

Comprehensive Consultation Report



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1 Introduction

- 1.1 The regeneration of West Northamptonshire is a national priority. The West Northamptonshire Development Corporation (WNDC) has been given the statutory responsibility for driving sustainable growth and regeneration of the area through powers granted by Parliament. Those powers include the ability to bring land into use and the responsibility for making decisions on strategic planning applications in the urban and expansion areas of the towns of Northampton, Daventry and Towcester.
- 1.2 In support of those function, WNDC commissioned ERM to prepare a 'Planning Obligations Strategy', which will form part of WNDC's Regeneration Strategy.
- 1.3 The Planning Obligations Strategy sets out WNDC's approach to planning obligations, and seeks to ensure that development, for which WNDC is the planning authority, makes a positive contribution to the achievement of sustainable communities. The Strategy sets out the arrangements for a 'Standard Charge', to be applied to new development within WNDC's area in order to fund essential infrastructure, facilities, and amenities.
- 1.4 Public consultation on the 'Developing a Planning Obligations Strategy – Consultation Report' commenced on 19 May 2008 and ended on 30 June 2008. A total of 31 consultation responses were received from various statutory authorities, trade organisations, developers, landowners and other stakeholders. A list of all respondents is provided in Annex A: Table 1.
- 1.5 The consultation was part of the continuing dialogue with the development industry, landowners and public authorities.
The aim of the consultation process was to provide developers/landowners, key stakeholders and members of the public with the further opportunity to put forward their views on the emerging Strategy.
- 1.6 This report considers and responds to the key issues raised in the comments received and outlines how these have been taken into account in a revised Planning Obligations Strategy. Further information is also provided on the approach underlying the Strategy and how it is intended to work in practice. A full summary of the comments raised in the individual representations and WNDC's response to these comments is provided in Annex A: Table 2.

2 Comments on principal issues

The Status and Legality of the Document

Accordance of the Strategy with the Law and Government Guidance

- 2.1 A number of developers and landowners, as well as the Home Builders Federation, questioned the legality of the Strategy on the grounds that WNDC is not a plan-making body, querying whether there was a development plan policy basis to justify the charge at present. Others questioned whether WNDC should delay the introduction of a Standard Charge until such time as the Joint Core Strategy for West Northamptonshire is adopted. The absence of a sustainability assessment or a strategic environmental assessment was raised as an issue by some parties.
- 2.2 In responding to these issues, it is important to remember that WNDC's statutory function is to deliver the regeneration of its urban development area, comprising the urban and expansion areas of the towns of Northampton, Daventry and Towcester.
- 2.3 The timeframe for the production of the Joint Core Strategy for West Northamptonshire is the subject of current review by the Joint Planning Unit. It is currently anticipated that the Pre-Submission Core Strategy will be published in Spring 2009, which indicates it is likely to be a couple of years away from adoption. The absence of an up to date development plan for significant elements of the anticipated levels of growth, a minimum of 62,150 homes between 2001-2026, set out in the emerging East Midlands Regional Plan (RSS8 review), July 2008, means there is currently no clear, published strategy outlining the most sustainable pattern for development and the infrastructure requirements for growth. This makes it difficult for developers to demonstrate, and WNDC to determine, how or whether individual planning applications can achieve sustainable development. Yet, within this policy environment, WNDC is still charged with determining a significant number of planning applications.
- 2.4 For WNDC to meet its development control responsibilities, it is appropriate that it establishes an understanding of the infrastructure required to support the levels of growth set out in the emerging East Midlands Regional Plan, as well as bringing about the wider regeneration of West Northamptonshire, and set out a robust approach for securing such delivery.
- 2.5 That understanding should be set out in a transparent manner and should make it clear what obligations new development will normally be expected to provide. This approach brings together national, regional and, in some cases, local planning and other policies. It is clear that the resulting Strategy is capable of being a material consideration in the determination of applications. The weight that should be attached to the Strategy will be a matter for the determining authority and will depend on the circumstances of the individual application.
- 2.6 WNDC is satisfied that, set within the above context, the Strategy is lawful. The adoption of the Strategy is urgently needed to deal with the significant number of applications that WNDC will determine over the coming years and that, without the Strategy, may have significant implications for WNDC's objective of seeking to mitigate impact and maximise the benefits that new development and growth can achieve.
- 2.7 WNDC has received legal advice that confirms that the Strategy does not need to be subject to a sustainability appraisal or a strategic environmental appraisal, under the Environmental Assessment of Plan and Programmes Regulations, 2004.

General Approach

- 2.8 Concerns were raised by a number of developers that the standard charge approach will hinder rather than drive forward the delivery of regeneration within the area. WNDC disagrees with these sentiments. The level of growth anticipated by the emerging East Midland Regional Strategy for West Northamptonshire will result in increased pressure on local infrastructure, services and facilities and create demand for new provision. WNDC, developers and statutory service providers have a responsibility, through the planning process, to manage the impacts of growth and ensure that all 'development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities'. (PPS1, January 2005, Paragraph 5).
- 2.9 WNDC exists to coordinate and drive forward the 'growth area' agenda. However, sustainable communities will not emerge without adequate infrastructure provision. The Strategy is a means of ensuring that new development makes an appropriate contribution towards the infrastructure needed in the WNDC area. Without the necessary infrastructure, or a mechanism like the Strategy to secure it, planning permissions might have to be refused.

2.10 WNDC is mindful of the fact that, due to viability considerations, development contributions alone cannot presently meet the total cost of the infrastructure requirement and that there is significant competition for an often limited pool of public funds. Having considered all of these matters, the Corporation believes that the standard charge option provides the only sound approach to achieving real regeneration and sustainable growth outcomes across its area.

Community Infrastructure Levy (CIL)

2.11 CIL is emerging as a future mechanism for part funding infrastructure. As planning agreements are negotiated account will have to be taken of CIL arrangements prepared in support of the Joint Local Development Framework (LDF).

2.12 However, CIL is unlikely to emerge and be applicable in the WNDC area until such time as CIL Regulations have been published and there is an adopted LDF in place for West Northamptonshire. Currently, it remains unclear how urban development corporations, generally, will be treated under the CIL Regulations, although WNDC will continue to work alongside the plan making authorities to ensure that approaches are co-ordinated and, as far as possible, consistent.

Deriving the Full Standard Charge

Validity of the Infrastructure Cost Assessment

2.13 Several respondents questioned the robustness of the evidence base used to derive the infrastructure requirement and, in particular, the failure to take account of local variations in the infrastructure requirements, including existing capacity within facilities such as schools. A more general criticism was that most housing developers felt the costs of new infrastructure were heavily weighted towards new residential development, ignoring commercial development. There was concern that some of the proposed investment was, in reality, intended to resolve existing deficiencies.

2.14 WNDC appreciates that the standard charge approach represents a new challenge for many service providers. However, it was especially encouraging that a number of agencies sought to provide further detailed information on requirements and costs in their comments to the Strategy. WNDC has taken this information into account in updating the infrastructure cost schedule, which is included as an annex in the revised strategy document published alongside this report.

2.15 As set out in Section 3 of the consultation draft of the Strategy, because the Joint Core Strategy is still under preparation, gross infrastructure requirements provide the best basis of assessment and these are generally on a unit demand and unit cost basis. Issues of spare capacity are difficult to assess at this stage, as there can be no certainty that such capacity will be appropriately located to serve the new development, much of which is likely to take the form of substantial urban extensions. Whilst not ideal, the margin between the identified gross costs and the proposed level of Discounted Standard Charge does provide a significant 'buffer' to account for any variance that may exist between the gross and net requirements locally.

2.16 It is WNDC's view that this remains a valid, reasonable and robust approach to identifying the overall infrastructure costs. However, the Corporation also acknowledges that as planning advances, and service providers progress more detailed studies, it will be possible to further refine and improve the baseline data for both local and cross-boundary infrastructure requirements. Such information will need to feed into subsequent reviews of the Strategy and may allow for separate net requirements and costs to be derived for specific areas. This possibility will be addressed in the standard planning agreement.

2.17 Where possible, the total cost of the infrastructure requirement that serves both residential and commercial development, has been apportioned between these uses. Although the basis of apportionment between uses will always be the subject of debate the approach that has been adopted is felt to be relatively fair.

2.18 In deriving the Full Standard Charge, WNDC is also satisfied that, for the types of infrastructure that have been considered, there are no significant items that are so closely related to one area of development that they should only be charged to that area and that where there are such items they would make no material difference to the calculated amounts.

Funding from other Sources

2.19 A criticism of the draft Strategy was that no account has been taken of the availability of Government and other funding streams towards infrastructure provision in calculating the level of the Standard Charge. A number of respondents suggested that the Full Standard Charge applicable to development should be derived on the basis of the residual (i.e. the 'funding gap') between the estimated Government and other funding streams towards infrastructure provision and the total cost of the infrastructure requirement.

- 2.20 As set out above, the Strategy has been developed having regard to current law and policy for planning obligations. It is clear from Circular 05/2005, that planning obligations to be sought are those that arise as a result of the development and that the responsibility lies with the developer to either provide these 'in kind' or a financial contribution towards the full or partial cost of provision, depending on the scale and nature of the development. The Circular does not require the determining authority to identify or consider additional funding streams when seeking an appropriate contribution towards the costs of the infrastructure required to serve the new development and offset any consequential planning loss to an area.
- 2.21 Nevertheless, the Strategy does take account of public funding in two ways. Firstly, where there is reasonable certainty that the whole cost of a service or facility will be met by other funding sources, these services and facilities have been excluded from the schedule of infrastructure requiring funding by developers through the standard charge. Secondly, the Full Standard Charge has been discounted to a level of £20,000 per dwelling. The Discounted Standard Charge is significantly below the identified cost of the infrastructure requirement meaning that, for the moment, WNDC is anticipating that the identified funding gap will be met by the public purse. This issue is further addressed later in this report.

Highways and Strategic Junctions

- 2.22 The Highways Agency continues to be concerned with how the Strategy proposes to deal with the essential transport interventions. The lack of support from the Highways Agency for the 'standard charge' was also raised as a concern by a number of other consultees.
- 2.23 WNDC are working with the Highways Agency, NCC and the JPU to identify the strategic transport package which will be required to support the entire quantum of development coming forward in West Northamptonshire over the plan period. This will include a costed programme of transport infrastructure projects. The timescales for producing this strategy is dependant on the emerging Joint Core Strategy as the location of growth will have fundamental implications for the scale and nature of transport interventions that are required. However, the same stakeholders are also working to identify a package of measures which would enable some developments to be delivered in the short-term.
- 2.24 WNDC acknowledge that the Highways Agency requires confidence that the necessary improvements to the Strategic Road Network can and will be delivered in a timely manner, and the fundamental role of developer contributions in this process.
- 2.25 WNDC therefore accept that it will be essential to include the costs of the Strategic Road improvements required as a result of the growth of West Northamptonshire and for which funding will be secured in the infrastructure costs schedule. Discussions are ongoing with the Agency to identify the appropriate schemes to include at this time. WNDC will also continue to work with the Highways Agency and the County Council to secure other funds to assist in the delivery of such schemes, for example through Regional Fund Allocation process and the Community Infrastructure Fund.
- 2.26 In the interim, the identification of impacts of development on the strategic road network, and any required mitigation measures, will need to be determined and negotiated through the planning process with WNDC and the Highways Agency on an application by application basis, taking account of cumulative impacts.

Revenue Cost Associated with Facilities or Service Provision

- 2.27 WNDC recognised from the outset that planning contributions could not meet the cost of all infrastructure required to support development. As a general principle, certain classes of infrastructure were not included and revenue costs for operating new infrastructure were largely disregarded in calculating the overall costs of the infrastructure needed in the area. With the exception of maintenance for open space and skills development, this means that contributions received will only be used towards the capital costs of infrastructure provision.

Updates to the Infrastructure Cost Schedule

- 2.28 A number of the bodies responsible for infrastructure provision have provided more detail on the specific infrastructure requirements and the costs of provision. WNDC has taken account of this information and has updated the infrastructure cost schedule accordingly. WNDC also recognises that a key requirement of the Strategy will be to monitor the infrastructure cost schedule to ensure this is kept as up to date as possible. It is expected that the total infrastructure cost (ie the Full Standard Charge) will continually change over the lifetime of the Strategy, as further studies are completed, to reflect the actual cost of provision as the detailed design work is undertaken, and to take account of increases in building costs. It will also change as the various items on the infrastructure list are delivered. However, the monitoring and updating of the infrastructure cost schedule only applies to those types of infrastructure currently included in the schedule. WNDC consider the extent to which other infrastructure items and costs fall to be included in the Standard Charge will need to be the subject of a review of the Strategy and the subject of further consultation.

Mistakes Identified in the Calculation of the Standard Charge

2.29 As pointed out in several responses, there were a number of arithmetical errors in the consultation draft of the Strategy. These have been rectified in the Technical Report, which will form a background document to the revised Strategy. None of these errors affects the calculation of the Discounted Standard Charge. While they do slightly alter the calculated Full Standard Charge, as stated above, this figure is expected to change over the life of the Strategy as infrastructure is delivered and the cost of provision of individual items is firmed up.

Calculating the Discounted Standard Charge Validity of the Residual Land Values Assessment

2.30 The viability assessment was carried out using standard development appraisal software widely applied across the development industry. All such software however has its limitations and particular developers often have bespoke models.

2.31 The vast majority of responses from the development industry raised concerns that the costs of significant on-site infrastructure and the marketing of sites were not included as 'normal' development costs in ERM's calculation of residual land values, and therefore, were not taken into account in setting the level of the Discounted Standard Charge.

2.32 WNDC were advised throughout the ERM study that site servicing costs would vary widely, largely dependent on location (to existing services/utilities etc.) and would need to be considered on a site specific basis. Similarly, achieving Code 3 (or 4) Sustainable Homes and the costs involved, could not be determined at this time, without account being taken of site specific circumstances. The wide range of 'estimates' from consultees of additional costs arising from achieving Code 3 is indicative of the difficulties and of course takes no account of developing technologies and potentially reduced costs in the foreseeable future.

2.33 ERM/WNDC are equally well aware that since the original modelling exercise and those carried out by consultees and their advisors, market conditions have continued to deteriorate. We note therefore that,

- a) Sales values have declined by at least 10% since August 2007;
- b) Profit margins required by bank lenders have increased to at least 20%;
- c) While normally, the provision of affordable housing may require some cross-subsidy (but not necessarily), currently, RSLs are a reasonably certain element in otherwise uncertain conditions;

2.34 ERM/WNDC also note but are not convinced by arguments that,

- a) Development appraisal calculations should be based on a nil affordable grant assumption; nor that,
- b) Pre-application costs, no matter what their extent, should automatically be counted against contributions; nor that,
- c) Despite market conditions and requirements for contributions towards infrastructure and affordable housing, landowner expectations should remain fixed at a minimum of £200,000 per acre and not be re-negotiated.

2.35 ERM/WNDC also accept that it is possible that in an improving market, conventional development appraisal assumptions, notably profit margins, may not immediately revert to norm.

2.36 WNDC/ERM's view therefore is that, as set out in the consultation draft of the Strategy, there are numerous variables which affect the residual land value of a particular site, and these will vary significantly between sites. Where developers proposing otherwise acceptable schemes have good reason to seek a reduction in the Discounted Standard Charge supported by evidence of extraordinary costs, WNDC will take this into account, by seeking the submission of 'open book appraisals' for review.

2.37 The purpose of the viability testing assessment, undertaken for the draft Strategy, is to ensure that the Discounted Standard Charge was set at a level that accommodated the majority of such variations in normal market circumstances.

2.38 WNDC intends that any requirement to pay the Discounted Standard Charge will only prevent development from going ahead in unusual circumstances. WNDC will take account of these circumstances, where it is reasonable to do so, but will expect the developer to provide a full development appraisal to demonstrate that the scheme cannot afford the Discounted Standard Charge, currently proposed at £20,000 per dwelling. In such cases, WNDC will seek to negotiate with the developer a suitable level of contribution, and will seek a Deferred Contribution arrangement, in cases where it is considered that the development should still proceed, to retain the possibility that, over the lifetime of the development, part or all of any charge that is deferred may be recovered. The revised Strategy sets out further detail on the arrangement for a Deferred Contribution. WNDC considers that this approach strikes a balance between enabling the development to proceed whilst still ensuring that development can contribute to the creation of sustainable growth and regeneration.

Applying the same Standard Charge to all Three Areas

- 2.39 Concerns were raised about the approach taken in the Strategy which effectively treats the three distinct WNDC areas as one entity and applies a single, consistent standard charge to all.
- 2.40 The development appraisals and viability testing analysis undertaken in support of the Strategy demonstrate that, in general, there are no significant variations in the residual land values between the three areas. It also recognised that, within the three areas, land values will vary depending on wide range of factors. The Strategy accepts that existing and prospective residual land values in all three areas are sufficiently low that it is unrealistic to seek developer contributions to meet the full cost of the standard charge, even if this should differ between each area. Having regard to this analysis, WNDC considers that a single Discounted Standard Charge rate, which is set at a level to accommodate the majority of such variations, is appropriately applied to development across all three areas. Provision will be included in the model planning agreement to ensure that, as cost estimates are developed further, if different Full Standard Charges need to be identified for each area, those will be used.

Commercial Development

- 2.41 There were mixed responses over whether a standard charge should also apply to commercial development. Many welcomed the proposal to continue to negotiate obligations for commercial development on an individual basis, recognising current market conditions, the competitive and potentially mobile nature of commercial development and the need to deliver significant job growth match growth in the residential population. Others felt that standard charge should be applied to ensure commercial development contributed appropriately to infrastructure provision.
- 2.42 The findings of the development appraisals and viability testing analysis, undertaken to derive the level of the Discounted Standard Charge, indicate that the likely values to be achieved from most commercial uses within WNDC's area are modest and, with the exception of certain large retail and warehouse developments, commercial development would be unable to afford significant contributions to infrastructure costs under present or likely future market conditions.

- 2.43 Having balanced the amounts likely to be recovered and the other benefits arising from non-residential development (i.e. the delivery of jobs), WNDC has decided not to apply a standard charge policy to non-residential uses, at present. However, this does not mean that an appropriate contribution towards necessary infrastructure provision will not be sought from commercial schemes to ensure they are appropriate in planning terms. In preparing the infrastructure cost schedule, an estimate of the portion of cost applicable to residential and commercial development, for items of relevance to both, has been made. In determining planning applications for commercial development, WNDC will continue to negotiate planning obligations on a site-by-site basis, with any financial contributions being pooled alongside standard charge receipts for use in delivering the Infrastructure Delivery Plan. At present, WNDC anticipates that it is unlikely that significant sums will be received from commercial development, and that the resultant funding gaps will again need to be met primarily from the public purse.

Applying the same Standard Charge to Brownfield and Greenfield Development

- 2.44 A number of representations call for the reinstatement of an option discussed at informal consultation to set a separate discounted standard charge for development of brownfield sites to bring forward development of these sites in accordance with national policy for redevelopment of previously used land.
- 2.45 A primary reason for not pursuing the initial proposal was the significant variations that arise in existing use values for brownfield sites. WNDC therefore favoured the approach of applying the Discounted Standard Charge to all sites although it expects that developers may need to demonstrate, on brownfield sites, that an exceptional case or a lower charge can be made.
- 2.46 However, WNDC acknowledges that there may be regeneration benefits to be achieved from not applying the standard charge, for a limited period, to developments within Northampton town centre area. WNDC will review their approach to residential development within the central area in any subsequent reviews of the Strategy.

Cost of Compliance with Development Standards

- 2.47 Aligned with other viability considerations, concerns were raised with regard to the costs of compliance with the Code for Sustainable Homes (CfSH) Levels 3 and 4 and any expectation that these requirements could be met in addition to the Discounted Standard Charge.

2.48 The development appraisals used as the basis for setting the Discounted Standard Charge, include all of the costs of compliance with the Building Regulations, in particular Part L (2006). WNDC takes the view that mandatory standards that apply at the time at which development commences are 'normal' development costs and no reduction should be made to the Discounted Standard Charge. However, for development with a long build out period, ie where the Building Regulations will require the later stages of development to be built to a higher standard eg such as 'zero carbon', it may be appropriate for part or all of the proposed development to be built to that higher standard. Where this is the intention, WNDC will consider a nominal discount to be applied to those units developed prior to the standard becoming a requirement. This level of discount is likely to decrease the closer the new standard is to becoming a requirement, recognising the Government's expectation of a seamless transition, as anticipated in the Building Regulations.

Responding to Current Market Conditions

Current Market Conditions

- 2.49 A common concern raised by developers, landowners and agents was the current downturn in market conditions and the implications of this on the ability of development to afford a Discounted Standard Charge at £20,000 per dwelling, in addition to the affordable housing and other regulatory requirements.
- 2.50 At its meeting of 15 July 2008, the WNDC Board considered a report by ERM that included a review of the current market conditions locally and recommendations for responding to this issue.
- 2.51 WNDC accepts that in the short term, developers will face difficulties on sites where either they have committed to high residual land payments to landowner or where there are high on-site basic infrastructure costs. WNDC also understands that if new build market prices continue to fall (by say 10 to 15% below present levels) most new schemes will not be viable with a standard charge at the current discounted level until such time as prices stabilise and show signs of steady recovery. However, there are likely to be exceptions, such as schemes that are able to benefit from existing infrastructure (in the form of serviced sites) or where 'off-site' construction methods are employed and/or there are reasonable expectations about residual land values, such as historic acquisitions at low existing use values. Depending on funding, RSLs may be able to expand their procurement of new affordable housing, which will enable some mixed tenure schemes to proceed.
- 2.52 Having regard to the current market conditions, WNDC is also mindful that the Strategy still needs to be seen in its context as a proper long-term response to the need to provide the essential infrastructure required in West Northamptonshire to support the development anticipated in the RSS to 2026.

- 2.53 WNDC has accepted this advice and, as set out in this report, will amend certain policies in the Strategy. To help ease the financial burden the application of a Discounted Standard Charge could have on a number of residential planning applications coming forward to be determined, while not compromising on the long-term objectives that the Strategy will meet, WNDC are proposing a number of material charges to the Strategy, including:
- i. Reducing the amount of upfront payment required;
 - ii. Providing for a further reduction in the Discounted Standard Charge to get developments away where the developer can demonstrate viability issues but only where exceptional circumstances can be demonstrated (which in any event will be subject to the payment of a Deferred Charge); and
 - iii. Applying a degree of flexibility in the application of other policy, such as giving an offset for development of a quality that will meet higher environmental standards than those required by Building Regulations.

2.54 Each of these responses to current market conditions are described in more detail below.

Change to the Timing of Payments

- 2.55 There was a mix of responses to the requirement for significant upfront payment, with support from service providers who felt it necessary to ensure timely delivery of infrastructure, and opposition from developers who felt it was onerous and would put the financing of development at risk. WNDC has considered the representations, and in particular the concerns regarding the current market conditions and the implications of this on development financing and viability, and have decided to amend the policy to require 25% of the total financial contribution for the application site to be payable on Commencement on site (or for a particular phase of the Development) with the balance to be paid quarterly based on unit completions over the previous quarter. WNDC considers that the revised policy provides a more appropriate balance, enabling development to come forward while still ensuring a reasonable level of funding towards early infrastructure provision on the ground.

Deferred Charges

- 2.56 The Deferred Charge concept generated much comment from consultees. The Deferred Standard Charge needs to be understood in the context of the Standard Charge and the Discounted Standard Charge. In principle, WNDC believes that developers should be responsible for the full cost of the identified community facilities and infrastructure which are required to make their development acceptable in planning terms. It follows that developers would normally be required to pay the Full Standard Charge. As explained above, WNDC recognises that, given the level of existing and likely residual land values, even a Discounted Standard Charge might make development unviable.

