



COUNCIL (SPECIAL MEETING)

3RD AUGUST 2018

AGENDA ITEM (4)

ADOPTION OF COTSWOLD DISTRICT COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Accountable Member	Councillor NJW Parsons Cabinet Member for Forward Planning
Accountable Officer	Philippa Lowe Group Manager - Professional Services 01285 623000 philippa.lowe@cotswold.gov.uk
Purpose of Report	To formally adopt the Cotswold District Community Infrastructure Levy (CIL) Charging Schedule.
Recommendations	<p>(a) That, in accordance with the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended), the Council adopts the following:</p> <ul style="list-style-type: none">(i) the Charging Schedule (as set out in Appendix 1);(ii) the Regulation 123 List (as set out in Appendix 2);(iii) the Instalments Policy (as set out in Appendix 3); <p>and implements the levy charges from 1st April 2019;</p> <p>(b) that the Deputy Leader of the Council and Cabinet Member for Forward Planning be authorised to approve (i) the presentational style of the final version document, including photographs and illustrations; and (ii) any final factual, grammatical and/or typographical errors that have not previously been identified and which would not materially affect the content or meaning of the documents at Appendices 1, 2 and 3.</p>
Reason(s) for Recommendation(s)	To ensure that the Council: <ul style="list-style-type: none">(i) complies with the relevant provisions of the planning Act 2008, and the Community Infrastructure Levy Regulations 2010 (as amended) in adopting its Community Infrastructure Levy; and(ii) secures an appropriate level of infrastructure provision to support new development identified in the Cotswold District Local Plan (2011 to 2031).
Ward(s) Affected	All
Key Decision	N/A

Recommendation to Council	N/A
Financial Implications	<p>There are significant, but unavoidable, cost implications associated with the publication and submission of the CIL, particularly the examination process. Provision has, however, been made to meet these costs within the Council's Medium Term Financial Strategy through the Council's Priorities Fund (Council decision, 15th June 2018).</p> <p>To date, the Local Plan team has provided the staff resources to project manage the delivery of the CIL; however, there have been external costs involved in preparing and examining the CIL, as follows:</p> <ul style="list-style-type: none"> • Evidence: Infrastructure Delivery Plan and its subsequent updates (£36,000) and the Whole Plan Viability Study, including an update note (£16,391) - both of which are also necessary for the preparation of the Local Plan; and • Examination: including the cost of the examiner and supporting technical expertise (approximately £20,000). <p>Officers are working with counterparts in West Oxfordshire and the Forest of Dean to investigate what opportunities and benefits there are to creating a single CIL administration. By combining the CIL administration across the Planning Services, this may help the councils achieve savings through economies of scale, provide resilience, and enable access to a wider range of expertise. Strict CIL regulations provide additional impetus for operating CIL jointly across the councils.</p> <p>To deliver a wholly new regime will require new ways of working. A new set of skills and competencies will be required that focus on regulatory compliance, financial and legal administration and delivering new infrastructure. New resources are likely to be required. Officers will prepare a further paper outlining these costs later this year to feed into the budget setting process for 2019/20.</p> <p>The Regulations allow the Council to recover the costs of CIL preparation, including the IDP and Viability Study, as well as the on-going administration costs, from CIL receipts. Based on current estimates, it is unlikely that CIL will be cost neutral; however, CIL receipts will provide an increasing contribution over time. The CIL Levy must be seen as a long-term investment, which is critical to the delivery of the Local Plan.</p>
Legal and Human Rights Implications	<p>In preparing the Charging Schedule, Cotswold District Council has complied with the requirements set out in Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).</p>
Environmental and Sustainability Implications	<p>Placing a levy on new development helps the Council to secure an appropriate level of infrastructure provision, and deliver the Cotswold District Local Plan (2011 to 2031).</p>
Human Resource Implications	<p>See Financial implications</p>
Key Risks	<p>If the Council does not implement a CIL, and given the limitations on pooling of Section 106 (s106) planning contributions, the Council</p>

