

PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

CONSULTATION STATEMENT

NOVEMBER 2012



1. INTRODUCTION

1.1 In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 this consultation statement sets out:

- i) the names of those consulted in the preparation of the Draft Planning Obligations Supplementary Planning Document (SPD);
- ii) a summary of the main issues raised during the consultations, and;
- iii) how these issues will be addressed in the Final Planning Obligations SPD.

The statement also sets out how those organisations and individuals were consulted.

1.2 The overall approach to community engagement has been carried out in accordance with these regulations and the Council's adopted Statement of Community Involvement.

2. CONTEXT

2.1 The new Local Plan guides the development and use of land in Darlington. The Planning Obligations SPD will help with its implementation, providing essential, detailed guidance on the operation of several Core Strategy policies:

- i) Key policy CS4: Developer Contributions, that applies to all forms of development; and
- ii) Criteria based policies where planning obligations are one element of the policy, relating to a specific form of development (Policies CS3, CS11, CS12, CS15, CS17, CS18 and CS19).

2.2 Once adopted, the SPD will become the basis for securing developer contributions, also known as planning obligations or Section 106 agreements to help secure the infrastructure which is required to help mitigate the impact of new development. Once adopted by the Council, the Planning Obligations SPD will have weight when making decisions on planning applications.

2.3 The Planning Obligations SPD will set out interim guidance on how planning obligation matters should be addressed in Darlington until Autumn 2014, when the Community Infrastructure Levy (CIL) is programmed to be introduced. This new planning charge will be a key way of getting the provision, operation, maintenance, improvement and replacement of infrastructure as part of new development. After 2014, planning obligations will remain in use; their focus is expected to change slightly but the overall approach is likely to remain the same.

3. COMMUNITY AND STAKEHOLDER CONSULTATION UNDERTAKEN

3.1 In accordance with the Council's Statement of Community Involvement and to meet regulatory requirements regarding public participation in the preparation of a supplementary planning document, public and other consultations were carried out on the draft Planning Obligations SPD between the 29 June and the 20 July 2012. Consultees included government bodies, housebuilders, land owners, planning consultants, Council members, local interest groups and members of the public. A full list of those consulted is attached in Appendix 1.

3.2 The draft Planning Obligations SPD covers a wide range of issues and as a result several individual meetings and discussions were held with different stakeholders and housebuilders relating to specific infrastructure issues. In addition, a morning and afternoon public 'drop in' session was held at the Dolphin Centre on 11th July.

3.3 In addition to the above, 650 interested organisations and residents were contacted by letter or e-mail notifying them about the consultation, and providing them with information about the draft Planning Obligations SPD. Items about the consultation and the planning obligations issues it covered were carried in The Northern Echo, The Darlington and Stockton Times and The Advertiser (a copy of the press release is attached in Appendix 2). Published information included the document itself, a publicity leaflet, the Equalities Impact Assessment and the Disability Equalities Impact Assessment. All these documents, and the opportunity to reply to the consultation on-line, were available on a dedicated page about the draft Planning Obligations SPD on the Council's website. The documents and comments forms were also available at the Borough's libraries and people could also respond via Facebook, Twitter and on blogs hosted on the local press websites.

4. MAIN PROVISIONS OF THE PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

4.1 The draft Planning Obligations SPD sets out a new consistent and transparent approach to efficiently and effectively securing planning obligations from new development. It takes into account local land values Borough-wide and other costs associated with development so that the impact of new development is mitigated while ensuring that landowners and developers can still secure competitive returns from the delivered development.

4.2 The SPD sets out when planning obligations will be sought from new residential and non residential development, how they will be calculated, how obligations should be delivered and the likely costs involved, so that the type and mix of planning obligations secured meets the needs of those living or working in the new development, or affected by it. To do this, the SPD will only use planning obligations to secure infrastructure to overcome fundamental planning objections. Firstly to:

- a. prepare a site for development and make it safe and sustainable e.g. new junction to access the site; and then
- b. to help deliver other relevant local and/or strategic community infrastructure identified on the Infrastructure Projects List.

4.3 Once site related infrastructure needs have been addressed (Step a), it is anticipated that there will only be a small amount of funding remaining for community infrastructure (Step b) in most parts of the Borough. The SPD identifies a range of community infrastructure targets (to be updated annually) for each locality (North West, Central, South West, South East, North East and Rural Area) which will be translated into projects on an Infrastructure Projects List. Where a development is expected to have an impact upon a specific type of community infrastructure in that locality, remaining planning obligations funding will be used to help deliver that associated project.

4.4 Publication of the draft document was an opportunity for consultees to comment on the new approach, assumptions, infrastructure targets and costs set out in the draft Planning Obligations SPD, and to see if and how the Council propose to deal with the issues that interest them.

5. OUTCOME OF CONSULTATION

5.1 Consultation responses covered a range of general and detailed planning obligations issues. 25 responses were received which is a good response for this type of technical planning document. 64% were received electronically. The majority of responses were received from statutory organisations, planning consultants and housebuilders. Nine responses came from local interest groups and the general public, and a range of verbal comments were made by local residents who attended the 'drop in' event and these have also been recorded.

- 5.2 A full summary of all the comments made during the consultation are attached as Appendix 3 or can be viewed or downloaded from the Council's website www.darlington.gov.uk/planningpolicy. Copies are available on request from planning.policy@darlington.gov.uk or by phoning 01325 388644.

Comments on the Planning Obligations SPD

- 5.3 The main issues raised in response to the draft Planning Obligations SPD were:

Statutory Consultees and Government Agencies

- Sport England welcomes the requirement for viability concerns to be substantiated through an open book assessment. Both they and Natural England support the inclusion of their respective infrastructure requirements.
- The Highways Agency recognised that previous comments raised in response to the Planning Obligations SPD Scoping Report had been included, particularly those relating to the use of Transport Assessments/Statements and Travel Plans.
- English Heritage considered the use of planning obligations for green infrastructure and public realm improvements could also benefit the historic environment.
- Redcar and Cleveland Council suggest that planning obligations can help provide sub regional and strategic infrastructure as well as local community infrastructure.
- Natural England support the draft SPD and the inclusion of Natural Environment Provisions.
- Environment Agency recommends that provision for sustainable drainage systems are included.
- Environment Agency, English Heritage and the Durham and Darlington NHS Trust suggested that flood risk management, heritage and health care provision should be included.

Development Industry

- The use of planning obligations as 'gap funding' is inconsistent with national planning policy
- It usefully sets out all planning obligations guidance in one place so that developers are aware of planning obligation requirements before they start negotiating land prices.
- Securing planning obligations for a wider range of infrastructure than previously is unrealistic in the current economic climate.
- The Infrastructure Projects List was not available during the consultation.
- The cost per dwelling/plot was difficult to work out from the SPD.

Local people, interest groups and Parish Councils

- People living close to the development should have more of a say on what contributions are spent on.
- Welcome the SPD as it clarifies the prioritisation of strategic planning needs set out in the Core Strategy.
- Support for the community infrastructure targets identified for each locality.

Comments on Disabilities Equalities Impact Assessment (DEIA) and Equalities Impact Assessment

- 5.4 No comments were received on either document.

6. ADDRESSING THE ISSUES RAISED

- 6.1 All comments made were considered by officers. Responses were made to all comments received and where appropriate amendments to the Planning Obligations SPD were suggested (see Appendix 3 and the Council's website www.darlington.gov.uk/planningpolicy).

APPENDIX 1: List of Consultees

Consultees: Consulted by Email			
	Colliers International	Councillor Taylor, C	Delia Jack
Aislaby & Newsham Parish Meeting	Council for British Archaeology	Councillor Taylor, J	Development Planning Partnership
Alburn Investments Ltd	Councillor Baldwin	Councillor Thistlethwaite	Dialogue
All Saints Church	Councillor Carson	Councillor Vasey, J	DPDS Consulting Group
Alpha Plus Architects	Councillor Cartwright	Councillor Vasey, L	DPP
AMEC (for National Grid)	Councillor Copeland	Councillor Wallis	Drivers Jonas Deloitte
Anchor Trust	Councillor Cossins	Councillor Wright	DTZ
Ancient Monuments Society	Councillor Crudass	Councillor York	Durham Bat Group
Anderson Ellis	Councillor Curry	County Durham & Darlington Fire & Rescue Service	Durham Biodiversity Partnership
Andrew Martin Associates	Councillor Dixon	CPRE, Darlington District Committee	Durham Constabulary
Appletons	Councillor Donoghue	Crown Estate Commissioners	Durham County Council, Planning Policy
Archaeology Section, Durham County Council	Councillor Francis	Cunnane Town Planning	Durham Rural Community Council
ARUP	Councillor Galletley	Cyclists' Touring Club	East and West Newbiggin Parish Meeting
Bank Top Community Partnership	Councillor Grundy	Dallin, Andrew	Edwardson Associates
Barratt Homes	Councillor Harman	Darlington & Sedgefield Liberal Democrats Constituency Association	Eko Planning Ltd
Barton Willmore	Councillor Haszeldine, I	Darlington & Stockton Times	Elim Pentecostal Church
Bartram, GC	Councillor Haszeldine, L	Darlington Association on Disability	Elm Ridge Methodist Church
Bartram, Mr Kit	Councillor Hughes, C	Darlington Baptist Tabernacle	Endeavour Housing Association
Bellway Homes Ltd	Councillor Hughes, L	Darlington Borough Council	England & Lyle
Bett Homes (Gladedale)	Councillor Hutchinson	Accounting Manager, Corporate Services	English Heritage
Big Lottery Fund	Councillor Johnson, C	Assistant Director - Housing	Environment Agency
Big Tree Planning Ltd	Councillor Johnson, Charles	Assistant Director: Highways & Engineering	EPP Planning
Bishopton Parish Council	Councillor Jones, D	Darlington Partnership	Eppleby Parish Council
Blackett, Hart & Pratt	Councillor Jones, B	Development Manager	Equality and Human Rights Commission
Bondgate & Eastbourne Methodist Church	Councillor Kelley	Early Years Projects Officer, Childrens Services	Erimus Housing
Boyle, Mrs Amy	Councillor Knowles	Ecology Officer	Etherley Parish Council
Branksome and Cockerton West Community Partnership	Councillor Landers	Estates and Property Manager	Evolution
Briery Homes Limited	Councillor Lawton	Head of School Place Planning	Fabrick Group
British Wind Energy Association (BWEA)	Councillor Lee	Head of Street Scene	FFT Planning
Broadacres Housing Association	Councillor Lewis	Head of Place: Projects	Forestry Commission, North East England Region
Buckingham, Andrew	Councillor Lister OBE	Legal Services	Frank Haslam Milan
Buckley Burnett Ltd	Councillor Long	Parks & Countryside Manager	Freight Transport Association
Business Link North East	Councillor Lyonette, DA	Principal Development Control Officer	Friends of the Earth
Bussey & Armstrong Ltd	Councillor Lyonette, J	Principal Economic Regeneration Officer	Fusion Online Ltd
Carlton Parish Council	Councillor McNab	Sustainable Transport Manager	Garden History Society
Carver Commercial	Councillor Maddison	Transport Policy Officer	Geneva Road Baptist Church
CE Electric UK	Councillor McEwan	Visual & Public Art Officer	Gentoo Homes
Central Community Partnership	Councillor Newall	Darlington Branch of CAMRA	George F White
Central Council of Physical Recreation	Councillor Nutt	Darlington Business Venture	Georgian Group
Central Ward Partnership	Councillor Regan	Darlington College	GL Hearn & Partners
Charles Church North East	Councillor Richmond, S	Darlington Cycling Campaign	GOLD
Chris Humble, H C Design Plans	Councillor Richmond, T	Darlington Homes	Great Aycliffe Town Council
Civil Aviation Authority	Councillor Scott, A	Darlington MIND	Griss, Mrs Mary
Coal Authority	Councillor Scott, H	Darlington Primary Care Trust	Groundwork (Darlington)
Coast and Country	Councillor Stenson	Davis Planning Partnership	Guide Dogs for the Blind
Cockerton Methodist Church	Councillor Swainston	DB Schenker Rail (UK) Ltd	GVA Grimley

