

DEVELOPER CONTRIBUTIONS

**Report by Scrutiny Panel A on behalf of the
Overview and Scrutiny Management Board**

December 2020

1. Executive Summary

Developer Contributions help to ensure that the impacts of development are appropriately mitigated and that the right infrastructure is in place to ensure that the needs of current and future communities are met.

The Scrutiny Panel recognised that there is an inconsistent approach to Developer Contributions across Lincolnshire with three District Councils having a Community Infrastructure Levy (CIL) schedule in place, but the rest still using Section 106 agreements. However, even where CIL is in place, additional Developer Contributions can still be sought to mitigate impact.

The Scrutiny Panel also recognised that a more joined up approach between the County Council and the District Councils would enable more collaborative partnership working to maximise the benefits from Developer Contributions to the residents of Lincolnshire. This will be even more crucial if the proposals for Developer Contributions in the 'Planning for the future' White Paper are introduced which could see the County receiving much lower levels of funding in future.

The Scrutiny Panel identified that the local authority is currently attracting a high level of Developer Contributions and is doing well at attracting this funding despite the private sector developers struggling with viability.

However, it is considered that income from Section 106 contributions could be improved if a 'One Council' centralised system for requesting, recording and monitoring is developed, rather than individual service areas considering requests in isolation.

This approach is essential to ensure that development is delivered without prejudicing important infrastructure and services, and Developer Contributions are used appropriately and effectively to achieve the maximum benefit in order to support the Corporate Plan's four ambitions for Lincolnshire which are:

1. High aspirations
2. The opportunity to enjoy life to the full
3. Thriving environments
4. Good-value council services

The recommendations within this report seek to support our key findings and some key strategic areas for improvement, which focus on:

- A need for clear criteria which allow for appropriate councillor engagement in the planning process.
- The development of a centralised system for Section 106 recording and monitoring for use across the Council rather than separate business units doing this on an individual basis.
- A need for appropriate lines of accountability to be able to effectively manage the Section 106 process going forward, particularly given the known and future growth in the County.

- A need to improve the strategic oversight of Section 106 agreements, improving visibility and transparency of Section 106 across the organisation.

Scrutiny Panel A has agreed the following recommendations for the Executive's consideration:

Recommendation 1

That Lincolnshire County Council continues to oppose those aspects of the 'Planning for the future' White Paper which will limit the Council's ability to ensure that new developments have as little negative impact as possible on existing residents, communities, and businesses.

Recommendation 2

That officers continue to work with developers, building a strong relationship so that developers continue to see Lincolnshire County Council as a partner with whom to engage and whose priorities should be adhered to, whatever the recommendations that are made through new legislation next year.

Recommendation 3

That the Council establishes a strategic approach to requesting, co-ordinating, and monitoring Developer Contributions. The Executive Councillor for Commercial and Environmental Management and the Executive Councillor for Economy and Place should work with the Head of Development Management in its establishment.

Recommendation 4

On those occasions where a scheme cannot viably fulfil all requests for Developer Contributions, then the Executive should decide which schemes should be prioritised using a published escalation process. The Executive Councillor for Commercial and Environmental Management and the Executive Councillor for Economy and Place should work with the Head of Development Management in its establishment.

Recommendation 5

An Infrastructure Funding Statement should be produced annually by the Executive in line with the requirements in the Community Infrastructure Levy Regulations 2019.

Recommendation 6

That the Executive approves the implementation of the Councillor Engagement Action Plan attached at Appendix A.

2. Terms of Reference

In September 2020, the Executive Councillor for Economy and Place, Councillor Colin Davie, with the backing of Group Leaders, asked Scrutiny Panel A to carry out an urgent short review of Developer Contributions to see how the County Council can maximise the benefits for local communities from such contributions.

Scrutiny Panel A consisted of Councillors Linda Wootten (Chairman), Matthew Fido (Vice Chairman), Mrs Alison Austin, Robin Renshaw, Stephen Roe and Mark Whittington.

