

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Service Delivery Overview & Scrutiny Panel**

**25 January 2023**

<b>TITLE:</b>	<b>Developer Contributions Supplementary Planning Document (SPD)</b>
<b>PORTFOLIO HOLDER:</b>	<b>Councillor Paul Roberts – Leader and Councillor Mark Deaville – Deputy Leader</b>
<b>CONTACT OFFICER:</b>	<b>Holly Jones – Planning Policy Advisor</b>
<b>WARDS INVOLVED:</b>	<b>All wards outside of the Peak District National Park</b>

**Appendices Attached:**

**Appendix 1 – Draft Developer Contributions Supplementary Planning Document (SPD).**

**Appendix 2 – Strategic Environmental Assessment (SEA) Screening Report**

**Appendix 3 - Issues and Options Consultation Statement**

**1. Reason for the Report**

1.1 To notify Councillors of the draft Developer Contributions Supplementary Planning Document (SPD) and plans for public consultation. Feedback on the document and plans for consultation is also sought.

**2. Recommendation**

2.1 That Councillors note the purpose and content of the SPD and provide feedback.

2.2 That Councillors note the findings of the Strategic Environmental Assessment (SEA) Screening Report.

**3. Executive Summary**

3.1 Policy SS12 in the adopted Staffordshire Moorlands Local Plan (2020) 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 consultants, Capita, to assist with the preparation of the 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. This led to a first stage consultation between 24<sup>th</sup> February and 7<sup>th</sup> April 2022 where a number of issues and options were identified for consideration. A summary of the responses received and how these have been taken into account in the draft SPD can be seen in Appendix 3.
- 3.3 The draft Developer Contributions SPD sets out details regarding the Council's approach to planning obligations and the types of contributions that will be required. A full copy of the draft SPD is attached as Appendix 1.
- 3.4 It is now proposed to consult on the draft SPD in line with the Regulations and the Council's Statement of Community Involvement for a period of four weeks. Details regarding the extent of the consultation are set out in the report below. 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 The report does not seek a decision from the Delivery Overview & Scrutiny Panel. As such, there are no alternative options to consider.

## 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](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**

Staffordshire Moorlands Local Plan –  
[https://www.staffsmoorlands.gov.uk/media/6155/Adopted-Local-Plan/pdf/Adopted\\_Local\\_Plan.pdf?m=1601645140880](https://www.staffsmoorlands.gov.uk/media/6155/Adopted-Local-Plan/pdf/Adopted_Local_Plan.pdf?m=1601645140880)

Staffordshire Moorlands Statement of Community Involvement –  
[https://www.staffsmoorlands.gov.uk/media/357/Statement-of-Community-Involvement-April-2016/pdf/SMDC\\_FINAL\\_SCI\\_ADOPTED\\_13TH\\_APRIL\\_2016.pdf?m=1476799364180](https://www.staffsmoorlands.gov.uk/media/357/Statement-of-Community-Involvement-April-2016/pdf/SMDC_FINAL_SCI_ADOPTED_13TH_APRIL_2016.pdf?m=1476799364180)

The Town and Country Planning (Local Planning) (England) Regulations 2012 –  
<https://www.legislation.gov.uk/uksi/2012/767/part/5/made>

### **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.
- 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 6,080 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.

#### Consultation on Issues and Options

- 7.5 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. This led to a first stage consultation where a number of issues and options were identified for consideration and inclusion within the SPD and a consultation event was undertaken between 24<sup>th</sup> February and 7<sup>th</sup> April 2022.
- 7.6 Twenty-four responses were received to the issues and options consultation which included statutory consultees, developers and members of the public. Some comments were submitted by email or letter and other respondents utilised the questionnaire which was designed for the consultation. A summary of the responses received and how these have been taken into account in the draft SPD can be seen in Appendix 3.

#### Draft Developer Contributions SPD

- 7.7 The draft Developer Contributions SPD sets 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. A full copy of the draft SPD is attached as Appendix 1.