GVA Lamb & Edge Planning	Michael Convery	Redcar & Cleveland Borough Council	The Open Spaces Society
Halcrow Group Ltd	Middlesbrough Council	Redmarshall Parish Council	Thompson, Jodie
Hallam Land Management	Middleton-St-George Parish Council	Robert H Pearson Associates	Trotman, Paul
Hambleton District Council	Middridge Parish Council	Robinson, Tom	Turley Associates
Hanover Housing Association	Miller Group	Roger Tym & Partners	Twentieth Century Society
Hansteen Holdings PLC	Mobile Operators Association	RSPB (North of England Office)	UK Association of Gypsy Women
Harrison and Johnson	Mordon Parish Meeting	St Andrew's Church	Victorian Society
Harrowgate Hill & Haughton Methodist Church	Morrison's Trust	St Augustine's RC Church	Virgin Media
Harrowgate Hill Christian Fellowship	Motorcycle Action Group	St Columba's Church	Walter Thompson
Hartlepool Planning Policy Team	Mouchel	St Herbert's Church	Walton & Co
Haughton Residents Association	Mutton, Mr D	St James' Church	Ward Hadaway
Health & Safety Executive	Nathaniel Lichfield and Partners	St Mark's Church	Wardell Armstrong LLP
Heighington Action Group	National Federation of Gypsy Liaison Groups	St Matthew & St Luke Church	Weardale Railways Ltd
Heighington Parish Council	Natural England	St Modwen Developments Ltd	Wheeler, J
Hetherington, Julie	Network Rail Infrastructure Ltd	St Thomas Aquinas RC Church	Whessoe Parish Council
Highways Agency	NHS Darlington and NHS County Durham	Salvation Army	Whitby, Mr John & Mrs Valerie
Hodgson, Andrew	Niven Architects	Salvation Army Hostel	Wild, Jane
Holcroft, Alan	North East Ambulance Service NHS Trust	Sanderson Weatherall	Williamson, Andrew
Holy Trinity Church	North England Refugee Service	Savills	Wm. Morrison Supermarkets plc
Home Builders Federation	Northern Echo	Savills L & P Limited	Woodland Trust
Homes and Communities Agency	Northern Gas	Sgt Paul Robinson, Partnership Liaison Officer	YMCA Housing Association
Hornby Parish Council	Northern Trust Co Ltd	Seven Parishes Action Group	Yorvik Homes Ltd
Howard Developments (Darlington) Limited	Northgate United Reformed Church	Shelley Spence	Yuill Homes
Hume, L	Northland Methodist Church	Shepherd Homes Ltd	
ID Planning	North Road Community Partnership	Shildon Town Council	
Indigo Planning Ltd	North Star Housing Group	Signet Planning	
Isos	Northumbrian Water Limited	Sikh Temple	
Javelin Group	North Yorkshire County Council	Smiths Gore	
Jenny Chapman, MP	One North East	Society for the Protection of Ancient Buildings	
John Lavender, PlanArch Design Ltd	Openreach	Sport England (North East)	
JWPC Limited	Ord, Irene & Reginald	Steel, Helen	
Ken Ross		Stewart Roff Associates	
Kent, Alan	Parker, Arnold & Judith	Stillington and Whitton Parish Council	
Killerby Parish Meeting	Parry, Bill	Stockton on Tees Borough Council	
King Sturge	Partner Construction	Stoney, John	
Kirkwells	PD Ports plc	Storeys:spp	
Lambert Smith Hampton	Peacock & Smith	Story Construction	
Land Access & Recreation Association	Peel Airports Limited	Straughan, John	
Land Factor	Pegasus Planning	Sturrock, Mr J	
Landteam	Persimmon Homes (NE) Ltd	Summerhouse Parish Meeting	
Leonard, Harry Brian	Piercebridge Parish Council	Surman, PR & BM	
Light and Life Missions	Planning Potential	Taylor, Mr. C	
Lingfield Community Partnership	Prism Planning	Taylor Wimpey UK Limited	
Long Newton Parish Council	Queen Elizabeth Sixth Form College	Tees Valley Biodiversity Partnership	
McGarry, Mr & Mrs M	Railway Housing Association	Tees Valley Local Access Forum	
McInerney Homes	Ramblers Association, Darlington Group	Tees Valley Unlimited	
Miller Homes	RDPC Limited	Teesside University	
McNab, Mr C	Red Box Design Group	Terrace Hill Projects Ltd	

Consulted by Post	CB Richard Ellis	Drivers Jonas	Harrison & Johnson
Abbeyfields	Chapel, Mr C	Drivers Jonas Deloitte	Harrison, Mrs
Acanthus WSM Architects	Charlton, Anne	Dunelm Property Services	Harvey, Mr. & Mrs. A E
Accent North East	Charltons Surveyors	Dunn, John	Haslam Homes
Ackroyd Dent and Co	Cheadle, Kath	Durham Cathedral	Havakin, J & J
Acorn Developments (NE) Limited	Circus Investments Ltd	Durham Constabulary	Haw, Mike
Adamson, Mark	Clare, J M	Durham Constabulary Architectural Liaison Officer	Haylett, Frank
Age UK	Clark Scott Harden	Durham Wildlife Trust	Headlam Parish Meeting
Anderson, B	Cleveland Arts	DWA Architects Ltd	Health Improvement Lead
Archdeacon Newton Parish Council	Coatham Mundeville Parish Meeting	East Coast	Hebden, Ms Heather
Ardon, Mrs C A	Cockerton East Community Partnership	Easter Developments	Heighington Village Hall Assn
Arriva North East	Colin Buchanan & Partners	Eddisons Commercial	Helios Properties plc
Ashall plc	Colliers CRE	Edwards, Mr & Mrs P	Henry Boot Development Ltd
Assembly of God Pentecostal Church	Compton, Claire	Ellen, P	Herald & Post Series
AWS Ltd	Cotton, George	Ellis, N J S	High Coniscliffe Parish Council
B & Q Property Management Surveyor	County Durham & Darlington Fire & Rescue Service	ELMS Associates	Highbridge Business Park Ltd
Barmpton Parish Meeting	County Durham & Darlington NHS Foundation Trust	Emma Magure, DPP	Highways Agency
Bartlett, Mrs P	Crawley, Mike	Eric Tweddle Associates	Holy Family RC Church
BBC North East	Croft on Tees Parish Council	Eryholme Parish Council	Home
BBC Radio Cleveland	Cushman & Wakefield	Esh Developments	Hopper, Mr Stephen
Beadle, Mrs M	Cussins Limited	Evans, Mr C	Houghton-le-Side Parish Meeting
Beattie, Annabel	Cuthbertson, Beatrice	Eversheds	Housing 21
Bedocs, Lou and Valerie	Dalton on Tees Parish Council	Faulkner Brown Architects	Housing Corporation
Beer, Mr T	Daniels, Mr D S	Finney, Mr & Mrs	Howarth, Mr S
Bell, Mr. Brian	Darlington & District West Indian Association	Firthmoor Community Partnership	Hume, Joyce
Bennington, Margaret	Darlington & Teesdale Naturalist Field Club	Fitzpatrick, Mr. J	Hunter, John & Hilary
Bib, Ian	Darlington Advertiser	Flowers, Janet	Hurworth Parish Council
Bickerdyke Allen Partners	Darlington Association of Parish Councils	Flowers, Ms A and Flowers, Mrs J	Islamic Society - Darlington
Bishopton Village Hall	Darlington Bangladeshi Association	Fordham Research Ltd	Islamic Women's Forum
Blackwell Grange Area Residents' Association	Darlington Branch of Alzheimer Disease Society	Frid, Mr K	Jefferson, Brian
Bond Pearce	Darlington Chinese Association	G Jack, Mr & Mrs	Jenkinson, P
Bond, Mr I	Darlington Congregation of Jehovahs Witnesses	Gainford & Langton Parish Council	Jones Day
Boon, Mr D	Darlington District Youth & Community Council	Garcha, JS	Jones Lang Lasalle
Boyle, Susan	Darlington Historical Society	Gargett, Mrs S	Jones, G L
Brafferton Parish Council	Darlington Housing Association	Garner, Mrs	Jones, Mr S
Braithwaite Associates	Darlington Methodist District	Gay Advice Darlington	JSGL Partnership
Branksome Youth & Community Centre	Darlington Quaker Meeting	Gearhes, Dawn	Kebell Development Ltd
British Trust for Conservation Volunteers	Darlington Sikh Association for Women	Geath, M	Keepmoat plc
Brown, Mr Kenneth	Darlington Society for Mentally Handicapped Children & Adults	Gerald Eve	King, Mrs J
Brunton, Mr M	Darlington Society for the Blind	Girsby Parish Council	King, Shirley
Bryant Homes Northern Ltd	Darlington Wildlife Group	GL Hearn & Partners	Kirby, FW
Burges, Mr Rodney R	Davison, Mr. R K	Gladman Group	Kirtley, B
Burrows, Alan D	Davison, Richard	GMI Rovian	Knight Frank
Butterfly Conservation (NE England)	De Pol	Great Burdon Parish Meeting	Lamb & Edge
Camillera, Mr C	Denton Parish Meeting	Great Stainton Parish Meeting	Landers, Mr M
Campbell, Shaun	Devplan UK	Griffiths, Mr John	Landmark Information Group Ltd
Capital Holdings Ltd	Dewjoc Partnership	GVA Grimley	Lascelles Residents Assoc.
Carr Gomm Society	Dixon, Mr P	Gypsy & Traveller Community	Lawson, Mr W R
Carter Jonas	Dobson, Mr C	Halcrow Group	Lemaitre, Mr Laurent
Carter, Mrs. Charlotte	Dodds Brown Commercial	Harland, R	Lingfield Investments Ltd

Little Stainton Parish Meeting	Perfect Information Property	Springfield Residents Assn	Wilder, Dr & Mrs W
London Power Company plc	Petterson, Margaret	Stabler, Mr J	Wilkinson, J K
Low Coniscliffe & Merrybent Parish Council	Phil Wilson MP	Stagecoach Transit	Wilson, Martin
Low Dinsdale Parish Council	Powell, Mr J D	Standing, Joyce	Wise, Clare
Lund, Tot	Raby, Kevin	Stanton Mortimer	Wood, Mr & Mrs P
Lynch, Charlotte	Race, Mr	Stapleton & Cleasby Parish Council	Wright, Mr & Mrs
MacConachie, Mr. Alasdair	Rapleys	Stephen Hughes, MEP	
MacDonald & Company Property Limited	Red Hall Residents Assn	Sterling Capitol plc	
Mandale Commercial Ltd	Richard Turnbull	Stratford, Mark	
Manfield and Cliffe Parish Council	Richardson, Frank	Strutt & Parker	
Mann, Elizabeth	Richardson, John	Swift Valley Partnership	
Maple Grove Developments	Richardson, Mrs	Tate, N	
Marchday	Richardson, Ms Y	Tees Valley Housing Association	
Marsden, Mr A	Robert Drummond	Tees Valley Rural Community Council	
Marshall, Sharron	Roberts, Eric	Tees, Esk & Wear Valleys NHS Trust	
Martin, Margaret	Robinson, Peter	Terry Johnson	
Mathews, Mr & Mrs D	Rokeyby Developments	TFM	
Matthew & Goodman	RPS	The Co-operative Group	
McCarthy & Stone Ltd	Rushbond Group	The Lord Barnard	
McGrath, Derek	Ryden Surveyors	The Planning Bureau Ltd	
McGregor, Mrs DE	Sadberge Parish Council	Thoroughbred Homes Ltd	
Metnor Group Plc	St Anne's RC Church	Three Rivers Housing Group	
Millm Gate Properties & Fordingbridge	St Cuthbert's Church	Tim Stahl, Mr	
Monkhouse, John	St Mary's Church	Todd, Mr & Mrs J	
Montagu Evans	St Theresa's RC Church	Tony Thorpe Associates	
Moody, Don	St William's Church	Totty Developments	
Morbaine Ltd	Salvation Army Housing Association	Tweddle, Graham	
Morton Palms Parish Meeting	Sams, Ray	Two Castles Housing Association	
Mosque, Jamia	Scarborough Development Group	Unitied Utilities	
MWA Planning & Devt Consultancy	Scott, David	Vela Group	
National Council of Women	Scott, Joanne	Vickers, Joan	
Neasham Parish Council	Shorney, Mrs Barbara	W A Fairhurst & Partners	
Newton, Mr	Shoyd, Mrs D J	Wade, Antony	
Newton, Mr & Mrs	Shutt, John	Walker Morris	
Nomad	Signet Planning	Wall, Miss Sylvia	
North East Property Holdings Ltd	Sikh Community Welfare	Walworth Parish Meeting	
Northern Trust Company Ltd	Sikh Cultural Society	Wardell Armstrong	
Northgate Community Partnership	Sikh Missionary Society	Warren, Antony	
npower	Simpson, Mr & Mrs J	Wayle, Tim	
Orme, Mr J D	Sims, Mr J J	Weighell, Joan	
Over Dinsdale Parish Council	Skerne Park Community Partnership	Wellings, Peter	
Parkside Residents Assoc.	Smith, Jeremy	Westbrook Villas Residents' Association	
Parnis and Co	Smith, Mr & Mrs R A	Whinfield Residents Association	
Pearl, Mr. John	Smyth, Mr. P R	White Agus Partnership	
Pearson, Ms	Sockburn Parish Meeting	Whitfield, Don	

