

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE CABINET MEETING OF 7 MARCH 2022

PUBLIC REPORT: Y /-N

EXEMPT REPORT: Y/N

Report Title	The Planning Obligations Supplementary Planning Document (SPD)
KEY DECISION	N
	Tess Nelson, Strategic and Local Planning Manager
Purpose of Report	To consider the public consultation report (Appendix B) of the Draft Planning Obligations Supplementary Planning Document (SPD) and for Cabinet to recommend Council adopt and implement the Planning Obligations SPD (Appendix A).
Reason for Decision	To enable the Cabinet to consider the revised and updated Planning Obligations Supplementary Planning Document (SPD) and recommend its adoption and implementation to Council, following the 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 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 sought and spent, are justified and compliant with the provisions of the Community Infrastructure Levy (CIL) Regulations.
Risk Management Implications	The risks associated with not having an adopted planning obligations SPD are: <ul style="list-style-type: none"> • Developers will not be sufficiently informed at an

	<p>early enough stage in relation to all potential contributions to include them in their schemes.</p> <ul style="list-style-type: none"> • Developers will be less informed about the justification of the contributions being sought and potentially more likely to challenge the request for contributions. • The Planning Obligations required to mitigate the impact of development may not be secured. <p>Ensuring the Planning Obligations SPD is up to date 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	This SPD provides advice and guidance on the implementation of the Harborough Local Plan (2011-2031), adopted in April 2019. The SPD does not make policy and 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. The SPD has been prepared in accordance with due process.
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 was carried out in compliance with the provisions of the GDPR and the Data Protection Act.
Consultation	The SPD was subject to public consultation between 11 th December 2020 to 5 th February 2021 and re-consultation ran between 5 th November and 17 th December 2021.
Options	<p>Option 1: Cabinet could recommend to Council to adopt the Planning Obligations SPD.</p> <p>Option 2: Cabinet could recommend to Council not to adopt the Planning Obligations SPD.</p>

	Option 1 is recommended to ensure the Planning Obligations SPD reflects the new Local Plan and other changes to Government Guidance, ensuring it remains relevant and effective.
Background Papers	<p>Previous report(s):</p> <p>Revised and updated Planning Obligations Supplementary Planning Document (SPD) – re-consultation – 11th October 2021</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	<p>That Cabinet recommends to Council:</p> <ul style="list-style-type: none"> (i) to adopt the Planning Obligations Supplementary Planning Document (SPD) and that it should be implemented as soon as possible, (ii) that the Monitoring Fee Background Evidence Paper and Schedule of Charges 2021/22 are published on the Council’s website, implemented, and reviewed as appropriate, (iii) that authority is delegated to the Director of Planning and Regeneration to correct any minor or typographical errors, (iv) that authority is delegated to the Director of Planning and Regeneration to comply with the requirements for adopting the SPD (including publishing the consultation statement, preparing any supporting documentation and communications etc.).

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 up to date. 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 to 5th February 2021. In light of some of the changes proposed Cabinet agreed that a further period of consultation should be undertaken. The second period of consultation ran from 5th November and 17th December 2021, for six weeks. The consultation included seeking views on the Monitoring Fee Background Evidence Paper and Schedule of Charges 2021/22.
- 2.3 A total of 18 agencies/councils/developers/individuals/organisations submitted representations to the Council in respect of the Planning Obligations SPD re-consultation.
- 2.4 As a result of the representations received and changes to Government Policy some further changes have been made to the Planning Obligations SPD. The revised version is at **Appendix A**.
- 2.5 The details of each of the representations received and the Council's responses are provided in **Appendix B**.
- 2.6 The Planning Obligations Schedule of Charges 2021/22 is at **Appendix C**.
- 2.7 The Monitoring Fee Background Evidence Paper is at **Appendix D**.
- 2.8 The key proposed revisions to the Planning Obligations SPD following the re-consultation are:
 - Changes to the structure and formatting of the report to ensure each section relates the policy basis for s106 requests, how the amount requested would be calculated and how any monies received will be spent
 - Paragraph 1.5 has been added to explain that, while planning policy sets out what contributions can be sought, an assessment will be undertaken as part of the planning application process to determine which contributions will be sought in relation to a particular development scheme.

- Paragraph 3.3.8 has been added to explain out how Town and Parish Councils can contribute to s106 evidence and justification as part of their response to planning application consultations.
- The section on cross-boundary sites has been expanded to ensure the impacts of development outside of the district boundaries will be fully considered.
- Updates to the Biodiversity Net Gain Section to reflect the Environment Bill has become the Environment Act 2021.
- Additional wording on self-build and custom housebuilding.
- Additional wording on the County Council's s106 role and policy.
- Direct hyperlinks added to supporting documents: Harborough Open Space Strategy (HOSS) 2021, the Harborough Built Facilities Strategy 2020, the Sport England Calculator and the Harborough District Playing Pitches Strategy 2018, so they can be more easily referenced.

3.0 Next Steps

- 3.1 The comments received in response to the re-consultation have now been considered and further revisions proposed to the SPD. Cabinet is invited to recommend the adoption of the SPD to Council.
- 3.2 Once the SPD is adopted it will become a material consideration in the determination of planning applications and any relevant planning appeals.
- 3.3 Once adopted the SPD together with the Schedule of Charges 2020/21 (**Appendix C**) and the Monitoring Fee Background Evidence Paper (**Appendix D**) will be published on the Council's website. The supporting documents will be kept under review to ensure that the s106 contributions sought reflect actual costs incurred. The costs set out in the Planning Obligations Schedule of Charges 2020/21 will be used to inform the clauses and cost calculations in individual Planning Obligations.
- 3.4 Once adopted the Planning Obligations SPD will be implemented immediately through the determination of individual planning applications and the preparation, implementation and monitoring of Section 106 Planning Agreements. S106 contribution received and spent are reported annually in the Infrastructure Funding Statement (IFS).
- 3.5 On adoption of the SPD the Council is also required to publish a statement setting out how the consultation responses have informed the SPD. The statement will comply with the Town and Country Planning (Local Planning) (England) Regulations 2012.