

# Planning Obligations

Supplementary Planning  
Document

Consultation Statement

September 2025



**Sunderland  
City Council**



**Consultation Statement: Planning  
Obligations Supplementary Planning  
Document**

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## Introduction

The Town and Country Planning (Local Planning) (England) Regulations 2012, requires that before a local planning authority adopt a supplementary planning document it must prepare a statement setting out—

- I. the persons the local planning authority consulted when preparing the supplementary planning document.
- II. a summary of the main issues raised by those persons; and
- III. how those issues have been addressed in the supplementary planning document.

This Consultation statement sets out details of the consultation Sunderland City Council (the council) has undertaken in the preparation of the Planning Obligations Supplementary Planning Document (SPD).

## What is the Planning Obligations Supplementary Planning Document?

SPDs add further detail to the policies in development plans. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

The council's Planning Obligations SPD was adopted in June 2020 to expand upon, and provide further detail and support, of policies within the council's adopted Core Strategy and Development Plan 2015-2033 (CSDP).

CSDP Policy ID2 Planning obligations states that:

1. *Section 106 planning obligations will be sought to facilitate the delivery of:*
  - i. *affordable housing (see Policy H2); and*
  - ii. *local improvements to mitigate the direct or cumulative impact of development, where evidenced, and/or additional facilities and requirements made necessary by the development, in accordance with the Planning Obligations SPD.*

*Where it is not possible to deliver the policy requirements in full, a viability assessment should be submitted in line with the requirements of the PPG.*

In light of new legislative requirements, updated national and local policy and guidance across a range of subject matters, and as a result of reflection upon the effectiveness of the existing SPD, it was considered that a review and update of the SPD was required.

# Consultation on the Planning Obligations Supplementary Planning Document

The council undertook two rounds of public consultation on the draft Planning Obligations SPD. The first round of consultation allowed stakeholders to comment on the proposed scope of the updates to the SPD. A second round of consultation followed on the draft SPD, which set out the detailed proposals.

In accordance with the Statement of Community Involvement, the council has undertaken the following consultations.

<b>Stage 1 – Scoping Report</b>	6 January 2025 – 3 February 2025
<b>Stage 2 –Draft Planning Obligations SPD</b>	31 March 2025 – 12 May 2025

## Persons the local planning authority consulted when preparing the supplementary planning document

The council wrote to all persons on the Planning Policy Database; this includes statutory consultees, general consultation bodies and those who had previously expressed an interest in the production of Planning Policy documents. Where possible, consultation was undertaken by email, however letters were posted to those consultees where an email address was not available. Copies of the correspondence inviting persons to make representations on the SPD is included in Appendix 1.

Stakeholders were invited to make representations in writing by email ([planningpolicy@sunderland.gov.uk](mailto:planningpolicy@sunderland.gov.uk)), however comments could also be made in writing.

## Consultation at each stage

### Stage 1: Scoping Report consultation

A Scoping Report was consulted upon and as such was made publicly available for comment for a 4-week period between 6 January and 3 February 2025. The Scoping Report was made available on the council's website and at Sunderland City Hall, Plater Way.

The Scoping Report represented the first stage in the process and sought to establish the scope of updates to the Planning Obligations SPD by identifying the chapters/sections in the existing SPD to be reviewed, together with the contents therein requiring to be updated.

A total of 13 representations were received to the Scoping Report consultation. A summary of the representations received, and the council's response are set out below at Table 1.

All representations were taken into consideration when preparing the draft SPD and changes made where appropriate.

### Stage 2: Draft SPD consultation

The Draft SPD was consulted upon and as such was made publicly available for comment for a 6-week period between 31 March and 12 May 2025. The Draft SPD was made available on the council's website and at Sunderland City Hall, Plater Way.

In total 11 representations were received to the Draft SPD consultation. A summary of the representations received, and the council's response are set out below at Table 2.

All representations were taken into consideration when preparing the final SPD and changes made where appropriate.

## Summary of the main issues raised in representations; and how those issues have been addressed by the council

Table 1: Stage 1 (Scoping Report) Consultation Responses

Consultee	Summary of Representations	Council Response
<b>Communities Together Sunderland West</b>	Refuse planning permission for those who want to build homes on parks where the park is the only green space the community has used generationally like the Blackie Park. We are still yet to see the section 106 funding put to use here.	Not relevant to scope of Planning Obligations SPD (PO SPD).
<b>CPRE Durham</b>	Include Highways and Other site-specific planning obligations chapters within scope of updates, reviewing and updating as necessary to reflect current government guidance, especially in relation to sustainable active travel and provision of electric vehicle charging points.	Both chapters have been reviewed and updated as appropriate when drafting the PO SPD. This includes referencing the role of Active Travel England and the importance of walking and cycling infrastructure. The PO SPD is not considered to be an appropriate document for additional EV charging guidance.
<b>Hamilton Willis</b>	Broadly agree with the recommendations of the SPD Scoping Report but wish to make further recommendations to be considered in the preparation of the draft SPD including introducing more flexibility and a clear approach for further reviews: <ul style="list-style-type: none"> <li>i) Chapter 2: Review of Chapter 2 should also consider and introduce clear mechanisms for further reviews of the document.</li> <li>ii) Chapter 4: The SPD should be reviewed alongside an up-to-date Strategic Housing Market Assessment (SHMA) to ensure the guidance provided on</li> </ul>	<ul style="list-style-type: none"> <li>i) The draft SPD includes text around the document being kept under continuous review and updated where necessary. However, it is not considered necessary to formalise review mechanisms.</li> <li>ii) The council's SHMA was updated in 2020 and will be updated as part of the evidence base for the preparation of the new local plan.</li> <li>iii) At this point in time the council does not require or promote First Homes as an affordable housing product, however, in</li> </ul>

