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**Planning Obligations Supplementary Planning Document**

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**SYNOPSIS**

This report seeks the approval of Local Plan Committee Members to adopt the Planning Obligations Supplementary Planning Document following publication consultation. In addition this seeks their approval for any minor changes to the report to be made with the approval of the Chair of Local Plan Committee.

**1. Introduction**

- 1.1 Members may recall that the draft Planning Obligations Supplementary Planning Document (SPD) was agreed at Local Plan Committee on 8<sup>th</sup> March 2017 for public consultation.
- 1.2 The consultation period for this document ran for 6 weeks between 9<sup>th</sup> March 2017 and the 20<sup>th</sup> April 2017. The comments received and the changes subsequently made to the SPD as at 18<sup>th</sup> April 2017 can be found in Appendix B to this report. Any further comments will be provided in an update at the Local Plan Committee Meeting on 26<sup>th</sup> April 2017.
- 1.3 This SPD will provide the Development Control Team and Developers with greater clarity regarding the approach to planning obligations when considering planning applications for development. Planning obligations provide a means to ensure that a proposed development contributes to the provision of necessary infrastructure, services and facilities required by national and local planning policies.

**2. SPD**

- 2.1 Local planning policy operates within a hierarchy. At the top, national policy sets out general policy principles, which must be reflected within local policy and can be material considerations in decisions on planning applications. Local plans are therefore based on the principles of national policy, but taking account of local circumstances and opportunities. Corby's Local Plan is currently contained in the North Northamptonshire Joint Core Strategy, which was adopted in July 2016 and sets out a broad strategy and policies to guide development across the area to 2031. To address issues where more detailed guidance is needed, supplementary policy can be produced through SPD. Although they carry less weight than the Joint Core Strategy, SPDs are statutory documents that are produced according to planning regulations and have weight when planning applications are being considered.
- 2.2 The Planning Obligations SPD builds on the policies in the Joint Core Strategy relating to infrastructure and service provision.

**3. Consultation Process and Responses**

- 3.1 Initial, informal consultation was undertaken on an updated preliminary draft SPD at the start of the year. This was targeted towards various service providers, including

Northamptonshire County Council, Northamptonshire Police, NHS and the Environment Agency. Internal consultation has also been undertaken with colleagues from other service areas including Culture and Leisure, Development Control, Housing and Legal. The draft SPD has also been considered by Senior Management Team, following a presentation by officers in January 2017. This informal consultation was an opportunity for internal and external stakeholders to submit their views on the emerging document.

3.2 The latest public consultation ran for 6 weeks between 9<sup>th</sup> March 2017 and the 20<sup>th</sup> April 2017, and was undertaken in accordance with the North Northamptonshire Statement of Community Involvement. This involved:

- A press notice and release
- Copies being made available for public viewing at the One Stop Shop, local libraries and on the Council's website
- Notifying contacts on the Local Plan consultation database
- Social media alerts

3.4 The responses received have been considered and there has been one minor amendments made to paragraph 2.5.3 . The full list of comments received and actions taken can be found in Appendix B to this report.

#### **4. Next Steps**

4.1 Subject to Member agreement, the SPD attached at Appendix A will be adopted.

4.2 In addition, subject to Member agreement, where there are further minor changes to be made as a result of responses received towards the end of the consultation process these can be agreed with the Chair of the Local Plans Committee.

4.3 A consultation statement and an adoption statement will be published alongside the adopted document in accordance with the Town and Country Planning (Local Planning) Regulations 2012.

#### **5. Options to be considered (if any)**

Options considered are:

- To proceed with the adoption of a Planning Obligations SPD: this is recommended to improve the robustness and transparency of the planning obligations process.
- To withdraw from the process of introducing a SPD: this is not recommended, as it may reduce the Council's ability to secure planning obligations to mitigate the impacts of development.

#### **6. Issues to be taken into account:-**

##### ***Policy Priorities***

Planning obligations assist in delivering the infrastructure needs and support the development of the area. Investment in infrastructure to match a step change of growth in homes and jobs is a key aim of the adopted Joint Core Strategy and Corporate Service Plan

##### ***Financial***

While there will be costs to preparing an SPD, these can be absorbed within existing budgets.

## **Legal**

Adoption will be undertaken in accordance with Regulation 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012

## **Performance Information**

None directly linked to this report.

## **Best Value**

None directly linked to this report.

## **Human Rights**

None directly linked to this report.

## **Equalities and Sustainability**

A Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) screening has been carried out. On the basis of the screening process the Council determined that a SEA and Appropriate Assessment is not required for the proposed SPD. Natural England, Historic England and the Environment Agency have been consulted on the Councils draft determination and have not raised objection to this.

