



Shaping our Place 2026

# Planning Obligations

Supplementary Planning Document  
Statement of Consultation

April 2008

Local Development Framework

# Final Statement of Consultation Supplementary Planning Document Planning Obligations

April 2008

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## **Purpose and Background**

This statement details how and when the community were involved in the preparation of the Supplementary Planning Document (SPD) on Planning Obligations.

It sets out:

- evidence gathering and consultation undertaken in the initial stages of preparing a draft SPD;
- who was consulted in the preparation of the draft SPD and what methods were used; and
- a brief summary of the responses received to the consultation questions raised in the draft SPD as well as a more detailed summary of all the consultation responses and how they have been addressed in the final version of the SPD.

The Planning and Compulsory Purchase Act 2004 sets out the requirements of a Local Development Framework as part of the new planning system. This enables SPD to be prepared to expand upon existing planning policy. The SPD on Planning Obligations expands upon policies contained within the adopted Herefordshire Unitary Development Plan (UDP), March 2007, regarding the use and implementation of planning obligations.

Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 relates to public participation and states that the Local Planning Authority should prepare a consultation statement when preparing or developing SPD. The requirement is for the consultation statement to set out the standards to be achieved by Herefordshire Council in involving the community in the preparation, alteration and continuing review of planning policy.

The Council has prepared its own Statement of Community Involvement (June 2006) to show how it will involve the community in its plan and policy making process. This can be viewed on the Council's web site at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk).

## **Consultation undertaken in preparing the draft SPD**

Extensive public consultation was carried out during the preparation of the Herefordshire UDP on Policies S2 (9) & DR5 on Planning Obligations. The Inspector at the Public Inquiry into the UDP endorsed these policies subject to reference to the new Circular 5/05, which was carried out at modifications stage.

In addition, an Initial Consultation paper detailing four options to approaching an SPD on Planning Obligations was prepared in Summer 2006. The four options listed below, were developed from an analysis of the current situation within Herefordshire Council and situations used by other authorities.

The options considered through consultation were:

- 'No SPD Approach'
- 'Qualitative Guidance'

- 'Quantitative Guidance'
- 'Tariff Approach'

This initial consultation exercise took place over a four-week period ending on 31<sup>st</sup> August 2006. Each consultation response was considered in the preparation of the draft version of the SPD.

In addition, a Member Seminar was held on 13<sup>th</sup> November 2006 to inform members on the procedure for the Planning Obligations SPD and the options being considered. Internal consultations between departments of the Council on the production of a draft SPD on Planning Obligations were also carried out. These involved discussions on affordable housing, open space and education provision, issues around economic development, biodiversity and nature conservation as well as highway infrastructure.

### **Public consultation undertaken in preparing Final SPD**

In order for Herefordshire Council to adopt the additional guidance as a supplementary planning document, it had to be subject to a formal six-week public consultation process that enabled all interested parties, including statutory organisations and private developers, to make comments on the proposals.

The six-week formal consultation process on the draft SPD took place between **1 March 2007 and 12 April 2007**.

### **Who was consulted?**

In addition to the statutory consultees identified in relevant planning legislations and guidance, other key stakeholders, parish councils and interest groups that have an interest in the issue of planning obligations were identified by the Council to ensure that the consultation was as inclusive as possible. All are identified in Appendix 1.

### **The public consultation process**

The consultees were invited (through advertisement (see Appendix 2), press release and direct mailing) to comment on the draft SPD by submitting written representations to the Council before the closure of the formal consultation period. Copies of the draft SPD, Sustainability Appraisal and the Initial Consultation Statement were made available for the consultees to view in key public buildings in Herefordshire. These locations were detailed on the advertisement and individual letters sent out. All the documents referred to in consultation letters were also made available via the Internet on the Council's web site: [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk). Printed copies of the documents were also made available on request.

Herefordshire Council recorded comments received from any written representations received before the 12 April 2007 and acknowledged receipt of them, where possible, within 10 days.

