



**Report to: Cabinet, 22<sup>nd</sup> March 2016**

**Report of: Councillor Alan Amos, Cabinet Member for Economic Prosperity and Tourism**

**Subject: REVISED DRAFT SOUTH WORCESTERSHIRE DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT**

**1. Recommendation**

- 1.1 That Cabinet considers the content of the South Worcestershire Developer Contributions Supplementary Planning Document (SPD) (Appendix 1) and advises officers of any changes they would recommend to this document prior to consultation;**
- 1.2 That Cabinet approve this document for public consultation between 1<sup>st</sup> April and 16<sup>th</sup> May 2016; and**
- 1.3 That Cabinet delegate authority to the Corporate Director Place in consultation with the Cabinet Member for Economic Prosperity and Tourism to make minor amendments to the South Worcestershire Developer Contributions Supplementary Planning Document prior to consultation.**

**2. Background**

2.1 The City Council together with Malvern Hills and Wychavon District Councils have recently adopted the South Worcestershire Development Plan. While this is a very significant step in providing up to date planning policies to guide development in South Worcestershire there are a number of other planning documents currently being prepared. The table below sets out the stage each of these documents has reached. An SPD may be approved for consultation by the City Council's Planning Committee however, due to the fact that the Developer Contributions SPD is linked to the Community Infrastructure Levy (CIL) Charging Schedule, it is considered appropriate to seek the Cabinet's endorsement of this SPD on the same Cabinet agenda as consideration of the CIL Draft Charging Schedule.

Planning Document	Current Stage of Preparation	Planned Adoption Date
Traveller & Travelling Show People DPD	Approval to consult on the Preferred Options agreed by Full Council on 23 <sup>rd</sup> Feb 2016. Consultation planned from 14 <sup>th</sup> March to 25 <sup>th</sup> April 2016.	May 2017
Community Infrastructure Levy Charging Schedule	Approval to consult on the Draft Charging Schedule March 2016. Consultation planned from 1 <sup>st</sup> April to 16 <sup>th</sup> May 2016.	December 2016
Affordable Housing Supplementary Planning Document	Approval to consult on a draft document agreed by Planning Committee on 18 <sup>th</sup> Feb 2016.	December 2016

	Consultation planned from 14 <sup>th</sup> March to 25 <sup>th</sup> April 2016.	
Developer Contributions Supplementary Planning Document	Approval to consult on the revised draft document March 2016. Consultation planned from 1 <sup>st</sup> April to 16 <sup>th</sup> May 2016.	December 2016

- 2.2 The Council must demonstrate that it has arrangements in place to effectively implement the South Worcestershire Development Plan. Developer contributions secured through a range of mechanisms, e.g. planning conditions, the Community Infrastructure Levy, and planning obligations, will help secure funds to deliver the infrastructure identified in the South Worcestershire Infrastructure Delivery Plan which is necessary to ensure development is sustainable and well integrated with neighbouring land uses.
- 2.3 The three South Worcestershire Councils jointly consulted on a draft South Worcestershire Developer Contributions SPD in February 2015. A summary of the responses received as a result of that consultation is included as **Appendix 2** to this report. That previous SPD consultation coincided with a consultation on the Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule as these documents are both concerned with the calculation and collection of developer contributions and are dependant on the CIL Regulation 123 list. This list explains which types, or items, of infrastructure will be funded via Developer Contributions or CIL receipts. The National Planning Policy Framework and the CIL Regulations prevent a local planning authority from collecting both the CIL and Developer Contributions to fund the same infrastructure. This is to avoid developers being charged twice for the infrastructure required to support new homes and other development.
- 2.4 Whilst an SPD can be adopted after a single round of consultation as we are now planning to consult on the CIL Draft Charging schedule, it is recommended that a further round of draft SPD consultation is carried out. Consulting on a revised draft SPD which now incorporates changes resulting from the first round of consultation will also make the final SPD more robust and mitigate against any legal challenge being successful.
- 2.5 The Developer Contributions SPD is intended to be a guide to assist developers and South Worcestershire residents to understand the range of contributions that will be required before development can be approved. This SPD supports the successful implementation of a significant number of South Worcestershire Development Plan policies, including:
- SWDP3: Employment, Housing and Retail Provision Requirement and Delivery
  - SWDP7: Infrastructure,
  - SWDP4: Moving Around South Worcestershire,
  - SWDP5: Green Infrastructure,
  - SWDP14: Housing Mix,
  - SWDP15: Meeting Affordable Housing Needs,
  - SWDP38: Local Green Network,
  - SWDP39: Provision for Outdoor Community Uses in New Development, and
  - SWDP43 to SWDP61 with regard to specific infrastructure requirements associated with site allocations policies.

