

Consultation Statement: Summary of responses from the draft Developer Contributions Supplementary Planning Document (SPD) formal Consultation March-April 2026

The Developer Contributions Supplementary Planning Document (SPD) has been prepared to cover the local planning authorities of Malvern Hills District Council, Worcester City Council and Wychavon District Council (the South Worcestershire Councils, 'SWC'). The Developer Contributions SPD sets out the SWC proposed approach to seeking developer contributions as required by SWDPR10: Infrastructure, generated by development proposals. This document is intended to help all interested parties including developers, planning agents and the general public by providing clarification about when planning obligations will be expected and how developer contributions will be used. This Statement of Consultation summarises the findings of engagement work undertaken during the preparation of the Developer Contributions SPD. A formal period of consultation took place during spring 2026 for a period of four weeks (30th March 2026 to 30th April 2026), the consultation was an open consultation and therefore anybody with an interest was able to respond. A total of 25 responses were received during the consultation, including representations from Worcestershire Acute Hospitals NHS Trust, the Canal and River Trust, Natural England, Historic England, the Environment Agency, National Highways, Worcestershire County Council and Gloucestershire County Council.

Any proposed changes to the SPD arising from the consultation are shown in the 'Outcome' column, with new text shown in red and underlined and deleted text show as ~~black strikethrough~~.

The Questions asked were as follows:

Q.1 Are there any other relevant documents that have not been listed in para 2.15 and 2.16?

Q.2 Do you have any comments on Section 4 Process?

Q.3 Do you have any comments on Section 6, Open Space and Playing Fields Contributions?

Q.4 Do you have any comments on Section 7 Malvern Hills SSSI Mitigation Strategy (SWDPR 07) and Areas of Informal Recreation (SWDPR 32)?

Q.5 Do you have any comments on Section 8 Transport Contributions?

Q.6 Do you have any comments on Section 9 Education Contributions?

Q.7 Do you have any comments on Section 10 Flood Risk and Surface Water Management Contributions?

Q.8 Do you have any comments on Section 11 Health Contributions?

Q.9 Do you have any comments on Section 12 Built Community Facilities?

Q.10 Do you have any comments on Section 13 Other Planning Obligations?

Q.11 Do you have any further comments about the draft South Worcestershire Developer Contributions Supplementary Planning Document?

ID	Respondent	Summary of Response	Response	Outcome
DCs001	Holt Parish Council	Q1 - There should be a strengthening of the Transport Contributions when looking at any increase in traffic levels in rural areas and on surrounding areas affected by the development. Q2 - The enforcement section is still weak when looking at issues where a developer fails to comply with the planning obligations, this needs to be strengthened. Q3 - If the enforcement actions in section 4 are weak then the obligations under this section may suffer. Q5 - This section is weak on enforcement actions that maybe required if a developer fails to deliver on their obligations, particularly in rural areas where there is usually a greater impact on the infrastructure. Q7 - This is a big issue in many of the rural villages, it is not necessarily the flooding of the	Q1 – Comments noted. Transport modelling was undertaken as part of the evidence base suite for the SWDPR and was assessed as part of the SWDPR examination. The evidence base informed the production of the SWDPR policies. Transport considerations for development proposals, and therefore any resultant contributions requirements, will be assessed in accordance with the relevant national and local policies and secured on a proportionate basis, informed by site-specific evidence (including Transport Assessments/ Statements where required) and consultation with the County Highway Authority. This ensures that impacts arising from increased traffic levels, whether within rural areas or on the wider highway network, are appropriately identified and addressed.	No changes required.

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		new properties, but the increased risk of flooding from the new development that may impact upon the existing roads & properties, mitigation measures which are then put into planning obligations need to be enforced to ensure that they are put in place at the appropriate stages of construction, this includes the on-going maintenance of such measures, this section is weak in relation to this need. Q8 - When the planning process is looking at this within the rural communities they should bear in mind that health care provision for those communities may not be being provided in the immediate area, when this is the case consultation may need to be widened to ensure that all the necessary health care providers are consulted. Q9 - This requirement is okay as long as it can be enforced. Q11 - I would like to see the enforcement areas strengthened as we have seen too many developers who have agreed to obligations within the planning consent and then have failed to deliver what was agreed, without the necessary enforcement then this will continue to happen.	Q2 - Comments noted. The enforcement of developer obligations is primarily governed through legal agreements and planning conditions, which are legally binding and enforceable. These mechanisms include clear triggers for payment and delivery, as well as provisions to address non-compliance. In the event that a developer fails to meet their obligations, the SWC has a range of formal enforcement powers available, including pursuing legal remedies to secure compliance in accordance with the relevant legislation. Q3 - Comments noted. Q5 - Planning obligations and planning conditions are utilised to ensure that appropriate mitigation measures, where required, are implemented and compliant. The enforcement of developer obligations is primarily governed through legal agreements and planning conditions, which are legally binding and enforceable. Q7 - Planning obligations and planning conditions are utilised to ensure that appropriate mitigation measures, where required, are implemented and compliant. The enforcement of developer obligations is primarily governed through legal agreements and planning conditions, which are legally binding and enforceable. Q8 - Comments noted. The SWC acknowledges that, within rural areas,	

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			healthcare provision is not always located within the immediate vicinity of a development site and may serve a wider catchment area. As such, it is important that the assessment of healthcare impacts and any associated developer contributions properly reflect the functional relationships between communities and the healthcare services they rely upon. The SPD supports a collaborative and evidence-based approach to infrastructure planning, including early engagement with relevant infrastructure providers. This includes not only those operating within the immediate locality, but also those serving the wider area where it is evident that residents are likely to access services beyond the immediate settlement. Consultation on planning applications is undertaken in accordance with statutory requirements and in liaison with the relevant NHS bodies and healthcare commissioners. Q9 – Comments noted. Q11 – Comments noted. The enforcement of developer obligations is primarily governed through legal agreements and planning conditions, which are legally binding and enforceable. These mechanisms include clear triggers for payment and delivery, as well as provisions to address non-compliance. In the event that a developer fails to meet their obligations, the SWC has a range of formal enforcement powers available, including	

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			pursuing legal remedies to secure compliance in accordance with the relevant legislation.	
DCs002	Respondent 2	Q5 – Inadequate to cope with the congestion that will be caused. Q11 – My experience of developers, having been a Malvern Hills Trustee is that they will try to get away with the minimum possible in terms of contributions. My perception of them is that the end result of most developments in this area is to make life worse for existing residents. At the very least, you should be demanding greater contributions. However, my strong preference is that there be no major developments in or near the already congested towns in the area.	Q5 – Transport modelling was undertaken as part of the evidence base suite for the SWDPR and was assessed as part of the SWDPR examination. The evidence base informed the production of the SWDPR policies. Transport considerations for development proposals, and therefore any resultant contributions requirements, will be assessed in accordance with the relevant national and local policies and secured on a proportionate basis, informed by site-specific evidence (including Transport Assessments/ Statements where required) and consultation with the County Highway Authority. This ensures that impacts arising from increased traffic levels, whether within rural areas or on the wider highway network, are appropriately identified and addressed. Q11 - The SWC recognises concerns about the impact of development on existing communities. The SPD is intended to ensure that developments provide appropriate and proportionate contributions to mitigate their impacts, in line with national policy requirements. Within these constraints, the SWC seeks to secure appropriate contributions to mitigate the impact of development on and to support local	No changes required.

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			infrastructure. Matters relating to the location and scale of development are addressed through the SWDPR with the SPD focusing on ensuring impacts are properly mitigated where development occurs.	
DCs003	Worcestershire Acute Hospitals NHS Trust	Q8 - This section is not set out clearly to reflect accurately the role of the ICB or the structure of healthcare in Worcestershire. The section 'Policy Framework for seeking health contributions' should set out the policy for all aspects of health care, not just primary care/GP or should be retitled to specifically say the section relates just to primary care. Paragraph 11.8 could be more accurately phrased and seems to be disjointed and separate from paragraphs 11.9 to 11.27. These could be better structured so that it is clearer, the relevance is evident, what needs to be done and what work is underway. Presumably the section on procedure for agreement and payment of contributions applies to primary care - in which case the title should say so. Suggest restructuring this whole healthcare section so everything relating to primary care is dealt with first and then there is a logical structure to the other aspects relating to secondary care.	Q8 - Comments Noted. Section 11 to be restructured and updated to more accurately reflect how secondary healthcare contributions will be sought.	Section 11 of the SPD restructured and updated to take account of comments.

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DCs004	Pershore Town Council	Q11 - The Town Council recognises that local infrastructure and services are under increasing strain as housing numbers grow, and this remains a key concern consistently raised by residents. While it is acknowledged that current national policy and legislation provide developers with greater scope to reduce or avoid contributions, resulting in a position that may be compliant but limited in impact, it is nonetheless important to highlight this issue. The Council considers it appropriate to emphasise the need for stronger mechanisms to secure meaningful contributions toward local infrastructure.	Q11 – Comments noted. The SPD seeks developer contributions in accordance with the relevant legislation (primarily Section 106 of the Town and Country Planning Act 1990 (as amended), and is unable to go beyond this.	No changes required.
DCs005	Lone Star Land	Q4 - At paragraph 7.3 the Draft SPD arrives at a figure of £269.72 per dwelling based on 10,214 qualifying dwellings. However, the footnote explains that this is based on the estimated number of dwellings in the SWDPR to be delivered in 2021. This is now 5 years ago and hopelessly out of date. Clearly this figure needs updating and the number of qualifying dwellings needs to be calculated from April 2026. The number of qualifying dwellings will have significantly reduced which means that the per dwellings cost figure will need to be increased. The SPD does not make clear how Part F of SWDPR 32 will be delivered. Is the contribution set out as required by paragraph 7.3 namely £269.72 per dwelling? Or is it that there will be an extra requirement given there is no 25km buffer zone referred to in Part F of SWDPR 32? If the former is the case, what proportion of	Q4 – As per paragraph 7.3, the developer contribution for the Malvern Hills SSSI strategy (currently set at £269.72 per qualifying dwelling) will be updated to take account of inflation at the point of calculation. For example, if calculated now (May 2026), the cost per dwelling would be approximately £321.50. The contribution requirement for SWDPR 32 criterion F is separate to the provisions of SWDPR 07 criterion G and would be an additional contribution requirement. Allocated and additional AIRs are intended to be funded primarily through CIL, but there may be scenarios where funding through S106 agreements and/or CIL is appropriate. Accordingly, the SPD will be updated to make this distinction clearer.	Paragraph 7.8 to be updated to state: <i>"In the first instance, allocated and additional AIRs are intended to be funded through CIL for their set-up and implementation. <u>In general, ongoing maintenance costs are expected to be met through onsite revenue streams established by the landowner, but there may be scenarios where maintenance costs and other</u></i>

