



Policy, Finance and Development Committee	Tuesday, 17 December 2024	Matter for Information and Decision
--	----------------------------------	--

Report Title: **Draft Development Contributions Supplementary Planning Document (SPD) for Public Consultation (January 2025)**

Report Author(s): **Peter Heath (Senior Planning Policy Officer)**

Purpose of Report:	The purpose of this report is to seek Committee's approval to publicly consult on the Draft Developer Contributions Supplementary Planning Document (SPD) for public consultation alongside the emerging Pre-Submission draft Local Plan for a 6-week period proposed to commence Friday 10 January 2025, running until Friday 21 February 2025.
Report Summary:	<p>The current Developer Contributions Supplementary Planning Document was adopted in April 2019. As the emerging draft Local Plan is being progressed, Officers consider it an appropriate time to review and where necessary update the current Developer Contributions Supplementary Planning Document.</p> <p>Public consultation on this draft Supplementary Planning Document alongside the emerging Regulation 19 Pre-Submission Draft Local Plan document will provide clarity for both developers and the wider public on the range of contributions likely to be sought and the likely level of contributions that will be required from new developments over the Plan-period up to 2041.</p> <p>The draft document seeks to ensure that the level of developer contributions to be sought from new development reflects the current costs of delivering and maintaining infrastructure that is needed to effectively support the Borough's growing population.</p>
Recommendation(s):	That Members approve the Draft Developer Contributions Supplementary Planning Document (SPD) for the purposes of public consultation proposed to commence Friday 10 January 2025, running until Friday 21 February 2025.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Teresa Neal (Strategic Director) (0116) 2572 642 Teresa.Neal@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Ed Morgan (Principal Planning Policy Officer) (0116) 257 2650 ed.morgan@oadby-wigston.gov.uk</p> <p>Peter Heath (Senior Planning Policy Officer) (0116) 257 2732 peter.heath@oadby-wigston.gov.uk</p>

Strategic Objectives:	Our Council (SO1) Our Communities (SO2) Our Economy (SO3) Our Environment (SO4) Our Partners (SO5)
Vision and Values:	Customer & Community Focused (V1) Collaborative & Creative (V3) Resourceful & Resilient (V4)
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Economy / Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None so far, however this report is seeking approval to consult with the public and other key stakeholders.
Background Papers:	Developer Contributions SPD (2019)
Appendices:	<ol style="list-style-type: none"> 1. Draft Developer Contributions Supplementary Planning Document (January 2025) 2. Equality Assessment (Initial Screening) (2024)

1. Background

- 1.1 The purpose of this draft Developer Contributions Supplementary Planning Document (SPD) is to provide further guidance and clarity on how contributions sought from new development will be negotiated on all major developments to ensure that sufficient infrastructure is put in place to meet the additional demands created by the new development and its increased population. In accordance with the National Planning Practice Guidance (NPPG), major development is defined as developments where 10 or more dwellings will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more. This SPD will act as a starting point for discussions to establish what obligations will be levied, where financial contributions are required, and, how they will be calculated.

- 1.2 The draft Developer Contributions Supplementary Planning Document (SPD) seeks to ensure that the level of developer contributions to be sought from new development reflects the current costs of delivering and maintaining infrastructure that is needed to effectively support the Borough's growing population.
- 1.3 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended) and, Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). The Council must also have regard to the Policy and guidance set out within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), and local planning policy contained within the Borough's Local Plan.
- 1.4 Once the draft Developer Contributions Supplementary Planning Document (SPD) has been consulted upon, finalised and adopted, it will be a material consideration when determining planning applications and should be treated as a starting point for stakeholders to understand the approach the Local Planning Authority will take in regard to planning obligations. If adopted, this Supplementary Planning Document would replace the Council's current Developer Contributions Supplementary Planning Document (adopted April 2019).
- 1.5 A Developer Contributions Supplementary Planning Document is an important document that the Council produces and must keep up to date. To do so, the Council must also ensure that the Local Plan, the Infrastructure Delivery Plan (IDP) and the Whole Plan Viability Assessment (WPVA), which all have a direct relationship with the Developer Contributions Supplementary Planning Document, are kept up to date. By doing so, the Council's ability to secure on and / or off-site planning obligations from new major developments will be greatly enhanced.
- 1.6 CIL Regulation 122(2) (as amended) states that planning obligations should only be sought where they meet the following test to show they are:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 1.7 In order to ensure that the three statutory tests are met, the Council requires all service delivery partners to complete and submit a 'Community Infrastructure Levy (CIL) Compliance Checklist Form' per obligation sought from new developments in the Borough.
- 1.8 One of the documents produced by the Council is an Annual Infrastructure Funding Statement (AIFS). This report sets out a) how much money has been received in the previous financial year from Section 106 agreements, b) what the funding is allocated for, c) how Section 106 monies have been spent in the previous financial year and d) what projects the Section 106 monies have been spent on. Any trends identified in the AIFS can be used to monitor how the Developer Contributions Supplementary Planning Document is being implemented and, if necessary, help to inform future amendments to the Council's approach.

