



<b>Subject:</b>	Section 76 Planning Agreements
<b>Date:</b>	12 <sup>th</sup> December 2017
<b>Reporting Officer:</b>	John Walsh, City Solicitor
<b>Contact Officer:</b>	Ed Baker, Development Engagement Manager

<b>Is this report restricted?</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>Is the decision eligible for Call-in?</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

<b>1.0</b>	<b>Purpose of report or summary of main issues</b>
1.1	The purpose of this report is to provide an update to the Planning Committee on the ongoing project to: i) establish a framework for negotiating and securing Developer Contributions as part of the planning application process (the “Developer Contributions Framework”); and ii) develop processes and procedures around the identification, monitoring and implementation of Planning Agreements, including those that secure Developer Contributions.
<b>2.0</b>	<b>Recommendations</b>
2.1	Members are asked to note the update.
<b>3.0</b>	<b>Main report</b>
3.1	<u>Background</u>
3.2	Section 76 of the Planning Act (Northern Ireland) 2011 (“the Act”) enables a Council or the Department for Infrastructure to enter into a Planning Agreement. Planning Agreements can be used to achieve a variety of planning objectives, such as securing Developer Contributions to mitigate the impacts of new development on the City’s infrastructure.
3.3	To support the Council’s use of Planning Agreements there is an ongoing project to publish a Developer Contributions Framework; and put in place processes and procedures around the identification, monitoring and implementation of Planning Agreements.
3.4	Responsibility for the project has recently moved from the Planning Service to Legal Services to ensure legal defensibility of the Developer Contributions Framework (“DCF”) as it moves through the consultation process towards adoption.  The Council’s Audit, Governance and Resources Service (“AGRS”) is providing consultancy

3.5	support for the project. It published a draft consultancy report in August, making recommendations around progressing the project. These recommendations have been incorporated into a revised Project Action Plan. One of the recommendations is around governance of the project. To this end, a Project Board has been established, chaired by the City Solicitor, to oversee the project and implementation of the Action Plan. The Project Board will be informed by two operational work strands – one relating to the DCF and the other around processes and procedures. The governance structure for the project is provided at <b>Appendix 1</b> .
3.6	<u>Developer Contributions Framework</u> The Council's Planning Service has secured over £3 million of Developer Contributions since 2015. However, this has been in the absence of an adopted framework for when and how contributions are sought. Drafting of a Developer Contributions Framework (DCF) is well under way. The Budget and Transformation Panel ("B&TP") recently agreed that a Member Workshop should be held on the DCF so that Members have an input into its approach ahead of consideration by the Planning Committee and Strategic Policy & Resources Committee. A timeline for delivery of the draft DCF is provided at <b>Appendix 2</b> .
3.7	<u>Processes and procedures around Section 76 Planning Agreements</u> It is vital to have in place robust systems and procedures around the identification, monitoring and implementation of Planning Agreements, including those that secure Developer Contributions. Key tasks include: construction of a database to record and monitor Planning Agreements; development of financial processes; establishing governance arrangements for spending contributions; putting in place a mechanism for independent assessment of viability when Developer Contributions are challenged; and publication of internal and external guidance on the Planning Agreement process. These and other supplementary tasks are set out in the new Action Plan and their implementation will be overseen by the Project Board.
3.8	The B&TP has also agreed that Party Briefings should be held on the project including delivery of the DCF.
3.9	<u>Financial &amp; Resource Implications</u> Developer Contributions will result in significant investment in the City's infrastructure. The project around Planning Agreements requires officer resource from across the Council. It is envisaged that other service areas will take the lead for spending contributions. They will also need to input into the planning application process in helping to identify the need for Developer Contributions. The Project Board has identified the need for additional resource to support implementation of the project and options are currently being considered.
3.10	<u>Equality or Good Relations Implications</u> The DCF will be assessed for potential equality and good relations implications which will be undertaken in conjunction with the Equality and Diversity Unit. The need for a Strategic Environmental Assessment of the Framework shall also be considered, as will a review of any Rural Needs impacts as required under the Rural Needs Act 2016.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
4.1	Appendix 1 – Project governance structure Appendix 2 – Timeline for draft Developer Contributions Framework