

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
28TH SEPTEMBER 2006

Wyre Forest District Local Development Framework
Draft Planning Obligations Supplementary Planning Document

OPEN	
COMMUNITY STRATEGY THEME:	Better Environment
CORPORATE PLAN THEME:	Managing the Local Environment
KEY PRIORITY:	Forward Planning
CABINET MEMBER:	Councillor Anne Hingley
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
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APPENDICES:	<p>Appendix 1: Table of responses to scoping consultation on Planning Obligations SPD.</p> <p>Appendix 2: Public Consultation Draft Supplementary Planning Document (SPD) – Planning Obligations.</p> <p>Appendix 3: Sustainability Appraisal Report.</p> <p>Appendix 4: Consultation Statement.</p> <p><i>NB: All Appendices are available electronically and public inspection copies are available on request. Please see front cover for contact details</i></p>

1. PURPOSE OF THE REPORT

- 1.1 To inform Cabinet Members of the Draft Planning Obligations Supplementary Planning Document in support of Adopted Local Plan Policies and the proposed consultation arrangements.
- 1.2 To seek the Cabinet's approval of the Draft Supplementary Planning Document as the basis for public consultation.

2. RECOMMENDATION

The Cabinet is asked to DECIDE:

- 2.1 The Draft Planning Obligations Supplementary Planning Document set out at Appendix 1 to the Cabinet report and the accompanying Sustainability Appraisal report (Appendix 2) be agreed as the basis for public consultation commencing on the 12th October and closing on the 23rd November 2006.**
- 2.2 The Head of Planning, Health and Environment be authorised to finalise the public consultation arrangements as outlined at Appendix 4 of the report.**

3. BACKGROUND

- 3.1 The Planning and Compulsory Purchase Act 2004 has resulted in Supplementary Planning Documents (SPD) (formally known as Supplementary Planning Guidance), now being fully regulated. Consequently, once adopted the SPD can be afforded considerable weight in the development control process. The 2004 Act places a requirement on the District Council to prepare a Sustainability Appraisal (SA) to inform the production of an SPD. This process involves an assessment of the economic, social and environmental implications of the proposals. The SA must be made available for public comment as part of the consultation process and a public consultation draft is provided at Appendix 3 to this report.
- 3.2 The Wyre Forest District Revised Local Development Scheme (LDS) (April 2006), sets out the Council's programme of work in respect of planning policy formulation over the next 3 years. The LDS outlines the District Council's commitment to producing a Planning Obligations SPD. Specifically the LDS indicates that public consultation will take place during October/November with adoption due in March 2007.
- 3.3 The Government has recently consulted on the introduction of a Planning Gain Supplement (PGS) which would capture a modest portion of the land value uplift resulting from the granting of planning permission. However, the introduction of a PGS and any accompanying scaling back of Planning Obligations will not take place before 2008 at the earliest.
- 3.4 The Government's Circular 5/05 on Planning Obligations states that, where Local Planning Authorities do not have existing high level policies specifically relating to planning obligations in their adopted local plan, they should set out the planning obligation details of the relevant adopted local plan policies in an SPD. This practice should only be followed in the transitional period before policies are in place in the relevant Development Plan Document.
- 3.5 A recent Audit Commission Report advises that Councils should invest time and resources in developing detailed policies setting out what they expect to achieve from Planning Obligations. This will stand them in good stead for any future regime and reduce delays. The SPD will be subject to renewal as and when Local Development Documents are adopted.

- 3.6 The Department for Communities & Local Government (DCLG) is consulting on proposals for changes to information required for a valid planning application, which is linked to the standard applications form. Proposed changes are based on the validation checklist approach to provide a quicker more predictable and efficient planning service. In the Consultation Paper, the DCLG proposes that Local Planning Authorities consult on their checklist proposals. The checklist sets out the scope of information required for particular types of development. In view of this, the Draft Planning Obligations SPD incorporates a planning application checklist at Appendix 2.
- 3.7 The Regional Spatial Strategy (RSS) for the West Midlands (2004) provides a spatial strategy to guide the preparation of local authority development plans so that they can deliver a coherent framework for Regional Development. The policies of the RSS have been fully considered in the drafting of the Planning Obligations SPD and it is has been written in general conformity with the RSS.
- 3.8 The Council's Prosperity Policy Panel considered the Draft SPD and its Sustainability Appraisal at its meeting on the 6th September. Any ensuing comments will be verbally reported at the Cabinet Meeting.