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		the £269.72 is intended to provide additional AIRs? If the latter is the case, what is the figure? In additional, it is not clear how the funds secured under SWDPR(F) will be used to help private landowners deliver further AIRs. This should be clearly explained in the SPD, either within the text or as a detailed Appendix. It is assumed that the indexation referred to in paragraph 7.3 will be from the time of the Footprint Ecology report in 2021. If this is the case it should be made clear. However, the figures at today's costs should be set out in the SPD and indexation start at the point of adoption of the SPD. In effect, the Council's should calculate the indexation from 2021 and include that figure in this SPD. Paragraph 7.8 sets out that ongoing maintenance costs are expected to be funded by onsite revenue streams. However, this is not what the policy says. At paragraph 32.26 of the SWDPR it says that "Subject to statutory processes and regulations, contributions may be collected towards: • Capital costs for establishing an AIR; • Ongoing revenue such as the management and maintenance of services and facilities; and • Any other infrastructure related costs permitted by law and identified as a local need." As a result, the SPD is in conflict with the Development Plan in this regard. It is worth noting that using the 2021 figures for Honeybourne AIR, any AIR would need to make	Paragraph 7.8 – It is accepted that there is a contradiction between the SPD, as drafted for consultation and SWDPR 32 Reasoned Justification paragraph 32.26. The SPD will be updated to reflect the stipulations set out in the SWDPR.	<u>infrastructure related costs permitted by law and identified as a local need could be funded by CIL and/or S106 contributions, subject to statutory processes and regulations. and will not be funded through CIL".</u> <u>S106 contributions towards AIRs will be collected from the adoption of the South Worcestershire Councils Community Infrastructure Levy Charging Schedule 2026 to comply with the Regulation 122 tests. Any major greenfield residential development (excluding strategic allocations, Extra Care, Student, and Build-to-Rent accommodation) which is not liable for CIL will be expected to pay a contribution towards the delivery</u>

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		£138,322 profit after tax just to cover maintenance and management.		<u>and maintenance of AIRs."</u>
DCs006	Wychavon District Council	Q11 - It is noted that this document comes directly off the policy SWDPR11 (Infrastructure) and site-specific policies SWDPR55 to SWDPR71. It is noted on page 50 of the draft Developer Contributions SPD document that under "other contributions", local economic benefits from development that agreements on a site-specific basis for major schemes will seek in-kind, (i.e. non-financial but mandatory provision such as training or employment opportunities) rather than paying a contribution amount towards employment skills and economic opportunities generally. It goes on to say the South Worcestershire Councils (SWC) "will look to in-kind delivery either through contractors' own programmes and or in partnership with the LEP and approved the delivery agencies such as Job Centre Plus, etc." This is welcomed. Can it be pointed out that adding "any other appropriate provider" should be added to the end. As from an Economic Development perspective we would not want to exclude any another potential provider, who was not included in the document, if they were to become interested in providing this type of programme on site, at a date in the future.	Q11 – Comments noted. Suggested wording to be added to the end of paragraph 13.6 (page 50).	Add: <u>"and any other appropriate provider"</u> to the end of paragraph 13.6 (page 50) .

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DCs007	Respondent 7 Community Campaigner	No specific comments have been made by this respondent in relation to the Developer Contributions SPD.	N/A	No changes required.
DCs008	Canal and River Trust	Q2 - In promoting pre-application discussion developers should be required to commence discussions with all Statutory consultees and infrastructure providers who might be affected. It is common to see Heads of Terms provided for highways, housing, education and transport but it is much harder to request a contribution at a late stage to cover more localised / individual impact when this could have been raised at a much earlier stage with better pre-application consultation with all consultees. Q5 - The document does not appear to be as supportive of potential requests for contributions towards active travel/ sustainable transport routes and options. It seems overly highway and motorised vehicle focussed. Q10 & Q11 - Please include that contributions should be considered to mitigate adverse impacts on existing facilities as well as the need to provide new facilities. As an example, new housing development can increase pressure on existing public rights of way and canal towpaths as usage increases. As a result of this these facilities can quickly become degraded resulting in higher costs for their owners or pressure to carry out greater maintenance or improvement to meet the changing need caused by the development	Q2 – Comments noted. Where feasible, the relevant local authority will encourage developers to involve as many applicable and/or relevant consultees over and above statutory consultees as part of pre-application discussions as appropriate, on a case-by-case basis. Q5 – Paragraph 8.11 of the SPD refers to the "Choose How You Move" programme, which has been designed to encourage sustainable, active, and healthy travel—such as walking, cycling, and public transport—over single-occupancy car use. Active Travel/sustainable transport is also set out in policy SWDPR 06 and the SWIDP. Sustainable transport options can also be set out in Travel Plans, where required by policy. Additional wording to be added to paragraph 8.11 to make it clear that required infrastructure costs could include active travel and sustainable transport route provision. Q10 & Q11 – Comments noted. It is considered that part 13 'Other Planning Obligations', sufficiently covers this by stating that planning obligations must be Regulation 122 compliant.	Q5 – Add: <u>"This could include active travel and sustainable transport route provision, where required"</u> to the end of paragraph 8.11.

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		without the necessary funding for this being available.		
DCs009	Savills on behalf of Brighton STM Developments Limited	The SPD make numerous references to the Worcestershire Parkway Infrastructure Delivery Plan (IDP). The IDP was produced in 2024 and included a number of assumptions due to a lack of evidence base at the time. In particular the transport section of the Worcestershire Parkway IDP is not informed by completed scheme specific transport modelling work. The landowners and developers at Worcestershire Parkway (Wychavon Town) are seeking to agree updated IDP figures to provide an updated schedule of required infrastructure and associated costs for the new settlement. The SPD should include reference to updating the IDP and for developer contributions to be informed by the latest available which is based upon robust evidenced information.	Comments noted. SPD to be updated to state that successive SWDPR related IDP(s) can be used, where produced.	Update paragraph 2.12 to state: <i><u>"Future updates to IDPs, where related to the adopted SWDPR, can be used as indicative guides to inform provision requirements, once produced."</u></i> Paragraph 13.11 also added, which states: <i><u>"13.11. Development at Wychavon Town (Policy SWDPR 55 - Worcestershire Parkway) should have regard to the requirements set out in the Wychavon Town SPD and the Worcestershire Parkway IDP (including any updates)."</u></i>
DCs010	Whittington Parish Council	Whittington Parish Council are generally supportive of the measures proposed, particularly	Comments and support noted.	No changes required.

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		in respect of air quality monitoring and the application of design codes. The key issue will be whether the proposed measures can be effectively delivered, accordingly the Parish Council seek clarification on who will be responsible for overseeing compliance with these requirements, and what enforcement mechanisms or penalties will be applied where developers fail to meet them.		
DCs011	Environment Agency	The Environment Agency seeks developer contributions through the planning process when developments are reliant on Environment Agency managed flood risk management schemes or the Flood Warning System as part of any Flood Warning and Evacuation Plan. Contributions are sought to support the Environment Agency with the ongoing maintenance costs of such flood risk management infrastructure. This document will help inform developers of the expectation for contributions in advance of the submission of planning applications. We do not have any concerns with any of the wording with regard to Section 10 of the SPD regarding Flood Risk and Surface Water Management Contributions, specifically in pages 38-40 of the document.	Comments noted.	No changes required.

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DCs012	Pegasus on behalf of Robert Hitchens Limited	Q2 - It is agreed that entering into discussions on potential contributions at the pre-application stage can be beneficial to all involved, however where possible responses provided by the LPA and all statutory consultees should be bespoke to ensure that the developer has a clear understanding on the contributions being sought. In order to encourage developers to engage proactively with the LPA, then pre-application responses must be timely to minimise delays and risk. Proactive and positive pre-application advice, including justifying how the contributions being requested meet the CIL Regulations will provide reassurances to the Developer prior the submission of a planning application. Having regard to the matters of viability, to ensure consistency, it is recommended that reference is made to the guidance in the PPG on viability and how viability assessments should be carried out. This is in line with paragraph 59 of the NPPF. Q3 - Having regard to the Open Space contributions, the open space quantity standards are in line with Policy SWDPR49. With regards to the playing field contributions, whilst the IDP suggests a cost per dwelling, it must be demonstrated how the potential contributions meet the statutory tests set out in the Regulation 122 of the CIL regulations, as it is unlikely that a blanket approach would suit all as some areas will be better equipped for Sports	Q2 – Comments noted. Information relating to viability requirements is set out in section 4 of the SPD at paragraphs 4.7 to 4.13. Q3 – Comments noted. Costs set out in the SW IDP, were established through Sport England's 'Playing Pitch Calculator' and 'Sports Facility Calculator' tools. Contribution calculations towards playing fields and built sports facilities will updated through these tools. Q4 – Comments noted. Q5 - Comments noted. Q6 – The Councils note the comments regarding the relationship between the Developer Contributions SPD and Worcestershire County Council's Education Planning Obligations Policy. The intention of the SPD is not to duplicate or supersede the detailed technical methodology maintained by Worcestershire County Council as the Local Education Authority, but rather to provide a high-level summary of the circumstances in which education contributions may be sought and the broad principles that apply. The SPD already identifies at paragraphs 2.15 and 9.1 that the County Council's most up-to-date Education Planning Obligations Policy, figures and guidance should be used when assessing planning applications. The Councils acknowledge however that further	Q6 – Paragraph 9.7 to be updated to state: <i>"For four year old funding requirements, one third <u>40%</u> of the anticipated yield of 4 year olds will be discounted as they will be expected to enter straight into reception (summer born children) and will therefore be accounted for within the mainstream pupil cost multiplier".</i> Paragraph 9.18 to be updated to additionally state: <i><u>"The relevant school place planning area should form the principal basis for assessment, consistent with national guidance and the Department for Education's guidance on securing</u></i>

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		facilities than others. Indeed, the PPG is clear that "It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination" (ref ID: 23b-004-20190901). As such, any requests for contributions towards playing fields must be clearly justified in line with Regulation 122 of the CIL Regulations. As has been set out at the beginning of the document, if the Developer engages with pre-application discussions, then requests for potential contributions must be robustly set out at the earliest opportunity. Q4 - No specific comments to make on the Malvern Hills SSSI Mitigation Strategy. Within the draft SPD, it is acknowledged that the Areas of Informal Recreation are proposed to be funded through CIL, as such it is not anticipated that Section 106 contributions will be sought for Areas of Informal Recreation. Q5 - No specific comments to make on Transport Contributions as these would be site specific and it would therefore be necessary to demonstrate on a case-by-case basis how these meet the CIL Regulations. Q6 – Paragraph 9.1 of the draft SPD identifies that full details of the requirements for education can be found on the website and provides a link which takes you to a webpage with the	clarification within the SPD would assist in avoiding ambiguity where methodologies or assumptions are updated separately by Worcestershire County Council over time. Accordingly, the SPD will be amended to make clearer that Worcestershire County Council's latest Education Planning Obligations Policy and associated technical guidance are the primary source for detailed education forecasting assumptions, pupil yield methodologies and calculation approaches used in the assessment of planning applications. The Councils also acknowledge the specific discrepancy identified regarding the treatment of four-year-olds within paragraph 9.7 of the SPD and the current Worcestershire Education Planning Obligations Policy 2026–2027. This will be corrected to ensure consistency with the County Council's latest methodology. Identifying related schools – In relation to paragraph 9.18, the Councils acknowledge that the wording could be clearer regarding how related schools are identified. The intention of the SPD is to reflect Worcestershire County Council's approach to assessing likely education demand arising from development proposals, taking account of school place planning areas, catchment patterns, accessibility, parental preference and local circumstances.	<u><i>developer contributions for education. The Councils consider it appropriate for the methodology to retain flexibility to consider nearby schools and local circumstances where justified, including cross-boundary relationships, accessibility considerations and demonstrated parental preference patterns."</i></u> Typographical error – Update the final bullet point of paragraph 9.18 to state: <i>"Where a development is of sufficient scale a new school is considered (see section seven)."</i> Q10 – Paragraph 13.8 to be updated to state:

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		Worcestershire Education Planning Obligations Policy 2026 to 2027. This leads to some confusion as to whether the approach to education contributions should be determined in accordance with the SPD or with the Worcestershire Education Planning Obligations Policy 2026 to 2027. This will need to be clarified within the SPD. This ambiguity is especially concerning given that the draft SPD and the Worcestershire Education Planning Obligations Policy 2026 to 2027 set out contradictory approaches. For example, paragraph 4.6 of the Education Planning Obligations Policy suggests that 40% of four-year-olds should be discounted whereas paragraph 9.7 of the SPD suggests that a third of four-year-olds should be discounted. There are also numerous other discrepancies and so it is vital that clarity is provided as to which approach will be applied. Identifying related schools - The SPD should accord with national guidance. Indeed, in the event of any inconsistency, it would be expected that national guidance would be afforded greater weight than the untested local guidance proposed in the SPD. However, the draft SPD does not accord with national guidance in respect of the area of assessment of school capacity and as such is likely to be outweighed by national guidance unless it is modified to accord with the relevant guidance. Paragraph 9.18 of the draft SPD suggests that the capacity to accommodate developments will be assessed across catchment area schools, or	The Councils agree that the relevant school place planning area should form the principal basis for assessment, consistent with national guidance and the Department for Education's guidance on securing developer contributions for education. However, the Councils consider it appropriate for the methodology to retain flexibility to consider nearby schools and local circumstances where justified, including cross-boundary relationships, accessibility considerations and demonstrated parental preference patterns. The Councils will therefore review and amend paragraph 9.18 to improve clarity and better reflect the relationship between school place planning areas and any wider local assessment considerations. Typographical error – The Councils agree that the reference in the final bullet point of paragraph 9.18 to “section seven” is a typographical error and this will be corrected in the final version of the SPD. Q7 – Comments noted. Q8 - Section 11, seeks contributions towards physical infrastructure for the delivery of secondary healthcare only. Further clarification provided through restructure and update to the wider section of the SPD.	<i>"Developers should engage with the LPA early in the planning process to ensure BNG measures are effectively designed, implemented, maintained, and secured through appropriate planning obligations, <u>or planning conditions</u>".</i>

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		schools within the safe statutory walking distance, or schools that can demonstrate a likely demand from families moving to the development. This is firstly unclear as it provides a range of different schools in which capacity may be assessed without being prescriptive about which approach will be adopted. Furthermore, and most importantly, it is inconsistent with national guidance. The PPG (23b-008) sets out that "Plan makers and decision makers should consider existing or planned/committed school capacity and whether it is sufficient to accommodate proposed development within the relevant school place planning areas." Indeed, the school place planning areas are designated as groups of schools which pupils could reasonably attend. Notwithstanding this, there may be instances in which it is appropriate to take into account additional schools where they are close but not within the relevant planning area as set out in paragraph 88 of the DfE's Securing Developer Contributions for Education. As such to provide clarity and to accord with national guidance it is recommended that the draft SPD is modified to reflect the approach set out in the Local Development Guide of neighbouring Gloucestershire which identifies that capacity will be assessed within the relevant school place planning area as well as any primary schools within 2 miles of the development and secondary schools within 3 miles of the development.	Q9 – The SPD does not introduce any new costs associated with the provision of village and community halls. Indicative costs are set out in the SWIDP as calculated by the provision requirements in table 6 of SWDPR 47. The content of the SWIDP is evidence which was used when establishing plan viability in terms of infrastructure requirements. Costs for contribution requests will be updated to take account of inflation at the point of calculation and must be compliant with Regulation 122 requirements. Q10 – Comments noted. Agree that Biodiversity Net Gain could also be secured by a planning condition. Q11 – Comments noted. The role of the SPD is to provide further context in relation to the policies in the SWDPR and the types of developer contributions which may be required as a result of development. The requirements for contributions will differ for each qualifying planning application and so contributions will be considered on a case-by-case basis.	

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		Typographical error - In the final bullet point in paragraph 9.18 of the draft SPD reference is drawn to section 7 for the provision of a new school site. However, section 7 does not address the provision of new schools and so it is anticipated that this is a typographical error which will need to be corrected. Q7 - No specific comments to make on Flood Risk and Surface Management Contributions as these would be site specific and it would therefore be necessary to demonstrate on a case-by-case basis how these meet the CIL Regulations. Q8 - Whilst the requests, for GP practices is not dissimilar to the previous SPD, there are concerns about the contributions which may be sought in relation to the demand for Acute Hospital Services. The Infrastructure Delivery Plan Update (December 2024) raises concerns that as the Hospital Trust would need to seek a developer contribution towards acute healthcare provision (as opposed to physical healthcare infrastructure), that this would not meet the Regulation 122 Test in the CIL Regulations. This is in light of the High Court judgement handed down in July 2023 (R. (Worcestershire Acute Hospitals NHS Trust v. Malvern Hills DC and others) CO/4577/2022) referenced at 9.31 of the Infrastructure Delivery Plan Update. This creates significant uncertainty around potential health contributions that would be sought as part of developments, therefore		

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		jeopardising the potential viability of sites. The PPG is clear that “the total cumulative cost of all relevant policies will not undermine deliverability of the plan.” (ref ID: 23b-005-20190315). Until it can be demonstrated that a contribution for acute healthcare mitigation meets the CIL regulations, it would be unreasonable to request this contribution. Q9 - As with the requests for playing fields, any requests to build community facilities would need to be fully justified in line with Regulation 122 of the CIL Regulations. With regards to community centres and village halls, as is set out in the PPG, “It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination” (ref ID: 23b-004-20190901). It is therefore not appropriate to suggest a cost per dwelling towards built community facilities as there may be some areas where there is significant provision, and it would therefore be hard to justify. For non-site-specific policy requirements, it is considered that contributions to community centres and village halls would be better dealt with through CIL contributions. Q10 - In terms of other planning obligations, it is suggested that Biodiversity Net Gain will be secured through planning obligations. However, there may be occasions where this is better secured by a planning condition and so flexibility should be introduced into the wording of the text.		

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		Q11 - The SWDP Authorities must ensure that any contributions sought are clearly justified in line with Regulation 122 of the CIL Regulations and that a formulaic approach to contributions is not appropriate. Whilst generally, it is expected that planning applications should be assumed to be viable, the PPG allows for the submission of a viability assessment at application stage. Such circumstances include "where a recession or similar significant economic changes have occurred since the plan was brought into force". (ref ID: 10-008-20190509) Given the current Cost of Living crisis and global uncertainty, it is likely that Viability Assessments will be required on some sites and are likely to become more common. It would therefore be useful to understand the priorities of the LPA in relation to which contributions are the highest priority. This is particularly important given the vagueness and uncertainty around the potential health contributions being sought moving forward. In order to provide certainty for Developers, and ensure that applications can be dealt with smoothly, and that all consultees actively engage at the pre-application stage, the LPA needs to clearly set out and justify in line with the CIL Regulations, the contributions being sought.		

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DCs013	Warwickshire County Council	No comments to make.	No comments made.	No changes required.
DCs014	Lichfields on behalf of Wain Estates (Land) Ltd.	Q8 - Wain notes that paragraph 11.27 of the draft SPD sets out that: <i>"Once agreed between the South Worcestershire Councils and the Acute Hospitals Trust, a financial contributions cost calculator for acute healthcare mitigation will be included within this SPD, building upon the work the SWCs have already undertaken as part of the Infrastructure Delivery Plan (IDP)."</i> Wain wishes to emphasise that they are committed to ensuring that appropriate infrastructure is delivered to support new homes. Notwithstanding this, the Council must also ensure that any planning obligations towards wider (or secondary) health infrastructure meet the tests set out at paragraph 57 of the NPPF. Planning obligations must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The Council must also ensure that the deliverability of the SWDPR is not undermined by development contributions (NPPF paragraph 34). In respect of contribution requests from Worcestershire Acute Hospital NHS Trust, Wain	Q8 - Section 11, seeks contributions towards physical infrastructure for the delivery of secondary healthcare only. Further clarification provided through restructure and update to the wider section of the SPD.	No changes required.

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		wishes to highlight that it is the NHS's obligation and financial responsibility to provide healthcare services. NHS Trusts have previously challenged the decisions of Local Planning Authorities (LPAs) in relation to planning permissions granted without contributions to the NHS. Wain notes that in the case of 'R & Another on the Application of University Hospitals of Leicester NHS Trust and Harborough District Council (CO/2298/2022)' (the judgment), the University Hospitals of Leicester NHS Trust (the Leicester Trust) challenged the decision of Harborough District Council (HDC) to grant permission for a residential development without requiring a contribution towards the delivery of health care by the Leicester Trust. The Leicester Trust sought a contribution for a 'funding gap'. This relates to the first financial year in which new residents of a development occupy dwellings and are treated by the relevant Trust (this year is not accounted for in the NHS's funding mechanism). However, at paragraphs 14 and 15 of the judgement, it was found that: <i>"14. As Mr. Cairnes KC rightly accepted, if the Trust could not point to a funding gap for the provision of health services attributable to the occupation of housing on the site, there would be no relevant impacts from the SDA scheme to justify a s.106 contribution. Equally, and as a matter of common sense, the size of that gap would be relevant to determining the amount of any s.106 contribution which may be justified. As</i>		

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		<i>a result of this concession many of the Trust's complaints in this case fall away. Nevertheless, I will address the arguments.</i> <i>15. It is important to note that the Trust's case relates solely to an alleged funding gap during the first financial year in which a new resident occupies a dwelling on the site. This is because the Trust accepts that when the block contract comes to be re-negotiated for the next financial year, the baseline population used in arriving at a revised lump sum figure takes into account new residents who have arrived at some point in the previous financial year. The Trust also accepts that there is no justification for requiring the developer/landowner of the site to make a contribution to its funding to cover any impact upon its health services arising from those same people after the financial year in which they start to live on the site. It is accepted that that is a cost for which NHS funding should be, and is, provided." (emphasis added).</i> The judgment went on to state that: <i>"139. The Trust made the broad assertion that HDC's approach "would preclude any public body with tax-raising (or borrowing) powers from being funded by a developer in a planning obligation". This is misconceived. The Trust does not have the power to raise taxes and HDC's approach did not assume that the Trust should borrow additional monies or that some other public authority should raise additional taxes. Instead, HDC was concerned to understand whether the costs</i>		

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		<i>identified by the Trust could be met having regard to the funding available to CCGs. That simply flowed from the very nature of the planning obligation which the Trust sought, namely a financial contribution to fill a funding gap. But where, for example, a development would itself cause direct harm to a public facility, so that the three tests in reg.122(2) of the CIL Regulations 2010 are satisfied, the local planning authority would be entitled to require the developer to mitigate that harm under a s.106 obligation, irrespective of whether the authority responsible for that facility is able to raise taxes or has borrowing powers.</i> <i>140. In any event, the justification advanced by the Trust for a s.106 contribution needs to be seen in the context of the statutory framework for the provision of secondary health care services. The contribution would relate to people who are new to the Trust's area. But those people are entitled to such services wherever they may live in the country. They would be so entitled if the development were to be refused planning permission and so they did not move to the Trust's area. The relevant CCG for the area in which they live would remain under a statutory duty to arrange for the provision of the same treatment as would otherwise be provided by the Trust. The obligation to provide, and financial responsibility for, those services lies with the NHS. The context is far removed from the analogy of a typical s.106 obligation given by [redacted] KC, namely where a developer is required to mitigate a reduction in the</i>		

