

**Consultation Statement: Planning
Obligations Supplementary Planning
Document Scoping Report
March 2025**

Introduction

The Town and Country Planning (Local Planning) (England) Regulations 2012, requires that before a local planning authority adopt a supplementary planning document it must prepare a statement setting out—

- I. the persons the local planning authority consulted when preparing the supplementary planning document.
- II. a summary of the main issues raised by those persons; and
- III. how those issues have been addressed in the supplementary planning document.

This Consultation statement sets out details of the consultation Sunderland City Council (the council) has undertaken in the preparation of the Planning Obligations Supplementary Planning Document (SPD).

What is the Planning Obligations Supplementary Planning Document?

SPDs add further detail to the policies in development plans. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

The council's current Planning Obligations 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).

CSDP Policy ID2 Planning obligations states that:

1. *Section 106 planning obligations will be sought to facilitate the delivery of:*
 - i. *affordable housing (see Policy H2); and*
 - ii. *local improvements to mitigate the direct or cumulative impact of development, where evidenced, and/or additional facilities and requirements made necessary by the development, in accordance with the Planning Obligations SPD.*

Where it is not possible to deliver the policy requirements in full, a viability assessment should be submitted in line with the requirements of the PPG.

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 now required.

Consultation on the Planning Obligations Supplementary Planning Document

The first round of consultation allows stakeholders to comment on the proposed scope of the updates to the SPD. A second round of consultation will follow on the draft SPD, which will set out the detail.

In accordance with the Statement of Community Involvement, the council has undertaken the following consultations.

Stage 1 – Scoping Report	6 January 2025 – 3 February 2025
Stage 2 –Draft Planning Obligations SPD	<i>To follow in Spring 2025</i>

Persons the local planning authority consulted when preparing the supplementary planning document

The council wrote to all persons on the Planning Policy Database; this includes statutory consultees, general consultation bodies and those who had previously expressed an interest in the production of Planning Policy documents. Where possible, consultation was undertaken by email, however letters were posted to those consultees where an email address was not available. Copies of the correspondence inviting persons to make representations on the SPD is included in Appendix 1.

Stakeholders were invited to make representations in writing by email (planningpolicy@sunderland.gov.uk), however comments could also be made in writing.

Consultation at each stage

Stage 1: Scoping Report consultation

A Scoping Report was consulted upon and as such was made publicly available for comment for a 4-week period between 6 January and 3 February 2025. The Scoping Report was made available on the Council's website and at Sunderland City Hall, Plater Way.

The Scoping Report is the first stage process which sought to establish the scope of updates to the Planning Obligations SPD by identifying the chapters/sections in the existing SPD to be reviewed, together with the contents therein requiring to be updated.

13 representations were received to the Scoping Report consultation. A summary of the representations received, and the Council's response are set out below at Table 1.

All representations were taken into consideration when preparing the draft SPD and changes made where appropriate.

Summary of the main issues raised in representations; and how those issues have been addressed by the Council

Table 1: Stage 1 (Scoping Report) Consultation Responses

Consultee	Summary of Representations	Council Response
Communities Together Sunderland West	Refuse planning permission for those who want to build homes on parks where the park is the only green space the community has used generationally like the Blackie Park. We are still yet to see the section 106 funding put to use here.	Not relevant to scope of Planning Obligations SPD (PO SPD).
CPRE Durham	Include Highways and Other site-specific planning obligations chapters within scope of updates, reviewing and updating as necessary to reflect current government guidance, especially in relation to sustainable active travel and provision of electric vehicle charging points.	Both chapters have been reviewed and updated as appropriate when drafting the PO SPD. This includes referencing the role of Active Travel England and the importance of walking and cycling infrastructure. The PO SPD is not considered to be an appropriate document for additional EV charging guidance.
Hamilton Willis	Broadly agree with the recommendations of the SPD Scoping Report but wish to make further recommendations to be considered in the preparation of the draft SPD including introducing more flexibility and a clear approach for further reviews: <ul style="list-style-type: none"> i) Chapter 2: Review of Chapter 2 should also consider and introduce clear mechanisms for further reviews of the document. ii) Chapter 4: The SPD should be reviewed alongside an up-to-date Strategic Housing Market Assessment (SHMA) to ensure the guidance provided on 	<ul style="list-style-type: none"> i) The draft SPD includes text around the document being kept under continuous review and updated where necessary. However, it is not considered necessary to formalise review mechanisms. ii) The Council's SHMA was updated in 2020 and will be updated as part of the evidence base for the preparation of the new local plan. iii) At this point in time the Council does not require or promote First Homes as an affordable housing product, however, in

