

Community Infrastructure Levy and Planning Obligations Supplementary Planning Document

Consultation Report August 2015

The Council has adopted a new approach to planning obligations and developer contributions, in response to changes in national and local planning policy.

From 15 July 2015 the Council began charging a Community Infrastructure Levy (CIL) on qualifying new development. CIL is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs; for example education and open space provision. Legal agreements will, however, continue made under Section 106 (S.106) of the Town and Country Planning Act to help deliver affordable housing (where applicable and subject to viability) and to meet other site specific mitigation/ needs. In addition to these, Section 278 Highways Agreements may also be a requirement to make a development acceptable in planning and highways terms. In the light of this a draft CIL and Planning Obligations Supplementary Planning Document (SPD) has been produced to explain the contributions that may still be required from developers in addition to CIL.

The draft CIL and Planning Obligations SPD was consulted on for a statutory period of 4 weeks which commenced from Monday 6th July to Monday 3rd Aug 2015, using the Council's online consultation management system 'Citizen Space' as a featured consultation.

The Sheffield Local Plan contacts for the CIL were alerted about the consultation on the 1st July 2015, alongside individuals who have signed up for planning alerts on the GovDelivery system. In addition to this, a link to the consultation was also provided on the planning webpages for 'What's new' and the 'CIL'; and a general link to Citizen Space also features on the Council's homepage.

A total of 14 organisations have commented on the draft CIL and Planning Obligations SPD.

This report summarises the comments received and presents the officer responses to these.

General Comments

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
Stainton Planning	Ackroyd and Abbott Ltd, residential and commercial developers.	It is noted that the consultation is restricted to section 5, however, a general comment is made that the SPD should not be based on out of date policies (including the Unitary Development Plan, Core Strategy and Interim Planning Guidance). The SPD should follow the adoption of the new Local Plan. There is a consistent concern that the contributions for developments should be covered by the adopted CIL through these sites being allocated in the emerging Local Plan. This guidance will result in confusion about whether CIL, or S106, or both, are payable for each of the topic areas. Developers need to be clear at an early stage what the requirements are for each site they consider developing. CIL was supposed to bring that clarity but unfortunately the need for S106 in addition to CIL is simply adding complexity to the process. If CIL is a fixed charge, how are the topics set out in Section 5 of the SPD to be prioritised? The payment of CIL is likely to result in local mitigation making sites unviable unless affordable housing is dropped from the 'shopping list'. This is an undesirable consequence of the layers of charges being imposed. This SPD is therefore premature until the sites have been allocated and the required mitigation is known for each.	<p>The SPD has been produced in response to the adoption of the CIL in order to reflect the change in approach to implementation that the CIL has brought to existing local plan policies. These are the saved Unitary Development Plan policies and adopted Core Strategy policies. The implementation of these policies refer to delivery through planning obligations, so the SPD is required to explain how and where CIL will now deliver the policies and where planning obligations will still be sought. Both CIL and the SPD will improve clarity as to when and how contributions will be made.</p> <p>CIL priorities for spending are set out in the 'Regulation 123 List' and CIL charges have been set at viable levels allowing for affordable housing contributions.</p> <p>New SPD will be produced alongside the new local plan.</p>	no
Natural England		There are no specific comments on the SPD but some suggestions have been made on potential infrastructure requirements to be considered for CIL.	Suggestions for spending priorities for CIL can be considered as part of the consultation on the CIL Regulation 123 List.	no
SCC Public Health		The Regulation 123 List has no schemes for pedestrian or cycle routes, health facilities, and low carbon energy or carbon reduction schemes. We welcome the creation of new public parks at Sheffield Castle, Parkwood Springs and Abbeydale Grange. The city centre park at Castlegate is particularly welcome in bringing much needed green and open space into the city centre.	Suggestions for spending priorities for CIL can be considered as part of the consultation on the update of the CIL Regulation 123 List.	no
South Yorkshire Archaeology Service		It is noted that there are no projects relating to the Historic Environment as having infrastructure requirements for CIL funding. There have been previous discussions about CIL funding being used for projects such as improving the storage facilities at Museums Sheffield, to take account of the growing number of archives derived from planning-led fieldwork projects. This is still an	<p>Suggestions for spending priorities for CIL can be considered as part of the consultation on the update of the CIL Regulation 123 List.</p> <p>The process for updating the SPD is likely to be similar to this current SPD, but this does not affect</p>	no

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
		<p>issue that needs to be addressed. It would be good to have more details on the method for updating the prioritised list. Paragraph 3.17 mentions future updating in the light of the new Local Plan, but a section after Table 2 that discusses the methodology for this, and for considering new infrastructure requirements during the life of the Local Plan, would be useful.</p>	<p>the content.</p>	
<p>How Planning</p>	<p>Urbo (West Bar) Ltd</p>	<p>The approach taken to Exceptional Circumstances Relief (ECR) is welcomed. The following process should be followed when considering contributions from development:</p> <ol style="list-style-type: none"> 1. The local authority (LA) should consider the findings of technical assessments provided with major planning applications; 2. Based on 1, the LA should then detail the potential site-specific infrastructure contributions to be sought by way of Section 106 planning obligations; 3. The LA should then assess each Section 106 planning obligation against the relevant CIL compliance criteria and produce a CIL Compliance Statement in agreement with the developer; 4. If the developer considers that any necessary Section 106 planning obligation(s) threaten the viability of the proposed development, each proposed obligation should be negotiated and agreed with the LA; and 5. If following negotiations, the developer still considers the cumulative requirements of CIL and the proposed Section 106 planning obligations to render the proposed development unviable, ECR should be applied for by the developer in accordance with Regulation 57 of the CIL 2010 Regulations and assessed and agreed by the LA. 	<ol style="list-style-type: none"> 1. Sheffield City Council will always consider material submitted with planning applications as part of the development management process. 2. As part of the development management process, the Council will always inform applicants of any need for a Section 106 agreement and will negotiate the detail of this with the applicant (see paragraph 4.21). 3. A CIL charge will be considered when determining whether a Section 106 contribution will be sought (see paragraph 4.20). 4. The SPD makes it clear that this process of negotiation will take place, although it will not necessarily always lead to an agreement. 5. The process complies with Regulations and this is made clear in the SPD (paragraph 4.23), any application would be considered on its merits. ECR will not necessarily be agreed by the Council which will consider each application and make a decision based on the material submitted with the request. 	<p>no</p>
<p>JVH Town Planning Consultants Ltd</p>	<p>Sheffield College</p>	<p>The role of the SPD is noted and the use of the table at 1.3 as a general guide of when CIL and S.106 are applicable. A comment has also been made in the context of Highways about double dipping. An explanation on the process to prevent this and mechanisms to address any issues arising is being sought.</p>	<p>The table at paragraph 1.3 and at paragraph 4.18 (now amended as Table 1 and 2 respectively) both indicate what the CIL and S106 typically cover. Paragraphs 3.3 and 4.1 set out that CIL Regulations prevent double counting of planning obligations with</p>	<p>no</p>

