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| Report of Head of Planning and Regeneration  To  Portfolio Holder for Regeneration and Growth  On  31 August 2022 |
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| **PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)** | |

1. **SUMMARY**
   1. The Planning Obligations Supplementary Planning Document (SPD) sets out the district council’s approach to securing planning obligations that are required to mitigate the impact of development within the district. It provides clarity on the types of obligations that may be sought for district council infrastructure along with those that the NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) (formerly known as NHS Nottingham and Nottinghamshire Clinical Commissioning Group) may seek for health infrastructure. To provide certainty as to the contributions that it may seek, the SPD also incorporates a link to the County Council’s Developer Contributions Strategy.
   2. The purpose of the report is to seek the endorsement of the attached Planning Obligations SPD and that it be recommended to Council for adoption.

**Key Decision:** This is not a key decision.

**2. RECOMMENDATIONS**

To Portfolio Holder for Growth and Regeneration.

1. That the appended Planning Obligations SPD be endorsed.

To Council:

1. That the appended Planning Obligations SPD be adopted and that it be used when considering and determining planning applications within the district.

**3. BACKGROUND**

3.1 As set out in previous reports, the Mansfield District Local Plan 2013 – 2033 was adopted on the 8 September 2020. The document forms part of the statutory development plan for the district and is used to guide development and inform decisions on planning applications within the District. The local plan includes a commitment to produce a number of Supplementary Planning Documents (SPDs) including one relating to planning obligations.

3.2 On 20 January 2022, a report was presented to the Portfolio Holder for Regeneration and Growth regarding the draft Planning Obligations Supplementary Planning Document (SPD). Officers, in consultation with other teams within the Council, have prepared the SPD. In addition, to help inform the content of the SPD, discussions took place with organisations such as the NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) (formerly known as NHS Nottingham and Nottinghamshire Clinical Commissioning Group) and Nottinghamshire County Council (NCC).

3.3 The SPD sets out in detail the Council’s approach to securing planning obligations to provide infrastructure that is required to mitigate the impact of development within the district. This includes the type of obligations that may be sought and how any financial obligations will be calculated. It also recognises that Nottinghamshire County Council may seek obligations for infrastructure such as highways, public transport, education and libraries. To enable applicants and their agents to have the most up to date information about these obligations, the SPD provides a link to the County Councils Developer Contributions Strategy that was adopted in December 2021.

3.4 As set out in regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012, before a local planning authority adopt a Supplementary Planning Document, it must seek representations for a period of no less than 4 weeks. Following delegated approval from the Portfolio Holder for Regeneration and Growth in January 2022, the Council undertook a 6-week period of public consultation on the Draft Planning Obligations SPD from 31 January to 14 March.

3.5 Notifications, which explained the purpose of the consultation and invited representations on the SPD, were sent either electronically or by post to 2,764 individuals and organisations registered on the Local Plan database. The document was available to view on the Council’s website, at the Civic Centre and all county libraries in the district. A press release was issued, as well as a series of social media posts. The individuals and organisations who are invited to the Councils Developer Forum meetings were given the opportunity to attend a workshop about the SPD on either the 9 or 15 February. In addition, two separate meetings to discuss the SPD were held with officers from the County Council and the NHS Nottingham and Nottinghamshire Clinical Commissioning Group (CCG).

3.6 A total of 14 representations were received from a range of organisations and individuals. These related to the 15 questions within the online / paper questionnaire that was made available. Whilst the number of representations was low, the comments received were of sufficient detail to help inform the content of the SPD. All of the comments are summarised (along with the District Council’s response to them) in Section 5 of the Consultation Statement that is attached at Appendix A. Some of the key issues / comments made were as follows:

* + There were a number of positive comments about what the SPD is seeking to do and the content of the various aspects of the document,
  + Some respondents didn’t agree with what the SPD was seeking to achieve or felt that the existing system for seeking obligations should be retained,
  + The need to amend the cost per m2 for health obligations as the figure proposed (£2,700m2) was considered to be too low and does not take account of realistic build costs,
  + Some of the thresholds for seeking planning obligations were seen as being too high and should be reduced,
  + Obligations for other types of infrastructure should be sought e.g. internet, Conservation Areas and heritage assets, flood alleviation, community and sports facilities,
  + Some respondents felt the amounts being sought were too low and should be increased,
  + Economic impacts and assessment of impacts should be used to define the S106 contributions,
  + Caps on the maximum contribution per dwelling should be removed,
  + The SPD discusses the negative impacts of development but not the benefits e.g. regeneration, provision of jobs, delivering solutions for existing issues,
  + The district council needs to work with developers regarding the issues of viability,
  + Some of the evidence used to seek obligations is out of date e.g. Playing Pitch Strategy,
  + Need to ensure that infrastructure secured by planning obligations is delivered on time,
  + Links between blue / green infrastructure should be added,
  + Monitoring fees should be reasonable and proportionate to reflect the actual cost of monitoring, and
  + Need to take account of the impacts that Greenfield sites can have on brownfield sites.

3.7 Officers have reviewed all of the various comments raised and where appropriate, the SPD has been amended. A summary of these amendments can be found in paragraph 6.2 on pages 57 and 58 of the attached Consultation Statement. The proposed final version of the SPD, which takes account of these changes, is attached at appendix B of this report.