The following key lines of enquiry for the scrutiny review were agreed by the Panel:

- (1) To examine how Developer Contributions could be utilised to maximise the benefits to the local community and how a list of potential local schemes to fund through Developer Contributions could be developed, while taking into consideration the National Planning Policy Framework, local circumstances and the views of the local member.
- (2) To examine the impact of the proposals in the Government's consultation paper 'Planning for the future' and what the proposals would mean for Lincolnshire.
- (3) To examine how to achieve better quality design and more sustainable communities in new developments through the use of Developer Contributions, recognising that the viability of new developments can be marginal to the development industry.

The Panel met three times in October and November 2020.

3. Background

Respective roles of local authorities in Lincolnshire

In a shire county with two tiers of local government, the statutory local planning authority for a particular area is the appropriate district council. In Lincolnshire, the seven District Councils, as Local Planning Authorities, determine planning applications for housing development.

The County Council is responsible for delivering vital infrastructure and services, such as highways and schools, which can face extra demand resulting from new development. Where this occurs the County Council seeks to ensure that developers make provision for appropriate infrastructure and services through the use of Developer Contributions.

What Are Developer Contributions?

Developer Contributions is a collective term used to refer to

- planning obligations, commonly referred to as 'Section 106' or 'S106' obligations after Section 106 of the Town and Country Planning Act 1990.
- the Community Infrastructure Levy (CIL).
- highways works secured under Section 278 of the Highways Act 1980.

Section 106 Planning Obligations

Section 106 of the **Town and Country Planning Act 1990** sets out the statutory provisions for planning obligations which may:

- restrict development or use of the land in any specified way;
- require specified operations or activities to be carried out in, on, under or over the land;
- require the land to be used in any specified way; or
- require a sum or sums to be paid to the authority on a specified date or dates or periodically.

Planning obligations under Section 106 of The Town and Country Planning Act 1990, commonly known as S106 agreements, are a mechanism which makes a development proposal acceptable in planning terms that would not otherwise be acceptable. Section 106 agreements can be used to secure financial and non-financial contributions (including affordable housing), or other works, to provide infrastructure to support development and mitigate the impact of development.

In 2015, limitations to Section 106 planning obligations came into force which has meant that planning obligations may only be requested when they meet three key tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

S106 agreements are designed to mitigate the specific impacts of that individual development while the Community Infrastructure Levy, as set out below, is a tool to deal with the cumulative impacts of development on infrastructure.

Community Infrastructure Levy (CIL)

A key element of the **Planning Act 2008** was the introduction of the Community Infrastructure Levy (CIL) to finance infrastructure.

The **Community Infrastructure Levy Regulations 2010** were introduced as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. The CIL Regulations came into force in April 2010 and a development may be liable for a charge under CIL, if a Local Planning Authority has chosen to set a charge in its area.

The Community Infrastructure Levy is a charge which can be levied by local authorities to raise funds for a wide range of infrastructure that is needed as a result of new development in their area. This can include transport, education and leisure facilities. The levy is charged on eligible development and is calculated using the size and type of development that will be created. The legal tests for when a planning obligation can be applied are set out in Regulation 122 of the CIL Regulations:

'A planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.'

The levy only applies in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website. In Lincolnshire, City of Lincoln Council, North Kesteven District Council and West Lindsey District Council, implemented their own CIL schedules in 2018.

The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 came into force on 1 September 2019. Under these regulations, Infrastructure Funding Statements (IFS) will replace CIL Regulation 123 Lists as the mechanism through which projects are identified for CIL funding. The IFS will be published annually, and provide a summary of all financial and non-financial Developer Contributions relating to Section 106 and CIL within the area.

Section 278 of the Highways Act

A Section 278 (or s278) agreement is a section of the **Highways Act 1980** that allows developers to enter into a legal agreement with the County Council, as the Highway Authority, to make permanent alterations or improvements to a public highway, as part of a planning approval.

