

**Planning Obligations
Supplementary Planning Document
(SPD)**

Scoping Report

March 2010

Darlington Local Development Framework



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1.0 INTRODUCTION

WHAT IS THIS DOCUMENT?

1.1 This scoping report is the first stage in preparing the Planning Obligations Supplementary Planning Document (SPD), a key part of the Local Development Framework (LDF). Planning obligations or S106 agreements are legal agreements between the Council, landowners/developers and/or infrastructure providers to help make a development acceptable in planning terms.

1.2 Planning obligations can be used to:
 prescribe the nature of a development e.g. by requiring a proportion of housing to be affordable; or
 secure a contribution from a developer to compensate for loss or damage created by a development e.g. the loss of open space; or
 mitigate a development's impact e.g. through increased public transport provision.

1.3 The Planning Obligations SPD will provide clarity and detail about planning obligations. It will provide a transparent, fair and consistent basis for the negotiation of planning obligations from new residential and non residential development and development in strategic locations¹. It will set out:

- the procedures for the use of planning obligations;
- when obligations will be sought;
- how obligations will be calculated; and
- the way the Council expects planning obligations to be delivered.

1.4 This document seeks your views on what the scope of the Planning Obligations SPD should be prior to the preparation of the consultation draft SPD.

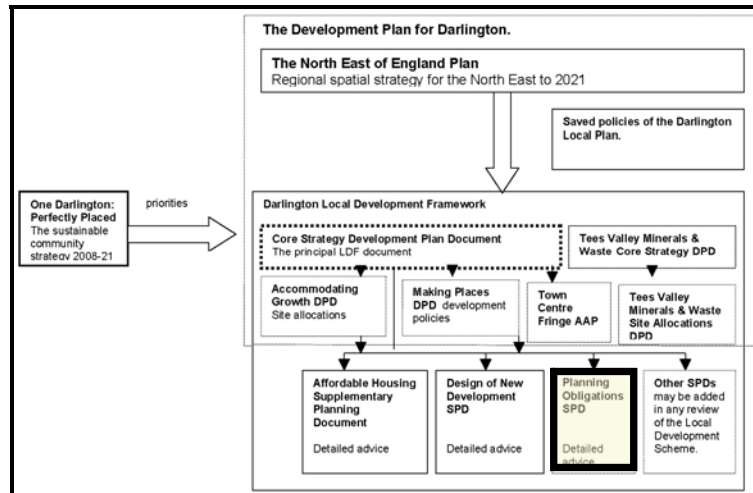
WHAT IS THE LOCAL DEVELOPMENT FRAMEWORK?

1.5 The LDF is a set of documents that will eventually replace the adopted Local Plan. It considers how the Borough will develop over the next fifteen years, providing the spatial planning framework for the plans and strategies prepared by the Council and its partners. In particular, it will help to deliver the spatial priorities that are set out in One Darlington: Perfectly Placed².

1.6 The Core Strategy: Revised Preferred Options (see www.darlington.gov.uk/planningpolicy) will, once adopted, underpinned by its Local Infrastructure Plan, be the principal document of the LDF. Together with other Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) they will form part of the statutory Development Plan for the Borough along with the adopted Regional Spatial Strategy (see below). The development plan informs a range of implementation and investment plans and decisions on planning applications.

¹identified in Core Strategy policy CS1

²sets out the long-term vision for the Borough; the LDF, needs to show how it is delivering the spatial priorities in the SCS.



1.7 ‘Saved’ policies of the adopted Local Plan will remain part of the development plan until superseded by an adopted Development Plan Document (DPD).

2.0 HOW WILL THE PLANNING OBLIGATIONS SPD BE PREPARED?

2.1 Figure 2 shows the process from preparation to adoption of the SPD, as set out in the Council’s project plan, the Local Development Scheme (see www.darlington.gov.uk/planningpolicy)

