

## **HIGH PEAK BOROUGH COUNCIL**

### **Economy and Growth Select Committee**

**3 February 2022**

<b>TITLE:</b>	<b>Developer Contributions SPD - Issues and Options</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Anthony McKeown - Council Leader HPBC</b>
<b>CONTACT OFFICER:</b>	<b>Mark James - Principal Planning Officer</b>
<b>WARDS INVOLVED:</b>	<b>All wards outside of the Peak District National Park</b>

#### **Appendices Attached – Appendix 1 Draft Issues and Options Paper**

##### **1. Reason for the Report**

- 1.1 To notify Councillors of the preparation of a Developer Contributions Supplementary Planning Document (SPD). Feedback on Issues and Options and plans for consultation is also sought.

##### **2. Recommendation**

- 2.1 That the Councillors note the purpose of the SPD and provide feedback on the Issues and Options identified.

##### **3. Executive Summary**

- 3.1 Policy CF7 in the adopted High Peak Local Plan identifies the need for a Developer Contributions SPD to provide guidance for affordable housing, open space, education, health and other forms of infrastructure required to address the impact of development and how contributions will be calculated. The SPD will provide the Council with a stronger basis to seek developer contributions and will provide officers, councillors and developers with clear guidance.
- 3.2 The Council has appointed Capita to assist with the preparation of a draft SPD. As part of the initial work undertaken, stakeholder engagement was carried out with key service areas across the Council including Development Management, Legal, Regeneration, Service Commissioning and Derbyshire County Council. A number of issues and options have been identified on which feedback is sought. It is proposed that a preparation stage consultation in line with the Council's Statement of Community Interest (SCI) is undertaken to give those with an interest in this specialist area an opportunity to respond

to the issues and options identified.

- 3.3 Following the consideration of responses a draft SPD will be prepared. The draft SPD will be subject to a full pre publication consultation. Following a review of responses to the consultation, the Council will then be able to consider the adoption of the SPD. The document will become a material consideration to relevant planning applications.

#### **4. How this report links to Corporate Priorities**

- 4.1 The Developer Contributions SPD links to the following corporate key priorities:

- Aim 1: Supporting our communities to create a healthier, safer, cleaner High Peak. Key objectives include fit for purpose housing that meets the need of tenants and residents; and provision of high quality leisure facilities both in formal leisure centres and swimming pools and out in our communities.
- Aim 2: A responsive, smart, financially resilient and forward-thinking council. A key objective is ensuring our future financial resilience can be financially sustainable whilst offering value for money.
- Aim 3: To protect and create jobs by supporting economic growth, development and regeneration. It states that in order to meet these objectives we will 'review the implementation of the Local Plan to ensure that the requirements for affordable housing and developer contributions are being met'.
- Aim 4: Protect and improve the environment including responding to the climate emergency. Key objectives include effective provision of quality parks and open spaces; and meeting the challenge of climate change and working meeting the challenges of climate change.

#### **5. Alternative Options**

- 5.1 This report does not seek a decision from the Economy and Growth Select Committee. As such, there are no alternative options to consider.

#### **6. Implications**

##### 6.1 Community Safety - (Crime and Disorder Act 1998)

No direct implications.

##### 6.2 Workforce

Officer time allocated towards the preparation and publication of the SPD.

##### 6.3 Equality and Diversity/Equality Impact Assessment

An Equalities Impact Assessment has been completed for this project.

#### 6.4 Financial Considerations

The SPD will provide the Council with a stronger basis to seek developer contributions. The Council is required to annually publish an Infrastructure Funding Statement (IFS) which sets out annual income and expenditure relating to developer contributions in High Peak secured through S106 agreements. The 2020/21 statement can be found as follows:

[https://www.highpeak.gov.uk/media/7048/High-Peak-Infrastructure-Funding-Statement-2020-21/pdf/High\\_Peak\\_Infrastructure\\_Funding\\_Statement\\_2020-21.pdf?m=1640005488917](https://www.highpeak.gov.uk/media/7048/High-Peak-Infrastructure-Funding-Statement-2020-21/pdf/High_Peak_Infrastructure_Funding_Statement_2020-21.pdf?m=1640005488917)

#### 6.5 Legal

Section 106 of the Town & Country Planning Act 1990 provides that a local planning authority may enter into an agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land. From a practical point of view, the provision allows for the payment of monetary contributions and other measures to offset the impact of proposed developments. The proposed SPD set out in this report can give more certainty and consistency to the process of calculating developer contributions in the interests of those involved in development planning. Any adopted SPD will not form part of the Local Plan in itself, but it will be a material consideration when deciding planning applications.

The Planning and Compulsory Purchase Act 2004 makes provision for the preparation of Supplementary Planning Documents. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the procedural requirements for their preparation and adoption and should be followed.

