

**Developer Contributions
and Housing Choices
Supplementary Planning
Document (SPD)
Consultation Statement
July 2015**

DEVELOPER CONTRIBUTIONS AND HOUSING CHOICES SUPPLEMENTARY PLANNING DOCUMENT (SPD) CONSULTATION STATEMENT

1. Introduction

This statement is the 'Consultation Statement' for the Developer Contributions and Housing Choices SPD as required by the Town and Country Planning (Local Planning) (England) Regulations 2012. This statement sets out how the public and other stakeholders have been consulted upon the SPD. This statement was issued alongside the draft SPD for consultation in 2014 and has now been updated to reflect the consultation undertaken and accompany the adopted SPD.

2. Consultation regulations

The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are explained below.

Regulation 12: Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD. This statement is the 'Consultation Statement' for the adopted SPD as required by Regulation 12(a).

Regulation 12(b) requires the Council to publish the documents (including a 'consultation statement') for a minimum 4 week consultation, specify the date when responses should be received, and identify the address to which responses should be sent. The consultation statement that accompanied the draft SPD set out that information.

Regulation 13: Regulation 13 stipulates that any person may make representations about the SPD and that the representations must be made by the end of the consultation date referred to in Regulation 12. The consultation statement that accompanied the draft SPD set out that requirement.

Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be made available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps:

- Make the document available at the principal office and other places within the area that the Council considers appropriate;
- Publish the document on the Council's website.

These measures were undertaken as part of the draft SPD consultation.

3. The Statement of Community Involvement (SCI)

The SCI was adopted in 2014 and reflects the 2012 Regulations, set out above. It also specifies additional measures that the Council will undertake in consulting upon draft SPDs and these have been reflected in the consultation process for the Developer Contributions and Housing Choices SPD. As per the SCI, the Council has involved key stakeholders in the preparation of the SPD for adoption (as set out in the SPD).

4. Developer Contributions and Housing Choices SPD Consultation Information

Consultation on the draft SPD was carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The draft SPD and Consultation Statement were made available for public inspection for a six week period between Friday 8th August and Friday 19th September 2014. Copies of the draft SPD and consultation statement (setting out how comments could be made) were available during normal office hours at the following locations:

- Cannock Chase Council principal offices at the Civic Centre, Beecroft Road, Cannock
- Public libraries at Cannock, Rugeley, Hednesford, Brereton, Norton Canes and Heath Hayes
- Council Area Office at Rugeley

Copies of the draft Developer Contributions and Housing Choices SPD and consultation statement were available to view on the Council's website. Further information was available by contacting the Planning Policy team by email at planningpolicy@cannockchasedc.gov.uk or by telephoning 01543 462621.

The consultation was undertaken in conjunction with the Council's Community Infrastructure Levy (CIL) Draft Charging Schedule consultation. The following measures were undertaken to inform persons of the draft SPD consultation and document availability:

- Notification letters sent to all individuals/ organisations/ bodies that the Council considered would be affected or interested in the SPD, or may be involved in the delivery of the SPD (including Parish Councils, the County Council, key developers, business and local voluntary organisations)
- A Press Notice was posted in local papers.
- A press release was issued.
- The SPD and details of the consultation were posted on the Council's website.

The consultation statement accompanying the draft SPD set out that any person may make a representation on the SPD and that any such representations were to be received by 5pm on Friday 19th September 2014. It also set out that the Council would send a copy of the adoption statement to the author of any

representation which specifically asks for notification of the adoption of the document.

5. Summary of issues raised and how incorporated into the SPD

One representation on the draft SPD was received. This was from Bridgehouse Property Consultants Ltd who identified that meeting Level 3 of the Code for Sustainable Homes was no longer a mandatory requirement under the Homes and Communities Agency design and quality standards. This change has been reflected in the SPD (see Table 1 below- Section 3.2 amendments).

However, the SPD was consulted upon in conjunction with the CIL Draft Charging Schedule. Some comments received in response to the CIL Draft Charging Schedule consultation (and as part of the Examination) related to the interaction between the proposed CIL rates and Planning Obligations. Financial viability concerns were raised in this context. These comments were considered in relation to the proposed CIL charges and it was concluded that the Council's proposed approach to CIL and Planning Obligations going forward was appropriate (as outlined in the Inspectors Report) and no amendments were required. The examination and adoption of CIL has therefore also informed the progression of this SPD.

