

Supplementary Planning Document

Planning Obligations

Draft for Consultation June 2008

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1. Foreword

- 1.1 The Planning and Compulsory Purchase Act 2004 introduced major changes to the way the planning policy system operates. The old system of Structure Plans, Local Plans and Supplementary Planning Guidance is replaced with a new system of Local Development Frameworks (LDFs).
- 1.2 South Hams District Council welcomes the new system and has already adopted the initial documents of its new planning framework for the area – the South Hams LDF Core Strategy and an Area Action Plan for the Sherford New Community. The South Hams LDF will be shorter and more focused than the Local Plan. It will be a portfolio of documents, with more scope for community involvement and a positive approach to sustainable development.
- 1.3 This document is the Draft Version of the Planning Obligations Supplementary Planning Document (PO SPD). It sets out the Council's objectives, approach and requirements for planning obligations. It is available direct from the Council or on the Council's website: www.southhams.gov.uk.
- 1.4 The Council has set a challenging timetable and is amongst the first authorities to progress LDF documents to adoption under the new system. A project plan setting out the timetable for producing the PO SPD and other LDF documents is included in the approved Local Development Scheme.
- 1.5 The Council is determined to vigorously address local priorities, particularly the **delivery of affordable housing**. It has adopted the aim of "improving the well-being of the people of the South Hams" and has set itself the following priorities:
- Secure a supply of housing for local people at affordable levels.
 - Create the conditions for the growth and maintenance of quality economic activity.
 - Maintain the district's distinctive environment whilst enabling access and sensitive development.
 - Maintain a clean environment.
 - Work with others to improve access to key services.
 - Improve core service performance in a cost-effective way.
- 1.6 The South Hams LDF will reflect these priorities, particularly those with a spatial dimension.

- 1.7 We want to involve our communities and other interested parties to help shape the contents of the new development policy framework. The LDF includes a Statement of Community Involvement which establishes the minimum standard the Council will deliver in engaging people in the process. If you would like to make any comments about the Planning Obligations SPD please feel free to do so. Your views are important and the Council needs to receive them by XXXX (date to be inserted).
- 1.8 To help you structure your views, a response form and guidance note have been produced. Copies of the SPD document, response forms and guidance notes are available at the Council offices, via the Council's website and in local libraries. Completed forms should be sent to the Forward Planning team by post, fax or e-mail.
- **Post:** to the Forward Planning Team, South Hams District Council, Follaton House, Plymouth Road, Totnes, TQ9 5NE.
 - **Fax:** marked Forward Planning, Draft Planning Obligations SPD to 01803 861404.
 - **E-mail to:** forward.planning@southhams.gov.uk

All comments must be received by XXXX (date to be inserted).

All our publications are available in alternative formats, such as large print or a language other than English. Please contact us on 01803 861234 or email forward.planning@southhams.gov.uk

2. The Planning Policy System

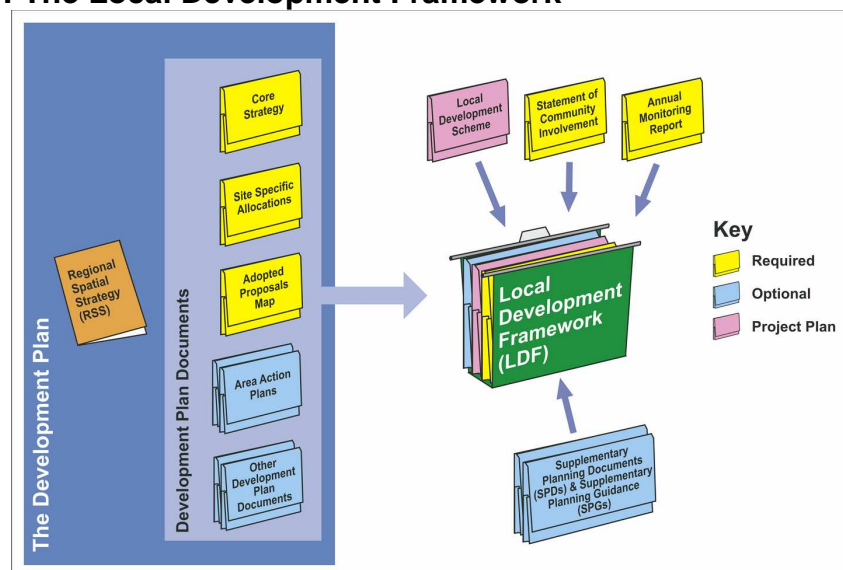
2.1 The Planning and Compulsory Purchase Act 2004 requires local planning authorities (LPA) to produce a Local Development Framework (LDF) for their area. LDFs must contain clear, up to date spatial planning frameworks to enable efficient delivery of new development, especially housing. They are a major plank of the Government's reform programme and objectives for culture change in planning, particularly building around three themes:

