

WELBORNE PLANNING OBLIGATIONS & AFFORDABLE HOUSING SPD

Summary of Representations and Council's Initial Response

Introduction

This document has been prepared in response to a request from the Inspector undertaking the Examination to the Welborne Plan. It sets out a summary of the representations received during the consultation on the Welborne Planning Obligations and Affordable Housing Supplementary Planning Document (SPD). It provides an initial response to those representations which will inform the progression and revision of the SPD. Additionally it identifies a small number of Officers' recommended consequential changes to the Welborne Plan.

Consultation

The draft Welborne Planning Obligations and Affordable Housing SPD was made available for public consultation between the 25th June and the 6th August 2014. It was available on the Council's website and hard copies were available to view at all the Borough's libraries. A letter or email was sent to everyone on the Council's consultation database to inform them of the consultation.

The Council received 13 responses on the draft SPD from a variety of respondents. A list of all these respondents, alongside a summary of their representations, can be seen in Table 1 of this document. Alongside each representation is a comment from Council Officers, setting out the initial response, including revisions that are considered necessary to the SPD and consequential changes the Welborne Plan.

Summary of the representations

A number of the representations have expressed concern about both the principle of deferral of infrastructure and the mechanism set out in the draft SPD. A number of infrastructure providers were broadly happy with the content of the document, but sought minor revisions of the SPD to recognise or clarify certain aspects. The transparency of the planning obligations process was questioned, and the anticipated level of affordable housing was considered too high by some parties.

Issues arising from the Consultation

The SPD included in significant detail an approach for delivering infrastructure and affordable housing, and a specific mechanism for considering any proposals from the site promoters for the deferral of contributions toward infrastructure and affordable housing. The submitted Plan and draft SPD set out an approach which aimed to maximise flexibility in delivery of infrastructure and affordable housing. The potential for deferral of infrastructure has however led to uncertainty for both the site promoters and infrastructure providers, as set out in their consultation responses. The Council will therefore remove references to the deferral of infrastructure contributions and deferral

of affordable housing. The aim will be to provide more certainty for those delivering Welborne and relevant infrastructure providers.

Initial response to representations and potential revisions to the draft SPD

Following initial consideration of the responses, the Council is minded to make a number of changes to the draft SPD. The extent and nature of those changes are set out in Table 1. Much of the detail of the proposed mechanism for the deferral of infrastructure contributions and deferral of affordable housing is contained within Section 5 of the draft SPD. The bulk of the changes envisaged at this time will be contained within Section 5 of the SPD, and where additional changes are envisaged they are outlined in Table 1. The SPD cannot be adopted by the Council until the Welborne Plan itself is adopted. Following this initial assessment of the response to the consultation, further changes to the SPD may arise, for instance from issues arising from the forthcoming Examination into the Welborne Plan or changes in legislation. The response set out here is therefore the Council's initial response to the consultation, and has been prepared to inform the forthcoming Examination into the Welborne Plan.

Ultimately, any changes to the draft SPD will be considered by Members when they consider adopting the final document.

Consequential Changes to the submitted Welborne Plan

In a small number of cases, a response to this SPD consultation has highlighted issues which have caused the Council to reconsider the content of the submitted Welborne Plan. In those instances, the final column in Table 1 states the nature of the Officer recommended change to the submitted Welborne Plan which will be proposed at the forthcoming Examination. The detail of changes to policy or supporting text will be introduced to the Examination through a Statement of Common Ground or Participant's Statement. It is for that reason that the exact text of any proposed change is not set out in Table 1. A summary of all Officer recommended proposed changes to the Welborne Plan which are considered appropriate as a result of this consultation is set out in Table 2 of this document.

Ultimately, any changes to the Welborne Plan will be considered by Members through the formal Examination and Adoption process.

Next Steps

This document will be submitted to the Inspector undertaking the Examination of the Welborne Plan.

The proposed revisions to the draft SPD outlined in Table 1 will be developed in light of any changing circumstances, including the progress of the Examination into the Welborne Plan, and will form the basis of the final SPD to be adopted in due course.

The proposed changes to the Welborne Plan, set out in Table 2 of this document, will be promoted by the Council at the forthcoming Examination.

