



Stockton-on-Tees
BOROUGH COUNCIL

Local Development Framework

**Draft Planning Obligations Supplementary Planning
Document**

Pre-adoption Consultation Statement

November 2007
Spatial Planning Section
Planning and Environment

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Under Section 17 (b) of the Town and Country Planning (Local Development) (England) Regulations 2004, Stockton-on-Tees Borough Council must prepare a consultation statement to accompany the adopted Planning Obligations Supplementary Planning Document.

A draft Planning Obligations document was prepared and published for a six-week consultation period commencing Monday 30th July 2007 and closing on the 10th September 2007. This allowed a six-week consultation period in accordance with the Council's Statement of Community Involvement, adopted March 2006.

The purpose of the Planning Obligations Supplementary Planning Document is to strengthen the policy platform on which planning applications are assessed and often determined. The purpose of the SPD is to provide developers, planning officers and the general public information and guidance concerning the Council's approach towards securing planning obligations associated with development within the Borough. The SPD expands on policies contained within the adopted Local Plan, and expands on policy areas that will be the subject of future Development Plan Documents (DPD). Prior to consultation on the draft Supplementary Planning Document the document was endorsed for public consultation purposes by the Council's Planning Committee and Cabinet.

Copies were made available free of charge at the Council's Planning Reception, Church Road and Reception at Kingsway House, Billingham. The document was also available to download free of charge from the Council's website (www.stockton.gov.uk) and available at all twelve libraries within the Borough, together with a statement explaining the content of the document and the consultation procedure.

An advertisement was published in the Evening Gazette on Monday 30th July 2007 explaining the document had been published for a six-consultation period ending 5pm on the 10th September 2007. The advertisement also gave an outline of the document, where copies of the document would be made available and contact details for further information.

Appendix A provides a summary of issues raised during the consultation process, the Council's response and the changes made to the document.

Draft Supplementary Planning Document, July 2007.
Council's response to representations made during consultation exercise.

Section	General Comments.
Organisation / Individual	One North East (ONE), Wendy Hetherington.
Summary of representation	No objections
Council's Response	Support welcomed.
Amendments made.	None required.

Section	4: Landscape Character and Biodiversity.
Organisation / Individual	Environment Agency, Sandra Botham.
Summary of representation	We support this section.
Council's Response	Support welcomed.
Amendments made.	None required.

Section	General Comment.
Organisation / Individual	Environment Agency, Sandra Botham.

Summary of representation	Consideration should be given to including a chapter on Drainage Infrastructure. With the impact of climate change and greater demands on existing surface water infrastructure from urban run-off this issue is likely to be of greater significance. This chapter could outline how developers can undertake or contribute drainage improvements, especially in the form of Sustainable Drainage Schemes (SuDS) to minimise surface water run-off from developments, highways and roads. The future management of these systems could be secured through the use of Section 106 agreements.
Council's Response	Guidance on SuDs drainage is likely to be provided through the 'Residential Design Guide' and is therefore outside remit of this SPD.
Amendments made.	None required.

Section	Sustainability Appraisal - Other plans programmes and objectives.
Organisation / Individual	Environment Agency, Sandra Botham.
Summary of representation	Planning Policy Statement 25 (PPS25) and the Tees Valley Strategic Flood Risk Assessment (SFRA) are missing - We request that they are included.
Council's Response	Agreed, Sustainability appraisal to be updated to include reference to PPS25.
Amendments made.	Document amended paragraph 5.11 now makes reference to PPS25.

Section	Sustainability Appraisal - Section 6 - Baseline Situation- Water 6.23
Organisation / Individual	Environment Agency, Sandra Botham.
Summary of representation	Developers and the planning authority should be aware of the requirements of PPS 25, particularly the implications that the Sequential test and Exception Test have for site allocations and planning applications. We request that this is included into this section.
Council's Response	Agree, insert reference to PPS25.

Amendments made.	Amend paragraph 6.23 to read, "PPS25: Development and Flood Risk sets out national planning policies relating to this issue and sets out the sequential and exception tests and the requirement for a Strategic Flood Risk assessment to support LDF documents. The Council, along with the other..."
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Section	Sustainability Appraisal - Section 9- Assessment of the SPD - Highways & Transport - p 32, under SA14
Organisation / Individual	Environment Agency, Sandra Botham.
Summary of representation	Further Comments on the Appraisal : Highways and transport matters may have a relationship with flooding, in that the drainage systems, preferably Sustainable Drainage Solutions (SUDS), associated with new schemes should not contribute to increased flooding. Indeed new or updated drainage systems should reduce risk of flooding.
Council's Response	Disagree; the policy in the SPD simply sets out the mechanisms to extract funding for planning obligations related to infrastructure, which will be assessed in terms of flooding through other policies.
Amendments made.	None required.

Section	Sustainability Appraisal - Affordable Housing - page 35 under SA14
Organisation / Individual	Environment Agency, Sandra Botham.
Summary of representation	There could be an impact if inappropriate residential housing is situated in flood risk areas.
Council's Response	The principle of developing housing in a certain location is secured through other policies in DPDs the impact of flooding will be assessed through these policies. The SPD provides a mechanism to provide a percentage of affordable housing from a development, which is acceptable in principle, and it is considered that there will be little relationship between this policy and the objective.
Amendments made.	None required.

Section	7: Affordable housing.
Organisation / Individual	Ingleby Barwick Parish Council.

Summary of representation	The social affordable housing idea may seem to be okay in theory however in practice it may generate problems. Planning in the future for 'The Rings' at Ingleby Barwick should be restricted to allow 2 bedroom houses (including a garage) to be built, instead of apartments. Building affordable houses will help young people. More bungalows are required for the ageing population.
Council's Response	Support in principle is welcome however, the SPD provides borough wide guidance on Planning Obligations, is not site specific and can not impose a restriction on the mix of dwellings in a particular area.
Amendments made.	None required.

