



SCRUTINY COMMISSION 31 OCTOBER 2018

REVIEW OF LEICESTERSHIRE COUNTY COUNCIL'S PLANNING OBLIGATIONS POLICY – CONSULTATION DRAFT

REPORT OF CHIEF EXECUTIVE

Purpose of report

1. The purpose of this report is to seek views of the Commission on the review of the County Council's Planning Obligations Policy as part of the consultation process agreed by Cabinet on 16 October 2018.

Policy Framework and Previous Decisions

2. The current Planning Obligations Policy was adopted by the County Council on 3 December 2014. The Policy forms part of the Council's Policy Framework (Schedule 2 to Article 4.01 of the Constitution) and therefore requires approval by full Council.
3. The Scrutiny Commission considered the previous development of the Planning Obligations Policy at its meeting on 10 October 2014. The Commission at that time raised issues around the need to consider updating pupil yield rates, Section 106 (s106) review mechanisms, viability and bonds, greater transparency of s106 in planning application decision making, taking account of impact on the arts and links with Section 278 (Highways Act 1980) agreements. The Commission's views together with the views from the consultation exercise were taken into account by Cabinet at its meeting on the 19th November 2014.

Background

4. It is essential that the effects of new developments approved by the Leicestershire local planning authorities and the County Council in its Local Planning Authority role are mitigated through the provision of appropriate and necessary infrastructure, services and community facilities funded via developer contributions secured by way of s106 planning obligations. The County Council adopted its current Planning Obligations Policy in December 2014. It is necessary to keep the Policy under review in the light of changes in planning policy, good practice, the law, and market conditions. This policy review reflects the changes that have taken place over the past four years.
5. The revised draft Planning Obligations Policy is appended to this report (Appendix A) and it is this that the Commission is being asked to consider and give views on. It is similar in content and form to the current published Policy, with the general sections being followed by detailed considerations on each County Council Service area. The key changes proposed are:

- a. Education – an enhanced, detailed educational methodology and justification of the requirements for education contributions has been added, including new pupil yield rates, early years provision and transitional arrangements;
- b. Social care and health – a set of metrics have been developed to better assess the impacts that new developments may have on social infrastructure required to meet national policy requirements of sustainable development;
- c. Highways and transport – to maintain growth, provisions have been added to ensure, where appropriate, new developments will be required to mitigate any stifling effect they have on the proper and efficient operation of the transport system. Also, to encourage sustainable transport the Policy now emphasises the need to ensure, so far as possible, contributions are targeted to achieve better use of public transport;
- d. Waste management – a more integrated approach is proposed that takes into consideration the wider waste network and infrastructure requirements that new development may demand;
- e. Other proposed amendments pertain to the need to update procedure and the need for the overall approach to be consistent with the NPPF.

Consultation

6. Cabinet have agreed that an 8-week public consultation exercise be undertaken between October and December 2018. This will comprise an online questionnaire on the County Council website, available to the general public, which will be promoted through the local media. Consultation targeted at key organisations:
 - a. County Council services and other service providers;
 - b. Local planning authorities in Leicestershire;
 - c. Adjacent unitary authorities and County Councils;
 - d. The Leicester and Leicestershire Enterprise Partnership (LLEP);
 - e. Government agencies;
 - f. Business interests and representative bodies;
 - g. Developers and house builder representative bodies;
 - h. Association of Parish Councils;
 - i. Professional bodies.
7. The Commission's consideration of the Planning Obligations Policy is part of that consultation process and will be taken into account in the consideration of the final version of the Planning Obligations Policy.

Resource Implications

8. The resources for reviewing the Planning Obligations Policy will be contained within Departmental budgets. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

9. The consultation will take place over an 8 week period from October 2018 to December 2018. The outcome of the consultation exercise will be reported to Cabinet in February 2019 and if approved would be recommended for adoption by the County Council shortly thereafter.

Background papers

County Council Report 3 December 2014

<http://politics.leics.gov.uk/documents/s97636/Report%20to%20the%20Cabinet%20Appendix%20-%20Planning%20Obligations%20Policy.pdf>

Cabinet Report 19 November 2014

<http://politics.leics.gov.uk/documents/s97275/14%20Planning%20Obligations%20Policy.pdf>

Cabinet Report 16 October 2018

<http://politics.leics.gov.uk/documents/s141235/Review%20of%20LCCs%20Planning%20Obligations%20Policy%20Consultation%20Draft.pdf>

Circulation under the Local Issues Alert Procedure

10. None

Equality and Human Rights Implications

11. Developer Contributions support the County Council's efforts to develop its services to all sectors of the community.
12. The securing of necessary funding from developer contributions for various local infrastructure and services has benefits for all sections of the community and developer contributions seek to mitigate any disadvantages arising from the impacts of new development.

Appendices

Appendix A Draft Planning Obligations Policy October 2018

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