

**Meeting:** Executive  
**Date:** 10 November 2009  
**Subject:** The Planning Obligations Strategy Supplementary Planning Document for Central Bedfordshire North.  
**Report of:** Cllr Tom Nicols, Portfolio Holder for Sustainable Development  
**Summary:** The report proposes the adoption of the Planning Obligations Strategy Supplementary Planning Document (SPD) alongside the adoption of the Core Strategy and Development Management Development Plan Document for Central Bedfordshire North.

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**Advising Officer:** Gary Alderson, Director of Sustainable Communities  
**Contact Officer:** Pru Khimasia  
**Public/Exempt:** Public  
**Wards Affected:** The Wards in Central Bedfordshire North  
**Function of:** Executive  
**Key Decision** Yes  
**Reason for urgency/ exemption from call-in (if appropriate)** Not applicable

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

The Local Development Framework (LDF) is a fundamental part of the Council's key aim to manage growth effectively and the Planning Obligations Strategy contributes to this aim.

### **Financial:**

The SPD provides a firm and fair basis for development to contribute towards new infrastructure requirements in the area. Implementation of the Planning Obligations SPD is self financing in that it provides for the additional legal, administrative and monitoring costs of legal agreements associated with new planning obligations to be paid for by the applicants.

### **Legal:**

There is a legal requirement to prepare an LDF under the Town and Country Planning and Compulsory Purchase Act 2004. This SPD has been produced to accord with this legislation and regulations. It has also been produced to fully conform to Government Circular 05/2005 'Planning Obligations'.

**Risk Management:**

Should the SPD not be adopted, a policy vacuum will exist, which means contributions for planning obligations can not be collected from development.

**Staffing (including Trades Unions):**

None

**Equalities/Human Rights:**

None

**Community Safety:**

None

**Sustainability:**

The Local Development Framework embraces sustainable development as its overarching aim and has and will continue to be subject to a sustainability appraisal.

**RECOMMENDATIONS:**

that the Executive

- (a) consider the results of the public consultation on the updates to the Planning Obligations Strategy and
- (b) subject to the Council's adoption of the Core Strategy and Development Management Development Plan Document at Full Council on 19 November, approve the document for adoption.

<i>Reason for Recommendations</i>	So that the Planning Obligations Strategy Supplementary Planning Document can be adopted alongside the adoption of the Core Strategy and Development Management Development Plan Document for Central Bedfordshire North, and enable development to continue to contribute towards new infrastructure requirements in the area.
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**Introduction**

1. Planning obligations are primarily intended to make acceptable those developments that would otherwise be unacceptable in planning terms. In accordance with national planning policy contained in Planning Policy Statement 1: Delivering Sustainable Development, local planning authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, services and facilities such as schools, play space, bus services, health care, etc, to ensure that growth in those communities is fully sustainable.

2. The Planning Obligations Strategy Supplementary Planning Document (SPD) sets out proposals for an improved approach to negotiating and securing planning obligations associated with new development in the northern part of Central Bedfordshire. A similar document is being produced in the southern part of Central Bedfordshire.
3. Planning obligations are legal agreements negotiated between local planning authorities and persons with an interest in a piece of land. Obligations can be secured through unilateral undertakings by developers. A planning obligation can also take the form of a commitment made by a landowner under Section 106 of the Town and Country Planning Act in conjunction with the granting of planning permission.
4. The SPD sets out a wide range of matters which it seeks planning obligations upon. These matters include Education, Sustainable Transport and Highways Work, Health Care, Environmental Impacts, Mix of Housing, Leisure, Recreational Open Space and Green Infrastructure, Community Facilities and Services, Community Cohesion, Waste Management, Emergency Services, Public Realm and Community Safety. For example, between May 2008 and August 2009, over £46,000 has been secured for countryside projects which the Council is working with countryside agencies on spending.

#### **What is the status of the document?**

5. The SPD was first published in draft for formal consultation in accordance with the Council's Statement of Community Involvement (2006) in July 2007. Comments received upon the draft SPD were fully considered by Mid Bedfordshire District Council's Local Development Framework (LDF) Task Force on 24th January 2008. Following revisions to take account of comments received through consultation the final SPD was approved by the Executive of Mid Bedfordshire District Council on 20th February 2008. Since its adoption, it has been used on a regular basis by Development Control in the north.
6. The reviewed SPD will only cover the north (former Mid Bedfordshire) part of Central Bedfordshire. Eventually the authority will have a combined Planning Obligations Strategy for the whole of Central Bedfordshire. However before this combined SPD is prepared it is considered prudent to adopt this document on an interim basis to avoid a policy vacuum. When adopted, the SPD will be a material consideration in the determination of planning applications.