Section	2: Open Space, and Recreation.
Organisation / Individual	Ingleby Barwick Parish Council.
Summary of representation	Stipulate more open space/play areas/recreation facilities within the planning area for children to play, with a requirement that the builder must complete it before a certain amount of houses are occupied.
Council's Response	SPD lacks specific reference to the actual phasing of on site delivery of open space. However, it would be unreasonable to set a benchmark figure for open space to be delivered by. Council will amend SPD to include reference to agreeing with the LPA, in writing, when open space will be delivered in the development.
Amendments made.	Amend paragraph 2.11 to include reference to phasing provision of open space.

Section	10: Community facilities. - Waste Management and Recycling, paragraph 10.7.
Organisation / Individual	Ingleby Barwick Parish Council.
Summary of representation	More recycling schemes such as plastics, cartons, cardboard etc should be encouraged.
Council's Response	Comment considered to support the document, as the SPD is the mechanism for seeking provision of recycling facilities in new developments.
Amendments made.	None required.

Section	1: General Comments.
Organisation / Individual	Ingleby Barwick Parish Council.
Summary of representation	The Supplementary Planning Document and its Sustainability Appraisal seem basically satisfactory. As a planning authority, it should be ensured that a strict control over planning matters is maintained despite the proposed new Government measures which look to give a much more relaxed approach to planning.
Council's Response	Support for the document is welcomed. The Local Planning Authority must work in accordance with regulations and national guidance set out by Government and must comply with whatever changes are agreed through the Governments reform of the Planning system.
Amendments made.	None required.

Section	General comments.
Organisation / Individual	Signet Planning (on behalf of Hellens Developments Ltd).
Summary of representation	Concerned regarding onerous requirements set out in the Planning Obligations SPD and the lack of opportunity for independent assessment of the requirements. Issues should be taken forward as part of the Core Strategy or a DPD to allow scrutiny. Notwithstanding this view, given the approach being taken forward by the Council it is necessary to raise concerns in respect of matters within the SPD. In this regard we have had sight of the representations made by the Home Builders Federation and fully endorse the comments they have made.
Council's Response	Circular 05 05, paragraph B27, stipulates that local authorities that do not have high level policies relating to planning obligations, can set out the implications for planning obligations in an SPD based on the circular during the transitional period from the Local Plan to the LDF. The circular advises that this practice accords with PPS12 paragraph 4.40. This situation is set out in paragraph 1.10 of the SPD.
Amendments made.	None required.

Section	2: Open Space, and Recreation. para 2.17.
Organisation / Individual	Home Builders Federation (comments endorsed by Signet Planning on behalf of Hellens Developments).

Summary of representation	The HBF objects to the requirement that developers have to pay maintenance fees for 25 years. This is too long a time period and overly onerous on developers. Paragraph B19 of Circular 05/05 states that “as a general rule, however, where an asset is intended for wider public use, the costs of subsequent maintenance and other recurrent expenditure associated with the developer’s contribution should normally be borne by the body or authority in which the asset is to be vested. Where contributions to the initial support (“pump priming”) of new facilities are necessary, these should reflect the time lag between the provision of the new facility and its inclusion in public sector funding streams, or its ability to recover its own costs in the case of privately-run bus services, for example. Pump priming maintenance payments should be time-limited and not be required in perpetuity in planning obligations”. Demonstrating that this requirement is not in accordance with national policy.
Council's Response	The Council seeks a commuted sum, which would form the equivalent for 25 years of maintenance; this is not being sought in perpetuity. The SPD explains that the Council will place contributions into an interest bearing account. The period of 25 years is considered necessary to fund the maintenance of the facility created and to ensure the long term sustainability of the open space created.
Amendments made.	None required.

Section	3: Public Realm. Paragraph 3.8.
Organisation / Individual	Home Builders Federation (comments endorsed by Signet Planning on behalf of Hellens Developments).
Summary of representation	The HBF objects to the blanket charges set out in this paragraph for contributions towards the public realm. They are based on full occupancy and may not be appropriate in every case. Household size is falling and therefore question whether this indicator is valid and flexible enough to adapt to changing circumstances.
Council's Response	Public realm will not be sought in every instance, contributions will only be sought in specific circumstances where there is a link to a particular civic space etc. Such instances are likely to, but not always, be in town centre areas where public open space can not be provided near to the development site and it is reasonable to expect the users of the development to use areas of civic space for recreation.
Amendments made.	Insert references into document to identify instances when public realm would be required over open space provision.

Section	6: Highways and Transport. Paragraph 6.23
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Organisation / Individual	Home Builders Federation (comments endorsed by Signet Planning on behalf of Hellens Developments). (comments endorsed by Signet Planning on behalf of Hellens Developments).
Summary of representation	Object to blanket charges per parking space set out in this document, and question how they have been developed. Too prescriptive and overly onerous, and will deter developers from providing parking spaces. Government policy seems to be shifting away from blanket restrictive parking standards, towards a more flexible approach taking greater account of local characteristics. Some sites can operate with little parking provision, others cannot. If a lack of sufficient parking provision arises, the end result is often nearby approach roads being clogged up with parked vehicles. Which apart from being unsightly and inconvenient can also pose access problems. Imposing two strands of parking charges on developers, so that there are charges for parking spaces and for pooling contributions for the overall highway network is unrealistic and wholly unreasonable. This will have a significant impact on viability and goes way beyond the remit of Circular 05/05. Demanding the same contributions for 1 and 2 bedroom houses, regardless of geography, as set out in Appendix A, is not acceptable. If contributions are to be made they should be determined on a site by site basis taking into account locally specific circumstances and information about the impact the development will have on highways to be in accordance with Circular 05/05.
Council's Response	Due to lack of evidence the Two strand approach should not be included within the adopted SPD, however the Council will further investigate the subject in the future.
Amendments made.	Delete references in SPD.

Section	7: Affordable housing. Paragraph 7.5: Local Housing Needs Assessment
Organisation / Individual	Home Builders Federation (comments endorsed by Signet Planning on behalf of Hellens Developments). (comments endorsed by Signet Planning on behalf of Hellens Developments).
Summary of representation	Whilst the HBF accepts that the Council's Local Housing Needs Assessment has been recently conducted in 2006, it is important to note that such surveys are now changing and the Government is placing increased emphasis on Housing Market Assessments. The HBF is concerned that until this work is complete the present policy is not founded on a robust and credible evidence base. Ensuring that everyone has the opportunity of a decent home means, at the outset, ascertaining what everyone's needs are (again, not just the needs of the minority not able to satisfy their own needs). Hence, the requirement to carry out a local housing market assessment. PPS3 (Annex C) gives the requirements of the outputs from Housing Market Assessments and states assessments should be prepared collaboratively with stakeholders, suggesting that the involvement of the industry is a key part of the methodology.