- 7.8 The draft SPD sets out the background in terms of legislation, national and local planning policy. It provides details of the Council's approach to developer contributions such as:
- trigger points for payments;
  - how contributions will be index linked over time;
  - viability issues;
  - monitoring fees; and
  - prioritisation of contributions.
- 7.9 The draft SPD introduces a new requirement which will enable the Council to request a monitoring fee for each planning obligation trigger included in the Section 106 agreement. This is a approach enabled by the [Community Infrastructure Levy \(Amendment\) \(England\) \(No.2\) Regulations 2019](#) which allows fees to be sought from developers where: the sum to be paid fairly and reasonably relates in scale and kind to the development; and the sum to be paid must not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to the development.
- 7.10 The draft Developer Contributions SPD also provides guidance for key areas of infrastructure that will be affected by most major schemes such as:
- Affordable housing – covering first homes, calculating commuted sums, dwelling space standards, vacant building credit and rural exceptions sites.
  - Open space, sport and recreation – sets out the requirements for different types of open space and outdoor and indoor sports facilities.
  - Biodiversity and Green Infrastructure
  - Retail and Town Centres
  - Health
  - Training and Employment
  - Transport Infrastructure including sustainable travel
  - Education
  - Air Quality
  - Climate Change – including pollution mitigation, electric vehicle charging, renewable or low-carbon energy, flood protection and sustainable design and construction.
- 7.11 The draft Developer Contributions SPD is supported by a Strategic Environmental Assessment (SEA) screening statement (Appendix 2). Unlike Local Plans, SPDs do not require a Sustainability Appraisal. However, in exceptional circumstances they may require an SEA unless it is considered likely that there will be significant environmental effects. The screening determines if such effects are likely and therefore if a SEA is necessary in consultation with the statutory bodies, namely; Natural England, the Environment Agency and Historic England.
- 7.12 The SEA screening report concludes that an SEA will not be necessary to support the SPD as it is unlikely to lead to any significant environmental effects beyond those already assessed through the environmental assessments (SEA/SA and HRA) of the Staffordshire Moorlands Local Plan.

The Council has consulted the statutory SEA bodies who have all agreed with the Council's conclusions. The SEA Screening Report will be included as part of the consultation on the draft SPD.

- 7.13 The SPD is now approaching the "public participation" stage. Regulation 12 (b) (ii) of The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that public consultation is undertaken on SPDs for a period not less than four weeks. Regulation 35 requires that consultation documents are made available at the Council's principal offices and other relevant locations and published on the Council's website.
- 7.14 Proposals for consultation should also be in accordance with the Council's own policies for consultation on planning. This is set out in the Staffordshire Moorlands Statement of Community Involvement (SCI) which was adopted in April 2016. In relation to consultation on SPDs, the SCI sets out the following for the Stage 2 – Publication
- 4 week (minimum) formal period for anyone to comment on the plan, consultation statement, sustainability appraisal (where applicable) and any supporting evidence.
  - Documents made available for inspection at Council's principal office and other appropriate locations and published on the Council's website.
- 7.15 Subject to approval by Cabinet, public consultation will commence in accordance with the SCI for a period of four weeks. Contacts on the Council's planning policy consultation database will be notified of the consultation. This includes organisations and individuals who have requested to be kept informed about planning policy documents and organisations listed in the Regulations that the Council is required to consult. A press release and social media will also be used to raise awareness of the consultation. Details will be published on the Council's website and at Council Offices and libraries. Hard copies of the document will also be available on request.
- 7.16 The Council and its consultants will then review the consultation responses to determine if any amendments to the SPD are required. A summary of those individuals consulted, issues raised and how they have been addressed will be set out in a "consultation statement". Councillors will then be asked to consider any changes to be made and the adoption of the SPD. Following adoption, the SPD and an "adoption statement" will be published. The SPD will become a material consideration in the determination of relevant planning applications in the District.

#### Summary of key stages

- a. Public consultation: January – February 2023
- b. Consideration of consultation feedback, preparation of "consultation statement" and revisions made to the SPD if necessary: Spring 2023
- c. Council considers adoption of SPD: Spring/Summer 2023
- d. Publication of SPD and "adoption statement" – SPD becomes a material consideration to relevant planning applications in the District.