

## **CABINET MEMBER FOR ECONOMIC AND DEVELOPMENT SERVICES**

<b>Venue:</b>	<b>Town Hall, Moorgate Street, Rotherham</b>	<b>Date:</b>	<b>Wednesday, 12 January 2005</b>
		<b>Time:</b>	<b>9.00 a.m.</b>

### **A G E N D A**

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Minutes of a meeting of the Town Centre Initiative Steering Group held on 25th November, 2004 (Pages 1 - 4)
  - to receive the minutes and to note that this group had now held its final meeting.
4. Minutes of a meeting with Treeton Parish Council held on 16th December, 2004 (Pages 5 - 6)
  - to note the discussion.
5. School Travel Plans (Pages 7 - 13)  
Transportation Unit Manager to report.
  - to inform Members of the planning, funding and implementing school travel plans.
6. Public Transport Ticketing (Pages 14 - 16)  
Transportation Unit Manager to report.
  - to outline a pilot project to test the market for discounted public transport tickets for use in travel to particular locations on council business.
7. Draft Response to the Draft Revised Circular on Planning Obligations: consultation document (Pages 17 - 25)  
Head of Planning and Transportation to report.
  - to note the contents of the report, and endorse the points contained in the report relating to the Council's broad response to the Consultation Paper.

#### **Extra open item:-**

8. CONFERENCES/SEMINARS
9. EXCLUSION OF THE PRESS AND PUBLIC

The following items are likely to be considered in the absence of the press and public as being exempt under the paragraphs, indicated below, of Part 1 of Schedule 12A to the Local Government Act 1972:-

10. Grounds Maintenance Contract (Pages 26 - 31)  
Landscape Manager to report.
  - to report on the negotiations between the Head of Streetpride and Ringway Highway Services Ltd in respect to the reduced contract value for the delivery of the grounds maintenance service.

(Exempt under Paragraphs 8 and 9 of the Act – report relates to proposed expenditure and acquisition of goods/services)

**TOWN CENTRE INITIATIVE STEERING GROUP  
THURSDAY, 25TH NOVEMBER, 2004**

Present:-

Councillor Walker	(in the Chair)
Councillors R. S. Russell	
Terence and Pauline Barker	(Access Liaison Group)
Guy Kilminster	(Manager, Libraries, Museum and Arts)
Colin Knight	(Rotherham Streetpride)
Brian Messider	(Access Officer, RMBC)
Val Allen	(SCOPE and Access Liaison Group)
Zulfiqar Manzoor	(Caprice retail store)
Phil Woodward	(Yorkshire Water plc)
Julie Roberts	(Town Centre Manager, RMBC)

**12. INTRODUCTIONS/APOLOGIES.**

Apologies for absence were received from:

Councillor Gerald Smith	Cabinet Member for Economic and Development Services
Adam Wilkinson	Executive Director, Economic and Development Services
Karl Battersby	Head of Planning and Transportation Service
Chris Stanbra	Rotherham College of Arts and Technology
Colin Scott	Rotherham Chamber of Trade
Sergeant Chang	South Yorkshire Police
Patrick Middleton	Development Surveyor

**13. MINUTES OF THE PREVIOUS MEETING HELD ON 14TH OCTOBER, 2004**

The minutes of the previous meeting, held on 14th October, 2004, were approved as a correct record.

**14. MATTERS ARISING.**

(i) Three Cranes, High Street

There was now a new owner of these premises. The Local Planning Authority had served an enforcement notice requiring improvements to be made to the shop front, within the next three months.

(ii) Domine Lane Car Park

All cars were required to have parking tickets displayed in this car park;

the Borough Council would shortly be assuming responsibility for parking enforcement.

(iii) Events and Promotions Manager

Dawn Runciman had recently been appointed to this post with the Rotherham Industrial and Development Office.

(iv) Christmas Illuminations – area near Minster steps

The meeting agreed that additional safety features needed to be installed, to prevent anyone having an accident on the area adjacent to the Minster steps, above All Saints Square.

(v) Access to Railway Trains

Discussion took place on whether there was any official ruling about the size of scooter or wheelchair allowed on trains.

**15. TOWN CENTRE ACTION PLAN.**

Consideration was given to the nine objectives which were to be included as Annexe 1 to the Rotherham Town Centre Action Plan. Comments were made about these objectives, as follows:-

- there needed to be a much more positive outlook about the Town centre, especially from retail businesses;
- the Borough Council ought to re-introduce the award scheme, whereby shops were congratulated for providing a welcoming and accessible environment for people with a disability
- the town centre access liaison group, concentrating on the needs of people with a disability, was carrying out valuable work; local retail businesses should be made more aware of the group's role;
- Rotherham Streetpride staff were congratulated on their swift action to remove graffiti from the town centre, especially near the Central Library and Arts Centre; it was noted that the town centre was a priority area for graffiti removal;
- there needed to be a swifter response to other repair and maintenance requirements in the town centre (eg: replacing block paving after under ground works had been completed);
- Town Centre Manuals were to be published and made available to businesses;
- desired objectives included a cuisine/restaurant quarter in the town

centre, including street cafes, and more diversity in retail provision and in night life attractions;

- one example mentioned was Wellgate, which now hosted an interesting range of boutiques; however, the street environment needed to be brightened up;

- it was noted that different types and intensities of outdoor lighting were required in the town centre;

the Borough Council had recently completed its review of car parking provision; reference was made to the probable availability of parking space in the town centre in the future; the high expense of constructing underground car parks was noted;

- the shopmobility base ought to be located in a more accessible part of the town centre;

- additional publicity was required for events in the town centre, perhaps by arranging a network of advertising outlets;

- it was hoped that the dedication of All Saints Church as a Minster would help to engender civic pride;

- town centre businesses ought to be online for electronic communications; grant assistance might be available to help smaller businesses with the costs.