Council's Response	Policy is founded on principles set out in guidance available at the time and the most up to date evidence (Housing Needs Assessment). SPD therefore takes account of the most up to date evidence base. The Tees Valley Local Authorities are preparing to commission a SHMA study and this will inform the review of the SPD see paragraph 1.23 of the document.
Amendments made.	None required.

Section	7: Affordable housing. Paragraph 7.15.
Organisation / Individual	Home Builders Federation (comments endorsed by Signet Planning on behalf of Hellens Developments).
Summary of representation	The HBF is concerned about the requirement for developers to pay contributions before 50% of the open market dwellings granted planning permission have been completed. 50% market completion does not mean 50% sales secured and income received. The completion and transfer of all the affordable units, especially if spread across a site, may not be practical in terms of completing the development in an organised manner. Each case should be judged on its merits without a pre-conceived level being set. It is reasonable to ensure that the affordable housing is completed before the whole site is finished but there are numerous variations possible dependant on individual circumstances.
Council's Response	SPD amended so that it is more flexible.
Amendments made.	Amend paragraph 7.15 so that only 50% of the affordable units have to be delivered before 50% of the open market housing is delivered. Reference also inserted regarding the delivery of the remainder of the units being agreed with the Council.

Section	7: Affordable housing. Paragraph 7.19
Organisation / Individual	Home Builders Federation (comments endorsed by Signet Planning on behalf of Hellens Developments).
Summary of representation	Whilst the HBF supports the principles of integration of affordable housing and ensuring that any affordable provision is tenure blind it has concerns in relation to the principle of true pepper potting which is now being discredited on a national basis. The HBF supports the view that the affordable housing provision should be provided in clusters. Therefore, the reference to "pepper potting" should be removed from this document.
Council's Response	Disagree, the principle of pepper potting supports development of sustainable mixed communities and is advocated by national guidance. The Council will there seek pepper potting in proposals but recognises (paragraph 7.19) that there may be exceptions to the rule.

Amendments made.	No changes required.
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Section	10: Community facilities. Paragraph 10.5.
Organisation / Individual	Home Builders Federation (comments endorsed by Signet Planning on behalf of Hellens Developments).
Summary of representation	The HBF consider that this requirement is not directly related to the five tests as set out in Circular 05/05. Furthermore, not all members of the community use library services therefore it is unfair to expect the potential buyer to pay for a service they may not require, particularly now with the widespread use of the Internet at home.
Council's Response	Paragraph B15 of circular 05/05 identifies that if a development gives rise to the need for additional or expanded community infrastructure it might be acceptable for contributions to be sought. The development of new housing in the borough will create an increased strain on library facilities and it is considered that it is reasonable to mitigate this impact.
Amendments made.	None required.

Section	1: General Comments.
Organisation / Individual	Home Builders Federation (comments endorsed by Signet Planning on behalf of Hellens Developments).
Summary of representation	The HBF has concerns about the manner in which the Council is intending to implement its SPD. Any matters of importance to development costs need to be clearly set out in a DPD, rather than being delegated down to a SPD. Given that they could potentially have a very significant impact on development viability, they must instead be dealt with in DPD's and subject to the appropriate public scrutiny bestowed upon these. SPD is therefore in conflict with paragraphs 2.43 and 2.44 of PPS12.
Council's Response	Circular 05 05, paragraph B27, stipulates that local authorities that do not have high level policies relating to planning obligations to set out the implications for planning obligations in a SPD based on the circular, during the transitional period from the Local Plan to the LDF. The circular advises that this practice accords with PPS12 paragraph 4.40. This situation is set out in paragraph 1.10 of the SPD.
Amendments made.	None required.

Section	1: General Comments.
Organisation / Individual	Home Builders Federation (comments endorsed by Signet Planning on behalf of Hellens Developments).
Summary of representation	It is crucial that any planning gain requirements are fully considered in relation to site viability, developers can only be asked to fund facilities where need directly relates to new development. Unrealistic requirements will affect profitability of sites and affect development affecting housing supply and affordability. Many of the requirements will be overly onerous on developers and many of the contributions are unnecessary as there is an increasing amount of households due to; an ageing population, increase in one person households, etc. which means that although more houses required, there are no additional people to cater for. Further trends have indicated that the average household size is decreasing which supports the above argument. Therefore, it is considered that the Local Planning Authority should not demand such requirements. Existing mechanisms, such as Council Tax, should be used to provide funding for such facilities.
Council's Response	Circular 05/2005 allows local planning authorities to request planning obligations where they are in accordance with the tests set out. Paragraph 1.24 of the SPD states that obligations will be negotiated on a case by case basis and priority given to different types of obligations at the Councils discretion. This will assist in situations where the viability of a site may be affected by planning obligation requirements.
Amendments made.	None required.

Section	1: General Comments.
Organisation / Individual	Yorkshire Forward, Jon Palmer.
Summary of representation	Do not have any comments to make on the document.
Council's Response	Response noted.
Amendments made.	None required.

Section	6: Highways and Transport. Paragraph 1.12 and section 6.
Organisation / Individual	Network Rail, Tony Rivero.
Summary of representation	Surprised that the list of essential infrastructure requirements, has no reference to public transport improvements. Section 6 has no discussion or references to the provision of contributions for public transport. A policy should also be included in the Core Strategy on this issue and the SPD should expand on the kind of improvements sought whether it be for bus or rail service improvements (particularly the need for DDA compliance at railway stations).
Council's Response	Agree that essential infrastructure list should include reference to public transport provision.
Amendments made.	Insert reference into paragraph 1.12.

