for</p>	<p>This comment is not considered relevant to the consultation document which relates to planning obligations.</p>	<p>No changes are considered necessary to the Policy Document</p>

			<p>the people you serve. Please put people's welfare and the environment before money and stop this desecration of our beautiful county. I understand the Cumbrian county councillors are the only ones who can now so please restore the Cumbrian people's faith in democracy and stop the nuclear waste dump now while you still can!</p>		
14	J Terry	<p>Question C - Overarching Policy</p> <p>Question D – Highway and Transport</p>	<p>There is not one decent dual carriageway between the m6 and west Cumbria. without this, Cumbria will continue to be strangled by inadequate single carriageway roads which are not fit for purpose. I suggest a cheaper answer would be to make the A595 one direction : west to east [towards Carlisle]and the a596 single carriageway : east to west which would provide this poor county with at least one decent dual carriageway linking west Cumbria to the city of Carlisle and the m6.apart from blocking the proposed nuclear dump, this would be the single most important thing Cumbria County Councillors could do to immediately benefit every single person who lives and works in Cumbria.</p>	<p>While the receipt of this feedback is welcome, the points raised in the comments are outside the scope of the proposed policy. However, the proposal to make the A595 and A596 one-way would result in increased journey times for local residents, emergency services and the majority of trips to/from West Cumbria. As such it is considered that such a proposal would have a negative impact with regards access to West Cumbria. The proposed policy actively seeks to mitigate the adverse effects of new developments in local communities and from that point of view is anticipated to make a positive contribution to resident's lives.</p>	<p>No changes are considered necessary to the Policy Document</p>
16	J Terry	<p>Question E – Education</p>	<p>My children used to travel by school bus similar to the Keswick bus tragedy which took the lives of 2 school children and another man due to inadequate single carriageway roads, along with all the deaths on the A595 and A596 in particular west of Carlisle. as so many children travel to school by bus ,and will have to use the roads as young adults and if they survive, beyond, the county council owe it to present and future generations to provide good safer dual carriageways in Cumbria. Until then we will continue to see countless needless deaths on these deathtrap single carriageway roads which are not fit for purpose. Do not waste more money overpaying for patching up eg the switchbacks on A66 Bassenthwaite, complete waste of money, just like the nonsensicle roundabout at coop Keswick etc</p>	<p>While the receipt of this feedback is welcome, the point raised does not relate to the purpose of the document but rather concerns site specific matters. However, the County Council, as part of the Cumbria Road Safety Partnership undertakes a program of audit, study and prioritised maintenance to ensure that their road network is safe for all road users.</p> <p>The County Council is part of the Cumbria Road Safety Partnership which recognises that the "road safety problem" is that of road user behaviour, which covers a range of issues. The Partnership constantly works to address this problem through the use of a range of measures e.g. safety cameras.</p>	<p>No changes are considered necessary to the Policy Document</p>

17	J Terry	Question F – Social Care	Carers need better wages to be realistic they are no longer earning a living wage and for the work they do thats disgraceful.	While the receipt of this feedback is welcome, this comment is not considered relevant to the consultation document which relates to planning obligations.	No changes are considered necessary to the Policy Document
18	J Terry	Question G – Safer Communities	The most important thing the County Council could do for Cumbria and its people is stop the proposed nuclear dump anywhere in Cumbria. I live on the beautiful Solway Plain, the air is beautiful, the views are beautiful and nature is at its best a nuclear dump in Cumbria hidden underground will feel like a ticking timebomb that will desecrate this beautiful county and destroy residents peace of mind ask anyone on the street and theyll tell you the same so please listen and act for the people you serve. Please put peoples welfare and the environment before money and stop this desecration of our beautiful County I understand the Cumbrian County councillors are the only ones who can now so please restore the Cumbrian people’s faith in democracy and stop the nuclear waste dump now while you still can!	While the receipt of this feedback is welcome, this comment is not considered relevant to the consultation document which relates to planning obligations. However the Policy Document is intended to improve the quality of life in Cumbria through enhanced infrastructure provision to mitigate the adverse effects of development.	No changes are considered necessary to the Policy Document
19	J Terry	Question H – Timing and Management	Any contributions need to be ringfenced for a dual carriageway to link West Cumbria to the m6.the present dangerous single carriageways are no longer fit for purpose, deny Cumbria economic progress and cost Cumbria a fortune in emergency accident costs ,lost working hours, delays, damage quality of life due to stress of not being able to get from a to b at a reasonable speed and not being able to overtake as the present roads [A595,A596,A66 west of Penruddock] are not fit for purpose.	While the receipt of this feedback is welcome, this comment is not considered relevant to the consultation document which relates to planning obligations. The comment relates to a specific example of suggested road improvements and the policy document is not intended to deal with that particular matter but instead to deal with the adverse effects of new development.	No changes are considered necessary to the Policy Document

20	J Terry	Question J - General	<p>If the County Councillors really care about the vast majority of the people of Cumbrias opinion, the most important thing the county councillors could do for Cumbria and its people is stop the proposed nuclear dump anywhere in Cumbria . Hidden underground will feel like a ticking timebomb that will desecrate this beautiful county and destroy residents peace of mind, ask anyone on the street and theyll tell you the same so please listen and act for the people you serve. Please put peoples welfare and the environment before money and stop this desecration of our beautiful county.the people understand the Cumbrian county councillors are the only ones who can stop this now so please restore the Cumbrian peoples faith in democracy and stop the nuclear waste dump now while you still can!</p>	<p>While the receipt of this feedback is welcome, this comment is not considered relevant to the consultation document which relates to planning obligations.</p>	<p>No changes are considered necessary to the Policy Document</p>
21	J Terry	General	<p>If the County Councillors really care about the vast majority of the people of Cumbrias opinion, the most important thing the county councillors could do for Cumbria and its people is stop the proposed nuclear dump anywhere in Cumbria . Hidden underground will feel like a ticking timebomb that will desecrate this beautiful county and destroy residents peace of mind, ask anyone on the street and theyll tell you the same so please listen and act for the people you serve. Please put peoples welfare and the environment before money and stop this desecration of our beautiful county.the people understand the Cumbrian county councillors are the only ones who can stop this now so please restore the Cumbrian peoples faith in democracy and stop the nuclear waste dump now while you still can!</p>	<p>While the receipt of this feedback is welcome, this comment is not considered relevant to the consultation document which relates to planning obligations.</p>	<p>No changes are considered necessary to the Policy Document</p>
22	Cockermouth School	Section 6 - Education	<p>Cockermouth School with 1400 students is currently at 102% capacity. The roll in 2013 is 1420 and this has increased steadily over the last 20 years. We would recommend that any current, proposed or future developments, within the School's catchment area should be subject to a financial contribution towards funding building expansion at the school for</p>	<p>These comments are welcome and understood. When considering whether contributions towards education infrastructure are necessary when a planning application is submitted, the County Council will consider the capacity of existing schools and the impact of a development. This will allow there to be full</p>	<p>No changes are considered necessary to the Policy Document</p>

		<p>the reasons below and we welcome the proposals as outlined in the draft policy. Would you please let me have your comments on this? However, our concern is that additional housing which has already been granted planning permission within Cockermouth (eg The Fitz and Sullart Street) and the school's wider catchment villages, will increase the demand for school places. In addition, new sites for additional housing within this catchment area will be identified in Allerdale's new local plan. Derwent Secondary Modern School was originally built to accommodate 750 students. It merged with the Grammar School in 1984 and amalgamated on this site in 1991. The school and the Local Authority have responded to the increase in numbers of students over the years by building: additional classrooms; extension to 6th Form; Learning Support and Strategic Provision for Autism; Eco Centre; All weather pitch; 6 Grass football pitches; 8 classes are currently accommodated in temporary portacabins. Any additional housing development within Cockermouth and the school's wider catchment area will produce an increased demand for school places which in turn will require additional classrooms and facilities. Any future developments on the site will require a capital input to fund expansion. External capital funding has become very restricted over the last few years and the County and the school are unable to respond to the demand for increased places at the school. The capital funding could, however, be provided through planning gain. We note that this has happened elsewhere in Allerdale, but the practice has not been applied consistently. I'd be grateful for your comments on this.</p>	<p>consideration of the impact of a development. Through this process, consideration will be made around whether or not a contribution is required. The content of this response has been forwarded to the Education Authority to respond to site specific comments.</p>	
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23	Garner Planning Associates	Question J - General Comments	<p>The approach that Cumbria County Council will adopt, will not encourage the delivery of new development, but will make the securing of planning permissions a more complex process and less financially viable. It would appear there is an intention to seek to extract financial contributions that are not directly related to the proposed development. It is not clear what the financial contributions will be for any particular development and therefore Cumbria County Council cannot have undertaken any viability testing.</p>	<p>The role of the policy is to set out the County Council's approach to securing necessary developer contributions that are needed to ensure the continued sustainable development of the County. The use of planning obligations to ensure the sustainability of development, represents a normal planning tool.</p> <p>The policy will offer transparency around the potential areas to which necessary contributions will be sought and the approach seeks to ensure that contributions sought are directly related to the proposed development. We consider that pre-application will be important in ensuring that parties are aware of the full range of possible infrastructure which may be sought as part of development. The policy document also has regard to the viability of development in line with the NPPF. It is expected that the policy document will help inform the development of Local Plans and as part of their development where the delivery and viability of necessary infrastructure would be tested.</p>	No changes are considered necessary to the Policy Document
24	Frank Lowe, Magnus Homes Limited	General	<p>Having read the "draft planning obligations policy" I am in no position to comment individually regarding your proposals without employing specialist consultants for advice, however in this economic times I feel that my financial resources are better spent elsewhere. My company has just commenced a small development in Carlisle and has been inundated with job applications with skilled tradesmen even saying they will do labouring duties. The outlook for the building industry in Cumbria is very bleak, developers are working on reduced margins to retain their workforce, and creating more onerous conditions is tantamount to kicking somebody in the face whilst on their knees. My Company, Magnus Homes Limited, is attempting to provide houses with more substantial energy efficiency</p>	<p>These concerns are noted, however it should be pointed out that planning obligations have a very important role in ensuring the sustainability of development and the communities it is located within. Moreover, it is not considered that the proposed policy would stifle development because an important part of the document is the weight it gives to considerations of viability. This should ensure the viability of schemes are not prejudiced.</p>	No changes are considered necessary to the Policy Document

			<p>than the current standards for example triple glazing, mechanical ventilation heat recovery, better insulation standards and solar but this has not been recognised in this policy whatsoever. In conclusion in your introduction you state “CCC aspirations for Cumbria are to be a place with a thriving economy”, I would suggest your draft planning document does exactly the opposite and will stifle the Cumbrian building industry.</p>		
25	Gwyn Clark, Eden District Council	General	<p>It is regrettable that there has been only very limited prior consultation and particularly so as it is the District Authority's who would be relied upon to implement the provisions of this policy.</p>	<p>We have always appreciated the importance of us working closely with LPA partners. Officers in each of Cumbria's planning authorities have been made aware and have asked to engage in draft planning obligations policy document prior to consultation. The policy document has been raised at a number of meetings including Cumbria Planning Group, The Cumbria Leaders' and Chief Executives' Groups and discussions have been had with the HCA. Moreover, the education aspect of this policy was subject to separate consultation in 2011 and ahead of this a series of meetings were held across the County with the Local Planning Authorities .</p>	<p>In order to address the matters raised, the following has been added to Page 3 of the Consultation document:</p> <p><i>“The development of this policy document has been supported by a full consultation exercise in which stakeholders were asked to respond. Further dialogue with important stakeholders and countywide groups has also been undertaken. This process has contributed to the finalisation of the policy document. It is now hoped that in cooperation with partners across Cumbria we can now work to secure its implementation to the betterment of all our communities. ”</i></p>

26	Gwyn Clark, Eden District Council	General	The responsibility for planning control rests with the District Authorities. The County Council, in acknowledging this, should also recognise that the District Authorities will have their own priorities for investment and it is necessary for parties to discuss how potentially competing interests can be accommodated before finalising any policy.	It will be important that CCC and Cumbria's other Authorities would work closely in considering the implications of proposed development on infrastructure and what mitigation may be required to address negative impacts should they emerge. Where the viability of a proposal does not allow it to meet the full range of infrastructure asks we consider that authorities should come together to examine viability evidence and to agree the appropriate range of contributions that may be sought. Around this, good working relationships will be very important. It is acknowledged that the Local Planning Authority may have their own priorities. However, it is considered that in order to create sustainable communities the Local Planning Authority should consider all of the infrastructure requirements together and it is important that parties work together around this point.	In recognising the concerns raised, it is recommended that after "appraisal" Paragraph 3.13 has been revised to state:  <i>"If, following this review, it is determined that viability and deliverability concerns are justified, material and reasonable (for example instances where developers acquire/agree prices on sites that are unrealistically high would not fulfil this definition), joint consideration should be given to the potential to reapportion contributions or seek revision of the proposal having regard to the most important agreed priorities and outcomes for a locality and its communities and the requirement that a scheme suitably and sustainably integrates with local communities and services."</i>
27	Gwyn Clark, Eden District Council	General	There also appears to be no acknowledgement that the County Council already receives significant grant assistance and revenue from local taxation to pay for the services it now seeks to fund through developer contributions.	Grants and local taxation are increasingly inadequate to support the full range of infrastructure that CCC must provide. The County Council has many responsibilities and does not have the resources to fund the mitigation of development on top of existing commitments. Planning obligations are fully necessary to ensure the effects of development are mitigated and, in line with this, CCC is seeking to link contributions sought to the direct effects of development in order to make sure that they are acceptable.	No changes are considered necessary to the Policy Document

28	Gwyn Clarke, Eden District Council	Section 3 – Overarching Policy	<p>It is reasonable for the County Council to seek developer contributions to support services that it provides and that arise as a result of new development. However the extent of this is limited both by Government advice and by viability issues. It is equally reasonable for the determining Authority on planning applications to set its own priorities. This will be a critical issue where demands placed upon a development cannot all be fully met and they become competing demands.</p> <p>The determining Authority is of course the District, and within Eden, the Councils priority is to provide affordable homes, (a need that is acknowledged within the County Council consultation document). We have a target figure of 30% affordable homes being provided from sites of 4 or more units. Recent experience on three major developments has shown that (perhaps within the current economic climate) this figure cannot be achieved. Having accounted for the direct infrastructure costs (i.e. those costs required to allow the development to proceed) the remaining value expressed in terms of benefits that could accrue for 'planning gain' is insufficient in these cases to fund the full cost of affordable housing provision required by the Councils policy. In a fourth case though, to be acknowledged, the developer has been willing to provide 30% affordable housing and meet the County Councils requested education contributions. Nevertheless, maintaining the viability and successful implementation of development proposals, as confirmed in the NPPF, is a crucial consideration.</p>	<p>It is agreed that viability is an important issue. In line with this, the Planning Obligations policy is alive to issues around development viability and the requirements of legislation.</p> <p>Where it is the case that a development cannot provide the full range of contributions to be provided, the Policy Document states that the County Council wishes to work with the local planning authorities to consider the full range of contributions to agree an appropriate reapportionment following considerations of the issues relevant to the site.</p> <p>We note the corporate priority of Eden, however it is suggested that as the planning authority, Eden should give full weight to all planning considerations in order to reach the most important range of contributions against the need to create "sustainable communities". This will be important to ensure the delivery of sustainable development within Eden. For example, if there is not sufficient school places, the sustainability of development could not be assured as local children may not be able to access school places. The NPPF is clear that it is important for LPAs to work with neighbouring authorities and transportation providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development.</p>	No changes are considered necessary to the Policy Document
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29	Gwyn Clark, Eden District Council	General	A further significant practical difficulty, mentioned but not expanded upon in the consultation document, is the limit of five separate S106 Agreements allowed after the 6 April 2014, to secure a single piece of infrastructure or type of infrastructure. School provision may for example be a 'type' of infrastructure and so be subjected to this limitation. Eden has not yet decided to pursue the CIL route.	Like Eden District Council, CCC is fully aware of the implications of the CIL Regulations around the pooling of planning obligations. In line with the CIL Regulations CCC seeks to clearly link S106 contributions to the mitigation to be delivered. This approach thus serves to reduce potential issues around the pooling of S106 agreements.	No changes are considered necessary to the Policy Document
30	Gwyn Clarke, Eden District Council	Section 5 – Highways and Transport	Contributions secured from a developer for highway and transport infrastructure improvements required and arising as a consequence of the development proposed are quite reasonable; this would include the preparation of Travel Plans for major development proposals. However there is no planning policy basis for requiring travel plan contributions (nor penalties where any targets are not met), and principally because most, if not all, significant development taking place within Eden will follow the Councils adopted sustainable spatial development patterns and will already be considered to be relatively well located in terms of bus services and the town/village centres. It would be very difficult to justify requests for additional contributions, for such requests would be unlikely to be considered to meet the tests of Planning Obligations.	<p>Within Cumbria, the existing transport infrastructure in many areas and under mounting pressure as a result of increased levels of development and physical factors such as limited capacity for all modes of travel. Additional development on this constrained transport network could further aggravate capacity problems if measures are not taken to make better use of existing infrastructure, introduce extra capacity and/or increase service provision. In addition, the existing infrastructure may not be of sufficient quality or may not be currently available to deliver sustainable solutions.</p> <p>A Travel Plan is a long-term management strategy that seeks to deliver sustainable transport objectives. This strategy is regularly reviewed to assess its effectiveness in delivering the intended results, or amended to attempt to resolve any failure to meet the targets set. They have been used successfully for many years and have proved to be an important tool for promoting sustainable travel choices such as walking, cycling and public transport. By helping to reduce single occupant car use, Travel Plans can encourage effective use of current transport networks (thereby reducing the need for significant infrastructure improvements), help support sustainable economic growth, encourage healthy lifestyles, promote social</p>	<p>To improve the effectiveness of Travel Plans, this aspect of the policy has now been revised and states.</p> <p>5.2.15 The need for a Travel Plan to make a development acceptable in planning terms is set out in NPPF paragraphs 34, 35 and 37. The NPPF emphasises the importance of Travel Plans as they are a necessary and key part of ensuring the sustainability of the development, and are the primary mechanism for delivering appropriate sustainable transport options. However, merely requiring a Travel Plan to be submitted as part of the planning process without securing its implementation and objectives will result in Travel Plans being little more than a "tick box" exercise which has little meaning or tangible benefits. National guidance, such as the "Good Practice Guidelines: Delivering Travel Plans through the Planning Process" (DfT/DCLG, 2009), set out best practice for delivering Travel Plans including the use</p>