- 2.57 Where WNDC accepts, through the review of an 'open book appraisal', that the proposed scheme cannot afford the current Discounted Standard Charge, WNDC will seek to negotiate a suitable level of contribution with the developer. In such negotiations, WNDC will seek to retain the ability to recover part or all of any charge that is deferred. This is to take account of the fact that, over the life of the scheme, the development may be able to contribute more towards infrastructure provision than is currently demonstrated. Any recovery of the deferred charge would be limited to the amount of the standard charge applicable at the time the additional contribution becomes payable. The deferred charge will apply only to the open market housing being provided. Accordingly, the amount of the deferred charge that would apply to the affordable housing units will never be recovered.
- 2.58 While WNDC had set out three alternative arrangements for the Deferred Charge in the consultation draft of the Strategy, from experience elsewhere, WNDC/ERM consider that only one approach truly represents a workable option. This is set out in the revised Strategy, and is a staircase approach to charges based initially on a baseline position, subject to a nominal increase in sales margin, and rising in steps based on sales values.
- 2.59 The initial baseline is the level of charge that the proposed development can support, as agreed through a review of an 'open book' development viability appraisal. However, the starting point for the first charge will typically be set at a value of the baseline plus a nominal uplift in value (typically 10%), agreed when the agreement is negotiated. The scale of charge will then rise in steps with increased sales values, averaged over the previous quarter, but set to ensure that no more than 35% of any uplift in value is recovered through the deferred charge. Any recovery of the deferred charge would be limited to the amount of the full standard charge applicable at the time that the additional contribution becomes payable.

Application of the Standard Charge

Clarification of what is or is not Included in the Standard Charge

- 2.60 WNDC does not anticipate further contributions from developers beyond the Standard Charge (where relevant as offset by any agreed physical infrastructure provision in lieu of a charge) to meet the cost of the infrastructure specified in the Infrastructure Delivery Plan. There may, obviously, be other on and off site infrastructure requirements which are not specified in the Infrastructure Delivery Plan, the need for which directly arises as a consequence of the development proposals. These will be subject to conditions and/or a separate obligation.
- 2.61 The cost of on-site infrastructure provision, including those identified as a condition or requirement of the grant of planning permission, are considered 'normal' development costs, which WNDC considers are typically accounted for in any negotiations with the landowner. Other than exceptional on or off site infrastructure costs, WNDC do not anticipate making any further allowances in relation to such costs.
- 2.62 As explained below, WNDC may agree with that the developer that the developer should deliver particular items of infrastructure and offset the costs against their payment of the discounted standard charge.

Application of the Standard Charge to on site Affordable Housing Provision

- 2.63 The comments received from developers raised concerns with the 35% affordable housing requirement, the tenure split, the assumption on Social Housing Grant (SHG) and with the application of the Standard Charge to affordable housing. A common concern was that development cannot support a combination of 35% affordable housing and the Discounted Standard Charge, even where adequate SHG is made available.
- 2.64 Affordable housing creates a need for new community facilities and infrastructure which is similar to that created by market housing. WNDC believe that it is therefore equitable for the Standard and Discounted Standard Charge to apply to all residential uses.
- 2.65 The development appraisals and viability testing undertaken in support of setting the Discounted Standard Charge was based on a level of 35% on site affordable housing across the entire site, a tenure split of 70% Social Rented and 30% Intermediate Housing and assumes SHG at an appropriate rate is made available to support this level of Social Rented provision.
- 2.66 In those instances where the applicant has made all reasonable efforts to secure grant and no grant or only partial grant is available, if this will result in the scheme being unviable, WNDC will negotiate with the applicant an appropriate alternative arrangement. Such arrangements may include:
- the provision of part, or all, of the Affordable Housing off site;
 - or
 - financial contributions of equivalent value in lieu of on site provision.
- 2.67 The final arrangement to be included in any particular s106 agreement will be the subject of negotiation and may require an 'open book', development viability appraisal. The published strategy sets out in more detail the approach WNDC will adopt for the provision of Affordable Housing.

Per Dwelling Basis as the Unit of the Standard Charge

- 2.68 A number of responses raised concerns that by applying a unit charge regardless of size, the approach would penalise or deter developments of smaller housing units, especially on brownfield sites.
- 2.69 The Standard Charge will be levied on a per-dwelling basis for residential development. This approach limits any disincentive to provide larger family dwellings. It should also help to ensure a balance between meeting the cost of infrastructure needed for a development, and the overall sustainable planning objective of achieving 'mixed and balanced communities', which includes adequate proportions of family housing. Consideration was given to the charge being applied on a floorspace, habitable room or other basis but it was felt that the approach of charging per-dwelling better meets the overall planning and delivery objectives of WNDC, as well as offering administrative advantages in terms of simplicity of operation and transparency.

Cross-boundary Applications

- 2.70 Further clarification was requested on how planning applications which cross over the boundary between WNDC and another authority are to be managed.
- 2.71 Where the development site and planning application falls partly into another local planning authority area, WNDC will encourage the authority to apply a similar approach to the types of infrastructure and level of any financial contribution to ensure consistency in the obligations sought. To the extent that a conflict arises in connection with the determination of an application and the type or form of obligations to be sought, then both authorities will have to negotiate planning obligations, for the portion of the development that fall to them to determine, in accordance with their own policies.

Mixed Use Development

- 2.72 Further clarification was sought on how the charge would be applied or negotiated for mixed use developments. In granting planning permission, WNDC will take account of the planning merits of the proposed development as a whole but for the purpose of agreeing the s106, expect the standard charge arrangements to apply to the residential element of the mixed use proposal. Planning obligations sought in respect of all other proposed uses will be considered separately, taking account of the nature of the proposed uses, site circumstances and the need to manage any potential impacts arising as a result of the proposed uses.
- 2.73 Where issues of viability are raised in relation to one or more of the uses, WNDC does not anticipate making any allowance or requirement for cross subsidy between the residential component of the scheme and any of the other uses proposed.

To what land and when will the Charge be Applied

- 2.74 While WNDC does acknowledge that much of the land required to meet the future housing requirements has been purchased or optioned in deals that would not have reflected the proposed Strategy, it does not accept the argument raised by a number of developers and landowners that such development should therefore not be subject to the Standard Charge. WNDC considers that developers, in negotiating land deals would necessarily take account of the potential planning requirements, including normal costs associated with on and off site infrastructure and the need to take account of the likely cost of obligations typically sought of development of the scale and nature proposed. Within West Northamptonshire, developers are also aware that both the local planning authorities and WNDC have been placing a greater emphasis on securing improved levels of obligations towards infrastructure provision than they had in the past.
- 2.75 WNDC therefore concludes that the current proposed level of Standard Charge and Discounted Standard Charge, should be adopted, indexed from when the costs were established in the infrastructure cost schedule, and apply to applications to be determined by WNDC regardless of the date and terms at which developers have acquired their site interests. The final Strategy also sets out the scale and types of development to which the Strategy is to apply.

Repayment Provisions

- 2.76 Nearly all of the responses received from developers have asked what happens to any residual contributions if 'reasonable endeavours' do not actually deliver parts of the envisaged infrastructure.
- 2.77 Given the extent of required infrastructure in West Northamptonshire, charges received from developments in WNDC's area will be pooled. This will allow the basic facilities, which are necessary to support the regeneration of these areas, to be funded in a fair and equitable way. Many of the basic facilities to be part funded through the Standard Charge, for example transport infrastructure, will benefit all development in the area. WNDC expect to expend the Standard Charge in providing the necessary facilities irrespective of income received through contributions and does not envisage any circumstances where it would need to repay the Discounted Standard Charge contributions.
- 2.78 However, in response to concerns raised by consultees if, after provision of all infrastructure, a surplus remains, the Model Planning Agreement requires WNDC to use reasonable endeavours to return that surplus on an equitable basis.

The Model Planning Agreement

2.79 The responses from a number of developers, as well as Northamptonshire County Council and the local authorities, included detailed comments on certain areas of the draft Model Planning Agreement. The majority of these comments reflect the concerns that respondents had to the policies in the Strategy. These have been addressed where appropriate in the revised Model Planning Agreement.

Infrastructure Delivery Arrangements

Certainty of Delivery

- 2.80 Several consultees were concerned with the apparent lack of clear arrangements for the spending of Standard Charge receipts, and sought further clarification around the long-term responsibilities for ensuring delivery of infrastructure to support developments that had paid the standard charge.
- 2.81 The revised Strategy makes it clear that developers are liable for the full amount of the Standard Charge, currently assessed at £31,327 per dwelling. The identified funding shortfall between Full and Discounted Standard Charge, currently proposed at £20,000 per dwelling, means that the gap will necessarily need to be met from the public purse. Although there is an expectation that funds will be available there is no guarantee that the funds needed to provide infrastructure to support development will be available at the right time. Given the uncertainties about the level of funds that may be offered to meet the funding shortfall, WNDC can only use its reasonable endeavours to secure the delivery of the required infrastructure in accordance with the proposed Infrastructure Delivery Plan. WNDC will only consider covenanting to bring forward a particular facility which is required in connection with a specific development, if it is fully fundable from existing receipts or spending commitments or the developer undertakes to meet any funding shortfall.
- 2.82 One of the benefits of the standard charge approach, is that it enables WNDC to pool contributions from individual schemes and to use these to ensure available funds, including other private and public sector funds, go towards provision of essential infrastructure, at the time it is needed, and that provides the greatest return in terms of service benefits achieved for the level of funds invested. To achieve this, WNDC is developing a programme (the Infrastructure Delivery Programme), including anticipated costs and coordinated funding, of the community facilities and infrastructure which are required in the WNDC area to achieve sustainable development and growth.

2.83 The Infrastructure Delivery Programme (IDP) sets out those items of physical and social infrastructure identified in the infrastructure cost schedule (see planning obligations strategy report) as well as infrastructure and services to be delivered entirely by public sector investment that supports new and existing communities within the WNDC area. It is intended that the IDP will identify the priority infrastructure requirements that can or will need to be delivered as part of an agreed rolling programme. Such priorities will need to remain flexible in order to match the pace and location of new development, and to take account of individual project funding and affordability. The setting of priorities will require input from service providers and the development industry. The arrangements for this are set out under 'Partnership Working Arrangements' below.

Partnership Working Arrangements

- 2.84 Several consultees were concerned with the apparent absence of clear arrangements for the spending of the proceeds of the Standard Charge. In particular, the Northamptonshire County Council, the Northamptonshire PCT and other service providers raised concerns about how and when the funds raised through the standard charge would be made available to the statutory infrastructure providers. The Northamptonshire PCT put forward an option that a predetermined percentage allocation to all service providers be agreed, enabling the service providers to programme and plan capital investment against known cash flow, in preference to bidding for pooled funds.
- 2.85 WNDC has considered this option but has decided, for the reasons outlined above, that funds should be pooled and spent on those items of infrastructure that are essential for the creation of a sustainable community and that maximise the regeneration benefits that can be achieved through new development and growth within West Northamptonshire. However, WNDC also recognises the need for service agencies and developers to be involved in the process of determining how best receipts from the standard charge can serve new development and the community. WNDC proposes to set up arrangements, through which representatives of WNDC and the key service providers, are able to advise the Board on the delivery of infrastructure (and the expenditure of standard charge receipts). A wider Forum, that will include developers and landowners, will also be convened from time to time to ensure that development interests are properly represented. These arrangements will ensure that prioritised and co-ordinated infrastructure provision is delivered through the Infrastructure Delivery Plan and is included for delivery in the WNDC Annual Investment Programme. WNDC considers that this approach also promotes coordinated investment in infrastructure delivery and helps service providers to consider options for service delivery beyond the scope of negotiations on an individual scheme and to seek funding via their own means towards enhanced or new provision to cater for the needs of both new and existing communities.

- 2.86 In addition to evaluating the priorities to assign to the delivery of particular pieces of infrastructure, the delivery arrangements will monitor the implementation of the Strategy, and make recommendations on the need for any review of aspects of the Strategy and the scope of any such review. It is expected that the outcomes of monitoring will be included in any annual update WNDC publishes on the progress of infrastructure provision and the expenditure of monies collected through the strategy.
- 2.87 WNDC considers that the establishment of formal arrangements for advising and prioritising infrastructure investment decisions represents an equitable solution to the questions about who and how decisions will be made in respect of infrastructure delivery. It will also ensure that there is full and transparent public and private sector involvement. WNDC will necessarily need to retain final authority over what Standard Charge monies are spent on.

Offsets against the Standard Charge

- 2.88 While the principle of offsets for 'work in kind' were welcomed by respondents, most felt that the Strategy should provide further information on how this would work in practice.
- 2.89 Any offset is discretionary and will need to be agreed by WNDC, during the negotiation of planning obligations (it will need to be considered against the delivery programme for infrastructure of the specification of such element of infrastructure). If WNDC agree, the developer will be allowed to offset all or part of the costs of the agreed works against the discounted standard charge contributions payable (albeit such offset will be dependant on whether a deferred payment mechanism is to be implemented). Typically, any offsets allowed will be limited to the infrastructure items and standard unit requirements set out in the infrastructure cost schedule for the standard charge. The cost of land set out in the standard charge assumes that the land concerned is developable (i.e. could otherwise be developed for open market housing). Where this is not the case, the value will need to be based on the open market value of the land. Any offset will only be given once the agreed works have been carried out. The exception will be for infrastructure required to be provided prior to any development on site being occupied. In such cases, the offset will be made against the first contribution payment, and if necessary, any subsequent phased payment. The model Agreement sets out the principle of how the off-set for works in kind would work in practice.

Managing the Funding Gap

- 2.90 The key difference between traditionally negotiated obligations and that of the standard charge approach is that under negotiated arrangements, where development cannot meet the obligations sought at the desired level of provision, the difference (ie the gap) between the requirement and that achieved, is not always recorded and the cumulative differences explicitly known. A key benefit of the standard charge approach is that an estimate of the likely funding gap can be identified up-front based upon the cost of the total infrastructure requirement and an assessment of the ability of development to meet these costs. However, as raised in the Highway's Agency response, this approach raises the issue of how the identified 'funding gap' is to be managed.
- 2.91 In reality, without significant public funds being made available, many of the lower priority infrastructure requirements are unlikely to be delivered over the next 10 to 15 years. However, WNDC does believe that, by adopting a standard charge approach, and by making the funding gaps explicit, WNDC will be in a better position than most other authorities to maintain its pressure on Government to deliver its commitment to investment in the sustainable growth and regeneration of West Northamptonshire.

Conclusions and Recommendations

- 2.92 In response to consultation on the draft Planning Obligations Strategy, a total of 31 representations were received, in which a number of issues were raised. The key issues raised in consultation on the 'Planning Obligations Strategy' have been considered and responded to in this report, and the detailed comments in Annex A. WNDC recognised that the Strategy would benefit from further refinement of the principles and clarity around how the Strategy would work in practice. WNDC considers that the improvements to the Strategy noted in this report, and amendments to the Model Planning Agreement and Technical Report have addressed a significant number of the concerns raised in consultation, and in particular the implications of the current downturn in market conditions.

3 Annex A: Consultation Responses

Table 1
List of Respondents

Reference Number	Consultee
RES1	Rugby Investments Limited
RES2	Tenscentral Limited
RES3	Hallam Land Management
RES4	Highways Agency
RES5	CB Richard Ellis on behalf of the Garbe Group
RES6	English Partnerships
RES7	David Lock Associates on behalf of Rugby Radio Station Limited Partnership
RES8	Sport England
RES9	Croudace Strategic Limited
RES10	Woolf Bond Planning and Turner Morun on behalf of Hallam Land, Bloor Homes, Barrett Strategic, Persimmon Homes, Redrow Homes, Twigden Homes, Harcourt Developments, William Davis, Croudace Strategic, ProLogis, Diamond Estates, Martin Grant Homes and Taylor Wimpey.
RES11	Home Builders Federation
RES12	Marrons on behalf of Danetree Village Consortium
RES13	Daventry Villages Together
RES 14	Northampton Borough Council
RES15	Hampton Brook Estates
RES16	Kember Loudon Williams on behalf of Capel Housing Property Trust Ltd
RES17	Northamptonshire PCT
RES18	Brian Barber Associates on behalf of Northamptonshire Healthcare NHS Trust
RES19	Metropolitan Housing Partnership
RES20	Drivers Jonas on behalf of Legal & General (Northampton Shopping Centre Limited Partnership)
RES21	William Davis Ltd
RES22	Northamptonshire Enterprise Limited
RES23	Northamptonshire County Council
RES24	Bidwells
RES25	Persimmon Homes
RES26	Montagu-Evans on behalf of Morley Fund Management
RES27	Lambert Smith Hampton
RES28	Turley Associates on behalf of Prologis Developments
RES29	Daventry District Council
RES30	South Northamptonshire District Council (yet to receive)
RES31	Northants Police

Table 2
Responses

Ref No.	Summary of Comments	Topic Area	Proposed Action or Response
RES12*	The costs of monitoring a site do not increase in direct proportion to the amount of monetary payments – a percentage uplift may result in a disproportionate payment. There should be identified an overall cost of monitoring these s106 and this be divided between the contributors.	Administration costs	An estimate of the overall cost of monitoring has been made based on the average cost incurred by WNDC on past and current applications.
RES1	Housing Corporation unlikely to provide additional funding to pay for a roof tax, meaning 100% of the roof tax would have to be borne by 65% of the dwellings, if 35% affordable housing is provided.	Affordable housing	Refer to the Comprehensive Consultation Report
RES3	Affordable housing in MK was 30% (17% social/66% intermediate/17 low cost market)	Affordable housing	Noted
RES3	Welcome WNDC support for SHG funding for affordable housing but do not agree with the assumed percentages, in particular, 70% social rent does not stand up to either analysis or the desire to create sustainable communities.	Affordable housing	Refer to the Comprehensive Consultation Report
RES5	Fail to understand the appropriateness of requiring additional contributions where a lower percentage of affordable housing has been agreed with WNDC.	Affordable housing	Such circumstances would only apply where viability considerations are not an issue.
RES5	Unreasonable to require the Standard Charge to be levied on affordable housing units.	Affordable housing	All forms of housing generate demand for additional infrastructure.
RES9	Local residential markets in West Northamptonshire cannot support a combination of 35% Affordable Housing and a DSC of £20,000 per dwelling. The Standard Charge should not apply to affordable housing; it represents a secondary financial penalty.	Affordable housing	Where SHG is not available, provision is made for alternative arrangements, taking account of viability considerations
RES14	Needs to be a better dialogue with the Housing Corporation to estimate the extent to which it thinks grant may be available. This will allow for determination of whether the amount and mix sought is realistic, and whether this should be decided in comparison to other infrastructure priorities ie whether a lower DSC should be sought to achieve desired level of social rented properties.	Affordable housing	Refer to the Comprehensive Consultation Report
RES14	A cascade approach may mean inappropriate affordable housing being built compared with needs.	Affordable housing	Refer to the Comprehensive Consultation Report
RES14	Clarity required on potential alternatives for mix of affordable housing, with input from local authorities.	Affordable housing	Refer to the Comprehensive Consultation Report
RES14	Registered Social Landlords do not appear to have been included in the consultation process.	Affordable housing	Noted.
RES19	Concerned that achieving the levy may be at the expense of delivering affordable housing, as sites become more financially marginal.	Affordable housing	Refer to the Comprehensive Consultation Report
RES21	The affordable housing assumptions have skewed the viability assessment, making the strategy unworkable. Most affordable housing will, in our experience, result in a negative residual land value, with the developer having to contribute to build costs as well as providing land at nil value to ensure delivery.	Affordable housing	Refer to the Comprehensive Consultation Report

RES21	The assumed SHG is a misguided assumption, particularly for Greenfield sites and it is contrary to Housing Corporation current policy. Even where SHG is available, from our experience, it is not sufficient and still requires cross-subsidy.	Affordable housing	Refer to the Comprehensive Consultation Report
RES21	The Inspector's decision on the Ashford CS is relevant, where £14K tariff was endorsed on the basis that the LPA reduces its affordable housing target from 35% to 30% because of concern that the higher target would harm the ability to secure necessary infrastructure through the tariff.	Affordable housing	Noted
RES23	Essential that the standard charge apply to both market and affordable housing	Affordable housing	Noted
RES23	Concern at the suggestion that WNDC would consider reducing the DSC if the level of affordable housing was greater than 35%. Approach is likely to increase the funding shortfall for infrastructure required to support the development and so should not occur	Affordable housing	Approach is sensible if there is a greater need for AH provision in a particular area
RES23	35% for affordable housing should be treated as a target. May be some site where it would be beneficial to reduce the AH to allow a greater contribution to infrastructure.	Affordable housing	WNDC to determine the priority given to policy, where viability considerations are demonstrated
RES24	Affordable housing should not be included within the standard charge and should be excluded. The provision itself at the levels suggested is sufficient planning gain without the need for a further tariff in addition.	Affordable housing	All forms of housing generate demand for additional infrastructure
RES24	At 70/30, as suggested, it will not be possible to obtain grant funding as there will be no additionality shown, further demonstrating the need to exclude the units for the standard charge.	Affordable housing	Refer to the Comprehensive Consultation Report
RES26	Assumption that full SHG will be provided is not always the case. Would suggest a further DSC is adopted for such cases where grant funding is not available.	Affordable housing	Refer to the Comprehensive Consultation Report
RES26	Do not agree with proposals to apply the charge to all forms of housing. Residents of non-market housing already live within the area, and therefore do not create additional demand	Affordable housing	All forms of housing generate demand for additional infrastructure
RES31	Ask that the local Area police inspector and the Crime Prevention Design Adviser (Sharon Henley, Northampton and Mike Scragg, Towcester / Daventry) be consulted in relation to the distribution of affordable housing within each development to reduce the risk of Anti Social Behaviour and Crime.	Affordable housing	Outside the scope of the Strategy
RES3	Strategy assumes zero residential land value or £10,000 per unit on affordable housing when in practice a negative residual land value is achieved, often with no Housing Grant funding.	Affordable housing	Refer to the Comprehensive Consultation Report
RES10	Agree that affordable housing is unlikely to generate much if any positive land values, meaning that the 65% market housing is cross-subsidising the affordable housing. Our view is that, on the basis of £200/sqft sales value, all affordable housing within WNDC that does not benefit from grant will require cross subsidisation. Turner Morum assumptions are: Shared ownership units will sell at 75% of market value and Social Rented units will be acquired by the RSL at £1,150/sqm.	Affordable housing	Refer to the Comprehensive Consultation Report

RES22	Welcomes inclusion of contribution towards the voluntary and community sector. Identifies need to engage with this sector and end uses at the earliest opportunity to ensure community assets meet their long-term needs.	Analysis and IDP	Noted
RES14	It is not clear to what sites it is being assumed that the tariff will apply ie those currently being determined or those not yet registered?	Application	Clarify that the standard charge will apply to applications currently being determined
RES29	DDC strongly suggests that WNDC should make it clear it will not seek to impose planning obligations other than those affecting the immediate locality on town centre and other non-residential development that is important to deliver policy objectives.	Application	Obligations will be sought where there is a need to manage the impacts arising as a result of the proposed development.
RES25	Suggest development costs are £975k to £1,050k per acre. In blended land values (i.e. market and 35% AH with nil grant) were in the order of £1m per net acre. On this basis a minimum of £25k per acre would be available for s106 contributions or £1,388 per dwelling, at 18 dwellings an acre. This takes no account of significant decline in land values.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES21	The viability testing must not underestimate the required developer profit or marginalise this within the calculation. It must be remembered that large strategic developments involve massive speculation, huge financial investment and high risks, in a highly competitive arena.	Appraisal Analysis	If necessary, open book appraisals can take account of the specific circumstance of each site
RES2	Residual land values on major schemes are so low that there is no incentive for private landowners to release their sites for development.	Appraisal Analysis	Without sufficient contribution towards infrastructure, WNDC will be unable to grant planning permissions.
RES5	We do not consider it realistic or appropriate to base viability assessments on existing use values, as this may not reflect market value at the point of acquisition.	Appraisal Analysis	If necessary, open book appraisals can take account of the specific circumstance of each site
RES5	The falling market conditions and current prognosis for residential market recovery undermines the analysis of local property conditions undertaken to determine the Standard Charge.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES5	It is impossible to divorce site constraints such as contamination from the costs associated with calculating the Standard Charge	Appraisal Analysis	Exceptional site specific costs vary significantly between sites and are necessarily dealt with by development appraisal
RES9	Clarify precisely how the Residual Land Value tables have been derived.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES9	A key variable influencing residual valuations is Sales Values. Annex C states that 'where sales values exceed £225psf, delivering Planning Obligations at a rate of £18,000 per unit will be deliverable in normal site circumstances with medium densities'. In Daventry sales values are currently £180psf to £190psf, proving conclusively that a DSC of £20,000 would not be viable.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES9	The proposed DSC is an arbitrary figure which bears little relation to actual viability. Annex C should be completely reconstructed to provide realistic scenarios for each separate settlement.	Appraisal Analysis	Refer to the Comprehensive Consultation Report

RES10	Inadequate explanation is given for only discounting the Standard Charge to £20,000.	Appraisal Analysis	The level of the discounted standard charge is based on the viability assessment undertaken in February 2008. Where exceptional circumstances can be demonstrated, WNDC will seek to negotiate an appropriate level of charge.
RES10	Agree that a Minimum Value assumption of at least £200,000 to £300,000 per net acre needs to be achievable in the current market after allowances for both tariff and sustainability costs. A minimum value of £200,000 needs to underlie any viability analysis.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES10	The assumption that a 15% return/profit on cost is unrealistic, and is more likely to be a minimum return of 20% on Gross Development Value.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES10	The unsupported assumption of average residential sales revenues between £225 and £325/sqft, does not reflect present averages of £190/sqft for Northampton, £200/sqft for Towcester and £182/sqft for Daventry.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES10	Viability should be carried out by reference to realistic densities of 30 to 50 dwellings per hectare.	Appraisal Analysis	Viability testing included densities at 30 and 48 units per hectare
RES10	No evidence is adduced to support the assertion that in the future SHG will always be available. To be robust, the analysis should be carried out on the assumption of nil grant.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES10	The ERM work admits no account taken of 'on-site' and edge of site' infrastructure or residual s106 obligations (outside the tariff), which are suggested to be not less than £200,000 per acre.	Appraisal Analysis	If necessary, open book appraisals can take account of the specific circumstance of each site
RES10	The ERM work admits no account taken of the costs of meeting CfSH. Assuming at least £4,500 per dwelling for Code Level 3 results in costs of £70,000 to £90,000 per net acre.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES10	No allowance is made in ERM's work for the professional and other planning related costs incurred in bringing forward sites, estimated on average at £1,500 per dwelling.	Appraisal Analysis	Noted. But variable and not able to set a fixed number
RES12	Costs of development included within the standard charge calculation fail to include essential on site infrastructure costs, promotion costs for larger sites and the costs of building of Code 4.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES12	Para 4.6 (ii) acknowledges a standard charge of £22,000 is only achievable on a small number of high value sites yet the standard charge of £20,000 is said to be achievable, yet does not taken into account the full range of development costs?	Appraisal Analysis	The technical Report has been amended to clarify what was meant by this statement.
RES14	Unclear why more detailed analysis was not done on sites below WNDC determination threshold.	Appraisal Analysis	Development appraisals and viability testing is not threshold based so is applicable to all scheme sizes.
RES15	The basis for setting the DSC at £20,000 per plot is unclear. A number of assumptions in the viability testing are on the high side for West Northants. It would appear that revenues have been applied equally to the affordable element.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES15*	Para 4.6 states 'it would not be sensible to set a standard charge above £18,000 to £22,000 per dwelling' yet the DSC rate proposed is within this range at £20,000?	Appraisal Analysis	The technical Report has been amended to clarify what was meant by this statement.

