

## CONSULTATION STATEMENT FOR PLANNING OBLIGATIONS SPD

Taylor and Young on behalf of the High Peak Borough Council have prepared the Planning Obligations Supplementary Planning Documents. The documents were originally prepared as Supplementary Planning Guidance under previous legislation. The new Planning and Compulsory Purchase Act 2004 brought in new regulations requiring a greater level of public consultation for all planning documents, and the submission of a consultation statement. However, as these documents have been caught between the two processes only a limited amount of consultation has been possible.

### Stakeholder Consultation

Taylor and Young held a series of meetings with relevant stakeholders to initially scope the content of the SPD's and specifically targeted relevant organisations to establish their requirements.

The following questions were sent to the stakeholders listed below:

What do you hope to achieve through the development process?

Are there any thresholds that you use? Eg number of dwellings or amount of floorspace areas?

Are there any issues in the Borough, which may be addressed through the development process? Eg deficiencies in open space in certain areas of the District, shortage of school places?

What have you achieved in the past through s106?

Organisation	Comments	How Incorporated
High Peak Borough Council- Leisure	Use of s106 for sport facilities has been poor. Also would like percent for art. Protection of sports pitches a priority. Flexibility in guidance	Into section 8.2.1-8.2.3
High Peak Borough Council - Parks Department	Councillors expectations very high as to what can be achieved. S106 do not need to be so specific. Distinction between local and regional parks. S106 monies could be used for management of parks	Into section 8.2.1-8.2.3
High Peak Borough Council – Conservation Section	Involved in initial meeting to discuss content of SPD's	Into section 8.4.1-8.4.2
Derbyshire County Council – Education	Information on the difficulties of securing 106's for education. Information on number of children from a development and average cost per child across county	Into section 8.3.1 –8.3.4
Derbyshire County Council- Planning	Involved in initial meeting to discuss content of SPD's	Into section 8.6.1-8.6.4
West Berkshire Council	Advice on legal interpretation of S106's and system of developing legal agreements.	Into section 7
Environment Agency	Concerned with flood risk, sustainable drainage, access to watercourses, remediation of	Into section 8.7.1-8.7.3



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	contaminated land, pollution prevention	
Derbyshire Wildlife Trust	Scope to get more out of 106's RPG has guidelines for managing and creating habitat	Into section 8.8.1-8.8.3

### Public Consultation July 2005

#### Statement of suggested changes to the SPD in response to the Sustainability Appraisal process

Mitigation and enhancement measures identified following prediction and assessment of potential effects of the SPD were as follows:

1. Under Plan objective for affordable housing, the SA objective to reduce anti-social activity can be enhanced by inclusion of recommendation for liaison with Derbyshire Police Architectural Liaison Officer and Crime Prevention Officers re designing out crime.
2. Under Plan objective for affordable housing, the SA objective to improve accessibility to essential services and facilities can be enhanced by noting the need to meet predicted additional demand for services and include a requirement for new or replacement facilities. Any such facilities should be available in time for any increase in the number of residents.
3. Under Plan objective for affordable housing, the SA objective to maintain and enhance biodiversity, flora and fauna can be enhanced by ensuring that the SPD is explicit about negating/enhancing the impacts of development on biodiversity.
4. Under Plan objective for affordable housing, the SA objective to conserve and enhance the historic environment can be enhanced by ensuring that guidance refers to the Council's expectations for developments within Conservation areas.
5. Under Plan objective for affordable housing, the SA objective to maintain and enhance the quality of landscapes can be enhanced by ensuring that the guidance makes cross-reference to the Borough Council's landscape character assessment work, including reference to the planting and management guidelines for each of the High Peak landscape character types.
6. Under Plan objective for open space, the SA objective to maintain and enhance biodiversity, flora and fauna can be enhanced by ensuring that the policy is expanded to state that any open spaces should be linked to wider green networks wherever possible. In addition guidance



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should be given to demonstrate how native species can be incorporated to benefit wildlife and the Peak District Biodiversity Action Plan referenced as a source of information on local biodiversity objectives.

7. Under plan objective for open space, the SA objective to enhance townscape quality can be enhanced by recommending support for and promotion of neighbourhood groups to care for the environmental quality of local neighbourhoods.
8. Under plan objectives to contribute to the national integrated transport strategy and to provide sustainable transport, the SA objective to develop and protect safe, clean and green public space can be enhanced by enforcing opportunities to link improved pedestrian and cycle routes with a network of green spaces.
9. Under plan objectives to contribute to the national integrated transport strategy and to provide sustainable transport, the SA objective to promote the improvement and regeneration of town centres and urban areas can be enhanced by enforcing a requirement for travel plans.

