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| Report of Head of Planning and Regeneration  To  Portfolio Holder for Regeneration and Growth  On  20th January 2022 |
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| **DRAFT PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)** | |

1. **SUMMARY**
   1. The Draft 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 Clinical Commissioning Group (CCG) 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 approval for the Draft SPD to go out for a 6-week period of public consultation.
   3. The key milestones for producing the document are set out in the table at paragraph 4.1.

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

**2. RECOMMENDATION**

1. That the draft Planning Obligations SPD, as appended to this report be approved for a 6 week period of public consultation in line with the Council’s Statement of Community Involvement.

**3. BACKGROUND**

Purpose of the supplementary planning document (SPD)

3.1 The Mansfield District Local Plan 2013 – 2033 was adopted on the 8th 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.

3.2 The local plan includes a commitment to produce a number of Supplementary Planning Documents (SPDs):

* Planning Obligations SPD;
* Shop Front SPD;
* Affordable Housing SPD;
* Green Infrastructure and Biodiversity SPD;
* Town Centre Design Code (which will be adopted as an SPD and will support the delivery of the town centre masterplan);
* District Design Code (which will be adopted as an SPD);
* Air Quality and Emissions Mitigation Guidance SPD; and
* Low Carbon Planning Guidance

3.3 These documents will provide further guidance and information relating to one or more specific policies or proposals set out in the local plan. Although they are not part of the statutory development plan, they will be a material consideration in considering relevant planning proposals.

3.4 In respect of timescales, it is the intention to get as many of these completed and adopted before work on the local plan review commences. Further information about the timescales for preparing and adopting these documents is available in the adopted Local Development Scheme that can be viewed at <https://www.mansfield.gov.uk/downloads/file/1861/local-development-scheme>

3.5 In terms of infrastructure, the district council is committed to delivering sustainable communities that are safe, healthy and inclusive. To help achieve this, the district council expects new development to provide or contribute directly towards the provision of necessary infrastructure and affordable housing to mitigate the impact of such development.

3.6 The key objective of the Planning Obligations Supplementary Planning Document (SPD) is to expand on the district council’s approach to planning obligations, which is set out in policy IN1 of the Adopted Mansfield District Local Plan 2013 – 2033. It provides detailed information about the cases where infrastructure may be sought through both planning obligations and section 278 highway agreements including both the types of infrastructure and how any financial obligations will be calculated.

3.7 This fits in with the overall aims of the National Planning Policy Framework 2021 (NPPF) and the Planning Practice Guidance by supporting sustainable and viable development. By promoting a consistent and transparent approach to likely obligations, developers and landowners will be able to take into account the potential costs of a proposed development at the earliest stage. They can be assured that they are making a fair contribution to the infrastructure needed to support growth, and local residents can understand how proposed development in their area will be accommodated.

Scope of the SPD

3.8 To help deliver sustainable communities throughout the lifespan of the local plan, this SPD sets out the scope and scale of planning obligations which may be applicable to different types of development and outlines the district council’s general approach to securing them. It should be viewed as a general guide as development proposals will continue to be assessed on a case-by-case basis. The SPD includes:

• An explanation of planning obligations and planning conditions used to secure contributions for infrastructure. It also sets out guidance on the circumstances when contributions or works may be secured through these methods;

• Explanation of procedure when negotiating and securing planning obligations;

• Guidance on the process of and material that should be submitted by applicants with planning applications;

• Information on and the use of the Mansfield District Infrastructure Delivery Plan 2018 (IDP); and

• An outline as to how the district council will assess development viability including viability review mechanisms on applications that do not meet policy requirements in full.

Infrastructure covered by the SPD

3.9 This SPD covers the administrative area of the district council. The services for which the district council may seek planning obligations are:

* **Affordable housing** - This will be addressed in a separate SPD. It will include clarification about the district councils approach to First Homes[[1]](#footnote-1);
* **Biodiversity net gain** - The approach for calculating this will be set out in a separate SPD. Further guidance on this is currently awaited from the government;
* **Green infrastructure** - Including on-site and off-site community open space, playing pitches and allotments; and
* **Public realm / public art**.

