

**APPENDIX 2**  
**Consultation Responses for draft Planning Obligations Strategy SPD 2009: Round 2**

	<b>Total</b>	<b>Commenting</b>	<b>Objecting</b>	<b>Supporting</b>
<b>Part A: What are planning obligations?</b>	<b>5</b>	1	1	3
<b>Part B: Planning Obligations to be sought by the council</b>				
<b>10.0 Application considerations</b>				
<b>10.4 Non- Residential Development</b>				
<b>11.1 Education – Mainstream education provision (lower, middle and upper)</b>				
Early Education and Day-Care				
Children’s Centre				
School transport				
<b>11.2 Sustainable Transport</b>				
Highways Work				
Walking/Cycling and Safer routes to School				
Public transport/ sustainable transport measures				
<b>11.3 Health Care Facilities</b>				
<b>11.4 Environmental Impacts</b>	<b>1</b>			1
Archaeology				
Historic Environment				
Biodiversity and Geology				
Landscape				
Flood Risk environment				
<b>11.5 ExtraCare and Enhanced Sheltered Housing</b>				
<b>11.6 Leisure, Recreational Open Space and Green Infrastructure</b>				
Indoor Sports and Leisure Centres				
Recreational Open Space				

Allotments				
Green Infrastructure				
Rights of way				
<b>11.7 Social and Community Infrastructure</b>				
Interim Community Facilities	1			1
Community Development	1	1		
Welcome Information Packs	1	1		
Youth Services				
Libraries				
Village and Community Halls				
Cemeteries and Burial Ground				
Places of Worship				
Local shops and Services				
ICT community website				
<b>11.9 Waste Management</b>				
<b>11.10 Emergency Services</b>				
<b>11.11 Public Realm and Community Safety</b>				
Public Art				
CCTV				
<b>Part C: Procedures for Securing and Delivering Planning Obligations</b>				
Template Agreement				
Cost of preparing and monitoring legal agreements				
Timing and Phasing of payments				
Index Linking				
Bonds				
Viability				
Monitoring enforcement				

Repayment of unused contributions				
Applications to discharge or vary a planning obligation				
General Comments				
Background Paper				
Sustainability Appraisal				

**Part A: What are planning obligations?**

Reference	Representee Name	Comment type	Representation text	Council Response
SB001	EERA	Supporting	The East of England regional Assembly has no comments to make on the consultation document at this time, but welcomes the involvement in the consultation.	Noted
SB002	English Heritage	Supporting	Thanks you for notifying English Heritage of the second round of consultation of the above document. We do not have any further comments to make.	Noted
SB003	Thames Water	Supporting	No further comments	Noted
SB004	Barnswood Limited	Objecting	We are disappointed to note that as per the committee papers to the Luton and South beds Joint Committee; many of our previous comments have not been taken on board in the revised strategy. In addition to our previous comments, we would add that paragraph 6.2 of the SPD is inconsistent with national planning guidance and should be omitted or revised. We are concerned that the SPD states that “applications will be refused if the application does not meet the requirements set out in the document”. Whilst SPD are capable of being of material consideration in determining planning applications they are afforded less weight than DPD’s. In addition Para 6.2 offers no flexibility or scope for negotiation, to reflect the individual circumstances of each site contrary to Circular 05/05, i.e. paragraph B3 states “planning	The Council is satisfied that the draft Planning Obligations Strategy is robust and accords with Circular 05/05.  The charges that are being sought are costs for facilities which are only required as a result of new development. It is legitimate to seek contributions for this purpose. To therefore refuse an application which fails to meet such needs is legitimate and accords with Circular

			obligation are private agreements negotiated, usually in the context of planning applications, between local planning authorities and persons with an interest in a piece of land, and intended to make acceptable development which would otherwise be unacceptable in planning terms.”	05/05.
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SB006	Highways Agency	Commenting	Where developments are expected to result in material increase affecting the trunk road the DPD should state that the Highways Agency will apply policy set out in Circular 02/2007. This includes the requirement to see the transport demands managed sown as far as possible. For this reason the Highways Agency will have a keen interest in the development and assessment of transport measures likely to be delivered by S106 agreements, even though not a signatory to that agreement.	Noted
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## 11.4 Environmental Impacts

<b>Reference</b>	<b>Representee Name</b>	<b>Comment type</b>	<b>Representation text</b>	<b>Council Response</b>
SB002	English Heritage	Supporting	We welcome the additional text in paragraph 11.4.1 regarding the limitations of planning obligations as a tool for mitigation	Noted

## Interim Community Facilities

<b>Reference</b>	<b>Representee Name</b>	<b>Comment type</b>	<b>Representation text</b>	<b>Council Response</b>
SB005	Voluntary and Community Actions	Supporting	We very much welcome the amendments included in the revised draft SPD and annex 8 of the draft background paper in respect of interim Community Facilities	Noted