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
			CIL contributions.	
DLP (Planning) Ltd	University of Sheffield	<p>The University of Sheffield is a charity and buildings/ structures that would normally attract a CIL liability where used wholly or mainly for charitable purposes (as defined s2 (1) of the Charities Act 2011) must be exempt under CIL regulations. Education is covered by this (under s3 (1) (b) of the Act). Student accommodation is a main area of investment and an important economic driver, and it is sought that it falls under the 'charitable purpose'. The major residential development threshold (of 1000 dwellings) is set too high and residential development falling under this will be subject to CIL charges. Unlike S106 it is noted that there is no opportunity to negotiate the level of contribution required by CIL, viability is therefore an issue. A reduction of the threshold is being sought to 750 dwellings.</p>	<p>Decisions on charitable relief from CIL are a matter for CIL charging and implementation, not this SPD. However, relief is related to the end use and the Council does not consider that the provision of student accommodation constitutes a charitable use.</p> <p>There is no need for the SPD to repeat what is set out in the CIL Regulations regarding charitable relief. The CIL charging schedule states that education uses are zero-rated for CIL.</p> <p>It is considered that 1,000 dwellings is a reasonable threshold to make major residential development sustainable. There has been no evidence submitted to suggest his threshold should change. We are uncertain about the comment being made about residential schemes over 1000 dwellings won't attract CIL, details of where and when CIL will apply can be seen in the CIL Charging Schedule. Note that CIL will apply to developments of both over and under 1,000 dwellings.</p> <p>No justification has been provided for the use of 750 dwellings as an alternative threshold.</p>	no
Turley Associates Ltd	TATA Steel UK Ltd	<p>Regulation 123 of CIL 2010 Regulations (as amended) sets out limitations of the pooling of planning obligations from 1 April 2015. From this date no more than 5 separate planning obligations may be entered into to provide funding for a specific infrastructure project or type of infrastructure. This restriction is applied retrospectively to all obligations signed by a local authority after 6 April 2010. Paragraph 4.11 of the SPD acknowledges this restriction to all obligations. However, Tata Steel UK seeks further reassurance from the Council and in particular, Tata Steel UK</p>	<p>There is no need for the SPD to repeat what is set out in the CIL Regulations regarding the pooling of S.106 contributions. The Council has assessed existing signed agreements and considers that there are no current issues regarding the pooling restriction, but will continue to monitor pooled contributions to ensure that the Council complies with the CIL Regulations.</p>	no

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		<p>request that the Council confirms how it will treat the pooling of planning obligations, where a Section 106 agreement has already been signed, and the infrastructure projects to which contributions are intended to be directed has not been defined within the S106 agreement. Furthermore, Tata Steel UK request clarification on how the Council will make future decisions on applications where an adverse effect of development requires resolution (funding) via a planning obligation, but the Council has already reached the upper limit for defining individual planning obligations via prior signed Section 106 agreements.</p> <p>It is also noted that the definition of 'Major Residential Development' as set out within Policy GCF2 'Provision of New Community Facilities' and Policy GE1 'Provision of New School Infrastructure is inconsistent. Tata Steel UK advises that the Council seek to establish consistency in its guidance.</p>	<p>There is no inconsistency between the two definitions of 'major residential development' in GCF2 and GE1 as they refer individually to the impact of a scale of development on two different types of infrastructure.</p>	

Highways/Strategic Transport Network Improvements and Public Transport Comments

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
Stainton Planning	Ackroyd and Abbott Ltd, residential and commercial developers.	Contributions to off-site transport should be covered by CIL for all allocated sites. Transport mitigation for allocated sites should be investigated as part of the sites allocation process and delivered as part of the strategic transport network. This will avoid transport being an unknown cost to developers.	Highways interventions and mitigations which are on the Regulation 123 List will be covered by CIL, and no further obligations can be required in relation to those schemes where that is the case, as explained in SPD paragraphs 4.1 and 4.3. Only mitigation which is directly related to the new development and "is necessary to accommodate the impact of the proposed development" will be required through S278 agreements, as explained in the SPD in paragraph 5.10.	no
Highways England		It is understood that CIL funds will be directed to Local Plan priorities, and it is noted that there are no references currently to the Strategic Road Network for CIL funds. Where mitigation is needed these will continue to be secured through S.106. It is acknowledged that the SPD will need updating if any new requirements result from the Local Plan at which point Highways England are seeking an opportunity to be consulted again.	As set out in SPD paragraph 4.11 "It is likely that the Regulation 123 List will be amended regularly, following a formal process that would include public consultation and subsequent Cabinet approval." Highways England will be consulted on any proposed new Supplementary Planning Document.	no
SCC Public Health		We welcome the focus on sustainable transport. The most environmentally sustainable forms include electric vehicles for public transport such as trams and hydro-electric/ hydrogen fuelled buses, and health promoting forms are walking and cycling. Statements in 5.7 are welcomes and the infrastructure needs assessment is referred to.	Comment acknowledged - no response needed.	no
How Planning	Urbo (West Bar) Ltd	If contributions towards highway improvements on individual application proposals are sought by the local authority, these must be CIL compliant with the onus of demonstrating compliance on the local planning authority. Any significant applications for development will be supported by a Transport Assessment which will form the evidence basis for justifying any contributions or not. Furthermore, the local authority must not seek any planning obligations towards highway infrastructure on the Regulation 123 list and must not pool more than 5 obligations towards any individual project not on the Regulation 123 list. The viability of schemes must also be taken into account when requesting site specific highway contributions alongside CIL payments	The SPD Paragraphs 4.1 and 4.3 acknowledge that S106 and S278 cannot be sought for infrastructure identified on the Regulation 123 list. Paragraph 4.9 confirms that no more than 5 contributions can be pooled for the same project. A Transport Assessment will usually inform the highway requirements of a new development.	no

