

Draft SPD Consultation: Planning Obligations

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Role of the Planning Obligations SPD

- Supplementary planning guidance to OPDC's Local Plan which will:
 - provide clarity on what, when and how planning obligations will be sought
 - provide transparency on the calculation for planning obligations
 - explain the relationship between section 106 planning obligations and CIL
 - explain how planning obligations will be used to deal with the cumulative impact of development in the OPDC area
 - outline OPDC's governance arrangements for the collection, spend and monitoring of planning contributions

Role of Planning Obligations

- Planning obligations are used to “make development acceptable which would otherwise be considered unacceptable” (NPPF, 2018)
- Can only be used where:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
- Should not be used where they can be secured via condition

Section 106 Obligations and CIL

Section 106 Planning Obligations

- A legal agreement between the developer and planning authority.
- Only necessary for development which require planning obligations.
- Includes financial and non-financial obligations which are based on scale and kind of development
- What contributions can be spent on is specified in the Section 106 agreement

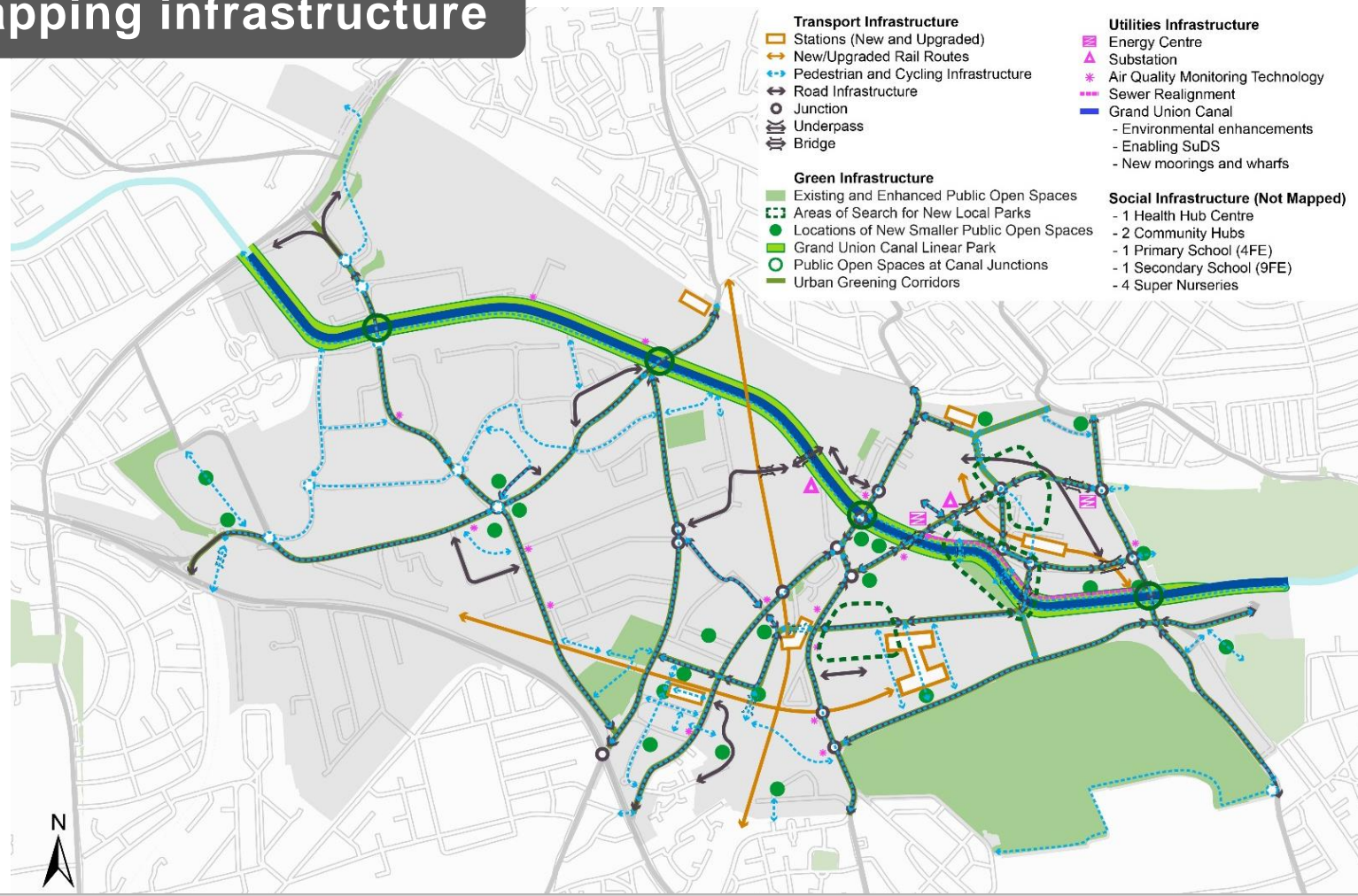
Community Infrastructure Levy (CIL)

- A charge applied to development based on a set price per sqm.
- Applies regardless of the need for a Section 106 agreement.
- Up to the planning authority whether or not to adopt CIL
- Less restrictions on how money may be spent - must be spent on infrastructure
- Neighbourhood portion of CIL
- Mayoral CIL

Section 106 Obligations and CIL

- OPDC does not currently have an adopted CIL charging schedule
- Current CIL Regulations restrict use of s106 contributions
- Government currently consulting on changes to the CIL Regulations
- Proposed changes will not impact on SPD guidance
- OPDC will review position on CIL following adoption of new regulations

Mapping infrastructure



Engagement

- Local Authorities consulted at an early stage
- OPDC Planning Obligations Advisory Group:
 - Officer level group including officers from OPDC and 3 host boroughs
 - Reviews proposals for how developer contributions are spent
 - Advises on OPDC's strategy for planning obligations and CIL



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Planning Obligations SPD

1. Introduction

2. Policy and legislative context

3. Relationship between section 106, CIL and other development contributions

4. Guidance:

- Design
- Environment and utilities
- Transport
- Housing
- Employment
- Town centre and community uses
- Delivery and implementation

5. Management and monitoring arrangements

Obligations guidance

Design

- Ensure the **design quality** of permitted schemes is maintained through to completion
- Conservation and enhancement of **heritage assets**

Environment and Utilities

- Deliver and contribute towards **exemplar environmental performance**
- Secure an appropriate **quantum of green infrastructure and open space**
- Delivery or contributions towards necessary **utilities infrastructure**
- Appropriate **financial contributions** where policy requirements cannot be achieved on-site

Transport

- Provision to support a **high-quality walking and cycling environment**
- Contributions to **public transport** improvements and measures to **limit use of private cars**
- Provision for **road adoption** by the local highways authority and **parking restrictions** in new development

Housing

- **Affordable housing** provision
- **Review mechanisms** for additional affordable housing provision
- Appropriate long-term **management arrangements**

Obligations guidance

Employment

- Obligations relating to **local labour, skills and employment initiatives**
- Provision of **affordable workspaces**

Town Centre and Community Uses

- Delivery of new **social and community infrastructure** on-site
- Contributions to **new or improved facilities off-site**
- Support the establishment of **new town centres**
- **Mitigate any negative impacts** of development towards existing town centres

Delivery and Implementation

- Provision for **post occupancy monitoring** of development
- Contributions towards **early activation initiatives**
- Contributions towards **priorities identified in adopted Neighbourhood Plans**

Timeline



- Public consultation from **10 January – 22nd February 2019**
- Final draft SPD prepared for **summer 2019**
- Adopt following adoption of Local Plan

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