## Community Development

Reference	Representee Name	Comment type	Representation text	Council Response
SB005	Voluntary and Community Action	Commenting	<p>Voluntary and Community Action very much welcomes the amendments included in the revised draft SPD and Annex 8 of the draft Background Paper in respect of Community Development.</p> <p>However, we note an inconsistency in Table 21, which states that the threshold or trigger point for the provision of Community Mobiliser Workers is <i>700 + dwellings</i>; where as the trigger point for Interim Community Facilities (Table 20) is 100 dwellings.</p> <p>We believe the trigger point for both Interim Community Facilities and Community Development workers should be 100 dwellings otherwise we could very well end up with Community Facilities but no funding for workers to be based within them. We appreciate the charging method will be negotiated on a case by case basis but we should start from the premise that the two components should be aligned.</p>	<p>Noted</p> <p>The Council is satisfied with the thresholds set within the draft document. Notwithstanding this however, it is the intention to review this matter next year when work begins on a Central Bedfordshire Planning Obligations Strategy.</p>

			<p>We therefore recommend that the threshold or trigger point for the provision of Community Mobiliser Workers is 100 dwellings or more.</p> <p>Support for the Voluntary and Community Sector We do not support the decision to leave out our earlier proposal that there should be a charge of £350 on every dwelling by way of provision for the support of the voluntary and community sector in providing services to an increased population, including need for local voluntary organisations and community groups to extend their services to cover the area of the proposed urban extensions and for new groups to maintain and develop their services and activities.</p> <p>This may include, for example, voluntary organisations delivering support services to young families, those providing advice services or extending their mental health support services to residents from new housing areas. Local community groups, sports clubs and places of worship may also expand their activities to include residents from new housing areas. Voluntary organisations and community groups may also extend their volunteering opportunities to new housing areas. This is an integral part of creating social cohesion and making people feel part of the community.</p>	
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			<p>While we have suggested a charge of £350 per dwelling, we believe this could be reduced if the Council feels our proposal were too costly. We note that the Milton Keynes Social Infrastructure Planning Obligations SPD has a charge of £190 per additional dwelling with a table showing contributions sought according to the number of bedrooms within each dwelling (ranging from £101 to £280). They also make a charge on business land. We are happy reconsider the level of contribution if this meant that our proposal could be included.</p> <p>Milton Keynes Social Infrastructure Planning Obligations SPD can be seen by using the link: <a href="http://www.miltonkeynes.gov.uk/local_plan_review/documents/Community_Facilites_Planning_Obligations_Master_Adopted_Ve.pdf">http://www.miltonkeynes.gov.uk/local_plan_review/documents/Community_Facilites_Planning_Obligations_Master_Adopted_Ve.pdf</a></p> <p>Local statutory agencies will secure their on going costs in delivering services to the new community through the Council Tax, yet there is no provision for the voluntary and community sector to secure the funding that it requires in order to deliver, or extend the delivery of, services to new communities. It is therefore important to make provision for this in the planning obligations</p>	
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			<p>We strongly recommend that the Planning Obligations SPD include provision for the support of the voluntary and community sector in providing services to an increased population, at a rate of £350 (or some other more appropriate rate) per dwelling, with the charge applied to <u>all</u> new dwellings.</p>	
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## Welcome Information Packs

Reference	Representee Name	Comment type	Representation text	Council Response
SB005	Voluntary and Community Action	Commenting	<p>While we recognise this obligation has been further amended (paragraph 11.10.9) to apply where community facilities are not provided and the development is less than 700, we believe this should be applicable to, and consistent with, the obligations in tables 20 and 21 i.e. the threshold should be set at 100 dwellings (see above). Paragraph 11.7.10 seems to be inconsistent with paragraph 11.10.9 by stating that the charge applies to all dwellings.</p> <p>Paragraph 11.10.9 also states that residents will receive the Welcome Pack when they register for Council Tax. This could be a month or so after a new resident has moved in and this is far too late; it should be provided the day a new resident takes occupation of the dwelling.</p> <p>The preparation of a Welcome Information Pack would be an activity undertaken as part of the proposed Community Development work detailed in the SPD. The proposals we have set out in this response will have a considerably greater impact on social cohesion than the welcome packs and we would therefore recommend that <i>paragraphs 11.7.9 and 10</i> be deleted.</p>	<p>Noted</p> <p>The Council is satisfied with the thresholds set within the draft document. Notwithstanding this however, it is the intention to review this matter next year when work begins on a Central Bedfordshire Planning Obligations Strategy.</p>