

THURSDAY, 5 APRIL 2018

REPORT OF THE PORTFOLIO HOLDER FOR REGENERATION**CIL AND PLANNING OBLIGATIONS****EXEMPT INFORMATION**

None

PURPOSE

To consider the Planning Inspectorate's report of the examination of the Tamworth Borough Council Community Infrastructure Levy Charging Schedule and make recommendations to Council to adopt the Charging Schedule. Further to consider a new Planning Obligations Supplementary Planning Document (SPD), a revised Infrastructure Delivery Plan (IDP) and a revised Regulation 123 list and authorise public consultation on them prior to consideration for adoption at Council.

RECOMMENDATIONS

1. Cabinet endorses the Planning Inspectorate's report of the examination in Appendix A of the Tamworth Borough Council Community Infrastructure Levy Charging Schedule, the proposed modifications and proposed Charging Schedule contained in Appendix B and is recommended that Cabinet refer the matter to Council for adoption of the Community Infrastructure Levy Charging Schedule with an appropriate commencement date in accordance with the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations (as amended) 2010;
2. Cabinet authorises public consultation on the revised Infrastructure Delivery Plan contained in Appendix C and requests Council to consider adoption alongside the consideration of the Community Infrastructure Levy Charging Schedule;
3. Cabinet authorises public consultation on the revised Regulation 123 list contained in Appendix D and requests Council to consider adoption alongside the consideration of the Community Infrastructure Levy Charging Schedule;
4. Cabinet authorises public consultation on the draft Planning Obligations Supplementary Planning Document (2018) contained in Appendix E and requests Council to consider adoption alongside the consideration of the Community Infrastructure Levy Charging Schedule
5. Cabinet delegates authority to the Head of Managed Growth, Regeneration and Development in consultation with the Portfolio Holder for Regeneration to make amendments to the draft Planning Obligations Supplementary Planning Document, revised Infrastructure Delivery Plan and revised Regulation 123 list following public consultation prior to their consideration by Council;
6. Cabinet refers to Council for approval the cancelling of the existing Planning Obligations Supplementary Planning Document (2007) and the Open Space for New Development Supplementary Planning Document (2007) and that they are no longer a material consideration when considering planning applications.

EXECUTIVE SUMMARY

Cabinet have previously authorised the submission of a Draft Charging Schedule for examination (Cabinet, September 2016). The Draft Charging Schedule was submitted for an independent examination on 25th August 2017. An independent examination took place on the 1st November 2017 and the report of the Inspector was received in February 2018 (see Appendix A). The Inspector recommended some modifications to supporting information. The charging rates remain the same as submitted. The Inspector concludes that the charging schedule is in accordance with the various Acts and Regulations and can be adopted. Therefore it is recommended that Cabinet ask Council to do

this. It is hoped that Council will consider this in July. The date of commencement is likely to be 1st August dependant on putting in place the necessary systems and processes to enable notification to developers and collection of monies.

There is likely to be a lead in time before any monies come in to the Authority. Only developments which receive planning permission post commencement of CIL will be liable. Furthermore, developers have to make the first payment within 60 days of commencement of the development. Given that planning applications have 3 years to be implemented it could be some time before monies are received. Experience from other Local Authorities is that this has been the case and monies take some time to accumulate. The Council will need to put in place arrangements for making decisions on what infrastructure gets funded and when. Local authorities must allocate at least 15% of levy receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. These considerations will be subject to a future cabinet report.

To ensure that the levy is open and transparent, charging authorities must prepare short reports on the levy. The Council must publish a report on our website by 31 December each year, for the previous financial year. This can be a bespoke report or it could use an existing reporting mechanism, such as the annual monitoring report which reports on their development plan. At present the Council will also hold and spend the neighbourhood portion on behalf of the local community, and it should ensure that it reports this as a separate item. Regulation 62(4) (as amended by the 2013 Regulations to include the neighbourhood share and the 2014 Regulations) sets out what charging authorities must include in their reports.

The Regulation 123 list is a list of infrastructure that CIL monies can be spent on. Following the examination and comments made by the Inspector and reviewing the experience of other local authorities officers believe that the R123 list should be amended. The amendments seek to make it clearer what infrastructure the CIL monies will be spent on. Government advice is that if amending the list it should be subject to "appropriate consultation". Therefore it is proposed to consult on these changes.

The R123 list is based on the Infrastructure Delivery Plan which was considered as part of the Local Plan production and adoption process. The IDP should be kept under review and officers, following consultation with relevant infrastructure providers, have amended and updated the existing IDP. It is felt that by consulting on this at the same time as the IDP then all relevant infrastructure can be identified.

Following the consultation officers will consider the responses and make any amendments that are considered necessary and ask Council to consider the documents with any amendments.

The Council has two supplementary planning documents, planning obligations and open space, which have assisted the decision making on planning applications. The Planning Obligations SPD needs to be updated to reflect the new system for developer contributions and the CIL Charging Schedule. Cabinet are asked to approve consultation on a revised SPD and that Council consider any representations and amendments and adopt the SPD. The open space SPD has been used to calculate the requirement for open space resulting from new developments and the contributions to be made by developers toward maintenance of on-site open space and/or enhancement of off-site open space where appropriate. Given that the Council no longer takes on the maintenance of new on-site open space, and CIL will change how contributions are collected towards off-site open space, the SPD will no longer be required. A new design SPD will provide sufficient guidance on open space as part of new developments in future. Cabinet are asked to recommend to Council that the two existing documents are therefore cancelled upon implementation of CIL.

OPTIONS CONSIDERED

The Charging Schedule could not be adopted and implemented, however this would impact on the ability of the Council to fund necessary infrastructure. Currently planning obligations are secured through Section 106 Agreements and should be directed to relevant projects and locations. The legislation restricts the pooling of contributions to 5 obligations for each piece of infrastructure.

RESOURCE IMPLICATIONS

There will be ongoing revenue implications of administering the CIL (staff time, potential purchase of new system and maintenance of) however the Council can use funds from the levy to recover the costs of administering the levy. [Regulation 61](#), as amended by the [2014 Regulations](#) allows the Council to spend up to 5% cent of the total levy receipts on administrative expenses. This is to ensure that the overwhelming majority of revenue from the levy is directed towards infrastructure provision. Where an authority spends less than its permitted allowance on administrative expenses, it must transfer the remaining allowance for use on capital infrastructure projects.

LEGAL/RISK IMPLICATIONS BACKGROUND

Legal considerations are contained elsewhere in this report.

SUSTAINABILITY IMPLICATIONS

This Infrastructure Delivery Plan includes infrastructure which will make improvements for local communities across Tamworth. The CIL R123 list is informed by the IDP.

BACKGROUND INFORMATION

Report to Cabinet 29th September 2016, "Community Infrastructure Levy".

REPORT AUTHOR

Matt Bowers, x276
Sushil Birdi, x279

LIST OF BACKGROUND PAPERS

None

APPENDICES

- A) CIL Inspector's report
- B) Draft Charging Schedule
- C) Proposed Infrastructure Delivery Plan
- D) Proposed Regulation 123
- E) Proposed Planning Obligations SPD (2018)

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