The nine objectives would be amended in response to the comments made and issues raised at this meeting; everyone was encouraged to contact Julie Roberts, as soon as possible, with other comments they wished to make.

The objectives of the action plan were endorsed by the Steering Group.

## **16. FUTURE ROLE OF THE STEERING GROUP.**

The Steering Group considered the details of a presentation made to the Town Team by Adam Wilkinson, Executive Director of Economic and Development Services. The Town Centre Strategy Team would have responsibility to oversee the implementation of the Rotherham Town Centre Master Plan. Other teams would have specific, defined responsibilities and would report to the Strategy Team:-

Town Team

RMBC Regeneration Core Team

Town Centre Management Group

Town Centre Public Relations and Marketing Team

Town Centre Planning Team

Local Strategic Partnership – Economic Spoke

Details of the roles, responsibilities and probable membership of these groups and teams were provided in the report.

It was noted that the disability access group would require representation within the new arrangements. The following representation was agreed:-

- Town Centre Strategy Team – representative from the Disability Network;
- Town Centre Management Group – representative from the Access Liaison Group and the Council's Access Officer;
- Town Centre Planning Team – possible representative from the Access Liaison Group.

The new arrangements and the implementation of the Rotherham Renaissance initiative would be monitored and reviewed by the Borough Council's Regeneration Scrutiny Panel.

The Rotherham Town Centre Initiative Steering Group was formally abolished, its role being incorporated within the new arrangements. Members were invited to continue working within the new structure of town centre groups and teams.

In closing the meeting, Councillor Sheila Walker thanked everyone for their valuable contributions to the work of this Steering Group.

**PARISH LIAISON MEETING WITH TREETON PARISH COUNCIL****Thursday, 16th December, 2004****Present:-**

Councillor Gerald Smith	Cabinet Member for Economic and Development Services (in the Chair)
Councillor Georgina Boyes	Rother Vale Ward Member (Ward 11)
Councillor Jeb Nightingale	Rother Vale Ward Member (Ward 11)
Councillor John Swift	Rother Vale Ward Member (Ward 11)
Parish Councillor E. Haycock	Treeton Parish Council
Parish Councillor J. Morris	Treeton Parish Council
Parish Councillor C. Nuttall	Treeton Parish Council
Parish Councillor M. Scott	Treeton Parish Council
Parish Councillor D. Whysall	Treeton Parish Council

**together with:-**

Ian Ashmore	Acting Principal Engineer, Streetpride
Ian Ferguson	Development Control Officer, Economic and Development Services
Stuart Savage	Engineer, Streetpride

**Apologies for absence:-**

Councillor David Pickering	Vice-Chairman of the Planning Board
Councillor Sheila Walker	Chairman of the Planning Board
Karl Battersby	Head of Planning and Transportation Service

**1. INTRODUCTION**

Councillor Smith welcomed those present to the meeting and explained that the purpose of the meeting was to discuss the highways implications of Jones Homes' residential development within the village of Treeton.

**2. RESIDENTIAL DEVELOPMENT IN TREETON BY JONES HOMES**

Discussion took place on the following issues:-

(a) Treeton Parish Council was requesting that Jones Homes complete the construction of the spine road through the new residential development, to enable the road to be adopted by the Highway Authority and opened for traffic.

It was reported that the Section 106 Agreement for this development required Jones Homes to complete the spine road only after a specific time period and after the construction of a stated number of dwellings. The Section 106 Agreement stated that the spine road..."shall be completed to prospectively adoptable standard along its entire length within a period of ten years from the commencement of the development of the site..."

That time period had not yet expired; the Council would therefore have to rely upon the goodwill of Jones Homes to complete the spine road at an earlier date.

(b) Those residents of the new development, who had to rely upon public transport, currently had to walk a considerable distance to the nearest bus stop.

It was suggested that a request be made to the South Yorkshire Passenger Transport Executive for the re-routing of some of the existing bus services.

(c) Reference was made to a number of highways where traffic congestion problems may occur after the opening of the spine road. Front Street was mentioned as one example where congestion might occur.

The Borough Council representatives stated that the new spine road would relieve some of the traffic congestion at Front Street. Traffic calming and a zebra crossing had already been introduced on Front Street, during the last two years and these measures have improved road safety, although the problems of congestion remain.

However, it was the intention to examine traffic patterns after the opening of the spine road, in order to assess whether additional measures would be required to other parts of the highway network in Treeton.

(d) the Borough Council would re-assess the previous request for the provision of a zebra crossing on Well Lane, at its junction with Front Street.