APPENDIX 2: Press Release



Town Hall, Darlington DL1 5QT Tel: (01325) 388012 Fax: (01325) 388019

RESIDENTS' VIEWS NEEDED ON FACILITIES AT FUTURE DEVELOPMENTS

RESIDENTS are being asked to share their views on the types of facilities they feel should be provided at new developments in the Borough in the coming years.

When considering planning applications, Darlington Council already considers issues including affordable housing, transport and open spaces.

In the future, the Council will also have to look at a wider range of issues relating to facilities at new developments to make sure that the right type and the right amount of facilities are provided at the development to make the area a pleasant and easy place for the people who will live or work there. This will include looking at things such as roads, paths, plays areas, available school places, cycle paths and open spaces which will be used by people living or working in the development area. Such facilities are known as 'planning obligations', 'developer contributions' or 's106 agreements'.

The Council has drafted a Planning Obligations Supplementary Planning Document – a technical plan which will be used by the Council when assessing planning applications and which details how facilities at new developments can help a local area and how particular facilities can be provided and delivered.

Residents are encouraged to look through the draft Plan and provide their comments to ensure the Plan reflects the needs of residents. All comments should be received by 5pm, Friday 20 July 2012.

Copies of the Planning Obligations Supplementary Planning Document can be viewed on-line at www.darlington.gov.uk/planningpolicy or in hard copy at the Town Hall reception, Cockerton Library, Crown Street Library and the Mobile Library.

Comments forms are available and should be returned to planning.policy@darlington.gov.uk or by post to Head of Place: Strategy and Commissioning, FREEPOST NEA2890, Town Hall, Darlington DL1 5QT.

Consultation events will also take place on Wednesday 11 July at (10am-noon and 1pm-3pm) at the Dolphin Centre where residents can talk to Council officers about the Plan and provide their feedback.

For further information, please contact Darlington Borough Council's Communications Unit on (01325) 388012 or at communications@darlington.gov.uk

Contact: Barbara Smith

APPENDIX 3: COMMENTS AND ISSUES RAISED IN RELATION TO CONSULTATION OF DRAFT PLANNING OBLIGATIONS SPD

Draft Planning Obligations SPD: Summary of Consultation Responses							
Ref No	Name	Organisation	Type of Representation	Section	Comments	Officer Response	Proposed Changes
1.0 Introduction							
18	Kevin Richardson	Barratt Homes North East	Object	1.1.5	It is reassuring to see the "reasonable needs of new development" rather than the "needs of the Council"	Comment welcome and noted.	No change required.
13	Gillan Gibson	CPRE Darlington	Comment	1.1.6	Refers to making sure the funding is used as "efficiently as possible...at the right time to meet the needs of the new development". Funds are not usually available until certain triggers; stages of the development/number of houses completed/occupied. Financial benefit to the impacted communities and the amount of time needed to implement the benefits come too late to mitigate the impact of the development.	Triggers are timed to ensure that development can generate sufficient funding to deliver new infrastructure and remain viable while delivering infrastructure at the right time to meet the needs of the community. 4.12 provides details on the general approach to triggers but they vary by infrastructure type (details in 6.0) and are tailored to meet the specific needs of each new development to ensure that any impacts are mitigated in a timely way.	No change required.
18	Kevin Richardson	Barratt Homes North East	Object	1.1.6	There is a fundamental misconception of the role of an Obligation – they should NOT be used to "fill the funding gaps". Any obligation should only be requested to make the development acceptable and the contribution must be reasonable and in scale to the proposed development. Adopting standard formulae and "across the board charges" covering every conceivable Council function in need of "gap-funding" is not the way to proceed when considering development proposals. This broad brush approach may be acceptable by those drawing up the Regulations but when formulating CIL charges, there needs to be understanding of the background figures which influence the levy. Without a clear understanding the development industry will not accept them.	Accept that 1.1.6 can be misinterpreted; 2.0.1 states that planning obligations will not be used to fill existing infrastructure gaps or to achieve wider objectives that are not necessary to grant planning permission, consistent with the three tests outlined in Government Guidance. The use of standard formulae and charges provides a more consistent, fair and transparent approach to securing planning obligations from development, in line with Government Guidance. The SPD provides clear, consistent guidance to negotiate the most commonly sought planning obligations; it makes it clear that not all will be required from every new development. Sources are provided for all costs identified for planning obligations. The SPD does not provide the basis for CIL charges; they will be set out in a CIL Charging Schedule.	Reword 1.1.6 and 4.4 to ensure consistency with Government Guidance and 2.0.1. Add new section to SPD to show how each type of infrastructure addresses the three tests of conformity in Government Guidance.
18	Kevin Richardson	Barratt Homes North East	Object	1.1.6	The draft SPD places financial obligations upon developers using the absence of CIL as a reason to introduce a substitute charge. It is unnecessary because the use of Planning Obligations is intended to be site specific, not Borough-wide. There is no point using a SPD to secure gap funding for infrastructure when CIL is the appropriate tool. Darlington has not set a CIL charge and there is no mechanism for a substitute charge to be levied in the interim. This is an attempt to collect CIL funds by the "back door" and not within the spirit of the planning legislation. Legal advice should be sought.	Government guidance states that planning obligations are an acceptable and appropriate way to secure infrastructure from new development. The SPD brings together all guidance and costs relating to the most commonly sought planning obligations in one document so that a developer can be clear from an early stage the likely costs associated with development. It makes it clear that not all will be required from every new development. Accept that 1.1.6 can be misinterpreted; 2.0.1 states that planning obligations will not be used to fill existing infrastructure gaps or to achieve wider objectives that are not necessary to grant planning permission which is consistent with the three tests outlined in Government Guidance. Planning obligations will only be used to deliver infrastructure where the infrastructure in the area is unable to cope with the additional demand generated by the development. The SPD does not provide the basis for CIL charges, they will be set out in a CIL Charging Schedule.	Reword 1.1.6 and 4.4 to ensure consistency with Government Guidance and 2.0.1. Add new section to SPD to show how each type of infrastructure addresses the three tests.
23	Adam McVickers	Persimmon Homes	Object	1.1.6	The foreword states that the draft SPD "sets out the Council's new step by step approach to securing a wider range of facilities from new development." This is contradictory to the purpose of planning obligations which is reiterated in 1.1.6. These imply that the SPD will be used to secure financial contributions to fund Council infrastructure above and beyond the impact of new development. Planning obligations are not intended to do this, their purpose is to make a new development acceptable by tipping the balance to favour development through securing contributions which meet the three tests in NPPF para 204 to offset aspects of the proposal which are unacceptable in planning terms, taking into consideration market conditions. The SPD is not in accordance with the purpose of planning obligations; they should not fund a Council wish list by filling "the gaps in funding" to secure "a wide range of facilities from new development" at a time when the line between a viable and a non-viable development is so thin.	The SPD rightly sets out the approach to securing a wider range of infrastructure from new development but it is clear that not all will be sought from all new development. The SPD recognises that this would not be fair, appropriate or consistent with Government Guidance. Planning obligations will only be used to deliver infrastructure where the infrastructure in the area is unable to cope with the additional demand generated by the development. It proposes an approach to prioritising infrastructure to meet the needs of new development that is viable in different parts of the Borough. But accept that 1.1.6 can be misinterpreted; 2.0.1 states that planning obligations will not be used to fill existing infrastructure gaps or to achieve wider objectives that are not necessary to grant planning permission which is consistent with the three tests outlined in Government Guidance.	Reword 1.1.6 and 4.4 to ensure consistency with Government Guidance and 2.0.1. Add new section to SPD to show how each type of infrastructure addresses the three tests of conformity in Government Guidance.
18	Kevin Richardson	Barratt Homes North East	Comment	1.1.7	A consistent and transparent approach to planning obligations should include the local impacted community, Councillors and Parish Councils. They should be made aware of the potential impact and benefits from a proposed development as early as possible during pre-application discussions.	The approach to consultation on planning applications is set out in the adopted Statement of Community Involvement. Developers of significant developments are encouraged to consult the local community, relevant Planning Committee, Councillors and Parish Councillors at pre-application stage. This should include the types of planning obligations proposed to reduce impacts identified.	No change required
18	Kevin Richardson	Barratt Homes North East	Object	1.1.7 and 1.1.8	Appendix 1 is not an Infrastructure Delivery Plan (IDP). It is an aspirational list, derived from policy statements and does not represent firm proposals. There are no specific schemes, costs or timescales included in the draft SPD. The IDP is a useful start when assessing a proposal against planning criteria; there needs to be a greater link with the IDP. It should not be the responsibility of the developer to find relevant documents. The Council's priority schemes should be included in a CIL document with estimated costs, gap funding and timescales.	Appendix 1 sets out the adopted Core Strategy policy for developer contributions and identifies the broad types of infrastructure that may be sought from new development. The infrastructure identified in the SPD reflects the content of that policy. The Infrastructure Delivery Plan is a separate document and is referenced in the document at Appendix 2. The community infrastructure targets in Appendix 5 are based on the IDP. Priority schemes will continue to be identified in the IDP with costs etc where known. CIL will be in a separate document.	Add weblinks and references to IDP where appropriate.
14	Sophie Evans	Environment Agency	Object	1.1.9	States it will "help identify specific infrastructure requirements that are needed for...sites proposed in the Making Places and Accommodating Growth DPD and the Town Centre Fringe AAP". Infrastructure needed in the Town Centre Fringe includes flood risk	The draft SPD provides more detail on the content of adopted Core Strategy policy CS4; infrastructure most commonly sought by new development. As a result flood risk management is not considered in the SPD. But 1.1.4 states that planning	Add to 1.1.4 e.g. flood mitigation, health care etc

