

CABINET

MONDAY 16 JULY 2018
10.00 AM

Bourges/Viersen Room - Town Hall
Contact – philippa.turvey@peterborough.gov.uk, 01733 452460

AGENDA

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**MINUTES OF THE CABINET MEETING
HELD AT 2:00PM, ON
MONDAY, 26 MARCH 2018
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Cabinet Members Present: Councillor Holdich (Chair), Councillor Ayres, Councillor Cereste, Councillor Fitzgerald, Councillor Hiller, Councillor Seaton, and Councillor Smith

Cabinet Advisors Present: Councillor Allen and Councillor Fuller

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lamb and Councillor Walsh.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. MINUTES OF THE CABINET MEETINGS HELD ON:

(a) 26 FEBRUARY 2018 – BUDGET MEETING

The minutes of the budget meeting held on 26 February 2018 were agreed as a true and accurate record.

(b) 26 MARCH 2018

The minutes of the meeting held on 26 March 2018 were agreed as a true and accurate record.

The Leader advised that, following on from the approval of the Homelessness Strategy, discussions had been opened up in relation to establishing an Emmaus centre in Peterborough. A report would be presented to Cabinet in due course.

4. PETITIONS PRESENTED TO CABINET

There were no petitions presented to Cabinet.

The Cabinet Member for Growth, Planning, Housing and Economic Development announced that

STRATEGIC DECISIONS

5. PROPOSAL TO EXPLORE THE OPTION OF FORMING A LOCAL TRADING COMPANY

The Cabinet received a report in relation to a proposal to investigate the formation of a Local Trading Company for services currently performed under the Enterprise Managed Services Contract by Amey.

The purpose of this report was for Cabinet to note that the Cabinet Member for Waste and Street Scene and the Service Director for Environment and Economy were investigating this options and that the progress of other options was to be put on hold while this investigation took place.

The Cabinet Member for Waste and Street Scene introduced the report and advised it was intended to investigate an alternative delivery method for the services currently being performed by Amey, in the form of a Local Authority Trading Company. At the current time some of these services were out to tender or in negotiation. Should the investigation be approved then these discussion would be paused.

Cabinet debated the report and in summary, key points raised and responses to questions included:

- A business case would come back to Cabinet in July with further detail of the proposals.
- A Local Authority Trading Company would be wholly owned by the authority and would allow the Council greater control. Any surplus revenue generated could be pushed back into waste services.
- Similar models were used throughout the county, with Liverpool having operated particularly well.
- It was advised that the company would still be subject to corporate tax. Under this model, however, the Council would not have to pay a management company fee.
- An additional third proposal was added to the recommendation to ensure that Cabinet were kept up to date with the progress of the investigation.

Cabinet considered the report and **RESOLVED** (unanimous) to:

1. Note that the Cabinet Member for Waste and Street Scene, together with the Service Director of Environment and Economy are investigating the establishment of a Local Authority Trading Company (LATCo) for services currently performed under the EMS contract by Amey.
2. Note the arrangements in place for these services as set out in paragraph 4.4 of the report would be paused whilst such an investigation takes place.
3. Be kept updated on the progress of this investigation.

REASONS FOR THE DECISION

The report sought approval to further investigate service delivery options following the 2017/18 budget decision to terminate the current EMS contract as the contract was no longer fit for purpose. Exploration of this option was considered necessary in order to ensure that the Council had considered all options for a better service delivery.

ALTERNATIVE OPTIONS CONSIDERED

These had previously been considered by Cabinet:

- **Continuing with the existing contract** - Amey had advised that they were not willing to carry on with the existing contract at the current value, which both parties have acknowledged was no longer fit for purpose.

- **Transfer the majority of services into a Joint Venture company with the Norse Group** - It was originally proposed that the Council would transfer services in the EMS contract to a new joint venture company with Norse Commercial Services. However, given the scope of services and in the absence of a procurement process it has not been possible to demonstrate that this represents the best value for money for the Council or that such a solution would be affordable.
- **Bring services back in house** - The report detailed that the in house option was highly unlikely to be an affordable option.
- **Retender in separate packaged contracts**

6. BUDGET MONITORING REPORT FINAL OUTTURN

The Cabinet received a report on the Council's final outturn position for 2017/2018.

The purpose of this report was to provide Cabinet with the outturn position for both the revenue budget and the capital programme for 2017/2018, subject to any changes required in the finalisation of the Statement of Accounts.

The Cabinet Member for Resources introduced the report and advised that there had been a revenue underspend of £6.9 million. This underspend had been added to the capacity building reserve for future development. An overspend was projected, so the Cabinet Member was grateful for all the work undertaken to get to this position.

The capital expenditure for the year was well below what was anticipated, due to delays in a number of new schools schemes and the new Council offices at Sand Martin House. All Prudential Indicators had been delivered within the 2017/2018 Medium Term Financial Strategy.

Cabinet debated the report and in summary, key points raised and responses to questions included:

- It was confirmed that 'direct revenue funding' referred to the ability to pay for capital expenditure through revenue. This could only be done in limited circumstances and the Council only went down this route in relation to school capital expenditure.
- Queries were raised in relation to the sharing of business rates, which had been raised in the past. It was confirmed that the Cambridgeshire and Peterborough Combined Authority had put in a bid to receive 100% of business rates, however, this was not successful.
- It was questioned with the reduction in capital receipts, how the Council would pay its debt. Officers confirmed that a reduction would result in the need to increase the revenue budget for debt. The Council must ensure that its budget is sustainable.
- The large negative indicators set out in the Prudential Indicators Report were a result of the disparity between the budgeted figures and final capital programme. These figures would decrease and regularise over time.
- It was noted that the grant equalisation reserve had reduced and had stabilised. It was anticipated that this would be moved to the capacity building reserve in the future.
- A query was raised over the various levels of sundry debt owed by the Clinical Commissioning Group. It was advised that this was split into debt that was over

six months old and debt over 1 month old. Negotiation was ongoing with CCG to reduce their debt level.

Cabinet considered the report and **RESOLVED** (unanimous) to:

1. Note the final outturn position for 2017/18 (subject to finalisation of the statutory statement of accounts) of a £6.9m underspend on the Council's revenue budget.
2. Note the reserves position outlined in section 6, which includes a contributions to the capacity building reserve of £6.9m, as a result of departmental underspends as highlighted in the revenue outturn.
3. Note the outturn spending of £80.164m in the Council's capital programme in 2017/18 outlined in section 7 of the report.
4. Note the performance against the prudential indicators outlined in Appendix B to the report.
5. Note the performance on payment of creditors, collection performance for debtors, local taxation and benefit overpayments outlined in Appendix C to the report.

REASONS FOR THE DECISION

The monitoring report formed part of the 2017/18 closure of accounts and decision making framework culminating in the production of the Statement of Accounts and informed Cabinet of the final position.

