
Report to: Transport Committee

Date: 20th November 2020

Subject: **Developer Contributions update and Developer Advice Note**

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Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, state paragraph number of Schedule 12A, Local Government Act 1972, Part 1:	

1. Purpose of this report

- 1.1 The report is to give Transport Committee members an update on the Combined Authority's approach to securing developer contributions through the planning process and to seek endorsement to publish the Developer Advice Note presented.

2. Information

Context

- 2.1 The Combined Authority is the body responsible for certain transport and travel matters across West Yorkshire and transport authority for Bradford, Calderdale, Kirklees, Leeds and Wakefield.
- 2.2 The Combined Authority does not currently have any planning powers and is not a statutory consultee in the development management process. However, we offer advice to the five West Yorkshire planning authorities, advising them on the best way to improve land use / transport integration through their forward plans and development proposals.

- 2.3 The Strategic Planning Review approved by the Combined Authority (December 2018) sets out how the Combined Authority will deal with planning related activities. The planning review states that:

‘The West Yorkshire Combined Authority to provide consultation responses on planning applications relating to transport matters to West Yorkshire partner councils; responses will provide comments and practical guidance (including recommendations relating to planning gain) to ensure that development proposals are aligned and contribute to meeting the objectives of the West Yorkshire Transport Strategy and LPAs transport policies. Responses to other Leeds City Region authorities will be provided where the development would have an impact on West Yorkshire.’

- 2.4 The planning review also says that the Combined Authority will provide consultation responses on planning applications relating to economic development matters (all Leeds City Region authorities) - providing an assessment of alignment with the SEP, West Yorkshire Combined Authority and the LEP investments or policy positions. This will only be to local planning authorities and on an exceptions basis such as by the request of LPAs on applications of sub-regional significance and / or where they relate to specific schemes which the West Yorkshire Combined Authority / the LEP have an interest; for example schemes which are part of the Leeds City Region project pipeline for investment.

Developer Contributions

- 2.5 Currently in West Yorkshire, the majority of public transport interventions (from developer contributions) are gained from Section 106 agreements (S106). The government planning white paper looks to reform the S106 process with the introduction of a nationally set levy-based system. The proposals do not include the detail required to determine how the proposed changes would operate in practice. S106 agreements for instance, are currently used to secure sustainable travel methods, encourage the employment of local people in development construction jobs, provide retail units at an affordable rent and secure on-site facilities such as open space, schools, doctors' surgeries and community facilities which would be difficult to deliver under a levy system.
- 2.6 The Combined Authority continues to look to maximises contributions from the development process to make improvements to sustainable transport including public transport. The proposals in the White Paper appears to make such local contributions more difficult to realise. We have sought more clarification in the Combined Authority consultation response to the white paper.
- 2.7 In West Yorkshire, the average amount of contributions currently received through the planning process per annum (since 2014 to 2019) is £1.2million. This is a relatively low amount in context of the Combined Authority capital programme and revenue expenditure on transport but does provide important local mitigation where development occurs.

- 2.8 The majority of funding received by the Combined Authority is for ticketing incentives (Residential MCard Scheme), bus service enhancement (new or extended services) and bus infrastructure (bus stops and real time displays). It should be noted that some infrastructure contributions such as cycling and walking schemes are not received by the Combined Authority so are not included in these figures. The Developer Advice note introduced later in this report intends to, in part, make developers and local authorities aware of the broad range of intervention that the Combined Authority supports.
- 2.9 In addition, Leeds City Council have separate developer contribution fund which derived from contributions collected for the Supertram and more recently NGT. This funding is controlled by the Local Authority as the charging authority is used to fund strategic transport schemes. This included a £5.3 million contribution paid to the Combined Authority in 2017 towards the Leeds Station Southern Entrance. We are not aware that the other West Yorkshire planning authorities operate this type of scheme.
- 2.10 It should be noted that the Combined Authority requests are one of several considerations planning authorities are presented with when determining planning applications. Planning officers must make balanced recommendations to planning committees considering all the issues around a planning application including viability. Therefore, there should not be an expectation that the Combined Authority will secure everything that we request.
- 2.11 We have seen a significant decline in the value of developer contributions received during 2020. We suspect this is due to the impact of Covid 19 slowing the rate of development, the speed the Combined Authority receives money from the districts and in part, due to the prioritisation of other work meaning fewer planning application responses were made during 2019 and 2020 to date.