Between the draft SPD consultation and adoption of the SPD a number of national, and local policy and guidance changes have also given rise to a need for minor reviews of the draft SPD.

The amendments made to the draft SPD are set out in detail in Table 1 below.

Table 1. Amendments to Draft Developer Contributions and Housing Choices SPD

The SPD overall has been updated to reflect that it is no longer draft and that the consultation has been updated i.e. deleted references to draft SPD and deleted/inserted text at Section 1.3 to reflect that the consultation has been undertaken. It has also been updated to reflect that the Council has now adopted its Community Infrastructure Levy (CIL) charge - see Sections 1.2 and 2.3.

Section/paragraph	Proposed Amendment	Reason for Amendment
Section 1.1/1/end of final sentence	Insert: 'and the Council's preferences for affordable housing provision.'	For clarity.
Section 2.4/4/end of paragraph	Insert: ' This is in conformity with the current NPPG which sets out that whilst 'tariff-style' contributions can not be sought from residential developments of 10 units or less planning obligations can still be sought in order to address site-specific infrastructure needs, where this is required to make the development acceptable in planning terms.'	To reflect national guidance updates, set out in the National Planning Practice Guidance.
Section 2.4/6/end of paragraph	Insert: 'Where necessary, they may also exceptionally be used for non-financial purposes where the desired outcome can not be achieved via planning conditions e.g. controlling the use of land.'	To further clarify when Planning Obligations will be used.
3.2/final paragraph	Delete: 'Please note that some of the above requirements may change following the outcome of the Communities and Local Government 2014 consultation paper 'Planning performance and planning contributions' and their proposal for a 10 unit threshold for affordable housing contributions and further announcements from the Homes and Communities Agency concerning space standards and the Code for Sustainable Homes.'	To reflect national policy and guidance updates, set out in the National Planning Policy

Section/paragraph	Proposed Amendment	Reason for Amendment
3.2/3	Insert: 'Financial contributions from sites under 15 units will be sought in line with any nationally prescribed threshold for seeking such contributions.'	Framework and National Planning Practice Guidance.
3.2/6	Insert: 'The 'national space standards' will be used to guide the Council's design requirements for its own development schemes (as part of the tendering process). The Council will consider the application of these standards to all affordable housing schemes via policies in Local Plan (Part 2). Grant funded schemes will need to accord with any design requirements set by the Homes and Communities Agency.'	To reflect consultation comments received.
3.3/2	<p>Replace: 'If necessary, Planning Obligations will be utilised. This may be particularly relevant where there are complementary issues related to biodiversity or other matters (see Sections 3.6 and 3.7).'</p> <p>With: 'If necessary, Planning Obligations will be utilised particularly if the developer/landowner wishes for the Council to provide and/or maintain any open spaces provided on site. These costs will be negotiated on a case by case basis. This may also be relevant where there are complementary issues related to biodiversity or other matters (see Sections 3.6 and 3.7).'</p>	For clarity on how Planning Obligations may be utilised
3.3/7	Replace: 'The figure will be index-linked each year as a minimum using the 'Retail Prices Index- All Items' rate. The index-linked update will be included within this SPD and issued as a revised version at the start of every financial year	To save officer resources and ensure consistency with Community Infrastructure Levy charge.

Section/paragraph	Proposed Amendment	Reason for Amendment
	<p>with the agreement of the Head of Economic Development and Portfolio Leader for Planning and Economic Development.'</p> <p>With: 'The figure will be index-linked according to the year planning permission is granted by using the same index linking formula for CIL rates (see Cannock Chase Council CIL Guidance for Applicants and Developers, Section 8).'</p>	
3.4/4	Insert: '(please see Staffordshire County Council for up to date costs at the time of the planning application).'	To ensure up to date costs are taken into consideration.
3.6/2/after 'all residential developments'	Insert: '(in use class C3, with the exception of affordable housing)'	For clarification on which developments will be liable for CIL.
3.6/2	<p>Replace: 'However, where a site is in close proximity to the SAC; is proposing a non-residential use which has the potential to impact upon the SAC; and/or is of a medium-larger scale, then site and scheme specific SAC issues will be addressed via Planning Obligations where necessary (and where this is consistent with the CIL Regulation 123 list).'</p> <p>With: 'However, where a site is in close proximity to the SAC and/or is proposing any other use (e.g. residential caravans/mobile homes; tourist accommodation) which has the potential to impact upon the SAC, then site and scheme specific SAC issues will be addressed via Planning Obligations where necessary (and where this is consistent with the CIL Regulation 123 list).'</p>	To reflect updated guidance from Natural England.

