

Planning Obligations

Supplementary Planning
Document

Adoption Statement

September 2025



**Sunderland
City Council**

In accordance with Regulation 11 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) notice is hereby given that Sunderland City Council adopted the Planning Obligations Supplementary Planning Document (PO SPD) on 18 September 2025.

A number of modifications were made to the Plan pursuant to section 23 of the Planning and Compulsory Purchase Act 2004 (the Act). These are set out Appendix 1.

In accordance with Regulations 35 of the 2012 Regulations the following documents have been made available:

- i. Planning Obligations SPD
- ii. Planning Obligations SPD Adoption Statement
- iii. Planning Obligations SPD Statement of Consultation

The documents listed above are available to view on the Council's website [Adopted - Sunderland City Council](#) and at Sunderland City Council, City Hall, Plater Way, Sunderland, SR1 3AA, (8.30am-5pm Monday-Friday).

Any person aggrieved by the decision to adopt the SPD may apply to the High Court under Section 113 of the Act for a judicial review of the decision to adopt the document. Any such application must be made promptly and, in any event, not later than six weeks after the day on which it was adopted.

Appendix 1 Schedule of modifications

Ref	Chapter/para	Modification	Comments
	Front Cover	Consultation Draft March September 2025	To reflect adoption date
1.	Chapter 1 Introduction Para 1	At the same time, the council undertook a comprehensive review of its approach to securing planning obligations resulting in the adoption of the existing Planning Obligations Supplementary Planning Document (SPD) in June 2020.	For clarity
	Para 2	It is <u>was</u> considered that a review and update of the SPD is <u>was</u> necessary. This <u>updated document</u> ensures that the revised SPD provides up-to-date guidance	
	Para 3	Planning obligations can be secured to support the delivery of a wide range of infrastructure, facilities and services, which are required as a consequence to mitigate the impact of development. The details of the council's approach to securing such planning obligations is set out within this updated SPD.	
	Para 6	Following this, a further This draft SPD will be subject to a six- week consultation was undertaken on the draft SPD during spring 2025. Responses to this have been incorporated into this final document, where appropriate. second round of consultation will be considered for incorporation into a final version for adoption.	To reflect the adoption of the SPD
	Para 7	Following its adoption, This SPD will be kept under regular review and	
2.	Chapter 4 Affordable Housing		
	Para 5	Applicants must consider the <u>most up to date</u> SHMA	To reflect comments received from Hamilton Willis.
	How the obligation will be delivered – Para 7-8	<u>For developments providing 100% affordable housing, the council will seek to secure the policy compliant percentage of affordable housing in perpetuity through a planning obligation. (Other than where statutory rights dictate otherwise).</u> <u>Where a housing development is subject to grant funding to deliver affordable housing on site and the scheme is demonstrated through a viability report, which has been submitted to and</u>	To reflect comments received from Gentoo

	<p>How the obligation will be delivered – Para 9</p>	<p><u>agreed by the LPA through the planning process, to be otherwise unviable without the funding the Council will:</u></p> <p>1. <u>Require the section 106 agreement to set out that the development will deliver grant-funded affordable housing (with the amount of affordable housing being delivered through the grant funding clearly set out). This is important because it allows the LPA to give material weight to the delivery of a level of affordable housing which exceeds the required policy compliant amount of affordable housing to be delivered as part of the development.</u></p> <p>2. <u>Where it is robustly demonstrated to the LPA that the provisions required in (1) are not appropriate, the section 106 agreement will include a viability retesting provision (or an equivalent mechanism to be agreed with the LPA) to ensure that the council is able to secure affordable housing in line with the requirements of Chapter 4 of this SPD. It should be noted that the LPA will typically expect more than one retest for all major developments.</u></p> <p>For developments providing 100% affordable housing, the council will seek to secure the policy compliant percentage of affordable housing in perpetuity through a planning obligation. Where public grant funding is provided, provisions for the homes to remain at an affordable price for future eligible households will be made through the grant funding agreement. In instances where the grant funding is to be recycled or refunded to government, or the relevant authority specified in the funding agreement, the council will, where possible, seek to ensure the policy compliant percentage of funds is utilised for the provision of alternative affordable housing provision in the administrative area of the council to ensure it is able to meet the affordable housing needs of its current and future residents.</p>	
<p>3.</p>	<p>Chapter 5 Education</p> <p>How the contribution will be calculated Para 2</p> <p>How the contribution will be calculated Para 9</p>	<p>The most recent DfE rates are as below: Nursery places - <u>£18,882.23</u> 46,004.14 Primary places - <u>£18,882.23</u> 46,004.14 Secondary places - <u>£24,261.47</u> 20,563.42 The rate per school place used to calculate developer contributions for education will be the most up-to-date rate at the point the planning application is validated.</p> <p>Where there are projected to be less than 10% of surplus school places available to support a development (and those developments that already have full planning approval that would require school places at the same set of schools) a request for a financial contribution will be made. 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</p>	<p>Updated costings to reflect updated DfE guidance.</p> <p>To reflect comments received from Taylor Wimpey</p>