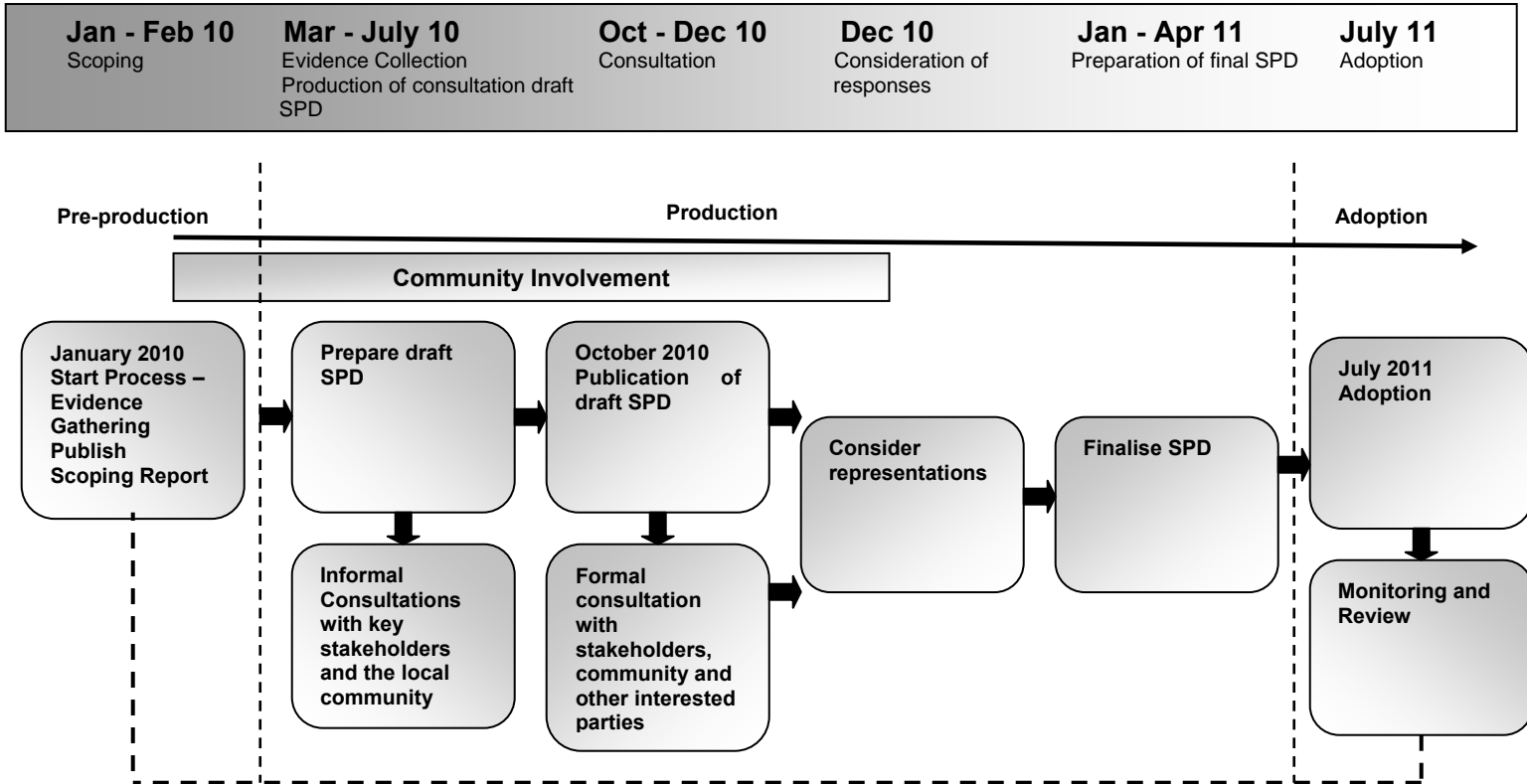


Figure 2: Planning Obligations SPD process

2.2 This document is the first stage in the preparation of the Planning Obligations SPD, providing a starting point for discussion about what the SPD will include and what should inform its preparation. Once the consultation period on this document has ended on the **6 April**, the comments received will be taken into account, and where appropriate incorporated into the production of the draft SPD.

2.3 The Planning Obligations SPD must be produced in accordance with national and regional planning policy guidance and be subject to an Equalities Impact Assessment (EQIA) and Disabilities Equalities Impact Assessment (DEIA). Ongoing informal and formal consultation with key stakeholders, the local community and interested groups will also be part of the process. A Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA) are not required; consistent with Government guidance, the SPD will elaborate on Core Strategy policies, so the SA/HRA that is being undertaken for that document is considered sufficient to ensure that the SPD promotes sustainable development.

