

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

- 1) Please provide the reference number for all planning applications in which Section 106s are currently being renegotiated.**
- 2) Please disclose the number of renegotiated Section 106 planning agreements on developments of over 50 units since 2007 broken down annually. And please provide the relevant web link or attached PDF/file linked for each Section 106 renegotiated agreement.**

ANSWER

Leicester City Council does not hold the information in the form you have requested. We would have to look at all the planning permissions on the register with a "section 106" agreement from the date given, check the description and for housing schemes over 50 units check the register to see if there is a subsequent deed of variation or any subsequent permissions on the same site for the same development with different terms. We would then have to compare the two agreements. This would be a substantial task for each of these records. Our Legal Service's system of recording deeds of variation would bring up deeds of variation generally and not just ones under S.106. Also even after ascertaining which ones applied to planning they would still have to go back through each file to see which S.106/permission it applies to.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

If you are able to provide a further refinement to your information request we may be able to provide you with the relevant information without exceeding the limit identified above.

- 3) Please provide the number of affordable homes that were part of the original Section 106 agreement prior to renegotiation.**

We are aware of one current application to renegotiate an affordable housing requirement:

Wharf Street South (ref 2021132). This is a variation of condition application. The original s.106 provided for 5 affordable housing units, £553,700 off site affordable housing contribution and £100,000 Public Realm contribution. The new 'renegotiated' undertaking provides only for the public realm contribution which is also now staggered into three instalments. The original S.106 will continue to apply to the original permission (20070067). Details of this and other planning permissions can be found at:
<http://rcweb.leicester.gov.uk/planning/onlinequery/mainsearch.aspx>

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Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager
Information and Customer Access
Leicester City Council
FREEPOST (LE985/33)
New Walk Centre
LEICESTER LE1 6ZG

e-mail: info.requests@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF
Telephone: 01625 545 700
www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.