RES15	Annex C still refers to higher levels of coverage, rental levels, yields and costs than are experienced locally.	Appraisal Analysis	These figures were revised following one to one sessions with developers, landowners and agents.
RES15*	Concern with reference to setting a 'benchmark level' of contribution for commercial development but no detail of what the level may be, when/ how it would be calculated and how it would be applied. Clarification is required.	Appraisal Analysis	Clarify the 'benchmark level' of contribution for commercial development and how this is to be applied in the consideration of development viability
RES15	Affordable housing can adversely impact on land viability especially as specifications and standards increase. These parameters may not have been picked up in viability testing.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES18	To understand the implications of the current market, reassessment is needed on the cost of development, in particular, the impact of affordable housing, the recognition of the importance of the proportion of developer profit, the implication of eco-codes and the assumptions on sales values.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES18	Affordable housing should be set apart from market housing in any viability assessment	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES25	Consider the costs associated with development to be significantly underestimated in the ERM work, particularly, in relation to on-site infrastructure costs, cost of delivering CfSH, and interest and indexation.	Appraisal Analysis	Refer to the Comprehensive Consultation Report
RES25	On-site infrastructure costs are likely to be £250k to £300k per acre.	Appraisal Analysis	If necessary, open book appraisals can take account of the specific circumstance of each site
RES25	Varying levels of existing on-site infrastructure will clearly result in varying levels of ability to achieve the DSC. The differing Code Levels that apply to each site will also impact on residual land values.	Appraisal Analysis	Noted
RES26	Would like to see a worked example of the methodology applying to development appraisals	Appraisal Analysis	Development appraisal uses standard appraisal software including normal conventions widely used by industry
RES26	For consistency and accuracy in appraisals, would like to see strategy revised to make reference to the RICS guidance on the Valuation of Development Land (Valuation Information Paper No.12)	Appraisal Analysis	Agreed. Reference has been made to these in the Strategy
RES26	Regarding residual values, would like to see reference to the guidance contained in the current RICS Red Book at the time of the valuation (RICS Valuation Standards Edition 6, 2008)	Appraisal Analysis	Agreed. Reference has been made to these in the Strategy
RES28	Prologis express reservations about the method and component heads of cost used to derive the DSC (especially in respect of industrial and distribution rents)	Appraisal Analysis	These figures were revised following one to one sessions with developers, landowners and agents.
RES28	No account taken of the substantial costs associated with the delivery of primary infrastructure as necessary for the delivery of large sites.	Appraisal Analysis	If necessary, open book appraisals can take account of the specific circumstance of each site
RES25	The additional cost of delivery to CfSH Levels is not yet fully known but need to be taken into account at the outset as will impact on scheme viability. Current information suggests £15k per dwelling for achieving Code Level 3 and 4 across major development.	Appraisal Analysis	Noted. Refer to the Comprehensive Consultation Report

RES10	Even in 'normal' market conditions, the addition of the proposed tariff on top of other costs, such as affordable housing, achievement of even Code Level 3 and the ever increasing cost of promoting land, means residual land values are so low on major schemes that there is no incentive for the private landowner to release their sites.	Appraisal Analysis	If necessary, open book appraisals can take account of the specific circumstance of each site
RES29*	Mention should be made to the proposed Joint Strategic Planning Committee, which will adopt joint Local Development Documents for the area.	Background	Noted. Amend revised Strategy to make mention of the proposed Joint Strategic Planning Committee and its role.
RES29*	The document incorrectly states (2.2.3) that the Draft Infrastructure Schedule for Daventry calls for planning obligations in the range £31,600 - £12,600. These figures are estimated total infrastructure costs, envisaged to be funded from a combination of planning obligations and public funding. There are also significant errors in the description of the Draft Infrastructure Schedule in Table 3.2.	Background	Noted. Review schedule and costs and make necessary amendments to the revised technical report
RES23	Even with the 'front loading' proposed, additional forward funding will be required, for which a 'banker' is required, who needs to be able to provide security against capital investment loans and manage the funds secured through s106.	Banker	Refer to the Comprehensive Consultation Report
RES23	The funding shortfall, arising from the reduction in the charge from £28k to £20k, needs to be addressed at an early stage or poses significant risk to delivery. Potential solutions include: bidding for additional Government resources e.g. PFI; developing new delivery mechanisms to delivery efficiencies e.g. joined-up infrastructure to co-locate services; Utilising NCC's annual Government capital funding e.g. LIP; and separate from NCC 'banker' arrangements borrowing monies using prudential borrowing powers.	Banker	Refer to the Comprehensive Consultation Report and WNDC wider regeneration strategy document, including infrastructure delivery programme (IDP).
RES23	Impacts to consider in possible forward funding arrangements include: diverting resource to the fastest growing parts of the county; diverting resources away from improving existing infrastructure; and reducing service level to finance additional borrowing costs.	Banker	Refer to the Comprehensive Consultation Report
RES23	NCC believes that one way to address the banker issue would be for the standard charge to be apportioned between the services, based on the evidence base and then handed over to the services/infrastructure providers as a block grant.	Banker	Refer to the Comprehensive Consultation Report
RES31	Await advice on the banker arrangements and proposals beyond WNDC's limited life. The Force favours the Milton Keynes arrangements through English Partnerships (soon to become the Homes and Communities Agency) (Para.5.3.1).	Banker	Refer to the Comprehensive Consultation Report
RES22	Need to have an agreed position on the Banker role, linked with a position on front funding infrastructure, building on existing English Partnership models.	Banker	Refer to the Comprehensive Consultation Report
RES25	Question WNDC's role as 'banker' of tariff monies in the absence of a robust and reliable delivery plan for the wide range of infrastructure projects to be brought forward by WNDC	Banker	IDP to outline investments and early years programme. Will be published alongside the strategy

RES14	Not clear how infrastructure is to be forward funding if timing of payment by developers is not front loaded. Finance related to borrowing could be expensive.	Banker	Noted. Infrastructure provision to be prioritised taking account of available funding.
RES14	Risk associated with potentially not receiving the DSC from all qualifying development raises issues of higher borrowing costs, which will be offset against the money available in the DCS leading to less money being available for infrastructure.	Banker	Noted. WNDC position is that development needs to make a reasonable contribution towards infrastructure provision or else WNDC will be unable to grant planning permissions.
RES23	The funding shortfall between the full cost of provision and the DSC clearly exposes NCC to substantial risks.	Banker	Refer to the Comprehensive Consultation Report
RES17	Subject to appropriate financial governance arrangements being put in place, the PCT welcomes WNDC as the 'bankers' in this process.	Banker	Noted
RES31	Concerned that the proposal seems to suggest that WNDC will be the ringmaster and banker and remain unsure how this would work. Recognise that the standard charge will not meet all service agency requirements requiring a prioritisation of the available funding and seek a fair, independent and balanced distribution of S106 funding.	Banker	Refer to the Comprehensive Consultation Report. Proposals for managing infrastructure delivery will be set out within IDP and strategy documents and adopted by WNDC Board in new year.
RES7	Agrees WNDC should act as banker	Banker	Noted
RES14,18, 19, 22	Reinstate proposals to establish a discounted standard charge for development of brownfield sites to bring forward development of these sites in accordance with national policy for redevelopment of previously used land.	Brownfield sites	Refer to the Comprehensive Consultation Report
RES19	Disadvantages smaller developers of urban/ suburban sites with less ability to provide on-site provision, hence will be charged the full tariff irrespective of what amenities are adjacent.	Brownfield sites	Refer to the Comprehensive Consultation Report
RES23	The charge should be applied to brownfield sites and Northampton town centre development, with the emphasis on the developer to demonstrate the lack of viability and the need to discount the charge still further.	Brownfield sites	Refer to the Comprehensive Consultation Report
RES5	Unfortunate that WNDC is introducing these proposals at a time when Parliament is debating the merits of the CIL, which would provide the basis for a clear process to be followed.	CIL	Detailed arrangements for CIL remain unknown. Urgent need for the Strategy to delivery much needed infrastructure is widely acknowledged.
RES16	Para 1.4 refers to the Planning Bill, which is not passed by parliament, so find it difficult to believe that changes to land values are to be set aside. Strategy notes that its passing is likely to be 2009 yet WNDC have indicated that planning applications around Daventry will be determined in 2008.	CIL	WNDC Strategy based on current law and practice.
RES26	Insufficient information on how the standard charge will operate in conjunction with CIL	CIL	Detailed arrangements for CIL remain unknown. Strategy will be reviewed against LDF and CIL in due course.
RES28	The standard charge should also be offset against any CIL payments that may or may not apply and explicit reference to this should be made in the document.	CIL	Strategy will be reviewed in light of published CIL regulations

RES16	Needs a table setting out matters considered to be included in the standard charge, matters considered to be site specific, matters that can be offset and how the offset is to be calculated. At the moment the relevant information is dispersed throughout the document.	Clarity	The final Strategy is a much simplified document. Annex A of the Strategy sets out the infrastructure items and standards included in the standard charge.
RES13	Agree that WNDC collect the standard charge monies	Collection	Noted
RES24	No objection to WNDC being the collection point for the monies. However concerned that monies collected in relation to a certain development will not be spent on that particular project i.e. money will be used on elements that have no bearing on a particular site.	Collection	Noted. Standard charge monies will be spent in accordance with the IDP, however, in the case of site specific obligations they will be spent in accordance with the relevant s106 agreement provisions.
RES26	WNDC should collect the standard charge monies to coordinate and ensure infrastructure is delivered.	Collection	Noted
RES11	Inconceivable that WNDC are seeking to introduce a Standard Charge and not include contributions from commercial developments.	Commercial	Noted. Appropriate obligations will still be sought from commercial development but will be negotiated on a scheme by scheme basis.
RES26*	Further clarification is required on the proposed commercial tariff of £5-£10 per sq m.	Commercial	These figures were solely used to determine if, and at what level, commercial development could support a standard charge. However, current values suggest the application of a standard charge would make most commercial development unviable.
RES26	Endorse the continuation of dealing with commercial schemes on an application by application basis	Commercial	Noted
RES31	Pleased to see the emergency services are included in the list of infrastructure items for which a charge is proposed for commercial development (Para. 3.16).	Commercial	Noted
RES15	Will any proposed commercial charge be a 'blanket' charge or levelled according to use?	Commercial	Levelled according to use.
RES9	In adopting interim arrangements for commercial development, there would appear to be no reason why, as a starting point, separate standard rates could not be set for commercial development which are based on the overall employment floorspace required to satisfy the estimated increase in population.	Commercial	The impacts of commercial development are not necessarily population driven in Northamptonshire.
RES15	Agree that commercial development should not have a standard charge applied. West Northants must be able to compete and delivery significant job growth.	Commercial	Noted
RES16, 18	A standard charge should apply now to commercial development.	Commercial	The analysis demonstrates that the scope for commercial contributions is smaller and highly site dependant.
RES20	Welcomes the proposal to continue to negotiate obligations for commercial development, even those including an element of residential development, especially in the current market conditions.	Commercial	DSC is to apply to the residential element of mixed used schemes
RES20	Urges WNDC to be cautious in applying a bench mark standard to commercial development.	Commercial	Noted

RES21	Object to the principle of no tariff being applied to employment development. A reduced tariff for employment schemes was agreed in MK, no reason why a similar arrangement should not be secured in West Northamptonshire.	Commercial	The analysis demonstrates that the scope for commercial contributions is smaller and highly site dependant.
RES22	Welcomes approach to continue to negotiate on a scheme by scheme basis for commercial development and highlights importance of B1 accommodation to meet the economic growth aspirations of the MKSM strategy.	Commercial	Noted
RES22	Recognise need for a 'benchmark' in providing certainty for commercial development, based on policy priorities and financial sustainability.	Commercial	Noted. Refer to the Comprehensive Consultation Report
RES22	Considers CoPELA and its upcoming review can provide a robust indication of the amount of commercial land and floorspace required (B1, B2, & B8) and would like to work with WNDC in using CoPELA to further investigate standard charges for commercial development.	Commercial	WNDC welcomes the opportunity to work with Northamptonshire Enterprise Limited in deriving standard charges for commercial development for potential inclusion in a subsequent review of the Strategy
RES22	More information needed on the process by which charges on commercial development will be collected.	Commercial	Refer to the Comprehensive Consultation Report
RES23	NCC agrees with the list of services to be included in the benchmark charge for commercial development but consider cultural investment could also be included.	Commercial	Noted. Cultural investment would only be relevant to town centre development.
RES23	Would be useful to have an idea of the benchmark level of funding expected from commercial development.	Commercial	Noted. Refer to the Comprehensive Consultation Report
RES24	Not applying the standard charge to commercial development means there is no certainty as to what level commercial development will be expected to contribute.	Commercial	Noted – refer to the Final Strategy
RES28	Appropriate at this stage not to propose a standard charge for commercial development. The commercial infrastructure schedule items should be refined and their relevance assessed on a scheme by scheme basis. Other infrastructure requirements e.g. energy efficiency and sustainability measures) should logically be taken into account in an assessment of commercial development (and discounted against the standard charge).	Commercial	Refer to the Comprehensive Consultation Report. Developments are required to now meet specific sustainable requirements of this is therefore a development cost.
RES14	Unclear why a proposed level of commercial tariff per sq m of development is not being pursued? Would be useful for the Strategy to suggest rates, which would be expected.	Commercial	The commercial residual land value tables do provide an indication of the values that would need to be achieved to support a standard charge. However, current values suggest the application of a standard charge would make most commercial development unviable.
RES3	It is essential that the tariff is also applied to employment land development.	Commercial	Noted. Refer to the Comprehensive Consultation Report
RES6	The argument against the inclusion of a charge level for commercial and employment developments are unconvincing.	Commercial	Disagree. The inability of the majority of commercial development to afford a reasonable level of contribution, means that it would be impossible to set a reasonable level of charge applicable in most circumstances.
RES17	PCT agree to the standard charge applying initially to residential developments.	Commercial	Noted

RES20	Agrees that the Standard Charge be applied to initial only to residential development, which, in principle, has a greater capacity to absorb the charge.	Commercial	Noted
RES29	The Council supports the proposal to levy the standard charge only on housing, with the exception that “big box” distribution sites could also usefully be subject to a standard charge, not least to reflect their significant impacts on transport infrastructure.	Commercial	Noted
RES9	All new development which benefits from new infrastructure should make a proportionate financial contribution towards such provision.	Commercial / Residential split	Noted
RES2, 10	The costs of new infrastructure are heavily weighted on new residential development.	Commercial / Residential split	The analysis has sought to apportion the costs of the infrastructure common to both commercial and residential development, between the two. Commercial development will still need to make an appropriate contribution to manage any impacts. (to be agreed on a site by site basis)
RES13	Would prefer a standard charge be applied across the board for both residential and commercial properties.	Commercial / residential split	The analysis demonstrates that the scope for commercial contributions is smaller and highly site dependant.
RES10	No reasonable justification for the bulk of costs being funded through residential development as compared to commercial and other traditional forms of funding. The Transport costs suggest 80% to be met by residential development; does the 20% reduction reflect the impact on and level of contribution towards transport from other than residential development?	Commercial / residential split	The analysis has sought to apportion the costs of infrastructure fairly between commercial and residential development.
RES3, 28	Need to allow development contributing to the charge to be delivered as soon as possible, i.e. there cannot be conditions that effectively prevent or delay development taking place.	Conditions	Disagree – site specific conditions may be appropriate that require discharge before development can proceed
RES6	It remains unclear what other public agencies and stakeholders have been involved in consultation to date, it would be helpful to clarify these and establish a forward consultation strategy.	Consultation	Noted. WNDC will engage with stakeholders in future iterations of the Strategy and the delivery of the IDP
RES6	The response to this consultation exercise should be published prior to the Strategy being considered by the Board for introduction.	Consultation	The Comprehensive Consultation Report was published ahead of the Board meeting in September. Revised and final report will be considered by the Board, alongside the revised Strategy in October 2008.
RES11	The requirement for producing DPS and SPDs is that issues raised through consultation are required to be addressed and be seen to be addressed as part of the preparation process. The draft Strategy fails to do this.	Consultation	The intent was to detail the informal consultation and issues raised in preparing the draft Strategy. Production of this Table and the Comprehensive Consultation Report fulfils the requirement and responds appropriately to individual issue raised.
RES12	Not only need to ensure consultation has taken place but that appropriate changes are made to the Strategy in response to that consultation. Such amendments might require further work to be done – therefore concerned if the intention is to adopt the Strategy on 21 July.	Consultation	The Comprehensive Consultation Report outlines the changes made to the strategy in response to comments. Final Strategy reflects consultation responses and post consultation engagement with stakeholders.

RES19	Omission in not consulting Registered Social Landlords in pre-consultation	Consultation	Noted
RES28	The adoption date should be revised to allow for proper consideration of consultation responses	Consultation	The Strategy will only be adopted by WNDC after careful consideration of the responses to comments raised
RES29	Discuss with WNDC whereby one organisation is made the agent of the other for the purposes of planning obligations relating to Daventry town, whether inside or outside WNDC jurisdiction. This would, however, be on the basis of genuinely joint decision on the uses of the monies so raised and resolution of legal issue.	Co-ordinated delivery	Refer to the Comprehensive Consultation Report
RES23	NCC's position is that it should be co-signatory to the standard charge unless it is satisfied that there is sufficient certainty, and importantly guarantees, in the process to ensure services will receive an agreed level of funding (i.e. funding apportioned to services as a proportion of the £20k rather than on a project by project basis).	Co-signatory	Refer to the Comprehensive Consultation Report. WNDC considers that it should continue to be sole signatory to agreements in most cases.
RES23	Given the likely showstopper nature of a number of 'big kit' pieces of infrastructure, there is a strong case for NCC to be co-signatories, providing certainty to NCC as well as to the developer.	Co-signatory	Refer to the Comprehensive Consultation Report which deals with this issue.
RES9	Where more stringent design and environmental regulatory standards are to be introduced, an allowance must be made against the DSC.	Cost of compliance	Refer to the Comprehensive Consultation Report
RES17	PCT is concerned that there will be different and inconsistent approach to developer contributions across the seven county planning authorities and recommends a co-ordinated consistent standard charge is produced.	Cross boundary applications	WNDC is working with districts in its area to seek a consistent approach. Refer to the Comprehensive Consultation Report
RES9	Imperative that where major development schemes span the boundary between WNDC and other planning control jurisdictions, that seamless arrangements for collection are put in place.	Cross boundary applications	Refer to the Comprehensive Consultation Report
RES12	No mechanism included to explain how cross-boundary development is to be managed in terms of the WNDC charge and obligations of other authorities. How is the tariff to be identified at outline stage when the division of houses between administrative areas may not be known? How is the extent of infrastructure contributions to Daventry, included in the charge, to be identified so to ensure no double counting?	Cross boundary applications	Refer to the Comprehensive Consultation Report
RES28	Cross-boundary application issues need to be considered and addressed	Cross boundary applications	Refer to the Comprehensive Consultation Report
RES16	Some of the items in the draft infrastructure schedule at 2.2.3 are clearly not related to development sites as required by current law and policy and needs to be made clear.	DDC Policy	That is for Daventry District Council to determine
RES17	The operation of a deferred charge is acceptable on the understanding that collection correlates to the profile of population growth applicable to the development.	Deferred charge	Refer to the Comprehensive Consultation Report
RES13	Agree with arrangements for recapturing the discount and deferred charges.	Deferred charges	Noted

