

Item 14 – Community Infrastructure Levy (CIL) Governance

The attached report was considered by the Local Planning & Environment Advisory Committee, relevant minute extract below:

Local Planning & Environment Advisory Committee – 23 October 2014 (Minute 24)

The Committee had previously agreed to the arrangement of a Community Infrastructure Levy (CIL) workshop to ensure that the development of governance arrangements by the committee was a Member-led process and to enable Members to debate the issues that the Council would need to consider in greater detail. The workshop had been held immediately prior to the meeting. Initial thoughts on the formation of a CIL spending board had included a panel type system pulled from a pool of members (similar to the Licensing Committee format) that should meet about three times a year with the decision endorsed at a higher level, but further consideration needed to be given to this and would be discussed at a future meeting of the workshop to be arranged. Until these arrangements were worked out it was recommended that the Council set out a non-exclusive list of the types of infrastructure that would be funded through CIL and those that would be secured/funded through planning obligations. The Council would not be able to use planning obligations to secure/fund something that was funded through CIL.

The Joint Planning Policy Team Leader referred to the report where it advised that anecdotal evidence across the country suggested a desire to secure greater control over CIL funding had been a deciding factor in town and parish councils preparing neighbourhood plans but may be unfair to less well resourced town and parish councils that consider themselves unable to bring forward a neighbourhood plan. A way to resolve this would be to give the 25% irrespective of whether there was a neighbourhood plan in place. It would leave the District Council with less funding available to allocate to its own projects or those of partners, such as KCC Education, KCC Highways or the NHS. There would, however, be nothing to prevent town and parish councils passing funding to these organisations where improvements in their infrastructure was considered to be the local priority.

A Member was concerned that smaller one member wards may not receive sufficient money to deliver infrastructure improvements and that there may be benefit in the Council retaining greater control for this reason. He was advised that the money could be passed on as contributions to other agencies for schemes that would benefit the area.

The Chief Planning Officer reported that it had been indicated by the Government that irrespective of the elections in May 2015, Neighbourhood Plans were to stay. This proposal was not to act as a disincentive, merely to make the system fairer. It was suggested that Members could continue to debate this proposal through the CIL workshops and then the Advisory Committee and Cabinet meetings would consider the governance structure or they could recommend to Cabinet that it

should agree to it now. The Chairman moved that the proposal should apply to 25% of the £125 per sq m residential rate (i.e. the previous agreed equalisation of rates regardless of whether a town or parish council is in the £125 per sq m or £75 per sq m charging area should apply) and it was duly seconded. The motion was put to the vote and

Resolved: That it be recommended to Cabinet that

- a) all Town and Parish Councils, irrespective of whether they have a Neighbourhood Plan in place, be given control over the 25% of CIL; and
- b) the 'Regulation 123 List: Types of Infrastructure to be funded by CIL' as below, be adopted.

'Community Infrastructure Levy

The following types of infrastructure will be funded through CIL receipts:

- Transport schemes other than site-specific access improvements;
- Flood defence schemes;
- Water quality schemes;
- Education;
- Health and social care facilities;
- Police and emergency services facilities;
- Community facilities;
- Communications infrastructure (beyond that directly secured by agreement between the developer)
- Green infrastructure other than site-specific improvements or mitigation measures (for example improvements to parks and recreation grounds).

The Council will not treat this list as exclusive and may use CIL to fund other types of infrastructure, subject to its governance arrangements. However the Council will not use CIL to fund site specific infrastructure to be secured through a planning obligation.

Planning Obligations

SDC will use planning obligations for site specific infrastructure, such as:

- Site specific access improvements (these could also be secured through s.278 of the Highways Act 1980 in some circumstances);
- On-site open space, for example children's play areas;
- Site specific green infrastructure, including biodiversity mitigation and improvement;
- On-site crime reduction and emergency services infrastructure, for example CCTV or fire hydrants; and
- Site specific Public Rights of Way diversions or impact mitigation.

Where required to accord with national or local policy, the Council will also use planning obligations to secure the re-provision of any infrastructure that is permitted to be lost through a planning permission granted for redevelopment of that site.

In addition, affordable housing provision and contributions, and related monitoring and legal fees, will continue to be secured through planning obligations.'