An Equalities Questionnaire has been completed which indicated that a full Equalities Impact Assessment was not required. A copy of this forms Appendix C to this report.

## **Risk Management**

The main risk of not proceeding with the adoption of the Planning Obligations SPD is that the council will not have a transparent and established method for calculating planning obligations, and therefore collect contributions on an ad-hoc-basis and the associated risk of a developer challenging the requirement and/or level of the contributions.

## **7. Recommendation**

- 7.1 It is recommended that subject to any amendments that are recommended, the SPD attached at Appendix A will be adopted.
- 7.2 In addition it is recommended that where there are further minor changes to be made as a result of responses received towards the end of the consultation process these can be agreed with the Chair of the Local Plans Committee.

## **Background Papers**

SMT Minutes (5<sup>th</sup> January 2017).

[Draft Developer Contributions Supplementary Planning Document](#), May 2014

North Northamptonshire Joint Core Strategy, July 2016

Local Plans Committee Report, 8<sup>th</sup> March 2017

## **Officer to Contact**

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# **Planning Obligations**

## **Supplementary Planning Document**

**April 2017**



## **1. POLICY AND PROCEDURES**

### **1.1 Introduction**

- 1.1.1 Supplementary Planning Document (SPD) sets out Corby Borough Council's (the Council) approach to planning obligations when considering planning applications for development in the Borough.
- 1.1.2 Planning obligations are negotiated between local authorities and developers in the context of granting planning permission. They provide a means to ensure that a proposed development contributes to the provision of necessary infrastructure, services and facilities required by national and local planning policies.
- 1.1.3 At the current time, the Council is not pursuing implementation of the Community Infrastructure Levy. Therefore this Council will continue to rely on planning obligations secured through Section 106 to contribute towards infrastructure where required. The purpose of this SPD is to provide clarification on the basis on which planning obligations will be sought. It outlines the scope and scale of planning obligations that may be required and sets out the basis on which the level of obligation will be calculated, where appropriate.
- 1.1.4 The SPD supplements Policy 10 of the North Northamptonshire Joint Core Strategy which seeks to ensure the timely delivery of infrastructure, services and facilities to meet the needs of the Borough and support sustainable development. This SPD also provides detail on how other policies related to infrastructure provision in the Local Plan will be implemented.

### **1.2 Legislative and Policy Framework**

- 1.2.1 The legislative basis for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act.
- 1.2.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and Paragraph 204 of the National Planning Policy Framework (NPPF) set out the following tests that must be satisfied in order for obligations to be required in respect of development proposals:
- the obligation must be necessary to make the proposed development acceptable in planning terms
  - the obligation must be directly related to the proposed development
  - the obligation must be fairly and reasonably related in scale and kind to the proposed development
- 1.2.3 Regulation 123 of the Community Infrastructure Levy (CIL) Regulations prevents the pooling of Section 106 contributions from more than five developments to enable the provision of new infrastructure. However, the provision of affordable housing remains within the remit of Section 106 obligations.

- 1.2.4 The NPPF at paragraph 203 advises that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 1.2.5 The North Northamptonshire Joint Core Strategy was adopted in July 2016 and sets out development strategy for the area and policies for delivering growth in the Borough. To support the level of development set out in the Plan, Policy 10 of the Joint Core Strategy requires direct provision or contributions towards the delivery of infrastructure where there is a need.
- 1.2.6 In addition, the following policies in the Joint Core Strategy require the provision of infrastructure to meet the needs of development:
- Policy 4 – Biodiversity and Geodiversity
  - Policy 7 – Community Services and Facilities
  - Policy 18 - HGV Parking
  - Policy 19 – The Delivery of Green Infrastructure
  - Policy 21 – Rockingham Forest
  - Policy 30 – Housing Mix and Tenure
  - Policy 32 – West Corby Sustainable Urban Extension
- 1.2.7 The North Northamptonshire Infrastructure Delivery Plan sets out the key pieces of infrastructure required in order to deliver the objectives and policies in the Joint Core Strategy; and provide the evidence on how, and when these are proposed to be delivered, and by whom. The latest version of the Infrastructure Delivery Plan was produced in January 2015 and is available at [www.nnjpu.org.uk](http://www.nnjpu.org.uk), but the Infrastructure Delivery Plan is a living document and will evolve as additional evidence becomes available, and as the Infrastructure Delivery Plan is monitored and reviewed.
- 1.2.8 The policies within the Northamptonshire Minerals and Waste Local Plan are also relevant to planning obligations in some cases.
- 1.2.9 Relevant statutory undertakers or service providers may have their own policy or guidance, for example, the Northamptonshire County Council Planning Obligations Framework and Guidance Document<sup>1</sup> which outlines the County Council’s approach to developer contributions via planning obligations, through Section 106 agreements.
- 1.2.10 It should be noted that in February 2017 the Government published a white paper entitled ‘Fixing our broken housing market’. Published alongside this was an independent review of the Community Infrastructure Levy which identified issues with