**WELBORNE PLANNING OBLIGATIONS AND AFFORDABLE HOUSING SPD CONSULTATION
TABLE 1**

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------------|---------------------------|-----------------|--|--|--|
| WPO1 | New Forest NPA | | The failure to include any reference in the SPD to the New Forest as an internationally protected site is clearly an oversight and is at odds with the principles and commitments as set out in the Welborne Plan whereby it is stated that the impacts on all sites of national and international importance would be considered and their impacts mitigated against. | Noted. The extent to which the Welborne development impacts upon internationally designated sites will be determined through the Habitats Regulations Assessment Process. It is accepted that at this point, the SPD should recognise the potential for the Welborne development to require mitigation with regards to all relevant internationally designated sites. | No |
| WPO2 | Southern Water | 6.75 and 6.76 | We welcome paragraphs 6.75 and 6.76 of the Welbourne Planning Obligations and Affordable Housing SDP that recognise utility infrastructure will be achieved through agreements with service providers. | Noted. | No |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|--------------------|--------------------|---|--|---|
| WPO3 | Environment Agency | 6.75 and 6.76 | <p>Generally we are satisfied with the content of this document and are supportive of the approach.</p> <p>We strongly agree with paragraph 6.75 and the recognition that the provision and upgrade to the appropriate utilities infrastructure is essential. It is key that this infrastructure is provided in a timely manner, prior to it being required. Provision of the required Waste Water infrastructure is essential at an early stage of development.</p> <p>We also agree with paragraph 6.76, and it needs to be ensured that this happens to prevent damage to the environment.</p> | Agreed. | No |
| WPO4a | English Heritage | 4.13 and section 6 | <p>Development-specific planning obligations may offer opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment.</p> <p>Reference to these opportunities could be made within paragraph 4.13 and section 6 of the SPD and we trust that the Council will keep such opportunities in mind when considering development proposals.</p> | Agreed. A note will be added to paragraph 4.13 highlighting the opportunities for securing improvements and mitigation of adverse impacts to the historic environment. | No |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|--------------------------|----------|--|--|---|
| WPO4b | English Heritage | | With regard to the viability of a scheme when considering the level of affordable housing or infrastructure contribution required, English Heritage also trusts that the Council would be particularly willing to consider a reduction in either contribution where viability was an issue and the scheme would deliver other public benefits in the form of the conservation or enhancement of heritage assets. | The Council's priorities relating to the protection and enhancement of the Historic Environment are set out in Policy WEL8 of the Welborne Plan. Any proposal which secured public benefits in the form of the conservation or enhancement of heritage assets would have to be considered as part of the Planning Application process in light of the proposal as a whole. | No |
| WPO5a | Welborne joint promoters | | The key issue for the Joint Promoters is that the scheme should not be subjected to conditions that are so onerous that no developer or funder could have confidence in the achievement of acceptable long term returns. This is a fundamental requirement of both institutional funds and house builders and commercial developers, and is also reflected in NPPF. | The Council is of the view that the approach to contributions set out in this SPD is consistent with national planning policy and guidance. The Council is minded amend the SPD to remove reference to deferral of infrastructure and provide more certainty for the developers, infrastructure providers and the community. | Change Policy WEL41 (Phasing and Delivery) and supporting text to remove references to deferral of infrastructure. Change Policy WEL 18 (Affordable Housing) and supporting text to remove references to overarching deferral of contributions policy (and relevant cross reference to Policy WEL41), as principally detailed in paragraphs 5.6 to 5.23 of the draft SPD. Make associated minor amendments to clarify mechanisms for achieving potential flexibility in delivery of affordable housing between phases. |
| WPO5b | Welborne joint promoters | | The whole project is supported by the sale of serviced land parcels and commercial development in the employment area and district centre, and not necessarily house prices. | Noted. | No |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|--------------------------|----------|---|---|---|
| WPO5c | Welborne joint promoters | | <p>The proposed infrastructure burden being imposed on Welborne, if expressed as a CIL rate per sq. m of private development would equate, according to the Council's own evidence to £670/sq. m of private development:-</p> | <p>The Council's Infrastructure Delivery Plan contains estimates of infrastructure and enabling costs. The Council's viability evidence referred to "<i>current infrastructure and enabling costs equivalent to c£47,000 per unit.</i>" Those costs include substantial enabling costs such as site preparation, utilities and the delivery of internal roads which would not be usually delivered using planning obligations or CIL. The Council estimates that of the c£47,000 per dwelling costs quoted here, the costs which would usually be delivered under planning obligations or CIL is c£26,500 per dwelling.</p> <p>In any event, the Council's stated approach is to maximise the use of s106 contributions and charge CIL at a nil rate due to viability considerations.</p> | No |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|--------------------------|--------------|--|---|--|
| WPO5d | Welborne joint promoters | 2.18 6.12 | <p>The tenure split at 70/30 is too prescriptive and will reduce land values therefore affecting the viability of the project. In the third italic paragraph, the final sentence does not make sense.</p> <p>The tenure mix as prescribed in section 6 is onerous. In having such a high proportion of rented tenures Welborne is being used as a means to deliver all of the social housing need. This will be to the detriment of the sustainable community that Welborne is seeking to deliver, which should incorporate a more balanced 50:50 affordable rent to shared ownership mix.</p> | <p>The tenure split referred to is an extract from Policy WEL18 in the Welborne Plan. The SPD and Policy WEL18 make it clear that the precise affordable housing mix required throughout the development of Welborne cannot be known at this stage and will be subject to review with reference to up to date evidence of housing needs. It is not the Council's intention that Welborne delivers the whole of the Borough's social housing need. For clarity, the Council is minded to amend the SPD to ensure it is clear that the initial tenure split of affordable housing of 70:30 will be subject to review in light of changing housing evidence.</p> | <p>Change Policy WEL 18 (Affordable Housing) to ensure it is clear that the type (i.e. tenure split) of affordable housing sought will be in accordance with the most recent evidence of housing need.</p> |