ALTERNATIVE OPTIONS CONSIDERED

There were no alternative options considered.

7. MEDIUM TERM FINANCIAL STRATEGY 2019/20 TO 2021/22 – TRANCHE ONE

The Cabinet received a report as part of the Council's formal budget process as set out in the constitution and as per legislative requirements to set a balanced and sustainable budget for 2019/2020 to 2021/2022.

The purpose of this report was for Cabinet to initiate and propose service proposals and updated assumptions to set a balanced and sustainable budget, as per the legal requirement.

The Cabinet Member for Resources introduced the report and advised that the proposals aimed to set the first tranche of a sustainable budget. Significant changes to funding levels were anticipated in 2020-21, which would be accounted for once known. The budget process had been amended from this year to reflect a rolling budget process, in three tranches, each with its own scrutiny opportunity.

Points to highlight are additional pension cost, demands on adult social care, housing and homelessness pressures, capital financing costs and improved council tax and NNR collection performance. An anticipated investment of around £500,000 was thought to be required to deliver the outlined savings. Funding would also be required

to ensure that all the relevant business cases were developed for tranche 2. This amounted to £1,000,000

Cabinet debated the report and in summary, key points raised and responses to questions included:

- It was noted that the magnitude of the anticipated funding changes would not be known until the early part of 2020. The Autumn Statement would provide an indication of the funding level for the following year, however, specific local authority levels may not be known until January.
- In order to bridge the future budget gaps a series of business cases would be put forward as part of the second tranche of the budget. Focus would be placed on commercialisation and opportunities to expand joint working.
- At the current time it was anticipated that two million pounds was required a year to bring down the deficit that results from pension costs.
- It was questioned how difficult it would be to put on hold the sale of any asset in order to assess the requirement to do so in the new budget landscape. The Cabinet was advised that all asset sales set out would be in the next financial year, so there was time to review these. However, there were significant savings to be made. If the Council were going to be innovative then they could use capital receipt to pay for changes required to move services, as long as it was in the same financial year.
- Future strategies were in the early stages of development. A number of ideas were transformational, being undertaken jointly with others.
- The finding for business cases could come from three sources; operational budgets, reserves or capitalisation directives. The third option was preferred for transformational projects.
- In relation to using local companies in procurements, an order from Government allowed the Council to give them benefit. Officers would look into this.

Cabinet considered the report and **RESOLVED** (unanimous) to:

1. Approve the Tranche One service proposals, outlined in Appendix D to the report as the basis for public consultation.
2. Approve the updated budget assumptions, to be incorporated within the Medium Term Financial Strategy 2019/20- 2021/22. These are outlined in section 5 of the report.
3. Approve the revised capital programme approach outlined in section 5.8 and referencing Appendix C to the report.
4. Approve the additional resourcing of £1.4m, required to deliver transformation projects, in order to achieve future financial benefits. These are outlined in section 5.6 of the report.
5. Approve Medium Term Financial Strategy 2019/20-2021/22- Tranche One, as set out in the body of the report and the following appendices:
 - Appendix A – 2019/20-2021/22 MTFS Detailed Budget Position- Tranche One
 - Appendix B – Performance Data
 - Appendix C – Capital Schemes
 - Appendix D – Budget Consultation Document, including Budget

- Proposals
- Appendix E – Equality Impact Assessments

6. Note the future strategic direction for the Council outlined in section 5.7 of the report.

7. Note the forecast reserves position outlined in section 5.9 of the report.

REASONS FOR THE DECISION

The Council must set a lawful and balanced budget. The approach outlined in this report worked towards this requirement.

ALTERNATIVE OPTIONS CONSIDERED

No alternative option had been considered as the Cabinet was responsible under the constitution for initiating budget proposals and the Council was statutorily obliged to set a lawful and balanced budget by 11 March annually.

8. MODERN SLAVERY ACT

The Cabinet received a report in relation to the 2017/2018 Modern Day Slavery Act Transparency Statement and the Modern Day Slavery Policy.

The purpose of this report was for Cabinet to consider and approve the Transparency Statement and the Policy, which set out the Council's commitments and incorporated a procedure that must be followed in any circumstances where anyone working on behalf of the Council identified a relevant concern.

The Assistant Director for Community Safety, Peterborough and Cambridgeshire Councils introduced the report and explained that the policy identified champions across the Council, indicating the importance of the role. This list would be published so that individuals could establish the relevant person to highlight any concerns to. A step by step escalation route was also included in the documentation for clarity.

Cabinet debated the report and in summary, key points raised and responses to questions included:

- The issue of descent slavery was discussed, where people were born into modern slavery or had been tied into a situation for many years.
- Many individuals were not aware that they were being subjected to slavery, so a big part of the policy was related to raising awareness.
- The policy set out the systems in place to assist individuals coming out of modern slavery situations.
- Consideration was being given to expanding this policy in Cambridgeshire County Council as well.

Cabinet considered the report and **RESOLVED** (unanimous) to:

1. Approve the draft 2017/2018 Modern Slavery Transparency Statement for signature and publication; and
2. Approve the draft Modern Slavery Policy for implementation.

REASONS FOR THE DECISION

The draft Modern Slavery Act Transparency Statement fulfilled the council's statutory obligations under the Modern Slavery Act 2015 and it was therefore recommended to Cabinet for approval.

The draft Policy built on the Council's continued commitment to tackling MDS by raising awareness amongst staff and providing a means through which concerns can be reported. Publication of the Policy would run alongside a training module for appropriate frontline staff.

ALTERNATIVE OPTIONS CONSIDERED

Not to approve the draft Modern Slavery Act Transparency Statement. This option was not recommended as the Council will not be able to meet its statutory requirements.

Not to publish a Policy. Whilst there was no legal requirement for the Council to have a Policy, it was considered beneficial to ensure that staff and partners were aware of the potential issue and have a means through which to report their concerns.

9. CONSULTANT, INTERIM AND AGENCY WORKER POLICY

The Cabinet received a report on the Consultant, Interim and Agency Worker Policy following a recommendation by officers as part of the Council's compliance with changes to tax legislation (IR35) and a referral by Audit Committee.

The purpose of this report was to seek Cabinet approval for the revised Consultant, Interim and Agency Worker Policy. The revised policy made clear the process that officers must follow to ensure all non-payrolled workers were engaged compliantly, in accordance with procurement regulations and Contract Rules and that due consideration was given to IR35 status and HMRC regulations.

The Acting Corporate Director of Resources introduced the report and advised that the policy had been referred by Audit Committee following revision to procurement regulations. The policy set out that if you were covering a role that you should be paid at the appropriate level, ensured that the Council were compliant with the regulations, and ensured that procedures were transparent and robust.

