

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
Artlife	<p>It is reassuring to see public art identified in the supplementary planning guidance (p.37) as we have developments in progress (e.g. new hospital in Minehead) that will include high quality public art works and community participation projects. These works will set the benchmark for public art in West Somerset and hopefully inspire developers and the planning authority to insist on maintaining a high quality of arts interventions in the future.</p> <p>That public art is low down on the priority list for contributions (supplementary planning guidance p.5) is not a surprise. This reflects national priorities, although some authorities do place a higher value on improving the environment through artist-designed interventions, and WSC has, in the past, allocated section-106 money towards physical public art (Minehead seafront) and community projects (Perspectives temporary public art banners as part of the Moor to Shore festival in 2003).</p> <p>I suspect its low priority on the list, and so the lack of money allocated in recent years, is also due to missed opportunities in the past. In 2005, ARTlife, along with the arts officers of the other five local authorities, commissioned a public art strategy for Somerset (which I believe WSC did sign up to). This strategy and the process for utilizing it, is referenced in the supplementary planning guidance (p.38), however Somerset County Council no longer employs a public art officer to generate, advise on and help with projects. Due to time constraints of ARTlife staff at the time, and the public art officer, additional West Somerset guidance documents were not discussed and agreed. Other authorities did achieve this (Taunton Deane and Sedgemoor, for instance) and public art and percent for art contributions have made it higher up the priority list in those authorities as a result. I wonder if there is a need</p>	<p>Unfortunately the Artlife respondent appears to be referring to the Planning Obligations SPG of December 2005 rather than the new SPD of July 2009.</p> <p>The July 2009 SPD does not include public art as a planning obligation priority. It was considered by WSC members in the formulation of the SPD, as reported in the SPD Interim Report of May 2009, who decided to remove it from the list of priorities in favour of generally improving the public realm and the design of buildings.</p>	<p>No change but WSC officers may wish to refer to Artlife's 'Public Art Principles and Code of Practice for West Somerset Council' when considering public realm schemes and the design of new buildings.</p>

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	<p>to revisit this for West Somerset? (current resources permitting of course).</p> <p>I've attached a document 'Public Art Principles and Code of Practice for West Somerset Council' dated March 2007.</p>		
Bourne Leisure			
General	<p>As a general comment on the draft SPD, Bourne Leisure is of the view that having a concise and a fuller version of the draft documents available for comment has been confusing, and that only one document should have been published for consultation purposes.</p> <p>If necessary, additional information should have been put into appendices, and this format should be used in any final version of the SPD.</p>	Noted.	No change
1.0 Introduction	<p>Section 1 should reflect paragraph B5 of Circular OS/2005, by stating that consideration will be given to the scale of the proposed development and that any S106 contribution required will be directly related to the proposed development and fairly and reasonably related to it, in scale and kind.</p> <p>Bourne Leisure then considers that additional reference should be made in the introduction to the SPD to the Council considering each application proposal on its own merits and with reference to any S106 obligation, taking into account the nature of the proposed development, its likely impact on the local community and the costs of developing the site.</p>	Agreed – include clarification in 1.0 Introduction to the necessary relationship between the development in question and the contributions sought, referring to the tests in Circular 05/2005.	New para 1.5 inserted.
3.0 Sustainable Travel and Access	<p>Page 12 of the draft SPD states: <i>"Where a development has potential to generate travel movements, West Somerset Council will use planning obligations in pursuit of these objectives to secure sustainable travel outcomes and to mitigate the impact</i></p>		

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	<p><i>of the development on the transport network."</i> Page 14 of the draft SPD then refers to paragraph 8.7.4 of the West Somerset Local Plan (2006), which lists facilities that may be provided, or contributed to, in relation to development proposals. These include new access roads, bus shelters, cycle ways, footpaths/pedestrian routes and public transport infrastructure.</p> <p>In terms of transport investment, Bourne Leisure would emphasise that to be consistent with the above suggested additions to the introduction to the draft SPD, Section 3.0 should stress that any contributions and management measures for site-specific mitigation (such as junction improvements, travel plans, cycle parking etc.) would be negotiated on a site by site basis and provided through S106 obligations, which would be directly related to the specific impacts of the proposed development.</p>	<p>Agree – amendments to 1.0 Introduction will achieve this</p>	<p>Insert new para 1.5.</p>
<p>4.0 Community Infrastructure and Local Natural Environment</p>	<p>The Section refers to the natural environment and planning obligations to upgrade existing open space and undertake environmental enhancement. Page 22 of the SPD consultation draft specifically states: <i>"Where additional demand from development and local need can be demonstrated, the District Council will use planning obligations to provide or enhance local open spaces guided by the aims of its Play Strategy and Biodiversity Action Plan. The District Council's focus will be on combining natural features with amenity provision including 'natural play' for young people. The focus will also be on local green spaces rather than those that already receive funding for their management and protection through statutory designations."</i> Bourne Leisure supports this approach and particularly that of combining natural features with amenity provision.</p>	<p>Support noted</p>	<p>No change</p>

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	<p><i>different locations and market conditions. The Council has tested viability in sample typical schemes across the District on the basis of current market conditions. The Council will regularly review the assumptions within these tests as conditions and market practices change in the future".</i></p> <p>The Company then accepts the approach being taken by the Council to viability, as set out on page 29 of the consultation document, i.e. that:</p> <p><i>"Where a developer wishes to demonstrate the impact of planning obligations on the viability of a development they will need to provide a robust appraisal with reasonable assumptions that reflect current market practice".</i></p>		
Brompton Regis Parish Council			
2.0 Housing for Local Needs	There should be a strong focus on support for local affordable housing. The small village of Brompton Regis needs encouragement to keep the community vibrant; it needs local housing.	The SPD refers to the acute shortage of housing for local needs in WS and sets out how WSC will use planning obligations to secure such housing.	No change
Exmoor National Park Authority (officer comments)			
2.0 Housing for Local Needs	Since part of West Somerset is designated as a National Park, West Somerset Council, as housing authority, has responsibility for housing over two local planning areas. As such, we <u>support</u> the proposal that off site provision may be in the form of a financial contribution and that, in such cases, following a 'cascade approach' it may be spent in any part of the District including the National Park. As housing authority for the part of the National Park in West Somerset, there is an important role to play in ensuring that financial contributions may be used to provide affordable housing in all communities in West Somerset including in the National Park taking into account local need and site availability. This approach, working across the National Park boundary, is consistent with the Adopted Exmoor National Park Local Plan Policy H2. This policy provides for the cascade for local	Support noted	No change

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	<p>need housing rented through a Registered Social Landlord to extend to those in the district outside the National Park.</p>		
<p>3.0 Sustainable Travel and Access</p>	<p>We note and <u>support</u> the proposal to use planning obligations to secure sustainable travel measures identified in transport statements, assessments and travel plans and that the District Council will particularly seek development of and improvements to footways, cycleways and public rights of way.</p> <p>In seeking to achieve this aim in parishes or settlements close to or split by the boundary of the National Park that links to and from the National Park such as public transport, opportunities for provision for pedestrians or cyclists/horse-riders should be considered and the National Park Authority (NPA) consulted.</p> <p>You will be aware that objectives and targets are set out in the National Park Management Plan and that the NPA also has a rights of way improvement plan. We therefore <u>support</u> the proposal that the District Council will seek contributions in the vicinity of the development as this may include links with communities within the National Park. It may be that in certain circumstances those improvements would be made in or partly within the National Park - especially where a development may result in greater use of the National Park by e.g. residents of the development.</p>	<p>Support noted</p> <p>Agree that ENPA should be consulted in seeking sustainable transport measures near to and linked to the NP.</p> <p>Support and reference to NP RofWIP noted</p>	<p>No change</p> <p>Reference to consulting the ENPA inserted in para 1.7.</p> <p>Reference to the ENPA RofWIP inserted into para 3.10</p>
<p>4.0 Community Infrastructure: Community Buildings and Play Space</p>	<p>We <u>support</u> the proposal that, where demonstrated, additional demand from development and local need could result in planning obligations being used to provide or enhance community buildings such as village halls, community centres, schools, church halls and public houses.</p>	<p>Support noted</p>	<p>No change</p>

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	This demand may come from communities/parishes within the National Park particularly in those parishes close to or split by the boundary. We would welcome further discussions and ongoing consultation where such opportunities arise - including for play areas and open spaces. Working together would mean that the needs of a parish or a cluster of parishes could be taken into account to ensure that such facilities best meet the needs of the whole community including that part within the National Park and the most appropriate location sought. The NPA is, as you know, shortly to consult with communities on issues and options for its LDF. There are likely to be issues arising from the consultations which will require further discussion and this may include the need for community facilities, open space or play areas and recreational space.	Suggestions for further discussions and consultation on opportunities that cross the NPA boundary noted.	Reference to consultation with the ENPA on any proposals/ opportunities that arise affecting a community across the ENPA boundary inserted in para 1.7.
4.0 Community Infrastructure: Natural Environment	The National Park Management Plan includes a number of challenges, vision, objectives and targets including for the natural environment. The first purpose of the National Park is the conservation and enhancement of its landscape, wildlife and cultural heritage. The National Park also has a biodiversity action plan (BAP). We support the proposed aim to provide natural play areas for young people such as local green spaces. We would welcome further discussions on this proposal and ongoing consultation as to opportunities where parishes are split by or close to the National Park boundary. We suggest that such spaces should be considered in the light of BAP targets including the Exmoor National Park BAP.	Support noted. It could be helpful to refer to the ENPA BAP for proposals for natural areas in parishes split by the ENPA boundary.	Reference to the ENPA's Biodiversity Action Plan inserted in para 4.8.
Graham Sizer			
	p3 I am glad to see point 2 raised, and feel it is fundamental. Compensation for loss or damage caused by the development, regardless of immediate geographical proximity, is drilled into government guidelines.	Noted	No change