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<sup>1</sup> Planning Obligations Framework and Guidance available at <http://www.northamptonshire.gov.uk/en/councilservices/Environ/economic/Documents/Creating%20Sustainable%20Communities%20Jan%202015%20FINAL.pdf>

the current system. The white paper stated that the Government intends to examine the options for reforming the system of developer contributions and will make an announcement at the time of the Autumn Budget 2017. As such the SPD and Council's position on Community Infrastructure Levy will be reviewed in due course. Full consultation will be carried out when the SPD is proposed for review.

### **1.3 Procedures**

- 1.3.1 Developers are advised to initiate negotiations at a pre-application stage with officers of the Council, since it may be necessary to take into account several potential planning obligations in their calculations of the development value of a site and to ensure they are reasonable and related in scale and kind. They may find it useful to view the Council's Pre-Application Planning Advice available at: <http://www.corby.gov.uk/sites/default/files/planning%20pre-application%20advice%201.pdf>, including the fees payable for this service. This way, the developers will discuss the planning application Heads of Terms at the earliest opportunity, understand how this might impact on viability of their proposals, be clear and certain about the process and minimise delays in determining planning applications.

### **1.4 Timing and Phasing of Provision**

- 1.4.1 The Council would expect the payment of financial contributions to be on or before the commencement of development in order to co-ordinate the delivery of any planning obligations with the delivery of the development. This should be agreed at the planning application stage and be set out in the Section 106 Agreement or Unilateral Undertaking.
- 1.4.2 In the case of larger developments schemes, it may be acceptable to phase payments. However this will require the production of a phasing agreement with appropriate 'triggers points', to be agreed with the Council. Following this, the onus will be on the developers to inform the Council when the relevant triggers have been reached.
- 1.4.3 What constitutes commencement will be specified in the legal agreement but will normally be as set out in the Town and Country Planning Act 1990 (as amended). However, the performance of planning obligations can be deferred to suitable stages in the site's development depending on the nature of the development.
- 1.4.4 Late payment of financial obligations beyond the stipulated trigger points will attract an interest at 4% above the Barclays lending rate in force at the time from the date that the relevant payment falls due to the date of actual payment. The rate of interest will be specified in the legal agreement.
- 1.4.5 If it becomes evident that a legal agreement is not being complied with, the legal team will instigate appropriate enforcement action, which could be through the use of an injunction to stop the development, or use of the Council's powers of entry to

carry out any works related to the agreement. The Council will recover the costs for this action from the developer.

- 1.4.6 The obligations will specify time limits for the expenditure of Section 106 planning obligations. This will be determined on a case by case basis. Unspent obligations beyond the agreed period will be returned to the developer with interest, as specified in the legal agreement.

## **1.5 Maintaining the value of financial contributions**

- 1.5.1 In order to maintain the real value of payment to the Council, as development progresses, it is usual for the financial sums required to be paid to be indexed linked. The indexation applied may vary depending upon the particular type of works to which the contribution will relate (e.g. BCIS Price Adjustment Formulae Indices or Consumer Prices Index).

## **1.6 Viability**

- 1.6.1 The Council is aware that there may be occasions where the level of planning obligations required would render the development proposal unviable.
- 1.6.2 Where a developer believes that viability is an issue for their scheme, they must submit evidence to the Council to support their case. This should clearly set out:
- The considerations which demonstrate that they are unable to provide the full policy requirements, and
  - Demonstrate what the benefits of not meeting the policy requirements and delivering the site immediately are
- 1.6.3 For purposes of assessing the developer's case, what constitutes "benefits" is a material consideration in the decision making process which will be determined on a case by case basis. It will involve balancing the planning benefits against the harm resulting from under-provision or delayed provision of infrastructure (including affordable housing), and any other policy requirements.
- 1.6.4 As guidance on the nature and content of the viability assessments, the Council will require that:
- Financial information is provided on an "open book" basis
  - Current values and costs (not historical) are the basis for the valuation (larger schemes may require a viability review after 5 years).
- 1.6.5 The Council will normally seek independent valuation advice to review viability assessments. Where this is required, the developer will bear the costs.
- 1.6.6 It should be noted that due to Freedom of Information requirements and requests, if a viability assessment is submitted in relation to a valid planning application then the



local planning authority will treat the submission as a public document, but will redact the commercially sensitive elements of the assessment.