	<p>planning obligations delivers affordable housing that meets the identified need.</p> <ul style="list-style-type: none"> <li>iii) Review of Chapter 4 should be used as an opportunity to clarify Sunderland City Council's approach to the First Homes affordable housing tenure.</li> <li>iv) Chapter 5: Broadly agree with the scope of review but request that 'update to reflect changes to local circumstances' is clarified.</li> <li>v) Chapter 6: Clearer guidance on how and when different types of greenspace contributions are needed to best meet local need and policy requirements is welcomed.</li> <li>vi) Chapter 7: Request further detail and evidence on how the Equipped Play Space contribution is calculated.</li> <li>vii) Chapter 8: Strongly agree with the proposed approach of updating this to reflect the national mandatory biodiversity net gain legislation. Would welcome further clarification on how the Planning Obligations SPD will interact with the adopted Biodiversity Net Gain Fees Note as well as the draft Biodiversity SPD.</li> <li>viii) Chapter 9: Agree with the proposed approach to update the Planning Obligations SPD to reflect the latest guidance.</li> <li>ix) Chapter 10: Would question whether the interrelationships between the expectations of the Development Management SPD should be cross referenced and acknowledged in the Planning Obligations SPD.</li> <li>x) Chapter 12: Health contributions guidance should be updated to reflect latest case law.</li> <li>xi) Chapter 13: Viability appraisal process will need to account for the latest guidance and requirements</li> </ul>	<p>accordance with the NPPF 2024, the option to deliver First Homes both through section 106 planning obligations and exception sites will remain in place.</p> <ul style="list-style-type: none"> <li>iv) The Education chapter has been reviewed and updated to reflect latest available evidence and guidance.</li> <li>v) The Greenspace chapter has been reviewed and updated to provide greater clarity on requirements across a range of development scenarios.</li> <li>vi) The Equipped Play Space chapter has been reviewed and updated. This includes an updated calculation which now combines maintenance and renewal and repairs costs.</li> <li>vii) The updated PO SPD includes a new chapter on Biodiversity Net Gain. This includes fee requirements, and therefore the council's Biodiversity Net Gain Fees Note will be revoked upon adoption of the updated PO SPD. More detailed guidance regarding the delivery of Biodiversity Net Gain will be set out within the Biodiversity SPD.</li> <li>viii) No response required.</li> <li>ix) It is not considered necessary to cross reference the Development Management SPD.</li> <li>x) Other site-specific planning obligations chapter has been reviewed and updated as appropriate when drafting the PO SPD. This includes the subsection 'Health'.</li> </ul>
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	<p>such as the latest Building Regulations and mandatory national policy requirements such as Biodiversity Net Gain. It is therefore important that the Planning Obligations SPD remains in line with current guidance to ensure a fair and transparent process.</p> <p>xii) Appendix 2: Any review of the site viability process and the inputs required for a viability assessment should retain an element of flexibility to account for unexpected and / or new policy requirements that may arise during the process</p>	<p>xi) 'Chapter 14 'Approach to securing Planning Obligations' and Appendix 2 'Site Viability' have been updated and include more detailed viability guidance.</p> <p>xii) 'Approach to securing Planning Obligations' chapter and Appendix 2 'Site Viability' have been updated and include more detailed viability guidance.</p>
<b>Historic England</b>	<p>Recommends consideration is given to ways planning obligations can be used to implement Local Plan policies which aim to conserve and enhance the historic environment. Specific planning obligations offer opportunities for funding improvements to, and mitigating adverse impacts upon, the historic environment. This can include archaeological investigations; access and interpretation; public realm improvements; and the maintenance of heritage assets. 'In kind' payments may include land transfers which enable the transfer of an 'at risk' building as part of a comprehensive regeneration scheme. Inclusion of these types of activities within the infrastructure list would ensure that it would be possible to fund appropriate initiatives which deliver necessary infrastructure and also help to conserve and enhance the historic environment.</p>	<p>Other site-specific planning obligations chapter has been reviewed and updated as appropriate when drafting the PO SPD. However, no changes are considered necessary to the existing guidance on Heritage Assets, which describes a wide range of heritage-related activities that may be appropriate to be subject of planning obligations. Archaeological investigations are controlled through planning conditions.</p>
<b>The Coal Authority</b>	<p>No specific comments to make.</p>	<p>No response required.</p>
<b>National Highways</b>	<p>SPD should be prepared in line with latest National Planning Policy Framework (NPPF) 2024, which includes requiring transport issues to be considered using a vision-led approach that all developments that generate significant amounts of movement should be required to provide a</p>	<p>Highways and Public Transport chapters have been reviewed and updated as appropriate when drafting the PO SPD, including to reflect NPPF 2024. Travel Plans are secured and monitored by the council through planning</p>

	travel plan. SPD should include a specific section focussed on planning obligations for Travel Plans which explains the council's approach to funding Travel Plan monitoring and enforcement.	conditions, which is an effective mechanism (See Figure 1 of draft SPD). Additional guidance on Travel Plans is not considered to be necessary within the SPD.
<b>Natural England</b>	No specific comments to make.	No response required.
<b>Nexus</b>	Welcome Chapter 11, focusing on public transport. In the current SPD, encouraged that states LPA will work with Nexus in securing developer contributions to ensure planning proposals do not negatively impact the Tyne and Wear Public Transport Network (PTN). Nexus will continue to support the LPA in ensuring individual large developments develop associated travel plans to enrich the PTN. Nexus welcomes proactive collaboration with the LPA in ensuring that both parties are kept informed about updates to planning policy in response to the changing national planning landscape and legislation, for example potential changes in how the LPA calculates Section 106 funds.	Public Transport Chapter has been reviewed and updated as appropriate when drafting the PO SPD. This includes an ongoing commitment to work closely with Nexus and bus operators to develop a high level and holistic approach to seeking developer contributions to support public transport.
<b>North East and North Cumbria Integrated Care Board (Sunderland)</b>	The ICB is supportive of the areas and scope proposed for review and believes this offers a valuable opportunity to strengthen planning obligations in supporting infrastructure investment, sustainability and alignment with wider city ambitions, including health, education and affordable housing provision. The ICB is particularly interested in exploring how the PO-SPD can better address the evolving health and care landscape. Including Chapter 12 (other site-specific planning obligations) in the review, would significantly enhance the document's effectiveness in supporting a more aligned approach between city and population health development. The SPD would benefit from clearer guidance on how and when health care contributions may be required within planning. Whilst the	Other site-specific planning obligations Chapter has been reviewed and updated as appropriate when drafting the PO SPD. This includes the subsection 'Health'. In addition, health and wellbeing considerations and benefits have been strengthened with additional referencing throughout the draft PO SPD where appropriate.

