

# PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

**Report By: Forward Planning Manager**

## **1 Wards Affected**

All

## **2 Purpose**

- 2.1 To inform members of the Planning Obligations Supplementary Planning Document (SPD), currently being produced. This document is included within the Council's Local Development Scheme (January 2006) and will be produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004.

## **3 Financial Implications**

- 3.1 Costs such as printing and undertaking of consultation exercises will be met from the Planning Delivery Grant. Once adopted, the SPD will result in additional contributions, towards infrastructure costs and other community needs resulting from development, being received by the Council.

## **4 Background**

- 4.1 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 (DPD) 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.
- 4.2 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.

## **5 Aims of the SPD**

- 5.1 The aim of this SPD is 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.
- 5.2 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 SPD Outline

6.1 It is proposed that the SPD will address the following areas:

- Part 1: Introduction and purpose of SPD; Definitions, types and purpose of Planning Obligations; Policy Context.
- Part 2: A Code of Practice; Council Priorities; Topic areas and thresholds for when planning obligations will be sought.
- Part 3: Procedure for Negotiating, Preparing and Completing Planning Obligations; Standard Agreements; Monitoring and Review

## 7 SPD Process

7.1 The procedures to follow when preparing an SPD are laid down in the Town and Country Planning (Local Development) (England) Regulations 2004. The process is similar to that for a DPD e.g. a Core Strategy, but simplified. There is no requirement to prepare preferred options and SPDs are not subject to independent examination. As with DPDs however, their preparation should be informed by community involvement and sustainability appraisal.

The following provides a summary of the process of producing an SPD as set out in the Council's Statement of Community Involvement Submission Document (June 2006):

- **Preparation of draft SPD and scoping Sustainability Appraisal:** select a combination of community involvement methods appropriate to the SPD being produced at this informal stage of evidence gathering and preparation.
  - **Regulation 17/18: Consultation on draft SPD** - Statutory 4-6 week consultation period on draft and sustainability appraisal report.
  - **Regulation 18/19: Adoption of SPD** - The Council will adopt the SPD having considered all representations received.
- 7.2 A **consultation statement** will also need to be prepared which will document how consultation was undertaken and managed during preparation of the SPD.

## 8. Timetable for Production

8.1 The timetable outlined below shows the main stages in the production of the Planning Obligations SPD. The Council is currently in the early stages of the process involving initial consultation with developers, members, town and selected parish councils and other stakeholders on the basis of an options paper as well as internal discussions

with different sections of the Council. A copy of the initial consultation paper is attached as Appendix 1. Following initial consultation, the draft SPD will then be prepared ready for a formal public consultation exercise in October/November 2006. Representations will then be considered and the document amended where appropriate with a view to adopting the final SPD in March 2007 at the same time as the UDP.

**8.2 Timetable for SPD on Planning Obligations**

Timetable for SPD production	2006												2007		
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Information gathering															
Initial Consultation on options for SPD and Scoping SA															
Preparation of draft proposals															
Public Participation on Draft SPD and SA															
Consideration of representations															
Adoption of SPD															

**RECOMMENDATION**

**THAT the Cabinet Member (Environment) be recommended to agree that the Planning Obligations SPD is prepared as identified in this report and in line with the Town & Country Planning (Local Development) (England) Regulations 2004.**

**Background papers**

- Local Development Scheme (January 2006)
- Statement of Community Involvement – Submission Draft (June 2006)
- Herefordshire Unitary Development Plan Revised Deposit (May 2004)