

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

24 April 2012

Report of the Strategic Director – Environmental Services

**INFRASTRUCTURE PLANNING AND DEVELOPER
CONTRIBUTIONS (REGENERATION)**

(1) **Purpose of the Report** To seek Cabinet approval for publication of the Derbyshire Infrastructure Plan and Developer Contributions' Protocol.

(2) **Information and Analysis** Members will recall that the draft Derbyshire Infrastructure Plan and Developer Contributions' Protocol were approved for consultation on 10 January 2012 (minute number 07/12). This report updates Members on the result of the consultation and recommends changes to both documents, where considered appropriate. Both revised documents are on the County Council's website at www.derbyshire.gov.uk/council/meetings_decisions/meetings/cabinet_meetings/default.asp.

The effective and timely delivery of infrastructure is necessary to support growth and development and the creation of sustainable communities. For the purposes of this work, 'infrastructure' includes transport, physical, green and social facilities and services, and mitigation measures.

As well as funding infrastructure via mainstream public funding, infrastructure can also be delivered through the planning system using a range of mechanisms including conditions on planning permissions, planning obligations (Section 106 Agreements), and Community Infrastructure Levy (CIL). The Derbyshire Infrastructure Plan and Developer Contributions' Protocol have been prepared to help identify potential funding opportunities and coordinate the timely and effective delivery of strategic infrastructure.

The Developer Contributions' Protocol is a process document relating specifically to conditions attached to planning permissions and Section 106 Agreements. It provides guidance to County Council departments, Local Planning Authorities (LPAs), the development industry and other partners on the County Council's role in securing developer contributions.

The Protocol takes each service delivered by the County Council and sets out when contributions may be required, how much money the County Council expects developers to contribute and what contributions will be spent on. The figures in the Protocol are indicative only, and will be used as a starting point for negotiations on a case-by-case basis.

The Derbyshire Infrastructure Plan focuses on services delivered by the County Council. The Plan sets out a county-wide Vision of future growth and development, drawn from Local Plans. It complements and informs Local Plans, local Infrastructure Delivery Plans and CIL Charging Schedules being prepared by LPAs. The Plan provides a strategic overview and crucial evidence of the strategic infrastructure required to support growth over the next 15-20 years. These 'Strategic Priority Projects' include:

- Roll-out of superfast broadband across Derbyshire.
- Highway maintenance and improvements, and new roads.
- Improvements to public transport, and new facilities and services.
- Provision of additional Household Waste Recycling Centre capacity.
- Countryside services and improvements to the Greenway network.
- Habitat enhancement and Local Biodiversity Action Plan projects.
- Delivery of the Derwent Valley Mills World Heritage Site Management Plan.
- Protecting and enhancing Derbyshire's heritage and historic environment.
- Development of a study and landscape strategy for the Trent Valley.
- Improvements to existing libraries, and new libraries.
- Expansion of existing primary and secondary schools, and new schools.
- Delivery of Adult Care and Wellbeing services and facilities.

The Plan and Protocol have been prepared in partnership with District and Borough Councils and the Peak District National Park Authority, and key infrastructure providers such as the National Health Services, Derbyshire Fire and Rescue Service and utility companies. In January 2012, Cabinet approved both documents for public consultation from 17 January – 13 March 2012. The main points raised in response to the consultation are set out at Appendix A.

The key changes to the Infrastructure Protocol to reflect the consultation responses are:

- Clarification of the relationship between CIL and Section 106.
- Clarification of the thresholds for when contributions will be sought.
- More emphasis that the cost figures are a starting point for negotiation.
- Inclusion of an example condition on fibre optic cabling (for broadband).
- Inclusion of an example condition on water mains (for sprinkler systems).

The key changes to the Plan to reflect the consultation responses are:

- Revised Executive Summary that clarifies the purpose of the Plan, the County Council's approach to CIL, and monitoring arrangements.
- A shorter introduction with more focus on the purpose and scope of the Plan rather than national policy, legislation, and methodology.
- An updated vision to accurately reflect plans for growth set out in Local Plans and provide clarity on the status of the East Midlands Regional Plan and local housing targets.
- Amendments to the spatial portrait to correct text on the National Forest and provide a clearer narrative on the Derbyshire economy.
- Minor technical amendments to the Infrastructure and Services section.
- A stronger introduction to the delivery schedules, including potential funding sources and how the Strategic Priority Projects have been identified.
- Refined list of Strategic Priority Projects, including removal of projects not underpinned by evidence and prioritisation of projects by district.
- Minor technical amendments to the Appendices.

Successful implementation of the Plan and Protocol is dependent on the support of County Council departments and LPAs. It is hoped that following publication, LPAs will integrate the Protocol into their existing planning processes and reflect the Infrastructure Plan in their own Local Plans, Infrastructure Delivery Plans and CIL.

