



Managing and Monitoring Arrangements

Policy IP2: Managing and Monitoring Planning

Obligations

- A. All planning obligations for minor development will be required to pay a non-refundable fee of £500 per obligation trigger, capped at £2,500.
- B. All planning obligations for major development will be required to pay a non-refundable fee of 5% of the total financial value of the planning obligation.
- C. All monitoring fees are required to be paid at completion of the relevant legal deed.

Places for Everyone Links

Policy JP-D1 and Policy JP-D2

Relevant Strategic Objectives

All

- 14.25. Money and infrastructure secured through planning obligations and CIL are of interest to the public and is essential for transparency and accountability that their agreement, collection, provision and fulfilment is accurately monitored and reported on.
- 14.26. To undertake this essential function, it is necessary for the Council to ensure that resources are available to support the effective monitoring and reporting of planning obligations.
- 14.27. National Planning Practice Guidance advises that authorities can charge a monitoring fee through planning obligations to cover the cost of monitoring and reporting on the delivery of planning obligations. Any such fees must be proportionate and reasonable.
- 14.28. The Council undertakes a number of monitoring activities in relation to planning obligations including (but not limited to):
 - data entry and maintenance of planning obligations database



- monitoring of trigger points for obligation actions and for receiving payments
- developer liaison and confirmation of compliance of obligations
- site visits, as required
- monitoring financial obligation time limits and spend
- calculation of indexation and interest applied to planning obligations
- the issuing of s106 Demand Notices (invoicing)
- processing of s106 payments
- chasing unpaid invoices
- arranging bank transfer of financial obligations
- contacting infrastructure providers and organising drawdowns
- ensuring timely delivery of infrastructure projects funded through s106
- gathering and recording of spend data evidence
- reviewing projects to comply with legal obligations
- reconciliation of data as appropriate; and
- regular reporting and production of the s106 Report, Infrastructure List and Infrastructure Funding Statement

Calculation and Payment of the Fee

- 14.29. The monitoring fees are based on an estimated number of planning obligations managed by the council annually, the percentage of officer time spent on the above activities per obligation and trigger, and the annual cost of software licences per obligation and trigger.



- 14.30. Planning obligations will require some degree of the above activities even if they are triggered prior to commencement, therefore the approach ensures that the monitoring fees are fair and reasonable.
- 14.31. As such, the monitoring fee is to be paid at completion of the legal deed, to enable the council to cover the costs of monitoring the commencement of development and/or other pre commencement triggers.

Minor Development Fees

- 14.32. Minor developments with planning obligations often have fewer triggers requiring monitoring, resulting in the cost to the Council of monitoring and reporting on them being less.
- 14.33. Each trigger, nonetheless, needs to be monitored and the fee therefore is based upon the occurrence of triggers for compliance of a planning obligation rather than each obligation individually.
- 14.34. A cap of £2,500 has been included to ensure that the monitoring fees are not excessive, although it is anticipated that the large majority of relevant obligations will fall below this threshold.

Major Development Fees

- 14.35. Conversely, planning obligations for major development are more likely to have several triggers across one or more areas e.g. affordable housing provision and a financial contribution towards open/ green space. In many cases agreements also requiring monitoring over several years.
- 14.36. Major development, include anything over 10 homes or 1,000 square metres of development, and as such captures a wide range of types and sizes of development.
- 14.37. A blanket monitoring fee is therefore considered to be neither proportionate nor reasonable.
- 14.38. In a similar fashion to CIL, where 5% of the levy is retained for the administration costs of the charge, it is considered that a 5% charge is



reasonable and allows for the scale of development and contribution to be proportionately recognised.

Consultation Question 14-2

Do you support Policy IP2? Are there any changes required which would improve the policy? Please provide any supporting evidence which you think is relevant.

Consultation Question 14-3

Do you agree that the Council should require a fee to monitor and report on all planning obligations?

Consultation Question 14-4

Do you agree or have any observations or suggestions on the proposed planning obligation monitoring fees for either minor and/or major developments?