

## **BASILDON BOROUGH PLANNING OBLIGATIONS STRATEGY SUPPLEMENTARY PLANNING DOCUMENT**

### **Adoption Statement**

This adoption statement has been prepared in accordance with Regulation 14 of the Town and Country Planning (Local Development) (England) Regulations 2012 and gives notice that Basildon Borough Council has adopted the Planning Obligations Strategy Supplementary Planning Document with effect from 14<sup>th</sup> August 2015.

The Basildon Borough Council Planning Obligations Strategy 2015 provides updated guidance to industry professionals, landowners, developers and residents as to the type and level of planning obligations (financial and non-financial) the Council could seek as part of applications for planning permission. This SPD replaces the Interim Planning Obligations Strategy 2008, and was required due to a changing policy context in the Borough and changes introduced by the 2010 CIL regulations (as amended).

A summary of the modifications made to the SPD following consultation on the draft document is shown below. Full details of all comments and actions can be found in the Statement of Consultation:

- Concern has been made that there is insufficient robust evidence to justify some of the planning obligations and that it is unclear as to what will happen after the 6<sup>th</sup> April 2015 until such a time when the Council's CIL is adopted. In light of these comments Section 1 of the document has been rewritten to clarify these issues. Greater clarity is now provided as to the weight that can be attached to the emerging Local Plan and to reiterate the fact that the Strategy's primary objective is to provide additional steer and coordination to support the use of Planning Obligations for planning applications considered under the current Development Plan or National Planning Policy Framework. It makes a distinction that there may be circumstances, depending on the application and its impact on the local area, for the Council to consider more recent evidence prepared by processes such as the emerging Local Plan to inform the nature of specific obligations.
- Concern has been made as to how the Strategy's status will be compliant with paragraphs 203-206 of the National Planning Policy Framework (NPPF) given that the content seems to be primarily focussed on securing planning obligations from developers for specific types of facilities in advance of the Local Plan being formally examined and adopted. In light of this concern, Section 1 has been changed to ensure it is clear that the status of the document as a Supplementary Planning Document (SPD) is in accordance with the NPPF and Planning Practice Guidance, even in the absence of an up to date Local Plan. It will be revised once the LPA has an adopted Local Plan and CIL in place in 2018.
- Essex County Council wished to raise the profile of its own Developers' Guide to Infrastructure Contributions to ensure similar approaches to negotiating county contributions were used. ECC consulted on an updated version of this Guide in February 2015 and intends to use this as the basis for the negotiating contributions for its applicable infrastructure provision such as education, libraries and highways. There was also concern as to how the specific thresholds proposed for Education and Highways contributions in the Draft Strategy had been developed. These have since

been removed and the final Strategy amended to reflect the contributions of the complimentary ECC guide.

- Paragraph 4.4.11 of the Affordable Housing section has been amended to reflect comments requesting that the 'deferred contribution scheme' to test viability "both at the time of the application and again once it is built" would be more practical if it stated "both at the time of the application and at an agreed point during the build programme". Also, the requirements of paragraph 4.4.12 in relation to seeking all affordable units to be provided prior to 50 of the total private units being occupied were seen as too strict and inflexible and has therefore been changed so that the Council's policy will be to agree, prior to commencement of development, a programme for the delivery of all the affordable units within the scheme
- Some minor wording changes were suggested to strengthen the Strategy in respects of health, open space and biodiversity.

Any person aggrieved by the decision to adopt the Planning Obligations Strategy SPD may apply to the High Court for a judicial review of that decision. Any such application must be made promptly and in any event no later than three months from the date of adoption, in this case by 14<sup>th</sup> November 2015.

The adopted Planning Obligations SPD, the Statement of Consultation, and this Adoption Statement are all available for public inspection on the Council's website at <http://www.basildon.gov.uk/planningobligations>

Hard copies of these documents are also available for inspection at the Basildon Centre, St Martin's Square, Basildon, SS14 1DL from 8.30am to 5.00pm Monday to Friday. Copies are also available in all main libraries across the Borough during their normal working hours.

If you require any further information regarding the SPD please contact the Planning Policy Team using the contact details below:

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