Monitoring and Review

Once published, the County Council will use the Protocol to co-ordinate assessments of and negotiation on planning applications. County Council officers will facilitate communication between parties involved in the process. They will also monitor, track progress on and report the County Council's success in securing developer contributions and prepare an annual report to the County Council's Cabinet. The Protocol will be kept under review and, when necessary (subject to approval by the County Council's Cabinet), re-issued to reflect current spending priorities and infrastructure delivery costs.

As revised Local Plans (Core Strategies) emerge, proposals for the scale and location of growth and development may change. The County Council's own priorities, service plans and programmes will also change over time. Therefore, the Plan will be regularly reviewed. Where changes to key elements of the Plan are proposed (such as the vision and the Strategic Priority Projects) approval from the County Council's Cabinet will be sought each year. LPAs and other partners will be engaged in this process. The Plan will also be regularly reviewed by County Council officers to ensure that information of a technical or evidential nature is up to date. For example, information on current school capacities and pupil roll numbers will be updated

every April. LPAs and other partners will be notified of any minor (technical) revisions of this nature.

(3) **Financial Considerations** This work will help the County Council maximise funds towards the cost of delivering infrastructure and services. The level of funding will vary across the County and will depend on successful implementation of the Developer Contributions' Protocol and Derbyshire Infrastructure Plan. 2012/13 financial year will be used as a baseline against which anticipated future contributions to Infrastructure development across the County can be assessed.

(4) **Human Resources Considerations** As previously noted by Cabinet, CIL will demand new skills in councils and the Government has committed to work with councils to ensure smooth implementation of CIL. Free advice is provided to councils via the Planning Advisory Service on CIL and infrastructure planning. The County Council is supporting local councils with CIL.

(5) **Environmental and Health Considerations** The scope of this work includes a wide range of transport, physical, social and green infrastructure. The work will encourage the delivery of more acceptable development proposals through the provision of, for example, health and community facilities, flood defences, and parks and green spaces.

(6) **Property Considerations** The 'Changing the Way Derbyshire Works' programme is reflected in the draft Plan. The Director of Property is also offering expert advice to LPAs on viability and developer contributions.

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity and transport considerations.

(7) **Key Decision** No.

(8) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(9) **Background Papers** Held on the Developer Contributions file by the Planning Services Manager. Officer contact details – Harriet Fisher, extension 39551.

(10) **OFFICER'S RECOMMENDATIONS** That Cabinet:

10.1 Approves the Derbyshire Infrastructure Plan and Developer Contributions' Protocol for publication.

- 10.2 Notes the intention to keep the Plan under review and to bring annual reports to Cabinet setting out any key policy changes to the Derbyshire Infrastructure Plan vision and Strategic Priority Projects.
- 10.3 Authorises the Strategic Director – Environmental Services to make non-policy technical changes to the Derbyshire Infrastructure Plan, when required.
- 10.4 Notes the intention to bring annual reports to Cabinet setting out income and expenditure relating to developer contributions, as per the Developer Contributions' Protocol.

Ian Stephenson
Strategic Director – Environmental Services

Appendix A

Summary of Consultation Responses

The main points raised in response to consultation on the draft Developer Contributions' Protocol were:

- General support, in principle, for the Protocol as a good example of partnership working and the Duty to Cooperate.
- Welcome the clarity and transparency the Protocol provides regarding the process for securing developer contributions.
- Support for a coordinator/single point of contact within the County Council.
- Viability is marginal in some parts of the County and therefore it will not always be possible to secure funding for all services identified in the Protocol through developer contributions.
- The methodology developed by Corporate Resources (Property Services) for assessing viability could be useful for assessing planning applications.
- There should be a requirement for fibre optic cabling to be incorporated into new residential development to support superfast broadband.
- There should be a requirement for 32mm water mains to be incorporated into new residential development to enable domestic sprinkler systems.

The main points raised in response to consultation on the draft Derbyshire Infrastructure Plan were:

- General support, in principle, for the Plan as a good example of partnership working and the Duty to Cooperate.
- Welcome the Plan as it brings together evidence on strategic infrastructure to complement and inform Local Plans and CIL.
- The purpose and scope of the Plan should be clearer and the spending priorities should be drawn out more explicitly.
- The impending revocation of the East Midland Regional Plan and the review of local housing targets currently underway should be more explicit.
- The County Council's expectations of CIL should be made clearer.
- The status of CIL as a 'gap funding' mechanism, once other mainstream sources of funding have been exhausted, should be made clearer.
- The methodology developed by Corporate Resources (Property Services) for assessing viability could be useful for calculating CIL.
- Some respondents felt that the definition of infrastructure is too wide and that green infrastructure should not be included. However, statutory bodies (such as the Environment Agency) support the wide definition.
- Comments relating to the inclusion or exclusion of specific projects.
- Minor amendments suggested and updated information provided on transport; broadband; waste; public rights of way; landscape character; historic environment and heritage assets; health services; sport provision; the National Forest; canals; fire and rescue; and water.