

'DEVELOPMENT VIABILITY, AFFORDABLE HOUSING & FINANCIAL CONTRIBUTIONS' SPD – DCC RESPONSES TO 2nd CONSULTATION

Consultee no.	Consultee Name/Organisation	Consultee Comment	DCC Comment
1	Coal Authority (Peter Woodcock)	<p>Thank you for your notification received on the 24th February 2023 in respect of the above consultation.</p> <p>The Coal Authority is a non-departmental public body sponsored by Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the County Durham area there are recorded coal mining features present at surface and shallow depth including; mine entries, shallow coal workings, surface coal mining, fissures or breaklines, reported surface hazards and mine gas sites. These recorded features may pose a potential risk to surface stability and public safety.</p> <p>The Coal Authority's records also indicate that surface coal resource is present in the area, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning process consideration should be given to such advice in respect of the indicated surface coal resource.</p> <p>It is noted that this current consultation relates to a Supplementary Planning Document for Development Viability, Affordable Housing, and Developer Contributions. I can confirm that the Planning team at the Coal Authority have no specific comments to make on this consultation document.</p> <p>Please do not hesitate to contact me should you wish to discuss this further.</p>	Comments/Position noted.

2	British Horse Society (Angela J. barratson)	<p>I have the following comment to make on one of the Supplementary Planning Documents, viz. the 'Development Viability, Affordable Housing & Financial Contributions' document:</p> <p>Paragraphs 11.5 & 11.7 reference developing the facilitation of walking and cycling in design, and linking to existing cycle routes where possible.</p> <p>Wherever there are references to cycle routes, or links, these should include provision for horse riders, and be classified as bridleways. The inclusion of cyclists on routes means they are not solely footpaths.</p> <p>I should also like to point out that in a number of places American spelling has been used, eg. favor, behaviors. These should be corrected to the correct English spelling, e.g. behaviour, favour, etc.</p>	<p>Noted.</p> <p>Noted.</p> <p>Not all links and paths need to accommodate equestrian use so it would be a case by case basis. Bridleways are not the correct status for shared paths or links from new housing sites to the existing cycling network for example that will have no equestrian demand. Where there is a good case for a bridleway then yes but, bridlepaths give a lower status to cycling than a cycle path which would be needed for active travel rather than recreational use and should only be used with caution.</p> <p>Spelling and grammatical checks have been undertaken.</p>
3	Sport England (Dave McGuire)	<p>I refer to the above document and your recent consultation on the proposed amendments to the draft SPD.</p> <p>Broadly speaking the changes address the majority of issues raised in our previous representation on this matter (with the exception of our concern about the use of standards of provision).</p> <p>We remain confused however as to the scale of planning contribution that would be sought for off-site contributions to enhance the capacity of existing sports pitch provision. Table 16 sets out the OSNA's standards and costs associated with meeting them. There does not appear to be an equivalent table for outdoor sport provision or a hyperlink to such detail.</p> <p>We would appreciate clarification on this matter as Sport England regularly responds to consultations from the Council</p>	<p>Noted.</p> <p>Additional text and link to Sport England's Sport Facility Calculator has been included under a section covering 'Community Sports Facilities'.</p>

		on major housing developments so will be a regular user of the adopted SPD.	
4	Marine Management Organisation (Amy Fielding)	<p>Thank you for emailing the MMO team and allowing us to comment on the Development viability, affordable housing, and developer contributions Supplementary Planning Document (SPD) second consultation.</p> <p>I don't believe any further comment is required from the MMO regarding the changes and second consultation to the SPD but I would only advise that you take note of any relevant policies within the North East Marine Plan Documents in regard to areas within any future plans, that may impact the marine environment. It may be worth mentioning the North East Marine Plan when discussing anything coastal or marine themed. It is also important to remember to take a whole-plan approach when informing decisions that may affect the marine environment, looking at all our policies together, rather than in isolation.</p>	Comment/Position noted.
5	Home Builders Federation (Joanne Harding)	<ol style="list-style-type: none"> 1. Thank you for consulting with the Home Builders Federation (HBF) on the Development Viability, Affordable Housing and Financial Contributions Supplementary Planning Document (SPD). 2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. 3. The HBF welcomes the invitation to engage on this current SPD and the workshop which was hosted by the Council. The HBF hopes that this ongoing discussion and engagement can help to ensure that this SPD, and the wider suite of planning documents, deliver Durham's aspirations and sufficient homes throughout the Plan period. 	<ol style="list-style-type: none"> 1. Noted 2. Noted 3. Noted

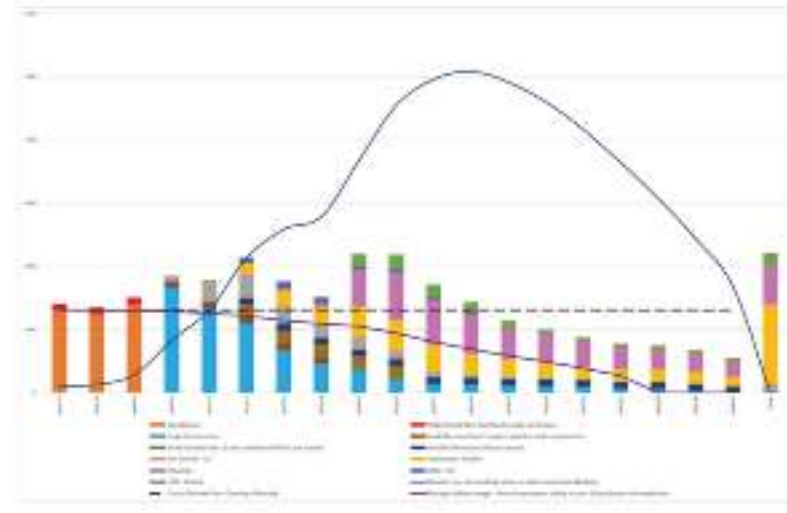
		<p>4. The SPD affords the industry and Council the chance to review the validity of various inputs which supported the County Durham Plan (CDP) and to reflect the shifting legislative landscape around development and in particular the housebuilding industry. There have been a significant amount of changes introduced since the CDP evidence base was prepared and the preparation of this SPD provides an excellent opportunity to reflect the current picture to ensure housing needs are met throughout the plan period.</p> <p>5. As you will be aware, members of the HBF have been involved with the viability work in Durham over an extensive period, including during the production of this SPD and during the consultation of the now adopted local plan, worked with bodies such as RICS to try our best to assist Durham County Council (DCC) in developing the County Durham Plan. In particular, to ensure that the CDP that was deliverable, viable and capable of achieving the housing requirement.</p> <p>6. As an industry there is a strong desire to invest in County Durham, to enhance existing settlements and to use new homes as a catalyst for regeneration across many parts of the County. However, as we've expressed previously, we have an increasing concern over the role planning policy is playing in the investment potential of the County. In our view the CDP is not delivering as anticipated and a number of the assumptions upon which it was based have either changed or been shown to be inaccurate.</p> <p><u>Delivery</u></p> <p>7. A number of HBF members have significantly fewer sales outlets in County Durham now as compared to October 2020 when the Local Plan was being examined. The economic impact of this reduction in sales outlets and homes which Developers can build, and sell, is significant. The below demonstrates the economic</p>	<p>4. Noted</p> <p>5. Noted, and DCC has welcomed the input of the HBF throughout the development of the CDP and ultimately its adoption in 2020.</p> <p>6. Noted, and the County is continuing to see housing development across many sites in County Durham. Housing delivery continues to exceed the annual housing requirement, and the Council is maintaining a 5-year supply of deliverable housing land (5.47years as at 1st April 2023).</p> <p><u>Delivery</u></p> <p>7. The position as at 1st April 2023 was that there were over 12,204 houses with was planning permission not yet built. Of these, 10,062 units were on sites of 50 units or more, which are likely to be sites in the ownership of (or attractive to) the larger housebuilders. 6,212 units are still to be built out on sites over 50 units that have not yet started, and 3,850 on sites under construction.</p>
--	--	--	--

		<p>impact on the County between October 2020 and February 2023 (infographic available as Appendix 2.1):</p> <ul style="list-style-type: none"> • 718 fewer construction jobs • 977 fewer indirect jobs in areas supporting new house building • £7,458,000 reduction in 'first occupation' spend – much of which is spent within the County • £1,878,060 reduction in Council Tax receipts each year • £7,512,240 reduction in New Homes Bonus payments to the Council • £17.6m reduction in Section 106 monies <p>*based on 6 HBF members</p> <p>8. The figures above, coupled with the trajectory work set out within this response, show that Durham is losing out on significant investment which is being redirected elsewhere in the north-east. Durham has had great success in attracting economic investment over the past decade however without the delivery of new homes required to support employment opportunities within the County the long—term benefits of these investments will not be reaped by Durham and its existing residents and businesses.</p> <p>9. Our response addresses these points in full however we feel it necessary to set out the implications of these matters and why they are causing concern for the home building industry. Below we have reviewed two key indicators which demonstrate that the CDP is not delivering as anticipated – namely the number of outlets for new homes and the delivery trajectory of new homes.</p> <p>Outlets</p> <p>10. We have surveyed 6 of our members (including the UK's largest four housebuilders) to understand the position of</p>	<p>The Council continues to field strong interest from HBF members pursuing schemes via Policy 6, and many sites are under construction and in the pipeline. As identified at no. 6. the Council has passed the housing delivery test (HDT) and a 5YHLS is being maintained.</p> <p>8. As above, the Council fields many pre-application enquiries and receives planning applications from HBF members to develop housing across a range of site in the County.</p> <p>9. Concerns of the HBF are noted, however, in many cases are unwarranted.</p> <p>Outlets</p> <p>10. Without seeing the evidence or the list of sites this refers to, it is difficult for the Council to offer an</p>
--	--	--	--

their business within the County since the CDP was at Examination in Public (EiP). The evidence shows that since EiP in October 2020 these companies have 9 fewer sales outlets across County Durham, with this number expected to rise to 19 fewer outlets by this time next year. Putting this into housing numbers, the developers have nearly 1,400 fewer consented_homes to sell than October 2020.

Trajectory

11. The trend of reduced outlets evidenced above, in particular the further drop off by 2024, indicates that Durham’s housing trajectory is trending towards ever reducing numbers of new homes. This is in stark contrast to the trajectory put forward as part of the CDP (below and Appendix 2.1) which anticipated 2024/25 and 2025/26 to have the highest rates of delivery across the plan period.



12. Analysis undertaken by Pegasus Group (Appendix 2) confirms that there’s a real possibility that local housing need will not be met in the coming years. The impact of

opinion. However, as per no.8 above we continue to experience strong interest from HBF members via planning enquiries and formal planning applications.

Trajectory

11. No evidence has been provided setting out the outlets referred to, however, as identified above the Council continues to receive strong interest from HBF members looking to develop a range of sites across many settlements countywide. It also noteworthy that housing delivery is also influenced by factors which the Council cannot influence (mortgage availability and affordability, Covid-19 pandemic, ability of HBF members to access finance and/or secure board approval for developments).

12. Disagree. The Council position is that it can demonstrate a 5-year supply of housing. In relation to housing delivery, the housing Delivery

		<p>this is significant for the County financially as investment will leave County Durham and the wider benefits of new homes are not felt through the local economy. Moreover, Durham County Council’s corporate aspiration of bringing new and better jobs to the area will not be supported by the homes to support these jobs, threatening their delivery and Durham’s ability to capture the increase in population though taxation and general spend within the County.</p> <p>13. A significant proportion of the delivery since adoption of the CDP has been through historic sites which were approved pre-Examination of the CDP. A number of these sites are due to be completed in the coming year, hence the 19 fewer outlets predicted by the surveyed developers between now and March 2024.</p> <p>14. This consistent reduction in outlets looks set to continue based on a review of the allocations and sites coming forward through Policy 6 (below). The end result is a County which is providing fewer homes than it has planned for, which ultimately represents a failure of the Local Plan, and a failure to allow for continued investment by HBF members in the County.</p> <p>Policy 6</p> <p>15. Analysis of the CDP’s allocations (Appendix 2 and 2.3) shows that they are not coming forward as anticipated in the CDP. This is for a variety of reasons; however, it causes a problem given that the CDP did not over-allocate to ensure headroom for this kind of scenario. Instead, Policy 6 was viewed as a mechanism to ensure that non-allocated land could come forward should allocations under deliver. The HBF recommends that close monitoring of Policy 6 is required and this should include considerations such as:</p> <ul style="list-style-type: none"> • How many units has policy 6 actually delivered? • What size/type? • What location? 	<p>Test (HDT) 2022 results were released on 19 December 2023 by DLUHC. They indicate a result of 154% for 2022 which means that no interventions are needed as housing requirement continue to be met in full. This is also an increase from 145% reported in the 2021 HDT results.</p> <p>13. A significant proportion of delivery taking place on existing commitments is what was expected so therefore not surprising. Table 2 of the CDP sets out that the Local Housing Need figure (24,852) would be met in significant part by commitments (which stood at 15,660 as at April 2019) once a 12% lapse rate was factored in (1,634 units). Since April 2019 the LPA has continued to grant planning permission to ensure that the annual requirement is met, and a 5YHLS is maintained. The AMR monitors this annual to ensure that the LPA can respond to any changes in circumstances or trends.</p> <p>14. The CDP covers the period up to 2035 and the many housing allocations it identifies will be developed within the Plan period. Developments permitted under Policy 6 will continue to help ensure the LHN is delivered.</p> <p>Policy 6</p> <p>15. As above, housing allocations are to be delivered over the plan period, not within its first 5 years. The Council does monitor Policy 6 and the findings are published in the AMR (Link: https://www.durham.gov.uk/article/7444/County-Durham-Plan-supporting-documents). Appendix 2.3 is a point in time list of sites which have been refused or approved under Policy 6, or where the planning application is pending consideration. Indeed since Pegasus prepared this list, many of</p>
--	--	--	--

		<p>16. The HBF does not believe that the purpose of Policy 6 is to act as a release valve for continuous and significant shortfalls in housing delivery. Policy 6 is a policy that is supported by the industry, however, it does have limitations and cannot be viewed as a 'safety net' which will ensure local housing needs are met throughout the plan period. There are two primary factors which limit the effectiveness of Policy 6 in meeting shortfalls in the delivery trajectory:</p> <ul style="list-style-type: none"> • Policy 6 sites will not deliver consistently across the plan period. We expect the most suitable Policy 6 sites to already be in the system as applicants seek to bring them forward as quickly as possible after adoption of the CDP. As time progresses the overall suitability of new Policy 6 sites will decrease as the 'best' sites have been progressed early in the plan period, leading to less suitable and sustainable sites coming forward. In this instance the Council need a robust housing supply to reduce pressure on approving such sites. • Policy 6 will not deliver in the most sustainable locations. The Policy does not allow even application across the County as it is not applicable outside settlement boundaries defined in a Neighbourhood Plan. In County Durham there are made Neighbourhood Plans in Cassop-cum-Quarrington, Cotherstone, Durham City, Great Aycliffe, Lanchester, Oakenshaw, Sedgefield, Whorlton and Witton Gilbert and further Plans in production or Neighbourhood Areas approved in Barnard Castle, Bearpark, Branspeth, Belmont, Coxhoe, Dene Valley, Eggleston, Ferryhill, Gainford and Langton, Haswell, Middridge, Monk Hesleden, Sherburn Village, Shotton, Stanley, Startforth, Tow Law and West Auckland. As a result of this coverage, Policy 6 does not apply to development outside of existing settlement boundaries in many settlements. This significantly reduces the potential of major sites (10+ homes) coming forward in these key 	<p>the sites listed as amber/pending have since been approved.</p> <p>16. Firstly, there is no shortfall in delivery. The Council continues to pass the HDT with significant headroom and can demonstrate a 5-year supply of deliverable housing land. Secondly, the purpose of Policy 6 is to ensure that the Plan is flexible. The Inspector was satisfied that policy 6 would be effective in encouraging sustainable development on unallocated sites in or well related to all of the 200 or so settlements in the county that are not restricted by Green Belt or policies in a neighbourhood plan. In respect of the first bullet point, no evidence has been provided to substantiate the assertion that "the most suitable Policy 6 sites are already in the system as applicants seek to bring them forward as quickly as possible after adoption of the CDP" or that "As time progresses the overall suitability of new Policy 6 sites will decrease as the 'best' sites have been progressed early in the plan period".</p> <p>In respect of the second bullet point, it needs to be acknowledged that some of the areas which have adopted neighbourhood plans, do not have settlement boundary policies within them, and of those with their neighbourhood plan areas designated, many have not progressed to plan stage, and even if they were to be progressed, not all would identify settlement boundaries. It is therefore presumptuous to draw the conclusion that windfall development would not be permitted in many of those area.</p>
--	--	---	---

settlements and therefore drastically impacts the role which Policy 6 can play in making up shortfalls across the County.

