

Publication Date 21 January 2020

CHILTERN DISTRICT COUNCIL

MINUTES of the CABINET held on 7 JANUARY 2020

PRESENT Councillors I Darby - Leader
M Stannard - Deputy Leader
P Martin
J Rush
E Walsh

APOLOGIES FOR ABSENCE were received from Councillors C Jones and F Wilson

ALSO IN ATTENDANCE: Councillors D Phillips, P Jones and H Wallace

57 DECLARATIONS OF INTEREST

There were no declarations of interest.

58 COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

The Cabinet received a report which proposed that the Community Infrastructure Levy (CIL) Charging Schedule was adopted for publication and implementation by Council, following the successful examination in public which took place on 5 November 2019 and the Examiners report which was received on 13 December 2019.

The Lead Local Plan Consultant reported that consultation on the Draft CIL Charging Schedule had run from 7 June to 23 August 2019 and attracted a total of 50 representations. The Councils provided comments to the examiner that no modifications should be made as a result of the representations. At the Examination in Public Hearing on 5 November 2019 the Councils proposed a clarification to the definition of the category 'large sites' within the Draft Charging Schedule. On receipt of this the examiner invited all 50 people who made representations to comment on the clarification. This consultation ran from 11 November to 25 November 2019 and attracted a total of 5 comments. The examiner issued his report on 13 December 2019 which included agreement for the insertion of the clarification of 'large sites' into the final Charging Schedule.

Cabinet Members discussed the draft Charging Schedule. A comment was made that previously in the Chiltern District development had been on a small scale which had provided no contribution to infrastructure. Members noted that CIL was charged on a £s per square metre basis which related to development of buildings over 100 square metres new build floor space and the Council was setting a threshold whereby developments of 400 homes or more or on sites of 10 hectares or more will be CIL zero rated. On these developments, financial contributions would be negotiated and legally bound through Section 106 and Section 278 agreements. In all parishes 15% of CIL receipts would be passed to the relevant town or parish council for them to spend on local infrastructure projects or 25% where there was a neighbourhood plan in place.

A Council Member was invited to speak by the Chairman who commented that the Council could not afford infrastructure not being delivered and referred to a Government statements on the S106 system which highlighted the difficulty in ensuring that infrastructure projects were fully funded. The Member commented that the Council needed to be robust in negotiating viability assessments with developers, with Section 106 agreements being used to secure new infrastructure that was used to support individual development schemes and CIL being used to fund new infrastructure that was required to support a number of developments. The Council could consider using its compulsory purchase powers for planning purposes when faced with landowners reluctant to bring forward the development of sites allocated in the Local Plan.

An additional recommendation was therefore proposed as follows:-

“That on site developments of 400 housing units or more where the actual deliverability of the Council’s housing targets is being placed at risk by the failure of the developer to accept liability for the delivery of the approved scheme and contributions towards specified infrastructure elements, which are directly related to the housing development in question, when there is a compelling need for such in the public interest, and when the Council has provided a clear statement of justification and cost-estimate for the said work or contribution, the Council affirms its intention to use its Compulsory Purchase Powers for proper planning purposes.

Furthermore, on housing development sites where viability calculations rely on forward estimates of sale prices for the market housing units, the Council will incorporate in relevant S 106 agreements its entitlement to a positive claw-back of a proportion of any sale values in excess of the aforementioned forward estimates."

The Cabinet meeting was adjourned between 16.48pm and 17.08pm to consider the wording of the additional recommendation. When the meeting was reconvened Cabinet Members agreed the following recommendations.

RECOMMENDED to Council

- 1. That the Charging Schedule be adopted and the Community Infrastructure Levy implemented on 17 February;**
- 2. That the decision be delegated to the Acting Chief Executive in consultation with the Portfolio Holder for Planning and Economic Development on whether to accept an offer of transfer of land in payment or part payment of a CIL liability;**
- 3. That any decisions required for Parts 7 Application of CIL, Part 8 Administration of CIL, Part 9 Enforcement of CIL and Part 10 Appeals be delegated to the Acting Chief Executive in consultation with the Portfolio Holder for Planning and Economic Development ;**
- 4. That the decision to take proceedings in relation to any CIL offence be delegated to the Acting Chief Executive in consultation with the Portfolio Holder for Planning and Economic Development and the Head of Legal and Democratic Services; and**
- 5. That these delegations novate to the relevant officers and Portfolio Holders of Buckinghamshire Council.**
- 6. That on site developments of 400 housing units or more where the actual deliverability of the Council's housing targets is being placed at risk by the failure of the developer to accept liability for the delivery of the approved scheme and contributions towards specified infrastructure elements, which are directly related to the housing development in question, when there is a compelling need for such in the public interest, and when the Council has provided a clear statement of justification and cost-estimate for the said work or contribution, the Council affirms its intention to use its Compulsory Purchase Powers for proper**

planning purposes.

Furthermore, on housing development sites where viability calculations rely on forward estimates of sale prices for the market housing units, the Council will incorporate in relevant Section 106 agreements its entitlement to a positive claw-back of a proportion of any sale values in excess of the aforementioned forward estimates.

The meeting ended at 5.16 pm