



## Open Report on behalf of Andy Gutherson, Executive Director - Place

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|------------|---|
| Report to: | <b>Overview and Scrutiny Management Board</b>                                       |
| Date:      | <b>17 March 2021</b>  |
| Subject:   | <b>Developer Contributions Scrutiny Review - Executive Response and Action Plan</b> |

### Summary:

On 05 January 2021 the Executive received a report on Developer Contributions, which was prepared by Scrutiny Panel A, on behalf of the Overview and Scrutiny Management Board. The Executive agreed to make arrangements to respond to the report by 05 March 2021. The Executive's response will:

1. Indicate which recommendations have been accepted: and
2. Where recommendations are accepted, to bring forward an action plan for their implementation.

### Actions Required:

The Board is invited to receive the Executive's response to the report and to agree a plan to monitor and scrutinise the implementation of the agreed recommendations.

## 1. Background

In September 2020, the Executive Councillor for Economy and Place, Councillor C J 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.

The report on Developer Contributions was approved by the Overview and Scrutiny Management Board at its meeting on 17 December 2020. There were six recommendations contained in the report for the Executive's consideration.

On 05 January 2021 the Executive was invited to consider the report and assign responsibility to the relevant Executive Councillor(s) for responding to the report. As part of its response, the Executive is requested to indicate to the Overview and Scrutiny Management Board (OSMB) which recommendations in the report are accepted. Where recommendations are accepted, there is also a request for an

action plan, showing what steps are being taken to implement the recommendations, with projected timescales, where possible. This will enable the Overview and Scrutiny Management Board to monitor the implementation of any actions arising from the report.

The Executive Councillors and officers have met to establish the attached action plan.

The Executive Councillors are keen to ensure that the Council has a leading role in shaping and supporting the place of Lincolnshire for the future. The Executive Councillors also noted the discussion at the Scrutiny Panel and at OSMB on the role that planning policies play in helping to support communities for the future.

The Developer Contributions review has identified the importance of Lincolnshire County Council (LCC) setting a clear vision for the future of the county and of communicating that view to the Government, local planning authorities, developers, and the public.

The actions in the attached plan indicate the practical steps that will be taken, but the Executive Councillors were keen to ensure that the Council performs the role that it has in planning in a leading, directive, and proactive way. The principles that will be adopted in delivering the action plan are as follows:

**Leadership statement** – a clear statement to be prepared, and communicated to partners, setting out the Council's ambitions for the county's future and focusing on corporate priorities for the future, such as access to services across the whole of the area, and the achievement of low carbon targets.

**Informed analysis of development** - a commitment to improve and strengthen the way that departments across the whole of the Council advise the Executive on the cumulative impact of development on the corporate ambitions of the Council; local ward members to be supported in demonstrating how developments might impact on their area.

**Strategy for securing developer contributions** – based on the leadership statement and the analysis of proposed development, LCC will establish a clear position on the contributions it would require from any development. This will be a whole Council position and it will be clearly and proactively communicated to local planning authorities and to developers.

**Communication** – clarity in the way that we advise local planning authorities on the impact of planning applications. Use of expressions like "We do not support..." in order to give clarity to the local planning authority and the public of the Council's position on applications.

**Transparency** – publication of the Council's response to local planning authorities on our own website, so that the local planning authority, developers, and the community can understand the County Council's position on that application.

## 2. Conclusion

The Board is requested to consider the attached Action Plan and agree a plan to monitor and scrutinise the implementation of the agreed recommendations.

## 3. Consultation

### a) Risks and Impact Analysis

Not applicable

## 4. Appendices

|   |  |
|---|--|
| These are listed below and attached at the back of the report |  |
| Appendix 1  | Developer Contributions – Executive Response Action Plan |

## 5. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

| Document title   | Where the document can be viewed  |
|--|---|
| Report by Scrutiny Panel A on behalf of the Overview and Scrutiny Management Board | <a href="https://lincolnshire.moderngov.co.uk/documents/g5903/Public%20reports%20pack%2017th-Dec-2020%2010.00%20Overview%20and%20Scrutiny%20Management%20Board.pdf?T=10">https://lincolnshire.moderngov.co.uk/documents/g5903/Public%20reports%20pack%2017th-Dec-2020%2010.00%20Overview%20and%20Scrutiny%20Management%20Board.pdf?T=10</a> |

This report was written by Warren Peppard, who can be contacted on 07880 505054 or [Warren.Peppard@lincolnshire.gov.uk](mailto:Warren.Peppard@lincolnshire.gov.uk).

**EXECUTIVE RESPONSE TO DEVELOPER CONTRIBUTIONS SCRUTINY REVIEW –  
ACTION PLAN ARISING FROM RECOMMENDATIONS**

| <b>Recommendation</b>   | <b>Recommendation Accepted?<br/>Yes/No</b> | <b>Initial Response</b>   | <b>Action</b>   | <b>Timescale</b>  | <b>Lead Officer</b>  |
|---|--|---|---|---|--|
| <p><u>Recommendation 1</u></p> <p>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.</p>                   | Yes  | <p>It is imperative that national planning frameworks do not contradict our ambitions for the future of Lincolnshire.</p> <p>Therefore strong responses will be made to future consultations.</p>   | <p>To produce a response to planning consultations – all responses to be signed off by the Executive Councillors for Place and for the Environment.</p>   | <p>To be determined by Government consultation timetables</p> | <p>Vanessa Strange – Head of Infrastructure Investment</p> |
| <p><u>Recommendation 2</u></p> <p>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.</p> | Yes  | <p>The Council's relationship with developers is critical so that they understand the type of communities that we expect Lincolnshire to have in the future.</p> <p>Providing clear guidance to developers, but being proactive and accessible to them, is essential.</p> | <p>A leadership statement will be produced, setting out the Council's ambitions for the county's future.</p> <p>Regular meetings will be held of a developers forum to provide clarity to developers of the Council's expectations.</p> | <p>Continual</p>  | <p>Warren Peppard – Head of Development Management</p>     |

