



SCRUTINY COMMISSION – 12TH JUNE 2019

DRAFT PLANNING OBLIGATIONS POLICY

REPORT OF THE CHIEF EXECUTIVE

Purpose of Report

1. To advise members of progress on the review of the County Council's planning policy for developer contributions towards County-wide services and infrastructure and to afford the opportunity for the Scrutiny Commission to comment on the revised policy as part of the consultation process.

Policy Framework and Previous Decisions

2. The current developer contributions policy – *The Leicestershire Planning Obligations Policy (LPOP)* - was adopted by the County Council on 3rd December 2014. The LPOP was prepared in conjunction/consultation with a number of key stakeholders and partners including the District Planning Authorities (DPAs).
3. On 18th October 2018 the Cabinet approved the circulation of a new draft policy on developer contributions for consultation.

Background

4. It is essential that the impacts of new development are mitigated through the provision of appropriate and necessary infrastructure, services and community facilities and they are secured/funded from appropriate developer contributions.
5. The current policy requires an update and refresh in light of the changes to the planning system, experience in operating the Community Infrastructure Levy (CIL) legal compliance tests and other changes.

Consultation

6. Consultation has been carried out with stakeholders including the District/Borough Councils, Parish Councils, other service providers, representatives of the development industry and house builders originally between 15th November 2018 and 10th January 2019 and was subsequently extended until 31st January 2019 to allow further time for consultees to respond.
7. The draft Leicestershire Planning Obligations Policy is similar in content and form to its current developer contributions policy, with the general sections being followed by detailed considerations on each County Council Service area. The key changes are:

- a. Education – an enhanced, detailed educational methodology and justification of the requirements for education contributions including new pupils yield rates, early years provision and revised transitional arrangements;
- b. Social care and health - an enhanced social care and health statement;
- c. Economic growth - revised to reflect the County Council's priority for growing the economy, for example, contributions may be sought for skills training, apprenticeships and land/buildings for employment use;
- d. Highways and transport – to maintain growth, provisions have been added to ensure, where appropriate, new developments will be required to mitigate the 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;
- e. Waste management – a more integrated approach is proposed that takes into consideration the wider waste network and infrastructure requirements that new development may demand;
- f. Other proposed amendments to link to the new Leicester and Leicestershire Strategic Growth Plan and the need to be consistent with the NPPF 2019.

Community Infrastructure Levy (CIL)

8. The policy recognises the potential implications for the County Council if a Community Infrastructure Levy (CIL) is introduced across Leicestershire. It explains how the County Council will have to play a key role in identifying the infrastructure which will be required through development plan preparation; the level of CIL that could be available to the infrastructure and the mechanism by which the CIL will be made available to meet those infrastructure requirements. The government now propose to lift the pooling restriction on pooled contributions whilst simultaneously acknowledging CIL remains and government propose measures to incentivise the uptake of CIL. The details of those measure are still awaited.
9. Regardless of whether or not CIL is introduced in any part of the county, S106 will continue to play a significant role in the foreseeable future and this document acknowledges that role.

Local Plan Policies and Obligations

10. In preparing local plans, each District Planning Authority will need to address in their plans their approach to planning obligations. Along with the infrastructure schedule that should accompany local plans, they will typically set out policies on how developer contributions and the delivering of infrastructure will be achieved. The revised policy would assist DPAs in developing those approaches.
11. It is essential that the cost of infrastructure and community facilities arising from new development (both major schemes and the accumulative impact of smaller schemes) be secured from the appropriate developer contributions. This is a valid and

important source of funds towards the essential service provision of the County Council.

Timetable for Decisions

12. Responses to the public consultation which ended on 31st January 2019 will be reported to the Cabinet on 25th June 2019. Relevant comments will be taken into account in the final document prior to its approval.

Resource Implications

13. The legal framework for planning obligations provides the opportunity to secure significant contributions towards County Council services and infrastructure, both at present and in the future. It provides the means by which the additional impacts and demands arising from new development can contribute to its funding through the planning process. These can be provided in the form of financial payments and/or direct infrastructure facilities.
14. Any changes to the regime for developer contributions, including the S106 process, will have important consequences for the approach by which the County Council can ensure that it receives appropriate funding towards its services and infrastructure.
15. The Director of Corporate Resources has been consulted on the resources implications of this report.

Background Papers

Cabinet Report of 18th October 2018 - Leicestershire County Council Planning Obligations Policy Consultation Draft.

Circulation under the Local Issues Alert Procedure

None.

Appendices

Appendix – The Leicestershire Planning Obligations Policy – Revised Draft

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Equality and Human Rights Implications

An equality and human rights impact assessment screening was undertaken which identified that the policy would have a neutral impact on equalities and human rights.

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