



<b>Subject:</b>	Planning Committee decisions awaiting issuing and new Section 76 planning agreement processes
<b>Date:</b>	18 <sup>th</sup> June 2024
<b>Reporting Officer(s):</b>	Kate Bentley, Director of Planning and Building Control Nora Largey, City Solicitor
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<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

<b>Call-in</b>	
<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	To provide an update in relation to delays issuing some Committee decisions and to update the Committee on new Section 76 planning agreement processes.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is asked to: a) note the contents of this report; and b) agree the proposed reporting method for applications which have been determined by Committee but not yet issued.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Background</u></b>
3.1	At its February 2024 meeting, the Committee requested further information in relation to the monthly report it receives on planning application decisions issued by the Council. Following the Committee's request, and for ease of identification, the monthly report now includes a colour coded system, highlighting approvals in green and refusals in red.
3.2	In addition, following clarification of the original request, officers have produced a summary table of all decisions made by the Committee on planning applications that have been determined by Committee but have yet to be issued. The summary table is provided at <b>Appendix 1</b> .

3.3	<p>Officers propose to report an updated summary table to the Committee at future meetings as part of the monthly report on decisions issued.</p> <p><b><u>Assessment</u></b></p>
3.4	<p>The summary table shows that there are 29 applications the Committee has resolved to approve which have not yet issued. The oldest Committee decision dates back to the February 2022 and most recent to the April 2024 Committee.</p>
3.5	<p>The summary table specifies the reason why each decision has not yet issued. The reasons are broken down as follows:</p> <ul style="list-style-type: none"> <li>• <b>24 applications</b> (83%) awaiting completion of a Section 76 planning agreement;</li> <li>• <b>3 applications</b> (10%) notified to the Department for Infrastructure (DfI);</li> <li>• <b>2 applications</b> (7%) awaiting further consultation responses.</li> </ul>
3.6	<p>Analysis of all decisions made on applications for <b>Major development</b> in 2023/24 shows that 13 (46%) of the 28 decisions made by the Committee were subject to post-Committee delays of 10-weeks or more before the decisions were issued. Of those 13 decisions, 9 (69%) of the 13 decisions were delayed due to negotiations post Committee in relation to the terms of the Section 76 planning agreements.</p>
3.7	<p>As set out above, some of the delays relate to procedural or technical matters which had to be resolved such as outstanding consultation responses, finalising conditions and other administrative delays. Recognising that the majority of delays in issuing decisions has been the finalisation of planning agreements, officers have been working on how to streamline this process to ensure decision notices are issued as soon as possible after Committee.</p> <p><b><u>New Section 76 planning agreement process</u></b></p>
3.8	<p>Historically, focused negotiations on the detail of planning agreements have tended to take place once an application is scheduled to be presented to Committee. This inevitably leads to delays post Committee whilst the detail of the agreement is worked through with solicitors who have sometimes only been instructed post Committee. Officers are proposing a new streamlined process to frontload this work as much as possible before an application is presented to Committee for determination.</p>
3.9	<p>The Planning Service and Legal Services have been working together to produce model Section 76 planning agreement clauses, covering the following areas:</p> <ul style="list-style-type: none"> <li>✓ affordable housing</li> <li>✓ financial developer contributions</li> <li>✓ employability and skills</li> <li>✓ public realm</li> <li>✓ open space</li> <li>✓ property management</li> <li>✓ green travel measures</li> <li>✓ purpose built managed student accommodation</li> </ul>
3.10	<p>The Model Section 76 planning agreements will be supported by new processes, which will further streamline the overall procedure. These are summarised below.</p>

3.11	The Planning Service's <i>Application Checklist</i> will be amended so that customers are clear about what is expected as part of the application process and what they in turn can expect from the Council. The "Heads of Terms" will be expanded to require confirmation of which proposed obligations contained within the schedule to the model agreement are applicable, details of all owners and/or persons who have an estate in the land and contact details for the applicant's solicitor.
3.12	Applications that require a Section 76 planning agreement will not normally be reported to the Committee until the planning agreement has been agreed in principle by the Planning Service and applicant, including content and ownership details confirmed by the applicant's solicitor.
3.13	The Planning Service will aim to issue the decision notice within 10 working days of the end of the Committee decision call-in process.
3.14	The new processes and customer guidance will be published on the Council's website alongside the Model Section 76 planning agreements. Customers will be encouraged to engage with the planning agreement process early on in the process and advised that where the model clauses are used this will lead to a much quicker processing time.
	<b><u>Future reporting</u></b>
3.15	The Planning Service has worked with the Intelligent Client Function (ICF) (which manages the contract for the Planning Portal) to design an automated report which enables the Planning Service to routinely update and report the summary table to Committee.
3.16	Officers propose to report an updated version of the summary table at <b>Appendix 1</b> to future meetings as part of the monthly report on decisions issued.
<b>4.0</b>	<b>Financial &amp; Resource Implications</b>
4.1	Significant work has been undertaken by both the Planning Service and Legal Services in drawing up the new Model Section 76 planning agreements. However, this will save time overall in the drafting of future planning agreements and, combined with the new processes, will enable the Council to deal with planning applications more efficiently and effectively.
<b>5.0</b>	<b>Equality or Good Relations Implications / Rural Needs Assessment</b>
5.1	There are no equality or good relations / rural needs implications associated with this report.
<b>6.0</b>	<b>Appendices – Documents Attached</b>
	<b>Appendix 1</b> – Summary table of post Committee applications.