	<p>planning obligations delivers affordable housing that meets the identified need.</p> <ul style="list-style-type: none"> iii) Review of Chapter 4 should be used as an opportunity to clarify Sunderland City Council's approach to the First Homes affordable housing tenure. iv) Chapter 5: Broadly agree with the scope of review but request that 'update to reflect changes to local circumstances' is clarified. v) Chapter 6: Clearer guidance on how and when different types of greenspace contributions are needed to best meet local need and policy requirements is welcomed. vi) Chapter 7: Request further detail and evidence on how the Equipped Play Space contribution is calculated. vii) Chapter 8: Strongly agree with the proposed approach of updating this to reflect the national mandatory biodiversity net gain legislation. Would welcome further clarification on how the Planning Obligations SPD will interact with the adopted Biodiversity Net Gain Fees Note as well as the draft Biodiversity SPD. viii) Chapter 9: Agree with the proposed approach to update the Planning Obligations SPD to reflect the latest guidance. ix) Chapter 10: Would question whether the interrelationships between the expectations of the Development Management SPD should be cross referenced and acknowledged in the Planning Obligations SPD. x) Chapter 12: Health contributions guidance should be updated to reflect latest case law. xi) Chapter 13: Viability appraisal process will need to account for the latest guidance and requirements 	<p>accordance with the NPPF 2024, the option to deliver First Homes both through section 106 planning obligations and exception sites will remain in place.</p> <ul style="list-style-type: none"> iv) The Education chapter has been reviewed and updated to reflect latest available evidence and guidance. v) The Greenspace chapter has been reviewed and updated to provide greater clarity on requirements across a range of development scenarios. vi) The Equipped Play Space chapter has been reviewed and updated. This includes an updated calculation which now combines maintenance and renewal and repairs costs. vii) The updated PO SPD includes a new chapter on Biodiversity Net Gain. This includes fee requirements, and therefore the Council's Biodiversity Net Gain Fees Note will be revoked upon adoption of the updated PO SPD. More detailed guidance regarding the delivery of Biodiversity Net Gain will be set out within the Biodiversity SPD. viii) No response required. ix) It is not considered necessary to cross reference the Development Management SPD. x) Other site-specific planning obligations chapter has been reviewed and updated as appropriate when drafting the PO SPD. This includes the subsection 'Health'.
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	<p>such as the latest Building Regulations and mandatory national policy requirements such as Biodiversity Net Gain. It is therefore important that the Planning Obligations SPD remains in line with current guidance to ensure a fair and transparent process.</p> <p>xii) Appendix 2: Any review of the site viability process and the inputs required for a viability assessment should retain an element of flexibility to account for unexpected and / or new policy requirements that may arise during the process</p>	<p>xi) 'Chapter 14 'Approach to securing Planning Obligations' and Appendix 2 'Site Viability' have been updated and include more detailed viability guidance.</p> <p>xii) 'Approach to securing Planning Obligations' chapter and Appendix 2 'Site Viability' have been updated and include more detailed viability guidance.</p>
Historic England	<p>Recommends consideration is given to ways planning obligations can be used to implement Local Plan policies which aim to conserve and enhance the historic environment. Specific planning obligations offer opportunities for funding improvements to, and mitigating adverse impacts upon, the historic environment. This can include archaeological investigations; access and interpretation; public realm improvements; and the maintenance of heritage assets. 'In kind' payments may include land transfers which enable the transfer of an 'at risk' building as part of a comprehensive regeneration scheme. Inclusion of these types of activities within the infrastructure list would ensure that it would be possible to fund appropriate initiatives which deliver necessary infrastructure and also help to conserve and enhance the historic environment.</p>	<p>Other site-specific planning obligations chapter has been reviewed and updated as appropriate when drafting the PO SPD. However, no changes are considered necessary to the existing guidance on Heritage Assets, which describes a wide range of heritage-related activities that may be appropriate to be subject of planning obligations. Archaeological investigations are controlled through planning conditions.</p>
The Coal Authority	<p>No specific comments to make.</p>	<p>No response required.</p>
National Highways	<p>SPD should be prepared in line with latest National Planning Policy Framework (NPPF) 2024, which includes requiring transport issues to be considered using a vision-led approach that all developments that generate significant amounts of movement should be required to provide a</p>	<p>Highways and Public Transport chapters have been reviewed and updated as appropriate when drafting the PO SPD, including to reflect NPPF 2024. Travel Plans are secured and monitored by the Council through planning</p>