- 1.6.7 The Council may take actions to prevent large developments from being stalled on viability grounds. This involves defining the scope and scale of obligations, which elements can be paid initially and deferring other payments linked to future reassessment of viability or changes to land values over time. This approach recognises the impact the current conditions have on viability while acknowledging that the conditions may improve in the future in accordance with paragraph 205 of the NPPF. The Council will work with developers on the principles of this mechanism. If a developer satisfactorily demonstrates that a scheme is unviable due to policy and guidance requirements, the Council has agreed a Deferred Developer Contributions protocol<sup>2</sup> to prevent large developments from being stalled on viability grounds.

## **1.7 Monitoring and Enforcement**

- 1.7.1 The Council will monitor planning obligation requirements to ensure that they are compiled with. Where the Council identifies situations where the requirements are not being compiled with, enforcement action may be taken by the Council.

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<sup>2</sup> Section 106 – Deferred Developer Contributions available at <http://www.corby.gov.uk/sites/corby.gov.uk/files/Section%20106%20Deferred%20Developer%20Contribution.pdf>

## 2. TYPES OF CONTRIBUTIONS

### 2.1 Affordable Housing

2.1.1 Policy 30 of the Joint Core Strategy enables the authority to seek planning obligations to secure the delivery of affordable housing. On private sector developments of 15 or more dwellings (net) or where the combined gross floor area of dwellings will exceed 1,500m<sup>2</sup> in Corby and 11 or more dwellings (net) or where the combined gross floor area of dwellings will exceed 1,000m<sup>2</sup> elsewhere, the local planning authority will seek the provision of affordable housing in line with the following targets:

- Sustainable Urban Extensions - 20% of total dwellings in phases to be developed by March 2026, with provision to be made for a review of the viable levels of affordable housing in later phases
- Corby – 30% of total dwellings
- Rural areas including all villages – 40% of total dwellings

2.1.2 Applications which try to artificially subdivide or phase sites so as to avoid or minimise the provision of affordable housing will not be approved by the Council. If the calculation of the amount of affordable housing involves a fraction, the figure will be rounded up to the nearest whole number.

#### Definition

2.1.3 The definition of affordable housing that the Council will use in applying this guidance accords with the NPPF<sup>3</sup>. For further guidance on its interpretation, please refer to the Corby Tenancy Strategy 2012-17<sup>4</sup> and/or contact the Housing Strategy section of the Council.

#### Design and Integration

2.1.4 The Council expects affordable housing to be well designed and built to a high standard. The affordable and market housing should be indistinguishable neither by location, design, external appearance or parking arrangements. Further details will be set out in the North Northamptonshire Place Shaping Supplementary Planning Document.

#### Location of affordable housing

2.1.5 Affordable housing will be provided on site unless the developer can demonstrate exceptional circumstances which necessitate provision on another site, or the

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<sup>3</sup> Refer to glossary of NPPF, on page 50

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

<sup>4</sup> Corby Tenancy Strategy 2012-2017 available at

<http://www.corby.gov.uk/sites/default/files/documents/files/Corby%20Tenancy%20Strategy%202012-2017.pdf>

Council is satisfied that, off-site delivery or an equivalent financial contribution for affordable housing will support urban regeneration and/or the creation of sustainable mixed and inclusive communities. This might include the need to improve or make more effective use of existing affordable housing stock where there may be difficulties over delivery, design or management. Whether on or off-site, the Council will seek to achieve mixed and balanced communities at all times. The Council will determine each case on its own merits.

## **2.2 Transport**

- 2.2.1 Northamptonshire County Council are responsible for identifying specific types of infrastructure needed to support development in the Borough. The County Council has a duty to manage the local road network with a view to securing the expeditious movement of traffic.
- 2.2.2 Local transport and highway requirements are set out within the Northamptonshire Transportation Plan and associated Daughter Documents, as well as Policies 15 to 18 of the Joint Core Strategy. These measures will support planned growth, ensuring better connectivity and more sustainable patterns of travel.
- 2.2.3 Northamptonshire County Council determines the need for site specific measures on a case by case basis in accordance with the impact, highway safety and ease of movement.
- 2.3.4 The Council will work closely with the highway authority to ensure any required transport infrastructure identified in the Local Plan or on a site specific basis is delivered, so long as need can be evidenced, and they meet the three tests set out in CIL Regulations.
- 2.3.5 The County Council considers that it is not appropriate to set a threshold level above which development will contribute towards transport infrastructure. Therefore, all new development is liable to pay contribution towards transport based on their proportionate impact on the local infrastructure, as identified through Transport Assessment or Transport Statement. Further guidance on contributing to transport infrastructure can be found in the Planning Obligations Framework and Guidance Document published by Northamptonshire County Council. Developers can also contact the County Council's Development Management team on 01604 366634.