Cabinet debated the report and in summary, key points raised and responses to questions included:

- The new policy would be publicised on the Council internal internet page, and cascaded through managers and team meetings.
- A report on any breaches would be taken to meetings of the Corporate Management Team on a monthly basis.
- The Cabinet Member and the Audit Committee would also be provided with reports in relation to any breaches of the policy.

Cabinet considered the report and **RESOLVED** to approve the revised Consultant, Interim and Agency Worker Policy, which had been drafted in consultation with key stakeholders and officers to reflect compliance with procurement and HMRC regulations.

REASONS FOR THE DECISION

To ensure all agency workers, interims and consultants were engaged compliantly, in accordance with procurement regulations and Contract Rules and that due consideration was given to IR35 status and HMRC regulations.

ALTERNATIVE OPTIONS CONSIDERED

To not update the existing policy. This option was dismissed as this would not ensure compliance with procurement regulations, the Contract Rules nor HMRC regulations.

MONITORING ITEMS

10. BUDGET CONTROL REPORT APRIL

The Cabinet received a budget control report for April 2018 following discussion by the Corporate Management Team.

The purpose of this report was to provide Cabinet with an early indication of the forecast for 2018/2019 at April 2018 budget control position.

The Cabinet Member for Resources introduced the report and advised that the report gave an early indication of the Council's budgetary position, however, there was only one month's data to work with. The next report would provide a more complete overall position. The Adult Social Care indicator suggested that pressures were arising, a short term pressure had presented in relation to Children's Services, and the delivery of homelessness targets had been highlighted as depended on a number of other functions. It was advised that the new rolling budget process would assist in further meeting the necessary robustness principles.

Cabinet debated the report and in summary, key points raised and responses to questions included:

- It was noted that a number of areas were in the red in the CIPFA 10 point Sustainability matrix. Although the Council had a number of outline plans in place to address these issues, the rating could not be altered until more detailed plans were available. It was anticipated that these areas would be amber, at the least, within the next six months.

Cabinet considered the report and **RESOLVED** (unanimous) to note:

1. The Budgetary Control position for 2018/19 at April 2018 included an early indication of a breakeven position.
2. The Key variances and Budget risks, highlighted in Appendix A to the report.
3. The estimated reserves position for 2018/19 outlined in Appendix B to the report.
4. The ten tips for building financial resilience when putting together budget proposals and making decisions to recommend proposals to Council, and for Cabinet to keep under review during each Budgetary Control cycle, highlighted in Appendix C to the report.

REASONS FOR THE DECISION

The report updated Cabinet on the April 2018 budgetary control position.

ALTERNATIVE OPTIONS CONSIDERED

There had been no alternative options considered.

11. OUTCOME OF PETITIONS

The Cabinet received a report in relation to e-petitions and petitions presented at Council meetings and to Council officers.

The purpose of the report was to update Cabinet on the progress being made in response to petitions submitted to the Council.

Cabinet considered the report and **RESOLVED** (unanimous) to note the actions taken in respect of petitions.

REASONS FOR THE DECISION

As the petitions presented in this report had been dealt with by Cabinet Members or officers, it was appropriate that the action taken was reported to Cabinet.

ALTERNATIVE OPTIONS CONSIDERED

There had been no alternative options considered.

Chairman
2:00pm – 3:00pm
11 June 2018

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CABINET	AGENDA ITEM No. 6
16 JULY 2018	PUBLIC REPORT

Report of:	Annette Joyce - Service Director – Environment and Economy Growth and Regeneration	
Cabinet Member(s) responsible:	Cllr Peter Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer(s):	Richard Kay - Head of Sustainable Growth Strategy Phil Hylton - Senior Planning Officer Katherine Eales - Planning Officer	Tel. 01733 863879

PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT

R E C O M M E N D A T I O N S	
FROM: Director of Growth and Regeneration	Deadline date: N/A
It is recommended that Cabinet adopts an updated Statement of Community Involvement (SCI), as attached at Appendix 1 to this report.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following referral from Growth, Environment and Resources Scrutiny Committee on 4 July 2018.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to seek adoption of the Statement of Community Involvement
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.4, 'To promote the Council's corporate and key strategies and Peterborough's Community Strategy and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework.'

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	Major Policy Item - No Statutory Plan - Yes	If yes, date for Cabinet meeting	16 July 2018
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4. BACKGROUND AND KEY ISSUES

- 4.1 It is a statutory requirement (see section 18 of the Planning and Compulsory Purchase Act 2004 (as amended)) for the council to set out how it will consult the public on planning matters, in a 'Statement of Community Involvement' (SCI). An SCI explains to the public how the council will involve the public in planning matters. An SCI needs to set out the standards to be met by the council in terms of community involvement, building upon the minimum requirements set out in legislation. The SCI itself, attached at Appendix A, contains more details on the purpose of an SCI.

- 4.2 The current SCI was adopted on 7 December 2015, it, therefore, is now in need of a review and update, especially following two recent legislative updates.
- 4.3 First, Section 6 of the Neighbourhood Planning Act 2017 amended Section 18 of the Planning and Compulsory Purchase Act 2004 (statement of community involvement) by inserting a subsection (2B), which states that a "*statement of community involvement must set out the local planning authority's policies for giving advice or assistance*" in relation to Neighbourhood Planning. This requirement comes into force on 31 July 2018, by virtue of the Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018.
- 4.4 Second, Section 12 of the Neighbourhood Planning Act 2017 also amended section 17 of the Planning and Compulsory Purchase Act 2004 (local development documents) by inserting a subsection (6A), which enables the Secretary of State to require a local planning authority to review a local development document at such times as may be prescribed. If he does prescribe as such, the newly inserted subsection (6B) states that a local planning authority, when reviewing such a prescribed local development document, "*must consider whether to revise the document following each review, and if they decide not to do so, they must publish their reasons for considering that no revisions are necessary.*"
- 4.5 The above subsection (6B) was followed up by Regulation 4 of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 which inserted a new Regulation 10A into the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.6 Regulation 10A (which came into force on 6 April 2018) requires, inter alia, a local planning authority to review an SCI "*every five years, starting from the date of adoption of the statement of community involvement*". As subsection (6B) explains above, whilst such a review does not necessarily mean 'amend and adopt' every five years (it could mean 'review, but decide it remains fit for purpose'), the general government expectation is that the SCI is refreshed and adopted every five years.
- 4.7 For Peterborough, the last SCI was adopted in December 2015. As such, whilst a 'review' is not strictly necessary until December 2020 (at the latest), an early review now is deemed appropriate and sensible, following the above legislative changes. That legally required 'review' has been undertaken by officers, and for reasons set out below, a refreshed SCI (as attached) is recommended to be adopted. If Cabinet decide not to revise and adopt the SCI, it would be helpful if, by virtue of subsection (6B) referred above, it published its reasons for considering no revision is necessary (though this is not strictly necessary until December 2020).
- 4.8 As described above, there is a legal requirement to review the SCI every five years (minimum). Officers have undertaken a review, and are recommending that a revised SCI be prepared and adopted. The reasoning why a revised SCI is necessary is because:
- (a) numerous legislative changes since the last SCI was adopted in 2015, which means the present SCI is somewhat out of date;
 - (b) upcoming legislative requirement, from 31 July 2018, requires an SCI to include neighbourhood planning advice. Whilst the present 2015 SCI includes some advice on neighbourhood planning, it again is dated and in need of a refresh.
- 4.9 The review of the current SCI has also provided a timely opportunity to reconsider the consultation commitments included within the 2015 version. It is important to remember that once adopted, the local planning authority must follow what it says in its SCI. If it did not do so (whether that be for plan making, determining planning applications or neighbourhood planning matters), it would be open to legal challenge. It is essential, therefore, that we get it right, neither committing ourselves to doing too much (and not being able to meet such commitments) or too little (and not meet Member / public expectations of involvement).
- 4.10 If Cabinet are supportive of the attached SCI, then it is free to adopt it and it will come into force with immediate effect (subject to any call-in). There are no further regulatory stages (such as public consultation or independent examination) required.