Durham County Council Sites

- 17. The CDP allocates 27 sites for residential development through Policy 4, of which 12 are on land owned or controlled by Durham County Council. In light of the industry’s concerns over the deliverability of a number of allocated sites for the reasons set out in this representation, it is imperative that the Council brings its landholdings to the market quickly and efficiently to ensure a continued supply of land, and subsequent housing delivery, across the County.
- 18. We are aware that the Council recently secured consent for a new primary school at housing allocation site H24 (application ref. DM/21/04097/FPA). The loss of this allocated site raises concerns over the deliverability and corporate strategy for delivery over other Council owned allocated sites.
- 19. A number of DCC sites are within low to medium viability areas and therefore are likely to be on the cusp of being viable according to the typologies provided in the updated plan viability assessment. At the EIP DCC Officers confirmed to the Inspector that the Council had the ability to accept lower land values than a private owner in order to bring sites forward. We would welcome an update on this position and confirmation as to whether this has been formally agreed in relation to the sites that will be brought to the market.

Plan Viability

Typologies & Gross to Net Ratios

- 20. As raised within the HBF’s initial response to the Development Viability SPD; the industry retains significant concerns in respect to the viability assumption with regard to Gross to Net Ratios.

Durham County Council Sites

- 17. As identified above, housing allocations are to be delivered over the plan period, but the Council’s Corporate Property and Land (CPAL) department is bringing forward sites in line with its 4-year disposal programme. In terms of DCC sites allocated in the CDP, H1 (Gilesgate School) has been sold and developed; H2 (North of Hawthorn House) has been sold and PP granted to Believe Housing. H3 (South of Potterhouse Terrace) has been sold Karbon and PP granted. H8 (Cook Avenue North) is being discussed with developers. H11 (Former Roseberry Comp) has been sold to Karbon Homes and PP granted. H17 (East of Muirfield Close has been marketed and is under offer. H18 (Laurel Drive) is undergoing survey work with joint landowner. H20 (Rosedale Ave) is likely to be mobilised within the 4-year programme. H25 (Former Tudhoe Grange Upper School) is under offer. H32 (Copelaw) has secured HIF and undergoing survey work with joint landowner. H32 (Woodham College) and H33 (Cobblers Hall) are affected by Nutrient Neutrality. H36 (North Blunts) is likely to be mobilised within the 4-year programme. H37 (Seaham Colliery) will be going to market through Homes England DPS. H38 (Former Seaham School) is part of a JV with Homes England. H43 (Land off Leazes Lane) is under offer.
- 18. Disagree. The allocation at the former Tudhoe Grange Lower School (H24) is only site which will not come forward for its allocated use. Once the need for a new primary school in Spennymoor was identified, the Council looked at its assets to

21. It is understood that the February 2023 Local Plan Viability Testing update retains the Site Typologies utilised within the original June 2018 report, which can be summarised as follows.

Table 1

Site Type (dwellings)	Density (units per net Ha)	Gross to net Ratio %	Extrapolated Gross Area (Ha)	Extrapolated Net Area (HA)
5	30	90	0.19	0.17
20	30	90	0.74	0.67
50	32.5	85	1.81	1.63
80	32.5	85	2.90	2.61
125	35	80	4.46	4.02
200	35	80	7.14	6.43
350	35	80	12.50	11.25

22. At the time of the 2018 Viability the 80-90% gross to net ratios were likely reflective of achievable net developable ratios at the time. However, the introduction a policy requirement to achieve a Biodiversity Net Gain, rising to a 10% net gain later this year will significantly reduce the gross to net ratios achievable on development sites moving forward.
23. It is acknowledged that the 2023 Viability Update seeks to make cost provisions for Biodiversity Net Gain, however, no consideration is given to the implications upon the net developable area potential of achieving net gain onsite, given the Government’s preference for on-site delivery.
24. To evidence the significance of the effect of onsite BNG the below table provides an assessment of several sites which are either recently approved or currently in the planning process with Durham.

Table 2

ensure that the school was built in the right location, and the site on Durham Road was considered to be a logical location for a school given the presence of a school on the site historically. Whilst this allocation will now not make a tangible contribution to housing delivery, the site has never featured in the 5YHLS, so the fact that this site will no longer deliver 85 housing units is offset by the contributions that windfall sites will make over the lifetime of the plan under Policy 6 which will more than cancel it out.

19. As set out under 17. Many of the DCC allocations have been sold; are out to market; are likely to be marketed in the future.

Plan Viability

Typologies & Gross to Net Ratios

20. Noted
21. Noted
22. Noted and the Council have looked at recent actual schemes and is comfortable that the BNG requirements coming into force will be achievable.
23. The Council has looked at a sample of schemes permitted since the CDP came into force (see below no. 24 & 25 and Appendix 1) and around half have already factored in BNG on site. Those which did not, have net developable areas which could accommodate it. It also needs to be acknowledged that BNG can in some cases be delivered off-site.
24. No information or plans have been provided to demonstrate how the gross to net amounts were derived. The Council has looked at these same sites and found the net developable areas to be higher than stated (see Appendix 1). Two of the sites also include on-site BNG. There are also site specific issues which have affected the net

Developer	Site	Units	Gross (Ha)	Net (Ha)	Gross to Net Ratio %	Density (units/net Ha)
Persimmon	High West Road, Crook	260	14.81	6.73	45.4	39
Persimmon	Consett, Templetown	176	12.58	5.4	42.9*	33
Persimmon	Aykley Heads Ph2	48	2.04	1.29	63.2	37
Millers	Delves Lane	288	16.64	9.1	54.7	32
Taylor Wimpey	Pelton Fell	80	5.58	2.58	46.2**	31

*1% BNG not achievable onsite (additional offsite mitigation required)

**10% BNG sought

25. It is appreciated that BNG implications are site specific and much dependent upon the scope and quality of existing habitats inputted into the base habitat calculation. However, the above table highlights that gross to net ratios of between 43-63% are being achieved. Far lower than the 80-85% gross to nets assumed in the corresponding site typologies.
26. The implications on reduced gross to net ratios cannot be underplayed, as quite simply this is a significant restriction upon the revenue generating potential of all sites and should be sensitivity tested.
27. To highlight the potential implication of this significant net area reduction on the viability of the Plan; the table within appendix 3 of this representation seeks to calculate a residual £/net HA (residual value / Extrapolated net Ha (see table 1) and applies this to a revised net HA (assuming a conservative 60% net developable area), creating a revised Residual price which can be considered against the BMLV, which remain unchanged.

developable areas for these sites. For example, the Crook site (H22 - Land to the North of High West Road) and the Delves Lane, Consett site (H19 - South of Knitsley Lane) are required by their allocations under Policy 4 to provide significant structural planting (along the north western boundary for the Crook site, and southern boundary for Knitsley Lane). Similarly, the Pelton Fell site represented an expansion of an earlier development to the north. To make the scheme acceptable, the extent to which development extended southwards influenced the layout and extent of the developable area, and again structural landscaping was required.

25. As set out at no.23 the Council has reviewed a larger sample of sites which have secured planning permission and has established that gross to net ratio are being achieved which are consistent with the Local Plan assumptions, and which would enable BNG to be accommodated without reducing the gross to net to levels which would be concerning.
26. Agree, and this is why the Council has investigated this issue closely.
27. The sample sites looked at by the Council (many of which include BNG) achieve net developable areas much greater than 60%. It is questioned therefore whether the HBF analysis is truly reflective of schemes which will come forward in the future.

28. The Table in Appendix 3 shows that at a 60% Gross to Net ratio a total of 27 of 48 site typologies are rendered unviable.

Revenues

29. It is fully accepted by HBF members that a continued undersupply of housing nationally since 2018 with record low borrowing rates has continued the trend of house price increases. The Covid pandemic, creating pent up demand and race for space, coinciding with a 15-month SDLT reduction and availability of Help to Buy; did, in combination, create a significant lift in house prices.

30. In 2023 and looking forward, the housing market picture is starkly different. SLDT has been increased back to normal rates; Help to Buy has ended, BoE interest rates are at a 15 year high and continue to increase; whilst inflation is running at 10.4%. All of which is significantly reducing the affordability of housing across the sector.

31. Accordingly, it is appreciated that an adjustment to revenues is considered and applied within the report with a reduction applied to the 2017 (+HPI) Revenues, which are summarised below.

Market Area	2017 adopted rev £/sqm	2017 adopted rev + UK HPI £/sqm	2023 adopted revenues £/sqm	% Adjustmen t	Adjusted
Highest Value	£2,500	£3,270	£3,100	5.19	% decrease
High Value	£2,150	£2,812	£2,750	2.2	% decrease
Medium Value	£1,900	£2,485	£2,500	0.6	% increase
Low Value	£1,750	£2,289	£2,100	8.2	% decrease

32. However, the 2023 report gives no justification for the rate of reduction applied nor as to why different rates of adjustments (including a 0.6% increase in the medium value area) have been applied. As the same market

28. Noted, but it is recognised that these conclusions are drawn from adopting net developable areas below that which is achievable. CP Viability has revisited this area based on the information from actual schemes.

Revenues

29. Position noted.

30. Yet the latest April 2023 data shows an increase in house prices, the first in 7 months. Whilst uncertainty remains, the lending market has calmed and mortgage product rates have fallen in recent months. There is also an expectation that inflation will drop at the back end of the year which will allow interest rates to be cut. It is not therefore guaranteed that the market will deteriorate in the coming months and the outlook is currently brighter than it was pre-Christmas 2022. Notwithstanding this, when testing viability for plan purposes we have to be conscious of natural peaks and troughs in the market. Basing medium to long term plan policies on potentially short term dips in market conditions is not a reasonable approach.

31. Noted.

32. The rationale for the adopted values is clearly explained in section 2.2 of the CPV report "Local Plan Viability Testing – Update" Feb 2023. We stand by the rationale and conclusions reached.

		<p>influences are being experience by potential buyers across all market areas, it is logically that a single rate of adjustment should be applied.</p> <p>33. Further to the above, it is understood that Revenue evidence within all iterations of the Plan Viability Reports continue to be derived from Selling Prices reported to Land Registry.</p> <p>34. HBF members review of the revenue evidence supplied within Appendix 1 of the 2023 update continue to show inconsistencies against members sales data for the period.</p> <p>35. At this macro-data level it is difficult to pinpoint exactly the cause of this however the HBF continue to have significant concerns that Land Registry Prices continue to inflate revenues through the reporting of Gross Selling Price, rather than net prices (net of incentives and extras).</p> <p>36. This criticism has been raised previously and was addressed within the 2019 Report within which it was stated <i>"With respect to sales incentives, we note the following as stated within HM Land Registry Guidance "Practice guide 7: entry of price paid or value stated data in the register";</i></p> <p><i>"Discounts and Incentives: Often developers offer discounts and incentives to prospective buyers. In this case we enter the net (lower) price in the register. If we are unable to identify the net price, we will request this. The reason for this is that entry of the pre-discount price may be misleading. Certain incentives, such as legal and moving costs, are not treated as a discount for price paid purposes"</i></p> <p>37. It is noted that the Land Registry Practice Guide 7 latest guidance on this point states:</p> <p><i>"Often sellers offer discounts and incentives to prospective buyers.</i></p>	<p>33. This is in keeping with the approach adopted through the Local Plan viability testing, which was approved through examination.</p> <p>34. We can see no evidence is produced to support this. We would also stress that this was discussed at length in the lead up to and during the Plan examination and our approach was accepted by the Inspector.</p> <p>35. Again, this was dealt with through the examination.</p> <p>36. Noted.</p> <p>37. Noted.</p>
--	--	--	--

We consider that a **discount is a cash sum deducted from the purchase price**. A discount may also be referred to as an equity discount, a gifted deposit, a gifted equity or cashback. When a property transaction **includes a discount, we will deduct the value of the discount from the gross price and enter the net (lower) price paid in the register**. If we are unable to identify the net price, we will request this. For example, where a sale is stated to be for £300,000 and this includes a deposit of £30,000 paid by the seller, we would record the price paid as £270,000.

Where a consideration includes an **incentive, our practice is to enter the gross price**. We consider that an incentive is something like help with moving costs, the seller paying legal costs or stamp duty land tax or land transaction tax, providing carpeting or white goods, or upgraded kitchen and bathroom fittings because these don't involve a sum being deducted from the sale price."

38. In none of the Viability Reports to date has an allowance for Incentives been applied to revenues. In current market conditions the role, and cost, of incentives having to be offered to assist buyer and secure sales is increasing. The viability should be updated to reflect this fact with an allowance made against assumed revenues for incentives.

Build Costs

39. It is understood that with respect to Build Costs the 2023 Viability update seeks to retain the use of BCIS General Estate Housing (rebased to Durham) and updated to current day as Build Cost Source, applying median BCIS to Site Type 2 and Lower Quartile BCIS to Site Types 3-7.
40. This appears to generate a 15-16% uplift in BCIS build costs during this period. It would however be appreciated if evidence of the BCIS General Estate

38. We disagree – the adopted average values reflect a cautious approach when measured against the Land Registry data and therefore inherently reflect a reasonable allowance for incentives already.

Build Costs

39. Noted.
40. Noted and will be included.

		<p>Housing (rebased to Durham) base and updated Index can be appended to the report.</p> <p>41. As is acknowledged in the 2023 Viability Report to ensure robustness of testing there is a need for forthcoming build cost increases in respect to Building Regulation amendments to be considered. The 2023 report details that an allowance of £5,000 per dwellings has been allowed in the appraisals (in addition to BCIS) to achieve 2021 Part L compliance. This £5,000 allowance is considered acceptable by the HBF.</p> <p>42. However, Building Regulations are set to be upgraded further to Future Homes Standard in 2025. As transitional arrangements now confirm that Building Regulation standards are to be applied on a plot start basis, as opposed to site start, it is a certainty that all sites not yet implemented will be FHS compliant and bear the costs associated.</p> <p>43. Accordingly, to ensure robustness of testing, the HBF are firmly of the opinion that an additional allowance should be made for FHS compliance; above the £5,000 per plot for 2021 Part L. The HBF suggests an additional figure of at least £7,500 per plot for FHS should be allowed.</p> <p>44. BCIS build costs cover plot construction costs, site preliminaries and contractor overheads. As they are backward looking the HBF have concerns that the BCIS costs underplay the implications of reduced sales rates in respect to Overheads costs. Many of our members have provided trading updates to the market this year and indicated anticipated annual completions to fall in 2023 by circa 30-40% based upon early reservation and cancellation rates.</p> <p>45. The effect of this slow-down in sales will be the elongating of build periods which will come with increased overhead costs. An allowance to reflect this in the Build Cost should be made.</p> <p><u>Externals</u></p>	<p>41. Noted.</p> <p>42. Noted.</p> <p>43. We disagree – for a future cost, which has yet to be fully confirmed, we consider it a reasonable approach to exclude this cost at this stage. The full implication of any associated costs (and the subsequent impact this has on corresponding values) can be considered in the future when more detail is known. The concern is that an unrealistic approach to these costs would be adopted, which would undermine planning policy requirements within the interim.</p> <p>44. The BCIS factors in inflation to ensure that costs are brought up to date. The use of BCIS is common practice when testing plan viability and is considered a reasonable approach here.</p> <p>45. As discussed above, it is unclear how the market will perform going forward. It is unreasonable to adopt a knee-jerk approach to what potentially are short term issues within the industry. The sales rates applied to the modelling are considered to be a reasonable allowance for the purposes of plan viability testing.</p> <p><u>Externals</u></p>
--	--	---	--

		<p>46. The 2023 Viability update confirms External costs are allowed at a rate of 15% of BCIS + Part L uplift. Noting points raised above in respect to FHS and overhead cost increases; the HBF consider that the 15% External Cost allowance should be applied to BCIS + Overhead uplift + 2021 Part L + FHS.</p> <p>47. Further as the it is anticipated that Gross to Net ratios are to significantly decrease due to BNG, logic follows that this shall create an increase in external costs as a percentage of Build Costs as net developable areas reduce and non-developable (external) areas increase as a proportion.</p> <p><u>Contingencies</u></p> <p>48. It is noted that the 2023 Viability Report retains the use of agreed 3% (greenfield) and 5% (brownfield) contingencies applied to BCIS + Externals + Part L. For reasons detailed above the HBF firmly believes the cost implications of FHS compliance should be applied and contingency allowances adjusted to reflect 15% of the Build Cost / Externals inclusive of both 2021 Part L and FHS.</p> <p><u>Abnormals</u></p> <p>49. The 2023 Viability report details that the previously utilised abnormal cost allowance of £75,000 per net Ha for greenfield sites and £150,000 per net Ha for brownfield sites has been retained.</p> <p>50. The report however states that no inflation has been applied as an uplift to abnormal allowances as "<i>an uplift in abnormals has to result in a reduction in the benchmark land value</i>". Although principally accepted that increased abnormal costs, above the allowances, will result in a reduction in benchmark land values, the HBF considers in the interest of robustness, that inflation is applied to abnormal costs to allow the effect as to the impact on Benchmark Land Values (BMLV) to be considered.</p>	<p>46. The approach adopted is consistent with the plan viability testing previously undertaken and is considered reasonable again here.</p> <p>47. No evidence provided to support this. We do not agree that the suggest logic is correct, as the cost of delivering the bio-diversity net gain additional land would be modest compared to the externals associated with developable land.</p> <p><u>Contingencies</u></p> <p>48. The viability guidance is clear that contingency allowances should not be overstated as ultimately these reflect a cost which may never come to fruition (in which case it would be unreasonable if this impacted on planning policy requirements). The rates applied are deemed reasonable for the purposes of the update.</p> <p><u>Abnormals</u></p> <p>49. Noted.</p> <p>50. We do not agree, for the reasons as set out in the report.</p>
--	--	--	--