					management. This should be referred to in the SPD or as a targeted project in CIL.	obligations may still be sought for other types of infrastructure, this would include flood mitigation. Flood mitigation will be considered as a project during preparation of CIL and the Making and Growing Places DPD.	
Community Infrastructure Levy							
4	Councillor Johnson		Object	1.1.1 2	This SPD is transient and will be morphed into the more far reaching CIL in April 14 so there is no need for this temporary change.	At present, planning obligations are negotiated on a site by site basis. The SPD will help to speed up the planning stages of development and make sure that developers are aware of all the costs associated with development when they buy land. CIL will not replace planning obligations; the two systems will run alongside each other. The SPD has been designed so that only small parts of the document, including costs, will need revising in 2014, to avoid duplication with CIL.	No change required.
18	Kevin Richardson	Barratt Homes North East	Object	1.1.1 2	Provides interim guidance until April 2014 when CIL will come into operation so the SPD cannot be regarded as CIL - CIL has specific Regulations. If it is not CIL then it must follow Planning Obligations rationale so the basic test and principles of an Obligation should be followed. Obligations should NOT secure funds to support a Council's wish-list. The housing industry should not provide finance for the Council's infrastructure proposals.	The SPD and CIL are separate documents; the Council has not started preparing CIL yet. 2.0.1 states that planning obligations will only be used to deliver infrastructure that is needed to make a development acceptable in planning terms where the infrastructure in the area is unable to cope with the additional demand generated by the development. This is consistent with the three tests outlined in Government Guidance.	Reword 1.1.6 and 4.4 to ensure consistency with Government Guidance and 2.0.1. Add new section to SPD to show how each type of infrastructure addresses the three tests of conformity in Government Guidance.
18	Kevin Richardson	Barratt Homes North East	Object	1.1.1 2	The foreword states that the draft SPD 'secures a wider range of facilities from new development.' This is not the purpose of an Obligation. It makes an otherwise unacceptable development acceptable in planning terms and is not a way of raising money which should be collected via CIL. It should not be used to impose onerous financial constraints on a development to make it unviable.	The SPD rightly sets out the approach to securing a wider range of infrastructure from new development in a consistent, fair way. It does not require that all infrastructure identified should be sought from all new development. The SPD recognises that this would not be fair, appropriate or consistent with Government Guidance, and proposes an approach to prioritising infrastructure to meet the needs of new development that is viable in different parts of the Borough.	Reword 1.1.6 and 4.4 to ensure consistency with Government Guidance and 2.0.1. Add new section to SPD to show how each type of infrastructure addresses the three tests of conformity in Government Guidance.
18	Kevin Richardson	Barratt Homes North East	Object	1.1.1 2	CIL may be best suited to SE Councils but in the NE there are not the sales prices and land values to support any heavy financial obligations. There are pockets of affluence in the NE but many areas in the NE cannot support CIL.	The SPD is not a CIL Charging Schedule. The costs of CIL will be considered in a separate document.	No change required.
2.0 What are Planning Obligations?							
13	Gillan Gibson	CPRE Darlington	Support	2.0.1	There are councils who have misused developer contributions to fund infrastructure a distance from the impacted community and use funding to fill existing infrastructure funding gaps so it is pleasing to see the statement in the first bullet point.	Comments welcome and noted.	No change required.
13	Gillan Gibson	CPRE Darlington	Comment	2.0.1	Planning obligations should obtain an input from the impacted community and their representatives as encouraged by the Localism Bill.	Significant planning applications are most likely to require planning obligations; developers will be expected to hold a pre-application consultation event, in accordance with the Statement of Community Involvement for the community, which should include local Councillors and Parish Councillors. Any impacts on the local community and the planning obligations proposed to address them should be identified. Further opportunities to comment will be provided as part of the planning application consultation. The community and Councillors will have the opportunity to comment upon the site allocations document (Making and Growing Places DPD) which will identify the infrastructure required to support new development.	Add new paragraph in relation to consultation with the impacted community.
18	Kevin Richardson	Barratt Homes North East	Object	2.0.2	NPPF paras 173 & 203-206 are relevant. Obligations should only be sought where it meets the three tests and that changes in market conditions must be considered, effectively viability.	2.0.1 states that planning obligations will only be used to deliver infrastructure that is needed to make a development acceptable in planning terms, where the infrastructure in the area is unable to cope with the additional demand generated by the development, consistent with the three tests outlined in Government Guidance. This will ensure that that development remains viable and land owners receive sufficient income to sell their land. Accept that 2.0.2 does not fully support this approach.	Reword 2.0.2 to provide consistency with 2.0.1.
13	Gillan Gibson	CPRE Darlington	Comment	2.0.3	Priority for developer contributions should be preferably on the application site and of direct benefit to the impacted community and not by defraying contributions from development sites on the periphery of the town.	In general, planning obligations will be used to mitigate the impact of development on site and/or in the locality. However in some instances the impact may be on strategic infrastructure outside the locality. In these cases where there is a direct link to the development, planning obligations may be used to mitigate the impact.	No change required.
3.0 How To Use This SPD							
5	Don Whitfield		Comment	3.0	Planning Application in a rural district must be notified to the Parish Council	In line with the Statement of Community Involvement each Parish Council will continue to be notified and consulted about planning applications in their parish.	No change required.
13	Gillan Gibson	CPRE Darlington	Comment	3.0.1	Step 2 - the SCI process must be followed scrupulously involving the impacted community and its representatives in pre-application discussions. Often the first intimation of a development is the announcement of a developer's exhibition in the local newspaper well along the pre-application process between developer and Council.	Consultation at pre-application stage will be consistent with the NPPF and the Council's SCI. This will ensure that developers of significant planning applications appropriately consult the community on their proposals. This should include the planning obligations proposed to address any impacts identified.	No change required.
4.0 Planning Obligations: General Guidance							
4.1 Standard Charges and Formulas							
18	Kevin Richardson	Barratt Homes North East	Object	4.1	It would have been helpful if the guidance could be translated to "pounds per plot".	All costs are set out in the draft SPD so it should be possible to come to a cost per plot. However by using the final SPD and Planning Obligations Calculator it will be possible to come to a cost per plot in different parts of the town.	No change required.
10		Turley Associates	Object	4.1.2	Monies will be held for a period of 10 years in infrastructure ring fenced accounts after which time any sum remaining will be returned to the developer. Holding monies for this amount of time is excessive and unjustified. The time period should be reduced to 5 years.	10 years is a standard period of time used to retain funding. It would be unreasonable to hold funding for 5 years; most significant developments would not generate sufficient funding in 5 years to fund infrastructure required to mitigate the impacts of a development.	No change required.
4.2 Occupancy Rates							
7	P J Jenkinson		Comment	4.2	Everyone needs to be safe - bells fitted on all bikes.	Cyclist, pedestrian and driver safety is important. The Council encourage all users to use appropriate safety measures for themselves and others.	No change required.
4.3 Land Values							

18	Kevin Richardson	Barratt Homes North East	Object	4.3	Imposition of additional financial burden on landowners/developers will have a detrimental effect on the development of housing land in Darlington. The housing market is slowly recovering any additional financial burden will not help. Housebuilders operating in Darlington may have concluded land deals before November 2007 and may not have been affected as seriously as in other areas. But the future is open to question and we urge caution. Refers to Grant Shapps Evidence to Select Committee, Financing of New Housing Supply.	The SPD recognises the impact the economic downturn is having on the development industry. Requirements are informed by assumptions based on viability assessments submitted and approved for schemes progressed in the last two years and supported by evidence in the Infrastructure Delivery Plan and the Economic Viability of Housing Land and Non Housing Land Studies (4.3.2). Annual updates will ensure that a balance is achieved between delivering infrastructure at the right time to meet the needs of new development and ensuring that development is viable.	No change required.
18	Kevin Richardson	Barratt Homes North East	Object	4.3	If a land offer does not meet the aspiration of the land owner then the site will not be sold. The economic situation is unlikely to change in the near future. The Government understands that the housing industry is operating in a difficult economic climate and the Council need to be aware of the precarious housing market. To adopt unrealistic targets for financial contributions, via CIL or planning obligations will result in drawn out negotiations, appeals, delay in delivering development or no new housing. The Council should contact land owners directly to ascertain their views on gap-funding via CIL.	The SPD sets out a clear approach to prioritising obligations to achieve the balance between providing infrastructure to meet the needs of new development and ensuring that that development remains viable and so land owners receive a reasonable price for their land. Stakeholders and the community including landowners will be involved in consultation on CIL.	No change required.
23	Adam McVickers	Persimmon Homes	Object	4.3	The SPD would place onerous financial burdens on developers contrary to national planning policy, reducing the viability of developments and decreasing the supply of housing. NPPF Para 173 states development 'should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened...provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.' The adoption of unrealistic financial contribution targets will result in a reduction in viable and deliverable developments and will see an increase in negotiations and appeals adding further costs and uncertainty to an unsteady housing market.	4.3 states that assumptions and priorities based on up to date viability of housing land studies helps ensure that this balance can be achieved between delivering infrastructure to support the needs of new development and providing competitive returns. In exceptional cases where planning obligations are considered to make a development unviable 4.3.5 states that a viability assessment should be submitted to justify this view.	No change required.
23	Adam McVickers	Persimmon Homes	Object	4.3	Obligation costs are borne by the landowner and subtracted from the land offer. If obligations increase it is unviable to build new homes. The Harman Review 2012 states "after taking account of all costs, including central and local government policy and regulatory costs and the cost and availability of development finance, the scheme provides a competitive return to the developer to ensure that the development takes place and generates a land value sufficient to persuade the land owner to sell the land for the development proposed. If these conditions are not met a scheme will not be delivered." Following the economic crash home building is at an all time low yet housing need is increasing. To reverse this trend policies and procedures should increase, not decrease, the viability of future developments. The SPD is a leap in the wrong direction.	The costs identified are based on reasonable local costs of provision. While the list of possible planning obligations may have increased the SPD makes it clear that not all will be sought from every new development. The SPD sets out a clear approach to prioritising obligations to achieve the balance between providing infrastructure to meet the needs of new development and ensuring that that development remains viable and land owners receive a reasonable price for their land.	No change required.
13	Gillan Gibson	CPRE Darlington	Support	4.3.2	Updating assumptions is a positive and welcome move, but the annual update should involve the community and their representatives, who with their local knowledge, are best placed to identify community needs.	Significant planning applications are most likely to require planning obligations; developers will be expected to hold a pre-application consultation event, in accordance with the Statement of Community Involvement for the community, which should include local Councillors and Parish Councillors. Any impacts on the local community and the planning obligations proposed to address them should be identified. Further opportunities to comment will be provided as part of the planning application consultation. The community and Councillors will have the opportunity to comment upon the site allocations document (Making and Growing Places DPD) which will identify the infrastructure required to support new development.	Add new paragraph in relation to consultation with the impacted community.
17	Place Scrutiny	Darlington Borough Council	Comment	4.3.2	Assumptions e.g. affordable housing target up to 20%, must be robustly justified.	Assumptions are based on viability assessments submitted and approved for schemes progressed in the last two years and supported by evidence in the Infrastructure Delivery Plan and the Economic Viability of Housing Land and Non Housing Land Studies (4.3.2). Annual updates will ensure that assumptions continue to be robustly justified.	No change required.
13	Gillan Gibson	CPRE Darlington	Comment	4.3.4 and 4.3.5	Agree that excessively high developer contributions could undermine developer confidence in the Darlington market, but the basis of a market economy is to balance viability against benefits. If the developer is deterred then they are not the best financially stable developer for the proposal. To accept otherwise is for the Council to be driven by a less beneficial level of contributions to achieve a development with a loss of mitigation to the impacted communities.	The SPD aims to achieve a balance between viability and provision of infrastructure to ensure that there is no unnecessary impact on the community. The assumptions and requirements will be updated annually so that changes in the economic market can be taken into account. All developer viability assessments are assessed by an independent consultant to verify accuracy.	No change required.
4.4 Infrastructure Targets							
13	Gillan Gibson	CPRE Darlington	Comment	4.4.1	The Council must be confident that the Localities identified will be of the right 'grain' for all identified strategic need.	The localities identified fairly divide the Borough into six areas. Each has a different mix of infrastructure needs and issues. The cost of strategic infrastructure will not only be met by developments in the locality it sits in; the demand for strategic infrastructure will be assessed Borough wide and the cost apportioned equally and fairly between appropriate developments.	No change required.
13	Gillan Gibson	CPRE Darlington	Comment	4.4.1	Must make sure that the local, multi-site, pooling of planning contributions to address the cumulative impact of several small developments is adequate.	The introduction of an Infrastructure Projects List will ensure that the pooling of planning obligations will fairly address the impact of several new developments in each locality.	No change required.
13	Gillan Gibson	CPRE Darlington	Object	4.4.1	There is a need for a wider overarching Borough-wide fund for strategic provision for further and higher education, health and policing.	The Council will continue to work with other Tees Valley Councils, Durham County Council, North Yorkshire County Council and Hambleton and Richmondshire Councils to ensure that strategic infrastructure needs are met fairly and consistently. Strategic Projects will be identified to reflect need, but the bulk of funding for these large pieces of public infrastructure are still expected to come through various Government sources.	Add reference to possible cross boundary use of planning obligations.
4.5 Infrastructure Project List							
13	Gillan Gibson	CPRE Darlington	Support	4.5.1	This will be an important list and full consultation, including the community, will be crucial.	Significant planning applications are most likely to require planning obligations; developers will be expected to hold a pre-application consultation event, in	Add new paragraph in relation to consultation with the impacted

