

## **SOUTH BUCKS DISTRICT COUNCIL**

### **MINUTES** of the meeting of the **CABINET** held on **10 January 2020**

Present: N Naylor, J Read, B Gibbs, P Hogan, D Smith and L Sullivan

#### **26. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **27. 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 Acting Chief Executive reported that the Charging Schedule would help provide more certainty with regard to the provision of infrastructure which would apply to most developments. 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.

An additional recommendation was 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."

Cabinet Members supported the additional recommendation where 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.

### **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 9.12 am**