## **2.3 Education**

- 2.3.1 Population increase from new developments creates the need for additional school places and increased pressure on the use of education facilities. The Council will liaise with Northamptonshire County Council as the local education authority when considering educational infrastructure in new development.
- 2.3.2 As a general guide, the County Council will expect development of approximately 700 houses to generate the need for a single form entry (1FE) primary school and a

development of approximately 4000 homes to generate the need for a new secondary school.

2.3.3 Primary and secondary education facilities are required on the West Corby Sustainable Urban Extension (Policy 32 c) of the Joint Core Strategy) and these should be provided by the developer as part of the planning permission for the development.

2.3.4 Further guidance on contributing to education obligations can be found in the Planning Obligations Framework and Guidance Document published by Northamptonshire County Council.

## **2.4 Green Infrastructure**

2.4.1 Green infrastructure is a catch all term applied to the network of multi-functional green or water spaces and other environmental features that together are capable of delivering a wide range of environmental and quality of life benefits (ecosystem services) for local communities. For example, green infrastructure can help to reduce flood risk by reducing the volume and speed of rainfall flowing into rivers, while also helping to reduce water pollution and contributing to the objectives of the Water Framework Directive. Green infrastructure includes parks, open spaces, playing fields, woodlands, wetlands, grasslands, river and canal corridors and allotments. The greatest benefit will be gained when it is designed and managed as a multifunctional resource. For example, street trees add aesthetic quality to an urban area, but will also reduce airborne pollution, provide shade, mitigate wind chill and turbulence and increase biodiversity.

2.4.2 Policy 19 of the Joint Core Strategy aims to secure a net gain in green infrastructure through protection and enhancement of assets and the establishment of multi functional areas of green space. The policy identifies sub-regional and local green infrastructure corridors across North Northamptonshire. One of the key mechanisms to deliver Policy 19 and green infrastructure is criterion b) ii 'using developer contributions to facilitate improvements to their quality and robustness'.

2.4.3 Strategic allocations and other large development sites should be subject to master plans which translate green infrastructure aspirations into detailed proposals. For example, master plans should identify:

- Measures to establish multi-functional green spaces within the green infrastructure network
- Opportunities to provide new wildlife habitats, facilities and routes to enhance assets and the linkages between them
- Measures to support the strategic green infrastructure priorities of the Rockingham Forest (Policy 21)

2.4.4 On site provision of accessible green space will be made in accordance with the space standards contained within Policy 7b) of the Joint Core Strategy.

2.4.5 In November 2016 the Council published a green infrastructure map that further defined the existing resources and needs and opportunities to create or enhance the network of green and blue space in the Borough. To contribute towards the net gain in green infrastructure and enhance the assets and linkages between them, developers are encouraged to:

- Protect and enhance existing corridors
- Identify and plug gaps in connectivity between green infrastructure assets
- Ensure new green infrastructure assets connect to the wider green infrastructure network
- Improve accessibility along existing green corridors subject to nature conservation or public safety interests
- protect and enhance the local diversity and distinctiveness of the landscape character areas

2.4.6 When preparing their proposals, developers should consult with relevant agencies such as the Environment Agency, Northamptonshire County Council, the Wildlife Trust and the Local Nature Partnership as well as with the local parish council and community groups.

2.4.7 The need for planning obligations will be determined on a case by case basis from developments of 10 dwellings having regard to the tests set out in regulation 122 and 123 of the CIL Regulations.

## **2.5 Community Services and Facilities**

2.5.1 Community services and facilities (sometimes referred to as community assets) are those that provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. They play a vital role in promoting the sustainability of communities and contributing to their self-reliance. Population increase from new development creates increased pressure on the use of community assets and new development should contribute to its provision.

2.5.2 Policy 7 of the Joint Core Strategy provides for new or enhanced community services and facilities to meet the needs arising from the development utilising, where possible, opportunities for the co-location of facilities or the use of existing suitable sites. It also supports the provision of accessible greenspace in accordance with Natural England's Accessible Natural Greenspace Standards and the Woodland Trust's Woodland Access Standard unless local standards have been adopted.