		<u>cases where the development will result in a specific education place sector (Requests will be made by school sector for nursery/early years, primary, secondary and special educational needs) or school place planning areas having less than 5% surplus space. as appropriate.</u>	
4.	Chapter 6 Greenspace Allotments	For contributions directed towards allotment provision there is a requirement of 15 plots per 1,000 <u>dwellings households</u> with an average size of between 250 and 300 square metres.	For clarity
5.	Chapter 7 Equipped play space Introduction	<p>Furthermore, CSDP Policy NE4: Greenspace identifies the requirement for development to contribute towards the provision for children and young people. This may be provided on-site as part of the development or by way of a contribution in lieu towards the provision, improvement and maintenance of new or existing play facilities.</p> <p>New developments can lead to an intensification of use of existing greenspace causing a detrimental impact and reduction in quality and offer. In relation to children' and young people's equipped play space this would result in the need for a greater amount of equipment across all age ranges to accommodate the new population as existing play equipment will wear out more quickly.</p> <p><u>Furthermore, CSDP Policy NE4: Greenspace identifies the requirement for development to contribute towards the provision for children and young people. This may be provided on-site as part of the development or by way of a contribution in lieu towards the provision, improvement and maintenance of new or existing play facilities</u></p> <p><u>Equipped play provision which is to be provided on-site as part of a development, is required to be of a design and specification first approved in writing by the council. Such provision must be retained and maintained in perpetuity by the developer. On-site play provision should include play equipment suitable for a range of ages as well as inclusive play equipment.</u></p>	Change of text order for clarity
6.	Chapter 7 Equipped play space Approach to seeking developer contributions	Equipped play provision may be provided on-site as part of a development, to a design and specification first approved in writing by the council. Such provision must be retained and maintained in perpetuity by the developer. On-site play provision should include play equipment suitable for a range of ages as well as inclusive play equipment.	Change of text order for clarity

7.	Chapter 9 Biodiversity net gain – Basis for requiring contribution	Under the provisions of paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 (as amended), when assessing proposals the council will need decide if any proposed on-site habitat enhancement is significant in relation to the pre-development biodiversity value.	For clarity
8.	Chapter 11 Highways How the contributions will be spent	The Sunderland Local Plan Infrastructure Delivery Plan (IDP) has identified a range of measures to improve traffic management and reduce congestion at traffic pinch points throughout the city, as well as measures to improve access to sustainable transport options. <u>The Core Strategy and Development Plan Joint Position Statement (2019) identifies the agreed infrastructure improvements that are required on the Strategic Road Network to mitigate the Core Strategy and Development Plan within the plan period.</u> The North East Combined Authority (NECA)	To reflect comments received from National Highways
9.	Chapter 13 Other site-specific planning obligations Heritage assets	Support for the repair, <u>maintenance</u> , renovation and reuse of nearby heritage assets can help to conserve and enhance the area's valued historic environment	To reflect comments received from Historic England
10.	Chapter 15 Implementation Index linking of financial contributions	All financial contributions shall be index linked from the date the legal agreement is signed to the date the payment is due using the BCIS All in Tender Price index. with a floor of 0% in the case of any deflationary period.	To reflect comments received from House builders and Planning agents.
11.	Appendix 1 Discounted market value -	<p>Prior to marketing a DMV unit, the developer must first submit a report from a Royal Institute of Chartered Surveyors (RICS) valuer to enable the council to certify the price of the property as being affordable.</p> <p><u>The owner must market the property for a continuous period of 18 weeks at prospective occupiers who meet the local connection criteria. Whilst the units can be marketed prior to this, the 18 week period shall not commence until the relevant property has been constructed to damp proof course level.</u></p> <p><u>If at the end of the 18 week marketing period the DMV unit is not contracted for sale the owner may dispose of the unit to an eligible person but without the requirement that the eligible person meets the local connection criteria.</u></p>	To reflect comments received from Gentoo.

~~To be eligible for the scheme~~ Applicants, or in the case of a joint application at least one applicant, must meet one of the following criteria

All applications should include a letter from an independent Financial Advisor (FA) who represents or is appointed by a representative of a firm registered with the Financial Conduct Authority (FCA) stating the maximum amount the applicant is able to borrow and confirmation that the applicant is unable to purchase the property at full market value.

If after marketing the property for a continuous period of 6 months no satisfactory purchaser is found, then the owner may dispose of the dwelling to a purchaser without the requirement that ~~the eligible person~~ prospective purchaser meets the must have a local connection criteria.

~~If, after the above options have been exhausted and the property can still not be sold, consideration will be given to removing the eligibility criteria and selling the property at market value. In this instance the percentage discounted monies must be returned to the council and re-used for affordable housing provision within the city~~

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