	<p>impact of new developments on GP infrastructure is currently considered within Chapter 12 of the PO-SPDs, we believe the PO-SPD review provides a timely opportunity to assess whether this can be strengthened to account for emerging models of primary and community-based care, the modernisation of general practice and the changing healthcare needs and expectations of residents. We believe that a more comprehensive focus on healthcare infrastructure within planning obligations will not only prevent new developments from exacerbating existing health challenges, but will also actively contribute to creating a healthy, sustainable, and prosperous city that aligns to Sunderland City Council's growth and development ambitions.</p>	
<p><b>Gentoo Group</b></p>	<p>As a whole, Gentoo Group supports the updating of this SPD on the basis that if undertaken in a comprehensive and robust manner, which takes into account site viability and deliverability, then it will provide certainty for future development. However, on an individual basis the request for these planning obligations will need to ensure they meet the aforementioned statutory tests and therefore not all of these obligations will be applicable to all sites. The council also needs to explore whether in some cases, planning conditions may be able to be used instead of planning obligations. Comments on current chapters:</p> <ul style="list-style-type: none"> <li>i) Chapter 4 will need to be updated in line with the affordable housing requirements in NPPF 2024; including in relation to providing a mix of tenures, removal of mandatory use of First Homes and new definition of affordable housing. Consider that assumptions which feed into off-site contribution calculation need to be updated to lower first tranche sales for shared ownership products to 35%.</li> </ul>	<p>The draft SPD has been prepared using the latest available evidence with respect to calculations/requirements for financial and non-financial contributions. Chapter 2 Planning obligations and the purpose of this document has been reviewed and updated. This will continue to reference the statutory tests, whilst Figure 1 provides a summary of planning mechanisms used for mitigation against the impacts of development. Chapter 14 'Approach to securing Planning Obligations' and Appendix 2 'Site Viability' have been updated and include more detailed viability guidance.</p> <ul style="list-style-type: none"> <li>i) The Affordable Housing chapter has been reviewed and updated, which includes reflecting NPPF 2024. At this point in time, the council does not require or promote First Homes as an</li> </ul>

	<ul style="list-style-type: none"> <li>ii) Chapter 5 would expect the pupil yield used to take into account differences in tenure and household size when calculating any required education contributions, with scope for a reduced education contribution when it comes to affordable homes. The drafting of planning obligations should take into account flexibility in delivery, as per latest Department for Education guidance which has shifted from recommending allowing for the identification of a “preferred and ‘contingency’ school expansion” to now include “all schools in the pupil planning area”</li> <li>iii) Reference to ‘greenfield’ sites in Chapter 7 is confusing and unnecessary as some open space typologies may not necessarily be classed as ‘greenfield’. Vital that revised SPD provides specific information on how the Council would seek to compensate for the loss of greenspace to facilitate housing development. When calculating open space requirements from new development, we would also request that this takes into account existing typologies, quantity and quality of open space in the area and whether it is more appropriate to upgrade these than provide new additional open space.</li> <li>iv) Play space/play areas are defined as a greenspace typology (in local plan policy), therefore seek reassurances that there is no double counting when this obligation is considered alongside open space. Similarly to open space, any requirement for equipped play space should take into account existing local provision and whether it may be more appropriate to upgrade existing facilities rather than provide new equipment.</li> <li>v) Agree that Chapter 8 Ecology needs to be updated to include the tariff-based approach to Habitats</li> </ul>	<p>affordable housing product, however, in accordance with the NPPF 2024, the option to deliver First Homes both through section 106 planning obligations and exception sites will remain in place. The off-site contribution calculation assumptions have been updated, including lowering of first tranche sales for shared ownership products to 35%.</p> <ul style="list-style-type: none"> <li>ii) The Education chapter has been reviewed and updated to reflect latest available evidence and guidance. It is not considered appropriate to provide scope for reduced education contributions from affordable homes. It is also not considered appropriate to allow for ‘all schools in the pupil planning area’ to be considered, as planning areas with the city aren't necessarily representative of statutory walking distances.</li> <li>iii) The Greenspace chapter has been reviewed and updated to provide greater clarity on requirements across a range of development scenarios. This has included replacing ‘greenfield’ with ‘greenspace’ and provides an updated calculation for contributions in the event of development taking place on greenspace. The required amount of greenspace to be provided through new developments may be made up of a combination of greenspace types, which will be determined through the planning application process. The guidance</li> </ul>
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	<p>Regulation Assessment (HRA) mitigation. Suggest Biodiversity Net Gain guidance is not necessary as already been provided by central government, with exception of instances where there may be local habitat banks which developers can use where off-site BNG is necessary, as well as information regarding on-site monitoring of BNG.</p> <ul style="list-style-type: none"> <li>vi) In a similar way to open space and equipped play space, the SPD will need to make sure there is no double counting given that sport and recreation are closely related to these other planning obligations.</li> <li>vii) Chapters 10 and 11 will need to pick up the recent changes to the NPPF which require a 'vision led' approach to assessing highways impact.</li> <li>viii) The SPD will need to reflect the updated central government viability guidance once it is released. For speed and cost-effectiveness, we would suggest that viability appraisals are assessed internally by the Council's own surveyors which would make the process much quicker. Clarification required for instances where affordable housing is secured via Homes England grant funding, as the provision of affordable housing would otherwise make the scheme unviable and as such cannot be secured through a S106 agreement. Arrangements to how viability should be assessed in these instances is needed especially given that the approach in these cases is likely to differ from how a viability appraisal for a market housing site would be undertaken.</li> <li>ix) Would support greater clarification regarding the use of Unilateral Undertakings and for the council to provide guidance on its approach to deeds of variation.</li> </ul>	<p>acknowledges that provision may include a combination of new open space and contributions to improvement of existing open space.</p> <ul style="list-style-type: none"> <li>iv) The Greenspace (Open Space and Allotments) and Equipped Play Space chapters have been reviewed and updated. Clarity has been provided that these are separate requirements. The guidance acknowledges that provision will depend on the circumstances of the application.</li> <li>v) The Ecology chapter has been reviewed and updated to include the tariff-based approach to HRA mitigation. More detailed guidance regarding the delivery of Biodiversity Net Gain will be set out within the Biodiversity SPD.</li> <li>vi) The Greenspace and Sport and Recreation chapters clearly set out separate requirements.</li> <li>vii) Highways and Public Transport chapters have been reviewed and updated as appropriate, including to reflect NPPF 2024.</li> <li>viii) Chapter 1 of the draft SPD will state that the document be kept under continuous review and updated where necessary to reflect the most up-to-date policies and guidance, to assist in the delivery of the policies contained within the development plan. The council does not have the resources to undertake viability appraisals in-house. The SPD sets out that where grant funding is provided for</li> </ul>
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		<p>affordable homes, provisions for homes to remain at an affordable price will be made. This is to ensure affordable housing is available for existing and future residents. The SPD also sets out that the council will seek to ensure that the policy compliant percentage of funds are recycled for alternative affordable housing provision within the administrative area of the council, again to ensure the city's residents' benefit. Amendments to the SPD to remove these provisions are not considered appropriate.</p> <p>ix) The Implementation chapter has been reviewed and updated. This includes any necessary guidance on Unilateral Undertakings and the modification and discharge of planning obligations.</p>
<p><b>Taylor Wimpey North East</b></p>	<p>Supports updating the SPD on the basis that if undertaken in a comprehensive and robust manner, which takes into account site viability and deliverability, then it will provide certainty for future development. However, on an individual basis the request for these planning obligations will need to ensure they meet the statutory tests and therefore not all of these obligations will be applicable to all sites. The council also needs to explore whether in some cases, planning conditions may be able to be used instead of planning obligations.</p>	<p>The draft SPD has been prepared using the latest available evidence with respect to calculations/requirements for financial and non-financial contributions.</p> <p>Chapter 2 Planning obligations and the purpose of this document' has been reviewed and updated. This will continue to reference the statutory tests, whilst Figure 1 provides a summary of planning mechanisms used for mitigation against the impacts of development.</p> <p>Chapter 14 Approach to securing Planning Obligations and Appendix 2 'Site Viability have been updated with refreshed and more detailed viability guidance.</p>

