



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

Report to:	Overview and Scrutiny Management Board
Date:	16 December 2021
Subject:	Developer Contributions Scrutiny Review – First Monitoring Update of Action Plan

Summary:

This report sets out the first monitoring update on the recommendations from Scrutiny Panel A's review on Developer Contributions.

Actions Required:

The Board is invited to review and comment on the progress made on implementing the recommendations from the Developer Contributions review.

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.

The recommendations which were accepted (which included an action plan), are included at Appendix A. Also included against each of the recommendations is an update which has been provided by the assigned lead officer.

The recommendations and action 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.

2. Conclusion

This report meets the obligation to scrutinise the progress on the Developer Contributions recommendations.

3. Consultation

a) Risks and Impact Analysis

See the body of the report.

4. Appendices

These are listed below and attached at the back of the report:	
Appendix A	Action Plan Arising from Recommendations

5. Background Papers

Document title	Where the document can be viewed
Developer Contributions Scrutiny Review – Executive Response and Action Plan – Overview and Scrutiny Management Board 17 March 2021	https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?Cid=553&MId=6067&Ver=4
Final Report from the Developer Contributions Scrutiny Review – Executive 5 January 2021	https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?Cid=121&MId=5750&Ver=4

This report was written by Warren Peppard, Head of Development Management, who can be contacted on warren.peppard@lincolnshire.gov.uk or 01522 554637.

APPENDIX A - ACTION PLAN ARISING FROM RECOMMENDATIONS

Recommendation	Initial Response	Action	Timescale	Lead Officer
<p><u>Recommendation 1</u> 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>	<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>

Update - A combined Greater Lincolnshire Authorities response has been submitted in relation to the White Paper, and we will continue to actively engage on this agenda. The new Secretary of State for Housing, Communities and Local Government has ordered a complete rethink of the Planning Bill. 44,000 consultation responses still need to be analysed and the earliest date for the Bill will be early 2022.

Recommendation	Initial Response	Action	Timescale	Lead Officer
<p><u>Recommendation 2</u> 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>	<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>	Continual	Warren Peppard – Head of Development Management

Update – Development Management officers continue to work directly with developers, building strong relationships. In addition to the 'business as usual' day-to-day contact, notable improvements since approval of these recommendations include: direct meetings are now taking place quarterly with a number of key local developers (Chestnut Homes, Lindum Construction and Ashwood Homes). Direct engagement with developers, local planning authorities, and other risk management authorities also take place at regular Planning and Drainage (PAD) meetings [East Lindsey District Council and Boston Borough Council combined monthly PAD, and South Kesteven District Council monthly PAD]. Developer/S38/Drainage (DSD) meetings with developers also take place and are offered to all developers on submission of technical approvals. These DSD meetings have been in operation since 2019 but are now more regularly advertised and offered to the development industry via the Development Management Newsletter. The Guidance for Developers area on the County Council's website has also been refreshed and now includes links to our main guidance documents, and the new search function to our planning responses to major applications. As and when key updates are made to any of our guidance documents, developers now receive a notification via our newsletter. Two updates have been made since March which have included invites to webinar sessions which have been delivered by Development Management officers. A number of meetings with senior politicians from the Greater Lincolnshire Authorities will be taking place in the new year and the drafting of the leadership statement will follow these planned meetings.

Recommendation	Initial Response	Action	Timescale	Lead Officer
<p><u>Recommendation 3</u> 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>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>	Mar 2022	Warren Peppard – Head of Development Management

Update – The highway and lead local flood authority statutory responses to major planning applications have been posted on the county council’s website since March 2021. Officers have held several internal service meetings, have been analysing existing processes (to understand the existing service areas working practices), and are currently evaluating the existing software systems available to us. Draft workflows and processes are currently in development to establish a strategic approach to requesting, co-ordinating, and monitoring Developer Contributions. A number of meetings with senior politicians from the Greater Lincolnshire Authorities will be taking place in the new year and the drafting of the leadership statement will follow these planned meetings.

Recommendation	Initial Response	Action	Timescale	Lead Officer
<p>Recommendation 4 On those occasions where a scheme cannot viably fulfil all requests for Developer Contributions, 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>	<p>Executive Councillors and senior officers to agree a corporate strategic vision of what LCC want from major developments (as above).</p> <p>Strategic scheme prioritisation is also to be established, to facilitate future decision making.</p>	<p>A Developer Contributions Escalation Process to be established and approved by the Executive.</p>	<p>Mar 2022</p>	<p>Warren Peppard – Head of Development Management</p>

Update – Recommendation 4 will follow the completion of Recommendation 3.

Recommendation	Initial Response	Action	Timescale	Lead Officer
<p><u>Recommendation 5</u> An Infrastructure Funding Statement (IFS) should be produced annually by the Executive in line with the requirements in the Community Infrastructure Levy Regulations 2019.</p>	<p>The IFS 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 the IFS 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 the approval by the Executive.</p>	<p>Annually</p>	<p>Vanessa Strange – Head of Infrastructure Investment</p>

Update – On 25 November 2021 the Overview and Scrutiny Management Board was consulted on the Infrastructure Funding Statement 2020/21 and provided feedback to the Executive prior to a decision on 7 December 2021.

Objective	Evidence	Action	Completion	Lead Officer
<p><u>Recommendation 6 - Objective 1</u> Ensure all councillors are aware of the Developer Contributions process and their role in the process.</p>	<p>A date is being identified for an induction session after the May local elections.</p>	<p>Democratic Services will arrange training for councillors as part of their induction after the May elections and on-going Councillor Development sessions to be arranged by Local Plan areas. Training to include:</p> <ul style="list-style-type: none"> • Overview of the planning process; • What are Developer Contributions? • The Developer Contributions process; • LCC role vs District Council role; • The role of the local member in the Developer Contributions process. <p>Short guide for councillors including a flow chart of the planning process.</p>	<p>To be agreed by Democratic Services</p>	<p>Nigel West – Head of Democratic Services David Hair – Member Services Manager Warren Peppard – Head of Development Management</p>

Update – Democratic Services sent an invitation to all county councillors on 13 August 2021. The invitation was for the training session on Development Contributions which was presented by the Development Management Team to members on 24 September 2021. Of the 70 invitations, 18 members attended the event. Positive feedback was received from members during the training event. The presentation and the recording have also been uploaded to the Councillors Hub, for viewing by those members who were unable to attend, and to allow future reference for all members.

Objective	Evidence	Action	Completion	Lead Officer
<p><u>Recommendation 6 - Objective 2</u> 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>To follow objective 1</p>	<p>Warren Peppard – Head of Development Management</p>

Update – As part of the member training session on Developer Contributions (Recommendation 6 - Objective 1), members were offered face-to-face engagement with Development Management officers to enhance awareness of planned growth within their divisions. Following implementation of Recommendation 3, the email notification, that is currently sent to county councillors, will be amended to reflect the new established strategic approach.

Objective	Evidence	Action	Completion	Lead Officer
<u>Recommendation 6 - Objective 3</u> Training for officers in the relevant service areas to raise awareness of the role of the councillors and provide them with the knowledge and skills to answer queries from their constituents, parish councillors and general public concerning Developer Contributions.		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.	To follow objective 1	Warren Peppard – Head of Development Management

Update – Officer training will follow the implementation of Recommendation 3.

Objective	Evidence	Action	Completion	Lead Officer
<u>Recommendation 6 - Objective 4</u> To improve awareness of the County Council's role in the Development Contributions process to the public, and parish/district councils.		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.	To follow objective 1	Communications Team

Update – To follow implementation of Recommendations 3 and 4.

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