

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
1. Metro	The general approach in relation to congestion	Agrees with the principle of the SPD but is concerned regarding the traffic increase as a result of the KSEZ and the impact on public transport. Metro request that opportunities for funding the recommendations arising from the JMP study are considered.	<p>1.1 The KSEZ is considered to be a strategic location for development where access by public transport is available by high quality services using both rail and bus and therefore where new development can be served by public transport. The measures included in the transport strategy will give further emphasis to public transport through bus lanes and Intelligent Transport System technology (ITS) and provide the conditions for the introduction of new services identified by the JMP study.</p> <p>1.2 The SPD sets out the need for the submission of travel plans with planning applications and a mechanism for implementation i.e. part of the tariff will be reimbursed on implementation, therefore giving greater certainty that public transport will be supported.</p> <p>Change: paragraphs 3.7 to 3.9 emphasise the importance of sustainable transport and public transport. Section 6 para 6.6 sets out the approach to the implementation of travel plans.</p>
2. RPS Planning on behalf of Cranford (Huddersfield)	General approach	The SPD is significantly beyond the scope of Unitary Development Plan Policy T10. Seeking contributions to an entire network improvement is beyond the reasonable interpretation of policy T10.	<p>2.1 Policy T10 of the Unitary Development Plan is the statutory policy relating to highway and accessibility considerations in new development and it is likely to remain saved until replaced by equivalent policy in the Local Development Framework currently in preparation. In this respect it forms policy on which SPD can be based since it has been subject to independent scrutiny in accordance with statutory procedures. The policy refers to new developments generating significant numbers of journeys indicating that they will not normally be permitted if they cannot be served adequately by the existing highway network and by public transport and that to overcome deficiencies proposals will be expected to incorporate appropriate highway infrastructure. Supporting text to the policy explains that where off-site works are needed the Council will establish planning agreements to secure improvements funded by the developer. Whilst the UDP makes no specific reference to pooled contributions for an entire network this approach is considered to be entirely within the spirit of policy T10 as a practical and equitable mechanism for the provision of necessary infrastructure. Without it the burden of provision would in theory fall on the first developer to pass a critical threshold of traffic generation at the point of safety being compromised.</p> <p>No change is proposed.</p>

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
			<p>assignment on sites outside the KSEZ boundary, and adjustments for the effect of transport plans aimed at reducing growth in private traffic. Traffic generation figures for individual sites are therefore considered to be as accurate as can reasonably be predicted given one is looking well to the future in a changing commercial environment.</p> <p>2.7 The sites included in the assessment originate from assessment of land availability data and intelligence of other potential sites and developer aspirations. Nevertheless, the Council accepts that some development will originate from sources which are difficult to predict at present and has set a ceiling on the level of the tariff with the expectation that the funding shortfall can be made-up from contributions from 'windfall' developments.</p> <p>2.8 A further concern that part of the identified development capacity has already occurred without contributions being secured is a relevant issue. Inevitably a time lag exists between research into traffic conditions and the development of a strategy to deal with identified problems and the base date of the strategy must remain as the date when the traffic conditions were fully examined. The Council has offset this problem by making a significant contribution to the strategy from the public purse</p> <p>2.9 The objector also indicated that the corridor does not act as a closed network to which the costs of improvement can be attributed to a small number of developments within the zone. In this respect variations in traffic flows will occur resulting from the relative attractions of different parts of the town as presently outworn areas are regenerated and vice versa. Some major developments, even those well away from the corridor, may place traffic on the A62 within the KSEZ, and town centre developments will have a bearing on flows along Leeds Road if they act to make the centre more (or less) attractive. The predictive modelling, however, can at best only be a generalisation of traffic generation and becomes less precise at greater distances from the KSEZ boundary. Nevertheless, the agreed process requires contributions from developments when the proposed threshold of 10 pcu's is reached and can be attributed to the transport improvement both inside and outside the zone.</p> <p>2.10 The tariff has been initially held at the level set out in the draft document (£7876) with any shortfall in contributions expected to be realised from 'windfall' sites – see para 7.4.</p>