						accordance with the Statement of Community Involvement for the community, which should include local Councillors and Parish Councillors. Any impacts on the local community and the planning obligations proposed to address them should be identified. Further opportunities to comment will be provided as part of the planning application consultation. The community and Councillors will have the opportunity to comment upon the site allocations document (Making and Growing Places DPD) which will identify the infrastructure required to support new development.	community.
4.6 Planning Obligations Calculator							
18	Kevin Richardson	Barratt Homes North East	Object	4.6	It is unacceptable that the Planning Obligations Calculator is unavailable until after the consultation. There is no point having the consultation if the development industry does not know the likely costs. Without a Calculator the Economic Viability Assessment could not have been carried out to make the SPD sound. The Viability Assessment is required for the industry to comment.	Although the Calculator was not available during the consultation, all charges were in the SPD so it was possible to work out the likely costs. The Economic Viability of Housing Land and Non Housing Land was prepared in partnership with the development industry in 2010. Using the same assumptions an update for the SPD was undertaken in 2012 Planning obligations costs and build costs were updated to reflect changes in market conditions.	No change required.
23	Adam McVickers	Persimmon Homes	Object	4.6	The task of commenting upon the SPD has been made arduous due to the Planning Obligations Calculator not being available on the Council's website making it implausible to arrive at pounds per plot figure in order to make financial grounded comments.	Although the Calculator was not available during the consultation, all charges were in the SPD so it was possible to work out the likely costs per plot.	No change required.
4.7 Qualifying Schemes							
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Object	4.7.2	Deducting existing buildings that are to be demolished as part of a scheme from the obligation rate encourages demolition rather than repair and reuse.	Where appropriate the retention of existing buildings is encouraged in development proposals. But where this is not possible 4.7.2 will apply.	No change required.
4.8 Exceptions							
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Object	4.8.2	Obligations will not be sought for works that require listed building consent or conservation area consent. It is helpful that repairs to listed buildings could proceed without having to incur the obligation, but for conservation area consent this might be construed as an incentive to demolish, rather than save a building.	The exceptions identified, including works that require listed building or conservation area consent apply only to the content of that consent, and do not apply to the consent for the wider development proposal. So if an application was submitted for a housing development in a conservation area the obligation would be applied to the outline or full application for the housing development only. Where appropriate the retention of existing buildings is encouraged in development proposals. But where this is not possible 4.7.2 will apply.	Amend 4.8.2 to clarify approach to exceptions.
4.11 Cumulative Impact of Development							
9	Roger Tait	Redcar & Cleveland Borough Council	Comment	4.11	On site infrastructure needs to be provided through planning obligations but there is also a need to pool planning contributions, through S106 planning obligations or CIL to provide strategic infrastructure.	Comment noted. Cumulative infrastructure is addressed in 4.11.	No change required.
9	Roger Tait	Redcar & Cleveland Borough Council	Object	4.11	Cumulative impact of development on infrastructure across the Tees Valley needs to be dealt with on a sub-regional basis. Planning obligations, or CIL, can ensure all development, which is capable of contributing, makes funds available to improve existing, or provide new infrastructure. Redcar & Cleveland Borough Council is assessing the suitability of adopting CIL to raise funds for local and strategic infrastructure. The Tees Valley local authorities should work together to ensure infrastructure required to support new development can be delivered. A consistent approach to planning contributions is a means of doing this.	The Council will continue to work with other Tees Valley Councils, Durham County Council, North Yorkshire County Council and Hambleton and Richmondshire Councils to ensure that strategic infrastructure needs are met fairly and consistently.	Add reference to possible cross boundary use of planning obligations, where evidence is provided that there is a need.
15	Chris Bell – Asset Manager	Highway Agency	Support	4.11	The Strategic Road Network (SRN) can be affected by sites individually or cumulatively in a variety of locations. Support the pooling of contributions to fund infrastructure improvements, e.g. junction improvements, and obtaining contributions to mitigate the impact of development upon the SRN. Welcome its inclusion in 4.11.	Support welcome and noted.	No change required.
4.12 Securing Infrastructure							
15	Chris Bell – Asset Manager	Highway Agency	Support	4.12	Support inclusion of phased payments for measures to allow for contributions to be made at triggers and to mitigate cumulative impacts resulting from multiple developments, which is pertinent to deliver strategic improvements. Thresholds should be agreed at the outset based upon improvement measures identified at that time. Particular support given to recognition that strategic infrastructure may need to be in place before development can start, utilising a legal agreement with the relevant infrastructure providers requiring the completion of strategic infrastructure before granting planning permission.	Support welcome and noted. Add reference to triggers for strategic road network in 6.2.	Add reference to triggers for strategic road network in 6.2.
4.14 Design of New Development							
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Support	4.14	Welcome the requirement for all new development to be of high quality, reflecting local character and distinctiveness. Could usefully rely on the constituents of good design in the National Planning Policy Framework.	The SPD and the Design SPD are consistent with the requirements of the NPPF. But the themes of the NPPF will be reinforced in 4.14.1.	Revise 4.14.1 to strengthen links with NPPF.
16	Steven Drabik	Durham Constabulary	Object	4.14	To ensure new developments do not generate or increase crime and anti-social behaviour and create an unnecessary drain on Police resources, emphasis should be made on 'Designing out Crime' as outlined in the Design SPD, 4.2. Add at the end of the first sentence, 'and address the possible impact on crime and anti-social behaviour'.	Comments noted.	Change SPD accordingly.
4.16 Enabling Development							
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Support	4.16.1	Welcome that in exceptional cases obligations might be reduced or waived in order to encourage enabling development, helping to secure the future of a heritage asset. Pleased to note that it does not apply strictly to development which is 'enabling' as defined by EH guidance. Assume provision could apply to issues associated with buildings and other heritage assets on any 'at risk' registers.	The definition of enabling development should be consistent with the NPPF and the EH definition. Enabling development will apply to development that brings public benefit to a significant place.	Amend definition of enabling development in 4.16.1.
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Comment	4.16.1	Clarify what is 'regional or sub-regional public benefit' e.g. most heritage assets are designated on the basis of national criteria, any scheme which safeguards it should be regarded as of more than local interest.	The definition of enabling development should be consistent with the NPPF and the EH definition. Enabling development will apply to development that brings public benefit to a significant place.	Amend definition of enabling development in 4.16.1.
5.0 Monitoring and Review							

15	Chris Bell – Asset Manager	Highway Agency	Support	5.0	Support approach for monitoring and review and wish to be involved. Would be supportive of utilising CIL and would be able to comment on a draft charging schedule and review of this SPD.	Support welcome and noted.	No change required.
15	Chris Bell – Asset Manager	Highway Agency	Comment	5.0	Should CIL be implemented, consideration should also be given to pooling CIL revenues to support the delivery of strategic infrastructure which should include proposed improvements to the SRN.	Comments noted.	No change required.
6.0 Infrastructure Specific Guidance							
10	Turley Associates		Object	6.0	The use of threshold floor space for development is arbitrary and has no relation to the impact or viability of a scheme. NPPF para 204 states any obligations must meet the three tests. Obligations can only be sought where it directly mitigates an impact arising from that development. Automatic thresholds that require all developments over a certain size to contribute towards infrastructure improvements fails to meet that test as there is no causal link between the obligation sought and the impact generated. Each case must be taken on its merits. The point at which obligations are required should always be negotiable to ensure they are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.	The SPD states that the use of thresholds is the starting point for negotiations with developers. Thresholds will give an indication as to the type of infrastructure needed for that type and size of development, but the infrastructure specific needs of the development in that locality will also be looked at to see if that type of infrastructure is required. This will ensure the planning obligations sought meet the three national tests.	Clarify the approach to identifying and securing planning obligations in section 3 and 4.4. Add new section to SPD to show how each type of infrastructure addresses the three tests of conformity in Government Guidance.
6.1 Affordable Housing							
13	Gillan Gibson	CPRE Darlington	Object	6.1	Should be a presumption in favour of affordable housing on-site to maintain and develop social cohesion, or there needs to be a sequential test which places affordable housing as close as possible to the new development as affordable housing need can be a local matter. Planning Obligations should not be used to pool contributions to build a single huge social housing estate – reduction ad absurdum.	6.1 Summary of approach states that on site provision will be the first priority, then off site (developer owned land) or off site (financial contribution). Where off site provision is acceptable 6.1.14 states that this should not concentrate people with low incomes or those experiencing deprivation in particular parts of the urban area.	No change required.
13	Gillan Gibson	CPRE Darlington	Object	6.1.4	Student accommodation is an exception. With increasing tuition fees and student debt today's student accommodation could be tomorrow's affordable/old persons' accommodation. Consideration should be given to introducing student accommodation as affordable housing to provide needed inexpensive student housing, then convert them into affordable homes after the need for student accommodation recedes.	The housing needs of students and older people vary. The demand for older persons housing is currently higher in Darlington than that for students. The SPD recognises the need now for older persons accommodation or housing that can be adapted to meet their needs over their lifetime.	No change required.
Affordable Housing: On Site Provision							
13	Gillan Gibson	CPRE Darlington	Object	6.1.5	Too often developers are allowed to provide finance at a relatively low evaluation for off-site housing. Providing on site housing reduces the viability of their development by lesser-cost dwellings occupying expensive land with a reduced sale price compared with their usual product. NPPF calls for a range of appropriate property types and tenures to provide a mixed community. There are many communities with a younger generation who would like to remain in the community. On site affordable homes would offer this opportunity and developers should be convinced during pre-application discussions.	The SPD requires off site provision to maintain the required ratio of open market to affordable housing. Where the percentage target is to be applied off site the target should be applied to the total number of market homes provided across both sites including any increase in market homes on the application site resulting from provision of affordable units off site. This will ensure a range of property types and tenures are provided to meet changing local needs.	No change required.
Affordable Housing: Rural Exception Sites							
13	Gillan Gibson	CPRE Darlington	Object	6.1.6	Rural communities are in considerable need of affordable homes but do not attract the scale of development required for provision. Could be one exception where off site development could be considered, using the resources of better funded urban developments. Such a contribution should be made with agreement of the impacted urban community.	The use of planning obligations has to be consistent with three tests set out in national policy; all planning obligations must be directly related to the proposed development. There would be no geographical link between using planning obligations from a development in the urban area to provide housing in the rural area so this proposal would not be appropriate.	No change required.
Affordable Housing: Off Site Provision							
13	Gillan Gibson	CPRE Darlington	Object	6.1.8	Become apparent elsewhere that off site provision is allocated to deprived areas. Such investment has proved to be a law of diminishing returns as these areas are inevitably the first to be demolished due to social problems and the rapid deterioration of the properties caused by non-aspirational householders. Should be addressed before developer contributions are defrayed into these areas.	6.1.14 states that off site provision should not concentrate people with low incomes or those experiencing deprivation on particular parts of the urban area.	No change required.
6.2 Transport							
3	J P Rodwell	Darlington Branch of Alzheimer Disease Society	Comment	6.2	Bus station.	If a need is identified, provision for key strategic infrastructure like a bus station will be set out in the Making and Growing Places DPD.	No change required.
13	Gillan Gibson	CPRE Darlington	Object	6.2	Sustainable active and particularly public transport provision should be timed to be available to the first residents of a new development, rather than being brought in after the development is completed. Otherwise it won't get used.	Sustainable and public transport infrastructure will be tied to the delivery of market housing or a specific amount of floorspace so that users can access the site safely and easily as soon as is practicable (4.12.1). Provision of a bus service is only sought via significant developments and is delivered when sufficient houses/floorspace is completed to generate enough people to support the service (6.2.8). Otherwise, support for the service may end before most of the residents have moved in.	No change required.
15	Chris Bell – Asset Manager	Highway Agency	Support	6.2	Pleased that comments made in Scoping Report requiring a clear approach to obtaining contributions for highways works on the SRN have been noted. Made it clear that S278 agreements should be used to pay for measures to mitigate the impact of development on the SRN. Pleased that this has been taken into account.	Support welcome and noted.	No change required.
11	Irene Ord		Object	6.2.1	Previously acceptable public transport services have been further reduced or eliminated. There is no public transport passing Woodburn Nursery and there is one half hourly bus service stopping at Elm Ridge that ceases early evening. Residents without personal transport now have to walk or stay at home. Older residents are being discriminated against. This is unacceptable.	Appendix 5 identifies public transport as a community infrastructure target in the South West locality (where Woodburn Nursery is). Where appropriate, planning obligations may be sought from developments of the right size and type for bus infrastructure.	No change required.
13	Gillan Gibson	CPRE Darlington	Comment	6.2.1	Mitigation of transport impact should be allocated priority levels. Most important mitigation is the impact within the affected local community (e.g. traffic loads associated with local schools, local shopping centres). Impact from a development from increased trips may	Requirements will be negotiated on a site by site basis to reflect the Transport Assessment/Statement. It is not possible to allocate priority levels because the impact from each new development will vary depending on the type and scale of	No change required.

