



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Growth and Development
LEAD OFFICERS:	Strategic Director of Growth & Development
DATE:	22 February 2024

PORTFOLIO/S AFFECTED:	Departments
WARD/S AFFECTED:	(All Wards);

SUBJECT: Developer Contributions & Affordable Housing Supplementary Planning Document (SPD) - reconsultation

1. EXECUTIVE SUMMARY

Developer contributions are secured in order to mitigate the impact of new development. Typical examples include the provision of green space, school places and transport improvements.

The draft Developer Contributions and Affordable Housing SPD provides detailed guidance on the application of a number of policies within the emerging Blackburn with Darwen (BwD) new Local Plan (2021-2037) which have implications for developer contributions, in particular Policy CP12: Infrastructure & Delivery. The SPD provides information on how Policy CP12 and other policies requiring affordable housing or specific infrastructure will be interpreted and applied. This will assist planning officers, applicants, service providers, Councillors, and members of the public through the planning application process, ensuring that the process is fair and transparent and is applied consistently.

Once adopted, the SPD will sit alongside the Blackburn with Darwen Local Plan (2021-2037) and will be a material consideration in planning decisions.

Prior to its adoption, the Council is required to undertake public consultation on SPDs by the Town and Country Planning (Local Planning) (England) Regulations 2012. A six-week public consultation was undertaken between December 2023 and January 2024 on the SPD. Following comments received, and officer discussions on the Council's approach to securing highway and transport s106 contributions for sites in South-East Blackburn, a number of amendments have been proposed to the document. Due to the significance of these changes, the SPD will be subject to a further public consultation to allow interested parties to review and comment on these changes. Changes that have been made to the document since the initial consultation are included as tracked changes for ease of reference.

As such, this report is requesting approval to re-publish the updated SPD for a 4-week public consultation, commencing in February. Following the close of consultation, the Council will consider all representations received and determine whether any further amendments to the draft SPD are needed. The final version SPD will be taken to Executive Board recommended for adoption later in 2024.

2. RECOMMENDATIONS

That the Executive Member:

- Approves the draft Developer Contributions and Affordable Housing Supplementary Planning Document (SPD) for a four-week re-consultation period.
- Notes that the outcome of the consultation and final version of the SPD will be reported at a meeting of the Executive Board for consideration.

3. BACKGROUND

Developments that include a net increase of new housing (for instance) can impact on their physical, social and environmental surroundings due to the increased demand for services and increased use of facilities as a result of the additional population that they will typically support. By securing obligations to provide financial contributions from developers, these impacts can be mitigated and, where possible, bring positive benefits for the local area.

The Developer Contributions and Affordable Housing SPD provides detailed guidance on the application of a number of policies within the emerging new Local Plan (2021-2037) which have implications for developer contributions, in particular Policy CP12: Infrastructure & Delivery which is the policy for seeking planning contributions. It is intended to provide information on how Policy CP12 and other policies requiring affordable housing or specific infrastructure will be interpreted and applied. This will assist planning officers, applicants, service providers, Councillors, and members of the public through the planning application process, ensuring that the process is fair and transparent and is applied consistently. The SPD does not introduce new policy, it just clarifies the implementation of existing policy set out in the emerging new Local Plan.

The SPD provides further guidance on the Council's approach to seeking contributions towards the following 'appropriate matters', as set out in Local Plan Policy CP12:

- Affordable housing;
- Education provision;
- Transport and travel improvements;
- Highways infrastructure;
- Health infrastructure;
- Open space, public realm and leisure; and
- Biodiversity net gain and environmental improvements

The SPD will ensure clarity in regard to the main types of developer contributions that will be sought, why they are needed, and the monetary formula used to calculate the contributions (where relevant). Decisions on the required developer contributions will be determined on a case-by-case basis based on the available evidence and will relate to one of the 'appropriate matters' set out in Policy CP12. Once adopted, the SPD will be a material consideration in the determination of planning applications in Blackburn with Darwen.