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	<p>p4 Proportions, para 1. I am not an expert, but whilst this Council is finding itself way behind on housing targets, and in no financial position to influence the sluggish building dynamics for the foreseeable future in West Somerset, unless new greenfield sights are allocated for potential development, which are above the flood plain, and numerous enough to bring the initial land price down, no developer will look at a 50/50 split on affordable.</p> <p>Affordable in West Somerset cannot be based on Council Executive salaries. A 100,000 pound property would be out of reach for most of the residents wanting affordable accommodation, based on a 3 to 3.5 multiple of annual salary most mortgage lenders are maximising at the moment, and for the likely 5 year future.</p> <p>If a developer is to be enticed, then the land has to be cheap and above the flood plain to keep the price down. Where do we have these sites? Only towards Williton and Watchet. This Council needs to recognise this and become real. Don't rely on templates produced by consultants who only look at the situation from one plain.</p> <p>Sorry to be blunt. West Somerset should not have the luxury of the consultants it affords</p>	<p>The allocation of sites is beyond the scope of the SPD but there is recognition of the need for a realistic split of affordable:market – the SPD specifies 35:65.</p> <p>Noted - the findings of WSC's Strategic Housing Market Assessments are in line with this assessment.</p> <p>WSC will take these comments on board in developing its LDF Core Strategy and Site Allocations documents.</p> <p>No comment!</p>	<p>No change</p> <p>No change</p> <p>No change</p>
Highways Agency			
General	The Revised Draft RSS incorporating the Secretary of States proposed changes proposes that 2,500 additional homes should be provided within the West Somerset Council area. It is considered possible that some of this growth will take place in areas in which development might have an impact on the SRN. Where development does impact on the SRN development funded mitigation measures will be required and in such circumstances the Agency would wish to be involved in consultation with	Noted	No change

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	<p>the developer and other relevant authorities in determining the level of transport assessments. When agreed, the Agency would expect applicants to demonstrate the likely impacts on the SRN and seek to work with us to agree appropriate mitigation measures.</p> <p>These obligations are currently not made clear within the draft SPD. The Highways Agency is unable to fund transport infrastructure improvements which are required as a result of development. Accordingly, any such improvements will need to be funded in full by developers. The Agency supports the use of Section 106 agreements as a means of ensuring developer contributions towards transport infrastructure improvements, although the Agency is unable to be a direct signatory on any such agreement. However, the Agency only supports new road infrastructure as a last resort and therefore considers it imperative that self containment is promoted and sustainable transport choices are made available as part of any new developments within the authority.</p>	<p>Include clarification about the role of the HA and how impacts of developments on the Strategic Road Network will be mitigated through planning obligations, referring to DfT C.02/2007</p>	<p>See the recommended clarifications to text below.</p>
<p>General</p>	<p>Within the context of West Somerset the key route of concern is the M5, which passes within close proximity to the administrative area. The M5 is the key strategic route linking the West of England with the rest of the UK and we are therefore concerned about the impact of any developments or planned growth upon its efficient operation.</p>	<p>Noted</p>	<p>No change</p>
<p>General</p>	<p>The Agency welcomes the recognition by the Council that proposed contributions should be in accordance with the requirements set out within Circular OS/2005. This is to ensure that planning obligations are necessary, directly relevant, fair and reasonable in relation to the scale and type of the proposed development.</p>	<p>Noted</p>	<p>No change</p>

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3.0 Sustainable Travel and Access	The Agency also broadly welcomes the approach to the negotiation of planning contributions, in relation to highway infrastructure, public transport and cycle provision set out within the document.	Broad support noted	No change
3.0 Sustainable Travel and Access	In line with Circular 02/2007, Planning and the Strategic Road Network, the Agency seeks to ensure that LPAs, where appropriate, secure planning conditions or planning obligations for travel demand management measures, in order to reduce traffic generation and mitigate any possible site specific impacts. The Agency therefore supports the saved policy PO/1, from the West Somerset Local Plan, which states that the LPA will require appropriate contributions from developers to provide or contribute towards infrastructure or community facilities.	Support noted	No change
3.0 Sustainable Travel and Access	<p>The Agency welcomes the acknowledgement within the Draft SPD of the importance of transportation issues, which is reflected within the document through the inclusion of a section devoted to sustainable travel and access.</p> <p>The reiteration of the LPA's support for the promotion of a planning framework that seeks to achieve greater sustainability in travel through reducing reliance on the private car and providing alternative travel choices is also considered positive.</p>	<p>Support noted</p> <p>Support noted</p>	Note change
3.0 Sustainable Travel and Access	In line with Circular 02/2007, <i>Planning and the Strategic Road Network</i> , the Agency seeks to ensure that LPAs, where appropriate, secure planning conditions or planning obligations for travel demand management measures, in order to reduce traffic generation and mitigate any possible site specific impacts. The Agency therefore supports the saved policy PO/1, from the West Somerset Local Plan, which states that the LPA will require appropriate contributions from developers to	Support noted	No change

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	provide or contribute towards infrastructure or community facilities.		
3.0 Sustainable Travel and Access	The Agency seeks to be involved in early consultation with regards to infrastructure contributions and must be satisfied that the impact of any proposed developments within West Somerset is taken into account.	Agree	Reference to early consultation with the HA inserted in to para 3.7.
3.0 Sustainable Travel and Access	The Agency welcomes the acknowledgement within the Draft SPD of the importance of transportation issues, which is reflected within the document through the inclusion of a section devoted to sustainable travel and access. The reiteration of the LPA's support for the promotion of a planning framework that seeks to achieve greater sustainability in travel through reducing reliance on the private car and providing alternative travel choices is also considered positive	Support noted	No change
3.0 Sustainable Travel and Access	The Agency supports the reference to Policy T/15 of the West Somerset Local Plan (2006) which requires certain transport related criteria to be fulfilled before development is considered acceptable. This policy ensures that developments will not be occupied or brought into use prior to necessary transport improvements having been completed.	Support noted	No change
3.0 Sustainable Travel and Access	The Agency also welcomes the statement that the Council will make use of planning obligations to ensure that the relevant highway standards are met and we note that within the section on travel generated by larger developments it is stated that planning obligations will be used to secure sustainable travel measures identified in Transport Statements (TS), Transport Assessments (TA) and Travel Plans associated with larger developments.	Support noted	No change
3.0 Sustainable Travel and Access	However, we believe that text should be included here that specifically relates to the Strategic Road Network. The Agency would also stress that where a TA or TS is	Agree	Reference to the use of planning obligations in mitigating the impact of

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	used to negotiate specific off site improvements to the highway network, developers and the Council should liaise with the Agency at the earliest possible stage to consider if development proposals would impact on the SRN.		development on the Strategic Road Network and that early consultation with the HA will take place in such circumstances inserted in para 3.7
3.0 Sustainable Travel and Access	With respect to the reference within the document to the remit of travel plans, the Agency welcomes the reference to the 2007 DfT Guidance on Transport Assessments, but this should be extended to include the 2009 DfT Good Practice Guidelines 'Delivering Travel Plans through the Planning Process'.	Support noted and agree ref to Good Practice Guidance should be included.	Reference to DfT Good Practice Guidelines in inserted in notes to Table in para 3.6
3.0 Sustainable Travel and Access	The Agency would also expect to be consulted in relation to the formulation of development size thresholds that will trigger Transport Statements, Transport Assessments and Travel Plans.	WSC intends to use the size thresholds that are being developed by Somerset CC to fit in with the common approach across the County. WSC assumes that the SCC will consult the HA on the thresholds so will not need to do so itself.	No change
3.0 Sustainable Travel and Access	Where new development does have an impact on the SRN, necessary infrastructure improvements must be fully funded by the developer as congestion on the network will have serious implications for all road users in the area. The Agency would emphasise that in terms of highways infrastructure, any funding for network improvements, traffic management or other mitigation measures relating to the SRN required as a result of development will need to be sought and funded by the developer in accordance with DfT Circular 02/2007 "Planning and the Strategic Road Network". Within this context it should also be noted that national funding for SRN improvements is highly uncertain.	Noted. The approach in the SPD is to minimize transport impacts on the SRN by seeking sustainable transport measures, but where there is impact on the SRN, mitigation measures will need to be implemented in accordance with DfT C. 02/2007. This point should be clarified in the SPD	Reference to the need to mitigate impacts on the SRN inserted in para 3.7
7.0 Value of Planning Obligations	The Agency agrees with the approach of outlining the potential value of planning obligations that could be achieved whilst enabling development to be commercially viable.	Support noted	No change

