

Appendix 4: First Draft Developer Contributions SPD Report of Consultation

Document section	Summary of the main issues raised	Representors	Council response including any changes proposed	
General Comments on overall document	The council should consider the inclusion of developer contributions being used for enhancements at railway stations as a result of increased footfall from both residential and business developments in addition to any highways or green infrastructure works. Enhancements at stations could include (but not limited too) CCTV, Customer Information Systems, Help Points, heated waiting shelters, cycle storage, car parking.	Network Rail	Where direct impact on rail stations arise from development then such contributions may be feasible as long as they meet the CIL tests of being directly related to development, reasonable in scale and kind, and fairly applied.	
	SPD should cover climate/carbon, trees, and other infrastructure such as waste recycling, air quality monitoring or maintenance	Poynton Council	Town	The document has been updated to clarify that in some instances contributions toward climate change mitigate may be required. The LPS and SADPD include policies that require mitigation measures, and in some instances it is feasible that they could be delivered offsite via S106 contribution.
	Request reference to local participation in S106 process	Multiple councils	town	S106 are legal agreements entered into between a developer and the Local Planning Authority. They are designed to be specific to mitigate an identified impact from development and currently there is no scope for third parties to be involved in the process. Communities can, via a neighbourhood plan or other local document, produce a list of local infrastructure priorities/projects that can be useful when determining how to address an impact of development through investment elsewhere.
	Indoor and outdoor sports facilities to have its own section separate from Public Open Space; Local standards are not appropriate as they do not take account of catchment areas. The need to include Sports Needs Assessment for indoor and outdoor sports pitches	Sport England		Whilst the contributions for distinct uses are calculated separately, Open Space and Recreation are addressed in a single policy in the LPS. Therefore, given SPDs provide guidance on policies, it is more clear to interpret

			the advice by attaching the guidance to a specific policy wherever possible.
	Not all matters include a approach/methodology and the information that the approach will be based on is not entirely clear.	Asteer Planning on behalf of Barratt, David Wilson Homes, Jones Homes and Orbit Investments	Where possible, further information has been provided to clarify the approach set out. Not every matter will have a formula with a specific set of calculations but where the SPD does include this, explanation has been provided about how that formula is derived. Other approaches may be based more on setting out the factors that will be taken into account in establishing a fair contribution.
	Viability should be retested and a full review of the LPS should therefore be undertaken with the inclusion of an up-to-date viability assessment to ensure planning obligations are fully assessed	Multiple	Since the first draft SPD consultation, a decision has been taken to review the LPS. Therefore, within that process viability testing will be undertaken. The guidance in this SPD recognises that viability may mean that all policy requirements cannot be met and a balanced view will need to be taken in decision making. Where an applicant believes viability is an issue they must submit their own assessment to demonstrate the full suite of policy obligations cannot realistically be met due to specific site conditions.
	The Trust welcome a Developer Contribution SPD that will enable contributions to be sought to support access to and maintenance of the quality of our inland waterways, and protect and enhance our green infrastructure, ecological networks and sustainable travel routes, when impacted by development, to contribute to the health and well-being of communities through benefits such as biodiversity, conservation, and recreation opportunities.	Canal and River Trust	The Canal and River Network is highly valued asset in Cheshire East and where development has impacts that can be mitigated through investment in the network, Local Plan policies enable such solutions to be investigated.
5.24	Role of parish councils and access to information		Through its dedicated S106 officer, the Council is able to provide Parish Councils with S106 data related to their specific areas. Whilst parish Councils are a third party within the S106 process, Cheshire East Council will seek to

