

**REVIEW OF INVESTMENT REVIEW GROUP PLANNING PROTOCOLS**

*To:* **Assets and Investment Committee**

*Meeting Date:* **24<sup>th</sup> June 2016**

*From:* **Chief Finance Officer**

*Electoral division(s):* **All**

*Forward Plan ref:* **n/a** *Key decision:* **No**

*Purpose:* **To inform Assets & Investment Committee Members of the previously agreed protocol guiding the Council's approach to negotiating planning consents on sites being brought forward for development**

*Recommendation:* **That the Committee reviews the existing Protocol and:**

**a) confirms its continuing application; or**

**b) provides guidance for a revised protocol to be brought to a future Committee meeting**

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## **1. BACKGROUND**

- 1.1 In September 2015, the Investment Review Group agreed a protocol to provide guidance to Officers as to the Council's approach to negotiating planning consents and Section 106 Agreements for sites being brought forward for development
- 1.2 The Assets and Investment Committee has now taken responsibility for all property matters on behalf of the Council
- 1.3 The current Protocol is attached at **Appendix 1**.

## **2. MAIN ISSUES**

- 2.1 As the Property Portfolio Development Programme progresses under the new Committee, Members should assure themselves that the current protocol is fit for purpose

## **3. ALIGNMENT WITH CORPORATE PRIORITIES**

### **3.1 Developing the local economy for the benefit of all**

The following bullet points set out details of implications identified by officers:

- The agreed protocol will support the Council's objectives in bringing forward sites from its portfolio for development across the county

### **3.2 Helping people live healthy and independent lives**

There are no significant implications under this priority

### **3.3 Supporting and protecting vulnerable people**

There are no significant implications under this priority

## **4. SIGNIFICANT IMPLICATIONS**

### **4.1 Resource Implications**

There are no significant implications within this category.

### **4.2 Statutory, Risk and Legal Implications**

Planning applications for the development of property are carried out under a statutory process, but there are many areas which are also open to negotiation and agreement. There are commercial and reputational risks for the council in how planning applications are negotiated

### **4.3 Equality and Diversity Implications**

There are no significant implications within this category.

#### **4.4 Engagement and Consultation Implications**

Each and every site to be developed by the Council will require planning consent to be granted by the local planning authority, and the planning application process involves full consultation with appropriate stakeholders and the public.

#### **4.5 Localism and Local Member Involvement**

Local Members are consulted prior to any disposal, and advised when planning applications are made

#### **4.6 Public Health Implications**

There are no significant implications within this category.

<b>Source Documents</b>	<b>Location</b>
<i>None</i>	

## **Appendix 1**

### **ENDORISING THE PROTOCOL FOR THE APPROACH FOR NEGOTIATING PLANNING CONSENTS ON CCC DEVELOPMENT SITES**

To: Investment Review Group

Date: 23 September 2015

From: Roger Moore

#### **1. PURPOSE**

- 1.1 Following previous discussions with Members, to confirm the general guiding principles under which officers will negotiate planning consents for CCC land for development sites
- 1.2 To seek the endorsement of the IRG to the Protocol described below.

#### **2. BACKGROUND**

- 2.1 CCC is taking a greater role in the development of its own land to create sustainable and ongoing investments for revenue returns and capital growth. As landowner, CCC will be negotiating planning consents which determine the development potential of such sites direct with local planning authorities.
- 2.2 This approach has the potential to create some tensions between CCC's role as a public authority, promoting high standard and community-focused uses and infrastructure, and the desire to maximise revenue or capital returns from development opportunities in its own property portfolio.
- 2.3 Particular areas where these tensions may surface include:-
  - Levels of Affordable Housing provision
  - Definition of Affordable Housing (eg local residency, Key Worker Housing, Specialist Housing such as Extra Care)
  - Construction and maintenance standards (eg Lifetime Homes)
  - Provision of Public Open Space
  - Contributions to local Sporting, Community, Leisure and Arts facilities
  - S.106 contributions to Infrastructure (eg Schools, Highways, Libraries etc)
- 2.4 This protocol therefore sets out the general approach that CCC will take in negotiating planning consents for its own land, following consultation with Members through the cross-party Investment Review sub-group of the General Purposes Committee.

### **3. PROTOCOL**

- 3.2 When negotiating planning consents for the development of CCC land for residential, commercial and investment purposes, CCC will make fair and reasonable efforts to comply with the current requirements of the local planning authority and its statutory consultees
- 3.3 Where a genuine viability/profitability gap can be demonstrated in respect of any particular site, CCC will use its reasonable endeavours to ensure that a viable planning consent is obtained
- 3.4 In considering any viability/profitability, CCC will include a reasonable expectation of a market value return for its interest in the site as landowner (i.e. what it could reasonably expect to receive if it were to sell the land at market value, including development value)
- 3.5 Where requirements for contributions or works relating to statutory functions of CCC exceed those that might reasonably be expected from current market practice, those proposals will be referred to the Investment Review Group for consideration
- 3.6 Each site will be considered on a case by case basis, including consultation with the local CCC Member, and any potential areas of departure from this Protocol will be referred to the Investment Review Group for consideration and guidance

### **4. RECOMMENDATION/DECISION REQUIRED**

- 4.1 Members are asked to endorse the Protocol as guidance to officers in dealing with future negotiations for planning applications for development on CCC land for residential, commercial and investment purposes