

PLANNING CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Key Decision No LHR L76

CABINET MEETING DATE

23 November 2015

COUNCIL MEETING DATE

25 November 2015

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

CABINET MEMBER

Cllr Guy Nicholson

Regeneration

KEY DECISION

Yes

REASON

Affects Two or More Wards

CORPORATE DIRECTOR

Gifty Edila, Corporate Director of Legal HR and Regulatory Services

1. CABINET MEMBER'S INTRODUCTION

- 1.1 The Planning Contributions Supplementary Planning Document (SPD) sets out the Council's policy approach for securing Planning Contributions and other non-financial obligations from developments that require planning permission. The revised Planning Contributions SPD (2015), replaces the Planning Contributions SPD originally adopted in November 2006 and the Education methodology which was produced with the Learning Trust in 2009.
- 1.2 A report seeking the adoption of the revised Planning Contributions SPD 2015 was approved by Cabinet on 20th July 2015. The approval authorised officers to make any necessary general editorial amendments to the Planning Contributions SPD before it was published.
- 1.3 In the intervening period the Council's Development Management Local Plan (DMLP) was found sound, subject to the Planning Inspector's recommended changes. The DMLP was subsequently adopted by the Council to include the inspector's recommendations.
- 1.4 The Development Management Local Plan is a key statutory planning policy document which sets out the Council's approach to the application of the Community Infrastructure Levy (CIL) and Planning Contributions. Its key purpose is to provide a suite of Borough-wide planning policies which is used to determine planning applications.
- 1.5 The Planning Contributions SPD has now been amended to ensure consistency with the adopted DMLP in keeping with the inspector's recommendations and to address new national sustainability targets.
- 1.6 I commend this report to Cabinet.

2. CORPORATE DIRECTOR'S INTRODUCTION

- 2.1 The Planning Contributions SPD 2015 was approved by Cabinet on 20th July 2015. This revised SPD is necessary to reflect the adoption of the DMLP and the recommendations made by the inspector.
- 2.2 The SPD was prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) and the National Planning Policy Framework (NPPF, 2012).

3. RECOMMENDATIONS

Cabinet is asked:

- 3.1 To recommend to Council to Adopt the revised Hackney Planning Contributions Supplementary Planning Document (SPD) November 2015, as set out in Appendix 1 of this report, in line with the Town and Country Planning (Local Planning) (England) Regulations 2012.**
- 3.2 To authorise the Corporate Director of Legal, HR and Regulatory Services to make any necessary general editorial amendments to the Planning Contributions SPD November 2015 before it is published.**

Council is recommended:

- 3.3 To note the revisions to the document, and approve the adoption of the Planning Contributions SPD November 2015 as set out in Appendix 1 of this report.**
- 3.4 To authorise the Corporate Director of Legal, HR and Regulatory Services to make any necessary general editorial amendments to the Planning Contributions SPD November 2015 before it is published.**

4. REASONS FOR DECISION

- 4.1 The Council needs to respond to the adoption of the Development Management Local Plan (DMLP) and changes made to national sustainability targets.**

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 The alternative option is not to revise the Planning Contributions SPD adopted in 2015. As a supplement to a statutory planning document, and as a material planning consideration in its own right, the Planning Contribution SPD needs to be updated to ensure consistency with the adopted DMLP and changes in national policy in order to meet legislative requirements and best practice.**

6. BACKGROUND

- 6.1 This revised Planning Contributions SPD 2015 (Appendix 1) sets out the Council's policy approach for securing Planning Contributions from new developments that require planning permission.**

- 6.2 This SPD is supplementary to the Hackney Core Strategy and Development Management Local Plan, and should be considered alongside Hackney's adopted CIL Charging Schedule.
- 6.3 The general changes to the approved SPD are largely editorial and do not involve changes to any to the methodology or to any of the formulas in the document approved at Cabinet. The main changes to the SPD include the following:
- The Introduction to the SPD has been amended to further clarify the Councils approach to planning contributions.
 - Table 1 and supporting text has been removed and reference made to the statutory Regulation 123 list on the Hackney CIL Web page, setting out what infrastructure the Council can use CIL receipts to fund.
 - All the policy references to the DMLP have been amended to reflect its status as an adopted policy document.
 - The Introduction to the Employment and Training section has been amended to show that the SPD meets the statutory tests and is consistent with the NPPF, the London Plan, the Hackney Core Strategy and the Development Management Local Plan. The amendment was made in response to the changes to the DMLP recommended by the Planning Inspector.
 - The Sustainable Design and Construction Chapter has been amended to reflect recent changes in national carbon emission targets.