			share information wherever appropriate and support parish councils to articulate their local infrastructure needs through the preparation of neighbourhood plans.
7. Ecology	Clarity on fees	McCarthy and Stone	Further advice on fees in regard to BNG have been included setting out the approach in more detail
	Comments on the process for using the metric	Cheshire Wildlife Trust	Guidance on the biodiversity metric is provided by DEFRA and therefore only the key issues are addressed in this SPD (which relates to the BNG SPD)
	Section to reference relevant parts of neighbourhood plans	Transition Wilmslow	Reference to neighbourhood plans has been included to clarify that some plans do have a local infrastructure plan that may be referred to when considering how to mitigate impacts from development.
	Overall, achieving biodiversity net gain as put forward in the draft SPD in on and off site locations does create a significant additional financial burden for developers which was not accounted for previously in the adopted Local Plan or adopted Community Infrastructure Levy (CIL). As such, each site and development proposal will need to be assessed on a case by case basis, and where it is evident that the requirements of BNG have a large cost implication, this should be accounted for by the Local Planning Authority accordingly when considering the overall viability of a development and requests for other s106 contributions or other developer obligations.	Pegasus on behalf of Tatton Estate, Bloor and Taylor Wimpey	Since the original SPD was consulted the BNG SPD has been updated, as has national guidance on how BNG will be implemented. The current SPD reflects these updated positions.
	Various comments on terminology, clarification of process and viability implications, and setting of the tariff via the DEFRA Biodiversity Metric	various	Multiple terms have been clarified, updated and included in the Glossary.
Highways and Transport	Paragraph 8.16 onwards sets out a series of schemes and formula for obtaining contributions. The impact on development viability in the context of CIL and the Viability Assessment Update is not	Multiple	The Schemes identified in the SPD are drawn from policy GEN4 of the now adopted SADPD and represent key strategic highways projects.

	<p>clear. Clarification is required, together with clarification as to which proposals this would relate to.</p> <p>No clear list of projects identified in the MTFs for which CIL will be used.</p>		The MTFs can be used to identify which projects will be the focus of investment
	<p>Whilst the draft SPD states that contributions will be calculated proportionately, there is no specific detail on how the contributions will be calculated. For example, what methodology, calculations and sources of information will be used to work out the costs and the percentage impacts that a scheme has on receptors in the network.</p> <p>Furthermore, there is no clarity on how contributions will be collected from multiple developments coming forward at different times (or not at all). For example, if the impacts on the highways network are only significant as a result of cumulative impacts, then the first application will presumably not be required to make a contribution until such time that the second and/or subsequently consented sites comes forward.</p>	Asteer Planning on behalf of Barratt, David Wilson Homes, Jones Homes and Orbit Investments	<p>In many instances, recognising the variable local condition and context of sites, the council does not have a standardised and formulaic approach to contributions. Instead, to respond to localised conditions, costs and land values, contributions will be calculated based on a proportionate approach.</p> <p>In instance where multiple developments contribute to an investment in infrastructure, the council holds funds until the relevant trigger points are reached, as set out in the S106 agreements, and then invests accordingly.</p>
	More clarity should be provided on definition of strategic highways schemes	various	Strategic highways schemes are set out in policy GEN4 of the SADPD.
	There must surely be some 'wobble room' to allow a degree of strategic planning in how it is spent. For example, Paras 8.22, 8.23 and 8.24 show that CEC is prioritising funding for certain "Strategic and Major" highways schemes. Whilst we have seen that prioritisation in some areas, we have seen no evidence of it being applied to Holmes Chapel and other areas.	Holmes Chapel Parish Council	S106 must be spent in accordance with the signed agreement. Whether agreements are written to specify a particular investment, only delivery of that specified investment is possible. The SPD sets out the mechanism to negotiate S106 agreements.
Recovery of Infrastructure Costs	clarity is required as to the statement at paragraph 9.13 that: "In the event that it is determined that the proposed obligation does not meet the CIL tests, CEC intends to use other general powers available to secure funds from development sites for this purpose." If the obligation does not meet the CIL tests, then it should not be taken into account in the grant of planning permission, and, as such, the Council should not be seeking the contribution.	Barton Willmore on behalf of Crown Estate	The SPD now sets out that this approach will be employed on the basis of contractual obligations, contained within planning agreements and that if the approach is taken, it will be discussed at an early stage of the application process.
	there are clearly significant funds available within the CIL Funding Statement which have not yet been allocated which could make a	Pegasus Planning Group on behalf of	S106 is used to fund site specific mitigation measures and can be pooled to fund

