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Place Overview & Scrutiny Committee

Monday, 3rd July, 2023

6.00 pm

**Meeting Room A,
Blackburn Town Hall**

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the last meeting**
13th March 2023 (2) **2 - 4**
3. **Declarations of Interest**
DECLARATIONS OF INTEREST FORM **5**
4. **Work Programme 2023/24**
The Committee will receive information from the Executive Member for Environment & Operations and the Executive Member for Growth & Development on their priorities and objectives for 2023/24, which will assist the Committee in agreeing its Work Programme for 2023/24.

Date Published: Friday 23rd June 2023
Denise Park, Chief Executive

PLACE OVERVIEW & SCRUTINY COMMITTEE **13th March 2023**

PRESENT – *Councillors: Brian Taylor, (Vice-Chair), Katrina Fielding, Zamir Khan, Mark Russell, Sonia Khan, and Paul Marrow.*

ALSO IN ATTENDANCE – *Officers: Martin Kelly, and Paul Conlon.*

RESOLUTIONS

7. Welcome and Apologies

The Chair welcomed everyone to the meeting.

8. Declarations of Interest

No Declarations of Interest were received.

9. Minutes of the Meeting held on 12th December 2022

The Minutes of the Meeting held on 12th December 2022 were agreed as a correct record and signed by the chair.

10. Section 106 Funding

The Committee received a presentation on section 106 funding and how where and who can spend it. The Committee focused on the issue of section 106 payments looking at-

- When they are sought
- The decision process
- Development Viability and contributions
- The contributions received by the council
- Affordable housing provision and S106
- Education Provision and S106
- Transport and Highways Provision and S106
- Green Infrastructure/Open Space and S106

The Committee were informed that a summary of the section 106 contributions were outlined and published on the Council's website and that the council was one of the first councils to publish in this way. Members were reminded of the publication of the Local Plan later in the year which clarified the Council's role in seeking funding contributions from developments.

The Committee were informed that Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They 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.

Members looked at the types of infrastructure the Council funds wholly or in part by developer contributions including:

- Affordable housing
- Education provision, which can be school extensions or new schools
- Transport and highways
- Open space, public realm and leisure

- Biodiversity net gain and environmental improvements
- Health infrastructure
- Community facilities
- Flood defence and water management
- Carbon reductions, including decentralised energy
- Digital infrastructure

Where a developer seeks to negotiate a reduction in S106 requirements the Council will require the developer to supply evidence as to the financial viability of the development. Viability Appraisals were independently assessed, with costs borne by the applicant. In assessing the information supplied in a financial appraisal, the Council would always seek to ensure that its decision represents the appropriate balance between the desirability of securing early delivery of the development, and that of providing in full for the standards set out in planning policy. Once agreed, Legal Services are instructed to prepare and execute the S106 Agreement.

The Committee received an update on the levels of income received from the payments and how this had increased over time.

In relation to education, a detailed pupil forecast modelling exercise had been carried out for the emerging Local Plan to assess and identify future demand for school places. S106 contributions had provided 140 additional primary school places in North Blackburn through the extension of Lammack Primary School including the provision of a new car park area and additional classrooms.

Contributions toward required transport & highway works are agreed on a case-by-case basis, evidenced by an assessment of the impact the development will have on the local highway network and mitigation works required to minimise this impact of the development. Mitigation examples were:

- Use of sustainable transport modes to improve capacity on the highway network
- Enhancing links for cyclists and pedestrians to access local services
- Minimising development-related impacts such as traffic congestion
- Providing and/or enhancing street lighting, traffic systems
- Providing and/or enhancing public rights of way
- Enhancing public transport infrastructure

The Councils Green Infrastructure & Ecological Networks Supplementary Planning Document seeks to provide green infrastructure provision on sites, however, if not possible, the Council requires a commuted sum to be paid in lieu of green infrastructure provision on site, applicants are required to pay £1406 per dwelling

Funding is spent to support provision of green infrastructure/open space e.g.

- Provision of new open space
- Enhancement of open space
- Enhancement of children's play areas
- Opportunities are assessed, which can be local, or across a wider area in the case of destination play provision
- Consultations undertaken through the planning process and/or by service leads on proposed projects.

The Committee were informed that the Council publishes an Annual Infrastructure Funding Statement which provides a summary of:

- Financial contributions secured through S106 agreements from new developments
- Projects delivered via S106 Highway works completed as part of new developments through S278 agreements

The Council was one of the first in the country to prepare an Annual Statement, starting in 2017/18. In the next 12 months the Council will prepare a Developer Contributions Supplementary Planning Document (SPD) to help support the delivery of infrastructure in the emerging Local Plan and provide further guidance on the requirements. The SPD will provide further clarity to developers and key stakeholders regarding the Council's overall approach to seeking funding contributions

Members looked at how Ward Councillors could have an input into how money could be spent in their wards and also how Community Associations could seek to influence how money was spent in an area

Members looked at the restrictions that were placed on the spending of S.106 money and where it could be spent and how they could seek to influence this.

RESOLVED – 1. That the Presentation be noted.

2. That Members looked at how Ward Councillors could have an input into how money could be spent in their wards and also how Community Associations could seek to influence how money was spent in an area

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: PLACE OSC

DATE: 3rd JULY 2023

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)