Section	2: Open Space, and Recreation / 6 Highways and Transport.
Organisation / Individual	Ramblers Association, David Leyshon.
Summary of representation	Large scale developments affect the public rights of way (PROWs) and too often masterplans have been sidestepped without any policy reason and Government advice (Circular 2/93 "Public Rights of Way") has been put to one side. PROWs are often diverted to pavements along estate roads and have destroyed their character completely. This should be avoided and preference given to maintaining paths in landscaped areas or open space. We ask that the open space section of the document recognises the need to preserve and enhance the residents' enjoyment of the network by keeping the PROWs on their existing lines. If this cannot be achieved then they must be diverted on a suitable traffic free alternative route providing links to the countryside where appropriate.
Council's Response	It should be noted that the SPD does not provide an exhaustive list of planning obligations required and this can still be achieved as circular 05/05 has identified that it is reasonable to seek a planning obligation for a replacement right of way however, the matter is site specific and can not be suitably covered in this SPD. With regard to the design of replacement PROW. This is not within the remit of this SPD and should be included in the Residential Design Guide SPD.
Amendments made.	None required.

Section	7: Affordable housing.
Organisation / Individual	England and Lyle, Jeremy Good.
Summary of representation	The SPD seeks to circumnavigate planning procedure. It must supplement the adopted development plan and not anticipate a revision of the plan or attempt to achieve a new plan. Policy HO4 of the local plan specifies that affordable housing will only be sought on sites less (sic) than 2 hectares. The SPD does not supplement this policy, it changes the emphasis and introduces new thresholds which have not been the subject of the proper process and scrutiny. Whilst the principles of the SPD are generally consistent with planning guidance, this document cannot be cross referenced with the existing Local Plan policies which it is intended to supplement. The Local Plan and SPD are therefore at odds with one another. The SPD cannot be justified and should be given limited weight as case law is quite clear that the planning system would not be truly plan led if policies in Local Plans can be nullified by less formal procedures such as SPD.
Council's Response	Circular 05 05, paragraph B27, stipulates that local authorities that do not have high level policies relating to planning obligations to set out the implications for planning obligations in a SPD based on the circular, during the transitional period from the Local Plan to the LDF. The circular advises that this practice accords with PPS12 paragraph 4.40. This situation is set out in paragraph 1.10 of the SPD.
Amendments made.	None required.

Section	1: General Comments. Section 2, 4 and 7.
Organisation / Individual	Tees Valley Regeneration, Joanne Gordon.
Summary of representation	We feel that for major developments the SPD could be over-restrictive, with the phasing requirements not being considered, particularly in respect of open space provision, the requirement for bio-diversity or landscape management plans and affordable housing.
Council's Response	It is recognised that the SPD should include references to phasing in exceptional circumstances for sections 2 and 7. However, in terms of section 4 the final sentence of paragraph 4.5 identifies that developer must instigate early discussions with the LPA to agree site management plans. This allows flexibility for negotiation to take place between the LPA, Wildlife Trust and developer to arrange a suitable outcome.
Amendments made.	Amend SPD, where appropriate, to include reference to phasing.

Section	6: Highways and Transport. Paragraph 6.13
Organisation / Individual	Tees Valley Regeneration, Joanne Gordon.
Summary of representation	Clarification is also required whether a development can be occupied within the twelve months between the completion of new highway works and the issue of the section 38 final certificate.
Council's Response	Agree, text to be clarified as current wording is unclear and would be unreasonable for developers.
Amendments made.	Text amended to include clear reference.

Section	9: Education. Paragraph 9.6
Organisation / Individual	Tees Valley Regeneration, Joanne Gordon.
Summary of representation	We would welcome the exemption of two bedroom apartments from education contributions given that purpose built apartments do not typically contain households with children, with only 1.36% of flats and maisonettes in Stockton containing children.
Council's Response	Agree that two bedroom apartments should be exempt from contribution.
Amendments made.	Amend SPD accordingly.

Section	7: Affordable housing.
Organisation / Individual	Tees Valley Regeneration, Joanne Gordon.
Summary of representation	The SPD requires affordable housing to be pepper-potted throughout the development. However, the timescales for transfer of houses or land to RSLs are impractical and difficult to implement on major sites where the affordable units would have to be scattered throughout the entire residential development. Therefore we suggest that the SPD be amended to enable a scheme for the release of affordable housing to be agreed prior to the commencement of development within each phase.
Council's Response	SPD amended so that it is more flexible.

Amendments made.	Amend paragraph 7.15 so that only 50% of the affordable units have to be delivered before 50% of the open market housing is delivered. Reference also inserted regarding the delivery of the remainder of the units being agreed with the Council.
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Section	2: Open Space, and Recreation.
Organisation / Individual	Nathanial Lichfield & Partners (on behalf of North Shore Development Partnership)
Summary of representation	We understand the SPD requires a scheme for the provision of open space to be agreed prior to the commencement of any development. However, major developments such as the North Shore scheme will be phased over a number of years. Should planning permission be granted for the revised North Shore scheme, we would seek for the landscaping and open space scheme to be agreed in phases, with any potential land transfers and payments also being phased. Accordingly, you will appreciate that it would be difficult and unrealistic to agree an open space scheme for the whole scheme prior to any development commencing.
Council's Response	Phasing agreed in principle for exceptional circumstances however, phasing should only be agreed in exceptional circumstances.
Amendments made.	Amend paragraph 2.11 to include reference to phasing.

Section	4: Landscape Character and Biodiversity.
Organisation / Individual	Nathanial Lichfield & Partners (on behalf of North Shore Development Partnership)
Summary of representation	The SPD requires site management plans for any significant landscape features or areas / species of biodiversity interest to be agreed prior to any development commencing. However, a specific feature may be located within the last phase of a major development which may not be developed for 10 years. At that time much greater detail regarding the final phase of development would be available enabling the preparation of a more informed management plan. Accordingly, we would be obliged if the SPD could be amended to enable the phased agreement of management plans.
Council's Response	The final sentence of paragraph 4.5 identifies that developer must instigate early discussions with the LPA to agree site management plans. This allows flexibility for negotiation to take place between the LPA, Wildlife Trust and developer to arrange a suitable outcome.
Amendments made.	None required.

