

**DATE: 23 April 2009**

**7**

**Dealing with S106 Agreements and Supplementary Planning Documents as a result of the economic down turn**

**Ward(s)**                      All

**Portfolios:**    Cllr A Andrew - Regeneration

**Summary of report:**

A short presentation is to be made to the Panel which seeks to:

1. consider referral from development control on:
  - i. Implications of deferring S106 contributions to encourage future development in Walsall
  - ii. Supplementary Planning Documents - understanding what an SPD is and process to draft one.
  
2. Consider the wider issue of how to encourage development in Walsall in current economic conditions?
  - i. Do SPD's make a difference?
  - ii. How can flexibility be introduced and ensured?
  - iii. What else can be done to make a difference

This will address the issues raised following the Development Control Committees resolution to consider the Council's continued approach to how it deals with Planning Obligations in accordance with section 106 of the Town and Country Planning Act 1990 and its Supplementary Planning Documents (SPD's) in the current economic down turn.

The Development Control Committee resolved that the findings of the Panel form the basis of recommendations that are to be reported to Cabinet.

**Background papers:**

Walsall Unitary Development Plan 2005

Supplementary Planning Documents:

- Affordable Housing 2005
- Urban Open Space, April 2006
- Healthcare, January 2007
- Education, February 2007
- Circular 5/2005 Planning Obligations

**Reason for scrutiny:**

To consider the implications of implementing the Council's SPD's and other requirements in accordance with S106 agreements allied to planning application decisions in order to assess if there is a case for removing or reducing the need for compliance in the in the current economic climate.

**Resource and legal considerations:**

Planning Obligations are primarily negotiated as part of the determination of planning applications in accordance with Government Circular 5/2005, policy GP3 of Walsall Unitary Development Plan and adopted Supplementary Planning Documents.

**Citizen impact:**

Planning Obligations are negotiated to offset any associated deficit in education, open space, health, affordable housing or other related impact from a development that needs to be provided or managed in order to enable the development to proceed.

**Environmental impact:**

The impacts of planning decisions on the environment are considered as part of the consideration of the individual planning applications in accordance with local and national planning policies.

**Performance management:**

Members receive a quarterly report from the Head of Planning and Building Control on individual Planning Obligations together with the total sums collected within the year to help inform and assure members of the accounting probity and monitoring that is being undertaken.

**Equality Implications:**

An Equality Impact Assessment has been carried out for Development Control which included how the local planning authority manages S106 agreements equitably. The study found that current process and procedures are compliant with the Council's equalities requirements and that all persons involved in the process are able to participate in as part of the planning application procedures currently in place.

**Consultation:**

Officers in Legal Services, Housing Services and Education Walsall have been consulted in the preparation of this report.

**Contact Officer:**

David Elsworthy, Head of Planning and Building Control

☎. 01922 652409

[elsworthyd@walsall.gov.uk](mailto:elsworthyd@walsall.gov.uk)