

**AGENDA NO.**

**REPORT TO PLANNING  
COMMITTEE**

**DATE: 4<sup>th</sup> April 2007**

**CORPORATE DIRECTOR OF  
DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES**

## **PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT**

### **SUMMARY**

1. This report relates to the draft Planning Obligations Supplementary Planning Document (SPD), attached as Appendix A.

### **RECOMMENDATION**

2. Members are recommended to: -
  - i) Note the content of this report;
  - ii) Agree the draft Planning Obligations SPD for public consultation, *subject to any amendments from internal consultees.*
  - iii) Delegate to Officers minor amendments to the content of the document prior to the public consultation period.

### **BACKGROUND**

3. The Council's Local Development Scheme (LDS) requires the production of a Planning Obligations Supplementary Planning Document (SPD). The purpose of the Supplementary Planning Document (SPD) is to set out the Council's approach to Planning Obligations (also known as S 106 agreements) within the Borough. Government Guidance (Circular 05/2005 'Planning Obligations') states that Planning Obligations are *'intended to make acceptable development which would otherwise be unacceptable in planning terms.'*
4. SPDs are documents intended to expand on existing higher-level policies, such as those in the Adopted Local Plan, Alteration Number 1, and be consistent with national and regional policies. SPDs do not form part of the statutory development plan, but they are a material consideration in determining planning applications.
5. A planning obligation may:
  - Be prescriptive i.e. require the developer to provide x amount of affordable housing;
  - Secure a financial contribution from a developer to compensate for loss or damage as a result of the proposal i.e. the loss of open space; or
  - Ensure the developments impacts are mitigated, i.e. through a travel plan, increased public transport, etc.
6. Government guidance (Circular 05/2005 'Planning Obligations') sets out five tests for a planning obligation to satisfy. They must be:

- Relevant to planning;
  - Necessary to make the proposed development acceptable in planning terms;
  - Directly related to the proposed development;
  - Fairly and reasonably related in scale and kind to the proposed development; and
  - Reasonable in all other respects.
7. The guidance also describes how it is not *'legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.'*
  8. Typically, obligations are secured through negotiation between the developer and the Council; however, developers may wish to submit a 'Unilateral Undertaking' alongside a planning application. This is an obligation offered by the applicant in support of an application (or appeal), as opposed to agreeing an obligation following negotiation with the Council.
  9. The SPD aims to provide clarity to developers, development control officers, stakeholders and local residents as to the Council's expectations concerning developer contributions in appropriate circumstances. Areas where it is intended to seek obligations are affordable housing, education, employment and skills, open space and recreation, landscape, biodiversity, highways and transport, social and community infrastructure. However, it must be noted the list is not exhaustive, and there may be circumstances where other provisions are sought.

## **THE CURRENT POSITION**

10. The attached draft SPD uses any relevant existing local and national standards to base the requirement for planning obligations, and where possible includes thresholds and formulas to give those involved a clearer idea as to the likely contribution.
11. Meetings have taken place with various departments to build up an evidence base and draft formulas for contributions towards the various topic areas. A two-week internal consultation period was held over the last two weeks of February, and that attached draft document has been amended to incorporate the comments received where applicable.
12. Presently, there are areas where the current evidence base does not allow the drafting of formulas, although as new evidence becomes available to feed into emerging strategies and policies, the guidance within the SPD will be reviewed and amended as necessary. Therefore, the SPD is very much an interim document to be reviewed as and when up to date information becomes available.
13. A Sustainability Appraisal of the SPD is also being prepared, which will appraise the likely economic, social and environmental impacts of the guidance contained within the document, and this will be submitted for review by the Planning Committee and Cabinet in May. The Sustainability Appraisal will also be subject to public consultation at the same time as the draft SPD.

## **THE NEXT STEPS**

14. Following submission to Planning Committee and Cabinet, and any necessary amendments, the SPD and Sustainability Appraisal are subject to a six-week public consultation. It is intended the public consultation takes place from the middle of June until the beginning of August.
15. On completion of the public consultation, all representations will be considered and the SPD amended accordingly. The SPD would then be submitted through Committee and Cabinet for adoption in September this year, as per the timetable set out in the Local Development Scheme.

## **RECOMMENDATION**

16. Members are recommended to:
  - i) Note the content of this report;
  - ii) Agree the draft Planning Obligations SPD for public consultation, subject to any amendments from internal consultees;
  - iii) Delegate to Officers minor amendments to the content of the document prior to the public consultation period.

### **Corporate Director of Development and Regeneration.**

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### **Background Papers -**

Circular 05/2005 'Planning Obligations'

Planning Obligations: Practice Guidance

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 12: Local Development Frameworks

**Financial Implications** – The production of the document can be made within existing budgetary provisions

**Environmental Implications-** N/A

**Community Safety Implications -** N/A

**Human Rights Implications** - The provisions of the European Convention of Human Rights 1950 has been taken into account in the preparation of this report.

**Ward and Ward Councillors** – N/A