

Main Proposed Changes to Planning Obligations SPD 2011

Structure of Document	<p>Split the document from 2 to 3 Chapters:</p> <p>Chapter 1 - Setting out Principles, Policies and Background</p> <p>Chapter 2 - Procedures for securing Planning Obligations</p> <p>Chapter 3 on Types of Planning Obligations grouped in line with Core Strategy key themes</p>
Obligations Grid	Moved Appendix 1 table to front of SPD and redesigned it to help clearly identify when the different types of obligations are sought
Minimum Threshold	Introduced minimum threshold of £500 for total financial contributions (excluding fees) under which the Council will waive the obligations on the basis that it would not be expedient to pursue them.
National Policy Framework	Added information on Community Infrastructure Regulations and other national policy updates
Local Policy Framework	Added information on Black Country Core Strategy and updated information regarding the Community Strategy Priorities including new table showing how Planning Obligations assist in delivery of the Community Strategy outcomes
Legal Agreements	Clarified the difference between S106 Agreements and Unilateral Undertakings and encouraged use of Unilaterals on smaller schemes
Dealing with viability issues	Added additional detail, including 6-stage process for processing viability claims
Monitoring and Enforcement	Additional detail on how and why obligations are monitoring and how the information is reported and made available to the public. Also new paragraph on enforcing planning obligation requirements
Spend	Additional detail including the approved process for member engagement
Affordable Housing	Requirement reduced from 30% to 25% in line with adopted Black Country Core Strategy
Education	<p>Introduced threshold of 10 dwellings where applications will be assessed to determine whether contribution is required.</p> <p>Introduced 5% surplus capacity requirement for schools as per Government guidance</p> <p>Contributions per school places increased as a result of</p>

	updated evidence base from DfE (eg Primary Place increased from £9,646 to £11,031)
Libraries	<p>Introduced new requirement for non-residential (A1 and B1) over 100 sq. m. in Strategic and Town Centres, based on the evidence that 14.9% of library members live outside the Borough. Equates to £0.61 per sq. m A1 and £0.65 per sq. m B1.</p> <p>Introduced new formula and evidence base for residential developments. Contribution has been changed from per dwelling (£191.39) to per house (£206.25) and per flat (£114.68) to make it more specifically related to the development.</p>
Economic and Community Benefits	Introduced threshold of 10 dwellings or 1,000 sq. m non-residential floorspace where applications will be required to submit to and have approved a Local Employment Strategy prior to commencement of development.
Transport Infrastructure Improvements	Cost per Trip remained the same at £63.90, Trip Rates have been updated in line with latest TRICS data.
Air Quality Improvements	New Obligation (in line with JCS Policy ENV8), requiring contributions on all new developments which generate an increase in vehicle Trips using TRICS data. Preference is for on-site provision (e.g. provision of electric charging points) or if not possible then financial contribution of £32.40 per trip required.
Site Specific Measures	<p>Introduced reference to Renewable Energy and Health Obligations (as per JCS Policies) which will be identified and calculated on a site by site basis until further detail is provided through emerging DPDs</p> <p>Introduced new reference in relation to Brierley Hill Strategic Centre and the requirement for Phase 1 of the Public Transport Strategy to be delivered on-site by the Developer of the 65,000 sq. m non-food retail at Merry Hill. This will be secured through a S278 Agreement.</p>
Nature Conservation	No significant changes but removing changes of use.
Open Space, Sport and Recreation	<p>On-Site Provision – introduced 0.81ha per 1000 population quantity requirement as per Parks and Green Space Strategy</p> <p>Off-Site Contributions – new formula based on actual implementation costs. Existing contribution based on bed spaces (£2,561.14 per 3 bed) but due to ease of calculation new contribution is per house (£2,025.65) and per flat</p>

	(£1,126.26)
Environmental Protection	Introduced a number of examples where obligations may be used for Land Contamination
Historic Environment	No significant changes
Public Art	No significant changes, but added examples of suitable on-site provision
Public Realm	<p>Refreshed evidence base for both residential and non-residential contributions.</p> <p>Residential – contribution per dwelling risen from £478.53 to £530.12</p> <p>Non-residential – Contributions now limited to new builds within centres only, removing changes of use and contributions 'within 400m of a centre'. Cost per sq. m reduced from £36.61 to £10.25</p>
Section on Travel Plans	Entire section removed as duplication of information in Travel Plans SPD, in addition Travel Plans are secured via conditions not through planning obligations. Thus it seems unnecessary to retain this section within the SPD
New Appendix 1 on current costings	New table to set out all the costs associated with the different obligations for a particular financial year
New Appendix on Development Example	Removed the examples from within the main part of the document and do a comprehensive example in this appendix
Appendix 2 Nature Conservation	Added costings to appendix