RES26	Disagree with proposals for recapture of any agreed discount at the start of long-term projects. This goes against the ethos of encouraging and facilitating development and would expect WNDC to either take on board this inherent risk or to increase the figure for the assumed developer profit made in section 4.3.2	Deferred charges	Refer to the Comprehensive Consultation Report
RES9	The concept of recovering the difference between FSC and DSC in response to a subsequent rising market is wholly impractical and strongly resisted.	Deferred charges	Refer to the Comprehensive Consultation Report
RES12	Should be clear in what circumstances deferred contributions will be required and how the level of those deferred contributions is identified. Of the approaches identified which is considered to be appropriate to what development?	Deferred charges	Refer to the Comprehensive Consultation Report and final Strategy documentation.
RES15	Proposals for recapturing the standard charge do not give the certainty a standard charge should. The charge is proposed to be index linked which should provide comfort.	Deferred charges	Refer to the Comprehensive Consultation Report
RES21	Object to the principle of the proposed deferred contribution arrangements. Difficult to understand why WNDC should share any enhancement if it is not sharing any of the risk. Question whether provision should be made for deferred reimbursement.	Deferred charges	Refer to the Comprehensive Consultation Report
RES23	NCC support deferred charges, in particular, the option requiring developers to pay the prevailing DSC at the time of commencement of each phase of development.	Deferred charges	Noted
RES24	Deferred contributions need to work both ways i.e. where values go down, delivery of infrastructure must still be retained	Deferred charges	Refer to the Comprehensive Consultation Report
RES25	Strongly oppose the principle of 'clawback'. Land deals are done at the outset, so it is not possible to predict at this point future increases in land values. Once land is acquired there is no mechanism available to the developer or WNDC for recover of any enhanced land value from the landowner.	Deferred charges	Refer to the Comprehensive Consultation Report. As a point of principle 'clawback' is not something which is proposed. Arrangements for Deferred payment mechanism are explained in final strategy.
RES28	The arrangement for deferred charges and the circumstances in which this might apply should be clearly set out to provide certainty and should consistency of approach.	Deferred charges	Refer to the Comprehensive Consultation Report
RES29	It is appropriate in the public interest to have mechanisms to reset the level of contribution towards infrastructure as development proceeds.	Deferred charges	Noted. Indexation is proposed for contributions.
RES29	The best approach would appear to be to include in all long term Planning Obligations a requirement that the level of Standard Charge levied on phases of detailed permission would be the figure currently set in planning policy, or if no planning policy defines such a figure, then one set by the local planning authority acting reasonably – but for developers to have the opportunity to apply for increases to be mitigated having regard to prior investment	Deferred charges	Refer to the Comprehensive Consultation Report

RES23*	Issue arises where developer gains planning permission but does not implement the proposal for 3 – 5 year later when the prevailing DSC may have altered. WNDC should consider the wording of the agreement to ensure developer pays whatever the prevailing DSC is at the time payment is due.	Deferred charges	The DSC is index linked, so if the scheme is not implemented for a number of years, the discounted standard charge payable on completions will include indexation costs.
RES5	Do not support deferred contributions, which represent an overage charge	Deferred charges	WNDC position is that development needs to make a reasonable contribution towards infrastructure provision or else WNDC will be unable to grant planning permissions. The Deferred mechanism ensures that the development contributes what is properly payable towards the costs of infrastructure.
RES5	The deferred charge introduces uncertainty and complexity, undermining the purpose of the tariff and is likely to deter development.	Deferred charges	WNDC position is that development needs to make a reasonable contribution towards infrastructure provision or else WNDC will be unable to grant planning permissions.
RES5	Deferred charges ignore the potential increases in costs following the initial development appraisal.	Deferred charges	Deferred charges will still need to take account of development viability.
RSE2	Concern that WNDC will be the 'banker', and yet have no powers or apparent programme to secure the implementation of infrastructure.	Delivery	WNDC will publish an IDP which will identify delivery. WNDC is a statutory UDC. Providers only have statutory powers.
RES3	If developers are to pay the tariff then they will require a covenant from WNDC/DCLG that the relevant infrastructure will be delivered on time, and in accordance with the Infrastructure Delivery Programme.	Delivery	Refer to the Comprehensive Consultation Report. Comment not accepted. WNDC will provide reasonable endeavours clause to cover delivery.
RES4	The mechanisms to ensure that the right schemes are delivered at the appropriate time remain unclear.	Delivery	Refer to the Comprehensive Consultation Report
RES6	What might happen to any residual contributions if 'best endeavours' do not actually deliver parts of the envisaged infrastructure?	Delivery	Refer to the Comprehensive Consultation Report
RES23	Concerned with the lack of detail on how and when funding will be made available to infrastructure providers by WNDC, where certainty is needed for funding provision.	Delivery	Refer to the Comprehensive Consultation Report
RES24	Concerned that WNDC will, generally, make payments to service providers on a project by project basis. If payment is required to the provider than this should be done as soon as the money is collected to reflect and accord with an agreed IDP.	Delivery	Refer to the Comprehensive Consultation Report
RES25	Concerned that the necessary mechanisms for delivery of the infrastructure have not been sufficiently defined.	Delivery	Refer to the Comprehensive Consultation Report, final Strategy document and IDP.
RES25	Developers require clarity regarding responsibilities for delivery and certainty that infrastructure will be delivered to agreed timescales at the outset. As such developers will require assurances that WNDC has put in place the necessary mechanisms and legal agreements for delivery of infrastructure, facilities and services.	Delivery	Refer to the Comprehensive Consultation Report

RES25	The phasing and timing of the provision of all associated infrastructure will need to be included within any legal agreements between the developed and WNDC. It is usual for s106 agreements to contain obligations upon developers to provide facilities by specified 'trigger points' and we would expect similar obligations to be imposed upon the delivery body responsible for the standard charge infrastructure projects.	Delivery	Such arrangements are not proposed or feasible through a standard charge approach to obligations. There is a reasonable endeavours obligation proposed in the model agreement to provide comfort on delivery. Further 'Grampion' type restrictions on development will not be imposed reflecting the obligation on WNDC to secure delivery of infrastructure.
RES26	Would like to see provisions within the Strategy setting out what would happen to the monies should the projects fail to materialise.	Delivery	Monies will be spent in accordance with the IDP, which will prioritise projects for which standard charge monies will be directed to.
RES5	Greater assurance is required from third party infrastructure providers that infrastructure will be delivered given WNDC is a limited life body, with no powers for delivery.	Delivery	Refer to the Comprehensive Consultation Report
RES5	WNDC must prepare a comprehensive, costed and prioritised list of the infrastructure need to deliver development, undertaken in consultation with stakeholders, including landowners and developers.	Delivery	Noted – The IDP is being prepared and will be published alongside the Strategy
RES6	It is essential that the Infrastructure Delivery Schedule is incorporated at this stage setting out clear items, associated costs, sources of funding, programme and importantly priorities.	Delivery	Not possible. Pending LDF and growth locations only an interim programme can be determined.
RES7 *	It would be helpful if WNDC indicated the steps to be taken if necessary infrastructure is unlikely to be in place as indicated in the Infrastructure Delivery Programme.	Delivery	WNDC will use reasonable endeavours to secure delivery against the IDP.
RES9	Infrastructure critical to the delivery of particular schemes must be identified in the Infrastructure Delivery Programme.	Delivery	Noted. Refer to Comprehensive Consultation Report.
RES9	The Infrastructure Delivery Programme may be a tool for lobbying Government for gap funding but its primary role should be to demonstrate certainty and clarity on timing and nature of specific infrastructure provision.	Delivery	Noted
RES10	Concern that WNDC will be the 'banker' for receipt of funds yet they will have no powers nor any apparent programme to secure the implementation of various projects for which the monies are sought: in short there is no guarantee of delivery.	Delivery	Refer to the Comprehensive Consultation Report
RES10	No clear methodology of how developer contributions are to be turned into new infrastructure.	Delivery	Refer to the Comprehensive Consultation Report
RES12	For the Strategy to be robust it must identify how the infrastructure will be delivered. It would be sensible for the Infrastructure Delivery Programme to be available for consideration alongside the draft Strategy.	Delivery	Refer to the Comprehensive Consultation Report. The IDP will be published shortly after the Strategy
RES12	When will the Infrastructure Delivery Programme be available and what process will it go through?	Delivery	Refer to WNDC Board reports.
RES13	Agree with proposed arrangements for securing necessary infrastructure. Will this and the Infrastructure Delivery Programme be in the public domain?	Delivery	To be agreed when finalising the partnership working arrangements

RES14	Greater consideration needs to be given to co-ordinated delivery arrangements, which will need better partnership working between WNDC and the Councils. If this works well there is a strong rationale for joining up delivery of infrastructure covered by the standard charge and other s106 agreements outside the WNDC area.	Delivery	Refer to the Comprehensive Consultation Report
RES15	What provision will be made for providing the monies to the relevant authorities when required?	Delivery	Refer to the Comprehensive Consultation Report regarding proposed governance.
RES15	Reference is made to identifying works 'on a site by site basis' for the IDP but given the current status of the LDF, how will sites be identified as broad directions of growth have yet to be identified and approved?	Delivery	Flexibility will be provided in the IDP to the needs of sites for which applications have been granted thus ensuring infrastructure can be prioritised for when it is required
RES15	What is the timing of preparing the IDP and what assumptions is it making?	Delivery	Refer to WNDC Board reports.
RES15	Some form of certainty for delivery will be required from developers/landowners especially if it affects timing of delivery or impacts on the sale of the scheme.	Delivery	Refer to the Comprehensive Consultation Report
RES16	Does WNDC have any enforcement powers to ensure utilities and other organisations spend the contributions paid?	Delivery	Standard charge monies will be spent in accordance with the IDP and typically, on the basis of individual project delivery by the service provider.
RES18	Insufficient powers within WNDC to ensure delivery.	Delivery	Refer to Comprehensive Consultation Report.
RES5	Further clarification is required on the priority list for projects.	Delivery	Refer to the Comprehensive Consultation Report
RES5	It is essential that developers are involved in the decision making process for spending of the proceeds of the charge to ensure infrastructure supports developments that have paid the tariff.	Delivery	Refer to the Comprehensive Consultation Report
RES23	The standard charge should not add additional financial or bureaucratic burden on any parties involved than is already incurred through the traditional approach. Concern that the prioritisation and decision making on what funding gets spent on may add a new burden but on the service provider. Need to provide certainty at the outset by allocating the standard charge between the different statutory delivery bodies.	Delivery	Disagree. Refer to the Comprehensive Consultation Report
RES17	PCT recommends that a predetermined percentage allocation to all stakeholders be agreed as part of the consultation and approval process in advance, enabling each service provider to programme and plan capital developments against known cash flow, in preference to bidding from pooled funds, which produces uncertainty and unnecessary negotiations and competition.	Delivery arrangements	Disagree. Refer to the Comprehensive Consultation Report
RES23	A concern that by immediately reducing the DSC to £20k there will be some developments that could afford to contribute more, up to £22K as suggested, without affecting viability. A major risk is that infrastructure delivery will be delayed because NCC cannot generate additional extra funding to bridge the shortfall.	DSC	The DSC has to be set at a level that the majority of developments can afford and that makes a sufficient contribution towards the delivery of sustainable communities.

RES24	Prefer a step by step guide as to how the DSC is derived rather than the approach stated in the Strategy	DSC	Such information is already provided in the Technical Report
RES24	If it appears the DSC differs between all sites depending on location and values, then it would not be a standard, rather more a normal s106 agreement. The approach to discounts should be justified on both sides to enable transparency.	DSC	The DSC has to be set at a level that the majority of developments can afford and that makes a sufficient contribution towards the delivery of sustainable communities.
RES26	Support the theory behind the DSC but consider £20k per dwelling to be excessive.	DSC	Noted
RES28	Not entirely clear in the document that a DSC of £20k is more likely to be applied.	DSC	Clarify in the revised Strategy that the current DSC is £20k
RES18	Not clear how the payments are 'discounted' or how payment is made to service providers	DSC	Refer to the Comprehensive Consultation Report and final Strategy document.
RES9	Explanation is required of why development in West Northamptonshire is considered capable of meeting 70% of the total infrastructure costs, when MK is 37%, Lower Lea Valley is 44%, and London Riverside is 21%.	DSC as a percentage of FSC	Because residual land values are less in London Thames Gateway and the infrastructure requirements and costs in these areas is significantly higher.
RES22	Wish to see a commitment from WNDC towards the economic development agenda (SNEAP) either through its own resources or through securing private sector contributions by including economic development and inward investment activities in the infrastructure requirement list.	Economic development	The infrastructure schedule includes employment training and the voluntary sector. Other economic development initiatives can be included in the IDP to receive funding from other mainstream sources other than developer contributions.
RES13	Education provision – based on historical data and the assumption of family size, which have shown a reduction over the past 25 years. We strongly suggest that more provision for education is made to raise the skill level of those progressing through the education system.	Education provision	The education requirements for inclusion in the standard charge are derived from the NCC calculations of future requirements.
RES25	Cost of financing does not appear to be reflected in ERM's assessment. Cost of frontloading payments over lengthy development period, with indexation costs need to be taken into account.	Financing and Indexation	The costs reflect the cost of infrastructure provision and do not include financing or the cost of preliminary work. The standard charge is to be index linked from 8 April 2008.
RES23	It is noted that £20K may not be achievable on a number of sites. To understand what funding might be realised, how many units may contribute this higher figure and how many would not, and what would they contribute?	Funding	All development is liable for the total cost of the infrastructure requirement but the level of the appropriate contribution made by each will depend on scheme viability and site specific circumstances.
RES14	Although the proposed Infrastructure Delivery Programme will provide good evidence for seeking the funding gap between the FSC and DSC, what happens if it doesn't appear and what priority should be given to different infrastructure?	Funding and Delivery	Refer to the Comprehensive Consultation Report
RES12	States adjustments will be made as planning moves forward to reflect actual needs but it is not clear how this will be done or what this means for developments that have paid the charge in the meantime.	General approach	Refer to the Comprehensive Consultation Report

RES2	The difference in house/land values in Northampton, Towcester and Daventry make it impossible to have a single tariff.	General approach	Refer to the Comprehensive Consultation Report
RES3	WNDC Strategy should not be justified by comparison with MK tariff.	General approach	The MK tariff and others are a useful as a comparison but WNDC acknowledge that the approach set out in the Strategy reflects Northamptonshire circumstances.
RES3	Strategy should not have been published without a robust delivery infrastructure schedule first being in place.	General approach	Noted. Strategy sits alongside a delivery schedule that will eventually be incorporated into the LDF process.
RES3	Certainty is required by developers yet the 'comprehensive transport evidence base' and DIS are yet to be completed.	General approach	DIS is nearing conclusion. Transport assessment will depend upon LDF outcome.
RES3	Infrastructure requirements need to reflect Local Plan Allocations	General approach	As planning advances the infrastructure requirements will be refined and included in a subsequent review of the Strategy.
RES3	'Open book' is not the panacea for resolving valuation issues as it simply puts off the argument.	General approach	Only where developers argue that they cannot meet the DSC must they be able to demonstrate this through an open book appraisal
RES3	The LDF, the allocation of sites and control decisions must remain based upon planning considerations.	General approach	WNDC is aware of its responsibilities in carrying out its Part III duties
RES5	Planning obligations should not be used to solve existing deficiencies in infrastructure.	General approach	Comment noted.
RES5	The proposed methodology is predicated on sharing increased sales values but fails to take account for the risk undertaken by developers.	General approach	The Strategy does take account of developer risks by discounting the Standard Charge and including provision for deferred contributions.
RES5	Delivery of regeneration should be the key consideration in relation to development proposals on complex brownfield sites.	General approach	WNDC will have regard to such matters in their consideration of planning applications for such sites.
RES6	Improve the Strategy by introducing a tariff with more robust requirements identified for those areas with a greater level of certainty in the current planning process and revise as planning firms up.	General approach	The Strategy contains only a limited list of infrastructure items which WNDC considers are applicable to residential development, which falls to WNDC to determine.
RES7	Supports principle of a standard charge	General approach	Noted
RES7	Agrees the Standard Charge should apply initially to residential development until such time as the joint Core Strategy provides greater clarity on the type, amount and location of future commercial development.	General approach	Noted
RES9	Supports the concept of a standard charge system but considers the Strategy fails to reflect current law and policy by grouping the disparate settlements of Northampton, Daventry and Towcester together as interdependent entity.	General approach	Refer to the Comprehensive Consultation Report
RES9	Does not accept that the development sector should bear any responsibility for funding certain items listed (e.g. public realm, voluntary/ community sector, cultural investment, police services, employment training and many of the transport schemes).	General approach	WNDC is satisfied that sufficient justification exists, or has been provided by the service providers, for the inclusion of such items in the standard charge.

RES9	It is noticeable that the POS does not appear to offer compensatory measures in the event of a falling market.	General approach	The Strategy does not include such provision on the basis that such funds would already have been spent on infrastructure provision
RES11	The Strategy states that it will be the subject of periodic review and is intended to be a working document, which is unacceptable. The principle of a standard charge approach is to add long-term certainty to the process, especially in relation to negotiating on land in the knowledge of the contributions to be expected.	General approach	The intention is to continue to update the baseline information to reflect emerging policy and market conditions. The policy of the Strategy is to remain fixed but when revised, will take account of the updated baseline.
RES11	The current proposals are unsound as the emerging LDF policies on affordable housing and CfSH are unknown. The document should only be prepared once all the variables associated with costs and demand are known and tested through examination.	General approach	The Strategy will be reviewed in light of the adopted LDF. WNDC approach is a means of progressing schemes now, avoiding the need to wait for LDF but ensuring a way of dovetailing with future growth.
RES11	Objects to the emphasis provided that any Standard Charge developed cannot be assimilated into CIL. These are two entirely different basis to planning obligations. The WNDC Standard Charge must be developed in accordance with Circular 05/2005 and be able to demonstrate liability for every element of infrastructure required.	General approach	WNDC is satisfied that the Strategy is based on current law and practice.
RES11	Strongly object to the statement that developers will not focus on the exactness of the relationship of any one development and the charge, but on the wish to avoid any innovative aspects of the charge, which may be seen as unwelcome precedents to CIL. Consider the direct link for each element of infrastructure must be established.	General approach	WNDC is satisfied that sufficient justification exists, or has been provided by the service providers, for the inclusion of the individual infrastructure items in the standard charge.
RES11	The development industry should not be required to fund level of infrastructure based upon 'unreliable information (ie a gross figure with an assessment for a reasonable margin) on account that authorities have not managed to adopt a sound Core Strategy.	General approach	Given there is no up to date development plan, WNDC is satisfied that the approach taken to identify the infrastructure requirement is reasonable.
RES13	Agree with the principle of a standard charge approach.	General approach	Noted.
RES13	Strongly agree that the standard charge be applied to all forms of housing	General approach	Noted
RES14	Endorses the principle of a tariff approach proposed by WNDC	General approach	Noted
RES14	Endorses the approach to promote policies in the Joint Core Strategy to give formal status to the Strategy, subject to further development of the proposals by joint working with all the planning authorities in West Northamptonshire.	General approach	Noted. WNDC will continue to work closely with the Joint Planning Unit on all aspects of sound land use planning.
RES14	It is clear that the proposals need further detailed work to be turned into a workable scheme. It is the Council's opinion that this should be achieved by a genuine partnership, including all planning authorities in West Northamptonshire.	General approach	The Strategy has been amended to clarify how it is to work in practice. WNDC agrees that for the Strategy to be effective, partnership working is essential.
RES15	The principle of a Standard Charge is considered helpful but its level and how it is applied/secured is important to ensure it is 'workable'.	General approach	Noted. Appropriate amendments have been made to the Strategy to clarify how it is to work in practice.

RES16	Para 1.3.1 refers to delivering a regeneration vision, which contradicts Circular 05/2005 which says contributions can only be required to make development acceptable in planning terms.	General approach	The regeneration visions sets out the requirements for sustainable communities and therefore what constitutes acceptable and sustainable development.
RES18	Strategy provides an estimate of cost per person of infrastructure but there is still no indication of what infrastructure is required, when and who will provide the infrastructure, what assumptions are made in respect of 'gap' funding and what influence the WNDC will have in ensuring its provision.	General approach	Refer to the Comprehensive Consultation Report
RES18	To commit a part of the land value to infrastructure provision, it is a significant flaw in the Strategy that there is no framework on which to plan development and the payment of finance to WNDC.	General approach	The Strategy will evolve over time as LDF becomes more defined. WNDC approach is a means of progressing schemes now, avoiding the need to wait for LDF but ensuring a way of dovetailing with future growth. Infrastructure provision is to be made in accordance with the IDP.
RES19	The proposed standard charge may also inhibit the re-development of smaller sites that would not otherwise be subject to significant infrastructure costs.	General approach	Refer to the Comprehensive Consultation Report
RES20	Agrees that the level of the charge is crucial and must be set at a level that does not compromise the viability of development, also agrees that the charge is a 'benchmark', and where there is a good reason, reduction in the charge should be sought.	General approach	Noted
RES22	NEL is broadly supportive of the need for a standard charge to deliver the necessary infrastructure to ensure West Northamptonshire is developed in a sustainable manner.	General approach	Noted
RES22	Welcome inclusion of both capital and revenue requirements, as well as the discount.	General approach	Noted
RES23	NCC is supportive of attempts to produce a standard charge.	General approach	Noted
RES23	Aim of the standard charge should be to enable infrastructure delivery to allow growth to occur quicker and in a sustainable fashion.	General approach	Noted
RES23	NCC believes the standard charge approach maintains sufficient hypothecation as funding will be spent to support the growth of West Northamptonshire which can be considered through the Eddington principle of 'economic geography' as one area.	General approach	Noted
RES23	NCC agrees with the paragraph 5.2, outlining the items that fall outside the standard charge.	General approach	Noted
RES23	Need to be explicit on what is within the scope of traditional Section 106 negotiations i.e. so that site specific matters can still be picked up on a case by case basis.	General approach	Refer to the Comprehensive Consultation Report and final Strategy document.
RES25	Stated during consultation that the standard charge would be set on land values within each area and would result in a different DSC for each, this does not appear to have transpired	General approach	Refer to the Comprehensive Consultation Report

RES25	Factors that could improve the residual amount for s106 include AH, tenure of AH, the availability of SHG and timing of payments.	General approach	The provision of a reasonable level of affordable housing is a key policy objective for WND. Any exceptional circumstances will need to be negotiated on a site by site basis.
RES26	Envisage that appraisals will be verified by a third party, although this remains unclear, to ensure that the market assumptions are correct.	General approach	Clarify that individual development appraisals will be verified by an appropriately qualified third party.
RES26	Welcome the principle of a standard charge, the cost certainty it provides and as a means to speed up the development control process.	General approach	Noted
RES27	Much of the land to meet the growth agenda has been purchased or optioned in deals going back a number of years, based on the best available knowledge at the time, and would not have reflected the current obligation proposals.	General approach	Refer to the Comprehensive Consultation Report
RES28	Prologis welcome and support the principle of a standard charge approach to supporting the delivery of infrastructure associated with planning permissions.	General approach	Noted
RES29	DDC supports the approach taken in the draft WND Planning Obligations Strategy and will consider applying a similar regime to developments within the WND area but below the threshold (albeit a further, lower threshold may be appropriate to avoid capturing very small developments), or major development forming part of the urban extensions of Daventry or Northampton.	General approach	Noted
RES29	Important that the role of planning obligations in controlling the nature and functioning of on-site development is not overlooked	General approach	The Strategy recognises that conditions or obligations may be sought in addition to the standard charge to address the management of site specific issues.
RES29	In accordance with PPS1, the RSS policies and MKSM Strategy, for development to be 'acceptable in planning terms' it must contribute the creation of sustainable communities.	General approach	Noted
RES29	DDC supports the imposition of the standard charge on all housing, irrespective of tenure, as all housing creates need for new infrastructure and this should be reflected consistently. The implications of this for the provision of affordable housing need to be recognised and faced explicitly.	General approach	Noted. Where development viability or the availability of SHG is an issue, the level of AH, AH tenure and/ or the level of DSC will have to be weighted appropriately.
RES31	The Force fully supports the introduction of a Standard Charge in order to provide a clear basis for the delivery of the essential infrastructure and growth in West Northamptonshire.	General approach	Noted
RES25	The principle of applying a standard charge is generally accepted	General Approach	Noted
RES2	The potential impact of the tariff means that there is likely to be a failure of the planning system in West Northamptonshire to bring forward residential land for development and achieve the growth area ambitions of the East Midlands RSS.	General Approach	Refer to the Comprehensive Consultation Report

