

**NOTTINGHAMSHIRE PLANNING OBLIGATIONS STRATEGY - CONSULTATION**

**1.0 Purpose of Report**

- 1.1 To present to Committee with the comments submitted by Officers in relation to the recent consultation regarding the proposed update to the Nottinghamshire Planning Obligations Strategy.

**2.0 Background Information**

- 2.1 Nottinghamshire County Council in its role as a coordinator and provider of important local services (including education and highways) seek contributions from new developments to mitigate the impact of additional residents. These contributions are sought through Section 106 Agreements secured as part of the planning application process. In order to ensure that the County Council has a transparent and consistent approach it has for a number of years produced a Planning Obligations Strategy. The County Council consulted on a proposed update to the document late last year (**Appendix A** contains the main body of the strategy and a full copy is available at:

<http://www.nottinghamshire.gov.uk/media/128758/planning-obligations-strategy-consultation-draft-update-november-2017.pdf>).

- 2.2 Officers prepared a response to the strategy which had to be submitted by 22 December 2017. A copy of the Officer response is attached at **Appendix B**.

**3.0 Proposals**

- 3.1 The Officer response sets out a number of issues and comments which have been identified with the obligations strategy but fundamentally the key issue is included in the second paragraph of the response namely:

*“the District Council would emphasise that in considering any request for Developer Contributions, it should be recognised that the NPPF places a requirement on Local Authorities to factor in the viability of a scheme including whether any developer contribution costs are reasonable and allow for a landowner/developer to make competitive returns in delivering a development. Therefore the overarching principles of the document need to acknowledge that it is imperative that in making requests for contributions, these need to be robust and backed by appropriate and up to date evidence to justify the level of contribution being sought. Requests need to be reasonable and wholly related to addressing the impact of any particular development.*

*The District Council has previously been criticised by PINS in multiple appeals in respect of the lack and quality of evidence to support developer contribution requests including requests made by the County Council and therefore the formula for any calculations going forward should be clear in terms of the basis for the calculation, how they relate to the costs of the scheme they will be providing/contributing to, and how these fit with any already committed S106 plans. Requests should be backed by up to date factual evidence. A failure to provide such evidence may result in the LPA taking a decision that a request is not CIL compliant and thus unlawful.”*

3.2 Ensuring that the obligations strategy sets out an appropriate and ultimately lawful approach will ensure that the District Council will be able to secure contributions towards the provision of local infrastructure.

3.3 As the consultation response makes clear, given the consultation timescale required the response to be in before this meeting could agree any comments; further comments could be forthcoming from the Committee. Therefore it is recommended that if the Committee have any such comments they should be agreed at this meeting so that they can be communicated to the County Council.

#### **4.0 Equalities Implications**

4.1 None identified, it is not believed that this issue will have different implications for different groups with protected characteristics.

#### **5.0 RECOMMENDATIONS that:**

- a) **the contents of the report and Appendix B are noted; and**
- b) **Committee agree any additional comments it may wish to make in response to the consultation**

#### **Reason for Recommendations**

**To allow Committee to note the Officer response and provide any additional comments as it sees fit.**

#### **Background Papers**

Developer Contributions & Planning Obligations SPD

For further information please contact Martin Russell on Ext 5837 or Matthew Norton on Ext 5852

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