



Report

meeting	Council	
date	29 th March 2007	agenda item number

Report of the Leader and the Portfolio Holder for Environment

Planning Contributions Strategy – second consultation responses and final Strategy

Purpose of the Report

1. To provide an overview of the second round of consultation responses and to request the approval of Council for the final Planning Contributions Strategy (appended to this report).

Introduction and Background

2. Further to two reports which were taken to Cabinet on 12th October 2005 and 26th July 2006, two rounds of consultation on the draft Planning Contributions Strategy have been undertaken. The first consultation was between 23rd November 2005 and 20th January 2006 (the results were reported to Cabinet on 26th July 2006). The second consultation ran from 25th August to 20th October 2006. In this second consultation, a total of 99 organisations and individuals were consulted including the District Councils, the City Council, GOEM, East Midlands Regional Assembly, English Nature, the Countryside Agency, the Environment Agency and Nottinghamshire Wildlife Trust, together with Councils in neighbouring Counties, other relevant national and regional bodies and organisations, developers, interest groups and the general public.
3. On 7th February 2007, the results of this consultation were reported to Cabinet together with the proposed final Planning Contributions Strategy, as appended to this report. Cabinet endorsed the proposed final Strategy and it is therefore brought to Council for approval.

Consultation responses

4. The draft Planning Contributions Strategy generated a number of responses. The key issues are set out below. Encouragingly, as was found with the first consultation, there was general support for the intentions of the document; however, a number of areas of concern, clarification and further information were identified. There was also support expressed by some of the respondents who were involved in the first consultation, for the amendments incorporated within this consultation draft of the Strategy. (A full breakdown of

representations made is appended to this report. This table also indicates the response to each of the representations made and actions to be undertaken.)

5. Representations were received from 18 organisations and individuals to the second consultation draft and the results are set out below.
6. The key issues raised by the consultees can be summarised as follows:
 - support for amendments to previous draft, including a contents page and glossary;
 - benefit of providing certainty;
 - districts need a high level of support at the pre-application and application stages;
 - concern that the document mixes county and district matters which may be confusing;
 - thresholds established in the tables are considered to be too low by some and too high by others;
 - there needs to be a clear link between the development and the contribution sought;
 - concern that in relation to archaeology and natural heritage that conditions are more appropriate;
 - a number of concerns are raised in relation to education contributions and the calculation of the figures quoted;
 - concern raised regarding the use of transport monies in relation to the proposed development;
 - the role of the district council as determining planning authority for most planning applications is unclear; and
 - it needs to reflect the most up to date guidance.
7. A few issues were raised relating to more detailed district planning matters which were not appropriate for inclusion in this County Council Strategy as Nottinghamshire County Council has no control over them.
8. A number of the comments raised at this stage are considered to already be adequately addressed in the Strategy and references to the relevant sections are made in the “NCC Response and Action” column of the schedule of representations. A copy of this schedule has been circulated to all respondents for information.
9. The main areas of revision to the Strategy have been as follows:
 - additional paragraph inserted into section 6 “When Will Planning Contributions Be Used?” to further explain the role of the district councils and Nottinghamshire County Council in the process;
 - significant re-writing of the Education table to clarify how the figures are derived and how they will be applied;
 - general updating to reflect the most recent guidance.
10. One of the issues raised in the consultation process relates to the need for Nottinghamshire County Council to support district councils through the planning process from the pre-application to the appeal stage, where appropriate. This is a very important matter and it has been indicated in the

schedule of responses to the representations that this support will be committed to. However, this Strategy is intended to provide guidance to developers and the general public as well as district councils and as such it is not considered appropriate to include reference to this commitment in the Strategy. It is instead proposed that the districts and Nottinghamshire County Council work together to draw up a protocol of working arrangements for securing planning contributions. A high level of commitment to support districts through the process is essential to ensure developers understand why contributions are necessary and therefore being sought.

The Next Stage

11. This report is being brought before Council to seek approval for the final Planning Contributions Strategy. If approved, this Strategy will be used across the Authority in negotiations with developers (often through the district council) in seeking planning contributions for functions undertaken, and advice given, by Nottinghamshire County Council. Whilst the Strategy does not have a statutory status, it can be a material consideration in the determination of planning applications.
12. In order to ensure that the document is kept as up to date as possible, it will be necessary to revise certain elements of it on an annual basis, for example, in the Education table, the DfES figures used are updated every April. This report is also seeking Council's approval for powers to be delegated to the Service Director for Communities (Planning and Sustainability), in consultation with the Leader and Portfolio Holder for Environment, to approve updates to the document when new government figures are published (upon which our contributions rely) and also updates in relation to new guidance to which reference should be made, but which does not materially change the Strategy.
13. It will be important to keep the whole document as up to date as possible; however, any substantial changes not outlined above, would be consulted upon and brought back to Council for approval. This will ensure that the Strategy remains relevant and useful in the seeking of planning contributions.

The Future

14. It is intended that, following appropriate consultation, together with Council approval, this Strategy is expanded in the future to include other County Council functions for which planning contributions may be sought. Examples of this include the potential addition of tables relating to libraries and waste disposal. Work is currently underway in the preparation of the necessary evidence and justification in relation to this matter and any future proposals will be reported to Council.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and those using the service. Where such implications are material, they have been described in the text of the report.

Human Rights Act Implications

16. The Human Rights Act implications arising from this report have been assessed in accordance with the Council's adopted protocol. At this stage, no human rights issues are raised. These matters are raised when specific planning and transport matters are being discussed as part of the discussions on specific development proposals.

RECOMMENDATION

17. It is RECOMMENDED that Council:

- approve the final Planning Contributions Strategy for the purpose of seeking planning contributions; and
- authorise the Service Director for Communities (Planning and Sustainability), in consultation with the Leader and Portfolio Holder for Environment, to approve revisions to the Strategy including but not limited to:
 - (i) amendments to any amounts, formulae or multipliers; and
 - (ii) any other revisions which do not materially alter the Strategy such as changes to reflect new guidance where reference should properly be made to that guidance.

COUNCILLOR DAVID KIRKHAM
Leader

COUNCILLOR STELLA SMEDLEY
Portfolio Holder for Environment

Legal Services Comments (B.B.) 13/03/07

The approval of policy is reserved to Council.

Director of Resources' Financial Comments (P.B.) (RE) 07/03/07

Any contributions collected from development under the remit of this Strategy will clearly have financial implications for this Authority.

Background Papers Available for Inspection

None.

County Electoral Divisions Affected

All.