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	<p>However, it would be useful if a specific formula for calculating the value of transport contributions were to be included within the document provided that it is in accordance with national evolving policy on the Community Infrastructure Levy and takes into consideration the potential for the evolution of specific schemes on the SRN which may be required as a result of developments coming forward. This would provide a greater degree of certainty for developers and landowners. As such the Agency would advocate the use of a tariff or levy system which would provide greater transparency and could help improve the efficiency of the planning system and assist in achieving the challenging targets for housing and job provision. However, the Agency also acknowledges that there should be case by case negotiation for specific local on site / access issues and reserves the right to comment on individual proposals at the appropriate stage.</p>	<p>The WSC Infrastructure Plan which will support the emerging WSC Core Strategy will provide the necessary information to substantiate a levy or tariff approach. The Core Strategy is scheduled for later in 2010 when the final composition of the CIL will also be known (final CIL Regs to come into effect in April 2010). The draft CIL Regs would preclude a tariff approach based on planning obligations (after a transition period).</p> <p>WSC will be able to decide on whether to change to a tariff approach once the Infrastructure Plan has been compiled and once the CIL regime is known. The proposed SPD will provide the basis for securing planning obligations in the meantime.</p>	No change
Magna West Somerset Housing Association			
General	As a general comment we feel the consultation document is well written and easy to follow. It is a significant opportunity to help increase the supply of affordable housing.	Noted	Note
1.0 Introduction	Page 3 – priorities - Are the three bullet points in a priority order so that achieving affordable housing is the Council's priority on section 106 developments? If so then a bolder statement may be in order as the Council may have to negotiate competing demands with developers on individual schemes.	This is a good point. We understand that affordable housing is indeed WSC's first priority for planning obligations. A clear statement to this effect should be included.	Reference to achievement of affordable housing for local needs being WSC's highest priority inserted in para 2.3
2.0 Housing for Local Needs	Definition - Should there be a definition of affordable housing to give some clarity from the outset? While we appreciate this can create disagreement a broad	Agree – this would be helpful	Broad definition of 'affordable housing' inserted in para 2.1

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	definition may assist such as 'housing for sale or for rent at below market levels and in relation to local incomes.'		
2.0 Housing for Local Needs	Page 6 (of full version) - Housing Need We support the statement that ' <i>recent evidence demonstrates the current and projected acute shortage of housing for local needs in West Somerset.</i> ' We note the data quoted is from the Northern Peninsula Housing Market Assessment (Dec 2008). It may also be worth using the Taunton and South Somerset Housing Market Assessments (Feb 2009).	Support noted Data from just the NP SHMA is included to avoid confusion	No change No change
2.0 Housing for Local Needs	Pages 7/8 – Thresholds - We support the proposed lower threshold of 8 dwellings in the Minehead area because of the evidenced housing need and the relatively small-scale nature of most residential developments in the town.	Support noted	No change
2.0 Housing for Local Needs	Page 9 – Location - While we support the general principle that affordable housing should be ' <i>an integral part of the development</i> there are occasions when 'pepper potting' is not appropriate for practical reasons. This usually relates to flats where mixing tenures can create ongoing management and maintenance difficulties for social landlords and management companies. In our experience we prefer to have flats within the same block as the same tenure whether it be open market or affordable housing.	Comments noted. Suggest include clarification that the practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of units on a site	Clarification that the practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of units on a site included in para 2.8
2.0 Housing for Local Needs	Page 9 – Location - We support the 'cascade' approach listed for providing affordable housing offsite, including the final tier being elsewhere in the District as it is not always easy to identify viable sites for developing affordable housing.	Support noted	No change
2.0 Housing for Local Needs	Pages 9/10 - Financial contributions - The suggested formula seems reasonable but please clarify that SP (the notional affordable housing sale price...) excludes any	Agree - Clarify in text that notional affordable sale price excludes public subsidy	Clarified in para 2.11 that notional affordable sale price excludes public subsidy

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	public subsidy such as grant funding from the Homes & Communities Agency (HCA).		
2.0 Housing for Local Needs	Page 10 – Occupancy - We support the general local connection criteria outlined, although individual schemes may have a more detailed variation - e.g. in smaller villages.	Support noted. The SPD gives WSC's priority for local connection on a ward based basis but references are also included to PPS7 and PPS3 which refer to the importance of meeting the needs of local people/communities in villages and this can also be a factor in assessing proposals.	No change
2.0 Housing for Local Needs	Page 10/11 – Liaison - We support proposals being discussed with the Housing Enabling Officer at the earliest opportunity and would suggest that housing need is included as a specific item. Design standards should be referred to alongside, or instead of, development standards.	Support noted. Include reference to design standards	Reference to design standards inserted in para 2.13
2.0 Housing for Local Needs	In our experience it would also be advisable to include several other items to provide a framework that facilitates discussions among various parties, such as land owners, developers and housing associations. These items include the following: • Tenure mix: Does the authority have a preference for a tenure mix covering rented and 'intermediate' housing such as shared ownership, discounted sale and intermediate rent? This may relate to the definition of affordable housing mentioned earlier.	While the Northern Peninsula SHMA identified an overall need for 31:69 intermediate:social rented tenure mix in West Somerset, this can vary considerably over time and between different locations in the District. The inclusion of an overall long term target is unlikely to be helpful to users of the SPD and may actually cause misunderstanding in negotiations on individual sites.	No change

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	<ul style="list-style-type: none"> • Unit mix: Should the affordable dwellings be provided on a similar (proportional) basis to the open market dwellings - e.g. to avoid them all being flats as opposed to houses? • Design standards: Again, the affordable dwellings should be to the same design standards (or higher) than the open market properties. In particular, space standards for open market housing are usually smaller than those used by housing associations • Grant funding: The SPD should outline the Authority's position on the assumption that no public subsidy is being used. However, it would be helpful if the Council had a policy stance on the 'additional' benefits if public subsidy is used in delivering the affordable housing. For example, this could be a different tenure mix with more rented units if justified by housing needs evidence. The main form of subsidy is likely to be HCA grant funding and their current stance is to seek 'additionality' on section 106 schemes. A clear policy framework would greatly benefit such discussions. <p>These issues may appear as points of detail but they are of highly practical significance when discussing affordable housing with developers on section 106 schemes.</p>	<p>Again, the unit mix requirements can vary greatly across the District depending upon local need.</p> <p>The Housing enabler will advise on the appropriate design standards</p> <p>Agreed</p>	<p>No change</p> <p>No change</p> <p>Clarification included in para 2.11 that WSC's approach in the SPD assumes no public subsidy.</p>
5.0 Education	<p>Pages 24/25 - cost multipliers - Will these contributions apply to affordable housing dwellings on Section 106 developments or to the open market units only? As affordable housing occupiers are very likely already to be locally resident (as per the local connection criteria on page 10) they will not be placing an additional demand on education services. Thus, we believe such contributions should not be applied to affordable housing dwellings.</p>	<p>Lower rate to be applied to affordable housing schemes</p>	<p>Insert new para 5.4 clarifying that affordable housing schemes will contribute at 50% of the rates</p>

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7.0 - Value of Planning Obligations	Page 28 - contribution ranges - Please clarify if the suggested contributions will apply to purely affordable housing schemes as opposed to section 106 developments? The evidence table suggests they will not but the text is unclear. If these contributions were to apply to affordable housing schemes then it will seriously affect their feasibility to the extent that they may become unviable.	A purely affordable housing scheme may still need to contribute to certain amenities/facilities secured through planning obligations to make it acceptable in planning terms. Viability testing will be carried out on a case by case basis as explained in para 7.6	No change
Minehead Town Council			
General	The draft for public consultation is difficult to understand and appears to be more of a WSC Planning Department Guide rather than a consultation document. It has been sent to Town and Parish Councils with no explanation and some Councillors are at a loss to explain it, which means that Town and Parish Clerks are in no position to comment.	It is unfortunate that the SPD has not been explained. The proposed parish/ward priority setting exercise will involve the Town and Parish Councils and as such should result in a clearer understanding.	Reference included in para 1.8 to parish-based tables of priorities which will act as guides to planning obligation expectations for each parish.
2.0 Housing for Local needs	Also the liaison regarding affordable housing is with the District Councils Housing Enabling Officer - presumably without reference to the Town Council. WSC Planning department then pays scant regard to the decisions made by Minehead Town Council resulting in several planning applications that are refused at Town Council then being granted by WSC without explanation or feedback and vice versa	Again, the proposed parish/ward priority setting exercise should help in clarifying local priorities and decision making.	As above
2.0 Housing for Local needs	WSC appears to have already set the formula for financial planning obligations, such as on page 9 where it states "Where the District Council agrees that a financial contribution of on-site provision of affordable housing would be acceptable, the contribution will be calculated as follows - contribution = N x (OMV-SP) for affordable housing.	The formula is already being used by WSC for financial contributions in lieu of on-site provision of affordable housing and is included in the SPD to continue this practice.	No change

