

Written response to: Business and Transformation Scrutiny Panel

Resolution:

That the Finance, Governance and Resources Portfolio Holder provides the Panel with further information regarding developers' contributions to the provision of recycling and waste receptacles for new homes.

Written response from: Finance, Governance and Resources Portfolio Holder

Response:

Carlisle City Council has, since 2013, requested a contribution from house builders towards the cost of providing household waste receptacles for new housing developments.

Local authorities must consider whether otherwise unacceptable development could be made acceptable through planning conditions or obligations. Developers must comply with any conditions attached to their planning permission. Conditions must be kept to a minimum and only imposed where they are necessary, relevant, enforceable, precise and reasonable.

Planning obligations, in the form of section 106 agreements and section 78 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition.

These agreements are legally binding, costly, time consuming and open to challenge.

As previously advised to Scrutiny, in 2018/19 the Council provided 435 new build homes each with a suite of recycling bags, boxes and wheeled bins at a cost of £18,338. In previous years, we would have sought to support this cost through the receipt of contributions from developers. Advice received, however, from City Council legal team is now as follows:

It is no longer possible to argue that these costs are necessary to make any development acceptable. Therefore, Carlisle City Council can no longer impose a condition on the planning approval that makes developers pay a contribution towards the cost of providing waste receptacles.

Date: 22 August 2019