	contribution to the infrastructure needs of the Borough. This should be prioritised by the Council and reflected in the SPD to reduce reliance upon developer contributions going forward.	Bloor and Taylor Wimpey	infrastructure that multiple site rely on. CIL funds are spent in accordance with the Councils Regulation 123 List and focused on specific strategic projects.
9.13	In the event that Cheshire East Council use this method to secure funds that sit outside of the CIL regulations, they will make the applicant aware at an early stage of the application process that they intend to request said contributions and publish full details of fully justified reasons as to the need for the contribution.	Gladman Developments	Text has been included in the document to clarify that this will be raised early in the process.
Education	Where the Council is to produce housing impact assessments, there should also be a mechanism for: applicants to assess and if necessary challenge the evidence/conclusions therein; and, for arbitration where necessary.	Asteer Planning on behalf of Barratt, David Wilson Homes, Jones Homes and Orbit Investments	It is the applicants responsibility to submit sufficient and proportionate information to in order for the Council to determine the application. If an applicant disagrees with the council assessment they may present an alternative case. The council will work proactively and pragmatically to reach agreement with applicants on key issues but where this is not possible, and an application is refused, the appeals processes is design to resolve such disputes.
	Clarify terms related to the education section	multiple	Multiple terms have been included on the Glossary section
	We consider the SPD should also make it clear that, where justified, alternative ratios could be applied where there is clear local evidence that the existing and anticipated demographic for the development would result in lower impacts.	Pegasus Planning Group	The SPD sets out the preferred approach. It is the applicants role to justify why an alternative approach is suitable.
Affordable Housing	We would also request that the Council include reference within the SPD that schemes for 100% affordable housing would also be considered as being exempt from being required to make developer contributions. With this in mind, we would request that the SPD includes a specific reference at the appropriate section of the document that the Council will review planning applications for 100% affordable housing carefully at development management stage, noting that it	Hourigan Planning	There is no policy basis to take this blanket approach. An assessment of site circumstances and viability can be undertaken to determine whether it is appropriate to reduce or remove an affordable housing requirement.

	will be unlikely that developer contributions will be secured on such schemes without adversely affecting the viability of the development.		
Health Infrastructure p	Assumptions should not be made on standard occupancy assumptions.	The Planning Bureau on behalf of McCarthy and Stone	Where evidence is available that alternative occupancy should be considered, applicants may submit such information for consideration. In such circumstances the applicant will need to evidence why an alternative approach is appropriate.
	Mitigation measures sought should be of a scale to ensure the development does not result in undue impacts and will be of a scale proportionate to the development. Indeed, it is not the developer's responsibility to address existing needs of the community.	Pegasus Planning Group / Asteer Planning	The SPD does not seek to imply that contributions should be sought to address existing shortfalls and has been updated to clarify that contributions are intended only for mitigation of the impact of new development.
	Local needs, rather than national needs should be considered. Whilst there may well be a national shortage the needs of the local area should be given greater weight than the overall need.	Residents of Wilmslow	Recognising that some needs are met over larger geographies, both factors are taken into account.
Planning Policy Framework	Updates required to reflect adoption of SADPD		The SADPD has now been adopted and this SPD now reflects that position.
	Carbon Neutrality should be addressed	Prestbury Parish Council	Whilst the current national planning policy framework does not allow planning policies to seek carbon neutrality, adopted policies in Cheshire East seek to address the impact of development in terms of climate change. Climate Change policies have now been included in this version of the SPD.
	The SPD does introduce new requirements over and above what has been tested and examined through the adopted and emerging Development Plan Documents and Community Infrastructure Levy rates for the area. As such, the SPD proposes additional obligations that have not been thoroughly tested or examined in order to	Pegasus Planning Group Ltd	Viability matters are addressed in the SPD at section. The SPD does not introduce new areas of cost, rather provides further detail on how adopted policy will be applied, including the recognition that where viability issues arise, it

