

**Meeting of the Cabinet – 16<sup>th</sup> March 2011**

**Report of the Director of the Urban Environment**

**Draft Review of the “Planning Obligations Supplementary Planning Document” – Approval for Public Consultation.**

**Purpose of Report**

1. To seek Cabinet approval, which is required under national legislation, for public consultation on the draft review of the “Planning Obligations Supplementary Planning Document”.

**Background**

2. The Council’s Planning Obligations Supplementary Planning Document (SPD) sets out detailed guidance on Dudley Council’s requirements for planning obligations for all those involved in the submission and determination of planning applications as appropriate.
3. Following adoption of the initial Planning Obligations SPD in December 2007, a review was undertaken in March 2009 in line with good practice to ensure that the required planning obligations continued to be realistic and reasonable, in light of economic circumstances.
4. In line with good practice and due to a changing planning policy context for the Borough, this review is required for the following reasons:
  - To address the implications of the recently adopted Black Country Core Strategy and other policy documents
  - To reflect changes to planning obligations as a result of the Community Infrastructure Levy Regulations (April 2010)
  - Improve the structure, format and clarity and streamline the document in line with government guidance
  - Update the evidence base for specific planning obligations and review formulas where appropriate
  - Reflect good practice and recent case law on planning obligations
  - Better address viability considerations

The Draft Revised Planning Obligations SPD together with a table highlighting the proposed changes to the document is available in the Members Room.

5. As highlighted above, the review takes into account National Planning Policy and Guidance, as well as Local Planning Policy set out in the Black Country Core Strategy (2011).
6. The review of the SPD has been prepared in consultation with other Council Directorates particularly those that implement Planning Obligation spend. The draft SPD will be available for a statutory 6 week public consultation period as set out in the Planning and Compulsory Purchase Act (2004) from the 8<sup>th</sup> April 2011 for any comments or suggested improvements. A copy of the reviewed SPD is available in the Member's Room or can be viewed electronically on the Council's 'Committee Management Information System' pages.
7. Any representations following this consultation period will be incorporated, if appropriate, into a final version of the document which will be presented to Cabinet later in the year for full adoption. The reviewed SPD will then become a material consideration in the determination of planning applications.

### **Finance**

8. All costs associated with the review and adoption of the Planning Obligations SPD will be funded from within existing budgets. The cost of monitoring and managing the monies received is met by applicants.

### **Law**

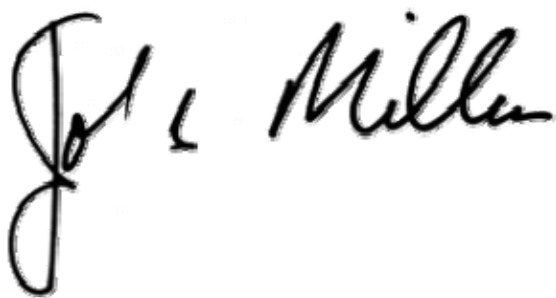
9. Following consultation and adoption, the revised Planning Obligations SPD will become a material consideration in the determination of planning applications. The review of the SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004), the Town and Country Planning (Local Development) (England) Regulations 2004 (amended 2008) and the Community Infrastructure Levy Regulations (2010).

### **Equality Impact**

10. The draft review of the SPD has been prepared in accordance with the Council's policy on Equality and Diversity, ensuring that it provides benefits for adults, children and young people alike, promoting equal opportunities for all.
11. Planning obligations relate to the provision of affordable homes, access to jobs, services and the infrastructure that is necessary to support them, whilst protecting and enhancing the natural and built environment. The SPD therefore seeks to promote sustainable development and ensure that the infrastructure necessary to support future residential and commercial growth is delivered.

### **Recommendation**

12. Cabinet Members are asked to approve the statutory 6 week public consultation of the draft review of the Planning Obligations SPD starting on 8<sup>th</sup> April 2011.



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### **List of Background Papers**

1. Existing Adopted Planning Obligations Supplementary Planning Document March 2009