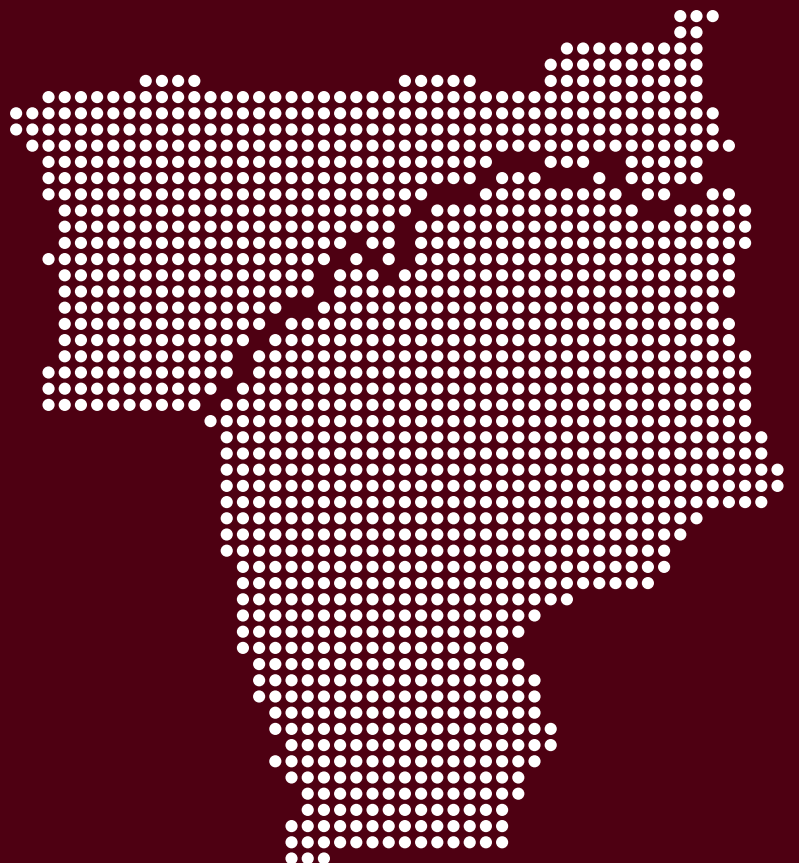


Draft Planning Obligations Supplementary Planning Document – Scoping Report

December 2024

**Sunderland
City Council**



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Introduction

Sunderland City Council ('the Council') intends to review and update its existing Planning Obligations Supplementary Planning Document (SPD). This scoping report acts 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.



Background

The current 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). Whilst an SPD does not have Development Plan status it can be afforded significant weight as a material consideration in the determination of planning applications. The provisions of an SPD cannot therefore be regarded as prescriptive but it can provide a tool in the interpretation and application of policy.

The current SPD specifically supplements CSDP Policy ID2: Planning Obligations, as well as providing further guidance in relation to the following policies:

- ID1: Delivering Infrastructure
- H2: Affordable homes
- VC5: Protection and delivery of community facilities and local services
- NE1: Green and blue infrastructure
- NE2: Biodiversity and geodiversity
- NE4: Greenspace
- SP10: Connectivity and transport network

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 is considered that a review and update of the SPD is required at this time. This update will ensure that the revised document provides up to date guidance and remains fit for purpose, thereby continuing to ensure an appropriate, fair and justified approach to planning obligations.

Whilst work on the SPD scoping has commenced, it is noted that in July 2024 the Government published for consultation a number of proposed changes to the National Planning Policy Framework (NPPF), with a view to publishing the updated NPPF by the end of 2024. The Council will ensure that the draft SPD will be prepared in accordance with the updated NPPF.



Scope of the review and updated Planning Obligations SPD

Preparation of a SPD requires a number of steps which are set out within the anticipated timescales for the document (see Table 1). In order to prepare and update a SPD, justified evidence is required, followed by consultation and other Council procedural matters. This document represents the first stage in this process and seeks to establish the scope of the updates to the Planning Obligations SPD.

Taking each chapter of the current SPD in turn, the below matters have been identified for review.

Chapter 1: Introduction

Update where necessary to reflect national and local policy and guidance changes.

Chapter 2: Planning obligations and the purpose of this document

Update where necessary to reflect national and local policy, legislative and guidance changes.

Chapter 3: Summary of requirements

Update to reflect the detailed changes set out in the wider review.

Chapter 4: Affordable housing

Update to reflect national and local policy, legislative and guidance changes. Review how the contribution will be calculated and how the obligation will be delivered.

Chapter 5: Education

Update to reflect changes to local circumstances and new guidance from the Department for Education.

Chapter 6: Open space

Clearer guidance on how and when different types of greenspace contributions are needed to best meet local need and policy requirements.

Review of the calculation to be applied to different circumstances and application type, namely:

- Where the policy compliant quantity of greenspace is not provided within the development (where justified);
- Where there is a loss of greenspace as a result of the development being on a fully or partly greenfield site; and
- Where there is a loss of greenspace for commercial and mixed-use developments.

Chapter 7: Equipped play space

Update to reflect the approach to seeking developer contributions as a result of changes to local circumstances and how the contribution will be calculated.

Chapter 8: Ecology

Update where necessary to reflect national and local policy and guidance changes and requirements including the introduction of Habitat Regulations Assessment (HRA) mitigation, in alignment with the Council's HRA Mitigation Strategy, and to reflect the implementation of mandatory Biodiversity Net Gain contributions.

Chapter 9: Sport and Recreation

Review to ensure that the approach remains up-to-date and in accordance with the latest guidance.

Chapter 10: Highways

No changes proposed at this time.

Chapter 11: Public transport

Update where necessary to reflect national and local policy and guidance changes.

Chapter 12: Other site-specific planning obligations

No changes proposed at this time.

Chapter 13: Approach to securing planning obligations

Review of the viability and viability re-testing process and requirements.

Chapter 14: Implementation

Further guidance on Unilateral Undertakings and when these are appropriate. Updates to the approach to indexation and non-payment and new guidance in relation to the enforcement of non-compliance with planning obligations.

Introduction of guidance for the process of seeking Deeds of Variation through the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.

Appendix 1: Affordable housing

Review of the local connection and eligibility criteria for Discounted Market Value (DMV) properties and the process for re-sales.

Addition of guidance and requirements relating to First Homes.

Appendix 2: Site viability

Review of the approach to site viability.

Appendix 3: Planning obligations monitoring fees

Review of the schedule of fees and the addition of fees relating to First Homes and Biodiversity Net Gain monitoring fees.



Timetable and next steps

It is anticipated that the revised SPD will be produced, consulted upon and adopted according to the timetable set out below.

Stage	Date
Scoping Report Consultation (4 weeks)	Winter 2024/2025
Preparation of the Draft SPD	Winter/Spring 2025
Cabinet	Spring 2025
Draft SPD Consultation (4 Weeks)	Spring 2025
Preparation of Final SPD	Summer 2025
Adoption	Summer/Autumn 2025

Table 1: Anticipated timetable for production of the updated Planning Obligations SPD

As part of the process for delivering the updated Planning Obligations SPD, you are invited to respond to the Scoping Report consultation. The consultation will commence on Monday 6 January 2025 and close on Monday 27 January 2025.

All comments should be made in writing using the contact details provided below:

Email: planningpolicy@sunderland.gov.uk

In writing to: Planning Policy Team, Sunderland City Council, Sunderland City Hall, Plater Way, Sunderland SR1 3AA

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

