

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE CABINET MEETING OF 11th OCTOBER 2021

PUBLIC REPORT: Y /-N

EXEMPT REPORT: Y/N

Report Title	The Planning Obligations Supplementary Planning Document (SPD)
KEY DECISION	Y
	Andrew Tyrer, Planning Obligations Officer
Purpose of Report	To seek approval of the Cabinet for publication of the revisions and updates to the draft Planning Obligation Supplementary Planning Document for public re-consultation
Reason for Decision	To enable the Cabinet to consider a revised and updated draft Supplementary Planning Document (SPD) – Planning Obligations and to issue it for a period of public re-consultation.
Portfolio (holder)	Cllr Bateman – Portfolio Holder for Planning and Infrastructure
Corporate Priorities	The SPD will deliver against all three priorities in Corporate Plan 2019-2021: <i>The place:</i> An enterprising and vibrant place. CO1, CO3, CO4 <i>The people:</i> A healthy, inclusive and vibrant community. CO5, CO6, CO7, <i>The council:</i> Innovative, proactive and efficient. CO8
Financial Implications	The final SPD will secure contributions to provide appropriate and necessary mitigation of the impacts of new developments. The SPD provides further guidance on how the Council will ensure that contributions/obligations are justified and compliant with the provisions of the Community Infrastructure Levy (CIL) Regulations. The updated and revised Planning Obligations SPD will also ensure that investment priorities are targeted where there is a need for infrastructure.
Risk Management Implications	The risks associated with not having an adopted planning obligations SPD are: Developers will not be sufficiently informed at an early

	<p>enough stage in relation to all potential contributions to include them in their schemes.</p> <p>Developers will be less informed about the justification of the contributions being sought and potentially more likely to challenge the request for contributions.</p> <p>Updating and revising the Planning Obligations SPD will ensure the Council helps stakeholders to deliver the right facilities in the right place and residents receive the best possible outcomes in relation to the mitigation of new developments.</p>
Environmental Implications	As this document is supplementary to the adopted Harborough Local Plan (2011-2031), April 2019, which relates to the spatial and strategic planning of the District, the wider environmental implications of development and associated infrastructure were assessed through the Sustainability Appraisal of the Local Plan.
Legal Implications	A Supplementary Planning Document carries significant weight when considering planning proposals and development contributions/planning obligations to mitigate the impacts of a development.
Equality Implications	S106 planning obligations are necessary to make development acceptable in planning terms, resulting in sustainable development which provides for social, economic and environmental well-being. Planning obligations often provide for community facilities which can benefit the following groups, for example, the vulnerable, senior citizens, children, those caring for others and people with disabilities.
Data Protection Implications	None directly. The re-consultation will be carried out in compliance with the provisions of the GDPR and the Data Protection Act 2018.
Consultation	The SPD was subject to public consultation between 11 th December 2020 to 5 th February 2021. It is proposed a further re-consultation is undertaken prior to the SPD adoption.
Options	Option 1: The Council could approve revisions to the SPD without re-consultation. - However, this would limit engagement on new matters raised and could leave us open to legal challenge.

	Option 2: The Council could carry out a public re-consultation. This would engage the widest audience and would be considered proportionate and appropriate given the updates and further revisions. This is the recommended option.
Background Papers	<p>None.</p> <p>Previous report(s):</p> <p>Proposed Revisions and Updates to Planning Obligations SPD, Cabinet: 2nd November 2020.</p> <p>Revision and Updates to Planning Obligations SPD, Executive: 9th April 2018.</p> <p>Executive Recommendation to Council 18th December 2017 to consult on proposed revisions to Planning Obligations SPD.</p> <p>Proposed Revisions to Planning Obligations SPD, Executive: 4th December 2017,</p>
Recommendation	That Cabinet resolve to approve the Planning Obligations Supplementary Planning Document for public and stakeholder re-consultation.

1 Introduction

- 1.1 The Planning Obligations Supplementary Planning Document (SPD) is intended to inform planning documents and development management decisions by the Council. It is also intended to inform and guide; developers, landowners, infrastructure providers, stakeholders/partners and local communities about the approach Harborough District Council is taking to secure community infrastructure and affordable housing through planning obligations.
- 1.2 In order to ensure the SPD remains relevant and effective, it is important the document is as up to date as possible. The SPD reflects the adopted Harborough District Local Plan, April 2019, and also needs to take into account any changes in Government legislation, regulations, policies and guidance.

2. Key Facts

- 2.1 A local planning authority may produce Supplementary Planning Documents (SPDs) to assist in the making, consideration and determination of planning applications. An SPD must comply with the requirements as set out in the Town and Country Planning (England) Regulations 2012, as amended.
- 2.2 The Planning Obligations SPD (consultation draft) went through a period of public and stakeholder consultation between 11th December 2020 and 5th February 2021 for a period of eight weeks.

- 2.3 A total of 23 agencies/councils/developers/individuals/organisations submitted representations to the Council in respect of the Planning Obligations SPD (consultation draft).
- 2.4 As a result of the representations received and changes to Government Policy some changes have been made to the Planning Obligations SPD. The revised version is at **Appendix A**. Please note a suitable front cover will be added to this document prior to the re-consultation commencing.
- 2.5 A schedule of charges to support the SPD has also been prepared. This can be found at **Appendix B**.
- 2.6 The details of each of the representations received and the Council's responses are provided in **Appendix C**.
- 2.7 Furthermore an evidence paper providing more detailed explanation of the evidence, rationale and mechanism for calculating the s106 monitoring fees can be found at **Appendix D**.
- 2.8 The key revisions to the Planning Obligations SPD are:
- Additional references to the Local Plans Policies from which the request for planning obligations/contributions are derived
 - A revised section on Affordable housing which takes into account the Government's proposals on First Homes
 - The inclusion of a formula for calculating how the monitoring fee/contribution will be calculated
 - Further information on waste and recycling facilities including payment of contributions towards receptacles.

3.0 Next Steps

- 3.1 The scale and scope of all the revisions and changes to the SPD are significant enough to justify a re-consultation of the SPD. The re-consultation will commence as soon as practical for a minimum period of 6 weeks. The re-consultation will comprise for example of links on the Council's website and direct email and/or written contact to external partners, stakeholders, landowners, developers, Councils, Parish and town councils, local communities and organisations. Appropriate communications will accompany the re-consultation to ensure it is brought to the attention of the wider community.
- 3.2 Once the re-consultation has concluded, any representations received will be reviewed and responded to, and a report including the summary of those comments, brought back to Cabinet late in 2021 or early in 2022. It is anticipated that this will include a recommendation for Cabinet to recommend to Council to subsequently adopt the revised Planning Obligations SPD.