LINKS WITH GOVERNMENT GUIDANCE

2.4 The Planning Obligations SPD has to be consistent with national planning policy including Planning Policy Statements (PPSs) and Planning Policy Guidance Notes (PPGs). In this case, the

SPD must also be consistent with Government Circular 05/2005 Planning Obligations³. As the Council does not have a specific policy for planning obligations in the adopted Local Plan, the Circular provides the basis for a Planning Obligations SPD to be prepared, based on the guidance in the Circular.

LINKS WITH THE REGIONAL SPATIAL STRATEGY

2.5 The SPD must also be in general conformity with the Regional Spatial Strategy (RSS); the North East of England Plan to 2021⁴ (see www.gos.gov.uk) which provides the planning policy framework for the region and forms part of the development plan for the Borough.

LINKS WITH THE CORE STRATEGY

2.6 The Planning Obligations SPD will be prepared in parallel with the later stages of production of the Core Strategy⁵; emerging draft revised Policy CS4: Developer Contributions will be used to inform the SPD. Other draft revised policies that will also be elaborated upon are:

- CS2 Achieving High Quality, Sustainable Design
- CS3 Promoting Renewable Energy
- CS11 Meeting Housing Needs
- CS12 Existing Housing
- CS15 Biodiversity and Geodiversity
- CS17 Delivering a Multifunctional Green Infrastructure Network
- CS18 Promoting Quality Accessible Sport and Recreation Facilities
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

The Planning Obligations SPD will be adopted after the Core Strategy to ensure that any changes to the final Strategy are reflected in the SPD.

LINKS WITH THE LOCAL INFRASTRUCTURE PLAN

2.7 The information contained in the Core Strategy's Local Infrastructure Plan will help identify where physical, social and green infrastructure exists, and where new infrastructure will be provided across the Borough during the Core Strategy plan period. It will also identify the specific infrastructure requirements of each strategic location and, where known, how these will be delivered. Where gaps are identified, the infrastructure schedule will help identify where planning obligations have the potential to help provide the necessary infrastructure required to help deliver the Core Strategy.

LINKS WITH THE DESIGN OF NEW DEVELOPMENT SPD (DESIGN SPD)

2.8 The Design SPD is a key document in the LDF. It provides clarity and detail about the design of new development in the Borough, including all public and private open spaces. Within the design context, it sets the broad parameters for achieving renewable energy on site as part of new development. It also requires priority habitats to be created through new development schemes. The draft SPD will set out when planning obligations may be used to secure these matters, how these obligations will be calculated, and in what way the Council expects provision to be delivered.

LINKS WITH THE AFFORDABLE HOUSING SPD AND THE COMMUTED SUMS FROM NEW HOUSING TO ENHANCE EXISTING EQUIPPED PLAY AREAS SPG

2.9 The Council have used these two adopted documents to secure planning obligations from new development for:

- affordable housing on site, off site or through financial contributions to enable provision of affordable housing elsewhere; and
- commuted sums⁶ to improve children's play areas in the Borough.

2.10 However, to reflect the emerging Core Strategy and to take account of more up to date evidence, both of these documents will be replaced by the adoption of the Planning Obligations SPD.

³Circular 05/2005 Planning Obligations, ODPM, 2005

⁴North East of England Plan: Regional Spatial Strategy, NE Assembly 2008

⁵sets out the spatial vision and strategic objectives of the planning framework for Darlington, having regard to the Sustainable Community Strategy

⁶A financial contribution provided by a developer to be used to enhance infrastructure

LINKS WITH THE OPEN SPACE STRATEGY

- 2.11 An integral document, the Open Space Strategy guides the Council's protection and enhancement of open spaces, provides open space standards for a range of open space types and also includes interim planning policies that are used to secure open space provision through new development. These standards and policies have been adopted by the Council to replace out dated ones in the Local Plan.
- 2.12 The Planning Obligations SPD will use the standards in the Open Space Strategy, including updates from annual audits, to help ensure that the appropriate standard of open space provision is achieved across the Borough from new development.

COMMUNITY INFRASTRUCTURE LEVY

- 2.13 The Government is introducing the Community Infrastructure Levy; an alternative funding measure to planning obligations, in April 2010. This would provide a new approach to collecting financial contributions from developers and the matters for which they are sought. It is not mandatory for the Council to use the Levy; should the Council choose to adopt a new approach the work used to help prepare the SPD could also be used to help determine the details of the Levy or other funding measures.

