

Single Member Cabinet Decision

Executive Forward Plan Reference	E 3442
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Planning Obligations Supplementary Planning Document (SPD) Review

Decision maker/s	Cllr Tim Ball, Cabinet Member for Planning and Licensing
The Issue	A review and updating of the Planning Obligations Supplementary Planning Document (SPD) is required primarily in order that it reflects and facilitates delivery of the Local Plan Partial Update which is due to be adopted later this year. This report will seek approval of publication of a draft SPD for consultation.
Decision Date	26 th April 2022
The decision	<p>The Cabinet member agrees that:</p> <ol style="list-style-type: none"> 1) The amended draft Planning Obligations Supplementary Planning Document for public consultation is issued for statutory consultation under Regulation 12(b) of the Town and Country Planning (Local Planning)(England) Regulations 2012; and 2) The Head of Planning has delegated authority to make any necessary editorial changes, in consultation with the Cabinet Member for Planning and Licensing, prior to consultation on the draft Planning Obligations SPD.
Rationale for decision	<p>The SPD is proposed to be amended for a number of reasons and key amendments are:</p> <ol style="list-style-type: none"> i) The introduction sections have been amended to reflect the updated CIL Regulations. The CIL Regulations 2010 (as amended) were amended in 2019 to remove section 106 pooling restrictions and enable more flexibility in funding infrastructure. ii) The revised SPD reflects the fixed fee for the monitoring of s.106 agreements which was implemented by the council in December 2020. iii) The SPD has been reviewed against and helps deliver the policies in the draft Local Plan Partial Update (LPPU) which is currently subject to examination. This includes updated and new policies on Biodiversity Net Gain, Carbon Offsetting, and new sustainable transport measures, having regard to the Climate and Ecological Emergency. Further guidance is contained in the draft Transport and Development SPD (to be adopted alongside the LPPU) and an emerging Biodiversity Net Gain guidance note /SPD. The draft Sustainable Construction Checklist SPD sets out key information on energy supply. The updated draft Checklist SPD will be subject to public consultation at the same time as this

	<p>Planning Obligations SPD following the Single Member Decision process (Ref: E 3341).</p> <p>iv) The SPD amendments reflect policy changes on accessibility standards in affordable housing. In addition, there have been changes nationally to the implementation of affordable housing which require non-material detailed changes to the Affordable Housing chapter. As the SPD does not form part of the development plan, it cannot introduce new planning policies into the development plan relating to new types of affordable housing, however it can and does update the mechanism for securing affordable housing.</p> <p>v) There are changes required to the education facilities chapter to incorporate up to date costs for new build whole primary schools and extensions. In addition, previously Secondary School places were funded by CIL. There is a need to incorporate the costs of secondary school places as large developments may have an impact on secondary schools that need mitigating via S106 to make development acceptable in planning terms subject to the S106 tests. The contribution sought from developers will be used to mitigate the direct impact of the development and not to address any existing shortfall.</p> <p>vi) There are changes to the Targeted Training and Recruitment section to clarify that these planning obligations will be secured from extra care/care homes (C2 use) and purpose built student accommodation in addition to general residential development (C3 use).</p> <p>vii) There are various other minor changes to the SPD including to the tree planting section, and incorporating indexed greenspace costs based on the Green Space Strategy.</p>
Financial and budget implications	<p>The finalisation of the Planning Obligations SPD will be undertaken by the Planning Policy Team and the costs covered within the existing salary budget and the Council's LDF budget.</p> <p>The amendments will have an impact on the Council's income. It is anticipated that the level of Section 106 income will increase.</p>
Issues considered (these are covered in more detail in the report)	<p>Sustainability; Corporate; Other Legal Considerations Social Inclusion; Sustainability; Property; Equality; Corporate; Other Legal Considerations</p>
Consultation undertaken	<p>Ward Councillor; Cabinet colleagues; Other B&NES Services; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer</p>
How consultation was carried out	<p>The preparation of the SPD was undertaken in consultation with Council Services, particularly with the Sustainability, Development Management and Building Control teams.</p>
Other options considered	<p>None. The SPD mainly provides guidance on development plan policy requirements and national policy and does not create policy.</p>

Declaration of interest by Cabinet Member(s) for decision, including any dispensation granted:	None.
Any conflict of interest declared by anyone who is consulted by a Member taking the decision:	None.

Signatures of Decision Makers	Cllr Tim Ball
Date of Signature	26 th April 2022

Subject to Call-in until 5 Working days have elapsed following publication of the decision