

Cotswold District Council

PARISH AND TOWN COUNCILS - WORKING WITH DEVELOPERS

The purpose of this guidance note is to support Parish and Town Councils in engaging with developers, particularly where there are major developments. Good engagement with developers should ensure that communities have a genuine opportunity to have their say in shaping development proposals before any planning applications are submitted.

A. Parish and Town Councils should:

- Be prepared to be positive and proactive in engaging constructively with developers, the District Council and other service providers from an early stage. In doing so they should consider the issues relating to particular development proposals and present any relevant evidence to support the Parish/Town Council's position.
- Assist in identifying and engaging other interested groups/organisations operating within their community.
- Help to provide information to the community by identifying local people, places or means of communication that could be used by developers to publicise their proposals and related community involvement opportunities.
- Seek to understand the full range of community interests the Town/parish Council is representing with regard to particular development proposals.
- Identify, clearly and at an early stage, the issues relating to the development proposal(s) that are a priority for the Parish/Town Council and the questions that need asking of the developer, the District Council and or other services.
- Help in establishing more detailed evidence of gaps or pressures on existing services or facilities, quantify need for local infrastructure improvements and confirm details of delivery and on-going responsibility
- Acknowledge and respect the rights of all stakeholders to express their views.

B. Parish and Town Councils should NOT:

- Seek to negotiate with developers on Local Plan policy requirements, such as need and requirement for Affordable Housing.

NOTE:

BY FOLLOWING THE GUIDANCE, PARISH AND TOWN COUNCILS ARE NOT INDICATING THEIR SUPPORT FOR ANY PARTICULAR PLANNING PROPOSALS.

Forest of Dean District Council

Notes from the Development Manager.

There is no formal written process.

We have in the past invited parish and town councils to put forward any projects but I have to say the take up has been slim. We would certainly encourage parishes to come to us with their bids and also when making consultation responses to planning applications that they put forward any suggestions.

What we do is if we have a planning application where we think 106 monies may be secured then we will invite the parish and town council to put forward any projects that they have. The critical point is the LPA cannot take monies unless a project already exists and that the project relates to the 106 contribution type.

Usually we are able to secure monies for play equipment and youth adult recreation and classically this can be areas where the parish may have a plan/project, the 106 will then be linked to the direct project, clearly if the project is aspirational and cannot be delivered within the time frame of the contribution then the LPA will be unable to secure the funding.

Ruspidge and Soudley PC have been a good example of where we have worked together and secured funding for play equipment.

It is important that the funding goes to toward new projects and cannot be spent on maintenance of existing facilities which the parish should be budgeting for in any event.

The LPA ability to secure funding has in recent years also diminished significantly as in our district most housing schemes are proving not to be economically viable and as such we are having limited success in securing 106 contributions for offsite projects.

We also appreciate that in some cases a parish will want to resist a housing development and will therefore not seek to engage with us regarding contributions. Whilst this stance is understood I can cite examples where the parishes unwillingness to talk with us, without prejudice to their in principle objection, has led to parishes missing out on funding. I would be grateful if you could make this point as overall it means that contributions which may be substantial have been lost.

TEWKESBURY BOROUGH COUNCIL

They do not have a policy, but follow this procedure:

- On receipt of a planning application Parish Councils are consulted (pursuant to paragraph 8(1) of Schedule 1 to the 1990 Town and Country Planning Act and Schedule 4 of the Development Management Procedure Order 2015);
- In the case of applications where contributions could be sought with the aim of “mitigating the impact of unacceptable development to make it acceptable in planning terms” (NPPG Reference ID: 23b-001-20150326) both Statutory Consultees, such as the County Council (as Local Highways and Local Education Authority for example) and Tewkesbury Borough Council Officers, including the Community Development Team are consulted;
- Once consulted on an application the relevant Community Development Officer for the area liaises with the Town or Parish Council regarding the need for community facilities generated by the development that may require contributions by way of S106 contributions.

