

**Blaby District Council  
Council**

|                         |   |
|-------------------------|---|
| <b>Date of Meeting</b>  | 24 September 2024   |
| <b>Title of Report</b>  | <b>Planning Obligations and Developer Contributions<br/>Supplementary Planning Document (2024)</b><br>This is not a Key Decision and is on the Forward Plan   |
| <b>Lead Member</b>      | <b>Cllr. Ben Taylor - Planning, Transformation and ICT</b>  |
| <b>Report Author</b>    | Development Strategy Manager  |
| <b>Strategic Themes</b> | All Themes: Enabling communities and supporting<br>vulnerable residents; Enhancing and maintaining our natural<br>and built environment; Growing and supporting our<br>economy; Keeping you safe and healthy; Ambitious and well<br>managed Council, valuing our people |

**1. What is this report about?**

- 1.1 This report presents the replacement Planning Obligations and Developer Contributions Supplementary Planning Document (SPD), revised following a public consultation. The Council's current Planning Obligations and Developer Contributions SPD needs to be replaced as it was adopted in 2010 and since then, there have been a significant number of changes to national planning legislation and guidance. In addition, the Council's evidence, mostly notably on public open space requirements, has also been updated.

**2. Recommendation(s) to Council**

- 2.1 That Council adopt the Planning Obligations and Developer Contributions Supplementary Planning Document (2024), attached at Appendix A.

**3. Reason for Decisions Recommended**

- 3.1 To accord with national legislation, which sets out the mechanism for securing planning obligations from new development. This includes the Community Infrastructure Levy Regulations 2010 (as amended) which sets out additional legislation on the use of planning obligations.
- 3.2 To ensure that the Council's approach to securing planning obligations on new development is based on up-to-date local evidence.

## **4. Matters to consider**

### **4.1 Background**

When determining a planning application for new development, the Council must weigh up a broad range of considerations to determine whether a proposed development would be acceptable in planning terms. One of these considerations is whether the development would generate a need for new or improved infrastructure, services or facilities. Planning obligations are one mechanism for ensuring that any such need is met.

Section 106 of the Town and Country Planning Act 1990 provides the mechanism for planning obligations to be secured from development. The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) set out additional legislation on the use of planning obligations. They state that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The Council assesses planning applications to determine whether a planning obligation is needed. This process firstly considers the Council's adopted Local Plan policies (for example on affordable housing, public open space and infrastructure requirements). Discussions will also be undertaken with other public bodies responsible for the provision of key services and infrastructure (for example Leicestershire County Council). This SPD provides further guidance to applicants, developers and other interested parties on how planning obligation requirements will be formulated and managed.

To ensure a transparent and accessible planning system, it is important to enable and encourage individuals, organisations and interested parties to review and comment on draft supplementary planning guidance. This will also help to ensure that the proposed document is both accurate and robust.

The Council's existing SPD was adopted in 2010. Since this time, there have been extensive legislative changes to the planning system at both the national and local level. The replacement to the SPD is therefore needed to ensure that the Council can continue to successfully request and obtain planning obligations to help fund and deliver the various services and infrastructure necessary to help deliver new growth and development.

### **4.2 Proposal(s)**

To accord with changes in legislation, national guidance, and local policy evidence; it is recommended that Council adopts the Planning Obligations and Developer Contributions Supplementary Planning Document (2024), attached at Appendix A.

### 4.3 Relevant Consultations

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that SPDs must be subject to public consultation prior to their adoption by the local planning authority. Following approval from Council in January, the draft SPD was published for public consultation between 22 March and 26 April, with 15 responses being received. The consultation trialled the use of an online form, but responses could also be submitted via email and post. The responses and corresponding Officer comments are attached at Appendix B

In addition, internal consultation had previously been undertaken with Officers from Planning, Housing Strategy, Environmental Services, Legal, and Parks and Open Spaces.

### 4.4 Significant Issues

#### Equalities

The SPD will update the Council's guidance on how it will request planning obligations and developer contributions from new development to support the District's residents and communities. This includes services and infrastructure used by and available to all sectors of the community (for example highway infrastructure, public open space, education, and health care facilities). The SPD also covers special and affordable housing which are needed by some of the District's more vulnerable groups.

## 5. What will it cost and are there opportunities for savings?

- 5.1 There are no additional costs associated with the adoption of the Planning Obligations and Developer Contributions Supplementary Planning Document (2024),

## 6. What are the risks and how can they be reduced?

### 6.1

| Current Risk  | Actions to reduce the risks  |
|---|--|
| Requests for planning obligations and developer contributions do not take into consideration the guidance set out within the SPD. | Raise awareness of the contents of the SPD within various Council departments to ensure that requests are informed by up-to-date evidence, legislation and guidance.   |
| Changes to national planning policy and legislation.  | The SPD provides supplementary detail to adopted local plan policies only. It has been drafted flexibly to allow for a degree of change. Should there be significant national changes then the SPD can be updated. |

|  |   |
|--|---|
|  | However, it should be noted that it is not expected that this guidance will apply to sites post adoption of the new local plan given the Governments proposals to scrap SPDs as set out in the Levelling Up and Regeneration Act (LURA) 2023. |
|--|---|

## **7. Other options considered**

### **7.1 To not adopt the SPD**

The current SPD was adopted in 2010 and since then there have been several changes to legislation (most notably the CIL Regulations). Also, local evidence has been updated (most notably on public open space). Furthermore, the policy approach of other key service providers (for example Leicestershire County Council) has been updated. The 2010 SPD is therefore considered to be significantly out of date and not adopting an updated version risks a reduction in the planning obligations and developer contributions which may be sought on new developments. Without the updated SPD, the District is potentially missing out on increased financial contributions from developers.

## **8. Environmental impact**

- 8.1 The SPD has undergone Strategic Environmental Assessment (SEA) screening with the outcome that there are unlikely to be significant environmental effects from the SPD. The planning obligations and developer contributions sought through the SPD aim to have positive impact on the environment, particularly in relation to ensuring the provision of open space.

## **9. Other significant issues**

- 9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Public Health Inequalities, and Climate Local and there are no areas of concern.
- 9.2 Consideration has been given to issues relating to Equalities as addressed in paragraph 4.4. An Equality Impact & Needs Assessment has been completed for the SPD. Any actions identified as part of this process will be addressed appropriately.

## **10. Appendix**

10.1 Appendix A – Planning Obligations and Developer Contributions Supplementary Planning Document (2024)

10.2 Appendix B – Consultation Responses with Officer Comments

## **11. Background paper(s)**

11.1 Equalities Impact and Needs Assessment (EINA) for Planning Obligations and Developer Contributions Supplementary Planning Document (2024)

Blaby District Local Plan (Core Strategy) (2013)

Blaby District Local Plan (Delivery) Development Plan Document (2019)

National Planning Policy Framework

National Planning Practice Guidance

## **12. Report author's contact details**

Vicky Chapman

Development Strategy Manager

Victoria.Chapman@blaby.gov.uk 0116 272 7775