Where highway objections to proposals can be overcome by improvements to the existing highway, developers can enter a Section 278 agreement that requires them to pay for or undertake such works. These works could include minor highway realignments, roundabouts, traffic signals, right-turning lanes, and passing bays.

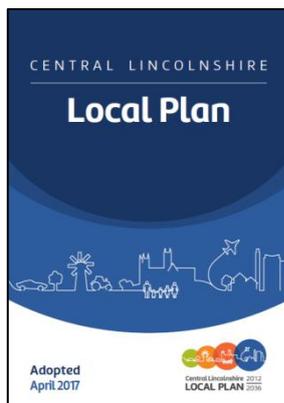
Development should only be prevented or refused on highway grounds if there would be an unacceptable impact in terms of safety or a severe impact in terms of capacity on the existing highway network.

Local Plans

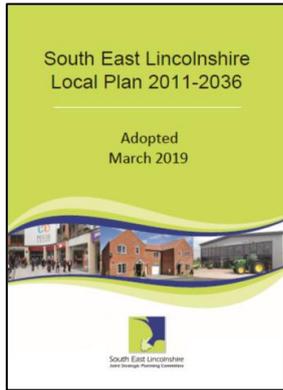
The **National Planning Policy Framework (NPPF)**, first published in 2012 and updated in 2019, sets out the government's planning policies for England and how these are expected to be applied. It provides the framework for producing Local Plans for housing and other development, which in turn provide the background against which applications for planning permission are decided.

A Local Plan sets out the vision for future development of a local area, drawn up by the Local Planning Authority. Local Plans are used to help decide on planning applications and other planning related decisions. In effect, they are the local guide to what can be built where, shaping infrastructure investments and determining the future pattern of development in the area.

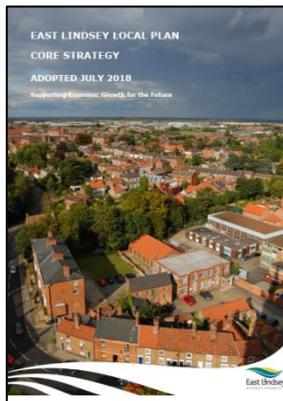
In Lincolnshire there are four Local Plans.



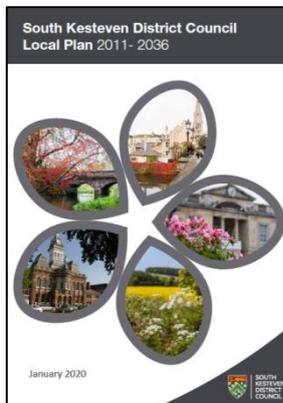
The **Central Lincolnshire Local Plan 2012-2036** was adopted by the Central Lincolnshire Joint Strategic Planning Committee in April 2017. Central Lincolnshire refers to the combined area covered by the City of Lincoln Council, North Kesteven District Council and West Lindsey District Council. Lincolnshire County Council is also a member of the Central Lincolnshire Joint Strategic Planning Committee.



The **South East Lincolnshire Local Plan 2011-2036** was adopted by the South East Lincolnshire Joint Strategic Planning Committee in March 2019. South East Lincolnshire refers to the combined areas covered by Boston Borough Council and South Holland District Council. Lincolnshire County Council is also a member of the South East Lincolnshire Joint Strategic Planning Committee.



The **East Lindsey Local Plan Core Strategy 2016 – 2031** was adopted by East Lindsey District Council in July 2018.



The **South Kesteven Local Plan 2011 – 2036** was adopted by South Kesteven District Council in January 2020.

4. Findings

'Planning for the future' White Paper

What are the main proposals?

In August 2020, the Government published the White Paper 'Planning for the Future' for consultation which proposed the most radical reform of the planning system in England since its creation in 1947. The proposals seek to streamline and modernise the planning process, improve outcomes on design and sustainability, reform Developer Contributions and ensure more land is available for development where it is needed.