	travel plan. SPD should include a specific section focussed on planning obligations for Travel Plans which explains the Council's approach to funding Travel Plan monitoring and enforcement.	conditions, which is an effective mechanism (See Figure 1 of draft SPD). Additional guidance on Travel Plans is not considered to be necessary within the SPD.
Natural England	No specific comments to make.	No response required.
Nexus	Welcome Chapter 11, focusing on public transport. In the current SPD, encouraged that states LPA will work with Nexus in securing developer contributions to ensure planning proposals do not negatively impact the Tyne and Wear Public Transport Network (PTN). Nexus will continue to support the LPA in ensuring individual large developments develop associated travel plans to enrich the PTN. Nexus welcomes proactive collaboration with the LPA in ensuring that both parties are kept informed about updates to planning policy in response to the changing national planning landscape and legislation, for example potential changes in how the LPA calculates Section 106 funds.	Public Transport Chapter has been reviewed and updated as appropriate when drafting the PO SPD. This includes an ongoing commitment to work closely with Nexus and bus operators to develop a high level and holistic approach to seeking developer contributions to support public transport.
North East and North Cumbria Integrated Care Board (Sunderland)	The ICB is supportive of the areas and scope proposed for review and believes this offers a valuable opportunity to strengthen planning obligations in supporting infrastructure investment, sustainability and alignment with wider city ambitions, including health, education and affordable housing provision. The ICB is particularly interested in exploring how the PO-SPD can better address the evolving health and care landscape. Including Chapter 12 (other site-specific planning obligations) in the review, would significantly enhance the document's effectiveness in supporting a more aligned approach between city and population health development. The SPD would benefit from clearer guidance on how and when health care contributions may be required within planning. Whilst the	Other site-specific planning obligations Chapter has been reviewed and updated as appropriate when drafting the PO SPD. This includes the subsection 'Health'. In addition, health and wellbeing considerations and benefits have been strengthened with additional referencing throughout the draft PO SPD where appropriate.

	<p>impact of new developments on GP infrastructure is currently considered within Chapter 12 of the PO-SPDs, we believe the PO-SPD review provides a timely opportunity to assess whether this can be strengthened to account for emerging models of primary and community-based care, the modernisation of general practice and the changing healthcare needs and expectations of residents. We believe that a more comprehensive focus on healthcare infrastructure within planning obligations will not only prevent new developments from exacerbating existing health challenges, but will also actively contribute to creating a healthy, sustainable, and prosperous city that aligns to Sunderland City Council's growth and development ambitions.</p>	
<p>Gentoo Group</p>	<p>As a whole, Gentoo Group supports the updating of this SPD on the basis that if undertaken in a comprehensive and robust manner, which takes into account site viability and deliverability, then it will provide certainty for future development. However, on an individual basis the request for these planning obligations will need to ensure they meet the aforementioned statutory tests and therefore not all of these obligations will be applicable to all sites. The Council also needs to explore whether in some cases, planning conditions may be able to be used instead of planning obligations. Comments on current chapters:</p> <ul style="list-style-type: none"> i) Chapter 4 will need to be updated in line with the affordable housing requirements in NPPF 2024; including in relation to providing a mix of tenures, removal of mandatory use of First Homes and new definition of affordable housing. Consider that assumptions which feed into off-site contribution calculation need to be updated to lower first tranche sales for shared ownership products to 35%. 	<p>The draft SPD has been prepared using the latest available evidence with respect to calculations/requirements for financial and non-financial contributions.</p> <p>Chapter 2 Planning obligations and the purpose of this document has been reviewed and updated. This will continue to reference the statutory tests, whilst Figure 1 provides a summary of planning mechanisms used for mitigation against the impacts of development. Chapter 14 'Approach to securing Planning Obligations' and Appendix 2 'Site Viability' have been updated and include more detailed viability guidance.</p> <ul style="list-style-type: none"> i) The Affordable Housing chapter has been reviewed and updated, which includes reflecting NPPF 2024. At this point in time, the Council does not require or promote First Homes as an