| WPO5e | Welborne joint promoters | | <p>Any implication that developers should be obligated to use the Councils JVHC is unacceptable and restrains competitive tendering for the affordable provision, producing further constraints to deliverability.</p> | <p>The Council's Joint Venture Housing Company is mentioned in Policy WEL 18 of the Welborne Plan. It is considered clear that the site promoters will not be compelled to use the Council's JHVC. The Council is minded to amend the text of the SPD to ensure it is clear that developers will not be compelled to use the Council's JHVC.</p> | <p>No.</p> |
| WPO5f | Welborne joint promoters | 3.8 | <p>Given the uncertainty over the level of public sector funding, which is of most benefit at the start of the development programme, the viability calculation cannot be constructed assuming that it may materialise at some point in the future.</p> | <p>Noted. The level of available public funding will be taken into account when assessing the viability of each stage of development.</p> | <p>No</p> |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|--------------------------|-----------|---|--|--|
| WPO5g | Welborne joint promoters | 4.5 | The attempt to apply CIL to a development carrying such an already high infrastructure burden would be unnecessarily onerous. The Joint Promoters therefore support the proposed zero CIL rating. | Noted. | No |
| WPO5h | Welborne joint promoters | 5.8 | The creation of an uncertain ever-increasing burden of financial liability will render the future phases of the project uncertain. This uncertainty will render the entire scheme unviable as no investor, enabler or developer will wish to commit such significant initial investment into project with such an uncertain future. | Noted. The SPD seeks, in accordance with national planning policy and guidance, to include a flexible approach in securing planning obligations. The Council is minded amend the SPD to remove reference to deferral of infrastructure and provide more certainty for the developers, investors, infrastructure providers and the community. | Change Policy WEL 41 (Phasing and Delivery) and supporting text to replace remove references to deferral of infrastructure. Change Policy WEL 18 (Affordable Housing) and supporting text to remove references to overarching deferral of contributions policy (and relevant cross reference to Policy WEL41), as principally detailed in paragraphs 5.6 to 5.23 of the draft SPD. Make associated minor amendments to clarify mechanisms for achieving potential flexibility in delivery of affordable housing between phases. |
| WPO5i | Welborne joint promoters | Section 5 | Number of detailed points regarding the principle and detail of the proposed mechanism should the developers wish to apply for a deferral of contributions towards infrastructure under policy WEL41 of the Welborne Plan. | The Council is minded to amend the SPD to remove reference to deferral of infrastructure and provide more certainty for the developers, infrastructure providers and the community.. | Change Policy WEL 41 (Phasing and Delivery) and supporting text to remove references to deferral of infrastructure. |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|--------------------------|-----------|--|---|---|
| WPO5j | Welborne joint promoters | Section 5 | Number of detailed points regarding the principle and detail of the proposed mechanism should the developers wish to apply for a deferral of affordable housing under policy WEL18 of the Welborne Plan. | <p>The Council is minded to suggest number of changes to policy WEL18 as part of the Examination into the Welborne Plan.</p> <p>The Council is minded to amend the SPD to remove reference to deferral of affordable housing and provide more certainty for the developers, infrastructure providers and the community.</p> | Change Policy WEL 18 (Affordable Housing) and supporting text to remove references to overarching deferral of contributions policy (and relevant cross reference to Policy WEL41), as principally detailed in paragraphs 5.6 to 5.23 of the draft SPD. Make associated minor amendments to clarify mechanisms for achieving potential flexibility in delivery of affordable housing between phases. |
| WPO5k | Welborne joint promoters | 6.15 | The serviced land value in the viability appraisal reflects a Land and Build type contract between the RP and the housebuilder. Therefore, the inclusion of a “zero cost” provision of serviced land for affordable housing is not acceptable. | Noted. The Council accepts that this approach may not be appropriate for Welborne and is minded to change the SPD accordingly to remove reference to free serviced land. | No |
| WPO6a | Hampshire County Council | | <p>The SPD goes further than just setting out the “deferral of contributions policy” and seeks to introduce a new tariff policy for the calculation and collection of s106 contributions which is not consistent with the Welborne Plan.</p> <p>The proposed tariff policy is contrary to the CIL regulations and statutory Planning Practice Guidance. Proposals to secure funds that are not ring-fenced to provide a specific item of infrastructure at a specified point in the development is not consistent with the regulations and guidance.</p> | This is not accepted, as the mechanism is similar to the one implemented elsewhere in the country. The Council is however minded to amend the SPD to remove reference to deferral of infrastructure and provide more certainty for the developers, infrastructure providers and the community. | Change Policy WEL 41 (Phasing and Delivery) and supporting text to remove references to deferral of infrastructure. |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------------|---------------------------|-----------------|---|--|--|
| WPO6b | Hampshire County Council | | The County Council will need to be party to any section 106 for the site in order to secure specific contributions and ensure funds are paid directly to the County Council in a timely manner to allow the infrastructure to be delivered within agreed timescales. | Agreed. The Council envisages that the County Council will be party to s106 agreements for the site and is minded to state so specifically in the SPD. | No |
