

REPORT TO THE EXECUTIVE MEETING OF 11 JULY 2016

Meeting: Executive
Date: July 11th 2016
Subject: Planning Obligations Supplementary Planning Document
Report of: Stephen Pointer, Strategic Planning and Housing Manager
Portfolio Holder: Cllr Jo Brodrick
Status: Consideration and referral to Council
Relevant Ward(s): All

1 Purpose of the Report

1.1 For the Executive to consider the attached Supplementary Planning Document on Planning Obligations as modified in light of representations and to recommend to Council to adopt the final document (attached as Appendix A).

2 Recommendations:

2.1 That the Executive considers the Draft Supplementary Planning Document on Planning Obligations and refers the final document (attached as Appendix A) to Council for adoption.

3 Summary of Reasons for the Recommendations

3.1 A local planning authority may produce supplementary planning documents to assist in the making, consideration and determination of planning applications. An important aspect of 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. An updated supplementary planning document on Planning Obligations was issued for consultation in 2015. The document has been modified in light of consultation responses and further minor updates made to ensure the document is consistent with national policy and improve clarity.

4 Key Facts

- 4.1 In June 2015, the Executive approved a Draft Supplementary Planning Document (SPD) on Planning Obligations be published for public consultation following consideration by Local Plan Executive Advisory Panel.
- 4.2 The Draft SPD was published for a period of public consultation which ended on 30 September 2015. A total of 228 representations were made on the document through the online Planning Consultation portal. Officers have made an assessment of these comments and considered the need for further changes to the document.
- 4.3 Appendix B contains a schedule of all comments submitted and a response indicating if changes are considered necessary.
- 4.4 Appendix A contains the amended document :

The changes made to the document following consultation relate to

- A clearer assurance in the document regarding the Council's ability and commitment to monitor contributions to specific projects and supply information on the number of obligations funding specific elements of infrastructure. This is because of the pooling restrictions which now apply (no more than five obligations may fund a single project or item of infrastructure);
- Additional detail regarding the approach to submitting and completing legal agreements, to ensure they are completed in a timely and efficient manner.
- Further clarity in the document, regarding the types of development proposals which will require obligations and what type of obligations will be required. Annex 1 of the SPD sets out a table showing what obligations may be necessary by development type and size.
- Clearer acknowledgement in the document that, to aid compliance with the CIL tests, obligations must relate wherever possible to specific infrastructure projects needed to support the acceptability of specific planning permissions. This point is emphasised in the SPD but additional text has been inserted.
- Further clarification as to when monitoring fees will be sought.
- Removing sections related to the calculation and allocation of commuted sums for affordable housing projects, since these approaches are under separate review.
- Emphasising the "golden thread" that obligations must relate to those matters which help to make development acceptable – i.e. being used for a positive purpose to enable and facilitate development.

4.5 The Advisory Panel was advised of key issues raised in the consultation responses at its meeting on 4 November 2015.

4.6 It was intended to bring the document back to the Executive earlier this year, but this was deferred in light of the potential changes to national planning policy on affordable housing and an ongoing project to examine the Council's internal arrangements for monitoring S106 obligations. Both of these matters have now been clarified and it is now appropriate to seek approval of the Executive to the final draft of the SPD and ask Executive to refer the document to Council for adoption. The document has been further amended to bring it up to date since the Draft was prepared in 2015.

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 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 making of planning obligations involves significant time resource by legal service staff. Clarity of requirements, following adoption of the SPD, is expected to facilitate and expedite this process.

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. A new Local Plan is in preparation which is re assessing infrastructure requirements and will be the basis for future policy on planning obligations. It will be subject to an equality assessment. It is anticipated that it will be submitted for examination in spring 2017 and that this may in due course mean that this SPD needs to be further updated. This will be done in parallel or shortly after the adoption of the new Local Plan. It will be consulted on and reported up to Executive and Council at the appropriate time

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 The Draft SPD document was published for a period of public consultation which ended on 30 September 2015.

10. Options

10.1 The Executive has already approved the principle of producing a document and has issued a draft version. There are three options which remain:

The Executive could choose not to recommend that the Supplementary Planning Document is forwarded to Council for adoption, and instead rely on adopted planning policy and individual council officers providing advice to developers. This option is not recommended since it may not provide the necessary clarity and consistency of advice to developers.

To adopt the Supplementary Planning Document as amended. This is the recommended option.

To require further amendments to the Supplementary Planning Document prior to adoption. This option is not being recommended.

11 Background Papers

11.1 None

Previous report(s): Report to 15 June 2015 Executive

Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified: NA

Appendices :

- (A) Final Draft Supplementary Planning Document
- (B) Schedule of Representations and Responses