					also be experienced some distance from new development but this must have a lower level priority than the local impact.	development, its location, the needs of future occupiers, the level of trips generated, access to existing infrastructure and the level of works secured via other agreements. But in general 6.2 states that the focus will be to improve access to areas with poor and/or low accessibility in the locality of the site. But where the Transport Assessment/Statement shows that a new development(s) will generate an impact away from the site, this may take priority.	
15	Chris Bell – Asset Manager	Highway Agency	Support	6.2.2	Support reference to using evidence from Transport Assessments and Transport Statements to identify traffic impacts resulting from development and the implications these could have on the local and strategic road networks as well as the detailed provisions for Travel Plans.	Support welcome and noted.	No change required.
15	Chris Bell – Asset Manager	Highway Agency	Support	6.2.2	Welcome reference that planning obligations will only be used in exceptional circumstances to fund works where they cannot be funded by other means, to ensure that additional trips generated by development can be accommodated without detrimentally impacting on the efficiency or safety of the network.	Support welcome and noted.	No change required.
Transport: Public Transport							
13	Gillan Gibson	CPRE Darlington	Support	6.2.8	Bus companies are becoming less viable. If a proposed development is poorly served or buses are non-existent then pump priming by a developer over a legally fixed set of years is essential to offer new development an acceptable level of public transport. This is one area that a developer obligation could both support the viability of their development and have an effect on sustainability.	Provision of a bus service is only sought via significant developments and is delivered when sufficient houses/floorspace is completed to generate enough people to support the service. Otherwise, support for the service may end before most of the residents have moved in. 6.2.8 identifies pump priming of bus services as an appropriate use of planning obligations in appropriate circumstances.	No change required.
Transport: Highways Works							
15	Chris Bell – Asset Manager	Highway Agency	Support	6.2.9	Support use of planning obligations for the measures identified. For the SRN always seek to look at alternatives to physical improvements and major transport works through better network management and making smarter choices easier. In line with the Guidance on Transport Assessments, first want to see mechanisms that reduce the need to travel, particularly by private car, then maximise the level of sustainable access to sites, particularly via public transport, followed by physical improvements to the network and then demand management measures before providing additional capacity.	Support welcome and noted. Approach identified can be usefully added to 6.2.9.	Add approach to managing the SRN to 6.2.9.
15	Chris Bell – Asset Manager	Highway Agency	Support	6.2.9	Support proposed thresholds and requirements for transport infrastructure, particularly with regards to the focus placed on delivering sustainable transport and public transport improvements, while recognising that local and/or strategic highways work may be required.	Support welcome and noted.	No change required.
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Comment	6.2.1 3- 6.2.1 4	Hope that design specifications are of a quality to match that for new building works in 4.14. Public realm is important, especially in historic areas, clutter should be avoided.	4.14.1 states that the design of all new development including infrastructure should be high quality, including the public realm.	No change required.
Education: Provision of a New School							
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Object	6.3.1 0	A new school will only be appropriate as part of a significant development but is only one way educational provision can be made. The SPD is silent with regard to using obligations for the repair, reuse and expansion of existing educational facilities; some might be in historic locations or heritage assets.	Funding for primary school places can only be used to fund the initial construction and fitting out of the school and any additional facilities needed to support the additional children generated by the development, including the expansion of facilities. Using planning obligations to repair existing schools would not be appropriate use of funding or consistent with the three national tests. Re-using a building would fall to the developer of any scheme to address.	Clarify use of financial contributions in supporting information, bullet point 5.
6.4 Green Infrastructure							
3	J P Rodwell	Darlington Branch of Alzheimer Disease Society	Comment	6.4 and 6.5	More open spaces and nature parks and more leisure facilities.	6.4 and 6.5 state that new development should where appropriate provide sufficient open space and leisure facilities to meet its needs.	No change required.
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Support	6.4	Support the use planning obligations for green infrastructure. The historic environment makes an important contribution to green infrastructure and the public realm. Improvements should include enhancement of historic squares, spaces, parks, gardens, grounds of listed buildings, commons, greenspaces in conservation areas, historic floorspace materials, street furniture, removal of street clutter and use of sympathetic lighting.	Planning obligations will only be used to provide or improve publicly accessible green spaces that a development will have an impact on. It would not be appropriate to use planning obligations to improve private heritage features as there would be no link between the development and the improvement works. References to the historic environment would add clarity to Green Infrastructure: Amount, size and mix.	Add definition of green infrastructure to 6.4. Add bullet point to 6.4.15 High Quality Design about provision or improvement of the historic environment.
7	P J Jenkinson		Support	6.4	By all means have pitches so children can play football, cricket etc.	Support welcome and noted.	No change required.
8	Mr T Cloughton		Comment	6.4	Thousands of pounds were spent on the 2007 Open Space Strategy. Circumstances have led to savings being made and the resulting cuts in service can be seen by the untidy approaches to the town where grass cutting has the appearance of 'haymaking' instead of neat verges. Haymaking would be preferable to the untidy mess of the long grass left to rot and decay after cutting.	6.4.13-6.4.14 and 4.15 ensure that maintenance of new and improved greenspaces will be undertaken. Specific issue has been referred to the Parks and Countryside Manager to be addressed.	No change required.
13	Gillan Gibson	CPRE Darlington	Object	6.4 and 6.5	Much of the green infrastructure and sport & leisure provision, especially children's play areas and allotments should come under the ownership and/or management of parish or town councils. No reference to parish or town councils as partners to planning obligation discussions, even though they have a clear understanding of local community needs. No reference to ownership and management of assets provided through planning obligations. Town and parish councils must be included.	4.15.1 sets out the process that the Council or Parish Council will follow should they choose to own new greenspace or sport and leisure facilities. There are no Town Councils in the Borough. 4.15.1 also encourages developers to discuss the transfer of land with the Council and/or Parish Council during pre-application discussions. 6.4.15 refers to local community involvement in the design of green infrastructure.	Add reference to Parish Councils to 6.4.15 Community Involvement
13	Gillan Gibson	CPRE Darlington	Comment	6.4	Where green infrastructure is provided it should be such a size that it is viable to carry out its function and be a positive addition to the area. The abandoned piece of land no one has responsibility for is to be avoided.	The Design SPD requires green infrastructure to be multifunctional. It also states that green infrastructure as space left over after development will not be acceptable.	Add wording to 6.4.5 to reflect comments made. Add reference to Design SPD.
14	Sophie Evans	Environment Agency	Support	6.4	Support and welcome the approach to Green Infrastructure provision set out in the draft SPD.	Support welcome and noted.	No change required.

14	Sophie Evans	Environment Agency	Object	6.4	Land alongside watercourses should be identified as key green infrastructure. Reference should be made in 6.4.3-6.4.4 to green infrastructure particularly alongside watercourses being a valuable wildlife habitat, creating opportunities for linked habitats allowing for the movement of wildlife including protected species.	The draft Green Infrastructure Strategy identifies river corridors as key green infrastructure. Appropriate references will be made in 6.4 to the need for improving river corridors and riparian habitats.	Add wording to 6.4.2-6.4.4 to reflect comments made. Add reference to Green Infrastructure Strategy.
14	Sophie Evans	Environment Agency	Object	6.4	The role of SUDS in reducing flood risk through providing flood storage, reducing attenuation rates, and their role in improving water quality should be better emphasised in the SPD.	In general the provision of SUDS will be secured via planning condition. In exceptional cases off site provision will be covered by planning obligations and will be covered by 1.1.4. Maintenance of SUDS will be commonly covered via planning obligations; further details will be added.	Add to Maintenance Contributions information about SUDS maintenance. Add to 6.4.15 information about delivery of SUDS.
24	Bryn Pryce	Natural England	Support	6.4	Support the draft SPD and the inclusion of Natural Environment Provisions in 6.4 and reference to improvements, enhancements and maintenance of local sites and green corridors for the benefit of biodiversity and the community.	Support welcome and noted.	No change required.
11	Irene Ord		Comment	6.4.2	States that the South West has insufficient parkland or green space for relaxation, exercise or leisure interests. West Cemetery cannot fulfil these functions. Alternative open space needs to be found. Woodburn Nursery could be suitable as it is well-placed for community use and is close to the smaller homes of many older residents in the immediate area.	Some small parts of the South West would benefit from increased access to greenspace. Although the primary function of West Cemetery is as a cemetery more needs to be made of this space for passive recreation e.g. jogging, walking, enjoying nature. The future use of Woodburn Nursery is outside the scope of the SPD; future options for the site will be presented in the Making and Growing Places DPD.	No change required.
13	Gillan Gibson	CPRE Darlington	Object	6.4.4	Developers often prefer greenfields for new development over brownfield land. S106 agreements can provide enhanced green spaces to facilitate pedestrian routes, wildlife pathways, habitat "improvements" after disrupting a previously viable green space essential for the continuance of species dependant on this valued habitat. This is contrary to the Borough's open space standards. Developers should be encouraged, as per the NPPF to consider brownfield development before damaging valuable, non-replaceable greenfields.	In line with the NPPF and Core Strategy, new development will be encouraged on brownfield land in sustainable locations, where it is not of high environmental value. But in some cases the development of greenfield land in sustainable locations may be appropriate. 6.4 Supporting information bullet point 6 states that the Council has a statutory obligation to ensure that there is no net loss of biodiversity in the Borough. This applies equally to greenfield and brownfield land (as brownfield land can contain valuable wildlife rich habitats). Core Strategy policy CS17 provides criteria against which the loss of greenspace will be assessed.	No change required.
6.5 Sport and Physical Activity							
13	Gillan Gibson	CPRE Darlington	Object	6.5	Sport and recreation provision should include provision of allotments. They reach a wider age-range and generate more health benefits per hectare than football pitches.	Allotments are not publicly accessible spaces and are only used by members. Planning obligations funding cannot be used for allotments because there is no guarantee that the space will be used by the residents of the development. On site provision may be appropriate in significant developments but would be negotiated with individual developers.	No change required.
12	Dave McGuire	Sport England	Support	6.5	Support the general thrust and approach to the 6.5.	Support welcome and noted	No change required.
12	Dave McGuire	Sport England	Object	6.5 Requirements	States that on-site provision will only be required for significant development. Would be useful to define significant.	The definition of significant development is set out in the Commonly Used Definitions.	No change required.
13	Gillan Gibson	CPRE Darlington	Support	6.5.3	The SPD has correctly identified the shortfall of community accessible playing pitches and the need for more pitches in the Borough. Some Councils are using more centralised sports facilities which can be ideal and financially realistic. But a local playing pitch within easy walking distance of home outweighs the benefits of a specialised central facility. Developers should be made aware of this by sacrificing potential building land to provide a playing pitch rather than donating contributions to a central sports complex.	Playing pitches will be provided and maintained in accordance with a hierarchy of provision set out in Core Strategy policy CS18. Some pitches will be part of strategic hub sites or satellite sites others will be single pitch sites in local parks so people can play sport close to home. A playing field requires a large amount of land so on site provision will only be sought in exceptional cases from significant developments. Standard charges can be used to improve playing pitches/sports facilities in a local park and/or at a hub or satellite site.	No change required.
6.5 Sport and Physical Activity: Approach							
12	Dave McGuire	Sport England	Object	6.5.6	An Infrastructure Projects List is referred to but the list does not form an appendix to the SPD, nor is its location specified. It is not clear what sports facilities are contained within the list.	The Infrastructure Projects List will be a separate but complementary document. So that it contains up to date information it will be available when the SPD is adopted. Appropriate sports projects will be identified on the list at that time.	Amend 4.5.1 to state where the Infrastructure Projects List can be found and to summarise its approach and content.
6.5 Sport and Physical Activity: Standard Charge							
12	Dave McGuire	Sport England	Object	6.5.14	It is unclear where the costs for sports facilities have been derived from. Sport England remains one of the prime spenders on sports facilities and keeps an up to date, publicly available register of facility costs.	The SPD states that the costs are based on local costs of provision. These figures will be checked against the Sport England register to ensure that the most up to date figures are being used.	Where necessary amend costs to reflect up to date Sport England figures.
12	Dave McGuire	Sport England	Object	Table within Paragraph 6.5.14	Grass pitches and tennis courts require quantitative enhancement, with the remaining facilities detailed as qualitative improvements. The grass pitch quantitative requirements are derived from the quantitative standard in the table. Tennis is missing an equivalent quantitative standard; this needs to be rectified.	A quantitative standard for tennis provision will be provided.	Change table accordingly.
12	Dave McGuire	Sport England	Object	Table within Paragraph 6.5.14	STPs (senior football) appear twice in the qualitative improvements table. It is unclear whether the second STP should be (junior/mini) but from the area size and cost, it is likely that the intended facility was a four court sports hall. If this is incorrect Sports Halls are an important facility that is missing from the table.	The second STP should be 'sports hall'.	Amend 6.5.14 table accordingly.
6.7 Employment and Training							
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Comment	6.7.2	Although not aligned with the development identified, would be beneficial if there were heritage skills training for projects involving the repair and conservation of heritage assets. Specific percentages of employees could be waived so that only one or two trainees need to be taken on with each scheme.	Employment and training placements will reflect the mix of uses in the development and be influenced by the nature and scale of development and its location. The Council's Business Engagement Officer in partnership with the developer or end user will determine the provision. If heritage skills training are required for the development then it will be considered.	No change required.