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		<i>performance of a local highway network that would be caused by a new development. There, the highway authority is not under a statutory duty to fund improvements to the network, let alone to provide for highway facilities made necessary by a specific development. On this basis, the Appellant and the Council consider that the planning obligation request has not been demonstrated to be directly related to the development..</i> <i>142. Ordinarily a resident of the development at East Lutterworth who had moved to the Trust's area would previously have been the responsibility of a CCG elsewhere in the country. So it has not been suggested that the development would increase the burden on the NHS in England as a whole. The attempt by the Trust to obtain a financial contribution under s.106 therefore depends upon their demonstrating a localised harm. The only harm they seek to rely upon concerns the provision by the Trust of services commissioned by the CCGs. On the Trust's own case, that has to depend upon them showing a funding gap in relation to treatments for residents new to the area during their first year. The Trust accepts that there is no justification for any payment relating to other "first year" residents who are simply moving home within the Trust's area, or to any resident after their first year at East Lutterworth. The extent to which funding is available to the Trust for the services it provides to the CCGs is the only possible justification for drawing these distinctions. Whether a funding gap genuinely</i>		

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		<i>exists was critical to the Trust's request for a financial contribution under s.106."</i> (emphasis added). The Judgement found that even if a funding gap can be demonstrated, it could be argued that this results from failures related to the national mechanism for funding of the NHS: <i>"147. But what if in a future case a NHS trust could demonstrate that it would suffer a funding gap in relation to its treatment of new residents of a development during the first year of occupation? On one level it would be a matter for the judgment of the local planning authority as to whether the three tests in reg.122(2) of the CIL Regulations 2010 are satisfied and whether it would be appropriate to require a financial contribution to be made, after taking into account other requirements and any impact on the viability of the scheme. But all that assumes that there is no legal (or other) objection to a contribution of the kind sought in the present case. The argument in this case does not enable the court to decide that issue as a legal question. This judgment should not be read as deciding that there would be no legal objection.</i> <i>148. Where a housing development is carried out, some of the new residents may be entitled to social welfare benefits, which, like the need for secondary healthcare, arises irrespective of where that person lives. Of course, no one would suggest that the developer should make a contribution to funding those benefits...</i>		

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		<i>151. Second, whether there is a lack of funding for a Trust to cope with the effects of a substantial new development is likely to depend not on those effects in isolation, but on wider issues raised by the population projections used as one of the inputs to determine funding for CCGs. The interesting arguments from counsel in this case suggest that these issues merit further consideration as a matter of policy outside the courts and even outside the planning appeal system.” (emphasis added).</i> In conclusion, the findings of the Judgment state that it is the NHS’s obligation and financial responsibility to provide healthcare services (paragraph 140). Even where there is a funding gap, it could be argued that this results from failures related to the NHS’s national funding mechanism (rather than from local impacts from development). In this context, Wain would encourage the Council to carefully consider whether planning obligation requests meet the tests set out at NPPF paragraph 57. Any future amendments to the Developer Contributions SPD should take the above into account.		
DCs015	Historic England	Historic England notes that the historic environment is not specifically referred to in the draft SPD. However, we acknowledge that the 'Other Areas' information included in paragraphs 13.9 and 13.10 would provide for any situation arising where a financial contribution may be required in respect of the historic environment or	Comments noted.	No changes required.

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		a particular heritage asset.		
DCs016	National Highways	National Highways (formerly Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. In responding to development related consultations, we have regard to the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development ('the Circular'). The latter document sets out National Highways policy on sustainable development and our approach to proposals which may have an impact on our network. The SRN in the vicinity of the proposed development is the A46 trunk road and M5 motorway. National Highways have reviewed the documents and have no comments to make on the prepared SPDs for the South Worcestershire Development Plan Review, Wychavon District Council and Malvern Hills District Council.	Comments noted.	No changes required.
DCs017	Tetlow King Planning on	Q3 - At paragraph 6.6, we note that the Council applies a discount to open space costs where off-	Q3 – Comments and support noted.	No changes required.

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	behalf of the West Midlands Housing Association Planning Consortium (WMHAPC)	site provision is required. In particular, a 100% discount is applied to all affordable housing units within a scheme, in accordance with the requirements set out in accordance with Policy SWDPR 19. The WMHAPC is supportive of this approach, which appropriately recognises the viability constraints associated with affordable housing delivery and helps to maximise provision. Q6 - We understand that the currently adopted Developer Contributions SPD (July 2018) exempts all affordable housing from education contributions. The revised position in the current draft Developer Contribution SPD at paragraph 9.21 states that: <i>"Worcestershire County Council will exempt those properties deemed to be social rent or affordable rent, where the landlord is a registered housing provider and the provision is to meet local need from those families already resident in the area and, the property will remain at an affordable price for future eligible households. Build to rent schemes are not exempt."</i> This wording appears to indicate that Shared Ownership units will now be liable for such contributions. While our preference would be for the adopted position to remain unchanged, we recognise that, in practice, Worcestershire County Council has been applying this revised approach, with Worcester City Council, Wychavon District Council and Malvern Hills District Council taking differing positions. From an RPs perspective, exemptions for affordable housing are critical to maintaining scheme viability and maximising delivery.	Q6 – Comments noted. Contributions towards school provision will be delivered in accordance with Worcestershire County Council’s Education Planning Obligations Policy. Wider affordable housing considerations are covered through the proposed update to the ‘Affordable Housing in South Worcestershire’ SPD. Q8 – Comments and support noted. Q9 – Comments noted. Whilst affordable housing is not exempt from the policy requirements of SWDPR 47 part E, the requirements for contributions will differ for each qualifying planning application and so contributions will be considered on a case-by-case basis and will be subject to compliance with the Regulation 122 tests. Q11 – Comments noted. Affordable Housing is covered through the proposed update to the ‘Affordable Housing in South Worcestershire’ SPD.	

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		Affordable housing operates within tightly constrained funding models, with rents, grant levels, and sales values (in the case of Shared Ownership) all capped or controlled. The introduction of additional cost burdens, such as education contributions, can directly reduce the number of affordable units delivered, impact tenure mix, or, in some cases, render schemes unviable altogether. This is particularly relevant for Shared Ownership, where margins are already finely balanced and cross-subsidy capacity is limited. We are not necessarily opposed to the principle of contributions however, it is essential that the SPD clearly sets out which forms of affordable housing will remain exempt and how any contributions will be applied. As such, members of the WMHAPC have requested greater clarity and consistency in the application of this guidance across the South Worcestershire, to provide certainty for RP-led delivery and support the continued provision of much-needed affordable homes in the authority area. Q8 - The continuation of this exemption from the current adopted SPD is supported. As set out in our response to Question 6, maintaining exemptions for affordable housing is important from a RPs perspective to ensure scheme viability and maximise delivery. Introducing additional cost burdens risks reducing the number of affordable homes delivered or impacting the overall viability of schemes. Retaining the exemption for health contributions will help to provide greater certainty		

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		for delivery and support the continued provision of affordable housing. Q9 - We recognise the importance of ensuring new residential developments contributes to supporting local community infrastructure, whether through on-site provision or financial contributions. However, from an RP perspective, schemes delivering 100% affordable housing are subject to significant viability and funding constraints. As outlined in our response to Question 6, additional financial obligations can directly impact deliverability. While we acknowledge that this section reflects the requirements of Policy SWDP 47, which seeks contributions from schemes of 10 or more dwellings towards community facilities, we request that the Council consider applying exemptions or equivalent flexibility for 100% affordable housing schemes. This would help to ensure that such developments remain viable and continue to come forward, supporting the delivery of much-needed affordable homes. Q11 - As a general point, it would be beneficial for the Developer Contributions SPD to more explicitly acknowledge the role of RPs in providing affordable housing within the South Worcestershire authorities as well as recognise the financial constraints in delivering 100% affordable housing schemes. RPs are key delivery partners and bring essential expertise in scheme		

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		viability, design, management requirements and the practical operation of affordable housing over its lifetime. In this context, it would be helpful for the SPD to encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of WMHAPC members. More broadly, we would also note a concern that the Developer Contributions SPD as well as the Affordable Housing SPD appears to have been prepared with limited direct input from RPs. Whilst engagement opportunities have been offered and welcomed in principle, including proposals for workshops, these have not progressed into meaningful structured discussion. Given the specialist role of RPs in delivering and managing affordable housing on the ground, earlier and more sustained engagement would have been beneficial in shaping the document. Through our member's discussions with officers, it is understood that the Council intends to adopt the SPD in summer 2026. In that context, it is unclear whether there is sufficient time for further meaningful engagement on the issues raised in these representations to be fully considered and reflected in the final document.		

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		We would therefore encourage the Council to ensure that ongoing engagement with RPs continues through the finalisation and implementation of the SPD, particularly where policy requirements have direct implications for deliverability, management and long-term affordable housing delivery outcomes.		
DCs018	Wadborough Residents Association	The following comments are provided as input to the joint councils for further consideration: 1.9 – Should this SPD also cover council decision making and approach to mitigation actions when / if developer contributions are insufficient to cover all infrastructure requirements – say due to questions on development viability. Should the SPD also cover Council, National Funding and Public-Private-Finance-Initiatives and how these may also be blended into the financing arrangements? If not covered here in this SPD – then where are these financing initiatives covered? 2.8 – the implication in the Planning Practice Guidance is that ensuring the viability of a development is more important than adequate infrastructure provision and funding – which is materially where historic piecemeal development has created many problems in many rural areas. Is this acceptable and what are the alternatives? 2.12 - By stating that this is a 'Living document' and therefore a moveable feast in 2.12 – how are we going to know what is relevant at any given	1.9 – Viability for development proposals will be considered against the relevant SWDPR policies at the development management stage on a case-by-case basis. 2.8 – PPG states that “the role for viability assessment is primarily at the plan-making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan.” (Paragraph: 002 Reference ID: 10-002-20251216). The SWDPR has been examined on this basis and was found sound by the Planning Inspectorate. For decision making, PPG states “where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage”.	Update the end of paragraph 2.12 to state: <i><u>“Future updates to IDPs, where related to the adopted SWDPR, can be used as indicative guides to inform provision requirements, once produced.”</u></i>

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		time. The plan dates 2014 is now out of date, facts and figures irrelevant, nothing concrete to challenge. 2.13 – there is no up-to-date SWIDP document and therefore it is difficult to assess if the identified requirements are robust relative to known gaps. By when will the updated SWIDP be made available for comment? 3.14 - should Section 38 or Section 278 of the Highway Act 1980 also be used to ensure a new development does not cause bottlenecks on existing roads - e.g. by-passes, road widening around the development, not just for access to the development? 3.21 - do “other key agencies” also include private sector service providers – specifically Severn Trent for water provision and sewerage disposal facilities. Sewerage is a major issue for the Wychavon Town development and if Severn Trent is not seen as an agency – then how is this gap addressed and by whom? 4.2 – will any “Heads of Agreement” with Developers be subject to public consultation, prior to planning application submission? Otherwise, this Heads of Agreement process represents a pre-determination and would be counter to the legal obligation for the council to consult. 6.5 – we would question whether land acquisition costs based on agricultural land costs are appropriate? It is rare for a council to find suitable	(Paragraph: 008 Reference ID: 10-008-20190509). Viability for development proposals will be considered against the relevant SWDPR policies at the development management stage on a case-by-case basis. 2.12 – This paragraph refers to the SW Infrastructure Delivery Plan, which was most recently updated in 2024. The evidence in the SWIDP was used to inform the SWDPR. Additional wording to be added to paragraph 2.12 refer to successive versions of the IDP(s). 2.13 – The SW Infrastructure Delivery Plan was most recently updated in 2024. The evidence in the SWIDP was used to inform the SWDPR. Updates to be added to paragraph 2.12 in relation to successive versions of the IDP(s). 3.14 - Sections 38 and 278 of the Highways Act 1980 are legal agreements between developers and local highway authorities in England. Section 38 enables the adoption (taking over) of new, privately constructed roads as public highways. Section 278 covers developer-funded modifications or improvements to the existing public road network. 3.21 – As covered in the SW IDP (p52), within Severn Trent Water’s (STW) Resource Management Plan they identify work in 5-year blocks. The 5-year plan in the IDP	