3.0 SCOPE OF THE PLANNING OBLIGATIONS SPD

- 3.1 The draft Planning Obligations SPD will address those planning obligations matters which are needed to help deliver new residential and non residential development and development in strategic locations in Darlington. The SPD will:
- Provide a sound basis to ensure that the Council's approach to negotiating and securing planning obligations are undertaken in a transparent, fair and consistent manner;
 - Set out the procedures for:
 - the use of planning obligations,
 - when they will be sought,
 - how obligations will be calculated, and
 - how the Council expects planning obligations to be delivered, particularly for the Core Strategy plan period (2011 – 2026) to help deliver its policies;
 - Help establish priorities across the Borough for the different planning obligation matters set out in draft revised policy CS4;
 - Consider how the viability of planning obligations will be established and the approach the Council will expect developers to undertake if they consider they cannot deliver planning obligations in full for a proposed new development;
 - Provide an opportunity for the community, local interest groups, stakeholders and statutory agencies to engage in discussions about planning obligations for development and priorities for securing them.

CORE STRATEGY POLICY CS4: DEVELOPER CONTRIBUTIONS

- 3.2 The Planning Obligations SPD will reflect the approach in draft Core Strategy policy CS4: Developer Contributions (subject to change following the consultation period). The policy sets out the range of matters for which planning obligations may be sought:

Planning obligations will be negotiated to secure the necessary physical, social and environmental infrastructure required as a consequence of development. These will be consistent with national planning guidance and be appropriate to the type and scale of development and will be required to mitigate any additional impacts of the development on the locality.

The range and level of planning obligations sought will take into account the viability of the development, having regard to any additional unforeseen costs. Where appropriate, standard charges, tariffs and formulae will be applied.

Infrastructure provision will be linked directly to the phasing of development. Site related infrastructure requirements will be prioritised to reflect the identified needs in the locality to include, but not limited to:

- Affordable and special needs housing provision;
- Early years, primary, secondary and tertiary education and extended services provision to serve new and existing communities;
- Provision and enhancement of open space, landscaping and children’s play areas;
- Providing for and improving accessibility within the Borough by a variety of modes of sustainable transport and promotion of sustainable transport modes;
- Provision and enhancement of priority habitats including habitat creation, enhancement and management;
- Employment skills and training opportunities as part of the construction of major new development;
- Road and highways improvements; and
- Utilities infrastructure

Planning obligations will also be sought as part of major developments where it is required to help deliver the strategic infrastructure necessary to mitigate the adverse cumulative impacts of several developments. These will include, but will not be limited to:

- A carbon management fund to provide off site renewable energy and improve energy efficiency of existing dwellings;
- Strategic sport and recreation provision and enhancement;
- Improvements to the public realm and provision of public art; and
- Strategic highways improvements.

Infrastructure provision will, where necessary, be coordinated and delivered in partnership with other authorities and agencies.

3.3 It is essential that the SPD, like all LDF documents, is underpinned by a robust and credible evidence base. Where appropriate, information collected in 2008 will be used as the baseline for the preparation of the draft SPD to help support the approach and content in the consultation draft.

4.0 SUPPORTING BACKGROUND EVIDENCE

4.1 As part of the wider LDF process, a range of evidence documents have been prepared to support the development of the LDF. These studies cover a range of issues including open space, renewable energy and accessibility. All documents and any subsequent addendums and updates can be viewed at www.darlington.gov.uk/planningpolicy or at the Town Hall during normal office hours. Several studies and reports will be used to inform the preparation of the Planning Obligations SPD:

Name of Study	Author	Date Published
Darlington Local Development Framework Core Strategy: Issues and Options	DBC	January 2008
Darlington Local Development Framework Core Strategy: Preferred Options	DBC	October 2008
Darlington Local Development Framework Core Strategy: Preferred Options 2008: Summary of consultation responses	DBC	February 2009
One Darlington: Perfectly Placed – A Vision for Darlington: 2008 – 2021	Darlington Partnership	October 2008
Tees Valley Strategic Housing Market Assessment	Nathaniel Lichfield and Partners/Arc4	January 2009
Darlington Local Housing Assessment	David Cumberland Housing	2005

