

Single Member Cabinet Decision

**Executive
Forward Plan
Reference**

E 3399

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 (LPPU) which is due to be adopted January 2023. This report will seek approval of the adoption of the SPD. The SPD will make clear that the SPD will only come into force for obligations relating to LPPU policies following adoption of the LPPU. For all other obligations relating to existing development plan policies the SPD will come into force on adoption of the SPD.
Decision Date	5 th January 2023
The decision	The Cabinet member agrees that: <ol style="list-style-type: none"> 1) The amended draft Planning Obligations Supplementary Planning Document (Appendix 1) is adopted . 2) The Head of Planning has delegated authority to make any necessary minor editorial changes, in consultation with the Cabinet Member for Planning and Licensing, prior to publication of the adoption of the Planning Obligations SPD. 3) The Head of Planning has delegated authority to remove text in the SPD which will be superseded on the adoption of the LPPU. The text in question will make clear that the planning obligations which relate to LPPU policies – including policies SCR6, SCR7 relating to carbon offsetting requirements, NE3A Biodiversity Net Gain and updated policy H7 as concerning Housing accessibility standards in Affordable Housing, will only be applied to applications determined on or after the date of the adoption of the LPPU.
Rationale for decision	The SPD is proposed to be amended for a number of reasons and key amendments are: <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 Local Plan Partial Update (LPPU). This

	<p>includes new policies on Biodiversity Net Gain and Carbon Offsetting, having regard to the Climate and Ecological Emergency, and updated policies on housing accessibility standards in affordable housing, and sustainable transport measures.</p> <p>iv) The SPD amendments reflect changes nationally, and locally, to the implementation of affordable housing which require non-material detailed changes to the Affordable Housing chapter.</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. There is also 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) and commercial development.</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 open space requirements.</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>Public Consultation; 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>Public consultation based on Council's Statement of Community Involvement. A Consultation Statement has been prepared – refer Appendix 2 to Report.</p>
Other options considered	<p>There is no other legislative mechanism to make SPDs and to not adopt the SPD will leave standing policy requirements absent of additional detail. 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	5 th January 2023
Subject to Call-in until 5 Working days have elapsed following publication of the decision	