### Changes made to the SPD

In the light of the above enhancement measures identified by the sustainability appraisal process, the following amendments were made to the SPD:

1. No change as not appropriate for this document there is Supplementary Planning Guidance that covers these issues.
2. No change.
3. Amend SPD section on Land Management to ensure guidance is explicit about negating/enhancing the impacts of development on biodiversity.
4. Amend SPD. In paragraph 5.4 make reference to need to preserve and enhance Conservation Areas.
5. Amend section on Land Management to include reference to landscape character assessment.



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6. Amend section on Land Management to include guidance on native species and make reference to the Peak District Biodiversity Action Plan.
  
7. No change not appropriate for SPD.
  
8. Amend SPD section on Sustainable Transport Provision to make specific reference to linking improved pedestrian and cycle routes with a network of green spaces.
  
9. No change travel plans are a detailed as a requirement in the section on Sustainable Transport Provision.



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### PLANNING OBLIGATION SPD – Consultation Responses.

Organisation / Name of respondent	Support or Object	Chapter / paragraph	Comment	HPBC Response	Recommendation
East Midlands Regional Assembly	Support	All document.	It may be useful to make reference or cross reference to the targets and indicators contained within the appendices to RSS8 when relevant.	Support is welcomed	
English Nature	Support	All document.	No comment	Support is welcomed	No Change
Environment Agency	No comment	All document.	No comment	No Change	No Change
Highways Agency	Support	All document.	The transparency provided by the SPD is welcomed	Support is welcomed	No Change
	Object	Chapter 6: Scheme Viability.	The SPD indicates that where development is likely to impact upon the SHN it may be appropriate to contribute towards major highway schemes identified in the local plan. This statement is too narrow and the Highways Agency ask that it be stated that where development is likely to impact upon the SHN.	Comment is noted	No change. Within the SPD the Topic Areas for which obligations will be sought section 8 includes transportation there is scope within the SPD for developer contributions towards major highway schemes where appropriate.
	Object	Chapter 8: Topic areas for which obligations will be sought.	The availability of sustainable transport should be ranked much higher in order to reflect its central	Comment is noted	No change. Sustainable transport is seen as an important issue hence its inclusion in the list of priorities. Whilst the SPD prioritises



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			importance in both Highways Agency and planning policy. At present the document only ranks sustainable transport 4 out of 5.		potential obligations it does clearly state that each case needs to be assessed on its own merits and where sustainable transport is a key issue there is scope to for it to be included as an obligation in preference to other matters.
Government Office for the East Midlands	Object	Chapter 1: Introduction.	Provide a cross reference to the table on page 7 to clarify which local plan policies the SPD refers to.	Comment noted	Amend text as requested
	Object	Chapter 1: Introduction.	Reference to RPG8 should be amended to RSS8	Comment noted	Amend text as requested
	Object	Chapter 3: Definition and purpose of planning obligations.	References to Circular 1/97 should be updated to recognise Circular 5/05.	Comment noted	Amend text as requested
	Object	Chapter 4: Review of the current system.	Paragraph states that the SPD will take into account any reforms from the forthcoming Circular 5/05. As the Circular has now been published the SPD should incorporate new policy.	Comment noted	Amend to take account of new circular.
	Object	Chapter 5: The use of obligations.	Include a reference to Government guidance on affordable housing.	Comment noted	Amend text as requested



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	Object	Chapter 8: Topic areas for which obligations will be sought.	Include information and quotes from more recent consultation papers on the proposed changes to PPG3.	Comment noted	Amend text as requested
	Object	Chapter 8: Topic areas for which obligations will be sought.	Reference to RPG8 should be amended to RSS8	Comment noted	Amend text as requested
	Comment	Chapter 8: Topic areas for which obligations will be sought.	SPD refers to an open space assessment being carried out if this has been done update information	Comment noted	The open space assessment has not been undertaken.
	Object	Chapter 8: Topic areas for which obligations will be sought.	The word "Council in the second line needs deleting so that it reads "The Borough Council".	Comment noted	Amend text as requested
	Object	Chapter 8: Topic areas for which obligations will be sought.	Change reference to PPG9 to PPS9.	Comment noted	Amend text as requested
Derbyshire County Council (Forward Planning)	Object	Chapter 3: Definition and purpose of planning obligations.	Table 3 which establishes targets for environmental objectives should emphasise gains or losses rather than net change.	Comment noted	Indicator changed
Derbyshire County Council (Community Safety)	Object	Chapter 3: Definition and purpose of planning obligations.	This section should include references to community safety, crime prevention, and anti-social behaviour from planned	Comment noted	No change. Not appropriate for this document there is Supplementary Planning Guidance that covers these issues.



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			developments under the relevant crime and disorder legislation. Planning applications should demonstrate how crime prevention measures have been considered.		
Mr K Tatton	Object	Appendices	Document is unclear as to the scope of planning obligations policy e.g. is it relevant for small scale planning applications.  Whilst consultation is necessary, it needs to be streamlined to reduce costs and potential delays imposed on developers.	Comments noted	No change. The document includes a section on the definition and purpose of planning obligations and provides details on the types of developments for which obligations will be sought in section 8.