Section	6: Highways and Transport. paragraph 6.13
Organisation / Individual	Nathanial Lichfield & Partners (on behalf of North Shore Development Partnership)
Summary of representation	In respect of section 38 agreements for new highway works, paragraph 6.13 states that development should not be occupied until a Part 2 certificate has been issued and the developer maintains responsibility for the infrastructure works for a minimum period of 12 months after which a section 38 Final Certificate will be issued. The wording of the SPD implies that the development should not be occupied until the final certificate has been issued. However, it would be unreasonable for the development not to be occupied for 12 months up to the issue of the final certificate and hence contrary to circular 05/05 Planning Obligations. Accordingly we would be obliged if this could be clarified.
Council's Response	Agree, text to be clarified as current wording is unclear and would be unreasonable for developers.
Amendments made.	Text amended to include clear reference.

Section	6: Highways and Transport. paragraph 6.16
Organisation / Individual	Nathanial Lichfield & Partners (on behalf of North Shore Development Partnership)
Summary of representation	In respect of section 278 works, the SPD prevents development from commencing until a section 278 agreement has been signed for off site highway works. However, in respect of significant sized development instances may arise whereby the off-site highway works do not need to be undertaken until a specific threshold of development has been reached after several years of construction. We would therefore be obliged if the SPD could be amended to enable section 278 for major development to be signed before no more than an agreed amount of development is completed.
Council's Response	A section 106 agreement relating to a section 278 agreement would specify the works required, level of contribution required and phasing of the development. In the interests of clarity a reference will be inputted into the document.
Amendments made.	Insert paragraph into document.

Section	7: Affordable housing.
Organisation / Individual	Nathaniel Lichfield & Partners (on behalf of North Shore Development Partnership)
Summary of representation	Transfer of all the affordable units or land for such units prior to development of 50% or 25% of the open market housing, would be impractical and difficult to implement on major sites where the affordable units would have to be scattered throughout the whole development. This could arise where affordable units need to be completed in areas of the site where other development is not ready to commence resulting in health and safety implications. The SPD should be amended to enable a scheme for the release of affordable housing to be agreed prior to the commencement of development within each phase. a mechanism would need to be agreed should there be difficulties in any transfer which could delay the occupation of the open market dwellings. The SPD be clear that the delivery of open market housing will not be held up due to delays in the transfer of affordable housing which could be caused by factors entirely outwit the control of the developer.
Council's Response	SPD amended so that it is more flexible.
Amendments made.	Amend paragraph 7.15 so that only 50% of the affordable units have to be delivered before 50% of the open market housing is delivered. Reference also inserted regarding the delivery of the remainder of the units being agreed with the Council.

Section	8: Employment and Training.
Organisation / Individual	Nathaniel Lichfield & Partners (on behalf of North Shore Development Partnership)
Summary of representation	The SPD expects a minimum of 10% of the total labour supply for the construction of commercial developments to be provided by new entrant trainees as agreed with the Council's Labour Market Co-ordinator or another agency named by him / her. We support this requirement, however, we consider that the SPD should be amended to state that developers should use reasonable endeavours to secure the provision of a minimum 10%. This is in case difficulties arise in the future in securing this level of provision.
Council's Response	Agree, insert paragraph into document.
Amendments made.	Document amended to include term all reasonable endeavours however, the Council still expects a minimum of 10% provision.

Section	9: Education.
Organisation / Individual	Nathaniel Lichfield & Partners (on behalf of North Shore Development Partnership)
Summary of representation	Two bedroom apartments should be exempt from providing education contribution. Households containing children do not normally live in new purpose built apartments. This accommodation is normally occupied by single persons or couples. The 2001 census provides evidence that only 1.36% of dependent children up to the age of 18 years live in apartments, flat, etc within the borough. Two bedroom apartments in the North Shore development will be unlikely to be occupied by households containing children as family housing will be provided on the site. It is unreasonable for education contributions to be made for 2 bedroom apartments and if this position is maintained the Council will need to produce a robust evidence base. The SPD should allow for contributions to be reduced in exceptional circumstances should they have an adverse impact on the viability of the scheme. For example where schemes provide regeneration benefits.
Council's Response	Agree that two bedroom apartments should be exempt and that contributions may have an adverse impact on delivery of schemes. Amend SPD to include reference to viability and the developer showing their costs and profit margins to the Council to back up their claim.
Amendments made.	Amend SPD to remove reference to two bedroom apartments requiring contribution and include section on viability of development.

Section	11: Community Safety.
Organisation / Individual	Nathaniel Lichfield & Partners (on behalf of North Shore Development Partnership)
Summary of representation	Would be obliged if the SPD could be amended to enable the provision of such facilities to be phased when delivered as part of a major development which will be constructed over a number of years.
Council's Response	Provision of such facilities will be site specific and should be provided on site as the development progresses. Paragraph 11.7 of the document recognises that negotiation is required.
Amendments made.	None required.

Section	12: Public Art.
Organisation / Individual	Nathaniel Lichfield & Partners (on behalf of North Shore Development Partnership)
Summary of representation	We recognise that the 'percent for art' principle is an internationally recognised funding mechanism for providing art. However, 1% of capital costs for public art would amount to a most significant contribution from the North Shore Scheme given the scale of this development. Accordingly, we would be obliged if this section of the SPD could be amended to enable a more flexible approach that takes into consideration viability issues.
Council's Response	The SPD sets out the Council's approach towards negotiating all planning obligations, this includes a percentage for art. Paragraph 1.24 recognises that obligations will be negotiated on a case by case basis. Therefore in exceptional circumstances the Council may be more flexible.
Amendments made.	None required.

Section	10: Community facilities.
Organisation / Individual	The Theatres Trust
Summary of representation	SPD relates only to open spaces for recreational and sporting activities and to no other forms of leisure development. 'Community Facilities' does not include leisure development and we suggest that this section is broadened to include these otherwise developer contributions for these pursuits will be excluded. SPD should develop guidance for what achievements are expected from contributions for leisure, arts and cultural facilities within an 'umbrella' term to ensure that future cultural development in Stockton enhances the local environment, provides leisure facilities and promotes regeneration. Stockton has a wealth of cultural facilities The Trust recognises the importance of developer contributions to assist theatre operators to obtain better buildings by using the planning system and working with the private sector. Theatre buildings do not benefit appropriately under the terms of S106 and it will be necessary to unlock new funding sources to improvements.
Council's Response	Agree that community facilities section of the SPD should include a bullet point referring to leisure, arts and cultural facilities however, until evidence base is drafted delivery of facilities will be determined on a case by case basis in accordance with paragraph 10.4.
Amendments made.	Include additional bullet point in paragraph 10.3.