				<p>inclusion, manage travel demand and assist in reducing the impacts of climate change.</p> <p>The need for a Travel Plan to make a development acceptable in planning terms is set out in NPPF paragraphs 34, 35 and 37. The NPPF emphasises the importance of Travel Plans as they are a necessary and key part of ensuring the sustainability of the development, and are the primary mechanism for delivering appropriate sustainable transport options.</p> <p>National guidance, such as the “Good Practice Guidelines: Delivering Travel Plans through the Planning Process” (DfT/DCLG, 2009), set out best practice for delivering Travel Plans including the use of sanctions and measures to achieve outcomes and handle breaches, including financial incentives/penalties. While the Guidelines recognise that Travel plans can be secured by a condition or planning obligation they state that:-</p> <ul style="list-style-type: none"> <li>• the complexity of most travel plans will mean that a planning obligation is the most effective means of securing its delivery.</li> <li>• planning conditions may be appropriate with smaller developments or when the range of measures required is simple. However, conditions are not appropriate when payments are required.</li> </ul> <p>Evidence shows that a robust travel plan can readily reduce trips to a development by around 15-20%, and in some cases by over 50%. There is also evidence to suggest that ‘origin’ travel plans, such as those for residential developments, can play an important role in cutting urban</p>	<p>of sanctions and measures to achieve outcomes and handle breaches, including financial incentives/penalties.</p> <p>5.2.16 As stated in paragraph 5.2.9, a Travel Plan is a long-term management strategy that seeks to deliver sustainable transport objectives. The national guidance document “Good Practice Guidelines: Delivering Travel Plans through the Planning Process” advises that Travel Plan monitoring “should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the site are in line with the objectives of the Travel Plan. This includes meeting the agreed targets over a consistent period of time”. Typically in Cumbria, a Travel Plan is required to cover a 5 year period to enable Travel Plan objectives to be met, and Travel Plans should be seen as ‘living documents’ due to the fact that to stay relevant, and remain effective, they need to be regularly updated as part of an iterative process throughout the plan period in order to ensure the objectives are met.</p> <p>5.2.17 The minimum target for reducing the number of trips or level of single occupant private vehicle use to and from the development is 10%. Evidence shows that a robust</p>
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				<p>achieved. In exceptional circumstances should a developer be unwilling to commit to providing a Travel Plan Action Plan with the Planning Application, or the development proposals are at such a preliminary stage that it is unrealistic to draw up a list of measures, then it will be necessary to secure the outcome of the Travel Plan through a developer contribution which will be provided at the end of the Travel Plan period (normally 5 years) should the targets not be achieved. If sites are well located in sustainable areas, then a developer that is committed to the travel plan process should have no issue with meeting the set targets, hence no overall contribution will be required.</p> <p>Securing Travel Plans and associated contributions through Section 106 Agreements is common practice across the country and satisfy the planning obligation tests (CIL Regulations 2010) as detailed below.</p> <p><u>Necessary to make the development acceptable in planning terms</u> The reason securing a Travel Plan Contribution, or Bond, through a S106 Agreement is necessary is two-fold. Firstly, it is a key tool in ensuring the developer or operator of a site buys in to the principles of the ongoing management and implementation of the Travel Plan in order to meet the targets set and deliver the intended results to ensure the sustainability of the development. In cases where a contribution is secured, it provides a source of funding that can be used to pay for mitigating measures such as sustainable travel improvements should the Travel Plan not achieve the agreed objectives.</p>	<p>including roles and responsibilities, expected timescales or milestones for the delivery of measures, and an allocated budget for each measure. The implementation of the Travel Plan will then be secured in a S106 Agreement.</p> <p>5.2.19 For larger developments that may require mitigation measures in order to make the development impact acceptable, trip reductions that could be achieved through a Travel Plan should be considered as mitigation in preference to highway infrastructure improvements. In this case, as well as securing the proposed Travel Plan measures, a developer contribution equal to the cost of providing the highway infrastructure improvements in the form of a bond will also be required. In the event the Travel Plan objectives not being met, the bond monies will be used to provide the necessary infrastructure, if the objectives are met then the bond would be returned.</p> <p>5.2.20 Since the processes involved in Travel Plan implementation are mostly known and the available measures are relatively well defined for a given type of development, this process should be sufficient to cover the majority of situations. However, in exceptional</p>
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31	Gwyn Clarke, Eden District Council	Section 6 - Education	<p>On the other hand the principle of an education contribution (also reflected within the objectives of the NPPF) should be supported. Indeed, recent experience in negotiating a planning permission for residential development within Penrith (the example mentioned above) would indicate that there is acceptance of this principle. There is concern as to how much weight could be attached to the County Councils multiplier; it is understood that this has been successfully challenged at least on one occasion elsewhere in Cumbria. Eden has also experience of one development already where the demands of affordable housing directly competed with a contribution to education provision. The affordable housing offered in that particular development, verified through independent viability testing, was just 12.5% and any contribution made to education provision would then have had a direct affect upon viability and/or the offer of affordable houses. In that particular case permission was granted with the provision of affordable homes and no provision was made for a contribution to education.</p>	<p>We welcome the recognition of the legitimacy of seeking appropriate education contributions. Where the cost of the mitigation cannot be readily costed the DfE based multiplier is used by the County Council. This approach is appropriate and is used throughout the Country.</p> <p>The County Council considers that where contributions are required to mitigate the effects of development but issues around viability emerge, parties should work together to consider the appropriate balance of contributions that are to be sought.</p>	<p>In reponse to the points raised in the representation, some minor amendments have been made to paragraph 6.5.13. This now states:</p> <p><i>“Where additional school capacity is to be funded by the landowner/developer, if practical to identify costs, the County Council will seek that the developer/landowner to fund the full actual cost of new provision or a detailed estimate (as set out above). Where it is not practical for such information to be derived (e.g. in the case of some outline or smaller scale proposals or in the absence of detailed assessment of what works can be done at a school – determining the nature of the preferred alterations can take some time), the County Council will use Department for Education (DfE) construction cost multipliers (as amended/ available/ appropriately updated) to determine the cost of providing additional school places and thus the level of contributions to be provided. These multipliers are linked to location factors, which adjust the base multiplier to reflect the differing costs of building nationwide.”</i></p>
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32	Gwyn Clark, Eden District Council	Section 7 – Adult Social Care	<p>A contribution from developers for the provision of social care is considered to have a tenuous link with the development proposed, despite the claims made within the draft policy. It is not considered that this could be justified as meeting the test of planning obligations, however laudable the aim is to find new income streams to pay for the cost of social care provision within the County. The need to provide affordable housing and meet the cost of infrastructure necessary for the development to take place must also be a paramount consideration.</p>	<p>It is felt that this approach to seeking contributions towards Adult Social Care is based on robust evidence which demonstrates the link between homes and requirements these homes create. The approach also makes clear that contributions would be sought where they are justified by shortages in available services, or where the design of a home would not enable its ready adaptation.</p> <p>This approach seeks to promote the delivery of homes that better meet the requirements of occupants as their needs change. Where this is not done, it is right that appropriate mitigation is secured homes that cannot be readily adapted may prejudice the delivery of services and infrastructure. Many authorities have policy requiring new homes recognise even more specific requirements around design.</p> <p>Likewise, it is considered appropriate that where there is a shortage of existing Extra Care Housing within a locality development should provide appropriate contributions given the increase in need for such accommodation additional homes will create.</p> <p>We are therefore satisfied that there is a robust link between Adult Social Care requirements and the appropriateness of individual development.</p>	<p>No changes are considered necessary to the Policy Document</p>
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33	Gwyn Clark, Eden District Council	Section 7 – Adult Social Care	<p>It is difficult to see how an obligation upon a (housing) developer to make an additional contribution towards fire safety and crime prevention could be justified as meeting the test of planning obligations.</p>	<p>While this comment is noted, it should be pointed out how contributions would only sought where through assessment of the scheme, mitigation has been identified as being necessary due to potential crime and disorder effects they may create, or indeed the absence of adequate local fire fighting facilities. Safety is a legitimate planning consideration.</p> <p>Where sought, such contributions will be used to ensure the negative effects of development are minimised to the benefit of the development itself, as well as the wider community.</p>	No changes are considered necessary to the Policy Document
34	Gwyn Clark, Eden District Council	Section 3 - Viability	<p>In conclusion, and on a positive note, I would confirm that Eden's Core Strategy Policy CS6 allows the Authority to seek developer contributions, sought where a development would create a need to provide additional or improved infrastructure, amenities or facilities, and across a wide range of areas including education, health, and transport. In my Councils opinion the first demand placed upon a developer should be contributions towards (or full cost recovery) of infrastructure that is required to allow the development to go ahead (direct affects). This may well include highways infrastructure (on and off site). Eden Council would wish however to reaffirm its own priority, when exercising its powers to determine planning applications, towards the provision of affordable housing (Core Strategy Policy 7) and reaffirm its target for a 30% share of each development to comprise affordable houses (Core Strategy Policy 10). It would seem reasonable thereafter to identify any additional contributions that may be forthcoming from the development, revealed as a result of a viability appraisal, and to seek contributions to the cost of provision of infrastructure that is directly related to or arising from that development. It would also seem reasonable for both the level of contribution, and where any contribution is</p>	<p>Recognition of the appropriateness of seeking appropriate contributions is welcome. Where legitimate viability issues emerge and the full range of contributions requested by authorities cannot be viably delivered, it is suggested that our authorities should work together to agree an appropriate balance to be provided. This should vary on a case by case basis depending issues and shared priorities for an area and its communities and these can be agreed. Thus, no one area of contribution should be consistently be taken over another as a rule of thumb. Around this point, we consider that close working between authorities will be essential the policy document makes it clear that The County Council will only seek contributions which are proportionate and directly relates to the development proposal.</p>	No changes are considered necessary to the Policy Document

			considered best directed, be determined on a site by site basis and in conjunction with the County Council, within an agreed priority.		
35	Sam Greig - Taylor and Hardy	Sections 2 and 3 Approach and Viability	<p>The document, which is significant in length, covers a broad range of infrastructure contributions that are identified for potentially inclusion within s106 agreements. In our experience many of the areas referred to are not commonly requested, at present, by Local Planning Authorities in Cumbria. If this document is subsequently adopted by the Cumbria County Council's Cabinet it is pertinent that its application must conform with paragraph 122 of The Community Infrastructure Levy Regulations 2010, which states that: "<i>A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.</i>" It should also be for the individual Local Planning Authority's to decide when it is appropriate to request the relevant infrastructure contribution, as in our view, they are more familiar with the application and those factors to be weighed in the planning balance and they are, of course, the decision making authority.</p>	<p>While the policy document does contain much detail, this is considered necessary to ensure its overall robustness; explaining the methodology used to determine whether or not a contribution is considered necessary.</p> <p>In line with its role as a consultee and important infrastructure provider, the County Council will seek contributions where they are deemed to be necessary to mitigate the negative effects of development.</p> <p>We are clear, in the policy document, that where contributions are sought, requests would be underpinned by appropriate evidence and fulfil the requirements set out under paragraph 122 of the CIL Regulations 2010.</p> <p>When considering what contributions are necessary, it will be essential for authorities to work closely together. On those occasions where a scheme will not be able to provide the full range of contributions sought, it will be important to authorities to come together to agree an appropriate balance of contributions having regard to local circumstances and priorities.</p>	No changes are considered necessary to the Policy Document

36	Sam Greig - Taylor and Hardy	Section 3 - Viability	<p>Paragraphs 173-177 of the National Planning Policy Framework are also worthy of note in that they recognise that viability and deliverability of development proposals should not be threatened by the scale of obligations and policy burdens. It is acknowledged that the draft Planning Obligations Policy document recognises that there may be instances where a developer/landowner expresses concern over viability and deliverability; however, the suggested approach that <i>“Local Planning Authority will usually expect an ‘open book’ independent development appraisal”</i> could, if the content of the Planning Obligations Policy document is applied excessively, add a further burden at a time when the Government is trying to streamline the planning process. Such an approach would be contrary to a recent statement by Planning Minister Nick Bowles who was quoted as saying <i>“We are determined to cut away unnecessary burdens and paperwork and provide a simpler, swifter planning system for all”</i>. It should also be recognised by the County Council and Local Planning Authorities that these are difficult economic times and that any requirement for additional financial contributions can impact on the viability of schemes at a time when we should be encouraging and fostering sustainable economic development.</p>	<p>The County Council seeks to ensure that delivery of important schemes would not be prejudiced by requests for planning obligations.</p> <p>The policy document is alive to issues around viability and it sets out a clear approach around how viability should be considered. Where a developer claims that it is unviable to provide a full range of contributions, it will be necessary for appropriate viability information to be provided.</p> <p>The Cumbria LEP has recently completed a county-wide template to assist with the consideration of scheme viability. This provides a standardised methodology which should speed up and reduce the complexity of this process. Furthermore, it is suggested that pre-application discussions should help ensure negotiations run smoother. It is also considered that the approach in the policy document is compliant with the principles in Paragraph 173 of the NPPF relating to ensuring that infrastructure is deliverable having regard to viability.</p>	<p>After “appraisal” Paragraph 3.13 has been revised to state:</p> <p><i>“If, following this review, it is determined that viability and deliverability concerns are justified, material and reasonable (for example instances where developers acquire/agree prices on sites that are unrealistically high would not fulfil this definition), joint consideration should be given to the potential to reapportion contributions or seek revision of the proposal having regard to the most important agreed priorities and outcomes for a locality and its communities and the requirement that a scheme suitably and sustainably integrates with local communities and services.”</i></p>
37	Sam Greig - Taylor and Hardy	General	<p>Given the broad range of infrastructure referred to in the document it may be that funding towards the cost of certain key elements of that infrastructure may be better recovered through the introduction of a Community Infrastructure Levy on a county wide basis as a “roof tax”. Such an approach would give developers and landowners a clearer indication of the level contributions required rather than through the application of the Planning Obligations Policy document, which has potential to be applied inconsistently thereby giving rise to greater uncertainty.</p>	<p>It is agreed that in the future, CIL may have an important role in the County.</p> <p>Nonetheless, the role of this document is to set out the potential range of requirements for planning obligations. Whether, planning obligations sought would have regard to the identified impacts of a site and are not on the basis of a roof tax approach. The policy documents main role will be to provide fit for purpose advice around planning obligations.</p> <p>While CIL may have an important role in the</p>	<p>No changes are considered necessary to the Policy Document</p>

				County, under legislation, CCC is not capable of being a charging authority for CIL which would be the mechanism for such a 'roof tax' approach. The County Council will work with the Local Planning Authorities to develop their CIL charging schedules where they are taken forward.	
38	Sam Greig - Taylor and Hardy	General	As a final point, I feel that if the document is adopted in its current form it would be beneficial to incorporate an executive summary, which would make the document more user friendly, as its current length of 67 pages is time consuming to read	The policy document has been prepared in such a way that it clearly set out the full range of potential contributions that may be sought by Cumbria County Council through the planning process. It is felt that within the policy document the approach is clear. While each section of the policy has a number of 'headlines' and an over arching policy is provided, it is considered that it would be impossible to appropriately set out the important detail around this policy within a summary document. Nevertheless, to help readers better understand the content of the policy document an executive summary is to be added to the front of the policy document.	Addition of executive summary to the front of the policy document.

39	Waterman Transport and Development for Tesco Store Ltd	General	<p>Both WTD and TSL understand the background behind the proposed Planning Obligations Policy, and it is clear that this is specifically related to the Community Infrastructure Levy (CIL) Regulations. It is apparent that the County Council have provided the policy statement in order to set out their position to a number of key development stakeholders, including the Local Planning Authorities, landowners, and developers. Cumbria County Council have indicated from the outset of the draft policy document that they intend to seek developer contributions to mitigate the impact of new development on infrastructure capacity in accordance with their roles managing Highways, Education, Surface Water &amp; Flood Risk, Social Care, Safer &amp; Stronger Communities, and Minerals &amp; Waste Planning. The policy is stated as being related to Planning Obligations which are secured through Section 106 Agreements under the Town &amp; Country Planning Act 1990, and does not provide for any new policy in regards to Section 78 or Section 278 agreements.</p>	<p>This response rightly identifies how the role of the policy will be to identify what planning obligations may be sought by the County Council, when obligation may be sought, how the level of contribution would be determined. The policy document relates to planning obligations and not other forms of contributions, but it can help develop understanding of issues around areas like CIL.</p>	<p>No changes are considered necessary to the Policy Document</p>
40	Waterman Transport and Development for Tesco Store Ltd	General	<p>WTD and TSL are fully supportive of Cumbria County Council's overarching objectives and aspirations to achieve good quality sustainable development, and associated appropriate infrastructure which fully mitigates the development's impact. In providing a consultation response it is our intention to ensure that proper consideration is given to ensuring that any requested contributions and/or requested mitigation measures are fully consistent with the scale and impact of each individual development, and continue to be related to the various expert reports and studies which form part of any planning application.</p>	<p>Comments are noted and welcomed.</p>	<p>No changes are considered necessary to the Policy Document</p>

41	Waterman Transport and Development for Tesco Store Ltd	Section 1 – Background and Approach	<p>Within the Draft Planning Obligations Policy it is suggested that Cumbria County Council are notified of pre-application discussions between any developer/landowner and the Local Planning Authority in order that the developer/landowner can be made aware of potential infrastructure requirements at the inception stage of their proposal. WTD and TSL are supportive of this approach, and believe that this practice is already firmly in place with the majority of developers, as it is mutually beneficial to all parties. It is assumed that any infrastructure requirement advice at this stage will be limited to that which is approved through appropriate planning policy such as the Local Plan, or otherwise will be based on approximations, as until detailed studies are carried out, development impact remains unknown.</p>	<p>The support provided for the County Council's commitment to pre-application discussions is welcomed.</p> <p>Contributions would be sought where evidence demonstrates that they are required to mitigate the negative effects of a development. In many cases infrastructure will be localised, but in others there may be a need to contribute to more 'strategic' infrastructure which may be identified through the local plan process.</p> <p>It also should be noted that the Cumbria Local Transport Plan is a relevant statutory document with regards transport matters in Cumbria including those related to developments.</p>	No changes are considered necessary to the Policy Document.
42	Waterman Transport and Development for Tesco Store Ltd	Section 2 – Policy and Legislative context	<p>While WTD and TSL fully understand the powers available to a Local Planning Authority to enter in an agreement which constitutes a planning obligation, it is important to refer to the National Planning Policy Framework (NPPF) section on planning conditions and obligations, which states the following; <i>"Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition"</i>. The Draft Planning Obligations Policy document suggests that the Community Infrastructure Levy (CIL) Regulations have been introduced with a view to limiting the use of planning obligations in its favour. WTD and TSL would disagree with this statement on the grounds that the NPPF clearly seeks to avoid unnecessary planning obligations (S106 and CIL), and that the aim of current policy is to give preference to dealing with development mitigation through appropriate planning conditions delivered by the developer.</p>	<p>It is true that planning obligations should be used where planning conditions are incapable of appropriately securing necessary mitigation. However given the nature of the contributions sought the County Council is satisfied that those items the county council may request can only be appropriately secured through the use of a Planning Obligation. To this end the approach within the policy document is considered appropriate.</p>	No changes are considered necessary to the Policy Document

43	Waterman Transport and Development for Tesco Store Ltd	General	<p>The policy statements contained within the NPPF appear to attempt to discourage the use of planning obligations, and WTD and TSL support this approach. It is considered that planning conditions present a more appropriate form of dealing with a development's impact, and allow a certain degree of flexibility between all parties on progressing necessary forms of mitigation, particularly in relation to infrastructure requirements. WTD and TSL are concerned that the Draft Planning Obligations Policy appears to be worded in such a way to suggest that contributions will be sought through planning agreements/obligations for each and every development, rather than provide for the correct application of the tests detailed within the NPPF.</p>	<p>It is appropriate for Planning obligations to be used where planning conditions are incapable of appropriately securing necessary mitigation. However given the nature of the potential contributions identified in the planning obligations policy the County Council is satisfied that those items the county council may request can only be appropriately secured through the use of Planning Obligation. To this end the approach proposed is considered appropriate.</p> <p>It should be reiterated that planning obligations would be sought in response to identified requirements and every development would not be expected to provide every potential contribution identified within the policy document.</p>	No changes are considered necessary to the Policy Document
44	Waterman Transport and Development for Tesco Store Ltd	Section 3 – Policy and Implementation	<p>Both WTD and TSL agree with the statement that Cumbria is truly a place of great opportunity where business can grow and create jobs, and this is quantified by TSL's previous and planned major investments in the local area and economy. WTD and TSL fully support Cumbria County Council's aspiration for Cumbria to have a thriving economy, incorporating a high quality and sustainable environment.</p>	This comment has been noted and welcomed	No changes are considered necessary to the Policy Document
45	Waterman Transport and Development for Tesco Store Ltd	Section 4 – Overarching Policy	<p>The Draft Planning Obligations Policy states that in securing necessary infrastructure it will be important for Cumbria's Local Planning Authorities to work with and support Cumbria County Council in seeking necessary developer contributions to mitigate the effects of development on infrastructure and service areas. Whilst WTD and TSL recognise that there is sometimes the requirement for planning obligations to achieve the aforementioned infrastructure improvements, the policy wording appears to be geared towards this being the case for all planning applications.</p>	The document is and the Overarching Policy are clear that S106 agreements would only be sought in response to identified requirements and not every development would be likely to provide every potential contribution identified.	No changes are considered necessary to the Policy Document