### **Main responses to the draft SPD consultation questions and how they have been addressed in the final SPD.**

Following the closure of the consultation period, all written responses were summarised and recorded in a single document (Appendix 3) with a Council response as to how they have been addressed in the final SPD. The responses received in relation to the specific questions raised in the consultation draft SPD are summarised in general terms in the table below, with explanation as to how they have been addressed in the final SPD.

<b>Council's Consultation Question</b>	<b>General response</b>	<b>How addressed in SPD</b>
1. Is our policy of publicising the types of contributions that will be sought and quantifying them as far as possible the right approach?	Support.	No change.
2. Does the SPD provide sufficiently clear guidance on what developer contributions we will seek?	Agreement. Some concern that summary table was confusing. "Scheme of Works" referred to needs explaining.	Summary Table 2 revised. "Scheme of Works" explained further in Para 1.7.4. "Developer Guide" to be prepared once SPD adopted.
3. Are all the areas for which we are seeking developer contributions appropriate?	Appropriate, although concern expressed that contributions for education, waste and community services do not relate to policy DR5 of the UDP and therefore contrary to PPS12 Para 2.43.	Provision of community services, education, recycling etc. constitute "community benefits" referred to in Policy DR5. No changes to these. However changes made to delete contributions to Training and Employment.
4. Are there other areas for which we should seek contributions?	Other topics raised such as renewable energy, sewerage/water disposal and cemeteries/allotments.	No change to SPD regarding the issue of renewable energy. It was considered but determined that this issue would be best covered by a new overarching policy in the forthcoming Core Strategy rather than in an SPD based on the existing UDP. Further text has been added regarding the issues of water/sewerage disposal, cemeteries and allotments.
5. Are the thresholds for contributions set at the right level?	Varying response that threshold levels could detrimentally affect viability of smaller scale housing and employment proposals and detrimentally affect the economy. Objections received that new provision of affordable housing either solely or as part of larger schemes (as opposed to rural exception sites) should not have to contribute to other community facilities i.e. open space, education, community services etc Threshold for housing is too low – too onerous and will lead to delay in determining planning applications and significant impact on Council resources.	Contributions towards training and development for business removed. Contributions from employment generating uses scaled down with more use specific thresholds introduced. Housing thresholds for contributions remain unchanged, but amendments made to calculations for transport, open space and education – see relevant sections. With regard to requiring further contributions from affordable housing, given commitment to providing additional affordable housing in the County and fact that those in local need occupy affordable housing, requirement for further contributions have been waived. However, most new market housing will impact on the community in some

		way and should therefore contribute towards making that development sustainable.
6. Are the formulae for determining contributions appropriate, fair and reasonable? (General – for specific areas, see below)	Varying response – some concern raised that formulae too rigid. A number of objections to the 2% monitoring fee were received.	No change to fees but ceiling introduced. It is relevant and appropriate to charge in relation to complying with the requirements of Circular 5/05 for accurate monitoring and review of the processing, spending and reporting of planning obligations in Herefordshire, for which a new member of staff will need to be appointed.
Transport	Objections that methodology used does not reflect rural nature of shire county.	Transport section revised significantly to take on board rural-urban differences.
Affordable Housing	Various specific objections to wording.	Addressed in Affordable Housing Section of the SPD.
Community Services	Objections that requirements for contributions towards community services e.g. libraries is not specifically referred to in UDP policy and therefore does not comply with PPS12.	Provision of library services, community halls, health and emergency services etc are considered to constitute community benefits, which directly relate to Policy DR5 of the UDP. No change.
Education	Objections that education section not transparent in assessing need for contributions. Should be reference in SPD to school capacity as basis for assessing need.	Education contributions reviewed to take on board Herefordshire-specific research. Reference to capacity of existing schools now made.
Employment and Training	Objections that asking for contributions from new proposals for employment generating uses will deter economic development in the County.	Employment -generating use contributions scaled down to reduce any possible detrimental impact on economic performance and to encourage urban/rural regeneration.
Open Space	Objections to methodology in using land acquisition and provision costs in off-site open space contributions calculations where enhancement only of existing open space is proposed. Objections to 20-year cost of maintenance.	Methodology for calculation revised to refer to contributions per dwelling size using average persons per dwelling statistics. Maintenance costs reduced to 15 years in line with other local authorities.
Town Centres	Objections to 1% for Art. Need to recognise that some major ESG developments will already be providing significant infrastructure.	No change to SPD in respect of contributions to Art as this is an example of policy DR5 requirement. Agree clarification of requirements

