

Report of: Planning Services Business Manager

To: Executive Board – 16th April 2007
Council – 30th April 2007

Item No:

Title of Report : Supplementary Planning Documents (SPD) on Planning Obligations.

Summary and Recommendations

Purpose of report: To adopt the Supplementary Planning Documents on Planning Obligations.

Key decision: No

Portfolio Holder: Cllr John Goddard

Scrutiny Responsibility: Environment

Area(s) affected: All

Report Approved by

Portfolio Holder: Councillor John Goddard

Legal: Legal and Democratic Services (Jeremy Thomas)

Finance: Financial Management (Emma Burson)

Strategic Director: Sharon Cosgrove

Policy Framework: The production of these documents fulfils a commitment of the Local Development Scheme. They will also support the City Council's work on by improving the environment where we live and work.

Recommendation(s):

That Executive Board recommends Council to:

1. adopt the Supplementary Planning Documents on Planning Obligations;
2. authorise the Planning Policy Manager to make any necessary editorial corrections.

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1. adopt the Supplementary Planning Documents on Planning Obligations;
2. authorise the Planning Policy Manager to make any necessary editorial corrections.

Summary

1. In September 2006, Executive Board considered the draft Supplementary Planning Document (SPD) on Planning Obligations. The SPD was then subject to a six-week period of public consultation in October 2006.
2. The purpose of this report is to consider responses made to the draft SPD, and for Council to adopt the SPD. The SPD will then form part of the Local Development Framework and support policies of the adopted Oxford Local Plan 2001 – 2016.
3. Executive Board is asked to recommend that Council adopt the SPD. Council is asked to adopt the SPD and authorise the Planning Policy Manager to make any editorial corrections.

Background and context

4. The City Council has committed to the production of these documents in the Local Development Scheme (LDS) as approved by Council and submitted to the Secretary of State. It will support and supplement policies of the adopted Oxford Local Plan 2001 – 2016.
5. Once adopted the SPD will form part of the Local Development Framework. This status will allow it to be used in the determination of planning applications as material considerations under Section 38(6) of the Planning and Compulsory Purchase Act 2004.
6. The SPD has been produced in line with the procedure and programme set out in the LDS. This process has involved early community involvement (as set out below) and a Sustainability Appraisal (SA) assessing the social, economic and environmental impacts of the document. The proposed changes suggested in response to the consultation have also been assessed as part of the SA process. The South East England Regional Assembly has confirmed that the SPD is in general conformity with the adopted Regional Planning Guidance (RPG 9) and the draft South East Plan (Regional Spatial Strategy).
7. The Executive Board is aware that since the start of the development of the SPD, the Government has issued two consultation documents on the introduction of a Planning Gain Supplement (PGS). PGS will be based on the uplift of the value of the land on the granting of planning permission. It will be collected nationally and a proportion redistributed to local authorities. Whilst the Government is considering the outcome of the December 2006 consultation on specific aspects of the scheme, it appears increasingly likely that PGS will be introduced in some shape or form although the Government has stated that it will not be implemented earlier than 2009. When PGS is introduced, the scope of planning obligations will be scaled back to matters affecting the 'development site environment' and affordable housing. Therefore the SPD will be implemented in the interim.

Planning Obligations SPD – Purpose and Objectives

8. The purpose of this SPD is to supplement those policies of the Oxford Local Plan 2001 – 2016 that refer to planning obligations to mitigate the impact of development. The main policy for securing planning obligations is CP.2, but throughout the Local Plan, various policies refer to obligations to secure infrastructure needs. The full list of policies and how they apply are listed in Table 1 to the SPD.
9. The objectives of the SPD are to:
 - explain how the City Council will seek to ensure speed, transparency and consistency in the delivery of Local Plan policies through negotiated planning obligations;
 - indicate the infrastructure requirements which are likely to be needed to make development acceptable which would otherwise be unacceptable in planning terms;
 - provide guidance on standard formulae for calculating contributions where appropriate;
 - provide standard legal agreements so all interested parties are aware from the outset of the likely form of deed and clauses.

This is in accordance with guidance set out in Circular 5/2005 on planning obligations.

10. The Planning Obligations SPD is circulated separately (Appendix A). Please note that this version includes track changes in order that proposed amendments can be easily viewed. These will be removed from the final published version and the paragraph numbering adjusted. Accompanying the SPD are Background Papers (giving further detail of the justification for the infrastructure and the methodology for calculating the contribution), a Sustainability Appraisal, a Negotiating and Implementing Planning Obligations Code of Practice and a Valuation Office Study on the viability of the contributions sought. Copies of all these documents have been placed in the Members' Room.

Consultation response

11. 21 responses have been received to the public consultation on the SPD raising 181 representations (103 objections, 66 general comments and 12 comments of support). A further 23 representations have been received on the Code of Practice and Sustainability Appraisal. The comments received were mainly from developers/agents and a summary of the comments and officer response are circulated separately (Appendix B). This Appendix also set out recommended changes to the SPD in response to the comments received and the majority of these are minor changes to clarify the text. Other editorial changes/factual updates have been

made to the SPD. The main issues arising from responses to the consultation are:

- concern that the level of contributions sought, in addition to complying with the City Council affordable housing policies, will make development in Oxford unattractive. This issue has been addressed by a study undertaken by the Valuation Office where it has tested the viability of a series of sites in Oxford for development proposals applying, where appropriate, the affordable housing provisions and any obligations required to mitigate the impact of development at the specific sites. The study has demonstrated that the majority of the schemes are viable provided there is some reduction in the level of contributions sought. Therefore the contribution requirements have been reassessed and lowered mainly in relation to education and public art. Minor adjustments have been made to the contributions for waste recycling centre and museum resource centre so they relate to the average number of occupants per dwelling. The methodology for outdoor sports grounds and indoor leisure facilities has been revised to take on board further advice of Sport England.
- concern about the link between the contribution sought and the development and how it is demonstrated that the contributions comply with the tests in Circular 05/2005 on planning obligations. To address this issue, additional wording has been added to the SPD to clarify that additional populations generated by new development will place additional demands on infrastructure resulting in inadequate provision to serve the new development. The Background Papers to the SPD have also been expanded, drawing on the outcomes of studies such as the Green Space Study by Scott Wilson to demonstrate the specific geographical locations where there is capacity or deficiencies in provision that the additional population generated by further development would exacerbate.
- detailed comments on the standard planning obligations agreements resulting in various minor changes to the wording of standard clauses. Further discussions have taken place between the City and County Councils on the detailed wording of clauses and the City Council has sought Counsels opinion. Separate schedules have been introduced for City Council and County Council clauses as a result.

Appendices (circulated separately)

- A Planning Obligations Supplementary Planning Document, tracked change version.
- B Summary of comments made during consultation, officer responses and proposed amendments.

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Background papers: None for this covering report. However, the policy documents themselves have background papers and other sources of information referenced.