	Regeneration Ltd	
Older Persons Housing Strategy	DBC	March 2007
Darlington Renewable and Low Carbon Energy Study	Entec	December 2009
Darlington Housing Strategy 2008 – 2012	DBC	May 2008
Private Sector Housing Renewal Strategy 2008 – 2012	DBC	January 2008
Tees Valley Green Infrastructure Strategy	TVJSU	March 2008
Darlington Open Space Strategy 2007 – 2017	DBC	April 2007
Durham Biodiversity Action Plan	Durham Biodiversity Partnership	September 2007
Darlington Sport and Recreation Facilities Strategy 2009	PMP	June 2009
Darlington Playing Pitch Strategy 2009	PMP	June 2009
Darlington Connections Study 2009	Urban Initiatives	December 2009
Darlington Play and Free Time Strategy	DBC	2007
Darlington Children and Young People's Plan	DBC	2007
Darlington Primary Capital Programme	DBC	2009
Darlington, A Town on the Move: Second Local Transport Plan 2006-11	DBC	February 2001
Darlington Transport Strategy 2006-30	DBC	March 2006

- 4.2 Any additional studies or sources of information that are not identified here may be used to inform the draft SPD. The evidence underpinning all work will be clearly indicated at each stage including two key, forthcoming documents for an economic viability of housing land and a second report for employment land. These assessments will calculate the residual financial receipt for a range of potential completed housing/employment sites across the Borough after land values, construction costs and developers profit have all been taken into consideration. These studies will help identify the level and type of affordable housing and other planning obligations that can be sought for a particular type of site, in a range of locations across the Borough under different market scenarios before the scheme becomes unviable. In addition, the forthcoming Transport Area Action Plan will identify transport and traffic issues arising from new strategic locations set out in the Core Strategy. These studies will help inform any priorities for planning obligations that may need to be established for particular parts of the Borough.

5.0 HOW YOU CAN GET INVOLVED

- 5.1 This document has been prepared to identify the scope of the emerging Planning Obligations SPD and raise awareness of, and interest in, the document. Comments are sought on the scope that has been set out through this document, particularly on any issues that may not have already been considered and that you feel the SPD should cover. Key questions to consider are:

1. Do you think that the scope set out in this document is right?
2. Is there anything else that you think we should be considering in the Planning Obligations SPD?
3. Is the evidence base we are proposing to inform the process right?
4. Are there any other reports or documents that we are not aware of that you think we should be considering as part of the evidence base to inform the SPD?

All comments on this scoping report should be submitted by **Tuesday 6 April 2010** to planning.policy@darlington.gov.uk or in writing to the Strategy Manager, Chief Executive's Department (Regeneration), Darlington Borough Council, Town Hall, Darlington, DL1 5QT.

6.0 NEXT STEPS

- 6.1 All responses to this scoping report will be carefully considered prior to commencing preparation of the draft Planning Obligations SPD. Work on the SPD is due to start in April 2010.

- 6.2 Ongoing consultation with key stakeholders is an essential part of the preparation of the SPD. During the evidence gathering stage all relevant consultees with an interest in planning obligations will be consulted on the approach, content and future implementation of the SPD. During October-November 2010 there will be a formal six week consultation period where statutory consultees, other key stakeholders, the local community and other interested parties will have the opportunity to comment on the draft Planning Obligations SPD. This will be the only opportunity to make formal comments.
- 6.3 Following the consultation period on the draft SPD, all comments will be considered and changes made to the draft SPD where appropriate. Unlike Development Plan Documents, SPDs are not subject to a formal examination. The finalised SPD will go to Council to be formally adopted by it in July 2011.

7.0 MONITORING

- 7.1 Once the SPD is adopted, the LDF Annual Monitoring Report (AMR)⁷ will assess the extent to which policies in the Planning Obligations SPD are being successfully implemented. The monitoring of Supplementary Planning Documents is a key feature of the plan-making system that will feed into any review of policy that may be required and will allow the Council to identify and respond to any significant changes in the Borough. The Planning Obligations SPD will only be an effective planning document if it includes clear and acceptable mechanisms for both implementation and monitoring.

⁷sets out the progress of plan preparation and the implementation of adopted development plan policies in the Borough