RES9	Exceptional costs are not included in the viability testing exercise and it is imperative that proper recognition is given to this issue if a realistic grasp of the true financial position is to be achieved.	General approach & Analysis	Refer to the Comprehensive Consultation Report
RES16	Approach does not accord with Para B5 of Circular 05/2005, which says all five tests must all be met. Strategy appears to identify infrastructure from a wide variety of sources which may or may not be related to the development site. Issue appears to be that it is targeting the West Northamptonshire sub-region rather than what needs sites might reasonably have.	General approach and Legality	WNDC is satisfied that sufficient justification exists, or has been provided by the service providers, for the inclusion of the individual infrastructure items in the standard charge and that
RES16	It would be wrong, in terms of Para B8 of Circular 05/2005, to apply a standard charge to a development in order to provide infrastructure that has no direct relationship to the site or development. Eg the requirement for contributions to road schemes which have little or no impact on Daventry or sites development sites in Daventry in particular.	General approach and Legality	Refer to the Comprehensive Consultation Report
RES16	By definition, Para B35 of Circular 05/2005, means that a blanket charge across all sites is not the correct mechanism. The correct approach is a development wide standard charge, the development being the actual site. Difficult to align methodology with development sites that may be geographically and functionally disassociated with infrastructure requirements in the wider area. Section 3 of the document needs to be reconsidered so that the standard tariff can be worked out on a per dwelling basis for each site on a site by site basis.	General approach and Legality	Refer to the Comprehensive Consultation Report
RES9	The DSC applied to a particular site should not be altered once outline planning permission has been granted.	General Arrangements	Refer to the Comprehensive Consultation Report
RES14	Clear and accountable governance arrangements should be established and overseen by all planning authorities. This will specifically address prioritising requirements, phasing of infrastructure, delivery arrangements and co-ordination, monitoring and lobbying of Government for funding or financing of the 'banker role'.	Governance	Refer to the Comprehensive Consultation Report
RES15	Uncertainty as to alternative sources of funding and level to which developer contributions for new development should meet the overall infrastructure bill.	Government and other funding	Refer to the Comprehensive Consultation Report
RES12	Calculations fail to include a full analysis of other funding streams.	Government and other funding	Refer to the Comprehensive Consultation Report
RES5	Further clarification is required of the source of additional public funding to be levered in.	Government and other funding	Refer to the Comprehensive Consultation Report
RES6	There is no mention of normal/standard sources of funding such as education, health etc and which proportion of the costs they could cover as per MK and LTGDC.	Government and other funding	Refer to the Comprehensive Consultation Report

RES10	The analysis does not appear to have considered and then netted off the proportion of the infrastructure costs that can reasonably be expected to come from existing (traditional) Public Sector funding (eg new healthcare provision is funded through LIFT programmes). The gap would then inform the level of the Standard Charge, as indicated in the CIL Guidance Note para 31.	Government and other funding	Refer to the Comprehensive Consultation Report
RES2	Account needs to be taken of alternative funding for necessary infrastructure.	Government and other funding	Refer to the Comprehensive Consultation Report
RES4	How will the identified 'funding gap' be addressed and managed?	Government and other funding	Refer to the Comprehensive Consultation Report
RES5	Government and WNDC need to identify other funding streams to support growth, beyond that which the development industry can afford to pay.	Government and other funding	Refer to the Comprehensive Consultation Report
RES5	An estimate of available public funding must be made and the tariff must be calculated on the funding gap.	Government and other funding	Disagree. Refer to the Comprehensive Consultation Report
RES10	No account is taken of the alternative funding for necessary infrastructure likely to be available from, say, the Highways Agency or Health Authorities.	Government and other funding	Disagree. Refer to the Comprehensive Consultation Report
RES10	What is the level of public funding and what impact would netting off the relevant sum have on the tariff? Eg LTGDC public funding estimated at circa 60%, if applied in WNDC would reduce Standard Charge to £11,360.	Government and other funding	Disagree. Refer to the Comprehensive Consultation Report. Development is expected to meet the full cost of infrastructure required of the development. The Strategy takes account of public funding only where this is a certainty.
RES3	Levels of GAF, CIF and other Government funding should be factored into the equation.	Government and other funding	Disagree. Refer to the Comprehensive Consultation Report
RES25	WNDC/ERM were asked to provide transparency to the figures, setting out the total cost of the infrastructure, the amount and portion to be funded by mainstream sources, the amount and portion funded for other source(GAF, CIF etc) and the residual amount identifying the funding gap. This has not been provided and therefore the justification for the DSC is insufficient.	Government and other funding	Disagree. Refer to the Comprehensive Consultation Report. Development is expected to meet the full cost of infrastructure required of the development. The Strategy takes account of public funding only where this is a certainty.
RES28	Concerned that the full charge of £28,400 per dwelling is economically unsustainable and contrary to the delivery of growth. This figure does not appear to take account of other funding streams. Questioned whether such factors would be taken into account as exceptions as per para 4.6.	Government and other funding	Refer to the Comprehensive Consultation Report. Where there is substantial public or commercial funding of infrastructure, this will necessarily be taken into account in a subsequent review of the full standard charge.
RES23	The assumptions on the number of houses per growth area in Table 1.1 are not necessarily accurate. RSS allocation is for all of West Northamptonshire not individual districts, with final allocation determined by the Core Strategy.	Housing no.	The purpose of this piece of work was to establish the remaining housing requirement within all of West Northamptonshire.
RES23	The figures shown in table 1.1 contradict with those should in other tables in Annex A	Housing no.	The housing numbers within the Strategy and technical documents have been revised and care taken to ensure consistency.

RES9, 14	There appears to be no consistency in the absolute figure used to define the Remaining Housing Requirement (e.g. Table 3.5 is 41,170, Table 3.6 is 44,170, and Section 3 is 43,665 and 38,362).	Housing no.	The housing numbers within the Strategy and technical documents have been revised and care taken to ensure consistency.
RES12	Some of the assumptions in Annex A are flawed eg the inclusion in Table 1.6 of 1,729 dwellings to be provided in the rural area of Daventry is contrary to PPS3. DVC wish to engage with WNDC regarding the detailed concerns with Annex A.	Housing no.	The housing figures used are taken from the LPA and NCC annual monitoring report housing projections.
RES16	The assumption that 2,200 units will be delivered per year in West Northamptonshire is in our view wrong as it does not take account of the market.	Housing no.	Based on RSS targets
RES23	Strategy is not clear whether the standard charge will be applied across WNDC's area and can be spent anywhere in that area to support growth i.e. the standard charge from a site in Towcester could be spent on infrastructure in Daventry etc. The document needs to be explicit on this, as it is crucial that service providers have flexibility because contributions are unlikely to cover the full cost of provision.	Hypothecation	The standard charge will be applied to residential development which falls to WNDC to determine. Standard charge monies will be spent in accordance with the IDP.
RES23*	Further clarification is required of whether funds will be available to support growth of the WNDC area but can be spent outside WNDC's boundary (e.g. a waste management scheme that serves the entire county but maybe located in North Northamptonshire).	Hypothecation	Clarify that infrastructure which serves new development, as well as the wider area, may best be located outside the WNDC area
RES18	The draft document provides no confidence that there is a reasonable and appropriate infrastructure plan and that the finance required is fair and relates to the needs of growth of West Northamptonshire.	IDP	IDP to outline investments and early years programme. Will be published alongside the strategy
RES18	No clear mechanism for the provision of infrastructure and an understanding of how this may affect particular developments.	IDP	IDP to outline investments and early years programme. Will be published alongside the strategy
RES20	Welcomes development of an IDP that provides transparency of the projects which the standard charge contributions are providing, and agree the IDP should be reviewed regularly.	IDP	Noted
RES22	Range of infrastructure to be funded is clear but needs to be linked to an agreed detailed infrastructure plan for the area.	IDP	Noted. IDP to outline investments and early years programme. Will be published alongside the strategy
RES22	IDP needs to highlight the required infrastructure but also the various processes to be put in place for procurement, which should seek to maximise the level of agreement upfront, based on delivering the agreed infrastructure list and policy drivers.	IDP	IDP to outline investments and early years programme. Will be published alongside the strategy
RES22	The need for agreement, link to existing development/estates/highways plans, level of detail and consultation on this IDP is fundamental to ensure transparency, relevance and reasonableness are adhered to.	IDP	Refer to the Comprehensive Consultation Report
RES23	System must provide sufficient guarantees that the infrastructure required to support development will be provided. Encouraging that WNDC is preparing an IDP to achieve this accountability requirement.	IDP	Noted

RES23	Whilst WNDC will draw up the IDP it should be the responsibility of statutory infrastructure and service providers to identify specific priorities. WNDC will need to work closely with key infrastructure providers to ensure 'ownership' of the IDP.	IDP	Refer to the Comprehensive Consultation Report
RES23	System must be transparent to all parties involved, including the wider community. IDP will be vital to ensuring this transparency, clarifying how much money will be achieved from developer contributions along with other funding sources sought, and crucially what the money will be spent on and when.	IDP	Refer to the Comprehensive Consultation Report
RES23	Understandable that IDP will focus on short-term delivery but need to look at the key priorities that have the potential to be 'showstoppers' beyond this period to ensure money is being banked for future provision.	IDP	Noted. Both short and long-term priorities will be addressed in the IDP and will be subject to scrutiny by the Partnership working group
RES23	IDP should be able to be used to lever in external funding.	IDP	WNDC acknowledges that partnership working and coordinated infrastructure delivery are essential components to successful long-term delivery of the IDP
RES23	Each service area should be responsible for producing individual prioritised infrastructure plans/capital programmes which will feed in to the overarching infrastructure delivery plan.	IDP	Refer to the Comprehensive Consultation Report
RES26	Agree with WNDC's aim to prepare a detailed IDP	IDP	Noted
RES27	Needs to be certainty and transparency as to how any charges may be calculated (which is provided through the proposals), and perhaps more importantly how they are spent. It is essential that developers can see the benefits of payments rather than monies being pooled and issues relating to a particular are not addressed.	IDP	Refer to the Comprehensive Consultation Report
RES28	A timelined delivery programme with appropriate delivery vehicles and resources needs to be produced now to ensure any monies are apportioned and spent in an appropriate and timely manner	IDP	IDP to outline investments and early years programme. Will be published alongside the strategy
RES29	Vital that the three local authorities, with their knowledge, perspectives, long-term responsibility for the area, and democratic mandate, are able to meaningfully influence the programme of infrastructure.	IDP	Refer to the Comprehensive Consultation Report
RES29	The infrastructure programme should be structured in three parts, around the three towns, and allied to this should be three, not one, Infrastructure Management Boards.	IDP	WNDC's preferred approach is set out in the Comprehensive Consultation Report
RES29	No attempt should be made to transfer funds raised in one town to another which is not justified by reference to benefit of the town in which the funds were raised.	IDP	Refer to the Comprehensive Consultation Report
RES31	Seek clarification of whether funding would be a payment to the Police Authority, strictly 'in kind' capital funding, or, where there is a special case for revenue funding (eg provision of funding for PCSOs), a mixture of both.	IDP	Refer to the Comprehensive Consultation Report

RES31	The Force wishes to work with WNDC and the JPU on the provision of multi use centres as an in kind provision of police capital estate.	IDP	WNDC would welcome the opportunity to work with the Police Authority in further refining the infrastructure requirement.
RES31	Ask that the Force, Police Authority and other emergency services are consulted on the IDP (Para 5.3).	IDP	Refer to the Comprehensive Consultation Report
RES21	The IDP should have been prepared in tandem with the Strategy in order to provide a robust and fully coordinated basis for the charge.	IDP	Preparation of the IDP has been in tandem with the development of the Strategy but IDP necessarily focuses on the short-term, and often wider infrastructure requirements needed to support growth and regeneration.
RES23	Disagree with the suggestion that WNDC decide the priorities for investment based in IDP – any priorities must be consistent with and directly related to the priorities of the statutory infrastructure and service providers.	IDP	Refer to the Comprehensive Consultation Report
RES23	Given the likely funding shortfall it is essential that the 'showstoppers' are funded as a priority.	IDP	Both short and long-term priorities will be addressed in the IDP and will be subject to scrutiny by the Partnership working group
RES23	Real concern regarding the mechanisms of how the standard charge will be implemented ie how the further discounting will occur on certain sites e.g. town centre and brownfield sites, and its implications.	Implementation	Refer to the Comprehensive Consultation Report and the Strategy document.
RES16	At Table 3.3 there needs to be acknowledgement that some of the facilities listed will be provided as part of the various development proposals and as such can be discounted.	In kind provision and Offset	Refer to the Comprehensive Consultation Report
RES17	Within sub-section 5.2.5 PCT would request that 'including healthcare provisions' be specifically added and reference made to 'buildings' also added.	In kind provision and Offset	Amend the Strategy to include healthcare provision as an item that may be provided in kind and offset.
RES5	It is critical that a structure is established which creates the incentive to undertake development to provide much needed homes and jobs, in an area of relatively high development risk.	Incentives	WNDC considers that the delivery of necessary infrastructure is the greatest incentive to further inward investment in West Northamptonshire.
RES23	NCC pleased the standard charge is proposed to be index linked from the date of the agreement. Need to clarify how the funding is to be index linked, which NCC assumes is a general uplift on the standard charge rather than specific indexation for each element, the latter would expose NCC to potential risk if any capital difference has to be met.	Index linked	Project costs included in the IDP will necessarily need to be index linked.
RES13	DSC has to be index linked to government funding to attract sensible pricing	Indexing	The standard charge applicable will be index linked from 8 April 2008.
RES13	It is clear what the Strategy contributes towards and the area.	Infrastructure	Noted

RES9	Supports the methodology used to identify the range of infrastructure required but considers further assessment is required to identify local needs, taking account of existing spare capacity and commitments.	Infrastructure Analysis	The intention is to continue to update the baseline information to reflect emerging policy, infrastructure studies and the investment programmes of the service providers. When the Strategy is reviewed account will be taken of the updated baseline.
RES17*	Table 3.5 should reflect estimates of infrastructure requirements by location against all healthcare facilities.	Infrastructure Analysis	Table 3.5 has been revised to take account of this
RES17	Generally support the principle of a standard charge approach but until all items related to healthcare provision are identified and appropriately addressed in the final document, the PCT will not support its approval or adoption.	Infrastructure Analysis	The Strategy has been amended to include the additional healthcare requirements identified by the PCT (apart from revenue costs) in the infrastructure schedule.
RES17*	PCT recommends four GP WTE's as an appropriate unit basis for calculations based on current tender processes being undertaken.	Infrastructure Analysis	The infrastructure cost schedule has been revised to take account of this
RES17*	Table 3.5 – the Government target for average number of patients per GP, Annex B page 3 should be replaced with 4 GP health centre, 3,000 dwellings per unit equating to Northampton 10 units, Daventry 2.7 units and Towcester 1 unit.	Infrastructure Analysis	The infrastructure cost schedule has been revised to take account of this
RES17*	Table 3.7 – should also include land requirement for Dentists, Acute and Mental Health beds, Intermediate Care beds and day places. An amended area of 675/msq per unit (four GP's at 168.75/msq per GP) from Annex B, Page 3, should be applied along the GP health centre row.	Infrastructure Analysis	The infrastructure cost schedule has been revised to take account of this
RES17*	Annex B – the rate suggested of £2,250/msq construction cost is too low and a figure of £3,445/msq should be applied (Corby Willowbrook LIFT Outline Business Case capital costs).	Infrastructure Analysis	The infrastructure cost schedule has been revised to take account of this
RES17*	Applying the rate of £3,445/msq to GP health centres, amendments to reflect four GP 675/msq unit, producing construction costs of £2.325m and 3,000 dwellings. Costs will therefore increase to £775 per dwelling and £323 per person.	Infrastructure Analysis	The infrastructure cost schedule has been revised to taken account of this
RES17*	Annex B – additional data should be included to reflect omitted healthcare facilities. Evidence base date suggests the following rates be allowed for construction costs: Intermediate care beds £3,445/msq; Intermediate day places £3,445/msq; Mental Health Beds £2,567/msq; Acute beds £5,288/msq.	Infrastructure Analysis	The infrastructure cost schedule has been revised to taken account of this
RES17	Should be a requirement to provide for revenue for healthcare provision on the basis that health has a completely different funding stream where revenue lags population by three years. Estimate of revenue requirement to support a development covers a range between £1,600 per unit on small development built over one year to £3,156 per unit on large development phased over a number of years.	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES18	It is noted that the schedule does not include mental health care.	Infrastructure Analysis	The infrastructure cost schedule has been revised to taken account of this, using the figures provided by the PCT.

RES26	Document is lacking in clarity regarding the basis for the charging and the standards that the calculations are based upon. Should include this information in a matrix attached to the Strategy, which would allow individual elements to be updated, without having to review the whole document.	Infrastructure Analysis	This information is contained in Annex A to the Strategy. The intention is to continue to update the baseline information to reflect emerging policy, infrastructure studies and the investment programmes of the service providers. When the Strategy is reviewed account will be taken of the updated baseline.
RES23*	The Fire and Rescue contribution needs clarifying. The £386 is exclusive of fire hydrants, which either need to be included in the standard charge (£14 per dwelling) or as a condition of planning permission.	Infrastructure Analysis	Provision for fire hydrants is best ensured through conditions on planning permissions rather than through planning obligations.
RES12	Please explain the role of the DIS in this Strategy given DIS is subject to consultation and outcomes on that will not be known when WNDG propose to adopt the Strategy? Is the infrastructure costs schedule in para 2.24 not the one intended to be approved in July?	Infrastructure Analysis	DIS data has been used, alongside other sources, to inform the baseline information used in establishing the standard charge.
RES6	It is not entirely clear in the later sections of the study, which elements the proposed standard charge will cover and which will be outside the scope for further negotiation.	Infrastructure Analysis	Facilities currently included are set out in Annex A to the Strategy. Other facilities may be included in future reviews according to their merits.
RES16	Text at Table 3.6 makes assumptions about central funding. It would be useful if the 80% adopted were justified a little more than just to say 'a simple factor'.	Infrastructure Analysis	As set out in the text, the 80% represents the portion of transport costs to be met by residential development, with the remaining 20% apportioned to non-residential development.
RES18	Lack of clear guidance on how the list of infrastructure requirements has evolved and how it is linked to development.	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES23*	Definition of cultural investment needs clarification (e.g. libraries and museums are included separately but could also be eligible for cultural investment) Definition should include reference to cultural arts, heritage and historic environment.	Infrastructure Analysis	Amend Table 3.8 of the Technical Report and Annex A of the Strategy to clarify the elements covered by cultural investment.
RES23*	Concerns about services left outside the standard charge such as social care, which NCC has developed a capital cost for in the County Planning Obligations Framework and Guidance (March 2008). If this is included and then split down it should state Adult's Social Care and Children's Social Care rather than the facilities listed in Schedule 10 of the Model agreement.	Infrastructure Analysis	NCC capital costs for Adult and Children's social care facilities are based on continuation of traditional forms of provision, which are being changed under current policy. It would not therefore be appropriate to include them at present. If in the future NCC identifies capital costs for facilities under these new policies this element could be added when the charge is reviewed.
RES23	Some items included in the standard charge, such as equipped areas of play, should be provided on site and covered on a site by site basis rather than through the standard charge.	Infrastructure Analysis	Where children's play area is to be included on site, such costs can be offset against the standard charge up to the standards and values set out in the infrastructure cost schedule.

RES23*	'Nursery' under education should be rephrased as 'early years' as it may not just be a traditional nursery that is provided.	Infrastructure Analysis	Amend the Technical Report to refer to 'early years'
RES23*	Table 3.2 is incorrect in stating that NCC's planning obligations document includes reference to voluntary sector and inward investment but does include neighbourhood renewal, which has been missed off the list.	Infrastructure Analysis	Amend Table 3.2
RES23	NCC considers the infrastructure costs for its services are robust and accurate being derived directly from the NCC's planning obligations document.	Infrastructure Analysis	Noted
RES24	Question whether the 'good evidence base' which will be a requirement of CIL, is yet available in relation to the Strategy, and as such, whether WNDC can move things forward. There needs to be a robust evidence base to ensure it can cope with emerging Government advice and any challenges arising from specific development schemes.	Infrastructure Analysis	WNDC is satisfied that, given the absence of an up to date development plan, the evidence base represents the best available at this time but also acknowledges that as planning advances the evidence base can be further refined.
RES5	The approach to costing infrastructure appears to be based in limited, generalised information. It needs to be based on a robust evidence base.	Infrastructure Analysis	WNDC is satisfied that, given the absence of an up to date development plan, the evidence base represents the best available at this time but also acknowledges that as planning advances the evidence base can be further refined.
RES5	Calculation for the infrastructure requirement fails to assess existing capacity within facilities such as schools.	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES5	Further clarification is required on the basis upon which infrastructure costs have been derived.	Infrastructure Analysis	WNDC considers that sufficient information is provided in Annex A of the Strategy.
RES6	At which stage will the 'facility planning' be sufficiently advanced to say whether the 'additional items' referred to following Table 3.3 be introduced? Is it only likely after the proposed two year review?	Infrastructure Analysis	Majority of 'additional items' linked to emerging LDF and its evidence base, so heavily dependent on LDF timing.
RES6	Table 3.6 contains a number of inaccuracies in relation to both costs and funding.	Infrastructure Analysis	The information provided in Table 3.6 was derived from the NCC 'Transport Strategy for Growth'. WNDC is unaware of any other more reliable source.
RES10	In order to identify an appropriate tariff figure it is necessary to identify the infrastructure deficit items that are reasonably required, cost these and decide how much can be reasonably funded by new development after deducting traditional sources of funding. The resultant sum is then divided by the quantum of development (both residential and commercial) reasonably expected within the relevant period.	Infrastructure Analysis	Where only the total quantity of housing to be met is known, not its location, only gross infrastructure requirements can be assessed and then only on a unit demand unit cost basis.
RES10	The claimed costs seem to include items that arise from a past lack of investment eg schools, which does not accord with para 33 of CIL Guidance Note.	Infrastructure Analysis	The infrastructure requirements have been derived based on standard unit demand and unit costs, and therefore make no provision for existing under or over supply.

RES11	Object to any charge being applied to a development proposal where there is no direct link between infrastructure and development.	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES11	There is no robust evidence that has been tested through examination available to justify the costs associated with any of the infrastructure set out in the document, let alone the transport requirements.	Infrastructure Analysis	WNDC is satisfied that, given the absence of an up to date development plan, the evidence base represents the best available at this time but also acknowledges that as planning advances the evidence base can be further refined.
RES12	Appears that no attempt has been made to identify the actual infrastructure items that will be needed as a result of new development. No attempt has been made to assess current or projected spare capacity of services and facilities, or any attempt to ensure infrastructure is confined to that required of new development.	Infrastructure Analysis	Where only the total quantity of housing to be met is known, not its location, only gross infrastructure requirements can be assessed and then only on a unit demand unit cost or comparative basis.
RES12	The 'gross requirement' approach is fundamentally at odds with Circular 05/2005 and CIL guidance note.	Infrastructure Analysis	The gross approach is the only one available when additional housing requirements are known but have not yet be located. It is also particularly likely to be valid here given that most of the new development in WNDC will take the form of substantial urban extensions. The CIL document states that CIL will fund infrastructure not specifically identified but known to be needed.
RES12	Clarify whether the provisional costs will be reviewed prior to the 2 year review period. If they are revised prior to an overall review, what is the mechanism and what will be the involvement of key stakeholders?	Infrastructure Analysis	The intention is to continue to update the baseline information to reflect emerging policy, infrastructure studies and the investment programmes of the service providers. When the Strategy is reviewed account will be taken of the updated baseline.
RES12*	The rational for inclusion of revenue costs is unclear – seems they are included on basis that it has been customary to include them in s106 not on the basis of whether it is appropriate and in accordance with Circular 05/2005.	Infrastructure Analysis	Clarify that, with the exception of voluntary/community sector costs, training and maintenance costs for open space, revenue costs are not included in the standard charge.
RES14	Allotments, as a specific category, are not identified.	Infrastructure Analysis	According to NBC's Open Space, Sports and Recreation Audit (2006) allotments are a demand led facility and requirements need to be quantified in the context of existing provision, waiting lists and local demand. They are therefore not included in the standard charge at present (The Audit, nevertheless suggest a local standard of 0.2ha per '000 persons. As a land requirement only, this would add £288 per dwelling to the total cost per dwelling in Table 3.8).