5. CONSULTATION

- 5.1 No public consultation has been taken on this refresh. The purpose of the document is primarily about how the council will consult on other documents it produces, or planning applications it will consider. Public consultation on the SCI itself is not deemed necessary or a resource efficient task to undertake. However, Planning and Environmental Protection Committee (3 July) and Growth, Environment and Resources Scrutiny Committee (4 July) are also being consulted, prior to Cabinet consideration. Any views from those Committees will be reported orally to Cabinet.
- 5.2 However, there is nothing to prevent public consultation on the SCI taking place, if Cabinet consider it appropriate to do so, prior to it being adopted. This is not, however, recommended.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 That Cabinet adopts the Statement of Community Involvement.

7. REASON FOR THE RECOMMENDATION

- 7.1 There is a legal requirement to have an up to date Statement of Community Involvement, following recent legislative changes, the current adopted SCI is considered out of date and in need of replacement.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 To not refresh the SCI. This option was rejected because of the significant legislative changes in recent years meaning the present SCI is somewhat dated. Undertaking the refresh has been a low cost task, particularly as the refresh has been drafted alongside a refresh of the Fenland and East Cambridgeshire SCIs (refreshes for which PCC has been contracted to undertake for those two authorities).
- 8.2 refresh the SCI, but with significantly greater community consultation commitments. This option was rejected, because if additional commitments are made, then the council legally must fulfil such commitments. As such, any additional commitments would require additional funding to be in place (staff or financial) to enable such commitments to be fulfilled. In the current financial climate, it is not considered prudent to commit to more extensive community consultation.

9. IMPLICATIONS

Financial Implications

- 9.1 Directly, Nil.
- 9.2 Indirectly, the SCI commits the council to undertake various consultation tasks, which, of course, would require some finance to pay for it.
- 9.3 However, the 'commitments' are almost entirely limited to our statutory obligations (and therefore can not be avoided, and budgets are in place already). Where the 'commitments' in the SCI go beyond the minimum legislative requirements, they are of a limited nature, and primarily associated with officer time (eg a certain number of days support to a parish council preparing a neighbourhood plan). Such officer time (and any other costs committed to in the SCI) can be accommodated for via existing budgets and via New Burdens Neighbourhood Planning Funding Grants from CLG for this purpose.
- 9.4 As such, adopting the SCI will require no new funding to be secured (but no financial saving, either).

Legal Implications

9.5 See Background and Key Issues Section

Equalities Implications

9.6 The SCI applies to all development proposals and all people who engage in the planning system. It does not single out any particular group or sector for any more or less favourable treatment.

9.7 As such, there are no equalities implications, either positive or negative.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Peterborough SCI, adopted at Full Council 7 December 2015

11. APPENDICES

11.1 Appendix 1 - proposed SCI, July 2018



Peterborough Local Plan
2016 to 2036



Peterborough Statement of Community Involvement

July 2018

DRAFT VERSION

This document is a draft version of the SCI, for consideration by Planning and Environmental Protection Committee (3 July 2018), Growth, Environment and Resources Scrutiny Committee (4 July 2018) and Cabinet (16 July 2018).

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Part 1: Introduction

Introduction

This Statement of Community Involvement (SCI) sets out how Peterborough City Council ('the council') will involve and consult with the public and wider stakeholders when planning for the future of the district. Whilst government sets out minimum requirements for public consultation on planning matters, this SCI sets out the council's additional local commitments to consultation.

This SCI covers:

- Consultation arrangement in respect of Planning Applications;
- Consultation arrangements in respect of planning policy matters (such as a new Local Plan); and
- Arrangements for community involvement in, and the requirements of, the Neighbourhood Planning process, including how the council will assist in the preparation of neighbourhood planning matters.

The commitments set out in this document are binding on the council, unless national legislation states otherwise.

What is planning?

Most new buildings, certain changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission.

Peterborough City Council, as your local planning authority, is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, regard must be had to the planning policies which have been adopted for the area (for example, a Local Plan, a Neighbourhood Plan or a Supplementary Planning Document).

How to get involved

There are a number of ways that you can get involved in the planning decisions affecting you and your community. The main ways that you can get involved are:

- Having your say during public consultation periods for planning policy documents (such as a Local Plan);
- Having your say on planning applications affecting your community;
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent);
- Commenting on appeals relating to applications that have been refused by the council; and
- Preparing your own plans and policies for your local area under the Neighbourhood Planning rules.

Please note that this SCI was written based on the council's understanding of national legislation that existed as at July 2018. Should national legislation change, there may be elements in this SCI which no longer apply. The council will endeavour to update this SCI as soon as possible after significant national legislation change.

Part 2: Consultation Commitments on Planning Applications

Step 1: The Pre-Application Stage

What needs planning permission?

Most kinds of development require planning permission; however, there are a number of circumstances where certain types of development are automatically permitted. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) contains a number of 'blanket permissions' for a variety of different works.

If your proposed development falls within what is termed 'permitted development' you will not need to apply for formal planning permission to carry out the works. Permitted development rights are often subject to compliance with standard conditions. It is the owner/developer's responsibility to check and comply with these conditions.

Some developments are subject to a system of 'prior approval' of details. Prior approval means that the proposed development is 'in principle' permitted development. The council can consider whether prior approval of certain details is required in advance of a formal decision being issued. Following an application, if no information is requested by the council within fixed timescales, the application is approved. For certain types of prior approval, the council will notify occupiers of neighbouring properties and allow them to submit comments.