(e) The Parish Council representatives asked the Borough Council to examine the possibility of introducing a one-way section on part of the spine road. It was noted that the design of the spine included sufficient width to permit the two-way flow of traffic.

The following course of action was agreed:-

(1) the Borough Council would arrange a meeting with Jones Homes' representatives to discuss the possible earlier opening of the spine road;

(2) the Borough Council would further examine the Section 106 Agreement to ascertain whether any condition (eg: road safety grounds) could require the earlier completion of the spine road at an earlier date;

(3) the Borough Council would inform Treeton Parish Council of the outcome of the proposed meeting with Jones Homes.

### **3. CONCLUSION**

The Chairman thanked those present for their attendance and closed the meeting at 10.25 a.m.



**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

1.	<b>Meeting:</b>	<b>Economic and Development Services</b>
2.	<b>Date:</b>	<b>12<sup>th</sup> January 2005</b>
3.	<b>Title:</b>	<b>School Travel Plans</b>
4.	<b>Programme Area:</b>	<b>Economic and Development Services, Planning and Transportation Service.</b>

**5. Summary**

This report informs Cabinet Member about planning, funding and implementing School Travel Plans.

**6. Recommendations**

**That the Cabinet Member endorses the suggested approach towards delivery of the Council's school travel plan programme.**

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## **7. Proposals and Details**

### ***Introduction***

In its White Paper on Transport published in the summer of 2004 the Government refined and simplified many of its transport policies. It is now targeting the following four transport priorities (shared between central and local government) via the next Local Transport Plan Process:

- Tackling traffic congestion
- Improving accessibility to jobs, shopping, healthcare and education
- Safer Roads
- Improving the environment

The Government places great importance on tackling traffic congestion. It has highlighted a number of causes of congestion including home to school travel (the "school run") where it expects local authorities to better manage how people travel. The Government introduced the concept of School Travel Plans (STP's) to encourage closer working between local traffic and education authorities and to set targets aimed at tackling congestion, and road safety problems associated with the "school run".

Cabinet Member may recall that the Council's School Travel Plan Strategy was agreed at the delegated powers meeting held on 1<sup>st</sup> March 2004 (item 18). The school travel strategy is the foundation for implementing individual school travel plans in all the schools within the Borough.

In line with Government advice on STP's, we have two headline objectives:

- Contact 50% of schools within 12 months from April 2004 to discuss the potential for a STP and contact the remaining schools within 2 years.
- Aim to reduce the number of car trips by at least 10% at each school after the first year of implementing an individual STP or associated project.

In order to help meet targets, the Council has secured funding from the Government (DfES) to create a temporary post until March 2006 for a School Travel Plan Adviser. The STP Advisor is available to offer as much assistance to each school as practical on how to produce, implement and develop a STP. The post is based within the Transportation Unit of the Economic and Development Service's, Planning and Transportation Service.

### ***About School Travel Plans***

STP's are "living" documents, written and owned by the school, which set out a package of practicable measures for reducing the number of car trips made to schools. They are also aimed at encouraging pupils, parents and school staff to walk, cycle or use public transport to travel to and from school. They include making the school journey, a safe and healthier option to travelling by car.

STP's work by looking in detail at the pupil's whole needs on the school journey. Hence, School Travel Plans cover more than transport; they are also about improving health, broadening education and combating social exclusion.

STP's are developed by:

- Surveying the present travel patterns for pupils, parents and staff.
- Forming a working party with the STP adviser, pupils, parents, ward members, governors, teachers and other interested parties. (The school determines whom they invite to become a member - a standard invite is attached at Appendix A).
- Discussing issues via the working group and finding the right solutions for the school.

The final STP is written by the school with the help and direction of the STP adviser. It should contain the following:

- An introduction
- Brief description of the school
- Evidence of consultation
- Summary of the schools transport and road safety problems
- Proposed initiatives with objectives and targets
- Programme of implementation
- Plans for monitoring and review

It is a requirement of the STP process for the finalised document to be approved by the Heads (or deputies) of Service from the Planning and Transportation Service and E.C.A.L.S. The finalised STP is distributed to other Council Services for action for example to Streetpride to investigate the feasibility of a traffic calming request or ECALS for extra school crossing patrols or school transport issues.

### ***Progress to Date***

The Transportation Unit has contacted and is currently working with 47 of the Borough's schools and plans to contact similar numbers during 2005/2006. A spreadsheet showing the schools selected this financial year (2004/2005) is attached as Appendix B.

A flow chart showing the STP implementation process is shown in Appendix C.

### **8. Financial Implications**

Once a school has an approved travel plan it will become eligible to bid for funding to support the travel plan. The Department of Transport (DfT) has allocated funds of up to a maximum of £5,000 (£3,750 + £5 per pupil) for Infant, junior and primary schools and £10,000 (£5,000 + £5 per pupil) for secondary schools to be spent on various items, within the school curtilage, to complement the travel plan. The grants are available until April 2008.

Any new engineering measures that are required on the surrounding highway network will require funding from the LTP Integrated Transport Capital Programme. Maintenance issues will need to be funded from existing maintenance budgets.

The schools themselves may be eligible to bid for further funding to supplement travel plan measures through ECALS funding mechanisms.