<b>Robert Latimer</b>	Concerns relating to sewage in Sunderland area. Ask that no further houses are connected to any part of the Sunderland sewage system until Ofwat have made a decision following its water company investigation.	Comments are not within scope of PO SPD.
<b>Seaham Town Council</b>	Concerns relating to sewage in Sunderland area that also affects Seaham beaches. There should be no more connections to the existing sewage system until Ofwat has completed their investigations.	Comments are not within scope of PO SPD.

Table 2: Stage 2 (Draft SPD) Consultation Responses

Consultee	Summary of Representations	Council Response
<b>Active Travel England</b>	No comments on the SPD.	No action required.
<b>Barratt David Wilson</b>	<p>BDW support the sliding scale on the viability assessment where it can be demonstrated 15% is not viable with a 75:25 tenure split.</p> <p>DMV units should be reduced from 30% discount to the 20% discount to reflect NPPF.</p> <p>BDW are supportive of the education calculation. However, we would request that where an education contribution is sought, clear evidence of the need must be provided to the developer including the current school rolls.</p> <p>BDW support the creation and provision of Open Space to support the mental wellbeing of residents and to create attractive places to live. BDW consider that clarity should be provided with regard to the requirement for allotments, a formula is given with regard to required provision, but no detail is given as to the spatial area this applies to. Further, evidence on the mitigation costs should be provided in a full breakdown, as these have risen significantly since the 2020 iteration of the obligations.</p>	<p>Support noted.</p> <p>NPPF states ‘at least 20%’ and as such the 30% discount applied is considered acceptable and is to be retained.</p> <p>Note support for the calculation. Should further information be requested in relation to current school rolls during the consideration of a planning application, this can be made available.</p> <p>Support noted. The requirement for allotments is set out as part of the planning application, where appropriate. The contribution of £115.40 per dwelling as set out in the SPD is a city-wide amount and is calculated using actual costs of provision/upgrading of allotments, taking into account the policy requirement. The increase in the figure is due to the Retail Price Index change between the current adopted SPD (June 2020) and the date of the draft SPD update (January 2025).</p>

	<p>Regarding the equipped play space, BDW would request to see the evidence behind this figure, as it looks very high.</p> <p>Further, the method for calculation is based on the provision across the entire LPA, whereas development in areas that have a surplus of provision should not have to pay the contribution, as there is no demand in the area.</p> <p>The price per unit has been derived from the existing housing stock divided by the existing play facilities, which seems like an arbitrary formula to use given obligations relate to the provision of new play areas.</p> <p>It is considered that the requirement to provide play space should be assessed on a site-by-site basis in terms of local capacity, similar to school capacity providing the foundation for the education contribution.</p> <p>While BDW accept the desire to index payments, it is not reasonable to implement a floor of 0%, any deflationary changes to the agreed figures between the securing of the</p>	<p>The maintenance costs are based on the actual maintenance costs incurred by the Council taken as an average over a four-year period. The cost of provision of an actual play area is calculated based on the average cost of schemes delivered over recent years.</p> <p>It is considered that areas that have surplus provision would still be required to pay contributions to reflect the increased usage of current provision and more frequent replacement/maintenance as a result.</p> <p>The formula is considered reasonable based on existing 2 bed dwellings and the number of play areas. It should be noted that contributions are not always spent on creating new play areas, depending on an area's requirement, and may be spent on replacement equipment or additional equipment to reflect increased usage.</p> <p>The requirement for provision takes into account existing provision within the area. However, it should be noted that contributions in lieu may also pay towards maintenance/upgrades of existing play spaces, as in most instances additional family housing in an area will put more pressure on existing play spaces.</p> <p>The point in relation to the deflationary period is accepted and the following wording has been</p>
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	<p>obligation and the payment should be to the benefit of the developer / landowner, not SCC. Flexibility is needed on obligations to ensure delivery is consistent and constant through the plan period to meet housing need. It is important for the council to recognise that small changes to assumptions can make big changes to viability and deliverability of sites. As a result it is considered this document should form part of wider preparation on the new Sunderland Local Plan, rather than its publication as a standalone document.</p>	<p>deleted from the draft SPD: “with a floor of 0% in the case of any deflationary period”.</p> <p>Given the timescales involved in the preparation of a new Local Plan, it is considered necessary to update the SPD to ensure that contributions required remain up-to-date.</p>
<p><b>Church Commissioners</b></p>	<p>The SPD generally reflects the principles of NPPF/PPG and seeks to strike a balance between securing necessary infrastructure and ensuring that development remains viable.</p> <p>The Commissioners are supportive of the SPD allowing for viability assessments to be submitted and considered by the council. The Commissioners also welcome the inclusion of viability re-testing provisions, which provide a mechanism for ensuring contributions remain appropriate as market conditions evolve.</p> <p>The Commissioners note that the SPD sets out specific figures for various contributions, such as the cost per school place or the cost of providing equipped play space. While these figures provide a starting point for discussions, it is important to recognise that costs can vary significantly depending on site-specific factors and market conditions. The Commissioners recommend that the council undertake further work to test the viability of the suggested figures through a full Viability Assessment.</p>	<p>Comment noted.</p> <p>Support noted.</p> <p>The SPD within Chapter 3 – Summary of requirements touches upon viability and site-specific issues, with more detailed information set out within Appendix 2. A full Viability Assessment will be undertaken as part of the preparation of the new Local Plan. It is not considered appropriate to undertake a Viability Assessment for this SPD.</p>