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Natural England			
4.0 Community Infrastructure and Local Natural Environment	<p>Natural England suggest inclusion of several references to legislation and regulations relating to habitats and wildlife and propose the insertion of the following paragraphs:</p> <p>Open space should provide 'accessible natural greenspace' in accordance with Natural England guidelines. This principal has been adopted in the Local Area Agreement 'Health of the Natural Environment' local biodiversity indicator, which includes the action to 'establish policies to encourage greening initiatives within development and to ensure that 20% of greenspace will offer tangible benefits for biodiversity. This indicator has been signed up to by all District Councils and therefore a commitment to green infrastructure needs to be incorporated in any planning documents.</p> <p>As part of the 20% greenspace, it is recommended that more community woodland is developed in West Somerset. There is a particular need for this especially around Williton. This area has very little accessible woodland at present when compared to the other main town, Minehead, which has North Hill adjacent and there are accessible woodland areas there.</p>	Agree – amendments are helpful	Suggested wording included in paras 4.6 to 4.7 and associated box.
Nettlecombe Parish Council			
2.0 Housing for Local needs	Thought might be given to conversion of existing farm outbuildings to low cost housing.	Noted, though this does not come within the direct ambit of the SPD.	No change
3.0 Sustainable Travel and Access	We are a parish of an ever aging population who rely very heavily on private transport for essential provisions. A regular service taking people to and from Williton where they can seek medical help and obtain most of their day to day shopping would be a huge asset. It would also link up with public transport to Minehead and Taunton.	The sustainable travel measures sought through the SPD would include such a regular public transport service, though contributions would need to be related to the impact of the development in question.	No change

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
3.0 Sustainable Travel and Access	For the fitter people cycling is an eco friendly form of transport and would be used far more if the roads were safer. We support the provision of cycleways and would like urgent thought given to a safe cycle link between our parish and the A39.	Support and reference to safe cycle link to A39 noted	No change
3.0 Sustainable Travel and Access	We live in a very fragmented parish with hamlets and pockets of houses joined by roads which are becoming increasingly dangerous to pedestrians and cyclists by inconsiderate motorists. Again, urgent thought must be given to providing pedestrian/cycle ways on the B3188 and other linking roads.	These are just the sort of measures the SPD will seek to achieve, subject to appropriate relationship to the development in question.	No change
3.0 Sustainable Travel and Access	In some hamlets and, in particular Yarde, parking has become a problem. Vehicles left over night on the side of the road cause a hazard to home owners driving out on to the road. Urgent thought should be given to the provision of a parking area.	WSC to note	No change
4.0 Community Infrastructure and Local Natural Environment	Our main centres for communal activity are at the EMN Hall and Notley Arms in Monksilver and Nettlecombe Church and Court. Because for most of our parish access is along the B3188, there is a reluctance to use these facilities on a regular basis. Risking one's life to attend a badminton evening on foot or by bicycle particularly in the dark is not an attractive option to TV and certainly driving to the pub is a foolhardy activity.	Again, these are just the sort of measures the SPD will seek to achieve, subject to appropriate relationship to the development in question.	No change
5.0 Education	For the small number of children within the parish the present transport to and from school is adequate.	Noted	No change
6.0 Flooding	Agree with your comments on flooding.	Agreement noted	No change
Network Rail			
3.0 Sustainable Travel and Access	The Guidance on Transport Assessment (2007) published by the Department for Transport places a much greater emphasis on the significance of rail as an	Noted – and see below	No change

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
	<p>alternative and sustainable method of transport. It states that: "The railways are a vital part of the country's transport infrastructure, and the Government wants to see this continue and accelerate." Network Rail would expect this to be reflected in any transport statement/transport assessment to be carried out in association with any new major (larger) development proposals.</p>		
<p>3.0 Sustainable Travel and Access</p>	<p>The area covered by the West Somerset LDF is likely to see significant levels of development over the plan period. Improvements to railway stations and transport links are likely to benefit the whole of the plan area. Network Rail would welcome the commitment of the Council of pooling planning obligations from numerous developments to mitigate their combined impact upon the railway (in accordance with Circular 05/05) especially paragraphs B21 - B24 and B33 - B35. As stated in the circular 5/05 contributions are important: "to mitigate a development's impact (e.g. through increased public transport provision)." This incorporates national and regional objectives to reduce the need to travel by car.</p> <p>Network Rail would look to support such an approach that considers development should assist in securing any necessary infrastructure through S.106 agreements. Such S.106 obligations could be for infrastructure enhancements and could include station upgrading work, additional car parking, improved waiting facilities, improved accessibility (e.g. cycle routes/storage), public transport access, disabled access or improved layout, etc.</p> <p>Network Rail considers that such pooling of planning obligations would be reasonable in offsetting the combined impact upon the railway and would help to improve the infrastructure of the railway within the plan area.</p>	<p>Depending on the size and location of the development in question, some improvements to the infrastructure related to the railway network as suggested could be substantiated, particularly access by cycle routes and public transport improvements.</p> <p>Such potential will become evident from the development's transport statement/assessment.</p> <p>However, the SPD does not propose a 'tariff approach' by which there would be a general pooling. Assessment would be on a development by development basis and related to specific identified infrastructure improvements.</p>	<p>No change</p>

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
Roy Harbour			
2.0 Housing for Local needs	Mr Harbour has provided a suggested re-write of Section 2.0 Housing for Local Needs. The main points from his covering letter are summarized below.		
2.0 Housing for Local needs	There is no justifiable argument why the threshold for Minehead should not be the same as Williton and Watchet . I propose “5”:	The thresholds have been informed by the Northern Peninsula Strategic Housing Market Assessment and the associated Viability Assessment.	No change
2.0 Housing for Local needs	<p>The use of “proportion” is not helpful. I propose using “percentage” and being absolutely clear in the text. I propose 40% [not the 35% related to the unwieldy 35:100] for developments of 5 or more dwellings, wherever they occur.</p> <p>40% has been justified in supporting policy and 40% of 5 is a straightforward whole number, namely 2 dwellings.</p>	<p>Disagree. The 35:65 ratio gives greater clarity and consistency to what will be sought both in developments where the affordable housing is provided on-site and in those where it (or a financial contribution) is being provided off site. In all cases, the total number of units provided (both on-site and off-site) should match the 35:65 proportions. A figure of, say, 35% can cause confusion over whether it relates just to the on-site market housing numbers.</p> <p>40% was found to be favorable and viable for West Somerset by the Northern Peninsula Strategic Viability Assessment, but WSC must also take into account the 35% target in the South West England RSS. The RSS, when adopted, will have development plan status and WSC’s policies must be in general conformity with it. The foreseeable housing market conditions also mean that 35% is likely to be more realistic.</p> <p>The fact that 40% of 5 is a round number has no bearing on whether that should be the appropriate % figure. Developments</p>	<p>No change</p> <p>No change</p>

Issue	Comment	Response	Amendments
		will come in many other sizes apart from 5 and multiples thereof.	
2.0 Housing for Local needs	<p>As to smaller settlements, I accept the threshold of 2.</p> <p>However, smaller developments require special attention, not least because of economic viability related to the scale of build. I am referring here only to developments of 2, 3 and 4 dwellings.</p> <p>I therefore propose a reduced contribution of 25%. The Council debated long and hard before agreeing the amendment that established the current 25% contribution in Villages, both in Local Plan and SPG. For 2 and 3 dwelling developments I have accommodated the requirement for a financial contribution in lieu.</p>	<p>Acceptance noted</p> <p>Section 7.0 of the SPD explains how viability should be demonstrated and this will apply to all developments. The 35:65 proportions will be the starting point for negotiations. Where economic viability arguments can be demonstrated, a lower proportion of affordable housing might be acceptable.</p>	<p>No change</p> <p>No change</p>
2.0 Housing for Local needs	<p>The financial contribution for 2 and 3 dwellings has to be based on a virtual [not on-site] dwelling, 0.5 and 0.75 of an affordable dwelling respectively. I have therefore asterisked/annotated the formula, in order to ensure that these values are based on a typical affordable, across the District, and not based on an on-site market dwelling. The amended formula would be:</p> <p style="text-align: center;">Financial Contribution = N x (OMV – SP)</p> <p><i>N = Number of affordable units to be provided in the ratio 35:65 (affordable:market)</i></p> <p><i>OMV* = Open Market Value of an affordable unit to be provided</i></p> <p><i>SP* = Notional affordable housing Sale Price of an affordable unit to be provided</i></p> <p><i>* For smaller developments, where affordable housing is not to be provided on-site, the OMV [and SP] will be based on the OMV [and SP] for typical affordable dwelling types in the District.</i></p>	<p>The Open Market Value and the Notional Sale Price of an affordable unit will be the same, so the respondent's suggested amendments would result in zero financial contribution.</p>	<p>No change</p>

Issue	Comment	Response	Amendments
	<p>Also suggested: <i>Affordable housing should is to be located on the same site as, and be an integral part of, the development. Only exceptionally will off-site provision be acceptable in lieu of on-site provision for developments of 5 or more dwellings. However, the economic viability of small scale developments of 2, 3 or even 4 dwellings in the smaller settlements will invariably necessitate a financial contribution to off-site affordable provision, in lieu of on-site provision, usually through the pooling of financial contributions.</i></p>	<p>It is likely to be the case that smaller developments will often (but not invariably) make a financial contribution due to site restrictions. An amendment to the text acknowledging this could be helpful.</p>	<p>Para 2.10 amended to acknowledge that smaller developments may often result in making a financial contribution due to site restrictions.</p>
2.0 Housing for Local needs	<p>Under “Location”, I have included “exception sites”. You will be able to find a supporting policy extract to include with others in the boxed Section at the end of Para. 2.0.</p> <p>Also suggests that an additional first step in the allocation cascade should be residents in the parish in which the development is located.</p>		<p>Paras 2.9 and 2.12 amended to include additional parish tier</p>
Somerset County Council			
General	Paragraph numbers would greatly assist easy use of the document	Agreed	Para numbers inserted
General	It may be helpful to distinguish each sentence that says “...[West Somerset Council will use planning obligations to]...” from the other text and quotation boxes about the area concerned so that readers can see at a glance what the Council will be expecting. This form of statement appears in each section of the document and may perhaps also be usefully summarised say in the Introduction.	Noted	No change
General	The Local Plan Policies quoted need to be reviewed – on occasion – e.g. Section 3.0, Policy Box under	Agreed	Reviewed and amended accordingly