### **9. Risks and Uncertainties**

STP's require on going staff resources to manage, maintain and monitor progress and effectiveness. However, the DfT has only provided funding for the School Travel Plan advisor until April 2006 and no undertaking has been given that further funding will be available. An announcement is expected in June 2005. If the post is not funded beyond 2006, the costs associated with maintaining and funding STP's would transfer to the Council and other sources of funding will have to be explored if the project is to continue.

### **10. Policy Performance Agenda Implications**

All proposals contained within each STP address sustainability, transport, road safety, accessibility, health and community and social inclusion issues and are very much in line with the Council's Corporate Plan and Community Strategy and impact on our CPA score

### **11. Background Papers and Consultation.**

A New Deal for Transport – Better for Everyone, DeTR, 1998.

A Safer Journey to School, Transport 2000.

Travelling to School – An Action Plan, Dft/DfES, 2003

Safer by Design, DoT, 1995.

Transport Statistics, The Stationary Office (annual).

Economic and Development Service Matters – Delegated Powers meeting, 1<sup>st</sup> March 2004, Item 18, Draft School Travel Strategy.

South Yorkshire Local Transport Plan 2001-2006

**12. Contact Name:** Brian Igoe, Transport Planner, Ext 2951,  
brian.igoe@rotherham.gov.uk

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Dear Councillor ????

**School Travel Plan Working Group**

The school run accounts for about 1 in 5 car trips on urban roads during the peak traffic periods. This leads to congestion around schools and increases parent's fears regarding childrens personal safety and traffic issues. To help address this problem, it is now a government requirement for all schools to implement a School Travel Plan (STP).

A STP aims to make childrens journeys to school safer, more pleasant and enable parents, pupils and staff to choose walking, cycling and public transport as a healthy and safer alternative to the car. Once implemented, a STP will also benefit the school and wider community. It is not only about transport matters it also addresses issues such as health, childrens independence and social skills, environmental and education issues and help combat social exclusion. It is developed by the school in partnership with the Council and other interested parties. The STP sets out practical measures to reduce the number of car trips and to improve safety on the school journey. The way to achieve success in implementing a STP is essentially a matter of people interacting effectively, deciding things together and making a commitment to change.

As part of the process of introducing a STP, a working group will be formed, made up from all the interested parties e.g. Ward Member, Teacher, Police, Governor, Council STP Adviser, Parent Representative, local Community group etc. It is envisaged that the group meeting will take place after school or in the early evening and will last no more then one hour. With this in mind we wish to invite one of the three Ward Members to become involved? Therefore if you wish to join the group then please contact the above phone number and in due course I will inform you of the first date of the group meeting.

