

LUTON BOROUGH COUNCIL

**SUPPLEMENTARY
PLANNING DOCUMENT**

ON

PLANNING OBLIGATIONS

Consultation Statement

September 2007



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এই তথ্য অন্যান্য সংস্করণেও সরবরাহ করা যেতে পারে। আপনি যদি বড় হরফে ছাপা, টেপ-এ রেকর্ড করা অথবা বাংলা ভাষায় অনুবাদ করা কপি চান, তাহলে এই নম্বরে যোগাযোগ করবেন (টেলিফোন) 01582 547090.....
(মিনিকম/টেক্সটফোন)

આ માહિતીવિગતની વ્યવસ્થા બીજી રીતે પણ થઈ શકે છે. જો તમને આ માહિતી મોટા છાપેલાં અક્ષરોમ ટેઇપ પર રેકોર્ડ કરેલી અથવા ગુજરાતી ભાષામાં જોઈતી હોય તો, કૃપયા ટેલિફોન કરો: 01582 547090...
(મિનિકોમ/ટેક્સ્ટ ફોન)

ਇਹ ਜਾਣਕਾਰੀ ਦੂਜੇ ਤਰੀਕੇ ਵਿਚ ਵੀ ਮਿਲ ਸਕਦੀ ਹੈ ਜਿਵੇਂ ਅਗਰ ਤੁਹਾਨੂੰ ਇਸ ਦੀ ਕਾਪੀ ਪੰਜਾਬੀ ਵਿਚ ਵੱਡੇ ਅੱਖਰਾਂ ਜਾ ਟੇਪ ਤੇ ਚਾਹੀਦੀ ਹੋਵੇ ਤਾਂ ਫੋਨ ਕਰੋ : ਟੈਲੀਫੋਨ 01582 547090.....
ਮਿਨਿਕੋਮ / ਟੈਕਸਟ ਫੋਨ

یہ معلومات آپ کو دوسری صورتوں میں مہیا کی جاسکتی ہیں۔ اگر آپ کو اس کی کاپی بڑے حروف میں، یا آواز کی صورت میں کیسٹ پر اُردو زبان میں درکار ہے، تو براہ کرم اس فون نمبر 01582 547090..... منی کوم/ٹیکسٹ فون پر رابطہ کریں۔

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Background

The Supplementary Planning Document (SPD) on planning obligations has been produced by Luton Borough Council to assess the level of planning obligations that will be sought in conjunction with planning applications for development and associated activities. It sets out how the council intends to implement statutory provisions that seek developer contributions towards supporting infrastructure, facilities and services within its authoritative boundary.

The Luton and South Bedfordshire Joint Committee adopted the SPD on 21st September 2007. In accordance with Regulation 19 of the 'Town and Country Planning (Local Development) (England) Regulations 2004', this consultation statement has been created. It serves to confirm the activities undertaken by Luton Borough Council to consult with the public and how the associated feedback has been attended to.

Timings

Press notification of public consultation on draft SPD:

Herald and Post - 28th February 2007

Luton on Sunday - 04th March 2007

Consultation period - 05th March 2007 to 16th April 2007 (6 weeks)

Adoption – 21st September 2007

Methodology

For all statutory contacts (see Appendix 4), a full pack was posted (via Royal Mail) containing:

- Cover Letter
- Response Form
- Draft SPD
- Sustainability Appraisal (SA)
- Matters

For other contacts (see Appendix 5), a cover letter and response form were posted via Royal Mail.

Copies of all documentation were also displayed at the eight libraries within the authority's boundaries.

To reduce the level of administration involved in compiling the responses, respondents were requested to complete an on-line form, hosted on the council web site. These web pages also contained electronic copies of all the

related documentation, including the SPD and SA, which could be downloaded as .PDF files.

Analysis

All representations were reproduced in a single table and summarised so that they key points became prominent. Where the respondent had not clearly stated which section and paragraph they were referring to, these were attributed to the correct document sections by interrogation of the text provided. Some representations also covered multiple paragraphs and so were split into their constituent parts.

The representations were then distributed to officers and agents, possessing relevant knowledge and experience, to comment upon.

The Local Plans team of Luton Borough Council holds the original paper and electronic copies of all responses.

Summary Response Analysis

Total responses	27
Objections	3
Support and do not seek any changes	5
Support in principle subject to amendments	18
Not Applicable to consultee	1
% Electronic responses (e-mail and/ or online)	74%

Overall Opinion by Respondent, Date and Method

<u>Overall Opinion</u>	<u>Respondent</u>	<u>Response Date</u>	<u>Paper</u>	<u>E-mail</u>	<u>Online</u>
N/A (no navigation interests in Luton)	British Waterways South East	01/03/2007		1	
Object	Bramley Homes Ltd	16/04/2007	1		
Object	Pegasus Planning Group	16/04/2007		1	1
Object	Turley Associates	13/04/2007		1	
Support and do not seek any changes	Anglian Water Services Ltd	13/04/2007			1
Support and do not seek any changes	Bedfordshire Railway And Transport Association	16/03/2007	1		
Support and do not seek any changes	East of England Regional Assembly	19/04/2007 *		1	1
Support and do not seek any changes	London Luton Airport Consultative Committee	19/04/2007 *	1		
Support and do not seek any changes	Network Rail	10/05/2007*		1	
Support in principle subject to amendments	Baker Associates (Sustainability Appraisal)	February 2007	1	1	
Support in principle subject to amendments	Ballymore Properties Ltd	16/04/2007		1	
Support in principle subject to amendments	Bedfordshire County Council	01/03/2007		1	
Support in principle subject to amendments	Bedfordshire County Council	16/04/2007	1	1	
Support in principle subject to amendments	Bedfordshire Police Authority	13/04/2007	1		
Support in principle subject to amendments	Bedfordshire Rural Communities Charity	19/03/2007	1		
Support in principle subject to amendments	Chilterns Conservation Board	30/03/2007		1	
Support in principle subject to amendments	Circle Anglia	13/04/2007			1
Support in principle subject to amendments	East of England Development Agency	10/04/2007		1	
Support in principle subject to amendments	Environment Agency	16/04/2007	1		
Support in principle subject to amendments	Highways Agency	26/04/2007 *		1	
Support in principle subject to amendments	Houghton Regis Development Consortium	16/04/2007		1	
Support in principle subject to amendments	House Builders Federation	21/03/2007	1	1	
Support in principle subject to amendments	Luton Borough Council, Traffic Engineering	07/03/2007		1	
Support in principle subject to amendments	Natural England	12/04/2007	1	1	
Support in principle subject to amendments	North Hertfordshire District Council	16/04/2007	1	1	
Support in principle subject to amendments	Private Individual	29/03/2007			1
Support in principle subject to amendments	WM Morrison Supermarkets PLC	16/03/2007	1		

* Responses received after end of consultation period (16th April).

Summary of Issues

A total of 217 representations were received to the SPD and SA together. These are detailed in Appendix 1, together with a suggested response following full and proper consideration of each one in liaison with relevant officers from across the Council.

It is significant to note that, whilst the number of respondents is limited (there being only 27 in total), 3 respondents (comprising two developers and the Home Builders Federation) account for almost half of all representations made. This serves to illustrate the importance of the document to the development sector in terms of the potential financial implications.

The main themes of the representations made are as follows:

Theme	# Occurrences
Concern over compliance of SPD with government guidance	35
Support SPD	25
Request environmental coverage	14
Clarification of ambiguity	13
Request evidence on needs and requirements	12
Query transport contribution calculation	10
Query open space contribution calculation	7
Query education contribution calculation	6
Concern over application threshold	4
Concern over confidentiality of financial appraisals	4

The over-riding concern clearly relates to the **compliance of the SPD with government guidance** in Circular 05/05 : 'Planning Obligations'. These representations suggest that there is an attempt to either introduce new policy (rather than expanding on existing policy as described in the 'Luton Local Plan 2001-2011') or seek contributions unrelated to the general principle of making acceptable applications that would otherwise be unacceptable in planning terms. The Council's responses to the majority of these representations explain how the draft SPD does comply with Circular 05/05 and why, therefore, they are not accepted as presenting due cause to change the SPD.

It should be noted that the three respondents representing developers produced over 85% of the concerns over the compliance of the SPD. This indicates that the importance of this theme is based more on a general concern being duplicated throughout the various sections of the SPD, rather than the presence of a serious issue identified by a number of respondents.

Proposed Amendments to the SPD

The proposed amendments to the draft SPD, which result from the consultation, are scheduled in Appendix 3. A summary of the main issues is as follows:

- A new chapter on **waste management** has been added which includes a table of charges for residential developments split by dwelling type (flats vs. houses) and size (number of bedrooms).
- Figures used in the section on **transport contributions** have been properly challenged and, as a consequence, the opportunity to both review the data, and fully explain its derivation, has been taken.
- Apparent inconsistencies in the maintenance period applied to the provision of **open space and play facilities**, where the draft SPD used periods of both 10 and 20 years have been rectified. This discrepancy has been resolved so that the SPD consistently refers to a period of 20 years.
- Reference is now made to the fact **that environmental coverage** is to be reviewed once the Luton and South Bedfordshire Green Space Strategy is adopted. This will ensure that any potential environmental obligations will relate directly to the most up-to-date information available and will be consistent with published strategies.
- The SPD has been amended to accommodate the **provision of financial information** on a strictly confidential basis, to a mutually agreed independent third party, rather than to the Council itself.
- The only significant general updates are those that result from PPS3 'Housing' which was published in November 2006, immediately prior to the draft SPD being finalised. The two changes are:
 1. A revised definition of affordable housing which no longer includes low cost market housing
 2. A reference to the Council specifying the size and type of affordable housing needed in particular locations.

Appendix 1: List of Representations

Note that the representations from Baker Associates are taken from the Sustainability Appraisal that they created for the draft SPD.

The schedule is split into two sections. The first contains those relating to the SPD and the second details the 24 representation on the Sustainability Appraisal.

<u>Respondent</u>	<u>Section / Paragraph</u>	<u>Representation</u>	<u>Response</u>	<u>Comment</u>
Houghton Regis Development Consortium	Introduction: 1.1	HRDC has no objections though the SPD may only be an interim measure in advance of any new system, which the Government introduces. It is essential that the introduction to the SPD is amended to address the transitional arrangements that will apply to avoid the occurrence of double taxation.	Not accepted	It is neither necessary nor appropriate for the SPD to indicate what may happen in the future and what the Council would do if it did. Any new system would come into force and be dealt with accordingly depending upon the circumstances.
Ballymore Properties Ltd	Introduction: 1.5	Policy IMP1 states that, in appropriate circumstances, the Council will seek to enter into legal agreements to secure an appropriate level of provision or contribution towards facilities for which there is a recognised need in the Borough or a deficit in the locality. This policy cannot over-ride Government Policy, which clearly sets out the over-riding principles for negotiating obligations.	Noted	Policy IMP1 is adopted local plan policy which has formulated with due regard to Circular 1/97 'Planning Obligations' which was relevant at the time. Whilst this was superseded by Circular 5/05 after the local plan inquiry, it should be noted that it only changed the test for planning obligations in one respect. These are set out in Para 6 of Circular 1/97 and Para B5 of Circular 1/97 required an obligation to be "necessary" whereas Circular 5/05 required them to be "necessary to make the proposed development acceptable in planning terms". Even then, there was in fact no significant change as the revised wording had been coined from Para B2 of Circular 1/97.
Ballymore Properties Ltd	Introduction: 1.7	The approach to a tariff based	Noted	The Council may be prepared to waive tariffs in certain circumstances,

		approach should not be over simplistic or treat all sites as equal. This may be appropriate for greenfield sites with significant public sector infrastructure investment but would not be applicable to urban sites on which values will vary enormously. The tariff mechanism can only be supported if the main tool for its collection is viability testing.		subject to demonstrable proof that it would otherwise render the scheme non-viable.
Ballymore Properties Ltd	Introduction: 1.7	We do not see the relevance of including paragraph 1.7 and request that it is deleted.	Not accepted	The paragraph is helpful in setting the context for the application of planning obligations.
Ballymore Properties Ltd	Introduction: 1.7	We request that the Council reviews the SPD document to ensure general compliance with Central Government Policy. Circular 05/05 states that developers are not expected to pay for facilities that are needed solely in order to resolve existing deficiencies.	Not accepted	Policy IMP1 is adopted local plan policy which has formulated with due regard to Circular 1/97 'Planning Obligations' which was relevant at the time. Whilst this was superseded by Circular 5/05 after the local plan inquiry, it should be noted that it only changed the test for planning obligations in one respect. These are set out in Para 6 pf Circular 1/97 and Para B5 of Circular 1/97 required an obligation to be "necessary" whereas Circular 5/05 required them to be "necessary to make the proposed development acceptable in planning terms". Even then, there was in fact no significant change as the revised wording had been coined from Para B2 or Circular 1/97.
Home Builders Federation	Introduction: 1.7	Circular 5/05 gives clear guidance on what local authorities can reasonably seek from developers via Planning Obligations, and in what circumstances. The HBF considers that in many instances the Authority has failed to comply with the tests provided in Circular 05/05.	Not accepted	The detail in the SPD complies with the costs set out in circular 5/05. This is demonstrated by the fact that the SPD is the only one in the Councils' LDS that the Government Office indicated that it wished to be consulted on. The GO were consulted and chose not to comment, which would not have been the case had the document not complied with Circular 5/05.
Ballymore Properties Ltd	Introduction: 1.12	Paragraph 1.12 is too general	Not	Para 1.12 sets out the adopted local plan policy.