	Objections to commercial developments making contributions to community/recreational facilities. Objections to all housing making contributions to public realm improvements in town centre.	to major ESG proposals. Amendments to make clear that only certain commercial developments are to make contributions to open space. Contributions from housing to public realm will need to satisfy tests of reasonableness.
Waste Reduction	Objections that requirements for contributions towards recycling and waste are not specifically referred to in UDP policy and therefore do not comply with PPS12.	Provision of recycling and waste facilities is considered to constitute community benefit, which directly relate to Policy DR5 of the UDP. No change.
7. Can we simplify and improve the presentation of this SPD, to make it more accessible to people not directly involved in the planning system?	Some concern that SPD too complicated and difficult for members of the public to interpret.	Executive summary redrafted. A separate developer/householder friendly leaflet is to be produced for distribution to applicants.

### **How the Sustainability Appraisal has been affected by the changes to the SPD**

The Sustainability Appraisal of the SPD has been updated to take on board the revised sustainability objectives set out in the General Scoping Report of the Sustainability Appraisal of the Local Development Framework June 2007 (available on the Council's website). It has also been reappraised in relation to the amendments to the Consultation Draft SPD, namely the removal of the section on Employment and Training.

### **Summary**

All statutory procedures set out in Part 5 of the Town and Country Planning (Local Development) Regulations 2004, regarding the preparation and consultation arrangements for an SPD, have been complied with. The comments received on the initial consultation document and draft SPD have been considered in making the SPD on Planning Obligations a more informed and inclusive document.

## Appendix 1 – Consultees on the Draft SPD

	Organisation
Cllr R M Wilson	Councillor
Cllr W J Walling	Councillor
Cllr. J.P. Thomas (Mr.)	Councillor
Mr CD Walker	Colwall Parish Council
Mr M Cresswell	Bromyard & Winslow Town Council
Cllr K G Grumbley	Councillor
Nicholas Pollock	RPS Planning
F H H Pilkington	Hereford City Council
Victoria Bennett	Highways Agency
Mrs C Bromage	Leominster Town Council
Cllr. J.G.S. Guthrie (Mr.)	Councillor (send direct to home address)
Cllr. M.R. Cunningham (Mr.)	Councillor
Cllr. J.B. Williams (Mr.)	Councillor
Mrs A Kent-Phillips	Shobdon Parish Council
Mr Bob Sharples MRTPI RIBA	Sport England
Justin Burnett/Mark Davies	Environment Agency - Upper Severn Area
James Edwards	Tetlow King Planning
Mr. D. Price	Hereford Access Group & Pedestrian Forum
Hazel Fleming	Natural England
Derek Bedford	Ross Town Councillor
D S Dunlop	Crest Strategic Projects Ltd c/o D2 Planning
Ian Jardin	Campaign to Protect Rural England - Herefordshire
Cllr S P A Daniels (Mrs)	Councillor
Cllr P J Dauncey	Councillor
Cllr H Bramer	Councillor
Cllr W L S Bowen	Councillor
Cllr A E Gray (Mrs)	Councillor
Cllr J A Hyde (Mrs)	Councillor
Cllr G Lucas	Councillor
Cllr R M Manning	Councillor
Cllr J C Mayson	Councillor
Cllr G A Powell (Ms)	Councillor
Cllr B Hunt	Councillor
Amanda Smith	English Heritage
Ian Roberts	Wimpey Homes
Nigel Hudson	Advantage West Midlands
Mr B Davies	Withington Group Parish Council
Francesca Griffith	Herefordshire Nature Trust
Tim Ford	Cycle Hereford