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
	<p>Cost multiplier / tariff</p>	<p>determined. It is unreasonable to expect the private sector to contribute a greater share than the public sector i.e 70% compared with 30%</p> <p>Development could be constrained by the level of the tariff. There is no provision in the SPD for the viability of the development to be taken into account in dealing with planning applications. There should be provision for developers to seek exemption/reduction from the levy based upon viability grounds. There is concern that the differential contribution is only available for brownfield industrial developments since the costs for residential sites is often higher because of</p>	<p>accelerating their programmes. The availability of transport funds is very limited and it has not been possible to secure additional funding from economic development agencies. Indeed it is more likely that the authority will be able to secure other funding if they can show that developers are making significant contributions to the overall cost of the improvements. The focus of the SPD to the initial phases of the transport strategy now means that the public / private sector share is about 50 : 50. The Council will continue to explore the potential for increasing public funding from a variety of sources.</p> <p>The focus of the initial contributions will be towards Phase I & II of the transport strategy to help reduce the cost to the private sector and to reduce its proportional share – see paras 3.5/6 and para 4.1.</p> <p>3.4 The SPD is considered to be necessary to help implement the transport strategy and without the transport improvements new development would be constrained in any event. The cost of the tariff to developers should be covered by land prices i.e developers would normally negotiate reduction in land price to cover the cost of the planning requirement. Land prices are generally adequate to cover the extra cost and still leave reasonable margins. The commitment to KSEZ will also help to maintain market interest in the area and support land prices. The impact of the level of the tariff on development interest must be carefully balanced and the Council has set the tariff as low as it feels able without placing undue risk on its ability to secure the necessary funding.</p> <p>3.5 Any reference to exceptions to payment or reduction of the tariff has not been favoured because it would give the impression that such argument was the norm. In considering planning applications the Council is required to take into account all material factors. The viability of the development and its effect on the prospects of regeneration occurring would be such a factor.</p> <p>3.6 The differential contribution was introduced to encourage brownfield development. However, the Council has revised its position believing that differential payments could be complicated to apply and might lead to inequalities. Therefore, whilst the objector has sought extension of the approach to differential payments the Council has decided not to include them in the final document. If this does lead to concerns on</p>

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
	<p>Details of implementation</p>	<p>the requirement to contribute to affordable housing, education, and higher standards of remediation. Payment of the contribution in full at the commencement of development will add to the potential financial hardship. Provision is needed for phased payments.</p> <p>Possible confusion in having a threshold based on daily generated trips to impose the tariff and a mechanism based on peak hour generated trips to calculate the contribution. Also, how would the contribution for mixed use schemes be calculated?</p>	<p>the viability of development because of the extra costs of the remediation of brownfield land then this could be balanced properly in the Council's decision in the manner described in para 3.5 above.</p> <p>3.7 The aim would be to secure contributions prior to development commencing to give greater certainty that transport infrastructure could be programmed quickly to accommodate the newly generated traffic. It is also the preferred mechanism to ensure that developers do not default on payment. The issue of phased payments is covered in para 8.3 of the SPD (referred to as deferred payment). This would allow phased payments where there is no immediate requirement to draw down funds to match public sector funding. A case of financial hardship could additionally be made as a viability argument in the form described in para 3.5 above.</p> <p>No change is therefore proposed to deal specifically with the matters raised by the objector but holding the level of the tariff to the maximum level identified in the draft SPD (SPD para 7.4) will help to ensure development is not constrained.</p> <p>3.8 The threshold has been changed to relate to peak hour generated trips. Mixed use schemes do not present particular difficulties as transport assessments assign trip generation by use.</p> <p>It is agreed that basing the threshold on peak hour rather than daily generated trips would be better. The SPD has been amended at para 5.1 to set a threshold of 9 peak hour trips above which developments will be expected to contribute to transport improvements.</p>

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
		<p>still to be developed;</p> <ul style="list-style-type: none"> • The level of traffic impact resulting from the development is not related to the required level of mitigation; • It does not reflect the ability of different land uses to support financial contribution; • It does not make any allowance for the extra coats associated with development of brownfield sites; • It is not transparent leading to the potential for inequitable application between sites; • It does not explain how any shortfall in financial 	<p>overall cost. The Council will continue to assess how further development will contribute to future phases of the transport strategy.</p> <p>Amendment proposed - developments currently in the pipeline will be required to contribute solely to the cost of the initial phases of the transport strategy and not to the cost of the whole strategy. (SPD paras 3.5/6 and 3.13/14/15).</p> <p>4.5 With regard to the relative scale of the traffic impact not being proportional to the level of mitigation the method has been devised around calculating the contribution based on traffic generation and not on site area or floorspace. Since the scale of the transport improvements is based around the need to accommodate the expected increase in traffic there is a direct correlation between these two factors which suggests the methodology is sound.</p> <p>No amendment is proposed.</p> <p>4.6 The suggestion of the third point is that a mechanism could have been devised whereby higher value uses could be asked to pay more than lower value uses. The Council has given consideration to this approach along with the concept of discounting brownfield sites but has preferred a system based on a single tariff. This has the benefit of being uncomplicated and transparent to developers.</p> <p>No amendment is proposed.</p> <p>4.7 The criticism that the approach makes no allowance for the extra costs associated with the development of brownfield sites has been covered in relation to earlier comments. See para 3.6 above.</p> <p>4.8 The comment on the transparency of the approach covers similar points to those made by objector 2 regarding the lack of a proper audit trail.</p> <p>Amendment to be made to paras 7.3 to 7.5 and the inclusion of Appendix 5 (see 2.4 above).</p> <p>4.9 The sixth area of concern on potential shortfalls in contributions particularly refers to the effect of travel plans aimed at reducing traffic generation but also other general risks associated with securing adequate funding.</p> <p>The situation will be managed through careful monitoring of developments and the receipt of funds. Adjustment of the tariff may need to be considered albeit the SPD includes parameters to contain escalation of the tariff level. An integral part of risk management will be considering the need for a district-wide approach to raise</p>

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
	<p>Cost Multiplier / Tariff</p>	<p>contribution might be addressed; and</p> <ul style="list-style-type: none"> • It lacks clarity on the sources of public finance and does not indicate if the public sector's contribution to the scheme is achievable, maximised and reasonable in relation to their wider highway responsibilities. <p>The tariff is too high and will constrain development.</p>	<p>sufficient funds.</p> <p>Amendment to be made to cover risk management (see SPD paras 9.2/3/4).</p> <p>4.10 Finally, on the issue of the sources of public finance the appropriate provision is committed in the current Council budget and therefore its availability is secure and not dependent on further submissions. Nevertheless, further attempts will be made to increase the level of support from other public funds, particularly from the regional economic development agency and the Local Transport Plan. The amendment proposed as described in para 2.4 above also deals with this issue in terms of clarity of the sources of public funding and its relationship to private contributions.</p> <p>Amendments to 7.3 to 7.5 clarify the funding position.</p> <p>4.11 The level of the tariff it is claimed will prevent development from taking place and their client's proposals to develop 29ha of brownfield employment land will not be possible because the imposition of the tariff will make the scheme unviable. Whilst the objector's comments are quite specific they are not supported by evidence to substantiate the claims. They refer to the need for extensive improvements to the site access at considerable expense but it has not been possible to verify the situation on the overall viability through financial appraisal. General support to the re-cycling of redundant industrial land is given through the KSEZ approach and without the commitment to the highway improvements included in the transport strategy it is</p>

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
			<p>unlikely that a development of this scale could be accommodated without detriment to safety and the environment. Therefore, the SPD provides an important mechanism to assist the release of this site. The general changes to contain the level of the tariff as described in para 4.4 above will also assist.</p> <p>Amendment proposed to SPD at paras 3.5/6 and 3.13/14/15 (see description in para 4.4 above)</p>
5. Knight Frank on behalf of James Robinson and Sons Ltd.	The general approach and the methodology	Covers the same issues as dealt with in relation to objection 4.	See comments above section 4
6. Knight Frank on behalf of Park Crescent Ltd.	The general approach etc.	<p>See concerns above in connection with objector 4 but includes additional detailed matters.</p> <p>1. The high cost of one section of the transport improvements (Cooper Bridge Gyrotory) is poor value for money as it achieves no more than nil detriment. A simplified design would appear possible.</p>	<p>6.1 The comments on the Cooper Bridge Gyrotory have been examined. A number of alternatives have been tested but a simplified design at lower cost is not considered feasible. The scheme as designed will facilitate future widening of the adjoining railway bridge to give enhanced performance in the longer term.</p> <p>No amendment proposed to base the SPD on a simplified transport scheme at Cooper bridge.</p>

