

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet

8 February 2022

TITLE:	Developer Contributions Supplementary Planning Document Issues and Options
PORTFOLIO HOLDER:	Councillor Michael Bowen - Portfolio Holder for Communities
CONTACT OFFICER:	Mark James - Principal Planning Officer
WARDS INVOLVED:	All Wards outside of the Peak District National Park;

Appendices Attached –

Appendix A – 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) and approve consultation on the Issues and Options identified. Feedback on Issues and Options and plans for consultation is also sought.

2. Recommendation

- 2.1 That Cabinet notes the purpose of the SPD and approves consultation on the Issues and Options identified.

3. Executive Summary

- 3.1 Policy SS12 in the adopted Staffordshire Moorlands 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 Staffordshire

County Council. A number of issues and options have been identified on which feedback is sought. It is proposed that a stage 1 preparation 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 publication stage 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: To help create a safer and healthier environment for our communities to live and work. Key objectives include an increased supply of good quality affordable homes and provision of sports facilities and leisure opportunities focused upon improving health.
- Aim 2: To use resources effectively and provide value for money. A key objective is effective use of financial and other resources to ensure value for money.
- Aim 3: To help create a strong economy by supporting further regeneration of towns and villages.
- Aim 4: To protect and improve the environment and respond to the climate emergency. Key objectives include meeting the challenges of climate change and the provision of quality parks and open spaces.

5. **Alternative Options**

- 5.1 Recommend Cabinet approve consultation on Issues and Options. **(recommended)**.
- 5.2 Recommend Cabinet do not approve consultation on Issues and Options. This would mean that the requirement in the Council's SCI will not have been met and feedback on Issues and Options will not be considered in the preparation of the SPD. **(not recommended)**

6. **Implications**

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

None direct.

- 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 Staffordshire Moorlands secured through S106 agreements. The 2020/21 statement can be found as follows:

https://www.staffs Moorlands.gov.uk/media/7049/Staffs-Moorlands-Infrastructure-Funding-Statement-2020-21/pdf/Staffs_Moorlands_Infrastructure_Funding_Statement_2020-21_final.pdf?m=1640005585767

6.5 Legal

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.

6.6 Climate Change

Policy SD2 of the Staffordshire Moorlands Local Plan provides support for renewable and low-carbon energy and Policy SD3 supports further carbon-saving or water-saving measures in both new and existing developments.

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 Staffordshire Moorlands consists of the adopted Staffordshire Moorlands Local Plan (2020), the Leekfrith Neighbourhood Plan and the minerals and waste plans prepared by Staffordshire 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 SMDC adopted the Local Plan in September 2020. The Local Plan sets out the Spatial Strategy, development requirements, site allocations and development management policies for the period 2014 to 2033. The plan proposes 6080 new homes and 27ha of employment land over the plan period and sets out how it will be distributed between the towns and rural areas.
- 7.4 Policy SS12 in the adopted Staffordshire Moorlands 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
- Education
- Transport and Accessibility
- Employment
- Health
- Retailing outside of 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, a series of stakeholder engagement was carried out with key service areas across the Council including Development Management, Legal, Regeneration, Service Commissioning and Staffordshire 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 April 2016 sets out the preparation activities to be undertaken at each stage. The consultation methods for Stage 1 preparation stage includes details to be published on the Council's website,

meetings “if appropriate for statutory bodies” and direct notification of contacts on the planning policy consultation database.

- 7.10 The consultation database includes 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.