6.8 Public Art							
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Object	6.8	Contributions could be sought for public art which has its roots in or celebrates local history or secures interpretation of the historic environment in which the development would sit. Excessive street 'clutter' within the public realm should be avoided.	6.8 states that public art can help people interpret and understand the natural and historic environment. Reference to street clutter will be added.	Add reference to street clutter in 6.8.
Appendix 5							
12	Dave McGuire	Sport England	Object	Appendix 5	A number of the sports facilities listed are higher order sports facilities (STPs, Sports Halls and Pools) with catchments broader than a locality. It is illogical and arbitrary to suggest that a number of locality areas do not have other sports facility needs.	6.5 Requirement states that in general a standard charge will be sought to provide or improve publicly accessible playing pitches but where a locality has a specific sporting project identified on the Infrastructure Project List this will take priority. Where Appendix 5 shows there are no sports facility needs it means that there are no specific projects (apart from playing pitches) identified for that locality for the next year.	Clarify approach to sports facilities provision, particularly in relation to the Infrastructure Projects List.
25	Drop in Consultation Event		Comment	Appendix 5	More bus services on Coniscliffe Road and Salutation Road	Appendix 5 identifies bus services as being a community infrastructure target in the South West. Should a project be identified on the Infrastructure Projects List then planning obligations may be sought from appropriate development for bus services.	No change required.
25	Drop in Consultation Event		Comment	Appendix 5	Affordable housing for young people across the town and in Hurworth	Appendix 5 identifies affordable housing as being a community infrastructure target Borough-wide. Should a project be identified on the Infrastructure Projects list then planning obligations may be sought from appropriate development for affordable housing.	No change required.
25	Drop in Consultation Event		Comment	Appendix 5	Keep green spaces. Can green spaces be created on brownfield land in the town centre	The loss of greenspace is discouraged unless in exceptional circumstances, Core Strategy policy CS17 provides criteria against which the loss of greenspace will be assessed. In line with the NPPF and the Core Strategy new development will be encouraged on brownfield land in sustainable locations, where it is not of high environmental value. But it may be appropriate for public spaces to be incorporated into the design of new development in the Town Centre.	No change required.
25	Drop in Consultation Event		Comment	Appendix 5	Older people's housing should be in the centre rather than the outskirts	6.1.2 identifies a need for older people's housing. Where appropriate this accommodation may be provided as affordable housing. The location of older persons housing is outside the scope of this SPD.	No change required.
General Comments							
1	N Tate		Comment	General Comment	There are 8 acres behind 34 Harrowgate Village what chance do we have of planning for development on our land.	The site should be put forward for consideration through the Strategic Housing Land Availability Assessment Update that is due to take place in Autumn 2012. If that proves successful then it could be considered as a housing site through the Making and Growing Places DPD (site allocations document) in the long term.	No change required.
2	Peter Ellerton		Comment	General Comment	Should continue to meet the statutory regulatory planning needs of all developments within Darlington and should not engage with the non statutory needs of the community. They should determine local needs because they are aware of their needs, supported by elected members and appropriate council departments. Each new development should have its own elected representatives to assess the needs of their particular estate. Any 106 monies should be devolved to the body to use for their community.	It is not possible for each new development to have its own elected representatives that decide the needs of their area. But Community Partnerships and Residents Associations encourage people to join and have their say in what goes on in their area. Residents Association, where people with a common interest or concern take part are easy to start. Developers will be expected to hold a pre-application consultation event for significant planning applications with the community, in accordance with the Statement of Community Involvement, which should include these groups and Councillors. Any impacts on the local community and the planning obligations proposed to address them should be identified. Further opportunities to comment will be provided as part of the planning application consultation. The community and Councillors will have the opportunity to comment upon the site allocations document (Making and Growing Places DPD) which will identify the infrastructure required to support new development.	Add new paragraph in relation to consultation of the impacted community.
2	Peter Ellerton		Comment	General Comment	All new estate developments should have vacant parcels of land for the estate to develop which meets their assessed needs.	The infrastructure needs of a new development must be agreed before the development starts so that infrastructure and the associated costs can be properly planned for. The Design SPD discourages vacant land to be left over after development has been completed. The community will have the opportunity to comment on the infrastructure identified to support new development in the Making and Growing Places DPD and can also comment on planning obligations proposed for new development during the consultation for planning applications.	Add new paragraph in relation to consultation of the impacted community.
3	J P Rodwell	Darlington Branch of Alzheimer Disease Society	Comment	General Comment	More commercial and private houses. More bungalows for elderly people.	The SPD helps provide a range of affordable housing products which can include housing for older people and can improve existing Council owned or privately owned houses.	No change required.
4	Councillor Johnson		Object	General Comment	Firstly we need to be careful we don't force up development costs which will prohibit building.	The SPD sets out a clear approach to prioritising obligations to achieve the balance between providing infrastructure to meet the needs of new development and ensuring that that development remains viable and so land owners receive a reasonable price for their land.	No change required.
5	Don Whitfield		Comment	General Comment	If conditions are added to any planning consent, a record must be kept of who and when those conditions were checked or continually being observed e.g. no vehicle parking on the public footway in front of the property concerned.	Relevant planning conditions are attached to all planning permissions. Periodically checks are made on the more significant conditions where they are fundamental to the planning permission. It is not practical to monitor every planning condition but potential breaches of conditions will be investigated and enforcement action taken where it is in the public interest. Parking of vehicles outside the front of residential properties is not an issue that would be enforceable under planning legislation, nor would it be an issue that the Council would seek to control by the imposition of a planning condition attached to a planning permission.	No change required.
3	J P Rodwell	Darlington Branch of Alzheimer Disease Society	Comment	General Comment	Town Centre little bit more attractive e.g. improving the look of the indoor and outdoor market and transport out of town villages.	Planning obligations may be sought from new development in the town centre for infrastructure to improve the public realm. Appendix 5 identifies public transport as a community infrastructure target in the rural area. Improving the indoor and outdoor	No change required.