	<p>While the SPD sets out figures for various contributions, further clarity is needed on the methodology underpinning some calculations. The government guidance on planning obligations (February 2025) emphasises the importance of a clear methodology, stating that "details of the methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands" should be provided (Section 2).</p> <p>Greater transparency on the Affordable Housing methodology, e.g explaining how the 'restricted value' will be determined for different types of affordable housing. This should include any underlying assumptions and data sources.</p> <p>The SPD could benefit from further clarity on the methodology for calculating contributions towards transport improvements, (e.g cost of providing the bus services or facilities, divided by the number of housing units or employee numbers in the proposed development'). Further detail should be provided on how these costs will be determined, including any assumptions.</p> <p>The Commissioners support the council's commitment to protecting and enhancing ecology and biodiversity. The Commissioners note that the SPD requires a minimum of 10% biodiversity net gain, to be delivered on-site where possible. However, the SPD could benefit from further guidance on how the council will assess the adequacy of off-site biodiversity net gain provision.</p>	<p>Comment noted. It is considered that the SPD provides sufficient clarity on how contributions will be calculated.</p> <p>The SPD within the Affordable Housing chapter, under 'How the contribution will be calculated', sets out how the 'restricted value' will be determined and includes the assumptions used and relevant cost sources.</p> <p>Contributions towards transport improvements will be very specific to a particular development/scheme and as such the SPD could not provide details of a methodology. This will be determined on a case-by-case basis in conjunction with the planning application.</p> <p>The criteria utilised to determine the adequacy of on-site and off-site biodiversity net gains is the Government's biodiversity net gain hierarchy and other related government guidance. The adequacy of a scheme's provision will be determined as part of any planning application. It is not the role of this SPD to set out this level of detail.</p>
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	<p>SPD should also provide clear criteria for determining the appropriate level of contributions towards off-site mitigation and enhancement measures, ensuring that these are proportionate to the impacts of development and reflect the value of the habitats being affected.</p>	<p>The appropriate level of contributions and any enhancement measures are site specific and as such agreed via the planning application process. It is not the role of this SPD to set out this level of detail.</p>
<p><b>The Mining Remediation Authority (Coal Authority)</b></p>	<p>No comments on the SPD.</p>	<p>No action required.</p>
<p><b>Gentoo</b></p>	<p>As a whole, Gentoo Group supports the updating of this SPD on the basis that it is undertaken in a comprehensive and robust manner, which takes into account site viability and deliverability, and provides certainty for future development. Notwithstanding this, from a review of the Consultation Draft of the SPD, there are a number of further clarifications and amendments required to ensure the requirements of the SPD meeting the aforementioned statutory tests.</p> <p>In order to provide clarity, it is proposed the council should either remove all references to First Homes altogether or be much more specific under which circumstances First Homes may be requested. If it is the latter, evidence of the need for First Homes would need to be provided.</p>	<p>Support noted.</p> <p>In line with the NPPF, the delivery of First Homes can continue where local planning authorities judge that they meet local need, as such it is considered the reference to First Homes within the Monitoring Fee section of the SPD is required should First Homes be requested as part of a planning application.</p> <p>However, it is not for this SPD to detail when First Homes will be requested, as this will be dealt with on a case-by-case basis in line with evidence of need.</p>