- Sustainable Development (which is the underlying purpose of the planning system);
- A Spatial Planning approach (which deals with not only the use of land, but also the activities on it); and
- Community Involvement in planning.

2.2 Planning shapes places where people live and work and has a critical role to play in achieving balanced housing markets and sustainable improvements in the economic performance of an area. It should make places better for people and positively manage rather than simply control the development. The South Hams LDF will aim to deliver these objectives.

2.3 An LDF comprises a portfolio of documents that together set out the planning policies and proposals for the area (see figure 1). It will include a Core Strategy, Development Policies document, site specific allocations, Area Action Plans (where needed), a Proposals Map and a Statement of Community Involvement (SCI). More detailed guidance will be contained in documents known as Supplementary Planning Documents (SPD).

Figure 1: The Local Development Framework



- 2.4 The new planning system introduces many new acronyms and planning terms. In addition the document refers to many technical planning terms. A **glossary of terms** has therefore been provided at the back of this document in the Appendix.
- 2.5 The wider context for planning in the South Hams is set by national, regional and county guidance. At national level, Planning Policy Statements (PPSs) are replacing Planning Policy Guidance Notes (PPGs). These are available on the Department for Communities and Local Government website: www.communities.gov.uk. At regional level, guidance to 2016 (RPG10) was approved in September 2001 and will be replaced by a new regional plan called a Regional Spatial Strategy (RSS) which will have a horizon to 2026. The submission version of the RSS was published for consultation in June 2006. It went through its Examination during 2007 and the report of the Panel has been submitted to the Secretary of State. The RSS is due to be adopted by December 2008. The RSS documents are available at www.southwest-ra.gov.uk. At county level, the Devon Structure Plan sets the strategy for Devon to 2016. Structure Plans have been abolished under the new Act, but the Devon Structure Plan (Adopted October 2004) has been saved until it is replaced by the RSS.
- 2.6 The Development Plan for the South Hams will ultimately consist of the RSS and the South Hams LDF.
- 2.7 The South Hams Local Plan (1989-2001) was adopted in April 1996. Although it had a 2001 horizon, its policies are still relevant to planning in the South Hams today and are “saved” under the provisions of the new Planning Act until they are replaced by LDF documents.
- 2.8 The South Hams Local Plan Review (1995-2011) was published in January 2002. The representations received in response to the plan, comments made at subsequent meetings, and background research, will all be used to help inform the preparation of the LDF.
- 2.9 The South Hams planning documents can be found on the Council website: www.southhams.gov.uk or can be obtained from the Council offices at Follaton House, Plymouth Road, Totnes, Devon, TQ9 5NE.