Developer Advice Note

- 2.12 Being mindful that the Combined Authority is not a planning authority and therefore does not have the remit to set planning policy, we have agreed the scope of the Developer Advice Note with the West Yorkshire Chief Highways Officers and Heads of Planning.
- 2.13 The scope of the advice note builds on the Planning Review statement with respect to the Combined Authority's approach to planning applications dealing with transport matters. The purpose of the advice note is to provide clarity on the Combined Authority's role in the planning system, specifically relating to developer contributions and to improve the current processes we have in place. The specific objectives of the advice note are to:
- achieve greater consistency on when the Combined Authority are consulted by district partners on planning applications;

- set out the types and scale of transport interventions the Combined Authority requests through the planning process (including behavioural change scheme);
- provide some key principles / best practice that will inform the Combined Authority's approach to planning applications (and local plan responses);
- provide users of the Advice Note access to information to allow (developers for example) to assess their applications prior to submitting their proposals to the local planning authority.
- Facilitate efficiency savings by provide a platform for developers and local planning authorities to self-serve by giving them access to key public transport information.

2.14 The Advice note includes section on:

- Policy Context
- Key Principles based on Transport Orientated Development principles published by the Urban Transport Group¹
- Development Criteria that sets out which applications the Combined Authority should be consulted on
- Developer Contributions – sets out how principles on how the Combined Authority need to be involved in securing S106 agreements
- Planning Resources App – map-based content that provides access to key transport information including key bus routes, stops and the Combined Authority transport investment commitments
- Interventions – provides some further information about the interventions that the Combined Authority seeks through the planning process and should be used as a starting point when preparing planning applications.

2.15 The advice note has been prepared using the Story Map platform. This allows mapped content to be included that can be updated while the document is live. The link is available here - <https://storymaps.arcgis.com/stories/61cd12bce9b9494283ffd29dad02c62d> . A text version of the document is available in Appendix 1.

2.16 Subject to comments from the Committee, we intend to publish the Developer Advice Note on the Combined Authority web site.

3. Clean Growth Implications

3.1 The main observation from the officer consultation to date has been that the guide has the potential to broaden its scope from transport into other policy

¹ <https://www.urbantransportgroup.org/system/files/general-docs/The%20place%20to%20be%20-%20Urban%20Transport%20Group%20FINAL%20WEB.pdf>

areas. As set out in the planning review, the Combined Authority only provides comments on planning applications relating to non-transport policy areas by exception and therefore it may be premature to have a comprehensive advice note on other policy areas outside transport. The exception to this is the zero-carbon policy area.

- 3.2 As the reduction of emissions from transport is key to achieving our objectives to be zero carbon by 2038, there is an opportunity for the Combined Authority to place greater emphasis on encouraging the use sustainable travel from new developments to reduce the carbon impact from sites which could be achieved within the current agreed approach to planning applications. We do not propose that this version of the Developer Advice Note should go beyond transport policy.

4. Financial Implications

- 4.1 There are no financial implications directly arising from this report.

5. Legal Implications

- 5.1 A S106 financial contribution is a sum of money secured against the landowner of a development by way of an agreement or undertaking (pursuant to section 106 of the Town and Country Planning Act 1990) and payable to a local planning authority so as to facilitate the grant of planning permission for a development.
- 5.2 The Combined Authority receives developer funding from the local planning authority and is generally not party to the S106 agreement. We are only able to use any funding received for the specified purpose for which the contribution was intended, and any surplus would be returned to the local planning authority.
- 5.3 As set out in the scope, the developer advice note would not have any legal planning status and therefore would not be a material consideration in plan making or determining planning applications.

6. Staffing Implications

- 6.1 There are no staffing implications directly arising from this report.

7. External Consultees

- 7.1 No formal external consultations have been undertaken. In drafting the Developer Advice Note, we have engaged with officer groups within the West Yorkshire local authorities and the West Yorkshire Bus Alliance Group that includes representatives from the main bus operators.

8. Recommendations

- 8.1 That the Committee notes the updates provided in this report relating to developer contributions.
- 8.2 That the Committee endorses the publication of the Developer Advice Note subject to any comments

9. Background Documents

None.

10. Appendices

Appendix 1 – Draft Developer Advice Note Text Version