		and seems to suggest a betterment assumption.	accepted	
Home Builders Federation	Introduction: 1.12	HBF considers that the document goes well beyond the content of policy IMP1 in its financial demands.	Not accepted	The detail in the SPD complies with the costs set out in circular 5/05. This is demonstrated by the fact that the SPD is the only one in the Councils' LDS that the Government Office indicated that it wished to be consulted on. The GO were consulted and chose not to comment, which would not have been the case had the document not complied with Circular 5/05.
North Hertfordshire District Council	Application: General	The approach taken for large-scale developments such as urban extensions needs to be clarified and strengthened. It may be useful for there to be a separate heading in Section 2, dealing specifically with large scale developments. Stating that regard would be given to the standard charges, but recognising that they are likely to have individual impacts that need to be looked at on a site-by-site basis.	Not accepted	This SPD supplements the Luton Local Plan that covers Luton. There is no prospect of a large-scale development such as an urban extension within the Borough during the plan period and therefore no need to clarify or strengthen the approach on such developments.
East of England Development Agency	Application: 2.1	In relation to the issue of exceptions, more specific guidance regarding this could be made such explaining why the scale of development would be a relevant factor.	Not accepted	The scale of development already determines the level of contributions that will be sought.
East of England Development Agency	Application: 2.1	This section should have exceptions for environmental features such as accepting a lower contribution from homes that meet "excellent" Eco Home standards.	Noted	Whilst environmentally friendly developments will be welcomed, the contributions sought relate to other planning impacts that developments will have (e.g. traffic impacts, level of open space provision etc).
Home Builders Federation	Application: 2.1	HBF considers that the wording fails to accurately reflect the	Not accepted	Para 1.6 of the adopted local plan specifies how planning applications are determined. The SPD supplements the local plan and paragraph 2.1 fulfils

		appropriate role and remit of Statutory and non-statutory planning documents.		this role by indicating clearly the types of document that will inform negotiation and decision-making in so far as the Council is concerned.
East of England Development Agency	Application: 2.2	The principal of sharing out the costs does not fully take into account the principal of economies of scale. Some form of thresholds would be appropriate as smaller businesses and those self-building will be proportionally hit harder by these costs.	Noted	The amount of identified costs is proportionate to the scale of the development.
East of England Development Agency	Application: 2.2	There is a real risk that this will either act as a disincentive resulting in small-scale development not occurring and putting at risk the regeneration and renaissance of Luton.	Noted	If the level of financial contributions sought as a consequence of this SPD renders development demonstrably non-viable then the Council can be expected to relax the application of the SPD's requirements and then formally review it.
Home Builders Federation	Application: 2.2	5/05 makes it extremely clear that monies should not be sought to pay in to a general fund, yet this is likely to be the case with large numbers of small contributions from single dwelling developments.	Not accepted	Circ 5/05 makes it clear that it is for the planning authority to determine the threshold when contributions are sought (Para B4) and features a section (Paras B21-B24) under the heading "Pooled Contributions". This implies that large numbers of small contributions from, for example, single dwelling developments is quite acceptable.
Home Builders Federation	Application: 2.2	Circular 5/05 states that development should only be required to make provision for those facilities that are necessary as a direct result of new development and which fairly and reasonably relate in scale and kind to the development proposed. Given the negligible impact from very	Not accepted	Circular 5/05 states (at Para B4) that "Planning obligations are unlikely to be required for all developments but should be used whenever appropriate according to the Secretary of State's policy set out in this circular". The SPD introduces the threshold limits, which are compliant with circular 5/05 by virtue of the fact that GO chose not to comment when consulted.

		small developments it has to be extremely questionable whether a requirement for provision from all developments does meet this requirement of 5/05.		
Home Builders Federation	Application: 2.2	In order for such contributions to comply with 5/05 there has to be some reasonable prospect of the money being spent within a reasonable period for the purpose for which the contribution was sought and within a reasonable proximity of the development from which it was sought. It will require a great deal of resources and effort to implement and administer such a scheme effectively.	Agreed	Para. 2.8 of the SPD specified that monies not spent by the due date would be returned to the developer with interest. How this is administered will be a matter for the Council to determine in due course.
Home Builders Federation	Application: 2.2	Such requirements are considered contrary to Circular 5/05 as they don't take account of actual impact or existing facilities or provision.	Not accepted	The SPD is intended, amongst other things, to minimise delays to the planning process and be sufficiently flexible to reflect the circumstances of individual proposed developments (as set out in Para 1.10 of the SPD). This approach followed in the SPD does that. If the approach was unacceptable, and contrary to Circ 5/05, the GO would have pointed it out but they chose not to comment on the SPD, despite having asked to be consulted.
Home Builders Federation	Application: 2.2	There is no statutory planning policy for setting such new threshold requirements.	Not accepted	Paragraph B4 of Circular 05/05 states that, 'there are no hard and fast rules about the size or type of development that should attract obligations'. This effectively leaves the matter for the planning authority to determine.
Natural England	Application: 2.2	Relevant Development We support the guidance set out.	Noted	N/A
Chilterns Conservation Board	Application: 2.4	Guidance (relative to planning obligations) that will normally apply to all developments and which recognises that small developments will have	Noted	N/A

		cumulative impacts that need to be addressed, are welcomed and supported as drafted.		
Pegasus Planning Group	Application: 2.4	The small threshold of one dwelling or more subject to planning obligations needs to be justified. The Circular 05/05 states that it is unlikely that all developments will require planning obligations. Planning obligations need to be commensurate with the size and scale of the development. With regard to cumulative impact, the Circular still needs to be taken into account. Any planning obligation must be directly related and relevant to the proposed development.	Noted	<p>Para 2.4 explains the scope for a number of individually small developments having a cumulative impact that needs to be addressed. Paras B21-B24 of Circular 5/05 are under the heading of "Pooled Contributions" and explain how this would operate.</p> <p>The fact that Para B4 of Circular states that planning obligations are "unlikely to be required for all developments" is noted. But the paragraph goes on to say that "there are no hard and fast rules about the size or type of development that should attract obligations". In any event the SPD does not require planning obligations as a matter of course, with residential extensions, commercial extensions of less than 100 square metres" and the provision of any other uses.</p>
Ballymore Properties Ltd	Application: 2.5	Paragraph 2.5 of the draft SPD refers to the Council seeking to negotiate a contribution from all developments that are likely to generate a need for a particular infrastructure, service or facility. It states that the charges are derived from the anticipated overall cost of provision and, where appropriate, maintenance of facilities.	Noted	This approach is considered acceptable.
Natural England	Application: 2.6	The list in Appendix 2 should include multi-functional green spaces and specific areas for wildlife enhancement.	Not accepted	Multi-functional green spaces and specific areas for wildlife will be addressed in the Green Space Strategy, which is identified (in Para 2.22) as currently being prepared. The SPD will need to be updated to reflect its findings.
Home Builders Federation	Application: 2.8	It may be that other service	Accepted	In Para 3.15, insert "of any social rented housing" after "where the developer

		providers or organisations would be the correct recipients for any appropriate Planning Obligation contributions.		...".
Home Builders Federation	Application: 2.9	Appendix 2 requires a £1,000 down payment towards the Council's costs. The HBF believes that such an approach is unlawful. The Council has a statutory duty to provide a planning service, and part of such a function is the administration of Planning Contributions to assist it carry out its legal function. There is no justification for it seeking to automatically levy additional payments for particular aspects of the planning function that it is charged to administer.	Not accepted	If the requirement for a down payment was unlawful then it is reasonable to expect that the GO would have identified this. However, the GO chose not to comment on the draft SPD, despite having asked to be consulted.
Pegasus Planning Group	Application: 2.9	In some instances of pooled contribution, there is a higher financial burden on the council from administrative and monitoring requirements but these costs must not dilute the intended community benefits or the viability of the development and must be reasonable in all instances.	Accepted	N/A
Home Builders Federation	Application: 2.11	If any design / development briefs prepared by the Council are to be adopted as SPD they will first need to have been identified in its Local	Agreed	N/A

		Development Scheme.		
Home Builders Federation	Application: 2.14	The Council will usually need to prioritise benefits sought as it is required to ensure that it takes on board viability, and doesn't threaten the delivery of the overall housing supply requirement.	Not accepted	Each case will be treated on its merit such that the priorities in each particular case may vary according to the nature of the development, the scale, location, time etc.
Ballymore Properties Ltd	Application: 2.15	The requirement for a developer to provide comprehensive proof on viability seems to suggest that open book approach to viability testing is required and as such goes too far. It should be acknowledged by the Council that developers will not be able to disclose commercially sensitive information.	Accepted	Replace fourth and fifth sentences of Para 3.8 to read: "Where this occurs the Council will ask the developer to provide relevant financial information, on a strictly confidential basis to mutually agreed independent third party with relevant expertise to facilitate a financial appraisal. The appraisal will be funded by the developer and made available to the Council". Replace "it" in sixth sentence with "The Council".
Home Builders Federation	Application: 2.15	The HBF's membership is opposed to 'open book' accounting, which requires the disclosure of confidential (and often market-sensitive) information. It is not for the Council or anyone else to dictate what is an appropriate profit margin for developers.	Accepted	Replace fourth and fifth sentences of Para 3.8 to read: "Where this occurs the Council will ask the developer to provide relevant financial information, on a strictly confidential basis to mutually agreed independent third party with relevant expertise to facilitate a financial appraisal. The appraisal will be funded by the developer and made available to the Council". Replace "it" in sixth sentence with "The Council".
Home Builders Federation	Application: 2.16	HBF believes that the Council cannot require payments prior to development occurring.	Not accepted	The sums required will be extremely modest in the context of the cost of developments that would warrant such a contribution and also the cost of the planning application.
Home Builders Federation	Application: 2.16	There is no statutory planning policy to back up such a requirement, or for the requirement for landowners to	Not accepted	The SPD will establish such payments as a requirement.

		enter into a bond with a bank or insurance company.		
North Hertfordshire District Council	Application: 2.17	It would be useful if the draft SPD could state that all the figures are index linked with an appropriate base date to allow for changes in inflation.	Accepted	<p>Costs could certainly increase over time as a consequence of inflation. It is therefore highly desirable that all the figures quoted are index linked. The figures quoted in the draft SPD were calculated during 2006. It is therefore reasonable to take April 2006 as the base date and to index link the figures from then onwards.</p> <p>Paragraph 2.17, insert, 'from the base date of April 2006', after, 'index-linked'.</p>
Bedfordshire Police Authority	Application: 2.19	Community safety is important when determining planning applications and should be included as a specific heading on the Services/Facilities list. Where a development proposal impacts on the public safety of an area it is reasonable to expect developers to contribute financially to community safety schemes. The SPD should outline the requirement for development contributions to meet specific infrastructure requirements to address community safety or crime reduction/prevention, which could require contributions towards the cost of policing/community wardens.	Not accepted	<p>Whilst acknowledging that community safety is an important consideration in the context of the determination of planning applications, it is not accepted that this SPD should require contributions towards the cost of policing and/or community wardens. That is because, in Luton, a new development or a change of use may not necessarily place any additional burden upon the police authority. This may well not be the case when low density development is replaced by high density but any such major redevelopment schemes can be expected to be the subject of more planning-related matters (e.g. transport infrastructure and affordable housing) that will subsume the whole of any monies available for community safety schemes which could, and should, also include the fire and ambulance services.</p>
Natural England	Application: 2.19	We agree that the services and facilities listed should be considered for contributions under planning obligations. We advise that the list should	Noted	<p>Multi-functional green spaces and specific areas for wildlife will be addressed in the Green Space Strategy, which is identified (in Para 2.22) as currently being prepared. The SPD will need to be updated to reflect its findings.</p>

		include Green Infrastructure (GI). We support the recommendations of the Sustainability Appraisal at paragraph 6.6. Further, we agree with the Sustainability Appraisal findings at paragraph 5.46 that consideration should be given to the coverage of some additional matters.		
Bedfordshire County Council	Application: 2.21	There would be benefits for clarity and speed in preparing Obligations in including more information in the SPD. I suggest that a draft S106, model clauses etc. should be incorporated in the document as suggested in Para 2.21.	Accepted	Replace wording of Para 2.21 with:- "The Council recommends developers to refer, in the first instance, to a model Section 106 Agreement prepared by the Law Society's Planning and Environmental Law Committee for use by all parties involved in the planning obligations process. It is available on the website of Communities and Local Government and is intended to be a 'living' document that reflects latest good practice. Revised versions will therefore be published from time to time to reflect any such changes."
Home Builders Federation	Application: 2.21	An illustrative legal agreement will need to fully reflect the interests of landowners, developers and other interested parties. It is stated that they will be included in the final SPD. It is not appropriate for the Council to seek additional content into the final version of the document, which will avoid an opportunity for public comment.	Accepted	The illustrative legal agreement to be included is that which was produced by the Law Society's Planning and Environmental Law Committee. Add to final sentence: "The agreement should not be seen to imply that planning obligations should cover the full range of types of obligations set out in it. It should be seen as a template from which the Council and developers can select relevant sections to comply with policy, the circumstances of the application and the requirements of this SPD."
Chilterns Conservation Board	Application: 2.22	The Board welcomes the recognition given to the fact that subsequent formal revision may be required to address environmental improvement or	Noted	N/A

		enhancement works, community infrastructure and environmental sustainability schemes.		
Home Builders Federation	Application: 2.22	It is not appropriate for the Council to seek to revise the document in light of future strategies or expenditure programmes. Any requirements upon developers should be clearly set out in statutory planning policies.	Not accepted	The SPD will be formally revised to reflect changing circumstances.
Natural England	Application: 2.22	The list should include GI for the reasons given previously.	Noted	The list includes the Green Space Strategy, which will effectively include Green Infrastructure.
BakerAssociates	AffordableHousing:General	It may be suitable for this section to set out the method that will be used to calculate contributions towards affordable housing where it cannot be provided on site.	Not accepted	It is not appropriate to specify financial contributions towards off-site provision because this option is only offered as a last resort and to set out a method of calculating contributions may serve to make it a more viable option to developers.
East of England Regional Assembly	Affordable Housing: General	This is consistent with Policy.	Noted	N/A
Ballymore Properties Ltd	Affordable Housing: General	The actual amount of affordable housing will be part of the calculation of the overall infrastructure contributions and will be subject to the overall viability of the development. Consequently, a reduction in affordable housing quantum does not automatically result in an increase in infrastructure and vice versa.	Noted	N/A
Home Builders Federation	Affordable Housing:	Any affordable housing requirement must seek to take	Agreed	N/A

	General	on board the overall viability of schemes (including the likely availability or not of grant funding) and will need to consider the full range of other planning gain requirements likely to be sought.		
Home Builders Federation	Affordable Housing: General	The Federation does not consider it appropriate to delegate matters such as the amount, type and size of affordable housing to a SPD. Given that they could potentially have a significant impact on development viability, they must instead be dealt with in DPDs and subjected to the appropriate public scrutiny.	Not accepted	The matters of amount, type and size of affordable housing have not been “delegated” to the SPD. Local Plan policy H5 states that, “The Borough Council will... seek to ensure that the size and type of affordable dwellings provided reflects the identified housing need requirements of the area ...”. The SPD merely specifies what these are, in the context of the Housing Requirements Study which may in due course, be superseded by the Strategic Housing Market Assessment when it is completed and influences the decision-making process.
Houghton Regis Development Consortium	Affordable Housing: General	Now that private house builders have direct access to Housing Corporation grants, it is appropriate for all references to those who deliver affordable housing to be amended to ‘Affordable Housing Providers’ and ‘Affordable Housing Managers’.	Not accepted	The existing text already allows for private house builders to have direct access to Housing Corporation grants.
Baker Associates	Affordable Housing: 3.1	The SA of the Local Plan policies supporting this obligation noted that as the size threshold for the requirement is 15 or more dwellings or over 0.5ha of residential development, this means it may be difficult to secure sufficient	Noted	Unfortunately it cannot be guaranteed that the 50% target will be met in all instances because of the particular circumstances associated with each application.