3. Planning Obligations

- 3.1 New development has a cumulative impact on infrastructure, communities and the environment. It often creates the need for additional or improved services and facilities and warrants mitigation measures. If these are not provided the development could have an adverse impact on local amenity and the local environment. New development should provide for the needs arising from that development and can also be an opportunity to make a positive and sustainable contribution to the local area and its community.
- 3.2 It is important to recognise that some gaps in provision may already exist. Whilst additional development could exacerbate the situation, the planning system cannot require new development to make good existing shortfall.
- 3.3 Planning obligations provide a legal framework to ensure that it is developers and not the local community that are responsible for meeting the additional needs arising from the new development and taking the measures required to mitigate any adverse impact. Planning obligations are often referred to as Section 106 agreements (S.106) (in reference to the section of the Planning Act that enabled them). They are dealt with as part of the development control process and form part of the planning permission.
- 3.4 A planning obligation is a legally binding contract between anyone with a legal interest in the land and the Local Planning Authority. It may:
- Restrict development or the use of land;
 - Require operations or activities to be carried out;
 - Require land to be used in a specific way; and / or
 - Require payments to be made.
- 3.5 New development can create the need for additional infrastructure. The Government is looking to capture some of the value of new development for new infrastructure via the Community Infrastructure Levy (CIL) due to be introduced in 2009. This SPD may need to be reviewed when the precise requirements of the CIL are known.
- 3.6 Local planning authorities consider planning applications on their merits and in the context of the relevant Development Plan. A planning obligation can be used where it is possible to satisfactorily overcome objections or shortcomings to an application which would otherwise have been approved. Such measures could involve improvements to infrastructure, facilities or amenities, particularly where these cannot be addressed on site or will require action by other bodies. In such circumstances a financial contribution may be sought. However, government guidance is that planning conditions rather than a planning obligation should be used where it is possible to do so. Where the disbenefits or environmental impacts of a development can be

ameliorated with measures that can be secured by a S106 agreement then this will be used so that planning permission can be granted.

- 3.7 Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12(1) of the 1991 Planning and Compensation Act) provides the specific legislative framework for planning obligations. Circular 05/2005 Planning Obligations provides the detailed guidance for the use of planning obligations in dealing with the direct impacts of proposed development.
- 3.8 Circular 05/2005 emphasises that the principal objective of the planning system is to act in the public interest to deliver the Government's objectives for sustainable development.
- 3.9 The Circular also states that planning obligations will not be appropriate for all development and should only be sought where they meet *all* of the following tests:
 - a) relevant to planning;
 - b) necessary to make the proposed development acceptable in planning terms;
 - c) directly related to the proposed development;
 - d) fairly and reasonably related in scale and kind to the proposed development; and
 - e) reasonable in all other respects.
- 3.10 Planning obligations are legally binding agreements and the obligations created run with the land in perpetuity. Therefore they may be enforced against both the original covenantor and anyone acquiring an interest in the land unless the agreement specifies otherwise. The obligation is registered as a Local Land Charge and is enforceable by the LPA.
- 3.11 The parties to the agreement will be those with a legal interest in the land and the LPA. In addition, Devon County Council may also be a party to the agreement where county council infrastructure services (for example, highways and education) are required as part of the obligation. Other agencies or parties may also be included in the agreement if appropriate.

4. The Objective of this SPD

- 4.1 Supplementary Planning Documents (SPD) were introduced by the Planning and Compulsory Act 2004 to replace Supplementary Planning Guidance (SPG), and form part of the LDF. They are expected to conform to other Local Development Documents. Planning Policy Statement 1 (PPS1) Delivering Sustainable Development establishes the underlying principles of the LDF.
- 4.2 This SPD has been prepared in accordance with PPS12: Local Development Frameworks (2004), PPS 12 Local Spatial Planning (2008) and the associated Town and Country Planning (Local Development) (England) Regulations 2004 and 2008. Government guidance set out in PPS12 (2008) states that a planning authority may prepare SPD to provide greater detail on the policies in its DPDs. This additional information should assist applicants and decision makers in interpreting and applying existing policies and proposals. SPD is given 'substantial weight' as a material consideration in planning decisions, particularly if it accords with national guidance and policy and has been subject to consultation.
- 4.3 The objective of this SPD is to provide clarity to developers, the local authority, local residents and other stakeholders regarding the basis on which planning obligations will be sought.
- 4.4 A clear, definite and upfront approach should help developers and the district council to bring forward sites allocated in the LDF and inform discussions about windfall sites. It sets out the areas where planning obligations may be sought and how these will be prioritised to ensure schemes remain deliverable. It also sets out the mechanisms that will be used and how contributions will be managed, including standardised legal agreements.

