

DUDLEY METROPOLITAN BOROUGH COUNCIL

CABINET – 12th DECEMBER 2007

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

**APPROVAL FOR ADOPTION OF THE ‘PLANNING OBLIGATIONS’
SUPPLEMENTARY PLANNING DOCUMENT**

Purpose of Report

- 1 The purpose of the report is to seek Cabinet approval for the formal adoption of the Council’s Planning Obligations Supplementary Planning Document (SPD).

Background

- 2 The purpose of the SPD is to set out clearly detailed guidance on the way in which the Council will secure planning obligations, in connection with a planning approval and how this will be applied in the particular circumstances of each development proposal. The SPD will provide greater clarity and transparency to developers, landowners, the community and the Council regarding the basis for negotiating planning obligations. It will also set out how planning obligations will be used to promote sustainable development and to ensure that the infrastructure necessary to support future residential and commercial growth is delivered. It will also act as a guide to developers and land use managers as to the general principles applicable to planning obligations and how they are considered via the planning process. The report has been prepared corporately involving all the relevant Services of the Council. The approval of this Dudley specific policy guidance will assist in clarifying the work of the Development Control Committee.
- 3 Within this context, the key objectives of the SPD are as follows;
 - To set out the principles that guide the Council’s approach to planning obligations;
 - To set out the policy basis for a full range of planning obligations.
 - To set out a scale of standard formulae and charges for a profile of needs that may be generated by a development and to justify these formulae and charges; and

- 4 The SPD has not been prepared in isolation; rather it has been prepared within the context of a range of existing and emerging plans, policies and programmes. As well as the adopted Unitary Development Plan (UDP), the SPD is in conformity with National Planning Policy Guidance and Statements, the Regional Spatial Strategy, the Council Plan and the Dudley Borough Challenge (Community Strategy).
- 5 The SPD has been accompanied by a Sustainability Appraisal (SA). The purpose of the Sustainability Appraisal is to promote sustainable development through better integration of social, economic and environmental issues into planning policy and to assess the sustainability implications of development plan documents.
- 6 The Council has produced an overarching Statement of Community Involvement (SCI). In accordance with the requirements of this document the Planning Obligations SPD is accompanied by its own Statement of Consultation. The intention of the SCI is to explain how local communities and stakeholders can be involved in the production of an SPD. The Statement of Consultation sets out how consultation has taken place, who has been consulted and at what stages in the process this has occurred. Effective consultation is a key objective of the new planning system in order to strengthen community involvement.
- 7 Following the report to Cabinet on the 12th June 2007, and in accordance with the Council's Local Development Scheme, the SPD was taken out to public consultation for a six week period from the 6th July 2007 to the 17th August 2007.
- 8 The SPD received 16 formal representations which, through thorough analysis, have been broken down into 99 separate issues. A number of the comments made within these representations have been incorporated into the SPD as amendments to the text. A list of the comments received, the Council's response to them and any subsequent text changes are included within the Statement of Representations which is available for inspection in the Members Room.
- 9 In accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004, the Council must make available for inspection the SPD, the consultation statement setting out the main issues raised from representations received and how these have been addressed in the SPDs, and an adoption statement for each SPD.
- 10 The key issues raised through the consultation are listed below and are addressed in the SPDs Consultation Statement.
 - The Open Space, Sport and Recreation section including; the trigger for developer contributions towards Open Space, Sport and Recreation of 1+ dwelling and the provisions for indoor sports facilities;
 - Planning gain, mitigation and the effects on development;
 - Planning Obligations and 'Economic Wellbeing';
 - Prioritisation of obligations.

- 11 These issues have been considered carefully by officers and revisions made to the document where appropriate. The finalised Planning Obligations SPD is available for inspection in the Members Room along with the Statement of Representations.
- 12 Finally, notwithstanding the above it should be noted that the Chancellor in his recent Pre-Budget Report announced that the Government intends to legislate, in the forthcoming Planning Reform Bill, for a new planning charge to enable Councils to capture greater levels of planning gain to support new infrastructure and housing. However the Government reforms have already been under consideration for a considerable while and given the need for primary legislation, further delay is inevitable. Moreover, as the primary legislation stands Section 106 legal agreements will continue with the new planning charge. The adoption of this SPD will not prejudice the implementation of the planning charge, indeed the work undertaken in the preparation of this SPD will feed into the work necessary to support any future planning charge.

Finance

- 13 There will be no further financial implications of adoption of the SPD over and above normal policy and development control costs which are met from existing budgets.

Law

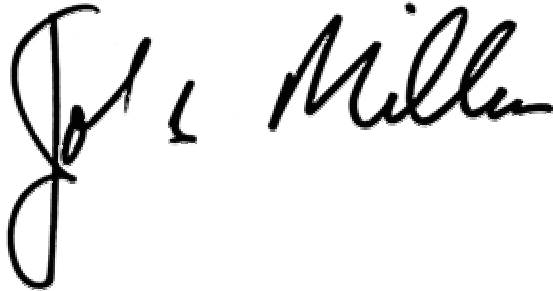
- 14 When adopted, the SPD will become a material consideration in the determination of planning applications. The SPD is being prepared under the new planning system enacted by the Planning and Compulsory Purchase Act 2004. Work on the SPD has been undertaken in line with the Town and Country Planning (Local Development) (England) Regulations 2004.

Equality Impact

- 15 The preparation of this SPD has been undertaken in accordance with the Council's Equal Opportunities Policy. Planning Obligations are concerned with the protection and enhancement of the natural and built environment. Furthermore they are concerned with the provision of affordable homes, access to jobs, goods and services (including training, education, health, and recreational facilities) and the infrastructure that is necessary to support them. The Planning Obligations SPD therefore seeks to provide sustainable development in the Borough for the benefit of adults, children and young people alike, therefore promoting equal opportunities for all.

Recommendation

- 16 Cabinet members are asked to adopt the Planning Obligations Supplementary Planning Document.

A handwritten signature in black ink, appearing to read 'J. B. Millar'. The signature is written in a cursive style with a large, stylized initial 'J'.

J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT

Contact Officers: Jessica Nash
Planning Officer, Policy
Telephone: 01384 817213
Email: jessica.nash@dudley.gov.uk

Peter Fenwick
Principal Planning Obligations Officer
Telephone: 01384 815533
Email: peter.fenwick@dudley.gov.uk

List of Background Papers

- 16 Dudley MBC Planning Obligations Supplementary Planning Document (SPD)
17 Dudley MBC Planning Obligations SPD: Consultation Statement
18 Dudley MBC Planning Obligations SPD: Sustainability Appraisal