The White Paper has been contentious, as it proposes to replace a locally based discretionary system of decision-making, via detailed planning applications considered by elected members on planning committees, with a more remote, standardised approach based on the zoning of areas conferring "permission in principle" without the need for planning applications. There is already a situation in which the National Planning Policy Framework dictates the tolerance levels of new developments, often permitting higher volumes of traffic than are acceptable to the local community. The White Paper risks exacerbating this situation.

The National Planning Policy Framework, not Local Plans, would be the place for setting development management policies. Local Plans would be substantially slimmed down with a shift towards map-based plans, allocating 'zones' for development or protection. Housing requirements would be set by the Government for each district and will be fixed numbers based on a national formula.

Another major announcement in 'Pillar 3: planning for infrastructure and connected places' is the abolition of Developer Contributions via Section 106 agreements and CIL. In their place would be a centralised, nationally fixed 'tariff', based on development value. The White Paper highlights several problems with the current system:

*"Planning obligations are broadly considered to be uncertain and opaque, as they are subject to negotiation and renegotiation based in part on the developer's assessment of viability. This creates uncertainty for communities about the level of affordable housing and infrastructure that development will bring. In turn, this brings cost, delay and inconsistency into the process. Over 80% of local authorities agree that such negotiations create delay, despite the planning application being acceptable in principle. This acts as a barrier to entry to the market, and major developers are better placed to devote the legal and valuation resource needed to negotiate successfully. This unevenness is a problem too for local authorities, with significant variation in skill and negotiation in negotiating viability across authorities."*¹

¹ <https://www.gov.uk/government/consultations/planning-for-the-future/planning-for-the-future#pillar-3-planning-for-infrastructure-and-connected-places>

The White Paper proposes that the existing parallel regimes for securing Developer Contributions are replaced with a new, consolidated 'Infrastructure Levy':

*"The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished."*²

The Levy would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. It would be charged on the final value of the development, be levied at the point of occupation, and include a value-based minimum threshold below which the levy is not charged, to prevent low viability development becoming unviable.

What will be the impact on Lincolnshire?

A number of key impacts from the proposals in the White Paper have been identified for Lincolnshire County Council (LCC):-

- No planning applications would be required for major developments in designated Growth Areas. There would therefore be less opportunity for the County Council to scrutinise planning applications and there would also be less public consultation and challenge.
- Under the proposal to introduce three zonal areas – growth, renewal and protection, there was no mention of how waste and minerals, which the County Council is responsible for, fitted into the process.
- Payments would be made at the end of the development. This would mean that any schemes which need to be completed before the development could commence, such as highways improvements, would have to be funded upfront by the County Council.
- There would be a cost to the County Council in producing digital mapping and a move away from paper processes. Design codes would be needed for each area and this would be expensive and labour intensive.
- There would be a need to train and educate planning officers on any new regulations and process changes.

With regards to the proposals for Developer Contributions, although simplifying a complicated system that does not generate enough funding for infrastructure and affordable housing would be a positive outcome, a consolidated system as described in the White Paper could possibly be worse for Lincolnshire.

The proposed system would yield relatively large sums in high-value areas of London and southern England and low amounts in low-value areas, or even zero in the lowest value areas since a threshold is proposed. The standardised national rate would be set high so that it would only be applicable for major developments.

As Lincolnshire is an area of relatively low land values, there is a risk that the county would receive much lower amounts of Developer Contributions under the new

² <https://www.gov.uk/government/consultations/planning-for-the-future/planning-for-the-future#pillar-3-planning-for-infrastructure-and-connected-places>

planning system, if any at all. This would lead to a reduction in the availability of affordable housing and money towards the provision of infrastructure and therefore, mitigations for developments. This in turn would negatively impact on Lincolnshire's highways, education and flood defences as there would be less funding available to the County Council to make the necessary improvements to support housing growth.

Another impact would be the loss of the CIL schedules which participating councils, such as City of Lincoln Council, West Lindsey District Council, and North Kesteven District Council, have had to prepare to identify shortcomings in physical and social infrastructure. There is no mention of whether Infrastructure Delivery Plans would be retained and these are essential for identifying and prioritising growth related needs when allocating funding.