5. The Local Policy Context

- 5.1 The South Hams LDF includes the following adopted and emerging development plan documents (DPDs). These will help inform any planning obligation sought by the Council when determining planning applications.

Core Strategy

- 5.2 Adopted in December 2006, the Core Strategy contains the planning vision and strategy for the District. It sets out the overall levels of new housing and employment land for the South Hams for the period 2001-2016 and explains the Council's approach to the provision of that development.
- 5.3 Policy CS8: Infrastructure Provision and the supporting text of paragraphs 6.18 and 6.19 set out strategic objectives for infrastructure provision. This SPD provides further guidance on how policy CS8 will work in practice.

Affordable Housing DPD and SPD

- 5.4 The Affordable Housing DPD sets out the Council's detailed policies for affordable housing provision, including the approaches that will be taken on allocated and unallocated (windfall) sites to ensure a contribution towards the provision of affordable housing. This will either be by means of on site provision or a contribution towards provision off site.
- 5.5 The Affordable Housing SPD sets out detailed information regarding the application of the Council's affordable housing policies. It includes additional information on definitions, design, contributions and commuted sums. It also sets out the Free Serviced Land Equivalent (FSLE) approach that the Council will use to value contributions to affordable housing.
- 5.6 This SPD will be used alongside the policies and guidance contained in the Affordable Housing DPD and SPD.

Area Action Plans and Site Allocation DPDs

- 5.7 These documents deal with the spatial planning issues affecting a particular area, including the allocation of sites for new housing, employment and other uses.
- 5.8 This SPD will support policies contained in these LDF documents.

Development Policies DPD

- 5.9 The Development Policies DPD will be an integral part of the South Hams LDF portfolio. It will provide more detailed policy guidance through a suite of development policies for those involved in the submission and determination of planning applications.
- 5.10 This SPD will be used alongside the Development Policies document in determining planning applications, in cases where planning obligations are required.

Open Space, Sport and Recreation SPD

- 5.11 The Open Space, Sport and Recreation SPD sets out requirements for open space and play area provision in new development.
- 5.12 The Planning Obligations SPD complements the Open Space, Sport and Recreation SPD.

Other Policy

- 5.13 Some aspects of 'saved' policies (Structure Plan and Local Plan) may also involve the need for a planning obligation.
- 5.14 There may be other policy documents, including SPDs and development briefs, which will be used in determining planning applications and where planning obligations may be required.

6. Development Management

Assessment of development proposals

- 6.1 In considering a development at pre-application or when an application has been submitted, it will be assessed against the relevant adopted and emerging policies in the Development Plan, national and regional planning policy. From this a comprehensive list of issues relevant to the particular site and proposal will be drawn up. This list may be informed by comments received from formal consultees. The next stage is to assess what impact the development will (or could) have on an issue by issue basis. This results in a list of relevant issues to be considered in respect of planning obligations.
- 6.2 For each relevant issue the Council will assess the impact the development will (or could) have and what measures will (or may) be required. This will be assessed with reference to site location, site characteristics, existing provision on-site, existing provision within the locality, existing deficits of provision and the scheme proposed. The developer will be required to set out the impact of the development and propose the way this can be mitigated.
- 6.3 This evidence will be used to identify any issues where provisions need to be made within a Planning Obligation which are reasonably required. Additional information will be sought from the appropriate agencies or organisations to establish the level of contributions to be sought, where necessary.
- 6.4 The initial assessment of the application will identify the key issues that the Planning Obligations will need to address. These will include the impact of the development, site and policy requirements and will form the basis of the planning agreement set out in the "Heads of Terms".

Site Requirements

- 6.5 Issues arise from site specific circumstances and these need to be resolved to enable the development to take place. Examples may include flood defences, mitigation measures for protected species and land remediation. Failure to adequately address such site specifics is likely to result in planning permission being refused.

