

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR PLACE TO CABINET

ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS/ PLANNING ADVICE NOTES

1. PURPOSE OF REPORT

- 1.1 This report seeks authority to adopt several Supplementary Planning Documents (SPD's) and Planning Advice Notes (PAN's).
- 1.2 SPD's and PAN's are detailed technical documents that provide information on various issues. Their purpose is to give detail on how planning policies will be applied to planning applications for development. We have 18 documents already adopted that cover different topics, for example affordable housing, financial contributions for school places, open space provision and hot food takeaways.

2. RECOMMENDATIONS

- 2.1 **That Cabinet refers this report to Full Council for approval to adopt the Supplementary Planning Documents and Planning Advice Notes it covers.**

3. INTRODUCTION

- 3.1 The Local Plan, adopted on 3rd January 2019, contains policies to be considered when determining planning applications. Supplementary Planning Documents contain further advice and explain how these policies will be applied. Where a document is referred to as a Planning Advice Note (PAN) it is providing guidance on an issue that doesn't have a direct link to a Local Plan policy. 18 SPD's and PAN's were adopted in May 2019.
- 3.2 On 4th September Cabinet approved a further 8 SPD's and PAN's for consultation. Public consultation took place for a period of four weeks between 16th September and 14th October 2019. Appendix 1 provides a summary of the main issues covered in the documents and the main issues raised during consultation, together with any changes made in response to comments.
- 3.3 This report seeks authority to adopt all 8 documents that were the subject of public consultation. If the recommendation is approved this will mean a total of 26 SPDs will have been adopted this year. This is over and above the list included in the Local Plan but this wasn't meant to be exhaustive. As things stand it is likely that a small number of additional SPDs will be prepared next

year but thereafter the focus will move to monitoring and reviewing the existing ones as and when necessary.

4. PROPOSAL AND JUSTIFICATION

Following adoption of the Local Plan, a suite of updated and new SPD's/ PAN's has been prepared. This report provides an update on the response to the public consultation, and seeks authority to adopt the 8 SPD's/PAN's, as amended where appropriate, following public consultation. Paragraph 4.2 below sets out the full list of documents that were consulted on.

- 4.2 Sustainable Travel
Planning Obligations
Parking
Section 38 agreements
Section 278 agreements
Development on Land Affected by Contamination
Elsecar Conservation Area Design and Maintenance Guide SPD
Cawthorne Village Design Statement
- 4.3 The Sustainable Travel and Planning Obligations SPD's were consulted on previously. They were held back from adoption with the 18 documents in May to enable the comments made to be given further consideration. The proposed methodology for calculating Sustainable Travel contributions has been changed in this latest draft. Comments from the first consultation have been addressed where they remain relevant.
- 4.4 Public consultation took place for a period of four weeks between 16th September and 14th October 2019. A total of 38 comments were received from 7 consultees. One late response was received which made 3 comments. The breakdown of how many comments were made on each draft SPD/ PAN is given in appendix 1, which summarises the main issues covered by the documents. Appendix 1 also sets out the main issues raised in the consultation responses, and any key points that have been changed in response to comments made during consultation.
- 4.5 The consultation was advertised in a public notice in the local press and press releases were done, including information placed on social media at the start, end and during the consultation period. The consultation documents were available on the Council's on line consultation system Smartsurvey, and could also be viewed online or as paper copies at Library@the Lightbox and at all branch libraries across the borough, during normal opening hours. Comments were accepted via the consultation system, by email or by post.
- 4.6 The Sustainable Travel SPD seeks developer contributions through section 106 agreements. The comments received are largely supportive with one objection to the SPD being adopted.

- 4.7 The objection received seeks clarity over how contributions will be calculated for non-residential development. At the time of drafting the Supplementary Planning Document it was recognised by officers that this would be a particularly complex exercise given uncertainties around trip rates for the full range of non-residential uses. In addition, given that trip from residential properties will include those to and from places of work and leisure, there would be a real risk of double counting the trips generated from new dwellings. Nevertheless, new non-residential properties do nonetheless generate new trips from existing residential properties and so it is entirely legitimate to require contributions to secure and promote sustainable modes of travel.
- 4.8 Given the difficulties arriving at a precise figure for calculating a contribution for non-residential development, it is considered prudent for this to be devised from the likely cost of interventions deemed necessary to achieve identified modal shift targets. This does mean it will not be possible for parties to have clarity on the overall cost at the outset, which is the advantage of the formula that will be applied to residential development proposals. Nevertheless, given the need to adopt a Sustainable Travel Supplementary Planning Document in a timely manner, it is proposed to remove the proposed formula for non-residential development, which helps to address the objection that has been received. Instead, sustainable travel contributions from non-residential developments will be devised on a site by site basis depending on what is needed to achieve modal shift targets. Officers can then monitor the practicality and success of this approach. In the event that this is creating significant challenges, a view can then be taken on whether to revise the SPD by introducing an amended formula for non-residential developments supported by detailed research and evidence. Alternatively, if circumstances change such that the Community Infrastructure Levy becomes a more viable way of securing sustainable travel infrastructure contributions this could be considered.
- 4.9 In light of the above, it is extremely difficult to estimate the overall amount of monies that could be generated by the SPD. It could be as much as £12m but this would depend on the extent to which anticipated development comes forward.
- 4.10 The SPD's and PAN's consulted on cover numerous issues. Appendix 1 details the changes made as a result of representations. The final proposed SPD's/ PAN's for adoption are available with the cabinet papers.
- 4.11 Should approval to adopt the SPD's/PAN's be given, their adoption will be publicised and they will be made available in line with the Town and Country Planning (Local Planning)(England) Regulations, 2012.
- 4.12 Following adoption of this suite of SPD's/ PAN's further documents are being considered looking at issues such as Energy and Sustainability.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 One alternative approach would be not to adopt new supplementary planning documents and planning advice notes. This would mean that there would be a vacuum of planning policy advice to support the Local Plan to help explain how policies will be applied and interpreted on these particular topics.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The implications for local people and service users are that the updated Supplementary Planning Documents and Advice notes will be used to provide up to date information and guidance on how planning policies will be applied and interpreted.