		affordable housing to meet needs due to lack of large sites for development. The SA of the SPD agrees with these findings, and highlights the need to ensure that this obligation is met on all qualifying sites at the 50% target.		
Houghton Regis Development Consortium	Affordable Housing: 3.1	With the publication of PPS3, the Government's definition of affordable housing no longer includes dwellings at the lower cost end of the market. If the need for affordable housing at the time the Local Plan's policies were formulated justified a target of 50%, it follows that the current requirement, and therefore the target, will be less now. It is essential that the application of the Local Plan target be modified accordingly.	Not accepted	<p>The Council welcomes the government's recent redefinition of affording housing to exclude low cost market housing. Para 6.27 of the local plan specifies that "In Luton (affordable housing) is defined as "housing that will be available to people who cannot afford to rent or buy houses generally available on the open market". The plan then referred to what was then the government's definition of affordable housing, which included both subsidised housing and low cost market housing with which the Council had to comply. That itself was a contradiction as low cost market housing is nonetheless market housing and those who can afford it can therefore afford market housing.</p> <p>The Housing Needs Survey referred to in the local plan relates to Luton's definition of affordable housing and which excludes any form of market housing. Hence it would be wrong to reduce the 50% target for affordable housing on appropriate sites. The government's revision of the definition of affordable housing merely serves to bring the Council's targets properly into line with the Borough's identified requirements.</p>
Circle Anglia	Affordable Housing: 3.2	It would be helpful if the document specified the maximum level of the discounted rent: i.e. "Property that is available for rent at a maximum of 80% of the rent charged by private landlords for comparable property".	Not accepted	While this may be appropriate in certain circumstances, it is considered preferable to deal with each case on its individual merits.
Circle Anglia	Affordable Housing: 3.2	The SPD states that shared ownership homes should be	Accepted	Add the following text to the 'Shared Ownership' bullet-point: "A minimum equity share of 25% is required in order to ensure that the units

		sold at between 40% to 75% of open market value. We would advocate having a minimum equity share of 25%, as it is necessary to have this lower threshold in order to ensure the units are affordable.		are affordable.”
Home Builders Federation	Affordable Housing: 3.2	In determining what levels and types of affordable housing the Council will seek, regard must be had to viability (including other planning gains being sought) and the availability or not of grant funding.	Accepted	N/A
Home Builders Federation	Affordable Housing: 3.2	The Council does not seem to have undertaken a Housing Market Assessment in order to inform housing policy as advocated in national planning guidance. The Council should, therefore, ensure that a Strategic Housing Market Assessment is now undertaken in order to underpin its evidence base for new planning policies.	Accepted	N/A
Bramley Homes Limited	Affordable Housing: 3.3	The phrase 'annual need' is incorrect and should be deleted because the Luton Local Plan 2001-2011 policy H2 only identifies sites for 432 dwellings and provides only for 504 dwellings or unidentified sites, a total of 936 dwellings over an eight year period from 2004-	Not accepted	The annual need for 934 units of affordable housing is identified from the Luton housing Needs Survey 2004/5 and is not reflected in land allocations in the local plan because it is not feasible to do so and the housing land allocations do not meet the housing land requirements identified in the structure plan with which the local plan must be in 'general conformity'.

		2011.		
Home Builders Federation	Affordable Housing: 3.3	It is stated that the provision of affordable housing will be based a requirement that 38% should be social rented homes and a further 10% should be intermediate housing. The total requirement is then stated as being for almost 50% of new housing as being affordable. Whereas, the Council will normally require at least 80% of the affordable housing on each site to be for social rent. This is contrary to PPS3 and 'Delivering Affordable Housing' (November 2006) and to policy H5 in the Council's Adopted Local Plan. It is clearly unacceptable for the Council to seek to amend its Adopted Plan policies by SPD.	Not accepted	The SPD does not seek to amend the adopted local plan policies. Para 29 pf PPS 3 specifies that Local Planning Authorities should set separate targets for Council-rented and intermediate affordable housing in Local Development Documents (LDD). It is acknowledged that an SPD is not an LDD but this SPD supplements a local plan and not a Local Development Framework. The relevant policy was considered to be acceptable by the local plan inspector and this aspect of the SPD merely supplements that aspect of the plan. The GO chose not to comment on the draft SPD, despite having asked to be consulted, and would doubtless had done so had it not been acceptable.
Houghton Regis Development Consortium	Affordable Housing: 3.3	HRDC is concerned to note the references to "requirements" and the statement that "the Council will normally require" at least 80% of this total requirement to be social rented dwellings. The SPD is not consistent with Local Plan policy.	Not accepted	The SPD is intended to give greater detail as to how the local plan policies will be applied. In this instance, the local plan sets a target of 50% affordable housing on appropriate sites and the SPD gives greater detail by specifying that, of that 50%, 80% should be available for social rent.
Home Builders Federation	Affordable Housing: 3.4	The Council sets out its affordable housing mix requirements based upon the new requirements set out in the	Not accepted	The SPD does not seek to amend the adopted local plan policies. Para 29 PPS 3 specifies that Local Planning Authorities should set separate targets for Council-rented and intermediate affordable housing in Local Development Documents (LDD). It is acknowledged that an SPD is not an

		SPD. It is clearly unacceptable for the Council to seek to amend its Adopted Plan policies by SPD.		LDD but this SPD supplements a local plan and not a Local Development Framework. The relevant policy was considered to be acceptable by the local plan inspector and this aspect of the SPD merely supplements that aspect of the plan. The GO made no representations to the SPD on this or any other matter and would doubtless had done so had it not been acceptable.
Home Builders Federation	Affordable Housing: 3.4	The precise mix of affordable dwellings in any housing development should be a matter for negotiation between developers and the Council.	Noted	The starting point must be the findings of the Luton Housing Requirements Study 2004/5. This will give developers certainty from the outset, and hence accelerate the planning process in this regards, which is one of the main objectives of this SPD. To negotiate over the mix in every instance would delay the decision making process and effectively render the Study valueless.
Circle Anglia	Affordable Housing: 3.7	The SPD states that "the Council will normally require at least 80% of the affordable housing on each site...to be for social rent". The examples given in Section 3.5 state that the requirement will be for 79% social rent. The percentage requirements should be clarified.	Accepted	80% is a rounding of 79% to ease calculations
Home Builders Federation	Affordable Housing: 3.8	The HBF's membership is opposed to 'open book' accounting, which requires the disclosure of confidential (and often market-sensitive) information. It is not for the Council or anyone else to dictate what is an appropriate profit margin for developers.	Accepted	Replace fourth and fifth sentences of Para 3.8 to read: "Where this occurs the Council will ask the developer to provide relevant financial information, on a strictly confidential basis to mutually agreed independent third party with relevant expertise to facilitate a financial appraisal. The appraisal will be funded by the developer and made available to the Council". Replace "it" in sixth sentence with "The Council".
Pegasus Planning Group	Affordable Housing: 3.8	If financial appraisals were sought, there would be a great concern with regard to the issues of confidentiality	Accepted	Replace fourth and fifth sentences of Para 3.8 to read: "Where this occurs the Council will ask the developer to provide relevant financial information, on a strictly confidential basis to a mutually agreed independent third party with relevant expertise to facilitate a financial appraisal. The appraisal will

		particularly in the local property market. This requirement needs to ensure confidentiality is not prejudicial. Circular 05/05 suggests the use of an independent third party to protect confidentiality.		be funded by the developer and made available to the Council". Replace "it" in sixth sentence with "The Council".
Houghton Regis Development Consortium	Affordable Housing: 3.8	HRDC welcomes the acknowledgement in paragraph 3.8 that the provision of affordable housing "may cause strain on the viability of a development" and that financial appraisals, independently scrutinised, will be taken into account to determine an appropriate amount of affordable housing.	Noted	N/A
Pegasus Planning Group	Affordable Housing: 3.11	PPS3 Housing has now superseded local plan policies on density bands. It is more applicable that the choice of appropriate levels of density for an area be determined on a site-by-site basis.	Not accepted	PPS3 does not supersede the adopted local plan policies. PPS3 may be a "material consideration" in the determination of planning applications. Annex C does not state what is quoted and the extract has not been traced.
Circle Anglia	Affordable Housing: 3.12	It would assist RSLs in negotiations with developers if the final sentence read "Where the delivery of affordable housing involves the use of Social Housing Grant, the Council will require that the housing so provided conforms to the Housing Corporation's Scheme Development	Accepted	Add, "and that it meets or exceeds the Corporation's current Design and Quality Standards", to the final sentence.

		Standards and achieves Level 3 of the Code for Sustainable Homes".		
Pegasus Planning Group	Affordable Housing: 3.13	If a limit is imposed upon the number of market houses that can be built before the first affordable house is produced, it may impact on the viability of the scheme.	Noted	This would be a matter for the developer to raise with the Council at the proper time. The Council would not wish to see an acceptable form of development jeopardised by virtue of phasing.
Home Builders Federation	Affordable Housing: 3.15	References to the role of RSL's are considered inflexible and outdated in light of the content of PPS3 and 'Delivering Affordable Housing' (November 2006).	Accepted	In Para 3.15, insert "of any social rented housing" after "where the developer...".
Ballymore Properties Ltd	Affordable Housing: 3.16	In relation to low-cost housing, Para 3.16, reference should be made to student housing also being a form of which would fall within this category. Specific reference should be included in respect of intermediate housing, including for key workers.	Not accepted	The appropriateness or otherwise of student housing will be determined by the Housing Requirements Study and any subsequent Housing Market Assessment.
Pegasus Planning Group	Affordable Housing: 3.17	It is up to the developer to negotiate with the RSL with regard to the delivery of affordable housing. Housing sold to the RSL at build cost only places an additional financial burden on the development and may seriously damage the viability of a housing scheme. This could seriously prejudice the delivery	Accepted	Para 3.17 is introduced by the phrase "One possible method of delivering affordable housing...", which does not suggest that it is a specific requirement in every case.

		of affordable homes.		
Home Builders Federation	Affordable Housing: 3.18	The Council acknowledges the role of grant funding, but seeks to ignore it with regard to the actual content and 'requirements' set out.	Not accepted	Both the local plan and the SPD acknowledge throughout that the circumstances of a particular case may be such that the Council would settle for less than what is sought, initially, as a consequence of this SPD. This is exemplified by the wording of the local plan policy H5, which is to "seek" both a percentage of affordable units and that they meet the recognised need rather than "require" them.
Ballymore Properties Ltd	Affordable Housing: 3.19	In respect of off-site provision, the draft SPD states, "it is most unlikely that there will be circumstances in which the alternative of off-site provision of affordable housing will be appropriate". It states that it is not possible to provide an exhaustive list of such exceptional circumstances. We would suggest, however, that there should be specific reference to it being appropriate to provide low-density family accommodation off-site when dealing with town centre sites where high densities are more appropriate.	Not accepted	Whilst off-site, low-density, family housing may be acceptable in dealing with town centre sites, this (as stated in the SPD) would be an exception to the norm. Hence it is not appropriate to cite it as being appropriate.
Home Builders Federation	Affordable Housing: 3.23	The text completely ignores the Adopted Plan policy (H5), which states that where off-site provision would be preferable, a financial sum may be acceptable as a contribution towards securing the development of affordable housing elsewhere.	Not accepted	Paras 3.19 and 3.20 identify the unlikely circumstances in which off-site provision will be permitted. It should be noted that the wording of Policy H5 relates to when off-site provision would be preferable to the Council, not the developer.
Baker Associates	Transport: General	In some situations it may be	Accepted	This will emerge in the context of the determination of any particular

		suitable to incorporate a location based trigger for transport related planning obligations, for example larger individual new developments in peripheral locations may need to make a greater contribution to public transport infrastructure.		application, which will have regard to the particular circumstance of the site and deal with it on its merits accordingly.
Baker Associates	Transport: General	It may be suitable for more clarification on exactly which type of travel and transport issues contributions will be sought from new development, and whether all or some of the matters covered in the section will be expected from each development	Noted	LTP schemes, including the Town Centre Traffic Scheme, comprise a mix of public transport initiatives and new road build which all interrelate. It is not possible to apportion bits to new development.
Baker Associates	Transport: General	It may be that the calculations for working out contributions to the LTP2 may be inaccurate and lead to a miscalculation of the standard contribution fee.	Accepted	Paragraphs 4.13, 4.17 and Table 5 have been amended to reflect this.
Baker Associates	Transport: General	The SA would ideally like to see financial contributions towards modal shift away from the car secured before other contributions, including new road building.	Not accepted	This is not practical as all strategies are interrelated.
East of England Regional Assembly	Transport: General	This is consistent with Policy.	Noted	N/A
Highways Agency	Transport: General	Whilst the SPD briefly lists examples of the sorts of on and off-site transport improvements that may be required, it does	Not accepted	The SPD clearly indicates that all non-householder development will be subject to contribution. Circular 02/2007 (Planning and the Strategic Road Network) and DfT guidance relate to large-scale development whereas the SPD relates to developments from a single dwellinghouse, small commercial

		<p>not provide any framework for assessing when, where or what contributions will be required. The SPD should refer to the HA's requirements for assessing the transport impacts of development, as set out in Circular 02/2007, as well as DfT's Guidance on Transport Assessment.</p> <p>The HA support the principle of contributions to assist with the implementation of LTP policies as long as the mechanisms are practical, effective and encourage development to take place at more sustainable locations. There are currently several flaws with LBC's proposed methodology for establishing developer contributions towards LTP schemes, which need to be addressed.</p>		<p>extension and changes of use upwards.</p> <p>The impacts of larger developments on the strategic road network are assessed as part of the normal planning process.</p>
Ballymore Properties Ltd	Transport: General	<p>Circular 05/2005 states that "Planning Obligations should not be used to resolve existing deficiencies in infrastructure provision or secure contributions to the achievement of wider planning objectives that are not necessary to allow consent to be given for a particular development". As such, the list</p>	Not accepted	<p>Para B9 of Circular 5/05 does not say that "Planning obligations should not be used to resolve existing deficiencies in infrastructure provision" The quote given is wrong and therefore misleading. Para B9 actually states that "Planning Obligations should not be used solely to resolve existing deficiencies in infrastructure provision". The use of the word "solely" implies that obligations can be used for this purpose provided that it is also used for other purposes.</p>

		of improvements that are required to meet the needs of future development needs to be properly assessed and quantified and there is no evidence at present that the draft guidance does this.		
Ballymore Properties Ltd	Transport: General	If development is located in a sustainable location that minimises the need for travel and therefore generates many more walking trips, then expensive highway infrastructure is less likely to be required when compared to out of centre sites. If the measures listed as essential in the LTP2 relate mainly to highway schemes then this places unnecessary burden on town centre regeneration.	Not accepted	Given that residential developments have parking/garage space associated with them, it is reasonable to conclude that the occupiers will have cars and use them with a similar frequency to other householders. Transport facilities include public transport and not car modes.
Ballymore Properties Ltd	Transport: General	It is reasonable that any transport improvements required to accommodate the demand generated by new development identified within the Local Plan can be wrapped up into a contribution based tariff as long as this is transparent and easy to understand and accords with Circular 05/2005.	Noted	N/A
Ballymore Properties Ltd	Transport: General	The assessment of development is based upon the amount of development	Noted	The assessment is based on what actually took place as distinct from may be expected to occur but may not materialise in practice.