Policy Requirements

- 6.6 A development may need to make certain provisions in order to conform to policy. These may include affordable housing and open space, sport and recreation provision. It is the aspiration of the Council that the full range of policy requirements should be considered and addressed, although it is recognised that on occasions the viability of the proposal may be undermined by the full set of requirements in the

planning obligation. Such instances are expected to be a rare occurrence.

6.7 However where it can be demonstrated that the planning obligation being sought would make the development unviable the Council will normally seek to address areas of provision in the following order of priority:

- Affordable Housing
- Open Space, Sport and Recreation
- Other requirements

Prioritisation

6.8 The relative priority to be accorded to competing community infrastructure and service requirements associated with development will be assessed with regard to their bearing on the Council's corporate priorities and available evidence of need.

6.9 The Council will aim to secure measures to directly address the purpose for which the planning obligation is deemed to be needed. However, where this cannot be achieved a financial contribution will be sought.

Viability

6.10 If a developer claims that the measures required by the Council within its proposed S.106 agreement could make the scheme unviable it would be expected that an open book assessment of the economics of the scheme would be provided. Only if the Council was persuaded by such evidence, and there is a realistic evaluation of land values costs and profits would any reduction of the Council's requirements be considered.

6.11 It should be noted that failure to meet policy requirements to a sufficient degree could still be a reason for refusal. Developers of allocated sites would be expected to have considered the whole range of uses and other requirements when putting forward their scheme. Failure to meet the development proposal could result in a refusal of planning permission. For example, the failure to provide the employment element of a mixed use site is likely to make the development unacceptable.

The Section 106 Agreement

6.12 Once the parameters for the S.106 agreement have been agreed, the applicant should prepare a draft agreement to be submitted with the planning application. The Council's legal department will take the lead in finalising the necessary legal documentation.

7. Negotiating a Planning Obligation

- 7.1 The proposed heads of terms of a S.106 Agreement should be discussed. Where a planning obligation is appropriate, under the Council's validation process a planning application will be registered only if it is accompanied by draft heads of terms for agreement. They must be submitted as part of the planning application.
- 7.2 The Council has prepared a draft S.106 Agreement which is available on the Council's website. This can be used by developers as a basis for drafting an agreement to be considered by the LPA and includes an indication of the likely management fee.
- 7.3 The Council's solicitors will consider the terms of any draft agreement submitted or draft such agreement on the basis of heads of terms agreed between the developer and council officers. The Council's solicitor will correspond with the developers agent or solicitor in order to conclude the terms of the agreement to the satisfaction of all parties. The developer will be responsible for the Council's legal costs in doing so and the costs of the County Council if they are to be a party to the agreement. The Council will require confirmation that these costs will be met prior to undertaking work on the agreement. The Council's legal fees will be calculated on a time recorded hourly rate.
- 7.4 Developers should provide the Council with evidence of title to the land and inform the Council immediately in the event of any change in ownership of the land, prior to the determination of the application.
- 7.5 The Council may refuse an application for planning permission in the event that agreement has not been reached on the content of the obligation by the due date for determination of the application.

Committee Process and Member Involvement

- 7.6 When a recommendation on a planning application is made to the Members of the Development Control Committee who are involved in taking the decision, the nature of any planning obligations that might be required will be explained. If it is decided that planning permission should be granted, the decision notice will not be issued until the Agreement has been satisfactorily completed.

Completion of the Agreement

- 7.7 The Council will register the agreement as a local land charge and the applicant may be required to register the agreement as a charge against the title to the land in accordance with any such terms of the agreement. The Council will also update the statutory registers. A copy of the agreement will be sent to all relevant parties and Officers within

the Council, including the Officer responsible for monitoring the terms of the agreement.