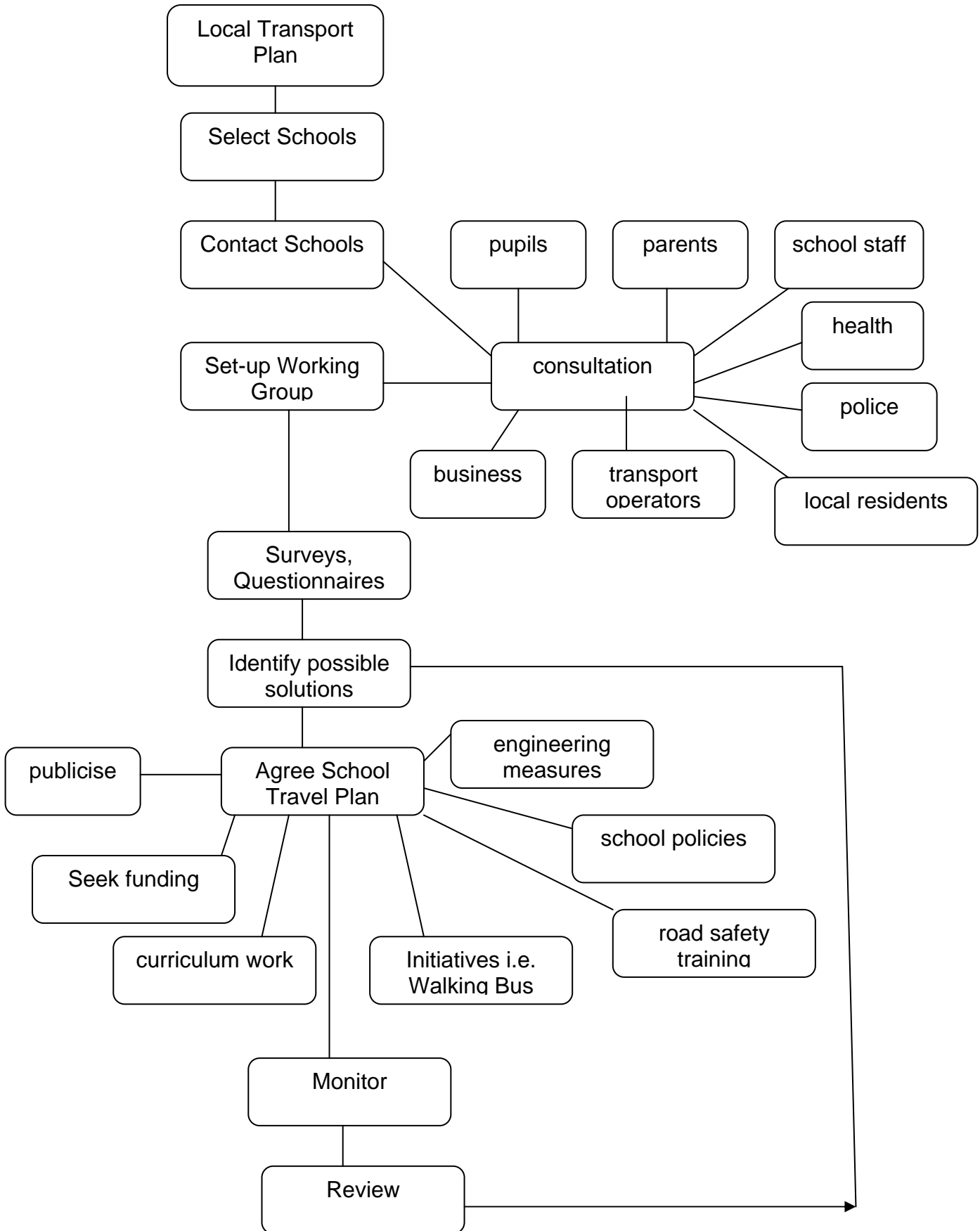
Yours Sincerely

School	Type	Address	P.F.I.	T.C.comp	T.C.pland	S.R.comp	S.R.ongo	Other measures	20 mph zone	S.R. pland	KEY
Aston	Comprehensive	Aughton Road, Swallownest						STP submitted			P.F.I.= Private Finance Initiative
Badsley Moor	Infant	Badsley Moor Lane, Herringthorpe									
Badsley Moor Lane	Junior	Tennyson Road, Herringthorpe	New build								
Bramley Sunnyside	I	Flanderwell Lane, Sunnyside									T.C.= Traffic calmed
Bramley Sunnyside	J	Flanderwell Lane, Sunnyside									
Broom Valley	I	Broom Valley Road, Broom	New Build					Prop walk bus			S.R.=Safe Routes to School
Broom Valley	J	Broom Valley Road, Broom						Prop walk bus			
Ferham Primary	Junior & Infant	Ferham Road, Ferham	PFI								
Greasbrough	J & I	Munsbrough Rise, Greasbrough									
Green Arbour	Special	Locksley Drive, Thurcroft	Referb								
Herringthorpe	I	Chatterton Drive, Herringthorpe						Prop puffin			
Herringthorpe	J	Chatterton Drive, Herringthorpe						Prop puffin			
High Greave	I	High Greave Road, Herringthorpe									
High Greave	J	High Greave Road, Herringthorpe	New build								
Kiveton Park	I	Station Road, Kiveton Park									
Kiveton Park Meadows	J	Storth Lane, Kiveton Park						STP started			
Maltby Manor	I	Davy Drive, Maltby									
Maltby Manor	J	Davy Drive, Maltby									
Pope Plus	Comprehensive	Wath Wood Road, Wath						New puffin			
Rawmarsh Rosehill	J	Kilnhurst Road, Rawmarsh	New build					New zebra			
Rawmarsh Sports College	Comprehensive	Monkwood Road, Rawmarsh						T.C. altered			
Sitwell	I	Grange Road, Sitwell	New build								
Sitwell	J	Grange Road, Sitwell									
St Ann's Primary	J & I	St Leonards Road, Eastwood	New build								
St Mary's	J & I	Herringthorpe Valley Road, Herrthp						Prop Puffin			
Swinton Queen Primary	J & I	Queen Street, Swinton									
Thornhill Primary	J & I	Walter Street, Thornhill	PFI					T/c new/pt+ rails			
Thorpe Hesley	I	Upper Wortley Road, Thorpe Hesley									
Thorpe Hesley	J	Upper Wortley Road, Thorpe Hesley									
Thurcroft	I	Locksley Drive, Thurcroft									
Thurcroft	J	Green Arbour Road, Thurcroft									
Wales High School	Comprehensive	Storth Lane, Kiveton Park									
Wales Primary	J & I	School Road, Wales	New build								
Woodsetts	J & I	Wellfield Crescent, Woodsetts	New build					Prop walk bus			
Dinnington	P	School Street	PFI								
Maltby Craggs	I	Blyth Road	PFI								
Maltby Craggs	J	Blyth Road	PFI								
Rawmarsh Rycroft	I	South Street									
Rawmarsh Sandhill	P	Kilnhurst Road									
Maltby Lilly Hall	J	Cliff Hill									
Anston Park	I	Park Avenue									
Anston Park	J	Park Avenue									
Brinsworth	Comprehensive	Brinsworth Road									
Dinnington	Comprehensive	Doe Quarry Lane									
Wath	Comprehensive	Sandygate									
Wickersley Sports Coll	Comprehensive	Bawtry Road	PFI								
Wales High School	Comprehensive	Storth Lane, Kiveton Park									
				Total schools = 47							

Infant = 13, Junior = 14, J + I = 3, Primary = 7, Special = 1  
Comp = 9

APPENDIX B

# School Travel Plan Flow Chart



**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

1.	<b>Meeting:</b>	<b>Economic and Development Services Matters</b>
2.	<b>Date:</b>	<b>12 January 2005</b>
3.	<b>Title:</b>	<b>Public Transport Ticket Pilot</b>
4.	<b>Programme Area:</b>	<b>Planning &amp; Transportation Service</b>

**5. Summary**

The report outlines a pilot project to test the market for discounted public transport tickets for use in travel to particular locations on council business.