		<p>51. Whilst National Guidance directs that abnormal costs should be reflected in Benchmark Land Values; the HBF retains significant concerns of the implications of this approach on true deliverability as ultimately if abnormal costs reduce the Benchmark Land Value to a level that owners will simply not bring land to the market. The HBF continues to be concerned that DCC appear to believe land will come to the market in any circumstance, thereby bucking the lesson of history that landowners will delay bringing land to the market until a value is generated that incentivise them to sell, as this is often seen as a once in a lifetime opportunity.</p> <p>52. In 2019 the HBF supplied substantial evidence of average abnormal costs of £459,000 per net HA for greenfield sites and £711,000 per net HA for brownfield sites. Application of the 16% BCIS cost increase to these figures increases the evidenced abnormal costs sums to £532,440 per net HA (greenfield) and £824,760 per net HA (brownfield).</p> <p>53. In order to ensure the abnormal costs do not erode Benchmark Land Values to below a level that a reasonable landowner will transact, DCC need to engage with owners and their Agents to establish these values and carry out sensitivity testing applying the above HBF abnormal evidence figures on top of the existing allowances. The HBF considers that the Council should seek further evidence from agents and landowners, in order to make appropriate assumptions in relation to the levels at which they are willing to sell their land, this should include considerations in relation to the levels of abnormal.</p> <p><u>Planning Policy Assumptions</u></p> <p><i>Biodiversity Net Gain</i></p> <p>54. With regards to Biodiversity Net Gain the HBF agrees it is right to make cost allowances for BNG mitigation within the Plan Viability. The cost allowances of £900/Ha for initial site surveys appears generally reasonable,</p>	<p>51. This was discussed at length during the examination and our approach was accepted by the Inspector.</p> <p>52. This evidence was not accepted for the reasons discussed at the examination.</p> <p>53. The allowances adopted are considered to be reasonable for the purposes of the modelling. We would also point out that where schemes are shown to be viable there is a surplus created which (amongst other areas of the appraisal) would allow an increased return for the landowner. The viability testing has to reflect the <u>minimum</u> price that a hypothetical landowner should accept to release the site, not the actual return they may get if the scheme is viable and capable and producing a surplus.</p> <p><u>Planning Policy Assumptions</u></p> <p><i>Biodiversity Net Gain</i></p> <p>54. There is a national Habitat Management and Monitoring Plan template and this will be utilised alongside standardised reporting requirements to streamline the process. Where there is on-site habitat enhancements these costs are likely to be</p>
--	--	---	--

		<p>however, the HBF considers that additional allowances at the same rate should be made for the ecologist monitoring surveys and reporting which are required to be undertaken in years 1, 5, 10, 20 and 30 years following completion of the development.</p> <p>55. With respect to the £19,698/Ha allowance for creation and 30 years maintenance; the HBF considers this allowance to be light. Neither the report, nor the Regulatory Policy Committee evidence provides any evidence or breakdown of how the £19,698/Ha allowance is split between creation cost and maintenance allowance. It would be expected that the majority of the BNG cost would lie in the initial habitat creation, however, equating all of the cost to maintenance alone would equate to £658/ha/p.a. allowance. Simple grass cutting of a 1ha area would exceed an annual maintenance cost of £658p.a.</p> <p><i>Education</i></p> <p>56. The 2017 Viability report noted at the time Primary School place provision was to be charged at £14,516 per child space and Secondary School place provision at £16,344 per child space, before advising that education contributions sought were usually below £2,500 per dwelling but acknowledging that in certain cases contributions could be in the region of £5,000 per dwelling which lead to sensitivity testing being run on education contributions equivalent to £2,500 and £5,000 per dwelling.</p> <p>57. The 2023 update report details marginal Primary and Secondary costs per place increases at £14,703 and £16,554 respectively. It is however noted that, through the SPD, the Council have introduced Special Education costs into the Education calculation at a significantly higher cost per pupil place of £62,514. Though it is acknowledged that the total pupil generation calculation will not generate a greater number of pupils, the introduction of SEN will result in a proportion of the pupils generated being identified as in Special Education</p>	<p>built into management arrangements as outlined in management and monitoring plans and be accounted for in annual maintenance charges. In terms of off-site, if a third-party organisation or broker is being utilised they will account for monitoring and maintenance in their biodiversity unit price. Durham County Council has made an allowance for 30 year monitoring and maintenance in its assumptions on biodiversity unit price.</p> <p>55. The £19,698/Ha allowance derives from a Regulatory Policy Committee Report and is considered the most robust evidence of an indicative cost at present. Maintenance costs are passed on to the homeowner and accounted for within an annual maintenance charge to a management company and as such are not included in viability appraisals.</p> <p><i>Education</i></p> <p>56. Noted.</p> <p>57. Since 2015 there have been 238 applications submitted to and validated by the LPA for consideration. There have been 129 applications where no contribution was requested and 6 applications for over 300 dwellings with contributions calculated on the full mitigation required as per the council's adopted policy for Developer Contributions for Education Mitigation. There have been 103 applications where the council's Education Pupil Place Planning Team has asked for contributions using policy methodology, this has resulted in an average request of £3,538 per dwelling. With the introduction of contributions for Special Education this is anticipated to rise marginally. The cost per SEND place has been assessed by the DfE as being 4x the amount of a mainstream place and that is the calculation the council will apply. The SEND pupil yield is in the</p>
--	--	--	---

		<p>Need and will bear the increased per pupil cost, resulting in a higher Education contribution on the whole.</p> <p>58. Accordingly, the HBF considers that an assessment should be undertaken to determine likely “worst case” Education contribution for the site typologies, assuming no existing educational capacity, and a sensitivity test up to this “worst case” per dwelling sum.</p> <p><i>Nutrient Neutrality</i></p> <p>59. The HBF notes that with respect to Nutrient Neutrality (NN) the 2023 update report does not factor in any allowance, owing to awaited guidance from Central Government and uncertainty around the cost to mitigate.</p> <p>60. The HBF welcomes the acknowledgement in the report that Nutrient Neutrality is to be a consideration that will need to be factored in in the coming months and are happy to assist with this.</p> <p>61. In order to assist a presentation given by Natural England in regards to their Nutrient Mitigation scheme is appended (Appendix 4). Within this document a cost per dwelling to mitigate NN is given as £2,100 per dwelling. This is derived from a calculated cost per NN credit of £1,825/credit and a calculated average requirement credit.</p>	<p>process of being reviewed by the DfE and subject to the findings, the council will assess if their yield needs to be modified. The updated education costs have been viability tested as part of the update.</p> <p>58. It is not accepted that that the Council should be testing the worst case scenario. The worst case scenario is protected by the fact that the Council is still willing to consider individual viability assessments, when needed. Our position is that the viability modelling can reflect the typical or average planning policy contributions, not the worst case.</p> <p><i>Nutrient Neutrality</i></p> <p>59. Noted. 60. Noted. 61. Noted.</p>
--	--	--	---



62. The HBF suggests that the Viability Update should utilise as a minimum this £2,100 per dwelling allowance for Nutrient Neutrality.

Benchmark Land Values

63. Benchmark Land Values have been retained at the rates assumed within the 2018 Viability Testing. It is acknowledged that approach taken in a Plan Viability Testing is to fix Benchmark Land Values with only £75k (greenfield) and £150k (brownfield) abnormal allowances with approach taken that any abnormal costs above these rates would be needed to be reflected in a reduced BMLV which is considered that a "reasonable" land owner should accept, without question.

64. The continued overarching concern with this is the real-life application of this approach and implication on the supply of housing land. The approach assumption that landowners, acting reasonably, will simply accept the land value generated, it however ignores the fact the in-reality landowners are not obligated to accept offers at any level and must be incentivised to sell.

65. As was detailed eloquently by the agent representation at the Viability SPD meeting with the Council, the general landownership profile in the region is that of

62. Noted.

Benchmark Land Values

63. Noted.

64. The purpose of the government's approach to benchmark land value was to ensure landowners recalibrate their expectations on land value. If a landowner chooses to have an unrealistic expectation on land return that remains their prerogative. However, from a viability perspective, the approach adopted is in line with the guidance and considered appropriate.

65. This is the same argument that has been presented for many years, which has been rejected in the past. Simply saying that benchmark land

		<p>institutional landowner, farmers and/or individuals, for which the land receipt is a once in a lifetime opportunity.</p> <p>66. The HBF firmly considers that, although guided by Plan Viability in accordance with guidance, the Council must take a wider consideration of the evidence laid bare and consider what risk the cumulative policy burden and BMLV generated creates in respect to adequate housing sites coming forward to deliver their Plan objectives and not simply work on the pretext that the Plan will deliver as the Viability indicates it could be delivered. The wider question is not “can” the Plan be delivered, it is “will” the Plan be delivered.</p> <p>Suggested Actions</p> <p>1) Update the Local Plan viability assessment.</p> <p>This should take full account of the points raised through this representation to ensure that it is robust for current sites and sites to be delivered under increased regulatory burden in the near future.</p> <p>2) Update the Local Plan trajectory</p> <p>This is required to better understand the impact of allocated sites not coming forward as predicted and also account for the current sales rates being experienced which are significantly lower than anticipated at the EiP.</p> <p>3) Publish disposal strategy for Council owned sites</p> <p>The Council control 44% of allocated sites and as such need to clarify how and when these sites will be disposed of to ensure that they can materially contribute to the County’s housing needs. The HBF can offer assistance in reviewing the Council’s sites and offering pre-marketing feedback to ensure effective delivery.</p>	<p>values should be higher because “we want more” is not a coherent (or eloquent) argument and does not reflect the realities of the current development market. As I indicated at the SPD meeting, the direction of travel from central government is that more land gain should be made available for the public benefit, not less. What the government holds in the background is the potential to increase the use of compulsory purchase powers, in which case landowners would receive significantly less than is currently the case in the open market (particularly as the government recently took steps to remove ‘hope value’ from CPO values for certain developments which have a high public benefit). Whilst we are not there yet, as suggested, the direction of travel is certainly for landowner receipts to be reduced even further potentially through the use of CPO’s. In this context, I do not accept that ‘wanting more’ is a reasonable argument for increasing the benchmark land values in the modelling.</p> <p>Furthermore, as discussed above, the benchmark land value is a minimum. For viable schemes, the actual return to a landowner is likely to be higher as there is an available surplus which can be bolted onto the benchmark land value. This has not been acknowledged by the HBF.</p> <p>66. Position noted, and the Council will continue to monitor housing delivery through its AMR, HDT results and ability to demonstrate a 5-year supply of housing.</p> <p>Suggested Actions</p> <p>1) The viability testing has been updated to reflect the findings/discussions around BNG, gross to net, First Homes etc.</p> <p>2) The housing trajectory is updated annually as part of the 5-Year housing land supply position.</p>
--	--	--	---

		<p>4) Agree a Policy 6 monitoring update</p> <p>Great weight has been placed on Policy 6 to deliver new homes on unallocated sites across the County and to make up the shortfall in new homes being delivered against the CDP trajectory. The HBF suggest that a regular update should be provided setting out the details of approved Policy 6 sites so that the location, size and delivery of these sites can be better understood. The benefit of such a monitoring process will be to identify the effectiveness of Policy 6 in addressing housing shortfalls.</p> <p>Future Engagement</p> <p>67. I trust that the Council will find these comments useful as it continues to progress its SPDs and the delivery of the Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.</p> <p>68. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.</p>	<p>3) Response to no.17 sets out of the status of the allocations owned by DCC.</p> <p>4) This is reported through the AMR.</p> <p>67. Comments noted, and involvement welcomed.</p> <p>68. This will be the case.</p>
6	Northumberland County Council	<p>Thank you for the opportunity to comment on these SPDs.</p> <p>We have no comments to make but look forward to continuing to work together under the Duty to Cooperate.</p>	<p>Comment/Position noted.</p>
7	Karbon Homes	<p>Karbon Homes are responding to the Question:</p>	<p>Position noted. Chapter 6 of the SPD sets out the circumstances where a viability appraisal could be submitted at planning application stage. Schemes comprising solely or mainly of affordable housing are</p>

		<p>Do you agree with the proposed scope that viability submissions are expected to take? Please give reasons for your answers.</p> <p>With the format of viability submissions, we have no issue. Regarding the viability submissions scope, planning submissions should be flexible for developments that are solely or mainly affordable homes. The greater the provision of affordable homes, the greater flexibility the local authority should offer. The emphasis should be on building more affordable homes within County Durham, and the system should work to facilitate this. The current system is geared primarily towards commercial development.</p>	<p>often exceeding the policy requirement, but on a voluntary basis. There is no obligation for an application to do so. It is recognised that residents of affordable housing will expect access to green infrastructure, health and education services in the same way as other forms of housing (e.g. market). For that reason, affordable housing is not exempt from developer contributions. As set out at para 6.11 of the SPD, developers are encouraged to engage in pre-application discussion to ensure that the likely developer contributions are determined at an early stage in the planning process.</p>
8	Sunderland City Council	<p>Thank you for consulting Sunderland City Council on the following documents: Development Viability, Affordable Housing and Financial Contributions SPD, County Durham Design Code SPD, Housing Need SPD and the Trees, Woodland and Hedges SPD.</p> <p>Sunderland City Council have no comments to make on the SPDs at this point in time. However, we welcome the opportunity to be consulted on all upcoming planning consultations in the future.</p>	<p>Comment/position noted.</p>
9	Barton Willmore on behalf of Bellway Homes	<p>The draft Development Viability, Affordable Housing and Financial Contributions SPD is in its second round of consultation and sets out the information that is required from developers to understand if a development site is financially viable. The document sets out the approach to open space and green infrastructure; affordable housing; education; health; ecology and the heritage coast; transport and digital infrastructure and other bespoke matters appropriate for the particular application.</p>	<p>Noted.</p>

	<p><i>102.1 The Purpose and Scope of the SPD</i></p> <p>Bellway consider the broad scope of the SPD to be largely agreeable. Bellway would also request that the Council's recent approval to formally adopt their own Nutrient Neutrality Occupancy Rate of 1.38 is included within the draft SPD. This will confirm the Council's position to reduce any ambiguity regarding Natural England's blanket occupancy rate. Although we acknowledge this is a very recent decision, and therefore the presented draft SPD predates this decision, Bellway wish to stress that this revised occupancy rate must be integrated into any adopted SPD and made clear how this will change Development Viability in the County for the better.</p> <p><i>2.2 Spending and Monitoring</i></p> <p>Whilst Bellway do not object to the principle of indexation, the Council should acknowledge flexibility specifically when a historic site which has planning consent (with a signed Section 106 agreement) has stalled and remains undeveloped. The difference between the signed Section 106 value and the payable amount with indexation over a lengthy period of time is often significant, and as a result can disproportionately affect sites which have struggled in the past to attract developers for construction, because of viability issues. This is of particular relevance to sites within low-medium value areas, which accounts for a large proportion of County Durham.</p> <p>Indexation of historical Section 106 agreements is specifically prevalent in the modern climate. The recent peak in Building Costs, combined with indexation linked to Building Cost Information Services (BCIS) has resulted in this issue reaching a tipping point for the viability of sites nationally. To use a generic example: if a site were to receive outline consent for 300 dwellings in 2016 and contributions totalling £2 million; upon allowance for Reserved Matters to be approved, a developer could potentially need to wait up to 4 years before work begins on Site. As a result of factors such as triggers for Section 106 payments linked to occupations; Section 106 amounts have the potential to amount to significantly more</p>	<p><i>2.1 The Purpose and Scope of the SPD</i></p> <p>The population figures have been incorporated into the Nutrient Budget Calculator which is available alongside Nutrient Neutrality guidance on the Council's planning application webpage. It is considered this is the most appropriate place for the figure as it allows for the figure to be updated periodically. Whilst SPDs can be reviewed there is a statutory process to follow which would delay adoption of a revised figure.</p> <p><i>2.2 Spending and Monitoring</i></p> <p>In this scenario given, a developer would have the option to submit a fresh application and have the prevailing viability issue assessed at that time. Indexation is common place to ensure that costs of providing infrastructure is met by the development permitted.</p> <p>In the same scenario it could also be the case that sales values and in turn GDV had improved significantly in the same 4-year period to that which was anticipated at the outset of the development.</p>
--	---	--

		<p>than originally agreed sum solely due to indexation which has occurred, as the remaining application process is concluded.</p> <p><i>2.3 Viability and Assessment Process</i></p> <p>In reference to paragraph 6.5 "Assessments will not take into account the specific financial circumstances of any given developer. Equally, assessments will not take into account the specific desires of land owners to maximise the amount they are paid for land by developers."</p> <p>Bellway expresses its understanding as to why the Council deems this approach the most appropriate to take given the county wide Local Plan assessment. However, there is a concern that the Council underestimates that in the low-medium value areas there are a number of suitable sites that are not currently developable. The steady supply of these sites is needed to meet the County's housing need, however at present they are not a viable prospect for landowners to dispose of.</p> <p>Bellway accept that landowners should have realistic expectations regarding land value. Nevertheless, in the current climate there is a serious concern that with the significant range of new developer contributions (matters such as Biodiversity Net Gains and Future Homes Standards), the currently accepted approach is seriously deterring landowners from being motivated to dispose of land. This in turn stifles the supply of Sites which are essential to Durham County Council's housing supply.</p> <p>The pre-application process is extremely helpful to developers and housebuilder in informing their future planning applications. The likely Section 106 requirements are not always addressed through pre-application enquiries. It is imperative that this process improvements to provide accuracy and ensuring that the detail and justification for likely S106 contributions are how they are calculated.</p>	<p><i>2.3 Viability and Assessment Process</i></p> <p>No examples of specific sites or evidence has been provided. The Council continues to experience enquiries from HBF members for development proposals in many parts of the county, including both low and medium values areas.</p> <p>Again, no examples or evidence is provided. The PPG is clear that Landowners and site purchasers should consider policy requirements when agreeing land transactions. Viability studies include a premium for the landowner and reflects the minimum return at which it is considered a reasonable landowner would be willing to sell their land. This approach is often called 'existing use value plus' (EUV+) and the Council's Local Plan viability evidence aligns with this approach.</p> <p>Without any examples of specific cases or evidence provided it is not possible to verify this assertion of provide a response. However, the LPA will always endeavour to identity developer contributions at the</p>
--	--	---	---