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Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
JVH Town Planning Consultants Ltd	Sheffield College	The potential of both a CIL and S.106 contribution is noted and clarification is being sought that no double counting will occur for highways.	Paragraph 5.9 has been amended to specifically highlight that S.106 will not be used for highways and strategic transport/ public transport, and Paragraph 5.10 sets out when a S.278 may be sought ("...necessary to accommodate a proposed development, so that it is acceptable from a planning and highways point of view. The works must be directly related to the new development"). Paragraph 4.3 confirms that this would only be where "there is no identifiable project in the Regulation 123 List and where it is necessary to accommodate the impact of the proposed development."	no
DLP (Planning) Ltd	University of Sheffield	The University of Sheffield are seeking a threshold that sets out what is considered to represent a 'significant number of trips' in the context of what will require a Transport Statement or Transport Assessment. It is suggested that Table 1 of the SCC guidelines for the preparation of a Transport Assessment and Travel Plans is included in the SPD.	The purpose of the thresholds referred to here is to establish when a Transport Assessment is required. Whilst the results of a Transport Assessment will usually inform the highway requirements of a new development, these thresholds do not directly indicate when contributions could be expected as each case will be different. They are not therefore suitable to be included in the SPD. The CIL SPD references the potential requirement for a Transport Assessment but does not change the Council's existing 'Guidance on the Preparation of Transport Assessments and Travel Plans', and therefore it is not necessary to repeat the thresholds in this SPD.	no

Affordable Housing

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
<p>Stainton Planning</p>	<p>Ackroyd and Abbott Ltd, residential and commercial developers.</p>	<p>An SPD should not be based on Interim Planning Guidance in terms of the expected level of affordable housing.</p> <p>GAH1 – The financial credit referred to, is too vague –the paragraph does not explain how or when this should be calculated.</p> <p>GAH2 – Indicates deferred schemes will be subject to reappraisal however reappraisal should not be carried out within the lifespan of a planning permission (i.e. 3-5 years) as this will add significant uncertainty and cost to developments. Just because a development takes 5 years to commence does not mean that it has stalled it simply means that there have been number technical issues to address as part of the reserved matters process. A new appraisal can be carried out in the event that planning permission expires and a new application is submitted. This ‘policy’ is therefore not required.</p> <p>GAH3 – This should include a criteria ‘where location or site characteristics mean that affordable housing on site is not suitable for example where there is a need for elderly persons accommodation on a steep site a significant distance from services or a bus stop’.</p> <p>GAH7 – This doesn’t appear to accord with the Government’s Right to Buy/home-ownership aspirations.</p>	<p>The expected levels of contribution are based on an assessment of several pieces of evidence: Strategic Housing Land Availability Assessment (2012/13), the Affordable Housing Viability Study (2009), and the Community Infrastructure Levy (CIL) Viability Study (2013). They are based on the need to give guidance on the interpretation of local plan policies following the adoption of a CIL.</p> <p>GAH1 - reference to the Vacant Building Credit has been removed following the outcome of the legal challenge.</p> <p>GAH2 - this has been in place for the last year and has been applied to schemes with extant permissions. It is not considered to add cost and uncertainty - but is intended to encourage development. However, if affordable housing is still not viable at the point of reappraisal it will not be required.</p> <p>GAH3 - this would fall under part (g), other exceptional circumstances.</p> <p>GAH7 - the proceeds from right-to-buys are reinvested. Securing affordable housing in perpetuity through Planning is a standard approach.</p>	<p>no</p>
<p>SCC Public Health</p>		<p>We welcome the focus on affordable housing especially GAH2. Under GAH3 the potential to create mixed communities is welcomed, however, the range of exceptions is noted as quite wide and the balance to be in favour of developers not wishing to provide on-site provision, they are seeking that this be re-balanced.</p> <p>GAH5 is also welcomed and a suggestion made to include positive design differentiation i.e. low energy use well-insulated homes to</p>	<p>Support welcomed. With regard to GAH3, the guideline does set out that affordable housing should be on-site wherever possible and appropriate, but is considered to be sufficiently flexible to allow for circumstances where providing off-site affordable housing is a better option.</p> <p>With regard to GAH5, the Building Regulations will</p>	<p>no</p>