**APPENDIX 1**

| <b>Recommendation</b>   | <b>Recommendation Accepted? Yes/No</b> | <b>Initial Response</b>   | <b>Action</b>   | <b>Timescale</b> | <b>Lead Officer</b>                                    |
|---|--|---|---|------------------|--|
| <p><u>Recommendation 3</u></p> <p>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.</p> | <p>Yes</p>                             | <p>Alternative version.</p> <p>The Council's relationship with local planning authorities is as critical as its relationship with developers.</p> <p>Local planning authorities need to understand in advance the impact of developments on the community and on the services that the County Council provides to those communities.</p> <p>During the next electoral term we will be much clearer in the way that we articulate these.</p> | <p>Alternative version.</p> <p>A leadership statement will be produced and communicated to all local planning authorities.</p> <p>Services within the Council will be supported in analysing the impact of proposed developments, and they – and input from ward members - will be used to advise Executive Councillors of the contribution that is to be sought from developers.</p> <p>The Council's comments on planning applications will be posted in full on the Council's website.</p> | <p>Sept 2021</p> | <p>Warren Peppard – Head of Development Management</p> |

## APPENDIX 1

| Recommendation  | Recommendation Accepted?<br>Yes/No | Initial Response   | Action  | Timescale | Lead Officer                                    |
|---|------------------------------------|--|---|-----------|---|
| <p><u>Recommendation 4</u></p> <p>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.</p> | Yes                                | <p>Executive Councillors and senior officers to agree a corporate strategic vision of what LCC want from major development (as above).</p> <p>Strategic scheme prioritisation is also to be established, to facilitate future decision making.</p> | A Developer Contributions Escalation Process to be established and approved by the Executive. | Sept 2021 | Warren Peppard – Head of Development Management |

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| <b>Recommendation</b>   | <b>Recommendation Accepted? Yes/No</b> | <b>Initial Response</b>  | <b>Action</b>  | <b>Timescale</b> | <b>Lead Officer</b>  |
|---|--|--|--|------------------|--|
| <p><u>Recommendation 5</u></p> <p>An Infrastructure Funding Statement should be produced annually by the Executive in line with the requirements in the Community Infrastructure Levy Regulations 2019.</p> | <p>Yes</p>                             | <p>The Infrastructure Funding Statement is a procedural requirement. However, if it is only seen as a procedural requirement then its purpose is missed.</p> <p>LCC has a leading role in the planning process and in supporting communities for the future. Therefore it is essential that the audience for this Infrastructure Funding Statement is the wider public – it should be readily available and written in plain English to show the public how LCC has sought to represent their interests in seeking developer contributions from planning applications.</p> | <p>The IFS to be produced for approval by the Executive.</p> | <p>Annually</p>  | <p>Vanessa Strange – Head of Infrastructure Investment</p> |

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| <b>Recommendation</b>  | <b>Recommendation Accepted?<br/>Yes/No</b> | <b>Initial Response</b>  | <b>Action</b>                          | <b>Timescale</b> | <b>Lead Officer</b> |
|--|--|--|--|------------------|---------------------|
| <u>Recommendation 6</u><br><br>That the Executive approves the implementation of the Councillor Engagement Action Plan attached at Appendix A. | Yes  | The Councillor Engagement Action Plan will be implemented in the new Council term. | The actions are set out in Appendix A. | On-going         | See below           |



**APPENDIX A**

**Councillor Engagement Action Plan**

| <b>Objective</b>  | <b>Action</b>  | <b>Evidence</b>   | <b>Lead</b>   | <b>Completion date</b>                     |
|---|--|---|---|--|
| <p>1. Ensure all councillors are aware of the Developer Contributions process and their role in the process.</p>  | <p>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. Training to include:</p> <ul style="list-style-type: none"> <li>• Overview of the Planning Process</li> <li>• What are Developer Contributions?</li> <li>• The Developer Contributions process</li> <li>• LCC role vs District Council role</li> <li>• The role of the local member in the Developer Contributions process</li> </ul> <p>Short guide for councillors including a flow chart of the planning process</p> | <p>A date is being identified for an induction session after the May local elections.</p> | <p>Nigel West - Head of Democratic Services / David Hair – Member Services Manager / Warren Peppard – Head of Development Management</p> <p>Warren Peppard – Head of Development Management</p> | <p>To be agreed by Democratic Services</p> |
| <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>   |   | <p>Warren Peppard – Head of Development Management</p>  | <p>To follow objective 1</p>               |

## APPENDIX A

| 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>        |          | <p>Warren Peppard<br/>– Head of<br/>Development<br/>Management</p> | <p>To follow objective<br/>1</p> |
| <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> |          | <p>Communications<br/>Team</p>                                     | <p>To follow objective<br/>1</p> |