

**Report To:** Planning Committee

**Date of Meeting:** 22<sup>nd</sup> June 2016

**Lead Member / Officer:** Cllr David Smith /  
Angela Loftus, Strategic Planning and Housing Manager

**Report Author:** Angela Loftus

**Title:** **Draft Supplementary Planning Guidance Note: Planning Obligations – Consultation document**

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**1. What is the report about?**

- 1.1 This report accompanies the draft Supplementary Planning Guidance (SPG) note on planning obligations (attached as Appendix 1). Officers request approval to start an 8 week public consultation period with members of the public, statutory consultees, and natural environment interest groups.

**2. What is the reason for making this report?**

- 2.1 A decision is required on the matter of public consultation on the draft SPG to progress towards document adoption. The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) document adoption, SPGs can be treated as a material planning consideration when LPAs, the WG and Planning Inspectors determine planning applications or appeals.

**3. What are the Recommendations?**

- 3.1 That Members approve the enclosed draft SPG document 'Planning Obligations', Appendix 1, to be subject to public consultation over a minimum of eight weeks.

**4. Report details**

- 4.1 When the Denbighshire Local Development Plan 2006 -2021 (LDP) was adopted in June 2013, the Council resolved to carry forward all adopted SPGs for use as planning guidance in relation to the LDP policies. It was also agreed that a review of every SPG would be carried out as soon as practicable following Plan adoption and a number of new SPGs developed. The attached SPG is a new document, although it does repeat elements of existing adopted guidance, such as Affordable Housing and Planning and the Welsh Language. If adopted, the new guidance note will supplement LDP Policy BSC3 'Securing Infrastructure Contributions from Developments'.
- 4.2 Development often creates a need for specific measures to mitigate impact without which there could be a detrimental impact on local amenity, services and the quality of environment. This SPG will help to ensure that development contributes towards

the provision of the necessary measures required to mitigate its impact and meets the policy objectives of the Local Development Plan. The guidance sets out the Council's overall approach to planning obligations and provides details on procedural matters relating to the drafting, monitoring and enforcement of planning obligations. The guidance also sets out the types of mitigation measures that the Council may seek to secure from development and details of how contributions will be calculated for a range of infrastructure items where the evidence demonstrates need. This includes affordable housing, recreation and public open space, sustainable transport, education, natural and built environment, community development and leisure, training and employment, community safety, streetscape improvements and public art and Welsh language and culture.

- 4.3 Planning obligations are legally binding agreements entered into between a Local Authority and a developer and /or landowner, and any other parties with an interest in the land. They may take the form of a Section 106 Agreement or a Unilateral Undertaking and historically have, in the main, been sought to support Affordable Housing and Open Space requirements. Planning Obligations usually run with the land rather than the person entering the agreement and provide a mechanism by which measures are secured to mitigate the impact of development on local facilities that are geographically or functionally related to it. Planning conditions are also increasingly used as a way of securing mitigation measures.
- 4.4 The proposed SPG outlines the Council's expectations with regard to planning obligations with the aim of providing clear guidance to prospective applicants, Members and officers to ensure that potential requirements are clear from the outset, thus speeding up the decision-making process.
- 4.5 The public consultation period would be a minimum of 8 weeks and is anticipated to start in July 2016. All City, Town and Community Councils will be consulted along with people and organisations registered on the LDP database. Hard copies of all consultation documents will be available in all libraries and one stop shops and the document will be available on the Denbighshire County Council website.
- 4.6 Representations, comments and views expressed during the consultation period will be reported back to the LDP Steering Group; prior to seeking document adoption from Planning Committee later in the year.

## **5. How does the decision contribute to the Corporate Priorities?**

- 5.1 Corporate Priorities 2012 – 17. The site development brief will contribute positively to the following corporate priorities:
  - *Modernising the Council* to deliver efficiencies and improve services for our customers by ensuring that planning guidance documents are up to date.
  - *Developing the Local Economy* by providing the framework for requiring appropriate local training and employment opportunities as part of new development proposals.
  - *Clean and tidy streets* by providing the framework for securing streetscape improvements and open space, together with arrangements for future maintenance.

- *Ensuring access to good quality housing* by outlining affordable housing requirements
- *Improving performance in education and the quality of our school buildings* by providing the framework for securing contributions to education provision

## **6. What will it cost and how will it affect other services?**

- 6.1 Approving the draft SPG document to be subject of a consultation exercise with statutory bodies and the public is not anticipated to create any additional costs. The Development Management team will benefit from document adoption in supplying our customers with all necessary information on planning obligations prior to applying for planning permission, and, hence, improving the determination process. The SPG provides the framework for securing contributions which will assist service delivery in other services such as Education and Highways.

## **7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

- 7.1 The Equality Impact Assessment screening exercise concluded that a (full) EqIA is not required. The completed EqIA template is attached to this report as Appendix 2.

## **8. What consultations have been carried out with Scrutiny and others?**

- 8.1 No formal consultation has been carried out yet but officers from Planning Policy, Public Protection, Development Management, Education, County Highways, Legal Services and Economic and Business Development were involved in drafting the SPG document. The draft document was discussed at the LDP Members Steering Group meeting on 26<sup>th</sup> May 2016 and Members agreed that the document should be recommended to Planning Committee for approval to undertake consultation.

## **9. Chief Finance Officer Statement**

- 9.1 Agreeing the draft SPG 'Planning Obligations' for consultation is not anticipated to create any additional cost. If any costs arise these will need to be contained within existing revenue budgets for the service.

## **10. What risks are there and is there anything we can do to reduce them?**

- 10.1 In the absence of up-to-date guidance there is a risk that the Council will be unable to require the necessary measures required to mitigate the impact of new development and there will be a lack of clarity regarding the Council's requirements for prospective developers.

## **11. Power to make the Decision**

- 11.1 Planning & Compulsory Purchase Act (2004).