

Appendix D - Current Governance Arrangements

The current governance arrangements for dealing with developer contributions are spread amongst various elements of the Council. The chart below sets this out from a 'system' perspective; that is to say from the point of foundation of the requirement to spend.

Stage	Decision Making Body/Officer responsible
<p>Policy Production Preparation of the LDF and the CIL require the development of an evidence base to support decision making around policy generation and levy setting. This includes an assessment of infrastructure requirements and a viability test of costs.</p>	<p>Economic Development Committee approves a timetable for policy production. Detailed supervision overseen by: Local Development Framework Task Group – members from Policy & Finance (1), Planning (3) Economic Development (3) and Homes & Communities (2) Committees.</p>
<p>Policy Submission and Adoption Following public consultation the LDF/CIL is submitted for independent examination by the Planning Inspectorate before it is adopted by the Council.</p>	<p>Full Council approves submission for examination. LDF documents (Amended Core Strategy, Allocations Document) which constitute the Development Plan are reserved by 2012 Regulations as ones which must be approved by Full Council. CIL is a matter for Economic Development under the constitution but on both occasions Full Council has approved submission and adoption of the Levy – this was because originally the Constitution was silent on CIL and members and officers felt the impact would be District wide.</p>
<p>Developer Contributions & Planning Obligations SPD Contains detailed requirements for contributions from developers to support new infrastructure.</p> <p>Both District and County lead professional officers make recommendations on appropriate standards based on Council strategies, regulation and national professional standards etc.</p>	<p>Economic Development Committee approves draft document for consultation and final adoption. Detailed supervision overseen by LDF Task Group</p>
<p>Consideration of Planning Application Application submitted to LPA for consideration. Consideration of size and nature of proposed contributions to be provided – including consultation with internal/external infrastructure providers.</p>	<p>Applications are determined by the Business Manager – Planning Development under Scheme of Delegation however most applications which require a Section 106 agreement are determined by Planning Committee. The Director has specific powers under the constitution to enter into</p>

<p>Contributions secured through a Section 106 Agreement</p>	<p>Section 106 Agreements - normally draft Section 106 Agreement information is presented as part of application reports that are considered by Planning Committee.</p> <p>CIL payments calculated by case officer. Finalised figure sent out on the Decision Notice – signed off by Business Manager/or Senior Planner</p>
<p>Collection of Contributions</p> <p>Collection of CIL Monies</p> <p>Collection of Section 106 Contributions</p>	<p>Undertaken by the Section 106/Infrastructure Officer</p> <p>Invoice on commencement of development pay within 90 days of commencement up to a value of £50K (over £50k an instalment or policy allows a series of payment based on value).</p> <p>Invoice send at each ‘trigger point’ when contributions need to be made.</p>
<p>Decision Making on spend</p> <p>CIL contributions must be spend against the agreed Regulation 123 List.</p>	<p>Council projects would be treated like any other capital scheme included in the Budget approved by Full Council and managed in detail by Policy & Finance Committee</p> <p>Providing contributions to the County Council would be agreed by Policy & Finance Committee.</p>
<p>Section 106 spending</p> <p>Contributions on site (normally open space and affordable housing) are monitored by the relevant officers to ensure compliance with the agreement and if taken on by the Council inspected before adoption.</p> <p>Offsite contributions in some cases may include within the agreement a tightly defined end use (e.g. to be used in the park next to the development or the village sports ground) others refer to the local area (e.g. parks in Newark) whilst some are only district specific (e.g. parks in Newark & Sherwood). This is particularly the case with Affordable Housing because spending</p>	<p>If the contribution is specified in the agreement then any monies for external organisations will be transferred to the relevant organisation upon request – in the case of the County Council they are normally signatories to such agreements. In the case of Parish Councils a side agreement is made between us. If the monies are not specified in the agreement and not to be spent by the District Council then the transfer of the monies must be approved by Policy & Finance Committee.</p> <p>Internally an officer Developer Contributions Meeting – including representatives from Planning Development, Planning Policy &</p>

the monies within the area may not be possible because of a lack of a site in which to spend it.

Infrastructure, Finance and the various internal service providers - monitors Section 106 Contributions. There are a series of thresholds for consideration;

- Under £15,000 the contribution become part of a service area's revenue budget (e.g. small scale improvements to a park)
- £15,000 up to £50,000 monies can be spent in line with the agreement and any scheme goes in the capital programme and gains its usual approval through the Committee System.
- £50,000 and above – needs the specific approval of Policy & Finance Committee for spend of the Section 106 monies on the proposed project.