**6. Recommendations**

**Cabinet Member is asked to resolve that:**

**Authority be given to run a pilot project requiring Council business travel to certain locations by discounted public transport ticket, as outlined in this report.**



## **7. Proposals and Details**

Guidance from the DfT on second Local Transport Plans (LTPs) places greater emphasis on tackling traffic congestion by improving links between land use planning and transport and by considering 'soft' measures (such as workplace travel plans) to promote sustainable travel. The Government expects local authorities to take the lead in promoting the benefits of travel plans. (DETR: *The benefits of Green Travel Plans* 1999).

In order to facilitate increased use of public transport for business related journeys during working hours, it is proposed to purchase day TravelMaster tickets from South Yorkshire Passenger Transport Executive (PTE) at a discounted rate. These would be made available to members of staff free of charge and come in the form of a pre scratched voucher valid for use on all modes of public transport for the current day. However, as part of the agreement between the PTE and public transport operators (through the TravelMaster Board) for the discounting of such tickets, evidence needs to be illustrated as to the extent to which modal shift from private car would be achieved through such a discount. This can take the form of a commitment to decrease car parking availability for staff, removal of car allowances etc.

It is considered that the council could not commit itself at the present time to such policy decisions and therefore it is proposed to conduct a week long pilot, wherein all council employees based within Bailey House would be expected wherever possible (at the discretion of their immediate line manager) to use public transport for journeys within the urban area of Rotherham and for journeys into Sheffield. Casual car allowance will not be paid for those who choose to continue using their own car where public transport is a viable alternative.

The pilot will assist in developing best practice in travel planning within the public sector and act as a good example to private sector organisations.

For such an initiative the PTE has indicated that a discount of around 50% on the full price of a day TravelMaster would be possible, making the pilot a cost effective way of testing the effectiveness of this policy. It is hoped that subject to the level of take up of the policy amongst council employees a strong argument can be made to the PTE for a further long term supply of tickets at the same level of discount, further contributing to modal shift targets set out with the council travel plan. Furthermore it will contribute to the Local Transport Plan targets, act as a leading example of best practice in travel planning within the South Yorkshire area and complement other existing council initiatives such as the Carbon Management Project.

The Pilot Project will be publicised through email and posters, with leaflets produced to give staff an idea of timetables and bus stop locations. Staff will not have to pay for the ticket, which means there should be no objections on the grounds of cost.

## **8. Finance**

The pilot project will be funded out of an existing allocation (c. £1400) which has already been agreed from the Planning Delivery Grant allocation to the Travel Plan.[see report to Delegated Powers Meeting 01 September 2004].

## **9. Risks and Uncertainties**

If take up is low, then future availability of discounted tickets may be jeopardised. The pilot will not incur any short term financial risk to the Council as funding is already secured.

## **10. Policy and Performance Agenda Implications**

The initiative described will support the Council's Travel Plan, with its stated aim of reducing single occupancy car travel. In addition it will contribute to the council meeting Local Transport Plan, Service Plan and CPA targets as well as other corporate objectives such as the Carbon Management Project and the Environment Strategy.

## **11. Background Papers and Consultation**

Cabinet approved the Travel Plan which includes a section on future initiatives.

The Council's Travel Plan is available on the internet at:

<http://www.rotherham.gov.uk/graphics/Environment/Transport/>

**Contact Name** : Steve Brown, Policy Officer, Planning & Transportation Service, (extension 2186); [stephen.brown@rotherham.gov.uk](mailto:stephen.brown@rotherham.gov.uk) and Robin Bettison, Countywide Travelwise Coordinator, Planning & Transportation Service, (extension 2186); [robin.bettison@rotherham.gov.uk](mailto:robin.bettison@rotherham.gov.uk)

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Economic and Development Services Delegated Powers Meeting</b>
<b>2.</b>	<b>Date:</b>	<b>10<sup>th</sup> January 2005</b>
<b>3.</b>	<b>Title:</b>	<b>Draft response to the Draft revised Circular on Planning Obligations: consultation document</b>
<b>4.</b>	<b>Programme Area:</b>	<b>Forward Planning</b>

### **5. Summary**

The ODPM has published its consultation paper: Draft revised Circular on Planning Obligations. This paper seeks to replace Circular 1/97: Planning Obligations. The changes are proposed in light of the effect that case law has had on the interpretation of Circular 1/97 and recommendations made by The Barker Review of Housing Supply. The ODPM seeks comments by 25<sup>th</sup> January.

Planning Obligations are negotiated obligations imposed on developers through Section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) to provide financial sums or other works set out in an agreement that forms part of a planning permission. The report outlines the consultation papers comments and the Council's proposed broad response

### **6. Recommendations**

**That the contents of the report are noted and**

**The points contained in the report relating to the Council's broad response to the Consultation Paper are endorsed.**

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## 7. Proposals and Details

The Office of the Deputy Prime Minister has issued a consultation document Draft Revised Circular on Planning Obligations. The document relates to the reform of the way that legal agreements securing contributions from developers are dealt with. These contributions are often made towards the provision of public open space and affordable housing but they can be secured for other purposes. The Government has asked for comments relating to each topic within the guidance, responses are required by 25<sup>th</sup> January 2005”.