	test the deliverability and viability of these sites.		may not be possible to meet all policy requirements.
Indoor and Outdoor Sports Facilities	The Parish Council objects to the continuation of policies to place future responsibilities and liabilities for green spaces and play areas on residents. These should be managed by CEC with appropriate S106 contributions. Public Rights of Way upgrades and new provisions should be subject to prior discussion with Town and Parish Councils.	Holmes Chapel Parish Council	The document does not address responsibilities for maintenance and management of facilities but focuses on how polices of the local plan will be applied.
	The basis of the figures needs to be justified	multiple	Further explanation has been provided in the document
	If the figures are correct for family homes, the consortia consider 105 sq m per family home is a considerable amount of open space and there should be an allowance for sustainable drainage areas and BNG area to fall within these areas and not be seen to be in addition to. Moreover, there should be scope to overlap some of the above requirements across the typologies rather than these being rigidly adhered to. It should therefore be made clear that where evelopment proposals provide more than the required open space provision set out in the SPD in one or more areas, this could be used to off-set the need to provide alternative forms of open space (or other recreation facilities and contributions such as indoor sport contributions) in order to recognise developments that deliver significant green infrastructure over and above these requirements.	Pegasus Planning Group	Detailed matters of stacking and multiple use are to be resolved through the design of the scheme, related to viability and can be negotiated with the Planning Authority during pre-application stages.
	We strongly support this objective and we would expect communities to be heavily involved and their views on what is necessary to be taken into account when drawing up agreements for s106 expenditure on such facilities.	Ken Edwards, Bollington Town Council	The S106 process is an agreement between the developer and Local Planning Authority with no scope for community involvement. Communities may establish local plans or neighbourhood plans that identify community facilities that would benefit from investment. Such plan scan be

			helpful in determining how to mitigate development impacts in a local area.
	In relation to paragraph 12.18 of the SPD, Sport England have the following queries: <ul style="list-style-type: none"> • How has the standards have been derived? • Which sports would benefit from the standards, e.g. 40sqm for a football pitch? • What is considered to be a family home? • When would the Council use standards and when would the Council use the Sport England Sports Pitch calculator to determine sports provision? • Particularly for mixed use developments, how can the Council be sure that the proposed commercial development does not 'double count' with the proposed residential for the additional demand generated for sport provision? • How will the standards establish a sustainable sporting facility? For example, an 'hub site' with 5 sports pitches with ancillary facilities is preferred to an individual pitch developed for 5 development sites.	Sport England	Further explanation has now been included in the document
	Reference to providing either a commuted sum or an open space area of 20sq m for Residential homes / supported living /sheltered housing schemes should be deleted from the table at 12.18 as this is not justified. The table should confirm that open space for Residential homes / supported living /sheltered housing schemes will be negotiated on a case by case basis.	The Planning Bureau	Where applicants demonstrate a viability issue, policy contributions can be negotiated.
Affordable Housing	As the Housing SPD is up to date and in order to prevent repetition and ensure that this section and calculations are not scrutinised again this section should purely refer to the housing SPD rather than detailing out the methodology and para 13.4 to 13.22 should be deleted.	The Planning Bureau	Most of the Affordable Housing section, except for AH calculations, has now been removed and now refers to the separate AH SPD.
	Affordable housing should not be subject to negotiation due to viability	Emmerson	This matter is outside the scope of the SPD
	There should be an ambition to increase AH provision above 30%	Emmerson	This matter is outside the scope of the SPD

