

Agenda Item No:



Report of Overview and Scrutiny Committee to Cabinet

O&S Recommendations to Cabinet – Planning & Air Quality

The Overview and Scrutiny Committee recommends to the Cabinet:-

- I. That Ward Members should be consulted from the outset on S106 agreements attached to developments in their wards
 - II. That where issues of viability arise with regard to S106 agreements, the relevant Ward Member(s) and town, parish or community councils be engaged at the earliest stage
 - III. That planning applications must not be permitted to go to the planning committee for determination before the time for public consultation has elapsed
 - IV. That, per the constitution, planning applications must not be approved under delegated powers where the Ward Member has called the application in to the Planning Committee
 - V. That the Council should pursue central government Brexit funding for additional nitrogen dioxide and particulate matter monitoring equipment in order to allow for air quality monitoring and establish the health impacts in the event that Operation Brock is implemented
 - VI. That the Council should engage with UK Power Networks to ensure that there is sufficient grid supply to meet demand for electric vehicle charging in new developments
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Date of O&S meeting: Tuesday 26 February 2019

Chair of O&S Committee: Cllr Brendan Chilton

Date of Cabinet Meeting: Thursday 11 April 2018

Key Decision: No

Significantly Affected Wards: None specifically

Relevant Portfolios: Planning and Development
Community Safety and Wellbeing

Management Team Comment: Management Team has considered the recommendations of the Overview and Scrutiny Committee and recommends the following to Cabinet:

Recommendation 1 – **REJECT** (paragraphs 4-5)
Recommendation 2 – **REJECT** (paragraph 6)
Recommendation 3 – **ACCEPT** (paragraph 7)
Recommendation 4 – **ACCEPT** (paragraph 8)
Recommendation 5 – **REJECT** (paragraphs 9-11)
Recommendation 6 – **ACCEPT** (paragraph 12)

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Report Title:

Introduction and Background

1. During scrutiny of the council's draft budget, Members expressed a desire to understand more about the council's section 106 process and current position, as well as plans for addressing the staff shortages within the Planning and Development Service and the ongoing development of the Air Quality Strategy for the council.
2. In reviewing the presentations of the Head of Planning and Development and Community Safety and Wellbeing Manager, the Overview and Scrutiny Committee made six recommendations relating to section 106 agreements, the planning application process, air quality monitoring and electric vehicle charging.

Management Team Comment

3. Management Team has considered the report and wishes to submit the following comments for the attention of the Cabinet.

Recommendation 1: *That Ward Members should be consulted from the outset on S106 agreements attached to developments in their wards*

4. The existing opportunity for Ward Members and Parish Councils to contribute to discussions around s106 agreements takes place through discussions on individual planning applications through consultation with case officers. S106 can only be asked for to meet needs generated by developments and not to remedy existing deficits. Strategic oversight of s106 agreements and the requirements of developers regarding the associated contributions is appropriately aligned with legislative guidance and corporate plan requirements to facilitate the provision of the infrastructure required to support delivery of growth set out in the Local Plan.
5. It is appropriate for Ward Members and indeed Parish Councils to feed into needs generated by developments at the plan making stage. Local provision from planning obligations is to be set out in a forthcoming Supplementary Planning Document (SPD) covering infrastructure provision. On this basis Management Team advise Cabinet to **reject Recommendation 1**.

Recommendation 2: *That where issues of viability arise with regard to section 106 agreements, the relevant ward member(s) and town, parish or community councils be engaged at the earliest stage.*

6. Discussions with developers regarding viability are conducted through planning officers assisted by consultants who are experts in the field. Management Team therefore advise Cabinet to **reject Recommendation 2**,

noting that dialogue with ward member(s) and town, parish or community councils is to take place as part of discussions with officers on a case by case basis.

Recommendation 3: *That planning applications must not be permitted to go to the planning committee for determination before the time for public consultation has elapsed.*

7. Public consultation processes are generally scheduled to take place in advance of planning committee. However in certain rare instances public consultation can overlap with planning committee. In such eventualities it is considered that adequate opportunity is provided for public comments to be recorded prior to the issuing of the decision. Management Team advise Cabinet to **accept Recommendation 3**.

Recommendation 4: *That, per the constitution, planning applications must not be approved under delegated powers where the ward member has called the application in to the planning committee.*

8. Management Team advise Cabinet to **accept Recommendation 4**, noting that the existing processes concerning the calling in of planning applications to Planning Committee by Members is to be reviewed and strengthened. A more formal protocol to register requests is to be established to avoid the eventuality of call in requests not being accurately recorded.

Recommendation 5: *That the council should pursue central government Brexit funding for additional nitrogen dioxide and particulate matter monitoring equipment in order to allow for air quality monitoring and establish the health impacts in the event that Operation Brock is implemented.*

9. The council is currently being funded by Highways England for additional NOx monitoring in relation to Operation Brock and this is planned to continue post Brexit. There are now 15 tubes across 5 sites that we monitor for Highways England. It should be noted that the cost of additional NOx monitoring tubes and analysis is low (approximately £100 per location per year)
10. Particulate pollutants can take hours or days to form and can travel great distances before representing an issue. As such, the council uses the Automatic Urban and Rural Network (AURN) for compliance reporting against the Ambient Air Quality Directives. The AURN is the UK's automatic monitoring network and includes automatic air quality monitoring stations measuring oxides of nitrogen (NO_x), sulphur dioxide (SO₂), ozone (O₃), carbon monoxide (CO) and particles (PM₁₀, PM_{2.5}). These sites provide high resolution hourly information which is communicated rapidly to the public, using a wide range of electronic, media and web platforms. It is operated by DEFRA.
11. In view of the existing monitoring arrangements, including additional NOx monitoring related to Operation Brock, Management Team advises that Cabinet should **reject Recommendation 5**. If Cabinet resolves to accept the

recommendation and determines that additional NOx monitoring is required, it is felt that this can likely be funded directly by the council.

Recommendation 6: *That the council should engage with UK Power Networks to ensure that there is sufficient grid supply to meet demand for electric vehicle charging in new developments*

12. Management Team advise Cabinet to **accept Recommendation 6.**

Conclusion

13. The Overview and Scrutiny Committee thanks the Portfolio Holders and Officers for their attendance and the reports presented, and recommends the following to Cabinet:

- I. That Ward Members should be consulted from the outset on S106 agreements attached to developments in their wards**
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- III. That planning applications must not be permitted to go to the planning committee for determination before the time for public consultation has elapsed**
- IV. That, per the constitution, planning applications must not be approved under delegated powers where the Ward Member has called the application in to the Planning Committee**
- V. That the Council should pursue central government Brexit funding for additional nitrogen dioxide and particulate matter monitoring equipment in order to allow for air quality monitoring and establish the health impacts in the event that Operation Brock is implemented**
- VI. That the Council should engage with UK Power Networks to ensure that there is sufficient grid supply to meet demand for electric vehicle charging in new developments**

Contact and Email

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