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		reduce fuel poverty	ensure that all new housing is energy efficient, so it is not proposed to add an additional requirement here.	
How Planning	Urbo (West Bar) Ltd	There is no objection in-principle to seeking contributions to off-site affordable housing provision via Section 106. However, this should only be used in accordance with the findings of the Affordable Housing Interim Planning Guidance (2014 Update) which sets the levels of affordable housing contributions for different housing market areas. In particular, development in the City Centre Housing Market Area is required to provide 0% affordable housing. This is supported by Urbo (West Bar) Ltd where the viability of important and complex city centre developments, such as West Bar, is already marginal.	Agree with comment	no
Turley Associates	TATA Steel UK Ltd	Policy GAH3 sets out that wherever possible and appropriate, Affordable Housing should be provided on site and Policy GAH2 sets out the percentage of provision to be sought from differing Affordable Housing Market Areas. However, Policy GAH2 is complex and overly prescriptive in setting out how developers will be expected to meet affordable housing requirements. Policy GAH2 sets out that developers will be required to provide a specified percentage (based on the affordable housing market area) of the gross internal floor area of the development for transfer to a Registered Provider at the Transfer Price (or equivalent provision as agreed with the City Council. Appendix 2 (b) of the SPD goes on illustrate an example of how the formula will be used to calculate the required development contributions, among other things takes into account land values and transfer prices. Tata Steel UK is concerned that in applying a formula which requires calculation of detailed gross internal floor areas, affordable housing requirements on each site will be protracted and unclear, particularly for outline applications where the precise housing mix is unknown. Whilst it is welcomed that within the supportive text entitled 'This guidance will be put into practice by' of Policy GAH2, it states that in the case of outline consent this would be dealt with at Reserved Matters stage, however Tata Steel UK consider that this needs to be explicitly set out from the outset of Policy GAH2. Tata Steel UK is also	<p>GAH2 – the guideline is based on floor area to ensure that the amount of affordable housing is fair and consistent between schemes.</p> <p>Transfer price - In Sheffield, social housing is not negotiated with RPs on a scheme specific basis because we have fixed transfer prices that are written into Section 106 agreements.</p> <p>The point of the fixed prices is to:</p> <ul style="list-style-type: none"> a) Avoid RPs bidding against each other and allow the Council to recommend the most suitable RPs for particular sites b) Ensure that the affordable housing contribution is as agreed in any viability assessment (i.e. not effectively reduced by units being sold to RPs at higher prices than assumed in viability assessment) <p>The reason that the transfer price is the same across the areas affected by the policy is that the Local Housing Allowance effectively caps the level of Affordable Rent so that rent levels in higher value areas are no higher than in mid-value areas. The</p>	no

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		<p>concerned with the Council’s provision that affordable housing is to be transferred to a Registered Provider at the Transfer Price (as approved by the Council) and that this should form part of the calculation. This is considered to be too prescriptive, as often social housing is negotiated by developers with Registered Providers on a scheme specific basis. A more flexible approach which requires transfer arrangements to be agreed with Registered Providers would be more appropriate. However, should the Council maintain the provision of applying reference to Transfer Price; this should be based on regularly updated Transfer Prices which reflect different affordable housing markets. Tata Steel UK welcomes that the Council are willing to relax levels of provision, to either low or zero provision, where justified due to economic viability as set out in Policy GAH2. This is approach is prudent and reflective of the intentions of the NPPF and PPG. However, the SPD makes reference to the introduction of a reappraisal mechanism, should a reduction in planning obligations be secured and viability conditions then subsequently improve. This requires agreement to the submission of updated viability evidence at agreed trigger points throughout the life of the development. Tata Steel UK objects to the use of the reappraisal mechanism by the Council, as it reduces certainty between landowners and potential investors or site purchasers (developers) when agreeing acquisitions, and thereafter makes scheme delivery highly complex. Notwithstanding this position, Tata Steel UK notes that Policy GAH2 only makes reference to the securing of increased planning obligations subject to the improvement of viability conditions. However, the opposite scenario could also occur where viability conditions deteriorate and planning obligations require further reduction to enable viable delivery of the development. This scenario is not presently referenced within the SPD. Therefore, should the Council maintain the reappraisal mechanism, inclusion of trigger for deteriorating viability scenarios should also apply?</p>	<p>viable transfer prices are therefore the same.</p> <p>GAH2 reappraisal - this has been in place for the last year and has been applied to schemes with extant permissions. It is not considered to add cost and uncertainty - but is intended to encourage development. However, if affordable housing is still not viable at the point of reappraisal it will not be required. Section 106BA is a statutory mechanism which allows the reassessment of viability to remove AH obligations; therefore it doesn’t need to be in our policy.</p>	

Education

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
Stainton Planning	Ackroyd and Abbott Ltd, residential and commercial developers.	<p>GE1 – This should be covered by CIL for all sites allocated in the new Local Plan. Another example of the guidance coming before the policies are adopted which allocate the sites.</p> <p>If however this is included as a potential S106 contribution it is essential that the relevant areas of the city are identified and a formula is included so that developers can calculate the likely sum.</p> <p>It should be made clear that this does not apply to elderly persons, one bedroom or student accommodation.</p>	<p>GE1 – S.106 contribution could apply to both local plan allocations and non-local plan allocations. This is because, when sites are allocated in the Local Plan, at that time we will not necessarily know whether the site will be sustainable in terms of education provision, as funding is complex and short term.</p> <p>S106 Formula – We agree with comment. This will be included in the CIL SPD, and will be taken from the 2014 Education IPG.</p> <p>Application of S.106 - We agree with comment. This will be included in the CIL SPD, and will be taken from the 2014 Education IPG.</p>	yes
Bloor Homes		<p>Whilst Bloor Homes understand why the Council would require, for instance, a S106 Agreement in some circumstances to include the provision for an extension to an existing school or the creation of new school to make major residential developments sustainable, it is not clear how the Council will off-set or credit the levy arising from the development against the fact that a new school was being delivered as part of the development proposals. There is a danger of double counting which the CIL regulations are supposed to prevent.</p> <p>More information is required.</p>	<p>The regulations don't allow for the Local Authority to negotiate on the level of CIL contribution (unless land is offered as a payment in kind). It is not considered there is danger of double counting, as the S. 106 contribution is to meet the direct needs arising from the development, and CIL is to contribute to city wide needs for all types of infrastructure.</p>	no
How Planning	Urbo (West Bar) Ltd	<p>If educational infrastructure projects are not on the Council's Regulation 123 list, then the draft SPD states that contributions will only be sought on schemes for 500+ dwellings. Whilst this is acceptable in principle, the specific circumstances of each application must be taken into account to ensure compliance with the CIL regulations. For example, city centre schemes, such as West Bar, will not generate the same level of school aged children as standard housing developments comprising a greater mix of property types. This is evidenced through the generally older</p>	<p>Agree - specific circumstances of each scheme must be taken into account.</p> <p>More detail will be included on the type of new development that would be considered to have an impact on school capacity. This has been taken from the 2014 Education IPG, which states that purpose-built student accommodation, dwellings formally designated as retirement properties, and houses and</p>	yes