### **3. Preferred Option**

- 3.1 To hold a second round of public consultation on the South Worcestershire Developer Contributions SPD and adopt a final version of this Supplementary Planning Document in accordance with the Local Development Scheme (LDS), i.e. in December 2016.
- 3.2 The Worcester City LDS 2015-2018 which sets out the Council's timetable for producing planning documents was approved by Council on September 30<sup>th</sup> 2015. Malvern Hills and Wychavon District Councils approved similar schemes in relation to the delivery of the SWDP and associated SPDs. It presents the timetable for the production of Development Plan Documents, (such as the South Worcestershire Development Plan) and the CIL and includes the two SPDs - Affordable Housing, and Developer Contributions scheduled for completion in 2016. (Note that SPDs no longer need to be itemised in an LDS, but it is good practise to do so).
- 3.3 The Town and County Planning (Local Planning) (England) Regulations 2012 require a minimum consultation period of four weeks for a SPD at a statutory consultation stage. The adopted Statement of Community Involvement (SCI) 2014 however commits the Council to a minimum consultation period of six weeks. The intention is that this SPD and the CIL Draft Charging Schedule will be subject to a period of simultaneous public consultation from Friday 1<sup>st</sup> April 2016 to Monday 16<sup>th</sup> May 2016.
- 3.4 It is proposed that the consultation details and a response form would be advertised on each of the three Councils' websites, and on the SWDP website. Hard copy draft documents and response forms will also be made available at Customer Service Centres and public libraries. Relevant groups, statutory bodies and individuals, including those who were consulted on the earlier draft of the SPD will be notified of the publication of this draft SPD.
- 3.5 The consultation would be open to everyone, but it is also suggested that these specific bodies/ organisation are targeted:
  - Parish and Town Councils
  - The Homes and Communities Agency
  - Neighbouring Councils (Parish, District and County)
  - Developers and planning consultants
  - Relevant clinical commissioning groups
  - The County Council, particular service delivery departments
  - The Police and Crime Commissioner
  - Hereford and Worcestershire Fire and Rescue Service
  - Utility providers and other essential service providers

### **4. Alternative Options Considered**

- 4.1 An alternative is to not consult interested parties a second time but to instead prepare a final version of the SPD for adoption. While this course of action would not breach planning regulations it is considered that the final version of the SPD will be much more robust should it face any legal challenge if it has been the subject of two rounds of public consultation. Republishing this SPD at the same time as the CIL Draft Charging Schedule is considered to be helpful to the process of adopting a Worcester CIL.

## **5. Implications**

- 5.1 Financial and Budgetary Implications: The budget for the production of the SPD is part of the SWDP budget. The production of the SPD will involve the printing of a small number of hard copy documents and a larger number of response forms, but most of the consultation will take place electronically and via the Council's website.
- 5.2 Legal and Governance Implications: The process to produce this SPD is in line with The Town and Country Planning (Local Planning) (England) Regulations 2012, national planning guidance and the Council's SCI.
- 5.3 Risk Implications: There are number of risks associated with the approach proposed towards the adoption of the Developer Contributions SPD set out in this report. There is a risk that the Council will be unable to collect developer contributions in line with South Worcestershire Development Plan policies without up to date supplementary guidance. Planning officers are however already using the document to help Development Management in their negotiations with developers. There is also a risk that the CIL consultation may result in changes being required to the adopted SPD and that developer contributions will not be collected whilst these changes are made. There is also the risk that there will be a legal challenge once the SPD has been adopted which if successful would mean the process of producing a Developer Contributions SPD would have to re-commence. The further round of consultation proposed by this report is the best mitigation against any such legal challenge. To mitigate the first two risks set out above the South Worcestershire Councils will review the position after the close of consultation on the 16<sup>th</sup> May and consider if an early adoption of this SPD is the most prudent option.
- 5.4 Corporate/Policy Implications: The Developer Contributions SPD will assist the effective implementation of the South Worcestershire Development Plan. The South Worcestershire Development Plan will, if successfully implemented, make a significant contribution towards the achievement of a number of Council objectives.
- 5.5 Equality Implications: A separate SEA does not need to be carried out for the SPD. Sustainability Appraisal work, which incorporates the requirements of the SEA Directive, has already been carried out for each stage of the SWDP, and thus for the SWDP policies to which this SPD relates. These include an Equalities Impact Assessment and Health Impact Assessment. These are published as part of the integrated Sustainability Appraisals that support the SWDP. A SEA Joint Screening Statement for all the SPDs outlined in the LDS was published in January 2014 and is available to view on each Council's website. The consultation arrangements are also in line with the adopted Statement of Community Involvement (Oct 2015) that engenders equality issues.
- 5.6 Human Resources Implications: There are no HR issues associated with the Developer Contributions SPD or this report.
- 5.7 Health and Safety Implications: There are no health and safety issues associated with the Developer Contributions SPD or this report.

**Ward(s):** All  
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**Background Papers:** Appendix 1 Revised Draft Developer Contributions  
Supplementary Planning Document.  
Appendix 2 Summary of Consultation Responses.