2. Supporting Infrastructure Delivery in the Borough

- 2.1 One of the key objectives of this Supplementary Planning Document is to alert applicants of the likely level of planning obligations that can be expected from proposed developments, well in advance of any planning application being submitted. Applicants and / or developers can then factor these requirements into potential scheme costs at an early stage.

- 2.2 The draft Supplementary Planning Document does not present every possible circumstance and/or obligation that may be sought or taken into account, although it does provide a clear indication of the Borough Council's essential requirements from new developments. The Supplementary Planning Document also outlines the timing of payments so applicants can take into account when obligations will be sought.
- 2.3 The update also reflects changes to Building Cost Information Service (BCIS) All-In Tender Price Index since the previously published Developer Contributions Supplementary Planning Document (2019). The prices have risen by approximately 20 per cent since the current Supplementary Planning Document was adopted. The increase in contributions to be sought from new development in the Borough will now be based upon up-to-date costs.
- 2.4 The Supplementary Planning Document is proposing to increase the level of contributions to be sought towards Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure). The document proposes to seek a figure proportionate to the number of bedrooms provided by each dwelling. The proposed approach is based upon up-to-date capital and maintenance costs, in accordance with the BCIS (BCIS) All-In Tender Price Index Rate, to ensure the costs included fairly reflect the local and national picture.
- 2.5 The Council's monitoring costs outlined in the draft Supplementary Planning Document have also increased to better reflect changes in Legislation putting more monitoring responsibilities on councils. Updated costs propose a fixed fee that is proportionate to the number of dwellings being built and will better recover some of the Council's expenditure whilst monitoring developments from signing of a S106 Agreement, all the way through to the final triggers being met on each new scheme.
- 2.6 The draft Supplementary Planning Document is also seeking to reflect the National Planning Policy Framework's emphasis on the importance of the timing of infrastructure provision and its delivery before or alongside new housing growth. The draft Supplementary Planning Document is therefore seeking that, where appropriate and viable, financial contributions are required to be paid in full upon commencement of the development, or when the first dwelling is complete, or when the impacts of the development that the contribution is intended to address occur, whichever is the sooner. Where contributions are paid in phases, the Council is seeking that the first payment is received in line with the above and are fully funded before the completion of last dwelling.
- 2.7 The draft Supplementary Planning Document also includes information on the following categories of infrastructure that could be impacted upon by new developments in the Borough:
- Affordable Housing
 - Air Quality
 - Community Safety and Policing
 - Health and Wellbeing
 - Leicestershire County Council Services
 - Public Realm
- 2.8 It also outlines infrastructure requirements of a number of service providers, such as:
- East Midlands Ambulance Service NHS Trust
 - Leicester, Leicestershire and Rutland Integrated Care Board (LLR ICB)
 - Oadby and Wigston Borough Council
 - Leicestershire County Council
 - Leicestershire Fire and Rescue Service

- Leicestershire Police

3. Conclusion

- 3.1 Subject to Committee approval, the draft Developer Contributions Supplementary Planning Document (SPD) public consultation period is proposed to commence on Friday, 10 January 2025 for a 6-week period until Friday, 21 February 2025.
- 3.2 Once the draft Developer Contributions Supplementary Planning Document (SPD) has been subject to public consultation, any representations that have been received will be taken account of and factored into a final version, as necessary. The final version will then be submitted to Members for approval at the next appropriate Member Committee.