Monitoring of Planning Obligations and Management fees

- 7.8 It is essential that the Council has procedures in place to ensure that all the obligations contained within an agreement are adhered to by all parties. Monitoring information detailing agreements and the process of agreements will be kept on a database maintained by the Council. The process will ensure prompt and strategic spending of financial contributions once they have been received and will provide assurance that obligations have been spent in full and appropriately.
- 7.9 In order to provide this service the Council will levy a management fee charge on each legal agreement equivalent to 5% of the total value of the financial contribution(s). This will be 'top sliced' from the total sum of the financial contribution rather than being an additional charge.
- 7.10 The Council also considers that the management fee should be capped to prevent disproportionately large management fees being required from large developments. Management fees will be capped to a maximum of £60,000.
- 7.11 Where the Planning Agreement relates to planning obligations of non-financial matters, a management fee of £100 will be charged in respect of each obligation.
- 7.12 The monitoring of planning obligations will be undertaken by the Council to ensure that all obligations entered into are complied with on the part of both the developer and the Council. Enforcement action will be taken by the Council where conditions or planning obligations are not being complied with. The cost of monitoring planning obligations will be included in the use of the management fee for each development proposal site.

Triggers for Payments and non-financial contributions

- 7.13 This refers to the legal fees, management costs and financial contributions and non financial elements of the S.106 agreement.
- Legal fees will be payable on completion of the deed
 - Management costs will be payable on commencement of development unless otherwise justified to and agreed by the LPA (e.g phasing of payments in line with development phasing on larger scale developments)
 - Financial contributions that form part of the S.106 will normally be payable on commencement of the development
 - Non financial elements that form part of the S.106 will be written into the deed as part of the project management of the development

Pooling of Contributions

- 7.14 On occasions a financial contribution required by a single development will not on its own meet the whole cost of the infrastructure/service that the LPA is seeking to achieve. The collected sum will form a pool of contributions which will be used towards the infrastructure/service provision.
- 7.15 This approach is recommended in Circular 05/2005 Planning Obligations which states that “where the combined impact of a number of developments create the need for infrastructure, it may be reasonable for the associated developers’ contributions to be pooled, in order to allow the infrastructure to be secured in a fair and equitable way”.

Threshold Avoidance and Legal Penalties

- 7.16 If it is considered that a proposed development is not maximising the use of a site in order to seek to avoid a threshold, the Council will seek obligations from the developer which reflect the most efficient and suitable use of the land. This is to prevent any attempt to circumvent a planning obligation by reducing the scale of a proposal, for example in terms of the provision of affordable housing. In addition, if a large development proposal site has been divided into smaller parts lying below a threshold, the Council will require, for the purposes of a planning obligation, that all the individual parts are treated as part of the whole, subject to an appropriate timescale being established for bringing forward subsequent phases of development.
- 7.17 In the case of non payment of financial contributions or the implementation of on site specific obligations, the Council will pursue all legal means to secure agreed S.106 requirements and where appropriate additional legal penalties.

Late or delayed payments

- 7.18 In cases where payment of a sum due is delayed or late, a standard indexation will be applied. In the case of payments linked to buildings or building works, this will be based on the BCIS index (the Building Costs Information Service of the Royal Institution of Chartered Surveyors). In other cases, it will be based on the Retail Price Index (RPI) increase.

Timescales

- 7.19 The Council will normally be obliged to spend financial contributions in respect of planning obligations within 10 years of receipt of payment or implementation of development. However this may not be relevant where contributions have been pooled.

8. Monitoring and Implementation Framework

8.1 Review and monitoring is an important aspect of evidence based policy making and it is a key factor of the Government's "plan, monitor and manage" approach to the new planning system. An important aspect of the new system is the flexibility to update components of the LDF to reflect changing circumstances. The ability to produce various local development documents will allow the Council to respond quickly to changing priorities in the district. Monitoring plays a critical part in identifying these. The findings of monitoring will feed directly into any review of policy that may be required.

8.2 The Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce an Annual Monitoring Report (AMR) which will form part of the LDF and will be the main mechanism for assessing the PO SPD performance and effects. It must be based on the period 1 April to 31 March and be submitted to the Secretary of State no later than the end of the following December.

AMRs are required to assess the following:

- the implementation of the Local Development Scheme, and
- the extent to which policies in local development documents are being successfully implemented.

