

Introduction

1. What is an SPD and what are its functions?

- 1.1 The Developer Contributions Supplementary Planning Document (referred to as “the DCSPD” or “this SPD” or “the SPD” for the rest of this document) is a statutory Local Development Document (LDD) and as such is one of the portfolio of documents that will make up the Selby District Local Development Framework (LDF). Selby District Council adopted it on 19 December 2006. The SPD is not part of the development plan, including for the purposes of Section 38(6) of the Town Planning and Compulsory Act 2004. However, it is an important material consideration in determining the planning applications to which it is relevant.
- 1.2 This SPD is based on the current development plan documents (the ‘saved’ Selby District Local Plan (SDLP), the ‘saved’ Structure Plan and the approved and emerging Regional Spatial Strategy (RSS). The SPD also takes account of up-to-date planning policy, in particular, new national Planning Policy Statements (PPSs).
- 1.3 The function of the SPD is to identify the Council’s requirements for mitigating the impacts of new development and delivering sustainable development through planning obligations. Consistent with this function, the primary purpose served by preparing, adopting and publishing this SPD is to amplify those policies of the SDLP, as supplemented or superseded by the RSS and national PPSs, relevant to securing contributions in money or in kind from developers in connection with proposals for new development. These contributions will normally be sought through negotiation between the Local Planning Authority and developers, but often involving other parties, prior to or during the consideration of planning applications for new development. The contributions will almost always be secured through conditions attached to planning permissions or through Section 106 planning obligations.
- 1.4 Appendix 1 of this SPD provides a fuller account of the format and policy background to this document.

2. The legal and policy basis and scope of the SPD

- 2.1 This SPD has been prepared and adopted under relevant Acts and Regulations and takes account of national policy and guidance. A statement of conformity with the Statement of Community Involvement is published with it and a Sustainability Appraisal Report is also available. Appendix 2, attached to this SPD, outlines the SA process.
- 2.2 This SPD serves the purpose of amplifying and helping in the successful implementation of policies in the development plan. The primary source

for the proposals set out in the SPD is the 'saved' Selby District Local Plan (SDLP).

- 2.3 This includes Policies CS6, (provision of infrastructure and community facility needs) and other policies that, in effect, will require developers to make contributions through actual provision of and/or financial arrangements for providing physical and social infrastructure and community facilities, in order to mitigate the consequences of the development they propose, if it were to be permitted and carried out.
- 2.4 These policies include Policy ENV1 (Control of Development), Policy ENV2 (Environmental Pollution and Contaminated Land), Policy ENV5 (Development in Flood Risk Areas), Policy H4 (Affordable Housing) Policy H11 (Rural Affordable Housing) and Policy RT2 (Open Space Requirements for New Residential Development).
- 2.5 The DCSPD could cover a very wide range of topics relating to the provision of physical and social infrastructure. However, the District Council considers that, during the transition from the 'old' development plan system of local and structure plans, to the 'new' system of Regional Spatial Strategies and Local Development Frameworks, the following, issues and policies most require urgent attention.
- Affordable Housing for local needs
 - Recreation Open Space
 - Waste and Recycling Facilities
 - Education Facilities
 - Primary Health Care Facilities
 - Community Facilities
 - Transport/Highways Infrastructure and Facilities
 - Drainage Infrastructure and Facilities
 - Local Employment Skills Training
 - Enhancement of the Public Realm.
- 2.6 Whilst this guidance deals with specified aspects of seeking developer contributions, this will not preclude the LPA seeking provision and contributions that may reasonably be required, in order for a development to accord with other policies of the SDLP, or to accord with policies and guidance in other development plan documents.

3. The function of the SPD

- 3.1 The primary function of the DCSPD is to amplify those policies in the Selby District Local Plan, which constitute a basis for seeking the contributions towards the 'external' economic, social and environmental costs of development and to mitigate 'the planning loss' it is considered would result from the carrying out of a new development. 'External' costs

of development, are all the costs **additional** to those the developer must normally bear to construct the buildings and necessary physical infrastructure on a site to achieve their development objectives and/or those of their customers.

3.2 The aim in publishing this SPD is to provide information and advice to landowners, developers and other interested bodies and persons, on the following:

- The basis and justification for seeking developer contributions.
- The types of economic, social and environmental provision that may be the subject of 'developer contributions'.
- The categories of sites where developer contributions will be sought (land use, site size or other relevant characteristics).
- The methodologies or other criteria for assessing and/or calculating the nature and scale of developer contributions.
- The means by which developer contributions will be secured and/or any physical provision will be implemented.

3.3 The LPA takes the view that it is for landowners and developers to investigate all the potential infrastructure and planning requirements that could arise in developing a site for the intended use, including offsite costs and reasonable developer contributions **before entering contractual commitments and before making a planning application**. The onus will be on developers and their agents to negotiate reasonable site acquisition costs/option agreements with the landowner in order to offset these requirements. Planning permission will not be granted without meeting these requirements and, consequently, there should be no unreasonable expectations from landowners.

4. The Format of the SPD

4.1 This SPD is intended to provide information and guidance to landowners, developers and other interested bodies and persons, on how the District Council, as the Local Planning Authority for the area, will deal with the issue of developer contributions.

4.2 The land use categories and the sizes of site/development (thresholds) that will be 'eligible' for negotiating developer contributions are not the same for all subject areas. The subject areas covered in this SPD are subject to a variety of methodologies for assessing whether contributions will be sought and, if so, what scale of contribution may reasonably be expected of the developer.

4.3 **Part One** of this SPD provides a summary of subject areas, land uses, thresholds and requirements. **Part Two** provides detailed guidance for each of the subject areas. **Appendix 1** deals in more detail with the issues outlined in this introduction including the issues of prioritising of

seeking contributions and pooling contributions. **Appendix 2** outlines the Sustainability Appraisal process. **Appendix 3** deals with implementation procedures through the use of conditions and s106 legal agreements.