		completions from 2004/2005, however this has not been assessed compared to programmed Local Plan development in the next 5 years.		
Ballymore Properties Ltd	Transport: General	The question must be asked as to whether the provision of new employment, involves the creation of new jobs within the next 5 years, or whether the type of employment is changing for employees already working within the Borough. As such the assessment of the retail development would need to account for these affects and reduce the contribution to take account of these issues.	Not accepted	It is neither possible nor appropriate to seek to try and determine whether new staff are already making trips and/or within the area.
Ballymore Properties Ltd	Transport: General	The Transport section needs a great deal more assessment and information before a proper assessment can be made. Any further proposals by the Borough certainly require additional consultation to allow a proper consideration of the proposals by stakeholders before they are implemented as supplementary planning guidance.	Not accepted	The requisite procedures are such that the Committee can now proceed straight to the adoption of this SPD.
Ballymore Properties Ltd	Transport: General	When considering the future development in the area cognisance also needs to be taken of whether the demand	Not accepted	The requirements properly stem from the number and type of dwellings as distinct from an over complicated, hypothetical assumption as to the previous residence of the occupiers of new dwellings.

		for new dwellings in the next 5 years is driven by reductions in household size or whether the new housing is required as a result of inward migration of population within the Borough.		
Home Builders Federation	Transport: General	If the Council is seeking contributions from developers for transport infrastructure it should set them out clearly in its Local Plan policies (not introduce them via SPD) or its Local Transport Plan.	Not accepted	The local plan (Policy IMP1) specifies that the Council will seek the provision or financial contributions towards facilities made necessary by the development. Para 10.13 specifies that the Council will then issue further guidance as to the level of contribution that will be expected as an SPD (i.e. this document). This is now part of the local plan. If it was not appropriate to do this then objection should have been made to the local plan during the formal consultation period. The LTP does detail transport infrastructure and an annual public report is provided to the Council Executive, setting out a 5-year plan.
Home Builders Federation	Transport: 4.1	Reference is made to all development having direct and indirect impacts on the transport systems of Luton and should therefore contribute towards mitigation of the negative impacts. This does not necessarily follow.	Noted	The SPD looks to seek financial contributions towards the provision of an adequate and appropriate transport system in Luton. New developments will generate further demands on this system and should therefore contribute towards it. In this context the previous use will be of no consequence in this regard, especially given that its termination (even if only to facilitate immediate reuse/redevelopment rather than remain vacant for any length of time) would have resulted in all traffic impacts ceasing.
Pegasus Planning Group	Transport: 4.1	The requirement that new developments should contribute towards transport works serving the wider area is completely beyond the tests of the circular and should be removed. All planning obligations must be directly relevant to the proposed development.	Not accepted	Circular 5/05 facilitates the provision of contributions towards for example, major infrastructure in Growth Areas. That principle therefore overrides this objection.
Pegasus Planning Group	Transport: 4.6	The council is being unreasonable with regard to seeking planning obligations	Not accepted	Para B.29 of circular 5/05 states “where there are issues of strategic or regional importance that need to be addressed through planning obligations (for example, the need for pooled contributions towards major infrastructure

		towards the Translink guided bus Scheme. This scheme has Department for Transport funding and it is excessive and contrary to circular 05/05 to expect private developers to pay for the deficits of this funding.		in growth areas), it may be appropriate for these to be referred to in Regional Spatial Strategies...”This illustrates that it is quite legitimate for planning contributions to be sought towards major infrastructure provision in Growth Areas such as the Luton-Dunstable bus way .
Highways Agency	Transport: 4.9	The SPD lists the thresholds for when a Travel Plan is required for each land use. Residential land-use class has been omitted in this list.	Noted	Residential developments are included within those that are subject to Para 4.8. It is not appropriate to specify large-scale residential developments in Table 2 as they are not included within Appendix 7 of the local plan, which lists development with which Travel Plans will be sought. However, that list is not reasonably comprehensive such that residential developments could be included by virtue of local plan Policy T2.
North Hertfordshire District Council	Transport: 4.9	Reference is made to development warranting travel plans. It would be useful if this section or the table could refer to large-scale residential developments rather than just concentrating on non-residential.	Not accepted	Residential developments are included within those that are subject to Para 4.8. It is not appropriate to specify large-scale residential developments in Table 2 as they are not included within Appendix 7 of the local plan, which lists development with which Travel Plans will be sought. However, that list is not reasonably comprehensive such that residential developments could be included by virtue of local plan Policy T2.
North Hertfordshire District Council	Transport: 4.9	The notes accompanying Table 2 simply refer to development below the thresholds in the table. It is usual for travel plans to be required when an application is supported by a transport assessment.	Not accepted	Appendix 6 of the local plan specifies that a Transport Assessment will be required for residential developments of 50 units and above. A Transport Plan may also be required, subject to the criteria in Policy T2.
Pegasus Planning Group	Transport: 4.9	It would be appropriate to add C3 housing to Table 2 because it must be recognised that proposed residential schemes can be generators of traffic.	Not accepted	The suggestions given would not readily lend themselves to travel plans.
Highways Agency	Transport: 4.11	The amount of trips generated	Noted	Luton is a dense urban borough where any development will have a similar

		by new development, and consequently the amount of contribution that should be sought, will vary according to development location. However, it would appear that the methodology used by LBC to calculate development contributions does not take location into account.		impact regardless of location. The situation may need to be reassessed upon the advent of the growth area.												
Home Builders Federation	Transport: 4.11	If the Council's intended approach happens, then it is hard to see little, if not any, development going ahead in Luton Town Centre as the costs to applicants will make it completely prohibitive.	Noted	If the suggested result of development drying-up materialises, then the Council will look to apply the SPD more flexibly before formally amending the content. Development without adequate transport infrastructure will, however, be de-valued because of accessibility problems.												
Bedfordshire County Council	Transport: 4.13	Whilst a tariff-based approach towards the collection of highway contributions from all developments to wider needs can be appropriate there is insufficient information included in the section to justify the approach suggested. Concerns are linked to the provenance of the sum for the Transportation improvements against which the total trips are considered to devise the Tariff: -- The document contains no list of schemes in LTP2 that the Contributions raised are to go towards. There is no justification of the £32m total	Noted	<p>The SPD draws from and is to be read in conjunction with the LTP not reproduce it. Other than the Luton-Dunstable bus way, the SPD is not designed to raise contributions towards major infrastructure projects.</p> <p>Luton is a dense urban borough where any development will have a similar impact regardless of location. The situation may need to be reassessed upon the advent of the growth area.</p> <p>Major infrastructure projects are generally linked to the growth area and are expected to be part or fully funded through the standard S106 routes.</p> <p>The specific contribution towards the Luton-Dunstable Bus way is set at £400,000 per year and could be better set out in the SPD.</p> <p>The shortfall has been revised to £27.25m and the derivation is shown in the following table, which will be incorporated after paragraph 4.13:</p> <table border="1"> <thead> <tr> <th colspan="4">Table X Derivation of identified shortfalls in LTP2</th> </tr> <tr> <th>Main Areas of Work;</th> <th>Indicative LTP</th> <th>Additional funding</th> <th>Difference 2006-</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Table X Derivation of identified shortfalls in LTP2				Main Areas of Work;	Indicative LTP	Additional funding	Difference 2006-				
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Main Areas of Work;	Indicative LTP	Additional funding	Difference 2006-													

		<p>shortfall figure. There is insufficient justification that the need for the schemes arises from the new development (rather than to address existing deficits). Consideration should be given as to whether the same rate should be applied across the Borough area, or whether a different tariff should be used for the central area, or other areas such as the area of the Borough close to Translink in order to retain some linkage with needs arising from the new developments. A specific Translink policy/contribution is needed to comply with Government Funding requirements. No indication is given of where major infrastructure shortfall exist (e.g. Northern Bypass) and how pooling or partnership delivery will operate. There is no information on prioritisation of schemes for implementation from the tariff.</p>		<table border="1"> <thead> <tr> <th>Integrated Transport</th> <th>2006-2011 (£ thousands)</th> <th>required 2006-2011 (£ thousands)</th> <th>2011 (£ thousands)</th> </tr> </thead> <tbody> <tr> <td>Congestion (Traffic Management Act)</td> <td>1,000</td> <td>5,000</td> <td>-4,000</td> </tr> <tr> <td>Bus route improvements</td> <td>2,000</td> <td>7,500</td> <td>-5,500</td> </tr> <tr> <td>Intelligent Transport Systems (UTMC)</td> <td>1,000</td> <td>5,000</td> <td>-4,000</td> </tr> <tr> <td>Traffic Signal Modernisation</td> <td>1,000</td> <td>3,500</td> <td>-2,500</td> </tr> <tr> <td>Area Studies</td> <td>2,500</td> <td>9,500</td> <td>-7,000</td> </tr> <tr> <td>Strategy implementation; accessibility, freight, walking cycling, bus</td> <td>2,000</td> <td>5,000</td> <td>-3,000</td> </tr> <tr> <td>Parking; review of CPZ and residents parking</td> <td>750</td> <td>2,000</td> <td>-1,250</td> </tr> <tr> <td>Total</td> <td>10,250</td> <td>37,500</td> <td>-27,250</td> </tr> </tbody> </table> <p>The first column shows the main areas of work carried out using LTP Integrated Transport funding. The second column shows the amount that is likely to be allocated to each area over the life of the current LTP (2006-2011) and the third column the level of funding necessary to fully meet our aims within the life of the current plan. Therefore, it is necessary to seek a contribution of some £27.25m from developers to make up the difference and enable the timely delivery of an integrated and sustainable transport system by 2011.</p> <p>The approach used is the same as other authorities in the region. LBC considers it to be open and equitable. Above all, it affords developers a consistent system where they know 'up-front' the obligations required of them.</p>	Integrated Transport	2006-2011 (£ thousands)	required 2006-2011 (£ thousands)	2011 (£ thousands)	Congestion (Traffic Management Act)	1,000	5,000	-4,000	Bus route improvements	2,000	7,500	-5,500	Intelligent Transport Systems (UTMC)	1,000	5,000	-4,000	Traffic Signal Modernisation	1,000	3,500	-2,500	Area Studies	2,500	9,500	-7,000	Strategy implementation; accessibility, freight, walking cycling, bus	2,000	5,000	-3,000	Parking; review of CPZ and residents parking	750	2,000	-1,250	Total	10,250	37,500	-27,250
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Highways Agency	Transport: 4.13	LBC states that all "non-householder" developments will be required to make appropriate contributions on the basis of their trip generation. However, the text suggests that	Noted	The term 'householder' refers generally to development falling within Parts 1& 2 of Schedule 2 of the GPDO.																																				

		residential developments will be included.		
Ballymore Properties Ltd	Transport: 4.13	The figure of £32M 'deficiency' referred to in paragraph 4.13 is not clearly identified within LTP2 in a transparent way.	Noted	The shortfall has been revised to £27.25m and the derivation is shown in a new table to be incorporated after paragraph 4.13
Luton Borough Council, Traffic Engineering	Transport: 4.13	'Real Time Transport Information', this should Real Time Passenger Information, (RTPI).	Accepted	Replace " Transport information" with " ... Passenger Information"
Houghton Regis Development Consortium	Transport: 4.13	HRDC is concerned that if this general approach is subsequently adopted for the entire Growth Area, there should be an additional paragraph included in this section which addresses the possibility of off-setting the costs of actual provision to transport improvements when calculating the financial contribution to be sought.	Noted	This representation should be made to any SPD on 106 Agreements that is forthcoming for the Local Development Framework.
Bramley Homes Limited	Transport: 4.17	Calculations in Para 4.17 are incorrect:- £5,400,000 divided by 23,032 trips equals £234.46.	Accepted	In Paragraph 4.17, replace £272 with £234.
Bramley Homes Limited	Transport: 4.17	The whole concept regarding potential contributions from residential uses needs to be re-appraised.	Not accepted	The approach adopted in the SPD is the accepted norm, which is derived on the basis of experience and equity.
North Hertfordshire District Council	Transport: 4.17	There are likely to be practical difficulties in applying different contributions for rented and private dwellings. At the planning application stage it may not be known if a dwelling	Accepted	However, this approach is that on which the TRICS system is based. It may be necessary to review the application of this standard in due course if it proves to be unworkable or otherwise inadequate.

		is going to be rented or privately owned.		
WM Morrison Supermarkets PLC	Transport: 4.17	The contribution to transport provision, calculated on the basis of a trip cost calculator, does not take account of individual site circumstances and therefore fails to meet the policy tests set out by Circular 05/05. Such requirements must have regard to the viability of a scheme. There should be scope for flexibility within policy.	Not accepted	<p>Circular 5/05 encourages local authorities to employ formulae and standard charges where appropriate, as part of their framework for negotiating and securing planning obligation (Para B33). It also specifies that it is for local planning authorities to decide which matters, if any, to address through standard charges and formulae (Para B34). It also states that they should not be “applied in blanket form regardless of actual impacts” but acknowledge that “there needs to be a consistent approach to their application”.</p> <p>It will therefore remain open to the developer to demonstrate that an exception should be made. However, such claims may well serve to slow the decision making process which, along with giving greater certainty to developers, is the main purpose of formulae and standard charges.</p>
Pegasus Planning Group	Transport: 4.17	It is not appropriate for the council to require section 106 to implement their local transport plan. It goes beyond Circular 05/05 to expect developers to contribute to a wider transport plan.	Not accepted	Circular 5/05 facilitates the provision of contributions towards for example, major infrastructure in Growth Areas. That principle therefore overrides this objection.
Baker Associates	Open Space and Play: General	Possible inclusion in the SPD of details on expected costs associated with enhancing open space quality for situations where open space cannot be provided on-site, and the area in which the development is located does not have a current shortfall.	Noted	This may be possible on completion of the emerging Luton and South Beds Green Space Strategy. The SPD would need to be revised to reflect this.
Baker Associates	Open Space and Play: General	The possible inclusion in the SPD of indicative costs of paying towards a pooled fund for open space provision, where	Noted	

		open space cannot be provided on-site and it has been identified that there is already a deficit of open space in the area.		
Chilterns Conservation Board	Open Space and Play: General	The Board objects to the lack of reference and recognition given to the need to provide Green Infrastructure and the need to link to the wider countryside when new developments take place in the urban area.	Noted	There is, as yet, no clear indication of what is required in Luton and how it should be provided. This will, however, change with the finalisation of the emerging Green Space Strategy. The SPD will need to be further supplemented by the requirements of that strategy, in due course.
East of England Regional Assembly	Open Space and Play: General	This is consistent with Policy.	Noted	N/A
Ballymore Properties Ltd	Open Space and Play: General	Each site should be judged with regards to its individual context. Availability of space & suitability of the site will vary and therefore there is a need for flexibility within the guidelines.	Agreed	This is already explicit in Paras 5.4, 5.5 and 5.6.
Ballymore Properties Ltd	Open Space and Play: General	In appropriate circumstances, applications should be encouraged to examine the possibilities for indoor provision such as the provision of community rooms, climbing walls and skate boarding provision.	Noted	N/A
Home Builders Federation	Open Space and Play: General	The Council assumes that every development will result in additional payments for recreational provision. The suggested Planning Obligation requirement for the provision of at least 10 or 20 years site	Not accepted	This assumption relates only to residential developments. The references to 10 and 20 years have been rationalised to 20 years.

