

## **SCRUTINY BOARD (INFRASTRUCTURE AND INVESTMENT)**

**WEDNESDAY, 25TH OCTOBER, 2017**

**PRESENT:** Councillor P Truswell in the Chair

Councillors N Buckley, C Campbell,  
R Grahame, P Gruen, A Ogilvie,  
K Renshaw and E Taylor

### **28 Late Items**

The following late information was submitted to the Board:

- Agenda item 7 - CIL Revenue 2015 - 2018

The above information was not available at the time of agenda despatch, but was subsequently made available on the Council's website.

### **29 Declaration of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests declared at the meeting.

### **30 Apologies for Absence**

Apologies for absence were submitted by Councillor N Dawson, Councillor D Ragan, Councillor C Towler and Councillor P Wadsworth.

Notification had been received that Councillor R Grahame was to substitute for Councillor C Towler and Councillor K Renshaw was to substitute for Councillor D Ragan.

### **31 Minutes - 27 September 2017**

**RESOLVED** – That the minutes of the meeting held on 27 September 2017 be approved as a correct record.

### **32 Scrutiny Inquiry - Sustainable Development - Session 3**

The Head of Governance and Scrutiny Support and the Director of City Development submitted a report which provided information to support the 3rd session of the scrutiny inquiry into Sustainable Development.

The following representatives were in attendance:

- Tim Hill - Chief Planning Officer
- Lora Hughes – Senior Planner
- Clare Munnelly – Planning Agreement Manager

The key areas of discussion were:

- The principles governing management of section 106 in regard to the planning applications process and sustainable development. The receipt of S106 income and the spending of the money on eligible projects and schemes. The Board requested a copy of the S106 list of eligible schemes, contributions made and how/where it is spent.
- Enforcement of planning agreements, how those agreements are fulfilled and the registration of section 106 agreements as local land charges.
- The principals of CIL and the differences between CIL and S106 income. It was clarified that CIL is paid on most schemes of a decent size and in some cases S106 is also paid, however they cannot both be invested in the same item.
- The more robust controls on the use of section 106 since the introduction of CIL and the potential review of CIL by Government. The Board stated their interest in providing input to the review if and when it is conducted.
- The payment of CIL instalments, assumption of liability and the question of the sufficiency of contributions from Developers when compared to profit.
- Clarity was sought regarding the comparison of Developer contributions currently under the new system of S106 and CIL compared to S106 previously. The Board were advised that this analysis would be provided however it would be difficult to compare due to the nature of payment.
- The request for clarity for Parish Councils regarding what CIL can and cannot be spent on as they are not constrained by the regulation 123 list. There was also recognition that there needs to be improved integrated arrangements between Parish Councils, Community Committees and the City Council regarding the investment of CIL to achieve community aspirations through a joint philosophy and single solution. The Board were advised of the intention to brief the Community Committee Chairs regarding CIL investment.
- The perceived inconsistencies in the way that Ward Members are consulted about S106 funding and schemes in their wards.
- The protocol for the spending of CIL which was drawn up by Ward Members, Parish Councils and Neighbourhood Planning Groups. The Board requested that this protocol be shared with the Scrutiny Board.
- Neighbourhood planning and the various levels of progress across Leeds. It was clarified that assistance is available to support the introduction of neighbourhood plans. With regard to the benefits of

neighbourhood plans it was clarified that planners are using plans in coming to decisions on planning applications.

- The proposal to update the regulation 123 list with consultation potentially early in 2018.
- The complicated CIL estimate calculations and the strategic and local CIL split agreed at Executive Board. It was clarified that CIL income is a resources and financial decision regarding investment, not a planning decision. Concern was expressed that communities are being disadvantaged and that local residents expect CIL income to benefit their communities rather than invested in major infrastructure projects in other parts of Leeds.
- The aspirational discussion of accessibility, environmental performance, space standards and green space as part of developments when Government policy focuses on development whatever the cost.
- The historic focus on zero carbon new housing development and the current emphasis on district heating systems.
- Concern about the provision of primary care services such as GPs and Dentists to support new or expanding communities due to capacity in the healthcare system. It was clarified that through the SAP process conversations have been undertaken with CCGs.
- Sustainable travel funding and the provision of metro cards.
- Developer practice of restricting the build out of housing to driving up the value of individual properties and the lack of deadlines for development completion.
- Examples of major applications refused on the basis of sustainability where appeal had been successful. The Board requested further examples of such cases for circulation.

**RESOLVED** - The Scrutiny Board (Infrastructure and Investment):

- a) noted the information contained within the report.
- b) requested further information as detailed in the minute be circulated to the Scrutiny Board for consideration.

### **33 Work Schedule**

The Head of Governance and Scrutiny Support submitted a report which detailed the Scrutiny Board's draft work programme for the 2017/18 municipal year

The following information was appended to the report:

- Draft Scrutiny Board Work Schedule 2017/2018 Municipal Year.
- Executive Board Minutes 20 September 2017

Sandra Pentelow, Principal Scrutiny Advisor was in attendance to respond to members questions.

The key areas of discussion were:

- the structure of the work programme for the remainder of the municipal year and the time framework for the inquiry.

**RESOLVED** – The Scrutiny Board noted the content of the report and agreed the work programme.

**34 Date and Time of Next Meeting**

Wednesday 22 November 2017 10:30am

(pre-meeting for board Members at 10:00am)