

Report to Portfolio Holder for Growth and Regeneration

Subject: Nottinghamshire County Council Developer Contributions Strategy Consultation Draft 2021

Date: 23rd September 2021

Author: Head of Development and Place

Wards Affected

All

Purpose

To seek approval for the representations set out in the appendix to be sent to Nottinghamshire County Council as the response of Gedling Borough Council to their consultation on the draft Developer Contributions Strategy 2021.

Key Decision

No

Recommendation(s)

THAT:

The Portfolio Holder approves the representations set out in the appendix as Gedling Borough Council's response to the consultation on the Nottinghamshire County Council Developers Contributions Strategy.

1 Background

- 1.1 Nottinghamshire County Council have produced a consultation draft Developer Contributions Strategy and are seeking responses, particularly from the Nottinghamshire Borough/District Councils and developers. This draft once finalised would replace the existing strategy approved as

recently as January 2021.

- 1.2 Nottinghamshire County Council is a direct provider of important services and has routinely sought contributions from developers for services that are necessary to mitigate the impact of new development. In order to set out potential requirements for planning obligations and to give developers an early indication of the potential costs, the County Council has published guidance for developer contributions, which is regularly updated, setting out their approach to seeking and expending planning obligations. The draft Developer Contributions Strategy September 2021 is the latest version and prepared within the context of national and local planning policy. It is not a formal supplementary planning document but rather a non-statutory form of planning guidance that is used as the starting point for the County to negotiate planning obligations.
- 1.3 The Borough/District Councils as Local Planning Authorities are responsible for determining planning applications and ultimately the final decision on the scope and level of developer contributions are for them to determine. Gedling Borough Council has sought to work constructively with the County Council to ensure that the services that are necessary to ensure the development is sustainable are secured. The Community Infrastructure Levy Regulations (2010) and the NPPF (2021) require that planning obligations (i.e. developer contributions) sought must be:
 - 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.
- 1.4 The consultation draft Developer Contributions Strategy is essentially similar to the previous version and helpfully sets out a commitment by the County Council to respond to consultations on planning applications, to provide information on service requirements in relation to pre-application enquiries and to be proactive in the local plan preparation process to identify service requirements necessary to support development. This commitment is welcome. However, the consultation draft Developer Contributions Strategy includes the requirement for additional contributions towards County Council services, which raise concerns. These concerns relate to both the justification for the additional contributions and to the added burden placed on developers where experience within Gedling Borough is that, where economic viability is an issue, other very important priorities for Gedling such as the delivery of affordable housing tend to be “squeezed” down the list of priorities.

- 1.5 Comparison between the September 2021 consultation draft and the existing January 2021 document indicates a number of additional contributions sought particularly for education needs. Although it is accepted that these additional contributions are for important services, concerns are raised about the justification for these and whether they meet the regulatory tests for developer contributions set out above. It is also questioned why these services have been added at this time given that the current strategy is recently updated and the additional contributions sought do not appear to relate to new functions imposed on the County Council through, for example, new legislation.

2 Proposal

- 2.1 The County Council has set out a number of questions for consultees, which are set out in **Appendix 1** together with Gedling Borough Council's response. The Portfolio Holder is asked to agree the comments set out under each question, which includes details on the concerns raised, summarised above. The County Council has requested comments be submitted by 11th October 2021.

3 Alternative Options

- 3.1 The only alternative is for Gedling Borough Council not to make any representations on the Consultation Draft Developer Contributions Strategy in which case its views would not be made known to Nottinghamshire County Council. This alternative option is not recommended as it is considered that the consultation draft Developer Contributions Strategy raises issues of concern for Gedling Borough Council, which needs to be drawn to Nottinghamshire County Council's attention.

4 Financial Implications

- 4.1 None.

5 Legal Implications

- 5.1 Gedling Borough is the local planning authority responsible for determining planning applications. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the National Planning Policy Framework (NPPF) (2021) sets out that planning obligations may only constitute a reason for granting planning permission for the 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.

6 Equalities Implications

- 6.1 None. This is an opportunity to comment on a consultation document prepared by Nottinghamshire County Council who will ultimately finalise the content of the Developers Contributions Strategy.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 None. This is an opportunity to comment on a consultation document prepared by Nottinghamshire County Council who will ultimately finalise the content of the Developers Contributions Strategy.

8 Appendices

- 8.1 Appendix 1 - Representations by Gedling Borough Council on Nottinghamshire County Council Developers Contributions Strategy

9 Background Papers

- 9.1 None

10 Reasons for Recommendations

- 10.1 In order to submit the representations by Gedling Borough Council on the Nottinghamshire Developers Contribution Strategy by the deadline of 11th October 2021.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer