

<b>SUBJECT:</b>	<i>Community Infrastructure Levy (CIL) Draft Charging Schedule</i>
<b>RELEVANT MEMBER:</b>	<i>Councillor Peter Martin, Portfolio Holder for Planning &amp; Economic Development, Chiltern District Council</i>
<b>RESPONSIBLE OFFICER</b>	<i>Mark Jaggard, Head of Planning &amp; Economic Development</i>
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<b>WARD/S AFFECTED</b>	<i>All</i>

## 1. Purpose of the Report

- 1.1. To recommended that the Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) is issued for consultation and submitted to an Examiner for an Examination in Public.

## RECOMMENDATIONS

That Cabinet agrees:

- 1. To publish and consult on the Community Infrastructure Levy - Draft Charging Schedule;**
- 2. To delegate authority to the Head of Planning and Economic Development, in consultation with the Portfolio Holder for Planning and Economic Development, to make minor editorial changes and corrections to the Community Infrastructure Levy – Draft Charging Schedule and supporting documents prior to consultation;**
- 3. In light of the responses to the consultation, to delegate authority to the Head of Planning and Economic Development, in consultation with the Portfolio Holder for Planning and Economic Development, to make minor amendments to the Draft Charging Schedule and supporting documents prior to the submission for examination; and**
- 4. To the submission of the Community Infrastructure Levy – Draft Charging Schedule consultation documents and any responses to an independent examiner for an Examination in Public.**

## 2. Reasons for the Recommendations

- 2.1. Formal consultation is a prerequisite in the pathway to adopt the Community Infrastructure Levy.
- 2.2. The Draft Charging Schedule is independently examined and the findings determine if the Council can adopt the Community Infrastructure Levy.

## 3. Content of Report

- 3.1. CIL was introduced by the Planning Act 2008, and the CIL Regulations 2010 (as amended). It is a £ per square metre, tariff-based charge on some planning permissions and developments, applied to net new floor space resulting from a liable development.
- 3.2. CIL can apply to a wide range of developments (e.g. smaller scale residential), in contrast to S106 agreements, which must focus on site specific mitigation matters. This means that there is greater potential to capture infrastructure funding from liable developments.
- 3.3. The CIL proposals have been derived through a process which includes an economic assessment of their combined impact with all emerging Local Plan policies, including affordable housing and the viability of site allocations.

### CIL Preliminary Draft Charging Schedule (PDCS)

- 3.4. Cabinet agreed to consult for six weeks on a preliminary (draft) CIL PDCS in October 2018, as the first stage in a two-stage process currently prescribed by the Government's CIL Regulations. The consultation took place from 2 November to 14 December 2018.
- 3.5. The Joint Planning Policy Member Reference Group received a report on the outcome of the consultation at its meeting of 15 January 2015. This highlighted that 56 Responses and 99 individual comments were received from a range of organisations and individuals, providing overall support for implementing CIL. Appendix 1 summarises the consultation results.

### CIL Draft Charging Schedule (DCS)

- 3.6. The CIL DCS, attached as Appendix 2, largely reflects the format and content of the preliminary draft CIL. The proposed CIL rates for residential remains at £150 per square metre; retail developments at £150 per square metre; other commercial and business developments at £35 per square metre and public service and community facilities at £35 per square metre. The CIL DCS proposes that planning applications for 400 homes or more or sites of 10 hectares or more will be exempt from CIL so that the higher levels of on-site infrastructure can be better captured through the traditional S106 / S278 processes.

### Timescales for CIL Adoption

3.7. Following the CIL DCS consultation and consideration of representations received, the Council's CIL proposals will be submitted to an independent examiner for an Examination in Public (EiP). The EiP can either be in the form of hearings or Independent Examination. Should this lead to a favourable and timely inspector's report, the Council will be able to consider adopting CIL by March 2020.

## **4. Consultation**

4.1. Consultation on the CIL *preliminary* DCS, took place from 2 November to 14 December 2018. The findings of that consultation have been considered by Planning and Economic Development Policy Advisory Group and have informed the drafting of the CIL DCS. The CIL DCS will now be subject to a further round of six weeks consultation. This is anticipated to take place from 7 June 2019 to 19 July 2019.

## **5. Options**

5.1. The adoption of CIL by the Council will enable developments that currently do not pay an infrastructure contribution to become subject to a CIL charge.

5.2. The alternative option is not to introduce CIL, which would forego this source of infrastructure funding.

## **6. Corporate Implications**

### 6.1. Financial:

Once CIL is adopted and introduced by the Council it will lead to developments needing to pay a sum of money equivalent to their CIL liability, this can be used to support infrastructure investment across the area. The CIL Regulations allow 5% of CIL receipts to be used by the Council to recover CIL establishment costs and ongoing administrative costs, once implemented.

### 6.2 Legal:

The introduction of CIL is a prescribed statutory process, so must be developed and implemented in accordance with the Government's CIL Regulations.

### 6.3 Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability:

After adoption and when enough funds have been collected, CIL receipts can be used to fund a wide range of infrastructure in accordance with the Council's priorities, including community cohesion, health and wellbeing, environmental improvements and sustainability.

## 7 Links to Council Policy Objectives

7.1 The introduction of CIL will contribute to the achievement of Chiltern and South Bucks Councils' priorities and goals 2017 to 2020, by providing resources to help conserve the environment and promote sustainability, through provision of appropriate infrastructure.

## 8. Next Steps

8.1 Following consideration by Cabinet, the CIL DCS will be issued for a 6-week period of consultation in alignment with the timescales associated with the development of the Joint Local Plan.

8.2 Representations received during the consultation will be considered further. If no major issues or concerns are raised, officers will submit the CIL documents and the results of the consultation to an Independent Examiner for an Examination in Public.

8.3 The evidence base, including the viability assessments, funding gap and infrastructure delivery plan, plus the consideration of which types of infrastructure will be funded through CIL or S106 will continue to be developed, both for the consultation and the Examination.

8.4 Following the examination, if the Examiners report endorses the Council's CIL proposals, then the Council will be able to adopt CIL and select an appropriate date from which all liable developments will be due to pay a CIL charge. The aim is for the Council to be able to adopt and charge CIL by March 2020.

<b>Background Papers:</b>	<b><u>Appendices</u></b> 1) CIL Preliminary Draft Charging Schedule Summary of Responses. 2) CIL Draft Charging Schedule (March 2019)
	<b><u>Background reports</u></b> <ul style="list-style-type: none"><li>• CIL Preliminary Draft Charging Schedule (PDCS) (November 2018)</li><li>• Local Plan 2036 &amp; CIL Viability Assessment (November 2018)</li></ul>