

Executive Committee -10 January 2011 - Item 7 Planning Obligations Draft Supplementary Planning Document

Attached is a letter of late representation from the County Council on this matter.

SD (PHE) comments as follows:

SD (PHE) had already agreed with the Portfolio Holder for Planning and Housing that Recommendation 2 would have to be withdrawn because it has not been possible to obtain essential information on transportation matters from the County Council in time to complete parts of the document. It is important to note that this work has been outstanding for some considerable time.

The revised recommendation that results is that consultation should proceed in line with Recommendations 1 and 3.

This will allow completion of work with the County Council on outstanding technical aspects of the document (particularly transportation) as part of the consultation process. It will also allow for full consideration of the County Council's points of concern. The consultation response will then be reported back to Executive when final approval is recommended. The Forward Plan target for this is May 2012.

All the points of concern raised by the County Council arise from the changing context for planning obligation work. This context raises difficult issues for local authorities. However those issues have to be tackled. Briefly:

- Our current Planning Obligations Guidance is now out of date and increasingly challenged in planning application negotiations.
- It can be readily challenged on the basis that the Government's approach in proposing Community Infrastructure Levy (CIL) should be better reflected now in our development control practice
- It is also regularly challenged on the basis of development viability and the need to reduce the off site infrastructure cost burden (especially in relation to achieving affordable housing provision)
- CIL specifically excludes affordable housing provision from making levy contributions
- CIL is based on application of simple, speedy, non negotiable tariffs for all off site financial contributions. As a move towards this system, avoidance of complex planning agreements and replacement with unilateral undertakings (with no requirement for formal legal commitment on the local authority side - County or District) is needed. The draft SPD is clear that, with planning agreements where the County Council needs to make a formal legal commitment to an implementation project, they will still need to be a party to the agreement.
- Crucially, the draft SPD is intended as an interim document preparing for CIL and covering the period before it is introduced (there is a four year preparation period before CIL becomes compulsory). The County Council rightly indicate that a full CIL approach is a much bigger job, intimately related to the Local Development Framework. The need for an interim update to current planning obligations practice and procedure is urgent. That can only benefit meeting County Infrastructure needs as far as possible. The current document does not attempt to deal with Infrastructure planning and the basis for contributions fully. That can only be done in the statutory Development Plan.