2.5.3 The Council is currently updating the evidence base in respect to open space, sport and recreation to meet the requirements of the NPPF and support the implementation of the Joint Core Strategy. Until that evidence base is updated, the Council will continue to determine the level of planning obligations for the provision

of open space, sport and recreational facilities using national policy and the Open Space, Sport and Receptions Study<sup>5</sup> as a starting point for negotiations.

- 2.5.4 New community assets are required at the West Corby Sustainable Urban Extension (Policy 32 of the Joint Core Strategy) and these should be provided by the developer as part of the planning permission for the development.
- 2.5.5 Northamptonshire County Council's approach to County Council services including libraries and archives is set out in the Planning Obligations Framework and Guidance Document. The Council will work with the County Council to ensure that provision for cultural infrastructure is taken into account in planning obligations.

## **2.6 Employment and Skills Training**

- 2.6.1 In accordance with paragraph 21 of the NPPF, the Joint Core Strategy sets out a clear economic strategy for the area which positively encourages sustainable economic growth and recognises the need to support programmes of skills development to assist the local workforce. Paragraph 8.10 of the Joint Core Strategy provides the justification for the use of planning obligations. Investment in employment and skills training, including recruitment policies and procedures is important in enabling Corby to achieve a stronger more sustainable economy.
- 2.6.2 The Council will assess on a case-by-case basis the need for a development to provide local employment and skills training for local residents. Planning obligations to secure such commitments will reflect the scale of the development and are only likely to be necessary on major developments sites of more than 10 dwellings or 1,000m<sup>2</sup> floorspace.
- 2.6.3 Developers will be requested to submit an Employment and Skills Strategy to the Council outlining opportunities that will be provided by the development and how they will be promoted and delivered. Such opportunities will include:
  - Construction training initiatives – e.g. Through Construction Futures which can provide apprenticeships and training opportunities
  - Up skilling through contributions toward higher education in high skilled fields of employment
  - Local procurement agreement – potential for local businesses to be included in tender lists

## **2.7 Biodiversity and Geodiversity**

- 2.7.1 Policy 4 of the Joint Core Strategy identifies the potential need for the use of planning obligations in protecting existing biodiversity and geodiversity assets; and

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<sup>5</sup> Executive Summary of the Open Space, Sport and Receptions Study available at <http://www.corby.gov.uk/sites/default/files/Open%20Space%2C%20Sport%20and%20Recreation%20Study%20%28exec%20summary%29%20%28January%202006%29.doc>

enhancing ecological networks. Such contributions towards biodiversity interests will assist the Council in discharging responsibilities under the Section 40 of the Natural Environment and Rural Communities Act 2006.

2.7.2 Further guidance on how biodiversity should be incorporated into the development process is provided in the Biodiversity SPD for Northamptonshire adopted in July 2016<sup>6</sup>.

2.7.3 The need for planning obligations will be determined on a case by case basis from developments of 10 dwellings or more following an assessment of any requirements for biodiversity and geodiversity.

## **2.8 Other Obligations**

2.8.1 Other site specific measures may be necessary and planning obligations including the following areas may also be sought. Requirements will be assessed on a case by case basis having regard to the evidence and tests set out in regulation 122 and 123 of the CIL Regulations. It is recommended that applicants and developers engage with the Council at an early stage to determine if their specific proposal will result in a requirement for obligation such as:

- HGV parking
- Rockingham Forest
- Public art
- Waste
- Historic environment
- Police
- Healthcare
- Sustainable buildings
- Water Environment, Resources and Flood Risk Management
- Fire and Rescue
- Land affected by contamination
- Renewable and low carbon energy
- Rockingham MRC Enterprise Areas

2.8.2 The absence of detailed guidance for a particular planning obligation does not rule out the Council requiring one where that request meets relevant national guidance or legal requirements.

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<sup>6</sup> Biodiversity SPD for Northamptonshire is available at [http://www.nnjpu.org.uk/docs/Biodiversity\\_SPD\\_final\\_Aug\\_2015.pdf](http://www.nnjpu.org.uk/docs/Biodiversity_SPD_final_Aug_2015.pdf)

Appendix B – Schedule of Consultation Responses and Actions as at 18<sup>th</sup> April 2017

Name	Organisation	Comments	Our response and proposed action
Allison J Chippendale	Health and Safety Executive	<i>"No representation to make"</i>	N/A
Sharon Nolan	Lincolnshire and Northamptonshire Environment Agency	<p><i>"We provided comments on preliminary draft Planning Obligations Supplementary Planning Document (SPD) to your Authority on the 13 February 2017 (our ref: AN/2013/118485/SD-02/IS1-L01).</i></p> <p><i>We note that our recommendation in paragraph 4 of the letter has not been included in the revised SPD as detailed below:</i></p> <p><i>..." in point 2.4.6 we consider that the Environment Agency should be included as a point of contact in the early stages of development proposal preparation. We lead on the Water Framework Directive and need to ensure that watercourses within and around network corridors are protected and enhanced through development."</i></p> <p><i>Other than the above recommendation above which we hope will be included in any updated SPD, we consider that the Policies 4, 10 and 19 in the adopted North Northants Joint Core Strategy have been adequately considered in the relevant sections of the SPD."</i></p>	Noted. Environment Agency is already included in the list at 2.4.6.