	<ul style="list-style-type: none"> ii) Chapter 5 would expect the pupil yield used to take into account differences in tenure and household size when calculating any required education contributions, with scope for a reduced education contribution when it comes to affordable homes. The drafting of planning obligations should take into account flexibility in delivery, as per latest Department for Education guidance which has shifted from recommending allowing for the identification of a “preferred and ‘contingency’ school expansion” to now include “all schools in the pupil planning area” iii) Reference to ‘greenfield’ sites in Chapter 7 is confusing and unnecessary as some open space typologies may not necessarily be classed as ‘greenfield’. Vital that revised SPD provides specific information on how the Council would seek to compensate for the loss of greenspace to facilitate housing development. When calculating open space requirements from new development, we would also request that this takes into account existing typologies, quantity and quality of open space in the area and whether it is more appropriate to upgrade these than provide new additional open space. iv) Play space/play areas are defined as a greenspace typology (in local plan policy), therefore seek reassurances that there is no double counting when this obligation is considered alongside open space. Similarly to open space, any requirement for equipped play space should take into account existing local provision and whether it may be more appropriate to upgrade existing facilities rather than provide new equipment. v) Agree that Chapter 8 Ecology needs to be updated to include the tariff-based approach to Habitats 	<p>affordable housing product, however, in accordance with the NPPF 2024, the option to deliver First Homes both through section 106 planning obligations and exception sites will remain in place. The off-site contribution calculation assumptions have been updated, including lowering of first tranche sales for shared ownership products to 35%.</p> <ul style="list-style-type: none"> ii) The Education chapter has been reviewed and updated to reflect latest available evidence and guidance. It is not considered appropriate to provide scope for reduced education contributions from affordable homes. It is also not considered appropriate to allow for ‘all schools in the pupil planning area’ to be considered, as planning areas with the city aren't necessarily representative of statutory walking distances. iii) The Greenspace chapter has been reviewed and updated to provide greater clarity on requirements across a range of development scenarios. This has included replacing ‘greenfield’ with ‘greenspace’ and provides an updated calculation for contributions in the event of development taking place on greenspace. The required amount of greenspace to be provided through new developments may be made up of a combination of greenspace types, which will be determined through the planning application process. The guidance
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	<p>Regulation Assessment (HRA) mitigation. Suggest Biodiversity Net Gain guidance is not necessary as already been provided by central government, with exception of instances where there may be local habitat banks which developers can use where off-site BNG is necessary, as well as information regarding on-site monitoring of BNG.</p> <p>vi) In a similar way to open space and equipped play space, the SPD will need to make sure there is no double counting given that sport and recreation are closely related to these other planning obligations.</p> <p>vii) Chapters 10 and 11 will need to pick up the recent changes to the NPPF which require a 'vision led' approach to assessing highways impact.</p> <p>viii) The SPD will need to reflect the updated central government viability guidance once it is released. For speed and cost-effectiveness, we would suggest that viability appraisals are assessed internally by the Council's own surveyors which would make the process much quicker. Clarification required for instances where affordable housing is secured via Homes England grant funding, as the provision of affordable housing would otherwise make the scheme unviable and as such cannot be secured through a S106 agreement. Arrangements to how viability should be assessed in these instances is needed especially given that the approach in these cases is likely to differ from how a viability appraisal for a market housing site would be undertaken.</p> <p>ix) Would support greater clarification regarding the use of Unilateral Undertakings and for the Council to provide guidance on its approach to deeds of variation.</p>	<p>acknowledges that provision may include a combination of new open space and contributions to improvement of existing open space.</p> <p>iv) The Greenspace (Open Space and Allotments) and Equipped Play Space chapters have been reviewed and updated. Clarity has been provided that these are separate requirements. The guidance acknowledges that provision will depend on the circumstances of the application.</p> <p>v) The Ecology chapter has been reviewed and updated to include the tariff-based approach to HRA mitigation. More detailed guidance regarding the delivery of Biodiversity Net Gain will be set out within the Biodiversity SPD.</p> <p>vi) The Greenspace and Sport and Recreation chapters clearly set out separate requirements.</p> <p>vii) Highways and Public Transport chapters have been reviewed and updated as appropriate, including to reflect NPPF 2024.</p> <p>viii) Chapter 1 of the draft SPD will state that the document be kept under continuous review and updated where necessary to reflect the most up-to-date policies and guidance, to assist in the delivery of the policies contained within the development plan. The Council does not have the resources to undertake viability appraisals in-house. The SPD sets out that where grant funding is provided for</p>
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		<p>affordable homes, provisions for homes to remain at an affordable price will be made. This is to ensure affordable housing is available for existing and future residents. The SPD also sets out that the council will seek to ensure that the policy compliant percentage of funds are recycled for alternative affordable housing provision within the administrative area of the council, again to ensure the city's residents' benefit. Amendments to the SPD to remove these provisions are not considered appropriate.</p> <p>ix) The Implementation chapter has been reviewed and updated. This includes any necessary guidance on Unilateral Undertakings and the modification and discharge of planning obligations.</p>
<p>Taylor Wimpey North East</p>	<p>Supports updating the SPD on the basis that if undertaken in a comprehensive and robust manner, which takes into account site viability and deliverability, then it will provide certainty for future development. However, on an individual basis the request for these planning obligations will need to ensure they meet the statutory tests and therefore not all of these obligations will be applicable to all sites. The Council also needs to explore whether in some cases, planning conditions may be able to be used instead of planning obligations.</p>	<p>The draft SPD has been prepared using the latest available evidence with respect to calculations/requirements for financial and non-financial contributions. Chapter 2 Planning obligations and the purpose of this document' has been reviewed and updated. This will continue to reference the statutory tests, whilst Figure 1 provides a summary of planning mechanisms used for mitigation against the impacts of development. Chapter 14 Approach to securing Planning Obligations and Appendix 2 'Site Viability have been updated with refreshed and more detailed viability guidance.</p>