If the new Infrastructure Levy goes forward, more clarity is required as to what level the new Infrastructure Levy is at, and what it should and should not provide.

The Panel felt that local democratic functions were being side-lined and eroded, leaving considerably less scope for public and Council consultation, involvement and challenge. The Panel agreed that as there would potentially be a significant reduction in money received from Developer Contributions in the future, it would be even more important to ensure any money received was well spent.

How can Lincolnshire County Council mitigate the impact of the White Paper?

The Panel considered some possible measures to mitigate and manage the impact of the White Paper. Two key areas were examined:

Promoting the Impact on Lincolnshire to Decision Makers / Shapers

Although the legislation required to convert the White Paper into law is set to be included in the Queen's Speech in April 2021, there is still time for local authorities, MPs and the Local Government Association to campaign to minimise the most serious impacts of the White Paper, namely:

- Local Democracy: reinstate the right of councillors and local communities to decide on the final detail of development either through planning applications or an alternative mechanism;
- Local Housing Need: continued use of the current method of calculation to prevent unrealistic increases in housing figures across the country; and
- Developer Contributions: continued use of Section 106 and Community Infrastructure Levy to ensure local authorities maintain local leverage in negotiating affordable housing and identifying infrastructure priorities.

Developers

The proposals in the White Paper tilt the playing field to the advantage of developers. If the White Paper is implemented, there will be few "sticks" with which to influence house builders, in particular given their rigid business model and requirements around cost minimisation/price maximisation. Any "carrots" would involve:

- Practical partnership, working on site assembly, land decontamination and sustainable design advice;
- Willingness of local authorities to play the role of a "critical friend", for example, in establishing minimum infrastructure requirements and environmental standards. This could include highlighting that the absence of accessible schools and GP surgeries will reduce marketability of new homes;
- Accelerating build out rates on development land with planning permission by refusing to renew lapsed permissions. This, however, would need government support;
- Promoting Modern Methods of Construction to speed up housing delivery by offering technical advice on location and design.

The Panel felt that the County Council should continue to work closely with District Councils on promoting views and concerns on the White Paper and in working with developers. The Panel emphasised that any planning system should be democratic and accountable and these aspects should be highlighted in any future lobbying. The Panel agreed that it was important that the right infrastructure was built at the right time and that delivering the infrastructure for sustainable development was crucial. The Panel also agreed that the County Council should build on and strengthen relationships with District Councils to ensure a clear message on infrastructure is provided to developers, and should work proactively with developers to enable both parties to have a clearer understanding of needs.

Consideration was also given by the Panel to the impact of Covid-19 on future housing needs. The Panel felt that, in future, digital infrastructure would become a very important aspect for homebuyers as would additional space within houses for a home office. If home working does become more prevalent, then the Panel felt that this would also impact on commuting patterns and change the use of the high street. Work is on-going within the Council to look at whether high tech, secure connected spaces could be made available to businesses within the County Council and District Councils offices and business centres which would not be used in future as a result of different working patterns post Covid-19. The Panel agreed that the Strategic Economic Plan, which sets out the Greater Lincolnshire Local Enterprise Partnership's economic priorities, would need to be reviewed in light of Covid-19 and that an assessment should be undertaken to reflect on the impact of Covid-19 on future housing requirements.

Recommendation 1

That Lincolnshire County Council continues to oppose those aspects of the 'Planning for the future' White Paper which will limit the Council's ability to ensure that new developments have as little negative impact as possible on existing residents, communities, and businesses.

Recommendation 2

That officers continue to work with developers, building a strong relationship so that developers continue to see Lincolnshire County Council as a partner with whom to engage and whose priorities should be adhered to, whatever the recommendations that are made through new legislation next year.

The Developer Contributions Process

How does the process currently work?

