



Prosperous Communities

6 June 2017

**Subject:** Planning Obligations (s.106) Update – Process and Monitoring

Report by:

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Contact Officer:

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Purpose / Summary:

Members of the Prosperous Communities Committee requested an update in relation to planning obligations, often known as s.106 agreements to promote a better understanding of the process and to recognise when and how monies may be requested and used.

**RECOMMENDATIONS:** That members;

1. This report is for information only. Members are therefore asked to note the contents of the report

**IMPLICATIONS**

**Legal:** This report is for information only and therefore has no legal implications

**Financial : fin ref 18/18**This report is for information only and therefore has no legal implications

**Staffing :** This report is for information only and therefore has no staffing implications

**Equality and Diversity including Human Rights :** n/a

**Risk Assessment :** n/a

**Climate Related Risks and Opportunities :** none

**Title and Location of any Background Papers used in the preparation of this report:**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**No**

**1.0 Background**

1.1 The position of Developer Contributions Officer was recruited to in July 2016 in response to demand for a dedicated resource. The previous post responsible for planning obligations had been deleted as part of a restructure.

**2.0 Purpose of Planning Obligations**

2.1 Planning obligations are required when it is considered that a development will have significant impacts on the local area that cannot be moderated by means of conditions attached to a planning decision.

2.2 For example, a new residential development can place extra pressure on the social, physical and economic infrastructure which already exists in a certain area. A Planning obligation will aim to balance the pressure created by the new development with improvements to the

surrounding area ensuring that where possible the development would make a positive contribution to the local area and community.

- 2.3 A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 2.4 The Central Lincolnshire Local Plan provides the policy context for West Lindsey in determining likely planning obligations for developments in the district. The obligations required will vary depending on the nature of the development and based on the needs of the District. The most common obligations West Lindsey have include:
- Affordable Housing
  - Education
  - Highways
  - Health
  - Public Open Space

### **3.0 Current Position in West Lindsey**

- 3.1 Since appointment, focus has been very much on preparation for the CIL examination and potential implementation. As well as developing links with the planning team to establish effective working practices to deal with current workload demands.
- 3.2 From the information that is held it can be confirmed that the authority has collected £840,409 in offsite contributions for affordable housing within the last 3yrs. This money can only be spent on the provision of affordable housing in the District of West Lindsey.
- 3.3 As stated above other contributions usually requested in historic s.106 are for highways and education which are monitored and paid directly to Lincolnshire County Council and those for the NHS which West Lindsey District Council collect put pass directly to the NHS to monitor and spend.
- 3.4 There has been no formal monitoring of the provision of public open space for many years due to the resource implications this would have on the Council. However, once the monitoring officer post has been established this will fall within their remit to monitoring and record provision.

## **4.0 Future**

- 4.1 In the short term the introduction of CIL remains a priority as well as advising the planning team on viability and supporting negotiations of current planning obligations.
- 4.2 It is accepted that there are a number of opportunities to enhance the Council's approach to monitoring and publicising information in relation planning obligations is key.
- 4.3 In order to implement any changes it will first be necessary to rationalise and collate where possible all current and historic planning obligation agreements into a single list. GCLT recently approved the recruitment of a monitoring officer who will be available to assist with elements of this review and reconciliation of this data. It is however anticipated that this exercise will take a number of months due other work priorities for this post.
- 4.4 Once this work has been undertaken and the new IT system has been implemented, planning obligations will be integrated into the planning process. This will provide an auditable central area for recording and monitoring and enable agreements to be publicised once completed and during negotiations. These changes will give greater transparency on future agreements for both members and the public.
- 4.5 Despite this, there still remains a longer term question around resources for reporting and monitoring both in relation to planning obligations but also the implementation of the Local Plan and the delivery of growth. This is something that will need to be considered strategically in the wider context of Development Management and will not be dealt with as part of this report.
- 4.6 Finally, training has been planned this year for members in planning obligations. This will look at the legislative framework, viability across the district and will also provide an opportunity for members to present their 'frequently asked questions' on planning obligations with a view to influencing future process and procedures.