The council's pre-application advice service

Pre-application is the phase before a developer formally submits a planning application. Discussions with the council at this stage are recommended as they can ensure that future development enhances the built and natural environment whilst potentially speeding up the formal planning application process. Further information relating to the pre-application stage is available on the council's website: <https://www.peterborough.gov.uk/council/planning-and-development/planning-and-building/>

Developer pre-application consultation with the community

Section 122 of the Localism Act 2011¹ introduced a duty for developers to consult local communities before submitting planning applications for certain developments. This duty came into force on 17th December 2013². However, it is the council's understanding that only certain wind turbine developments are, as yet, classed by government as falling under this duty. Government retains the ability to introduce other types of development to fall under the duty, should it decide to do so in the future.

However, even if not compulsory for all other types of development, pre application consultation will enable communities to raise issues with and make suggestions to the developer. This might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/section/122/enacted>

² <http://www.legislation.gov.uk/uksi/2013/2931/made>

Step 2: Planning Application Process

Community consultation on planning applications

Planning legislation requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.

Consultation on planning applications will take place with both statutory and non-statutory consultees. Who is consulted on each individual application will depend on the nature of the proposal and its location. All consultees have 21 days from the issue of the consultation notice to make comments on the application (extended as appropriate where the period extends over public or bank holidays). However, some bodies such as Natural England will be allowed a longer period of time to comment where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

How the council consults on planning applications is set out below:

Development type/size	Peterborough City Council consultation commitments
<ul style="list-style-type: none"> • Major developments (residential sites of either 10 dwellings or more, or 0.5 hectares or more, or commercial developments of 1000 sq. meters or more in floor space or one hectare or more); • Applications subject to Environmental Impact Assessment (EIA); • Work affecting listed buildings or conservation areas; • Applications affecting public rights of way, bridleways or byways. 	Newspaper notice, site notice and neighbour letters
<ul style="list-style-type: none"> • All other developments 	Neighbour letters and sometimes site notice where neighbours cannot all be identified

Planning applications can be viewed online using the council's Public Access system, available on our website. Using the system, it is possible to search for, view and comment on planning applications. It is also possible to track the progress of an application using the system.

Once a valid application has been received, we aim to provide a decision within 13 weeks if it is a major planning application or within eight weeks if it is an application for minor or other development. Applications for development subject to an Environmental Impact Assessment have a longer time within which we aim to provide a decision at 16 weeks. We will determine planning applications as soon as is possible after the 21 day consultation period has ended.

All comments on planning applications must be submitted in writing (letters, faxes and emails) to the council within the specified 21 day consultation period. All such communications received are placed on the planning file which is available for public inspection. They cannot be treated as confidential.

Consultation on amended planning applications

Sometimes the applicant will make a change to the development proposal to overcome particular issues. We will consult on these changes as set out below:

Level of change	Re-consultation
Where the change is insignificant and would not impact on neighbours	No re-consultation will be undertaken
Where the change significantly alters the appearance or layout of the proposal and would be of interest to neighbours/ community groups	Notification letter sent giving a minimum 14 days for comment. A revised site notice and press article will be displayed for significant alterations, or for major/ EIA/ conservation area/ listed building/ right of way applications.

Occasionally developers may wish to make amendments to a development that has already been granted planning permission. Where the proposed change is minor and classed as a 'non-material amendment', no consultation will be undertaken. Where the amendments are more significant and are classed as a 'material amendment', re-consultation will take place, as set out under consultation commitments above. Applications to delete or vary a condition attached to the permission will also be re-consulted on as set out under the consultation commitments.

Who makes the decision on planning applications?

The council receives approximately 2,500 planning and related applications a year. The decision on the majority of these applications is delegated to Officers in accordance with the details set out in the council's Scheme of Delegation and its Standing Orders. Generally speaking, the more minor a proposal, the more likely it is delegated to Officers to approve or refuse the application.

The Planning and Environmental Protection Committee is, at the time of adopting this SCI, made up of 11 councillors. The councillors have the task of deciding planning applications in accordance with planning policy unless material considerations dictate otherwise. Generally speaking the Committee considers only the larger applications, those that are contrary to policy or subject to significant local interest. In addition, the Committee will also consider smaller applications if requested by a parish council or district councillor. There are opportunities for objectors, applicants and others to speak at the Committee meeting before a decision is made.

The planning officer's report, setting out all the planning issues and representations made, is made available a week before the Committee meeting and will make a recommendation to Planning and Environmental Protection Committee stating whether or not an application should be approved, having been considered against the Local Plan and any material considerations.

Reporting on decisions

The results of consultation on planning applications will be taken into account during the decision making process. Progress of planning applications, and the decisions made, can be tracked on the 'Public Access' system on the planning pages on the council's website.

Step 3: Appeals

Planning appeals

If the person who applied for planning permission does not like the decision that the council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal with the Planning Inspectorate. No one else has the right to appeal the decision (for example, you cannot appeal a decision if your neighbour gets approval for an extension you objected to) other than by way of a judicial review.

When a decision has been appealed against, the council informs all parties who objected during the application stage that an appeal has been lodged. All copies of letters and comments received during the original application stage are forwarded to the Planning Inspectorate.

If an application is then approved by the Planning Inspectorate, the only recourse available to third parties would be to apply for judicial review of the decision. This is an extremely rare event.

Step 4: Enforcement

Community involvement in planning enforcement

Planning Enforcement (also known as Planning Compliance) describes the processes involved in ensuring that people comply with planning law and the requirements of a planning permission. The process involves little public consultation, as many investigations are confidential. In addition, public consultation would not be necessary or appropriate as the objective of enforcement action is normally to return the land to its lawful state.

The majority of cases come about from referral by members of the public, councillors or planning officers. Whilst there is no public consultation on a compliance case, the council will ensure that the complainant is informed of the outcome of our investigations.

A complaint can be made in respect of a development or advertisement that is occurring without planning permission; without complying with conditions that have been attached to a permission; or that is not in accordance with an approved plan. There is an electronic form on the council's website for reporting what you think is a planning breach, alternatively please call the Planning and Enforcement Team on 01733 453495.

If, following investigation, it is necessary to serve a formal notice (e.g. Stop Notice, Enforcement Notice or Breach of Condition Notice) it will be placed on the enforcement register of notices. This register can be viewed on request.

Part 3: Consultation Commitments on Planning Policy

Introduction to Planning Policy

The National Planning Policy Framework (NPPF) explains that the Local Plan (sometimes referred to as a 'Development Plan Document' or, in the future, it may be referred to as a 'Strategic Plan') is a plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.

The primary purpose of a Local Plan is to:

- set the vision for how the local area will grow and change;
- set policies for use by developers when preparing their proposals; and
- be the key reference tool by decision makers when determining applications for planning permission.