		management costs should be deleted (paragraph 5.1 says 10 years, whereas paragraph 5.8 says 20 years).		
North Hertfordshire District Council	Open Space and Play: General	There may be a missed opportunity here in addressing the cumulative impact of development for smaller developments that do not meet the thresholds in terms of open space provision.	Noted	<p>Para 5.6(2) does specify that the level of contribution sought will be the cost of whatever improvement, and associated maintenance, is considered necessary and appropriate by the Council. No standard charges have been formulated because the Council does not have any costed schemes proposed which could be applied to individual dwellings. However, it is acknowledged that this paragraph does not add any certainty to developers. It is therefore proposed to mitigate any unreasonable demands by the Council.</p> <p>In Para 5.6(2), insert "reasonable" between "whatever" and "improvement".</p>
Ballymore Properties Ltd	Open Space and Play: 5.1	We consider that further clarification is needed in relation to the process & penalty in the event that play facilities cannot be provided at an adequate and appropriate level. It is suggested that if open space cannot be provided then financial contributions are to be made elsewhere, however the contributions are unclear in mitigation of provision of play space.	Noted	Unfortunately it will not be possible to be any more specific as to requirements as these will be dependent upon the circumstances of each development proposal.
North Hertfordshire District Council	Open Space and Play: 5.2	Paragraph 5.2 refers to the maintenance of play equipment for a period of 10 years or an appropriate commuted sum. Paragraph 5.8 requires a period of 20 years for commuted sums. It is not clear whether this is an error or whether it is	Accepted	In Para 5.2, delete. "The provision of play areas and equipment and its maintenance for a period of 10 years, or an appropriate committed sum in lieu, will be secured through a Section 106 Agreement".

		intentional. To avoid any confusion, it may be better to delete, 'The provision of play areas and equipment and its maintenance for a period of 10 years, or an appropriate commuted sum in lieu, will be secured through a Section 106 Agreement.' (Paragraph 5.2). Paragraph B18 of Circular 05/05 states that in some circumstances such provision may be required in perpetuity.		
Pegasus Planning Group	Open Space and Play: 5.2	If the council seeks to implement its adopted standard of 0.2 ha. of allotments per 1000 population, they must justify that there is no existing capacity in the area.	Accepted	N/A
Pegasus Planning Group	Open Space and Play: 5.2	Local Areas for play are often underused and a maintenance burden. They should be combined with larger play areas to make them more accessible and usable.	Not accepted	Any proposals to combine local areas for play with larger play areas should be put forward by developers in the context of their application. However, the acceptability of any such proposal would depend upon the extent to which the sites are readily accessible from the areas they serve, having particular regard to the safety of younger children.
Natural England	Open Space and Play: 5.3	We support the statement in paragraph 5.3 that there is a deficiency in public open space. We advise that this section should also include guidance for developers as to what and how contributions will be sought for other forms of open space, such as areas managed for nature conservation.	Noted	The SPD will be updated to reflect the findings of the emerging Green Space Strategy. This could entail the provision of nature conservation areas.

Pegasus Planning Group	Open Space and Play: 5.4	Assessing contributions to open space based upon the number of likely visitors to be generated by a development is extremely unreasonable.	Not accepted	The assessment is based on the needs of the development in that it can be calculated that developments would, on average, result a specific number of additional visits, each of which can be costed. Hence the total increased cost would be created by, and should therefore be funded by, the development.
HomeBuilders Federation	Open Space and Play: 5.5	Paragraph 5.5 requires developers to address existing deficiencies. This is contrary to Circular 5/05. Paragraph 5.6 states that the level of contribution and associated maintenance are considered necessary and appropriate by the Council. Such an approach is unacceptable.	Not Accepted	Policy IMP1 of the local plan seeks an appropriate level of provision towards either a recognised need in the Borough or a recognised deficit in the locality. Circular 5/05 was issued in July 2005, after the local plan enquiry. It may (or may not) therefore be regarded as a "material consideration" by and inspector in the event of an appeal.
North Hertfordshire District Council	Open Space and Play: 5.6	No standard charges have been worked up to help clarify the Council's position in terms of any financial contributions required by paragraph 5.6 (2) and to help reduce the deficiencies.	Not accepted	Para 5.6(2) does specify that the level of contribution sought will be the cost of whatever improvement, and associated maintenance, is considered necessary and appropriate by the Council. No standard charges have been formulated because the Council does not have any costed schemes proposed which could be applied to individual dwellings. However, it is acknowledged that this paragraph does not add any certainty to developers. It is therefore proposed to mitigate any unreasonable demands by the Council. In Para 5.6(2), insert "reasonable" between "whatever" and "improvement".
Pegasus Planning Group	Open Space and Play: 5.8	There is a lack of continuity to whether maintenance of open space will be required for 10 or 20 years. 10 years is the accepted maintenance period and any attempt to increase this is unacceptable.	Not accepted	Twenty years is considered to be a reasonable period of time given that the spaces themselves will need to be maintained in perpetuity pending any subsequent redevelopment.
North Hertfordshire District Council	Open Space and Play: 5.9	Large-scale developments (such as a major urban extension) may have	Not accepted	This SPD supplements the Luton Local Plan that covers Luton. There is no prospect of a large-scale development such as an urban extension within the Borough during the plan period and therefore no need to clarify or

		substantial areas of open space such as district parks. The actual cost of maintaining these areas may be significantly different from the standard charge figures. The draft SPD needs to recognise this.		strengthen the approach on such developments.
Baker Associates	Open Space and Play: 5.11	Reconsider the approach used in calculating contribution to maintenance costs, as it may be more suitable to include visits by children, in addition to adults, to these open spaces.	Accepted	Whilst this is accepted it cannot be addressed simply because the survey on which the calculations is based related only to adults and ignored children (who, it may reasonably be assumed, make more visits to parks than adults).
Home Builders Federation	Open Space and Play: 5.11	Table 6 specifies financial sums per dwelling. The figures appear to lack any sound basis. For instance, the number of occupiers does not have any correlation with actual household sizes.	Not accepted	The deviation of table 6 is clear when read in conjunction with Para 5.11, which immediately precedes it.
Pegasus Planning Group	Open Space and Play: 5.11	It is unreasonable for the council to seek to recoup the cost for the parks and open space service of Luton. To seek contributions in this manner goes beyond the key tests laid out by Circular 05/05.	Not accepted	The assessment is based on the needs of the development in that it can be calculated that developments would, on average, result a specific number of additional visits, each of which can be costed. Hence the total increased cost would be created by, and should therefore be funded by, the development.
East of England Regional Assembly	Education: General	This is consistent with Policy.	Noted	N/A
Ballymore Properties Ltd	Education: General	When calculating education contributions, as with all other facilities, there must be regard to what surplus capacity currently exists.	Not accepted	Seeking to identify any spare capacity may well be problematic as it may change quite rapidly. Hence, a standard tariff is applied in order to give certainty to developers and not slow the process with research, negotiation and the prospect of disagreement.
North	Education:	The level of contributions that	Noted	It is considered that the document is adequate and gives sufficiently clear

Hertfordshire District Council	General	may be required are not as easily identifiable as the other standard charges within the SPD. It will be useful if a table is inserted on page 35 showing the standard charges for 1 beds, 2 beds etc, rather than applicants having to calculate the charges themselves.		guidance to prospective developers.
Pegasus Planning Group	Education: General	The council must look at the capacity of existing schools before it can justifiably request contributions towards education. It would be unreasonable to seek contributions where capacity exists.	Not accepted	The situation regarding the spare or lack of capacity in a school, or various schools and locality, could change on a regular basis and hence take time to ascertain. One of the fundamental objectives of planning obligations is to give developers certainty as to what is expected of them so as to accelerate the planning process. It would be open to a developer to not accept the requirement and hence, if planning per mission was refused on that basis, challenge the reasoning at appeal.
Bramley Homes Limited	Education: 6.2	Para 6.2 and 6.4 seek contributions for 'improving existing schools' regardless of the local pupil capacity situation. This approach is not consistent with circular 05/2005 which states at Para B9 that 'planning obligations should not be used solely to resolve existing deficiencies ...'	Not accepted	Any contributions sought would not be used "solely" to resolve existing deficiencies but would, in any event, go to meeting the additional demands on the education service likely to result from the proposed development.
Home Builders Federation	Education: 6.2	The Council states that wherever a development proposal will result in children being resident in a resulting scheme, the Council will seek a contribution from developers. There is no sound policy basis for this. The Council can only	Not accepted	The situation regarding the spare or lack of capacity in a school, or various schools and locality, could change on a regular basis and hence take time to ascertain. One of the fundamental objectives of planning obligations is to give developers certainty as to what is expected of them so as to accelerate the planning process. It would be open to a developer to not accept the requirement and hence, if planning per mission was refused on that basis, challenge the reasoning at appeal.

		seek such payments in instances where existing facilities would be inadequate.		
Bramley Homes Limited	Education: 6.3	Table 7 indicates that there are four times as many primary school pupils from new housing than secondary school pupils. We question this disproportionately high imbalance.	Not accepted	The note below the table explains its derivation.
Bramley Homes Limited	Education: 6.3	The education contribution concept needs to be re-appraised in line with national policy and using more accurate pupil yield data.	Not accepted	The concept is in-line with Circular 05/05 and the pupil yield data is the most accurate available.
Ballymore Properties Ltd	Education: 6.3	Contributions should surely account for the number of children in different types of development. There are fewer children of school age within flatted development and therefore the contributions should factor these different factors within the assessments.	Not accepted	Table 7 specifies the pupil yield ratio for both flats and houses in Luton. If there were any significant difference between these two dwelling types then this would have been reflected in this table.
Bedfordshire County Council	Education: 6.4	The estimates for cost/dwelling to be applied to proposals appear to be soundly based. This relates to children only of statutory school age whereas local authority duties also apply to ensuring the provision of day-care and early years education places and post 16 places. These elements need to be covered in the guidance.	Not accepted	The representation on waste management (2.1) has been accepted. The provision of early years education by the Council is non-statutory and is therefore not included on the basis that contributions to statutory education requirements can be expected to place sufficient demands upon developers.

Pegasus Planning Group	Education: 6.4	The term 'Scale factor' needs to be defined and justified.	Not Accepted	This is explained in paragraph 6.4, derived from guidance issued by the Department for Children, Schools and Families.
North Hertfordshire District Council	Education: 6.5	The SPD needs to state that if it is agreed that an educational facility can be constructed by the developer, then this should only be acceptable where a specification is agreed by the local authority.	Accepted	Insert additional sentence to Para 6.5: "If the facility is to be constructed by the developer, then this will only be acceptable where the specification is agreed by the Council in advance."
East of England Regional Assembly	Libraries: General	This is consistent with Policy.	Noted	N/A
Ballymore Properties Ltd	Libraries: General	The validity of all of the figures used must be capable of further scrutiny by applicants when negotiating S.106 agreements.	Agreed	The verification of the figures is clearly set out in chapter 7 of the SPD
Home Builders Federation	Libraries: General	The Council is seeking funding for the operation of Council services, without any planning policy or technical justification. The Council can only seek such payments in instances where existing facilities would be inadequate.	Not accepted	The assessment is based on the needs of the development in that it can be calculated that developments would, on average, result a specific number of additional visits, each of which can be costed. Hence the total increased cost would be created by, and should therefore be funded by, the development.
Bedfordshire Rural Communities Charity	Libraries: 7.2	In table 8, under the 'items' column, 'Stock' and 'Additional items/ year' are transposed and need to be swapped around.	Not accepted	The table is correct.
Pegasus Planning Group	Libraries: 7.2	It is unreasoned for the council to seek contributions for libraries in Luton. The main function of planning obligations is to make acceptable a development that would otherwise be unacceptable in	Not accepted	The assessment is based on the needs of the development in that it can be calculated that developments would, on average, result a specific number of additional visits, each of which can be costed. Hence the total increased cost would be created by, and should therefore be funded by, the development.

		planning terms, not support the running of existing public services.		
East of England Regional Assembly	Museums: General	This is consistent with Policy.	Noted	N/A
Ballymore Properties Ltd	Museums: General	The validity of all of the figures used must be capable of further scrutiny by applicants when negotiating S.106 agreements.	Agreed	The verification of the figures is clearly set out in chapter 8 of the SPD.
Home Builders Federation	Museums: General	The Council is seeking funding for the operation of Council services, without any planning policy or technical justification. The Council can only seek such payments in instances where existing facilities would be inadequate.	Not accepted	The assessment is based on the needs of the development in that it can be calculated that developments would, on average, result a specific number of additional visits, each of which can be costed. Hence the total increased cost would be created by, and should therefore be funded by, the development.
Pegasus Planning Group	Museums: 8.2	It is illogical for the council to seek contributions for Museums in Luton. The main function of planning obligations is to make acceptable a development that would otherwise be unacceptable in planning terms.	Not accepted	The assessment is based on the needs of the development in that it can be calculated that developments would, on average, result a specific number of additional visits, each of which can be costed. Hence the total increased cost would be created by, and should therefore be funded by, the development.
Baker Associates	Economic Development, Training and Employment: General	The separate approach to construction skills training is welcomed.	Noted	N/A
East of England Regional Assembly	Economic Development, Training and Employment: General	This is consistent with Policy.	Noted	N/A
Ballymore Properties Ltd	Economic Development, Training and Employment:	Ballymore Properties Limited supports this initiative.	Noted	N/A

	General			
Pegasus Planning Group	Economic Development, Training and Employment: 9.1	It must be recognised that skills rather than the residency of an employee are of paramount importance.	Noted	N/A
Houghton Regis Development Consortium	Economic Development, Training and Employment: 9.1	Commercial development is frequently provided on a speculative basis and it would be impossible for the promoter of such a development to commit a subsequent, unknown occupier to a particular training strategy. It is requested that Section 9 is amended to enable regard to the individual site circumstances and benefits associated with the development when seeking to negotiate appropriate contributions to an employment-training scheme.	Not accepted	Such a caveat would offer the opportunity for developers to seek to avoid this provision. This would be another factor for developers to consider in formulating a scheme.
Houghton Regis Development Consortium	Economic Development, Training and Employment: 9.1	It is essential that the local training establishments put in place a sufficient number of courses to ensure that there is a readily available and skilled local workforce before development commences. If this is not available, it is inevitable that those from elsewhere will fill jobs in construction.	Noted	N/A
North Hertfordshire District Council	Economic Development, Training and Employment: 9.2	Large-scale residential development should also be subject to the scheme for promoting economic	Noted	This SPD supplements the Luton Local Plan that covers Luton. There is no prospect of a large-scale development such as an urban extension within the Borough during the plan period and therefore no need to clarify or strengthen the approach on such developments.

		development.		
Turley Associates	Economic Development, Training and Employment: 9.2	No definition as to what uses comprise 'commercial development' is provided. The draft guidance is unclear as to what contributions, as set out in Appendix 2, relate to commercial development and under what circumstances contributions would be sought. Further clarity is required before the guidance is formally adopted.	Accepted	Paragraph 9.2, after, 'new commercial floor space', insert, 'i.e. private, non-residential'.
East of England Regional Assembly	Public Art: General	This is consistent with Policy.	Noted	N/A
Home Builders Federation	Public Art: General	HBF's main criticism of the council's approach is that it has sought to introduce policy via an SPD.	Not accepted	The SPD does not introduce policy. The planning policies and in the local plan which the SPD supplements by setting out a "... framework for assessing what planning obligations will be sought in conjunction with planning applications for development". (Para 1.1).
Ballymore Properties Ltd	Public Art: 10.2	On major development 1% of total construction costs would be very significant and disproportionate as a public art contribution. Each application's public art contribution must be judged on its own merits.	Accepted	It is acknowledged that 1% of the total construction costs of a major development may be a very significant cost. Nevertheless, 1% remains the starting point for any negotiations and it will be a matter for the developer to provide public artwork that is an integral part of significant development proposals in accordance with Policy ENV12 of the local plan.
Pegasus Planning Group	Public Art: 10.2	It would be more appropriate if developers were requested to have a public art strategy which accords with the wider strategy and vision of the local arts council.	Not accepted	It will not be necessary for developers to have their own public art strategy if they complied with the Councils own Arts Strategies.
Home Builders Federation	Preparing/ Completing Obligation Agreements:	Appendix 2 requires a £1,000 down payment towards the Council's costs. The HBF	Not accepted	If the requirement for a down payment was unlawful then it is reasonable to expect that the GO would have identified this. However, the GO chose not to comment on the draft SPD, despite having asked to be consulted.