46	Waterman Transport and Development for Tesco Store Ltd	General	<p>The existing planning system accounts for the provision of a number of extremely detailed expert reports/studies to be prepared in consultation with the relevant authority (including Cumbria County Council where necessary), and these will determine if any mitigation measures are required to ensure that a development's impact is acceptable. Through careful consideration of planning conditions, the required mitigation and infrastructure can be accounted for, which negates the need for time consuming and costly planning agreements. It is the view of WTD and TSL that it is essential that any request for contributions to be made to infrastructure is directly linked to the findings of one of the aforementioned expert studies/reports, or serve a direct planning purpose and is clearly identified in the relevant development plan. In addition, any requested infrastructure contribution should be clearly related to the impact of the proposed development through appropriate study or evidence.</p>	<p>It is recognised that the planning system requires a number of detailed reports be provided by applicants in order to demonstrate the impact of a proposal. The quality of the reports and adequacy of mitigating measures identified can vary. It is therefore appropriate that the relevant authority, including Cumbria County Council, assesses the development proposals and supporting evidence and come to its own view regarding the acceptability of the proposals including any mitigating measures which may be required.</p> <p>While appropriate conditions are used to address the vast majority of issues, there are instances when the use of planning obligations, which satisfy the relevant tests, are considered necessary. The purpose of the document is to set out CCC's requirements and approach for those instances.</p>	No changes are considered necessary to the Policy Document
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47	Waterman Transport and Development for Tesco Store Ltd	Section 3 – Policy Implementation and viability	<p>TSL are particularly concerned that within the Draft Planning Obligations Policy, Cumbria County Council recognises that Cumbria is amongst England’s most deprived counties; however, they appear to be suggesting that a number of additional barriers to development be considered for adoption as policy. The Council themselves recognise the role of the development led private sector in overcoming Cumbria’s challenges, quoting a number of recent successes, but it is unclear whether these projects would actually have been considered were a raft of additional requests sanctioned for further planning obligations. To be clear, is it considered that the application of the Planning Obligations Policy in its current form will place unnecessary and unjustified financial burdens onto developers at a time when the economy is in a fragile condition, particularly in Northern England. It is the view of WTD and TSL that councils should be seeking to assist and promote appropriate development by removing obstacles, in order to create jobs and ensure the stability of the local economic outlook.</p>	<p>The proposed policy is alive to viability considerations and allows that where material and demonstrable concerns can be clearly demonstrated, working with Local Planning Authorities, the County Council can agree to a revised level of contribution made as part of a wider negotiation around the full range of potential contributions requests. As the policy document is alive to issues around viability, we do not consider this point to be substantive.</p>	<p>No changes are considered necessary to the Policy Document</p>
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48	Waterman Transport and Development for Tesco Store Ltd	Section 3 – Policy Implementation and viability	<p>Under the heading of Policy Implementation and Viability, it is perhaps an appropriate time to consider the validity of Cumbria County Council's Draft Planning Obligations Policy. For the majority of planning decisions relating to development in the Cumbria region, Cumbria County Council will not act as the Local Planning Authority, and therefore have no remit in relation to planning obligations under Section 106 agreements or Community Infrastructure Levy's. It is accepted that the County Council have an important consultee role to play within the planning decision process, but the general approach of the draft policy document is questioned, as it appears to be focused on how to secure additional funding in the form a general development tax rather than ensure good development takes place in the right location while providing appropriate mitigation where required. In this context the Planning Obligations policy document is being progressed at too early a stage given current progress of emerging development plans at the local level across Cumbria. The stated objective of the County Council's draft Policy Document is to 'ensure that necessary infrastructure and services can be provided to support any new development and to ensure it does not prejudice the sustainable economic development of Cumbria necessary to achieve a thriving economy'. We have already highlighted that the introduction of further financial burdens at a time of economic recession, a number of which we consider are not appropriate (for reasons set out in this letter) will not assist the achievement of a thriving economy.</p>	<p>The role of the document is not to secure additional funding in the form of a general development tax, but to set out the full range of planning obligations that may be required to mitigate the effects of development upon important services and infrastructure in order to effect sustainable development.</p> <p>The County Council is an important service and infrastructure provider, as well as planning consultee. In these circumstances it is right that the County Council have a robust policy to provide certainty and clarity around the obligation the County Council may request.</p> <p>The County Council will work closely with Cumbria's Local Planning Authorities to secure the implementation of this policy which should sit alongside their Local Plans. It is also intended that the policy document will help ensure consistency in setting out the infrastructure necessary through the Local Plan process.</p> <p>The proposed policy is alive to viability considerations and where material and demonstrable concerns can be clearly demonstrated, working with Local Planning Authorities, the County Council can agree to revise requests made as part of a wider negotiation around the full range of potential contribution asks.</p>	No changes are considered necessary to the Policy Document
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49	Waterman Transport and Development for Tesco Store Ltd	General	<p>It is a concern of WTD and TSL that there are continued references to the provision of collective infrastructure projects, which would be funded through application of the Community Infrastructure Levy Regulations. As Cumbria County Council are unlikely to be acting in the role of Local Planning Authority for such applications requiring said level of infrastructure contributions, it is not clear how a planning consent could be granted and development permitted to become operational unless infrastructure was delivered timeously. For example, should a contribution be deemed necessary from a food store operator toward a strategic highway improvement and pass the relevant tests within the NPPF, then the infrastructure will be required at opening of the store or it will likely impact on trade which would be unacceptable to the operator. It is not sufficiently clear within the proposed policy document how community infrastructure projects would be classified, considered, or prioritised. Effectively, WTD and TSL are concerned that the current policy wording allows the County Council the freedom to determine what projects are a priority. It is vitally important that any infrastructure project which is identified as requiring CIL funding is clearly defined within the relevant development plan, and the link between the proposed development and a specific trigger requiring the proposed mitigation is determined.</p>	<p>The delivery of specific infrastructure schemes would be considered having regard to local circumstances and the infrastructure needs identified by evidence. It may be the case the individual schemes may be asked to fund all, or part of, improvements or facilities through S106. Through the development of Local Plans, which the County Council would be closely involved in will allow the careful consideration of strategic infrastructure that might be required and which can be delivered through CIL or S106.</p> <p>It is considered that the prioritisation of schemes should be done by Cumbria's authorities working closely to consider the issues that should be prioritised for individual schemes and localities on a case by case basis. This is considered good practice within two tier authority areas.</p>	No changes are considered necessary to the Policy Document.
50	Waterman Transport and Development for Tesco Store Ltd	Section 4 – Overarching Policy	<p>Overall, Cumbria County Council have indicated that contributions may be sought with respect to the following service areas; Highways, Transport &amp; Travel Plans, Surface Water Management, Education, Social Care, Safer Communities, and Fire Service. It is unclear from the policy wording why the County Council consider that current arrangements for developers to satisfy the requirements of these service areas with respect to their proposed development, are not sufficient.</p>	<p>The County Council already looks to ensure that contributions to mitigate the effects of development are sought where necessary.</p> <p>The role of this policy document will be to ensure that Council's approach is clear and transparent to all. It will also help to ensure contributions are factored into consideration of the development costs associated of an individual scheme.</p>	No changes are considered necessary to the Policy Document

51	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management	<p>The headlines section within this part of the policy document relate to the requirement of developers to provide sufficient mitigation to ensure that the impact of their development is made acceptable. There is mention of the council seeking contributions to this end, but as has been previously mentioned, this is at odds with the aims of the NPPF which suggests that options to address these issues through appropriate planning conditions should be exhausted before a planning obligation is proposed.</p>	<p>While appropriate conditions are used to address many issues, there are instances when the use of planning obligations, that satisfy the relevant tests, are considered necessary. The purpose of the document is to set out CCC's requirements and approach for those instances.</p>	<p>No changes are considered necessary to the Policy Document</p>
52	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management	<p>It is the experience of WTD and TSL that well written planning conditions are sufficiently effective in delivering required levels of mitigation to support a development. The draft policy document goes on to confirm that new developments can also have wider impacts and may increase the demands on the local transportation network. Neither WTD or TSL would dispute this fact, but the purpose of undertaking a comprehensive Transport Assessment in consultation with the appropriate key stakeholders, will ensure that all impacts are quantified across the network, and that appropriate mitigation measures are proposed to adequately offset any impact.</p>	<p>It is accepted that the many issues can be sufficiently addressed by the use of planning conditions; however, there are instances when planning obligations are necessary and the draft document sets out CCC's policy and requirements for those occasions.</p> <p>Additionally it should be noted that there have been instances when developers, have preferred issues, such as those requiring amendments to Traffic Regulation Orders, to be addressed through planning obligations rather than by condition.</p> <p>While a comprehensive TA undertaken by a developer examines the impact of an individual development, it does not consider the cumulative effects of multiple developments which may be identified through the LDF process. Also, the quality of Transport Assessments submitted in support of development proposals vary greatly and do not always adequately identify all resulting impacts and/or appropriate mitigation measures.</p>	<p>No changes are considered necessary to the Policy Document</p>

53	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management	<p>The wording of the policy draft appears to suggest that developers should enter into early discussions with Cumbria County Council in order to determine the infrastructure requirements for the proposed development. WTD and TSL would agree that it is a good idea to have early dialogue in order to establish the scope of appropriate assessments for the proposed development; however, it is not possible to determine a development's impact until a Transport Assessment has been fully undertaken and reported. Only at this point will it become clear whether mitigation measures are required to support the development in relation to Highways, and subsequently appropriate planning conditions can be drafted and agreed. It is concerning that the Draft Planning Obligations Policy does not appear to fully recognise the role of a correctly scoped Transport Assessment and Surface Water Management Strategy in demonstrating the development's impact and determining the required level of mitigation which is appropriate for the development location and scale. Without careful consideration of the results of these studies, the tests for the requirement for a planning obligation cannot be considered to have been met.</p>	<p>The value of early discussions is clearly recognised in the planning process and national guidance, including "Guidance on Transport Assessment" (DfT/DCLG, 2007) which states that early discussions in relation to transport assessments ensures that all parties have a better understanding of the key issues to be addressed in respect of a particular development proposal and that such pre-application discussions should indicate the level and scope of assessment that will be required. The value of such early dialogue is therefore not limited to purely agreeing the scope of assessments.</p> <p>It is not the purpose of the document to consider the value of the supporting evidence as this has been established and hence the requirement for it to be provided as part of the planning process. However, in order to provide further clarification with regards the consideration of the studies it is suggested that paragraph 5.1.8 of the document be amended.</p>	<p>In light of the comment received the following amendment has been made to the document.</p> <p><b>Paragraph 5.1.8</b> - Based on the assessment of the development proposals <b>and supporting evidence</b>, contributions or delivery of mitigation schemes will be sought to mitigate the impact of the development and to make an unacceptable proposal acceptable in Highways &amp; Transport terms. Cumbria County Council works closely with the Local Planning Authorities, and direct provision of infrastructure improvements or contributions are usually secured through Section 278 (Highways Act 1980) agreements and planning obligations (Section 106 of Town and Country Planning Act 1990). More information about Section 278 agreements and commuted sums are provided in Appendix 3 to this policy.</p>
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54	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Requirements of Policy	<p>It is a condition of good site selection and local and national development policy that sustainable locations are chosen for development, and that developments are provided with sustainable infrastructure from the outset. Public transport, walking, and cycling facilities will be incorporated into any proposed development in order to demonstrate policy compliance, and it is unclear why there would be a requirement for an automatic consideration of a Section 106 agreement if obligations are integrated into the site design, or able to be delivered through appropriate planning conditions. If items such as sustainable transport infrastructure and a Travel Plan are delivered through planning conditions, it allows the developer to ensure that mitigation measures are appropriate and suitable for the development, and that benefits are directly realised by the development in question rather than being spread to a different area of the Town, City, or County. It is critical through the planning process that public transport improvements and Travel Plan measures remain linked to development impacts, and related to the findings of the Transport Assessment. The current policy wording does nothing to ensure that this process will be followed, and should read that planning agreements or CIL's will only be sought as a last resort.</p>	<p>It is not always possible to include appropriate mitigation measures into a site design or to adequately secure them through the use of conditions. As stated previously, the purpose of the document is to set out CCC's requirements and approach to those instances when the use of planning obligations are necessary.</p> <p>Cumbria is the second largest and second most sparsely populated County in England. Many areas of the county are deeply rural, with small villages and few local facilities and services, and many people depend on infrequent public transport. However, nearly half the people in Cumbria live in towns of over ten thousand people. The approaches set out in the document have been developed in order to address the varying circumstances within the County.</p>	No changes are considered necessary to the Policy Document
55	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Highway maintenance payments	<p>Whilst it is standard practice to consider the impacts of abnormal construction vehicles on the surrounding road network, and enter into agreements whereby damage to the road surface or associated furniture which is over and above fair wear and tear is made good by the developer, both WTD and TSL consider that this should not be applicable to normal development related traffic. It is unreasonable to require developers to provide a contribution, either by single payment or via annual contributions toward maintenance costs for as long as the use continues. As indicated above</p>	<p>It is not only standard practice to consider the impacts of construction vehicles but also those uses which generate significant levels of HGV movements as part of normal operations which would likely give rise to extraordinary expenses being incurred by the Highway Authority in maintaining the highway by reason of the damage caused by excessive weight passing along the highway or other extraordinary traffic (in accordance with Section 59 of the Highways Act 1980). It is therefore not the intention to seek such payments for all</p>	<p>In light of the comments made, the following change is proposed.</p> <p>Amend the section title at paragraph 5.2.7 from "Highway Maintenance Payments" to "Excessive or Extraordinary Traffic Maintenance Payments".</p>

		<p>such a contribution should not be required to cover normal development related traffic and certainly to require a developer to provide any such funding for the lifetime of the use simply introduces an ongoing payment to the highway authority to maintain roads which should be done through normal public expense. As is normally the case, a developer will undertake appropriate mitigation works to accommodate the proposed development's traffic and transportation impact as defined within the Transport Assessment, and as part of this, may construct new road surface, junctions, or undertake a series of network improvements. Having financed the appropriate construction of road improvements in accordance with the relevant design standards, it should then be the responsibility of Cumbria County Council as highways authority to maintain the network on an on-going basis. All forms of development generate local income which provides funding to councils for the provision of services, including highway maintenance. It is considered by WTD and TSL that the insistence of maintenance payments covering extended periods of time for standard highway design should not be the responsibility of the developer. However, should a Developer apply for a section of highway to be adopted which is non-standard, and has not been introduced at the request of the Highway Authority, then there would be a reasonable case for maintenance payments to cover the additional cost; although we would question why Cumbria County Council consider that 30 years is an appropriate length of time over which maintenance is to be claimed, as it is not clear where this figure comes from or whether it has been tested through consultation. Indeed, if a flat levy on all highway construction is to be applied we would ask how this is consistent with the principles contained within the Section 106 legislation.</p>	<p>developments. While developments which generate such movements should ideally be located where they can either be served by appropriate infrastructure or infrastructure upgraded to an appropriate standard to accommodate such movements and loads, this is not always possible, particularly with regards mineral and waste operations, or appropriate when the excessive loads are temporary such as during construction. The inclusion of this provision within the Policy document is to enable this issue and associated costs to be taken into consideration by the developer at an early stage of development process (which will allow it to be taken into account as part of any viability appraisals). However, it is recognised that the Policy document should be amended to clarify that the section deals with maintenance payments in respect of excessive or extraordinary traffic.</p> <p>Some of the comments refer to the use of commuted sums in respect of Section 38 and Section 278 Agreements included in Appendix 3 for information purposes. As stated in the appendix, the Highway Authority has adopted national guidance "Commuted Sums for Maintaining Infrastructure Assets" published by CSS in 2009. This guidance recommends commuted sums be based on 60 year maintenance period (120years for structures). In the interests of aiding development, a 30 year period is currently applied in Cumbria. Given the 30 year period is half that recommended in national guidance, it is considered both appropriate and reasonable.</p>	
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56	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Travel plan contributions	<p>Whilst both WTD and TSL are fully supportive of the aims of Travel Plans, and agree that they are an important tool in encouraging the uptake of sustainable development, we do not consider that it is necessary to secure them through a Section 106 agreement. The draft policy document states that Cumbria County Council will seek to secure Travel Plans via planning obligations through the planning process to guarantee the provision of sustainable travel options. Given that it is a matter of local and national policy that developments must provide adequately for sustainable travel from their opening, it is unclear why this would need to be secured through a Section 106 agreement when it could simply be conditioned. In most cases, the vast majority of measures to encourage the uptake of sustainable travel modes are integrated within the development design, and thus form part of the detailed planning consent. Again, it is not considered that this part of the policy is consistent with the NPPF.</p>	<p>Within Cumbria, the existing transport infrastructure in many areas is under mounting pressure as a result of increased levels of development and physical factors such as limited capacity for all modes of travel. Additional development on this constrained transport network could further aggravate capacity problems if measures are not taken to make better use of existing infrastructure, introduce extra capacity and/or increase service provision. In addition, the existing infrastructure may not be of sufficient quality or may not be currently available to deliver sustainable solutions.</p> <p>A Travel Plan is a long-term management strategy that seeks to deliver sustainable transport objectives. This strategy is regularly reviewed to assess its effectiveness in delivering the intended results, or amended to attempt to resolve any failure to meet the targets set. They have been used successfully for many years and have proved to be an important tool for promoting sustainable travel choices such as walking, cycling and public transport. By helping to reduce single occupant car use, Travel Plans can encourage effective use of current transport networks (thereby reducing the need for significant infrastructure improvements), help support sustainable economic growth, encourage healthy lifestyles, promote social inclusion, manage travel demand and assist in reducing the impacts of climate change.</p> <p>The need for a Travel Plan to make a development acceptable in planning terms is set out in NPPF paragraphs 34, 35 and 37. The NPPF emphasises the importance of Travel Plans as they are a necessary and key part of ensuring the sustainability of the development, and are the primary</p>	<p>The Travel Plan section has been reviewed – please see response to Ref 55 for detail.</p>
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				<p>mechanism for delivering appropriate sustainable transport options.</p> <p>National guidance, such as the “Good Practice Guidelines: Delivering Travel Plans through the Planning Process” (DfT/DCLG, 2009), set out best practice for delivering Travel Plans including the use of sanctions and measures to achieve outcomes and handle breaches, including financial incentives/penalties. While the Guidelines recognise that Travel plans can be secured by a condition or planning obligation they state that:-</p> <ul style="list-style-type: none"> <li>• the complexity of most travel plans will mean that a planning obligation is the most effective means of securing its delivery.</li> <li>• planning conditions may be appropriate with smaller developments or when the range of measures required is simple. However, conditions are not appropriate when payments are required.</li> </ul> <p>Securing Travel Plans and associated contributions through Section 106 Agreements is common practice across the country, and is consistent with the NPPF.</p>	
57	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Travel plan contributions	The undertaking of a Transport Assessment will establish the likely demand for access to and from a development by all modes of travel, and a detailed review of existing transportation provision will be undertaken to establish whether the network can accommodate the development, and if mitigation is required, the form and scale will be established in order to make the development’s impact acceptable. Having gone through this process, the development will present appropriate access for sustainable modes in accordance with	<p>It is important that a target for reducing the amount of single occupancy private vehicle use or the number of trips generated by a development is established and agreed as part of the planning obligation.</p> <p>Evidence shows that a robust travel plan can readily reduce trips to a development by around 15-20%, and in some cases by over 50%. There is also evidence to suggest that ‘origin’ travel plans, such as those for residential developments, can</p>	No changes are considered necessary to the Policy Document