The Local Plan deals with planning issues across the whole council area, and makes the big decisions on the location of housing, employment and roads, for example.

The council has a good track record of keeping its Local Plan up to date, and has already committed to keeping its policies up to date by aiming to adopt a new Local Plan by early 2018.

Should any joint plan be undertaken which covers the Peterborough City Council area, then the provisions of this Statement of Community Involvement will equally apply to a joint plan as to the district wide Local Plan.

There are other planning policy related documents which the council produces (or local communities, in the case of Neighbourhood Plans), with the main ones as explained below:

- The **Local Development Scheme (LDS)**, set out the timetable for the production of a new Local Plan.
- **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in the Local Plan and any Neighbourhood Plans apply. The Policies Map includes inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a Local Plan (including a Minerals and Waste Plan) or Neighbourhood Plan is adopted.
- **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its Local Plan. They do not form part of the statutory development plan and are not subject to independent examination. The council can decide to produce an SPD on any appropriate subject whenever the need arises.
- **Neighbourhood Plans:** Local communities and Parish Councils can now prepare Neighbourhood Plans (NPs), putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in the Local Plan and with national policy. It is up to local communities and Parish Councils to decide if it wants to produce a Neighbourhood Plan. Any NP, if adopted, has the same status as a Local Plan.
- **Statement of Community Involvement (SCI)**, i.e. this document.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the LDS is being implemented and the extent to which policies in the Local Plan are being achieved.

Who will we consult on an emerging Local Plan?

When producing a Local Plan there are a number of groups that the council must consult with. These are identified as 'specific consultation bodies' and include:

- Parish Councils;
- Neighbouring authorities; and
- Relevant government agencies.

In addition, there are also a number of 'general consultation bodies' who the council may consult with if it is considered relevant to the document that is being prepared. These include:

- Voluntary bodies, some or all of whose activities benefit any part of the district council's area;
- Voluntary bodies which represent the interests of :
 - Different racial, ethnic or national groups in the district council's area
 - Different religious groups in the district council's area
 - Disabled people in the district council's area
 - People carrying on business in the district council's area

There are also people and organisations that the council considers it important to consult with, for example, residents, land owners, businesses, planning consultants, solicitors etc. Where requests have been made we will also consult directly with these people and organisations.

Although those identified above will be specifically contacted during the preparation of Local Plan documents, any individual, business, organisation or group is welcome to submit comments during consultation periods.

When we will consult

There are a number of stages in the plan preparation process where it is possible for the public, businesses and the consultation bodies identified above to become involved and make comments. The main stages of preparation and consultation are set out below.

Public participation (Regulation 18)	During the first stage of public involvement the council will, as a minimum, contact the 'specific' and 'general' consultation bodies as appropriate to inform them of the commencement of the plan preparation process, and invite representations on the scope and content of the plan. There will be a minimum period of six weeks for comments to be made. Following this first stage of consultation, the council may undertake one or more further six week consultations on either more detailed options for the content of the plan or on a revised draft of the Plan. This will inform later stages of the plan preparation.
Pre-submission publication (Regulation 19)	Following the consideration of all comments received at the above stage, a draft plan will be produced, known as the pre-submission or proposed-submission document. On publication of this document, all of the specific and general consultation bodies and any members of the public, businesses, land owners etc who made comments at the previous stage of consultation will (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) be notified that the pre-submission documents are available for inspection. A statement of representation procedure will be available alongside the notification of pre-submission documents. In addition, any individual, business or organisation can submit comments during

	the consultation period, even if they did not make comments at the earlier stage. All comments must be received within the stated consultation period, which will be a minimum of six weeks.
Submission (Regulation 22)	The council submits the Local Plan to the Secretary of State together with the representations received at the Regulation 19 stage. This is not a stage for further public comments to be made.
Independent Examination Hearing	The submitted document, and the representations received, will be considered by a Planning Inspector at an independent examination. Those individuals and organisations who have made representations may be invited by the inspector to submit a written statement during the examination. Individuals and organisations who made an objection to the document and have requested to speak at the examination will be contacted by the Inspector to be informed of the procedure for being heard.
Inspector's Report	The council will notify all those who have requested to be notified, as soon as reasonably practicable following the receipt of the Inspector's Report. The report will also be made available on the council's website.
Adoption of the DPD (Local Plan)	<p>Assuming that the Inspector concludes that the document is sound, either with or without modifications, the council will consider whether to adopt the Local Plan. On adoption, the council will prepare a statement setting out the date of adoption, the modifications (if any) and where and when the adopted documents can be inspected. The opportunity to apply for judicial review will also be explained.</p> <p>The adoption documents will be made available on the council's website, and also at the locations where the submission documents were made available. The adoption statement will also be sent to any person who has requested to be notified, and (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) to all those who made representations on the Regulation 19 document.</p>

How we will consult

At the commencement of consultation periods, the identified specific and general consultation bodies that we have to consult with, as well as any individuals, organisations or bodies who have requested to be notified or whom we think might be interested (subject to any legal requirements arising from the General Data Protection Regulations), will be contacted directly either in writing or via email.

All consultation and submission documents will be made available on our website and paper or electronic copies will be available to view at the main council office. If appropriate, additional paper copies of some of the documents may be made available to view at other locations. In addition to this, we may, if appropriate and cost effective, use other methods of consultation such as press releases, community events and meetings.

During all consultations it will be possible to make comments in writing, or electronically via email or, if available, an online consultation portal. Verbal comments will not be recorded.

Consultation Arrangement for Supplementary Planning Documents

Supplementary Planning Documents (SPDs) can be produced to supplement and add further detail to policies within the Local Plan. They may provide further guidance for development on specific sites or issues such as design.

When preparing an SPD, any individual, business or organisation can take part in the public consultation stage(s). If the council believes that there are specific individuals, businesses or organisations that will have a particular interest in an SPD, they will be invited to make comments (subject to any legal requirements arising from the General Data Protection Regulations).

We will invite comments on the draft version of any SPD that is produced. The consultation period will be a minimum of four weeks.

At the commencement of the consultation period, the draft SPD will be made available on the council's website and at the council main office. If appropriate, additional paper copies of documents may be made available to view at other locations.

During all consultations it will be possible to make comments in writing, or electronically via email.

Following its adoption, the SPD will be made available on our website and at the council main office.

Part 4: Neighbourhood Planning

Introduction

Neighbourhood Planning was introduced through the Localism Act in 2011. It enables parish councils and, in non parished areas, neighbourhood forums to develop a planning strategy for their local area to be used in making decisions on relevant planning applications³.

