

**Committee Name and Date of Committee Meeting**

Cabinet – 20 July 2020

**Report Title**

Local Plan: Consultation on draft Supplementary Planning Documents

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

Approval is sought to undertake public consultation on the following draft Supplementary Planning Documents (SPDs):

- Draft Affordable Housing SPD
- Draft Development Viability SPD
- Draft Natural Environment SPD
- Draft Transport Assessments, Travel Plans and Parking Standards SPD
- Draft Safeguarding Community Facilities SPD

Rotherham's Local Plan provides the framework for determining planning applications. Supplementary Planning Documents provide additional detail and guidance to support policies in the Local Plan. Once adopted, they are a material consideration which can be taken into account when determining planning applications. Supplementary Planning Documents help improve planning applications, which in turn can speed up the planning process and produce better outcomes for the community.

**Recommendations**

1. That approval be given to public consultation on the draft Supplementary Planning Documents at Appendices 2 to 6.

2. That, following consultation, a further report be submitted in July 2021 regarding adoption of the Supplementary Planning Documents.

### **List of Appendices Included**

- Appendix 1 PART A - Initial Equality Screening Assessment
- Appendix 2 Draft Affordable Housing SPD
- Appendix 3 Draft Development Viability SPD
- Appendix 4 Draft Natural Environment SPD
- Appendix 5 Draft Transport Assessments, Travel Plans and Parking Standards SPD
- Appendix 6 Draft Safeguarding Community Facilities SPD

### **Background Papers**

Rotherham Local Plan 2013 – 2028:

<https://www.rotherham.gov.uk/planning-development/guide-local-plan/1>

Adopted Statement of Community Involvement:

<https://www.rotherham.gov.uk/downloads/download/80/statement-of-community-involvement>

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

### **Council Approval Required**

No

### **Exempt from the Press and Public**

No

## **Local Plan: Consultation on draft Supplementary Planning Documents**

### **1. Background**

- 1.1 Rotherham's Local Plan provides the framework for determining planning applications. Supplementary Planning Documents (SPDs) provide additional detail and guidance to support Local Plan policies. Once adopted they are a material consideration which can be taken into account when determining planning applications. The documents also offer further assistance and clarification to applicants when preparing planning applications. SPDs provide detailed guidance to householders, planning agents and developers to help improve the quality of submitted planning applications, which in turn can speed up the planning process and produce better outcomes for the community.
- 1.2 Following adoption of the Local Plan Core Strategy (2014) and Sites and Policies documents (2018), the Council is in the process of updating a number of existing planning guidance documents and preparing new guidance.
- 1.3 Priority was initially given to preparing guidance which supports the delivery of new homes and other development, and to updating existing guidance regularly used in the consideration and determination of planning applications. This led to a first suite of SPD's that have now been through consultation and were approved for adoption by Cabinet on 15 June 2020.

This report brings forward the second suite of SPD's, appended to this report, which are now at final draft stage to be taken forward for public consultation.

- 1.4 This report seeks approval to consult on the following draft Supplementary Planning Documents (SPDs):
- Affordable Housing
  - Development Viability
  - Natural Environment
  - Transport Assessments, Travel Plans and Parking Standards
  - Safeguarding Community Facilities

### **2. Key Issues**

- 2.1 The draft SPDs proposed for consultation cover a range of issues. A summary of the key elements of each document is provided below:

<b>Affordable Housing</b>	<p>Supports the delivery of affordable housing negotiated through S106 Planning Obligations.</p> <ul style="list-style-type: none"><li>• Affordable housing should be provided that reflects local housing needs, informed by the Council's recently published Strategic Housing Market Assessment.</li></ul>
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	<ul style="list-style-type: none"> <li>• New SPD updates the earlier Interim Affordable Housing Guidance to reflect the National Planning Policy Framework and adopted Local Plan.</li> </ul>
<b>Development Viability</b>	<p>Establishes over-arching principles in the determination of planning applications where challenges to viability of the delivery of policy compliant affordable housing are made.</p> <ul style="list-style-type: none"> <li>• Provides additional guidance on the appraisal methodology, information requirements and review procedures that the Council will apply when evaluating submitted evidence.</li> <li>• The accompanying evidence to the SPD has tested a cross-section of sites allocated in the Local Plan, to ensure that development is not made unviable by the Plan's affordable housing and other planning policy requirements.</li> <li>• Details the approach the applicant shall follow if they contest viability; enabling the Council to evaluate the accuracy and relevance of such challenges in informing its decision-making.</li> </ul>
<b>Natural Environment</b>	<p>Provides guidance to support developers in considering the natural environment, particularly wildlife habitats and species, and geology, within development proposals.</p> <ul style="list-style-type: none"> <li>• Provides clarity on when ecological and/or geological surveys are required to support planning applications, how to report on the outputs from such surveys and essential mitigation required.</li> <li>• Establishes the procedure for the discharge of relevant planning conditions.</li> <li>• Sets out that the natural environment should be considered at each stage in the planning process.</li> </ul>