	General	believes that such an approach is unlawful. The Council has a statutory duty to provide a planning service, and part of such a function is the administration of Planning Contributions to assist it carry out its legal function. There is no justification for it seeking to automatically levy additional payments for particular aspects of the planning function that it is charged to administer.		
Pegasus Planning Group	Preparing/ Completing Obligation Agreements: General	If a developer is obliged to provide a financial contribution this should be linked to some form of prescribed service delivery/performance.	Not accepted	Pre-application discussions are not charged for and therefore of no relevance in this context. Applicants making their own Section 106 Agreement may well result in less time, and therefore less costs, being levied by the Council.
Pegasus Planning Group	Preparing/ Completing Obligation Agreements: General	The request for this payment is unreasonable.	Not accepted	Pre-application discussions are not charged for and therefore of no relevance in this context. Applicants making their own Section 106 Agreement may well result in less time, and therefore less costs, being levied by the Council.
Bedfordshire County Council	Preparing/ Completing Obligation Agreements: 11.1	The agreement should include the relevant scales/rates to be charged in an appendix or by giving a contact number to obtain them.	Noted	The scale of charges will vary through time as a consequence of inflation and it is not yet possible to determine the location of the appropriate officer.
North Hertfordshire District Council	Preparing/ Completing Obligation Agreements: 11.1	It is not clear whether 'initial payment' is commencement of development or commencement of the legal document. This will need to be clarified to avoid confusion. Refunds may cause financial and administration difficulties,	Accepted	Add "of work on the legal document" to end of penultimate sentence of Para 11.1.

		particularly if this needs to be calculated for every application. It may be better to work out a standard fee for unilateral undertakings and one for s106 agreements. Where it is difficult to predict costs from the outset for the larger schemes a solicitors undertaking to pay the Council's costs is the normal process.		
Home Builders Federation	Appendix 1	References to Circular 1/97 are wrong. It was replaced by Circular 5/05.	Noted	The paragraphs referred to are in Appendix 1 as distinct from the body of 1 the SPD. That Appendix quotes the Section of the local plan relating to Planning Obligations. Para 10.13 of the Appendix acknowledges that the Circular 5/05 came into force after the local plan enquiry (such that the content of the local plan must relate to Circular 1/97, but that the SPD will take Circular 5/05 into account.
Anglian Water Services Ltd	General	Support and do not seek any changes.	Noted	N/A
Baker Associates	General	Other matters could be considered for inclusion in the SPD as planning obligations. Many of these suggestions relate to policies of the adopted Local Plan where planning obligations may help in their implementation. Widening the coverage of planning obligations to improved access to the countryside, landscaping – particularly if needed off site as part of the public realm, and the water environment through the removal of culverts may secure sustainability	Not accepted	The issues suggested will be addressed in planning obligations as and when necessary but do not lend themselves to inclusion in the SPD given the detailed explanation that would be required given that each case would be determined on its own merits.

		advantages for the Borough.		
Baker Associates	General	The level of financial contributions needs to be set at correct levels.	Agreed	N/A
Baker Associates	General	The SA does question the approach taken to working out contributions, with only health and leisure employment identified for indicative costs settings. It may be suitable to consider this approach on a site-by-site basis, using job numbers created by the development as a trigger for applying this obligation, to allow the specific matters raised by the development to be taken into account.	Not accepted	It appears that this comment relates to an earlier version of the draft SPD that has now been superseded.
Baker Associates	General	The way the SPD is presented could be improved, with individual topic sections containing a standard set of sub-headings to guide those using the SPD through the particular requirements.	Not accepted	The nature of the subject matter is so varied that it does not readily lend itself to a standardised structure.
Baker Associates	General	Where issues of financial viability arise it may be suitable to have priorities for obligations, or alternatives to aim to still secure all obligations but to a lower level.	Not accepted	<p>Whilst this is highly desirable, it is not achievable in practice because the issues will prioritise themselves into: -</p> <ul style="list-style-type: none"> • Those which must be addressed before any development can proceed (e.g. decontamination and essential transport infrastructure provision), to be followed by • Those which are determined depending on the nature/scale/location of the development.

				If the development was totally or predominantly residential then there may be competing demands for contributions for affordable housing and for education provision but the outcome would, and should, depend upon the circumstances of each individual case, as is the planning application, rather than a fixed priority agreed at the outset.
Bedfordshire County Council	General	There appears to be a difference between the Topic Areas whether or not the Tariff is to be applied to all developments, or those only to be applied where there is a need that necessitates a contribution (e.g. Education).	Not accepted	The SPD is considered to be sufficiently clear in this respect as evidenced by no other party having made a similar comment.
Bedfordshire County Council	General	There are some subject areas that have not been addressed and the document would benefit from their inclusion e.g. Waste and Recycling, Early Years Education etc.	Noted	The representation on waste management has been accepted. The provision of early years education by the Council is non-statutory and is therefore not included on the basis that contributions to statutory education requirements can be expected to place sufficient demands upon developers.
Bedfordshire County Council	General	There should be some coverage of waste management, linked to the policies of the Mineral and Waste Local Plan and associated SPD, 'Waste Management in new Developments'.	Accepted	<p>Add a new chapter to read as follows: -</p> <p>"Luton Borough Council and Bedfordshire County Council adopted a Supplementary Planning Document entitled "Managing Waste in New Developments" in April 2006. Its overall aim is to provide specific guidance on sustainable waste management during demolition, construction and the occupation of new developments in accordance with the Bedfordshire and Luton Waste Local Plan 2005. It sets out the circumstances in which a waste audit is required in association with the progress of a development proposal through the planning process. It also gives guidance on the design of new development with regard to waste and recycling facilities.</p> <p>The "Managing Waste in New Developments" SPD remains valid. It is complemented by this SPD on Section 106 Agreements, which seeks to mitigate the impact of development proposals.</p>

The heavily built-up nature of Luton, combined with the lack of opportunities for greenfield development in the Borough, are such that there is only limited scope for major redevelopment proposals which would generate a specific, identifiable need for a waste management facility. However, the progress of redevelopment, and associated intensification of development as previously developed sites, will inevitably place increasing pressure on the Council's waste management service. Clearly the amount of waste generated by particular developments will vary according to their nature and scale. It is estimated that the average cost to the Council of various dwellings is as follows: -

Table X: Estimated average waste management cost per dwelling

<u>Beds</u>	<u>Equipment</u>	<u>Flat</u>	<u>House</u>
1*	2 small bins + box	£33	N/A
2*	2 medium bins + box	£39	£57
3	3 medium bins + box	£39	£57
4	2 medium bins, 1 large recycling bin + box	N/A	£63
5+	* In the case of flats it is likely that the large 2 medium bins, 1 large recycling bin + box	N/A	mun£63

For communal refuse and recycling bins will be used and the price per property reflects this. The Council is prepared to negotiate on flats with communal refuse systems but there are standard amounts of waste capacity they need. For example: smaller flats = 180 litres of refuse and 180 litres of recycling, whilst larger flats are the same as houses = 240 litres of refuse and 240 litres of recycling.

				<p>Source: Waste Management, LBC</p> <p>The Council will therefore seek the provision of financial contributions towards the provision of the waste management service in association with the determination of planning applications.</p> <p>Appendix 2 to be amended to reflect this.</p>
Bedfordshire County Council	General	This Council fully supports Luton's preparation of SPD.	Noted	N/A
Bedfordshire County Council	General	We think it would be beneficial to minimise differences of approach within the Subject areas.	Noted	It is most important for the contributions sought in the SPD to be well justified. Any commonality of approach with other authorities must be subordinate to that. However, any changes of approach may be welcomed if it transpires that the contributions being sought are excessive to the point that development becomes non-viable and does not take place.
Bedfordshire Rail & Transport Assoc	General	Support and do not seek any changes.	Noted	N/A
British Waterways	General	Thank you for consulting British Waterways on the above. We have no navigation interests within Luton, so you may remove us from your consultation database.	Noted	N/A
East of England Development Agency	General	EEDA support the aspirations of the Strategy regarding the need to establish a mechanism to obtain necessary infrastructure, which will support the level of growth required by the East of England Plan and in doing so ensure the delivery of the RES. It is not clear whether this will raise sufficient income to provide and	Noted	It is not the responsibility of Luton Borough Council to secure all of the requisite finance to fund all of the necessary infrastructure to support the level of growth required by the East of England Plan and so ensure the delivery of the Regional Economic Strategy. The SPD is intended to comply with Government guidance and secure that which is necessary in order to make development acceptable. That does not include the basic infrastructure, which is the responsibility of Government and/or its various agencies to provide.

		support the necessary infrastructure.		
East of England Development Agency	General	The issue of provision for IT communication has not been included as an important infrastructure issue.	Noted	The provision of IT communication facilities is not appropriate for inclusion within the SPD.
East of England Development Agency	General	The strategy needs to ensure that adequate mechanisms are in place to promote regeneration and renaissance whilst not producing disincentives in the market.	Noted	N/A
Environment Agency	General	We are concerned that the environmental objectives discussed in the SA are not reflected in the SPD document itself and wish to see a chapter that reflects the importance of the Environment included within the main document.	Not accepted	It is not considered possible for the document to incorporate a chapter reflecting the importance of the environment. That is because, in order to be meaningful and effective, it would have to identify and justify either what particular schemes were proposed by when or a tariff relating to air/water pollution etc.
Ballymore Properties Ltd	General	An SPD on planning obligations setting out a tariff approach cannot be used as a blunt tool but as a framework to commence negotiations with developers, to mitigate development related impacts.	Agreed	This is acknowledged in Para 2.12 and throughout the remainder of the SPD.
Home Builders Federation	General	A Strategic Housing Market Assessment must be undertaken to look at the need for all forms of housing.	Noted	This is currently being undertaken. When completed it will become a "material consideration" to be given due weight in the determination of planning applications.
Home Builders Federation	General	HBF is very concerned that in many instances the Draft SPD appears to be a means of getting developers to fund	Not accepted	The additional funding of services is, in every instance, to address additional costs that are likely to emanate as a direct result of particular development proposals. The relevant sections of the SPD fully explain and justify the derivation of the finances involved.

		general Council Services, rather than a means for supplementing Statutory Plan policies.		
Home Builders Federation	General	It is unclear as to who exactly has been involved in its formulation, particularly in terms of stakeholder involvement by the development industry.	Noted	The draft SPD has been prepared by the Council having due regard to the practices that are being undertaken successfully elsewhere. The draft SPD has been the subject of stakeholder consultation in which all representations are considered seriously and dealt with accordingly in this schedule.
Home Builders Federation	General	The draft document is in many cases introducing new requirements, some of which are contrary to currently adopted Local Plan policies.	Not accepted	The essence of the SPD is to supplement Policy IMP 1 of the local policy, which relates to Planning Obligations.
Home Builders Federation	General	The Federation does not consider it appropriate for the Council to set out financial contribution requirements, including a 'standard charges' approach to securing strategic infrastructure. Instead, they should be properly considered as part of the DPD process, and subjected to a proper level of public scrutiny.	Not accepted	Circular 5/05 features a section entitled Formulae and Standard Charges (Paras B33-B35), which can be used "... towards the provision of infrastructure."
Home Builders Federation	General	The HBF is concerned that the financial impact of the proposals has been ignored.	Not accepted	Para 2.13 explains that, if the financial implications of the SPD render developments non-viable, they may nevertheless be granted planning permission if the development brings with it particular benefits. This will depend upon the circumstances of each particular case.
Home Builders Federation	General	The proposed document is seeking to fundamentally change adopted planning policies rather than supplement them.	Not accepted	The document explains how the policy will be applied in practice, providing details of expected costs in order to speed-up the planning obligations process.
Home Builders Federation	General	The whole purpose of	Not	The SPD is identified in the Council's Local Development Scheme. It is not

		Supplementary Planning Documents is to amplify and expand upon the content of saved policies in an Adopted Local Plan or Development Plan Document. The document has to clearly show in full the individual adopted policies to which its content relates. Local authorities can only seek to adopt the document as a SPD (Supplementary Planning Document) if it has been listed in their adopted LDS (Local Development Scheme).	accepted	necessary for the SPD to include all local plan policies to which it relates. The SPD supplements the local plan and it is therefore up to the reader to peruse both documents fully.
London Luton Airport Consultative Committee	General	No comments to make.	Noted	N/A
Network Rail	General	Network Rail is very supportive of the document.	Noted	N/A
Philip Plummer	General	Developers should reduce the carbon footprint by using renewable energy sources, such as solar panels for hot water, use energy efficient white goods and boilers, use recycled and or reclaimed materials in the building and decorating of the building. Put foam in cavity walls and thick insulation in the roof space to reduce heating bills.	Noted	This is not a matter for this SPD but rather one for developers to pursue in the context of the application of the Government's new code for sustainable homes.

Appendix 2: List of Approvals/ No Comments

Note that these are taken from the full list of representations and are not in addition to them.

<u>Respondent</u>	<u>Representation</u>
British Waterways	Thank you for consulting British Waterways on the above. We have no navigation interests within Luton, so you may remove us from your consultation database.
Bedfordshire Rail & Transport Assoc	Support and do not seek any changes
Anglian Water Services Ltd	Support and do not seek any changes
London Luton Airport Consultative Committee	No comments to make.
East of England Regional Assembly	SPD is consistent with the Proposed Changes document.
Network Rail	Network Rail is very supportive of the document and particularly comments in paragraph 4.6. The pooling of contributions for the refurbishment of the railway station will be essential for the realisation of an improved facility and gateway to the town.

