





EXECUTIVE DECISION NOTICE

SERVICE AREA:	PLACE DIRECTORATE Development, Growth and Investment
SUBJECT MATTER:	DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD).
DECISION:	To revoke the Developer Contributions Supplementary Planning Document in line with the 2012 Planning Regulations.
DECISION TAKER(S):	Councillor Peter Robinson
DESIGNATION OF DECISION TAKER (S):	Executive Member for Transport and Land Use.
DATE OF DECISION:	8 April 2015
REASON FOR DECISION:	The Developer Contributions SPD will not be compliant with the Community Infrastructure Levy Regulations from April 2015 and should be revoked in line with The Town and Country Planning (Local Planning) (England) Regulations 2012.
ALTERNATIVE OPTIONS REJECTED (IF ANY):	There is no alternative option.
CONSULTEES:	No consultees
FINANCIAL IMPLICATIONS: (AUTHORISED BY BOROUGH TREASURER)	In order to ensure compliance with the Community Infrastructure Levy (CIL) Regulations the Developer Contributions SPD will cease from April 2015. Appropriate arrangements are in place from April 2015 onward to continue securing a level of developer contribution. This will be through the use of S106 obligations until such time that this can be supplemented with CIL, following adoption of an up to date local plan which is a mandatory prerequisite.
LEGAL IMPLICATIONS: (AUTHORISED BY BOROUGH SOLICITOR)	The recommended decision results from changes to legislation and guidance that have overtaken the Developer Contributions policy in the SPD. The Council has the power, under section 25 of the Planning and Compulsory Purchase Act 2004, to revoke any supplementary planning document.
CONFLICT OF INTEREST:	No conflict of interest
DISPENSATION GRANTED BY STANDARDS COMMITTEE ATTACHED:	
REFERENCE DOCUMENTS:	The background papers relating to this report can be inspected by contacting the report writer, Simon Pateman by:  Telephone: 0161 342 3104  E-mail: simon.pateman@tameside.gov.uk

Signed  Dated 8-4-2015
Councillor Peter Robinson – Executive Member for Transport and Land Use

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DATE OF DECISION:	To revoke the Developer Contributions Supplementary Planning Document in line with the 2012 Planning Regulations.
DECISION TAKER	Councillor Peter Robinson
DESIGNATION OF DECISION TAKER;	Executive Member for Transport and Land Use.
REPORTING OFFICER:	Damien Bourke, Assistant Executive Director – Development, Growth and Investment.
REPORT SUMMARY:	The Developer Contributions SPD will not be compliant with the Community Infrastructure Levy Regulations (2010) as of April 2015 and should be revoked in line with The Town and Country Planning (Local Planning) (England) Regulations 2012.
RECOMMENDATIONS:	To revoke the Developer Contributions SPD by following the process set out in the attached report.
JUSTIFICATION FOR DECISION:	The revocation of the document is recognition of changes in the law that have already been imposed on the Council.
ALTERNATIVE OPTIONS REJECTED (IF ANY):	There is no alternative option.
CONSULTEES:	No consultees
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RISK MANAGEMENT:	There is minimal risk involved with the decision to revoke the Developer Contributions SPD. The decision is driven by change in national policy which requires the use of tariff based systems to cease.

LINKS TO COMMUNITY PLAN:	There are no links to the Community Plan from this requirement to revoke the Developer Contributions SPD.
REFERENCE DOCUMENTS:	The background papers relating to this report can be inspected by contacting the report writer, Simon Pateman  Telephone: 0161 342 3104  E-mail: simon.pateman@tameside.gov.uk