July 2016

STROUD DISTRICT COUNCIL

At SDC there is a S106 monitoring officer, whose primary function is to monitor financial contributions arising from S106 agreements and to ensure that these are appropriately allocated to projects in accordance with the requirements of the S106 agreement. In addition the officer liaises with parish councils regarding their project aspirations. Essentially the officer focuses on off-site recreation contributions; there are also many other types of S106 contributions e.g. education, highways, libraries (managed by Gloucestershire County Council) and off-site affordable housing contributions (managed by the Housing Strategy Manager at SDC).

For some time now we have been working in the spirit of CIL with S106 agreements. This means that we have to justify the request for off-site recreation contributions by demonstrating that there is an identified and deliverable project to which the funding will be applied. The project must be CIL compliant i.e.

1. Necessary to make the development acceptable in planning terms
2. Directly related to the development
3. Fairly and reasonably related in scale and kind to the development

In order to try and satisfy the above, for some years now we have been asking parish councils to help us keep a list of identified and deliverable recreation projects that might benefit from S106 funding. These are made available via the SDC intranet for planning officers to refer to when they are processing a new planning application. We also contact parish councils on a case specific basis if necessary e.g. for more detailed information, to request updates or new projects, to identify current priorities. Sometimes this is done directly by the planning officer, and sometimes by the S106 officer who will then pass the information back to the planning officer. I've attached a blank copy of the table we send out to parish councils, to show the sort of information required. I've also attached two advice sheets we send out to parish councils about S106 funding and project proposals.

Once an appropriate project has been identified, this is put forward to the applicant / agent and subject to the planning decision, the resulting legal agreement will specify the amount due and how the money should be spent (i.e. on the identified project). At the appropriate time when the trigger for payment has been met (as specified in the legal agreement) we would advise the parish council that we have received payment and that it will be kept on account at SDC until the parish council is ready to claim the funds (within a 5 year period).

In terms of the future, we are expecting S106 agreements to continue but only for on-site provision e.g. on-site play area, on-site affordable housing. SDC is planning to introduce CIL by 2017 and we are currently working towards this. A consultation was held from 27/04/16 to 08/06/16 on the CIL Draft Charging Schedule and a draft Planning Obligations SPD. All parish councils were invited to comment on this consultation. Further information about the consultation can be found here <http://www.stroud.gov.uk/CILconsultation> .

When adopted, 15% of all CIL collected (or 25% if a Neighbourhood Plan is in place) will be given directly to the parish council in which the development is located to provide the community infrastructure considered necessary by that council.

S106 Process – Stroud District

Town/Parish Council consult local community (eg, through Parish Plan) on current / future social, environmental and economic needs.

Local Planning Authority (SDC) receives a planning application for a new residential development. Proposal justifies request for S106 contribution.

SDC agrees that project suggestions are reasonable in relation to new development.

Contribution agreed with developer, legal requirements defined in agreement including 'trigger points' for payment. All involved parties receive copy of S106 legal agreement.

Planning application implemented/Development commences on site.

Project ideas for new or improved infrastructure are suggested to relevant authorities.

Includes proposals for new and improved social and recreation provision sent to SDC.

SDC monitor the progress of the development. Once the 'trigger point' is reached (e.g.,

'on first occupation') the developer is invoiced for the agreed contribution. SDC holds the funds on account until project is delivered as outlined in the Project Proposal Form. Planning Officers consult the Community Project List for evidence of facilities needed by that community and consults Parish/Town Council if more detail is required. Discussions take place with developer to agree a contribution.

Town/Parish Council submits the Project Proposal Form giving specific project details (designs, quotation, contracts etc) to Stroud District Council, for formal agreement by senior management and to be recorded on S106 system.

Project is delivered and the community benefit from the new facility. Parish/Town

Council monitor and report back on its success. SDC keep records for audit purposes.

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