3.8 On the 19 July, a report on the Planning Obligations SPD was presented to Overview & Scrutiny Committee (Place). The reports recommendation asked Members to confirm their support for the Draft Planning Obligations Supplementary Planning Document and to advise on any comments that they may have. Following a discussion about the SPD, Members confirmed that they had no comments to make on the document.

3.9 The Government is currently reviewing the planning system, including the approach to planning obligations. Any changes that are made will be reflected in a superseding document.

**4 Next Stages**

4.1 After adoption by Council, the Planning Obligations SPD will be used to identify and calculate the planning obligations that may be sought to mitigate the impact of development and will be a material consideration when determining planning applications within the district.

**5. OPTIONS AVAILABLE**

5.1 There are two options available:

1. Endorse the Planning Obligations SPD (as amended following the period of public consultation) and recommend it to Council for adoption; or
2. Do not endorse the Planning Obligations SPD and rely on the policies within the adopted local plan and guidance within historical, out of date documents.

5.2 Policy IN1, which sets out the council’s approach to delivering infrastructure and those elsewhere within the local plan that refer to specific contributions, do not provide the required level of detail and explanation as to how these planning obligations will be calculated and secured.

5.3 It is therefore considered that the best option to take, which will give the district council more power to secure planning obligations and provide greater certainty to landowners, applicants and agents, is to endorse the Planning Obligations SPD (as amended following the period of public consultation) and that it be recommended to Council for adoption. In doing so it will become a material consideration when determining planning applications.

**6. RISK ASSESSMENT OF RECOMMENDATIONS AND OPTIONS**

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| **Risk** | **Risk Assessment** | **Risk Level** | **Risk Management** |
| Inability to secure planning obligations to mitigate the impact of development | If the amended SPD is not endorsed and subsequently adopted by Council, the district council will have to rely on the content of policies within the adopted local plan or other older, out of date documents to secure planning obligations.  These do not provide the level of detail required and, in the case of the latter, will be out of date due to the time and policies that were in place at the time they were originally produced. | High | Endorse the SPD (as amended following the period of public consultation) and recommend it to Council for adoption. This will provide up to date information about the obligations that may be sought by the district council and how they will be calculated. |
| Reputation | Not endorsing and subsequently adopting the Planning Obligations SPD could delay the determination of planning applications thus causing harm to the reputation of the district council. | Medium | The endorsement and subsequent adoption of the SPD will provide further guidance on the implementation of Adopted Local Plan Policy IN1 and other policies within the adopted local plan that refer to infrastructure provision. This will ensure that the district council has a sound and transparent approach for seeking planning obligations that may be required to mitigate the impact of development in the district. |

**7. ALIGNMENT TO COUNCIL PRIORITIES**

7.1 The endorsement and subsequent adoption of the Planning Obligations SPD will give the council a document which contains mechanisms to deliver infrastructure that is required to mitigate the impact of development and that aligns will the following council priorities:

* Create an infrastructure that supports and enhances the quality of life for residents;
* Preserve, enhance and promote our natural environment and physical assets across the district;
* Improve the town centre experience for residents, visitors and businesses;
* Create a positive cultural and leisure experience for residents and visitors in the area; and
* Support a good quality of life for those that live and work here.

**8. IMPLICATIONS**

(a) Relevant Legislation

The adoption of the Planning Obligations SPD will allow obligations to be sought in line with Section 106 of the Town and Country Planning Act (2010 as amended), Sections 122, and 123 of the Community Infrastructure Levy Regulations (2010 as amended).

(b) Human Rights

No direct implications.

(c) Equality and Diversity

There are no direct implications of adopting the Planning Obligations SPD. However, the content of the document provides mechanisms to help ensure that infrastructure which is needed to mitigate the impact of development will be provided and which will be accessible to all members of the community.

(d) Climate change and environmental sustainability

The Planning Obligations SPD (alongside other topic specific SPD’s) provides a mechanism for securing green infrastructure and sustainable transport measures which are required to mitigate the impact of development through planning obligations and conditions. This will help deliver sustainable development and contribute towards addressing climate change issues.

(e) Crime and Disorder – no direct implications

There are no direct implications of adopting the Planning Obligations SPD. However, the content of the document, along with good design practice will provide mechanisms that allow the appropriate mitigation to be provided which helps ensure that developments are a safe place to live and work.

(f) Budget/Resource

Officers, as part their day-to-day duties, will undertake the adoption and implementation of the Planning Obligations SPD. The content of the SPD will allow the district council to seek financial contributions for the types of infrastructure specified within the document. It will also allow the district council to seek monitoring fees to cover the cost of monitoring and reporting on delivery of section 106 obligations.

**9. COMMENTS OF STATUTORY OFFICERS**

(a) Monitoring Officer – No specific comments

(b) Section 151 Officer – No specific comments

**10. CONSULTATION**

None

**11. BACKGROUND PAPERS**

None.

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Appendix A – Planning Obligations SPD – Consultation Statement

Appendix B – Planning Obligations SPD August 2022 (Final Version)