By virtue of Section 18 of the Planning and Compulsory Purchase Act 2004, subsection 2(B), this SCI must set out the council's policies for giving advice or assistance on Neighbourhood Planning. For the purpose of this SCI, reference is made to a 'neighbourhood plan', though if a Parish Council or neighbourhood forum is interested in preparing a considerably rarer 'neighbourhood development order' then the provisions set out in this SCI for neighbourhood plans equally apply.

A neighbourhood plan can include policies on the development and use of land, however they cannot be used to propose a lower level of growth than that proposed within local authority planning policies.

Importantly neighbourhood plans are required to meet a number of 'basic conditions', which are that the plan must:

- Have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area; and
- Not breach, and be otherwise compatible with, EU and Human Rights obligations.

This Part 4 of the SCI has been produced to set out the key stages in undertaking a neighbourhood plan and to clarify what can be expected from the council at each stage. More detailed independent advice on neighbourhood planning is available via the internet, such as <https://neighbourhoodplanning.org/>.

Formal stages of neighbourhood planning

When preparing a neighbourhood plan there are a number of formal stages that are required by legislation to be undertaken. These stages are set out below and indicate what you should do and what you can expect from the council at each stage.

Stage 1: Neighbourhood Area Designation

In order to produce a neighbourhood plan, the applicable area must be formally designated as a 'Neighbourhood Area'. A Neighbourhood Area is the geographic area that your plan will cover.

In areas covered by parish councils a Neighbourhood Area normally matches the boundary of the applicable parish area. However, it could be just part of a parish area or it could cover more than one parish area, but, if it does so, it should be supported by all parish councils. If more than one parish council is proposing a joint plan we would suggest making a joint application with one parish taking the lead as the 'qualifying body'.

³ Localism Act 2011 (<http://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/3/enacted>)
Neighbourhood Planning (General) Regulations 2012
(http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)

Where there is a parish council, an application for designation as a Neighbourhood Area will need to confirm that the organisation making the application is the parish council, stating why the proposed area is appropriate, and must be accompanied by a map clearly showing the area being applied for (the council can provide a PDF map if needed). An application form is available on the website <https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/neighbourhood-plans/>

In an area without a parish council, a neighbourhood forum needs to be set up. There can only be one forum per neighbourhood area. The boundary for the area will be proposed by a group who will subsequently apply to be an official neighbourhood forum (if not already established as a neighbourhood forum). An area proposed by a neighbourhood forum cannot include any area covered by a parish council.

Neighbourhood Forum: Further details

The council's understanding of the current legislation regarding Neighbourhood Forums is as follows. Whilst you do not need to be formally constituted as an official forum at the time of application for the designation of a Neighbourhood Area your forum must be at least capable of being designated as a neighbourhood forum. It is up to your group whether you apply for designation as a Neighbourhood Area and Neighbourhood Forum at the same time or separately.

All applications to become a neighbourhood forum should be made using the council application form that is available on request. Neighbourhood forums must meet the following conditions:

1. Established for the main purpose of promoting or improving the social, economic and environmental well-being of an area;
2. The neighbourhood forum covers a designated neighbourhood area (or about to be designated area);
3. Membership has been, and remains open to individuals living, working or acting as elected members in the area concerned;
4. Membership is made up of at least the number required by law⁴, each of whom lives or works within the neighbourhood area.

Once an application to set up a neighbourhood forum has been validated, the council will publish as soon as possible on our website, the following information:

- A copy of the application;
- A statement that if a formal designation as neighbourhood forum is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;
- Details of how and when to make representations (the period for making representations will be six weeks). A potential alternative forum may come forward at this time.

In addition, the council, if appropriate, may also undertake additional advertising of the application.

If an alternative neighbourhood forum wanted to put itself forward to prepare a neighbourhood plan for the designated neighbourhood area it must submit the same information as required by the original applicant within the six week consultation period.

Whether a Parish Council or a Forum, when an Neighbourhood Area application is submitted, the council will validate the application by checking that all of the necessary information is provided. If the

⁴ Set out in the Localism Act 2011

application is not valid you will be contacted by a planning officer to discuss the reasons and offer advice on the next steps.

Once validated, if the application is made by a Parish Council for the whole of their area, no consultation is required and the council must designate the area.

For other circumstances (i.e. not for the whole Parish Council's area, or is for more than one parish area, or for non-parished areas) then the council will publicise notice of the application, and consult on the application for a period of six weeks:

Representations will be considered by the council and a decision will be made on whether to approve the Neighbourhood Area.

With all applications, the council will also decide whether to also designate the area as a Business Area: this will only be the case where the area is wholly or predominantly business in nature.

What you can expect from the city council in Stage 1

We will aim to validate your application or notify you of any problems within 10 working days.

Where an application is by a Parish Council for the whole of their area the council must designate the area. The council will aim to do this within five working days of the application being validated.

If consultation is required, we will publish your application on the council's website and advertise as necessary in at least one of the following (provided one of these exist): local library; community centre; parish council building and/or local notice board, for the consultation period with details of how long the consultation will run and how to make representations.

We will make a decision on whether the area should be designated:-

- Where an area falls within the areas of two or more local planning authorities – 20 weeks from first being publicised;
- For all other areas – 13 weeks from first being publicised.

If these timescales are missed, the default decision is that the area applied for is designated.

We will publicise the decision on whether or not to designate the neighbourhood area on our website.

Stage 2: Produce your neighbourhood plan

There is no 'one size fits all' approach to producing a neighbourhood plan. Each plan will be produced according to the intended content and the nature of the area. It is important to be realistic about the amount of resources and time you can put into the plan.

Effective consultation and engagement is particularly important as it is the community who will ultimately vote on whether the plan should be adopted by Peterborough City Council (see Stage 6).

The council sets out below how it will assist at this stage, as a minimum. This list is not exhaustive, however assistance will be limited to resources available at a given time, and so it is recommended that you should develop a clear project plan to plan for when you anticipate needing assistance from the council. It is important to note that the council's duty to support does not extend to financial

assistance i.e the council does not have any funds available to pass to a Parish Council or Forum in order for the Parish Council or Forum to do any of the work.

When you are reasonably certain about the policies your plan will contain, the council will screen your plan for any environmental impacts. If your plan changes significantly between the screening and the formal submission, it may need to be screened again.

What you can expect from the city council in Stage 2

Advice on matters relating to the neighbourhood plan will be given upon request, but may be capped at four officer working days in total for this stage (unless we agree to extend the number of days). Such advice may include:

- an initial meeting (requests for meetings may be limited to one)
- Advising on potential topics for your plan
- Making data available or advising where to find useful data to provide evidence for your plan;
- Providing advice on the legal requirements for your plan;
- Assisting with preparing any necessary reports;
- Advising on organisations that may be able to help with the production of your plan;
- Advising on ways to engage your community;
- Reviewing a draft of your plan and feeding back comments; and
- Providing up to 5 copies of Ordnance Survey base maps of the neighbourhood area, and printing of up to 20 copies of a draft Neighbourhood Plan

Timescales for a response to any request will vary depending on the nature of the request, but every effort will be made to respond at the earliest opportunity.

