

WYRE FOREST DISTRICT COUNCILCABINET MEETING 22/02/07Wyre Forest District Local Development Framework
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
CONTACT OFFICER:	Rebecca Mayman– Ext 2554 Rebecca.Mayman@wyreforestdc.gov.uk
APPENDICES:	<p>Appendix 1: Representations Statement Appendix 2: Summary of representations, officer comments and recommendations. Appendix 3: Table of amendments arising from Government Guidance. Appendix 4: Planning Obligations SPD (incorporating track changes) Appendix 5: Sustainability Appraisal Report Appendix 6: Adoption Statement</p> <p><i>Nb: All Appendices are available electronically.</i></p>

1. Purpose of the Report

- 1.1 To inform Cabinet Members of the preparation of the Planning Obligations Supplementary Planning Document (SPD) and to detail the representations received from consultation undertaken on the Draft SPD in October/November 2006.
- 1.2 To seek the Cabinet's approval of the Head of Planning Health & Environment's recommended amendments arising from consultation, to the Draft Supplementary Planning Document for adoption by Council on 28th February 2007.

2. Recommendation

The Cabinet is asked to recommend to Council that:

- 2.1 **The draft Planning Obligations Supplementary Planning Document as amended by the recommended changes set out in Appendices 2 and 3 to the Cabinet Report be adopted as the "Planning Obligations" Supplementary Planning**

Document, in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004.

- 2.2 The Head of Planning, Health and Environment be authorised to prepare and publish the necessary documents in accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004.**
- 2.3 The Council formally adopts the revised definition of Affordable Housing (in line with Planning Policy Statement 3: Housing Annex B), as set out in the Table of Amendments arising from Government Guidance at Appendix 3 to the Cabinet report.**

3. Background

- 3.1 The Cabinet approved the Draft Planning Obligations SPD for public consultation purposes at its meeting of the 28th September 2006. Public consultation on the draft document began on 12th October 2006 running for a six week period until 23rd November 2006.
- 3.2 The six-week consultation period was undertaken in accordance with the Council's Adopted Statement of Community Involvement. Detailed information on the consultation processes undertaken is set out in the Representations Statement attached at Appendix 1.
- 3.3 In total 193 representations were received on the Draft SPD from 36 respondents. Of these 30 were supporting representations (16%), 79 were objections (41%) and 84 were comments (44%). All representations have been fully considered by officers and a summary of the responses together with officer comments and recommendations to the Cabinet are provided at Appendix 2 to this report.
- 3.4 The Council's Prosperity Policy Panel considered the summary of responses, officer comments and the recommendations for amendments to the Draft SPD at its meeting on the 7th February. Any ensuing comments will be verbally reported at the Cabinet Meeting.

4. Key issues raised from consultation

- 4.1 The main areas for concern raised by consultees on the Draft SPD were Section 3 – Process and procedures for securing planning obligations, Section 4 – Provision of affordable housing and Section 7 Sustainable transport.
- 4.2 Objections to Section 3 largely related to the thresholds table which will trigger the requirements for planning obligations from new development. It was felt that the SPD text should clarify that the requirements provide a basis for negotiation and should be applied flexibly. Therefore, some amendments to the thresholds table are proposed and it is suggested that additional text clarifies that the thresholds provide a starting point for negotiation.
- 4.3 Several representations relate to the definition of affordable housing, with some seeking clarification on the evidence base used to inform the District Council's approach, in particular the Strategic Housing Market Assessment (SHMA). Officers recommend revising the adopted affordable housing definition to reflect the new PPS 3 requirements (see paragraph 5.1 below). Explanations as to the background and scope of the SHMA have also been set out by officers.
- 4.4 Objections were received in relation to the process set out for seeking contributions towards the accessibility strategy and highlighted concerns over the use of the Accession Model. In

response, a meeting was set up with Worcestershire County Council officers to discuss these concerns and further text has been proposed for Section 7, which clarifies the use of the Accession Model. Emphasis is also placed on a prioritised approach to seeking contributions towards sustainable transport.

- 4.5 The Environment Agency made several representations on the Sustainability Appraisal Report, which informed the production of the Draft SPD. These related to flooding issues and have been incorporated into the final SA Report at Appendix 5.
- 4.6 The Representations Statement at Appendix 1 to this report provides an analysis of the main issues raised during consultation.

5. Changes to the SPD arising from revised Government guidance.

- 5.1 The Government published Planning Policy Statement (PPS) 3: Housing in November 2006. This includes a revised definition of affordable housing at Annex B. The Council will need to revise the West Midlands Local Government Association's definition to reflect PPS3 requirements and to bring it in line with Government policy. This will necessitate a number of consequential amendments to the SPD, which are included in the table of amendments set out at Appendix 3 to this report. It will be necessary for the District Council to formally adopt this revised definition at its Council meeting on the 28th February.
- 5.2 The Government issued its further consultation proposals for a new system of planning obligations in England in December 2006. This will introduce a Planning Gain Supplement (PGS) which captures a modest portion of the land value uplift resulting from the granting of planning permission. However, the guidance states that a workable and effective PGS will not be introduced earlier than 2009. The Planning Obligations SPD will therefore provide interim guidance until this time on the District Council's requirements for the provision of planning contributions. This reflects good practice advice set out in Circular 5/05.

6. Adoption of the Planning Obligations SPD.

- 6.1 To comply with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004, as soon as practical following adoption of the SPD on the 28th February, the District Council will publish the following documents:
 - The SPD (as amended) (*see Appendix 4)
 - The Sustainability Appraisal Report (*see Appendix 5)
 - Consultation Statement (Regulation 17 (1) & 18 (4)(b)) (* see Appendix 1)
 - Adoption Statement (Regulation 19) (specifies the date the SPD was adopted and highlights the legal rights of any person aggrieved by the SPD to apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD) (*See Appendix 6)
- 6.2 Copies of the Representations and Adoption statements will be published on the Council's website, as will the SPD and its accompanying Sustainability Report. They will also be placed on deposit at those locations specified above at paragraph 3.1. A copy of the adoption statement will be sent out to all those who were consulted on the Draft SPD.
- 6.3 All 36 respondents will be notified of the outcome of the Council's consideration of their representations. The Adopted SPD will also be sent out to the specific consultation bodies as detailed at Appendix 1 of the Statement of Community Involvement.

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 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 The Planning Obligations SPD complies with Government best practice set out in Circular 5/05 and advice from the Audit Commission. The proposed arrangements for its adoption accord with the standards set out in the District Council's Adopted Statement of Community Involvement. Finally, the timetable remains consistent with the revised Wyre Forest District Local Development Scheme.

11. Consultees

- 11.1 The 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:
- 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, November 2006.
- Adopted Wyre Forest District Local Plan, January 2004.
- Adopted Statement of Community Involvement, April 2006.
- Planning Gain Supplement Consultation – (DCLG) December 2006.
- Planning Policy Statement 3: Housing (DCLG) November 2006.
- Cabinet Report and associated Appendices on the Draft Supplementary Planning Document, 22/09/06.