

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 11 April 2016

Portfolio:	Planning and Development
Subject:	Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne)
Report of:	Director of Planning and Regulation
Strategy/Policy:	Fareham Local Plan: Adopted Core Strategy (August 2011) & Local Plan Part 2: Development Sites and Policies Plan (June 2015).
Corporate Objective:	<ul style="list-style-type: none">To protect and enhance the environmentTo maintain and extend prosperityTo ensure that Fareham remains a safe and healthy place to live and workTo provide a reasonable range of leisure opportunities for health and funTo build strong and inclusive communitiesTo be a dynamic, prudent and progressive Council

Purpose:
To approve the Planning Obligations Supplementary Planning Document for adoption.

Executive summary:
Fareham Borough Council has used legal agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (known as planning obligations) for many years in order to secure contributions towards infrastructure such as open space and transport improvements.

Following the introduction of the Community Infrastructure Levy (CIL) the use of planning obligations has reduced substantially. Even with CIL in place however, planning obligations are still needed to secure a number of elements considered necessary to make development acceptable in planning terms.

This SPD is guidance which supports Fareham's Local Plan by setting out this Council's approach to the use of planning obligations to secure satisfactory development and essential infrastructure.

The SPD was subject to six weeks of public consultation. The final version of this SPD takes the representations received into account and has also been updated to take account of the adoption of Parts 2 and 3 of the Fareham Local Plan.

Recommendation:

That the Executive:

- (a) notes the consultation comments received on the Draft Supplementary Planning Document and agrees the responses to the representations as set out in Appendix A to the report; and
- (b) adopts the Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne) as set out in Appendix B to the report with effect from Monday 25 April 2016.

Reason:

To enable the Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne) to be adopted and afforded due weight as a material consideration in the determination of planning applications.

Cost of proposals:

There are no direct financial implications arising from this report.

Appendices: **A:** Summary of comments received and proposed Council responses
B: Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne)

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	11 April 2016
Subject:	Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne)
Briefing by:	Director of Planning and Regulation
Portfolio:	Planning and Development

INTRODUCTION

1. Supplementary Planning Documents (SPDs) can be produced where they can help applicants make successful planning applications by building upon and providing more detailed guidance on the policies in the Local Plan.
2. The Planning Obligations SPD for the Borough of Fareham (Excluding Welborne) will be a material planning consideration for decision-making purposes and, in conjunction with the Core Strategy and the Development Sites & Policies Plan, will be used in the determination of planning applications across the Borough (excluding Welborne).
3. In addition, the document provides clarity on the purposes for which the Council intends to secure planning obligations from some development granted planning permission. This is important because Fareham is a CIL Charging Authority and the Government's Planning Practice Guidance requires a transparent approach to the securing of developer contributions, including how the Council will ensure that developers are not charged twice for the same infrastructure type or project.

BACKGROUND

4. National planning policy and legislation allows local authorities to use several mechanisms to secure necessary infrastructure provision to meet the needs of their area. The key mechanisms are principally through the use of planning obligations and the Community Infrastructure Levy (CIL).
5. Historically the Council has used planning obligations to deliver essential infrastructure, to address the effects of developments, or to control and/or enhance specific aspects of the development. However, following the introduction of CIL the use of planning obligations has substantially reduced with the majority of developer contributions towards infrastructure now being secured through CIL.
6. The Core Strategy contains Policy CS20: Infrastructure and Developer Contributions, which sets out the Council's strategic approach to securing contributions and provides the key policy basis for the formulation of this SPD. Other policies within both the Core Strategy and the Development Sites and Policies Plan provide further policy justification, and this is set out clearly within the SPD.

7. In addition to satisfying the requirements of the legislation, national guidance and local plan policies, this SPD will also replace the detailed guidance currently contained within the Open Space Supplementary Planning Guidance (2002).
8. This document will cover the Borough, with the exception of Welborne, where the adopted Welborne Plan is considered to set out sufficient detailed guidance to facilitate the securing of planning obligations including for affordable housing.