3.10 Nottinghamshire County Council may seek planning obligations for the following:

* Education
* Green Spaces;
* Libraries;
* Transport;
* Waste Management; and
* Minerals and Waste Development

3.11 To ensure that applicants and their agents have the most up to date information about county council obligations, the SPD contains a link to the county council’s own Developer Contributions Strategy. This was updated in December 2021 and this can be viewed at <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>

3.12 Finally, the Nottingham and Nottinghamshire Clinical Commissioning Group (N&N CCG) may seek contributions toward health infrastructure. Details about the approach to seeking such provision is therefore included in the SPD. This has been prepared following discussions and input from the CCG.

3.13 It should be noted that the SPD does not add any additional financial burdens on developers as these have all been tested through the preparation of the local plan viability appraisal process and tested as part of the local plan examination.

3.14 On adoption, the SPD will replace the approaches to planning obligations as set out in the following district council documents:

* Green Infrastructure Interim Planning Guidance (IPG)
* Recreation Provision on New Developments Interim Planning Guidance (IPG)

3.15 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 The key milestones for the preparation of the SPD are set out in the table below:

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| Stage | Timescale |
| Portfolio holder - Approval for 6 weeks public consultation | January 2022 |
| Commence public consultation (6 weeks) | February – March |
| Review comments received and amend draft SPD as required | March / April |
| Finalise SPD | May |
| Overview and Scrutiny Place Committee | Late May |
| Portfolio holder – Approval to adopt SPD | Late June |

4.2 As can be seen, following this delegated decision, the draft Planning Obligations SPD will go out for public consultation for a period of 6 weeks. Whilst the statutory period for consulting on SPD’s is 4 weeks, this longer period would be consistent with the approach taken when consulting on other planning documents. The consultation will be undertaken in line with the approach set out in the adopted Statement of Community Involvement (SCI).

4.3 Once the consultation period has concluded, a consultation statement will be prepared which sets out the responses received and the SPD will be amended where appropriate. The finalised version of the SPD will be presented to Overview and Scrutiny Committee. It will then be brought back to the Portfolio Holder for Regeneration and Growth seeking approval for its adoption and use when considering planning applications within the district.

**5. OPTIONS AVAILABLE**

5.1 There are two options available:

1. Produce a Planning Obligations SPD; or
2. Do not produce a Planning Obligations SPD and rely on the policies within the Local Plan

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 contributions 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 contributions and provide greater certainty to landowners, applicants and agents, is to produce the Planning Obligations SPD and to adopt it is council policy. In doing so it will be 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 obligations to mitigate the impact of development | Without the SPD, the district council would have to rely on the content of policies within the adopted local plan or other older, out of date documents to secure contributions. 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 produced | High | Produce the SPD, which will provide up to date information about the obligations that may be sought and how they will be calculated. |
| Reputation | Not preparing and adopting the Planning Obligations SPD could delay the determination of applications thus causing harm to the reputation of the Council. | Medium | The preparation and adoption of the SPD will provide further guidance on the implementation of Adopted Local Plan Policy IN1. This will ensure that the District Council has a sound and transparent approach for seeking planning obligations which may be required to mitigate the impact of development. |

**7. ALIGNMENT TO COUNCIL PRIORITIES**

7.1 The production of the Planning Obligations SPD will help provide mechanisms to deliver infrastructure that align 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;
* Support a good quality of life for those that live and work here;
* Develop a better and wider mix of housing across the district to meet the needs and aspirations of existing and new residents; and

**8. IMPLICATIONS**

(a) Relevant Legislation

The preparation 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 producing the Planning Obligations SPD. However, the content of the document will provide 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 producing 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 are undertaking the production of the Planning Obligations SPD and as such, there are no additional budget / resource implications.

**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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1. <https://www.gov.uk/guidance/first-homes> [↑](#footnote-ref-1)