		<p>This ensures that as many costs as possible are factored into early land value negotiations with landowners.</p> <p>This will ultimately lead to reasonable expectations of land owners and viable development schemes so that they can be taken account of at an early stage.</p> <p><i>2.4 Specific Developer Contribution Guidance by Type</i></p> <p>Paragraph 7.17 of the SPD outlines the approach to First Homes Calculation following the Government’s introduction of First Homes and the draft SPD cross references the draft Housing Needs SPD. However the two draft SPDs apply a different approach to First Homes which introduced ambiguity in the process as the approach is unclear.</p> <p>Both draft SPDs were presented to the Home Builders Federation on 9 March 2023 where an update was also provided on the Local Plan Viability Testing which informs both draft SPDs. The Local Plan Viability Testing includes factoring in the affordable housing requirement per viability area and has been updated to reflect market values (amongst other things). Appendix 1 sets out a range of schemes where market values have been used as a benchmark. For the purposes of comparison, this focuses on the highest value area market value however the same exercise is true for the remaining three viability areas. The benchmarks in Appendix 1 includes:</p> <ul style="list-style-type: none"> • Cathedral View, Durham – market values between £3,868 -£2,748 per sq m • Wentworth Drive, Durham – market values between £3,357 - £2,613 per sq m • Priory View, Durham – market values between £3,152 - £2,701 per sq m • Aykley Woods, Durham – market values between £3,416 - £2,613 per sq m 	<p>pre-application stage to inform negotiation between developers and landowners.</p> <p><i>2.4 Specific Developer Contribution Guidance by Type</i></p> <p>Noted.</p> <p>The approach to First Homes has been aligned between this SPD and the Housing Needs SPD. The proposed price caps have been viability tested.</p>
--	--	--	--

As a result of the update market values, the Council have opted for an average sales value of £3,100 per sq m.

At paragraph 2.2.14 the report states:

"For First Homes, the minimum discount allowed is 30%, therefore in our appraisals we have assumed 70% of market value."

As a result, the Council discount the average market value by 30%, thus applying an average price of £2,170 per sq m for First Homes in the Highest value viability area.

The draft Housing Needs Assessment introduces price caps for First Homes. The proposed price cap for a 4 bedroom house at £176,500, a 3 bedroom house at £120,000. In essence, these price caps have not been subject to viability testing and this results in a discount in excess of 30%. The approach adopted within the draft Developer Contributions, Affordable Housing and Financial Contributions SPD is reflective of the viability constraints which exist across the County and the draft Housing Needs SPD should consider the need for First Homes price caps based on the Viability areas as set out in Policy 15 of the County Durham Plan.

Bellway raised this point at the consultation session with the Home Builders Federation. The Council's view was that it was an interesting point that will be explored, however as one single housing market area the price cap should apply at the County level. The First Homes Written Ministerial Statement 24 May 2021 does give local authorities and neighbourhood planning groups the ability to set lower caps through the local plan process. Lower price caps cannot be set arbitrarily and must be based on evidence. The very fact that neighbourhood planning groups can set their own caps with evidence, confirms that any price cap does not need to be set on a housing market area.

		<p>Affordable Housing products are prioritised to qualifying individuals in the immediate locality. Only if there is a lack of demand would the Council then expand the offer up to the wider county. This further reinforces that there is no rationale for price caps to be set on a County wide basis.</p> <p>The same is true for Discount Market Value Housing. The draft SPD simply repeats verbatim the glossary in NPPF which specifies at least 20% discount on market value. Recent experience through the Development Management process is that applying the 20% discount results in deliverable and viable schemes. Bellway Homes strongly advocate the 20% discount. If the Council are seeking to move away from this approach, as per recent discussions through the Development Management process, then these discounts need to be fully evidenced and justified by the Council. Discounts of greater than 20% will risk scheme viability and delivery.</p> <p>Bellway Homes strongly object to the lack of detail and guidance regarding the 20% discount for DMV properties and in what circumstances a greater discount is expected by the Council. The draft SPD should provide more detailed guidance with regard to this point. Otherwise greater discounts than 20% are not justified. It is currently unclear how DMV properties have been modelled throughout in the Local Plan Viability update.</p> <p><i>2.5 Green Infrastructure</i></p> <p>Bellway welcomes the added flexibility which allows the ability to take account of local circumstances.</p> <p>However, the reference made in paragraph 8.19 referencing any potential impact on existing pitches that are “currently fine” is ambiguous and is likely to lead to much debate at a planning application stage. Such a phrase is completely immeasurable and subjective, given factors such as time of year, local population and common uses. There is no guidance provided as to how this will be fairly applied, and it cannot be</p>	<p><i>2.5 Green Infrastructure</i></p> <p>The word “coping” has been added to the paragraph to confirm that the assessment will be to determine whether existing pitch(es) are fine taking account of the level of use. It is also recognised the impact the weather has on quality. The worse the weather, the poorer facilities tend to become, especially if no drainage systems are in place or if existing drainage systems are inadequate. This also means that quality</p>
--	--	--	---

	<p>proven that the major development in the area is the sole source of any additional pressure on the space.</p> <p>Bellway do not disagree with the principles outlined in the added Public Right of Way section of the SPD. However it is imperative that the Council confirm at the pre application stage if a contribution from the developer is going to be requested. If this is the case, then the developer must know the value of the contribution required and a full justification should be provided as to why the contribution is required.</p> <p>Currently the draft SPD is phrased in a way where the approach to determining whether Public Rights of Way upgrades are required would be a subjective and arbitrary process. As outlined in paragraph 57 of the National Planning Policy Framework (NPPF) and highlighted in paragraph 4.8 of the SPD, a local planning authority must ensure that the obligation meets the relevant tests for planning obligations. They are:</p> <ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms; • Directly related to the development; and • Fairly and reasonably related in scale and kind to the development. <p>At present, there is a lack of clarity, and it is arguable whether Public Right of Ways contributions always meet the above tests.</p> <p><i>2.6 Health Provision</i></p> <p>Bellway notes the revision of the health provision calculator, which will account for changes between geographic locations across the County. However, the complexity of the calculator is now such that different interpretations of the calculator's result could emerge. As a result, it will become increasingly difficult for developers to predict the amount they will be expected to provide. Furthermore, there is a lack of public availability and</p>	<p>can vary, year on year, dependent upon the weather and levels of rainfall. This means that an assessment will be made at the time a development proposal is under consideration to take account of the most up to date information in respect of use and quality.</p> <p>Agreed, and as set out at para 6.11 of the SPD, the Council encourage developers to engage in pre application discussions to ensure that the likely developer contributions are determined at an early stage in the planning process. As set out at para 4.8 of the SPD, the Council recognises that planning obligations must meet para 57 of the NPPF.</p> <p><i>2.6 Health Provision</i></p> <p>The proposed revisions to the calculation methodology still requires principles from the previous approach where NHS providers are consultees and provide evidence as to what mitigation is required.</p> <p>The council would encourage all developers to engage at the earliest opportunity via the pre-application service which can provide early comments and views from NHS Property Services as to likelihood of mitigation if required.</p>
--	--	--

	<p>transparency around the data from NHS England, locally integrated care partnerships and care boards. This is not necessarily a criticism pointed at the Council, but an issue to highlight, as this information will not be easily accessible and difficult to interrogate whether it is accurate.</p> <p>Bellway anticipate that it will become increasingly difficult to predict the NHS contribution for various different sites and schemes. As such, Bellway object to the formula in the current form. With this considered, should this calculator be adopted it is essential that the data from the NHS is published and updated regularly. This information must be directly available to developers so that they may input data into calculators to gain accurate estimations themselves. We would reiterate if this were to be adopted, the amount must be clarified in the pre application response and not left until the planning application stage.</p> <p>Bellway wish to challenge the decision in paragraph 10.17 to use 750 dwellings as the trigger point for the need for new build facilities where it is not possible to provide mitigation at existing facilities. We would urge the Council to demonstrate transparency as to their logic for using this as the threshold, as at present the number seems arbitrary.</p> <p><i>2.7 Transport and Digital Infrastructure</i></p> <p>Section 11 of the SPD outlines how developers need to consider Local Cycling and Walking Infrastructure Plans. However, the document has previously referred to developers being required to maintain and improve PRoWs. Bellway request clarification from the Council to ensure that there will not be any accidental “double” counting of PRoW contributions.</p> <p>In addition, the introduction of paragraph 11.9 discusses developer contributions to public transport. We would hope to also see clarity on how this contribution will be calculated/applied with regards to triggers for payments, the value of expected contributions and scenarios where this would</p>	<p>With regards to the challenge off 750 dwellings, this approach is based upon developments of 750 dwellings or creating potentially at least 1,650 GP patients.</p> <p><i>2.7 Transport and Digital Infrastructure</i></p> <p>As set out above, the Council encourage developers to engage in pre application discussions to ensure that the likely developer contributions are determined at an early stage in the planning process (para 6.11 of the SPD). This will include identifying if any contributions towards LCWIPs will be sought.</p>
--	---	--

be required. In its current written form, the point appears vague, and poses questions.

2.8 Habitats Regulations Assessment

Paragraph 12.36 outlines that until appropriate mitigation is identified, planning applications for the type of development cannot be approved regarding Nutrient Neutrality. This position extends further to sites with permission but where there are outstanding conditions to be discharged relation to drainage also require suitable mitigation before conditions can be discharged. However, Bellway would like to point out other recent approaches with regards to conditions, as explained below.

We would welcome DCC's view on this approach. Darlington Council have taken the view that the joint Taylor Wimpey and Persimmon scheme at Berrymead Farm regarding discharge of conditions (The discharge of conditions 26-28 application (ref. 21/01303/CON)), (if there is a compliance condition setting strict compliance with the approved outline drainage strategy), then they accept that the principles have already been agreed. As a result, the position was that the drainage strategy had been "unequivocally approved, and that all subsequent development must be carried out in accordance with the approved FRA and Drainage strategy". It effectively confirmed that, as details relating to foul drainage had already been agreed and a compliance condition attached to the outline consent, it was therefore not possible to deviate from this position for the scheme design. As a result, the Nutrient Neutrality Assessment was therefore only undertaken in respect of surface water drainage. This Assessment, using the national budget calculator for the entire site taking into account the surface water impacts only, concluded that the site does not result in any significant nitrate impacts.

In addition to the above, Bellway would urge the Council to set out its position relating to the occupancy rate for Nutrient

2.8 Habitat Regulations Assessment

The SPD states outstanding conditions relating to drainage require suitable mitigation before the conditions can be discharged. Whilst we would not comment on decisions taken by other local authorities as we do not have details of the specifics, in the example given it appears Darlington Borough Council concluded there was suitable mitigation in relation to foul water.

The population figures have been incorporated into the Nutrient Budget Calculator which is available alongside Nutrient Neutrality guidance on the Council's planning application webpage. It is considered this is the most appropriate place for the figure as it allows for the figure to be updated periodically. Whilst SPDs can be reviewed there is a statutory process to follow which would delay adoption of a revised figure.

		<p>Neutrality areas within this SPD. This will ensure that all of the relevant information is contained within one place.</p> <p><i>2.9 Biodiversity Net Gain</i></p> <p>Chapter 13 of the SPD repeatedly references the submission of a Preliminary Ecological Appraisal (PEA) report. The PEA is not designed to inform planning as outlined Chartered Institute of Ecology and Environmental Management (CIEEM) note in para 1.5 of the PEA guidelines that:</p> <p>“Under normal circumstances it is not appropriate to submit a Preliminary Ecological Appraisal Report (PEAR) in support of a planning application because the scope of a PEAR is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species”:</p> <p>Bellway wish to recommend that paragraph 1.5 is revised to state “the submission of an Ecological Impact Assessment” which is considered to be a more accurate description of the process.</p> <p>The SPD does not specifically address the process of ‘Biodiversity Stacking’ (combining biodiversity themed benefits e.g. SUDs and Open Space provision with biodiversity net gain) in any meaningful way. This is considered to be a critical facet of Biodiversity Net Gain delivery especially in areas where land availability and land values may prohibit the provision of off-site land delivering single biodiversity theme outcomes.</p> <p>The text states that the ‘latest’ version of the Defra metric assessment tool should be used to complete BNG assessments. While it is agreed that this is good practice, Defra highlight that if a project is at an advanced stage and is using an older version of the metric assessment tool then this older version is still appropriate and does not need to be updated. Updates</p>	<p><i>2.9 Biodiversity Net Gain</i></p> <p>The wording in the SPD has amended where relevant to Ecological Impact Assessment (EcIA) rather than Preliminary Ecological Appraisal (PEA) report.</p> <p>Biodiversity stacking is when multiple credits or units from different nature markets are sold separately from the same activity on a piece of land. Guidance from Defra focuses on stacking in terms of land managers selling credits and therefore is not considered relevant to this SPD.</p> <p>The draft Planning Practice Guidance on Biodiversity Net Gain states the statutory metric must be used. Data from earlier metrics can be copied across to the statutory metric.</p> <p>Support noted. Once mandatory, BNG could potentially be secured through three legal mechanisms (Section 106 Agreements, planning conditions or conservation covenants) depending on how BNG is to be delivered. The SPD also includes reference to ‘appropriate legal mechanisms’ in acknowledgement of this.</p> <p>The figure is £20,000 rather than £15,000 and is based on the DEFRA Biodiversity Net Gain: Market Analysis Study, which is considered the most robust evidence base at present. The Council has also undertaken an in-house exercise to calculate the cost of delivering a Biodiversity Unit on its land and found this to be a fair reflection of the cost. The £20,000 relates to the anticipated cost of a Council-led scheme should it become a delivery provider and is just one option. It will be an open market and developers could use delivery providers (a third-party organisation or broker who will create or restore and manage habitats) will set their own Biodiversity Unit</p>
--	--	---	--

		<p>have the potential to be costly to the developer therefore the SPD should reflect this flexibility.</p> <p>The wording in the draft SPD makes repeated reference to Section 106 Agreements being the favoured means of delivering Biodiversity Net Gains. This is the optimal route identified by recent legal advice provided to the Council by Bellway. Whilst BNGs could be achieved via Section 39 of the Wildlife and Countryside Act 1991, this is likely to cause significant issues in the future and in particular when dealing with S73 planning applications. Bellway therefore welcome the move away from Section 39 to Section 106 Agreements.</p> <p>Bellway welcome the reduction in cost of a Biodiversity Net Gain credit from £20,000 to £15,000. It is suggested that the Council could provide greater transparency as to how the £15,000 per Biodiversity Credit is calculated. Developers would find it beneficial to have details outlined regarding the type of habitat a unit will create; who will be doing the management; where does the habitat need to be located and whether the units will be traceable should a development be challenged.</p> <p>Paragraph 13.41 states off site Biodiversity Net Gain should be delivered within the boundaries of County Durham. Bellway object to this view for a number of practical reasons, primarily because Local Authority boundaries are an arbitrary line and ecological corridors and opportunities go beyond these. Ecological matters should not be influenced by political boundaries.</p> <p>Such an approach is contrary to that advocated by DEFRA who in no way preclude off site BNG outside of the Local Authority boundaries, and should the preference be for the developer to find their own off-site solutions, then clarity in detail of the acceptable location of 'suitable' off site land is critical.</p>	<p>price. However, it is not necessary for the Council to stipulate its price for a Biodiversity Unit in the SPD and reference has been removed.</p> <p>In line with the requirements of the Environment Act to minimise the adverse effect of the development on the biodiversity of the onsite habitat, onsite and local offsite BNG units must be the first option explored. The Defra metric includes a spatial risk multiplier which encourages the further that any offsite gain is from the development site, the more biodiversity units the developer is required to create in order to deliver enough net gain. There may be circumstances, where it has robustly been demonstrated onsite and local offsite is not possible, where units may need to be delivered outside of the County boundary and the SPD reflects this.</p>
--	--	--	--