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		land for community use at agricultural land prices – there may be a very significant under-estimate here at the cost of land acquisition. Could these prices have been agreed over 10/15 years ago? 7.3 – we completely disagree with any provision for Malvern Hills SSSI Mitigation Strategy – any fees should be levied by Malvern Council on users through more appropriate use of parking fees. Additionally, there is absolutely no call to differentiate Malvern Hills from any other local beauty spot, walking route across the County. 8.2 – there is currently no adequate assessment of road network impact due to Wychavon Town and further traffic modelling is promised during 2026. Only once this comprehensive traffic modelling is complete can the infrastructure contribution be adequately assessed. 8.3 – the transition to active travel and other sustainable travel modes is a huge cultural shift and one that cannot be passed as a financial obligation to developers – this culture shift obligation must be carried by the council members who are advocating for sustainable and active travel and mitigation measures must be available should the culture shift fail. What additional funds are Councils putting forward to execute on their obligations as set out in the SWDPR – i.e. on promised financial incentives and motivation for people living in Wychavon Town towards active travel, how will use of single occupant private cars be dis-incentivised (as set out in the developer and SWDPR documents),	(AMP7, 2020-2025) has several schemes identified within the south Worcestershire area. These are a direct response to planned growth in these areas and are STW funded through developer infrastructure charges. Since the publication of the IDP, the 5-year plan has been updated to AMP8 2025-2030. SWDPR 40 also sets out policy provisions in relation to wastewater and water treatment. 4.2 – There is no specific requirement for a formal, separate public consultation period for S106 “Heads of Agreement” documents, separate from the overall planning application consultation. 6.5 – Land acquisition cost estimates (greenfield sites) have been calculated using average costs for arable farmland (Source: Carter Jonas (2025) Q1 2025 Farmland Market Update. Available at: FMU Q1 2025)). Where applicable, brownfield land acquisition costs will be assessed on a case-by-case basis. Land acquisition costs will not apply to all scenarios relating to open space contributions. 7.3 – The Malvern Hills SSSI Recreation Mitigation Strategy Report (2022) prepared by Footprint Ecology (building on the Recreational Impacts Report (2021)) recommends ways to manage the impacts of increased recreational pressures on the Malvern Hills, as reflected in part G of policy SWDPR 07. The mitigation strategy provides	

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		what costs will this place on Wychavon residents? Additionally, what is the effect of single / no parking space homes on their resale value, likelihood of uptake? Also - how does the Council seek to mitigate a potential failure of its active travel strategy once inadequate infrastructure for all modes transport has been implemented – what contingency funds will be held should the active travel strategy fail, how will this be planned and allocated to developers, or will these costs be funded by taxpayers? 8.6 – New point to be added to the list – The implementation of the Worcester Transport Strategy will ensure no reduction in the free movement of traffic from Evesham and Pershore down the A44 and B4084 towards Worcester and the M5 junctions due to the construction of Wychavon Town and provide adequate roads, dual carriageways and bypasses to avoid grid-lock on roads to the East of the County. Funds generated from the Wychavon Town development will not be diverted to wider traffic alleviation not directly impacted by the development. 8.8 - There are forecast to be severe impacts in terms of traffic congestion and access to key services with consequent negative impacts on the environment due to reduced air quality, resulting in a decline in the quality of life for residents and a reduction in the overall attractiveness of the City for businesses and visitors. What is being done to mitigate this?	the evidence to support the requirement for developer contributions from new development. 8.2 – Transport modelling was undertaken as part of the evidence base suite for the SWDPR and was assessed as part of the SWDPR examination. The evidence base informed the production of the SWDPR policies, including SWDPR 55. 8.3 – Active travel is a requirement of policy SWDPR 55 with the focus on a comprehensive sustainable movement network. 8.6 – This paragraph of the SPD provides a summary of the aims and objectives of the Worcester Transport Strategy, which was produced by Worcestershire County Council and therefore reflects the content of this report. 8.8 – SWDPR 55 contains a range of policy requirements with the overall aim to produce a sustainable development, with mitigate provided against adverse impacts, where possible. 8.13a – Transport modelling was undertaken as part of the evidence base suite for the adopted SWDPR and was assessed by the Planning Inspectorate as part the examination.	

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		8.13a – the calculation of the numbers of trips should be based on realistic rather than aspirational assumptions – clear evidence base and benchmark / comparators for the planning assumptions must be provided. Current assumptions for Wychavon Town grossly underestimate the road traffic impact on the existing road network from the East of Worcestershire into Worcester and the 2 M5 junctions. 9.4 – existing Worcestershire market capacity should not be used for the Wychavon Town development – the planning assumption is for active travel and in-development provision is needed, or we need to question the entire design philosophy of Wychavon Town. 9.11 – existing provision should only be taken into account if within 15 minutes walking distance of the new development. The philosophy of Wychavon Town is that majority of travel is internal and using active travel – so we are either discouraging long journey's by providing local facilities or the entire design philosophy of Wychavon Town needs to be revisited. 9.26 – it seems strange that funding for new schools will only be received once 90% of the total number of dwellings are occupied. It is unclear how schooling will be provided for the first 80% of houses occupied. School funding for Wychavon Town should be provided at least 3 years in advance of the first houses being occupied to allow building and commissioning of the school prior to new pupils starting.	9.4 – Active travel is a requirement of policy SWDPR 55 with the focus on delivering a comprehensive sustainable movement network. 9.11 – Active travel is a requirement of policy SWDPR 55 with the focus on a comprehensive sustainable movement network. Part D of the policy states that Worcestershire Parkway must be as self-sufficient as reasonably practicable regarding transport, movement, utilities, education, health, community, and other infrastructure. 9.26 – School provision will be delivered in accordance with requirements of Worcestershire County Council's Education Planning Obligations Policy. 9.28 - School provision will be delivered in accordance with Worcestershire County Council's Education Planning Obligations Policy. 10.1 – Criterion P of SWDPR 55 states that "no built development in any part of Worcestershire Parkway will be permitted in areas at high risk of flooding (whether existing or identified in the future)." 11. – Comments noted. Healthcare provision relating to the SWIDP has been considered in the SWIDP and the Worcestershire Parkway IDP (now referred to as Wychavon Town).	

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		9.28 - it will be necessary for Worcestershire County Council or its partners, to deliver education infrastructure in advance. This should not be for debate – it is essential for Wychavon Town and should not be avoided. If local provision is not provided until after the town is built, then the entire design philosophy around active travel needs to be reconsidered for Wychavon Town. 10.1 – flood risk mitigation should be provided both on and off-site of the development. Where developments create elevated off-site flood risk, then necessary downstream mitigation actions should be fully funded. There are at least 5 road bridges which will be severely impacted by additional flood waters created as a result of surface water run-off between Wychavon Town and the river Avon. These bridges and their capacity to handle increased flows should be included within the flood risk mitigation measures 11. – this entire section is incomplete and needs significantly greater thought before finalisation. Wychavon Town will require major investment in healthcare facilities and expansion of the Worcester Hospital capacity. These items are not adequately quantified. 11.29 - affordable housing developments should contribute to primary healthcare infrastructure. 13.7 – Biodiversity gains - Section 40 of the Natural Environment and Rural Communities Act 2006 placed a duty on local authorities to	11.29 – Developer contributions for primary healthcare infrastructure will not be sought from affordable housing developments or from those affordable housing units within mixed tenure schemes. 13.7 – Biodiversity Net Gain (BNG) is a separate, mandatory statutory requirement under the Environment Act 2021, distinct from the general biodiversity duty in Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. While both aim to protect nature, BNG mandates a specific 10% gain, whereas NERC Section 40 is a broader duty for public authorities to "have regard" to conservation. SWDPR 30 sets out the policy requirements relating to Biodiversity net gain. Additional Points: Sewage Disposal – As covered in the SW IDP (p52), within Severn Trent Water's (STW) Resource Management Plan they identify work in 5-year blocks. The 5-year plan in the IDP (AMP7, 2020-2025) has several schemes identified within the south Worcestershire area. These are a direct response to planned growth in these areas and are STW funded through developer infrastructure charges. Since the publication of the IDP, the 5-year plan has been updated to AMP8 2025-2030. Sewage disposal is also covered by SWDPR 40 and the IDP. Part A of SWDPR 40 states	

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		conserve biodiversity so far as it is consistent with the proper exercise of its functions. A statement confirming whether the biodiversity value of the on-site habitat is lower on the date of application (or an earlier date) because of the carrying on of activities ('degradation') - https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain. Which date is being used? Additional Points: - There is no mention of sewerage disposal and treatment costs – why? - Development viability should not be used as an acceptable rationale for sub-standard infrastructure provision. How will the council make decisions on what is and is not deemed acceptable?	that: "<i>all development proposals (as appropriate to their nature and scale) must demonstrate that there are or will be adequate water supply and water treatment facilities in place to serve the whole proposal before development commences. Evidence must include confirmation from the relevant water company</i>". Viability – An overall viability assessment has been undertaken for South Worcestershire to firstly assess the impact of the SWDPR policies on development viability and then to examine the cumulative impact of the policy requirements. The assessment methodology is consistent with national guidance and best practice. Some policies in the SWDPR either allow for or require further viability assessment where a particular issue may need to be addressed as a result of policy requirements.	
DCs019	Montagu Evans on behalf of Summix and Homes England	A key element of the SWDPR is the allocation of Wychavon Town for a new settlement of approximately 10,000 homes and 50 hectares of employment land (Policy SWDPR 55 – Worcestershire Parkway) to 2041. It is also noted that the draft Wychavon Town Spatial Framework SPD was consulted on in January - February 2026 (following informal consultation during 2025 on which our clients had previously commented). Our clients submitted two linked outline planning applications for Phase 1 of their development	Whole Document: Relationship with strategic site frameworks Agreed. New paragraph at 13.11 to state that for SWDPR 55 Worcestershire Parkway (also known as Wychavon Town) should also have regard to the Wychavon Town SPD and Worcestershire Parkway IDP. Infrastructure methodology - Alignment with the WP IDP – Comments noted. 4. Process Page 16: Comments noted.	Add new paragraph at 13.11 to state: <i>"Development at Wychavon Town (Policy SWDPR 55 Worcestershire Parkway) should have regard to the requirements set out in the Wychavon Town SPD and the</i>