	<p>The SPD does not portray the most up to date situation in terms of affordable need and the priorities of Central Government. There needs to be clarification on whether what is sought by the SPD is social rent or affordable rent in this instance. We would consider this clarification should be stated and that in light of this, the SHMA will need to be updated to inform the position in the SPD and ensure it reflects the latest policy approach of Central Government and is based on up to date and appropriate evidence.</p> <p>The SPD also states that Applicants must consider the SHMA as a starting point with regards to tenure split and affordable housing mix. Other evidence, where appropriate, will be considered to ensure the right tenure split and mix is delivered on sites. Although this degree of flexibility is welcomed, we would request that the SPD clarifies that other evidence can include the consideration of site/area specific circumstances requiring a particular tenure split and that the evidence can include data from Registered Providers with regard to need.</p> <p>Replace sentence which states ‘developments providing 100% affordable housing the council will seek to secure policy compliant percentage of affordable housing in perpetuity through a planning obligation’, with more general text in relation to mixed tenure sites as set out in paragraph 71 of the NPPF.</p> <p>Issues raised regarding affordable housing required to be maintained in perpetuity, and this no longer being in line with NPPF. NPPF now includes for the subsidy to be</p>	<p>It is acknowledged that the SHMA requires updating. A new SHMA will be undertaken as part of the evidence base to inform the new Local Plan. However, tenure requirements will be determined at the planning application stage and the SPD utilised to inform any contribution.</p> <p>Any further evidence as set out in the CSDP Policy should come forward as part of the planning application and clarification gained at that point as to the acceptability of the evidence. It is not considered necessary to provide any further information on the form any other evidence may take.</p> <p>The SPD has been updated to expand upon this requirement, clarifying how this will be taken forward.</p> <p>The requirement for affordable housing to be affordable in perpetuity is in line with the adopted policy of the CSDP. It is not</p>
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	<p>recycled for alternative affordable housing provision or refunded to government or relevant authority when part of a funding agreement.</p> <p>Previous suggestion for reduced education contributions for affordable housing as new stock will be occupied by people already local to the area requires further explanation as to why the council do not consider it appropriate.</p> <p>The council does not explain how much needed housing development may be incorporated where an area's school cannot be readily expanded. This should be clarified in the SPD.</p> <p>We would request that the council provide specific details and guidance as to how the typologies of required greenspace types will be determined during the planning application process.</p>	<p>considered that the SPD is the appropriate mechanism for incorporating these updates, these will be dealt with through the new Local Plan and changes to the overarching policy.</p> <p>The SPD states that all thresholds which apply to housing development relate to the net increase in the number of dwellings. It is not considered appropriate to reduce education contributions for affordable housing as a new home is a net increase in the housing stock.</p> <p>In line with the 3 tests as to when a planning obligation can be taken into consideration, (as set out Chapter 2, Legislative context), contributions are only requested when there is a need for school places and where it can be evidenced that it can be spent within the required area.</p> <p>Further detail and guidance around greenspace typologies required will be set out within the new Local Plan and its supporting evidence base. Currently, the Greenspace Audit (2020) gives an indication of the city's greenspace in terms of what provision is in place and what provision is needed.</p>
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	<p>With regards greenspace the source of the cost multiplier (£9.36) should be set out.</p> <p>It is also noted that a contribution towards allotments is required at a rate of 15 plots per 1,000 households (or £115.40 per dwelling). It is unclear whether this will apply to all residential developments (on a pro-rata basis) or not. This needs to be explained in more detail. It is considered that the requirement for a contribution towards allotments should be identified on a case-by-case basis depending on whether there are allotment plots nearby and as well as demand (which will be location sensitive) and their availability. We would seek that this is added to the SPD text.</p> <p>We would request that it is clarified within Chapter 7 how the contributions will be calculated to update existing local provision of play equipment, rather than provide new equipment.</p> <p>It is also noted that the SPD shows an increase in BNG monitoring fees and these do not tie up with the council's 'Biodiversity Monitoring Fees' Note. Alongside this, the corresponding size thresholds have changed. Clarity is required as to the fees going forward and if they have changed, justification should be provided.</p>	<p>The figure is based upon the resources needed to deliver and maintain high quality green space including staffing, specialist expertise, machinery and materials.</p> <p>The type of greenspace(s) required for residential developments will be determined through the planning application process, as set out within Chapter 6 of the SPD.</p> <p>The calculation for updating existing provision and providing new equipment is the same, as the cost of delivery is consistent. Chapter 7 sets out how the contribution will be spent, which includes new play facilities and maintenance or works to existing play facilities.</p> <p>The council's Biodiversity Net Gain Monitoring Fee note was introduced on an interim basis until the costs of monitoring could be fully considered through this SPD. The changes reflect the costs of monitoring delivery in terms of staff time, software and overheads. The change to the size areas is to better reflect likely BNG site areas.</p>
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	<p>Chapter 1 sets out that a review and update of the SPD is necessary, yet no timescales for updating the document are indicated nor does it state that the document will be kept under continuous review and updated where necessary.</p> <p>Consideration should be given to shared resources with neighbouring authorities or the wider NECA with regards in-house viability appraisals.</p> <p>For instances where affordable housing is secured via Homes England grant funding. In these cases, the application for grant funding is on the basis that the provision of affordable housing would otherwise make the scheme unviable and therefore this cannot be secured through a Section 106 agreement. Arrangements to how viability should be assessed in these instances is needed; especially given that the approach in these cases is likely to differ from how a viability appraisal for a market housing site would be undertaken.</p> <p>The criteria for qualifying for a DMV property is overly restrictive. The SPD needs to explain the process of selling a DMV unit if no one comes forward with the qualifying criteria. This point is also valid for when reselling the property.</p>	<p>Chapter 1 sets out that the SPD will be kept under regular review and updated where necessary to reflect the most up-to-date policies and guidance. Timescales for review/updates cannot be set out within the SPD as future changes in policy and guidance are unknown.</p> <p>Comment noted</p> <p>Amendments have been made to the SPD to incorporate arrangements when housing schemes are grant funded by Homes England.</p> <p>It is considered that the criteria for qualifying for a DMV property is appropriate. However, the SPD has been amended to make clear the process if no satisfactory purchaser is found at the initial sale or on re-sale.</p>
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	<p>Appendix 2 provides guidance on undertaking Viability Assessments in the event that a requested planning obligation would render a development unviable. We consider this appendix superfluous, as a detailed methodology for undertaking a Viability Assessment is contained in the PPG (which is updated periodically). It therefore makes sense simply to refer to this so as to ensure that this part of the SPD remains up to date.</p>	<p>General reference is made to viability assessments and the NPPF within Chapter 2 of the SPD. Appendix 2 is considered to explain viability in more detail and not introduce additional requirements over and above the PPG.</p>
<p><b>Hamilton Willis</b></p>	<p>An acknowledgement should be added to the Planning Obligations SPD to make it clear that any evidence provided by applicants on housing mix will be given greater weight as the SHMA becomes more dated.</p> <p>Furthermore, the Planning Obligations SPD should include clear transitional arrangements for when an updated SHMA is relied upon.</p> <p>The SCC Planning Obligations SPD should be amended to be clear that contributions will only be sought to mitigate impacts from the development being considered. New development cannot bear the burden of financially contributing towards unforeseen and / or existing issues.</p>	<p>It is considered that the SPD is not the appropriate document to give weight to evidence on housing mix. The background text to Policy H2 of the CSDP stipulates that the SHMA is the starting point for tenure mix, and this wording is included within the SPD. It is not appropriate for the SPD to supersede the policy requirement. Any housing mix/tenure evidence should be submitted as part of a planning application and the appropriate weight given will be considered as part of that process.</p> <p>A reference to the 'most up to date SHMA' has been inserted within the affordable housing section of the SPD.</p> <p>Chapter 2 of the SPD sets out the legislative context in relation to the three tests that must be complied with when considering the use of a planning obligation. It is considered that this is appropriate, and no further clarification is required.</p>

