

Supplementary Planning Document

Planning Obligations

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Supplementary Planning Document: Planning Obligations

1. About This Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

2. Introduction

- 2.1** Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the [Community Infrastructure Levy Regulations 2010](#) and as policy tests in the National Planning Policy Framework.
- 2.2** A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.

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3. Policy

3.1 This document supplements Local Plan policy I1 Infrastructure and Planning Obligations.

Policy I1 Infrastructure and Planning Obligations

Development must be supported by appropriate physical, social, economic, and communications infrastructure, including provision for broadband.

Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.

Where appropriate, pooled contributions will be used to facilitate delivery of the necessary infrastructure.

4. When contributions will be sought

4.1 There are a number of Supplementary Planning Documents that set out where we will seek planning contributions. These are:

- Financial Contributions for School Places
- Sustainable Travel
- Affordable Housing
- Open Space Provision on New Housing Developments

4.2 Where contributions are required for school places or sustainable travel, these will take precedence.

4.3 Other contributions may be required to enable development to take place. The supporting text to policy I1 in the Local Plan at paragraph 25.3 sets out some examples of these:

4.4 *25.3 There are many examples of infrastructure. These include a need for new or improved provision of roads and other services, public transport, Green Infrastructure, recreation and open space facilities and infrastructure that will make Barnsley a better place such as public realm improvements, educational accommodation, affordable housing and also adequate community facilities. Investment may also be required to ensure the local economic infrastructure can accommodate the new development including shopping facilities and the availability of suitably skilled labour to support economic regeneration. New forms of infrastructure are also relevant including communications technology, it is particularly important to ensure provision for Superfast Broadband.*

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4.5 Contributions will also be required to fund highway works, for example through section 278 and section 38 agreements. Section 278 is the part of the Highways Act 1980 that enables a highway authority to enter into an agreement with a third party to deliver improvements on the existing public highway. A S278 is usually necessary where planning permission has been granted for a development that requires improvements, or changes, to the existing roads and pavements that form part of the publicly-maintained highway. Section 38 of the Highways Act 1990 provides that when permission has been granted for a new development, developers may ask the highway authority to 'adopt' new roads that have been constructed as part of the development, along with associated infrastructure such as drains, lighting and supporting structures.

4.6 Paragraph 25.4 of the supporting text to policy I1 states that:

It may be necessary to consider the cumulative effect of a number of developments such that developers may be required to contribute jointly towards necessary infrastructure. All new development should therefore make appropriate provision to contribute towards offsetting the additional pressures it has created whether this is through on or off site provision of facilities or financial contributions. Developers will need to demonstrate that adequate capacity either exists, or that provision will be made to meet the necessary infrastructure requirements within an appropriate timescale.