Mr P H W Sharpe-Neal	Herefordshire Market Towns Forum
Pete Hince	Madley Parish Council
Sarah Milward	Bryant Homes Technical Services Ltd
Paul Bates	Herefordshire Primary Care Trust
Mrs L Pugh	Birley with Upper Hill/Weobley Parish Council
Ms T Wildermoth	Ledbury Town Council
Cllr S J Robertson (Mrs)	Councillor
Mr R D Gould	Marden Parish Council
Mrs D Mason	Ross on Wye Town Council
Mrs H Gough	Wellington Parish Council
Peter Dunford	West Mercia Police Authority
Gary Woodman	Hereford and Worcester Chamber of Commerce
Cllr. E.M. Bew (Mrs.)	Councillor
Cllr. P.E. Harling (Mr.)	Councillor
Cllr. R.B.A. Burke (Mr.)	Councillor
Cllr. P. Jones CBE (Brigadier)	Councillor
Cllr. J.P. French (Mrs.)	Councillor
Cllr. D.W. Rule MBE (Mr.)	Councillor
Cllr. N.J.J. Davies (Mr.)	Councillor
Cllr. L.O. Barnett (Mrs)	Councillor
Cllr. J.W. Edwards (Mr.)	Councillor
Cllr A M Toon (Ms)	Councillor
Cllr. R. Preece (Mr.)	Councillor
Cllr. R. Mills (Mr.)	Councillor
Cllr. D.C. Taylor (Mr.)	Councillor
Cllr. M.D. Lloyd-Hayes (Mrs.)	Councillor
Cllr. J. Stone (Mr.)	Councillor
Cllr. J.H.R. Goodwin (Mr.)	Councillor
Cllr. G.W. Davis (Mr.)	Councillor
	Bloor Homes
	Crest Nicholson Plc
	Chase and Partners
Cllr. C.J. Davis (Mrs.)	Councillor
Cllr. D.J. Fleet (Mr.)	Councillor
Cllr E A Taylor (Mrs)	Councillor
Cllr S Thomas	Councillor
Cllr P G Turpin	Councillor
Mr Richard East	Herefordshire Council
Cllr D B Wilcox	Councillor
Mike Price	Government Office West Midlands
Cllr. J.E. Pemberton (Mrs.)	Councillor



Cllr. J.W. Newman (Mr.)	Councillor
Cllr. B.F. Ashton (Mr.)	Councillor
Cllr. J.W. Hope (Mr.)	Councillor
Cllr. T.M. James (Mr.)	Councillor
Cllr. P.J. Edwards (Mr.)	Councillor
Cllr. R.I. Matthews (Mr.)	Councillor
Cllr. R.J. Phillips (Mr.)	Councillor
Cllr. A.L. Williams (Mr.)	Councillor
Cllr. W.U. Attfield (Mrs.)	Councillor
Cllr. A.C.R. Chappell (Mr.)	Councillor
Cllr. P.A. Andrews (Mrs.)	Councillor
Cllr. R.V. Stockton (Mr.)	Councillor
Cllr F Short (Miss)	Councillor
Cllr. T.W. Hunt (Mr.)	Councillor

## Appendix 2 – Regulation 17 Advertisement

Town and Country Planning (Local Development (England)) Regulations 2004 (Regulation 17)

**Local Development Framework  
Supplementary Planning Document (SPD)  
Planning Obligations – Consultation Draft**

**Public Consultation Exercise – 1 March 2007 - 12 April 2007**

Notice is hereby given that a 6-week public consultation exercise will be taking place from the **1 March 2007 until 12 April 2007** on the contents of a Draft Supplementary Planning Document on Planning Obligations. The SPD which provides advice to developers and applicants for planning permission, on the use of **planning obligations** (commonly called S106 Agreements) in the planning application process in the county.