		<p>In addition, Bellway would suggest that there could be some wider opportunities or more strategic projects beyond the administrative boundary.</p> <p>As a result, it is requested that further flexibility and softer wording is added within this paragraph to allow for offsite Biodiversity Net Gain could be delivered in adjacent authority areas, providing there are no identified suitable opportunities to secure this delivery within the authority boundary.</p>	
10	<p>Origin Planning Services on behalf of Avant Homes North East</p>	<p>With reference to the County Council's second stage consultation of the above-mentioned draft SPD, Avant Homes North East (AHNE) firmly supports the letter of representation submitted to the Council by the Home Builders Federation (HBF) via Joanne Harding in connection with the draft SPD.</p> <p>AHNE firmly supports and wishes to rely on the content of the HBF letter of representation, including the following suggested actions, which should be taken forward in finalising the draft SPD:</p> <ol style="list-style-type: none"> 1) <u>Update the Local Plan viability assessment.</u> <p>This should take full account of the points raised through the HBF representation to ensure that it is robust for current sites and sites to be delivered under increased regulatory burden in the near future.</p> <ol style="list-style-type: none"> 2) <u>Update the Local Plan trajectory.</u> <p>This is required to better understand the impact of allocated sites not coming forward as predicted and also account for the current sales rates being experienced which are significantly lower than anticipated at the EiP.</p> <ol style="list-style-type: none"> 3) <u>Publish disposal strategy for Council owned sites</u> <p>The Council control 44% of allocated sites and as such need to clarify how and when these sites will be disposed of to ensure that they can materially</p>	<p>Position Noted, and the Council's response to the HBF rep is set out.</p> <ol style="list-style-type: none"> 1) <u>Update the Local Plan viability assessment.</u> An update has been undertaken which takes account of the points raised by the HBF. The findings/report are published alongside the Council's response to all these comments. 2) <u>Update the Local Plan trajectory.</u> The housing trajectory is updated annually as part of the 5-Year housing land supply position. 3) <u>Publish disposal strategy for Council owned sites</u>

		<p>contribute to the County’s housing needs. The HBF can offer assistance in reviewing the Council’s sites and offering pre-marketing feedback to ensure effective delivery.</p> <p>4) <u>Agree a Policy 6 monitoring update</u></p> <p>Great weight has been placed on Policy 6 to deliver new homes on unallocated sites across the County and to make up the shortfall in new homes being delivered against the CDP trajectory. The HBF suggest that a regular update should be provided setting out the details of approved Policy 6 sites so that the location, size and delivery of these sites can be better understood. The benefit of such a monitoring process will be to identify the effectiveness of Policy 6 in addressing housing shortfalls.</p> <p>I trust that the Council will find this letter and the HBF letter of representation these useful as it progresses the SPDs and the delivery of the Local Plan. Together with the HBF, AHNE would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry; and would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.</p>	<p>The response to point no.17 of the HBF reps sets out of the status of the allocations owned by DCC, however, many of the DCC allocations have been sold; are out to market; or are likely to be marketed in the future.</p> <p>4) <u>Agree to a Policy 6 monitoring update</u> Information on how Policy 6 is performing is reported through the AMR.</p> <p>Noted.</p>
11	City of Durham Parish Council (Adam Shanley – Clerk to City of Durham Parish Council)	<p>Thank you for consulting the City of Durham Parish Council on the draft of this important Supplementary Planning Document (SPD).</p> <p>The City of Durham Parish Council commends the County Council’s initiative in producing a range of SPDs to provide a clearer definition of certain County Durham Plan policies and their interpretation at the planning stage.</p>	<p>Noted.</p>

		<p>The Parish Council wishes to make the following observations on this SPD.</p> <p>Question: Do You Agree with the proposed scope and content of the SPD?</p> <p>The Parish council is happy with the scope and content of the document.</p> <p>Question: Do you agree with the proposed scope that viability submissions are expected to take?</p> <p>This document should set out a commitment and an approach by the County Council on how it will assess each viability assessments submitted in support of new development. The results of that independent assessment should also be made public via the planning portal to allow consultees to judge this on its merits as opposed to simply being mentioned as a summary within the officer’s report.</p> <p>Consultees should also have the opportunity to comment on any viability assessment submitted by the applicant.</p> <p>Question: Do you agree with the proposed approach towards addressing housing need?</p> <p>The Parish Council does not support the current approach that affordable housing may be delivered in any part of County Durham as opposed to the area where the original development proposal is situated. For instance, there is a huge lack of affordable housing in Durham City and, should a major development be approved within the City of Durham Parish area, it must be delivered within the parish area or (in the case of other parts of the County which are unparished, within the same electoral division).</p> <p>Question: Do you agree with the approach towards Green Infrastructure provision?</p>	<p>Scope and Content</p> <p>Support noted.</p> <p>Scope of viability submissions</p> <p>The Spatial Policy Team embeds the viability advice received from CP Viability within a formal consultation response to Development Management on individual planning applications.</p> <p>Viability assessments received by the Council are made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available (Paragraph: 021 Reference ID: 10-021-20190509 of the PPG: https://www.gov.uk/guidance/viability).</p> <p>Approach towards addressing housing need</p> <p>The CDP and evidence base underpinning it (Strategic Housing Market Assessment (SHMA)) identifies County Durham as one housing market area. Any commuted sums collected towards affordable housing will be eligible to be spent countywide. Notwithstanding this, the development plan requires on-site affordable housing provision unless it can robustly justified why an off-site contribution should be permitted.</p> <p>Green Infrastructure</p> <p>Support noted.</p>
--	--	---	---

		<p>The Parish Council very much welcomes the approach that allotments must be provided on-site for developments of over 250 dwellings.</p> <p>Question: Do you agree with the approach towards Education provision?</p> <p>The SPD’s approach towards education provision appears to be generally positive. It is particularly encouraging to see that attention has been paid to special needs, as this is an important issue that affects many families in the area. However, we do have some concerns about the plan’s approach towards pupil yield. While we agree that it is important to consider the number of students in different categories, such as primary and secondary, it is also important to consider the unique characteristics of each community. For instance, the data provided in paragraph 9.8 may not accurately reflect the composition and balance of students in our local area, and further research may be necessary to ensure that the plan’s approach towards education provision is appropriate for our community – this should obviously include consultation with Parish Councils and Residents Associations.</p> <p>Question: Do you agree with the approach towards Health provision?</p> <p>The SPD’s approach towards health provision only considers general healthcare services such as GPs. However, we believe that other healthcare services such as dentistry, community nursing, mental health, opticians, and pharmacies are also important and should be considered. These services are often at the front line of healthcare provision in the community, and therefore their needs should not be overlooked.</p> <p>Question: Do you agree with the approach towards HRA mitigation?</p> <p>N/A</p>	<p>Education Provision</p> <p>The approach towards developer contributions for education in the SPD follows the same methodology as agreed by previously by the councils’ Cabinet. The council is of the view that since the introduction of the policy, it is working very well and contributions are regularly secured to ensure appropriate provision is provided.</p> <p>To ensure consistency and provided some level of clarity and certainty for developers, a generic pupil yield across the county must be applied. The current yield methodology was derived using intelligence from a number of housing developments across the county to try and get a balanced approached, taking into consideration localised differences within communities, towns and villages.</p> <p>As it is not possible to predict or ascertain the number of parents/families of a particular faith moving into a development, faith schools are not taken into consideration when considering the number of school places across pupil place planning areas.</p> <p>Health Provision</p> <p>Health services such as dental and optometry services are commissioned directly by NHS England.</p> <p>All matters relating to community pharmacy provision are dealt with in the County Durham Pharmaceutical Needs Assessment, which considers future demand based upon housing sites included within the County Durham Plan.</p> <p>Biodiversity Net Gain</p>
--	--	---	--

	<p>Question: Do you agree with the approach to the delivery of Biodiversity Net Gains?</p> <p>Overall, the City of Durham Parish Council agrees with the approach to the delivery of BNG. We would suggest that when a BNG cannot on be delivered on the development location it should be delivered in the same Parish or in the case of unparished areas in the same electoral district.</p> <p>Transport and digital infrastructure</p> <p>We would suggest developing a separate Supplementary Planning Document (SPD) for digital infrastructure that would cover various aspects, including 5G mobile rollout (e.g., monopoles), fibre-to-the-home (FTTH) services, and public community Wi-Fi networks. This would provide a coherent strategy for addressing these issues before they become unmanageable. While some aspects of digital infrastructure are covered by permitted development rights, having an overall strategy would ensure that the various components of digital infrastructure work together efficiently, and potential negative impacts are minimized.</p> <p>Overall, there is a need for a comprehensive strategy for digital infrastructure in County Durham, which would cover various aspects such as connectivity, access, and deployment. Developing an SPD for digital infrastructure could help achieve this goal, and it is worth considering further.</p>	<p>Onsite and local offsite Biodiversity Units must be the first option explored, however in their response to the 2022 BNG consultation the government sets out its position that: <i>'Where the available local opportunities for off-site habitat creation or enhancement are insufficient for developers to meet their net gain requirements, off-site delivery outside of their local area will be allowed'</i>. This approach is reflected in draft BNG Planning Practice Guidance. On this basis we could not require delivery based on parish and electoral area. There also may be practical reasons where this may not be possible, for example where there are no sites available to deliver Biodiversity Units within these boundaries.</p> <p>Transport and digital infrastructure</p> <p>There are no plans to produce an SPD relating to digital infrastructure. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) requires new residential and commercial development to be served by a high speed broadband connection.</p> <p>It is recognised that the installation of telecoms infrastructure would normally count as development and require planning permission. However, communications network operators have certain permitted development rights (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/16)</p> <p>Whether or not a mobile mast is permitted development will depend on its height and location. As of April 2022, new ground-based mobile masts up to 30 metres in non-protected areas and up to 25 metres in protected areas (such as conservation areas) are permitted</p>
--	---	--

			<p>https://www.gov.uk/government/news/new-laws-to-end-mobile-coverage-no-bar-blues).</p> <p>The NPPF states that planning policies and decisions should support the expansion of electronic communications networks (PDF), including of 5G mobile technology. The number of mobile masts should be “kept to a minimum”, but LPAs should not impose a ban on mobile masts in certain areas or insist on minimum distances between mobile masts and existing development. LPAs would not be allowed to ban masts within a certain distance of schools, for example.</p>
12	Historic England	<p>Historic England is the Government’s statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England’s historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.</p> <p>Thank you for consulting Historic England on the above document. At this stage we have no comments to make on its content.</p> <p>If you have any queries or would like to discuss anything further, please do not hesitate to contact me.</p>	Comments/Position noted.
13	Natural England	<p>Thank you for your consultation request on the above dated and received by Natural England on 24th February 2023.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p>	Noted.

	<p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>Natural England’s Response to Questions</p> <p>Question asked: Do you agree with the approach towards HRA mitigation?</p> <p>Natural England agrees with the approach set out towards HRA mitigation. However, the Habitats Site mentioned at point 12.34 is incorrect. This should reference the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site, not the River Tees Special Protection Area. For clarity, there is not a Habitats Site with that name.</p> <p>Question asked: Do you agree with the approach to the delivery of Biodiversity Net Gains?</p> <p>Natural England broadly agrees with the approach set out to deliver Biodiversity Net Gains. However, we recommend that your authority specifies a date prior to the commencement of mandatory Biodiversity Net Gain (November 2023) to review your policy and approach, as full guidance for how to comply with the requirements set out in the Environment Bill 2021 will be published in advance of this.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here (Strategic environmental assessment and sustainability appraisal - GOV.UK (www.gov.uk)). While SPDs are unlikely to give rise to likely significant effects on European</p>	<p>Habitat Regulation Assessment</p> <p>Noted and the name will be corrected.</p> <p>Biodiversity Net Gain</p> <p>Text has been added to be clear that guidance in the Viability SPD is in place until such a time as it is superseded by national guidance. The Council will produce a separate Biodiversity SPD which will include detailed guidance on BNG and this is cross-referenced.</p> <p>As highlighted Planning Practice Guidance states SPDs do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies. The SPD supplements policies in the County Durham Plan. The CDP was subject to Strategic Environmental Assessment/Habitats Regulations Assessment.</p>
--	--	--

		<p>Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Please send all planning consultations electronically to the consultation hub at: consultations@naturalengland.org.uk</p>	
14	NHS Property Services Ltd	<p>Thank you for the opportunity to comment on the council's Draft Development Viability, Affordable Housing and Financial Contributions Supplementary Planning Document ("SPD"). The following comments are submitted by NHS Property Services Limited ("NHSPS").</p> <p>Foreword</p> <p>NHSPS is wholly owned by the Department of Health and Social Care. NHSPS manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable, modern healthcare and working environments. NHSPS has a clear mandate to provide a quality service to its tenants and minimise the cost of the NHS estate to those organisations using it. Any savings made are passed back to the NHS.</p> <p>Background</p> <p>In April 2013, the Primary Care Trust and Strategic Health Authority estate transferred to NHSPS, Community Health Partnerships and NHS community health and hospital trusts. All organisations are looking to make more effective use of the health estate and support strategies to reconfigure healthcare services, improve the quality of care and ensure that the estate is managed sustainably and effectively.</p> <p>NHSPS support NHS commissioners to deliver a local health and public estate that can be put to better use. This includes identifying opportunities to reconfigure the estate to meet commissioning needs, as well as opportunities for delivering</p>	<p>Comments noted.</p> <p>Foreword</p> <p>Noted.</p> <p>Background</p> <p>Noted.</p>

		<p>new homes (and other appropriate land uses) on surplus sites. The ability to continually review the healthcare estate, optimise land use, and deliver health services from modern facilities is crucial. An important part of this is ensuring the NHS continues to receive S106 and Community Infrastructure Levy (CIL) developer contributions to mitigate the impacts of growth and help deliver transformation plans.</p> <p>Health Provision</p> <p>NHSPS supports the securing of S106 contributions towards vital healthcare infrastructure to mitigate site-specific impacts from proposed developments as outlined in Section 10 "Health Provision", this accords with the principles of sustainable development as set out in national and local planning policies. NHSPS highlight that flexibility regarding the means of mitigation (on-site delivery/ offsite financial contribution) is essential to ensure this aligns with the estate strategy of the NHS, especially on large scale developments.</p> <p>The review of patient list sizes to establish existing capacities and the use of census data to quantify the population uplift generated by proposed developments is supported as it is data which is publicly available. NHSPS further support the use of a floorspace based methodology for quantifying the financial contributions required, which enables a consistent approach to quantifying the S106 health provision requirements. The securing of financial contributions through a section 106 agreement and securing of a single payment, rather than phased payments is further supported, as this helps ensure the deliverability of the healthcare mitigation in time for the occupation of the development.</p> <p>NHSPS requests that the "Cost Guidance" section should be updated to reflect the comments set out below.</p> <p><u>Construction cost rate</u></p>	<p>Noted.</p> <p>Health Provision</p> <p>Support for securing s106 contributions is noted and welcomed.</p> <p>Support for review and cleansing of patient list data is noted.</p> <p>Support for securing contributions as a single payment is noted.</p> <p><u>Construction cost rate</u></p>
--	--	--	--

		<p>The draft SPD adopts a fixed construction cost rate of £3,000 per square metre, which appears to be associated with the cost of expanding existing facilities. NHSPS note that this figure looks out of date or potentially aligns more with the refurbishment/ adaptation of existing buildings. Based on NHSPS experience on healthcare infrastructure delivery, the assumption of £3,000 per square metre for expanding existing facilities is considered low and likely does not take into account the true costs associated with the delivery of the infrastructure. The adopted construction cost rate within the health obligation contribution should be revised to include all costs associated with the delivery of the healthcare infrastructure. This would typically include, but is not limited to:</p> <ul style="list-style-type: none"> • Base build cost; • Externals allowance; • Preliminaries; • Risk allowance such as general price and design risk; • Construction risk allowance; • Contractor’s overheads and profit; • Fit out allowance such as General Equipment/ IT/ Data; • Professional fees; • Carbon Allowance (if relevant to local area); and • Planning contingency. <p>It is further noted that as the provision of the healthcare infrastructure will likely be undertaken by the public sector, the build costs should therefore include an element of optimism bias as this is a standard required assumption for public sector build projects. NHSPS request that the current construction cost of £3,000 be reviewed and the draft SPD be clear that this figure should only be considered as a starting point, and that it should allow for updating to ensure it makes allowances for the above assumptions.</p> <p>Conclusion</p> <p>NHSPS are supportive of the securing of S106 Contributions towards vital healthcare infrastructure, the use of transparent datasets, and a floorspace based approach. However, NHSPS</p>	<p>The approach towards health provision was developed by evidence and data provided by NHS Property Services. The representation makes reference that the proposed cost of £3,000 per sqm is low, however, no evidence or details relating to alternative costs has been provided.</p> <p>It is also noted, that on current planning applications, responses from NHS Property Services are quoting a cost of £3,000 per sqm.</p> <p>Conclusion</p>
--	--	---	---