| WPO6c | Hampshire County Council | | The County Council is supportive of the approach to the deferral of affordable housing. | Noted. | No |
| WPO6d | Hampshire County Council | | The County Council is supportive of the need to ensure that the payment of financial planning obligations does not render the development unviable. The payment of such contributions can be approached to ensure that they relate to expenditure. For instance, the County Council would seek to relate payment of contributions for the provision of schools with the spend profile of the project. | Noted. The Council is minded to amend the SPD to highlight this point. | No |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|--|----------|--|---|---|
| WPO7a | Hampshire and Isle of Wight Wildlife Trust | | <p>We are concerned that the section on the management and maintenance of the Green Infrastructure does not fully reflect the proposals set out in accompanying text to WEL35 Governance and Maintenance of Green Infrastructure, in the Draft Local Plan Part 3: The Welborne Plan.</p> <p>This states that “the developers will be expected to include a fully costed maintenance schedule and management plan” .(Local Plan Part 3 -dated February 2014- section 8.48)</p> <p>We request that this sentence is included in the Planning Obligations and Affordable Housing SPD to ensure clarity of what is required from the developers.</p> | <p>The SPD already refers to policy WEL35. However, the Council is minded to include the suggested wording in the SPD to ensure there is clarity of what is required from developers.</p> | <p>No</p> |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|--|----------|---|---|---|
| WPO7b | Hampshire and Isle of Wight Wildlife Trust | | <p>The Planning Obligations and Affordable Housing SPD sets out the proposed mitigation for recreational impacts on the coast and splits this between 70 % of contributions towards SANGS and 30% towards the Solent wide Access Management. As SANGS have not been proven to work in a coastal setting Hampshire & Isle of Wight Wildlife Trust object to this split and wish to see 100% funding towards the Solent wide Access management, with SANGs provided in addition to this. Without 100% of dwellings contributing to the Solent wide Access management there is no certainty that the mitigation will be effective.</p> <p>Hampshire & Isle of Wight Wildlife Trust believe that to meet the requirements of the Conservation of Habitats and Species regulations all the dwellings need to provide the funds towards the Solent wide Access management measures. The provision of SANGS should be in addition to this.</p> | The approach set out in the SPD is in accordance with the approach set out in the Welborne Plan. Natural England has not objected to the Welborne Plan or the text in this SPD. Therefore no change to the SPD on this issue is considered necessary. | No |
| WPO8 | Natural England | | No comment. | Noted. | No |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|---------------------|----------|---|--|---|
| WPO9a | The Fareham Society | | The proposed use of s106 agreements for all infrastructure at Welborne is undemocratic because there is no public consultation on the preparation/content of the agreements and they are generally treated as confidential. Agreements are also subject to review after 5 years or at the request of the landowner/developer. | The Council considers that maximising the use of s106 agreements is the best way to secure infrastructure at Welborne. The policies in the Welborne Plan, infrastructure evidence set out in the Council's IDP and the production of this draft SPD all provide opportunities for consultation with service providers and the public. The key provisions of s106 documents are considered when planning applications are determined. s106 agreements are public documents once signed, again providing certainty to service providers and communities. | No |
| WPO9b | The Fareham Society | | Approach in document places the delivery of infrastructure at risk. | The Council considers that maximising the use of s106 agreements at Welborne gives greater certainty that infrastructure will be secured. This view is shared with the County Council, who have signed a Memorandum of Understanding with Hampshire districts regarding the use of s106 agreements on larger sites. | No |
| WPO9c | The Fareham Society | | This SPD should include the Solent Disturbance and Mitigation Project and on-site open space, outdoor sports and children's play equipment standards as appendices. | The inclusion of these appendices is not appropriate for this document as there is already significant bespoke detail on these specific items contained within the Welborne Plan and as part of the evidence base to the Plan. | No |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|--------|-------------------------|-------------|---|---|---|
| WPO10a | Alan Hamilton | | The level of affordable housing set out in this document is too high at 30%. This will discourage homebuyers and slow development. It would be better to spread these new affordable homes through the Borough. | The level of affordable housing set out in this document is in accordance with Policy Wel18 of the Welborne Plan. It is based on the available evidence of housing need. There is evidence of other sites delivering similar levels of affordable housing without prejudicing delivery. | No |
| WPO10b | Alan Hamilton | | The total cost of obligations should be stated in the interests of transparency. | The actual costs of infrastructure requirements will be determined through the development process. The Council's estimates of the likely infrastructure costs are listed in the Council's Infrastructure Delivery Plan, which is available on the Council's website. | No |
| WPO11 | Rhoda Joseph | Section 3 | Object to reference to Knowle Triangle for use as anything other than open rural space. | Noted. | No |
| WPO12 | Winchester City Council | 5.6 to 5.35 | Winchester City Council welcomes the Welborne Planning Obligations & Affordable Housing SPD which clarifies the planning obligation requirements for the Welborne development. However, in its response to the publication of the Welborne Plan, the City Council objected to the inclusion of the deferred payments policy in WEL41 and considers that references to this policy should be removed. The deferred payments policy should therefore not be included in the SPD for the reasons given in the City Council's response to the publication version of the Welborne Plan. | Noted. The Council is minded to amend the SPD to remove reference to deferral of infrastructure and provide more certainty for the developers, infrastructure providers and the community | Change Policy WEL 41 (Phasing and Delivery) and supporting text to remove references to deferral of infrastructure. |