RES14	While items included that could relate to investment in the town centre, it is not clear if sufficient priority is given to the improvement of the town centre and district centre environments that need to be addressed in association with new development.	Infrastructure Analysis	The priorities for investment of standard charge monies will be in accordance with the IDP.
RES15	The list of infrastructure requirements is extensive but cannot be certain at this early stage of the planning process, where the extent, location and timing of development are yet to be determined. Proper assessment is required of each item and the appropriate level of contribution that could be expected.	Infrastructure Analysis	WNDC is satisfied that, given the absence of an up to date development plan, the evidence base represents the best available at this time but also acknowledges that as planning advances the evidence base can be further refined.
RES15	Some items listed may not always be appropriate to all forms of development.	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES15	Caution must be exercised where estimates and assumptions are used to derive infrastructure requirement and costs ahead of the LDF.	Infrastructure Analysis	Noted.
RES15	Different house sizes will generate different degrees of 'burden' to infrastructure, which would suggest that any charge should reflect that difference.	Infrastructure Analysis	Not practical given the nature of growth proposals in large urban extensions and "outline" planning applications.
RES15	Certain specialist housing may fall outside of certain parameters for example retirement schemes would not produce pressure on education provision or for play equipment and so would not meet the tests of planning obligations. Some allowances may therefore be appropriate in such circumstances.	Infrastructure Analysis	Such development might represent an exceptional case for which WNDC would expect to negotiate the terms of the s106 agreement.
RES16	Concerned with the use of gross infrastructure costs in the formulae, as implies that land and construction costs are considered in the final costs, when development may be providing these facilities as part of its scope (ie land provided at nil cost and buildings constructed by developer). Gross infrastructure costs imply that no discounts will be available when calculating a per dwelling rate.	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES18	No assessment has been made on the schedule of infrastructure requirements or the assumptions which various bodies have made in estimating costs and level of provision.	Infrastructure Analysis	WNDC considers that sufficient information is provided in Annex A of the Strategy.
RES23	Several services have figures included in the standard charge without any real basis for them. Consideration should be given to provide a greater evidence basis for these for a Northampton situation before funding can be received.	Infrastructure Analysis	The use of comparatives is a valid approach to identifying the infrastructure requirement, where need for provision has been reasonably demonstrated.
RES26	Would be useful for the infrastructure cost schedule to reference specific policies and standards, planning or otherwise, where the requirement has come from.	Infrastructure Analysis	This information is provided in Annex A of the Strategy.
RES26	Question validity of publishing the document when the transport figures remain uncertain, yet represent 31% of the FSC and 44% of the DSC. The base starting point needs to be an agreed figure even if it is appreciated that this may change over time.	Infrastructure Analysis	The transport requirement was derived from the NCC 'Transport Strategy for Growth'.

RES26	Would like to see justifications for each cost e.g. £25m for town centre strategies is attributed to all development but would argue that such cost be borne by town centre schemes, as developers outside of the centres will have high urban realm costs associated with creating new places.	Infrastructure Analysis	Fact remains that development within the urban area will still have an impact on the local town centre. What level of funding is provided towards town centre enhancements will be dependent on its priority within the IDP.
RES26	Basis for charge on commercial development remains unclear, needs to demonstrate the charge for residential development takes account of the likely infrastructure that commercial development will provide.	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES26*	Would welcome further information on the nominal acquisition cost of £600k for land for infrastructure i.e. how this sum has been reached and how it would change with market conditions.	Infrastructure Analysis	This was derived on the basis of information provided in the one-to-one sessions with developers, landowners and agents, and was seen to fairly represent the average land value being agreed in negotiations.
RES28	Concerned with the approach to assessing infrastructure. Such an approach is at odds with Circular 05/2005. Baseline must be the capacity of existing services and facilities to accommodate growth to ensure the level of contribution sought is fair and reasonable, rather than addressing existing deficiencies.	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES28	The assumptions on quantum of development are inconsistent with PPS3, regarding the assessment of windfall sites – the effect is that the scale of development, and thus the amount of infrastructure are over estimated.	Infrastructure Analysis	The scale of development is set out in RSS8 and does not, in our assessment, take specific account of windfall sites but rather the scale of the regeneration proposals coming forward to be determined.
RES28*	Reference is made to costs being provisional and needing to be revised (para 4.6). Clarify what this means e.g. does it relate to inflation, provision of development or mechanism or assumptions underpinning the Strategy?	Infrastructure Analysis	Clarify, that the intention is to continue to update the baseline information to reflect emerging policy, infrastructure studies and the investment programmes of the service providers. When the Strategy is reviewed account will be taken of the updated baseline.
RES28	It is not clear whether a schemes contribution to strategic highway works is taken into account in the charge (effectively provide a 'discount).	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES28	The assumptions in respect of transport infrastructure and the split of 'developer responsibility' appear overly biased towards the provision of funding through the standard charge, without specific explanation.	Infrastructure Analysis	Whilst it is anticipated that the schemes listed will attract public sector investment, the level or source of additional investment for some scheme is currently unknown, and therefore, must be included in the Standard Charge.
RES29	The infrastructure required for Daventry in the draft DIS should be taken into account, for example, £49.5 million on transport within the town (Arup study). The fact that it differs from the Transport Strategy for Growth (TSfG) should not be a concern – the information is more detailed and therefore likely to be more accurate.	Infrastructure Analysis	As stated in the report the transport infrastructure cost estimates are preliminary and will need to be replaced by more robust figures. However, this must be done on a comprehensive basis and it is not possible to differentiate the known Daventry costs from the broad costs being used at present.

RES29	The document needs to recognise the possibility that a single housing requirement figure may appear in the revised RSS, and accordingly that determination of the scale of growth of Daventry, Northampton, Towcester and other settlements will be open to resolution.	Infrastructure Analysis	Revised RSS now published and provides a specific housing requirement figure for Daventry, South Northamptonshire and the NIA
RES29*	The reference to a total of 37,500 jobs across West Northamptonshire between 2001 and 2021 is unhelpful in that it would be likely to artificially restrict employment growth in Daventry. The figure of 53,000, in the draft Strategic Northamptonshire Economic Action Plan (SNEAP) should be used as the target.	Infrastructure Analysis	Clarify that the RSS8 figure is a minimum target
RES29*	Suggested that the “Culture and community” heading is incorrect and should include the “cultural investment” item, and that the remaining item in the “Public realm/culture” heading should be reclassified as “Town Centres and Economic”	Infrastructure Analysis	Make the amendments to Table 3.3 as suggested.
RES29	Transport - not clear that provision for transport demand management, intelligent transport systems, walking provision and cycling provision is included	Infrastructure Analysis	Specific reference is made, in Table 3.6, to transport provision such as those listed by the respondent.
RES29	Generally, it is not clear if items falling within the headings but not explicitly described are included or not	Infrastructure Analysis	Without specific reference to a relevant example, it is difficult to answer this question. However, the specific type of infrastructure referred to in the detailed infrastructure cost schedule is that which is envisaged to be delivered through the standard charge.
RES29	By adopting an approach that treats all three towns the same, the important differences between them, and their infrastructure needs, has been obscured, and needs to be remedied in the final version of the Strategy	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES29	Justified and important aspects of infrastructure, for which evidence already exists in one or more towns but not all three, is excluded from the list	Infrastructure Analysis	Refer to the Comprehensive Consultation Report
RES29*	The economic aspects of development to securing sustainable communities, should be reflected in the list through the creation of a “Town Centres and Economic” heading.	Infrastructure Analysis	Apart from “public realm” we have not identified any other town and centre and economic requirements
RES29	Transport - irrespective of the list in Table 3.6 the use of the funding remains open to support the most sustainable and efficient solutions in response to the evolving policy context over time.	Infrastructure Analysis	Noted. This is the significant benefit of the Standard Charge approach, which can direct pooled funds to changing requirements and needs, in preference to investing solely in the infrastructure need of an individual scheme
RES29*	The ‘improved streetscape in town centres’ item listed in the TSfG and repeated in Table 3.6 cannot meaningfully be treated as a transport matter and accordingly should appear under the “Town Centres and Economic” heading.	Infrastructure Analysis	Noted. However, until the transport costs have been more firmly estimated we would prefer not to extract this cost from its original context in the TSfG.
RES31	Pleased to see the inclusion of emergency services within the WNDC proposals, which was not included in the MK tariff arrangements.	Infrastructure Analysis	Noted

RES31	Fully agree with the basis for the emergency services infrastructure costs, which is based on the Force's document Policing Contributions from Development Schemes - developer contributions to fund additional policing facilities under Section 106 of the Town & Country Planning Act 1990 – dated May 2007.	Infrastructure Analysis	Noted
RES31	There is a requirement for a revised police estate. Additional information can be obtained from Richard Bucknall, Force estates manager.	Infrastructure Analysis	Noted. WNDC welcomes the opportunity to work with the Force to further refine the infrastructure requirement for the area going forward.
RES31*	The specific capital requirements for policing within the new residential and commercial developments will be for multi use buildings, including accommodation for a police Safer Community Team. The requirements for a SCT are uniform. The other local needs are for CCTV/ ANPR, youth provision, and for all developments to be built to Secured by Design standards.	Infrastructure Analysis	Noted. However, police standards and costs for provision of these facilities are not included in the Policing Contributions document.
RES31*	Although the papers have references to police and fire, there is no reference to the Ambulance service. Is it the case that their issues are covered within Health?	Infrastructure Analysis	Clarify that specific provision towards the Ambulance Service will eventually be covered within Health but at present there are no costings available.
RES25*	Strategy still lacks clarity on the detailed items that will be provided by WNDC as part of the Discounted Standard Charge and those that will be considered as on-site infrastructure. Needs clarification to ensure all costs can be included into cash flow models prior to outline planning permission.	Infrastructure Analysis	The specific infrastructure and relevant standards used are set out in the calculation of the Standard Charge. Further amendments to the infrastructure cost schedule have been made.
RES23*	Actual cost of a 2FE Primary school is considered to be £6.6m.	Infrastructure Analysis	Infrastructure cost schedule has been revised to taken account of this
RES23	Will be occasions where NCC need to build different size schools or extend schools, the cost of which would be greater than the costs outlined in the document.	Infrastructure Analysis	The standard charge approach does not take account of bespoke arrangement to service provision. Such matters will need to be considered in the IDP and included in any subsequent review of the baseline costs
RES10*	It is not clear if the cost of a 420 Primary School has been derived from consideration of a dataset of recent school construction projects or simply the application of a rate per pupil multiplied by the assumed capacity of 420 places? Needs to account for assumptions on pupil product or child yield likely to arise from new development.	Infrastructure Analysis	Annex A to the Strategy sets out the assumptions used, which were provided by Northamptonshire County Council.
RES8*	Provides the latest figures for the cost of provision of swimming pools and sports halls.	Infrastructure Analysis	Amend figures in the infrastructure cost schedule to reflect up to date costs.

RES8	That, in addition to those sports facilities explicitly included in the current calculations, an additional allowance be made for contributions to other sports facilities such as Multi Use Games Areas, synthetic turf pitches, BMX tracks, skate parks etc – detailed costs are provided.	Infrastructure Analysis	WNDC considers that these facilities are best provided on site as part of a comprehensive play and open space facility. It is difficult, however, to identify the value and role and therefore to establish a specific charge for inclusion in the standard charge. This position can be reviewed at such time as the Strategy is reviewed.
RES8*	That the recommendations of the Sports Facilities Strategy, being prepared by the three LPAs be taken into account when finalising costs.	Infrastructure Analysis	The final Strategy will seek to take account of any new published information.
RES11	Object to the transport requirement being assessed as the total cost of the additional infrastructure required for the whole system to function. This is beyond the remit of Circular 05/2005 in that it cannot be directly related to the development and fair and reasonably related in scale and kind to the proposed development.	Infrastructure Analysis - Transport	Refer to the Comprehensive Consultation Report
RES23*	Clarify that contributions towards rail are for station improvements and access not rail infrastructure itself.	Infrastructure Analysis - Transport	The Technical Report will clarify the intended scope of contributions towards rail infrastructure.
RES23	NCC concerned over the transport elements of the standard charge and welcome the opportunity to discuss these further with WNDC	Infrastructure Analysis - Transport	Noted
RES12	Current lack of Highways Agency endorsement that payment of the charge will obviate the need for any Grampian conditions means separate negotiations with the HA in respect of each application, which the standard charge should seek to avoid.	Infrastructure Analysis - Transport	Refer to the Comprehensive Consultation Report. Discussions are ongoing with the HA and DfT on their position.
RES9	Concern with the approach taken to identifying and apportioning the cost of transport infrastructure across West Northamptonshire. In particular, the discrepancy between the Daventry Transport Study (DTS), which estimated £2,811/dwelling (£10m for overall network improvements in the town plus £4-7 for public and sustainable transport requirements), and the WNDC figure of £8,807 for transport.	Infrastructure Analysis - Transport	We cannot trace the figure quoted but it clearly does not include costs of provision beyond the strictly local Daventry level. Strategic infrastructure improvements in the wider sub-region are also needed for new development to function properly. It may be noted that Daventry Infrastructure Study showed £12,461 per dwelling for transport.
RES9	Table 3.6 wrongly identifies a number of major transport projects for 100% funding by developers, such as the M1 junction 16 improvements.	Infrastructure Analysis - Transport	Where there is no certainty with regard to other funding streams, such transport scheme must be included in the infrastructure cost schedule as being 100% developer funded to ensure delivery.
RES12	The failure to make any allowance for strategic highway infrastructure within the costs is a major flaw especially in regard to whether the charge will be affordable.	Infrastructure Analysis - Transport	Refer to the Comprehensive Consultation Report and Technical Report.
RES4	Concerns about how the Strategy deals with the essential transport interventions.	Infrastructure Analysis - Transport	Refer to the Comprehensive Consultation Report

RES10	The Strategy implies that the transport infrastructure thus far identified as desirable is not fully committed to by the Highways Agency. What happened therefore if, following variations, dwelling numbers are either higher or lower than expected?	Infrastructure Analysis -Transport	Variations in the total quantum of housing to be delivered will affect the level of the Full Standard Charge but the current funding gaps between this and the DSC, means that such variations are unlikely to have any impact on the level of the DSC.
RES17	Table 3.2 provides a long list of healthcare facilities but Table 3.3 only includes GP surgeries. The Standard charge should include GP/Health Centres, Dentists, Acute and Mental Health beds, Intermediate Care beds and day places to recognise the increasing demand on health facilities resulting from new development.	Infrastructure and Analysis	Noted. Amend the infrastructure costs schedule to include GP/Health Centres, Dentists, Acute and Mental Health beds, Intermediate Care beds and day places, using PCT figure.
RES17*	PCT, acting on behalf of East Midland Ambulance Service (EMAS), suggest that the ambulance service be included in 'healthcare' and not 'emergency services'. While EMAS has not been able to provide any specific capital and revenue costs associated with the impact of new development on this service, it should be noted that capital is necessary to provide response vehicles and revenue to provide activity.	Infrastructure and Analysis	Clarify that specific provision towards the Ambulance Service will eventually be covered within Health but at present there are no costings available.
RES24	Given that it is deemed not possible to prepare site specific assessments of likely infrastructure costs, it is difficult to see how something can be included in the 'list' when the overall infrastructure costs cannot be ascribed a figure. Further emphasizes the need for the tariff to come forward as part of the overall LDD for the area.	Infrastructure cost schedule	The total quantity of housing to be provided is known. It is possible to assess gross infrastructure requirements, on a unit demand unit cost or comparative basis.
RES24	Need to ensure that matters covered in the standard charge are not double counted in any other s106 agreement for development to date or relating to commercial development.	Infrastructure cost schedule	Noted.
RES24	Reserve the right to comment on appropriateness of the infrastructure list once the IDP is made public. Without this level of supporting detail to justify the costing and provision made, we fundamentally object.	Infrastructure cost schedule	Noted. The IDP is being prepared and will be published alongside the Strategy
RES13	The DIS had not been published before the Strategy, which leaves some of the basic premises upon which the Strategy is founded as being questionable and therefore open to challenge.	Infrastructure costs	ERM have worked with URS to ensure that DIS emerging findings were understood alongside other sources of information on infrastructure.
RES23	NCC concerned that the land costs appear to be under providing land for infrastructure e.g. assumptions that libraries will be co-located with other services when they may not and the land designation for schools is purely for school functions so extra land would be required if facilities were to be co-located.	Land	The land costs are based on the average area required for a standard facility; they cannot take account of bespoke arrangements.
RES16	Note the document refers to purchasing third party land to deliver infrastructure eg the Towcester Bypass, which could raise issue of landowners claiming partial ransom payment.	Land acquisition	WNDC has CPO powers.

RES10	Three questions arise from the land value cost requirement: 1. Where is the land? 2. Who is it being acquired from? 3. If this is an equalisation proposal, where is the explanation of how the equalisation payments will be made to the affected land owner?	Land for Infrastructure	The land relates to infrastructure provision, so may be located either on or off site. The land will be vested by the developer with the appropriate statutory provider of the infrastructure, and the cost of part or all of the land requirement offset against the standard charge. As further set out in the strategy.
RES14*	The inclusion of areas such as open space / green space in the land cost requirement is not considered necessary.	Land for Infrastructure	These costs need to be included to cover off-site provision, in the case of smaller sites.
RES15*	Clarify how the £600,000/ha for land provided for infrastructure provision was derived and explain how it will be applied. Does it relate to commercial as well as residential?	Land for Infrastructure	This was derived on the basis of information provided in the one-to-one sessions with developers, landowners and agents, and was seen to fairly represent the average land value being agreed in negotiations.
RES25	It was acknowledged in consultation that developer's existing contractual obligations would be taken into account in assessing the appropriate level of DSC to be applied. The suitability of the landowner receipt figure will vary from site to site depending on arrangements and landowner aspirations. Ultimately it will be the landowners that determine whether the receipt is sufficient and there is clear danger of land not coming forward if this is too small	Landowner receipts and Analysis	The Strategy clarifies that WNDC expects normal development costs to have considered in the land deal agreed. Only exceptional costs will therefore be taken into account in terms of allowances against the DSC.
RES11	Challenge the legality of applying a direct standard charge irrespective of development composition, particularly in relation to dwelling size. Such an approach is beyond the remit of Circular 05/2005 where the liability has to be legally linked to the development in question.	Legality	Refer to the Comprehensive Consultation Report
RES2, 10, 11	The legality of the tariff is open to question given that WNDC is not a plan making body and there is no apparent development plan policy basis to justify the charge at present.	Legality	Refer to the Comprehensive Consultation Report
RES4	Concerned that the approach does not accord with Circular 05/2005	Legality	Refer to the Comprehensive Consultation Report
RES11	For the document to be afforded any weight in the decision making process it needs to have been prepared in accordance with the principles of the development plan preparation process (ie as an SPD in partnership with the respective local authorities and based upon saved policies).	Legality	Refer to the Comprehensive Consultation Report
RES11	The strategy states that it 'develops the approach to contributions further than the adopted policies', which is not possible for an SPD to do.	Legality	RSS takes precedence, PPS12 para 5.12. PPS12 also recognises that in transitional periods it may be necessary.
RES11	Government has already stated that the planning of infrastructure should be embedded within the development plan system and planning charge policies should be contained within development plans and tested through the development plan process.	Legality	Refer to the Comprehensive Consultation Report
RES11	WNDC's proposals for this Strategy run counter to guidance prepared by 'other bodies' as provided for by para 6.3 of PPS12	Legality	Refer to the Comprehensive Consultation Report

RES11	Object to the Strategy on the basis that it has failed to comply with the mandatory statutory requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 or the SEA Directive.	Legality	Refer to the Comprehensive Consultation Report
RES11	CIL requires infrastructure planning to be part of the development plan process.	Legality	The Strategy has been prepared under current s106 law and guidance.
RES11	It will be for the Secretary of State to determine the weight given to the Strategy.	Legality	It is for the decision maker to attach weight it considers appropriate to the strategy as a material consideration in determining applications.
RES11	The document assumes that it carries weight on the basis of progress with consultation, which is incorrect as it needs to have a legal and policy supportive basis in the first instance, which the Strategy does not.	Legality	Refer to the Comprehensive Consultation Report
RES21	Question mark over the status of the Strategy as it does not and can not represent a SPD.	Legality	Refer to the Comprehensive Consultation Report
RES21	While MK tariff also lack statutory status, it was prepared in direct liaison with the limited number of major landowners and developers.	Legality	Noted. The strategy has been subject to stakeholder consultation
RES21	Strategy should be put on hold and should feed into a robust statutory approach through the Joint Core Strategy.	Legality	WNDC is satisfied that the need for the Strategy ahead of the LDF is justified
RES24	All matters in relation to Planning Obligations should be properly considered and progressed through the Joint Planning Unit for West Northamptonshire.	Legality	WNDC is satisfied that the need for the Strategy ahead of the LDF is justified
RES25	Question whether WNDC has powers to introduce policy of SPG not linked to an approved DPD policy. Consider it essential that WNDC fully establish whether planning consents granted, where the standard charge is imposed, will be robust.	Legality	Refer to the Comprehensive Consultation Report
RES29	It would be helpful to know if the "overall advice" referred to in 1.3.2 'Legal Status of the Strategy' came from a solicitor, counsel or leading counsel.	Legality	Solicitor
RES9	The Discounted Standard Charge must form the outset be set at a level which is realistic in the context of the overall regulatory burden faced by the development industry.	Level of DSC	Refer to the Comprehensive Consultation Report
RES16	Strategy should explain what the level of standard charge is.	Level of DSC	Refer to the Comprehensive Consultation Report
RES1	Strong objection on practical grounds to the level of tariff and the effect that it is likely to have on residential development in the town.	Level of DSC and viability	Noted
RES2	Even in 'normal' market conditions, the main concern is the addition of the proposed tariff on top of other costs, including affordable housing, the achievement of Code Level 3 and the increasing cost of promoting land for development.	Level of DSC and viability	Refer to the Comprehensive Consultation Report
RES3	Even in a strong market the Strategy will seriously jeopardise the delivery of the housing requirement.	Level of DSC and viability	Refer to the Comprehensive Consultation Report

RES5	Investment is discretionary; if it is too costly or complex, companies will invest elsewhere or in different asset classes.	Level of DSC and viability	Noted.
RES19	Question whether the standard charge is set at a level that supports (not prevents) new development in the current economic climate	Level of DSC and Viability	Refer to the Comprehensive Consultation Report
RES9	The Standard Charge, in association with the range of regulatory requirements (Affordable housing and climate change issues) will seriously prejudice the viability of a large number of schemes upon which the growth agenda depends.	Level of DSC and Viability	Refer to the Comprehensive Consultation Report
RES2	A further significant review to take account of current market conditions.	Market conditions	Refer to the Comprehensive Consultation Report
RES5	Stress the need to consider the implications of the current and on-going credit crisis and its implications for the delivery of regeneration developments.	Market conditions	Refer to the Comprehensive Consultation Report
RES5	No allowance has been made to refund the tariff where profits are low than originally estimated.	Market conditions	Any money received will be spent on required infrastructure, which makes the need for a refund unlikely. However a refund provision is included in the model agreement.
RES5	The ability of development sites to afford the tariff be reviewed in light of recent challenges caused by the credit crisis.	Market conditions	Refer to the Comprehensive Consultation Report
RES16	Strategy requires detailed reconsideration in view of the market conditions, such that land supply and delivery has been adversely affected.	Market conditions	Refer to the Comprehensive Consultation Report
RES21	Very recent steep decline in market conditions renders the viability testing undertaken by ERM to be unrepresentative of the current market. The level of discrepancy this creates cannot be corrected by individual negotiations and will cause landowners to withhold land from development, preventing delivery.	Market conditions	Refer to the Comprehensive Consultation Report
RES22	In negotiating standard charges the prevailing economic conditions must be considered as material consideration, may mean negotiating on the basis of financial appraisals as their ability to pay will vary significantly with wider economic conditions.	Market conditions	Refer to the Comprehensive Consultation Report
RES24	WNDC needs to be aware of the current market constraints on all types of development, and the fact that developers do not need to develop in Northampton is they are getting a better deal elsewhere	Market conditions	Refer to the Comprehensive Consultation Report
RES26	Consider the assumptions for the development appraisals are not a true representation of the current economic climate. Market standard for professional fees is circa 12.5%. The Strategy should make reference to market standards at the time of undertaking an appraisal.	Market conditions	Refer to the Comprehensive Consultation Report
RES27	The Background to, and requirements of the Strategy are broadly supported but, in the current market, there is concern that the Strategy may have a negative effect upon the ongoing growth and development of the area.	Market conditions	Refer to the Comprehensive Consultation Report

RES27	Suggest that the residual values quoted may have significantly reduced over the past few months. Needs to be flexibility in the proposals to reflect current market and potential changes – this recognition within the report is welcomed.	Market conditions	Refer to the Comprehensive Consultation Report
RES16	Assumptions at 4.3.2 need to be reconsidered as sales values are now much lower, construction costs higher and profit levels are now 20-25%. Need to take account of costs associated with individual site preparation.	Market conditions and Analysis	Noted.
RES23	Agree with applying the standard charge, initially, to residential development only but raises concern that most major sites determined by WNDC will be mixed-use development, meaning that in effect there will be two systems operating on one site.	Mixed-use development	Refer to the Comprehensive Consultation Report and the Strategy documents
RES26	Insufficient information as to how the charge would be applied or negotiated for mixed use developments.	Mixed-use development	Refer to the Comprehensive Consultation Report and the Strategy documents
RES21	The Milton Keynes tariff is not an effective comparison to West Northants: the affordable housing requirement is 30% with markedly different tenure split (17% social and 66% intermediate); sustainability costs are lower reflecting reliance on BREAM Eco Homes standards; and the resulting tariff is £18K per dwelling.	MK comparison	WNDC is necessarily based on West Northamptonshire circumstances and the direction of national, regional and local policy.
RES23	Discrepancies between infrastructure eligible for the standard charge in Table 3.3 and that in Schedule 10 of the Model s106	Model agreement	Noted. The model agreement will be revised to reflect the final strategy
RES23	The following should not fall within the standard charge: Commercial waste sites – note used by the householder and there is also landfill tax levied on waste in these sites; Refuse recycling points – these should be included in the design of the site to meet the needs of CfSH; Utilities – they have alternative mechanisms for delivery; Decontamination – developer cost to make the site acceptable for development	Model agreement	Noted. The model agreement will be revised to reflect the final strategy
RES9	Agreement needs to ensure no possibility of double charging once CIL is introduced.	Model agreement	Noted
RES9	Needs to be a single agreement for cross-boundary applications to which both authorities are parties.	Model agreement	Refer to the Comprehensive Consultation Report
RES9	Clause 1 Affordable Housing Mix. Clarify how this definition relates to the optimum, secondary and tertiary affordable housing mixes referred to in Schedule 5 and 6. In the case of larger developments it is unnecessarily restrictive to prescribe the mix at the outset.	Model agreement	Noted. The definition of Affordable Housing Mix will be deleted. The mix of units will be agreed under Schedule 5 as appropriate to the relevant development. Note that in general the delivery of the affordable housing will need to be agreed on a site by site basis.
RES9	Clause 1 Affordable Housing Provider. The identity of the Provider should not need to be approved by the local authority.	Model agreement	The identity of the affordable housing provider is simply required to be provided, there is no approval required.