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
	heading 'Highway Standards' on page 17: both Policies quoted – T/10 and T/11 of the West Somerset Local Plan (2006) were abandoned in April 2009. The County's Structure Plan is still 'saved' until publication of the Regional Special Strategy. The timing of this SP Document and its content need to be carefully poised now.		
General	<p>The change in the document from its initial draft such that it no longer seeks unilaterally to prioritise what contributions will be sought, is supported but a methodology or process through which such prioritisation between the District, County and/or other agencies could be agreed if necessary should be included</p> <p>Should the document make reference to which other authorities and agencies may also be seeking obligation contributions from development?</p>	<p>Support for non-prioritisation noted.</p> <p>References to other agencies and when/how they will be involved to be included</p>	<p>No change</p> <p>References added in various parts of the SPD to when/how other agencies will be consulted/involved</p>
General	A list of references of all documents quoted may be desirable.	Noted	No change
1.0 Introduction	Spelling correction required – Circular 5/05 states "... or to secure a contribution form a development..." replace 'form' with 'from'	Agreed	Amended accordingly
1.0 Introduction	Page 4 box – paragraph at foot of page should also refer to objectives of Somerset County Council as Local Highway Authority and Local Education Authority – in support of some of the planning obligations referred to in sections 3, 4, 5 and 6	Agreed	Amended accordingly
2.0 Housing for Local needs	Page 6 first box- It might help to explain briefly where/ what is the extent of the 'Northern Peninsula' of 'The Northern Peninsula Housing Market Assessment'?	It would be better to refer applicants to the actual NPHMA document to avoid any misunderstandings	No change

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
2.0 Housing for Local needs	Page 8 – ‘draft’ RSS, at present – or will publication of the SPD be held until the RSS is published?	SPD can be progressed with references to RSS having weight appropriate to its progress towards publication.	No change - Proceed with adoption of SPD while RSS progresses towards adoption.
2.0 Housing for Local needs	Page 9 – ‘off-site provision can be in-kind or in the form of a financial contribution’ – Looking forward, CIL proposals are for ‘in kind’ not to be acceptable against the levy, but maybe OK still with regard to local planning obligations, await post CIL introduction revision of Circular 5/05.	The off-site and in-kind provision relates to affordable housing which, under the current CIL proposals, would still be the subject of planning obligations	No change
3.0 Sustainable Travel and Access	Can heading become ‘Safe and Sustainable Travel and Access’, as safety is an important component too.	Agreed	Amended accordingly
3.0 Sustainable Travel and Access	Overall, this does not contain much information relating to residential development. Examples of obligations for travel planning might include green travel vouchers, smarter travel information packs, and the provision of a travel plan coordinator	Unclear as to what further information SCC is seeking Agreed - -helpful to include examples of travel planning obligations’	New para 3.8 includes examples of such Travel Plan obligations
3.0 Sustainable Travel and Access	Page 12 – the box could usefully perhaps be expanded to include PPS 3: Housing – pages 8 and 9 of which, national planning policies at paragraphs 16 & 17 refer to the need for good access in quality development. Ditto page 20 on Play Space perhaps.	Agreed	Boxes following paras 3.2 and 4.5 amended accordingly
3.0 Sustainable Travel and Access	Pages 13 & 17 – sentence ‘...to ensure that the County Council’s relevant highway standards are met.’ This sentence should be used once - preferably retain on page 13 towards the start of Section 3, and expand to note that the County’s highway and parking design standards are set out in its design guidance notes, Local Transport Plan, and Government publications such as the Manual for Streets (MfS) and the Design Manual for Roads and Bridges (DMRB).	Helpful comments, but would prefer a general statement alerting applicants to the standards.	Para 3.5 amended to become a general statement that relevant national and County Council highway and parking design standards are met.

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
	Consider making the issue of ‘commuted sums’ explicit – a lump sum payment taken to cover the cost of maintenance for an agreed period of time ahead for certain items specific to the development and the human activities it generates (e.g. if a signal controlled pedestrian crossing were required for users of the development to cross an adjacent busy road, a sum could be taken to pay for upkeep and maintenance for the next number of years as part of the obligation to provide the installation).	The SPD could benefit from an overall statement relating to commuted sums for maintenance of various facilities – in line with the guidance in C.05/05. Specific mention of transport related facilities could be included	New Section “8.0 Maintenance Contributions” included
3.0 Sustainable Travel and Access	Page 14 - The reference to 8.7.4 of the Local Plan does not refer to any softer measures/smarter choices initiatives, such as securing obligations for promotional work, printed materials, or financial incentives that often form part of travel plans.	Examples of softer/smarter Travel Plan obligations could be included with reference to SCC policy/guidance.	References inserted at paras 3.8 and 3.11 to softer/smarter Travel Plan obligations
3.0 Sustainable Travel and Access	Page 14 second box - The extract of Policy T/8 of the Local Plan is not coherent – it starts by talking about parking but the second paragraph is not about the provision of parking but the provision of off-site infrastructure; the link is tenuous or not explained. Again, policy T/7 does not state what parking is to be reduced against (i.e. what is the starting point) and by stating “contributions ... for alternative modes of transport required to serve the development” might exclude non-infrastructure interventions.	The extracts are direct quotes from the policies T/8 and T/7 of the Local Plan. The point of including them is to show the policy basis for seeking contributions towards cycleways and pedestrian facilities in schemes where a reduced level of car parking is appropriate	No change.
3.0 Sustainable Travel and Access	Pages 15 and 17 - it could be made clearer why some of the quotation relating to T/11 is in bold, and the rest is not.	The wording in bold is the relevant part of the policy. The non-bold could be deleted to make this clearer.	Non-bold wording in policy T/11 on pages 15 and 17 deleted
3.0 Sustainable Travel and Access	Page 16 - Suggest modify the paragraph at the top of p16 to read “seek contributions to develop and improve levels of walking, cycling and use of public rights of way through infrastructure and soft measures in the vicinity...”	Useful suggestion	Para 3.11 amended accordingly

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
3.0 Sustainable Travel and Access	Page 18 – recommend re-writing (or deletion) of sentence: ‘such improvements are more likely in the larger settlements where deficiencies in the public realm are identifiable.’ – There are deficiencies in many places; where are they not identifiable?; and planning obligations should not be sought to make good existing deficiencies unless these are exacerbated by the proposed development – C 5/05 ‘...they should be directly related in scale to the impact which the proposed development will make.’	The intention of the sentence is to provide guidance that public realm improvements are more likely to be identifiable in larger settlements where there are also deficiencies. This does need clarifying and making clear that any improvements would be related to the impact of the development.	Para 3.14 amended accordingly and cross referenced to new para 1.5
4.0 Community Infrastructure and Local natural Environment	Page 19 - The WS Community Strategy is a time-limited document – how does this affect the SPD when the CS expires	Many of the policy documents referred to in the SPD are time limited. The SPD will need to be kept under review to ensure that references are still relevant.	No change
4.0 Community Infrastructure and Local natural Environment	Pages 20 and 21 – see note re PPS 3 at Page 12	Refs to PPS3 would be helpful	References to PPS3 inserted at paras 3.2 and 4.5
4.0 Community Infrastructure and Local natural Environment	Page 21 – ‘Aim 8 To improve the health of all people, starting with the most vulnerable.’ – Could not find this aim actually numbered in the online Community Strategy. And observe that the ‘most vulnerable’ applies not only to ill health. ‘Vulnerable’ can also be used in safety and transport terms referring to children, pedestrians, cyclists, users of wheelchairs and disabled buggies, and motorcyclists.	Aim 8 is in the Community Strategy Action Plan. Observation noted though the context in this instance is in relation to health	No change.
5.0 Education	Page 24 – SCC would prefer not to have a threshold of 50 dwellings before consideration is given as to whether contributions should be payable. There are some locations under pressure where even much smaller developments will have an impact that would be difficult to manage. The need to address cumulative impact should be acknowledged	The intention is to give clear guidance in line with WSC’s priorities for planning obligations.	No change.