		<p>current local and national policy. The aforementioned approach is standard practice, and presents a development that will be sustainable from opening. The value of Travel Plans is realised when surveys are undertaken once the development is operational, and the baseline travel behaviour patterns have been established in the presence of the sustainable travel measures provided through the planning process. At this point, the success of the already implemented measures can be measured, and additional measures or mitigation employed by the developer if necessary to support the aims of the Travel Plan. Targets are only one of a list of measures which can be proposed by a Travel Plan, and WTD and TSL would suggest that it is their experience that fixed targets are not conducive to ensuring that all parties buy into the Travel Plan process. Through the Transport Assessment and planning process, the developer will implement a number of significant measures to encourage sustainable travel behaviour, and this will be available to development users from opening. When good development is implemented, and sustainability is provided from the outset, it is almost impossible to then meet quoted reduction targets, as sustainable behaviour is observed from the start and thus will be accounted for in baseline measurements. As much, it is wholly inappropriate to apply a flat percentage reduction target to all development as each should be considered on their individual merits.</p>	<p>play an important role in cutting urban peak-hour traffic by 21% and off-peak traffic by 13%. Nationally, traffic volumes could fall by 11%. However, it has to be recognised that Cumbria has particular qualities (such as geography, rurality, population levels) that would make such targets challenging in some areas of the county. In recognition of these qualities, and to ensure consistency, it is considered that a 10% target (for reducing single occupancy private vehicle trips / number of peak hour trips generated by a development) across the county is reasonable.</p> <p>There are a number of approaches for establishing a baseline from against which the progress of the travel plan target can be measured. The most common approach is to utilise the TRICS trip data supplied within the accompanying Transport Assessment. Alternatively, Travel to Work Census Data for the Ward in which the development sits may be used or where the future occupants of a site or development are already known, a travel survey can be carried out. These approaches enable the effectiveness of sustainable transport measures provided from opening to be assessed and taken into account when calculating the effectiveness of the Travel Plan.</p>	
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58	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Travel plan contributions	<p>It is unreasonable to require a guaranteed Travel Plan contribution from a developer as Travel Plans identify measures to be followed should relevant targets not be met. To require an amount of funding to be provided as an upfront cost by a developer, an amount which may or may not be needed, is removing funds that could be better applied to other development related investment in the County. The Travel Plan document would set out what would have to be done if targets are not met and it is inappropriate to require a sum of money to be set aside 'in case' this situation arises. Subsequently, both WTD and TSL consider that the setting of fixed targets which are linked to financial contributions are counterproductive, as this incentivises developers to simply seek to provide minimal measures and infrastructure at the outset, in order to enable the targets to be met at a later date, and this is not consistent with established policy regarding sustainable travel. This approach simply offers a 'stick' mentality to the application of travel plan initiatives and does not provide a 'carrot' for responsible developers who adhere to the relevant policies and guidelines.</p>	<p>Upon review it is agreed that requiring the provision of the Travel Plan contribution at the outset may act as a disincentive for developers from ensuring effective implementation of the Travel Plan or achievement of its targets.</p> <p>In order to address this, it is considered that instead of requiring a contribution 'upfront' the preferred approach should be to encourage early pre-app discussions and the submission of an acceptable Travel Plan which includes an action plan of measures (with allocated budget for each measure shown) to be implemented which will be secured via a Section 106 Agreement.</p> <p>Where a Travel Plan is submitted and the reduction in traffic generation is put forward as negating the need for a highway improvement, the S106 will also secure a bond/contribution for the cost of the improvement in full should the target not be achieved. In exceptional circumstances should a developer be unwilling to commit to providing a Travel Plan Action Plan with the Planning Application, or the development proposals are at such a preliminary stage that it is unrealistic to draw up a list of measures, then it will be necessary to secure the outcome of the Travel Plan through a developer contribution which will be provided at the end of the Travel Plan period (normally 5 years) should the targets not be achieved. If sites are well located in sustainable areas, then a developer that is committed to the travel plan process should have no issue with meeting the set targets, hence no overall contribution will be required.</p>	<p>To improve the effectiveness of Travel Plans, this aspect of the policy has now been revised and states:-</p> <p>5.2.15 The need for a Travel Plan to make a development acceptable in planning terms is set out in NPPF paragraphs 34, 35 and 37. The NPPF emphasises the importance of Travel Plans as they are a necessary and key part of ensuring the sustainability of the development, and are the primary mechanism for delivering appropriate sustainable transport options. However, merely requiring a Travel Plan to be submitted as part of the planning process without securing its implementation and objectives will result in Travel Plans being little more than a "tick box" exercise which has little meaning or tangible benefits. National guidance, such as the "Good Practice Guidelines: Delivering Travel Plans through the Planning Process" (DfT/DCLG, 2009), set out best practice for delivering Travel Plans including the use of sanctions and measures to achieve outcomes and handle breaches, including financial incentives/penalties.</p> <p>5.2.16 As stated in paragraph 5.2.9, a Travel Plan is a long-term management strategy that seeks to deliver sustainable transport</p>
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					<p>objectives. The national guidance document “Good Practice Guidelines: Delivering Travel Plans through the Planning Process” advises that Travel Plan monitoring “should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the site are in line with the objectives of the Travel Plan. This includes meeting the agreed targets over a consistent period of time”. Typically in Cumbria, a Travel Plan is required to cover a 5 year period to enable Travel Plan objectives to be met, and Travel Plans should be seen as ‘living documents’ due to the fact that to stay relevant, and remain effective, they need to be regularly updated as part of an iterative process throughout the plan period in order to ensure the objectives are met.</p> <p>5.2.17 The minimum target for reducing the number of trips or level of single occupant private vehicle use to and from the development is 10%. Evidence shows that a robust Travel Plan can readily reduce trips to a development by around 15-20%, and in some cases by over 50%. However, it has to be recognised that Cumbria has particular qualities (such as geography, rurality, population levels) that would make such targets challenging in some areas of</p>
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					<p>the county. In recognition of these qualities, and to ensure consistency, it is considered that a 10% target (for reducing single occupancy private vehicle trips / number of trips generated by a development) across the county is reasonable.</p> <p>5.2.18 Where a Travel Plan is required for a development which exceeds the thresholds, the Travel Plan implementation will need to be secured as part of a S106 Agreement. Whenever possible a full Travel Plan should be submitted as part of a planning application, and should be scoped and developed through pre-application discussions with relevant officers from the Local Highway Authority in the same manner as for a Transport Assessment. Key to the Travel Plan will be an Action Plan, which will set out the intended measures to be implemented through the Travel Plan. The Action Plan should also outline the implementation programme for the proposed measures, including roles and responsibilities, expected timescales or milestones for the delivery of measures, and an allocated budget for each measure. The implementation of the Travel Plan will then be secured in a S106 Agreement.</p> <p>5.2.19 For larger</p>
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					<p>developments that may require mitigation measures in order to make the development impact acceptable, trip reductions that could be achieved through a Travel Plan should be considered as mitigation in preference to highway infrastructure improvements. In this case, as well as securing the proposed Travel Plan measures, a developer contribution equal to the cost of providing the highway infrastructure improvements in the form of a bond will also be required. In the event the Travel Plan objectives not being met, the bond monies will be used to provide the necessary infrastructure, if the objectives are met then the bond would be returned.</p> <p>5.2.20 Since the processes involved in Travel Plan implementation are mostly known and the available measures are relatively well defined for a given type of development, this process should be sufficient to cover the majority of situations. However, in exceptional circumstances should a developer be unwilling to commit to providing a Travel Plan Action Plan with the Planning Application, or the development proposals are at such a preliminary stage that it is unrealistic to draw up a list of measures, then it will be necessary to secure the</p>
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					<p>outcome of the Travel Plan through a developer contribution. The contribution will be linked to agreed Travel Plan targets for reducing the number of trips generated by a development; or for reducing the level of single occupant car use.</p> <p>5.2.21 The contribution is required to enable further mitigating measures to be implemented by the County Council should the identified targets not be achieved by an agreed date and to provide an incentive to the developer to ensure that these Travel Plan objectives are met. The contribution is secured via a S106 Agreement, and is payable should the target reduction in number of trips, or single occupant car journeys, not be achieved. Where targets are partly met, then an equivalent proportion of the contribution is payable.</p> <p><b>Paragraph 5.2.22</b> - Three elements are taken into account when calculating the amount of contribution required. These are:</p> <ul style="list-style-type: none"><li>• The appropriate annual bus ticket for the area in which the development sits;</li><li>• The target for reducing the number of trips or single occupant private vehicle use</li></ul>
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					<p><b>less the reduction achieved; and</b></p> <ul style="list-style-type: none"> <li>• The number of years covered by the Travel Plan period (typically 5 years).</li> </ul> <p><b>Paragraph 5.2.23</b> - The contribution is calculated by using the current cost of an appropriate annual bus pass for the area in which the development sits, multiplied by the proposed reduction target <b>minus reduction achieved</b>, multiplied by the number of years of the Travel Plan monitoring period (typically 5 years). A further fee is added to cover the County Council's costs incurred in identifying, developing and implementing any potential measures. This fee will be the greater of 5% of the contribution or £1,000.</p> <p><b>Figure 1 Travel Plan Contribution</b>  <math>\text{£ contribution} = (\text{£annual bus ticket} \times (\text{target} - \text{reduction achieved}) \times 5) + \text{greater of } 5\% \text{ or } \text{£}1,000</math></p> <p><i>Worked example:</i>  <i>A business development in Penrith expects to employ 120 staff, and has agreed a 10% reduction in staff single occupant car commuting journeys to the site (i.e. reduction in 12 staff journeys). The travel plan monitoring period is 5 years. The appropriate annual bus ticket for the Penrith area is Cumbria</i></p>
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					<p><i>Megarider Gold at a cost of £975. At the end of the monitoring period it is found that there has been a 5% reduction in staff single occupant car commuting journeys to the site (i.e. reduction in 6 staff journeys).</i></p> <p><i>Therefore: Contribution required = (£975 x (12 – 6) x 5) + 5% = £29,250 + £1,463 = £30,713</i></p>
59	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Travel plan contributions	<p>The draft policy document does not provide any specific evidence as to why a reduction in generated trips of 10% is appropriate for all development, and indeed if it is actually achievable. There is no mention over what timeframe this target is to be considered, and the overly simple contribution formula is not based upon specific measures which would be considered to promote sustainable travel to the development in question. In particular, it is considered that the application of a single financial contribution formula, as well as a single trip reduction target for all types of development, does not meet the requirements of the tests detailed in the NPPF where planning obligations are linked to the particular impacts of an individual development. Furthermore, the application of these measures contradicts other sections of the policy draft where Cumbria County Council have stated that they are committed to considering each development under its own merits.</p>	<p>The evidence is provided by the following Department for Transport publications:-</p> <ul style="list-style-type: none"> <li>• <i>'Making travel plans work: lessons from UK case studies'</i> (DfT, 2002) in <i>'The Essential Guide to Travel Planning'</i> (DfT, 2008)</li> <li>• <i>'Making Smarter Choices Work'</i> (DfT, 2005) in <i>'Making Residential Travel Plans Work'</i> (DfT, 2007)</li> </ul> <p>As stated in paragraph 5.2.16, while evidence demonstrates that a robust Travel Plan can achieve greater reductions, a 10% target is considered to be both reasonable and achievable within Cumbria. However, this does not preclude developers adopting more challenging targets or providing robust evidence to demonstrate that a lower target would be appropriate.</p> <p>The time period to achieve the target is the period the individual Travel Plan covers.</p> <p>Upon review it is agreed that requiring the provision of the Travel Plan contribution at the outset may act as a disincentive for developers from ensuring effective</p>	<p>To improve the effectiveness of Travel Plans, this aspect of the policy has now been revised and states:-</p> <p>5.2.15 The need for a Travel Plan to make a development acceptable in planning terms is set out in NPPF paragraphs 34, 35 and 37. The NPPF emphasises the importance of Travel Plans as they are a necessary and key part of ensuring the sustainability of the development, and are the primary mechanism for delivering appropriate sustainable transport options. However, merely requiring a Travel Plan to be submitted as part of the planning process without securing its implementation and objectives will result in Travel Plans being little more than a "tick box" exercise which has little meaning or tangible benefits. National guidance, such as the</p>

				<p>implementation of the Travel Plan or achievement of its targets.</p> <p>In order to address this, it is considered that instead of requiring a contribution 'upfront' the preferred approach should be to encourage early pre-app discussions and the submission of an acceptable Travel Plan which includes an action plan of measures (with allocated budget for each measure shown) to be implemented which will be secured via a Section 106 Agreement.</p> <p>Where a Travel Plan is submitted and the reduction in traffic generation is put forward as negating the need for a highway improvement, the S106 will also secure a bond/contribution for the cost of the improvement in full should the target not be achieved. In exceptional circumstances should a developer be unwilling to commit to providing a Travel Plan Action Plan with the Planning Application, or the development proposals are at such a preliminary stage that it is unrealistic to draw up a list of measures, then it will be necessary to secure the outcome of the Travel Plan through a developer contribution which will be provided at the end of the Travel Plan period (normally 5 years) should the targets not be achieved. If sites are well located in sustainable areas, then a developer that is committed to the travel plan process should have no issue with meeting the set targets, hence no overall contribution will be required.</p> <p>Securing Travel Plans and associated contributions through Section 106 Agreements is common practice across the country and satisfy the planning obligation tests as detailed below.</p>	<p>"Good Practice Guidelines: Delivering Travel Plans through the Planning Process" (DfT/DCLG, 2009), set out best practice for delivering Travel Plans including the use of sanctions and measures to achieve outcomes and handle breaches, including financial incentives/penalties.</p> <p>5.2.16 As stated in paragraph 5.2.9, a Travel Plan is a long-term management strategy that seeks to deliver sustainable transport objectives. The national guidance document "Good Practice Guidelines: Delivering Travel Plans through the Planning Process" advises that Travel Plan monitoring "should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the site are in line with the objectives of the Travel Plan. This includes meeting the agreed targets over a consistent period of time". Typically in Cumbria, a Travel Plan is required to cover a 5 year period to enable Travel Plan objectives to be met, and Travel Plans should be seen as 'living documents' due to the fact that to stay relevant, and remain effective, they need to be regularly updated as part of an iterative process throughout the plan period in order to ensure the objectives are met.</p>
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				<p><u>Necessary to make the development acceptable in planning terms</u>  The reason securing a Travel Plan Contribution, or Bond, through a S106 Agreement is necessary is two-fold. Firstly, it is a key tool in ensuring the developer or operator of a site buys in to the principles of the ongoing management and implementation of the Travel Plan in order to meet the targets set and deliver the intended results to ensure the sustainability of the development. In cases where a contribution is secured, it provides a source of funding that can be used to pay for mitigating measures such as sustainable travel improvements should the Travel Plan not achieve the agreed objectives.</p> <p><u>Directly Related to the Development</u>  Both “Good Practice Guidelines: Delivering Travel Plans through the Planning Process” (DfT, 2009) and “Guidance on Transport Assessment” (DfT, 2007) set out the thresholds at which a development is required to have a Travel Plan in place. Where a Travel Plan is required for a particular development, the targets, objectives and measures of that Travel Plan directly relate to the development.</p> <p><u>Fairly and Reasonably Related to the Scale of the Development</u>  The travel plan (including measures, targets and objectives) is produced for the specific development proposal and circumstances and therefore should fairly and reasonably relate to the scale of the development. It should be noted that while a 10% target for reducing single occupancy private vehicle trips / number of peak hour trips generated by a development to be applied across the County, the number of trips this equates to will vary depending upon the scale and nature of the proposal. In the exceptional</p>	<p>5.2.17 The minimum target for reducing the number of trips or level of single occupant private vehicle use to and from the development is 10%. Evidence shows that a robust Travel Plan can readily reduce trips to a development by around 15-20%, and in some cases by over 50%. However, it has to be recognised that Cumbria has particular qualities (such as geography, rurality, population levels) that would make such targets challenging in some areas of the county. In recognition of these qualities, and to ensure consistency, it is considered that a 10% target (for reducing single occupancy private vehicle trips / number of trips generated by a development) across the county is reasonable.</p> <p>5.2.18 Where a Travel Plan is required for a development which exceeds the thresholds, the Travel Plan implementation will need to be secured as part of a S106 Agreement. Whenever possible a full Travel Plan should be submitted as part of a planning application, and should be scoped and developed through pre-application discussions with relevant officers from the Local Highway Authority in the same manner as for a Transport Assessment. Key to the Travel Plan will be an Action Plan, which will set out</p>
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				<p>circumstances where a contribution is required as an alternative to securing identified measures, the suggested contribution is based on the cost of the relevant annual bus ticket for the area in which the development is located, the estimated number of peak hour vehicle trips generated by the development (based on information provided in the Transport Assessment) and a target reduction in peak hour vehicle trips that an effective Travel Plan might reasonably be expected to achieve. The contribution is therefore directly related to the scale of the development.</p>	<p>the intended measures to be implemented through the Travel Plan. The Action Plan should also outline the implementation programme for the proposed measures, including roles and responsibilities, expected timescales or milestones for the delivery of measures, and an allocated budget for each measure. The implementation of the Travel Plan will then be secured in a S106 Agreement.</p> <p>5.2.19 For larger developments that may require mitigation measures in order to make the development impact acceptable, trip reductions that could be achieved through a Travel Plan should be considered as mitigation in preference to highway infrastructure improvements. In this case, as well as securing the proposed Travel Plan measures, a developer contribution equal to the cost of providing the highway infrastructure improvements in the form of a bond will also be required. In the event the Travel Plan objectives not being met, the bond monies will be used to provide the necessary infrastructure, if the objectives are met then the bond would be returned.</p> <p>5.2.20 Since the processes involved in Travel Plan implementation are mostly known and the available</p>
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					<p>measures are relatively well defined for a given type of development, this process should be sufficient to cover the majority of situations. However, in exceptional circumstances should a developer be unwilling to commit to providing a Travel Plan Action Plan with the Planning Application, or the development proposals are at such a preliminary stage that it is unrealistic to draw up a list of measures, then it will be necessary to secure the outcome of the Travel Plan through a developer contribution. The contribution will be linked to agreed Travel Plan targets for reducing the number of trips generated by a development; or for reducing the level of single occupant car use.</p> <p>5.2.21 The contribution is required to enable further mitigating measures to be implemented by the County Council should the identified targets not be achieved by an agreed date and to provide an incentive to the developer to ensure that these Travel Plan objectives are met. The contribution is secured via a S106 Agreement, and is payable should the target reduction in number of trips, or single occupant car journeys, not be achieved. Where targets are partly met, then an equivalent proportion of the contribution is payable.</p>
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60	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Travel plan coordinator administrator fee	<p>It is noted that Cumbria County Council are requesting that fees are included within a S106 agreement for the on-going monitoring of any Travel Plan associated with new or extended developments. Both WTD and TSL consider that this is not an appropriate use of the powers available under S106, and is not consistent with the considerations detailed in the NPPF. The majority of developers, TSL included, appoint their own Travel Plan Coordinators and undertake monitoring exercises themselves through internal or external consultants. This obligation is normally secured through planning conditions, and thus is enforceable. It is our view that the review of ongoing Travel Plan monitoring reports is a function which is determined through the planning process, and directly linked to planning consent, therefore covered initially by the provision of a planning application fee. The monitoring of Travel Plans is also considered to be a statutory duty of the Highways Authority and, as such, covered by statutory payments to Government applicable to all developments.</p>	<p>As stated in paragraph 5.2.21, a Travel Plan is a “living document” that needs to be updated, amended, approved and monitored throughout the life of the development. Given a Travel Plan typically covers a 5year period from first occupation/opening of the development, there are cost implications for the County Council as the Local Highway &amp; Transport Authority in order for it to provide ongoing advice, monitoring, reviewing survey results and agreeing amendments. This work is not a statutory duty of the Highway Authority and is only undertaken as a result of development. It is therefore considered appropriate that developers fund the associated costs.</p>	<p><b>Paragraph 5.2.24</b> - A Travel Plan is a “living document” that needs to be updated, amended, approved and monitored throughout the life of the development. There are administration cost implications for the County Council as the Local Highway &amp; Transport Authority relating to elements such as reviewing the implementation and management of the Travel Plan, providing advice on its monitoring or future review, travelling to and attending meetings with the development’s Travel Plan Officer, reviewing marketing material, and reviewing survey results. In order for this work to be undertaken by the County Council’s Travel Plan Co-ordinator, a financial contribution will be required from the developer towards staff costs incurred by the County Council and this should be included as part of a Section 106 Agreement.</p>
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61	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Public transport	This section of the draft policy document relates to the provision of public transport service and infrastructure, and details the required levels of provision and subsequently makes mention of the potential for Section 106 agreements to be put in place to secure Public Transport funding. As is the case with other areas of the draft policy document, it is considered that developer policy obligations relating to Public Transport can be fully met through the careful consideration of appropriate planning conditions. All development policy relating to public transport requires that this is incorporated into the design and location of developments, and thus should be in place from the opening of any development. The policy wording as it currently stands does not allow for the consideration of each development against its own merits, and again this is at odds with the aims of the NPPF.	Requests for public transport contributions will always be judged based on the merits of each individual development. It is recognised that the majority of such developments will be located in accessible locations which are already served by public transport. In such cases there will be no need for a Public Transport Contribution to be sought and it is considered that this is adequately reflected in the text.	No changes are considered necessary to the Policy Document
62	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Administration costs	Cumbria County Council have suggested that administration fees will be sought in addition to public transport contribution costs in order for them to cover the administration of any public transport services. Again, both WTD and TSL consider that this is not an appropriate use of the Section 106 powers, and this should form part of the authority's statutory duties as it is required by central and local government policies and is therefore not an abnormal burden. The administration of public and community transport services are a statutory function of Cumbria County Council, and it is inappropriate to expect developers to finance this role through the planning process.	CCC does not have unlimited resources with which to undertake additional work as a result of new development. As the costs being sought are directly related towards the provision of services which are required as a result of a development, it is considered wholly appropriate that staff time is also funded as this element also satisfies the relevant planning obligation tests which are set out in the CIL regulations.	No changes are considered necessary to the Policy Document
63	Waterman Transport and Development for Tesco Store Ltd	Section 5 - Highways, Transport and Surface water management - Pooling of contributions	The Draft Planning Obligations Policy states that the pooling of contributions enables the provision of infrastructure required to meet the cumulative impact of development where a single contribution would not fairly or reasonably be able to meet that cost. Furthermore, it is suggested that where spare capacity exists within existing infrastructure	The local development plan process does not deliver infrastructure par sae but sets out the framework for the delivery of infrastructure. It is incongruous to suggest that CCC appear to be considering pooling contributions which do not link to the impact of individual developments, given that one of the tests for planning obligations is that	No changes are considered necessary to the Policy Document