		<p>requests that the cost guidance is reviewed to ensure the mitigation required is reflective of the delivery cost associated with the healthcare infrastructure. This would ensure the Development Viability, Affordable Housing and Financial Contributions SPD effectively captures healthcare contributions and mitigates the impacts of development. NHSPS would welcome further engagement in relation to the above Draft Development Viability, Affordable Housing and Financial Contributions Supplementary Planning Document. Please contact us at town.planning@property.nhs.uk .</p>	<p>Support for securing contributions towards healthcare infrastructure is noted – and requirement for evidence to underpin requests from development.</p> <p>The costings within the SPD are in line with responses received from NHS Property Service to <i>actual</i> planning applications in County Durham.</p>
15	Banks Group	<p>Our main comments relating to the consultation on viability and developer contributions relate to the calculator for off-site affordable housing. We have recently come up against this policy whilst developing nine new dwellings at Mount Oswald, Durham City. The proposal qualified for affordable housing by dint of the site area. It was not practical to provide affordable housing on site because the properties were executive in scale. We found the method of calculating the sum extremely costly to our business. Had we not already owned this land outright it is very unlikely that we would have chosen to proceed with the development. If we needed to pay for the land we would have had to submit a viability report which is an extremely time consuming and uncertain process for a developer, particularly for smaller operators who are most likely to be affected by this policy. The independent work carried out on behalf of DCC regarding viability indicates that small sites in poorer market areas are already struggling to achieve viability. The effect of the calculator will, in our opinion, be to stifle small scale housing projects in the County. We recommend that there is a thorough review of the impact of this policy tool on site viability.</p> <p>Another point which we would like to raise is the reduction in builder profit between an earlier draft document and the current consultation draft (from 17.5% to 15%). Government guidance in Planning Practice Guidance note 10-018-20190509 states that this should be between 15 and 20%. We seriously question why Durham County Council would wish to pitch their policy at the very bottom of this range when it is acknowledged elsewhere by the council that viability is more marginal in</p>	<p>The development plan requires on-site affordable housing provision unless it can robustly justified why an off-site contribution should be permitted.</p> <p>The scheme at Mount Oswald was a scenario covered by para 7.16 (and footnote 23 referring to case law) of the SPD and that was the justification for requiring affordable housing. Off-site provision was accepted based on the justification for executive homes on site. To fulfil the requirements of the development plan, the financial contribution needed to be of a broadly equivalent value of developing or buying on the open market the same number of new properties of the size and type and in a similar location that would have been provided on site. The application site was within the highest viability area.</p> <p>The expectation is that developments must deliver affordable housing on site where required. The affordable housing calculator is most likely to be used for developments of between 6 and 9 units in designated rural areas. Schemes of that scale have a default of 15% return to developers which is consistent with the Local Plan viability evidence.</p>

		<p>Durham than in many other councils. We suggest that it should be a minimum of 17.5%.</p>	<p>Paragraph 7.37 does allow a deviation from this amount where robust justification is presented.</p>
<p>16</p>	<p>Lichfields on behalf of Theakston Land</p>	<p>Thank you for the opportunity to comment on the draft Development Viability, Affordable Housing and Financial Contributions Supplementary Planning Document (the 'SPD'). We are pleased to provide this Representation on behalf of Theakston Land and associated companies (our client). We have previously provided representations on the first round of consultation on behalf of our client. This representation provides updated comments following a review of the revised draft SPD which we discuss in turn below.</p> <p>Viability Testing</p> <p>Since our previous representations, we welcome that the Council has undertaken updated viability testing to assess what has changed in the housing market since the viability testing which informed the CDP was carried out.</p> <p>Whilst it is still not explicitly referenced in the SPD, it is also relevant to make clear that the phasing of infrastructure or delivery of other planning obligations needs to be considered against the cashflow of a development. This tends to be a common consideration with larger developments which include social infrastructure and other costly infrastructure requirements. In such instances a development is normally delivered in phases and the cashflow that is available at each phase is a critical consideration in determining the timing of infrastructure delivery.</p> <p>Addressing Housing Need</p> <p>Affordable Housing</p>	<p>Scope of submission noted.</p> <p>Viability Testing</p> <p>Noted.</p> <p>In scenarios of this nature, developers have the option of submitting cashflows of their development(s) for assessment. It also needs to be recognised that developers will be expected to properly finance their schemes to ensure that infrastructure is delivered when it is needed.</p> <p>Addressing Housing Need</p> <p>Affordable Housing</p>

		<p>Our client welcomes the amendments at paragraph 7.8 which now requires discounted market sales housing to have a discount of at least 20% in line with the requirements of the NPPF. Any increased discount over 20% would require additional local level justification.</p> <p>Paragraph 7.16 states that 'where a planning application is submitted for a development which forms part of a more substantial proposed development, on the same or adjoining land, an overall figure for affordable housing would be agreed at the outset for the entire site.' We would like to emphasise that this relates to a single planning application and not an entire site allocation where multiple applications may be coming forward. If it is the case where there are multiple applications on a single site, each application in relation to affordable housing should be policy compliant as a standalone development and should not rely on surrounding applications.</p> <p>Older Persons Housing</p> <p>Paragraph 7.49 recognises that the list of types of homes suitable for older people within Policy 15 is not exhaustive. The SPD would benefit from including additional guidance on the types of housing that could be considered suitable.</p> <p>Education Provision</p> <p>Paragraph 9.14 details the discussions and negotiations would be needed in regard to education provision in excess of 300 dwellings. Whilst our client acknowledges that these requirements are important to establish at the appropriate time, there is not a need to get into this level of detail to secure a financial contribution and trigger points at planning stage. This process will be time costly and will hold up planning applications beyond the statutory determination period. Our client is committed to working with the Council to establish the appropriate level of detail needed to calculate a financial</p>	<p>The discount to be applied to discounted market sale housing will be determined at the planning application stage when anticipated sales values are known, and an informed judgment can be made as to the level of discount needed based on local incomes to make the properties affordable.</p> <p>The way this operate in practice is that the allocation will deliver affordable housing in line with the requirements of Policy 15. It is assumed that the comment is made in respect of Sniperley Park (H5). The expectation is that Sniperley Park delivers 25% affordable housing across the whole allocation, and each detailed phase/reserved matters application is policy compliant in respect of delivering 25% affordable housing, recognising that people are in affordable need now.</p> <p>Older Person Housing</p> <p>The Housing Needs SPD covers older persons housing in more detail. Beyond those house types listed in the bullet points, the Council does not have examples of any additional house types.</p> <p>Education Provision</p> <p>The council is of the view that larger sites of in excess of 300 will usually be in development for sometime with pre-application undertaken and possibly master planning that will identify at early stage the likely mitigation requires, which will include education. It is further noted that as developers progress the finalisation of schemes, often housing numbers will change and as result so will the education mitigation requirements. It is also accepted that often developers will challenge the request from the council's Education Service and undertake their own assessment.</p>
--	--	---	--

		<p>contribution towards education and the appropriate trigger points.</p> <p>It is also proposed in the draft SPD that the S106 contribution should be a single payment rather than provided in stages. Whilst this may be more appropriate on smaller developments, the implications on viability for larger scale developments could significantly impact the deliverability of a site. This should therefore be reviewed on a site-by-site basis and take into account any phasing of developments.</p> <p>Health Provision</p> <p>Paragraph 10.17 details the discussions and negotiations that would be needed in regard to health provision in excess of 750 dwellings. Whilst our client acknowledges that these requirements are important to establish at the appropriate time, there is not a need to get into this level of detail to secure a financial contribution and trigger points at planning stage. This process will be time costly and will hold up planning applications beyond the statutory determination period.</p> <p>One of the criteria relates to “Can existing facilities be expanded”. In a scenario where a new health centre is provided, it is essential that this follows the planning obligation tests as set out in paragraph 57 of the NPPF.</p> <p>As with the education provision, it is also proposed in the draft SPD that the S106 contribution should be a single payment rather than provided in stages. Whilst this may be more appropriate on smaller developments, the implications on viability for larger scale developments could significantly impact the deliverability of a site. This should therefore be reviewed on a site-by-site basis and take into account any phasing of developments.</p>	<p>The council would continue to encourage developers to engage with them at the earliest possible opportunity as well as undertaking pre-application advice to assess what level of mitigation is required. This may enable developers to engage with the Department for Education where re-build school programmes are planned to allow mitigation to be planned in and possible reduce costs.</p> <p>The council needs surety at the time an application proceeds to planning that the contribution requested will be paid by the developer. It is therefore appropriate that this is determined at planning stage. Furthermore, the council needs to protect public finances and ensure that all Section 106 payments are made on a timely basis.</p> <p>Health Provision</p> <p>The council would encourage all developers to engage at the earliest opportunity via the pre-application service which can provide early comments and views from NHS Property Services as to likelihood of mitigation if required and how and when funding is required.</p> <p>The council needs surety at the time an application proceeds to planning that the contribution requested will be paid by the developer. It is therefore appropriate that this is determined at planning stage.</p> <p>Transport and Digital Infrastructure</p>
--	--	--	--

		<p>Our client is committed to working with the Council to establish the appropriate level of detail needed to calculate a financial contribution towards health and the appropriate trigger points.</p> <p>Transport and Digital Infrastructure</p> <p>We welcome the inclusion of 'where possible' to allow flexibility at paragraph 11.7 in line with Policy 21 of the CDP. Whilst our client has no objections to the objective in prioritising walking and cycling, any requirements on a development relating to improvements to offsite infrastructure need to satisfy the three tests as set out in paragraph 57 of the NPPF.</p> <p>Paragraphs 11.21-11.24 refer to the parking and accessibility SPD which we have previously made representations on.</p> <p>Habitat Regulations</p> <p>We have no comments to make on the strategy proposed regarding residential pressure on the protection of coastal sites. However, this is an opportunity to set out similar guidance surrounding the ways in which Nutrient Neutrality can be achieved in the Teesmouth and Cleveland Coast SPA/Ramsar sites.</p> <p>This issue is likely to have significant viability impacts on developments within the affected area of County Durham and clarity regarding the costs associated with this would provide certainty to developers in bringing forward sites in this area.</p> <p>Biodiversity Net Gains</p> <p>With respect to the requirement to achieve 10% Biodiversity Net Gain within major applications, we would suggest that this SPD is not an appropriate way to introduce this requirement within County Durham. Policy 41 of the CDP requires developments to achieve 'net gains' for biodiversity in line with the requirements of the NPPF. It should therefore not be the role of this SPD to dictate a specific figure when this is already</p>	<p>As set out at para 6.11 of the SPD, the Council encourage developers to engage in pre application discussions to ensure that the likely developer contributions are determined at an early stage in the planning process. As set out at para 4.8 of the SPD, the Council recognises that planning obligations must meet para 57 of the NPPF.</p> <p>The Parking and Accessibility SPD is separate to this SPD.</p> <p>Habitat Regulations</p> <p>The approach in relation to achieving Nutrient Neutrality is rapidly evolving and any guidance provided in the SPD would rapidly become out of date. The Council provides guidance on its planning application webpage where it can be updated with the latest information as required.</p> <p>Biodiversity Net Gains</p> <p>The Environment Act sets out a minimum 10% net gain requirement and amends the Town and Country Planning Act. The Act includes provision for secondary legislation. The secondary legislation could not deviate from the Act in terms of the 10% requirement. However, text in the SPD will be revised to clarify the 10% will become mandatory for major developments only in January 2024.</p> <p>The £20,000 figure is based on the DEFRA Biodiversity Net Gain: Market Analysis Study, which is considered the most robust evidence base at present. The Council has also undertaken an in-house exercise to calculate</p>
--	--	--	---

		<p>required by the NPPF and has the potential to change in the future.</p> <p>The forthcoming secondary legislation to secure 10% Biodiversity Net Gain is still anticipated. This should be awaited before adding any additional requirements over and above those set out in the independently examined Local Plan.</p> <p>We would therefore suggest removing the statement that for major development proposals the Council will be seeking to achieve a 10% Net Gain (paragraph 13.26) from the SPD.</p> <p>Paragraph 3.17 of the draft SPD sets out the cost of a Biodiversity Unit to be £20,000 based on the DEFRA Net Gain Proposals Consultation. This has increased since the previous draft which stated £15,000 (the upper range of the tariff proposed by DEFRA). Indeed, the DEFRA consultation states that 'We estimate that a tariff on biodiversity units, which meets the principles listed above, might be set between £9,000 and £15,000 per biodiversity unit'. The tariff also indicates that there is likely to be some variation on a site-by-site basis and the type of habitat which is sought. We therefore consider it inappropriate to include a figure in this SPD. Further research and clarification both through DEFRA and on a more local scale on the true cost of a Biodiversity Unit and the impact on viability should be undertaken before including the figure within the SPD.</p> <p>We would like to again thank you for the opportunity to comment on the draft SPD on behalf of our client and would be happy to discuss anything detailed in our response further with you.</p>	<p>the cost of delivering a Biodiversity Unit on its land and maintenance for a 30 year period. It found this to be a fair reflection of the cost. The £20,000 relates to the anticipated cost of a Council-led scheme should it become a delivery provider and is just one option. It will be an open market and developers could use delivery providers (a third-party organisation or broker who will create or restore and manage habitats) will set their own Biodiversity Unit price. However, it is not necessary for the Council to stipulate its price for a Biodiversity Unit in the SPD and reference has been removed.</p>
17	DPP on behalf Durham University	<p>The Development Viability, Affordable Housing and Financial Contributions SPD sets out the Council's approach to determining and securing developer contributions for new development (such as housing) across the county. We understand it is intended to provide information on how CDP Policy 25 and other policies requiring affordable housing or specific infrastructure will be interpreted and applied. The SPD confirms that student accommodation requires assessment for</p>	Noted.

		<p>open space needs at section 8.15, and assessment for nutrient neutrality at section 12.35. It also includes more formal clarity on calculations and viability testing.</p> <p><u>Open Space</u></p> <p>The SPD specifies at section 8.15 that for Student Accommodation proposals, the average multiplier figure of 2.2 (based on average household size in County Durham) should be adjusted to 1. As such, in working practice for example on a proposed PBSA scheme comprising of 250 units, the Council would require on-site provision of each open space typology on-site in line with the requirements set out within Tables 16 and 19. If on-site provision was however demonstrated to be unfeasible, the contribution for off-site provision (to contribute towards the improvement of existing open space elsewhere) would be calculated for 250 people (250 x 1) at a total of £197,625 (£790.50 x 250).</p> <p>Durham University consider that University affiliated PBSA development should be exempt from open space calculations given the provision the University offers in respect of open space and sport across the Estate and within proximity of the proposed development. Additionally, the University has its own requirements for open space associated with PBSA accommodation, which is tailored to the need of occupants.</p> <p>Durham University welcome the adjustment of the average multiplier for student accommodation to 1, if appropriate on-site open space cannot be provided for unaffiliated PBSA development. However, in respect of the requirements for on-site open space and contributions towards off-site open space, it seems that the calculation would require PBSA to provide play space (children) or play space (youth). No PBSA, whether University affiliated or externally provided should need to provide these types of open space as they are not appropriate to the developments and should be excluded from calculations for such developments.</p>	<p><u>Open Space</u></p> <p>Noted.</p> <p>PBSA which provides the requisite amount of on-site provision for its residents would not be expected to also provide contributions towards improving facilities off-site, as that would be tantamount to double counting.</p> <p>Support for adjusting the household multiplier from 2.2 persons (2021 average household size) to 1 persons is noted.</p> <p>On past planning applications where contributions have been sought the requirements for play space for children/youth was omitted in recognition of this issue.</p> <p><u>Viability Testing</u></p>
--	--	---	---

		<p><u>Viability Testing</u></p> <p>At section 6, the SPD confirms that an 'open book' viability assessment will be required in instances where viability issues are used to demonstrate that schemes should provide below policy compliant levels of developer contributions.</p> <p>It goes on to specify that the Council expects a viability assessment to take the form of a written report which includes evidence in relation to:</p> <ul style="list-style-type: none"> • Details of all costs to be incurred, including acquisition, site preparation, external works and infrastructure, construction, abnormal costs (supported by site investigation reports), level of contingency, finance/interest costs, professional fees, marketing costs, agency fees, legal costs and disposal fees. • Details of future sales values (market and affordable housing) with market evidence in support of these sale values, or anticipated rental income. • Provide a conclusive opinion on whether the obligations being sought would make the development unviable or not. <p>It further confirms that in instances where the developer does not provide sufficient or adequate information for the Council to make a satisfactory assessment the developer will be advised what further information is required.</p> <p>At section 6.6 and 6.7 it is stated that if the Council agrees with an applicant's demonstration that a scheme is unviable and developer contributions are reduced on viability grounds as a result, the Council may seek the inclusion of a viability review mechanism and overage clause in the S106 agreement. This will ensure that viability can be reassessed at a later date, with more up to date evidence, that may show that the scheme ended up being more profitable than was originally predicted at the planning application stage, based on the evidence used at the time of the original assessment.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
--	--	---	---

		<p>As set out within Planning Practice Guidance (Paragraph: 009 Reference ID: 10-009-20190509) '<i>Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies</i>'.</p> <p>The SPD should be updated to include further detail on proposed review mechanisms, including process and terms of engagement, as recommended withing PPG.</p> <p><u>Health Provision</u></p> <p>It is not clear if PBSA development would be required to make contributions towards health development. The draft SPD refers to calculations based on number of dwellings, so it is assumed not, however this should be clarified.</p> <p>Notwithstanding that we don't consider that Durham University should be liable for health provision as part of PBSA proposals; the University, lead by The Student Support and Wellbeing Directorate, already provides a range of health services and facilities for students including 24 hour Crisis Support, Disability Support and a Counselling and Mental Health Service. These teams are staffed by trained and experience practitioners to help students manage any difficulties they face and are available free of charge, all year round to all students.</p> <p>Additionally, the University have a close working relationship with the Claypath and University GP practice to ensure that there is suitable capacity for University students to register with a GP on arrival at Durham.</p> <p>If University developments are deemed to be liable, the multiplier should be adjusted down from 2.2 to 1, to reflect</p>	<p>Noted.</p> <p>In instances where a viability case has been presented and accepted, the review trigger points will be set out within the s106 agreement, reflecting the advice contained within para 6.10 of the SPD.</p> <p><u>Health Provision</u></p> <p>The council accepts that where PBSA applications are based on single occupancy that a multiplier of 1 will be used instead on the 2:2 as per the Census.</p> <p>All applications for PBSA will be consulted with the NHS to determine if the development will have an impact upon the health provision and the appropriate mitigation required.</p> <p>The council has previously worked with developers of PBSA and the NHS to secure contributions to mitigate against any health requirements.</p>
--	--	--	---