Robert Latimer	Concerns relating to sewage in Sunderland area. Ask that no further houses are connected to any part of the Sunderland sewage system until Ofwat have made a decision following its water company investigation.	Comments are not within scope of PO SPD.
Seaham Town Council	Concerns relating to sewage in Sunderland area that also affects Seaham beaches. There should be no more connections to the existing sewage system until Ofwat has completed their investigations.	Comments are not within scope of PO SPD.

Appendix 1 – Consultation letters and emails

Scoping Report consultation letter



Date: 3 January 2025

Dear Sir/Madam

This matter is being dealt with by:
Planning Policy – planningpolicy@sunderland.gov.uk

Draft Planning Obligations Supplementary Planning Document – Scoping Report

The Council intends to review and update its existing Planning Obligations Supplementary Planning Document (PO SPD). A Draft Scoping Report has been prepared to act 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.

We are therefore consulting on a Draft Planning Obligations Supplementary Planning Document – Scoping Report. The consultation will commence on Monday 6 January 2025 and cover a four-week period, **closing at 5pm on Monday 3 February 2025**.

We welcome your views. All documentation is available to view online at www.sunderland.gov.uk/haveyoursayonplanning.

All representations should be made in writing to planningpolicy@sunderland.gov.uk or Planning Policy Team, Sunderland City Council, Sunderland City Hall, Plater Way, Sunderland, SR1 3AA.

Copies of the Scoping Report have also been made available to view at Sunderland City Hall.

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

If you have any queries relating to this consultation, please don't hesitate to contact us on the details above.

Yours faithfully

Gary Baker
Strategic and Sustainable Plans Manager
Sunderland City Council

Scoping Report consultation email

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Yours faithfully

Gary Baker
Strategic and Sustainable Plans Manager
Sunderland City Council

**Sunderland
City Council**

