

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

3 December 2013

Report of the Acting Strategic Director - Environmental Services

**DEVELOPER CONTRIBUTIONS MONITORING (JOBS, ECONOMY
AND TRANSPORT)**

(1) **Purpose of the Report** To present to Cabinet an annual report on the Developer Contributions Protocol.

(2) **Information and Analysis** Infrastructure planning is critical to ensuring the timely provision of strategic infrastructure and services that will enable economic growth to take place across Derbyshire and assist in the delivery of sustainable development.

Cabinet approved the Derbyshire Infrastructure Plan (DIP) and Developer Contributions Protocol (DCP) on 24 April 2012 (Minute No. 126/12 refers). Following a 6 week public consultation from 6 August to 15 September 2013, Cabinet approved updated versions of the documents on 12 November 2013 (Minute No. 305/13 refers.)

Together, the DIP and the DCP help to coordinate infrastructure planning across Derbyshire. The County Council responds to pre-application enquiries and planning application consultations from Local Planning Authorities (LPAs) for residential development of 10 dwellings or more. The DCP sets out how the County Council responds to these consultations in order to secure developer contributions towards strategic infrastructure and service provision, such as household waste recycling centres, broadband, highways, Public Rights of Way and green infrastructure, libraries and additional school places.

Financial Year 2012/13

In the last financial year 2012/13, the County Council responded to 71 planning applications for major residential development. As a result of the County Council's requests for financial contributions and on-site improvements under the DCP, 12 of these applications were granted planning permission with obligations to make contributions towards County Council services, via Section 106 of the Town and Country Planning Act 1990.

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The secured contributions total **£705,759.57** as follows:

- £615.57 towards additional waste management capacity;
- £18,360 towards library services;
- £686,784 towards additional school places.

These contributions have not yet been passed to the County Council. This is because the permissions have not yet been implemented so the trigger points in the Section 106 Agreements have not been reached.

In addition, negotiation with the applicant in two cases resulted in amendments to the design of the development to enable the on-site provision of Public Rights of Way (footpaths). Through an advisory note attached to planning permissions, LPAs have advised developers on how to design their development schemes and work with British Telecom (BT) to support the delivery of Digital Derbyshire.

For highways and transport, the Highway Authority has secured £1,024,000 plus £108,000 in fees towards transport and highway works via Section 38 and Section 278 Agreements.

Of the remaining applications, 3 were for a time limited extension with no opportunity to renegotiate developer contributions, 14 were refused planning permission, a further 10 were withdrawn by the applicants and 16 applications are still to be determined by the LPA.

Sixteen of the 71 applications were granted planning permission but with no developer contributions towards County Council services. In these cases, no contributions were secured because, despite the requests, the relevant LPAs in these cases concluded that planning permission could be granted without securing the contributions requested by the County Council.

Financial Year 2013/14

In the first six months of the current financial year (April to September 2013), the County Council has responded to 56 planning applications for major residential development. Four of these applications have been granted planning permission with planning obligations totalling **£194,000** towards additional school places, secured via Section 106 of the Town and Country Planning Act 1990.

Of the remaining applications, 8 have been refused planning permission, 2 have been withdrawn by the applicants and 32 applications are still to be determined by the LPA. Ten applications have been granted planning permission but with no developer contributions towards County Council services.

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The developer contributions secured to date by the County Council appears disappointing initially as it falls short of the amount requested. However, overall, the DCP has resulted in a marked change in the way that LPAs consult the County Council on proposed development and the consideration they give to the impact of development on County Council services.

LPAs are now actively engaging the County Council in pre-application discussions and meetings on major development sites, and sending planning application consultations directly to the Principal Planner - Developer Contributions (as a central point of contact) for comment. This is evident in the increased number of applications received for comment during the first 6 months of this year (56) compared to the number received in the whole of last year (71).

Just over a third of the applications are not yet determined and include those for major housing development where large levels of contributions have been requested towards providing essential strategic infrastructure and services. In addition, there are early signs of economic recovery that should result in improved viability of schemes, with more scope to secure the financial contributions required.

There is an improved understanding within LPAs of the requirement for on-going investment in strategic infrastructure and an appetite to ensure that new development contributes positively towards the delivery of infrastructure and services. The Strategic Priority Projects and County Council's service provision requirements that are identified in the DIP and DCP are beginning to be included in local policy, including, for example, the recently adopted Erewash Core Strategy. It is planned to hold sessions with LPAs to seek improved implementation of the DCP.

The refresh of the DIP and DCP has resulted in a strengthening of the evidence relating to strategic infrastructure and services. The County Council must continue to provide robust up-to-date evidence on current and future requirements for infrastructure investment. This on-going work will ensure that future requests for developer contributions comply with the requirements of the Community Infrastructure Levy Regulations in that they are fair and transparent, and do not undermine the viability and delivery of proposed development. This work will help LPAs to balance competing strategic priorities with their own local priorities and the need to ensure that development remains both viable and sustainable.

The provision of up-to-date information will also support the preparation of LPAs' Local Plans/Core Strategies and Community Infrastructure Levies, and will inform

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the work of the Derby, Derbyshire, Nottingham and Nottinghamshire (D2N2) and Sheffield City Region Local Enterprise Partnerships.

The DCP is encouraging further joined-up working between County Council departments on monitoring the County Council's requests for and receipt and spend of contributions via Section 106 planning obligations. A monitoring report on developer contributions will be taken each year to Cabinet.

(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 DIP and DCP.

(4) **Legal Considerations** The recommendations in this report are made in the context of the County Council's full range of statutory responsibilities and services.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

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

(7) **Background Papers** Held on the Developer Contributions file by the Planning Services Manager. Officer Contact details – Harriet Fisher, extension 39551. The link below provides access to the DIP and DCP:
http://www.derbyshire.gov.uk/environment/planning/planning_policy/infrastructure_planning/default.asp

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

8.1 Notes the County Council's progress on securing developer contributions for investment in strategic infrastructure and services.

8.2 Supports the introduction of a corporate system to monitor requests for developer contributions, the amount received and their use.

Mike Ashworth
Acting Strategic Director – Environmental Services