4. PREPARING THE SUPPLEMENTARY PLANNING DOCUMENT

- 4.1 In June 2006, the Forward Planning Section produced an issues paper and SA Scoping Report, which set out the main policy considerations and a timetable for the production of the document. These were circulated to key stakeholders and the four statutory environmental consultation bodies for a five-week consultation period. A number of informal comments were received and these have all been taken into consideration within the Draft SPD and the accompanying SA Report. The comments are set out at Appendix 1 for Members' information.
- 4.2 A number of internal meetings were held with other Council Divisions and officers have worked closely with Worcestershire County Council Officers to ensure that all interests have been taken into consideration during the drafting of the SPD.
- 4.3 The 2004 Planning and Compulsory Purchase Act places a requirement on the District Council to prepare a Sustainability Appraisal (SA) to inform the production of an SPD. This process involves an assessment of the economic, social and environmental implications of the proposals. The SA must be made available for public comment as part of the consultation process.

5. DRAFT PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

- 5.1 The Draft SPD provides interim guidance on the District Council's requirements for the provision of planning obligations. It draws on existing practice and provides detail/clarification for the Adopted Wyre Forest District Local Plan Policies, in particular ALP Policy IMP.1. A copy of the Draft SPD is available to view at Appendix 2.
- 5.2 Worcestershire County Council is currently reviewing its existing Supplementary Planning Guidance on Education Contributions. Officers considered it prudent for the

Draft Planning Obligations SPD to also cover education contributions to the County Education Authority rather than to adopt a stand alone SPD on Education Contributions. The County Council's draft revised proposals on Education Contributions has therefore been incorporated into Section 8. Any comments/representations received on this Section during the public participation period will be forwarded on to WCC for consideration.

- 5.3 Publishing the detailed application of planning obligations policies and the methods for estimating contributions for different types of developments should assist applicants to estimate the likely cost of the planning obligations they will face in relation to their proposed development.

The SPD will help to:

- provide greater clarity for developers and planning applicants;
- assist in speeding up the processing of major applications;
- provide a clearer framework for assessing requirement and for calculating planning obligation contributions for new developments in the District;
- play an important role in ensuring that community and infrastructure needs are fulfilled as part of new development proposals; and
- ensure that the process is fair and transparent to developers, landowners and the general public.

6. PUBLIC CONSULTATION ARRANGEMENTS

- 6.1 It is proposed that the Draft SPD will form the basis of a six-week consultation period starting on 12th October and closing on 23rd November 2006. Consultation will be undertaken in line with the Council's Adopted Statement of Community Involvement and detailed information on consultation arrangements is provided at Appendix 4 to this report.
- 6.2 The public consultation responses will be reported to the Prosperity Policy Panel on 7th February 2007 followed by Cabinet on 12th February, for consideration, along with Officer comments and recommendations. Finally it is proposed that the SPD (revised where appropriate in the light of public consultation), will be adopted at a meeting of the Full Council on the 28th February 2007.

7. FINANCIAL IMPLICATIONS

- 7.1 The costs of preparing and publishing the Planning Obligations SPD can be met from within existing budgets.

8. RISK MANAGEMENT

- 8.1 In the absence of an SPD the Council may run the risk of failure to maximise the value and community benefits to be derived from planning proposals.

9. LEGAL AND POLICY IMPLICATIONS

- 9.1 There are no legal issues arising from this proposed consultation. The proposed SPD supports Adopted Local Plan Policies and there are no implications under Section 17 of the Crime and Disorder Act.

10. CONCLUSION

- 10.1 An SPD on Planning Obligations within the District will help to provide a clearer framework for assessing requirements and for calculating planning obligation contributions for new developments in the District, therefore providing greater clarity for developers. The Draft SPD complies with Government best practice set out in Circular 5/05 and advice from the Audit Commission. The proposed consultation arrangements set out at Appendix 3 accord with the standards set out in the Adopted Statement of Community Involvement. Finally, the timetable remains consistent with the revised Wyre Forest District Local Development Scheme.

11. CONSULTEES

- 11.1 The Draft SPD has been prepared in consultation with Worcestershire County Council Highways & Education Departments. The following District Council Officers have also been closely involved in its preparation:

- Head of Finance
- Development Control Manager
- Housing Services Manager
- Planning, Property and Commercial Solicitor
- Cultural Services Manager
- Conservation & Countryside Officer

12. BACKGROUND PAPERS

- Wyre Forest District Revised Local Development Scheme, April 2006.
- Adopted Wyre Forest District Local Plan, January 2004.
- Adopted Statement of Community Involvement, April 2006.
- Audit Commission Report: Securing Community Benefits through the Planning Process (August 2006) DCLG
- Circular 5/05 Planning Obligations, ODPM.
- Validation of Planning Applications – Consultation (July 2006), DCLG.
- Planning Gain Supplement Consultation – December 2005 (HM Treasury)