Section	Sustainability Appraisal Page 54 paragraph 10.5.
Organisation / Individual	David Butler (on behalf of R. Butler)
Summary of representation	<p>Bio diversity issues are given lip service protection of wild life corridors should be made strong enough for planners to protect them. Contents of paragraph 10.5 are a ridiculous statement and applies to builders who make strategic gaps into playing fields hence less protection as a green wedges, in order to build on them . All protection for strategic policies concerning issues should be strengthened for future generations and Councillors should go to teach ins. The needs of local people and their environment should be the over riding issue.</p> <p>Various comments also made regarding the Yarm and Eaglescliffe Area Action Plan.</p>
Council's Response	Paragraph 10.5 provides a summary of the sustainability appraisal. This process is concerned with viewing the sustainability of the policies in the SPD rather than setting out a Council policy that could be used to determine planning applications. Paragraph 10.2 of the document recognises the positives of developing land for open spaces. This recognises that land developed for open space does have potential for built development in order to maximise the use of land and that developing land for open space could be classed unsustainable. Agree that slight amendments are required to the paragraph to make the Council's intention explicit.
Amendments made.	Amend paragraph 10.5 to include the following sentence, "However, it should be noted that developing land for open space can provide an efficient land use which complements built development and increases the sustainability of a site".

Section	1: General Comments.
Organisation / Individual	R.S.P.B. - Martin Kerby
Summary of representation	We have no comments to make on the SPD - biodiversity/open space issues seem to be comprehensively covered.
Council's Response	Support welcomed.
Amendments made.	None required.

Section	Open Space and recreation.
Organisation / Individual	Persimmon Homes, Peter Jordan.
Summary of representation	What level of open space provision is based upon the figure £3500 for every 0.1ha of a development site, plus maintenance contributions.
Council's Response	The Council initially negotiated this level of off site provision with a developer in 2005 and have since agreed similar contributions on planning applications.
Amendments made.	None required.

Section	Open Space and recreation.
Organisation / Individual	Persimmon Homes, Peter Jordan.
Summary of representation	Is the commuted revenue lump sum period of 25 years consistent with what the Council have charged in the past as it is in excess of all other authorities in the North East Region. The Council should demonstrate that competitive rates have been applied throughout to ensure transparency and value for money.
Council's Response	The Council has previously sought commuted sums for maintenance for 5 or 15 years and have done since the mid-1980s depending on the site. Concerns have been raised regarding the level of maintenance this has provided for each site. A period of 25 years is considered necessary to fund the maintenance of the facility created and to ensure the long term sustainability of the open space created.
Amendments made.	None required.

Section	Public Realm.
Organisation / Individual	Persimmon Homes, Peter Jordan.

Summary of representation	In most circumstances public realm works are undertaken via section 38 arrangements or open space adoption. This section would appear to be some form of levy over and above those costs and clarification is required as to whether this is the case. It is unacceptable to place a standard amount of money for such works unless it has been properly tested under the five tests of the circular advice. This can not be justified without further information.
Council's Response	Public realm contributions will be sought as an alternative to open space contributions. An explicit reference is required in the text.
Amendments made.	Amend document to include explicit reference.

Section	Landscape Character and Diversity, Tees Forest, community facilities and Community Safety.
Organisation / Individual	Persimmon Homes, Peter Jordan.
Summary of representation	These appear acceptable.
Council's Response	Support welcomed.
Amendments made.	None required.

Section	Highways and transportation. Paragraph 6.9.
Organisation / Individual	Persimmon Homes, Peter Jordan.
Summary of representation	There will be cases where the limit of development is not specified on the outline consent which in law means there is no upper cap on the amount of dwellings. This process cannot be used to seek to procure further works at reserved matters stage which is unlawful if it introduces more onerous conditions or obligations than the outline consent itself imposes.
Council's Response	Agree that in certain circumstances there may be no upper limit on outline consents however, in instances where there are such restrictions and levels or densities are increased it will be reasonable for the Council to seek a Transport Assessment.
Amendments made.	No amendments required.

Section	Highways and transportation.
Organisation / Individual	Persimmon Homes, Peter Jordan.
Summary of representation	I am informed by my Engineering Department that the procedures for section 38 and section 278 agreements is in accordance with current procedures and I therefore accept this.
Council's Response	Support welcomed.
Amendments made.	None required.

Section	Highways and transportation. Para 6.19.
Organisation / Individual	Persimmon Homes, Peter Jordan.
Summary of representation	The two strand approach requires far more stakeholder involvement to understand its appropriateness. This will involve a levy being made from the development towards transportation proposals in the LTP. A 4 bedroom home in the rural western area with a double garage and double drive would attract a subsidy of £6,000. This is classic 'local taxation' and does not meet the 5 tests in the circular. These are fundamental costs at a time of extreme price sensitivity within the housing market and this flies in the face of market stabilisation and affordability.
Council's Response	Due to lack of evidence the Two strand approach should not be included within the adopted SPD, however the Council will further investigate the subject in the future.
Amendments made.	Delete appropriate references from the document.

Section	Affordable Housing.
Organisation / Individual	Persimmon Homes, Peter Jordan.

Summary of representation	Affordable housing policy needs to come through the appropriate Strategic Housing Market assessment procedure in full co-operation with all stakeholders. SBC's S.H.M.A has been undertaken however, this will need to be in accordance with PPS3. SPD provides succinct guidance which should allow the advancement of appropriate affordable housing policy for SBC to be worked through the proper protocols.
Council's Response	Policy is founded on principles set out in guidance available at the time and the most up to date evidence (Housing Needs Assessment). SPD therefore takes account of the most up to date evidence base. The Tees Valley Local Authorities are preparing to commission a SHMA study and this will inform the review of the SPD see paragraph 1.23 of the document.
Amendments made.	None required.