	<p>How will the annual update of BNG fees be communicated? How will applicants and developers be notified ?</p> <p>With regards bonds for Biodiversity net gain habitats, has this been the only financial mechanism considered ?</p> <p>The SCC Planning Obligations SPD should not lead to a scenario of 'double counting' funding and as such this needs to be reviewed when finalising the document. Clarification on how the NECA Transport Plan provides justification for developer contributions and the interrelationship with other funding sources should be clearly identified for all to understand.</p> <p>We would like to reemphasise that the SCC Planning Obligations SPD should make specific reference to the High Court Judgement R. (on the application of University Hospitals of Leicester NHS Trust v Harborough DC) [2023] EWHC 263 (Admin).</p>	<p>Annual updates will be published on the council's website alongside the SPD.</p> <p>The bond mechanism is considered appropriate, and the approach taken is that put forward by the Planning Advisory Service (PAS).</p> <p>The council will ensure that there will be no 'double counting' when securing planning obligations to fund infrastructure. For large scale infrastructure projects, it may be necessary to secure part funding from a number of sources.</p> <p>The council already makes clear that contributions will only be requested where appropriate and justified. It is not considered necessary to reference specific court judgements.</p>
<p><b>Historic England</b></p>	<p>Specific planning obligations and S106 offer opportunities for funding improvements to, and mitigating adverse impacts upon, the historic environment. This can include: archaeological investigations; access and interpretation; public realm improvements; and the maintenance</p>	<p>The existing text within the 'Other site-specific planning obligations' chapter includes reference to a number of mitigation measures, however this has been expanded upon to include, 'maintenance of heritage assets'. It is not considered that reference to land transfers is appropriate for the SPD.</p>

	<p>of heritage assets. 'In kind' payments may include land transfers which enable the transfer of an 'at risk' building as part of a comprehensive regeneration scheme.</p> <p>Inclusion of these types of activities within the infrastructure list would ensure that it would be possible to fund appropriate initiatives which deliver necessary infrastructure and also help to conserve and enhance the historic environment.</p>	Comment noted.
<b>National Highways</b>	<p>National Highways would request that the following statement is added under the subheading 'Highways: How the contributions will be spent':</p> <p>"At the Strategic Road Network, Sunderland City Council and National Highways' document "Sunderland Core Strategy and Development Plan 2018 Joint Position Statement" (2019) identifies the agreed infrastructure improvements that are required on the Strategic Road Network to mitigate the CSDP within its plan period."</p>	Reference to this Joint Position Statement has been included within the Highways Section of the SPD.
<b>Natural England</b>	<p>We note and welcome the SPD's reference in Chapter 8 – 'Ecology' to developer contributions in relation to development affecting European Sites (Coastal Mitigation Strategy). As part of the South Tyneside Local Plan review we have advised that council to consider updating their visitor survey evidence in order to ensure it remains up to date and reflects the latest trends in recreational visits to the coastal designated sites. Similarly, we recommend that Sunderland City Council reviews the scope for such updated evidence gathering in preparation for later stages of your local plan review.</p>	Comment noted. The council are working with South Tyneside and Durham Councils on updating visitor surveys to inform the new Local Plan.
<b>North East and North Cumbria Integrated Care Board</b>	<p>Whilst more definitive reference to healthcare infrastructure considerations would be welcomed within the PO-SPD, the NENC ICB is confident that strengthened links between Sunderland City Council Planning and the ICB, will ensure appropriate levels of healthcare infrastructure investment</p>	Comments noted.

	<p>will emerge from future planning decisions. The NENC ICB will continue to monitor current and future health needs to support proactive and meaningful engagement in the planning process, and ensure ambitions for population health and city development are increasingly aligned.</p>	
<p><b>Taylor Wimpey</b></p>	<p>We would consider that the SHMA will need to be updated to inform the position in the SPD and ensure it reflects the latest policy approach of Central Government and is based on up to date and appropriate evidence. This is to ensure the approach aligns discussions between developers and the council with tenures where Homes England are providing grant funded affordable housing.</p> <p>We would request that the SPD clarifies that other evidence can include the consideration of site/area specific circumstances requiring a particular tenure split and that the evidence can include data from Registered Providers with regard to need.</p> <p>Regarding affordable housing required to be maintained in perpetuity, this section of the SPD needs updating so it is consistent with the NPPF.</p>	<p>It is acknowledged that the SHMA requires updating. A new SHMA will be undertaken as part of the evidence base to inform the new Local Plan. However, tenure requirements will be determined at the planning application stage and the SPD utilised to inform any contribution.</p> <p>Any further evidence as set out in the CSDP Policy should come forward as part of the planning application and clarification gained at that point as to the acceptability of the evidence. It is not considered necessary to provide any further information on the form any other evidence may take.</p> <p>The requirement for affordable housing to be affordable in perpetuity is in line with the adopted policy of the CSDP. It is not considered that the SPD is the appropriate mechanism for incorporating these updates, these will be dealt with through the new Local Plan and changes to the overarching policy.</p>