<b>Transport Assessments, Travel Plans and Parking Standards</b>	<p>Sets out detailed guidance on the way the Council expects parking and travel plan policies in the Local Plan to be applied in specific circumstances or localities.</p> <ul style="list-style-type: none"> <li>• Provides guidance on the preparation of transport assessments, travel plans and sustainable transport opportunities to support the submission of planning applications.</li> <li>• Establishes the general principles applicable to parking and sustainable transport, including cycling and cycle storage, and how these are considered through the planning process.</li> <li>• Provides a methodology for the analysis of transport impacts of development proposals and their mitigation through the prioritisation of sustainable transport.</li> <li>• Sets out that the impacts of transport on climate change including air quality and carbon emissions, are of utmost importance and are a priority for the Council.</li> </ul>
<b>Safeguarding Community Facilities</b>	<p>Sets out the information or evidence that an applicant is expected to provide in order to demonstrate compliance with relevant Local Plan policies.</p> <ul style="list-style-type: none"> <li>• Provides clarity on what is a reasonable range of services and facilities and whether new facilities are required as part of development proposals.</li> <li>• Explains the exceptions to this requirement where applicants can robustly demonstrate that such provision would not be viable or would threaten the viability of the overall scheme.</li> <li>• Clarifies those facilities that are considered to serve a community need and provides clear guidance on the route to satisfying Local Plan policy.</li> </ul>

- 2.2 In line with The Town and Country Planning (Local Planning) (England) Regulations 2012 the Council is required to undertake public consultation on a draft SPD for a minimum of four weeks, and to take account of any comments received in preparing final documents. Once adopted by the Council these documents can then be considered when determining planning applications.

### **3. Options considered and recommended proposal**

#### **3.1 Option 1: carry out public consultation on the draft SPDs**

Taking forward the documents will provide guidance to applicants, helping speed up the planning process by minimising amendments or negotiations often necessary following submission of planning applications. Subsequent adoption of the documents as SPD will ensure that they have more weight in planning decision-making and enable the Council to refuse non-compliant planning applications. This will give more certainty for the community and prospective developers on the Council's preferred approach to the subjects covered by SPDs.

#### **3.2 Option 2: do not carry out public consultation**

If no public consultation is undertaken, then the final documents could still be used by the Council as informal guidance but cannot be adopted as SPD. The documents would have limited weight when determining planning applications, which would be much less than if they were adopted as SPD.

#### **3.3 Option 3: decline to take forward the SPDs**

Whilst the SPDs provide further guidance to assist those preparing and determining planning applications, there is no requirement that the Council must produce them. However, they provide valuable additional guidance to applicants by providing clarity on Local Plan policy requirements and enable the Council to refuse non-compliant planning applications.

3.4 Option 1 is the recommended option.

### **4. Consultation on proposal**

4.1 Preparation of the draft SPDs has been undertaken by, or in conjunction and consultation with other relevant services. The Council's Development Management Service within the Planning Service have reviewed all the draft SPDs. Members will also be provided the opportunity to raise any queries regarding the draft SPDs through a presentation that will be circulated. It is anticipated that further member engagement will be arranged during the consultation period to allow members to raise any specific questions and provide feedback on the detail of the draft SPDs subject to any restrictions arising from the Covid-19 situation.

4.2 Consultation will be undertaken in line with the Council's adopted Statement of Community Involvement. This Statement sets out how the Council involves the public and stakeholders in producing planning policy documents and consulting on planning applications.