ID	Respondent	Summary of Response	Response	Outcome
		proposals which are being considered by the Council (ref: W/25/02813/OUT and W/25/02814/OUT). In this context, our clients support the Council's intention to publish SPDs to support the implementation of the SWDPR and its policies which is the role of SPDs in decision making for planning applications. The Planning Practice Guidance (PPG) explains that SPDs should only build upon and provide more detailed advice or guidance on policies in an adopted Local Plan. As they do not form part of the development plan, they cannot introduce new planning policies into the Development Plan. They are however a material consideration in decision-making. The PPG also explains that SPDs should not add unnecessarily to the financial burdens on development (ref: Paragraph 008 Referenced ID: 61-008-20190315). Our comments on the SPDs are provided in this context, and we highlight several matters where we consider changes are necessary for the SPD to be successful in compliance with the NPPG in respect of plan-making for SPDs as highlighted above. Whole Document: Relationship with strategic site frameworks Policy SWDPR 10 on Infrastructure in the newly adopted SWDPR requires contributions relating to the IDP and policy SWDPR 55 requires a Phasing & Infrastructure Strategy (clause G.ii), various infrastructure elements to be delivered (e.g.	4. Process Page 17: Agree. This should read "may ultimately refuse the planning application". 4. Process Page 19: Comments noted. Where this is the case, this can be set out in the accompanying legal agreement on a case-by-case basis. 5. Planning Obligations Guidance Page 21 Affordable Housing: Comments noted. Affordable housing exemptions do not apply for all sections of the SPD. Paragraph 5.5 to be updated to make this clearer. 7. Malvern Hills SSSI Mitigation Strategy (SWDPR 07) and Areas of Informal Recreation Page 27 - Malvern Hills SSSI Mitigation Strategy (SWDPR 07): Affordable housing is included in the policy requirement of SWDPR07 part G. SPD to be updated to make this clearer. 7. Malvern Hills SSSI Mitigation Strategy (SWDPR 07) and Areas of Informal Recreation - Areas of Informal Recreation (AIRs) (SWDPR 32) (page 27): Comments noted. 11. Health contributions - General Comments: Comments noted.	<i>Worcestershire Parkway IDP (including any updates)."</i> Amend paragraph 4.12 to read: <i>"...may ultimately refuse the planning obligation application..."</i> 5. Planning Obligations Guidance Page 21 Affordable Housing Paragraph 5.5 to be updated to state: <i>"Affordable housing units will be included in the total net number of dwellings to determine if a threshold for a developer contribution has been reached. Please refer to each section of the SPD for details of where affordable housing exemptions have been applied."</i>

ID	Respondent	Summary of Response	Response	Outcome
		transport (K), social (M) and green (Q) infrastructure) and requires all applicants to enter into appropriate legal agreements to ensure contributions are secured on an equitable and pro-rata basis (L.iii). The draft Spatial Framework SPD then provides more detail on these requirements and sets out an approach in the section on Delivery (6) including an approach to common infrastructure delivery and phasing and an approach to Framework Section 106 Agreements, plus a list of Strategic Infrastructure components drawn from the WP-specific IDP. There is no reference in the draft Developer Contributions SPD to the existence of a separate SPD and policy infrastructure for the strategic sites including Wychavon Town, nor reference to the existence of Framework Section 106 agreements. It would be useful for there to be one. Homes England recommends that the Developer Contributions SPD explicitly acknowledges that, for strategic allocations such as Wychavon Town, infrastructure delivery, phasing and contributions are governed primarily through site-specific policy requirements, Spatial Framework SPDs, and Framework Section 106 agreements, with the Developer Contributions SPD providing supporting guidance rather than overriding those bespoke arrangements.	11. Health contributions - The need for flexibility and case-by-case justification Comments noted. 11. Health contributions - Evidence base and attribution of impact: Comments noted. 11. Health contributions - Approach to calculating contributions: In order to meet the requirements of regulation 122, all requirements for contributions are assessed on a case-by-case basis The SPD provides clarity to developers as far as possible as to the extent of contributions that may be sought. In the case of healthcare contributions this will be identified in consultation with the relevant healthcare provider. 11. Health contributions - Viability and Cumulative impacts: Comments noted. Viability was considered on a range of sites at plan making stage for the SWDPR, included within that assessment was contributions towards both primary and secondary healthcare infrastructure. The approach was found sound through examination. Where viability of a scheme is considered to be an issue A reduction in planning obligations will only be considered in the event of a robust policy-compliant viability assessment demonstrating that a proposed development would be rendered unviable as a result of the required contributions.	<i>but will be zero rated in all the tariff based developer contributions set out in this SPD."</i> Update paragraph 7.2 to state: <i>"...developer contributions will be sought from all residential developments of five or more dwellings (including affordable housing) within the identified 25km zone of influence within south Worcestershire (as shown on the Policies Map)..."</i> Update paragraph 7.6 to state: <i>"...strategic allocations providing a Community Park over 30ha will not be required to provide a contribution towards delivery of AIRs. This</i>

ID	Respondent	Summary of Response	Response	Outcome
		Infrastructure methodology - Alignment with the WP IDP The draft SPD includes detailed calculation methodologies for Open Space and Playing Field Contributions, Malvern Hills SSSI Mitigation Strategy and Areas of Informal Recreation, Transport and Education, Flood Risk and Surface Water Management, Health, and Built Community Facilities. We note the importance of ensuring that any calculation methodologies are consistent with the Worcestershire Parkway IDP assumptions upon which plan stage viability was tested. Any deviation from this via the SPD should be avoided. 4. Process Page 16: As per the Affordable Housing SPD, the discussion regarding viability is supported. Clearly, there is a need to ensure that the developer contributions sought are fair and reasonable without adversely affecting the ability for a new development to take place. 4. Process Page 17: Viability Paragraph 4.12 states that the SWCs are under no obligation to accept a reduction in the required level of planning obligations (which we presume includes affordable housing if below policy-compliant) and may ultimately refuse the planning obligation (we presume this is a typo and should read "planning application"). This should be clarified.		<i><u>contribution requirement includes affordable housing".</u></i>

ID	Respondent	Summary of Response	Response	Outcome
		4. Process Page 19: Indexation Paragraph 4.25 notes that contributions are based upon the costs of infrastructure. Financial contributions will therefore be indexed (i.e. index-linked to inflation) to ensure that they retain their 'original' real value. The base date and appropriate index to be applied will be set out in the legal agreement attached to any planning permission. It is important to note that in the instance of items of infrastructure being forward funded and then recovered via S106 agreements, indexation should still apply to the actual cost of the works, even if infrastructure is funded and completed in advance of S106 triggers on individual planning applications being activated. 5. Planning Obligations Guidance Page 21 Affordable Housing: Paragraph 5.5 notes that Affordable housing units will be included in the total net number of dwellings to determine if a threshold for a developer contribution has been reached but will be zero rated in all the tariff-based developer contributions set out in this SPD. It is understood that the above paragraph means that for the purpose of calculating tariff-based contributions, affordable housing will essentially be exempt from the contributions sought via this SPD. If this is correct, then the drafting of Paragraph 5.5 could be made clearer and specifically state this point. 7. Malvern Hills SSSI Mitigation Strategy (SWDPR 07) and Areas of Informal Recreation Page 27 - Malvern Hills SSSI		

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		Mitigation Strategy (SWDPR 07): Paragraph 7.3. notes refers to a cost per dwelling of £269.72 per dwelling. However, neither the text nor the footnote (12) clarifies whether affordable housing is excluded from this requirement (see above). It would be helpful if this is clarified within this section of the SPD. 7. Malvern Hills SSSI Mitigation Strategy (SWDPR 07) and Areas of Informal Recreation - Areas of Informal Recreation (AIRs) (SWDPR 32) (page 27): The reference to Policy 32 and the acknowledgement that strategic allocations providing a Community Park over 30ha will not be required to provide a contribution towards the delivery of AIRs is welcomed. Clearly, contributions should only be sought on proposed development where it is appropriate to do so and not where proposals are already appropriately mitigating their impact. 11. Health contributions - General Comments: We believe that it is positive that the Councils are seeking to provide greater clarity and consistency around how health contributions may be secured, particularly given the growing role of Integrated Care Boards in the planning process. A clear framework can be helpful for all parties at the outset of site promotion and application discussions. 11. Health contributions - The need for flexibility and case-by-case justification		

ID	Respondent	Summary of Response	Response	Outcome
		The SPD should continue to clearly emphasise that: • Contributions must be assessed on a case-by-case basis. • Requests must be directly related to the specific impacts of a development. • Evidence relied upon should be proportionate, up-to-date and transparent. Maintaining flexibility is considered essential to ensure the approach remains policy compliant, reasonable and deliverable in practice. 11. Health contributions - Evidence base and attribution of impact: While the principle that development should contribute towards healthcare where there is a clear impact is supported, there must be: • A clear distinction between existing capacity pressures within GP practices, and • Additional demand genuinely arising from new development. The methodology for identifying capacity, defining catchment areas, and linking developments to specific healthcare projects should be applied consistently and robustly on a site-by-site basis. 11. Health contributions - Approach to calculating contributions: Concern is raised about the use of bedroom numbers as a proxy for occupancy, which is considered overly simplistic.		

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		In practice, occupancy levels vary significantly depending on: • Dwelling size and layout • Bedspaces • Tenure • Household composition. We therefore suggest a more nuanced, evidence-led occupancy methodology would provide a fairer and more accurate assessment of development impacts on healthcare provision. 11. Health contributions - Viability and Cumulative impacts: It is important that the SPD fully recognises development viability, particularly in the context of affordable housing, education, transport, and other infrastructure contributions. The cumulative burden of contributions can be significant, and there is concern that rigid application of health contributions could undermine scheme viability and ultimately constrain the delivery of much-needed housing. A flexible approach, allowing for viability considerations to be assessed on a site-specific basis, is therefore essential.		
DCs020	Worcestershire County Council	<u>Education Sufficiency and Place Planning</u> We welcome the reference to the WCC Education Planning Obligations Policy in sections 2.15 and 9. The link to the relevant WCC webpage Education	<u>Education Sufficiency and Place Planning</u> The start of section 9 will be updated with the suggested text.	<u>Education Sufficiency and Place Planning</u>

ID	Respondent	Summary of Response	Response	Outcome
		Planning Obligations Worcestershire County Council is included in section 9 and could be added to 2.15. We suggest that the following text is added in Section 9.1: "The Education Planning Obligations Policy (2025) was the subject of a full public consultation between 6 May and 17 June 2025 and was approved by Worcestershire County Council's Cabinet and adopted from 1 October 2025. Cabinet also delegated approval to the Director of Children's Services for annual updates. The Policy sets out the approach the Council will take in calculating appropriate mitigation for education provision and places from new housing. This approach will involve close working with local planning authorities. This document should be read alongside relevant planning policies and supplementary planning documents which may be adopted from time to time both nationally and for each local planning authority in Worcestershire." Regarding aspects 9.2 and 9.3, it is important to acknowledge the following information within the text: WCC has a duty to provide sufficient school places for all children (aged 4-18) resident in Worcestershire who wish to attend a publicly funded school – this includes post-16 provision in secondary and high schools with sixth forms.	Paragraph 9.2 to be updated to include the suggested information. Paragraph 9.16 and Table 6 to be updated to reflect the latest information in the Education Planning Obligations Policy Worcestershire report. All further points in this section to remain in the SPD as the revised introduction to section 9 makes it clear that the main referral point is the WCC Education Planning Obligations Policy via the WCC webpage, as this reflects the most up-to-date information. <u>WCC Economy and Infrastructure Place Planning Team</u> CIL funding arrangements are set out in each council's Infrastructure Funding Statement. Noted. NPPF paragraph numbers will be correct at the point of publication of the SPD. A reduction in planning obligations will only be considered in the event of a robust policy-compliant viability assessment demonstrating that a proposed development would be rendered unviable as a result of the required contributions. Support noted for the inclusion of points 4.17 and 4.20.	Start of section 9 to be updated as follows: <i>"Worcestershire County Council's Education Planning Obligations Policy and associated technical guidance are the primary source for detailed education forecasting assumptions, pupil yield methodologies and calculation approaches used in the assessment of planning applications. Accordingly, any planning applications should use the latest policy, figures and guidance published by the County Council. Full details of the requirements for education can be found on the Worcestershire County Council website (School Planning Obligations Worcestershire)"</i>