When the County Council, as a statutory consultee, is notified of a planning application for a new housing development, each individual department, such as Highways and Flood, Education, and Public Health, responds separately to the District Councils to request Developer Contributions to mitigate any impact identified in relation to their areas. There are no discussions between the individual departments before making the requests. Consequently, there is no corporate approach by the County Council when making requests for Developer Contributions to the District Councils.

How can the process be improved?

The Panel reviewed what other county councils do and considered other local authority reviews in relation to Developer Contributions. The main themes identified were better partnership working, centralised processes, clarity on the accountability for decisions, and processes for deciding where contributions were spent.

The Panel identified that there was a need for a more joined up approach across the Council's departments to enable one co-ordinated response for Developer Contributions to be sent to the District Councils. This would also enable all areas of the Council to benefit equally from Developer Contributions which in turn would benefit local communities more widely. In addition, the Panel identified that an escalation process needed to be developed when it is identified that a scheme is not able to fund all of the Section 106 requests made by the authority to decide which service area needs to be prioritised. The Panel also agreed that there is a need for greater clarity on responsibilities and accountability; a centralised system for monitoring across the County Council; and opportunities for councillor engagement, including regular scrutiny of Developer Contributions by the relevant scrutiny committee to ensure there was visibility and monitoring of the Developer Contributions Process by councillors.

The Panel also identified that a 'trigger point' for when a development would become unviable due to insufficient Developer Contributions for sustainable infrastructure should be included within the corporate escalation process to be developed.

Through having a more centralised system for Developer Contributions, the Panel concurred that this would enhance the benefits to local communities, lead to more sustainable developments, and enable collaborative working with the District Councils to present a common view for local communities to developers.

Recommendation 3

That the Council establishes a strategic approach to requesting, co-ordinating, and monitoring Developer Contributions. The Executive Councillor for Commercial and Environmental Management and the Executive Councillor for Economy and Place should work with the Head of Development Management in its establishment.

Recommendation 4

On those occasions where a scheme cannot viably fulfil all requests for Developer Contributions, then the Executive should decide which schemes should be prioritised using a published escalation process. The Executive Councillor for Commercial and Environmental Management and the Executive Councillor for Economy and Place should work with the Head of Development Management in its establishment.

How will the Council develop an Infrastructure Funding Statement?

Under the Community Infrastructure Levy Regulations 2019 which came into force in September 2019, the eight authorities in Lincolnshire will each need to prepare an annual Infrastructure Funding Statement. The Panel considered how the County Council's Infrastructure Funding Statement would be developed and what it would involve.

The Panel established that the Infrastructure Funding Statement will be a document which will include:

- A statement of infrastructure that *“will, or may be, wholly or partly funded by CIL”*;
- An annual CIL report on the receipts, allocations and expenditure of CIL; and
- An annual Section 106 report on the receipts, allocations and expenditure of S106. The December 2020 report will also include some unallocated Section 106 funding.

The Panel ascertained that requests for coordination with the District Councils have been made by officers at the County Council, and internal coordination is underway to produce the first Infrastructure Funding Statement.

The Infrastructure Funding Statement could be addressed very narrowly, or it could be used to send a clear statement about the Council's requirements from Developer Contributions. Whilst broadening the scope of the Infrastructure Funding Statement

would mean that it goes beyond the requirements of the Community Infrastructure Levy regulations, it would also mean that the Council would be able to exert leadership by setting out its clear requirements for funding. This would be particularly helpful for setting out the Council's position when the National Planning Policy Framework would allow a development to take place without mitigation but the Council felt that its impact on communities should be tackled.

Recommendation 5

An Infrastructure Funding Statement should be produced annually by the Executive in line with the requirements in the Community Infrastructure Levy Regulations 2019.

Councillor Engagement with the Developer Contributions Process

The Panel considered the role of county councillors in the Developer Contribution process and how much awareness and understanding there is about their role and that of the County Council.

How much do councillors know about Developer Contributions?