Stewart Patience	Anglian Water Services	<i>"No comments to make"</i>	N/A
Emilie Carr	Historic England	<i>"Reference to the historic environment within paragraph 2.8.1 is welcomed."</i>	Noted. Change already made.
Kayleigh Cheese	Natural England	<i>"Natural England generally supports the approach that the Supplementary Planning Document has taken and considers that it provides useful information on securing contributions from developers. We particularly welcome the sections on Green Infrastructure and Biodiversity and Geodiversity as they will help to ensure that the natural environment is fully considered within the planning process.  Strategic Environmental Assessment/Habitats Regulations Assessment We concur with the conclusions of the SEA and HRA screening report."</i>	Noted. No changes required.
Steve Beard	Sport England	<i>"Sport England supports - Para 2.5.3 with regard to the update of the Open space sport and recreation study and that the updated study will be used to evidence contributions going forward.  We do however support appropriate contributions to the right sports facility (including playing fields) in the right place and that the current work will provide the evidence for this approach.  It is noted that contributions will be based on standards contained in the existing Core Strategy, we raised this issue in our response to the Local Plan for</i>	Noted. Paragraph 2.5.3 has been amended from "The Council is currently updating the evidence base in respect to open space, sport and recreation to meet the requirements of the NPPF and support the implementation of the Joint Core Strategy. Until that evidence base is updated, the Council will continue to determine the level of planning obligations for the provision of open space, sport and recreational facilities using national standards and the Open Space, Sport and Recreations Study as a starting point for negotiations." to "The Council is currently updating the evidence base

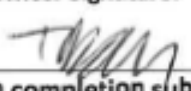
		<p><i>Corby Scoping Consultation dated 19.12.2016.</i></p> <p><i>Following the introduction of NPPF and NPPG this approach is not supported Sport England, please see attached document which is in draft but hopefully provides sufficient evidence to outline our concerns with the use of standards.</i></p> <p><i>We do not wish to make any comments on the SEA Screening Report.”</i></p>	<p>in respect to open space, sport and recreation to meet the requirements of the NPPF and support the implementation of the Joint Core Strategy. Until that evidence base is updated, the Council will continue to determine the level of planning obligations for the provision of open space, sport and recreational facilities using national policy and the Open Space, Sport and Recreations Study as a starting point for negotiations.”</p>
Kayleigh Cheese	Natural England-Northamptonshire Local Delivery Team	<p><i>“Natural England generally supports the approach that the Supplementary Planning Document has taken and considers that it provides useful information on securing contributions from developers. We particularly welcome the sections on Green Infrastructure and Biodiversity and Geodiversity as they will help to ensure that the natural environment is fully considered within the planning process.</i></p> <p><b>Strategic Environmental Assessment/Habitats Regulations Assessment</b> <i>We concur with the conclusions of the SEA and HRA screening report.”</i></p>	Noted. No changes required.

## Equality Questionnaire

**This Equality Questionnaire must be completed to enable a decision as to whether a full Equality Impact Assessment should be carried out. For further information see the guidance notes.**

