

PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

PORTFOLIO RESPONSIBILITY: ENVIRONMENT

CABINET

22 FEBRUARY 2007

Wards Affected

Countywide.

Purpose

To receive and agree a draft Supplementary Planning Document (SPD) setting out the Council's policy and use of planning obligations for consultation purposes. This document is included within the Council's Local Development Scheme and is being produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004.

Key Decision

This is not a key decision.

Recommendations

THAT the draft Planning Obligations Supplementary Planning Document and associated Sustainability Appraisal and Consultation Statement be agreed and published for consultation purposes.

Reasons

The draft SPD forms part of the Council's emerging Local Development Framework and is being prepared to the timetable set out in the Local Development Scheme. The statutory preparation process incorporates a period of consultation and approval is required for this stage to proceed.

Considerations

1. Under the new planning system, Supplementary Planning Documents (SPD) are produced to expand on plan policy and provide additional information and guidance in support of policies and proposals in Development Plan Documents. When adopted, the Herefordshire Unitary Development Plan (UDP) will have the status of a Development Plan Document and its policies will be "saved" as part of the Council's Local Development Framework for a minimum three-year period. Policies S1 and DR5 of the UDP refer to planning obligations.
2. The purpose of an SPD on Planning Obligations will be to make clear to all interested parties the Council's policy stance on the subject. Once adopted, it will become a material consideration in the determination of planning applications where contributions are sought.
3. In July, and as part of initial consultation and information gathering, the Council

Further information on the subject of this report is available from
David Nicholson, Forward Planning Manager on 01432 261952

sought the views of selected Parish Councils and a number of interested organisations and stakeholders as to the form that this document should take. Those views followed from a series of consultation questions that were set out in a report to the August Planning Committee. On 13th November and as part of the Council's member training programme, a seminar was held to inform on the use of planning obligations. Points raised at that seminar have been addressed within the draft document.

4. The aims of this SPD are to:
 - Provide as much certainty as possible to landowners, prospective developers and other interested parties;
 - Ensure a uniform application of policy;
 - Ensure the process is fair and transparent;
 - Enable developers to have a 'one stop shop' approach to establishing likely contributions expected; and
 - Facilitate a speedier response from the authority to development proposals.
5. The SPD will therefore assist in pre-application discussions and will provide a transparent and accountable procedure by which planning obligations are negotiated and secured for development within the Council.
6. The SPD has been drafted in three parts:
 - Part 1: Context – covering obligation types, priorities, policy context and community involvement.
 - Part 2: Code of Practice – defining the Council's approach and procedure for negotiating, preparing and completing obligations, including monitoring and management.
 - Part 3: Community Infrastructure – sets out the obligation areas, thresholds and tariffs where appropriate and justified.
7. The procedures to follow when preparing an SPD are set out in the Council's Statement of Community Involvement. A Sustainability Appraisal and Consultation Statement will accompany the document. A Scoping Report has already been consulted upon and sets the context and basis for the appraisal. All comments received from this further consultation will be reported back to Cabinet along with any recommended changes.

Risk Management

It is important that the statutory procedures set out are followed in preparing the SPD, and that the timetable set out in the Local Development Scheme is met.

Alternative Options

Not to prepare the SPD.

Consultees

Pre-draft consultation as detailed in the Consultation Statement.

Member seminar November 2006

Planning Committee January 2007.