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>									
5.0 Education	<p>Page 25 – Since the DCSF Basic Need Cost Multipliers are now as follows:</p> <table style="margin-left: 40px;"> <tr> <td>Primary</td> <td>(Ages 5-11)</td> <td>£12,257</td> </tr> <tr> <td>Secondary</td> <td>(Ages 11-16)</td> <td>£18,469</td> </tr> <tr> <td>Post-16</td> <td></td> <td>£20,030</td> </tr> </table> <p>then as Middle Schools have two primary year groups and two secondary year groups, an average of the total of four is £15,363 per place;</p> <p>and as colleges have four secondary year groups and the equivalent of one post-16 year group, assuming an average rate of 'stay-on' of some 50% each cohort, the average would therefore be £18,781 per place.</p>	Primary	(Ages 5-11)	£12,257	Secondary	(Ages 11-16)	£18,469	Post-16		£20,030	Amend table accordingly	Table amended accordingly
Primary	(Ages 5-11)	£12,257										
Secondary	(Ages 11-16)	£18,469										
Post-16		£20,030										
6.0 Flooding	Section might benefit from reference to the Pitt review – in particular recommendation 7 on the presumption against building in high risk areas, hence that the SPD will apply to developments that are acceptable 'despite Pitt', as it were.	Not considered helpful for this document	No change									
7.0 Value of planning obligations	Page 28 - It is not clear if the amounts given for different towns are averages within a development, or averages expected from all developments across these towns.	The range could apply to a development if it consisted of a variety of dwelling types.	Para 7.5 amended accordingly									
7.0 Value of planning obligations	A similar reckoning could usefully be put forward for commercial developments/m2, as this largely focuses on residential development	This was considered, but due to the variety of commercial developments and that the vast majority of development in the District is anticipated to be residential, it was concluded that a similar set of viability ranges for commercial developments would require disproportionate effort for limited use.	No change									
7.0 Value of planning obligations	Would there be merit in referring to the forthcoming CIL on the grounds that it might be appropriate for WSC to review this SPD in the light of CIL and potentially as a	These are important points but their inclusion in the SPD would not really help in its role of providing guidance on WSC's use	No change.									

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
	result of the Government’s consultation/advertisement of its considered intention to restrict Planning Obligations to measures solely for use by a development – potential sub-regional infrastructure funding gaps etc that might affect development in the district? Perhaps another sentence in the fourth paragraph on page 28 about regular review of the assumptions within tested viability.	of planning obligations.	
7.0 Value of planning obligations	It is not clear why the text in the box is so presented as it seems to be further discussion material rather than a policy quotation as elsewhere.	The text boxes provides further supporting evidence as well as policy substantiation. This box refers to evidence form the housing viability assessments.	No change
7.0 Value of planning obligations	Page 29 - Two typos in the last but three paras.– ‘developers’ be ‘developer’s’ and ‘practise’ be ‘practice’.	Agreed	Amended accordingly
8.0 Contributions to Admin..	SCC’s travel plan fee is worth mentioning	Not for this document	No change
Somerset Strategic Partnership			
	The statements align with the Partnership's priorities as set out in its Sustainable Community Strategy	Noted	No change
South West Councils			
General	South West Councils support the West Somerset Planning Obligations SPD	Support noted	No change
South West RSL Planning Consortium (submitted by Tetlow King)			
General	We fully support the Council's attempts to adopt an SPD which will add more weight to their affordable housing policies on appeal. We are also pleased to see the Council is attempting to formalise its request for other planning obligations.	Support noted	No change
2.0 Housing for Local Needs	We consider that because 100% affordable housing schemes are primarily delivered for residents already living in the area, they should not be liable for the same level of contributions as general market housing schemes. Circular 05/05 states that all contributions	The suggested reduced rate of contributions for RSL developments accepted.	Para 5.4 inserted to clarify that affordable housing schemes will be expected to contribute 50% of Education rates. Para 3.4 amended to acknowledge

Issue	Comment	Response	Amendments
	<p>should be <i>"fairly and reasonably related in scale and kind to the proposed development"</i></p> <p>Offering a reduced rate of contributions for RSL development will encourage our member organisations to bring forward more 100% affordable housing schemes in the area. In order to meet the housing target set out in the emerging RSS and the associated affordable housing targets, they will need a large number of RSL developments to help deliver the required numbers and in particular meet the need set out in the two housing market area reports of which West Somerset is a participant.</p>		<p>that affordable housing schemes may have a limited impact on the transport network and the travel impacts of such schemes will be assessed accordingly. Para 7.11 inserted to clarify that for developments solely comprising affordable housing a reduced contribution of 50% for the non-housing obligations will be sought.</p>
<p>2.0 Housing for Local Needs</p>	<p>Though we are supportive of any efforts to bring forward delivery of affordable housing it is important to test proposed reductions in thresholds against viability and also to conduct a cost:benefit analysis to uncover any potential risk to overall housing delivery such reductions may result in.</p> <p>The Council should show clearly any evidence used to reach the new threshold proposed in the draft SPD for Minehead to allow for thorough public consultation. Without a viability assessment the policy will not withstand developer or inspector scrutiny. Paragraph 29 of PPS3 clearly states that LPAs need to <i>'undertake an informed assessment of the economic viability of any thresholds'</i></p>	<p>Viability assessment has been carried out at the proposed thresholds as described in section 7.0 Value of Planning Obligations. This can only be a broad assessment of viability as circumstances will differ greatly between schemes, so section 7.0 also spells out the procedure for carrying out individual assessments to demonstrate the viability of particular schemes.</p>	<p>No change</p>
<p>2.0 Housing for Local Needs</p>	<p>In addition, we are concerned that a reduced threshold is being introduced outside of the Core Strategy. Whilst we fully encourage the Council to explore ways of increasing the supply of affordable housing in the district, paragraph 6.1 of PPS12 states that: <i>"planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its DPDs"</i>.</p>	<p>Saved policy H/4 of the WS Local Plan (2006) starts with: <i>"Based on the <u>level of identified housing need of the area</u>, affordable housing will be sought on development sites as follows..."</i></p> <p>The reduced threshold for Minehead is we</p>	<p>No change</p>

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
	<p>The Local Plan already contains policies on the thresholds and proportions of affordable housing. This SPD should provide information on how those policies will be implemented, rather than amending those policies.</p>	<p>think supplementary to policy H/4 as it is based on the <u>level of identified housing need</u> most recently evidenced in the Northern Peninsula Housing Market Assessment (Dec 2008).</p> <p>Further, PPS3 states in para 68 that: When making decisions on planning applications for housing development after 1st April 2007, LPAs should have regard to the policies in this statement as material planning considerations which may supersede the policies in existing development plans...”</p> <p>PPS3 goes on to highlight that although the national indicative site threshold for inclusion of affordable housing is 15 dwellings, LPAs can set lower minimum thresholds where these are viable and/or practicable, ensuring that the provision of affordable housing meets the needs of both current and future occupiers, taking into account any evidence in the SHMA.</p> <p>The decisions taken on housing developments in West Somerset will indeed have regard to the policies in PPS3 as material considerations which supersede the policies in the existing WS Local Plan 2006, and will take into account evidence in the most recent SHMA. To be useful the SPD must show how planning obligations will be used in pursuit of the PPS3 planning objectives and in the light of the SHMA evidence – and this will include the application of the reduced threshold.</p>	

Issue	Comment	Response	Amendments
		<p>The same argument applies to the new 35:65 proportions that will be sought (affordable:market), but in this case the new proportions are also included to be in general conformity with the South West England RSS which will have development plan status when adopted.</p>	
<p>2.0 Housing for Local Needs</p>	<p>We also recommend that the Council add in a sentence stating that developments which seek to circumvent the policy by reducing the number of units on the site will be refused.</p>	<p>While having sympathy with the respondent's intention, it will be difficult to prove that a developer has deliberately sought to circumvent the policy. Further, such a statement would be difficult to substantiate as being supplementary to the development plan.</p>	
<p>2.0 Housing for Local Needs</p>	<p>Though a viability assessment has been completed for the Northern Peninsula, the viability assessment cautions <i>'The 35% and 40% targets are the correct targets to balance the overall housing market over time - but may not be the appropriate targets now.'</i> (paragraph 3, Preamble) Further evidence should be set out to support the adoption of a 35% affordable housing delivery target.</p> <p>We further recommend that the statement on proportions may be more succinctly worded as a numeric ratio to avoid confusion.</p>	<p>The Northern Peninsula SVA also states that a 40% affordable housing quota is "favourable and viable" for West Somerset. Also, the South West England RSS sets a 35% target, and this will have development plan status when the RSS is adopted.</p> <p>Disagree. The 35:65 ratio gives greater clarity and consistency to what will be sought both in developments where the affordable housing is provided on-site and in those where it (or a financial contribution) is being provided off site. In all cases, the total number of units provided (both on-site and off-site) should match the 35:65 proportions. A figure of, say, 35% can cause confusion over whether it relates just to the on-site market housing numbers.</p>	<p>No change</p> <p>No Change</p>