The Panel felt that there was an assumption that the average councillor, who was not on a Planning Committee, would have a limited knowledge of the planning processes and how they could respond to applications which were notified to them. However, the Panel concurred that knowledge about planning and Developer Contributions amongst councillors was wide ranging and that there were potentially a number of councillors who did not fully understand Developer Contributions and their role in the process.

The Panel agreed that it would be helpful for all county councillors to be offered training in relation to planning processes and Developer Contributions as they were all involved indirectly and it was important for councillors to be able to fulfil their duties in being able to advise constituents on the basics of how the planning system worked. This should be included as part of the councillors induction after the May local elections, and then ongoing councillor development sessions should be offered, based on the areas covered by the four Local Plans. In addition, a short guide to the planning system and Developer Contributions should be developed to accompany the training for county councillors.

How are councillors currently engaged?

There are approximately 6000 planning applications a year and county councillors receive an email notification about those applications in their division which are for consultation in respect of highway and Lead Local Flood Authority advice. Executive Councillors receive a further notification of developments in their areas of responsibility.

With regards to these email notifications, some of the Panel members highlighted that they were unsure about how they should respond to the planning applications relating to their areas, and whether they were expected to respond with an agreement or comments. The Panel recognised that there was a need for clarity regarding what was expected of councillors in relation to the email notifications received for planning applications, and to identify what the response rate was from councillors to see whether emails were the best method for communicating with councillors on these matters or whether, for example, the emails required simpler language or summaries of the main issues to aid councillor and public understanding.

The Panel agreed that further clarification needed to be included in these email notifications to advise county councillors what they needed to do on receipt of these emails. Under the proposed centralised approach, these email notifications could also become part of the corporate process and cover all areas of the Council rather than just flooding and highways issues.

As part of the new training offer for county councillors, the Panel also agreed that the ongoing training sessions, based on the areas covered by the four Local Plans, could provide an excellent opportunity for county councillors to identify potential schemes in their local communities to help create a list of future schemes for funding through Developer Contributions.

How can councillors be supported better?

Consideration was given to how much officers in the relevant service areas, such as planning, highways, education and public health, understood the role of the county councillor in the Developer Contribution process and what support they required to carry out their role.

The Panel felt that councillors would find it helpful if more information could be provided on how decisions had been reached, particularly those which were controversial in their local constituencies. In addition, the Panel felt that it would be helpful if potential problems with proposed developments could be better highlighted. This additional information would help councillors communicate from a more informed platform with their constituencies.

The Panel agreed that training for relevant officers should be provided to raise awareness of the role of county councillors and improve their understanding of the needs of councillors in being able to explain planning applications and Developer Contributions, and reasons for decisions, to their constituents, parish councillors and the general public.

How could the County Council's role in the process be made clearer to councillors, the public and Parish and District Councils?

The Panel considered how well Lincolnshire County Council's role in the planning process and in relation to Developer Contributions was understood by other councils and members of the public. Members of the Panel highlighted there had been times when they had attended meetings, such as Parish Council meetings, and there had been misunderstandings about what their role, and the role of the County Council, was in planning applications.

The Panel felt that a clear message needed to be sent out to other councils and residents as to what the County Council's role was in relation to Developer Contributions and the planning process. The message needs to make it clear that the County Council is not the Local Planning Authority, as that responsibility lies with the District Councils, but as a statutory consultee on planning applications.

The Panel agreed that a Communications Strategy should to be developed to provide a clear message to other local councils and members of the public and raise awareness of what the County Council's role is in the Developer Contributions process. The Communications Strategy should also inform the public of what the County Council and District Councils could claim for and clarify that any health infrastructure needs had to be requested by the NHS. The Panel agreed that the latter issue should be addressed by the Health Scrutiny Committee for Lincolnshire to try to encourage greater input from the NHS on Developer Contributions in future.

How will these concerns be addressed?