	<p>will find it increasingly more difficult to collect developer contributions. This will directly impact the delivery of the Cotswold District Local Plan (2011 to 2031), which is predicated on the implementation of CIL to help deliver identified infrastructure required to support new development.</p> <p>National CIL regulations may change following the adoption of CIL. The National Review of CIL was published in February 2017. This independent review of CIL and its relationship with s106 planning obligations found that the current system is not as fast, simple, certain or transparent as originally intended. The Government is currently examining the options for reforming the system of developer contributions, including ensuring direct benefit for communities. The Government's draft changes, set out in a recent consultation, indicate that CIL will remain and propose that local authorities with a CIL will be exempt from the s106 pooling limitation. This would further enhance the Council's ability to collect developer contributions to deliver infrastructure to support growth.</p> <p>Until the Government's announcement, there is no certainty as to the actual format of the changes, if indeed any are made. New regulations are likely to take at least two years to pass through Parliament and come into force. Transitional arrangements will then be made for those Councils with an adopted CIL.</p> <p>The availability of timely resources will enable the proposed implementation date to be met.</p>
Equalities Impact Assessment	An Equalities Impact Assessment has been prepared.

Related Decisions	<ul style="list-style-type: none"> (i) Council, 13th June 2017 - Community Infrastructure Levy - Draft Charging Schedule (ii) Cabinet, 20th October 2016 - Community Infrastructure Levy - Draft Charging Schedule
Background Documents	<ul style="list-style-type: none"> (i) Cotswold District Draft Charging Schedule (October 2016) (ii) Cotswold District Preliminary Draft Charging Schedule (June 2016) (iii) Cotswold District Infrastructure Delivery Plan (April 2016) (iv) Cotswold District Whole Plan and CIL Viability Study (April 2016) (v) Cotswold District Post PDCS Viability Note (October 2016) (vi) Cotswold District Infrastructure Delivery Plan Funding Gap Analysis (April 2017)
Appendices	<p>Appendix 1 - Cotswold District Community Infrastructure Levy: Charging Schedule</p> <p>Appendix 2 - Regulation 123 List</p> <p>Appendix 3 - Instalments Policy</p> <p>Appendix 4 - Report of the Examination of the Cotswold District Community Infrastructure Levy Draft Charging Schedule (The Planning Inspectorate, 5th June 2018).</p>

Options for Joint Working	<p>Adjoining authorities in Gloucestershire and West Oxfordshire are at an advanced stage of preparing CIL. Under the Duty to Co-operate, they have been contacted throughout the preparation of the Charging Schedule.</p> <p>The Council is investigating with neighbouring authorities how it might share resources and expertise to administer the CIL once adopted.</p>
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Performance Management Follow Up	Implement Council decision(s)
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<p>Background Information</p> <ol style="list-style-type: none"> 1. Councillors will be familiar with the development of the Community Infrastructure Levy for Cotswold District. The Council has previously agreed to progress the setting of a Community Infrastructure Levy charge on new development in its area. The Community Infrastructure Levy will contribute to meeting the Council's priorities and ambitions by generating funding to help provide infrastructure while being at appropriate rates which will continue to attract investment, create jobs and deliver new housing. 2. The Examiner's report was received on 5th June 2018 and the report concludes that the Cotswold District Community Infrastructure Levy Draft Charging Schedule provides an appropriate basis for the collection of the levy in the District. 3. The report confirms that no modifications to the submitted draft charging schedule are required, and concludes that the Council has sufficient evidence to support the schedule and can show that the proposed charging rates will not put the overall development of the area at risk. 4. However, several minor inconsequential amendments have been made that do not materially alter the intent, meaning or content of the documents previously approved by Council at Appendices 1, 2 and 3. Such amendments are geared towards rectifying typographical errors, adding clarity, altering the structure of sentences (e.g. future to past tense); and updating matters of fact, where necessary (for example referring to more up to date documents), etc. There is no requirement to run these amendments past the examining Inspector; hence they do not feature in his report dated 5th June 2018.

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