

**Meeting of the Cabinet – 14<sup>th</sup> September 2011**

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

**Approval for adoption of the revised ‘Planning Obligations Supplementary Planning Document’**

**Purpose of Report**

1. To seek Cabinet approval for the formal adoption of the Council’s revised Planning Obligations Supplementary Planning Document (SPD).

**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 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

A summary of the key amendments made to the SPD are set out in the table of Appendix 1.

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). There is also a minor amendment set out in the SPD which changes the annual price uplift of financial obligations in line with the consumer prices index (CPI) as opposed to the previously used retail prices index (CPI).

The review of the SPD has been prepared in consultation with other Council Directorates and taken out to public consultation for a 7 week period between 8<sup>th</sup> April and 27<sup>th</sup> May 2011. During this consultation a number of responses were received and which, through analysis, have been broken down into separate issues. A number of the comments made within these representations have been incorporated into the SPD as appropriate.

6. 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 SPD, and an Adoption Statement. A list of the comments received the Council's response to them and subsequent text changes are included within the Consultation Statement, a copy of which is located in the Members' Room.
7. These issues have been carefully considered and revisions have been made to the document where appropriate. A copy of the finalised Planning Obligations SPD is available in the Members Room and via the Committee Management Information System on the Internet.

## **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**

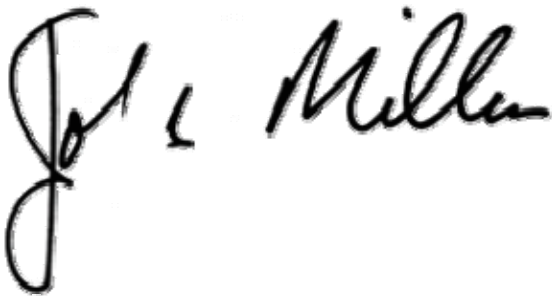
9. Once adopted, the revised Planning Obligations SPD will become a material consideration in the determination of planning applications. The review of the SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004), the Town and Country Planning (Local Development) (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. The Cabinet are asked to approve the adoption of the revised Planning Obligations SPD.

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

**John Millar**  
**Director of the Urban Environment**

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## **List of Background Papers**

1. Existing Adopted Planning Obligations Supplementary Planning Document March 2009