	<p>If there is existing capacity in local schools within the statutory walking distance of the proposed development, TWNE consider that still requesting a development to make financial contributions for additional school spaces is not necessary to make the development acceptable in planning terms; nor fairly and reasonably related in scale and kind to the development.</p> <p>Furthermore, the drafting of planning obligations should take into account flexibility in delivery. In particular, the DfE guidance has shifted from recommending allowing for the identification of a “preferred and ‘contingency’ school expansion” to now include “all schools in the pupil planning area”. The council have not referenced this within Chapter 5 and have instead deemed this addition “not appropriate” as planning areas within the city aren’t necessarily representative of statutory walking distances. Whilst this may be the case, the council then does not explain how much needed housing development may be incorporated where an area’s school cannot be readily expanded, i.e. under the current approach in the Draft SPD, if a school can not be extended within the statutory walking distance of the proposed development, then the housing development could not go ahead. If the DfE approach were followed then a housing development could still go ahead by providing financial contributions for the extension of schools ‘in the pupil planning area.’</p>	<p>Contributions will be sought where forecasts suggest that the appropriate educational establishments or pupil place planning area in relation to the development cannot reasonably accommodate the increase in demand for places. Contributions will be sought in the cases where development will result in a specific primary or secondary school or school place planning areas having less than 5% surplus space</p> <p>Planning areas are all different sizes and where there are spaces available in a school within an area they may not be appropriate for a specific development. It is considered that the current approach which evaluates settings that are relevant to a development rather than arbitrarily assessing surplus or deficits of schools that the council would not expect a parent to journey to is reasonable and does not require amending.</p>
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	<p>We would request that the council provide specific details and guidance as to how the typologies of required greenspace types will be determined during the planning application process.</p> <p>Although the method of calculating financial contributions for off-site equipped play space is understood and provides certainty for Applicants, TWNE have concerns over the certainty available to Applicants if equipped play space is being provided on-site. There is very little certainty or incentive for on-site provision to be provided; nor is there certainty of how the provision of on-site equipped play space would reduce the off-site contribution when the suitability of proposed on-site equipped play space is at the sole discretion of the Planning Authority.</p> <p>It has also been noted that this shows an increase in fees and these therefore do not tie up with the council's 'Biodiversity Monitoring Fees' Note. Alongside this, the corresponding size thresholds have changed. Clarity is required as to the fees going forward and if they have changed, justification should be provided.</p> <p>Given that outdoor sports facilities are included within the definition of green space a risk remains that there could be double counting should it be determined that outdoor sports facilities are required as part of a greenspace contribution.</p>	<p>Further detail and guidance around greenspace typologies required will be set out within the new Local Plan and its supporting evidence base. Currently, the Greenspace Audit (2020) gives an indication of the city's greenspace in terms of what provision is in place and what provision is needed.</p> <p>The SPD sets out that on-site provision can be provided, however the specification has to be approved by the council to ensure the provision is adequate. The text within Chapter 7 has been re-ordered to make this clearer. Further detail and guidance on children's play space will be set out within the new local plan and supporting evidence base.</p> <p>The council's Biodiversity Net Gain Monitoring Fee note was introduced on an interim basis until the costs of monitoring could be fully considered through this SPD. The changes reflect the costs of monitoring delivery in terms of staff time, software and overheads. The change to the size areas is to better reflect likely BNG site areas.</p> <p>The council will ensure that no double-counting occurs between contributions towards outdoor sports facilities and other greenspace provision. It should be noted however, that if the development takes place on a playing field</p>
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	<p>Chapter 1 sets out that a review and update of the SPD is necessary, yet no timescales for updating the document are indicated nor does it state that the document will be kept under continuous review and updated where necessary.</p> <p>Consideration should be given to shared resources with neighbouring authorities or the wider NECA with regards in-house viability appraisals.</p> <p>Appendix 2 provides guidance on undertaking Viability Assessments in the event that a requested planning obligation would render a development unviable. We consider this appendix unnecessary, as a detailed methodology for undertaking a Viability Assessment is contained in the PPG (which is updated periodically). It therefore makes sense simply to refer to this so as to ensure that this part of the SPD remains up to date.</p>	<p>and that contributions are required to mitigate this loss, this will be treated separately.</p> <p>Chapter 1 sets out that the SPD will be kept under regular review and updated where necessary to reflect the most up-to-date policies and guidance. Timescales for review/updates can not be set out within the SPD as future changes in policy and guidance are unknown</p> <p>Comment noted</p> <p>General reference is made to viability assessments and the NPPF within Chapter 2 of the SPD. Appendix 2 is considered to explain viability in more detail and not introduce additional requirements over and above the PPG.</p>
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## Appendix 1 – Consultation letters and emails

### Scoping Report consultation letter

Date: 3 January 2025

Dear Sir/Madam

This matter is being dealt with by:

Planning Policy – [planningpolicy@sunderland.gov.uk](mailto:planningpolicy@sunderland.gov.uk)

#### **Draft Planning Obligations Supplementary Planning Document – Scoping Report**

The council intends to review and update its existing Planning Obligations Supplementary Planning Document (PO SPD). A Draft Scoping Report has been prepared to act as an opening consultation paper to set out the relevant matters to be considered for review and forms the initial stage of the process towards updating the SPD.

We are therefore consulting on a Draft Planning Obligations Supplementary Planning Document – Scoping Report. The consultation will commence on Monday 6 January 2025 and cover a four-week period, **closing at 5pm on Monday 3 February 2025**.

We welcome your views. All documentation is available to view online at [www.sunderland.gov.uk/haveyoursayonplanning](http://www.sunderland.gov.uk/haveyoursayonplanning).

All representations should be made in writing to [planningpolicy@sunderland.gov.uk](mailto:planningpolicy@sunderland.gov.uk) or Planning Policy Team, Sunderland City Council, Sunderland City Hall, Plater Way, Sunderland, SR1 3AA.

Copies of the Scoping Report have also been made available to view at Sunderland City Hall.

All representations received will be taken into consideration in drafting the updated PO SPD, alongside any changes to national policy and guidance.

If you have any queries relating to this consultation, please don't hesitate to contact us on the details above.

Yours faithfully

Gary Baker  
Strategic and Sustainable Plans Manager  
Sunderland City Council

# Scoping Report consultation email

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Yours faithfully

Gary Baker  
Strategic and Sustainable Plans Manager  
Sunderland City Council

**Sunderland  
City Council**

## Draft SPD Consultation letter

Date: 31 March 2025

Dear Sir/Madam

This matter is being dealt with by:

Planning Policy – [planningpolicy@sunderland.gov.uk](mailto:planningpolicy@sunderland.gov.uk)

### **Draft Planning Obligations Supplementary Planning Document**

The council intends to review and update its existing Planning Obligations Supplementary Planning Document (PO SPD). We have recently consulted on a Draft Scoping Report and have taken all representations received into consideration and updated the SPD where appropriate.

We are now consulting on the Draft Planning Obligations Supplementary Planning Document. The consultation will commence on Monday 31 March 2025 and cover a six-week period, **closing on Monday 12 May 2025**.

We welcome your views. All documentation is available to view online at ([www.sunderland.gov.uk/haveyoursayonplanning](http://www.sunderland.gov.uk/haveyoursayonplanning)).

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Copies of the Draft SPD are also available to view at Sunderland City Hall, Plater Way.

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If you have any queries relating to this consultation, please don't hesitate to contact me on the details above.

Yours faithfully

Gary Baker

Strategic and Sustainable Plans Manager

## Draft SPD consultation email

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If you have any queries relating to this consultation, please don't hesitate to contact me on the details above.

Yours faithfully

Gary Baker

Strategic and Sustainable Plans Manager

Sunderland City Council



**Sunderland  
City Council**