Issue	Comment	Response	Amendments
	<p>We also restate our previous point that the SPD should provide additional detail on adopted Local Plan policy rather than create new policies. Given the loose wording of the Local Plan, we recommend that the Council reconsider whether this section of the document is new policy which would require examination by an Inspector or if it just adding further detail to the policy.</p>	<p>This has been considered and, as discussed above, we assess that the thresholds and proportions are supplementary to the saved Local Plan policy H/4 and give guidance on how planning obligations will be used in pursuit of regional and national planning objectives.</p>	<p>No change</p>
<p>2.0 Housing for Local Needs</p>	<p>We fully support the Council's approach to the off-site provision of affordable housing.</p> <p>However, they need to explain why they have chosen this formula to calculate the provision.</p>	<p>Support noted</p> <p>WSC has successfully operated this formula in recent years (it is in the SPG of December 2005) and its inclusion in the SPD will provide continuity.</p>	<p>No change</p>
<p>2.0 Housing for Local Needs</p>	<p>Though we are generally supportive of the Council's approach to restricting occupancy to those with existing local connections we are concerned that the current connection criteria may be too narrow. Please see the attached copy of the approach used by Shropshire Council; this approach is less restrictive but still seeks to provide affordable housing to those with genuine local connections.</p>	<p>We are happy with the WSC approach.</p>	<p>No change</p>
<p>2.0 Housing for Local Needs</p>	<p>In addition to these comments, it is important to note the recent comments of the Minister for Housing and Planning, John Healey MP, in Planning (see below). In this he clarified that affordable housing may be one of very few, if not the sole exemption or reduction from CIL, clearly indicating the Government's commitment to reducing the burden of charges on affordable housing providers, particularly infrastructure contributions, and the need for this community benefit:</p> <p><i>We are also exploring a significantly lower rate for affordable housing. I am committed to ensuring that there is no cut in the level of affordable home contributions secured from developers.</i>" (Breaking Barriers, Planning, 14 August 2009)</p>	<p>Noted</p>	<p>No change</p>

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
3.0 Sustainable Travel and Access	<p>We consider that RSL schemes should be given a reduction for any transport contributions. As noted above, affordable housing is primarily for people who are already resident in West Somerset and does not therefore generate any increase in existing transport movements.</p> <p>Additionally, other Councils across the South West of England already offer an exemption or reduction; West Somerset should consider adopting this approach so as to encourage affordable housing delivery.</p> <p>In addition to these points, residents of affordable housing schemes are less likely to own cars, TRIGs data is recognised by the Department for Transport and used in Transport Assessments. This sets a lower number of vehicular movements for social rented and intermediate than open market housing. Also, residents of affordable housing are less likely to commute longer distances to their jobs, as they are less likely to be able to afford increased travel costs.</p>	<p>Reduced contributions by RSL schemes to transport will be discussed further with WSC and Somerset County Council</p>	<p>Para 3.4 amended to acknowledge that affordable housing schemes may have a limited impact on the transport network and the travel impacts of such schemes will be assessed accordingly</p>
3.0 Sustainable Travel and Access	<p>The proposal noted on pages 15 - 16 for the Council to “<i>seek contributions to develop.. in the vicinity of the development</i>” is not considered sufficiently specific as it fails to take account of the need for infrastructure improvements. Circular 05/05 notes that contributions must be “<i>fairly and reasonably related in scale and kind to the proposed development</i>”. It is important that the Council provides further justification for any proposed contributions and notes in which circumstances these will be required.</p> <p>This section of the document is quite vague. Clearly developments that require improvements to meet highway safety standards will have to provide contributions to upgrade the highway. However. Other contributions suggested in this section are less clear cut.</p>	<p>Accepted - ‘in the vicinity of development’ needs to be clarified in the context of the Circular. 05/2005 tests. Amend text accordingly.</p> <p>It is difficult to establish thresholds and a formula because of the great variety of circumstances that will arise in the District. The proposed parish-based tables of priorities will provide guidance on local</p>	<p>Para 3.11 amended accordingly</p> <p>New para 1.8 explains the parish-based tables of priorities which will provide the necessary guidance on local expectations.</p>

Issue	Comment	Response	Amendments
	<p>The document refers to contributions to 'sustainable travel measures' and 'improvements to too/ways, cycleways and public rights of way', but no threshold is set for these developments and no formula laid out for calculating these contributions. Therefore, it appears that these contributions are intended to be site specific, but this needs clarifying. We recommend that the final version of this document includes some examples to illustrate this point. For example a greenfield edge of settlement site might require a new footpath or pedestrian crossing to ensure there is safe and convenient pedestrian link to services and facilities, The developer would be expected to pay for this linkage.</p> <p>Proving the need for improved cycleways might prove problematic as the Council would have to prove that the existing road network was not safe enough to accommodate the bicycle traffic from the development.</p> <p>We would recommend that the Council produce a document identifying the deficiencies in the cycle network in the district. The consultation document makes reference to a Rights of Way Improvement Plan as the starting point for contributions to improving Public Rights of Way, without a similar evidence base for cycling contributions to improving the cycle network may not be justified.</p>	<p>expectations.</p> <p>The map entitled 'Promoted routes within West Somerset' indicates parts of the cycle way network that would be the target of improvements.</p>	<p>No change</p>
3.0 Sustainable Travel and Access	<p>The same comments as made above apply here, too, as all contributions should be fully related to specific development need, in line with Circular 05/05 guidance. Examples should also be included.</p>	<p>Noted</p>	<p>No change</p>
4.0 Community Infrastructure and Natural Environment	<p>We support the Council in requesting contributions where the development will create a new need. However, We consider that the Council should be offering an exemption or reduction in the level of contribution from RSL development.</p>	<p>Exemption or reduction in contributions for RSL development accepted</p>	<p>Para 5.4 inserted to clarify that affordable housing schemes will be expected to contribute 50% of Education rates. Para 3.4 amended to acknowledge</p>

Issue	Comment	Response	Amendments
	<p>100% affordable housing schemes are primarily aimed at providing affordable properties to local people already resident in the district. Social rented accommodation will be occupied by those on West Somerset social housing registers.</p> <p>The Council also needs to be aware that RSL affordable housing schemes are supported by Homes and Communities Agency (HCA) grant. This funding is for direct site acquisition and development costs only, and does not cover planning obligations. Therefore, the HCA will be less willing to offer funding to schemes in areas where the RSL have to make large planning obligations payments as it may not be viewed as good value for public money.</p> <p>The Council should explain what the “significant forms of residential, commercial or industrial development” are which will require contributions to community facilities. We would suggest that these are only allocated strategic sites rather than windfall developments.</p> <p>In addition, we do not support contributions towards public houses. These are private businesses and developers can not be expected to support them.</p>	<p>The significance of forms of development will depend on the wide variety of circumstances that will be encountered in the District. Para 4.3 of the SPD clarifies that ‘Where additional demand from development and local need can be demonstrated, the District Council will use planning obligations to provide or enhance buildings used for community uses’. The parish-based tables of priorities referred to in para 1.8 of the SPD will provide further guidance on the significance of a form of development in relation to the local circumstances.</p> <p>The contributions would be towards public facilities provided in public houses as these are often at the heart of the community and can be a cost effective means of accommodating local community services.</p>	<p>that affordable housing schemes may have a limited impact on the transport network and the travel impacts of such schemes will be assessed accordingly. Para 7.11 inserted to clarify that for developments solely comprising affordable housing a reduced contribution of 50% for the non-housing obligations will be sought.</p> <p>No change</p> <p>No change</p>

Issue	Comment	Response	Amendments
	<p>We also strongly recommend that the Council set out what the costs are for making contributions to recreation facilities. We would suggest that a formula is set out which demonstrates the cost of providing the space.</p> <p>The document should also set a clearer threshold for making contributions in order to provide certainty to developers.</p>	<p>The facilities and the circumstances in which they would be sought will be so varied across the District that a formula approach would not be helpful.</p>	<p>No change</p>
<p>5.0 Education</p>	<p>We reiterate the above comments. We accept that some families may move into new catchment areas and place additional demands on different schools, this however will free up places in schools elsewhere in West Somerset.</p> <p>Affordable housing clearly creates less of a demand for education places than general market housing. Whilst it may be difficult to quantify how much this will be, affordable housing schemes are still entitled to some level of reduction. Declining to do so would be contrary to tests set out in Circular 05/05, that a contribution "should be fairly and reasonably related in scale and kind to the proposed development",</p> <p>Several other Local Authorities have adopted this approach. Plymouth City Council and Maidstone District Councils offer exemptions to affordable housing developments on nearly all obligations. Herefordshire offer exemption on Open Space and Education contributions. The relevant extracts from their SPDs are attached. We also enclose the appeal decision where the Maidstone approach was supported by an Inspector on appeal.</p> <p>It should also be noted that North Somerset Council has an informal policy of offering an across-the board reduction to RSL affordable housing development. The document states that developments which produce '50+'</p>	<p>Agreed</p>	<p>Para 5.4 inserted to clarify that affordable housing schemes will be expected to contribute 50% of Education rates.</p>

Issue	Comment	Response	Amendments
	dwellings should be required to make education contributions. However, we suggest that this should not include one-bedroom flats as families do not occupy these types of units.		
6.0 Flooding	The Council should define more clearly what it considers to be 'appropriate developments' where it states that these would be expected to contribute towards flood defences.	Agreed – clarify 'appropriate developments'	Para 6.6 amended accordingly
7.0 Value of Planning Obligations	<p>We recommend that the Council set out more precisely at what stage and in which circumstances it will review the assumptions set out in identifying the appropriate level of contributions from developments.</p> <p>There should be an appropriate mechanism set out in the document to allow for amendments to be made within the SPD.</p> <p>We also recommend the removal of the sentence "<i>Schemes which do not provide affordable housing are likely to be more profitable and could therefore warrant larger planning obligation contributions within the ranges shown</i>". This statement is contrary to Circular 05/05 which states that the level of contribution should be related to the need created by the development not how profitable it is.</p>	<p>Agreed. The most convenient vehicle for publishing amendments would be the Annual Monitoring Report – this has been done by other local authorities.</p> <p>Profitability is intended to indicate level of economic viability which will be taken into account when assessing level of planning obligations contributions. Wording to be re-considered to ensure this intention is properly conveyed.</p>	<p>New para 1.9 inserted to clarify that Annual Monitoring Report will include updates of time-limited formulae and other information as noted in various parts of the SPD.</p> <p>No change.</p>
8.0 Contribution to Administration and Monitoring of Planning Obligations	We note the Council's intention to introduce an administration fee for monitoring the payment of Section 106 monies. We consider that the request for a £100 fee per dwelling to be unnecessary. The Council already charges significant application fees, and then a further fee to draw up the legal agreement. This should be more than sufficient funding for one department within the Council to check if another is spending the money allocated to it.	This is common practice to cover the additional costs to the Council which is not covered by other fees. The approach in the SPD is the same as that adopted by neighbouring local planning authorities.	No change

