



Leicester
City Council

Minutes of the Meeting of the
REGENERATION AND TRANSPORT TASK GROUP

Held: TUESDAY, 1 MARCH 2011 at 5.30 pm

P R E S E N T :

Councillor Newcombe – Task Group Leader
Councillor Hunt – Deputy Task Group Leader

OFFICERS IN ATTENDANCE:

Elaine Baker	Democratic Services Officer
Alison Bowen	Team Leader (Planning Policy and Design)
Jerry Connolly	Members Support Officer
David Cotton	Team Leader (Planning Management and Delivery)
Bob Mullins	Standards & Development Manager (Parks and Green Spaces Service)

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18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Shah.

19. DECLARATIONS OF INTEREST

Councillor Newcombe declared a personal non-prejudicial interest in the general business of the meeting as he lived in one of the areas under discussion.

20. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 11 February 2011 were agreed as a correct record.

21. CONCLUSIONS AND RECOMMENDATIONS

The Chair of the Task Group submitted a draft report setting out the conclusions and draft recommendations arising from the review of Land Management Companies.

The following points were made during discussion on this item:-

- Elements of the sample performance specification received from the Greenbelt management company had been used throughout the recommendations contained in the report;
- The Council had used a performance specification for approximately 15 years. This contained a range of standards that reflected British Standards for Grounds Maintenance, (which included the maintenance of pathways). These Standards could be adapted to suit available funding and included tests by which it could be assessed if the Standards were being met;
- The Council normally did not provide development briefs for development sites unless they were owned by the Council. However, it was recognised that some form of technical guidance was needed, to ensure that developers were aware of the standards to which the Council encouraged land to be managed;
- Land management companies worked to specifications agreed by developers on a site by site basis;
- It was hoped that agreements that worked in perpetuity could be reached between land management companies and residents. If they were correctly drawn up, any such agreements should be valid in perpetuity, which was the ideal situation. However, if they failed, it could be useful to have provision made in Section 106 Agreements to ensure that land management was carried out to required standards, although it was recognised that such provisions could only be enforced for the time span set out in the Section 106 Agreement;
- It would be difficult to use a common specification for land management under Section 106 Agreements. Instead, it would be preferable to use a model set of conditions, or impose a condition within each Agreement that the respective developer was required to submit details of the land management regime. The first alternative would be easier to manage, as under the second the proposals for each Agreement would have to be examined separately;
- The Team Leader (Planning Management and Delivery) tabled proposed standard conditions for inclusion in Section 106 Agreements, which would enable the Council to have greater control of land management arrangements. A copy of these is attached at the end of these minutes for information. It was noted that the implementation of these could be

measured against performance standards used by the Parks and open Spaces service;

- Consideration needed to be given to how long a condition within a Section 106 Agreement regarding land management could be imposed. Officers' professional view was that it should be in perpetuity, but it was recognised that the Planning Inspectorate often time limited conditions to five years. It therefore was suggested that 10 years could be a good compromise;
- Design and Access statements were a requirement for most planning applications, but these were not suitable for land management requirements. The existence of a Design and Access statement would not supersede the need for a Section 106 Agreement;
- It was important that land management companies held regular consultation meetings with residents. If they were held too frequently, they could lose their effectiveness, as there would be very little to discuss at each meeting. Six-monthly meetings therefore seemed appropriate; and
- Reference needed to be made in the final report of this review to Sustainable Urban Drainage Schemes (SUDS). No standard currently existed for SUDS, requirements for them being made by local water authorities. However, it was possible that, in the foreseeable future, councils would be required to take over responsibility for their adoption.

AGREED:-

- 1) that the Members Support Officer be requested to add the following to the final report and recommendations arising from this review:-
 - a) recommendations that a performance specification be drafted, based on standards acceptable to Leicester City Council, and that land management standards for each development be assessed against this;
 - b) a condition be added that:-

“If not to be adopted by the City Council for maintenance, the details of the management arrangements shall be the subject of a Section 106 Agreement, covering the arrangements for financing, consultation with occupiers and transfer of responsibility in the event of any land management company withdrawing or failing to meet the contractual requirements.”
 - c) the following be added to recommendation 2.1(e), (additional wording shown in italics):-

“... An identified local contact should be named by the contractor *and specific consultation meetings take place at*

least every six months to address issues raised by residents in the area.”; and

- d) a recommendation that land management companies be required to establish and maintain Sustainable Urban Drainage Schemes to standards adoptable by the relevant authority;
- 2) that, once the amendments agreed above have been made, the Planning Team Leaders be requested to review the recommendations arising from this review to ensure that they are feasible in planning terms; and
- 3) that, once points 1) and 2) above have been completed, the final report and recommendations arising from this review be presented to the Overview and Scrutiny Management Board for consideration.

22. CLOSE OF MEETING

The Chair thanked all participants in this review for their contributions and confirmed that no further meetings would be needed.

He reminded the Task Group that the final report of the review would be passed to the Overview and Scrutiny Management Board for consideration and undertook to ensure that participants in the review were kept informed of the report's progress.

The Chair then closed the meeting at 6.07 pm.

Minute Item 21

Before the development authorised by this permission is begun, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots); **(viii) a programme for carrying out the scheme; (ix) details of arrangements for maintenance and management of landscaped and other public or shared areas. The approved landscaping scheme shall be carried out before any dwelling/building is occupied or in accordance unless otherwise specified in the agreed programme.** For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. **The maintenance and management arrangements shall be in place before any dwelling /building is occupied and shall remain unless otherwise agreed in writing with the City Council as local planning authority.** (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

31. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

32. No development shall take place until a schedule of landscape maintenance for a minimum period of [] years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Note for Applicant

With reference to condition x (landscaping), the approved scheme will be expected to be carried out to an adoptable standard, whether or not intended to be adopted by the City Council for maintenance.

If not to be adopted by the City council for maintenance, the details of the management arrangements shall be the subject of a S.106 agreement, covering the arrangements for financing, ` consultation with occupiers and transfer of responsibility in the event of any land management company withdrawing or failing to meet the contractual requirements.