

Decisions on the use of Planning Contributions

Overview and Scrutiny Committee Transparency Commission

September 2015



Purpose of Seminar/Desired Outcomes

To set out: -

- S106 policy and guidance
- Role of Development Committees
- Planning Contributions Overview Panel (PCOP)
- Decision Making Process
- Information on S106 agreements and decisions
- The Community Infrastructure Levy (CIL)

S106 Policy and Guidance

- Planning Act 1990
- National Planning Policy Framework
- LBTH Core Strategy
- Planning Obligations SPD
- The three legal tests

Role of Development Committees

- To decide on the acceptability of planning applications
- Planning Obligations are set out as Heads of Terms in the Committee Report
- Planning Officers and Legal Team draft S106 Agreement with the applicant in accordance with the approved Heads of Terms

Planning Contributions Overview Panel (PCOP)

- Established through a Cabinet decision in December 2004
- Chaired by the Director of Development and Renewal
- Internal, cross-directorate, officer-led panel
- Corporately evaluate and agree the Heads of Terms proposed on applications
- Monitor the implementation and expenditure of S106 obligations and monies, in accordance with legal agreements

Process for Making Decisions

- S106 Legal Agreement identifies what the money is for, e.g.:
“The Health Contribution will be used for the delivery or improvement of Health Facilities in the vicinity of the development”
- Must be spent in accordance with the legal agreement
- Projects are presented by Service Area reflecting current Council priorities and in line with existing strategies.
- Project Initiation Document provides detail of justification, governance, programming, match-funding, risks, etc.

Information on S106 agreements and decisions

- All S106 Agreements are required to be made publicly available - located on Planning Application Search website
- All PCOP decisions are published on the Council website
- Project factsheets are published on the website at least annually
- Officers are working on making S106 agreements and spending more accessible on the website

The Community Infrastructure Levy (CIL)

- CIL is a new approach to collecting funding from developers to support the delivery of infrastructure
- Council adopted a CIL Charging Schedule in April 2015
- No funds yet received, no volume expected until 2016/17
- Expenditure of CIL is an Executive Decision – dialogue with the Mayor has commenced
- It is appropriate to review the PCOP process for S106 funding at the same time



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