ID	Respondent	Summary of Response	Response	Outcome
		- Provision for children and young people with Special Educational Needs and Disabilities (SEND) covers the ages of 2 – 19. - WCC has a duty to ensure all eligible under-fives have access to high quality funded early education places. The Childcare Act 2006 also places a duty on local authorities to have sufficient childcare in their area for working parents. We suggest that the rest of the document could simply direct the reader to the relevant sections of the WCC Education Planning Obligations Policy via the link to the WCC webpage (Education Planning Obligations Worcestershire County Council). This will ensure that the reader is always referencing the current policy position and will minimise the editing of the SPD required to keep it current. For example, point 9.16 is already out of date – the current policy uses a SEND Pupil Product Ratio (PPR) of 5.3% and this factor will be updated annually to reflect the latest demand for specialist provision for children and young people with SEND. <u>WCC Economy and Infrastructure Place Planning Team</u> We have several points to acknowledge which may strengthen the document further. Firstly, the document would benefit from clearer clarification of the different components for which	In relation to the potential range of transport contributions required, it is considered that this is sufficiently covered by paragraph 8.9, which links to the policy requirements of SWDPR 06.	<i>County Council). A summary of the justification, scale and type of contributions at the time of publication can be found below. Any planning applications should use the latest policy, figures and guidance published by the County Council.</i> Paragraph 9.2 to be updated to state: <u>9.2. "Worcestershire County Council has a duty to provide sufficient school places for all children (aged 4-18) resident in Worcestershire who wish to attend a publicly funded school – this includes post-16 provision in secondary and high schools with sixth forms. Provision for children and young people with Special Educational Needs</u>

ID	Respondent	Summary of Response	Response	Outcome
		CIL funds can be utilised. While CIL funding allocations are outlined, the SPD does not provide sufficient detail on how these funds may be used in practice. This lack of clarity may risk undermining the perceived role of Section 106 contributions, particularly if developers consider they are being charged under both mechanisms for similar purposes. Providing a clearer distinction between the two funding streams would strengthen the document and improve overall transparency. The acknowledgement of viability, as set out in the National Planning Policy Framework (NPPF), is welcomed. However, it should be noted that referencing specific paragraph numbers may require updating over time as the NPPF is revised. Consideration could therefore be given to referring more generally to national policy to ensure the SPD remains up to date. The SPD could also acknowledge the potential impact of reduced planning obligations arising from viability. As the delivery of infrastructure often relies on Section 106 contributions, any reduction may affect the delivery of the necessary infrastructure to mitigate the impact of development. This will also be material to the assessment of a planning application and the response recommendations. Point 4.17 is welcomed, as it clearly acknowledged the role of financial contributions to both WCC and the district councils, and we appreciate its inclusion within the SPD. We also		<u>and Disabilities (SEND) covers the ages of 2 – 19. Worcestershire County Council also has a duty to ensure all eligible under-fives have access to high quality funded early education places. The Childcare Act 2006 also places a duty on local authorities to have sufficient childcare in their area for working parents.</u> <i>9.3 New residential development will be required to contribute towards the provision of early years (0-5) and statutory school age (5-16) places unless there is sufficient capacity in existing education infrastructure to mitigate any additional demand forecast to arise from new housing development."</i>

ID	Respondent	Summary of Response	Response	Outcome
		welcome the inclusion of point 4.20, which addresses the monitoring of planning obligations to ensure they are compiled with and delivered in a timely manner. The SPD helpfully addresses several queries developers may raise, including indexation costs in points 4.25 and 4.26. The document would benefit from further enhancement of Section 8 in relation to transport contributions. While the information provided is appreciated, the section does not fully appreciate the range of transport-related Section 106 contributions. Contributions towards public bus services, demand responsive transport, community transport, and home-to-school transport, all sought by WCC, should be recognised in this section. Section 106 contributions play a critical role in ensuring these services can meet the needs arising from new developments, and the SPD provides the opportunity to strengthen awareness and understanding of these funding streams. We appreciate the information provided. Including the services listed above would improve the document's accuracy and better capture the contributions sought.		Paragraph 9.16 to be updated to state: <i>"The SEND PPR is based on the average percentage of pupils in Worcestershire requiring specialist education provision. This is based on the average percentage of pupils in Worcestershire with an Education Healthcare plan over the last 5 years, which <u>as of January 2025 is 5.3% (figure will be updated annually by Worcestershire County Council)</u>. This percentage is significantly lower for children under the age of 5, therefore SEND provision will not be sought for early education places."</i>

ID	Respondent	Summary of Response	Response	Outcome
				Table 6 to be updated to reflect latest figures: • <u>Early Years Places Product ratio (15 hour places) 0.04</u> • <u>Early Years Places Product ratio (30 hour places) 0.18</u> • <u>Primary Pupil Product Ratio 0.05</u> • <u>Secondary Pupil Product Ratio 0.04</u> WCC Economy and Infrastructure Place Planning Team No changes required.
DCs021	LRM Planning on behalf of Bloor Homes	Developer contributions can only be sought where they meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). These are well known:	Opening Comments and Viability - Comments noted. Infrastructure Funding Statements have been produced by each council and can be viewed on each local authorities' webpages.	No changes required.

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		A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is — (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. A theme in the SPD is that much of the development across the plan area is small-scale which gives rise to cumulative impacts and it is necessary therefore to have a mechanism to share the burden of infrastructure fairly. In this regard it is important to recognise that the Councils operate a Community Infrastructure Levy that imposing a financial charge on certain new forms of development for this purpose. The absence of a clear Infrastructure Funding Statement limits the transparency with which infrastructure funds are being collected. Viability The issue of viability is an important consideration. The draft SPG does not appear to consider options for how the viability of otherwise unviable schemes could be improved, for example, adjusting obligations (albeit altering tenure of affordable housing is referenced in the separate SPD), phasing financial contribution, prioritising different types of infrastructure, and review mechanisms. All the while, the additional CIL burden does not appear to be attributed to any infrastructure type.	Management and maintenance of areas of open space – Comments noted. Areas of Informal Recreation - Comments noted. Transport - Comments noted. Education - Comments noted. Healthcare – Comments noted.	

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		Management and maintenance of areas of open space Paragraph 6.3 refers to management and maintenance of areas of open space. It rightly refers to different mechanisms for this purpose, including private estate management. That should be retained. Areas of Informal Recreation Areas of Informal Recreation (AIR) are the subject of Policy SWDPR32. It is noted that this refers to all major residential applications being required to make a contribution to the Honeybourne AIR. Paragraph 32.25 of the SWDPR states "Information relating to how the provision requirements translate into a developer contribution will be set out in an update to the South Worcestershire Developer Contributions SPD". The SPD provides little such information other than referring to CIL. If planning obligations are in fact used, the scale of such a contribution must be proportionate to the likely scale of impact on the SSSI, which clearly draws from the proximity principle and the type of housing and alternative areas of informal open space accessible to a site. Transport		

ID	Respondent	Summary of Response	Response	Outcome
		It is likely that the traffic effects of development proposals are assessed through a Transport Assessment. That process would ordinarily consider the cumulative effects of other development where relevant. In the event that process concludes that traffic effects warrant traffic improvements, those are the measures that are directly related to the proposed development. In many instances, and especially across the rural parts of the plan area the transport effects of new development will be negligible when considered in the context of existing flows and natural growth. Caution must be exercised in those instances to avoid excessive or unnecessary financial obligations, especially with CIL operating. The SPD cannot introduce an additional layer of mitigation that requires the proposed development to fund, which appears to be the effect of paragraph 8.4. The root of this might be that paragraph 8.3 is only a partial reference to the CIL Regulation 122; planning obligations must accord with each of the three tests, not just one. National planning policy and other government policy towards transportation is geared towards increasing active and sustainable modes of travel. It in effect discourages highway capacity improvements the simply encourage travel by private car. In essence there is a mitigation hierarchy that needs to be adopted that favours improvements to walking and cycling and public transport ahead of highway schemes. That is an		

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		important principle in considering transport related mitigation and obligations and will need to be applied through the implementation of the SPD. Education We note that what is provided in the SPG is a summary of the County Council's School Planning Obligations Policy. Notably this is "policy" outside of the Development Plan and must therefore be treated accordingly. The LEA has a statutory responsibility to provide school places, albeit financial contributions from developers are used to fund capital improvements, where additional school places are required. It is an inescapable fact that actual and projected school rolls are falling nationwide reflecting a sustained decline in the birth rate. That fact will inevitably affect available school place capacity and the extent to which planning obligations are indeed required. This characteristic will undoubtedly feature in the practical application of this County Council's "policy" in the face of CIL Regulation 122. Healthcare Healthcare is funded through national taxation, with funding allocations from central government to health authorities on the basis of per capita sums. This therefore accounts for increases in		

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		population. Accordingly, there are clear limits as to what healthcare related infrastructure should contribute towards. Paragraph 11.15 states that "Where the ICB decides to request a developer contribution it will be matched to a suitable primary healthcare extension project". This is important, as in our experience monies are sought absent a project or by reference to a hypothetical scheme. That is not appropriate.		
DCs022	Malvern Hills Trust	Malvern Hills SSSI Mitigation Strategy (SWDPR 07) The Malvern Hills Trust is a charity governed by Malvern Hills Acts 1884–1995 whose duties are to keep the land under its jurisdiction, being over 1200 hectares of hilltop, woodland and open common as an open space for the recreation and enjoyment of the public and to preserve the "natural aspect" of that land. Malvern Hills Trust must ensure that recreational pressure arising from new development does not result in harm to the Malvern Hills Site of Special Scientific Interest (SSSI), and that mitigation mechanisms relied upon through the planning system are capable of remaining proportionate and effective over time. Support in Principle The Malvern Hills Trust supports, in principle, the inclusion within the SPD of a requirement for residential development to contribute towards	The Developer Contributions SPD provides additional guidance in relation to how the policies in the adopted SWDPR are to be implemented and can be used as a material consideration in decision-making. The SPD does not form part of the development plan and therefore cannot introduce new policy. Accordingly, any discussions or progress in relation to the advancement of a 'Strategic Solution' for the Malvern Hills SSSI cannot be applied or implemented as part of, or through the adopted SWDPR. As such, consideration of any future updates to policies relating to the MH SSSI would need to be considered as part of a future local plan review.	No changes required.