		<p>provision, this should not be credited to earlier developers. Both WTD and TSL consider that required strategic infrastructure will be delivered through the local development plan process, and individual applications will be required to demonstrate their infrastructure impact through required planning studies. These studies should always be linked directly to the development's impact, and consideration will be given to those surrounding developments that benefit from active planning consents. It is concerning to WTD and TSL that Cumbria County Council appear to be considering pooling Section 106 contributions, which do not necessarily link the scale of requested infrastructure to individual developments. Also, through this process, the contributing developer loses control of infrastructure delivery which planning approval could potentially be linked to through conditions. As has been previously mentioned, WTD and TSL consider that through good and sustainable development planning, and through application of the development plan principles, there is no requirement for Section 106 agreements or CIL's to be used in this way, and that planning conditions can be utilised to ensure appropriate infrastructure is delivered. Where Section 106 agreements are required to facilitate infrastructure which has been demonstrated as required, through appropriate detailed study, then it is important to ensure that the County Council remains wholly accountable for delivery and timescales, particularly where the infrastructure is required for the development to function.</p>	<p>they must be "Fairly and Reasonably Related to the Scale of the Development".</p> <p>The delivery of infrastructure via pooled contributions will depend upon the securing and receipt of funding from a number of sources, including other developers. Should a particular piece of infrastructure be required for a development to function, it will either have to wait for all funding to be in place, or provide all of the funding for the infrastructure required.</p>	
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64	Waterman Transport and Development for Tesco Store Ltd	General	<p>It is clear from the overall philosophy and the examples given that this policy has been drafted with large scale residential developments with multiple landowners as the primary focus. Development Plans which propose thousands of new residential properties in various locations within towns and cities create considerable pressures for infrastructure and it is understandable that Local Authorities want to address this by considering the cumulative impact rather than piecemeal development. Indeed, in many cases, for Development Plans to be effective considerable investment in infrastructure is required to support the likely increase in demand and it is logical that this burden be shared between the full residential allocation to ensure that development does not simply stop when the cost of infrastructure improvements outweighs the commercial returns. However, Foodstores are an entirely different prospect to large residential allocations as they have one owner / operator and the impact of the development can be readily defined and mitigated (if planning successful). Indeed, it is accepted that the traffic associated with foodstores is already on the highway network in some location as they do not create new demand for shopping they simply provide an alternative destination. As mentioned previously, if a foodstore development were to contribute in the fashion suggested in the proposed policy, the infrastructure would have to be delivered before opening as it would have a direct commercial impact on the viability of the scheme. For example, if a foodstore contributed toward a relief road which would be delivered when sufficient 'pooling of contributions' were gathered then it must be assumed that the current highway network is congested or the contribution would not be required of the development and would not pass the NPPF tests. As such, the foodstore operator has then to trade in a</p>	<p>The role of this policy document is to set out the situations where appropriate developer contributions may be required and how these are to be secured. It is not geared towards any particular forms of development other than that which are considered likely to impact upon CCC services and infrastructure. When considering the effects of development, the impact of food retail would be carefully considered and where appropriate necessary mitigations would be sought and secured. Where appropriate necessary contributions would be secured through the use of Planning Obligations as is appropriate. This is considered normal practice and to be fully consistent with the guidance of the NPPF.</p>	<p>No changes are considered necessary to the Policy Document</p>
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			<p>congested network where customers are likely to use alternative foodstore offers where the site is easier to access, at considerable risk of loss of trade and income. Clearly, this will not be acceptable to foodstore operators and will limit investment in Cumbria. The application of this policy to all development land uses is not appropriate and is clearly not supported by the principles of the NPPF. Indeed, there is no aspect of the proposed policy document which could not be covered by appropriately worded and tested planning conditions and the current Section 106 / 278 legislation for foodstore applications.</p>		
65	Waterman Transport and Development for Tesco Store Ltd	General	<p>In conclusion, both WTD and TSL consider that the Draft Planning Obligations Policy prepared by Cumbria County Council needs to be clarified in terms of its validity, as planning obligations are the responsibility of the Local Planning Authority, which in the majority of development cases, would not be Cumbria County Council. Indeed, if a flat levy on all highway construction, as well as other infrastructure, is to be applied we would ask that legal advice is taken on its validity. The draft policy appears to set out a wishlist for the provision of a large number of financial contributions and penalties associated with new planning applications, and does not demonstrate compliance with the NPPF by ensuring that each development is considered on its own merits, and that planning obligations are only used in cases where appropriate conditions would not be suitable. Clearly, this proposed policy is not applicable to many land uses including food retail and should be significantly altered to ensure it meets the principles of the NPPF. The application of unnecessary and inappropriate financial burdens on potential investors and development at a time when the economy, particularly in Cumbria, is in a fragile condition will result in investment and jobs being located elsewhere. In the current economic climate,</p>	<p>The statement that the County Council is looking to apply a 'flat charge' on all development fails to appreciate the approach contained in the policy document. This espouses a case by case evidence based approach to the consideration of whether contributions are to be sought and viability. We are clear in our view that where infrastructure is needed to mitigate the effects of a development(s), it will be appropriate for the County, working with LPA to identify and closely consider the mitigation required and to be secured via developer contributions. We are satisfied that the approach proposed accords with the NPPF.</p> <p>It is not felt that the proposed policy would have a detrimental impact on investment in the County. Obligations are needed to ensure mitigation is provided by helping to ensure services and infrastructure are not prejudiced by development, planning obligations will help ensure the ongoing vitality of the County as a place to live, work, play and invest in. Finally it should be reiterated that where viability concerns emerge and can be demonstrated for schemes, working with the local planning authority, the County Council will participate</p>	<p>No changes are considered necessary to the Policy Document</p>

			<p>councils should be seeking to remove obstacles to development, and actively encouraging growth and inward investment. It is of great concern to WTD and TSL that Cumbria County Council appear to be pursuing a policy that has the potential to discourage development within Cumbria, and we would ask that the Local Planning Authority take cognisance of our comments in deciding whether to endorse the draft policy as it stands.</p>	<p>in the joint consideration of whether a reapportionment of contributions may be appropriate having regard to the circumstance of the site and viability.</p>	
66	Lake District National Park Authority	Question A – Purpose and Background	<p>We are unclear as to why Cumbria County Council is producing this guidance (we are not aware of any statutory or policy requirement for it) and the reasons should be explained in the introduction. We assume that it will be for individual authorities to decide how, and under what circumstances, the guidance is used (see also my comments under Section J) This should also be made clear in the introduction. The document should define, at the outset, the meaning of planning obligations and explains – in plain English - the difference between Sec 106 agreements, the Community Infrastructure Levy and other mechanisms. All references to processes / procedures between CCC and the other local authorities such as memoranda of understanding should be removed (and discussed / agreed / documented separately) and the guidance should be aimed, specifically, at developers and the public.</p>	<p>The purpose for this policy document is to set out in a transparent fashion, the range of contributions that Cumbria County Council may seek towards infrastructure and services via S106. In doing this, it sets out when infrastructure contributions would be sought by the County Council required and how the level of contribution would be calculated.</p> <p>We consider that the document is clear about its role and the differing forms of infrastructure that may be sought by the County Council. We also consider it appropriate to leave in references to how it may be implemented and the potential value of measures like memorandum of understanding given the clarity and certainty it would provide to parties. Nonetheless, an amendment to paragraph 2.11 is to be made.</p>	<p>The last sentence of paragraph 2.11 is revised.</p> <p><i>“Opportunities to develop a memorandum of understanding (MOU) between the County Council and Local Planning Authorities to facilitate the effective operation of securing necessary contributions from S106 and/or CIL should be considered.”</i></p>

67	Lake District National Park Authority	Question A – Purpose and Background	<p>The introduction should explain that the negotiations on planning obligations will normally take place between the district / borough councils / NPAs and developers as part of the planning application process. And that these will have been informed by discussions between CCC and the other authorities, for example in relation to infrastructure requirements. The introduction should acknowledge that other local authorities might already have adopted planning obligation policies (e.g. LDNP Local Plan Core Strategy Policy CS13). These may cover policy areas in addition to the ones listed in paragraph 1.6 (see next point). The list of suitable schemes in Section 4.1 of the draft guidance should include schemes that conserve and enhance the natural and built environment. The LDNPA is the minerals and local waste planning authority for the LDNP (Paragraph 1.8 needs amending).</p>	<p>It is agreed that the role of the policy document should be clear.</p> <p>We are satisfied that the policy document provides a clear description about the County Council’s role in the planning system and that the manner in which negotiations will take place between authorities are suitably recognised. Nevertheless, to further boost the policy’s clarity more information about of the County Council’s role as a consultee and the importance of partnership working is to be added to the introduction.</p> <p>While the conservation of the natural and built environment is important, it is not considered necessary for these to be included within the County’s policy around planning obligations given the focus of the document on those services and infrastructure for which the County Council has responsibility.</p> <p>We note the comments about the LDNPA role as the minerals and waste authority and the value in highlighting that Cumbria’s authorities may have adopted policy concerning planning obligations.</p> <p>This will be recognised within the policy document.</p>	<p>At the end of the third paragraph of the introduction the below additional text has been added:</p> <p><i>“in which, for most applications, Cumbria County Council is an important consultee.”</i></p> <p>To the fourth paragraph of the introduction the following has been added:</p> <p><i>“working closely with Cumbria’s District and National Park Authorities who determine most planning applications,.”</i></p> <p>The second sentence to paragraph 1.4 has been revised and now states:</p> <p><i>“The Policy Document details the scope and range of planning obligations that Cumbria County Council, working with Cumbria’s District and National Park authorities as a consultee, may seek to secure through the planning process”.</i></p> <p>A new second sentence has been added to Paragraph 1.5. This states:</p> <p><i>“Many of Cumbria’s Planning Authorities already have adopted Development Plan Policy concerning planning</i></p>
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					<p><i>obligations.”</i></p> <p>The first sentence to paragraph 1.8 has been revised and states:</p> <p><i>“Cumbria County Council is the minerals and waste planning authority for much of Cumbria (the two National Park Authorities undertake this responsibility within their authority areas) and determines proposals for such schemes as well as County Council Applications.”</i></p>
68	Lake District National Park Authority	Question B - Viability	<p>Yes, Section 3 seems to be sufficiently flexible, except the wording implies that developer contributions will be the ‘norm’ rather than exception: In the LDNP, most schemes are relatively small scale and developer contributions would be an unreasonable expectation. Importantly, Cumbria County Council did not identify any infrastructure requirements / improvements in the Lake District National Park over the life of the Core Strategy i.e. to 2025. (see Core Strategy Appendix 6 and supporting evidence in Technical Report 6) What is an ‘open book’ independent development appraisal? Paragraphs 3.1 to 3.9 could be omitted and replaced with a single sentence that refers to the County’s diverse social, economic and environmental conditions – unless the context is there to help explain how the infrastructure / services requested might be prioritised ...and I’m not sure it does.</p>	<p>Recognition that the policy approach is suitably flexible is welcome. Planning obligations would only be sought where through the assessment of a scheme they are considered necessary to ensure the sustainability of a development. In line with this and the approach taken in other similar policy documents, a case by case viability assessment based on the available information would be made at the time of an application. Given the small-scale nature of development in the LDNPA, it is not expected that significant infrastructure demands may arise</p> <p>The information on how viability is considered relates to those instances where a contribution are sought from individual schemes, and would be based on an assessment of individual planning applications to which specific mitigation measures may be necessary. These local, site specific impacts, may not be identifiable during the preparation of the local plan.</p> <p>To enhance clarity, a definition of an ‘open book’ development appraisal will be provided as a footnote.</p>	<p>Definition of open book viability appraisal provided as footnote. This footnote states:</p> <p><i>“Open Book Appraisal means an appraisal of all financial costs and benefits anticipated at the date of the application to be incurred by the developer that affect the financial viability of the development where all such costs and benefits are detailed, explained and substantiated.”</i></p>

69	Lake District National Park Authority	Question C – Overarching Policy	<p>Yes, the overarching policy does appear to be an appropriate representation. But there should be some cross reference to the policies of other local authorities as the services listed in the draft guidance are not the only services / infrastructure improvements that may be requested. Presumably CCC and the relevant district / NPA will need to agree - prior to the district / NPAs negotiation with the developer - the most appropriate type of scheme.</p>	<p>Recognition of the clarity of the overarching policy is welcome. It is also agreed that the policy document needs to be clear about the areas it will not address.</p> <p>The role of the document is to set out the potential areas of infrastructure and services which the County Council may request in order to mitigate the negative effects of a development. Its role will not be to address the requirements of the District / National Park Authority or other service providers. This is highlighted in paragraph 1.6 and 1.7. Nevertheless, in light of this feedback, further reference to other areas of possible planning obligation will be provided in section 4 of the policy document.</p>	<p>New paragraph is to be added to Section 4. This states:</p> <p><i>“The Policy document does not cover services provided by District and Borough Councils, such as Affordable Housing, nor contributions that may be sought by other infrastructure providers”</i></p>
70	Lake District National Park Authority	Question D – Highways and Transport	<p>My understanding is that travel plans and transport assessments are covered by saved Joint Structure Plan policies T30 and T31 and are a required of larger schemes, or schemes likely to lead to a significant impact. They should not therefore be covered by planning obligations. I cannot comment on the detail of the contribution costs but wonder if it is over-prescriptive. Is the transport section intended to cover the whole county, or the area outwith the LDNP? If it is county-wide then some explanation of the settlement hierarchy including LDNP Rural Service Centres (in which at least 50% of development in the LDNP will be facilitated) is required.</p>	<p>These comments are noted. Care has been taken to ensure that potential infrastructure requests are reasonable and it should be remembered that requests for contributions would only be made where there is justification. It is not considered likely that every scheme would be required to provide every possible contribution.</p> <p>The saved JSP Policies were revoked on May 20<sup>th</sup> 2013, however, while the policies related to the requirement to provide a Transport Assessment and Travel Plan, they did not consider how the outcomes or measures should be secured. In any case the requirement to prepare Travel Plans is highlighted within the NPPF. As such it is considered wholly appropriate that they or the resulting measures be secured by an appropriate mechanism and therefore be included in the document.</p> <p>In addition it should be noted that while JSP Policy T30 included a caveat that Transport</p>	<p>No changes are considered necessary to the Policy Document</p>

				<p>Assessments will be required for development proposals that accord with national guidance, Policy T31 did not and the thresholds stipulated have since been superseded by national guidance.</p> <p>While the document sets out a county-wide policy and approach, with requirements being based on the specific requirements of a scheme. An explanation of settlement hierarchy is not considered relevant for the purpose of the section.</p>	
71	Lake District National Park Authority	Question H – Timing and Management	<p>As drafted, this section implies that all negotiation and payments will take place between the developer and Cumbria County Council. I am wondering where the districts / NPAs fit into the process? And should this not be outlined? (See my comments under Question A Point 3).</p>	<p>It is accepted that the district/NPA have an extremely important role in the negotiation of planning obligations.</p> <p>The role of the document will be to highlight the potential areas of infrastructure that the County Council may request and the Policy document seeks to express this clearly. The policy's role will not be to address the requirements of the Local Planning Authority or other service providers.</p> <p>Sections 1-4 highlight the County Council's role as a planning consultee. However, the importance of partnership working with the LPA/NPA an amendment is being made to para. 6.2.1 and in Section 9.3 which relates to the timing of contributions.</p>	<p>At the beginning of paragraph 6.2.1 add:</p> <p><i>Working with Cumbria's Local Planning Authorities,</i></p> <p>Add a new paragraph 9.1.3, this stating:</p> <p><i>"The County Council will work with the Local Planning Authorities and be alive to with viability of developments, when identifying the most appropriate timing of contributions it has secured."</i></p>

72	Lake District National Park Authority	Question J – General Comments	<p>We welcome the opportunity to comment on the draft document. We are, though, aware that the Government is intending to replace the current system of Section 106 agreements with the Community Infrastructure Levy and will require local planning authorities to prepare CIL charging schedules. Some of the proposed changes will come into effect from April 2014. Planning Help is already advising the public that 'LPAs will not be able to use Section 106 agreements to fund infrastructure' We wonder whether these changes have been taken into account in deciding to draw up planning obligation guidance, and whether the timing of the policy guidance is appropriate. If the County Council does decide to pursue the policy, then it should work with the other local planning authorities in Cumbria to agree 1) the obligations process and 2) broad areas of priority (geographical and service / infrastructure type). And there might be merit in producing a single guidance document that could be used by all Cumbrian authorities and, as a single point of reference, by developers.</p>	<p>The use of S106 to ensure the sustainability of development has not been replaced by CIL. Instead both CIL and S106 can be used to secure appropriate and necessary infrastructure contributions through the planning system. S106 will remain a key mechanism to ensure to sufficient infrastructure is in place to meet the requirements. CCC is happy to engage with those authorities developing CIL to ensure that the full range of potential contributions they may seek are recognised.</p> <p>This document stands alone but can dovetail with any planning obligations SPD that may be developed. Coverage of the policy document will be Cumbria-wide, thus seek to provide a flexible approach that can be used across the County. It is not considered that the identification of priorities in each authority would be feasible as priorities can change and will often come down to the specific characteristics of a development. Development documents that give more clarity on more broad strategic priorities is something the County Council will be investigating moving forward but at present, the flexible case by case approach to consider priorities is most appropriate.</p>	No changes are considered necessary to the Policy Document
73	The Planning Bureau Ltd. For McCarthy & Stone Retirement Lifestyles Ltd.	Question A – Purpose and Background	Concerns over the clarity and scope of the SPD, see Section J.	<p>While this comment is noted, we are satisfied the document provides clear and detailed rationale for the County Council seeking of necessary planning obligations. This detail is considered important and should not be lost. Taking the time to read the document will make clear the circumstances in which contributions are required as they would be sought in response to the impact of individual developments.</p> <p>We are fully aware of the restrictions</p>	No changes are considered necessary to the Policy Document

				around the pooling of S106 agreements but take the view that the approach proposed would remain effective even after the restrictions on the pooling of planning obligations would come into force. The County Council is very happy to work with any authorities that are endeavouring to prepare a CIL.	
74	The Planning Bureau Ltd. For McCarthy & Stone Retirement Lifestyles Ltd.	Question B - Viability	The key information – that a Local Planning Authority will usually expect an ‘open book’ independent development appraisal when a developer seeks a reduction in the level of developer contribution – is lost in three pages of text. The term ‘usually’ suggests that an open book approach is the preferred approach to determining viability for all the Local Planning Authorities within the County. We must note that ‘open book’ assessments are generally frowned upon and other development appraisal models and toolkits that have become the ‘norm’ in assessing matters of viability. In our experience of recent applications within the County, discussions on viability did not require an open book approach.	When looking at viability matters, clear and robust information on viability is considered essential should the applicant seek to negotiate reduced levels of contributions on the basis of viability. It is our view that robust, open book appraisals, are necessary to allow an understanding of viability issues. This approach is considered robust. Moreover, the Cumbria LEP have recently agreed the preparation of a new template through which the viability of schemes can be carefully demonstrated in a clear and robust fashion. It is also important to note that the is not an SPD, but could dove-tail with a SPD produced by the Local or National Park Planning Authorities.	No changes are considered necessary to the Policy Document
75	The Planning Bureau Ltd. For McCarthy & Stone Retirement Lifestyles Ltd.	Question D – Highways and Transport	Concerns over the clarity and scope of the SPD, see Section J. Paragraph 5.2.43 the SPD states that ‘In developments which are specifically for the elderly/mobility impaired e.g. sheltered housing , which is not met by an accessible, scheduled passenger transport service or has its own transport for residents the developer will need to provide funding for an accessible diala- ride service or equivalent.’ Developers of specialist accommodation for the elderly consider location and accessibility to local goods, services and public transport facilities to be a key in determining where to locate their developments. The majority of our Client’s developments are located in the immediate vicinity of town or local centres. We consider that the Community Transport Contribution for Specialist Housing would not be applicable against well located and	This comment is noted. It should be pointed out that it is recognised that the majority of such developments will be located in accessible locations which are served by public transport or have their own transport provided. In such cases there will be no need for a Community Transport Contribution to be sought and it is considered that this is adequately reflected in the text.	No changes are considered necessary to the Policy Document

			accessible developments and should not be considered as a blanket charge against specialist accommodation for the elderly.		
76	The Planning Bureau Ltd. For McCarthy & Stone Retirement Lifestyles Ltd.	Question F – Social Care	Whilst it is commendable that the County Council recognises the need for Extra Care Accommodation, we consider that the principle method of ensuring that adequate supply of this form of accommodation comes forward is encouraging developers to the County. This will require Local Planning Authorities to consider this form of development when producing their Local Development Frameworks. It is doubtful that the amounts raised through the Developer Contributions proposed will be sufficient to bring forward the delivery of Extra Care Accommodation. This will be compounded by the limitations to pooling S106 contributions on the 6th April 2014.	The role of contributions will be to help support the delivery of necessary affordable Extra Care Housing. While insufficient in itself, it is considered that it may help address the subsidy shortfall in providing necessary Extra Care Housing. We are satisfied that the proposed approach will respect the restrictions around the pooling of S106 agreements as the use of contributions will be linked to the location in which the need arises.	No changes are considered necessary to the Policy Document
77	The Planning Bureau Ltd. For McCarthy & Stone Retirement Lifestyles Ltd.	Question G – Safer Communities	Concerns over the clarity and scope of the SPD, see Section J.	See below	No changes are considered necessary to the Policy Document