Appendix 3: List of Amendments to SPD

Note that these are taken from the full list of representations and are not in addition to them.

<u>Section</u>	<u>Para.</u>	<u>Example Representation</u>	<u>Comment</u>
General	General	There should be some coverage of waste management, linked to the policies of the Mineral and Waste Local Plan and associated SPD, 'Waste Management in new Developments'.	<p>Add a new chapter to read as follows: -</p> <p>"Luton Borough Council and Bedfordshire County Council adopted a Supplementary Planning Document entitled "Managing Waste in New Developments" in April 2006. Its overall aim is to provide specific guidance on sustainable waste management during demolition, construction and the occupation of new developments in accordance with the Bedfordshire and Luton Waste Local Plan 2005. It sets out the circumstances in which a waste audit is required in association with the progress of a development proposal through the planning process. It also gives guidance on the design of new development with regard to waste and recycling facilities.</p> <p>The "Managing Waste in New Developments" SPD remains valid. It is complemented by this SPD on Section 106 Agreements, which seeks to mitigate the impact of development proposals.</p> <p>The heavily built-up nature of Luton, combined with the lack of opportunities for greenfield development in the Borough, are such that there is only limited scope for major redevelopment proposals which would generate a specific, identifiable need for a waste management facility. However, the progress of redevelopment, and associated intensification of development as previously developed sites, will inevitably place increasing pressure on the Council's waste management service. Clearly the amount of waste generated by particular developments will vary according to their nature and scale. It is estimated that the average cost to the Council of various dwellings is as follows: -</p>

			<p>Table X: Estimated average waste management cost per dwelling</p> <table border="1"> <thead> <tr> <th><u>Beds</u></th> <th><u>Equipment</u></th> <th><u>Flat</u></th> <th><u>House</u></th> </tr> </thead> <tbody> <tr> <td>1*</td> <td>2 small bins + box</td> <td>£33</td> <td>N/A</td> </tr> <tr> <td>2*</td> <td>2 medium bins + box</td> <td>£39</td> <td>£57</td> </tr> <tr> <td>3</td> <td>3 medium bins + box</td> <td>£39</td> <td>£57</td> </tr> <tr> <td>4</td> <td>2 medium bins, 1 large recycling bin + box</td> <td>N/A</td> <td>£63</td> </tr> <tr> <td>5+</td> <td>2 medium bins, 1 large recycling bin + box</td> <td>N/A</td> <td>£63</td> </tr> </tbody> </table> <p>* In the case of flats it is likely that the larger comrecycling bins will be used and the price per property reflects this. The Council is prepared to negotiate on flats with communal refuse systems but there are standard amounts of waste capacity they need. For example: smaller flats = 180 litres of refuse and 180 litres of recycling, whilst larger flats are the same as houses = 240 litres of refuse and 240 litres of recycling.</p> <p>Source: Waste Management, LBC</p> <p>The Council will therefore seek the provision of financial contributions towards the provision of the waste management service in association with the determination of planning applications.</p> <p>Appendix 2 to be amended to reflect this.</p>	<u>Beds</u>	<u>Equipment</u>	<u>Flat</u>	<u>House</u>	1*	2 small bins + box	£33	N/A	2*	2 medium bins + box	£39	£57	3	3 medium bins + box	£39	£57	4	2 medium bins, 1 large recycling bin + box	N/A	£63	5+	2 medium bins, 1 large recycling bin + box	N/A	£63
<u>Beds</u>	<u>Equipment</u>	<u>Flat</u>	<u>House</u>																								
1*	2 small bins + box	£33	N/A																								
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4	2 medium bins, 1 large recycling bin + box	N/A	£63																								
5+	2 medium bins, 1 large recycling bin + box	N/A	£63																								
Application	2.6	The list in Appendix 2 should include multi-functional green spaces and specific areas for wildlife enhancement.	Multi-functional green spaces and specific areas for wildlife will be addressed in the Green Space Strategy, which is identified (in Para 2.22) as currently being prepared. The SPD will need to be updated to reflect its findings.																								

Application	2.15	The requirement for a developer to provide comprehensive proof on viability seems to suggest that open book approach to viability testing is required and as such goes too far. It should be acknowledged by the Council that developers will not be able to disclose commercially sensitive information.	Replace fourth and fifth sentences of Para 3.8 to read: "Where this occurs the Council will ask the developer to provide relevant financial information, on a strictly confidential basis to mutually agreed independent third party with relevant expertise to facilitate a financial appraisal. The appraisal will be funded by the developer and made available to the Council". Replace "it" in sixth sentence with "The Council".
Application	2.17	It would be useful if the draft SPD could state that all the figures are index linked with an appropriate base date to allow for changes in inflation.	Costs could certainly increase over time as a consequence of inflation. It is therefore highly desirable that all the figures quoted are index linked. The figures quoted in the draft SPD were calculated during 2006. It is therefore reasonable to take April 2006 as the base date and to index link the figures from then onwards. Paragraph 2.17, insert, 'from the base date of April 2006', after, 'index-linked'.
Application	2.21	There would be benefits for clarity and speed in preparing Obligations in including more information in the SPD. I suggest that a draft S106, model clauses etc. should be incorporated in the document as suggested in Para 2.21.	Replace wording of Para 2.21 with:- "The Council recommends developers to refer, in the first instance, to a model Section 106 Agreement prepared by the Law Society's Planning and Environmental Law Committee for use by all parties involved in the planning obligations process. It is available on the website of Communities and Local Government and is intended to be a 'living' document that reflects latest good practice. Revised versions will therefore be published from time to time to reflect any such changes."
Application	2.21	An illustrative legal agreement will need to fully reflect the interests of landowners, developers and other interested parties. It is stated that they will be included in the final SPD. It is not appropriate for the Council to seek additional content into the final version of the document, which will avoid an opportunity for public comment.	The illustrative legal agreement to be included is that which was produced by the Law Society's Planning and Environmental Law Committee. Add to final sentence: "The agreement should not be seen to imply that planning obligations should cover the full range of types of obligations set out in it. It should be seen as a template from which the Council and developers can select relevant sections to comply with policy, the circumstances of the application and the requirements of this SPD."

Affordable Housing	3.2	The SPD states that shared ownership homes should be sold at between 40% to 75% of open market value. We would advocate having a minimum equity share of 25%, as it is necessary to have this lower threshold in order to ensure the units are affordable.	Add the following text to the 'Shared Ownership' bullet-point: "A minimum equity share of 25% is required in order to ensure that the units are affordable."
AffordableHousing	3.12	It would assist RSLs in negotiations with developers if the final sentence read "Where the delivery of affordable housing involves the use of Social Housing Grant, the Council will require that the housing so provided conforms to the Housing Corporation's Scheme Development Standards and achieves Level 3 of the Code for Sustainable Homes".	Add, "and that it meets or exceeds the Corporation's current Design and Quality Standards", to the final sentence.
Affordable Housing	3.15	References to the role of RSL's are considered inflexible and outdated in light of the content of PPS3 and 'Delivering Affordable Housing' (November 2006).	In Para 3.15, insert "of any social rented housing" after "where the developer...".
Transport	4.13	Whilst a tariff-based approach towards the collection of highway contributions from all developments to wider needs can be appropriate there is insufficient information included in the section to justify the approach suggested. Concerns are linked to the provenance of the sum for the Transportation improvements against which the total	The SPD draws from and is to be read in conjunction with the LTP not reproduce it. Other than the Luton-Dunstable bus way, the SPD is not designed to raise contributions towards major infrastructure projects. Luton is a dense urban borough where any development will have a similar impact regardless of location. The situation may need to be reassessed upon the advent of the growth area. Major infrastructure projects are generally linked to the growth area and are expected

trips are considered to devise the Tariff:
 -- The document contains no list of schemes in LTP2 that the Contributions raised are to go towards. There is no justification of the £32m total shortfall figure. There is insufficient justification that the need for the schemes arises from the new development (rather than to address existing deficits). Consideration should be given as to whether the same rate should be applied across the Borough area, or whether a different tariff should be used for the central area, or other areas such as the area of the Borough close to Translink in order to retain some linkage with needs arising from the new developments. A specific Translink policy/contribution is needed to comply with Government Funding requirements. No indication is given of where major infrastructure shortfall exist (e.g. Northern Bypass) and how pooling or partnership delivery will operate. There is no information on prioritisation of schemes for implementation from the tariff.

to be part or fully funded through the standard S106 routes.

The specific contribution towards the Luton-Dunstable Bus way is set at £400,000 per year and could be better set out in the SPD.

The shortfall has been revised to £27.25m and the derivation is shown in the following table, which will be incorporated after paragraph 4.13:

Main Areas of Work; Integrated Transport	Indicative LTP 2006-2011 (£ thousands)	Additional funding required 2006-2011 (£ thousands)	Difference 2006-2011 (£ thousands)
Congestion (Traffic Management Act)	1,000	5,000	-4,000
Bus route improvements	2,000	7,500	-5,500
Intelligent Transport Systems (UTMC)	1,000	5,000	-4,000
Traffic Signal Modernisation	1,000	3,500	-2,500
Area Studies	2,500	9,500	-7,000
Strategy implementation; accessibility, freight, walking cycling, bus	2,000	5,000	-3,000
Parking; review of CPZ and residents parking	750	2,000	-1,250
Total	10,250	37,500	-27,250

The first column shows the main areas of work carried out using LTP Integrated Transport funding. The second column shows the amount that is likely to be allocated to each area over the life of the current LTP (2006-2011) and the third column the level of funding necessary to fully meet our aims within the life of the current plan. Therefore, it is necessary to seek a contribution of some £27.25m from developers to make up the difference and enable the timely delivery of an integrated and sustainable transport system by 2011.

The approach used is the same as other authorities in the region. LBC considers it to be open and equitable. Above all, it affords developers a consistent system where they know 'up-front' the obligations required of them.

Transport	4.13	'Real Time Transport Information', this should Real Time Passenger Information, (RTPI).	Replace " Transport information" with " ... Passenger Information"
Transport	4.17	Calculations in Para 4.17 are incorrect:- £5,400,000 divided by 23,032 trips equals £234.46.	In Paragraph 4.17, replace £272 with £234.
Open Space and Play	5.2	Paragraph 5.2 refers to the maintenance of play equipment for a period of 10 years or an appropriate commuted sum. Paragraph 5.8 requires a period of 20 years for commuted sums. It is not clear whether this is an error or whether it is intentional. To avoid any confusion, it may be better to delete, 'The provision of play areas and equipment and its maintenance for a period of 10 years, or an appropriate commuted sum in lieu, will be secured through a Section 106 Agreement.' (Paragraph 5.2). Paragraph B18 of Circular 05/05 states that in some circumstances such provision may be required in perpetuity.	In Para 5.2, delete. "The provision of play areas and equipment and its maintenance for a period of 10 years, or an appropriate committed sum in lieu, will be secured through a Section 106 Agreement".

Open Space and Play	5.6	There may be a missed opportunity here in addressing the cumulative impact of development for smaller developments that do not meet the thresholds in terms of open space provision.	<p>Para 5.6(2) does specify that the level of contribution sought will be the cost of whatever improvement, and associated maintenance, is considered necessary and appropriate by the Council. No standard charges have been formulated because the Council does not have any costed schemes proposed which could be applied to individual dwellings. However, it is acknowledged that this paragraph does not add any certainty to developers. It is therefore proposed to mitigate any unreasonable demands by the Council.</p> <p>In Para 5.6(2), insert "reasonable" between "whatever" and "improvement".</p>
Education	6.5	The SPD needs to state that if it is agreed that an educational facility can be constructed by the developer, then this should only be acceptable where a specification is agreed by the local authority.	Insert additional sentence to Para 6.5: "If the facility is to be constructed by the developer, then this will only be acceptable where the specification is agreed by the Council in advance."
Economic Development, Training and Employment	9.2	No definition as to what uses comprise 'commercial development' is provided. The draft guidance is unclear as to what contributions, as set out in Appendix 2, relate to commercial development and under what circumstances contributions would be sought. Further clarity is required before the guidance is formally adopted.	Paragraph 9.2, after, 'new commercial floor space', insert, 'i.e. private, non-residential'.

<p>Preparing/ Completing Obligation Agreements</p>	<p>11.1</p>	<p>It is not clear whether 'initial payment' is commencement of development or commencement of the legal document. This will need to be clarified to avoid confusion. Refunds may cause financial and administration difficulties, particularly if this needs to be calculated for every application. It may be better to work out a standard fee for unilateral undertakings and one for s106 agreements. Where it is difficult to predict costs from the outset for the larger schemes a solicitors undertaking to pay the Council's costs is the normal process.</p>	<p>Add "of work on the legal document" to end of penultimate sentence of Para 11.1.</p>
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Appendix 4: Statutory Contacts

- Ancient Monuments Society
- Anglian Water Services Limited
- Bedford Group of Drainage Boards
- Bedfordshire County Council
- Bedfordshire Heartlands Primary Care Trust
- Beds & Luton Primary Trust (BLPT)
- British Pipeline Agency Ltd
- BT Plc
- Centrica
- Chilterns AONB
- Countryside Agency
- East Of England Regional Assembly
- EEDA
- English Heritage
- Environment Agency (Anglian Region Central Area)
- Forestry Commission
- GO-EAST
- Hertfordshire County Council
- Houghton Regis Town Council
- Kings Walden Parish Council
- Luton And Dunstable Hospital NHS Trust
- Mid Bedfordshire District Council
- National Energy Foundation
- Natural England
- North Herts District Offices
- Offley and Cockernhoe Parish Council
- Railtrack Plc
- Slip End Parish Council
- South Bedfordshire District Council
- Sundon Parish Council
- Anglia & Oxford Regional Health Authority
- Bedford Borough Council
- Bedfordshire And Luton NHS
- Bedfordshire Health Promotion Agency
- Bedfordshire Police
- British Gas Properties
- British Waterways (South East)
- Caddington Parish Councils
- Chalton Parish Council
- City and District of St Albans District Council
- Dunstable Town Council
- Eastern Electricity
- EERA
- English Nature (Beds_ Cambs Team)
- First Capital Connect
- Freight Transport Association
- Health & Safety Executive
- Highways Agency
- Hyde Parish Council
- Lilley Parish Council
- Luton Forum
- Mobile Operators Association
- National Grid Company (OH Lines) Eastern Area
- Network Rail
- NTL
- Offley Parish Council
- RTPI East of England
- Society For The Protection Of Ancient Buildings
- Streatley Parish Council
- Thames Water

- The Bedfordshire Association Of Town And Parish Councils
- The Showman's Guild of Great Britain
- Transco
- UK Youth Parliament
- The Planning Inspectorate
- Three Valleys Water PLC
- TXU Energy