Section	Education
Organisation / Individual	Persimmon Homes, Peter Jordan.
Summary of representation	Approach seems sound however, it is important that negotiations take into account phasing of the site. Too often negotiations commence on the basis that 100 houses will suddenly appear on the market. SPD needs to reflect proper and appropriate phasing and local housing need whereby the people moving onto the site will very probably be within the existing educational system thus discounting is also a vital part of arriving at an equitable contribution
Council's Response	The provision of additional school places generally involves a major extension to a school, at least. The development of schemes to provide additional places is complex and can take a considerable time period. The phasing of developers contributions would affect the Council's ability to bring a scheme forward at the earliest opportunity, to provide for the increased requirement for school places. It is therefore considered that the contribution towards school facilities should be provided in full at the commencement of development.
Amendments made.	None recommended.

Section	Public Art.
Organisation / Individual	Persimmon Homes, Peter Jordan.
Summary of representation	Flexibility is required in provision and in most cases a % for art is not appropriate in my view. Schemes can come forward where developers seek to work with local artists to ensure certain sculptures come forward. Some schemes require significant art, some do not.

Council's Response	The document recognises that obligations will be negotiated on a case by case basis and priority will be given to different obligations outlined in the document. However, major proposals will still be encouraged to be augmented with public art schemes.
Amendments made.	None required.

Section	General comment.
Organisation / Individual	Persimmon Homes, Peter Jordan.
Summary of representation	Further work with stakeholders is required before any weight can be given to this document and I believe that you need to furnish the development industry with robust facts and figures to justify the amounts of money and contributions that are sought.
Council's Response	The Council has published the document for consultation and has taken all comments regarding the document into consideration when producing the final SPD.
Amendments made.	None required.

Section	General Comment
Organisation / Individual	English Heritage, Alan Hunter.
Summary of representation	The use of planning obligations to secure the repair of cultural assets where they constitute an integral component of a development proposal is a legitimate and frequently employed use of them. So it is disappointing that there is not mention of this possible use. Lack of recognition fails to take advantage of a valuable opportunity to do so. The accompanying SA fails to properly predict and evaluate the effects of this shortcoming.
Council's Response	The tests outlined in circular 05/05 outlines that obligations should be fairly related to development sites. The use of a planning obligation to secure the future of a cultural asset is considered to be specific to individual cases and is not general enough to justify inclusion in this SPD. Paragraph 1.12 states that the list of topic areas is not exhaustive and that site specific planning obligations will be requested where applicable.
Amendments made.	None required.

Section	Sustainability appraisal.
Organisation / Individual	English Heritage, Alan Hunter.
Summary of representation	<i>P113 of Appendix 9 Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents</i> states, "will it protect and enhance sites, features and areas of historic, archaeological and cultural value in both urban and rural areas?". What is apparent from the documentation received is that the SPD will certainly do nothing to benefit them.
Council's Response	Reference to the importance of historic environment inserted into SPD in the introduction, public realm and public art sections, as no explicit reference exists in the draft document.
Amendments made.	Reference inserted into paragraphs 1.12, 3.5 and 12.3

Section	Sustainability Appraisal - Chapter 5 and 6.
Organisation / Individual	English Heritage, Alan Hunter.
Summary of representation	Section 6 shows the borough is possessed of a number of high quality historic assets some of which are at risk. Chapter 5 does not include a reference to PPG15 or PPG16 or those parts of a broad range of documents which seek to protect and enhance the historic environment.
Council's Response	Agree, reference to these PPGs should be included within section 5.
Amendments made.	Insert reference into chapter 5.

Section	SPD, General Comment.
Organisation / Individual	English Heritage, Alan Hunter.
Summary of representation	Both chapters (5&6 of the Sustainability appraisal) refer to the protection and enhancement of the boroughs historic environment. Neither of these translate into the consultation draft document itself.
Council's Response	Agree that no explicit reference is made to the historic environment within the SPD. The subject is to site specific to include as a separate chapter within the SPD however, an explicit will be included into the introduction to provide background.

Amendments made.	Reference inserted into paragraphs 1.12, 3.5 and 12.3
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Section	Sustainability appraisal - Assessment of Open Space and recreation policy.
Organisation / Individual	English Heritage, Alan Hunter.
Summary of representation	There is no reference whatsoever in chapter 2 of the SPD document dealing with public realm.
Council's Response	Agreed, document lacks assessment of policy.
Amendments made.	Document to be revised to include reference.

Section	Sustainability appraisal - Assessment of Landscape, Biodiversity and Tees Forest policy.
Organisation / Individual	English Heritage, Alan Hunter.
Summary of representation	Chapters 4 and 5 of the SPD document are judged to be compatible with SA9 and SA10. Once again these chapters contain no reference to the historic environment.
Council's Response	Objective SA9 refers to sites that have 'diversity' as well as historic, archaeological significance. There are clear links between Bio-diversity (and Geodiversity which is incorporated in the final document). In addition the landscape around various historic assets is key to their setting. In terms of objective SA10, the protection of Landscape, Biodiversity and Geodiversity are inextricably linked with enhancing the local distinctiveness of the rural landscape.
Amendments made.	Minor amendment to text in the table.

Section	Sustainability appraisal - Assessment of Public Art policy.
Organisation / Individual	English Heritage, Alan Hunter.

Summary of representation	The provision of public art as described in chapter 12 of the SPD document is judged to be compatible with SA9 and SA10. I consider the linkage to be tenuous to say the least.
Council's Response	New public art features can be used, when designed appropriately, to improve the appearance and setting of an area, celebrate historic assets and also be strengthen the distinctiveness of the area.
Amendments made.	Amend SPD to mention incorporating heritage into public art and sustainability appraisal to include uncertain impact as a degree of uncertainty exists as all designs would have to be suitable.

Section	Sustainability Appraisal - Do nothing option.
Organisation / Individual	English Heritage, Alan Hunter.
Summary of representation	Not pursuing the SPD is judged to have a negative relationship to SA9 and SA10. The SPD as drafted will, in my opinion, have a neutral effect at best in relation to the historic environment.
Council's Response	The Council is of the opinion that pursuing the SPD will have a positive impact on the historic environment. The development of this policy provides the mechanism to seek, public realm improvements and public art amongst other things. The delivery of such infrastructure will, if designed appropriately, improve the appearance of the historic environment.
Amendments made.	None required.