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		<p>demographic profile currently inhabiting the city centre. Furthermore, the current and future capacities of schools within the city centre must also be considered in the Draft CIL and Obligations SPD in order to demonstrate a specific need for financial contributions. Finally, the viability of schemes must also be taken into account when requesting site specific education contributions alongside CIL payments.</p>	<p>flats with only one bedroom are exempt as these types of property do not yield additional pupils.</p> <p>Current & future school capacities - GE1 will be put into practice by assessing the impact of new development against current education provision in the area. With regard to future school capacities, schemes which have received funding and are certain to be delivered would be considered in capacity assessments.</p> <p>Viability - See section 4.17 to 4.23 of the SPD for development viability issues'.</p>	
<p>DLP (Planning) Ltd</p>	<p>University of Sheffield</p>	<p>Prior to the implementation of the CIL s106 contributions were sought for education in parts of the city where there were capacity issues arising from new development. It is noted that contributions will now normally be funded through CIL. Guideline G1 of the IPG Oct 2014 is referenced with details of how education contributions are calculated. Information is now being sought to quantify the level of education contribution required and to set out how it has been calculated. It is considered that this SPD should make reference to a worked example from the IPG Oct 2014 in the interest of transparency.</p>	<p>Agree with comment - this will now be included in the CIL SPD, lifting the example from the 2014 Education IPG.</p>	<p>yes</p>
<p>Turley Associates Ltd</p>	<p>TATA Steel UK Ltd</p>	<p>Tata Steel UK does not agree with the 'Major Residential Developments' criteria and the assumptions for appropriate levels of school infrastructure provision associated with these as set out within the 'Definitions' section of Policy GE1. Any additional levels of school infrastructure provision required should be based on an assessment of the number of school children likely to be generated by the proposed development and the existing capacity within existing local schools to accommodate this provision. Where there is surplus requirements due to lack of capacity, education contributions may be justified.</p>	<p>Agree with comment. The definition of 'Major Residential Development' needs to be clarified using the definition from the 2014 Education IPG, so it is clear which types of developments would be considered to have an impact on school capacity. Exempt will be Purpose-built student accommodation, dwellings formally designated as retirement properties and houses and flats with only one bedroom, as these types of property do not yield additional pupils.</p>	<p>yes</p>

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Community Facilities

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
Stainton Planning	Ackroyd and Abbott Ltd, residential and commercial developers.	GCF1 – The requirement to replace lost community facilities doesn't allow for an assessment of other facilities in the locality (i.e. alternative provision which means that the facility in question is no longer necessary). This should be made clearer. GCF2 – This should be covered by CIL for allocated sites – there appears to be a suggestion that 1000 dwellings may be built on a non-allocated site once the Local Plan has been adopted?	GCF1 - Comments noted. Paragraph 5.36 states that 'replacement facilities will be required unless there is no longer a need for the facility in the area'. The assessment of whether the facility is surplus will be made in line with UDP policy CF2, taking account of alternative provision in the area. GCF2 - Comment noted. The guideline allows for circumstances where large site(s) of 1000+ dwellings come forward, that have not been accounted for through the Local Plan and no project is identified in the Regulation 123 List.	no
How Planning	Urbo (West Bar) Ltd	Urbo (West Bar) Ltd support the provision that site specific financial contributions towards community facilities will only be sought through planning obligations on major residential developments comprising 1000+ dwellings. This is particularly pertinent for mixed-use developments where new community facilities (such as shops, restaurants, meeting places etc.) are being provided in any event.	Support welcomed and comment noted.	no
Torley Associates Ltd	TATA Steel UK Ltd	It is important that a clear distinction is made between contributions which may be sought (where justified) towards the provision of new community facilities and those which would be sought as new health facilities. As currently, medical and health services fall under the definition of both within Policy GCF1 and Policy GHF1.	Agree with comment – there was an error in the GCF1 definition. An amendment will be made to remove 'medical and health facilities' from the community facilities definition. This will then be consistent with the definition in GCF2.	yes

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Health Facilities

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
NHS Sheffield CCG		The content is reasonable, if brief. It would perhaps be useful to say explicitly that the council would assess the impact and if necessary seek on-site provision with local NHS organisations.	Comments noted. The text on how the guideline GHF1 will be put into practice states that an assessment will be undertaken and on-site provision will be sought. In line with other guidelines in the document, specific organisations are not named. However, we will ensure all key stakeholders are involved in this process suggested.	no
Stainton Planning	Ackroyd and Abbott Ltd, residential and commercial developers.	GHF1 - This should be covered by CIL for allocated sites – there appears to be a suggestion that 1000 dwellings may be built on a non-allocated site once the Local Plan has been adopted?	GHF2 - Comment noted. The guideline allows for circumstances where large sites of 1000+ dwellings come forward, that have not been accounted for through the Local Plan and no project is identified on the Regulation 123 List.	no
NHS Public Health		We are seeking clarity on how health facilities will be funded as both CIL and S106 are mentioned. Health facilities have 'unknowns' around costs. It is advised that NHS England Local Area Team are involved in needs analysis.	<p>Comments noted and welcomed. We want to ensure all key stakeholders, as suggested, are involved in any needs analysis.</p> <p>Contributions towards the provision of new health facilities across the city will normally be funded through CIL if the health project(s) are identified on the Regulation 123 List. The List will set out the strategic infrastructure priorities of the City, which the Council will be committed to funding (at least in part) by CIL receipts. Paragraphs 4.8 to 4.12 explain more about the Regulation 123 List, and cost and funding information required for specific projects.</p> <p>S.106 contributions are only sought where a major residential development is proposed (1000+ dwellings), and health facilities are required to make the development sustainable. S.106 funds must be directly linked to the specific residential development.</p>	no