Appendix 5: Other Contacts

- Abbey Developments Ltd
- Abbeygate Developments
- ACCDF
- ACERT
- Active Luton Ltd
- African Caribbean Community Development Forum
- Aggregate Industries
- Alban Neve Centre
- Aldi Group
- Alexander And Co.
- Anchor Housing Association
- Answerpoint Business Centre
- Aragon HA

- Arcadia Group
- Arndale Traders' Association
- Asda Stores Limited
- Ashcroft Tenants And Residents Association
- Association For Dunstable Area Passenger Trains
- AXA Reim Ltd & Lands Improvement Holdings
- Ballymore
- Bangladesh Youth League

- Bangladeshi Welfare Association And Advice Centre
- Barker Parry Town Planning
- Barry Squires
- Bedfordshire & Luton Economic Development Partnership
- Bedfordshire Archaeological Council
- Bedfordshire Pilgrims Housing Association
- Bedfordshire Railway And Transport Association
- Bedfordshire Roads Cycle Club
- Bedfordshire Tenants Participation Group
- Beds & Herts Ambulance & Paramedic Service
- Beds African Community

- Abbey Facilities Services Ltd
- ABTA Tour Operators
- ACE Foundation
- Active Luton
- Advance Housing & Support
- Age Concern

- Ahmadia Muslim Association
- Albion And Wenlock TARA
- Aldwyck Housing Association
- Alsop Verrill
- Anglian Water Services Ltd
- Anthony Goss Planning
- Aragon Land And Planning UK Ltd
- Argos
- Arts Council England, East
- Asda Stores Ltd
- Ashwell Developments Limited

- Association Of British Travel Agents
- Babbie Group

- Ballymore Properties Ltd
- Bangladeshi Community And Youth Project
- Barker Parry Town Planning

- Barratt Lloyd Davis Associates
- Barton Willmore
- Bedfordshire And Luton Education Business Partnership
- Bedfordshire Disability Forum

- Bedfordshire Police

- Bedfordshire Rights Of Way Association
- Bedfordshire Rural Communities Charity
- Bedfordshire Youth Enterprise Service
- Beds & Luton Primary Trust (BLPT)
- Beds And Cambs Wildlife Trust

- Beds And Luton Fire And Rescue Service
- Beds Congolese Community Links
- Beds Pilgrim Housing Association
- Beds& Luton
- Bell Cornwell Partnerships
- Bengali Hindu Cultural Association
- Blue Sky Planning
- Brackley Investments Ltd
- Bramingham Wood Residents Association
- Bramley Homes Ltd
- Breachwood Green Society
- British Muslim Welfare
- British Road Federation
- Bury Park Action Group
- Bushmead Community Centre
- C W & R C Shrimplin
- Campaign to Protect Rural England Bedfordshire
- CARA
- Caribbean Golden Age Group
- Castlemore
- CBI East Of England
- Centex Strategic Land
- CG Claydon Ltd
- Chamber Business
- Chiltern Gate Residents Association (Bramingham)
- Churchill Retirement Living
- Circle Anglia
- Clarks Solicitors
- Colin Buchanan And Partners
- Commission For Racial Equality
- Community Mental Health Service Unit
- Connaught Area Action Group
- Co-operative Group
- Beds Association Of Architects
- Beds NTAG
- Beds Racial Equality Council
- Beechwood Community Partnership
- Bellway Estates
- Bengali Women's Project
- Bovis Homes
- Bradshaws
- Bramingham Wood Volunteers
- Breachwood Green Airport Group
- Bridehall Developments Ltd
- British Retail Consortium
- Building Advisory Service
- Bury Park Community Centre
- Business Link - Bedfordshire And Luton
- CABE
- Capability Green Limited
- Caribbean Friends And Nurses Guild
- Carpenter Planning Consultants
- CB Richard Ellis Ltd,
- CBRE
- Centre For Youth And Community Development
- Challney Community Centre
- Charter Partnership Limited
- Chiltern Society
- Circle 33 Housing Group
- Civic Trust
- Clifford W & RC Shrimplin
- Colliers CRE
- Community Mental Health Safety Society
- Compass Land
- Connells Land And Planning
- Costco Wholesale UK Ltd

- Council For British Archaeology
- Country Landowners Association
- Crown Estate Commissioners / Trustees Putteridgebury Estate
- Dallow Development Trust
- David Walker Chartered Surveyors
- David Wilson Homes South Midlands
- DD Jack
- Debenhams
- Dennis Wilson Partnership
- Department For Communities and Local Government
- Department of Education and Employment
- Design And Plan
- Development Planning Partnership
- Disability Resource Centre
- Dixons Group
- Domaine Developments
- DP9
- DPP
- Dunstable Rd/Faringdon Rd Residents Assoc.
- East Anglian Branch Of The Landscape Institute
- East West Centre
- Eastern Arts Association
- Eden Property Services Limited
- Employment Services
- English Partnerships
- Fairview New Homes Ltd
- Federation Of Master Builders
- FPD Savills
- Friends Of The Earth (Dunstable)
- Fuller Peiser
- Future Energy Solutions
- Gallagher Estates
- George Street Traders' Association
- Country Land & Business Association (CLA)
- CPRE (Beds Branch)
- Cushman And Wakefield Healey And Baker
- David Lock Associates
- David Westcott
- Dawnay Day Property Management Ltd
- DDS
- Degussa UK Holdings Ltd
- Denton Wilde Sapte
- Department For The Environment, Food And Rural Affairs
- Derby Road Residents Association
- Development Land & Planning Consultants
- Dialogue
- Disability Rights Commission
- DLA Town Planning
- Douglas Duff
- DPDS Consulting Group
- DTZ Piedad Consulting
- E M Pick Planning
- East Of England Tourist Board
- Easter Group
- EasyJet Airline Company Ltd
- Edge Ellison
- Empty Homes Agency
- Entec
- Farley Community Centre
- Focus
- Freeth Melhuish
- Friends Of The Earth (Luton)
- Fusion On-Line Ltd
- GADDACAN
- Genesis Housing Group
- George Wimpey Strategic Land

- Gerald Eve
- GL Hearn Planning
- Glencarron
- Gough Planning Services
- Grant & Partners
- Grantchester Retail Parks Ltd
- Guinness Trust
- GVA Grimley
- Haart
- Hallam Land Management Limited
- Hanover Housing Association
- Harrison Murray
- Hartwell Plc
- Hastoe Housing Association
- Health And Safety Executive
- Hephher Dixon
- High Town Labour Party
- HM Prison Service
- Holmes Antill
- Home Extension Team
- Home Office
- IBC Vehicles Ltd
- Imageline 'K' Limited
- Institute Of Civil Engineers
- J And J Design
- Jamia Al Akbaria
- Jarvis Construction
- Jephson Housing Association
- JLT Building Services
- JMP Design
- Jones Day
- JS Bloor Ltd
- Jubilee Community Centre
- Kent, Jones And Done (KJD)
- King Sturge And Co
- KLAAG
- LADACAN
- Lambert Associates
- Ghar Se Gha
- Gleeson Homes
- Global Country Of World Peace
- GPS Properties
- Grant Palmer Passenger Services
- Greenpeace (Bedfordshire)
- Guru Nanak Gurudwara (Luton)
- Gypsy Council For Educ., Culture, Welfare And Civil Rights
- Halcrow Group
- Halyard Youth Centre
- Hardiman Mr
- Hartnell Taylor Cook
- Hartwell PLC, Luton Truck Stop, Helical Retail, Real Estate
- Hayward Tyler Ltd
- Henry H Bletsoe & Son
- High Town Action Trust
- Hives Planning
- Hockwell Ring Community Centre
- Home Builders Federation
- Home Improvement Centre
- Hoylake Court TARA
- IKEA Ltd
- Indigo Planning
- Inventures
- J Roscoe Milne Partnership
- January's
- Jennifer Lampert Associates Ltd
- JLM Architectural
- JMC Building Surveyors Ltd
- John Martin & Associates
- Jones Lang Lasalle
- JTS Partnership
- Kazalbash Mr
- Khidmat
- Kirkby and Diamond Surveyors
- Kyte Mr
- Laing Homes (North Thames)
- Lambert Smith Hampton

- Landmark Information Group Limited
- LBC
- Lea Manor Friendship Scheme
- Leach Homes
- Leagrave Residents Association
- Let Direct
- Lewsey Muslim Association

- Lichfield Planning
- Limbury Residents Association
- Litchfield Planning
- London Luton Airport Consultative Committee
- London Luton Airport Town & Village Communities Committee
- Luton Airport Noise Action Group
- Luton All Women's Centre
- Luton And Dunstable Partnership
- Luton Churches Housing Ltd

- Luton Community Arts Trust

- Luton Council of Faith
- Luton Economic Development Council
- Luton Environmental Forum
- Luton Irish Community Forum
- Luton Learning Disabilities Carers Forum
- Luton Police Station
- Luton Sports Network

- Luton Town Football Club
- Luton Trades Union Council

- Luton West Indian Community Association
- Luton Youth Centre
- Malcolm Judd And Partners
- Marks And Spencer

- Marshall Coaches

- Landscape Institute

- Lea Manor Community College
- Lea Manor Youth Centre
- Leagrave Muslim Group
- Legal And General Property Ltd
- Lewsey Community Centre
- Lewsey Muslim Cultural Society
- Limbury Community Centre
- Linklaters
- London Luton Airport
- London Luton Airport Ltd

- London Transport Users Committee

- Luton All Womens Centre

- Luton And Dunstable Hospital
- Luton Assembly Co-ordinator

- Luton Committee For Racial Harmony
- Luton Community Housing Association
- Luton Council of Mosques
- Luton Educational Cultural Centre
- Luton Hebrew Congregation
- Luton Law Centre
- Luton Learning Resource Centre
- Luton Shopmobility
- Luton Town Centre Partnership Ltd
- Luton Trade Council
- Luton West Indian Caribbean Association
- Luton Women's Aid

- LWICC
- Market Traders' Association
- Marsh Farm Community Development Trust
- Martin Robeson Planning Practice

- Marwalk Developments Ltd
- Matalan Retail Ltd
- McCarthy And Stone
- Michael Dales Partnership
- Michael V S Hardiman & Associates
- Milan Day Centre
- Milton Keynes District Council
- Mouchel
- National Association Of Allotments And Leisure Gardeners
- National Farmers Union
- National Playing Fields Association
- Naylor Associates
- Newspace Commercial Designs Limited
- Old Road Securities PLC
- One Nation
- Open Spaces Society
- Oxford Brookes University
- Park Town Community Centre
- Parkridge Homes Ltd
- Parkview Estates
- PDP Ltd
- Peter Hill
- Phillips Planning Services
- Planning And Design
- Planning Issues
- Pragati Women's Group
- Presentation Housing Association Ltd
- Prudential Assurance Co Ltd
- Ramgarhia Sabba Group
- Rapleys
- Redrow Homes (Southern) Ltd
- Robert Dorin Chartered
- Mary Seacole Housing Association
- McCann Homes
- MFI Furniture Group
- Michael Sparks Associates
- Midland Main Line Ltd
- Milne Mr
- Monarch Airlines Ltd
- Nathaniel Litchfield And Partners
- National Association Of Estate Agents
- National Federation Of Self Employed And Small Businesses
- National Travellers Action Group
- Newcombe Estates Co Ltd
- North Luton Consortium
- One Foundation Organisation
- Opel
- Orange Personal Communications Services
- Pakistan Kashmir Youth Forum
- Park Town TARA
- Parksiders Physically Disabled Club
- Paskistan Kashmir Welfare Association
- Peacock And Smith
- Peter J Hamilton & Associates
- Places For People (North British)
- Planning Bureau
- Planning Perspectives
- PRC Fewster
- Project Design Company
- Prudential Property Investment Managers Ltd
- Ranmoor
- Raynham Way Community Centre
- Redway Developments
- Robert Robson

Surveyors

- Rolfe Judd Planning
- RPS Planning
- S R Wood And Son Ltd
- Safer Luton Partnership
- Saints Community Centre
- Sangam Women's Group
- Serviced Offices Ltd / Delta Properties Ltd
- Sheibert And Co
- Sight Concern
- Slough Estates PLC
- Society For The Protection Of Ancient Buildings
- South Luton Community College
- Southside and City
- St Albans Diocesan Board
- St Vincent And The Grenadines Association
- Starlight Youth Club
- Stimpsons Eves
- Sullivan Properties Ltd
- Sundon Park Community Centre
- Sustrans (East Of England)
- Tanoga Manufacturing Ltd
- Tesco
- The Bidwell Gospel Trust
- The Jordan Group
- The Mall Corporation
- The Showmen's Guild of Great Britain (Norich and Eastern Counties)
- Thornycroft Estates
- Town Centre Partnership Ltd
- Transport 2000 (Beds Branch)
- Tree Council
- Trustees Of The Sambrooke Trust
- Trustees Old Bedford Road Estate And Manor Farm Estate
- Turley Associates
- United Pakistan Welfare
- Royal Mail Group
- RSPB
- Saathi Farley Hill Asian Women's Group
- Safeway
- Salcon Undertakings
- Service Houses
- Shaftsbury Housing Association
- Shree Sanatan Seva Samaj
- Sight Concern Bedfordshire
- Small Firms Service
- Somerfield
- South Luton Neighbourhood Action Group (SNAP)
- Sports Association For The Disabled
- St Kitts And Friends Association
- Stadium Group
- Stewart Ross Associates
- Strutt And Parker
- Sundon Park Centre Trust
- Sundon Park Youth Centre
- Symonds Group Limited
- Terence O'Rourke
- Thames Water Utilities Ltd
- The British Wind Energy Association
- The Luton All Womens Centre
- The Project Design Studio Ltd
- Thornes
- Tim North And Associates Ltd
- Town Planning Consultancy
- Travellers Commission
- Triad Planning & Design Ltd
- Trustees Of The Warden Hill Estate
- TUI NE
- UK Carrom Federation
- University of Bedfordshire

- Association
- Urban And Economic Development Group
- URS
- Victim Support (Racial Harassment)
- Voluntary Action Luton
- Weatherall Green And Smith
- Westbrook Mr
- Whitbread And Co
- Wildlife Trust for Bedfordshire, Cambridgeshire, Northamptonshire and Peterborough
- Woodland Trust
- Workspace
- WX Investments Ltd
- Mr Khan
- Mrs Debgupta
- D. Devine
- Kingsley Griffith R.I.B.A
- M. Deverney
- Mr Bevis
- Mr Bourke
- Mr Deaves
- Mr Jazani
- Mr Kazalbash
- Mr Mulbey
- Urban Villages Forum
- Vauxhall Motors Ltd
- Vincent Gorbing
- Warden Housing Association
- Welbeck Community Training Centre
- Westbury Homes [Holdings] Ltd
- White Young Green
- William Sutton Trust
- Woods Hardwick Ltd
- WSP Development
- Mr Kendall
- Mr Khan
- Mrs Ible
- J B Lewis
- Leslie Gear
- Mr Lloyd
- Mr Blyth
- Mr Chaudhary
- Mr Gourd
- Mr Karkanis
- Mr Morgan
- Mr West Brook