1. INTRODUCTION

- 1.1 Due to changes in the law around developer contributions the Council will no longer be able to use the adopted Developer Contributions Supplementary Planning Document (the Developer Contribution SPD). The purpose of this report is to set out the formal process for revocation of the SPD.
- 1.2 Reports have previously been presented to Strategic Capital Panel on the 1 July 2013, 8 September 2014 and 2 March 2015 to outline the new mechanisms for the collection of Developer Contributions introduced by the Government nationally through the Community Infrastructure Levy (CIL) Regulations, April 2010 and subsequent amendments.
- 1.3 The regulations introduced a new method for collecting Developer Contributions (CIL) which is intended to be used alongside S106 agreements by Authorities. CIL is intended to be used for general infrastructure contributions and S106 for obligations for site specific mitigation.
- 1.4 From April 2015 due to the CIL regulations and National Planning Policy Framework (NPPF) the Council will legally have to cease making use of its current tariff based system due to limits around the pooling of contributions.
- 1.5 A number of steps have already been taken to ensure appropriate arrangements are in place from April 2015 onward to continue securing a level of developer contribution. The Policy changes introduced in December 2014 prevent the Council seeking developer contributions from developments of less than 10 dwellings. Contributions from larger developments will be secured by bespoke S106 Agreements that reflect the characteristics and location of the development. These will all be "major developments" and therefore referred to Speakers Panel for decision, and the terms of any S106 agreement will be reported to the Panel for approval. Once completed, the terms of any S106 Agreements will continue to be reported to and monitored by the Strategic Planning and Capital Monitoring Panel. This will continue until such time that this can be supplemented with CIL, following adoption of an up to date local plan which is a mandatory prerequisite.

2. TECHNICAL AMENDMENTS

- 2.1 Post April 2015 the use of S106 agreements will be the only means for the Council to secure developer contributions.
- 2.2 As the existing tariff based system will no longer be able to be used, it is proposed that the Developer Contributions SPD, which guides its use is revoked as planning guidance.
- 2.3 For the avoidance of doubt the guidance in question is:
 - The Developer Contributions Supplementary Planning Document
- 2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the SPD revocation process. In particular Part 5, Regulation 15 covers 'Revocation or withdrawal of a supplementary planning document'.
- 2.5 The process is covered by two parts:
 - Ceasing to make any documents relating to the SPD available; and
 - Ensuring that the Council takes steps to draw the revocation of the SPD to the attention of persons living or working in their area.
- 2.6 To comply with the regulations the Council will ensure that it ceases to make any documents relating to the Developer Contributions SPD available by:
 - Removing all relevant content from the Council's website; and
 - Removing all relevant SPD documentation from Council inspection points, such as libraries.

2.7 To comply with the second part of the revocation in the regulations approval is sought to issue a 'statement of fact' through the Council's website. An example of a draft statement is provided at Appendix 1.

3. RECOMMENDATION

3.1 To approve the revocation of the Developer Contributions SPD through the process as set out in The Town and Country Planning (Local Planning) (England) Regulations 2012.

APPENDIX 1

REVOCATION OF THE TAMESIDE COUNCIL

DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT

STATEMENT OF FACT

In accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012, pertaining to the Planning and Compulsory Planning Act 2004, revocation of a Supplementary Planning Document must follow some requisite steps pursuant to section 25 of the Act.

Namely the Local Planning Authority must as soon as reasonably practicable:

- Cease to make any documents relating to the revoked supplementary planning document available in accordance with regulation 34; and
- Take such other steps as it considers necessary to draw the revocation of the Supplementary Planning Document to the attention of persons living or working in their area.

This document represents a **Statement of Fact** in accordance with the above regulation and explains why the document has been revoked.

Document name	Notes on adoption	Purpose	Comments (reasons for revocation)
Developer Contributions SPD	Adopted via Key Decision Report signed by Executive Member Cllr A Whitehead 28 November 2006.	Provides a tariff based system to collect developer contributions through a deed of unilateral undertaking	Due to Community Infrastructure Levy Regulations (2010), subsequent amendments and policy contained within the National Planning Policy Framework and National Planning Practice Guide, the SPD can no longer be reasonably applied.

The formal revocation of the supplementary planning document was agreed by Tameside Council Executive Decision on the 08/04/2015

Regulations require that following the endorsement of this action all copies of the document, both physical and digital shall be revoked thereafter, prompting removal of the document from all Council Libraries and the Council website.

If you have any questions regarding this course of action, please contact the Strategic Planning Team on 0161 342 3346, or email planpolicy@tameside.gov.uk