4.3 Consultation will be undertaken via the Council's planning consultation website. This notifies interested parties (including statutory consultees, members of the public and other stakeholders) on the Local Plan consultation database and allows and encourages comments to be submitted online. A summary of the consultation plan is set out below.

<p><b>Where will the draft SPDs be available to view?</b></p>	<p>The draft SPDs will be available to view on the Council's planning consultation website, with links from the Planning Policy webpage and from the corporate consultations webpage.</p> <p>Printed copies of the draft SPDs will be available to view at the Council's main offices at Riverside House during normal office hours, subject to suitable advance booking arrangements to meet health and safety requirements under the Covid-19 situation.</p>
<p><b>How will people know about the draft SPDs?</b></p>	<p>The Council's Planning Service maintains a database of those interested in preparation of the Local Plan and other planning documents. They will be notified by email of the consultation.</p> <p>Notification will also be sent to any relevant stakeholders identified whose details are not currently held on the consultation database.</p> <p>The Council's Planning webpages will be updated to provide details of the consultation and how to provide comments.</p> <p>A notice publicising the consultation will be placed in the local press and a press statement will be issued.</p>

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 Subject to approval by Cabinet, it is proposed to undertake public consultation over a four-week period later in 2020, subject to the Covid-19 situation and any restrictions on public accessibility to these draft SPDs.
- 5.2 Following consultation, any comments received will be considered in producing final versions of the SPDs and a consultation feedback report prepared detailing the main issues raised and how these have been addressed.
- 5.3 A further report will be brought to Cabinet in July 2021 seeking adoption of these SPDs. The timing of this report will be dependent on the timing of the consultation and the volume and nature of the consultation response to the draft SPDs.

## **6. Financial and Procurement Advice and Implications**

- 6.1 This proposed consultation will be carried out via the Council's planning consultation website and any additional costs associated with this consultation will be limited to minimal printing and advertising costs. These costs will be managed within the Service's existing approved revenue budget.

6.2 There are no direct procurement implications in this report.

## 7. Legal Advice and Implications

7.1 Public consultation on the draft SPDs is mandatory if they are to be adopted. SPDs are material planning considerations. Properly drafted SPDs (that are adopted after public consultation) usefully ensure that decision-making is more robust by providing detail and guidance to support existing policies in the Local Plan. They are also helpful for applicants in the pre-application stage, making the process more transparent and open.

## 8. Human Resources Advice and Implications

8.1 There are no Human Resources implications associated with undertaking consultation on the draft SPDs.

## 9. Implications for Children and Young People and Vulnerable Adults

9.1 The SPDs are intended to assist in delivering the Council's strategy and policies set out in the Local Plan. These include promoting and delivering sustainable patterns of development and sustainable communities, reducing pollution and conserving and enhancing the quality of the built and natural environment.

## 10. Equalities and Human Rights Advice and Implications

10.1 The SPDs are intended to assist in delivering the Council's strategy and policies set out in the Local Plan. These include promoting and delivering sustainable patterns of development and sustainable communities for all and conserving and enhancing the quality of the built and natural environment.

## 11 Implications for Ward Priorities

11.1 The SPDs, if adopted following consultation and reporting to a future Cabinet, will apply borough-wide, so will be of overarching benefit to the priorities of all wards. In particular, some of the SPDs should also support the specific priorities of certain wards as highlighted below:

<b>Supplementary Planning Document</b>	<b>Wards</b>
Draft Affordable Housing	All wards
Draft Development Viability	All wards
Draft Natural Environment	All wards Rawmarsh
Draft Transport Assessments, Travel Plans and Parking Standards	All wards Keppel Silverwood Wickersley
Draft Safeguarding Community Facilities	All wards Rotherham East



12. **Implications for Partners**

- 12.1 The implications for partners or other directorates are mainly associated with consultation on the draft SPDs and to ensure partners and directorates are fully engaged in the process.

13. **Risks and Mitigation**

- 13.1 The Council may be open to legal challenge should the SPDs not be produced in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. Legal advice will be sought as necessary.

14. **Accountable Officers**

Simon Moss, Assistant Director of Planning, Regeneration & Transport

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	26/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	18/06/20
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	25/06/20

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