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Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
How Planning	Urbo (West Bar) Ltd	Urbo (West Bar) Ltd support the provision that site specific financial contributions towards health facilities will only be sought through planning obligations on major residential developments comprising 1000+ dwellings.	Support welcomed.	no
Turley Associates Ltd	TATA Steel UK Ltd	It is important that a clear distinction is made between contributions which may be sought (where justified) towards the provision of new community facilities and those which would be sought as new health facilities. As currently, medical and health services fall under the definition of both within Policy GCF1 and Policy GHF1.	Agree with comment - there was an error in the GCF1 definition. An amendment will be made to remove 'medical and health facilities' from the community facilities definition. This is now consistent with the definition in GCF2.	yes

Open Space

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
<p>Stainton Planning</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 124</p>	<p>Ackroyd and Abbott Ltd, residential and commercial developers.</p>	<p>There is a reliance on an out of date UDP policy for this guidance.</p> <p>GOS1 – Information needs to be available to developers re the available open space in each area so that developers can be clear whether there is an adequate supply & whether there are specific recreation needs for each locality.</p> <p>GOS2 – The Council could ensure consistent management and quality of open space into the future if they were more willing to adopt new recreation areas.</p> <p>It should be made clear that there will be different open space requirements for different types of developments i.e. no requirement to deliver children’s play areas as part of a development of accommodation for the elderly.</p>	<p>It is recognised that parts of UDP policy H16 are out of date, hence the change in threshold for on-site open space from 1ha to 4ha.</p> <p>GOS1 – it is not possible to provide accurate information for every site, as circumstances are site-specific, so each site needs a separate assessment. However, assessments are available on request as part of the pre-application enquiry process.</p> <p>GOS2 – it is not normally possible for the Council to adopt new open spaces, hence the need for the guideline.</p> <p>GOS2 will be amended to make clear that the type of open space provided should be suitable to the development.</p>	<p>yes</p>
<p>Sport England</p>		<p>Sport England welcomes the general principle of providing sport facilities through residential developments. As stated in the consultation document an increase in population can place an increased pressure on existing open space and may result in the need for new open space or the upgrade of existing open spaces.</p> <p>Policy GOS1 We welcome the fact that contributions can be made to provide or enhance recreation open space off site. Enhancing or adding to an existing sport facility can add more benefit to sport as such facilities may already be served by sporting infrastructure, such as changing rooms, or enhancements, such as improved drainage to a playing field can increase the capacity of the site to accommodate sport.</p> <p>Policy GOS2 We welcome the fact that new open space will be maintained by the developer. However Sport England would suggests that this also covers the maintenance of enhancements to existing sport facilities,</p>	<p>Support welcomed.</p> <p>GOS2 – a reference to ancillary facilities will be added.</p>	<p>yes</p>

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
		for example, the provision of changing rooms.		
National Trust		<p>We believe that the maintenance of existing green space in the city has not been given sufficient significance within this document and should be enhanced. In particular, there is scope to use the CIL and Planning Obligations to support the maintenance of the green space that already exists within the city. In much of the city, existing green infrastructure will be part of the attraction for developers and will help to ensure that developments are both profitable and sought after. In addition, the financial pressures facing green spaces in the city are huge, with further cuts likely. The consequences of these restrictions on funding are likely to mean decline in the quality, provision, access and safety of these spaces and may even result in some spaces being sold for alternative uses. This is not unique to Sheffield, but instead is a national problem. Cities across the country are in the same situation. therefore, both the benefits of green spaces in cities and the risks they face should be recognised in the CIL priorities.</p> <p>Greater emphasis and provision should be made for CIL payment to be made towards existing green space as well as or instead of creating new spaces. Where this is the case the total value of the commuted sum needs to take into account not just the cost of creating a new space (as a proxy) but the ongoing maintenance of the existing spaces. A long term investment plan for the commuted sums needs to be developed to accompany the guidance so that it is clear to investors and local people how and where the money is being invested.</p> <p>SCC is currently working with the National Trust to research the possibly of creating an endowment for all the public parks in Sheffield. Should this be feasible, it could be that the commuted sums are added to the endowment to fund the ongoing care and maintenance of the public parks in the city or part of the city in perpetuity.</p>	<p>Paragraph 71 of the CIL National Planning Practice Guidance sets out that the focus of the levy is on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies are made more severe by new development. Therefore, CIL money would not normally be spent on the maintenance of existing open space.</p>	no

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
SCC Public Health		We welcome the approach taken, particularly on the strategic network of pedestrian and cycle routes. GOS1 and GOS2 are welcomed	Support welcomed.	no
How Planning	Urbo (West Bar) Ltd	We support the provision that site specific financial contributions towards off-site open space will only be sought through planning obligations on sites of 4 hectares or above. This is particularly pertinent for major development proposals, such as West Bar, which will include within them significant levels of on-site open space / public realm which will, for example, enhance and extend the Council's 'Grey to Green' network	Support welcomed.	no
Turley Associates Ltd	TATA Steel UK Ltd	It is noted that the Council has not carried out a full audit of open space and recreation provision within the City for eight years, with the last full appraisal being set out in the Open Space, Sports and Recreational Facilities audit in 2007. In the absence of an up-to-date evidence base which considers how the City as a whole performs against open space standards set out in the adopted UDP, it is not appropriate to progress blanket policies seeking to secure financial contributions towards new and improved open space provision from all residential schemes over four hectares. This is supported by paragraph 73 of the NPPF. Therefore, whilst it is welcomed that the SPD seeks to update the somewhat outdated UDP policy, at this stage, and until such a time that the Council publishes evidence which supports the policy's assumptions about the need of open space across the City, Policy GOS1 would be at odds with paragraph 73 of the NPPF	The Council's Open Space, Sport and Recreation Audit was adopted in 2009, however it is supplemented by more up-to-date information held by the Council, such as on the quality and provision of children's play facilities. The quantity of open space is largely unchanged since the Audit was undertaken, therefore it is still reasonable to use it for assessing the quantity of open space provision. Guideline GOS1 only requires new open space on large sites in areas of deficiency, not on all sites over 4ha.	no