	We would prefer in developments where types of housing are already mixed in tenures affordable housing was pepper potted throughout the development and standards should be maintained. Indeed we would like to see detailed standards for affordable housing clearly established and stated by the Cheshire East Planning Authorities.	Ken Edwards, Bollington Town Council	This is the preference expressed by local plan policy however, the exact matter is outside of the scope of this SPD.
Cheshire Constabulary	The draft SPD sets out that contributions will be sought towards staff set up, vehicles and premises. The Council should ensure that any planning obligations towards these items are in accordance with CIL Regulations – that is, the three tests – and that there are no other funding streams available so that developments are not subject to an unnecessary burdensome scale of obligations.	The Planning Bureau	This section has been reviewed and updated to clarify when contributions to constabulary may be required and for what purpose. The section has been significantly edited to recognise that only in limit circumstances, primarily as part of the largest strategic level sites, will it be appropriate to seek contributions toward policing
	There is no specific policy in either the LPS or the SADPD that refers to policing and there does not appear to be any specific policy basis for the contributions set out in Section 14 of the draft SPD. The ‘required contributions’ paragraphs (14.7 – 14.29) of the draft SPD relate to staff set up, vehicles and premises. Not all of these costs, and specifically costs for staff set-up and vehicles relate to infrastructure in the context of Policies IN 1 and IN2 of the LPS and should not therefore be included in the SPD.	Asteer Planning	As above
	Contributions towards Cheshire Constabulary (and indeed the Fire Service if that is the intention) are not supported by any specific policy in the LPS and/or SADPD. As such, they should not be included in the SPD. Notwithstanding this, Section 13 of the draft SPD is poorly drafted and it is therefore not possible to fully understand and comment on: <ul style="list-style-type: none"> • What the Council’s proposed methodology for calculating requested contributions from developments is; • Where the information on which calculations will be based is/will be sourced from or evidenced; • How such contributions will be necessary and directly related to developments (in order to pass the tests at Regulation 122 of the CIL Regulations). 	Asteer Planning	As above

Other Matters	The Local Lead Flood Authority (LLFA) should provide an assessment of the potential impacts on the drainage network and the above paragraph should be amended as according.	Asteer Planning	Such matters are to be addressed during pre-application or through the consideration of a planning application and are outside the scope of this SPD.
	Reconsider para 15.2 as to which areas can and can't be addressed through condition rather than S106 as many of the requirements identified in the paragraph are easily implemented via condition.	The Planning Bureau	
	The Trust welcomes the overall principle of adopting an updated SPD on Developer Contributions. We would seek to highlight the diverse roles our waterways can play and ensure that appropriate contributions can be sought to mitigate the direct impact of development on our waterways and maximise the opportunities they present to delivering the Council's objectives and benefits to the wider community.	Canal and Rivers Trust	The Local Plan and SADPD include a variety of policies relevant to canals and waterways. The request is outside the scope of the SPD
	In line with PPG (ID: 23b-034-20190901), greater clarity and transparency is required, for both developers and communities, on future spending priorities and, to ensure that there is no over provision, the extent to which the Council intends to fund the infrastructure type or projects by planning obligations, CIL and/or other funding streams. In respect of the latter, the draft SPD should also set out that the Council will seek to identify all other sources of funding available to deliver infrastructure required as part of its overall approach, for example, Government funding streams.	Barton Willmore LLP	The local Plan does not establish a hierarchy of spending priorities and therefore an SPD cannot elaborate further on such priorities. Other spending priorities related to infrastructure are established through the Council's Medium Term Financial Strategy.
	There needs to be a clear if brief description of the pre-application process including, of course, the position of Local councils in that process and the expectation for them to be consulted.	multiple	Pre-application discussions are not the focus of this SPD. Pre-application is undertaken between the Local Planning Authority and developer, third parties are only consulted if requested by the developer (who pays for the pre-application advice).