		<p>single occupancy of student rooms (as with the open space requirement calculations).</p> <p><u>Transport</u></p> <p>The University welcomes that the SPD recognises that each development should be assessed on its own merits and the University consider it important that all developments prioritise active travel from the site to local employment, educational and transport hubs.</p> <p>Durham University has an overarching integrated sustainable travel plan and the University encourages and promotes the use of sustainable modes of travel. Corporate discount schemes are in place for rail and bus travel and the University also has its own online car share scheme, EVCPs are available across the estate for staff, students and visitors. Additionally cycle routes are provided across the estate, alongside secure bike storage facilities.</p> <p>Consequently, the SPD should recognise the investment and positive promotion of sustainable travel made by Durham University and take this into account in any calculations and financial contributions sought.</p> <p><u>General comments</u></p> <p>More generally on all new development it would be helpful if the SPD provided more formal clarity on suggested calculations and viability testing of all contributions to ensure earlier visibility and a more accurate understanding of likely associated development costs.</p>	<p><u>Transport</u></p> <p>Noted.</p> <p>Noted and welcomed.</p> <p>Noted, and future each planning application for development will be considered on its individual merits, taking account of all factors at that time.</p> <p><u>General comments</u></p> <p>As set out at paragraph 6.11 of the SPD, the Council encourages developers to engage in pre-application discussions to ensure that the likely developer contributions are determined at an early stage in the planning process.</p>
18	Gilesgate Residents; Association (Richard J L Hornby)	Question 1: Do you agree with the proposed scope and content of the SPD? Please give reasons for your answers.	Question 1

		<p>We agree with the proposed scope and content of the SPD. The scope appears to be appropriately broad, covering topics such as affordable housing, community facilities, and green infrastructure. These are important areas of concern for our local communities and should be addressed through S106 agreements.</p> <p>Furthermore, we believe it is crucial that S106 monies are disbursed transparently and accountably. This will help ensure that the funds are used effectively and that the public can have confidence in the development process. It is also important that there are mechanisms in place to review the use of these funds and to ensure that they are being used in line with the agreed-upon terms.</p> <p>Question 2: Do you agree with the proposed scope that viability submissions are expected to take? Please give reasons for your answers.</p> <p>We suggest that the proposed scope for viability submissions should be adjusted to reflect more appropriate geographic boundaries for certain areas such as affordable housing, health, transport, and digital infrastructure. Specifically, although referred to generally in the County Durham Plan and SHMA, we believe that it is not appropriate to consider the entire county of Country Durham as a single housing market, as there are significant differences in affordability and demand across different regions and electoral divisions. Instead, a more targeted approach could be taken that covers adjacent electoral divisions or areas after engaging with relevant stakeholders such as parish councils, residents' associations, and the neighbourhood plan process.</p> <p>Similarly, when considering health, transport, and digital infrastructure, it is necessary to refine the geographic scope to reflect the specific needs and characteristics of these services. For example, health services may need to be analysed on a more local level to account for variations in demographics and health outcomes, while transport infrastructure could be evaluated based on commuting patterns and congestion</p>	<p>Noted.</p> <p>Noted, and as set out within Section 5 of the SPD, details on developer contributions received and spent is set out, together with how contributions will be allocated/prioritised and the geography of where s106 monies will be spent.</p> <p>Question 2</p> <p>Viability submissions for individual sites will be expected to include information specific to the proposal under consideration.</p> <p>County Durham as one Strategic Housing Market Area (SHMA) was tested through the Examination in Public (EiP) of the CDP and found sound by the Inspector appointed on behalf of the Secretary of State (SoS).</p> <p>Table 1 within Chapter 5 of the SPD sets out the geographical extent of where different types of infrastructure will be spent.</p>
--	--	---	---

		<p>hotspots. Digital infrastructure could also be assessed based on factors such as broadband speeds and access to technology, which vary widely depending on the location.</p> <p>Regarding paragraph 5.5 on the proposed strategic investment group, it is worth noting that such a group would likely have a core membership consisting of key decisionmakers and stakeholders. As mentioned, the group may be led by the cabinet lead for regeneration, but it could also include other important local councillors who have a vested interest in the economic development and growth of their respective areas.</p> <p>It is essential that the strategic investment group comprises individuals with a range of expertise and perspectives to ensure that decisions are made in a balanced and informed manner. This could also include representatives from business organisations, community groups, academic institutions, and other relevant bodies.</p> <p>In terms of social value (as discussed in paragraphs 5.8 to 5.10), it is encouraging to see that the plan recognizes the importance of considering social and environmental factors alongside economic considerations. This approach is consistent with the principles of sustainable development and can help to ensure that the benefits of development are shared equitably among all members of the community.</p> <p>There should be a role for parish councils, residents' associations, and neighbourhood plan working groups in helping to define what social value means in the context of the local area and how it can be measured and assessed. These groups can provide valuable insights into the needs and priorities of the local community and help to ensure that development projects align with these values.</p> <p>Question 3: Do you agree with the proposed approach towards addressing housing need? Please give reasons for your answers</p>	<p>Noted.</p> <p>It is the case that the s106 'Strategic Investment Group' includes representations of all the relevant departments as well as Members.</p> <p>Noted, and the balancing of economic, social and environmental considerations is embedded into the CDP.</p> <p>Noted. Applicant's in undertaking pre-application discussions for their proposals will be expected to incorporate the views of the local community, and this can include on matters relating to Social Value.</p> <p>Question 3</p>
--	--	---	--

		<p>This aspect is most important to us. While we may not qualify as a rural area, meaning accepting the development threshold of 10 units, the proposed approach towards addressing housing needs does seem reasonable, although it is challenging for a nontechnical person understand worked examples. We believe, however, that there is an importance to take a more targeted approach that reflects the unique characteristics of each area. As previously discussed in response to Q2, it is not appropriate to view County Durham as a single housing market, and a more targeted approach that covers adjacent electoral divisions or areas is necessary. It is important that the SPD takes this into account and recognizes the importance of tailoring housing development to the specific needs and preferences of different communities. Furthermore, it is important that there is emphasis on housing for the elderly, given the demographic shifts taking place in our areas. It is essential that housing policy considers the needs of all members of the community, including the elderly, to ensure that development is inclusive and equitable.</p> <p>Question. Do you agree with the approach towards Green Infrastructure provision? Please give reasons for your answers</p> <p>The SPD's section on Green Infrastructure is positive development, as it recognizes the important role that natural spaces play in promoting health and wellbeing and creating sustainable, liveable communities. The approach appears to be comprehensive and well considered, with a range of measures designed to protect and enhance natural spaces. It is, however, of note, that there are significant policies relating to the installation of new trees and planting, however the Council's existing policy on tree pruning and maintenance was due for review and revision in July 2020, and this has not taken place. We feel that this is equally – if not more – important for ensuring appropriate maintenance of biodiversity in our community.</p>	<p>Noted.</p> <p>Position on SHMA and one housing market area is noted, however, see earlier point which confirms the approach was ratified by the Independent Inspector who examined the CDP.</p> <p>It is recognised that schemes should deliver mixed and balanced communities, with the CDP requiring an appropriate mix of dwelling types and sizes, and both affordable and housing for older people within development proposals.</p> <p>Question 4</p> <p>Comments noted, and the Tree Management Policy was reviewed in July 2020 and is currently undergoing a second review (between July to September 2023).</p> <p>Question 5. Education</p>
--	--	---	---

	<p>Question. Do you agree with the approach towards Education provision? Please give reasons for your answers</p> <p>The SPD’s approach towards education provision appears to be generally positive. It is particularly encouraging to see that attention has been paid to special needs, as this is an important issue that affects many families in the area. However, we do have some concerns about the plan's approach towards pupil yield. While we agree that it is important to consider the number of students in different categories, such as primary and secondary, it is also important to consider the unique characteristics of each community. For instance, the data provided in paragraph 9.8 may not accurately reflect the composition and balance of students in our local area, and further research may be necessary to ensure that the plan's approach towards education provision is appropriate for our community – this should obviously include consultation with Parish Councils and Residents Associations. We also feel that it is important to consider faith schools within the SPD: they should be included in any assessment of pupil yield and their unique needs and requirements should be considered.</p> <p>Question. Do you agree with the approach towards Health provision? Please give reasons for your answers.</p> <p>Firstly, we wish to emphasise the need for local consultation to determine the specific healthcare needs of the community. While the plan has used NHS data to inform its approach towards health provision, it is important to remember that healthcare needs can vary widely depending on factors such as age, ethnicity, and socio-economic status. Therefore, it is essential that residents and stakeholders are given the opportunity to contribute to the development of healthcare services in the area.</p> <p>Secondly, we feel that the plan's approach towards disbursements for health provision could be improved. While a lump sum may be appropriate for some developments, we believe that patient health is a longer-term concern that should</p>	<p>Comments noted.</p> <p>The approach towards developer contributions for education in the SPD follows the same methodology as agreed by previously by the councils’ Cabinet. The council is of the view that since the introduction of the policy, it is working very well and contributions are regularly secured to ensure appropriate provision is provided.</p> <p>To ensure consistency and provided some level of clarity and certainty for developers, a generic pupil yield across the county must be applied. The current yield methodology was derived using intelligence from a number of housing developments across the county to try and get a balanced approached, taking into consideration localised differences within communities, towns and villages.</p> <p>As it is not possible to predict or ascertain the number of parents/families of a particular faith moving into a development, faith schools are not taken into consideration when considering the number of school places across pupil place planning areas.</p> <p>Question 6. Health Provision</p> <p>The SPD looks to introduce a standardised approach for the collection of contributions from developers to mitigate against their development. The approach uses local information from the Census and NHS data. It is important to have regard to legislation that states an LPA can only secure contributions that are:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms;
--	--	--

		<p>receive significant ongoing investment from future developers. For instance, we suggest that developers could be required to contribute towards healthcare provision for a period of 25 years, rather than a one-time lump sum.</p> <p>Thirdly, we note that the plan's approach towards health provision only considers general healthcare services such as GPs. However, we believe that other healthcare services such as dentistry, community nursing, mental health, opticians, and pharmacies are also important and should be considered. These services are often at the front line of healthcare provision in the community, and therefore their needs should not be overlooked.</p> <p>Finally, we suggest that larger developments should include investment for walk-in centres to provide immediately accessible healthcare to residents. This could help to reduce pressure on existing healthcare services and provide more convenient access to healthcare for residents of new developments.</p> <p>Do you have any comments on the Transport and Digital Infrastructure Section?</p> <p>Regarding paragraph 11.25, it seems that there is a concern about the adequacy of the County Durham Plan for digital infrastructure. We would suggest developing a separate Supplementary Planning Document (SPD) for digital infrastructure that would cover various aspects, including 5G mobile rollout (e.g., monopoles), fibre-to-the-home (FTTH) services, and public community Wi-Fi networks.</p> <p>This would provide a coherent strategy for addressing these issues before they become unmanageable. While some aspects of digital infrastructure are covered by permitted development rights, having an overall strategy would ensure that the various components of digital infrastructure work together efficiently, and potential negative impacts are minimized.</p>	<ul style="list-style-type: none"> • directly related to the development; and • fairly and reasonably related in scale and kind to the development. <p>With regards to health services such as dental and optometry services, these are commissioned directly by NHS England. All matters relating to community pharmacy provision are dealt with in the County Durham Pharmaceutical Needs Assessment, which considers future demand based upon housing sites included within the County Durham Plan.</p> <p>Contributions secured via Section 106 are based upon the requirements of healthcare providers, whose decisions on how monies are spent/invested will be based upon their own assessment of need. Therefore, the make-up of these facilities/increased provision is not within the direct remit of this SPD.</p> <p>Whilst local joint strategic needs assessments consider the future health and care needs of a local population to inform/guide the planning and commissioning of healthcare services, commissioners and providers of NHS services are responsible for decisions on what specific healthcare provision/infrastructure is required to meet these needs.</p> <p>Transport and Digital Infrastructure</p> <p>There are no plans to produce an SPD relating to digital infrastructure. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) requires new residential and commercial development to be served by a high speed broadband connection.</p> <p>It is recognised that the installation of telecoms infrastructure would normally count as development</p>
--	--	---	--

		<p>Overall, it seems that there is a need for a comprehensive strategy for digital infrastructure in County Durham, which would cover various aspects such as connectivity, access, and deployment. Developing an SPD for digital infrastructure could help achieve this goal, and it is worth considering further.</p> <p>Question: Do you agree with the approach to the delivery of Biodiversity Net Gains? Please give reasons for your answers</p> <p>We feel that this approach is sufficient, and that it is generally a good idea.</p>	<p>and require planning permission. However, communications network operators have certain permitted development rights (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/16)</p> <p>Whether or not a mobile mast is permitted development will depend on its height and location. As of April 2022, new ground-based mobile masts up to 30 metres in non-protected areas and up to 25 metres in protected areas (such as conservation areas) are permitted (https://www.gov.uk/government/news/new-laws-to-end-mobile-coverage-no-bar-blues).</p> <p>The NPPF states that planning policies and decisions should support the expansion of electronic communications networks (PDF), including of 5G mobile technology. The number of mobile masts should be “kept to a minimum”, but LPAs should not impose a ban on mobile masts in certain areas or insist on minimum distances between mobile masts and existing development. LPAs would not be allowed to ban masts within a certain distance of schools, for example.</p> <p>Biodiversity Net Gains</p> <p>Comments noted.</p>
19	Belmont Parish Council (Shirley Overton Parish Clerk)	<p>Question 1: Do you agree with the proposed scope and content of the SPD? Please give reasons for your answers.</p> <p>We agree with the proposed scope and content of the SPD. The scope appears to be appropriately broad, covering topics such as affordable housing, community facilities, and green infrastructure. These are important areas of concern for our local communities and should be addressed through S106 agreements.</p>	<p>Question 1</p> <p>Noted.</p>

Furthermore, we believe it is crucial that S106 monies are disbursed transparently and accountably. This will help ensure that the funds are used effectively and that the public can have confidence in the development process. It is also important that there are mechanisms in place to review the use of these funds and to ensure that they are being used in line with the agreed-upon terms.

Question 2: Do you agree with the proposed scope that viability submissions are expected to take? Please give reasons for your answers.

We suggest that the proposed scope for viability submissions should be adjusted to reflect more appropriate geographic boundaries for certain areas such as affordable housing, health, transport, and digital infrastructure. Specifically, although referred to generally in the County Durham Plan and SHMA, we believe that it is not appropriate to consider the entire county of County Durham as a single housing market, as there are significant differences in affordability and demand across different regions and electoral divisions. Instead, a more targeted approach could be taken that covers adjacent electoral divisions or areas after engaging with relevant stakeholders such as parish councils, residents' associations, and the neighbourhood plan process.

Similarly, when considering health, transport, and digital infrastructure, it is necessary to refine the geographic scope to reflect the specific needs and characteristics of these services. For example, health services may need to be analysed on a more local level to account for variations in demographics and health outcomes, while transport infrastructure could be evaluated based on commuting patterns and congestion hotspots. Digital infrastructure could also be assessed based on factors such as broadband speeds and access to technology, which vary widely depending on the location.

Regarding paragraph 5.5 on the proposed strategic investment group, it is worth noting that such a group would likely have a core membership consisting of key decision-makers and

Noted, and as set out within Section 5 of the SPD, details on developer contributions received and spent is set out, together with how contributions will be allocated/prioritised and the geography of where s106 monies will be spent.

Question 2

Viability submissions for individual sites will be expected to include information specific to the proposal under consideration.

County Durham as one Strategic Housing Market Area (SHMA) was tested through the Examination in Public (EiP) of the CDP and found sound by the Inspector appointed on behalf of the Secretary of State (SoS).

Table 1 within Chapter 5 of the SPD sets out the geographical extent of where different types of infrastructure will be spent.

Noted.

