

# Cabinet Report

Report of Head of Planning

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Wards affected: All

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To: CABINET

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## **Community Infrastructure Levy Charging Schedule and Planning Obligations Supplementary Planning Document Adoption**

### **Recommendations**

- (a) That Cabinet recommends to Council that it adopts the CIL Charging Schedule, the Regulation 123 List and Instalment Policy, with an implementation date (subject to variation by the Cabinet Member for planning) of 1 September 2017
- (b) That Cabinet adopt the Planning Obligations SPD as in Appendix 6
- (c) Cabinet agree that minor changes/corrections can be made by the Head of Planning in consultation with the Cabinet Member for Planning.

### **Purpose of Report**

1. To consider the Examiner's Report following the examination of the Community Infrastructure Levy (CIL) Draft Charging Schedule, including the proposed modifications, the Regulation 123 List and Instalment Policy for adoption by Council. To consider an implementation date for adoption of the CIL Charging Schedule of 1 September 2017.
2. To consider the comments received following public consultation on the Planning Obligations Supplementary Planning Document (SPD) and adopt the updated version as SPD for development management purposes.

## Corporate Objectives

3. The CIL and SPD accords with the Housing and Infrastructure corporate objectives 2016-2020.

## Background

4. It is essential that new development is supported by infrastructure and our intention is to secure infrastructure contributions by a combination of two mechanisms:
  - (a) Community Infrastructure Levy (CIL), and
  - (b) Planning Obligations - Section 106 (S106).
5. CIL is used to contribute funding for strategic, but 'non-site' specific, requirements. S106 is the primary mechanism for infrastructure provision 'on-site'.

## CIL Charging Schedule

6. The proposed CIL Charging Schedule was examined by independent Planning Inspector Mr Malcom Rivett, at a hearing on 19 April 2017. Mr Rivett found that the Charging Schedule, subject to modifications provided an appropriate basis for the collection of the levy in the district and that the council had sufficient evidence to support the schedule and to demonstrate that it is set at a level that will not put the overall development of the area at risk as set out in his report attached. **Appendix 1.**
7. The modifications are:
  - The exclusion of Valley Park from CIL – obligations will be collected through S106
  - The exclusion from CIL of 'extra-care' housing and care homes (as defined in the modification)
  - The removal of supermarket and retail warehousing definitions from the CIL Charging Schedule
8. The CIL Charging Schedule (**Appendix 2**) and Regulation 123 List (**Appendix 3**) have been updated to take account of the required modifications
9. The following table sets out the chronology of consultation and current timetable for CIL to implementation.

<b>Stage</b>	<b>Timetable</b>
Preliminary Draft Charging Schedule Consultation	7 November – 19 December 2014
Draft Charging Schedule Consultation	23 February – 23 March 2015
Draft Charging Schedule & Statement of Modifications (April 2015) Submitted for examination	17 April 2015
Statement of Modifications (April 2015) Consultation	22 June 2015 – 20 July 2015
Statement of Modifications (Dec 2016) Consultation	15 December 2016 - 26 January 2017
Statement of Modifications (Jan 2017) Published	17 January 2017
Statement of Modifications (Mar 2017) Consultation	March 2017
Examination	19 April 2017
Adoption of Charging Schedule	19 July 2017
Implementation, and start of CIL collection	1 September 2017

10. Officers recommend that the CIL Charging Schedule as modified be considered for adoption at Council on 19 July, with an implementation date for the collection of CIL of 1 September 2017. It is recommended that the Cabinet Member for Planning be given the power to alter the implementation date if required.

11. Officers also recommend that the updated Instalment Policy (**Appendix 4**) accompany the CIL Charging Schedule to help ensure CIL does not affect scheme viability or delivery.

## **PLANNING OBLIGATIONS SPD**

12. The council undertook consultation on an updated SPD December/January 2017 and received 37 responses. The key issues raised include:

- Structure and content are confusing
- SPD is not consistent with the Regulation 123 List
- Sports standards are overly prescriptive
- Detailed concerns regarding types of infrastructure

13. Officers have addressed these concerns and made changes where appropriate, including improving the structure and carrying out a Plain English check, as explained in the Planning Obligations SPD Consultation Statement (**Appendix 5**).

14. Officers propose that the revised SPD (**Appendix 6**) and associated documents (**Appendix 7**) is adopted, and is effective from 1 September 2017 (the same date as the CIL Charging Schedule).

## **Financial Implications**

15. All the work associated with securing both CIL and Planning Obligations SPD is covered by existing budgets. Once new CIL income is received the council will need to consider a spending strategy which accords with legislation.

16. In accordance with legislation where a neighbourhood plan has been 'made' (adopted) the relevant parish council where the CIL development occurred will receive 25% of the CIL income, whereas if there is no 'made' plan, the parish council will receive 15% of the income. All income has a 5% administration charge, which is used to fund resources for CIL/S106 work.

## **Legal Implications**

17. The Planning Act 2008 and CIL Regulations 2010 (as amended) set out requirements for adopting a Community Infrastructure Levy. The Charging Schedule as modified has been found to be in compliance with relevant legislation and statutory guidance by the Inspector. The CIL Regulations state that the Charging Schedule must be formally approved by a resolution of the Council including an appropriate commencement date

## **Risks**

18. As due process has been followed risk of any legal challenge to either the CIL Charging Schedule or Planning Obligation SPD is limited.

## **Conclusion**

19. It is recommended that Cabinet recommends to Council that it adopts the CIL Charging Schedule and associated documents with an implementation date of 1 September 2017

20. It is recommended that Cabinet adopt the Planning Obligations SPD on the same day that the CIL Charging Schedule comes into effect (1 September 2017).

## **Background Papers**

None