

**Report of Head of Scrutiny and Member Development**

**Report to Scrutiny Board (Housing and Regeneration)**

**Date: 20<sup>th</sup> July 2012**

**Subject: Consultation Undertaken with Regard to Section 106 Agreements**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. At the last meeting of the Scrutiny Board Members asked for a report from the Director of City Development on the engagement undertaken by his Directorate with Elected Members in developing Section 106 agreements.
2. There was some concern that Ward Members were not being consulted regarding Section 106 agreements and Wetherby Ward and the North East quadrant of the city were given as examples. The Chief Planning Officer was also asked to report back to the Board as to whether the Council could require rather than encourage developers to submit their Section 106 agreement with their planning application.
3. The Chief Planning Officer has responded as follows

‘That unfortunately, we cannot compel developers to submit draft Heads of Terms. Rather we encourage them to do so as good practice. This can help identify those obligations that meet the Community Infrastructure Levy (CIL regulations), and any additional offer that may be proposed. Proposed Heads of Terms for the East Leeds Extension formed part of the pre-application report to the East Plans Panel and form part of the application submission. There is therefore an opportunity for Members, the public and the consultees to comment on them before the application is fully considered by the Plans Panel.

We have also consulted Members in the Wetherby Ward on those major applications which have incurred S.106 agreements.

This has included the proposals for the new industrial site on the north eastern edge of the town, the recently approved care home, as well as the current retail food applications currently under consideration and a recently submitted residential scheme in Wetherby. This approach is followed with other Ward Members across the City.'

4. The Chief Planning Officer has been invited to attend today's meeting to respond to Members questions.

### **Recommendation**

5. Members are asked to consider the response of the Chief Planning Officer and determine what further information, if any, the Board requires on this matter.

### **Background documents<sup>1</sup>**

7. No documents referred to.

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<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.