

Report To:	Planning Committee
Date of Meeting:	16 th November 2016
Lead Member / Officer:	Cllr David Smith / Angela Loftus, Strategic Planning and Housing Manager
Report Author:	Angela Loftus, Strategic Planning and Housing Manager
Title:	Draft Supplementary Planning Guidance Note: Planning Obligations – adoption of final document

1. What is the report about?

- 1.1 The report sets out the responses received following the 8 week public consultation exercise on the draft Supplementary Planning Guidance (SPG): Planning Obligations, proposes amendments to the guidance and recommends adoption in line with the amendments proposed.

2. What is the reason for making this report?

- 2.1 Following approval at Planning Committee on 22nd June 2016, an 8 week public consultation was carried out between the beginning of July 2016 and the end of August 2016. Representations and comments received on the draft document were reported to the LDP Members Steering Group meeting on 21st September 2016 and Members agreed that the document should be recommended to Planning Committee for adoption. A decision is now required on the proposal to adopt the draft SPG.

3. What are the Recommendations?

- 3.1 That Members adopt the draft Supplementary Planning Guidance Note: Planning Obligations SPG attached as Appendix I, with recommended amendments for use in the determination of planning applications.

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 Public consultation on the draft guidance ran from 4th July 2016 to 2nd September 2016 for a period of 8 weeks. The draft document was available to view on the Council's website (www.denbighshire.gov.uk). Hardcopies were also available at Council libraries and one-stop-shops. All City, Town and Community Councils were consulted along with people and organisations registered on the LDP database. Comments as part of the public consultation could be made by letter, email or comments form to the Strategic Planning & Housing team by the 2nd September 2016.
- 4.6 The Council received 10 representations from interest groups and members of the Public; including Natural Resources Wales, Cadw and Clwyd-Powys Archaeological Trust. The Consultation Report attached as Appendix 1 includes summaries of the key issues raised together with individual responses to comments received. Copies of all public consultation responses can be obtained by contacting the Planning Policy team in Denbigh by phone: 01824 706916 or by email: ldp@denbighshire.gov.uk.
- 4.7 A number of amendments are in response to the representations received. These are shown as **highlighted** or ~~strikethrough~~ text in the attached draft SPG document.
- 4.8 The main changes proposed include the addition of references to Clwydian Range and Dee Valley AONB and Pontcysyllte Aqueduct & Canal World Heritage Site,

scheduled monuments and registered parks and gardens; minor alterations to ensure compliance with relevant legislation; and amendment to the title of Section 15 to include reference to health care provision.

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

Corporate Priorities 2012 – 17. The supplementary planning guidance 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 Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and 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 and updated EqIA template is attached to this report as Appendix 3.

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

- 8.1 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 Council consulted with statutory consultees, including all City, Town and Community Councils and members of the public on the draft document for a period of 8 weeks between 4th July 2016 and 2nd September 2016. The draft document and consultation responses, were discussed at the LDP Members Steering Group meeting on 21st September

2016 and Members agreed that the document should be recommended to Planning Committee for adoption.

9. Chief Finance Officer Statement

Adopting the SPG document is not anticipated to create any additional cost. If any arise these will need to be contained within existing service revenue budgets.

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 needed 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)