Section/paragraph	Proposed Amendment	Reason for Amendment
3.6/3/end of penultimate sentence	Insert: '(Regulation 75 of the Conservation of Habitats and Species Regulations, 2010)'.	For clarity.
3.6/4	<p>Replace: 'Local Plan (Part 1) Policy CP5 sets out that developments of 50 dwellings or more will be expected to provide additional on-site recreation space as part of the overall SAC mitigation strategy. This will be secured by planning condition or Planning Obligations as necessary and is separate to the mitigation measures elements proposed to be funded via CIL. There is no set standard for the nature or level of this provision as it will be informed by the location of the development in proximity to the SAC; the nature of the development; and existing open spaces within the local area. For example, this provision may be in the form of a 'green corridor' (for walking and cycling use) to provide access to existing green spaces outside of the development site or a bespoke area of green space for informal recreation.'</p> <p>With: ' Since adoption of the Local Plan (Part 1) in June 2014, Natural England's advice to the partnership of Local Planning Authorities¹ on the subject of mitigating the adverse effect of developments planned within the acknowledged zone of influence, which could otherwise threaten the integrity of the SAC, has changed. The original focus of the advice was that a combination of habitat and visitor management measures in and around the SAC, plus provision of large areas of Suitable</p>	To reflect updated guidance from Natural England.

¹ Cannock Chase District Council; South Staffordshire District Council; Stafford Borough Council; Lichfield District Council; East Staffordshire Borough Council; Walsall MBC; Wolverhampton City Council.

Section/paragraph	Proposed Amendment	Reason for Amendment
	<p>Alternative Natural Green Spaces (SANGS) together with smaller targeted open spaces on medium sized housing developments of 50+ dwellings was required. As a result of further analysis and discussions with the two main landowners of the SAC and its surroundings (Staffordshire County Council and the Forestry Commission) Natural England has produced a set of Strategic Access Management and Mitigation Measures (SAMMM) with a 15 year timeframe comprising increasing on-site presence, development of volunteering and education programmes, car parking and footpath management strategies, physical improvements to paths, implementation of a parking plan, way marking, interpretation and monitoring. These have been agreed with the Local Planning Authority partners.</p> <p>In relation to most housing developments in the District, funds collected via CIL to be allocated for these mitigation measures (set out in the SAMMM) will be sufficient to fulfil the Council's obligations under the Habitat Regulations. So that element of Local Plan Policy CP5 which sets out that developments of 50 dwellings or more will be expected to provide additional on-site open space as part of the SAC mitigation strategy and that part of Policy CP13 which identifies SANGS as one element of the overall mitigation strategy will no longer be pursued.'</p>	
4/Table/1-14 dwellings/after 'Off Site Affordable Housing'	Insert: '(NB. To be consistent with any national prescribed threshold for affordable housing contributions)'	To reflect national policy and guidance updates, set out in the National Planning Policy

Section/paragraph	Proposed Amendment	Reason for Amendment
		Framework and National Planning Practice Guidance.
4/Table/50+dwelling	Delete: 'On site open space provision for Cannock Chase SAC.'	To reflect updated guidance from Natural England.
Appendix 2/Semi Natural Sites/NOTES	Delete: 'Potential smaller-scale new provision in relation to Cannock Chase SAC mitigation measures (on sites of 50 dwellings or more) to be provided via planning conditions/ obligations.'	To reflect updated guidance from Natural England.
Appendix 2/Green Corridors/NOTES	Delete: Potentially may form part of the open space provision for sites of 50 dwellings or more to mitigate impacts upon Cannock Chase SAC (see above).	To reflect updated guidance from Natural England.