8.3 As outlined in section 7, monitoring of the PO SPD will be undertaken by the Council to ensure that all planning conditions and obligations are complied with on the part of both the developer and the Council. Details of agreements will be kept on a database for monitoring purposes. The outcome of this monitoring will be provided in the AMR.

9. Sustainability Appraisal

Sustainability Appraisal Report

- 9.1 Local authorities are required to undertake a Sustainability Appraisal (SA) during the preparation of local development documents. This is to ensure that sustainable development is at the heart of decisions at every stage of plan-making and is an integral part of the process. This SPD has been subject to a SA to appraise the social, environmental and economic effects of the strategy to ensure that it accords with sustainable development. The SA incorporates the requirements of Strategic Environmental Assessment (SEA) in accordance with European UK legislation. (EU directive 2001/42/EC on the assessment of the effects of certain plans and programmes and Environmental assessment of Plans and Programmes Regulations 2004 (SI No 1633) respectively).
- 9.2 A Sustainability Report accompanies the SPD. This report documents the SA and SEA process and findings, and explained in greater detail the difference the SA process has made.

SA Monitoring

- 9.3 The performance of the PO SPD objectives should be monitored in terms of their performance against the objectives and targets included in the sustainability appraisal to assess the strategy's contribution towards sustainable development. This should be used to determine whether objectives need to be amended or replaced if adverse effects are identified. The outcome of this monitoring will be provided in the LDF Annual Monitoring Report.

10. Consultation and Community Involvement

Statement of Consultation and Involvement

- 10.1 This SPD has been prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and relevant national policies and guidance. It will meet the LDF Statement of Community Involvement (SCI) requirements relating to public consultation.
- 10.2 Statutory organisations and all community and interest groups as detailed in the SCI will be consulted and their views sought by submitting response forms. The document and response forms were publicly advertised in local newspapers and made available on the Council's website, at the Council offices and at libraries across the district.
- 10.3 A summary report of the comments received will be produced. A statement of consultation will be prepared to provide an audit of this consultation period. It will document who has been consulted, how the consultation was undertaken, the main issues raised and how these issues have been addressed in the adopted document.

Glossary of Terms

APPENDIX

Acronym	Term	Explanation
	Amenity	Element(s) that contribute to the overall character, enjoyment of an area. For example, open space, trees or historic buildings.
	Affordable Housing	Affordable Housing is the accepted national terminology for housing which provides for the needs of local people within the district who cannot afford to buy or rent on the unrestricted open market.
CIL	Community Infrastructure Levy	<i>Explanation to be added</i>
	Devon Structure Plan 2001 to 2016	The Structure Plan sets out the strategic planning framework for the development and use of land within Devon. It can be viewed at www.devon.gov.uk . As part of the new planning system, all Structure Plans will be abolished, and will be replaced by Regional Spatial Strategies (RSS). The Devon Structure Plan is saved for three years from adoption (October 2004) or until it is replaced by the emerging Regional Spatial Strategy.
FSLE	Free Serviced Land Equivalent	The approach that the Council will use to calculate affordable housing contributions, this sets the private subsidy as the equivalent of free serviced land.
	Heads of Terms	<i>Explanation to be added</i>
	Infrastructure	Basic facilities such as roads, electricity, sewerage, water, education and health facilities.
LDF	Local Development Framework	A portfolio of documents that together set out the planning policies and proposals for the area. It will include a; <ul style="list-style-type: none"> • Core Strategy – Sets out the vision and spatial strategy for the future development of the area. • Development Policies – Sets out the generic development control policies for the area. • Site Specific Allocations – These documents are DPD's and can allocate land for specific uses, such as housing, employment or mixed development. • Area Action Plans (where needed) – Provide a planning framework for areas of significant change or conservation.

