

**Committee: Cabinet**

**Agenda Item**

**Date: 17 September 2015**

**14**

**Title: Developer Contributions Guidance**

**Portfolio Holder: Cllr Barker, Deputy Leader and Cabinet Member for Environmental Services**

Key decision: **No**

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## Summary

1. At its meeting in January 2014 Cabinet adopted a revised Developer Contributions Guide.
2. This updated document responded to the Governments change of national Guidance and removed the requirement for affordable housing contributions on schemes under 10 units.

## Recommendations

3. To adopt a revised Developer Contributions Guidance, which is in accordance with the updated National Planning Practice Guidance, as a material planning consideration.

## Financial Implications

4. The charges will give rise to an increased income stream that will be held by the Planning Department, monitored by the S106 officer and used to fund new affordable housing within the district.

## Background Papers

5. None

## Impact

- 6.

Communication/Consultation	The adopted document will be placed on the website.
Community Safety	No impact.
Equalities	The requirement will affect all equally.
Health and Safety	No impact.
Human Rights/Legal Implications	No impact.

Sustainability	No impact.
Ward-specific impacts	Affects all wards
Workforce/Workplace	To consider as part of planning application process.

## Situation

7. At its meeting in January 2015 Cabinet adopted a Developer Contributions Guide.
8. This updated document responded to the Governments change of national Planning Policy Guidance (PPG) and removed the requirement for affordable housing contributions on schemes under 10 units.
9. The amended national Guidance was challenged through the Judicial Review process by two Councils (Reading Borough Council and West Berkshire Council). This challenge was successful and the amended process by which the amended paragraphs were inserted in to the PPG were found to be unsound and quashed.
10. As a result the Council is able to collect financial contributions for affordable housing on schemes of under 10 units providing it has the evidence to support this.
11. The current Strategic Housing Market Assessment (SHMA) highlights the high affordable housing need within the District and the Council has carried out a viability assessment of the proposed policy approach which found it to be affordable.
12. The change to the Developer Contribution Document would reinstate the position the Council was in at January 2015.
13. Cabinet should note that this document will need to be updated/altered again very shortly following the publication of the new SHMA.

## Conclusion

14. It is recommended that the Developer Contributions Guidance be updated in accordance with the National Planning Practice Guidance.
15. The Council has considered the need for clear guidance for developers and has produced a document which will be made publically available.

## Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
Not all required contributions listed.	1 – The document states that it is not exclusive. Those listed are the main requirements.	1 – Additional requirements from sites can be included.	Carefully considered what is included within document.
Developer does not comply with adopted Guidance.	2 – Developers may challenge the requirements. Clear planning justification lies behind the requirements which will be set out in these instances.	2 – Refusal to comply may result in refusing the application leading to appeal or resubmission.	Publish document so that requirement is clearly set out. Raise through pre-application meetings.
Contributions collected insufficient to cover associated costs.	2 – Historically the contributions collected have not covered the associated costs for the predicted period.	2 – funding therefore needs to be provided from other Council sources to make up difference.	Clearly set out requirements and calculate the contributions required in detail. Refuse to accept transfer of land where contributions proposed are deemed to be insufficient.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.