RES9	Clause 1 Affordable Housing Units. The percentage may need to be reviewed in the light of other planning obligations and the availability of Grant to ensure that the development is viable.	Model agreement	Noted. The model agreement identifies the potential need for the ability to cascade out to differing level of affordable housing mix. Overall this will need to be agreed on a site by site basis
RES9	Clause 1 Design Code. This largely duplicates the Design and Access Statement.	Model agreement	WNDC is committed to bringing forward development of high quality design. Design codes must be submitted with applications where appropriate.
RES9	Clause 1 Infrastructure. The Infrastructure to be provided needs to be set out in far more detail and if it is to be reviewed Developers should be involved in the decision making process.	Model agreement	The model agreement acknowledges that an Infrastructure Delivery Strategy is being prepared by WNDC; this will identify how monies will be spent and the infrastructure provided. There is a separate obligation in the model agreement on WNDC to ensure the monies are spent and infrastructure delivered in accordance with the strategy. The allocation of monies will be at WNDC's discretion and developer participation will be via the mechanisms/forums separately provided for by WNDC as part of the Infrastructure Delivery Strategy
RES9	Clause 1 Land Compensation Payment. There is no provision within the agreement referring to this definition. Presumably, it represents an additional credit to be given against the Standard Charge.	Model agreement	Definition removed.
RES9	Clause 1 Shared Ownership Housing. To be consistent with Government circulars, this should refer to Intermediate Affordable Housing and embrace all types thereof.	Model agreement	Provision for Intermediate Housing has been introduced into the agreement. The forms of intermediate tenures will however always be subject to the individual housing needs of the relevant council.
RES9	Clause 1 Staff Monitoring Contribution. No quantum is given. Clearly, if it is significant, this will impact on the ability of the development to fund other obligations.	Model agreement	The level of staff monitoring contribution will be confirmed. on a development by development basis
RES9	Clause 1 Sustainability Strategy. Items a, d, f, and g are unnecessary as they are covered by item b. Also, any requirement in excess of Building Regulations will affect viability	Model agreement	Noted.
RES9	Clause 1 Works in Kind Costs. This should just be the cost of the Works in Kind as approved by the Corporation under Schedule 3.	Model agreement	Clarify in the Strategy and the model agreement that the cost is that of the standard used for the individual infrastructure items listed in the infrastructure costs schedule for the standard charge.
RES9	Clause 4 Generally, the only obligations which should come into effect prior to implementation are clause 5.3 and Schedule 1. In addition, in the case of a large development, the other obligations should come into effect in relation to each phase only when that phase is commenced.	Model agreement	The specific references required for insertion into this clause will be dependent upon the final form of the particular agreement being negotiated.

RES9	Clause 5.3. This should in the usual way be limited to the legal costs of preparing and negotiating the agreement.	Model agreement	WNDC's costs in reaching agreement with the applicant over planning obligations should be borne by the applicant. For example, where an applicant submits development appraisals to justify a lower level of payment under the agreement the costs of will be covered by this clause.
RES9	Clause 9. The obligations should also not be enforceable against purchasers of individual dwellings.	Model agreement	Amendments made to the standard form of agreement. However note that certain obligations will be applicable to occupiers also, for example certain affordable housing obligations, travel plans etc. This will need to be assessed on a site by site basis.
RES9	Clause 12.5. This is inappropriate as the Corporation will have its usual contractual remedies.	Model agreement	WNDC will seek to recoup costs incurred as a result of a breach of obligation.
RES9	Schedule 1 paragraph 2. Compliance with planning conditions is not an appropriate matter for inclusion in the S106 Agreement.	Model agreement	There is nothing in policy or law to prevent WNDC imposing this obligation. WNDC has adopted a policy approach that this is a standard requirement of all S106 Agreements.
RES9	Schedule 2 paragraphs 3, 4 and 5. The standard charge will be funded by the sale proceeds and the whole of the Charge for each Dwelling or Commercial Unit should become payable at the end of the quarter during which the sale of that dwelling or unit is legally completed as envisaged in the EDAW report "Using Increases in Land Values to Support Infrastructure Provision in North and West Northamptonshire".	Model agreement	25% of the DSC is due on commencement, with the remainder due in phased payments agreed by WNDC and the applicant. However, for deferred contributions, payments are intended to be quarterly based on previous quarter sales values.
RES9	Schedule 2 paragraph 6. It is not realistic to expect payment of the charge if units have not been built and sold.	Model agreement	WNDC wishes to encourage development. Once permissions are implemented it will need to fund infrastructure irrespective of the developer's build phases.
RES9	Schedule 4 paragraph 1. It is not clear as to the circumstances in which the Corporation may wish to issue a Request for Security Confirmation. Any such request should only be issued for good and sufficient reason and should only relate to a reasonable number of dwellings.	Model agreement	WNDC has discretion as to the issue of such notices. Further guidance on the issue of such notices is identified in the revised strategy.
RES9	Schedule 4 paragraph 5. This is draconian. If Security is not provided, then the remedy of the Corporation should be the entitlement to prevent any further occupations until the Security has been provided.	Model agreement	It will be for the relevant party to ensure that it provides security within the relevant period to avoid invoking the longstop provisions. 28 days is sufficient for arrangements to be put in place. The applicant/owner/developer will have had advance notice in any event under the preceding provisions of the potential for security to be required.

RES9	Schedule 5 paragraph 1. This is unrealistic and these matters should be dealt with on a phase by phase basis.	Model agreement	WNDC need to be certain that the affordable Housing will be proportionately delivered across the entire development. If flexibility is required then, depending on the circumstances of each site, this can be negotiated at the time.
RES9	Schedule 5 paragraph 3. There needs to be flexibility in the affordable housing tenures (e.g. through a cascade process) and the mix should be dealt with on a phase by phase basis rather than fixed at the outset.	Model agreement	A "model" cascade mechanism has been incorporated within the model agreement. Amendments to the cascade can be negotiated on a site by site basis as are relevant to the delivery of the development proposed.
RES9	Schedule 5 paragraphs 8 and 9. (i) Again, these provisions should apply on a phase by phase basis and will need to refer to tenure as well as mix. (ii) Another trigger for revisiting the mix/tenures should be the unavailability of Grant. (iii) The time periods should not be prescribed but should be negotiated on a site by site basis Schedule 5 paragraphs 10 and 11. Again, these provisions should apply on a phase by phase basis.	Model agreement	The model agreement recognises that appropriate triggers will be set according to each development.
RES9	Schedule 5 paragraph 14. (i) The restrictions should also cease to apply on the sale by a mortgagee of an individual affordable housing unit or of an interest therein. (ii) In subpara (a), the period of 4 months is excessive and will not be acceptable to mortgagees etc.. Also, the interest of the mortgagee etc. must be protected in relation to any such transfer by the Corporation/Council.	Model agreement	It is appropriate to include provisions to secure the affordable housing is delivered in the first instance even where a mortgagee steps in. WNDC is committed to delivering affordable housing.
RES9	Schedule 5 paragraphs 15 and 18. These conflict with the pre-emption clauses required to be included in a shared ownership lease by the Housing Corporation. This is properly a matter for the lease.	Model agreement	It is appropriate in a s106 agreement to seek to retain affordable housing units as such should tenants wish to sell
RES9	Schedule 5 paragraph 16. This obligation should be restricted to sales by the Affordable Housing Provider.	Model agreement	WNDC wishes to secure the recycling of affordable housing receipts, irrespective of the identity of the seller.
RES9	Schedule 8. The obligations on the part of the Corporation are wholly inadequate. In return for receiving the contributions, the Corporation should commit to an Infrastructure Delivery Programme.	Model agreement	The Strategy will be amended to clarify that Standard Charge receipts will be spent in accordance with the IDP. A reasonable endeavours obligation has been imposed on the Corporation in the model agreement to secure delivery of the Infrastructure and the proper use of the standard charge monies for this purpose.
RES9	Schedule 10. This is far too wide and extends way beyond what is consistent with current law and practice. Many of the facilities referred to are already funded by other means. It is also inconsistent with Table 3.8	Model agreement	Refer to the Comprehensive Consultation Report. In any event this is simply an indicative Schedule, the obligations of the Corporation are in any event to expend the Standard Charge monies in accordance with the finally adopted Infrastructure Delivery Strategy.

RES9	It would be useful for the agreement to include Dispute Resolution procedures There are also issues with the detailed drafting in a number of places but it has not been considered appropriate to raise them in this response.	Model agreement	Noted. Where it is felt appropriate dispute resolution clauses may be introduced at the discretion of WNDC.
RES12	Where matters can be dealt with by planning conditions they should be. The matters which this applies to are the obligations in Schedule 7. The last obligation in Schedule 7 should be moved to Schedule 1.	Model agreement	Noted. The final obligation in Schedule 7 is appropriate to that Schedule and not Schedule 1.
RES12	Affordable Housing - there should be flexibility incorporated within the Agreement to ensure that failure to meet the prescribed optimum mix or tenure does not prevent development proceeding providing that efforts have been made to achieve the desired mix. This seems to be recognised but not fully reflected in the drafting.	Model agreement	The draft agreement provides for less than optimum mixes to be agreed and provided in particular circumstances.
RES12	The second obligation in Schedule 1 is fundamentally problematic and arises as a result of WNDC's inability to enforce planning conditions. Any developer would wish to ensure that such provision does not prevent the developer taking advantage of variations to conditions and does not put the developer in peril of 'double jeopardy' – in other words being enforced against by two separate authorities, one through enforcement action and one through action for breach of the s106 agreement.	Model agreement	There is nothing in policy or law to prevent WNDC imposing this obligation. WNDC would not look to enforce where the Borough Council is enforcing already through conditions due to the expense and difficulty in obtaining an injunction in such circumstances. Variations in conditions under s73 of the 1990 Act result in new consents to which section 106 obligations can be reapplied.
RES12	An explanation needs to be given as to how the list incorporated in Schedule 10 relates to either the Infrastructure Delivery Programme or the Tables of the Strategy. Is it intended to be a bespoke schedule, geared towards the specific development or will it effectively be the same in every agreement?	Model agreement	This is simply an indicative Schedule. The obligations of the Corporation are in any event to expend the Standard Charge monies in accordance with the finally adopted Infrastructure Delivery Strategy.
RES12	The covenants in Schedule 8 are unacceptably weak. They do not even incorporate the reasonable endeavours contained in the Strategy. It will be appropriate for WNDC to tie itself to a timetable for infrastructure delivery, albeit with certain caveats in relation to matters over which it has no control.	Model agreement	A reasonable endeavours obligations will be introduced to deliver infrastructure.
RES12	The definition of 'Residential Standard Charge' should simply state the amount of contribution required rather than attempting to outline its provenance which would not be a matter of agreement.	Model agreement	The definition is acceptable to WNDC.
RES12	The definition of 'Works in Kind Costs' the costs are expressed to exclude any bond fees. If bond fees are incurred in connection with such construction then why should they be excluded?	Model agreement	Bond fees are a cost ordinarily borne by the developer in the course of development. It is not a cost which has been accounted for in reaching the standard charge and should not therefore be capable of being offset.
RES12	Para 5.3 a commitment is made to payment of some wide ranging costs. If the costs are to go beyond the legal costs associated with the agreement then the scope of those costs must be clearly spelt out.	Model agreement	The clause is clear as to what costs will be covered.

RES12	It would be normal for the release in Clause 9.1 (a) to include any individual dwellings with the exception of the affordable housing in respect of the affordable housing obligation.	Model agreement	Noted, amendments made to release purchasers of market units.
RES12	The indemnity provision in para 12.5 is unacceptable.	Model agreement	WNDC will seek to recoup costs incurred as a result of a breach of obligation.
RES12	Consideration needs to be given to a Dispute Resolution mechanism.	Model agreement	Where it is felt appropriate dispute resolution clauses may be introduced at the discretion of WNDC.
RES12	It is not clear what the payment in paragraph 3 of Schedule 2 relates to.	Model agreement	Noted and amendment will be made
RES12	In para 6 of Schedule 2 reference should be made to Implementation, no 'being commenced'.	Model agreement	Noted and amendment will be made
RES12	In relation to the surety provision of Schedule 4 it would be helpful to understand in what circumstance what type of security confirmation would be required.	Model agreement	WNDC will accept security in the form set out in the definition of "Security"
RES14	The Housing Corporation Scheme Development Standards have been replaced by 'Design and Quality Standards – April 2007' and this should be reflected in the definition.	Model agreement	Noted and amendment will be made.
RES14	Definition should be stronger and reflect the definition of affordable housing in PPS3.	Model agreement	Unclear which definition is being referred to. If Affordable Housing, WNDC is satisfied that the current definition is adequate. If necessary these will be amended to reflect the specific definitions of affordable housing adopted by each council.
RES14	Intermediate housing should not be restricted to shared ownership, suggested definition "means social rented and intermediate housing provided with subsidy at costs below those associated with open market housing for occupation by Qualifying Persons who are assessed by the Council as being unable to resolve their housing needs in the private sector because of the relationship between housing costs and incomes."	Model agreement	Noted and amendment will be to widen provision of intermediate housing.
RES14	A definition of Qualifying Persons is required – "those persons who are assessed by the Council and/or the Affordable Housing Provider as being unable to resolve their housing needs in the private sector housing market because of the relationship between housing costs and incomes."	Model agreement	It is not considered necessary at this stage to introduce the definition. If it is required to secure affordable housing which meets the needs of individual councils then this can be included on a site by site basis.
RES14	The definition of Social Rented Housing is amended "those affordable dwellings which are to be available for rent at Housing Corporation Target Rents to Qualifying Persons and which are managed by a Registered Social Landlord."	Model agreement	WNDC is satisfied that the current definition is adequate.
RES14	The definition of shared ownership is replaced by Intermediate Affordable Housing "dwellings provided with subsidy at prices and rents above those of social rent but below market price or rents which are to be occupied by Qualifying Persons and which are managed by Registered Social Landlords. These can include shared equity products (eg Homebuy) other low cost homes for sale and intermediate housing."	Model agreement	A definition of Intermediate Housing will be inserted.

RES14	Affordable Housing Mix – the mix of property types with minimum sizes should be specified in Schedule 5 or 6 not in the definitions.	Model agreement	Noted, definition will be removed and the mix will be identified on a site by site basis.
RES14	Affordable Housing Provider – the definition should be replaced with “means a registered social landlord given the meaning in Part 1 of the Housing Act 1996 (including any other body defined by subsequent legislation as having a similar role in respect of Affordable Housing) or other body registered by the Housing Corporation under the relevant Housing Act to receive social housing grant taken for a list of Preferred RSL Management Partners provided by (Northampton Borough Council).	Model agreement	WNDC is satisfied that the current definition is adequate. If it is required to secure affordable housing which meets the needs of individual councils then this can be included on a site by site basis.
RES14	Affordable Housing Tenures – (b) should read % Intermediate Affordable Housing Units.	Model agreement	Noted and amendment will be made.
RES14	Affordable Housing Units – definition be amended to read “means the Social Rented housing units and the Intermediate affordable housing units which shall represent 35% of the total number of Dwellings to be constructed on the site in accordance with the Affordable Housing Tenure and the types, numbers and size of which are described in the fifth /sixth schedule.”	Model agreement	Subject to minor amendments to be made WNDC is satisfied that the current definition is adequate.
RES14	Grant – the definition is too restrictive as in some cases it may be possible for Local Authorities to provide grant funding to RSLs for affordable housing provision.	Model agreement	Noted and amendment will be made.
RES14	Schedule 5 – Para 5 should state that no cluster should have a contiguous boundary with any other such cluster.	Model agreement	This is included at paragraph 6(c)
RES14	Schedule 5 – Para 7-9 should be strengthened to take account of grant availability and financial viability. Applicants should be required to provide a financial viability appraisal to demonstrate that the optimum tenure mix cannot be achieved, and the assessment should show the viability with and without grant.	Model agreement	Noted.
RES14	Schedule 5 – Para 7-9 - S106 should include requirement that the developer use all reasonable endeavours to obtain Housing Corporation Grant.	Model agreement	WNDC do not consider that this is necessary.
RES14	Schedule 5 – Para 7-9 – the mix of types and size of units should be specified and if actual numbers of units are not yet known, this should be expressed as a percentage.	Model agreement	Where known the affordable housing mixes will be set out in the agreement.
RES14	Schedule 5 – Para 10 and 11 – the trigger should be completion rather than occupation.	Model agreement	WNDC are satisfied that the triggers set out are fair and satisfactory.
RES14	Schedule 5 – Para 12 – units should be transferred to an RSL on completion. Para should remain where transfer RSL is not one of the Council’s preferred RSL Management Partners. The words “where applicable” should be removed.	Model agreement	WNDC are satisfied that the current provisions are adequate.
RES14	Schedule 5 – Para 13 add “or any other standard that may be required to meet the criteria set out in the Housing Corporations’ Design and Quality Standards”.	Model agreement	Amended to provide for higher standard to be achieved where agreed with WNDC or required by the AHP.

RES14	Schedule 5 – Para 14 i and ii – this paragraph is unworkable. Para needs to be amended to state that in this situation that Housing Corporation would step in and appoint another RSL and there needs to be a 4 to 6 month period before the mortgagee is released from the covenants to facilitate this process.	Model agreement	WNDC are satisfied the current wording is workable. The detail provisions can be reviewed on a site by site basis subject to justification for doing so.
RES14	Schedule 5 – Para 14 b – New Housing Association properties are not subject to the Right to Buy but may be subject to the Right to Acquire.	Model agreement	Noted
RES14	Schedule 5 – Para 15 and 18 – Does not comply with current RSL practice. Would expect the shared ownership lease to require the shared owner to sell to a purchaser nominated by the RSL or Council. There would be similar provisions for Intermediate housing.	Model agreement	WNDC are satisfied the current wording is workable. The detail provisions can be reviewed on a site by site basis subject to justification for doing so.
RES14	Where applicable, the definition of affordable units should include associated garden areas and parking spaces.	Model agreement	Noted
RES14	Include a clause that ensures each affordable unit is connected to mains services including gas, water, electricity, sewerage and telephone services with sufficient vehicular and pedestrian access over the land to serve each unit.	Model agreement	WNDC consider that provision is already made for this in the model agreement.
RES14	Minimum floor size for the affordable units should be included as follows: 1B2P flat – 46msq; 2B3P flat – 57msq; 2B4P flat – 67msq; 2B4P house – 75msq; 3B5P house – 85msq; 4B6P house – 100msq; 5B7P house – 115msq	Model agreement	The model agreement notes that this may be required.
RES14	If service charges are to be charged these should be set at a fair and reasonable portion of the cost of the services provided to the affordable dwellings and they should vary from year to year at a rate which shall not be greater or less than any rise or fall in the RP index.	Model agreement	Noted.
RES14	Affordable dwellings only to be occupied by Qualifying Persons subject to a nomination agreement or such other agreement which may supersede this including any Common Housing Register agreements which shall be entered into between the Council and RSL.	Model agreement	The units will be managed by affordable housing providers and can only be used for affordable housing. If separate nomination agreements are required then this can be built into each negotiated agreement.
RES14	The social rented dwellings to be let and occupied at Target Rent on the basis of assured tenancies or such other form of statutory tenancy which may be substituted for assured tenancies.	Model agreement	Noted. Target Rent will be introduced depending on the requirements of individual councils.
RES14	The shared ownership dwellings to be occupied on the basis that the leaseholders shall not be charged more than 2.75% of the value of the unsold share as the annual rent for that share.	Model agreement	WNDC are satisfied that the current provisions are sufficient.
RES14	A definition of “the Corporation” should be included to distinguish between WNDC and the Housing Corporation.	Model agreement	WNDC is defined as the Corporation at the start of the agreement.
RES14	Needs to be some provision regarding successor bodies to WNDC due to the limited lifespan of the organisation.	Model agreement	In any event the agreement recognises that the agreement shall apply to successors of WNDC.
RES15	Ability to provide for other tenure arrangements.	Model agreement	The model agreement acknowledges flexibility for other tenures.
RES15	Square bracket 35% ah as capable of negotiation	Model agreement	This is currently the affordable housing requirement for WNDC's area.