The Panel has raised a number of concerns about the level of councillor engagement at all levels, throughout the planning process. In summary, the following areas of improvement have been identified by the Panel:

- Training for county councillors as part of the induction process in respect of Developer Contributions along with ongoing training sessions;
- Improvements to the existing councillor notification process, which should include consultation on all areas of the Council, not just flooding and highways;
- Training for officers in the relevant service areas to raise awareness of the role of county councillors, and provide them with the knowledge and skills to answer queries from their constituents, parish councillors and the general public regarding Developer Contributions; and
- Improving awareness of the County Council's role in the Developer Contribution process to the public and parish/district councils.

The Panel has developed an action plan, attached at Appendix A, consisting of four objectives to address these concerns, with a number of proposed actions to improve awareness and understanding of the role of county councillors, and the County Council, in the Developer Contributions process. The proposed actions are summarised below:

- Democratic Services will arrange training for councillors as part of their induction after the May local elections and on-going Councillor Development

sessions to be arranged by Local Plan areas. A short guide for councillors on Developer Contributions including a flow chart of the planning process will also be provided.

- Councillors will receive emails with notification of any planning applications in their divisions. Emails will outline a process that is accessible to all councillors, explain what is expected of councillors in their response and cover all areas of the Council. Councillors will input into the development of a list of potential local schemes in their area to fund through Developer Contributions, via the on-going Councillor Development sessions to be arranged by Local Plan areas.
- The Development Management Team will develop a training package for relevant officers to raise awareness of the role of county councillors and provide them with the knowledge and skills to answer queries from parish councillors and the general public regarding Developer Contributions.
- The Communications Team will develop a Communications Strategy to provide podcasts and guidance to parish/town councils and district councils, and to place on the County Council's website and in libraries to provide clarity of the County Council's role in the Developer Contributions process.

Recommendation 6

That the Executive approves the implementation of the Councillor Engagement Action Plan attached at Appendix A.

5. Key Contributors

Scrutiny Panel A would like to thank the following contributors and officers for their advice and support during this scrutiny review:

- Councillor Colin Davie, Executive Councillor for Economy and Place
- Councillor Eddy Poll, Executive Councillor for Commercial and Environmental Management
- Justin Brown, Assistant Director – Growth
- Liz Burnley, County Manager for Development
- Brendan Gallagher, Principal Planning Officer – Infrastructure
- Nicholas Harrison, Democratic Services Officer
- Phil Hughes, Strategic Planning Manager
- Tracy Johnson, Senior Scrutiny Officer
- Warren Peppard, Head of Development Management
- Nigel West, Head of Democratic Services and Statutory Scrutiny Officer

Further Information

If you would like to find out more about this Scrutiny Review or Overview and Scrutiny at Lincolnshire County Council, please contact the Scrutiny Team at scrutiny@lincolnshire.gov.uk.

Objective	Action	Evidence	Lead	Completion date
<p>2. Improve the process for councillor notification of planning applications in their divisions and their engagement in identifying potential uses for Developer Contributions.</p>	<p>Councillors will receive emails with notification of any planning applications in their divisions. Emails will outline a process that is accessible to all councillors, explain what is expected of councillors in their response and cover all areas of the Council.</p> <p>Councillors will input into the development of a list of potential local schemes in their area to fund through Developer Contributions, via the on-going councillor development sessions to be arranged by Local Plan areas.</p>		Warren Peppard	

Objective	Action	Evidence	Lead	Completion date
<p>3. Training for officers in the relevant service areas to raise awareness of the role of councillors and provide them with the knowledge and skills to answer queries from their constituents, parish councillors and general public concerning Developer Contributions.</p>	<p>The Development Management Team will develop a training package for relevant officers to raise awareness of the role of county councillors and provide them with the knowledge and skills to answer queries from parish councillors and the general public regarding Developer Contributions.</p>		Warren Peppard	
<p>4. To improve awareness of the County Council's role in the Developer Contributions process to the public, and parish / district councils.</p>	<p>The Communications Team will develop a Communications Strategy to provide podcasts and guidance to parish/town councils and district councils, and to place on the County Council's website and in libraries to provide clarity of the County Council's role in the Developer Contributions process.</p>		Communications Team	