



SCRUTINY COMMISSION – 9 OCTOBER 2014

**LEICESTERSHIRE COUNTY COUNCIL PLANNING OBLIGATIONS POLICY
CONSULTATION DRAFT**

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 Statement of Requirements for Developer Contributions in Leicestershire (SRDCL)* - was adopted by the County Council on 6th December 2006. The SRDCL was prepared in conjunction/consultation with a number of key stakeholders and partners including the District Planning Authorities (DPAs). An interim review of the SRDCL took place in December 2007 to make minor modifications to some of the contribution rates. This did not require a full review of the policy at the time.
3. On 17th June 2014 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 27th June 2014 and 8th August 2014 but was subsequently extended until 7th October 2014 to allow further time for primarily District and Parish Councils 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:
- Education – an enhanced, detailed educational methodology and justification of the requirements for education contributions including special needs education and transitional arrangements;
 - Social care & health:- an enhance social care and health which needs further work;
 - Economic growth: - introduced for the first time to reflect the County Council's priority for growing the economy (e.g. contributions will be sought for skills training, apprenticeships and land/buildings for employment use. This may overlap with District requests;
 - Sustainable Urban Drainage:- Reference to Sustainable Urban Drainage has been included pending changes in legislation that will make the County Council the authorising body for these schemes;
 - Libraries - contributions reflect the County Council's proposals which may limit contributions to the main libraries as opposed to the nearest one although the proposed policy leaves this element open for the purposes of consultation;
 - Highways & Transportation, Civic Amenity/Waste Management and Sports and Recreation - no significant changes to the approach or methodology of these service areas other than updates of format and some of the contribution rates e.g. civic amenity and for transportation bus shelters;
 - Cost recovery:- proposed to be increased from 0.5% to 3% of the level of contributions to cover monitoring costs;
 - The remaining document updates procedure and the overall approach to planning obligations and S106.

Community Infrastructure Levy (CIL)

8. The new policy considers possible implications for the County Council if a 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. Regardless of whether or not CIL is introduced in any part of the county, Section 106 will continue to play a role in the foreseeable future and this draft document acknowledges that role.

Local Plan Policies and Obligations

9. 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 should set out clear policies on how

developer contributions and the delivering of infrastructure will be achieved. The revised policy would assist DPAs in developing those approaches.

10. 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 (both financial and 'works in kind') towards the essential service provision of the County Council.

Timetable for Decisions

11. A response to the public consultation ending on 7 October 2014 will form part of the review and be reported to the Cabinet in November 2014. Relevant comments will be taken into account in the final document prior to its approval.

Resource Implications

12. 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.
13. 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.
14. The Director of Corporate Resources has been consulted on the resources implications of this report.

Background Papers

Cabinet Report of 17th June - Leicestershire County Council Planning Obligations Policy Consultation Draft.

Circulation under the Local Issues Alert Procedure

None.

Appendices

Appendix 1 – The Leicestershire Planning Obligations Policy – Draft for Consultation

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Equality and Human Rights Implications

There are no equality and human rights implications arising from this report.