#### 6.6 Climate Change

Policy EQ1 of the High Peak Local Plan sets out the Council's overarching approach for mitigating and adapting to climate change.

#### 6.7 Consultation

A period of public consultation is proposed in accordance with the Council's Statement of Community Involvement.

#### 6.8 Risk Assessment

S106 contributions are likely to be withdrawn by Government as the Planning White Paper proposed to abolish the current method of

securing contributions and replacing it with an “Infrastructure Levy”. However, planning reforms at a national level are likely to take several years and in the meantime, Government has made it clear that LPAs should not pause plan making. The SPD will reflect the adopted Local Plan.

The SPD will provide the Council with a stronger basis to seek developer contributions and will provide officers, councillors and developers with clear guidance.

Neil W. Rodgers  
**Executive Director (Place)**

**Web Links and  
Background Papers**

As attached to the report.

**Contact details**

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**7. Detail**

- 7.1 Supplementary Planning Documents (SPDs) can be prepared by local planning authorities to provide guidance to developers, land owners, planning agents and the Council on specific planning policies. SPDs are capable of being material considerations in the determination of planning applications but they do not form part of the statutory development plan. As such, they cannot be used to introduce new policies. Outside of the Peak District National Park, the statutory development plan in High Peak consists of the adopted High Peak Local Plan (2016), the Chapel-en-le-Frith Neighbourhood Plan (2015) and the minerals and waste plans prepared by Derbyshire County Council.
- 7.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for the preparation of SPDs. The National Planning Policy Framework and associated guidance acknowledge the role of SPDs in providing further guidance for local policies. Regulation 8 (3) states that; “Any policies contained in a supplementary planning document must not conflict with the adopted development plan”. It is also made clear in the national planning practice guidance that SPDs should not add unnecessarily to the financial burdens on development.

**Purpose and scope of the Supplementary Planning Document**

- 7.3 HPBC adopted the Local Plan in April 2016. The Local Plan sets out the Spatial Strategy, development requirements, site allocations and development management policies for the period 2011 to 2031. The plan proposes 7000 new homes and 45ha of employment land over the plan period focussed around the market towns.
- 7.4 Policy CF7 in the adopted High Peak Local Plan identifies the need for a Developer Contributions SPD to provide guidance for affordable housing, open space, education, health and other forms of infrastructure required to address

the impact of development and how contributions will be calculated. The SPD will provide the Council with a stronger basis to seek developer contributions and will provide officers, councillors and developers with clear guidance.

7.5 The SPD will set out what will be required to mitigate or manage the impact of new developments and the financial contributions provided by developers to pay for infrastructure to meet the needs of their development. It will consider the following:

- Affordable housing
- Open space, sport and recreation facilities
- Ecological mitigation and biodiversity off-setting
- Green Infrastructure
- Community Services and Facilities
- Education
- Transport and Accessibility
- Health
- Retailing and Town Centres
- Climate Change

#### Issues and Options

7.6 The Council has appointed Capita to assist with the preparation of a draft SPD. As part of the initial work undertaken, stakeholder engagement was carried out with key service areas across the Council including Development Management, Legal, Regeneration, Service Commissioning and Derbyshire County Council.

7.7 An Issues and Options document has been prepared and is attached as Appendix 1. The document identifies key planning obligations that could be sought to mitigate against the impacts of development and sets out a number of options for consideration and inclusion within the SPD, including the recommended approach taken where relevant. Where appropriate, a preferred option has also been given based on stakeholder engagement and desktop research. The next steps in this process will be refining these options and developing a draft SPD document.

#### Consultation on Issues and Options

7.8 The Town and Country Planning (Local Planning) (England) Regulations 2012 requires the Council to consult the public and stakeholders before adopting a SPD. Regulation 12(a) requires a statement to be prepared setting out who has been consulted while preparing the SPD; a summary of the main issues raised; and how these issues have been addressed in the final SPD. Regulation 12(b) requires that statement to also be published as part of the formal consultation on the SPD.

7.9 The Regulations do not require that public consultation is undertaken on the SPD at this stage, however the Council's Statement of Community Involvement (SCI) which was adopted in February 2019 sets out the preparation activities to be undertaken at each stage. At the preparation stage

this includes notifying and consulting with relevant individuals and organisations and states that any such consultations are expected to be for a minimum of six weeks. It states that the methods of raising awareness should be appropriate to the SPD at this stage.

- 7.10 The Council maintains a database of contact details for those individuals / organisations who have made comments on planning policy documents, registered their own details on the consultation portal, or who have otherwise requested to be kept updated with progress on planning policy. The database also includes contact details for those organisations listed in the Regulations that the Council is required to consult. As the SPD is very technical in nature it is proposed to undertake a targeted consultation on the Issues and Options document, providing details on the Council's website and notifying those contacts on the database. Responses will be considered and used to formulate a draft SPD which will be considered at future meeting of this Committee.