Public Art

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
Stainton Planning	Planning consultant acting on behalf of Ackroyd and Abbott Ltd, residential and commercial developers.	How is the value of on-site art work to be determined? How are off-site contributions calculated? This is very vague guidance which adds nothing to the existing policies.	Public art is considered to be an integral part of design quality and, as with other planning conditions, it will be determined on a development by development basis. We are looking for on-site work and financial contributions will only be sought where this is not possible. We are, therefore, not able to give general indications of value but our requirements will be outlined at pre-application stage.	no
How Planning	Urbo (West Bar) Ltd	Urbo (West Bar) Ltd accept that some contributions towards on-site public art may be sought unless this is provided for on-site. However, where development viability is already marginal, such as on complex city centre schemes like West Bar, the benefits of public art (and indeed any other contribution) must be weighed against the necessity to, and benefits of, delivering key strategic sites.	Sheffield's public realm and buildings have used public art to help create distinctive and cherished places that contribute to the vibrancy of the city. It is hoped that this will continue to be the case and that developments, especially large scale developments with considerable public space such as West Bar, will benefit from the investment in high quality. It is recognised, as with all negotiated elements of the planning process, that viability is an important consideration.	no
NPPF (Planning) Ltd	University of Sheffield	It is noted that public art will not normally be covered by CIL and that public art will be conditioned. The NPPF is referenced in terms of development not being subject to such a scale of obligations and policy burdens that it would be unviable. There is a concern of public art having the potential to bear a significant influence of scheme viability. Clarity is being sought on GPA1 to ensure unnecessary contributions are not being sought. In order to properly include public art within the cost of development a definition is being sought of the anticipated financial contribution. This is a legitimate cost to be included in viability assessment and it is strongly recommended that the SPD includes a definition.	We do not have and do not intend to have a 'percent for art type' scheme that requires contributions on a pro-rata basis. Public art is considered to be an integral part of design quality and, as with other planning conditions, it will be determined on a development by development basis. We are looking for on-site work and financial contributions will only be sought where this is not possible. We are, therefore, not able to give general indications of value. The Council's requirements will be outlined at pre-application stage and viability will, of course, be a consideration at this stage.	no

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Renewable Energy and Carbon Reduction

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
Stainton Planning	Ackroyd and Abbott Ltd, residential and commercial developers.	Core Strategy CS65(b) doesn't reflect the latest Government guidance which makes it clear that Council's must not place renewable energy and carbon reduction requirements on developers which go beyond the Building Regulations. This section should be reduced to a simple sentence to say there will be no requirements placed on developers – if this section is required at all.	The Housing Standards Review did not affect low carbon infrastructure, therefore we are still able to implement CS65(b).	no
SCC Public Health		The decision not to implement the policy on CO2 is noted in the light of Building Regulations. Public Health considers that this could be a missed opportunity to make Sheffield a more sustainable city by reducing domestic energy consumption, reducing fuel poverty, reducing carbon and increasing generation of renewables. A number of well-thought out Low Carbon proposals (156-160) are listed on the Infrastructure Need Schedule (Appendix 2 –Draft Infrastructure Delivery Plan) which if they were prioritised as investment priorities for CIL would make Sheffield more “energy secure” as a city and could reduce fuel poverty.	Comment noted.	no
How Planning	Urbo (West Bar) Ltd	As a basic requirement, all schemes will be required to be constructed to current or future Building Regulations. It is Urbo (West Bar) Ltd.'s position that a scheme is acceptable if constructed to such standards. Going beyond this can have severe impacts upon the viability of schemes contrary to national policy. However, where a scheme does seek to go beyond this, it should be looked upon favourably by the local authority; particularly in negotiations around other potential contributions.	Comment noted.	no

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Flood Risk Management

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
Stainton Planning	Ackroyd and Abbott Ltd, residential and commercial developers.	Does GRFM1 relate to all types of development? It needs to be made clear that this relates only to the mitigation of the impact of the proposed development and not to addressing existing flooding issues (wording similar to the air quality section would be appropriate).	Comment noted. GFRM1 has been amended to include the text in paragraph 5.51, to be clear that the off-site flood management measures, relates only to the mitigation of the impact of the proposed development.	yes
Environment Agency		The Environment Agency are seeking an update of the Regulation 123 List to incorporate flood management infrastructure, as these contribute to the strategic objectives of the Local Authority such as a strong and competitive economy and ensuring the vitality of the city centre.	Comment noted. The Council are committed to reviewing the Regulation 123 List, which we will consult on, as required by the CIL Regulations.	no
SCC Public Health		Public Health welcome the approach especially the use of blue and green infrastructure on-site as part of open space requirements GOS1	Support welcomed.	no
Low Planning	Urbo (West Bar) Ltd	For individual development proposals, on-site flood risk management will be incorporated into the detailed designs of schemes with each relevant application being supported by a Flood Risk Assessment to consider potential impacts. Any contributions towards off-site flood defence works should therefore only be sought by way of planning obligations if demonstrably required based upon the evidence submitted. Urbo West Bar Ltd supports the provision that such contributions would only be sought on sites which fall within the 'High Probability Flood Zone' (i.e. land having a 1 in 100 or greater annual probability of river flooding). The site at West Bar is in a mixture of both low and medium probability flood zones (i.e. Flood Zones 1 and 2).	Support welcomed and the comment is noted.	no
DLP (Planning) Ltd	University of Sheffield	The University of Sheffield are seeking clarification of GFRM1 to prevent the requirement of unnecessary requirements, in particular it should take into account the vulnerability classification of particular uses; which will clearly impact upon the level of off-site flood risk mitigation required.	Comment noted. GFRM1 allows for 'adequate' off-site flood protection measures, allowing for the measure to be appropriate to the vulnerability of the development proposed, which will be assessed through a Flood Risk Assessment.	no