Section	Open Space and Recreation.
Organisation / Individual	Sport England, Dave McGuire.
Summary of representation	Outdoor sports facilities such as grass sports pitches and golf courses will be included but built sports facilities such as pools and sports halls may be excluded. Analysis of provision of a range of built sports facilities within Stockton does not indicate that the quantity, quality or accessibility of provision would warrant such a distinction being made. It appears that the scope of the planning obligation use is determined by the fact that Stockton does not have a rigorous analysis of the quantitative, qualitative and accessibility issues facing sports facility provision in the borough.
Council's Response	The Council has begun work on an assessment of open spaces which, in time, will provide the evidence base to review the requirements in this document. At the time of publication this evidence is not available and can not be considered in the document.

Amendments made.	None required.
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Section	Open Space and Recreation.
Organisation / Individual	Sport England, Dave McGuire.
Summary of representation	A key first step in preparing the SPD is the establishment of standards of provision. Concerned that Stockton is trying to get the SPD adopted before the key documents (outlined in para. 2.8 of SPD) for setting these standards are completed. It is not possible for the SPD to provide clarity on how many playing pitches or multi use games areas should be provided per '000 population. Without these standards it is difficult to advise developers what local priorities for facility provision are or what level of contribution will be sought if on site provision is impractical. (Figures provided by Sport England and copy of and SPD by Tynedale Council also provided).
Council's Response	The Council has begun work on an assessment of open spaces which, in time, will provide the evidence base to review the requirements in this document. At the time of publication this evidence is not available and can not be considered in the document.
Amendments made.	None required.

Section	Highways and Transport.
Organisation / Individual	Highways Agency, Ian Radley.
Summary of representation	Welcome the 'two strand' approach recognising the cumulative impact of all development and the proposed 'pooling' of contributions. It is unclear however, whether this provision includes contributions/provision of measures/schemes to mitigate the impact on the network. Consider that specific mention should be made of the need to provide measures to improve the local and strategic highway networks as appropriate.
Council's Response	Support welcomed however, due to lack of evidence the Two strand approach should not be included within the adopted SPD, however the Council will further investigate the subject in the future.
Amendments made.	Delete references to two strand approach in document.

Section	Highways and Transport.
Organisation / Individual	Highways Agency, Ian Radley.
Summary of representation	SPD highlights that where provisions in line with the parking standards cannot be made on or near a particular development site, the Engineer will consider if such funding could be used to introduce initiatives designed to encourage the use of other, more sustainable forms of transport. The agency is supportive of this and would support the management of parking facilities as a demand management tool.
Council's Response	Support welcomed.
Amendments made.	None required.

Section	Highways and Transport.
Organisation / Individual	Highways Agency, Ian Radley.
Summary of representation	Welcome the mention of the benefit of Transport Assessments in that developers must consider the global impact of development on the entire highway network, and specifically that such assessments measure the cumulative and individual impact of all development is considered and the further impact of the development is mitigated. Considers that more relevance needs to be given to the provision and endorsement of a sustainable public transport system.
Council's Response	Agreed.
Amendments made.	Explicit references to public transport included in the document.

Section	Sustainability Appraisal, Paragraph 6.16.
Organisation / Individual	Natural England, Tracy Jones.

Summary of representation	This section should be expanded to include a description of the landscape character of the area, based on the former Countryside Agency description of Landscape Character Area 23: the Tees Lowland. There are 5 SSSIs in the district: Briarcroft Pasture, Cowpen Marsh, Seal Sands and Hartlepool Foreshore and Wetlands, Whitton Bridge Pasture.
Council's Response	Agreed.
Amendments made.	Insert references into document

Section	Sustainability Appraisal Section 7: Sustainability Issues.
Organisation / Individual	Natural England, Tracy Jones.
Summary of representation	This section does not consider climate change, landscape, geodiversity, protected species, green infrastructure and open space, woodlands including the Tees Forest, rights of way and leisure/recreation issues in the district.
Council's Response	Disagree, climate change, landscape, open space and protected species are discussed in paragraph 7.8 on biodiversity. Agree that references required in paragraph 7.8 to woodlands
Amendments made.	Insert reference to these terms in paragraph 7.7 and 7.8.

Section	4: Landscape Character and bio-diversity
Organisation / Individual	Natural England, Tracy Jones.
Summary of representation	This chapter and all subsequent references should refer to geo-diversity.
Council's Response	Agreed.
Amendments made.	Include references to geo-diversity.

Section	Paragraph 4.3
Organisation / Individual	Natural England, Tracy Jones.
Summary of representation	If there are any proposals for a geodiversity action plan for the Tees Valley area this should also be listed under the policy framework.
Council's Response	Tees Valley Geodiversity action plan is delivered by Tees Valley Wildlife Trust.
Amendments made.	List document under policy framework.

Section	Paragraph 4.4 point 3.
Organisation / Individual	Natural England, Tracy Jones.
Summary of representation	This point should be expanded to state, "secure the works needed to create new features, on or off site as appropriate, including creating and maintaining networks of natural habitats".
Council's Response	Agree, include reference.
Amendments made.	Sentence amended.

Section	Paragraph 4.4 points 2 / 3 / 4.
Organisation / Individual	Natural England, Tracy Jones.
Summary of representation	All of these points could be expanded to cover not only the works required but to ensure long term management to maintain and where appropriate to enhance bio-diversity / geo-diversity interests.
Council's Response	Agree, include reference.
Amendments made.	Sentence amended.

Section	Paragraph 4.4
Organisation / Individual	Natural England, Tracy Jones.
Summary of representation	A further point could be added to ensure provision for access and interpretation of landscape / biodiversity / geodiversity features as appropriate.
Council's Response	Agree, include reference.
Amendments made.	Sentence amended.

Section	Paragraph 4.5
Organisation / Individual	Natural England, Tracy Jones.
Summary of representation	We suggest amending to read, planning obligations may also contribute towards habitat creation and management.
Council's Response	Agree, include reference.
Amendments made.	Sentence amended.