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
		<p>2. The tariff is excessive and will discourage development.</p> <p>3. Slipper Lane (industrial allocation B9.2) is remote from the main transport improvements and funding would be better targeted at junctions more local to the site. The Cooper Bridge Gyratory, the closest of the improvements, will only have to accommodate a proportion of the site's traffic.</p>	<p>6.2 Concerns about the tariff discouraging investment are dealt with in connection with other objections; paras 4.4 and 4.11 above. Specifically the objector cites concerns about Slipper Lane, UDP site ref. B9.2 as a potential future development which may be affected, but does not provide any evidence on viability to indicate why investment will be discouraged.</p> <p>6.7 The Cooper Bridge improvements will be fundamental in providing safe and convenient access from Slipper Lane to the M62. The mechanism requires that only the traffic generated from the Slipper Lane development and assigned to the A62 west through the Cooper Bridge improvement will count towards the payment. No amendment other than to clarify that the Slipper Lane site is accounted for in the audit trail in Appendix 5.</p>
7. Network Rail	The general approach	Supports the commitment to improvements in public	7.1 The concerns focus on; lack of any reference to how public transport developments will be treated for calculating the contribution and, why the rail network

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
		transport along the KSEZ. Any development put forward by transport operators be exempt from the making of contributions since transport operators are using profits from such developments to fund further improvements to the transport system. It is disappointing that Deighton Station does not form part of the transport improvements.	is not considered for improvement within the package of transport improvements. 7.2 On the former matter, it is felt that the principle of developers contributing when traffic generation exceeds a basic threshold is a sound and fair approach. It is difficult to conceive of circumstances where a public transport operator will undertake development where the overall net effect would be anything other than in helping to reduce traffic levels. In such circumstances no payment would be necessary. However, should provision be included say for a new office or a bus garage, providing ancillary rather than operational facilities, then one would expect a contribution to be paid where the threshold is exceeded. 7.3 The need for rail improvements has been considered but these are difficult to identify and not as pressing as those associated with the highway improvements to improve capacity and bus journey times. The basic provisions of a sound and reliable rail network already exist but the potential to support rail will be kept under review. No amendment proposed.
8. Environment Agency	Flood Risk Management	Considers that a framework for obtaining developer contributions for flood defences would have been beneficial.	8.1 The issue of flood risk has wider implications than simply within the KSEZ and any SPD is likely to cover the authority's district-wide approach. Nevertheless, the flood risk issues within this river corridor are still to be fully resolved through updating of the flood model by the EA. Once this has been achieved the Council has indicated its willingness to undertake joint work with EA to establish an acceptable approach to flood risk. Amendment included to refer to the need for flood risk assessment (SPD para 4.5)
9. Yorkshire Forward		Supports the SPD however stressed the importance of having an equitable system and to not load the cost on the first developer.	9.1 Comment noted. The intention of the SPD is to ensure the application of an equitable system and to spread the cost of the necessary transport improvements. No amendment proposed.

STATEMENT OF PUBLIC CONSULATION.

Comments were received following public consultation on the SPD from 27th January to 10th March 2007. A summary of the comments received and the Council's response are set out below.

<u>Organisation</u>	<u>Issue</u>	<u>Summary of Comment</u>	<u>Response</u>
10. Government Office for Yorkshire and the Humber		No Comment	10.1 Confirmed that the office does not wish to make any comments
11. The Countryside Agency	The general approach	Supports the SPD and the principle of calculating developer contributions.	11.1 Comment noted
12. English Nature	Wildlife	Supports the use of brownfield sites but emphasises that such sites are important for urban wildlife therefore development should be carefully planned. Supports the concept of green routes to encourage modal shift.	12.1 Whilst supporting the general approach in the SPD new development should not be at the expense of wildlife habitats or green corridors. Amendment proposed to include reference to habitat protection. (SPD para 4.5).
13. Yorkshire Water		Confirmed has no comment on the SPD.	