Planning Obligations are negotiated obligations imposed on developers through Section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) to provide financial sums or other works set out in an agreement that forms part of a planning permission.

The current guidance dealing with Section 106 (S.106) agreements is contained within Circular 1/97; this guidance lays down five tests. These require all obligations to be:

- necessary
- relevant to planning
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development
- reasonable in all other respects.

Although this guidance intended that all obligations would relate closely to the development in question, over time the emergence of case law has meant that the potential use of obligations has become fairly broad in scope. In practice this has meant that S. 106 agreements no longer need only apply to those matters that are necessary to make a development acceptable.

The existing approach has been criticised for being “complex, difficult to agree and for delaying the planning process”. The recent Planning and Compulsory Purchase Act 2004 contained provisions (in Sections 46 and 47) for the introduction of an ‘Optional Charge’ for applicants, as a simpler alternative to the negotiated S.106 agreements.

Following recommendations made by The Barker Review of Housing Supply, the Government is looking into the introduction of a Planning Gain Supplement (PGS). This would be levied on the land owner, in proportion to the increase in land value tied to the granting of a planning permission. The Government will be reporting on this issue by the end of 2005. The Barker review proposed that use of existing S.106 agreements be scaled back at the same time, to relate to the impacts of the development only, with contributions coming from the developer.

The Draft Revised Circular therefore underlines the Government’s decision to go ahead with reforming S.106 guidance at an earlier stage than any more far reaching reforms in this area. The Circular would revise DoE Circular 1/97 and the

Government would also publish good practice guidance for local planning authorities and developers on the non-legislative changes to Planning Obligations.

The Draft Revised Circular aims to:

- clarify existing policy
- streamline the system
- bring the Planning Obligations system in line with the new system of spatial planning set out in the Planning and Compulsory Purchase Act 2004.

The main revisions to Circular 1/97 are as follows:

- All policy tests will be retained but emphasis is given to the need for Planning Obligations to be 'necessary,' relating to national and local planning policy.
- The Draft Revised Circular clarifies the position with regard to affordable housing policy and separates it from that of mitigation and compensation.
- Local authorities are able to secure a maintenance payment from a developer for a limited period under certain circumstances.
- Local planning authorities, rather than the Government, should decide when planning obligations are most appropriately used based on policy. Policies must be included in the Local Development Framework detailing what the local planning authority expects planning obligations to deliver.
- Local planning authorities are encouraged to adopt a joined-up approach across all public sector infrastructure providers when considering contributions through Planning Obligations policy and planning applications.
- The Draft Revised Circular encourages local authorities to adopt standard formulae and charges to speed up the negotiation process and give developers greater certainty over the likely contributions sought.
- New guidance is offered on using standard legal documents and third party experts in the process to add speed and efficiency to the system. There is also guidance on recouping costs incurred during the process of agreeing Planning Obligations.
- The use of unilateral undertakings is encouraged (submitted by the developer with the planning application), where the developer knows in advance the likely contributions for a development, to speed up the process of negotiation.
- The Government has also proposed that the time limit within which appeals can be for the modification and discharge of planning obligations be reduced from 6 months to 3 months, to bring it in line with other types of appeal.

The advice does not represent a great change to the existing advice relating to planning obligations but rather clarifies how and when they should be applied and

encourages practices that are already being used in some authorities. It clarifies that planning obligations should only be used to mitigate or compensate direct impacts of development or for the provision of affordable housing. The guidance states planning obligations should not be used merely as a means to extract some of the value created by the granting of a planning permission, although this issue is being looked at under the Planning Gain Supplement proposals.

Of particular interest is the emphasis on the need for policies in the LDF to support the use of planning obligations and the need to monitor how contributions from planning obligations are being used. This will be taken into account as part of the ongoing LDF process, and will require specific policies both at the strategic and more detailed levels..

### Proposed Rotherham Response

The clarification of the Government's position with regard to the scope of planning obligations and their use for affordable housing provision is welcome. As is the Government's acknowledgement that the financial viability of proposals should be taken into account in negotiations, especially where regeneration is an important issue. Further advice on how financial viability issues should be taken into account would be useful.

The rest of the advice is broadly welcomed, particularly how they bring transparency and certainty to the process through using policy for through basis of requirements for planning obligations, monitoring results and the use of formulae and standard charges. Again the certainty that a consistent and transparent approach is particularly important where regeneration of an economically marginal site is involved and potential developers may be discouraged if the potential cost of planning obligations cannot be accurately estimated.

The joined up approach advocated by the advice is also welcome, although further advice on how to ensure that all parties involved stay committed to implementation would be useful.

The council's proposed full response is attached (Appendix 1).

## **8. Finance**

The advice in the draft revised circular relates to work that is already integral to Development Control and Forward Planning functions and as such should result in no significant financial burden. The draft revised circular does provide scope for recovery of costs associated with the agreement of planning obligations in certain circumstances.

