

EXETER CITY COUNCIL

**EXECUTIVE
8 DECEMBER 2009**

**RESULTS OF PUBLIC CONSULTATION : DRAFT SUPPLEMENTARY PLANNING
DOCUMENT ON PLANNING OBLIGATIONS**

1.0 PURPOSE OF REPORT

- 1.1 To seek Executive approval for the adoption of the amended document as a formal supplementary planning document.

2.0 BACKGROUND

- 2.1 Development often creates the need for additional infrastructure, services and facilities. If these are not provided, there can be negative implications for local amenity and the environment. Planning obligations provide the mechanism through which the social impact of development is accommodated. In the form of a Section 106 legal agreement, planning obligations are secured to ensure developers mitigate the impacts of, and provide for the infrastructural requirements arising from, development in a sustainable way.
- 2.2 DCLG Circular 05/2005 advocates that local authorities should set out the guidance on planning obligations through an adopted SPD. In view of this guidance, and the advantages of clarifying and regularising the process by which Section 106 agreements are secured, a draft SPD was produced in June 2009.
- 2.3 It is intended the SPD will increase the efficiency with which Section 106 agreements are negotiated. This in turn should assist the Authority in determining applications within the statutory periods set by the Government. The SPD will also enable the authority to fund the design and tendering costs for providing infrastructure which is delivered by the City or County Councils.

3.0 THE PUBLIC CONSULTATION

- 3.1 The draft SPD, for public consultation, was agreed by Planning Member Working Group and Executive in June 2009. The consultation period extended from 3 July 2009 until 14 August 2009. A copy of the draft SPD was placed on the Council's website and an advertisement was placed in the Express and Echo on 9 July 2009. 151 individuals, organisations and statutory consultees were also contacted either by e-mail or letter and informed about the consultation on the draft SPD.
- 3.2 The draft SPD was subject to a sustainability appraisal in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC.

4.0 RESULTS OF PUBLIC CONSULTATION

- 4.1 The Council received 7 representations to the draft SPD. These are summarised in Appendix I and are accompanied by proposed responses to the points raised. No objections were received to the principle of adopting an SPD on planning

obligations, although one writer considered the process a bureaucratic exercise placing unnecessary burdens on the taxpayer.

- 4.2 The majority of points raised focused on the contents of the Summary of Planning Obligations Sought. In many cases, respondents were drawing attention to a lack of clarity or to items that had not been mentioned in some sections of the summary. In response to these representations, and where appropriate, amendments to the summary have been made. These include the addition of sections on CCTV, Housing for the Disabled and the amendment of sections on car clubs, environmental enhancements and highways to ensure clarity of meaning.
- 4.3 Two of the responses received questioned the evidence base for two of the policies included in the document. One writer stated that the car club obligation should be deleted from the document because there was no policy, or empirical evidence, to justify its inclusion. However, the Council adopted Supplementary Planning Guidance on Car Clubs in September 2005; this contains references to national research that demonstrates car clubs can help to reduce car travel on a particular development.
- 4.4 The other writer argued that, in line with the approach taken by other Councils, planning obligations should be relaxed for registered social landlords bringing forward 100% affordable housing schemes in the city. He objected particularly strongly to the inclusion of a housing mix requirement based on the Draft Affordable Housing SPD (November 2007) and questioned the evidence base for this policy. The reasoning for this policy is contained in the Draft Affordable Housing SPD. The Council is currently revising this document and intends to conduct a further public consultation in due course. In many ways, it would be more appropriate for these objections to be considered during the adoption process for this SPD rather than for the Planning Obligations SPD. Nonetheless, it is worth noting that the latter does contain a section on viability (4.7), which outlines how the Council would handle claims that contributions would make a particular scheme unviable. The Council's proposed detailed responses to this objection can be seen in Appendix I.
- 4.5 Apart from the planning obligations summary, a small number of minor changes have been made to the rest of the document in order to correct grammar or to clarify the meaning of some sentences that gave rise to comments during the public consultation. The main amendments to the draft SPD, as a result of the consultation, are noted in Appendix I. A copy of the proposed SPD for adoption is attached in Appendix II.

5.0 PLANNING MEMBER WORKING GROUP

- 5.1 The results of the public consultation and the proposed amendments to the document were presented to Planning Member Working Group on 24 November 2009. During the meeting, some additional amendments were proposed to ensure the inclusion of provisions contained in the Council's Archaeology and Development Supplementary Planning Guidance. After a short discussion on affordable housing and the viability of schemes, Members supported the amendments to the document.

6.0 RECOMMENDATION

- 6.1 It is recommended that Executive adopts the amended document as a formal SPD.

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**Local Government (Access to information) Act 1985 (as amended)
Background Papers used in compiling the report:-**

None