

7 September 2021**Agenda Item: 5****REPORT OF CORPORATE DIRECTOR, PLACE****DEVELOPER CONTRIBUTIONS STRATEGY****Purpose of the Report**

1. To approve the revised Developer Contributions Strategy in replacement of the existing Planning Obligations Strategy for public consultation prior to formal adoption.

Information

2. The County Council is a leading provider of infrastructure to support future growth and investment in Nottinghamshire, particularly in terms of transport and education. As part of this role, the County Council seeks to secure funding from housing developers which is necessary to mitigate the impact of their development on local infrastructure. This is achieved either through a planning obligation (Section 106 Agreement) or the Community Infrastructure Levy and is required by the Local Planning Authority. In order to secure this funding, the County Council will make comments on planning applications in the context of an approved Strategy.
3. NCC has an adopted Planning Obligations Strategy (POS) which sets out the scope and range of planning obligations which the County Council may seek towards infrastructure provision when consulted on planning applications. The purpose of the Strategy is to inform prospective developers of the potential infrastructure requirements associated with new development and to assist the Local Planning Authorities in the determination of planning applications. It should be noted that where financial contributions are sought by the Council, they are sought only as a contribution towards infrastructure delivery, proportionate to each development, and are not intended to meet the full cost of the new provision.
4. Over recent years, the Council has secured planning obligations to deliver major infrastructure projects. The projects have included the construction of new schools such as the Flying High Academy in Hucknall and the Rosecliffe Spencer Academy in Edwalton, as well as the relocation and expansion of schools such as the Hawthorne Primary School in Bestwood and the Christ Church Primary School at Middlebeck, Newark. Planning obligations have also supported the delivery of small-scale infrastructure such as additional classrooms at existing schools, integrated transport measures such as improved bus stops and pedestrian facilities connected to new housing developments, as well as increased book stocks at local libraries.
5. The last version of the POS was adopted in 2018 and much has changed since this time both in terms of government guidance and best practice with respect to securing and expending developer contributions. Now is an opportune time to publish a revised and retitled 'Developer Contributions Strategy' (DCS) setting out how the County Council's Services will approach infrastructure delivery with respect to new development over the coming years.

6. The revised DCS which is appended to this report, promotes a transparent approach to developer contributions by providing a more comprehensive and up-to-date account of the County Council's expectations and potential requirements when responding to planning application consultations and when dealing with planning obligations. It includes new content relating to key service areas, such as education and transport, to ensure that NCC has the framework in place to secure the necessary infrastructure to support sustainable growth. It also places greater emphasis on the type of projects that contributions will fund, to give Local Planning Authorities the confidence that their developers are making a valuable contribution. The key changes are summarised below.

Education

7. Following the publication of new guidance from the DfE (*Securing Developer Contributions for Education 2019*) and the removal of Regulation 123 of the CIL Regulations (which affords local authorities more flexibility in how contributions can be spent), the DCS provides an updated approach to securing and expending contributions, including:
 - a. A methodology for collecting contributions for special educational needs and disabilities and sixth form places commensurate with the pupil demand arising from new housing.
 - b. Detailed requirements for new schools where they are provided as part of major development sites, including land size and specification, pre-school requirements etc.
 - c. Other technical updates regarding the forecasting method used to assesses the need for contributions; the type of projects that contributions will fund; the point at which payment is triggered; and the length of time for which contributions should be held, are also included.

Transport

8. The DCS provides a more comprehensive description of the Council's approach to securing improvements to all modes of travel with particular emphasis on: Highways, Public Rights of Way (PROW), Public Transport and Travel Plans. The detailed approach to Public Transport is taken from the Council's existing Public Transport Guidance for Prospective Developers. The DCS also provides further details on the role of planning conditions in transport provision and how they are used instead of / alongside planning obligations.

Social Care for Adults and Children/Young People

9. The DCS includes a new chapter covering social care matters. Although there is no threshold under which the Council will seek planning obligations towards social care infrastructure, there may be circumstances in which the Council will engage with applicants through the planning process regarding the design of dwellings and the potential to include extra care housing or supported living accommodation for care leaver within development schemes, for example as part of the social housing allocation.

Other Services

10. The DCS retains information on how and when the Council will seek contributions towards Libraries, Waste Management (recycling centres) and Green Spaces, and only minor updates have been applied. The DCS also retains information on the developer contributions which may be necessary to mitigate the impact of mineral and waste development. Content relating to Archaeology has been removed as the County Council does not provide advice on such matters to the Local Planning Authorities.

11. It is proposed that the DCS will be subject to a 4-week consultation from Monday 13th September to Monday 11th October 2021. The consultation will invite the Local Planning Authorities (District / Borough Councils), developers and others with an interest to comment on the content. It is proposed to use the online NCC Consultation Hub to host the consultation. Following the consultation, the comments will be reviewed and reported to ED&AM Committee together with a final version of the DCS (taking account of comments) for endorsement prior to submission to Policy Committee for formal adoption as council policy.

Other Options Considered

12. Do not update the Planning Obligations Strategy. This would reduce the Council's ability to obtain contributions towards its services from new development.

Reason for Recommendations

13. In order to seek the Committee's views on the revised Developer Contributions Strategy prior to public consultation in September.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

- 1) That the Committee approves the revised Developer Contributions Strategy as contained in Appendix 1 to this report as a draft for consultation purposes, prior to formal adoption as council policy to replace the existing Planning Obligations Strategy.
- 2) That the Committee delegates approval of final design work on the Draft Developer Contributions Strategy and the making of any minor amendments necessary to the Corporate Director, Place.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact: William Lawrence, Developer Contributions Practitioner, Tel 0115 804 2738

Constitutional Comments (SG 30/06/2021)

15. This decision falls within the Terms of Reference of the Economic Development and Asset Management Committee.

Financial Comments (RWK 05/08/2021)

16. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- [NCC Planning Obligations Strategy, January 2021](#)
- [NCC Public Transport Planning Obligation Funding Guidance, February 2021](#)
- [DfE Securing Developer Contributions for Education, November 2019](#)

Electoral Division(s) and Member(s) Affected

- All.