Policy Context

- 6.4 Government policy on the application and use of Planning Contributions (or planning obligation) is contained within the Community Infrastructure Levy Regulations 2010 (as amended) and the National Planning Policy Framework (NPPF 2012). Regulation 122 of the CIL Regulations places into law for the first time the Government's policy tests on the use of planning obligations (i.e. Planning Contributions). It is unlawful for a planning obligation to be used as a reason for granting planning permission if the obligation does not meet all of the following tests -
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
- 6.5 The NPPF states that "local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

- 6.6 Hackney's Core Strategy is the primary strategic document in the Local Development Framework (LDF). It sets out a long-term spatial vision and strategic objectives for future development in the Borough.
- 6.7 The adopted DMLP contains the development policies that elaborate the Core Strategy. It forms the development plan which is used to determine planning applications, together with the London Plan, the Core Strategy, and other relevant supplementary planning documents. Policy DM4 of the (DMLP) sets out the Council's approach to the application of CIL and Planning Contributions.
- 6.8 Together these documents provide the context and priorities in which Planning Contributions may be sought in these areas.

7 Equality Impact Assessment

- 7.1 None of the proposed amendments to the adopted SPD 2015 affect the outcomes of the Equality Impact Assessment undertaken in October 2013 as part of the consultation and adoption of the SPD. The overall result of the EqIA was predominantly positive with no adverse impacts identified on any sector of the community. Planning obligations will still be sought for Affordable Housing, apprenticeships, employment and training initiatives, all of which benefit a wide section of society, particularly those groups which may experience high unemployment or cannot easily access private sector housing.
- 7.2 In carrying out the function of amending the adopted Planning Contributions SPD 2015, the Council has taken due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. Regard must be had to the equality analyses that have been carried out to date, noted at paragraph 7.1 of this Report.

8 Sustainability

- 8.1 Local Plans are required to have a Sustainability Appraisal (SA) to assess the economic, social and environmental impacts of the policies contained within them. The Planning Contributions SPD itself is not required to have a SA undertaken as it is not a Local Plan, rather a Supplementary Planning Document which gives further guidance in support of Local Plan policies which themselves have been subjected to an SA.

9 Consultations

- 9.1. The adopted SPD went through the formal public consultation process, the proposed amendments are largely editorial and do not make any changes to the mythology used throughout the document. It is considered therefore that further consultation is not warranted.

10 Risk Assessment

10.1 The document has been prepared in conformity with The Core Strategy and policy DM4 of the Development Management Local Plan, and the public consultation undertaken in accordance with the relevant regulations to ensure a transparent and robust process that safeguards the Council against any potential future legal challenge.

11. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

11.1 This report seeks adoption of the revised Planning Contributions Supplementary Planning Document (SPD) November 2015.

11.2 The proposed changes to the approved SPD are largely editorial and do not involve changes to any of the methodology or to any of the formulas in the document approved at Cabinet, and therefore there are no direct financial implications arising from the recommendations in this report.

12. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

12.1 The preparation of the Supplementary Planning Document – Planning Contributions Supplementary Planning Document (“the SPD”) must follow a statutory process as required by the Town and Country Planning (Local Planning) (England) Regulations 2012.

12.2 As soon as reasonably practicable, after the local planning authority adopts the SPD, the Authority must make available, the SPD, an Adoption Statement and associated documents at the Council’s offices and on its website – Regulation 14 and 35. A copy of the Adoption Statement must also be sent to any person who has asked to be notified of the adoption of the SPD.

APPENDICES

Appendix 1 –Planning Contributions SPD 2015 (amended)

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required.

None

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