The draft SPD was published for a six-week public consultation between December 2023 and January 2024. During this time, an outline planning application for the strategic employment site close to Junction 5 of the M65 was submitted which initiated officer discussions on the Council's approach to securing s106 contributions to deliver the required highway and transport infrastructure to support development sites in the South-East Blackburn area. To ensure all sites that directly impact on the need for the identified transport infrastructure contribute proportionately, a specific, formula-based approach to calculating highway and transport & travel improvements, based on assumed trip generation rates, will be applicable to relevant sites. The Council has prepared a note to provide

additional details for calculating, and justification of, developer contributions in this area of the borough. This note has been included within the SPD, as Appendix B. It should be noted that the s106 contributions attributed to each site may be reviewed and updated accordingly in the future if required. Further information is set out within the SPD document.

Furthermore, a number of amendments have been made to the section on Biodiversity Net Gain (BNG), due to come into effect from February 2024. The most significant of these changes is the Council's approach to monitoring fees for BNG, information of which has now been added to the SPD.

Due to the significance of the changes made to the draft SPD following the initial six-week public consultation, the Council considers that it is appropriate to re-consult on these changes to allow interested parties to review and comment on the updated SPD. Changes that have been made to the document since the initial consultation are included as tracked changes for ease of reference.

Re-consultation on the draft SPD will be undertaken in line with the Council's adopted Statement of Community Involvement as follows:

- The draft SPD will be available to view on the Council's planning consultation website, with links from the Planning Policy webpage;
- Printed copies of the draft SPD will be available to view at Blackburn and Darwen Town Halls, libraries and The Barlow Institute in Edgworth;
- The Council's Planning Service maintains a database of those interested in preparation of the Local Plan and other planning documents. They will be notified by email of the consultation;
- Notification will also be sent to any relevant stakeholders identified whose details are not currently held on the consultation database;
- The Council's Planning webpages will be updated to provide details of the consultation and how to provide comments.

Subject to approval, it is proposed to undertake public re-consultation over a four-week period commencing in February 2024. The exact dates are to be confirmed.

Following the re-consultation, any comments received will be considered in producing the final SPD and a consultation feedback report prepared detailing main issues raised and how these have been addressed. A further report will be brought to Executive Board later in 2024 seeking adoption of the SPD.

4. KEY ISSUES & RISKS

The SPD sets out the process through which the Council will seek contributions from developers towards mitigating the impacts of development. Specifically, it:

- Provides clear guidance to mitigate the impacts of future development proposals and to ensure that any gaps in provision of social and community facilities arising from new housing (for instance) are provided for by the developer; unless there are clearly substantiated and justified reasons as to why a developer could not viably fund such planning contributions; and
- Establishes the requirements for on-site or off-site contributions, or financial contributions in lieu, provided via s106 planning obligations to mitigate impacts arising from the development.

Taking forward the document will provide useful guidance to applicants, helping speed up the planning process by minimising amendments or negotiations, often necessary following submission of planning applications. Subsequent adoption of the SPD will ensure that the document has weight in planning decision-making and enable the Council to refuse non-compliant planning applications. This

will give more certainty for the community and prospective developers on the Council's approach to developer contributions and affordable housing.

5. POLICY IMPLICATIONS

There are no direct policy implications, as the requirement for the Developer Contributions and Affordable Housing SPD is set by the emerging Local Plan (2021-2037) and Policy CP12: Infrastructure and Delivery. Policy CP12 sets out the commitment to produce a Developer Contributions and Affordable Housing SPD, and any failure to do so would fall foul of the proposed policy requirements.

6. FINANCIAL IMPLICATIONS

The costs associated with re-consulting on the draft SPD will be contained within the approved revenue budget for the Service.

7. LEGAL IMPLICATIONS

The Council are required to undertake public consultation on an SPD by the Town and Country Planning (Local Planning) (England) Regulations 2012, and in accordance with the Council's Statement of Community Involvement.

8. RESOURCE IMPLICATIONS

As identified under financial implications, no additional budget will be required to complete and adopt the SPD.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

This report seeks approval to undertake a re-consultation on the Developer Contributions and Affordable Housing SPD, in accordance with all legal and Council requirements, commencing in February 2024. A variety of methods will be used to publicise the consultation. In accordance with statutory requirements, the consultation period will be for four weeks.

Following the close of consultation, the Council will consider all representations it receives and determine whether any amendments to the draft SPD are needed. The final version of the SPD, alongside a consultation statement summarising the feedback and any resultant changes to the SPD will then be published, before the SPD is recommended for adoption by the Council's Executive Board.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	PMO Growth
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DATE:	19/02/2024
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BACKGROUND PAPER:	Developer Contributions and Affordable Housing SPD (draft)
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