Acronym	Term	Explanation
		<ul style="list-style-type: none"> • Proposals Map – Illustrates the policies in the LDD’s on an Ordnance Survey base. It will also show factual information such as environmental designations. <ul style="list-style-type: none"> ○ All of the above are known as Development Plan Documents – DPD’s are subject to independent Examination. • Annual Monitoring Report - A document which must be published each December, setting out how the council's planning policies have been implemented for the previous financial year and whether it has achieved the milestones set out in its Local Development Scheme. • Local Development Scheme – Sets out the details of the local development documents to be produced and the timescales and arrangements for production. • Statement of Community Involvement - Sets out the Council's policies for the public involvement in the preparation of Local Development Documents and planning applications. • Supplementary Planning Documents (SPD’s) – Sets out more detailed policies in support of those contained in a Local Plan or a Development Plan Document. It is not subject to independent Examination, however they are subject to rigorous procedures of community involvement. It does not form part of the Development Plan, but is a material consideration on planning applications. <ul style="list-style-type: none"> ○ All of the above are Local Development Documents which do not form part of the statutory development plan
	Local Land Charge	<i>Explanation to be added</i>
LP	Local Plan	A development plan which sets out the detailed policies and specific proposals for the development and use of land on a site specific basis. These are being replaced by Local Development Frameworks (LDF) under the Planning and Compulsory Purchase Act.

Acronym	Term	Explanation
	Material consideration	An issue that should be taken into account in deciding a planning application or an appeal against a planning decision.
	Mixed Use	The mixing of different uses is an important part of what makes successful towns and cities. Mixed use development helps sustain a critical mass of uses and activities, as well as reducing car dependency through allowing people to be near to a range of shops, jobs and amenities. The mixing of different housing types and tenures can also ensure a wider range of participation in urban life and avoid polarisation of social groups.
	Planning and Compulsory Purchase Act 2004	Government legislation which sets out how Local Plans are to be replaced by Local Development Frameworks (LDF) at a local level and Regional Planning Guidance (RPG) to be replaced by Regional Spatial Strategies (RSS) at the Regional level.
	Planning Condition	A requirement or limitation attached to a planning permission by the Local Planning Authority when it is granted, with which the applicant must comply. In general they are intended to make the development more acceptable.
	Planning Obligation	A legal agreement between the local planning authority and an applicant when granting permission (also known as S106 Agreements). They are used to secure funds or works for significant and essential elements of a scheme to make it acceptable in planning terms. They can be used to prescribe the nature of the development, to compensate for loss or damage created by development or to mitigate a development's impact on surrounding built and natural environment.
PMM	Plan, Monitor and Manage	A process of measuring (in terms of quantity and quality) the changes in conditions and trends, impact of policies, performance of the plan against objectives and targets, and progress in delivering outcomes.
PPG	Planning Policy Guidance	A series of Central Government guidance notes which set out the Government's policy on various planning issues such as housing, transport, employment and shopping. These are in the process of being replaced by Planning Policy Statements
PPS	Planning Policy Statement	An updated series (replacing PPGs) of Central Government guidance notes which set out the

Acronym	Term	Explanation
		Government's policy on various planning issues such as housing, transport, employment and shopping.
RPG	Regional Planning Guidance	Guidance issued by the Government which aims to provide the framework for the preparation of local authority development plans in each of the English regions. Under the Planning Compulsory Purchase Act RPGs are to be replaced by Regional Spatial Strategies.
RSS	Regional Spatial Strategy	Part of the Development Plan which is decided at a regional level and which sets the strategy for the South West. It will look forward to 2026, and provide the context for the preparation of the South Hams Local Development Framework. It is anticipated that the RSS will be adopted in late 2007 / early 2008.
	Spatial Planning	Addresses not only the use of land but also the activities on it.
	Stakeholder	Those who have a responsibility or an interest in a particular decision (either as individuals or as representatives of authorities, agencies or groups). This includes those who influence a decision as well as those affected by it.
SEA	Strategic Environmental Assessment	A generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'.
	Sustainability Appraisal	Tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors) and required in the Planning and Compulsory Purchase Act to be undertaken for all Development Plan Documents.
	Sustainability or Sustainable Development	Promotes a better quality of life for everyone, now and for generations to come. A widely used international definition is 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'.