		<p>stakeholders. As mentioned, the group may be led by the cabinet lead for regeneration, but it could also include other important local councillors who have a vested interest in the economic development and growth of their respective areas.</p> <p>It is essential that the strategic investment group comprises individuals with a range of expertise and perspectives to ensure that decisions are made in a balanced and informed manner. This could also include representatives from business organisations, community groups, academic institutions, and other relevant bodies.</p> <p>In terms of social value (as discussed in paragraphs 5.8 to 5.10), it is encouraging to see that the plan recognizes the importance of considering social and environmental factors alongside economic considerations. This approach is consistent with the principles of sustainable development and can help to ensure that the benefits of development are shared equitably among all members of the community.</p> <p>There should be a role for parish councils, residents' associations, and neighbourhood plan working groups in helping to define what social value means in the context of the local area and how it can be measured and assessed. These groups can provide valuable insights into the needs and priorities of the local community and help to ensure that development projects align with these values.</p> <p><i>It is also worth considering incorporating the term "social value" into the neighbourhood plan, as this can help to raise awareness of its importance and ensure that it is given due consideration in all relevant decision-making processes. This could help to create a more transparent and accountable planning system that is better equipped to balance the interests of different stakeholders and support sustainable, inclusive development.</i></p>	<p>It is the case that the s106 'Strategic Investment Group' includes representations of all the relevant departments as well as Members.</p> <p>Noted, and the balancing of economic, social and environmental considerations is embedded into the CDP.</p> <p>Noted. Applicant's in undertaking pre-application discussions for their proposals will be expected to incorporate the views of the local community, and this can include on matters relating to Social Value.</p> <p>Noted, and groups developing the Neighbourhood Plan will be able to cover Social Value.</p> <p>Question 3</p>
--	--	--	---

		<p>Question 3: Do you agree with the proposed approach towards addressing housing need? Please give reasons for your answers</p> <p>This aspect is most important to us. While we may not qualify as a rural area, meaning accepting the development threshold of 10 units, the proposed approach towards addressing housing needs does seem reasonable, although it is challenging for a non-technical person understand worked examples. We believe, however, that there is an importance to take a more targeted approach that reflects the unique characteristics of each area.</p> <p>As previously discussed in response to Q2, it is not appropriate to view County Durham as a single housing market, and a more targeted approach that covers adjacent electoral divisions or areas is necessary. It is important that the SPD takes this into account and recognizes the importance of tailoring housing development to the specific needs and preferences of different communities.</p> <p>Furthermore, it is important that there is emphasis on housing for the elderly, given the demographic shifts taking place in our areas. It is essential that housing policy considers the needs of all members of the community, including the elderly, to ensure that development is inclusive and equitable.</p> <p>Question. Do you agree with the approach towards Green Infrastructure provision? Please give reasons for your answers</p> <p>The SPD’s section on Green Infrastructure is positive development, as it recognizes the important role that natural spaces play in promoting health and wellbeing and creating sustainable, liveable communities. The approach appears to be comprehensive and well-considered, with a range of measures designed to protect and enhance natural spaces.</p>	<p>Noted.</p> <p>Position on SHMA and one housing market area is noted, however, see earlier point which confirms the approach was ratified by the Independent Inspector who examined the CDP.</p> <p>It is recognised that schemes should deliver mixed and balanced communities, with the CDP requiring an appropriate mix of dwelling types and sizes, and both affordable and housing for older people within development proposals.</p> <p>Question 4</p> <p>Comments noted, and the Tree Management Policy was reviewed in July 2020 and is currently undergoing a second review (between July to September 2023).</p>
--	--	---	---

It is, however, of note, that there are significant policies relating to the installation of new trees and planting, however the Council's existing policy on tree pruning and maintenance was due for review and revision in July 2020, and this has not taken place. We feel that this is equally – if not more – important for ensuring appropriate maintenance of biodiversity in our community.

Question. Do you agree with the approach towards Education provision? Please give reasons for your answers

The SPD's approach towards education provision appears to be generally positive. It is particularly encouraging to see that attention has been paid to special needs, as this is an important issue that affects many families in the area.

However, we do have some concerns about the plan's approach towards pupil yield. While we agree that it is important to consider the number of students in different categories, such as primary and secondary, it is also important to consider the unique characteristics of each community. For instance, the data provided in paragraph 9.8 may not accurately reflect the composition and balance of students in our local area, and further research may be necessary to ensure that the plan's approach towards education provision is appropriate for our community – this should obviously include consultation with Parish Councils and Residents Associations. We also feel that it is important to consider faith schools within the SPD: they should be included in any assessment of pupil yield and their unique needs and requirements should be considered.

Question. Do you agree with the approach towards Health provision? Please give reasons for your answers.

Firstly, we wish to emphasise the need for local consultation to determine the specific healthcare needs of the community. While the plan has used NHS data to inform its approach towards health provision, it is important to remember that healthcare needs can vary widely depending on factors such as

Question 5. Education

Comments noted.

The approach towards developer contributions for education in the SPD follows the same methodology as agreed by previously by the councils' Cabinet. The council is of the view that since the introduction of the policy, it is working very well and contributions are regularly secured to ensure appropriate provision is provided.

To ensure consistency and provided some level of clarity and certainty for developers, a generic pupil yield across the county must be applied. The current yield methodology was derived using intelligence from a number of housing developments across the county to try and get a balanced approach, taking into consideration localised differences within communities, towns and villages.

As it is not possible to predict or ascertain the number of parents/families of a particular faith moving into a development, faith schools are not taken into consideration when considering the number of school places across pupil place planning areas.

Question 6. Health Provision

The SPD looks to introduce a standardised approach for the collection of contributions from developers to

	<p>age, ethnicity, and socio-economic status. Therefore, it is essential that residents and stakeholders are given the opportunity to contribute to the development of healthcare services in the area.</p> <p>Secondly, we feel that the plan's approach towards disbursements for health provision could be improved. While a lump sum may be appropriate for some developments, we believe that patient health is a longer-term concern that should receive significant ongoing investment from future developers. For instance, we suggest that developers could be required to contribute towards healthcare provision for a period of 25 years, rather than a one-time lump sum.</p> <p>Thirdly, we note that the plan's approach towards health provision only considers general healthcare services such as GPs. However, we believe that other healthcare services such as dentistry, community nursing, mental health, opticians, and pharmacies are also important and should be considered. These services are often at the front line of healthcare provision in the community, and therefore their needs should not be overlooked.</p> <p>Finally, we suggest that larger developments should include investment for walk-in centres to provide immediately accessible healthcare to residents. This could help to reduce pressure on existing healthcare services and provide more convenient access to healthcare for residents of new developments.</p> <p>Do you have any comments on the Transport and Digital Infrastructure Section?</p> <p>Regarding paragraph 11.25, it seems that there is a concern about the adequacy of the County Durham Plan for digital infrastructure. We would suggest developing a separate Supplementary Planning Document (SPD) for digital infrastructure that would cover various aspects, including 5G</p>	<p>mitigate against their development. The approach uses local information from the Census and NHS data. It is important to have regard to legislation that states an LPA can only secure contributions that are:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development. <p>With regards to health services such as dental and optometry services, these are commissioned directly by NHS England. All matters relating to community pharmacy provision are dealt with in the County Durham Pharmaceutical Needs Assessment, which considers future demand based upon housing sites included within the County Durham Plan.</p> <p>Contributions secured via Section 106 are based upon the requirements of healthcare providers, whose decisions on how monies are spent/invested will be based upon their own assessment of need. Therefore, the make-up of these facilities/increased provision is not within the direct remit of this SPD.</p> <p>Whilst local joint strategic needs assessments consider the future health and care needs of a local population to inform/guide the planning and commissioning of healthcare services, commissioners and providers of NHS services are responsible for decisions on what specific healthcare provision/infrastructure is required to meet these needs.</p> <p>Transport and Digital Infrastructure</p> <p>There are no plans to produce an SPD relating to digital infrastructure. Policy 27 (Utilities,</p>
--	---	--

		<p>mobile rollout (e.g., monopolies), fibre-to-the-home (FTTH) services, and public community Wi-Fi networks.</p> <p>This would provide a coherent strategy for addressing these issues before they become unmanageable. While some aspects of digital infrastructure are covered by permitted development rights, having an overall strategy would ensure that the various components of digital infrastructure work together efficiently, and potential negative impacts are minimized.</p> <p>Overall, it seems that there is a need for a comprehensive strategy for digital infrastructure in County Durham, which would cover various aspects such as connectivity, access, and deployment. Developing an SPD for digital infrastructure could help achieve this goal, and it is worth considering further.</p> <p>Question: Do you agree with the approach to the delivery of Biodiversity Net Gains? Please give reasons for your answers</p> <p>We feel that this approach is sufficient, and that it is generally a good idea.</p>	<p>Telecommunications and Other Broadcast Infrastructure) requires new residential and commercial development to be served by a high speed broadband connection.</p> <p>It is recognised that the installation of telecoms infrastructure would normally count as development and require planning permission. However, communications network operators have certain permitted development rights (https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/16)</p> <p>Whether or not a mobile mast is permitted development will depend on its height and location. As of April 2022, new ground-based mobile masts up to 30 metres in non-protected areas and up to 25 metres in protected areas (such as conservation areas) are permitted (https://www.gov.uk/government/news/new-laws-to-end-mobile-coverage-no-bar-blues).</p> <p>The NPPF states that planning policies and decisions should support the expansion of electronic communications networks (PDF), including of 5G mobile technology. The number of mobile masts should be "kept to a minimum", but LPAs should not impose a ban on mobile masts in certain areas or insist on minimum distances between mobile masts and existing development. LPAs would not be allowed to ban masts within a certain distance of schools, for example.</p> <p>Biodiversity Net Gains</p> <p>Comments noted.</p>
20	John Ashby (City of Durham Trust)	Question 1 - Do you agree with the proposed scope and content of the SPD?	Question 1

		<p>I am responding on behalf of the City of Durham Trust. The Trust agrees with the components listed but advises that some mention should be made here as to why transport is not included for contributions towards delivering the sustainable transport requirements of Policy 21 and for mitigating adverse impacts on traffic and transport, as set out in Chapter 11 of this SPD.</p> <p>Question 2 - Do you agree with the proposed scope that viability submissions are expected to take?</p> <p>The Trust agrees and is particularly glad to see the clarifications in paragraph 6.4 that developers cannot plead ignorance of the requirements of the County Durham Plan or claim abnormal development costs. These arguments have wrongly played a regrettable part in decisions of the County Council’s planning committees. From experience, the Trust also considers that independent viability assessments can be questionable; whilst we welcome the County Council commissioning viability assessments separate from the applicants submissions, the Trust believes that objectors should be allowed, in principle, to submit their own viability assessments.</p> <p>Question 3 - Do you agree with the proposed approach towards addressing housing need?</p> <p>The Trust congratulates the County Council on this extensive and detailed methodology. We have not checked the calculations but fully support the principles of the assessment calculators. Provided that no policy variations would be alleged, the Trust suggests that off-site affordable housing should be within the same sub-area of the County as the application site rather than simply anywhere.</p> <p>Question 4 - Do you agree with the approach towards Green Infrastructure provision?</p>	<p>Within the Transport and Digital Infrastructure Chapter, there is reference to public transport and walking and cycling.</p> <p>Question 2</p> <p>Agreement noted, and additional text has been added referring to the PPG which stipulates that policy requirement should be considered when agreeing land transactions.</p> <p>The PPG is clear that “Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage” (Paragraph: 007 Reference ID: 10-007-20190509). This would appear to preclude objectors from submitting their own submission. Notwithstanding this, the PPG (Paragraph: 010 Reference ID: 10-010-20180724) also stipulates that “Any viability assessment should follow the government’s recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making”. This is reflected in paragraph 6.2 of the SPD, and means that objectors will be able to comment on the inputs contained within the appraisals.</p>
--	--	--	--

The Trust agrees, noting the recognition in paragraph 8.8 of the need for green open space provision for students, albeit at a lower multiplier representing the average size of households.

Question 5 - Do you agree with the approach towards Education provision?

This is one of the trickier aspects of developer financial contributions. The school-child yield from a new major residential development is highly dependent upon which market segment(s) the developers dwelling designs are aimed towards. The Trust accepts that there needs to be flexibility in application of the formulae but looks to the County Council in its role as education authority to make sure that it is not short-changed. A very significant down-grading of the contribution from the Sniperley Park developers was announced in the course of the Planning Committee meeting and that was unfortunate to say the least, with little or no opportunity for enquiry and challenge from objectors. A further, choices made by parents as to their preferred first place, including factors such as OFSTED ratings or indeed religious belief, complicate decisions as to which school or schools will need to accommodate additional pupils. The Trust agrees with the principles of the approach put forward but recognises that there will be difficulties and controversies. As for pre-school/primary provision, the Trust understands that a financial contribution is to be sought for such provision in the case of new primary schools, but not if funding is being sought to extend an existing primary school unless that school already offers pre-school / nursery provision. The Trust asks should funds for such provision not be provided in both cases - the need will be the same?

Question 6 - Do you agree with the approach towards Health provision?

The Trust agrees, with reservations as set out above in relation to education provision and also believes that services other

Question 3

Support for the methodology is noted. In respect of having off-site affordable housing within the same sub-area of the County as the application site, as the SHMA identifies County Durham as one single housing market area, it is for this reason why off-site affordable housing can be delivered countywide.

Question 4

Agreement noted.

Question 5

Comments in terms of complexity noted – the Council’s Education Provision Officer(s) are consultees on major developments, and will be able to tailor the requirements to the specific scheme under consideration.

Question 6

Agreement noted. In respect of dentists and pharmacies these are predominantly private and/or commercially run.

		<p>than GPs - for example dentists and pharmacies - should be included.</p> <p>Question 7 - Do you agree with the approach towards HRA mitigation?</p> <p>Yes.</p> <p>Question 8 - Do you agree with the approach to the delivery of Biodiversity Net Gains?</p> <p>Yes, this seems to be an exemplary approach.</p> <p>Question 9 - Do you have any comments on the Transport and Digital Infrastructure Section?</p> <p>The transport and traffic consequences of development are amongst the most unsatisfactorily addressed, in the opinion of the Trust. We have made many comprehensive and detailed submissions with recommendations for avoiding unnecessary adverse impacts but these have often been largely disregarded. It follows that we have little expectation that the developer contributions outlined in chapter 11 will be adequate to ensure sustainable transport outcomes from developers. The matter of digital infrastructure is already presenting major inequality issues and probably deserves an SPD in its own right.</p> <p>Do you have any other comments?</p> <p>I am responding on behalf of the City of Durham Trust. The Trust hopes that the above comments are helpful in achieving the welcome purpose of this Supplementary Planning Document.</p>	<p>Question 7</p> <p>Support Noted.</p> <p>Question 8</p> <p>Support Noted.</p> <p>Question 9</p> <p>Within Chapter 11 there is reference to public transport and walking and cycling. In terms of the impact of a development on the highway network, paragraph 11.4 sets out the requirements of Policy 21 of the CDP and the assessments requirements to satisfy the Highways Authority regarding the transport implications.</p> <p>Position Noted.</p>
--	--	--	--

Appendix 1 – Analysis of gross to net on sample sites.

DM/19/02852/FPA - Land to the North of High West Road, Crook, DL15 9NR



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)
15.89	8.21	51.7	260	39

Net sites	Ha
1	5.29
2	1.15
3	0.27
4	0.07
5	0.9

DM/21/02861/FPA - Land to the East of Fern Dene, Knitsley Lane, Templetown



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)
12.51	6.26	50	176	33

Net sites	Ha
1	1.2
2	0.96
3	3.91
4	0.17

DM/21/02034/FPA - Land at Former Skid Pan, North of Woodward Way, Aykley Heads, DH1 5ZH



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)	On-site BNG (%)
2.04	1.43	70	48	37	17.21

Net sites	Ha
1	0.13
2	0.26
3	0.17

DM/21/03839/FPA - Land North of Delves Lane, Consett



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)	On-site BNG (%)
17.78	11.3*	63.5	288	32	11.99
	*One area				

DM/22/03294/RM - Land to the West of Valley Road, Pelton Fell, DH2 2NN



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)
5.22	2.87*	55	80	31
	*One area			

DM/22/01981/RM - Land to the East of Regents Court, Sherburn Road, Durham



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)	On-site BNG (%)
18.11	15.25	84.2	470	31	11.21

Net sites	Ha
1	0.61
2	2.25

**DM/21/02127/FPA - Land at Ridding Road and Rowan Court and the Oaks, Esh
Winning DH7 9AQ**



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)
2.08	1.85	89	89	48

Net sites	Ha
1	0.08
2	0.04
3	0.05
4	0.06

DM/22/03080/RM - Site of Former Stanley Community Centre, Tyne Road, Stanley, DH9 6PZ



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)
3.08	2.44*	79.2	59	24
	*One area			

DM/21/02025/RM - Land East of Porter Gardens, Bishop Auckland, DL14 9FH



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)
3.23	2.61	80.8	87	33

Net sites	Ha
1	0.2
2	0.43

DM/21/03180/FPA - 9-16 Fir Tree and 22-28 Maple Avenue, Shildon, DL4 2AG



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)
0.53	0.49*	92.4	15	31
	*One area			

DM/20/02681/FPA - Land North of Windsor Drive, South Hetton, DH6 2UU



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)	On-site BNG (%)
3.49	2.85	81.6	80	28	-19.18

Net sites	Ha
1	0.45
2	0.16
3	0.03

DM/21/01520/FPA - Land to The rear of the Old Chapel, Colliery Road, Bearpark, DH7 7AU



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)	On-site BNG (%)
6.39	5.66	88.6	148	26	-45.69

Net sites	Ha
1	0.57
2	0.15

DM/21/03893/RM - Phase 2B, Integra 61, Bowburn, Durham



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)
3.47	3.18	91.6	91	29

Net sites	Ha
1	0.08
2	0.21

DM/21/02606/RM - Land to the North of Darlington Road, Barnard Castle, DL12 8QG



Gross (Ha)	Net (Ha)	Gross to Net Ratio %	No of Units	Density (units/net Ha)	On-site BNG (%)
5.56	3.69	66.4	97	26	3.82

Net sites	Ha
1	0.09
2	1.78