				ment		market is outside the scope of the SPD.	
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Object	General Comment	Obligations should be sought for initiatives that protect and enhance the historic environment. Users often utilise and benefit from an area's cultural heritage. Obligations should be used to contribute to the upkeep, vitality and efficient use of the historic environment, including assets at risk from neglect, decay, underuse or redundancy. This can include repair, restoration and maintenance of heritage assets and their settings, production and implementation of Conservation Area management plans, increased public access, signs and interpretation or sustainability improvements.	The draft SPD provides more detail on the content of adopted Core Strategy policy CS4 which focused on planning obligations most commonly sought by new development. As a result initiatives that protect and enhance the historic environment are not addressed by the SPD. But 1.1.4 states that planning obligations may still be sought for other types of infrastructure, in exceptional cases, which could include the historic environment.	No change required.
6	Alan Hunter - Planning Adviser	English Heritage - North East Area	Object	General Comment	Contributions to social and community infrastructure should include enhancement of museums, heritage/local centres or other relevant heritage attractions.	The draft SPD provides more detail on the content of adopted Core Strategy policy CS4 which focused on planning obligations most commonly sought by new development. As a result contributions to social and community infrastructure proposed are not addressed by the SPD. But 1.1.4 states that planning obligations may still be sought for other types of infrastructure, in exceptional cases, which could include these matters.	No change required.
7	P J Jenkinson		Comment	General Comment	Buildings to be no more than ground floor and 1st floor.	Building heights are set out in the Council's adopted Design SPD.	No change required.
8	Mr T Cloughton		Comment	General Comment	What is the point of this so-called 'Consultation' when previously similar well meant efforts have never been fulfilled.	The consultation for the SPD gives people the opportunity to comment on the content of the document. Where changes have been identified in this schedule, the SPD will be revised accordingly, ensuring the consultation process has been worthwhile.	No change required.
8	Mr T Cloughton		Comment	General Comment	Housing estates which were built after stringent planning requirements including green landscaping have consistently been blighted by the Planning Department who have allowed changes, disregarding genuine objections which have later proved to have been valid.	Core Strategy policy CS17 protects greenspaces only allowing their development in exceptional circumstances. The SPD reiterates this policy (Supporting Information bullet point 4), including greenspaces provided by new development.	No change required.
8	Mr T Cloughton		Comment	General Comment	With the restrictive measures recently introduced at the Household Waste Recycling Centre how much longer will it be before we see fly tipping in these 'wastelands'? Dogs use these areas to defecate whether or not accompanied by their owners who have an impossible task of picking up.	The management of the Household Waste Recycling Centre and the management and maintenance of existing greenspaces is outside the scope of the SPD. Maintenance of new open space is discussed in 6.4.13-6.4.14 and 4.15 ensuring that new public or private open space can be maintained to a high standard in the long term.	No change required.
11	Irene Ord		Comment	General Comment	SHLAA Update 3 is inaccurate regarding the Woodburn Nursery Site 50. The site was approved on 7th February 2012 by Cabinet as available to be disposed of to a developer as an executive development, subject to the condition of finding a new site for Nubeck Nursery. Public information should be regularly updated. Only the online Gypsy site consultation document published the new status of the Woodburn Nursery site.	SHLAA Update 3 was published in January 2012; the status of the Nursery site was accurate when published. The Gypsy site consultation was published after Cabinet approval in April 2012 and reflected the change in status.	No change required.
11	Irene Ord		Comment	General Comment	Woodburn Nursery: there is poor landscaping potential and establishment of safe access for vehicles and pedestrians moving around the narrow entrance to this site. It is a pinch point for vehicles funnelling noise between two houses onto the backland. Traffic would move onto/off two adjacent and well used traffic routes with several well used pavement crossings at this point.	The assessment of this site for an alternative use is outside the scope of the SPD. Options about the future of this site will be presented in the Making and Growing Places DPD.	No change required.
11	Irene Ord		Comment	General Comment	Public information should be seen to be publicly available. The Public Library should be monitored to see that Planning Documents are being displayed. Several times over the past two years have had to ask for new planning documents because they weren't on the shelves. Not everyone has access to a computer.	The Library Service will be contacted to ensure planning documents are readily available for public use.	No change required.
11	Irene Ord		Comment	General Comment	The wider community has lost confidence in the Council's ability to inform, engage with and monitor the democratic process. Is there really no interest in future development or do residents feel that their ideas and comments on the process will be ignored. Question whether local councillors are being active enough in their communities. Need further evidence of Community involvement.	The Council engage stakeholders and the community about planning policy documents in accordance with national guidance and the adopted Statement of Community Involvement. The consultation for the SPD gives people the opportunity to comment on the content of the document. Where changes have been identified in this schedule, the SPD will be revised accordingly, ensuring the consultation process has been worthwhile. There are certain rules that govern the role of local councillors but how they carry out their duties is at their own discretion.	No change required.
13	Gillan Gibson	CPRE Darlington	Support	General Comment	Welcome the SPD as it reinforces and clarifies the prioritisation of strategic planning needs set out in the Core Strategy.	Support welcome and noted.	No change required.
14	Sophie Evans	Environment Agency	Object	General Comment	In previous responses recommended reference is made to flood risk infrastructure. Advised that Core Strategy Policy CS4 should include a new point or incorporate flood risk mitigation into one of the existing points. Planning obligations can also be used to clarify and establish the appropriate mechanisms for maintenance and/or adoption of SUDs. While SUDs are identified in 6.4 there is no recognition of other flood management techniques. Recognise that as flood risk was not explicitly identified in Policy CS4 it has not carried through to the SPD but flood risk is an issue for many parts of Darlington so would strongly recommend that a flood management is included so that contributions may be required to contribute towards flood alleviation schemes, flood defences, SUDs and compensatory storage.	The draft SPD provides more detail on the content of adopted Core Strategy policy CS4 which focused on planning obligations most commonly sought by new development. As a result flood risk management is not addressed by the SPD. But 1.1.4 states that planning obligations may still be sought for other types of infrastructure, in exceptional cases, which could include flood risk management. In general SUDS will be secured via planning condition. In exceptional cases off site provision will be covered by planning obligations (see 1.1.4). Maintenance of SUDS, will be more commonly sought via planning obligations; a new paragraph will be added to Maintenance Contributions to cover this issue.	Amend 4.15 and 6.4.15 appropriately to refer to SUDS maintenance.
17	Place Scrutiny	Darlington Borough Council	Comment	General Comment	Must ensure that local communities get a say in what the developer contribution goes towards.	Significant planning applications are most likely to require planning obligations; developers will be expected to hold a pre-application consultation event, in accordance with the Statement of Community Involvement for the community, which should include local Councillors and Parish Councillors. Any impacts on the local community and the planning obligations proposed to address them should be	Add new paragraph in relation to consultation with the impacted community.

						identified. Further opportunities to comment will be provided as part of the planning application consultation. The community and Councillors will have the opportunity to comment upon the site allocations document (Making and Growing Places DPD) which will identify the infrastructure required to support new development.	
17	Place Scrutiny	Darlington Borough Council	Comment	General comment	Clarify the potential links between Neighbourhood Plans and Planning Obligations.	Add text to 2.1.2 to clarify the role of Neighbourhood Plans.	Add text accordingly.
17	Place Scrutiny	Darlington Borough Council	Object	General comment	Securing planning obligations for a wider range of infrastructure could mean that not enough funding will go to high priority projects or may be spread too thinly. Sufficient evidence must be provided to justify inclusion in the SPD.	The SPD provides the basis for negotiating for a wider range of infrastructure; it does not state that all will be required from every new development. The SPD identifies community infrastructure targets which prioritise infrastructure needs in each locality. The introduction of an Infrastructure Projects List will make sure that funding is directed to high priority projects. Robust evidence will be required from project managers before a project can be included on the Infrastructure Projects List.	No change required.
17	Place Scrutiny	Darlington Borough Council	Comment	General Comment	Must make sure that new development delivers the necessary infrastructure so no impact is placed on the existing community.	The SPD proposes an approach to identifying and prioritising infrastructure to meet the needs of new development so that no additional impact is placed upon the existing community.	No change required.
18	Kevin Richardson	Barratt Homes North East	Comment	General Comment	The legal agreement covering financial obligations should be site specific, include a cost, a timescale for payment and a claw-back clause if the work is not undertaken within the agreed time period. The purpose is that they are specific to the development. If an Obligation can make the scheme acceptable then this confirms the site specific nature of the Obligations. There is no need for a draft SPD because the Council should respond to each case on a specific basis. If a scheme is acceptable then planning permission can be granted and there is no need or requirement to attempt to impose charges on a proposed development. If it is unacceptable in planning terms then it should be refused.	All legal agreements will continue to be site specific and will secure infrastructure needed to make a development acceptable. Planning obligations will only be used to deliver infrastructure where the infrastructure in the area is unable to cope with the additional demand generated by the development. By clearly setting out community infrastructure targets for different types and size developments, the SPD provides more site specific guidance than previously has been available so developers will be aware of the planning obligation requirements and costs in different parts of town from pre-application stage.	Reword 1.1.6 and 4.4 to ensure consistency with Government Guidance and 2.0.1. Add new section to SPD to show how each type of infrastructure addresses the three tests of conformity in Government Guidance.
18	Kevin Richardson	Barratt Homes North East	Object	General Comment	The tables and formulae need explanation to be comprehensible. An overall figure could not be calculated and that is a serious flaw. It needs to be discussed with the development industry so that any charges and calculations are clearly understood.	All costs and definitions are referenced in the SPD so it was possible to work out the likely costs. The development industry has been consulted on the SPD and their comments are provided and considered in this schedule.	No change required.
19	Noctu		Comment	General Comment	Facilities such as open spaces, cycle paths, etc WILL be impacted if more shoebox-like 'apartments' are built, especially in the denser areas of Darlington such as Northgate, the Denes etc.	The use of standard occupancy rates provides a consistent basis to negotiate facilities from different size houses. This will ensure that denser developments mitigate the impact of their development on facilities such as open space, transport infrastructure etc fairly.	No change required.
20	Spyboy		Object	General comment	Very short notice. The council wants to get this over before too many people get in on the act.	The consultation period for the SPD was in accordance with Government Guidance and the Council's adopted Statement of Community Involvement.	No change required.
20	Spyboy		Comment	General Comment	No more executive flats, town centre supermarkets or tearing up heritage for get rich quick schemes.	New development is located appropriately to reflect the policies in the Core Strategy and saved Local Plan. This is outside the scope of the SPD.	No change required.
21	Karina Dare	NHS County Durham & Darlington	Object	General Comment	No reference to health facilities. In many areas the impact of housing and population growth on health infrastructure is identified in section 106 and CIL. Given the proposed substantial population growth indicated in planning documents current primary healthcare infrastructure may be inadequate to meet population growth and the impact of an ageing population. Propose to provide markers for infrastructure costs in specific development locations; match funding could be used to extend or consolidate existing properties or provide new locations. Hope that the Council will work with healthcare commissioners to include healthcare requirements on the CIL list and recognise the healthcare requirements created by new development.	The draft SPD provides more detail on the content of adopted Core Strategy policy CS4, focussing on planning obligations most commonly sought by new development. As a result health care facilities are not considered by the SPD. But 1.1.4 states that planning obligations may still be sought for other types of infrastructure which would include health care. The Council will continue to work with the PCT/CCG to address health care provision in Darlington through the preparation of the Making and Growing Places DPD and CIL documents.	No change required.
22	Tony Cooper	Bussey & Armstrong Ltd	Support	General Comment	Draws together obligations guidance into a single, standard document. Works through the various categories and is quite useful in setting out threshold levels for charging and other guidance such as transfer prices for affordable housing etc. Everything is in one place and you know what may be required before you start. Quite properly, provides that contributions will not be sought where they would affect the viability of a development.	Support welcome and noted.	No change required.
23	Adam McVickers	Persimmon Homes	Object	General Comment	The consultation process has been utterly ineffective. Persimmon was only made aware of this document after the consultation date had passed and we are attempting to deliver much needed housing in Darlington. Could have potential impacts on both the company and its future housing delivery in the area.	The consultation for the SPD started on the 29 June and ended on the 20 July; all consultees including Persimmon were sent an email or letter on the 29 June notifying them of the consultation. Persimmon were also invited to a workshop on the 18 July. Unfortunately no response was received in relation to the workshop.	No change required.
23	Adam McVickers	Persimmon Homes	Object	General Comment	The SPD is an attempt to unofficially implement CIL charges upon developers through the use of a broad charge system based on CIL. The proposals are simply taking advantage of the absence of a CIL in Darlington in order to raise funds to bridge monetary gaps in the Council's infrastructure wish list, conflicting with national guidance on the use of planning obligations.	Accept that 1.1.6 can be misinterpreted; 2.0.1 states that planning obligations will not be used to fill existing infrastructure gaps or to achieve wider objectives that are not necessary to grant planning permission, consistent with the three tests outlined in Government Guidance. The SPD provides clear, consistent guidance to negotiate the most commonly sought planning obligations; it makes it clear that not all will be required from every new development.	Reword 1.1.6 and 4.4 to ensure consistency with Government Guidance and 2.0.1. Add new section to SPD to show how each type of infrastructure addresses the three tests of conformity in Government Guidance.
23	Adam McVickers	Persimmon Homes	Object	General Comment	If the Council wish to implement a broad charge system then the correct tool should be used, CIL. This should be delivered with a fit and proper infrastructure plan and a Regulation 123 List. It is inappropriate to replicate CIL without using the necessary procedures.	The use of standard charges through planning obligations is entirely consistent with national guidance. The SPD is not CIL and when the Council introduce CIL it will do so in accordance with national guidance.	No change required.

23	Adam McVickers	Persimmon Homes	Object	General Comment	The SPD does not concur with NPPF para 153 'SPDs should 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 of development'. The reasons for the SPD are questionable as its aims and methods are based on CIL which is the proper tool to be used, not an additional SPD.	The SPD brings together all information related to planning obligations, including the approach taken by the Council and the likely costs involved. This will help provide a more efficient and effective planning obligations system providing the basis for negotiations with developers in a clear, consistent, transparent way from pre-application stage. This will help inform the purchase price of land, provide infrastructure to meet the needs of new development while ensuring that development remains viable.	No change required.
24	Bryn Pryce	Natural England	Support	General Comment	Do not consider that this document pose any likely or significant risk to those features of the natural environment.	Support welcome and noted.	No change required.
26	John Dixon	Stockton on Tees Borough Council	Comment	General Comment	No comments to make at this time.	Comments welcome and noted.	No change required.