

Meeting of the Cabinet - 18th March 2009

Report of the Director of the Urban Environment

Approval for Adoption of the Revised '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 revised Planning Obligations Supplementary Planning Document (SPD).

Background

- 2 On 12th December 2007 the Council adopted the Planning Obligations SPD as part of the Council's Local Development Framework. Prepared in accordance with government guidance and expanding upon Unitary Development Plan 2005, the SPD aims to reduce uncertainty and ensure a consistent approach to planning obligations across the Borough. The SPD sets out detailed guidance on the way in which the Council will secure planning obligations in connection with planning approvals and how this will be applied in particular circumstances or areas.
- 3 In accordance with best practice following the first year of implementation the SPD was reviewed, resulting in a partial review in order to ensure that required planning obligations continue to be reasonable and realistic, particularly in light of the current economic circumstances, and to enable regeneration to be delivered within the Borough. The review has also enabled additional clarification to be incorporated on the contributions that are required, along with further guidance on the way the Council expects the policies to be applied in particular circumstances or areas.
- 4 A summary of the key amendments made to the SPD which were formally consulted on are set out in the table in Appendix 1.
- 5 The draft revised Planning Obligations SPD was prepared, accompanied by a revised Sustainability Appraisal, and taken out to public consultation for a 6 week period between 19th January and 2nd March 2009. 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 amendments to the text.

- 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 any 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 by officers and revisions have been made to the document where appropriate. A copy of the finalised revised Planning Obligations SPD is available in the Members Room.

Finance

- 8 All costs associated with the adoption of the revised Planning Obligations SPD will be funded from within existing budgets.

Law

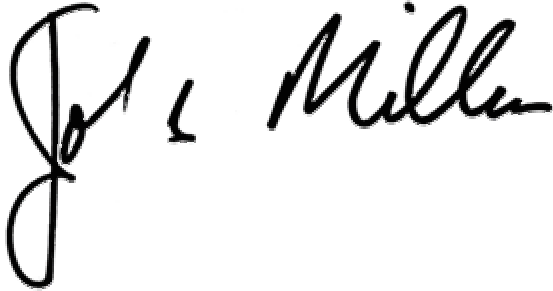
- 8 Once adopted, the revised Planning Obligations SPD will become a material consideration in the determination of planning applications. The SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act 2004 and in line with the Town and Country Planning (Local Development) (England) Regulations 2004.

Equality Impact

- 10 The preparation of this revised SPD has been undertaken in accordance with the Council's Policy on Equality and Diversity. 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 and recreational facilities) and the infrastructure that is necessary to support them. The revised Planning Obligations SPD therefore seeks to provide sustainable development in the Borough for the benefits of adults, children and young people alike, therefore promoting equal opportunities for all.

Recommendation

- 11 Cabinet is recommended to approve the adoption of the revised Planning Obligations Supplementary Planning Obligations Supplementary Planning Document.



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List of Background Papers

Circular 05/2005 – Planning Obligations
(<http://www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations>)

Planning Obligations Supplementary Planning Document
(<http://www.dudley.gov.uk/environment--planning/planning/local-development-framework/planning-obs-spd>)

Dudley Unitary Development Plan
(<http://www.dudley.gov.uk/environment--planning/planning/unitary-development-plan>)