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		mitigating recreational impacts on the Malvern Hills SSSI. In particular, the Malvern Hills Trust welcomes: • The acknowledgement that planned housing growth gives rise to recreational impacts that require mitigation; • The application of developer contributions across a defined zone of influence in order to address cumulative effects; and • The reliance on an established technical evidence base, including work undertaken by Footprint Ecology. Presentation of the Per-Dwelling Contribution However, the Trust considers that paragraph 7.3 of the SPD would benefit from greater clarity in how the per-dwelling contribution (£269.72 per dwelling, indexed) is presented. The Malvern Hills Trust notes that further work is underway between the local authorities, Natural England and relevant stakeholders to consider the appropriate long-term approach to mitigating recreational impacts on the Malvern Hills SSSI. This reflects that the mitigation strategy is continuing to be developed and may be refined as further evidence becomes available. In that context, the Malvern Hills Trust considers it important that the SPD does not imply that the current per-dwelling figure represents a fixed or		

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		exhaustive mitigation solution for the duration of the plan period. The SPD should allow sufficient flexibility to ensure that mitigation requirements and associated contributions can respond appropriately to evolving evidence, monitoring outcomes and strategic mitigation proposals identified through ongoing work. Consistency with the Development Plan and Legal Responsibilities The Malvern Hills Trust considers that the SPD should clearly reflect the position set out in the South Worcestershire Development Plan Review, which recognises that mitigation measures for the Malvern Hills SSSI may evolve over time and may require further strategic solutions. As a body formed in statute, the Malvern Hills Trust must Keep the Hills open, unenclosed and unbuilt on as open spaces for the recreation and enjoyment of the public. The Malvern Hills Trust needs to avoid arrangements that could constrain its ability to support appropriate mitigation where monitoring or further assessment demonstrates that additional or different measures are required. Ensuring clarity and flexibility in the SPD is therefore important to the Malvern Hills Trust's ability to fulfil its statutory and charitable duties. Requested Clarification Accordingly, the Malvern Hills Trust respectfully requests that Section 7 of the SPD be clarified to make clear that:		

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		- The per-dwelling contribution is derived from the current evidence base and mitigation strategy; - The tariff represents the current approach to securing mitigation; and - The contribution mechanism and level may evolve in line with further evidence and ongoing strategic mitigation work, consistent with the South Worcestershire Development Plan Review. Conclusion The Malvern Hills Trust supports the objective of ensuring that development contributes appropriately towards mitigating its impacts on the Malvern Hills SSSI. Subject to the clarification outlined above, the Trust considers that the SPD would provide a more accurate and defensible framework for addressing recreational impacts over the lifetime of the plan.		
DCs023	Malvern Hills National Landscape	Malvern Hills SSSI Mitigation Strategy (SWDPR 07) The Malvern Hills National Landscape Team welcome the fact that paragraphs 7.1–7.3 identifies the need to address recreational pressure on the Malvern Hills SSSI arising from housing growth and seeks contributions from qualifying residential development within a 25km	Malvern Hills SSSI Mitigation Strategy (SWDPR 07) The Developer Contributions SPD provides additional guidance in relation to how the policies in the adopted SWDPR are to be implemented and can be used as a material consideration in decision-making. The SPD	Paragraph 7.8 to be updated to state: <i>"In the first instance, allocated and additional AIRs are intended to be funded through CIL for their set-up and</i>

ID	Respondent	Summary of Response	Response	Outcome
		zone of influence. This is consistent with SWDPR Policy SWDPR 07 and its supporting text. Paragraph 7.3 of the SPD sets out the current £269.72 per dwelling contribution based on the 2022 mitigation strategy. The SWDPR reasoned justification at paragraphs 7.12–7.14 is clear that the SWCs will continue to work with the Malvern Hills Trust, Natural England, local authorities and other stakeholders to build on the mitigation measures, and that any further required mitigation may include in perpetuity funding. Work is currently ongoing with Natural England on developing strategic solutions and a Protected Sites Strategy for the Malvern Hills SSSI. Likewise, the Statement of Common Ground between the National Landscape Team and the SWCs records that a broader mitigation package is being explored and describes the current tariff as applying “at present”. Section 7 of the SPD should not present the current per-dwelling figure as fixed for the plan period, or as the only mitigation mechanism since development of a partnership of LPAs affected by the Zone of Influence is still emerging. The SPD should therefore be amended to reflect the SWDPR 07 justification text which recognises the ongoing strategic mitigation measures being developed for the Malvern Hills SSSI. The SPD should make clear that the present tariff-based approach and calculation is the current mechanism and will evolve in line with further work.	does not form part of the development plan and therefore cannot introduce new policy. Accordingly, any discussions or progress in relation to the advancement of a ‘Strategic Solution’ for the Malvern Hills SSSI cannot be applied or implemented as part of, or through the adopted SWDPR. As such, consideration of any future updates to policies relating to the MH SSSI would need to be considered as part of a future local plan review. Areas of Informal Recreation (AIRs) (SWDPR 32) Paragraph 7.8 – It is accepted that there is a contradiction between the SPD and SWDPR 32 Reasoned Justification paragraph 32.26. SPD to be updated to reflect the stipulations set out in the SWDPR.	implementation. <u>In general, ongoing maintenance costs are expected to be met through onsite revenue streams established by the landowner, but there may be scenarios where maintenance costs and other infrastructure related costs permitted by law and identified as a local need could be funded by CIL and/or S106 contributions, subject to statutory processes and regulations. and will not be funded through CIL”.</u> <u>S106 contributions towards AIRs will be collected from the adoption of the South Worcestershire Councils Community Infrastructure Levy Charging Schedule 2026 to comply with the Regulation 122 tests. Any major greenfield residential</u>

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		Areas of Informal Recreation (AIRs) (SWDPR 32) Paragraph 7.8 states that AIRs are intended in the first instance to be funded through CIL for set-up and implementation, and that ongoing maintenance costs are expected to be met through on-site revenue. However, the SWDPR wording suggests a more flexible approach, whereby contributions may fund both capital and ongoing revenue costs through either Section 106 and/or CIL. Although not directly impacting the Malvern Hills SSSI or National Landscape, there does not seem to be explanation for narrowing the funding mechanism for AIRs in the SPD.		<u>development (excluding strategic allocations, Extra Care, Student, and Build-to-Rent accommodation) which is not liable for CIL will be expected to pay a contribution towards the delivery and maintenance of AIRs."</u>
DCs024	Gloucestershire County Council	Paragraph 4.6: Under the heading of 'Cross-Boundary Applications', this paragraph currently only captures the need to coordinate proportionate planning obligation requirements in the case of applications which fall partly in another local planning authority's area. For completeness, GCC officers would suggest that the scope of paragraph 4.6 is widened to state that there will also be occasions where the location and size of a proposed development will necessitate direct engagement with neighbouring counties (such as with GCC in the case of the Mitton proposals) in order to identify cross-boundary impacts of new development on strategic infrastructure, and to agree the scope	Paragraph 4.6: Agreed. Proposed amendment as per comments. Sub-heading: 'Securing Timing of Payments': Agreed. Sub-heading to be updated as per comments. Paragraph 4.14: Agreed. Proposed amendment as per comments. Paragraph 4.17: Suggested change to SPD not considered to be needed. Para 4.6 sets out clearly that cross-boundary applications require negotiation on planning obligations with any relevant neighbouring LPA. Further repetition of this in each chapter is considered duplication.	Paragraph 4.6 to be updated to add: <u>"There may also be occasions where the location and size of a proposed development will necessitate direct engagement with neighbouring counties in order to identify cross-boundary impacts of new development on strategic infrastructure, and to</u>

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		and cost of resultant mitigation requirements and delivery mechanisms. Related to this, GCC officers would suggest that a methodology is outlined in this document for such cross-boundary working to ensure that any planning matters that impact areas outside the local authority boundary are addressed at all stages of plan-making, decision-taking and project monitoring. Sub-heading: 'Securing Timing of Payments': Paragraphs 4.14 to 4.17 address not only payment of financial contributions, but also the timely delivery and completion of works. The sub-heading should be amended accordingly. Paragraph 4.14: GCC officers recommend that the wording of paragraph 4.14 is revisited as it implies, incorrectly in our view, that the delivery of infrastructure is tied only to pre-occupation trigger points. Policy SWDPR 10, which is referred to in this paragraph, is not as prescriptive, and states at criterion E that: <i>Where infrastructure is needed to support new development, it must be operational no later than the appropriate phase of the development for which it is needed.</i> 'Phase' in this context may not always directly be linked to occupation. There may be instances where delivery of certain infrastructure works is, for example, required prior to the commencement of development. Paragraph 4.17: GCC officers request that this paragraph also refers to the need for the	Comments on other sections of the SPD Paragraphs 3.14: Provisions of the Highways Act 1980 (S278 and S38) to be explained in more detail. Paragraph 8.12: Provisions of the Highways Act 1980 (S278 and S38) to be explained in more detail.	<u>agree the scope and cost of resultant mitigation requirements and delivery mechanisms."</u> Sub-heading (p17) to be updated to state: <i>"Securing Timing of Payments <u>and the delivery and completion of works."</u></i> Paragraph 4.14 to be updated to state: <i>"To ensure the occupants of new dwellings are able to access necessary infrastructure and/or are not inconvenienced by, for example, partially completed access roads, conditions will be attached to approved development that require completion of</i>

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		developer and the LPA to engage with both GCC and WCC in respect to how any financial contributions identified as being required to mitigate cross-boundary impacts of development at Mitton are collected and administered. It is recommended that this is also repeated at Sections 8 and 9 of the SPD (regarding Transport and Education contributions respectively). Comments on other sections of the SPD Paragraphs 3.14: As the SPD is intended to be accessible to a wide range of stakeholders, including members of the public, GCC officers suggest that the provisions of S278 and S38 of the Highways Act 1980 regarding securing and funding highway works should be more clearly explained, and also how this differs from works secured and funded via planning obligations (S106). Paragraph 8.12: As per comment on Paragraph 3.14.		<i>infrastructure <u>to be operational no later than the appropriate phase of the development for which it is needed</u> before the occupation of dwellings over specified limits."</i> Paragraph 3.14 to be updated with the following additional text: <i><u>"Sections 38 and 278 of the Highways Act 1980 are legal agreements between developers and local highway authorities in England. Section 38 enables the adoption (taking over) of new, privately constructed roads as public highways. Section 278 covers developer-funded modifications or improvements to the existing public road network"</u></i>.

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DCs025	Natural England	We acknowledge that the recently adopted South Worcestershire Development Plan (SWDP) Review 2021 – 2041 as approved on 12 March 2026, includes policies relating to the protection of the Malvern Hills Site of Special Scientific Interest (SSSI), including the requirement for developer contributions from all new residential development in the SWDP area, within the then agreed 25km zone of influence of the Malvern Hills SSSI. We also acknowledge that the Main Modifications state at 7.12 “Information relating to how the provision requirements translate into a developer contribution will be set out in an update to the South Worcestershire Developer Contributions SPD.” We also note that within a Statement of Common Ground (SoCG Ref. 4. Matters of Agreement iii) (J) dated 22nd April 25), that we all agreed to further collaborate with one another and other cross border LPA’s, in order to carry out further work to bring forward a joined-up mitigation scheme with other LPAs within the zone of influence. We acknowledge that the Developer Contribution SPD is intended to set out the necessary guidance required of how the contributions will come forward and be managed. However, as the detail of the emerging Strategic Solution is still in discussion and thus still in a fluid state, there is still insufficient detail and clarity within this SPD	The Developer Contributions SPD provides additional guidance in relation to how the policies in the adopted SWDPR are to be implemented and can be used as a material consideration in decision-making. The SPD does not form part of the development plan and therefore cannot introduce new policy. Accordingly, any discussions or progress in relation to the advancement of a ‘Strategic Solution’ for the Malvern Hills SSSI cannot be applied or implemented as part of, or through the adopted SWDPR. As such, consideration of any future updates to policies relating to the MH SSSI would need to be considered as part of a future local plan review.	No changes required.

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		for us to give you the advice and guidance you have requested. We would like to remind you that on the 13th May we will be meeting yourselves and other cross boundary LPA's linked to the Malvern zone of influence. At this meeting we will look to collaborate with you further and into the coming period, in order to give you the advice you require. Also at this meeting, we will present peer reviewed research of the current zone of influence evidence for the Malvern Hills which has been carried out by LEPUS Consulting. This request was made of Natural England at our last meeting with all cross-boundary LPA's within the zone of influence. As you know Natural England commissioned this work on the behalf of the LPA's who attended that meeting. In the meantime, I share a link to the adopted Hatfield Forest SSSI Governance Agreement and Management Strategy as useful example to inform the development of your emerging SPD for the Malvern Hills. We would expect that this example will be a useful blueprint from which to inform the Governance and Management of the Malvern Hills going forwards.		