RES15	Employment Standard Charge not defined adequately	Model agreement	This has now been removed
RES15	Reference is made to Security, confirmation etc – why is this required?	Model agreement	To enable WNDC to secure the payment of the standard charge monies due as is more fully explained in the final strategy.
RES15	Reference is made to various ah mixes – no explanation is given as to what these mean.	Model agreement	The model agreement sufficiently identifies the various forms and mixes.
RES15	What policy basis does the Sustainability Strategy stem from?	Model agreement	The requirements in the sustainability strategy reflect current practice in the local authorities surrounding WNDC, and its desire to bring forward high quality sustainable development.
RES15	Joint and several obligations and mortgagees consent needs careful consideration	Model agreement	Noted.
RES15	No payment should be required until commencement of the scheme, when development becomes certain.	Model agreement	The model agreement will be revised to reflect the final approach set out in the Strategy
RES15	The initial amount is not quantified but it goes on to say that in addition 75% and 25% (therefore total standard charge) is payable upon start of units on quarterly payments. In this case what payment is suggested at Schedule 2, cl 3?	Model agreement	The Model agreement has been amended to more clearly identify when payments are due..
RES15	Quarterly payments in each respect are too front loaded. Cash flow has to be considered.	Model agreement	The Model agreement has been amended to more clearly identify when payments are due..
RES15	Schedule 4 – why is a request for security part way through the development required? This schedule is unclear and unnecessary.	Model agreement	These provisions enable WNDC to obtain comfort that the necessary payments will be secured. If the developer/owner is able to show that funds are available security will not be necessary.
RES15	RSLs should be invited to comment on the affordable housing clauses	Model agreement	Noted
RES15	Schedule 7 – CSH levels should accord with national requirements or prevailing policy/ regulations	Model agreement	The model agreement will be revised to reflect the approach to Building Regulations standards set out in the final Strategy
RES15	Schedule 7 – Further detail is required as to what is meant by items in square brackets	Model agreement	Noted, these are requirements that will be expanded upon on a site by site basis as and when required.
RES15	Schedule 7 – the items at 2 may cause delay to submission or reserve matters and may in fact need to overlap.	Model agreement	Noted.
RES15	Schedule 7 – staff monitoring contributions is not adequately defined – at what level is this proposed?	Model agreement	Further detail will be provided in due course.
RES16	Needs to be clear mechanisms for payment periods based on completions of dwellings.	Model agreement	Noted. Model agreement revised to reflect revised strategy
RES21	Schedule 7 requires that on RM applications can be submitted until the Design Code, Masterplan and sustainability strategy has been approved. Such terms present an unreasonable fetter on the developer in the event that WNDC was to delay approval of these documents.	Model agreement	WNDC are satisfied that the provisions are reasonable, and represent a position supported by WNDC's Board.
RES21	Very limited information given on the covenants and commitments to be provided by WNDC.	Model agreement	These have been amended and WNDC is satisfied that the current provisions are sufficient.

RES23	Schedule 7 also needs to include other transport measures as may be applicable on a site by site basis e.g. junction improvements.	Model agreement	The list included in this Schedule is not exhaustive. On site obligations will still be negotiated on a site by site basis.
RES23	Need to ensure development is built to Lifetime Homes standard until this is mandatory in CfSH Level 3	Model agreement	The model agreement will be revised to reflect the approach to Building Regulations standards set out in the final Strategy
RES23	Schedule 7 could include archaeology, as it is preferable to a condition on the application.	Model agreement	The list included in this Schedule is not exhaustive. On site obligations will still be negotiated on a site by site basis.
RES24	Model s106 appears onerous and there are some clauses that should be properly considered as planning conditions i.e. maximum floorspace/units.	Model agreement	WNDC is satisfied that the current provisions are reasonable and lawful.
RES24	Schedule 1 – the second clause is wholly unacceptable on principle alone. WNDC was not granted enforcement powers and to require compliance with planning conditions and not just provisions of the Deed is inappropriate.	Model agreement	There is nothing in policy or law to prevent WNDC imposing this obligation. WNDC are satisfied that the provisions are reasonable, and represent a position supported by WNDC's Board.
RES24	Schedule 3 is inappropriate – does not allow for flexibility for on-site infrastructure to be provided in lieu of off-site improvements. Allowance for 'works in kind' is provided in the consultation document but the model agreement should clearly account for this prior to execution of the Deed.	Model agreement	Noted. The model agreement will be revised to reflect the approach set out in the final Strategy
RES24	Schedule 7, clause 2 is too limiting in the event that any RM application is unreasonably withheld pending approval on such matters listed under this schedule.	Model agreement	WNDC are satisfied that the provisions are reasonable, and represent a position supported by WNDC's Board.
RES24	Schedule 9 – the relevant date for indexation should not predate the grant of planning permission applied for.	Model agreement	Indexation should relate to when the appropriate standard charge is set having regard to the cost of infrastructure at that date. It is therefore reasonable for indexation to pre-date the grant of the permission in this instance. The standard charge will be indexed from 8 April 2008.
RES25	Developers and landowner will also require appropriate remedies to be included within any legal agreement in the event that the delivery body fails to provide the relevant infrastructure in accordance with the agreed delivery plan.	Model agreement	The SC or DSC will only fund a portion of the cost of providing infrastructure. Actual provision will depend to some extent on obtaining other funding to fill the gap. Such funding is not guaranteed, and WNDC cannot commit to delivery any further than the current draft provides for.
RES26	Provision should be made in the document to allow for the Model agreement to be re-worded/ amended depending on site and scheme specifics.	Model agreement	This is not appropriate wording for including within the agreement.

RES29	The sustainability strategy requirements could usefully be upgraded to reflect the RSS for operationally carbon neutral urban extensions, as well as local aspirations (e.g. in Daventry a requirement to connect all properties to the district heating main or to make a contribution to a large scale renewable energy/district heating system. At the least, the standard agreement should include suitable 'square bracket' provisions making it clear that this is a possibility.	Model agreement	The model agreement will be revised to reflect the approach set out in the final Strategy to development of a higher quality than required in the Building Regulations applying at the time of grant of permission.
RES29	The form of agreement should make explicit provision for the situation which arises when WNDC ceases to exist, and the role of local planning authority reverts to the local authorities.	Model agreement	There are provisions within the model agreement which set out successor arrangements to WNDC.
RES29	The 'Designated Area' should be one of the Daventry, Northampton or Towcester elements of the WNDC Urban Development Area – but the reference to the infrastructure being 'within' them is not needed given that the draft form of agreement already specifies that Infrastructure is for the benefit of the Designated Area.	Model agreement	WNDC is satisfied that the current drafting is adequate.
RES29	The Council would wish to see that the 'Indicative List of Infrastructure' in Schedule 10 amended (and that it may well vary between Daventry, Northampton and Towcester).	Model agreement	WNDC is satisfied that the extent of items listed in the infrastructure cost schedule can be considered relevant to residential development across WNDC area. The strategy confirms a uniform approach across all 3 areas.
RES22*	Needs to be development of a robust monitoring framework for the collection and use of developer contributions (e.g. DCLG Best Practice Guide 2006 and Audit Commission Sustainable Communities Aug 2006).	Monitoring	Noted. WNDC will establish robust arrangements for monitoring and reporting on the collection and use of s106 receipts. The model agreement makes provision for this.
RES24*	Clear accountability and delivery has to be shown at any stage of a development scheme	Monitoring	Noted. The final Strategy will set out the arrangements for monitoring and reporting on the collection and use of s106 receipts The model agreement makes provision for this.
RES28*	The figures used in calculating costs need to represent value for money and WNDC needs to be accountable for those monies. Needs to be a clear process in place for auditing progress and this should be set out in the document.	Monitoring	Noted. The final Strategy will set out the arrangements for monitoring and reporting on the collection and use of s106 receipts. .
RES23	The percentage uplift for monitoring and administration should be split between WNDC, the districts and NCC, who provide much of the development monitoring. Some of this resource should also be made available to service providers to help manage project delivery.	Monitoring and Administration	Noted. WNDC will work with the respective authorities to agree monitoring arrangements.
RES23	Clarify whether the percentage uplift is 1% of the £20k or 1% on top of the £20k – should be the latter or else increases the funding shortfall.	Monitoring and Administration	See the draft provisions of the Model S106 Agreement – monitoring will be a separate financial contribution to the standard charge.

RES22	Welcome the inclusion of education training in the standard charge but should also seek to maximise non-financial obligations, including the use of procurement contracts to support supply chain development and working with local partners to maximise local employment opportunities, all of which contribute to securing sustainable growth.	Non financial obligations	The Strategy makes provision for non-financial and other obligations to be sought outside of but in addition to the Standard Charge, as appropriate. As local strategies develop, these situations will be reviewed to establish if these arrangements can be delivered through the standard charge.
RES28	The level of discount should be clear, based on the extent to which a scheme is a direct provider of that infrastructure.	Offset	Refer to the Comprehensive Consultation Report
RES5	Support the ability to offset provision of 'in kind' infrastructure against the Standard Charge.	Offset	Noted.
RES20	Welcomes Para 5.2.5 providing the ability to offset in kind provision.	Offset	Noted
RES15*	A range of items it referred to as not being capable of being offset, although due regard should be paid to them when considering a schemes viability, including the ability to pay a standard charge. Such cost are not necessarily 'normal' but may constitute 'abnormal costs' and will vary from site to site.	Offset costs and Viability	Agreed. Provision is made in the final Strategy to take account of 'abnormal costs' that vary from site to site, through submission of an 'open book' development viability appraisal
RES28	Given the overall objective to encourage and deliver commercial development and jobs, it should be clearly stated and should not be restricted to only community and strategic infrastructure as suggested in para 5.2.5	Offsets	No allowance is to be made for cross-subsidy or to offset any commercial component of a scheme against the DSC.
RES25*	The principle of offsets for 'work in kind' is welcomed. If works are undertaken to agreed specifications then the full cost of the works must be recoverable.	Offsets	Clearer advice on offsets has been included in the final strategy. Recognition is given to the need for offsets to be favourable to the developer.
RES26*	Welcome concept of offsets but further information on how this would work in practice would be welcomed.	Offsets	Clearer advice on offsets has been included in the revised strategy.
RES31	Request that the bulleted list of costs to be met by developers and landowners, and not offset against standard charge (Para.5.2.4), includes the requirement for all developments, including car parks, to be certified to the appropriate ACPO CPI Secured by Design standard, in compliance with the SPG for planning out crime in Northamptonshire accepted by NCC and the LPAs in December 2003. Some discounting may be possible if the developers adopt the ACPO CPI Secured by Design Standard	Offsets	WNDC considers this to be dealt with more appropriately as a condition rather than a planning obligation
RES13	Agree with the arrangements for offsetting and in kind provision against the DSC.	Offsets	Noted
RES29*	The arrangements for offsetting are sensible in principle, but leave open the question of how the determination of cost will be made. A form of expert determination in the absence of agreement would seem sensible.	Offsets	Clearer advice on offsets has been included in the revised strategy.
RES14*	The Council is concerned with the approach taken to open space provision and would want to see this based on requirements of the Northampton Borough Council's Open Space, Sport and Recreation Needs Assessment and Audit (2006).	Open space	Noted. Strategy revised to take account of the NBC work on the open space needs assessment

RES29	Important that WNDC as local planning authority does not accept transfers of, for example, public open space into its ownership which are then transferred, unfunded, to local authorities when WNDC is abolished.	Operational	If land for open space is to be transferred to WNDC, or other public body, WNDC will require appropriate maintenance sums to be paid by the developer for the on-going maintenance of it.
RES31	The Force supports the introduction of an infrastructure management board and would propose the inclusion of an emergency services representative on the board (Para. 6.3).	Operational	Noted.
RES16	Needs to be consistency in the planning period, either 2021 or 2026, used by strategies adopted elsewhere.	Plan period	Strategy to 2026 in accordance with emerging east Midland Strategic Plan (RSS8 revised)
RES23*	Paragraphs A1.2.4, A1.3.3 and A1.4.3 should read "... (CLG) has produced revised 2004-based household projections which include estimates of average household size in the East Midlands at five year intervals between 2006 and 2026".	Population projections.	Noted. Amend Technical Report accordingly
RES3	There will be need to review the tariff, at say, 5 year intervals to reflect changing circumstances but when outline planning permission is granted the obligations entered into must endure for the life of the development.	Review	Noted. This is the approach set out in both the draft and final Strategy. The only variation to this will be in respect of deferred charges for which the final approach will be negotiated and set out in the s106 agreement.
RES13	Agree with the arrangements for review but would add that in exceptional circumstances the review of the Standard Charge should be done on an ongoing annual basis.	Review	Baseline evidence will be subject to on-going review but the review of the strategy will be linked to clear triggers
RES15	Review of the standard charge should not be too frequent or infrequent.	Review	Noted.
RES16*	Due to current market conditions we do not consider the standard charge would be valid for two years as noted in Para 4.6. Instead of periodic reviews the document should be made flexible to take account of current development costs, land values and construction costs.	Review	Noted. Review to be linked to monitoring triggers. Flexibility provided through provision for 'open book' appraisals of individual development viability
RES16	Document does not consider what will trigger 'periodic reviews' and this needs to be considered e.g. change of land values, construction costs and property values would be appropriate.	Review	Noted. Review to be linked to monitoring triggers.
RES20	It is quite possible that the Standard Charge may rapidly fail to reflect economic realities and would therefore support a frequent review of the charge and underlying assumptions.	Review	Noted. Review to be linked to monitoring triggers.
RES20*	Any review should involve major landowners and developers.	Review	Noted. Strategy already makes provision for this
RES23*	The inclusion of other development, other than residential, should be re-examined at any review.	Review	Noted. Strategy already makes provision for this
RES23*	NCC agrees need for regular refresh of the Strategy and suggests the issue of CIL regulations be the first trigger, to ensure no significant divergence, and the adoption of the joint Core Strategy be another.	Review	Noted. Review to be linked to monitoring triggers, which includes CIL regulations publication and Core Strategy adoption
RES23	Refresh of the IDP should be on a yearly basis initially should not be a wholesale review.	Review	Noted. IDP review would be in terms of priority and timing of delivery, linked to development and funding

RES24	Given implications on viability, the standard charge should be reviewed bi-annually at most.	Review	Noted. Review to be linked to monitoring triggers
RES26	Biannual review is too long and would not ensure the tariff responded to changes in market conditions	Review	Noted. Review to be linked to monitoring triggers
RES28	If a review is recommended, its purpose should reasonably be justified.	Review	Noted. Review to be linked to monitoring triggers
RES29	The regime established by WNDC under this document should be regarded as a purely temporary measure until Local Development Documents have been put in place by the West Northamptonshire Joint Strategic Planning Committee and/or the three Councils individually. Accordingly, no need for a review of the Planning Obligations Strategy as such should arise.	Review	Disagree. Strategy must be kept up to date if it is to be an effective document. The adoption of the Joint Core Strategy s106 DPD will prompt review of the Strategy.
RES7	Should a subsequent review result in a change in approach to commercial development, it would be appropriate for the proposals to be consulted upon.	Review	Any changes to the adopted Strategy will be subject to appropriate consultation.
RES9	Support WNDC intention to work closely with the development industry when conducting a review of the Strategy and will consult on any changes.	Review	Noted.
RES23	Logical that WNDC be 'ringmaster' to manage the IDP and its delivery but the role should be more about making sure that infrastructure providers are able to provide the infrastructure in a timely manner than controlling the funding pot and IDP.	Ringmaster	WNDC considers the role will encompass all of these responsibilities but will also require the involvement of service providers and other key stakeholders.
RES5	In some instances sites will require considerable physical remediation and flood prevention works to be undertaken to release the site for development. Such abnormal costs should be taken into account on a site by site basis.	Site costs	Agreed. Provision is made in the final Strategy to take account of 'abnormal costs' that vary from site to site, through submission of an 'open book' development viability appraisal
RES5	Support the fact that the Standard Charge is a 'benchmark', which can be reduced where evidence of extra ordinary costs can be provided. This needs to be made clearer in the Strategy.	Site costs	Noted. The final Strategy clarifies this.
RES5	Allowances must be made for other costs such as for climate change mitigation measures and affordable housing provision.	Site costs	Such costs were included in the development appraisal viability testing undertaken in support of the DSC. However, where development viability is raised by a developer, such matter will be considered through submission of an 'open book' development viability appraisal.
RES18	Given NHS Trust is the landowner, it is not clear how the offset will be calculated given that contributions would be made through the tariff for healthcare. Will a proportion of this be returned to the Trust from others?	Site specific circumstances	The policy must be applied consistently to all residential development, regardless of ownership. S106 receipts will be spent in accordance with the IDP.
RES6	Concerns at WNDC as sole signatory and recommend the inclusion of other signatories responsible for delivery of relevant services.	Sole signatory	Refer to the Comprehensive Consultation Report
RES14	Further consideration needs to be given to WNDC as sole signatory.	Sole signatory	Refer to the Comprehensive Consultation Report
RES16	How will the delivery of infrastructure be ensured if WNDC are the only signatory?	Sole signatory	Refer to the Comprehensive Consultation Report

RES23	Funding should be apportioned to each service area and infrastructure provider on a pro-rata basis, based on the formulas used to derive the £28k per dwelling cost requirement. This would provide certainty to the services of the likely funding.	Spending of contributions	Refer to the Comprehensive Consultation Report
RES23	Contributions received towards specific service area should not be ringfenced. Given they are unlikely to cover the full cost of provision, the infrastructure providers must retain flexibility to ensure contributions are spent on priorities identified in the IDP.	Spending of contributions	Noted. The approach in the Strategy is to expend standard charge monies received in accordance with the IDP.
RES5	The Strategy as currently drafted will undermine the WNDC strategic objectives.	Strategic objectives	Refer to the Comprehensive Consultation Report
RES6	It is important to address succession arrangements to answer questions such as 'what will happen to residual proceeds at the end of the Corporation's anticipated life?	Succession arrangements	The successor body or bodies and any arrangements will be determined by DCLG not WNDC
RES9	In view of WNDC's limited lifespan it is important that any system incorporates from the outset appropriate arrangements for the ultimate transfer of financial responsibility/ accountability.	Succession arrangements	The successor body or bodies and any arrangements will be determined by DCLG not WNDC
RES12	No answer to what happens to the tariff monies once WNDC is no more?	Succession arrangements	The successor body or bodies and any arrangements will be determined by DCLG not WNDC
RES15	What will happen at the end of WNDC's operating life?	Succession arrangements	The successor body or bodies and any arrangements will be determined by DCLG not WNDC
RES28	Arrangements for delivery and holding of monies in the longer-term should be considered and intentions for that should be stated in the document.	Succession arrangements	The successor body or bodies and any arrangements will be determined by DCLG not WNDC
RES3	Segregated or dedicated bus lanes should fall within the tariff if the 'whole system' is to function acceptably.	Infrastructure Analysis	Provision is currently made for dedicated bus lanes within the NCC list of transport initiatives included under transport costs' in the infrastructure cost schedule.
RES5	Concern over the requirement to make a payment on the grant of planning permission – this is likely to put the financing of development at considerable risk	Timing of payment	Noted. Refer to amendments for triggers in the Comprehensive Consultation Report and Strategy documents
RES6	Current proposed timing of payments is onerous, would urge an approach more line with MK i.e. 10% at Reserved Matters stage and 15% on commencement of development	Timing of payment	Noted. Timing of payments adjusted. Refer to the Comprehensive Consultation Report
RES12	Needs to be flexibility in the timing of payment, which may depend on the extent to which infrastructure costs remain provisional.	Timing of payment	Refer to the Comprehensive Consultation Report
RES16	Further clarity required around triggers for payment and proposals for varying the charge over the life of the development.	Timing of payment	Refer to the Comprehensive Consultation Report
RES3	Timing of payments must have regard to cash flows	Timing of Payments	Noted

RES13	Developers should be asked to contribute a higher sum as part of their Standard Charge in the first few years, so that urgently needed infrastructure can be put in place. Reducing or removing the Discounted Rate for the first three to five years could achieve this.	Timing of payments	Significant upfront payment requirement may hinder the ability to bring development forward under current market conditions.
RES22	More flexibility in phasing of payments maybe more beneficial.	Timing of payments	Refer to the Comprehensive Consultation Report
RES23	NCC is pleased to note proposals for requiring 10% of the contribution on signing the agreement and 35% on commencement. Having funding at the front end will help infrastructure that is required early in the development to be funded and delivered.	Timing of payments	This policy has been amended. Refer to the Comprehensive Consultation Report
RES23	Welcome proposal to link phasing of payments to the number of houses built in each quarter, thereby providing a steady flow of capital funds. Also allows service providers to bid for additional mainstream funding with the certainty that this would be matched by developer contributions.	Timing of payments	Noted
RES23	NNC believes contributions should be made quarterly but on a fixed rate, (i.e. regardless of how many dwellings have been completed over the proceeding period)	Timing of payments	Refer to the Comprehensive Consultation Report
RES23	The addition of long stop dates is also welcomed.	Timing of payments	Noted
RES28	A requirement for nearly half of the monies upfront (and in advance of development occurring) is wholly unrealistic and will be a disincentive, given current and ongoing funding constraints and should be re-appraised.	Timing of payments	Noted. Phasing of payments adjusted. Refer to the Comprehensive Consultation Report
RES28	The payment mechanism should be capable of flexible application, taking into account the individual characteristics of a site	Timing of payments	Refer to the Comprehensive Consultation Report
RES18	The scale of charges and timing of payments seriously undermine viability and will cause major difficulties for developers, and also landowners in getting developers to purchase sites.	Timing of payments	Noted. Refer to the Comprehensive Consultation Report
RES27*	Concerned at proposals for payment on completion of the agreement, which could have significant cash flow implications, and also proposals that charges should be paid irrespective of whether or not development takes place.	Timing of payments and Longstop	Noted. Phasing of payments adjusted. Refer to the Comprehensive Consultation Report
RES17	PCT accepts that it is sensible to apply the standard charge on a per unit basis	Unit Basis	Noted
RES10	By seeking to apply the charge to each dwelling regardless of size, the policy will penalise small unit developments/refurbishments and hinder the recycling of small brownfield sites in urban areas.	Unit basis	Refer to the Comprehensive Consultation Report
RES13	Agree that the standard charge should be on a unit basis	Unit basis	Noted
RES23	Concern that a large proportion of housing will be family homes, resulting in under provision of funding for schools but acknowledge that a per dwelling basis is preferable to other harder to assess methods such as floor space.	Unit basis	Refer to the Comprehensive Consultation Report

RES26	Do not agree with the proposals to apply a flat rate, irrespective of unit size – smaller units would subsidise facilities which relate more to the larger sized units. Suggest a sliding scale/matrix for the charge is applied to reflect the mix of housing in a scheme.	Unit basis	Refer to the Comprehensive Consultation Report
RES29	It is suggested that a modest level of uplift for larger dwellings be included in the system. This would not greatly complicate the system, as a base figure (say £15,000) could be imposed for any dwelling with uplifts based m ² of dwellings actually constructed. The initial payment would be based on a percentage of the base figure, and later payments reflect the detail of final decisions on dwelling mix.	Unit basis	WNDC considers the current approach to be sensible but may consider this option, along with others in any subsequent review of the standard charge arrangements.
RES11	There must be a requirement for returning to the developer any infrastructure funds not spent in the manner in which it was intended in the prescribed time.	Unspent funds	Refer to the Comprehensive Consultation Report
RES14	No allowance made for contributions towards receptacles for handling household waste, or waste reduction eg recycling boxes, compost bins, neighbourhood recycling facilities.	Waste	WNDC considers that these facilities are best provided on-site as part of comprehensive waste management programme. Difficult to identify and cost separately for inclusion in the standard charge. However, this position can be reviewed at such time as the Strategy is reviewed.
RES22	Would like to see a consistent county wide policy approach on a standard charge, to reduce unnecessary competition and maximise the resources open to the county.	Wider application	Noted. WNDC will continue to work with the JPU and LPAs regarding a consistent approach for West Northants
RES23	NCC is particularly conscious of the need for certainty and consistency in the process for capturing developer contributions between the WNDC approach and the rest of Northamptonshire. The 10 tests set out in the County's guidance 'Creating Sustainable Communities: Planning Obligations Framework and Guidance' are commended to WNDC as key measures of effectiveness, workability and practicality.	Wider application	Noted. WNDC will continue to work with the JPU and LPAs regarding a consistent approach for West Northants
RES26*	Para 5 of A1.2.2 – excludes development below the WNDC threshold from the overall calculations, which is incorrect as this housing will have its own impact on the infrastructure. We do not envisage the charge applying to smaller development but the Strategy should be used by the LPA as a guide to setting contribution levels.	Wider application	Noted. Amend Para 5. WNDC will continue to work with the JPU and LPAs regarding a consistent approach for West Northants
RES31	Ask that consideration be given to applying the standard charge in those West Northamptonshire areas outside the WNDC area.	Wider application	Noted. WNDC will continue to work with the JPU and LPAs regarding a consistent approach for West Northants



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