## What updates have been made to the document

7. From 21 September to 19 October 2009, for a four week period, updates to the Planning Obligations Strategy were published for comment. These updates were necessary as the existing SPD was prepared and adopted in the context of the Mid Bedfordshire Adopted Local Plan (2005). This Local Plan will be largely superseded by the Core Strategy and Development Management Development Plan Document (which is also being considered at this Executive), and therefore any SPD based on the Local Plan will also be superseded. It was considered prudent to update this document and therefore adopt it again, to avoid a policy vacuum.
8. The intention to prepare this SPD has been included within the Council's Local Development Scheme and the SPD provides guidance upon how the Council will deliver Policy CS2 of the Core Strategy. As such, all policy references to the Local Plan in the document have been updated to reflect the new and more current policies of the Core Strategy and Development Management DPD.
9. Additionally, since the original SPD was adopted the unitary authority has been created, amalgamating the County Council with Mid and South Bedfordshire District Councils. References to these legacy authorities have been amended so that where appropriate references to the Council have been changed to Central Bedfordshire Council; or where references to legacy authorities need to remain unchanged, the word "former" has been added.
10. As well as the updates to ensure that the SPD reflects those changes mentioned above, there are some other changes that have also been added to the document. These changes can be summarised as follows:
  - The information on Community Infrastructure Levy has been updated to include a reflection of the recent DCLG guidance.
  - Bedfordshire PCT is now referred to as NHS Bedfordshire.
  - Under primary health care and open space, the VAT charge has been removed, as finance have confirmed that VAT is not chargeable in planning contribution agreements. Removing this charge ensures consistency within the Strategy, as VAT is not charged on the other contributions.
  - The addendum to Annex 1 of the Background Paper showing amendments to the education requirements have been incorporated.
  - Sections on open space, green infrastructure and allotments has been updated make reference to the Open Space, Sports and Recreation Needs Assessment Technical Report (2008).

11. In all other aspects, this document is the same as the existing adopted version. In order to satisfy the requirements of LDF Regulations, it was necessary for Officers to publish these small amendments for comment.

### **Consultation Responses**

12. There were 24 responses to the consultation, commenting on, objecting to or supporting the changes. A number of comments received related to matters that do not form part of this review, and relate more generally to the principles of the Strategy. There will be an opportunity to comment more fully on the SPD in the new year, when a full review of the Strategy will be undertaken. For the purposes of this review, only comments on the alterations made (as set out above) will be considered.
13. Appendix A is a table which lists all comments received and a suggested response to each where a response is necessary. In addition this table shows any changes in light of these comments, where changes are necessary.
14. Officers have read and considered these comments but none were considered to warrant a change to the draft SPD. Members are therefore recommended to adopt the document.

### **Conclusion and Next Steps**

15. In order for the Planning Obligations Strategy Supplementary Planning Document to be adopted alongside the adoption of the Core Strategy and Development Management Development Plan Document for Central Bedfordshire North, and enable development to continue to contribute towards new infrastructure requirements in the area, Officers are seeking the Executive's approval of this amended document for adoption.
16. Members should note that in the south, Officers are seeking sign off of their draft strategy from the Luton and South Bedfordshire Joint Planning Committee on 23 October 2009. Although there will be two separate strategies for the unitary authority for a short time, apart from the differences in the evidence base, the strategies in the south and north will both be similar, though the administrative areas operate within a differing policy framework meaning that specific policies and objectives prevail. This accords with existing Council policy and transitional arrangements for two separate LDFs to cover the unitary authority area.
17. Officers will be commencing work on a combined Planning Obligations Strategy for the whole of Central Bedfordshire next year and be seeking Executive's approval of such a document later in the new year.

### **Appendices:**

Appendix A – Table of Comments Received and Changes Proposed to Consultation Draft.

Appendix B – Planning Obligations Strategy Consultation Draft (September 2009)

Appendix C – Planning Obligations Background Paper Consultation Draft (September 2009)

**Background Papers** (open to public inspection):

Adopted Planning Obligations Strategy and Background Paper (February 2008)

Location of papers: Priory House, Chicksands