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Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
Turley Associates Ltd	TATA Steel UK Ltd	Policy GFM1 should make clear that where on-site flood management measures are not possible or appropriate, Section 106 obligations will be used to apply off-site flood risk management protection measures.	<p>Comment noted.</p> <p>Guideline GFRM1, in line with current Core Strategy Policy CS67, requires off-site flood mitigation measures in high probability flood zone areas. Where on-site flood risk management measures are not possible or appropriate, Section 106 obligations will be used to apply off-site measures, only if the site is located in a high probability flood zone.</p> <p>Each development proposal will be assessed on its own merits, and it is possible that a proposal could be subject to both on-site management measures, through a planning condition, and off-site measures, through a planning s106 obligation (paragraphs 4.1 to 4.4 of the SPD).</p>	no

Air Quality

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
SCC Public Health		<p>We welcome the approach to air quality and note that a significant detrimental impact could occur from the development itself, via construction or increase in road traffic. We would caution the EU Health Limit Values and state that there is no safe level of NO2 below the limit value. For this reason, it should not be assumed that air quality in areas with NO2 below EU Health Limit Values does not have possible negative health impacts. 5.53 refers to developments in areas where pollution exceeds EU Health Limit Values; it is our view that there should be a positive decision not to locate housing; particularly housing for families with young children and the elderly (sheltered/extra care) in these areas as these groups are most vulnerable to the health effects of poor air quality. Public Health supports the use of CIL for air quality improvement (5.55). Schemes that would improve air quality could have wider public health benefits, for example cycling and walking infrastructure and green and open space. Public Health would be concerned about mitigation off-site for mitigation of localised air quality problems (5.56) as proximity to the source of emissions can be key to negative health effects. Emerging studies on the use of green barriers for example show differential readings of pollutants at either side of the green barrier, with higher readings at the side nearest the source of emissions. More clarity is needed on the statement regarding "mitigation in the immediate vicinity of the site" (5.56) so that the likely impact on mitigation of local air quality problems can be modelled. Public Health would recommend that Local Authority Air Quality Officers and Public Health England are consulted regarding likely efficacy of measures for on or off site mitigation and the proximity to the source of emissions for maximum efficacy.</p>	<p>General support welcomed.</p> <p>The comment regarding not locating sensitive housing uses in areas where EU Health Limit Values are exceeded is noted, however it is not possible to introduce new policy through this SPD. This will be a matter for the Local Plan. The comment regarding mitigation measures in the immediate vicinity is also noted. This would only apply in exceptional circumstances, and would be determined on a site-by-site basis in conjunction with the Council's Air Quality Officers, and Public Health England as necessary.</p>	no
How Planning	Urbo (West Bar) Ltd	<p>The draft SPD states that the Council will seek Section 106 planning obligation to mitigate specific development impacts on local air quality where there is insufficient capacity for on-site mitigation and no identifiable project in the Regulation 123 list for the relevant part of the City. The Council will therefore be required to demonstrate CIL compliance based upon the evidence at the time. Furthermore, the viability of schemes must also be taken into</p>	Comment noted.	no

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
		account when requesting site specific air quality contributions alongside CIL payments.		
DLP (Planning) Ltd	University of Sheffield	The wording of GAQ1 is noted and Planning Practice Guidance is referred to in relation to whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Considerations in the decision making process include whether development would significantly affect traffic in the immediate vicinity or further afield, introduce new point sources of pollution, expose people to existing sources of air pollutants, give rise to potentially unacceptable impact during construction for nearby sensitive location or affect biodiversity. Reference is also made to the information that may be required from applicants where there are concerns on air quality. The University of Sheffield acknowledge the wording of 5.5 and suggest some additional wording to reflect the citywide nature of air quality as 'contributions towards providing strategic air quality management measures will normally be funded in whole or part by the CIL'. Paragraph 5.56 is referenced in terms of the potential requirement of off-site mitigation alongside 3.6 that sets the need for compliance with the statutory tests. A strategic approach to air quality is considered to be a sensible approach. A further explanation is sought regarding the types of development that may have a significant detrimental impact, together with the factors that should be taken into account in determining whether development have an impact.	Comments noted and general support welcomed. The wording of paragraph 5.64 already refers to the CIL funding large scale air quality improvement projects, so the suggested text is not needed. In terms of a significant detrimental impact, the definition under GAQ1 is taken from the Air Quality Action Plan, and the potential impact of developments will be determined by site-specific Air Quality Impact Assessments, which will be assessed by the Council's Air Quality Officers.	no

Waste Management

Organisation	Representing	Comment	Council Response	SPD Amendment (yes/no)
Stainton Planning	Ackroyd and Abbott Ltd, residential and commercial developers.	Waste management should be wholly funded by CIL. It is a strategic level issue and individual developments do not result in the need for site specific mitigation.	Comment noted. Paragraphs 5.67 and 5.68 have been amended to make it clearer that waste is a strategic issue.	yes
How Planning	Urbo (West Bar) Ltd	It is Urbo (West Bar) Ltd.'s position that all waste management infrastructure will be funded through CIL based upon the Regulation 123 list. Any site specific waste management requirements relating to the storage and collection of waste will be built into schemes at the detailed design stages.	Comment noted. Paragraphs 5.67 and 5.68 have been amended to make it clearer that waste is a strategic issue.	yes

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