78	The Planning Bureau Ltd. For McCarthy & Stone Retirement Lifestyles Ltd.	Question J – General Comments	<p>The document is lengthy and has a considerable remit. Thought needs to be given to improving the clarity of the document and ensuring that the key information of the document is easily accessible i.e. what developer contributions will be covered by the SPD, where they are applicable and how much a developer can expect to pay. The Planning Obligations described are wide ranging and numerous and in many cases lost in a considerable amount of text. Often there is little clarity over whether or not an obligation would be applicable to a development and what factors would trigger the need for a developer contribution. The SPD as it currently stands provides developers with little 'up front' clarity over how much they will be expected to contribute. Indeed with the April 2014 deadline for pooling planning obligations effective in a little over 12 months, the proposed Planning Obligations SPD will seemingly be of little use after this point. We would on this basis query the rationale of preparing this SPD over assisting Local Authorities with CIL.</p>	<p>It is accepted that the issues is complex and the policy document is correspondingly detailed. However, it is considered the document provides clear and detailed rationale for the County Council seeking of necessary planning obligations. This detail is considered important and should not be lost. Taking the time to read the document will make clear the circumstances in which contributions are required as they would be sought in response to the impact of individual developments.</p> <p>We are fully aware of the restrictions around the pooling of S106 agreements but take the view that the approach proposed would remain effective even after the restrictions on the pooling of planning obligations would come into force. The County Council is very happy to work with any authorities that are endeavouring to prepare a CIL.</p>	No changes are considered necessary to the Policy Document
79	Barrow Borough Council	Question A – Purpose and Background	<p>The document is defined as a 'policy document'. It is unclear how it will fit in with existing documents and guidance, what its status will be and how it will be used. For example, is it an SPD? Section 1 is clear in setting out the purpose of the document and the reasons why it has been prepared. Paragraph 1.4 states that 'The policy document details the scope and range of planning obligations that Cumbria County Council may seek from the development industry'. It could be made clearer that the decision whether to ask for contribution is made by the Local Authority, in consultation with Cumbria County Council, where the Local Authority is determining the application. It is agreed that pre-application discussions are important, however paragraph 2.3 could be more specific and could relate to applications of a certain scale/type. Whilst it is not our</p>	<p>The role of the document will be to set out those contributions the County Council's may wish to secure by planning obligation. In this respect the document will form County Council Policy. Paragraphs 1.4 - 1.7 set out the role of the document and how it should be implemented. An amendment will be made to paragraph 1.4 to further clarify the role of the policy document.</p> <p>To secure implementation good working relationships will be very important while pre-application discussions will be important in giving parties an understanding of potential infrastructure contributions that may be required. Thresholds for pre-application discussion are not considered necessary. Rather it will be for authorities to use discretion when engaging parties,</p>	<p>It is recommended, that the second sentence to Paragraph 1.4 has been revised. This now states:</p> <p><i>"The Policy Document details the scope and range of planning obligations that Cumbria County Council, working with Cumbria's Local Planning Authorities as a consultee may seek to secure through the planning process"</i></p>

			intention at the moment to produce a CIL document, the situation is being kept under review.	<p>this depending on the scale, and characteristics of a scheme.</p> <p>The comment provided in relation to CIL are noted and CCC are happy to engage with BBC around this should CIL be progressed.</p>	
80	Barrow Borough Council	Question B – Viability	<p>I am pleased to see acknowledgement in paragraph 3.9 of the fact that development site viability varies considerably across the county, however I have concerns regarding paragraph 3.13. In Barrow’s case, site viability is expected to be an issue and it is likely challenges to the level of contributions sought would be frequent. Where the developer/landowner does seek to reduce the level of contributions, the document states that an open book independent development appraisal of the site should be provided by the landowner/developer. The appraisal would then be reviewed jointly by the County and Borough Council. This raises three concerns. Firstly, the appraisal itself will require time and money from the developer which could impact upon viability. Secondly, requiring an appraisal and review may impact upon application determination rates unless negotiation is carried out prior to the application being made. Finally, what would happen if the County and Borough Council cannot reach an agreement regarding whether to reduce the level of contribution required or not? The last sentence of the paragraph states that ‘most weight would be given to the provision of contributions towards elements of infrastructure considered most essential to the delivery of a specific development’, however we should only be asking for contributions to elements which are essential anyway. There may also be disagreements between County and Borough Council’s as to which elements are ‘most essential’.</p>	<p>The County Council does not wish to see the viability of sustainable development undermined. As the policy sets out the means by which viability should be considered.</p> <p>It is considered that most developers should be able to prepare viability evidence in a relatively straightforward way. The Cumbria LEP has recently agreed a template to use in the County and this should help reduce any burden created by viability assessments. Where the County Council and Local Planning Authority are unable to agree, the County Council acknowledges Therefore we do not see this requirement as causing significant difficulty.</p> <p>Contributions would be sought where necessary and justified by evidence and all contributions that are sought by the County Council are essential. Therefore, where legitimate viability issues emerge it will be necessary that contributions are suitably prioritised. We feel that through discussion between authorities, it should be possible for agreement on how best for this to emerge.</p> <p>To provide greater clarity, the wording around this element of the policy document would undergo suitable revision to make clear that the prioritisation of contributions would be based on site by site assessment.</p>	<p>In para. 3.13 it is recommended to delete the text stating; <i>‘on the basis of which infrastructure is considered most essential. Through this process it is anticipated that, most weight would be given to the provision of contributions towards elements of infrastructure considered most essential to the delivery of a specific development.’</i></p> <p><i>And after reapportion contributions add:</i></p> <p><i>‘or seek revision of the proposal having regard to the most important agreed priorities and outcomes for a locality and its communities and the requirement that a scheme suitably and sustainably integrates with local communities and services’.</i></p>

81	Barrow Borough Council	Question C – Overarching Policy	Yes	Noted	No changes are considered necessary to the Policy Document
82	Barrow Borough Council	Question J – General Comments	The document, once amended, will be useful to developers to advise them of the requirement for contributions prior to submitting an application for development. I am pleased that the document acknowledges the potential impacts of obligations on site viability and deliverability. It is considered essential that a developer can seek to reduce the level of contributions where there are reasonable concerns over site viability and deliverability, however requiring an ‘open book’ independent development appraisal where deliverability is a concern, will also impact upon development costs and may increase application determination timescales.	<p>We welcome that Barrow Borough Council are pleased that the document acknowledges the potential impact of the policy upon the viability of development. Where viability is an issue, it is essential that this be demonstrated by robust evidence. This is the normal way for such assessments to be undertaken.</p> <p>It should be remembered that most developers should be able to prepare viability evidence in a relatively straightforward way. Indeed the Cumbria LEP had recently agreed a template to use in the County. This should help reduce any burden created by viability assessments. Therefore we do not see that this requirement creates significant difficulty.</p>	No changes are considered necessary to the Policy Document
83	Barrow Borough Council	Question J – General Comments	The document, once amended, will be useful to developers to advise them of the requirement for contributions prior to submitting an application for development. I am pleased that the document acknowledges the potential impacts of obligations on site viability and deliverability. It is considered essential that a developer can seek to reduce the level of contributions where there are reasonable concerns over site viability and deliverability, however requiring an ‘open book’ independent development appraisal where deliverability is a concern, will also impact upon development costs and may increase application determination timescales.	<p>We welcome that Barrow Borough Council are pleased that the document acknowledges the potential impact of the policy upon the viability of development. Where viability is an issue, it is essential that this be demonstrated by robust evidence. This is the normal way for such assessments to be undertaken.</p> <p>It should be remembered that most developers should be able to prepare viability evidence in a relatively straightforward way. Indeed the Cumbria LEP had recently agreed a template to use in the County. This should help reduce any burden created by viability assessments. Therefore we do not see that this requirement creates significant difficulty.</p>	No changes are considered necessary to the Policy Document

84	Cumbria Local Enterprise Partnership	General	<p>Thank you for the opportunity to comment on the Planning Obligations Document currently being consulted upon by Cumbria County Council. The LEP seeks that everyone works together to plan positively for growth, enabling development to come forward in a timely manner and supporting both the social sustainability of Cumbria's communities and the vibrancy of its economy. The document should be clear from the start that viable development will enable Cumbrians to benefit from both employment and training opportunities, new homes and an improving economy. The document should reflect that the County Council will positively engage where issues of viability arise. The document should ensure that contributions are justified with full and transparent information provided by the County Council with consistency key to requests for contributions and links shown between the proposed development and the contribution requested.</p>	<p>CCC supports economic development within its authority area, while recognised within the policy, this will be further highlighted within the introduction.</p> <p>The role of this policy document is to set out the range of contributions that may be secured by S106 in order to mitigate any inappropriate effects of development upon services and infrastructure. Where they are requested, contributions will be underpinned by robust evidence. By securing appropriate mitigation, contributions have an important role in ensuring the creation of sustainable, attractive and viable localities for both residents and investors.</p>	<p>In the introduction, the following has been added to the fourth paragraph:</p> <p><i>“Sustainable development will enable Cumbrians to benefit from both employment and training opportunities and new homes, nevertheless it will be important that development can be delivered without prejudicing important infrastructure and services.”</i></p>
85	Cumbria Local Enterprise Partnership	Section 3 – Policy Implementation and Viability	<p>Para 3.12 in particular would not seem to be in compliance with para 205 of the National Planning Policy Framework which requires that where obligations are sought these "should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled." Furthermore it should be recognised explicitly within the document that "To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable", NPPF para 173.</p>	<p>The County Council does not wish to see the viability of sustainable developments undermined. We have therefore sought to ensure that the policy respects the viability of sustainable development and it clearly sets out how schemes would be considered where issues around viability emerge.</p> <p>Nonetheless, it is considered that the wording around viability would benefit from greater clarity. The reference to overwhelming public benefit is stronger than that contained within the NPPF. However, as per the NPPF, for a development to be acceptable, it must be sustainable with benefits outweighing any negative effects. To enhance this element of the policy and in order to better reflect the guidance provided within the NPPF the term 'overwhelming benefit' will be replaced with references to sustainable development.</p>	<p>Paragraph 3.12 and 3.13 have been revised and in light of the responses received now states:</p> <p><i>3.12 Generally, the County Council will require the developer/landowner to provide the services and infrastructure required to meet needs that arise from a development as set out within this policy document. However it is accepted that there could be circumstances where development proposals that would otherwise align with planning requirements and contribute to sustainable</i></p>

				<p>The need for a scheme to be sustainable is a fundamental principle of a planning with the presumption in favour of sustainable development being clear that the benefits of a development should outweigh any adverse effects. The revision to the policy, better reflects this principle.</p>	<p><i>development principles would not emerge if all contributions sought and other requests (i.e. around design etc.) were provided.</i></p> <p>3.13 <i>In such circumstances, should a developer/landowner seek a reduction in the level of contributions sought due to material and reasonable concerns over viability and deliverability, the Local Planning Authority will usually expect an 'open book' independent development appraisal. Given the County Council's important role in the provision of infrastructure, the relevant Local Planning Authority is expected to engage with the County Council to jointly review this appraisal. If, following this review, it is determined that viability and deliverability concerns are justified, material and reasonable (for example instances where developers acquire/agree prices on sites that are unrealistically high would not fulfil this definition), joint consideration should be given to the potential to</i></p>
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					<p><i>reapportion contributions or seek revision to the proposal having regard to the most important agreed priorities and outcomes for a locality and its communities and the requirement that a scheme suitably and sustainably integrates with local communities and services.</i></p>
86	Cumbria Housebuilders group	Question A – Purpose and Background	<p>It is not clear how the County Council sees this document in terms of where it carries any statutory weight in the planning system as it does not form part of any LDF or Local Plan of which it could be considered a Supplementary Planning Document. It should be made clear that the document is advisory only with no planning weight in term so of Local Planning Authorities decisions unless adopted by the Local Authorities as part of their planning processes</p>	<p>The policy document will sit alongside, the LDF, Local Plans and other national policy which it will support. In this context we are satisfied that the policy document has weight in the consideration of planning applications. The role of this document is clearly expressed within Section 1.</p> <p>The County Council is a major infrastructure provider and has responsibilities around areas such as highways and transport and education and to which the provisions of the “Duty to Cooperate” apply. Given these responsibilities, 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 mitigate negative effects of development on the local communities and the infrastructure needed to support them. Doing this is essential and 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</p>	<p>No changes are considered necessary to the Policy Document.</p>

				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). In effect 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. With respect to these points, some minor amendments have been made to ensure the status of this document is clearer.	
87	Cumbria Housebuilders group	Question B - Viability	<p>Section 3 does not reflect the NPPF in particular para 205 where obligations should take account of market conditions and not prevent planned development taking place. There is no reference in NPPF to development delivering 'overwhelming public benefit' in order to benefit from discussions in relation to financial impact of requested contributions. The County Council, seems to be putting most weight on the provision of elements of infrastructure but this is not for the County Council to determine, currently many Local Authorities placed greatest weight on the provision of Affordable Housing. It must be made clear that these are local decisions taken locally. There is no indication that the County Council has tested the policy to determine how the viability of schemes in different area would be affected. It is identified in NPPF para 173 that sites and development in the plan 'should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.' This reflects the need for a holistic policy in each Authority reflecting local circumstances and weighing all financial obligations together.</p>	<p>The County Council does not wish to see the viability of sustainable developments undermined. We have therefore sought to ensure that the policy respects the viability of sustainable development and clearly sets out how schemes would be considered where issues around viability emerge.</p> <p>There may be occasions where viability issues arise. Where viability concerns are raised by a developer, this must be tested and be shown to be robust. Where concerns are determined to be appropriate, discussion must take place, with the CC and LPA working together to ensure the most appropriate balance of contributions can be provided in order to ensure the sustainability of development.</p> <p>The reference to overwhelming public benefit is stronger than that contained within the NPPF. However, as per the NPPF, for a development to be acceptable, it must be sustainable with benefits outweighing any negative effects. To enhance this element of the policy and in order to better reflect the guidance provided within the NPPF the term 'overwhelming benefit' will be replaced with references to sustainable development.</p>	<p>In response to the comments received, Paragraph 3.12 and 3.13 have been revised and now state:</p> <p><i>3.12 Generally, the County Council will require the developer/landowner to provide the services and infrastructure required to meet needs that arise from a development as set out within this policy document. However it is accepted that there could be circumstances where development proposals that would otherwise align with planning requirements and contribute to sustainable development principles would not emerge if all contributions sought and other requests (i.e. around design etc.) were provided.</i></p>

				<p>Testing the impact of this policy on the viability of development on a County-wide basis 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.</p>	<p><i>3.13 In such circumstances, should a developer/landowner seek a reduction in the level of contributions sought due to material and reasonable concerns over viability and deliverability, the Local Planning Authority will usually expect an 'open book' independent development appraisal. Given the County Council's important role in the provision of infrastructure, the relevant Local Planning Authority is expected to engage with the County Council to jointly review this appraisal. If, following this review, it is determined that viability and deliverability concerns are justified, material and reasonable (for example instances where developers acquire/agree prices on sites that are unrealistically high would not fulfil this definition), joint consideration should be given to the potential to reapportion contributions or seek revision to the proposal having regard to the most important agreed priorities and outcomes</i></p>
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					<i>for a locality and its communities and the requirement that a scheme suitably and sustainably integrates with local communities and services.</i>
88	Cumbria Housebuilders group	Question C – Overarching Policy	It should be clear that (as in recent appeal cases) any request for contributions from the County Council will be supported by clearly evidenced need arising solely from the development and not addressing existing infrastructure deficits. It should be clear that the County Council may not be the decision maker and is more likely to be a consultee to the planning process.	The County Council accepts the need for contributions sought to be supported by robust evidence. As is clear in the policy document, that the County Council will make sure that requests for contributions are clearly evidenced. A key role of the policy document will be to clearly set out these important principles.	No changes are considered necessary to the Policy Document
89	Cumbria Housebuilders group	Question D – Highways and Transport	<p>It must be clearly stated that development should mitigate its own impacts and not resolve outstanding infrastructure deficits, where these may be in existence, or deliver LTP aspirations. Again requests for mitigation of the impacts of a development should reflect the circumstances of a particular development. Where works are requested, the requirement for such should be clearly evidenced and such evidence available for inspection and interrogation by the developer.</p> <p>Again in terms of bonds and other financial contributions, these should be considered holistically along with requests for other contributions from other sectors.</p> <p>Developments should not contribute to the ordinary maintenance of existing infrastructure.</p> <p>Travel Plan trip reduction rates are generic only, these should be relevant to the circumstances of the development in question.</p>	<p>Material considerations as part of the planning process and particularly for CCC as Local Highway Authority include the Local Transport Plan as it is the relevant statutory document with regards transport matters in Cumbria including those associated with development and the ability of existing infrastructure to accommodate development. However, paragraph 5.1.8 clearly states that contributions or the delivery of mitigation schemes will be sought to mitigate the impact of development and to make an unacceptable proposals acceptable in Planning and Highways and Transport terms.</p> <p>It is recognised that the planning system requires a number of detailed reports be provided by applicants in order to demonstrate that their development will not have an unacceptable impact, however, the quality of the reports and adequacy of mitigating measures identified can vary. It is therefore appropriate that the relevant authority, including Cumbria County Council, assesses the development proposals, supporting evidence and come to its own view regarding the acceptability</p>	No changes are considered necessary to the Policy Document

		<p>Monitoring costs should represent actual cost. There is no clarity as to what these costs cover. TP Co-ordinator costs should be linked to a service level, it is unclear what is being paid for.</p> <p>Any pooling will need to comply with relevant CIL Regulations when these come into force.</p>	<p>of the proposals including any mitigating measures which may be required. Given the tests which are applied to both planning conditions and obligations, and the role of the Highway Authority as a statutory consultee in the planning process, it is unclear what evidence the respondent is expecting/referring too.</p> <p>The purpose of the document is to enable transparency in order for all parties to have a clear understanding of likely requirements and associated costs in order for them to be considered in any viability appraisal or land value negotiations.</p> <p>As stated in paragraph 5.2.16, while evidence demonstrates that a robust Travel Plan can achieve greater reductions, a 10% target is considered to be both reasonable and achievable within Cumbria. However, this does not preclude developers adopting more challenging targets or providing robust evidence to demonstrate that a lower target would be appropriate.</p> <p>As stated in paragraph 5.2.25, further information, including a breakdown of charges and example calculations can be found in Cumbria County Council's Travel Plan guidance document "Travel Plans and the Planning Process in Cumbria: Guidance for Developers". The monitoring costs are based on the average annual costs in relation to staff time multiplied by 5 to cover the Travel Plan monitoring period. The costs include time to review travel plan updates, monitoring information, surveys, attendance at meetings, review of marketing material and provision of advice.</p>	
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90	Cumbria Housebuilders group	Question E - Education	<p>The calculation for child yield is noted. As with other sections, evidence should be produced by the County Council which is clear and transparent in nature so that the impacts on local education facilities can be understood and interrogated appropriately. It is important that the potential sums which may be required are available from the County Council in a timely manner so that full consideration as to the impacts on viability can be considered.</p>	<p>The County Council will endeavour to provide evidence in a timely and transparent manner as it is agreed that the County Council need to provide robust evidence to support requests for contributions. To aid this process, it is suggested that developers and local planning authorities engage the County Council to ensure receipt of comprehensive pre-application advice.</p>	<p>No changes are considered necessary to the Policy Document</p>
91	Cumbria Housebuilders group	Question F – Social Care	<p>It is not clear how new housing provided will generate additional care needs as a result of the development. Contributions should be sought to mitigate only the impacts of a development, not strengthen social care budgets. Would the money be ring fenced to people moving into the development who required adaptations? It is not appropriate for such money to be put into a central pot of adaptations which will largely take place in existing properties. Extra Care Housing - unless demonstrated that the new development has an impact on the level of elderly people in need of extra care housing moving in to the area and not to be addressing an existing infrastructure deficit, this would seem to be wholly inappropriate for new development to contribute to and such an infrastructure deficiency should be dealt with through emerging Local Plans through the allocation of appropriate sites and CIL payments if adequately evidenced. This is not in compliance with NPPF which clearly states that planning obligations should be payable where they are "necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development" para 204 This section should be removed.</p>	<p>This element of the policy document seek to ensure the full range of housing requirements, including for those with special needs, are met though the planning process.</p> <p>The proposed approach to contributions towards ECH makes clear that contributions would be linked to the care requirements created by new development and would only be sought where there is insufficient ECH to meet the demands a development will create. The approach taken is would be based on local evidence and we consider this approach to be robust and suitably underpinned by evidence.</p> <p>Contributions towards the provision of domiciliary care/adaption's are linked to the design of a home. This can be addressed through the provision of appropriate design, and it is worth remembering that many of Cumbria's Local Plan, include a requirement for new homes to meet Lifetime Homes standards. The County Council is not seeking full "Lifetime Homes", only some that some of its features are recognised in design. To make this clearer, within the policy document, the "design mitigations" will be more clearly expressed.</p> <p>The methodology around this will make clearer that contributions sought would be linked to the effect of a development and</p>	<p>To respond to the matters raised, Figure 10 Design Mitigation is revised to state:</p> <p><i>"Sufficiently wide and straight staircases to accommodate a stairlift without significant alteration and reinforcement (Lifetime Homes Criteria 12 Part A – with a requirement that the stairs also be straight) and sufficiently large entry level WC facilities that can easily incorporate a level entry shower (Lifetime Homes Criteria 10)"</i></p> <p>A new paragraph 7.2.25 has been provided, this stating:</p> <p>7.2.25 <i>"Contributions from individual proposals will used within the local housing market or Local Planning Authority area in which the proposed development is to be located."</i></p>

				would be spent in the area in which it is requested. This is already clear in respect of ECH but will be made clear in the case of DfG / Domiciliary care contributions.	
92	Cumbria Housebuilders group	Question G – Safer Communities	Again, it would seem that the document is not dealing with mitigating the effects of a development - community safety initiatives such as home safety checks and school education programmes is not reasonably required as a result of development. This is not in compliance with NPPF which clearly states that planning obligations should be payable where they are "necessary make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development" para 204. This section should be removed.	<p>Contributions would be sought where they are considered appropriate. Such contributions may be sought where assessment shows potential crime and safety implications of a scheme contributions sought would be proportional and address identified negative effects of development.</p> <p>In light of the comments received, it is considered that such contributions would be linked to commercial – with the possible requirement from residential development removed.</p> <p>With respect to contributions towards the fire service, it is also considered appropriate for references to community education to be removed from the possible areas of contribution to be sought.</p>	<p>To respond to the matters raised, in paragraph 8.2.17 the below text has been removed:</p> <p><i>“school/community group education or road safety education”</i></p> <p>Paragraph 8.2.11 and 8.2.12 concerning residential development was removed alongside references to residential development in figure 16.</p> <p>A new paragraph has been added, this states:</p> <p><i>“8.2.16 While contributions towards such initiatives would not be sought from residential proposals, it is hoped that as far as possible, such schemes look to respect important secured by design principles.”</i></p>