## **9. Risks and Uncertainties**

Where planning obligations rely on several parties to enable implementation, there is a risk that the obligation may be rendered undeliverable if any one of the parties withdraws from the process. The roles and responsibilities of all parties involved will

need to be clearly defined and, where possible, secured through the S.106 agreement.

## **10. Policy and Performance Agenda Implications**

(i) Regeneration

Planning obligations can support regeneration by securing contributions towards essential infrastructure. They can also prevent proposed developments if they result in an inappropriate financial burden or create unnecessary delay.

(ii) Equalities issues

Policies in the Local Development Framework will deal with how planning obligations are used and implemented. The LDF must include a statement of community involvement and must ensure the plan provides social inclusion.

(iii) Sustainability

Policies in the Local Development Framework will deal with how planning obligations are used and implemented. The plan is subject to Strategic Environmental Assessment and sustainability appraisal.

(iv) Health implications

Policies in the Local Development Framework will deal with how planning obligations are used and implemented. The plan will address health and social inclusion issues.

(v) Safer Rotherham implications

Policies in the Local Development Framework will deal with how planning obligations are used and implemented. The plan will make reference to Secured by Design, planning obligations may be one of the mechanisms used to achieve more secure development.

(vi) Human Rights issues

Policies in the Local Development Framework will deal with how planning obligations are used and implemented. The LDF process itself will have to conform with article 6 – the right to a fair trial. Individual development control policy will have to ensure that Article 1 of the first protocol and Article 8 rights are not prejudiced.

(vii) The Council's five political priorities

Policies in the Local Development Framework will deal with how planning obligations are used and implemented. The plan will have to align with these

priorities and help to deliver the aspirations of the Community Strategy as set out in planning policy statements.

**11. Background Papers and Consultation**

Draft revised Circular on Planning Obligations, ODPM 2004

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## **Appendix 1 – Proposed Responses to the Revised Circular and Good Practice Guidance**

*These responses relate to topic areas laid out in the response proforma attached to the consultation papers.*

### **Retention/Simplification of Policy Tests**

Clarification of how the five tests are to be applied is welcome, restricting the use of planning obligations for the mitigation/compensation of impacts and affordable housing is welcome. This should help to reduce the perception, sometimes held among the public, that planning permissions are being “sold”.

The Government’s acknowledgement of the need to ensure that financial viability should be taken into account when negotiating is welcome. There may be instances when the regeneration of financially marginal sites could be threatened by unrealistic expectations with regard to the requirements for planning obligations. Further guidance as to how this could be taken into account in practice would be useful.

There is the issue that local authorities with less buoyant economies and lower land values and more sites requiring regeneration will be able to secure fewer resources than those authorities where there are more vibrant economies. However, the needs of the less buoyant areas are no less and usually more than those that are more prosperous.

### **Typology for Use of Planning Obligations**

The clarification over the possible uses of obligations is welcome.

### **Contributions for Affordable Housing**

The clarification over the Governments position over the use of obligations to secure affordable housing is welcome. However securing affordable housing on site is often difficult in practice, the fallback position of requiring a commuted sum is often all that can be achieved. In these cases the link with the creation of mixed communities can be less clear than in the case of on site provision as part of a larger development. Further detailed best practice guidance regarding the securing of on site provision would be useful.

### **Maintenance Payments**

The concept of developers making contributions of maintenance for a limited period is welcome. Further guidance as to what period of time these payments should cover would be welcome.

### **Pooled Contributions**

This is welcomed.

### **Local Planning Obligations Policies**

This approach is welcomed, giving a degree of certainty to all concerned and adding to the transparency of the process.

### **Joining-Up Across Public Sector**

This approach is welcomed, although if responsibilities of all parties involved are not set out in the agreement there is a danger that obligations may become undeliverable.

### **Formulae and Standard Charges**

This approach is welcomed, as this is already being applied successfully in many authorities. This approach provides certainty to prospective developers who are then potentially able to factor in cost implications when negotiating land deals. This should mean that developers are less likely to be discouraged from developing marginal sites compared to cases where the level of financial risk due to planning obligation requirements is unknown. Again this issue is especially important where the regeneration of marginal sites is being sought.

### **Standard Agreements/Undertakings**

This approach is welcome.

### **Use of Independent Third Parties**

This approach is welcome and would be particularly useful where a developer is raising issues of viability but feels unable release commercially sensitive material.

### **Cost Recovery**

No comment

### **Use of Unilateral Undertakings**

No comment

### **Monitoring and Implementation of Obligations**

Welcome, this is needed to ensure transparency

### **Other**

It would make sense for reforms of planning obligations and the proposed PGS to be taken forward together so that they can be considered as part of a whole package.

*The response proforma also asked the whether the time limit within which appeals can be for the modification and discharge of planning obligations be reduced from 6 months to 3 months, to bring it in line with other types of appeal.*

It is proposed that the council should support this change. Given that planning obligations only be used if they are necessary to make a proposal acceptable. The obligation is fundamental to the consideration of the proposal as a whole and any appeal relating to a planning obligation is likely to need to look at the wider planning merits of the proposal.

By virtue of paragraph(s) 8, 9 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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