

CABINET	AGENDA ITEM No. 11
15 JANUARY 2018	PUBLIC REPORT

Report of:	Simon Machen - Corporate Director Growth and Regeneration	
Cabinet Member responsible:	Councillor Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer(s):	Phil Hylton, Senior Strategic Planning Officer	Tel. 01733 863879

DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD) UPDATE

R E C O M M E N D A T I O N S	
FROM: Corporate Director Growth and Regeneration	Deadline date: N/A
It is recommended that Cabinet approves the Developer Contributions Supplementary Planning Document for public consultation.	

1. ORIGIN OF REPORT

- 1.1 The Developer Contributions Supplementary Planning Document (SPD) is an update to the existing SPD which was adopted in April 2015, which itself was prepared to coincide with the introduction of the Community Infrastructure Levy in Peterborough.
- 1.2 The current 2015 SPD is also linked to the policies of the existing Local Plan and will therefore be out of date when the new Local Plan is adopted in late 2018. The proposed replacement SPD links into the new Local Plan and updates references to external information where needed so that it remains relevant.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for Cabinet to approve the draft Developer Contributions SPD (See Appendix 1) for the purpose of public consultation. The SPD expands on overarching headline policy contained in the council's emerging Local Plan (Proposed Submission version January 2018). Officers propose to consult with the public and stakeholders on the draft SPD in Spring 2018.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.9, 'To commission reviews by and determine any changes of policy proposed by the Scrutiny Committees and Commissions making recommendations to Council about proposed changes to the Council's major policy and budget framework.'

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
---	-----------	----------------------------------	------------

4. BACKGROUND AND KEY ISSUES

- 4.1 The Developer Contributions SPD was previously adopted in April 2015 alongside the introduction of the Community Infrastructure Levy (CIL) in Peterborough. It sets out the detail of what contributions would be expected by the council from development schemes coming forward in the area.
- 4.2 The current 2015 SPD links to a number of policies in the adopted Local Plan and contains a substantial amount of information to justify the need for infrastructure. As the council is updating its Local Plan, these policy links will soon become out of date. Furthermore, much of the information within the document has also become out of date as other documents, council policy or national policy has been replaced or amended.
- 4.3 It is important to refresh the SPD for a number of reasons, specifically:
- to link to the policies in the new Local Plan (due for adoption in late 2018);
 - to remove old information and links to old external documents so that it is usable;
 - to streamline the document so that it is more fit for purpose for both decision makers and applicants and, in turn, make it more future-proof by not replicating information in other documents; and
 - to make sure that the process for seeking contributions and details of what will be sought is clear so that it does not unduly delay development and so that developers can factor costs into land prices being paid to ensure viability and timely delivery of infrastructure.
- 4.4 The draft update has incorporated changes recommended by planning officers, infrastructure providers and officers from other council departments to ensure that it performs effectively going forward. One noteworthy comment received in early scoping work was that the SPD does not seem to be used by developers due to its length (the current document is 77 pages long). This length has, therefore, been significantly reduced so as to only include vital data and to remove duplication from other council strategies. It now also includes an Executive Summary to draw out the main issues. This should help to ensure that it is more accessible and therefore more effective.
- 4.5 The updated draft SPD does not seek to create new policy or to reinvent the way in which contributions are sought, instead it seeks to make it clearer what the process will be, what will be sought and when, and provides signposts to where additional information can be found to justify the need for infrastructure. It is important to have a Developer Contributions SPD to ensure that provision of infrastructure matches growth in the city.

5. CONSULTATION

- 5.1 As part of the development of this draft SPD infrastructure providers and officers from a number of council departments have been consulted. This has helped shape the revised draft SPD to ensure that it is user-friendly and fit for purpose.
- 5.2 The SPD will be presented to Growth, Environment and Resources Scrutiny Committee on 10 January 2018. A verbal update of any comments will be presented at Cabinet.
- 5.3 Subject to Cabinet approval on 15 January 2018, a four week public consultation on the draft SPD will take place in Spring.
- 5.4 That public consultation will allow officers to collect views from developers and other interested parties. The public will be invited to comment, but due to the specific nature of the document it is more likely that comments will be received from the development industry and infrastructure providers.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is anticipated that Cabinet will approve the consultation draft version of the Developer Contributions SPD for public consultation in Spring 2018. Following public consultation, the SPD will be amended accordingly and then will be recommended to Cabinet for adoption later in 2018 (alongside, or shortly after, the adoption of the new Peterborough Local Plan).

7. REASON FOR THE RECOMMENDATION

- 7.1 There is no statutory duty to prepare this SPD. However, without it, there will be a lack of clarity for developers about what contributions to infrastructure will be sought by the council. Without the SPD there could be a detrimental impact on development coming forward and the ability of the council to deliver new and improved infrastructure to support growth.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Alternative options considered were:

Option 1 - do not update the document - policies remain outdated, references out of date and the opportunity to simplify the document to make it more usable is missed, as such this is not the preferred option.

Option 2 - Remove the SPD from circulation - this would result in a loss of a valuable resource for both planners and developers and carries the risk of infrastructure not being delivered in support of new development, as such this is not the preferred option..

9. IMPLICATIONS

Financial Implications

- 9.1 This SPD will update the approach for the council to secure contributions from development to the provision of infrastructure to support growth. It does not introduce new requirements from developers but seeks to make it clearer for both applicants and decision makers what contributions will be sought, how and in what circumstances. This will not necessarily result in any change in income for the council, but should streamline the negotiation process as it provides additional clarity and should be more user-friendly.

Legal Implications

- 9.2 The council must follow statutory regulations in preparing and consulting on the SPD. After the statutory process concludes, the final SPD document will be recommended to Cabinet for adoption. Once adopted, the document will be used as a material planning consideration in the determination of planning applications.
- 9.3 The SPD is not intended to introduce legal implications for the council or developers, but instead to provide guidance on obligations being sought and the relationship between S106 payments and CIL in accordance with the Community Infrastructure Levy Regulations (as amended).

Equalities Implications

- 9.4 This SPD does not introduce new policy and is in support of policies in the Local Plan which have been subject to an Equalities Impact Assessment. As this SPD seeks to foster the delivery of infrastructure that will support communities it is likely to have a positive effect on individuals with protected characteristics as well as the wider community.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 The new Local Plan which was considered by this Scrutiny Committee at its meeting on 1

November 2017.

11. APPENDICES

11.1 Appendix 1 - The Developer Contributions SPD