

<b>CABINET</b>	<b>AGENDA ITEM No. 7</b>
<b>17 June 2019</b>	<b>PUBLIC REPORT</b>

Report of:	<b>Dave Anderson - Interim Development Director</b>	
Cabinet Member responsible:	Cllr Peter Hiller Cabinet Member for Strategic Planning and Commercial Strategy and Investments	
Contact Officer(s):	Gemma Wildman - Principal Planning Officer	Tel. 01733 863824

## **DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM: Dave Anderson - Interim Development Director</b>	<b>Deadline date: 10 June 2019</b>
<p>That Cabinet:</p> <ol style="list-style-type: none"> <li>1. Agrees that the Developer Contributions SPD be adopted as part of the council's policy framework, subject to Full Council adopting a new Peterborough Local Plan at its meeting of 24 July 2019. If Full Council does resolve to adopt a new Peterborough Local Plan, then this SPD will come into effect at the same time as that resolution.</li> <li>2. Delegates to officers the ability to make any minor presentational or typographical changes to the SPD, prior to its publication post 24 July 2019, provided any such changes do not materially affect the content of the SPD.</li> </ol>	

### **1. ORIGIN OF REPORT**

- 1.1 This report is submitted to Cabinet following consideration by the Growth, Environment and Resources Scrutiny Committee on 10 January 2018 and Cabinet 15 January 2018, prior to four weeks public consultation from 2 March to 29 March 2018.

### **2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is for Cabinet to approve the Developer Contributions Supplementary Planning Document (SPD) (See Appendix 1) for adoption. The SPD expands on overarching headline policy contained in the council's soon to be adopted Local Plan. Consultation with the public and stakeholders on the draft SPD was carried out in March 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?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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### **4. BACKGROUND AND KEY ISSUES**

- 4.1 The current Developer Contributions SPD was adopted in April 2015 alongside the introduction

of the Community Infrastructure Levy (CIL) in Peterborough. It sets out the detail of what contributions, and in what form, would be expected by the council from development schemes coming forward in the area. The 2015 SPD is also linked to the policies of the then up to date development plan (for example, the Peterborough Core Strategy).

- 4.2 With the anticipated adoption of a new Local Plan by Full Council on 24 July 2019, together with a variety of national policy and legislative changes since 2015, it is necessary to update the Developer Contributions SPD to ensure it remains fit for purpose, up to date and aligned with latest local and national policy. In short, therefore, the SPD presented in this report is more of an update of existing 2015 policy, rather than any fundamental new (or shift in) policy approach.
- 4.3 More specifically, it is important to refresh the SPD in order to:
- link to the policies in the new Local Plan (due for adoption on 24 July 2019);
  - remove/update old information and links to external documents;
  - streamline the document so that it is more fit for purpose for both decision makers and applicants and, in turn, makes it more future-proof by not replicating information in other documents; and
  - 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 SPD as now presented for approval 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 SPD 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 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 SPD infrastructure providers and officers from a number of council departments have been informally consulted. This has helped shape the revised SPD to ensure that it is user-friendly and fit for purpose.
- 5.2 The SPD was presented to Growth, Environment and Resources Scrutiny Committee on 10 January 2018.
- 5.3 Subsequently, Cabinet on 15 January 2018 approved a four week public consultation on a draft version of the SPD. That formal consultation took place between 2 March and 29 March 2018.
- 5.4 Whilst informal consultation prior to the formal consultation had already shaped what the draft SPD should contain, the formal (and legally required) public consultation allowed views from developers and other interested parties to be made. The general public were also invited to comment, but due to the specific nature of the document it was not anticipated that comments from the public would be received. This turned out to be the case, with no representations from the general public.
- 5.5 Indeed, we only received comments from one representor during the formal consultation stage, namely from Middle Level Commissioners and Whittlesey & District Internal Drainage Board. The comments made by the representor were largely advisory, rather than seeking changes to the

SPD. Officers are satisfied that the points raised are adequately addressed by policies in the Local Plan, and no change to the SPD is necessary.

- 5.6 A full report on the consultation process and comments received is available on our website (see <https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/supplementary-planning-documents/> ),

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 It is anticipated that Cabinet will approve the Developer Contributions SPD for adoption alongside the adoption of the new Peterborough Local Plan. Adopting the SPD will provide clarity for developers and decision makers about what contributions to infrastructure will be sought by the council in respect of planning proposals.

If Full Council does not adopt a new Local Plan as anticipated in July, then this SPD should not be brought into effect because it is policy which is in support of the new Local Plan. An SPD cannot be adopted and brought into effect if a 'parent' Local Plan policy is not in place to set the framework for an SPD to be adopted.

## **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 - For this option, 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 recommended 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 recommended option.

Option 3 - full SPD rewrite - this option is more resource intensive with little, if any, additional benefit. The demand on resources make this not a recommended option.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 There are no direct financial implications arising. 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. Once adopted, the document will be used as a material planning consideration in the determination of planning applications.

- 9.3 The SPD is intended to provide guidance on contributions and 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. More generally, as this SPD seeks to foster the delivery of infrastructure it is likely to have a positive effect on the wider community as a whole.

## **10. BACKGROUND DOCUMENTS**

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

- 10.1 None, other than those already mentioned in this report.

## **11. APPENDICES**

- 11.1 Appendix 1 - Developer Contributions SPD