

REPORT TO THE EXECUTIVE MEETING OF 4th DECEMBER 2017

Meeting:	Executive
Date:	4th December 2017
Subject:	Revisions to Planning Obligations Supplementary Planning Document
Report of:	Community Partnerships Manager
Portfolio Holder:	Cllr Phillip King
Status:	For recommendation to Council
Relevant Ward(s):	All

1. Purpose of the Report

1.1 For the Executive to consider the proposed revisions to the Planning Obligations: Supplementary Planning Document and make recommendations to Council to approve the draft revisions for consultation with stakeholders.

2. Recommendations:

2.1 That Executive recommends that Council approve the draft revisions to Planning Obligations Supplementary Planning Document attached as Appendix A for consultation with stakeholders.

3. Summary of Reasons for the Recommendation

3.1 The proposed revisions will clarify sections of the document as well as ensuring guidance reflects the most up to date evidence bases.

3.2 As proposed revisions do not change policy but may have a financial impact on developers it is recommended that a targeted consultation with developers is carried out rather than a full public consultation.

3.3 Council will receive consultation results and recommended revisions at a future meeting.

4 Key Facts

- 4.1 A Local Planning Authority may produce supplementary planning documents to assist in the making, consideration and determination of planning applications. An important aspect relating to larger planning applications is the making, monitoring and implementation of planning obligations which ensure that development is made acceptable by the provision of appropriate community infrastructure.
- 4.2 The current supplementary planning document on Planning Obligations was approved by Council in September 2016.
- 4.3 The proposed revisions, justification and likely implications are set out in Appendix A. In summary these are;
 1. A revised approach to the collection of monitoring fees for s106 obligations.
 2. Minor amendments to clarify text and to keep up to date with current guidance.
 3. Inclusion of Harborough District Council's commuted sum calculation to guide developers on the potential for off-site affordable housing contributions.
 4. Revised approach to community facility s106 obligations following the latest Assessment of Community Infrastructure completed in 2017.

5. Legal Issues

- 5.1 The Planning Obligations SPD is required to provide clarity to prospective developers in relation to the nature and scale of planning obligations sought by Harborough District Council. Once adopted, the revised SPD will provide a robust and consistent basis for the negotiation of planning obligations and help to facilitate development and the provision of necessary supporting infrastructure.

6. Resource Issues

- 6.1 The drafting and monitoring of planning obligations involves significant time resource by Council teams and legal service staff. The proposed revisions to the SPD are intended to bring clarity and ensure the actual costs of this work are reflected in monitoring fees paid by developers.

7. Equality Analysis Implications/Outcomes

- 7.1 The document does not make or amend existing Council policy. It is a guidance document which supplements planning policy as expressed in the adopted Harborough Core Strategy, November 2011 for which a detailed equality assessment was completed in 2011. The new Local Plan is in

preparation which is re assessing infrastructure requirements and will be the basis for future policy on planning obligations.

8. Risk Management Implications

- 8.1 The risks associated with not having an adopted Planning Obligations SPD are:
- a) Developers will not be sufficiently informed at an early stage to consider all potential contributions that the Council will seek on development.
 - b) Risk (a) above could provide developers with opportunities to challenge the Council in terms of the contributions sought.
 - c) This will impact on the Council's ability to seek contributions to mitigate against the impact of development, potentially leading to stresses and strains on existing infrastructure as a result of community resource and capacity issues not being addressed appropriately.

9. Consultation

- 9.1 It is proposed to carry out a 6 week stakeholder consultation.

10. Options

- 10.1 The Council could approve revisions without consultation. There is a risk of legal challenge as some revisions will have a financial impact on developers who would not be consulted on changes.
- 10.2 The Council could carry out a full public consultation. This would engage the widest audience but may not be considered proportional as revisions are mainly updates to evidence and points of clarification. The stakeholders directly impacted by the changes are Developers.

11. Background Papers

- 11.1 None

Previous report(s): Report to September 2016 Council.

Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified: NA

Appendices:

(A) Proposed Revisions to the Planning Obligations SPD

(B) (Current) Planning Obligations: SPD dated January 2017