

**REPORT TO THE SCRUTINY PANEL RESOURCE AND PERFORMANCE
MEETING ON 17 SEPTEMBER 2015**

Status: To provide an update on the Leicestershire wide S106 protocol
Title: Leicestershire Authorities Section 106 Protocol
Originator: Stephen Pointer, Strategic Planning and Housing Manager
Where from: Scrutiny Workplan
Where to next: Not applicable

<p><u>Objective:</u> To provide the Scrutiny Panel with information on the Section 106 Protocol which has been developed between local authorities in Leicestershire in response to the Scrutiny Commission Work Plan request.</p>
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1. Outcome sought from Panel

1.1 For the Panel to receive an update on joint work which has now concluded within Leicestershire on establishing a common approach to Section 106 issues.

2 Background

2.1 The Scrutiny Work plan requested a report to the Panel on the project plan and timetable for establishing a consistent approach to Section 106 matters between local authorities in Leicestershire. Section 106 or planning obligations are matters relating to the securing of community infrastructure or contributions towards such infrastructure made necessary by the granting of planning permission. Without such obligations, development would not be acceptable.

2.2 This request dated from early 2014, and this report serves to confirm that this project has now concluded and describes its outcome for the information of the Panel.

2.3 Blaby District Council took the lead, on behalf of Leicestershire authorities, to develop a Protocol in order to help establish consistency in the way requests for obligations are handled across the Leicestershire area from partner agencies at a county level. A Draft Protocol was produced in late 2014 and circulated for comment to various agencies and developers involved in making planning obligations. It was amended and agreed by the Leicester and Leicestershire Strategic Planning Group (Senior Managers and Directors drawn from all authorities) in May 2015 for endorsement within each authority.

2.4 The Protocol is attached as Appendix A. It was agreed by authorities that the Protocol would be short, succinct and keep to high level matters. It sets out common expectations in terms of information requirements from consultees, how requests are considered, how viability issues are addressed, and how requests for obligations are processed. It should be emphasised that the consideration of requests continue to be considered on a case by case basis by each local planning authority. The Protocol simply sets our common working practices for each authority to follow.

2.5 The Protocol was produced and approved in time to form an Appendix to a Draft Supplementary Planning Document on Developer Contributions and Affordable Housing which was approved for public consultation by Executive and Council in June. This document currently remains open for public responses until 30 September. Following assessment of responses it will be brought back to Executive at its meeting on 30 November and then Council for adoption. In this way the Protocol will be formally endorsed and adopted by this Council.

3 Points for discussion

3.1 Comments and observations by Members will be factored into the current consultation.

4 Equality Impact Assessment Implications/Outcomes

4.1 None directly from this report.

4.2 An Equality Analysis is being undertaken on the Draft Supplementary Planning Document and outcomes and recommendations for alteration in light of the assessment will be reported to Executive.

5 Impact on Communities

5.1 The Protocol helps assure communities that planning authorities across Leicestershire are operating a common approach to securing planning obligations in respect of development management decisions.

6 Legal Issues

6.1 None arising directly from this report.

7 Resource Issues

7.1 None arising directly from this report.

8 Community Safety Implications

8.1 None arising directly from this report.

9 Risk Management Implications

9.1 None arising directly from this report.

10 Consultation

10.1 None

11 Background Papers

11.1 None

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: No

Appendices:

A. Leicester and Leicestershire Local Authorities Section 106 Protocol (May 2015)