| Ref. | Name of Respondent | Para no. | Details of Representation | Initial Council Response | Officer Recommended Change to Welborne Plan |
|-------|---|-------------|--|---|---|
| WPO13 | Royal Society for the Protection of Birds | 5.6 onwards | It should be clarified that the 'Deferral of Contributions' approach cannot be applied to European site mitigation measures (e.g. Suitable Alternative Natural Greenspace (SANG) and Solent Recreation Mitigation Partnership (SRMP) contributions). These measures must be in place ahead of the impact (i.e. ahead of occupancy of the new dwellings) and therefore cannot be deferred until a later phase of the development. | Agreed. The Council is minded to amend the SPD to ensure it is clear that the provision of any mitigation strategy, including SANGs, must be in step with development at Welborne. | Change Policy WEL 41 (Phasing and Delivery) and supporting text to remove references to deferral of infrastructure. |

WELBORNE PLANNING OBLIGATIONS AND AFFORDABLE HOUSING SPD CONSULTATION

TABLE 2 - SUMMARY OF PROPOSED CHANGES TO THE WELBORNE PLAN

| Policy | Recommended Change to Welborne Plan |
|------------------------------|---|
| WEL18 (Affordable Housing) | Change Policy WEL 18 (Affordable Housing) and supporting text to remove references to overarching deferral of contributions policy (and relevant cross reference to Policy WEL41), as principally detailed in paragraphs 5.6 to 5.23 of the draft SPD. Make associated minor amendments to clarify mechanisms for achieving potential flexibility in delivery of affordable housing between phases. |
| WEL18 (Affordable Housing) | Change Policy WEL18 (Affordable Housing) to ensure it is clear that the type (i.e. tenure split) of affordable housing sought will be in accordance with the most recent evidence of housing need. |
| WEL41 (Phasing and Delivery) | Change Policy WEL 41 (Phasing and Delivery) and supporting text to remove references to deferral of infrastructure. |