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
	Circular 04/2008 on planning fees makes no provision for charging for the monitoring of planning obligations. It does make provision for Councils to charge to monitor minerals & waste planning conditions, but does not extend this to normal planning permissions conditions or obligations. We therefore question the need for this administration charge.		
General	We strongly urge the Council to state in this document, that the cost of these planning obligations will not be passed on by private developers to RSLs when negotiating a price for Section 106 affordable housing. RSLs should simply be paying for these units at build cost.	The Council will not be able to control the passing on of such costs.	No change
South West Water			
General	We have no particular comments.	Noted	No change
Stogumber Parish Council			
General	<p>At the last Area Panel Meeting, some participants seemed to view planning obligations as money won on the lottery, that should be shared-out across the district according to which places need a bit of investment. This seems to us to be a fundamental misunderstanding of the purpose of planning obligations.</p> <p>The stated purpose of Planning Obligations is to: <i>"... to make acceptable development which would otherwise be unacceptable in planning terms"</i></p> <p>A development must obviously take place in a particular geographical location or locations. If planning obligations are to make that development acceptable, then the planning obligations must be invested in a place that is affected by that development. It cannot be possible to make a development acceptable by investing planning obligations in a place that is unaffected by that development.</p>	<p>Noted</p> <p>Agree</p> <p>Agree</p>	<p>Para 1.5 inserted to set out the five criteria in Circular 05/2005 which help clarify how and when planning obligations should be used.</p>

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
	<p>In other words, the planning obligations must be invested in the town(s) or parish(es) directly affected by the development which generated the planning obligations.</p> <p>To take an example, if a development of 20 houses is proposed for (say) Stogumber, and this development would not be acceptable unless there were planning obligations worth (say) £40,000, that development surely cannot be made acceptable by spending the £40,000 in (say) Watchet. Watchet would not be affected by the development in Stogumber, and no amount of money invested in Watchet would by itself make acceptable a development in Stogumber that would otherwise be unacceptable.</p> <p>Please note that we are not putting forward an argument that all of the money should be spent in the town(s) or parish(es) in which the development takes place, because some developments will have a direct affect beyond the boundaries of that town or parish.</p> <p>To build on the example above, in our view it would be appropriate to spend the £40,000 on improving the Crowcombe Cross junction even though that junction lies outside of Stogumber parish, because this is one of the principal routes from Stogumber that meets the A358 and the extra houses built in Stogumber will directly increase the traffic using an already unsatisfactory junction.</p> <p>Huge developments such as Hinkley Point are likely to have significant direct impacts beyond a single town or parish, and so the planning obligations may therefore be invested in a correspondingly wider area. (This is not a covert bid for some of the Hinkley money to be spent in Stogumber because Stogumber would obviously not be directly affected by Hinkley Point unless there is some</p>	<p>Agreed.</p>	

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
	<p>terrible nuclear accident in which case it would be too late!).</p>		
<p>General</p>	<p>The draft Planning Obligations - Supplementary Planning Document 2009 appears to give discretion to West Somerset Council to determine the value of planning obligations sought, and the way in which planning obligations would be invested.</p> <p>West Somerset Council would plainly be negotiating with the developer. Nowhere in this draft (nor in the more detailed version) is there any mention of the involvement of town and parish councils. This is wholly unacceptable to us.</p> <p>Parish and town councils are best placed to advise on the impact of proposed developments on their communities, and the ways in which these impacts may be mitigated. Or, to use the terminology of the draft, parish and town councils should have a formal and explicit role in determining how developments which would otherwise be acceptable can be rendered acceptable through planning obligations.</p> <p>We accept that the negotiations would be conducted by West Somerset Council, but these should be accompanied by discussions between West Somerset Council and the relevant town and parish councils, and these town and parish councils should be told about significant changes to expected planning obligations (and the uses to which they might be put) which arise during negotiations.</p> <p>It has been suggested that town and parish councils would agree with West Somerset three key priorities which planning obligations (if and when they arise) might be used to address, and these agreed priorities would be in accordance with West Somerset Council's overall</p>	<p>Agreed – the SPD should be amended to include reference to the priority setting exercise.</p> <p>Agree</p> <p>Agree – this is the priority setting exercise referred to above.</p>	<p>Para 1.8 inserted to make reference to the parish- based tables of priorities which will act as guides to planning obligation expectations for each parish.</p>

<i>Issue</i>	<i>Comment</i>	<i>Response</i>	<i>Amendments</i>
	<p>priorities. This seems to us to be a useful way to start the process, although it would not obviate the need for West Somerset Council to discuss with town and parish councils the planning obligations that may arise from particular developments as and when they are proposed.</p>		
<p>4.0 Community Infrastructure and Local Natural Environment</p>	<p>Text implies that planning obligations will be invested in the parish(es) or town(s) directly affected by the development, but it does not state this with absolute clarity.</p> <p>Some representatives suggest that the money should be spent wherever there was the need, irrespective of whether those places were affected by the development that gave rise to that money. It would be better if the draft were revised so that it could not be misunderstood.</p> <p>The document (or an associated policy) must in our view clearly state that there will be consultation with parish and town councils, and the nature of this consultation. You cannot be surprised that we are concerned when the word "parish" (let alone "parish council") does not appear even once in either the concise nor full drafts.</p>	<p>Planning obligations must be related to the development in question. Suggest include amendment to section 1.0 Introduction to make this clear, with reference to the tests in Circular 5/2005</p> <p>The suggested new text describing the parish/ward priority setting exercise should include reference to consultation procedures with the parish/town councils.</p>	<p>New para 1.5 inserted to make clear that planning obligations must be related to the development in question, with reference to the tests in Circular 05/2005</p> <p>Para 1.8 inserted to make reference to the parish- based tables of priorities which will act as guides to planning obligation expectations for each parish.</p>

<i>Issue</i>	<i>Comments</i>	<i>Response</i>	<i>Amendments</i>
General	Finally, a small matter. Could you confirm that the £1,000 S106 money (arising from the conversion of the Baptist Chapel) has been paid to Stogumber Village Hall? You will have seen that planning permission has now been granted to the Village Hall for the storage shed to facilitate the pre-school using the hall. The £1,000 is a contribution towards the costs of this shed.	WSC to note	
Watchet Town Council			
General	<p>The Committee are broadly supportive the statement</p> <p>The Committee believe that developers should contribute to community facilities in the local area where a development takes place.</p> <p>The presumption of a contribution in PPS (Nov 2006) would be strengthened in order to promote a more mixed residential development.</p> <p>Also the Committee think that a community that has the disruption of construction of a development should be the one that sees an enhancement of its community facilities. New housing in Watchet should not generate money for community facilities elsewhere in West Somerset, as more resources will have to be found in light of extra people moving into the area. For example, the Committee note that the Play Space Audit found that provision in the west of the council area has gaps. These gaps should be funded from other sources than developer money from Watchet.</p>	<p>Broad support noted</p> <p>Planning obligations must be related to the the impact of the development. This will often be in the local area but can also be further afield. For example, a development of family houses could generate need for pupil places at a school beyond the local area. Suggest clarify text in Section 1.0 Introduction about the necessary relationship between a development and planning obligations with reference to the tests in Circular 05/2005</p> <p>Noted</p> <p>See comments above</p>	<p>Note</p> <p>New para 1.5 inserted to make clear that planning obligations must be related to the development in question, with reference to the tests in Circular 05/2005</p>

<i>Issue</i>	<i>Comments</i>	<i>Response</i>	<i>Amendments</i>
General	Reference is made in the document to various sources and to supportive documents on the council website. The committee found the link provided access to old documents. Of interest would be the Northern Peninsula study of 2008	WSC to note/action	
Wessex Water			
6.0 Flooding	<p>Under normal circumstances Wessex Water provide services under the Water Industry Act 1991. In some cases where capacity improvements are required we may request the planning authority to make a provision under S106 to ensure that suitable arrangements are place to</p> <ul style="list-style-type: none"> • avoid increasing risk of sewer flooding • ensure that the timing of the development is linked to a planned investment programme • seek protection of existing assets <p>I hope that you will be able to consider these comments and acknowledge that we may on occasion seek to use the planning process to deliver sustainable development. Do we need to establish a formal framework to reflect the details outlined above?</p>	Noted. Add reference to potential requirements of Wessex Water which may need to be secured though planning obligations to make a development acceptable.	New para 6.4 inserted to clarify requirements of Wessex Water