7. FINANCIAL IMPLICATIONS

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 The cost of adoption including printing and publicity costs are estimated to be approximately £1,500. This additional expenditure will be financed from the reserves previously earmarked for the Local Plan.
- 7.3 The financial implications directly arising from this report are summarised in the attached Appendix A.
- 7.4 As noted in paragraph 4.6 above, the introduction of the Sustainable Travel SPD will result in additional income to be used on Sustainable Travel schemes. This could be as much as £12m, but given the uncertainties it is not included in Appendix A.

8. EMPLOYEE IMPLICATIONS

- 8.1 There are no employee implications arising from this report.

9. COMMUNICATIONS IMPLICATIONS

- 9.1 Communications support will be required in publicising the adoption of the SPD's/PAN's through press releases and social media.

10. CONSULTATIONS

- 10.1 Consultation has taken place internally with the various officers who act on behalf of the teams responsible for providing input into planning applications (e.g. Highways, Environmental Health).
- 10.2 Paragraphs 4.4 and 4.5 above details the public consultation on the draft SPD's/PAN's which took place for a period of four weeks between 16th September 2019 and 14th October, 2019.

11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 11.1 The Local Plan is a key Council strategy document that will support achievement of each of the three main priorities set out in the corporate plan and more specifically outcomes 1-6, 9 and 11. The suite of SPD's provide further detail on how Local Plan policies will be applied.

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

- 12.1 The Local Plan was subject to an Equality Impact Assessment to assess the impact of its policies and proposals. This concluded that all policies and proposals apply to all sectors of the community equally. An Equalities Impact Assessment has been carried out which covers the SPD's and PAN's adopted in May 2019 and the ones covered in this report. This considers there are no EIA implications, with the exception of the Sustainable Travel SPD which could contain further reference to disabled access to schemes. The Equality Forums have been consulted. No comments were received.

13. TACKLING THE IMPACT OF POVERTY

- 13.1 If the objectives of the Local Plan are achieved it is anticipated that levels of poverty, deprivation and inequality will have reduced by the end of the plan period. A number of the supplementary planning documents will play important roles in securing planning contributions for sustainable travel (public transport, walking and cycling), investment in public open space, provision of additional school places and affordable housing. These contributions will benefit communities affected by development proposals, helping to mitigate impacts but also maximize opportunities. In turn, benefits should also be realised for those in poverty.

14. TACKLING HEALTH INEQUALITIES

- 14.1 A Health Impact Assessment was produced to consider the Local Plan proposals on health. This considered the impact of the various policies within the plan on the health of the various communities as well as whether they contribute to the ambitions of the Corporate Plan and reduce health inequalities. It concluded that as a whole the plan would potentially improve the health of residents and help address health inequalities.

15. REDUCTION OF CRIME AND DISORDER

- 15.1 None of the topics covered in this suite of documents has any adverse implications on crime and disorder.

16. RISK MANAGEMENT ISSUES

- 16.1 CIL is non-negotiable whereas section 106 can be negotiated. This is a risk but we consider it is outweighed by the benefits of focusing on section 106 contributions.

17. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

- 17.1 Over and above the matters referred to under the heading “Tackling Health Inequalities”, there are no direct implications for health, safety and emergency resilience arising from this report.

18. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

- 18.1 There are no implications arising from this report.

19. CONSERVATION OF BIODIVERSITY

- 19.1 The Local Plan as modified seeks to achieve a net biodiversity gain by the end of the plan period. None of the topics covered in this suite of documents has an adverse impact on biodiversity.

20. GLOSSARY

SPD Supplementary Planning Document
PAN Planning Advice Note

21. LIST OF APPENDICES

Appendix A Financial Implications
Appendix 1: Summary of comments made and changes made to the SPD's.
Appendix 2: Final versions of SPD/PAN documents for adoption.

22. BACKGROUND PAPERS

Local Plan <https://www.barnsley.gov.uk/media/9924/local-plan-adopted.pdf>
Local Plan Viability Testing Update 2019 CP Viability Ltd
Equality Impact Assessment SPD's and PAN's 2019

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

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