PUBLIC CONSULTATION

9. The Draft version of the SPD was subject to public consultation and engagement with interested parties for a period of six weeks. The document was made available on the Council's website and hard copies were available to view at all of the Borough's libraries. A letter or email was sent to everyone on the Council's consultation database to inform them of the consultation period.
10. The Council received seven responses on the Draft SPD. Of these, three had no direct comment to make on the SPD. A further three responses requested some minor changes to the text of the SPD. The final response, from Hampshire County Council, recommended a number of changes to the format of the SPD, to provide greater clarity. A table containing a summary of all of the issues raised and the Council's response to them can be seen in Appendix A to this report.
11. None of the representations received raised any substantial objections to the overall content of the SPD. However since the consultation was undertaken on the draft SPD, the Government has published draft legislation in the form of the Housing and Planning Bill. The legislation, as currently proposed, would result in a marked change in the tenure of housing delivered through the planning system.
12. In light of this draft legislation currently progressing through parliament it is considered appropriate to remove affordable housing from the SPD at this time. A review of this Council's approach to affordable housing will be carried out when the position on housing tenure secured through the planning process is confirmed through the legislation.
13. Other changes were also required to update the SPD following the adoption of Fareham Local Plan Part 2 and to take account of several recent changes to national planning guidance and relevant case law.

CONTENT OF THE DOCUMENT

14. The purpose of the Planning Obligations SPD for the Borough of Fareham (Excluding Welborne) is to set out the appropriate means for securing necessary infrastructure and appropriate development through the use of planning obligations. This is considered necessary to demonstrate clearly what the Council's approach to securing planning obligations will be in the light of the Council's continued operation of CIL.
15. The format and scope of the document is set out below.
16. Section 1 Introduction - Setting out the purpose and scope of the document and how it has been produced.

17. Section 2 Policy Background – Provides references to relevant national and local policy background.
18. Section 3 Methods of Securing Developer Contributions – Provides information on the different methods the Council can use to secure developer contributions, including planning conditions, planning obligations, Section 278 agreements and CIL.
19. Section 4 How will the Council use Planning Obligations? - This explains the relationship between CIL and planning obligations and establishes clearly the circumstances in which the Council will seek to utilise planning obligations. Four different categories of planning obligations are established. This section also sets out monitoring arrangements.
20. Section 5 Development Viability - This sets out the national guidance with regards to considering viability when seeking to secure developer contributions. This introduces the Council's approach; that where viability issues are raised, and the required obligations cannot be met, a full viability assessment will need to be submitted, and the Council may seek to have this checked by an independent third party for validity.
21. Section 6 Planning Obligations - This sets out clearly the Council's approach to the more common types of planning obligations within each of the four categories that were established in Section 4. The types of planning obligations covered includes those for Solent Special Protection Areas mitigation, site-specific transport and access requirements, employment skills, on-site open space and avoiding prejudicing the development of adjacent land.
22. The document includes two appendices which provide further guidance on the Solent Recreation Mitigation Strategy (Appendix A) and on-site open space, outdoor sports provision and children's play equipment (Appendix B).

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

23. The Planning Practice Guidance states that when producing a Supplementary Planning Document an SEA may be required in exceptional circumstances. This SPD expands upon policies within the relevant adopted local plans (LP1 and LP2) which have undergone Sustainability Appraisals as part of their respective examination processes and have been found to have positive effects. The Council is therefore of the opinion that an SEA is not required

RISK ASSESSMENT

24. There are no significant risk considerations in relation to this report.

CONCLUSION

25. The Planning Obligations SPD for the Borough of Fareham (Excluding Welborne), as set out in Appendix B, would supplement the policies of the Core Strategy and the Local Plan Part 2: Development Sites and Policies Plan to secure the satisfactory delivery of new development, by helping to deliver the necessary essential infrastructure.

26. It is recommended that the Executive approve the Planning Obligations SPD for the Borough of Fareham (Excluding Welborne), for adoption.

Enquiries:

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