<b>Name of the policy, strategy or project:</b>						
Planning Obligations Supplementary Planning Document (SPD)						
<b>Department and Section:</b>						
Local Plans. Planning and Environment Service						
<b>Lead Officer:</b>		<b>Contact Details:</b>				
Terry Begley		Terry.begley@corby.gov.uk				
<b>1.</b>	<b>What is the main purpose of this policy/project?</b> The purpose of this SPD is to set out the Council's approach to planning obligations to provide a means to ensure that a proposed development contributes to the provision of necessary infrastructure, services and facilities required by national and local planning policies.					
<b>2.</b>	<b>Who are its beneficiaries?</b> All residents and employees in Corby Borough					
<b>3.</b>	<b>Has consultation on the proposal been undertaken?</b> Yes- a full public consultation took place in 2014. Following changes to the draft document an informal consultation with key stakeholders has taken place. Between the 9 <sup>th</sup> March and 20 <sup>th</sup> April 2017 a 6 week full public consultation will take place on the final draft of the document	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">Yes</th> <th style="width: 50%; text-align: center;">No</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </tbody> </table>	Yes	No	X	
Yes	No					
X						
	<b>Who will be/has been consulted with:</b> Stakeholders on the Local Plan Database will be contacted directly. The consultation will be widely publicised in line with the adopted North Northamptonshire Statement of Community Involvement and any members of the public can submit comments.					
<b>4.</b>	<b>Has this consultation highlighted any negative impact?</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">Yes</th> <th style="width: 50%; text-align: center;">No</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </tbody> </table>	Yes	No		X
Yes	No					
	X					
	<b>If yes, please state the negative impact:</b>					
<b>5.</b>	<b>What systems are in place to monitor its impact?</b> In line with the adopted North Northamptonshire Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012 all consultation responses have to be considered and a consultation report produced and published.  Implementation of planning policies is monitored through Authority Monitoring Reports produced by the Joint Planning Unit and the Council's Monitoring Officer in the legal team oversees and ensures compliance with all S106 agreements.					

6.	<p><b>Does the proposal contribute towards one of the 3 aims of the General Equality Duty?</b>  All three aim in some respects but in particular aim 3</p> <p><b>Explain (general equality duties are listed at the foot of this form):</b>  By securing funding for community and cultural facilities as well as education which will be accessible to and open to all sectors of the community.</p>	<b>Yes</b>	<b>No</b>	
		X		
7.	<p><b>Which group is likely to be affected by the proposal?</b>  <b>Explain how each protected characteristic is likely to be affected, or not as the case may be.</b></p>	<b>Yes</b>	<b>No</b>	<b>Comments (include data source)</b>
	<b>Age</b>	X		Funding will be secured for facilities for a wide range of ages from children's play equipment, schools right up to social care.
	<b>Disability</b>	X		Funding for medical and community centres will be secured to support those with disabilities and short and long term health issues.
	<b>Sex</b>	X		The requirements in this SPD will ensure that everyone, regardless of any protected characteristic will have access to affordable homes, facilities, open spaces, education and other services and facilities.
	<b>Marriage &amp; Civil Partnership</b>	X		The requirements in this SPD will ensure that everyone, regardless of any protected characteristic will have access to affordable homes, facilities, open spaces, education and other services and facilities.
	<b>Pregnancy &amp; Maternity</b>	X		Funding will be secured for communities centres, childrens play areas and other facilities which may be used to support parents and parents-to-be.
	<b>Race</b>	X		The requirements in this SPD will ensure that everyone, regardless of any protected characteristic will have access to affordable homes, facilities, open spaces, education and other services and facilities.
	<b>Religion or Belief</b>	X		The requirements in this SPD will ensure that everyone, regardless of any protected characteristic will have access to affordable homes, facilities, open spaces, education and other services and facilities.
	<b>Gender Re-assignment</b>	X		The requirements in this SPD will ensure that everyone, regardless of any protected characteristic will have access to affordable homes, facilities, open spaces, education and other services and facilities.
	<b>Sexual Orientation</b>	X		The requirements in this SPD will ensure that everyone, regardless of any protected characteristic will have access to affordable homes, facilities, open spaces, education and other services and facilities.
	<b>Socio Economic</b>	X		Affordable housing that is well integrated with market housing will provide mixed communities with equal access to services and facilities will be secured through this

				document.
<b>Community Cohesion</b>		X		Obligations will be secured for community centres and other facilities to improve and enhance community cohesion.
<b>8.</b>	<b>What impact does the proposal have on the Equality Target Groups?</b>	<b>No Impact</b>	<b>Positive Impact</b>	<b>Negative Impact or Impact unknown*</b>
			X	
<i>*Negative Impact or Impact Unknown will require a Full Impact Assessment to be completed.</i>				
<b>9.</b>	<b>Proceed to a Full EIA?</b>	<b>Yes</b>		<b>No</b>
				X
<b>Lead Officer Signature:</b> 			<b>Date:</b> 23-02-17	

On completion submit copies to: **Policy Officer (Equalities & Diversity)**  
**Democratic Services for Committee with policy (if relevant)**

**General Equality Duties:**

- 1 *Eliminate discrimination, harassment and victimisation.*
- 2 *Advance the equality of opportunity between people who share a relevant protected characteristic and those who do not share it. Eg:*
  - a. *minimising disadvantage,*
  - b. *taking steps to meet their needs,*
  - c. *involving them with activities where normally people with that PC participation is low.*
- 3 *Foster good relations between people that share a relevant protected characteristic and those that do not.*