The Draft SPD and associated Consultation Statement and Sustainability Appraisal Report can be viewed on the Council's web site at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk) or at the locations shown below. Copies of the documents can also be obtained on request.

If you have any comments to make on the draft document, please can you make them in writing using the representation form provided and return to the address below **before 5p.m on 12 April 2007**. All comments received will be acknowledged, considered and reported to a future Planning Committee and Cabinet. It is anticipated the SPD will be adopted in the summer of 2007. Please specify if you would like to be notified of the date of adoption of the document.

<b>INFO in Herefordshire</b>		
Bromyard	The Bromyard Centre, Cruxwell Street	<b>Mon to Fri - 8.15am - 9.00pm. Sat &amp; Sun - 9.00am - 4.00pm</b>
Hereford	the Hereford Centre, Garrick House, Widemarsh Street	<b>Mon to Thurs - 8.45am - 5.15pm. Fri - 8.45 - 4.45pm. Sat 9.00am - 1.00pm</b>
Kington	2 Mill Street	<b>Mon to Thurs - 9am - 12.30pm &amp; 1.00pm - 4.00pm Fri - 9.00am - 12.30pm &amp; 1.00pm - 3.30pm</b>
Ledbury	St Katherines, High Street	<b>Mon to Thurs - 8.45am - 5.15pm. Fri - 8.45 - 4.45pm</b>
Leominster	11 Corn Square	<b>Mon to Thurs - 8.45am - 5.15pm. Fri - 8.45 - 4.45pm</b>
Ross on Wye	Swan House, Edde Cross Street	<b>Mon to Thurs - 8.45am - 5.15pm. Fri - 8.45 - 4.45pm</b>
<b>Libraries</b>		
Belmont	Belmont Community Centre, Eastholme Avenue	<b>Tues, Thurs &amp; Fri - 9.30am - 1.00pm and 2.00pm - 5.00pm. Sat - 10.00am - 1.00pm</b>
Bromyard	The Bromyard Centre, Cruxwell Street	<b>Mon to Fri - 8.15am - 9.30pm. Sat &amp; Sun - 9.00am - 6.00pm</b>
Cowwall	Humphry Walwyn Library	<b>Mon - 5.00pm - 7.30pm. Tues &amp; Fri - 10.00am - 1.00pm and 2.00pm - 5.30pm. Wed - 2.00pm - 7.30pm. Sat - 10.00am - 1.00pm and 2.00pm - 4.00pm</b>
Hereford	Broad Street	<b>Tues, Wed, Fri - 9.00am - 7.30pm. Thurs - 9.00am - 5.30pm. Sat - 9.30am - 4.00pm</b>
Kington	64 Bridge Street	<b>Tues &amp; Fri - 10.00am - 5.30pm. Thurs &amp; Sat - 10.00am - 1.00pm</b>
Ledbury	Bye Street	<b>Tues &amp; Thurs - 9.00am - 5.30pm. Wed &amp; Fri - 9.00am - 7.30pm. Sat - 9.30am - 4.00pm</b>
Leintwardine	Community Centre, High Street	<b>Tues - 10.00am - 1.00pm. Fri - 2.30pm - 5.30pm</b>
Leominster	8 Buttercross	<b>Tues &amp; Fri - 9.00am - 5.30pm. Wed &amp; Thurs - 9.00am - 7.30pm. Sat - 9.30am - 4.00pm</b>
Ross on Wye	Cantilupe Road	<b>Tues &amp; Thurs - 9.00am - 7.30pm. Wed &amp; Fri - 9.00am - 5.30pm. Sat - 9.30am - 4.00pm</b>
Weobley	Old Police Court, Back Lane	<b>Mon - 10.00am - 1.00pm. Thurs - 3.00pm - 6.00pm</b>

## **Dr. D. Nicholson**

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