

The View from a County Council

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Leicestershire
County Council

LEICESTERSHIRE PLANNING OBLIGATIONS POLICY

- Adopted in December 2006
- Main LCC Policy guidelines on Developer Contributions for County Council Services
- Interim Review Completed Nov 2007
- A full review has been undertaken in 2014
- Consultation with the Borough/District Councils and other key stakeholders
- Cabinet 19th November 2014
- Full Council Meeting 3rd December 2014 – Adoption

3 December 2014

- Revised policy update and refresh
- In light of CIL regulations & compliance tests
- Experience of evidence for planning appeals
- National Planning Policy Framework
- National Planning Policy Guidance
- Leicestershire faces major growth over next 10-15 years
- Policy needs to be 'fit for purpose'
- Secure provision of infrastructure to support the areas of growth and local communities

- Provides certainty for developers
- Transparent – rate fixed no room for negotiation
- Broader range of development contribute
- Can fund sub regional infrastructure
- Can be linked to forward funding/prudential borrowing
- Stronger legal powers to secure unpaid CIL – injunctions etc.

- Planning Obligations (S106 payments) continue
- CIL = for development of an area
- S106 = site specific mitigation requirements
- LPA to say what CIL is for (Regulation 123 list)
- Cannot seek S106 for infrastructure on the list
- S106 – 3 statutory tests
 - necessary
 - directly related
 - fairly & reasonably related in scale & kind
- No more than 5 pooled S106 contributions for a project or infrastructure from April 2015 or with CIL in place whichever is the earliest

- County Councils need to engage with Development Plan (infrastructure schedules) process at earliest stages
- Infrastructure evidence and funding gap
- Charging Schedule will be derived from viability evidence
- Indirect receipt of CIL funds from Charging authorities versus other sources of infrastructure funding
- Strengthened working relationships with Leicester, Leicestershire local planning authorities & others to optimise infrastructure funding