93	Cumbria Housebuilders group	Question H – Timing and Management	<p>It is appreciated that every development is different and therefore timings of payments etc will vary. It should be stipulated that these will be discussed with developers and will also consider the impacts on viability. The County Council should set itself appropriate targets for the delivery of information to developers in a timely manner when asked for such, particularly at pre-application stage as this is the best time for all parties to consider viability, too often requests for payments are coming late in the process, not allowing for proper consideration by either the developer or the local authority. Information provided by the County Council should be open and transparent as required from the developer if viability is raised as an issue.</p>	<p>When approached, CCC will look to provide advice as quickly as possible. As part of this, pre-application advice is considered essential to ensure developers are clear about the potential contributions that may be sought.</p> <p>The County Council will look to engage with the development industry when looking at the timing of contributions and be aware of issues that may arise vis-à-vis viability. The policy will be amended to better reflect this point.</p>	<p>Add a new paragraph 9.1.3, this stating:</p> <p><i>“The County Council will work with the Local Planning Authorities and be alive to the viability of developments, when identifying the most appropriate timing of contributions it has secured..”</i></p>
94	Cumbria Housebuilders group	Question J – General Comments	<p>The NPPF is clear that Supplementary Planning Documents (as this document seems to be trying to be) should not be used to add unnecessarily to the financial burdens on development (para 153). Particularly in relation to Social Care and Community Safety in terms of fire and education programmes, it is not considered that a link could be made to the development proposed and a PLANNING impact on the delivery of these services which is DIRECTLY RELATED to the development. Such infrastructure deficits and indeed the wider document should be considered by the relevant Local Planning Authorities through the Local Plan process taking into account local priorities and financial circumstances. It is clear throughout the NPPF that viability of development is required particularly during this economic cycle, there is no information to suggest that the impacts on viability of the requests for contributions has been considered by the County Council.</p>	<p>We are satisfied that the main principles expressed within the consultation document are robust and that contributions sought, are directly related to the impact of individual development in accordance with the NPPF and the CIL regulations 2010.</p> <p>Around this, some amendments have been made to that area of the policy concerning Community Safety, removing the potential requirement for fire education programmes and the potential for contributions to safety schemes from residential development.</p> <p>Nonetheless, the general approach to Adult Social Care provision is considered robust, with direct links to development, and we are satisfied that this should be retained.</p>	<p>Changes to sections concerning community safety are as listed.</p> <p>In paragraph 8.2.17 the below text has been removed:</p> <p><i>“school/community group education or road safety education”</i></p> <p>Paragraph 8.2.11 and 8.2.12 concerning residential development was removed alongside references to residential development in figure 16.</p> <p>A new paragraph has been added, this states:  <i>“8.2.16 While contributions towards such initiatives would not be sought from residential proposals, it is hoped that as far as possible, such schemes look to respect important secured by design principles.”</i></p>

95	Copeland Borough Council	Question A – Purpose and Background	<p>It is acknowledged that there is benefit in guidance which establishes a County Council perspective on factors which may influence and impact upon the expectations of Local Planning Authorities when seeking to negotiate for contributions from development is welcomed. There is however an absence of clarity as to the status Cumbria CC envisages for the document. It should be clearly established that the document can only guide and provide a setting for negotiation in response to planning applications. The Local Planning Authorities will set their own policy framework for planning obligations, which would be wider reaching than solely relating to Cumbria CC functions, and take account of a wider range of material considerations; or alternatively choose to adopt a Community Infrastructure Levy (CIL) charging regime. It should be made clearer within the document that it is for Local Planning Authorities to make planning decisions and assess the competing demands from development and to determine what, if any, contributions are required (for all relevant infrastructure considerations) to make a development acceptable in planning terms. It should be clear that detailed consideration and appraisal of the viability of development proposals and therefore the scope for planning obligations will be a matter for the Local planning Authority to assess. In many places the document reads as though Cumbria CC makes these decisions about any requirements, especially when it talks about what Cumbria CC will 'seek from development' (para 1.4). In addition to this, paragraphs 2.2 and 2.3 emphasise close liaison/cooperation between Local Planning Authorities and Cumbria CC, which is welcomed, while later sections in the document give the impression of unilateral discussions between Cumbria CC and developers. Such inconsistencies need to be removed from the document.</p>	<p>The role of the document will be to set out the full range of planning obligations that may be required in order to mitigate the effects of development upon important services and infrastructure the County Council has responsibility for.</p> <p>The County Council is an important service and infrastructure provider and consultee which means that when schemes are considered, weight needs to be given to requests for infrastructure made.</p> <p>When considering planning matters it will be important authorities work closely. This will especially be the case where viability issues may emerge.</p> <p>We feel that the approach taken within the document gives suitable recognition to the County Council's role with clear references to the its role as a consultee and the LPA as the determining authority this is explicit within the opening 4 sections and has been now enhanced further. As such it is considered that the approach taken within the policy document is appropriate.</p>	<p>To respond to the issues raised, in paragraph 6.2.1 the statement 6.2.1 " <i>with Cumbria's Local Planning Authorities,</i>" has been added.</p>

96	Copeland Borough Council	Question A – Purpose and Background	What are 'sub regional strategies referred to in paragraph 1.7? Are they the Core Strategy element of LDFs/Local Plans?	The sub-regional plans and strategies referred to include investment plans, community strategy, the Cumbria Sub-regional Spatial Strategy, the Local Transport Plan and other such strategy that may emerge.	No changes are considered necessary to the Policy Document
97	Copeland Borough Council	Question B - Viability	It is important that the issue of viability is properly addressed to avoid planning obligations being seen as too onerous and discouraging development. Whilst we understand that this is a county council document, the tone of this section appears to underplay the fact that it is the Local Planning Authorities that assess the competing demands for any developer contributions, some of which lie outside the remit of Cumbria CC. There are also too many references to the county council 'requiring' developers to provide things, whereas in reality Cumbria CC will be informing the LPA what their infrastructure requirements are likely to be for a particular development proposal. It might be worth noting that the Cumbria LEP is working to develop a common approach for considering viability across the county.	The role of the LPA is understood, nevertheless, as an infrastructure provider, it is considered important for the County Council to be engaged in assessing competing infrastructure demands and examining priorities around these should viability issues emerge. The language seeks to be clear around this and the document on the whole recognises the differing role of authorities. This is set out across Section 1 -4 of the policy document. Given this, it is not considered that further amendments to the policy document are required.	No changes are considered necessary to the Policy Document

98	Copeland Borough Council	Question C – Overarching Policy	<p>It would appear that it would be difficult to attribute planning obligations to the service areas in the final three bullet points of the overarching policy because: Some of the issues are addressed through the design of developments (e.g. Secure by Design principles, ducting to accommodate fibre optic cables for broadband). It is difficult to show a direct link between a particular development and the service area (e.g. social care which is coming under increasing pressure with an ageing population, not necessarily a specific development)</p>	<p>The role of the policy document is to set out the range of S106 contributions that may be required. In determining whether or not a contribution is required, the County Council would undertake the detailed consideration of the impact of individual schemes. This means that not every development would be likely to have to provide each of the contributions listed.</p> <p>The policy document should be read as a whole and the County Council is satisfied that the approach taken is reasonable and robust and the potential contributions that may be sought, are both legitimate and essential to ensure the delivery of appropriate development in the County.</p>	<p>No changes are considered necessary to the Policy Document</p>
99	Copeland Borough Council	Question D – Highways and Transport	<p>Once again this section seems to give the (incorrect) impression that Cumbria CC can require contributions and that negotiations and agreements will take place between developers and Cumbria CC independent of the Local Planning Authorities. It also seems to give the impression that a contribution for highways is the first thing that should be agreed, and not that it will be one of a number of considerations, which is not in keeping with the principle outlined in 3.13. The wider aspirations for highway maintenance contributions and delivery of more strategic highway and transportation objectives, and for generic social care and community facilities may be difficult to support and justify. On a number of occasions in this section an apparently arbitrary figure seems to be used for administration functions to assess, monitor etc. contributions (e.g. 5% of the contribution, £6,000 for Travel Plan Coordinator), rather than for it to depend upon the work required. There also seem to be a large number of occasions when administration fees will be charged, which would need to be clearly defined and justified to avoid potential for double funding (or just funding) an</p>	<p>Cumbria County Council will work with both the Local Planning Authority and developer to ensure that a robust consideration of a application would be undertaken. As set out in paragraph 3.13, where viability issues arise, the consideration of schemes would be undertaken on a case by case basis.</p> <p>Paragraphs 3.1.12 and 3.1.13 outline the approach with regards viability issues where there may be a number of considerations depending on the circumstances of a development.</p> <p>As stated in paragraph 5.2.25, further information, including a breakdown of charges and example calculations can be found in Cumbria County Council’s Travel Plan guidance document “Travel Plans and the Planning Process in Cumbria: Guidance for Developers”. The monitoring costs are based on the average annual costs in relation to staff time multiplied by 5 to cover the Travel Plan monitoring period. The costs include time to review travel plan updates, monitoring information, surveys, attendance at meetings, review of</p>	<p><b>Above Paragraph 5.2.7 - Amend the section title from “Highway Maintenance Payments” to “Excessive or Extraordinary Traffic Maintenance Payments”.</b></p> <p><b>Paragraph 5.2.33 -</b> The required standard of bus service frequency is defined as follows:</p> <ul style="list-style-type: none"> <li>• For developments located in Barrow, Carlisle, Workington, Whitehaven, Kendal, Penrith, Ulverston and Maryport (locations considered appropriate for major and significant scales of development within the Cumbria Sub Regional Spatial Strategy), the frequency should be a minimum of every 30 minutes (ideally 20</li> </ul>

			<p>administrator. It would be of interest if evidence can be provided where workable and effective arrangements of this kind have been successfully implemented within a two tier structure of local government Paragraph 5.2.33 (bullet 2) seems to be worded a little strangely and overly complicated, as we are not aware of any of those settlements having populations greater than 20,000 (so only an hourly service is required?)</p>	<p>marketing material and provision of advice. With regards the application of a percentage cost in respect of administration functions, this is standard practice with regards contracts and provides a proportionate methodology for reflecting the associated staff costs. CCC does not have unlimited resources with which to undertake additional work as a result of new development. As the costs being sought are directly related towards the provision of services which are required as a result of a development, it is considered wholly appropriate that staff time is also funded as this element also satisfies the relevant planning obligation tests.</p> <p>It is not only standard practice to consider the impacts of construction vehicles but also those uses which generate significant levels of HGV movements as part of normal operations which would likely give rise to extraordinary expenses being incurred by the Highway Authority in maintaining the highway by reason of the damage caused by excessive weight passing along the highway or other extraordinary traffic (in accordance with Section 59 of the Highways Act 1980). It is therefore not the intention to seek such payments for all developments. While developments which generate such movements should ideally be located where they can either be served by appropriate infrastructure or infrastructure upgraded to an appropriate standard to accommodate such movements and loads, this is not always possible, particularly with regards mineral and waste operations, or appropriate when the excessive loads are temporary such as during construction. The inclusion of this provision within the Policy document is to enable this issue and associated costs to be taken into consideration by the</p>	<p>minutes) between 07:00 and 18:00 Monday to Saturday with an hourly evening service to 22:30, plus an hourly daytime service from 10:00 to 18:00 on Sundays;</p> <ul style="list-style-type: none"> <li>• For developments in Dalton-in-Furness, Aspatria, Cockermouth, Brampton, Longtown, Wigton, Cleator Moor, Egremont, Millom, Silloth, Alston, Appleby, Grange-over-Sands, Kirkby Stephen, Milnthorpe and Sedbergh (locations considered appropriate for moderate scales of development within the Cumbria Sub Regional Spatial Strategy), the frequency should be a minimum of every 30 minutes (hourly where the population is less than 10,000), between 07:00 and 18:00 Monday to Saturday. No service will normally be required in the evening or on Sundays;</li> <li>• For development located in local service centres and other locations the frequency should be a minimum of every hour</li> </ul>
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				<p>developer at an early stage of development process (which will allow it to be taken into account as part of any viability appraisals). However, it is recognised that the Policy document should be amended to clarify that the section deals with maintenance payments in respect of excessive or extraordinary traffic.</p> <p>Second point of paragraph 5.2.33 to be amended to reflect the population of the settlements, i.e. change wording from 20,000 to 10,000 population</p>	<p>between 07:00 and 18:00 Monday to Saturday. No service will normally be required in the evening or on Sundays.</p>
100	Copeland Borough Council	Question E - Education	<p>This section provides a useful guide as to how Cumbria CC proposes to calculate pupil yield from different developments, which should prove to be useful when negotiating with developers. When it is agreed that an additional school is the most appropriate solution to meet expected pupil yield from a development there may need to be some flexibility about a single developer providing the whole cost of the school as an over provision. An example could be from a development with a pupil yield of 155 which may require some funding from other sources, including other developments in that area and/or Cumbria CC to enable the construction of the new school. (Paragraph 6.5.5 may be a little too rigid to allow for this). There should be reference also to the ability to deliver new educational facilities and the manner in which developer contributions will be effectively utilised. The guidance fails to reflect the potential for the receipt of obligations to place requirements on the County Council to support the delivery of facilities which may be funded/part funded in this way.</p>	<p>It is considered appropriate for the developer to provide the full cost of the infrastructure that they may require. On this basis, it is considered that a development comprising of around 150 pupils should provide the full cost of a new school.</p> <p>The only reason such a facility is required would be to meet the effects of a development as extending another school to such an extent would not be realistic. 150 pupils would translate broadly to about 22 pupils per class which is a reasonable mix. Where, though clear master planning or live applications, there may be opportunity to split the cost across developments, however this may not always be possible. In any case, the number of pupils produced by a large site would justify the requirement for a new school in its own right. We are satisfied therefore that in line with the CIL regulation tests, such contributions would be fairly and reasonably related in scale and kind to the development.</p>	<p>No changes are considered necessary to the Policy Document</p>

101	Copeland Borough Council	Question F – Social Care	<p>The link between a development and increased requirements for social care are not clear. Surely it is as a result on an ageing population... and developments may have the effect of moving some of the people with care needs, but not create additional needs..? This may not be an appropriate matter for planning obligations. Again it would be of interest to establish whether the approach advocated has been successfully applied elsewhere. In addition, issues are not really best suited to be included within a document about planning obligations. Some of the calculations seem quite arbitrary (e.g. why is 5 years used in Figure 9?) and there will need to be a mechanism that ensures that DfGs are spent where the funding was levied. It may also be difficult to generate sufficient funding from developments to provide affordable Extra Care housing.</p>	<p>A number of other County's do seek contributions towards the provision of Adult Social Care (e.g. Essex County Council). New homes will bring new people and a proportion of these will bring, immediate or future care requirements. The proposed policy establishes clear linkages around this. The reference to 5 years in figure 11 highlights the cumulative cost of domiciliary care provision. It was considered reasonable to limit this but the reality is that the domiciliary care requirements faced by the County Council are very often ongoing.</p> <p>While suitable design and DfGs can help mitigate this, the role of contributions around ECH are to support the delivery of new facilities necessary to support the sustained growth of areas.</p> <p>The cost of contributions is linked to the actual costs of providing services and infrastructure (be it the funding shortfalls in ECH or the average of a DfG funded adaption). This approach is considered reasonable and to be properly evidenced.</p> <p>Paragraphs 7.3.17 makes clear that contributions would be spent within the HMA or LPA area in which the contribution would be secured, and this will also be made clearer with a new paragraph 7.2.25.</p>	<p>A new paragraph 7.2.25 has been provided, this stating:</p> <p>7.2.26 <i>“Contributions from individual proposals will used within the local housing market or Local Planning Authority area in which the proposed development is to be located.”</i></p>
102	Copeland Borough Council	Question G – Safer Communities	<p>Much of this section appears to relate to design issues, or services that Cumbria CC is required to generally provide and as such might not be best suited to a planning obligations document.</p>	<p>The issues highlighted are relevant to this document, they highlight that where possible difficulties can be avoided through design, but where it cant be contributions secured via S106 agreements should help to significantly reduce harm.</p> <p>Nevertheless, the requirement for contributions to be sought for fire educations schemes and for residential development to contribute to community safety schemes has been removed.</p>	<p>In paragraph 8.2.17 the below text has been removed:</p> <p><i>“school/community group education or road safety education”</i></p> <p>Paragraph 8.2.11 and 8.2.12 concerning residential development was removed alongside references to residential development in</p>

					figure 16.  A new paragraph has been added, this states:  <i>“8.2.16 While contributions towards such initiatives would not be sought from residential proposals, it is hoped that as far as possible, such schemes look to respect important secured by design principles.”</i>
103	Copeland Borough Council	Question H – Timing and Management	No specific comments, as timing etc. will often depend upon the specific nature of a development proposal, and it is difficult (and probably not appropriate) to try to predict them all	This view is shared and is reflected within the draft Planning Obligations Policy document.	No changes are considered necessary to the Policy Document
104	Copeland Borough Council	Question J – General Comments	Whilst the introductory and background sections acknowledge that it is for Local Planning Authorities to require developer contributions and enter into Section 106 Agreements with developers and that these can be for a wide range of matters, the tone of much of the rest of the document gives the impression that Cumbria CC would ‘require’, ‘expect’ or ‘seek’ from development for their services. Such references should be redrafted to better reflect the negotiation process of liaising with the Local Planning Authorities to make sure that infrastructure considerations are looked at in the round. Whilst the provision of Countywide perspective is of value, emphasis should be made of the recognised diversity across the County and the consequent need for the Local Planning Authorities to negotiate planning obligations with flexibility, recognising the wider benefits of development, in line with national policy guidance, and particularly with reflection upon the viability of development and the impact of requests for developer contributions in that regard. The document needs to reflect on how it will fit in with any policy framework for planning obligations that Local Planning Authorities may choose to	<p>The role of the document is clear about the range of contributions that may be required from individual development proposals and how it may fit with Local Planning Authority Policy documents. To this end, the content of the document need to be expressed in a clear manner.,</p> <p>We would point out that the roles of authorities is clearly expressed between Sections 1-4.</p> <p>It should also be pointed out how, within the policy document there is clarity that the County Council would work closely with the LPA to ensure contributions requested from individual applications are appropriate and around the consideration of viability.</p>	No changes are considered necessary to the Policy Document

			produce, including a Community Infrastructure Levy (CIL) charging regime. Also, there needs to be greater clarity about how any requests for contributions directly relate to specific developments and that they would be necessary to make a development acceptable in planning terms rather than supporting Cumbria CC services, as this does not always seem to be reflected in the current draft of the document.		
105	Copeland Borough Council	Question J – General Comments	Further consideration needs to be given to practical and legal provision in securing contributions to County functions and processes where the County Council has no formal or statutory role in the planning processes applicable.	<p>Officers are alive to the importance of effective working relationships between authorities. The County Council is a clearly identified consultee, to which the duty to cooperate does apply, that has important responsibilities around infrastructure areas, this does mean that its views must be afforded weight. The Local Planning Authorities and County Council have shared responsibility for communities</p> <p>Given this we consider it important for our authorities to work closely to secure the necessary mitigation of development. Good working relationships is absolutely essential within two tier authority areas.</p>	No changes are considered necessary to the Policy Document
106	Copeland Borough Council	Question J - General Comments	The document talks about pooling contributions and the scope for this may be limited into the future, and any contributions will have to be spent in an effective manner, especially as CIL comes more into force.	The County council is well aware of the forthcoming limitations around the pooling of S106 agreements. The County Council is confident that the approach proposed is appropriate and will be able to operate in the post CIL environment.	No changes are considered necessary to the Policy Document

