

Committee:	Cabinet	Date:
Title:	Developers' contribution guidance supplementary planning document – approval for consultation	Tuesday, 29 March 2022
Portfolio Holder:	Councillor Evans, Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan	
Report Author:	Jeremy Pine, Senior Planning Policy Officer jpine@uttlesford.gov.uk	Key decision: No

Summary

1. This report is about the production of developer's contribution guidance for use in negotiating section 106 agreements. It introduces the document and sets out the procedures that the Council will follow to adopt it as a supplementary planning document (SPD).

Recommendation

2. That Cabinet approves the draft developers' contribution guidance for public consultation as a supplementary planning document (SPD) linked to the 2005 adopted local plan. Officers will set the timetable for the consultation as resources permit, taking into account the current workload associated with the production of the new local plan.

Financial Implications

3. Within existing budgets.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	There will be a 4-week consultation period. This will include: i) website publication; ii) availability of printed copies at UDC offices and local libraries; iii) local advertisement; and
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	iv) email to statutory bodies, including the Developer's Forum
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	SPDs do not require a sustainability appraisal. Strategic environmental assessment can be required if significant environmental effects are likely to occur that have not already been assessed during the preparation of the relevant strategic policies. Due to the nature of this SPD, this is not expected in this case.
Ward-specific impacts	The SPD applies districtwide.
Workforce/Workplace	Officer and member time in drawing up, approving and implementing the SPD.

Situation

6. The production of developers' contribution guidance is one strand of the s106 agreement implementation pathway, which is part of the Planning Service Implementation Plan. The draft guidance document has now been prepared for public consultation. The document sets out the procedures that the Council will follow in negotiating s106 agreements and summarises the evidence base for calculating individual contributions. The draft document is attached as an appendix to this report.
7. The purpose of an SPD is to build upon and provide more detailed advice or guidance on policies in the adopted local plan. An SPD cannot introduce new policies, nor should it add unnecessarily to the financial burdens on development.
8. Once the consultation period has concluded, the results analysed and amendments made, the guidance will be adopted as SPD based on the 2005 adopted local plan. Adoption as SPD will make the guidance a material consideration in decision-making as an interim measure pending a new SPD based on the new local plan which is currently being produced.
9. Once the draft document has been approved for public consultation, officers will set the timetable for the consultation as resources permit, taking into

account the current workload associated with the production of the new local plan.

10. It is anticipated that the SPD will be formally adopted in late summer / early autumn.

11. As part of its ongoing work with the Council, which includes governance of the s106 contributions process, the Planning Advisory Service will be used as a sounding board during the SPD consultation process. This help will be an invaluable part of that process.

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
That the new guidance does not carry any material weight in the planning process.	2. There is some risk given that the existing local plan is now quite aged.	2. Without adopted guidance, negotiating s106 agreements is harder.	Adopt the new guidance as SPD based on the existing 2005 adopted local plan.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.