107	Allerdale Borough Council	General	<p>As the decision making authority, Allerdale will set the local infrastructure priorities through the local plan and planning obligation discussions. It is important that the county policy is set in a local context where there will be a number of competing demands for developer contributions. In particular a key aim of this Council is to deliver affordable housing and this will have to be considered alongside other infrastructure demands. It is considered the most effective way to establish a clear policy framework and set local priorities would be to develop a Supplementary Planning Document. The County Council would be a key contributor to such a document.</p>	<p>The development of a SPD that reflects the content of the County Council's planning obligation policy would be welcome.</p> <p>Where viability issues arise, with respect to priorities, it will be important for parties to consider each scheme on a case by case basis and, given that Cumbria is a two tier authority area, for our authorities to work together to consider an appropriate balance of contributions. This is the approach reflected with the policy document and will be essential for the achievement of the balanced communities we all must work towards creating.</p> <p>Moreover, it is considered that the Policy Document would not prejudice the delivery of otherwise acceptable development due to the regard it gives to viability and thresholds contained within it.</p>	No changes are considered necessary to the Policy Document
108	Allerdale Borough Council	General	<p>The policy's current status is an important issue. To have maximum weight the policy must go through the local plan process including public examination where the scope of the contributions, the formula used to calculate the level of contribution, the thresholds of development and the charges are thoroughly tested before a Planning Inspector. Without this the current status of this policy will have implications when justifying the requirements of a planning obligation.</p> <p>This is particularly crucial when a developer is challenging a request for a contribution or at appeal when the Council could be liable for costs if it is determined that it has acted unreasonably. The current status of the policy does provide limitations on its usefulness and that has to be recognised when using it to determine planning applications. It is important that the County Council clearly indicates that at this stage this policy can only be regarded as informal guidance.</p>	<p>It is agreed that for the policy document to have most weight it should go through the development plan process. Nevertheless, given the County Council's role as an important democratic body, consultee and infrastructure provider, we do consider that the policy document has weight and can dovetail with local plan policy around planning obligations (and potential SPD) prepared by the local planning authority which it will support but also derive further weight from.</p>	No changes are considered necessary to the Policy Document

109	Allerdale Borough Council	General	<p>It is essential that any request for contributions by the County Council is backed up by a robust evidence base both in terms of need for the infrastructure, and how the costs have been arrived at. Without this it leaves the Local Planning Authority open to challenge. This information should be available as early as possible, preferably at the pre-application stage.</p>	<p>Where contributions are requested, the County Council will ensure that these requests are underpinned by robust evidence. The County Council welcomes engagement during preapplication and would look to provide clear and up front information where required as quickly as is practical.</p>	<p>No changes are considered necessary to the Policy Document</p>
110	Allerdale Borough Council	General	<p>It is not clear from the draft policy document whether there has been any viability testing which has informed the development of the costing formula or the size of development when a contribution will apply. This is particularly important as the strength of the local housing markets to sustain developer contributions varies considerably around the county. Without this testing the ability of the policy to be effectively applied at a local level could be called into doubt.</p>	<p>The role of the policy document will be to set out whether and the level of planning obligation that may be required in order to mitigate the effects of development proposals on infrastructure. The approach taken allows for schemes to be considered on a case by case basis. The policy document also makes clear how viability would be considered with respect to individual schemes.</p> <p>Separate to this policy, consideration of the impact of all development upon strategic infrastructure and the viability of policy does require consideration through the progression of the Local Plan. This requirement does not conflict with the approach taken by the County Council, and we happy to work closely with the LPA and contribute to such work as it is developed.</p>	<p>No changes are considered necessary to the Policy Document</p>

111	Allerdale Borough Council	General	<p>It is important that planning obligations are not seen to be financing the statutory responsibilities of the County Council as opposed to mitigating the impact of a proposed development. Similarly developer contributions should not be used to finance existing infrastructure deficits. The policy needs to make this distinction clear.</p>	<p>The role of the planning obligation policy is to set out where contributions are required to mitigate the negative effects of development. To do so will be essential in creating sustainable and balanced communities. For example this may mean, that where a school is full and a development comes forward, extra space would need to be provided – this would be acceptable to seek through a planning obligation.</p>	<p>No changes are considered necessary to the Policy Document</p>
112	Allerdale Borough Council	Section 7 - Adult Social Care	<p>With regard to the request for a contribution relating to social care provision some further guidance is needed to justify a contribution. At present it is difficult to understand how “financial contributions would be sought where it is considered that by reason of a development’s design, its adaptation to meet the needs of those with a physical disability would be significant and is likely that provision of increased home caring services would be needed” will be assessed. Similarly is there strong evidence that a direct link can be made between a proposed development and anti-social behaviour and how can it be quantified? This is particularly important if the planning obligation is to be legally sound.</p>	<p>When assessing schemes its design and the design features within it would be assessed. It is considered that assessment of this be done through a statement provided by the developer or through review of proposals undertaken by the County Council or Local Planning Authority. To enhance its clarity a clearer definition of the design measures sought have been provided.</p> <p>With respect to antisocial behaviour, assessment would be based on the individual circumstances of a scheme, whether it reflects secured by design and the risk factors associated with an individual use and/or the proposals location.</p>	<p>In paragraph 8.2.17 the below text has been removed:</p> <p><i>“school/community group education or road safety education”</i></p> <p>Paragraph 8.2.11 and 8.2.12 concerning residential development was removed alongside references to residential development in figure 16.</p> <p>A new paragraph has been added, this states:</p> <p><i>“8.2.16 While contributions towards such initiatives would not be sought from residential proposals, it is hoped that as far as possible, such schemes look to respect important secured by design principles.”</i></p> <p>Figure 10 Design Mitigation is revised to state:</p> <p><i>“Sufficiently wide and straight</i></p>

					<p><i>staircases to accommodate a stairlift without significant alteration and reinforcement (Lifetime Homes Criteria 12 Part A – with a requirement that the stairs also be straight) <b>and</b> sufficiently large entry level WC facilities that can easily incorporate a level entry shower (Lifetime Homes Criteria 10)”</i></p>
113	Allerdale Borough Council	General	<p>There is a danger that this document is seen as excessive in its demands and as such acts as an obstacle in terms of delivering development or creates a negative perception which can deter investment. The tightening of public grants coupled with the burdens of planning obligations make it hard to ‘kick start’ difficult sites. More emphasis is required in the document which reflects a principle of supporting and delivering development, that assessments are undertaken on a site by site basis and the infrastructure listed in the document will not be required in all cases.</p>	<p>The role of the document is to set out the contributions that may be required to mitigate identified negative effects of development. The role is not to prevent development but to ensure appropriate development which does not have an unacceptable impact on services and infrastructure can take place.</p> <p>The approach in the document means that the assessment of sites would take place on a case by case basis and not all developments would be expected to contribute to all forms of contributions. Contributions would be sought where it is considered that there exists a demonstrable case for them. Within the policy document, this should be made clearer.</p>	<p>To respond to the matters raised, within section 1 the following has been added</p> <p><i>“Sustainable development will enable Cumbrians to benefit from both employment and training opportunities and new homes, nevertheless it will be important that development can be delivered without prejudicing important infrastructure and services. To this end, working closely with Cumbria’s District and National Park Authorities who determine most planning applications,,”</i></p> <p><i>It should be recognised that contributions would be sought, on a case by case basis, where assessment shows an individual contribution would be required to address an identified effect of a development. On this basis, it is not likely that an individual development would be sought to provide all the possible contributions identified.</i></p>

					<p>A new sentence has been included in new paragraph 4.2. This stating:</p> <p>“It is important to recognise that contributions would only be sought where, following an assessment of an individual development, they are considered necessary to mitigate negative effects and to ensure the sustainability of a development. This means each development would be considered on a case by case basis and that it is not likely that a development would be sought to provide all the possible contributions identified. .”</p>
114	South Lakeland District Council	Question A – Purpose and Background	It is a useful starting point for infrastructure planning and as a material consideration	Recognition that this document is of use and that is a material consideration is welcome.	No changes are considered necessary to the Policy Document

115	South Lakeland District Council	Question B - Viability	<p><u>Key comment</u> - This document is unsupported by viability evidence and any decisions about Planning Obligation/S106 monies will have to have regard to requirements for positive planning and not over-burdening development.</p> <p><u>Key comment</u> - There will not be enough money to pay for everything and local viability studies and infrastructure planning exercises will determine what can be supported.</p> <p><u>Key Comment</u> - Assessment of Viability - With reference to paragraph 3.11, the key message here is that each planning application will need to be assessed on its own individual merits. Local planning authorities with Cumbria County Council (CCC) will need to prioritise competing infrastructure requirements created by a proposal bearing in mind viability - consistent with National Planning Policy Framework (NPPF Para. 173).</p> <p>Assessment of viability – With reference to paragraph 3.12, - what is meant by overwhelming public benefit – this is open to interpretation and clarification should be provided. Paragraph 3.12 needs to ensure that is ‘within the spirit’ of NPPF paragraph 173 – to only be flexible with regard to planning obligations when it comes to development offering an overwhelming public benefit.</p> <p>Assessment of viability – With reference to paragraph 3.13 – Here, it needs to be explained what an ‘open book’</p>	<p>The role of the policy document will be to set out whether and the level of planning obligation that may be required in order to mitigate the effects of individual development proposals on infrastructure areas. The policy document also makes clear about how viability would be considered with respect to individual schemes whose viability can be appropriately tested. The consideration of the impact of all development upon strategic infrastructure and the viability of mitigation requires consideration through the progression of the Local Plan, this process is important and the County Council is happy to work closely with the LPA and contribute to the development of this evidence.</p> <p>Where viability concerns expressed by the developer are considered robust, appropriate discussion must take place, with the CC and LPA working together to consider appropriate priorities. As a general rule, for a development to be acceptable, it must be sustainable and it is right that benefits should outweigh any negative effects. This should be borne in mind when considering planning applications. However, it is considered that the term “overwhelming benefit” is considered to not best reflect the NPPF and therefore this element of the policy will undergo appropriate amendment.</p> <p>Around the term, “open book”, this means an appraisal of all financial costs and benefits anticipated at the date of the application to be incurred by the developer that affect the financial viability of the development where all such costs and benefits are detailed, explained and substantiated.. Further clarification will be provided around this term within the policy</p>	<p>To respond to the matters raised, the element of the policy document dealing with viability has now been revised in order to increase clarity. This now states:</p> <p>3.12 <i>Generally, the County Council will require the developer/landowner to provide the services and infrastructure required to meet needs that arise from a development as set out within this policy document. However it is accepted that there could be circumstances where development proposals that would otherwise align with planning requirements and contribute to sustainable development principles would not emerge if all contributions sought and other requests (i.e. around design etc.) were provided.</i></p> <p>3.13 <i>In such circumstances, should a developer/landowner seek a reduction in the level of contributions sought due to material and</i></p>
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			<p>independent development appraisal is, briefly, what does it involve?</p> <p>Assessment of viability – Ultimately any infrastructure asks will need to be tested in terms of viability – the point raised in paragraph 3.13.</p> <p><u>Key comment</u> - It also needs to be borne in mind that SLDC elected members will have a role in turning down/approving development contribution (affordable housing, transport, education etc.) asks. These provisions should relate to all proposals.</p>	<p>document.</p> <p>The overarching policy is considered appropriate and does make clear reference to viability. This document relates to the County Council's seeking of planning obligations through its role as an infrastructure provider and consultee. Through this process the viability of individual schemes can be considered. The flexible case by case approach to considering viability as part of the Development Management process is considered best practice. The wider viability testing of individual plans would take place during development of district / national park, plans and policies.</p>	<p><i>reasonable concerns over viability and deliverability, the Local Planning Authority will usually expect an 'open book' independent development appraisal. Given the County Council's important role in the provision of infrastructure, the relevant Local Planning Authority is expected to engage with the County Council to jointly review this appraisal. If, following this review, it is determined that viability and deliverability concerns are justified, material and reasonable (for example instances where developers acquire/agree prices on sites that are unrealistically high would not fulfil this definition), joint consideration should be given to the potential to reapportion contributions or seek revision to the proposal having regard to the most important agreed priorities and outcomes for a</i></p>
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					<p><i>locality and its communities and the requirement that a scheme suitably and sustainably integrates with local communities and services.</i></p> <p>In addition a definition of “open book” has been added. This states:</p> <p><i>Open Book Appraisal means an appraisal of all financial costs and benefits anticipated at the date of the application to be incurred by the developer that affect the financial viability of the development where all such costs and benefits are detailed, explained and substantiated.</i></p>
116	South Lakeland District Council	Question C – Overarching Policy	<p>Suggest a re – wording of the overarching policy to say – ‘where it can be demonstrated that there are justified, material and reasonable viability and deliverability concerns etc. etc.</p> <p><u>Key Comment</u> It is important that the overarching policy set out in Section 4 of the draft CCC Planning Obligations Policy takes into account site viability. Site viability needs to be referred to within the policy.</p>	The Policy as written makes reference to viability and this wording would benefit from appropriate amendment as set out:.	<p>The second last paragraph to the policy has been revised and now states:</p> <p><i>Where there are justified, material and reasonable viability and deliverability concerns with respect to development proposals that would otherwise align with planning requirements and contribute to sustainable development principles, the County Council will engage with the Local Planning Authorities to give joint consideration to the potential to reapportion contributions and/or other requests sought (i.e. around design). This would be based on the</i></p>

					<i>strength of case made by developers and the evidence provided.</i>
117	South Lakeland District Council	Question D – Highways and Transport	<p>With reference to Section 5 - paragraph 5.1.4 – should the document be made clearer that developer contributions will be required in such cases? e.g. Kendal</p> <p>Assessing Schemes – General comment. It needs to be made clear that any request for financial contributions need to be based on evidence of impact. In some cases this may be identified in a Study i.e. Kendal Transport Study.</p> <p>With reference to paragraph 5.2.1 – pooled contributions, need to emphasise in what cases i.e. Kendal, however, what about the role of CIL – should be the preferred option. Pooled contributions should be seen as an interim measure until CIL is adopted.</p> <p>Paragraph 5.2.5 – what about the re – routing of public rights of way?</p> <p>Paragraph 5.2.33 second bullet point, Kirkby Lonsdale is not mentioned.</p>	<p>5.1.4 – This paragraph provides an indication of the wider transport impacts that may result from new developments and provides a context with regards the types of issues which will need to be assessed and mitigated. How these impacts are mitigated will depend on the proposals put forward by the developer and the subsequent assessment of them by the Highway Authority. It would not be appropriate to categorically state that developer contributions would be required in all cases.</p> <p>Assessing Schemes –Paragraph 2.8 sets out the planning obligation tests which must be met in order for a planning obligation to satisfy the regulations. As such further clarification is unnecessary.</p> <p>5.2.1 – The issue of Pooling Contribution is considered in detail in section 5.4. It is therefore considered unnecessary to provide further information in this paragraph. Similarly paragraph 5.4.4 refers to CIL. It should be noted that it is up to each LPA to determine whether CIL is appropriate for their area. As such it would be inappropriate for the CCC to state it as a preferred option in all areas or that the pooling of contributions should be considered only as interim measure as it depends on the level of development being proposed within the LDF and the infrastructure identified as being required to serve it.</p> <p>Paragraph 5.2.5 – the re-routing of public rights of way is covered by statute and should not be seen as a Planning Obligation.</p>	<p>In order to respond to the matters raised in the responses the following change has been suggested:</p> <p>5.2.34 second bullet point add 'Kirkby Lonsdale' to the list of settlements. This would read:</p> <ul style="list-style-type: none"> <li>• For developments in Dalton-in-Furness, Aspatria, Cockermouth, Brampton, Longtown, Wigton, Cleator Moor, Egremont, Millom, Silloth, Alston, Appleby, Grange-over-Sands, Kirkby Lonsdale, Kirkby Stephen, Milnthorpe and Sedbergh (locations considered appropriate for moderate scales of development within the Cumbria Sub Regional Spatial Strategy), the frequency should be a minimum of every 30 minutes (hourly where the population is less than 10,000), between 07:00 and 18:00 Monday to Saturday. No service will normally be required in the evening or on Sundays;</li> </ul>

				5.2.33 – Agreed – Kirkby Lonsdale to be included into second bullet point.	
118	South Lakeland District Council	Question E - Education	Paragraph 6.3.5 – is the use of Cumbria wide figures appropriate – Would not District wide figures more accurately reflect household composition? There will likely be variations between Districts.	The County Council is satisfied that Cumbria-wide figures are considered robust. Cumbria's education authority operates on a Cumbria-wide basis and as such, it is considered appropriate that the Council's approach to the consideration of education impacts across the county should be consistent. The alternative could create confusion.	No changes are considered necessary to the Policy Document
119	South Lakeland District Council	Question F – Social Care	Adult Social Care - Paragraph 7.2.18 – It should be noted that SLDC's adopted Core Strategy Policy CS6.2 refers to 'Lifetime Homes Design Standards' and extra care housing.	The County Council would welcome the delivery of Lifetime Homes through the planning system however it should be noted that the County Council is not requesting full lifetime homes from developments.	No changes are considered necessary to the Policy Document
120	South Lakeland District Council	Question G – Safer Communities	Safer Stronger Communities – other requirements – fire and rescue infrastructure, crime prevention measures.	No comment	No changes are considered necessary to the Policy Document

121	South Lakeland District Council	Question J – General Comments	<p><u>Key comment</u> - Where Local Plans (Core Strategies) are in place, the focus will be on development which is <b>critical</b> to the delivery of those strategies.</p> <p><u>Key comment</u> - The NPPF at Para 153 requires that <i>Supplementary planning documents only be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.</i> For this reason, the District Council could only adopt the document as SPD if supported by viability evidence.</p> <p><u>Key comment</u> - Notwithstanding the above, the SPD is a material consideration and will assist in clarifying infrastructure requirements.</p> <p><u>General</u> –</p> <p>The document needs to make reference to CIL 2010 Regulations on the use of S106 agreements and the use of CIL. It needs to be clear S106 agreements should not be used to remedy deficiencies.</p>	<p>The document undergoing development is not an SPD. Its role is to identify necessary planning obligations that may be needed to mitigate the negative effects of development and will sit alongside other plans and strategies. Moreover it will help with the delivery of those strategies by facilitating the delivery of sustainable communities where people can live work and play in comfortably.</p> <p>As part of this process where there is not sufficient infrastructure to mitigate the effects of development, it will be appropriate for contributions to be sought.</p>	No changes are considered necessary to the Policy Document
	Meeting With Cumbria Housing Group's Affordable and New Homes Group	Section 3 – Policy Implementation and viability	<p>Further to the formal stakeholder consultation, dialogue was conducted with members of the Cumbria Housing Group and Homes and Community Agency (HCA) concerning planning obligations and the impact this may have on the HCA grant in the County as concerns were raised by the housing officers.</p>	<p>Through a subsequent dialogue with the HCA, it was agreed that the thresholds of policy combined with the clear regard the policy has to viability it would not have an impact on the HCA grant received in Cumbria.</p>	No changes are considered necessary to the Policy Document

	<p>Meeting With Cumbria Housing Group's Affordable and New Homes Group</p>	<p>Section 5 - Education</p>	<p>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.</p>	<p>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 over that time.</p>	<p>No changes are considered necessary to the Policy Document</p>
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