We will aim to provide an informal view of whether the plan is likely to meet the basic conditions within 20 working days of receiving a request. This will require a mature draft of the plan being provided prior to the pre-submission consultation.

Stage 3: Pre-submission Consultation

Regulations require that your proposed plan undergoes a six week consultation prior to submitting it (see Stage 4) to the city council. This requirement, which is the parish council's or neighbourhood forum's responsibility to undertake, includes:

- Publicising the plan so that it is brought to the attention of people who live, work, or own a business in the neighbourhood area;
- Notifying a number of bodies such as the Highways Agency, Natural England, English Heritage and the Environment Agency;
- Notifying service providers that operate in the area such as utility providers, a Primary Care Trust, and Network Rail;
- Notifying local organisations that represent racial, religious, national, business, and disability groups;
- Notifying voluntary bodies that operate in your neighbourhood area;
- Notifying parish councils within the neighbourhood area; and
- Sending your plan to the city council.

Prior to publicising your plan, it is recommended that you contact the council who will advise on who (subject to any legal requirements arising from the General Data Protection Regulations) you should be notifying and can advise on how to publicise your plan in your neighbourhood area.

You will need to plan the consultation and make sure that your plan can be viewed by the community and other organisations, both in electronic format and in hard copy. You will also need to consider how you will bring the proposed plan to the attention of the community using means such as mail drops, posters, press adverts, etc.

Once the six week consultation period is complete you will need to review the comments and collate them into a consultation statement, including a response to the key issues being raised. This will demonstrate what changes, if any, will be made to the plan. You will then need to amend the plan to be ready to submit to the council. If significant changes are made, it is recommended that you repeat this Stage 3 six week consultation.

What you can expect from the city council in Stage 3

Assist with identifying the organisations that should be contacted as part of the pre-submission consultation and advise on how to publicise the proposed plan to the community. This will be provided within 10 working days of a request in the run up to the consultation.

If asked by you to do so, publish a notice of your plan on the council's website and place copies of the proposed plan at the council office and other relevant locations such as libraries for the public to view for the consultation period.

Provide a response to the proposed neighbourhood plan, including a view on whether it is considered to meet the basic conditions.

Stage 4: Submission and publication of the plan

First you will need to take account of the comments made to the pre-submission consultation (and make any amendments to your plan as you think necessary). Next, you will need to formally submit your plan to the Council. At this point you cannot make any further changes to the plan and you hand over control of the plan to the council.

Your plan must be accompanied by a number of other documents, specifically:

- A map or statement clearly identifying the area to which the plan relates;
- A consultation statement which clearly documents the pre-submission consultation, including who was consulted on the plan and how they were consulted, a summary of the main issues raised, and information on how the representations have informed the content of the plan. The consultation statement may also demonstrate what previous consultation has been undertaken throughout the production of the plan.
- A basic conditions statement to demonstrate how the plan meets the basic conditions and how the plan has been produced in line with legislative requirements.
- An environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004; or where it is considered that the plan proposal will not have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for determination.

When your plan is submitted, the Council will check your submission to ensure that it contains all of the necessary information to be published and will notify you of whether or not it is valid.

If the submission is valid, your plan and the accompanying documents will be published as soon as possible for six weeks (i.e this is a second six week consultation, in addition to the six week consultation at Stage 3) on the council's website and in hard copy at an appropriate council location. The council will also publicise the consultation as necessary, including information about where to view the plan, how to make comments on it and when comments must be received by.

Following the consultation, the council will gather the representations made on the plan and send them, along with the neighbourhood plan and accompanying documents, for examination.

What you can expect from the city council in Stage 4

We will help you, capped at four officer working days in total (unless we agree to extend the number of days), to consider any representations received at Stage 3, and help you determine what appropriate action should be undertaken with them (eg amend policy wording) prior to you submitting the plan.

Once submitted, we will aim to confirm whether your submitted plan is valid within 10 working days of submission.

If valid, we will arrange for publication of the plan on the council's website, have hard copies placed at an appropriate city council and parish council location, publicise the consultation as necessary and notify the consultation bodies as required, including those who submitted comments at pre-submission stage (subject to any legal requirements arising from the General Data Protection Regulations).

We will provide a formal response to the submitted plan, including a view on whether it is considered to meet the basic conditions.

We will cover all costs associated with meeting minimum requirements for the publication of the plan. We will consider helping with any additional minor costs, such as printing posters or leaflets, if the parish or forum asks us to.

Stage 5: Independent examination

During the publication stage the council will commence appointment of a suitably qualified individual to undertake the independent examination. This appointment will be made in conjunction with the parish council or neighbourhood forum submitting the plan.

After the publication, the neighbourhood plan, accompanying documents and representations made on the published plan will be sent to the examiner. Examinations are normally conducted by written representations, but the examiner may decide to hold a public hearing to discuss any points as needed. The examiner will only consider whether the plan meets the basic conditions.

Following the examination, the examiner will provide a report that sets out a recommendation on the plan. The possible recommendations are:

- The plan meets the basic conditions and should proceed to referendum;
- Modifications are needed for the plan to meet the basic conditions before the plan should proceed to referendum; or

- The plan does not meet the basic conditions and no modifications can be made so that it will – as such it should not proceed.

The examiner can also make recommendations as to whether the referendum area should extend beyond the neighbourhood area, though this will be an unusual recommendation.

The council will make a decision on whether the plan should proceed to referendum based on the examiner's report and publish the council's decision statement and the examiner's report.

What you can expect from the city council in Stage 5

We will appoint the examiner in consultation with the parish council or neighbourhood forum.

We will manage and fund the process of the examination and act as key contact for the examiner.

We will publish the examiner's report and the council's decision on whether the plan will proceed to referendum.

We will print and pay for up to 20 copies of the final Plan, in colour, including maps.

Stage 6: Referendum and Adoption

Upon receiving the examiner's report approving the plan to proceed to referendum and the council's formal decision to proceed (only in exceptional circumstances would the council not agree to proceed), the council will arrange for a referendum to take place in the neighbourhood area.

The referendum will allow for the residents of the neighbourhood area to decide on whether or not the plan should be used in making planning decisions in the neighbourhood area, with a simple 'yes' or 'no' vote. The council will arrange and pay for the referendum to be held.

If the plan gains more than 50% of votes for 'yes' then the council will adopt the plan at the earliest possible opportunity, making the neighbourhood plan part of the development plan for the area. It will then be used in conjunction with the Local Plan (and any other material considerations) in making decisions on planning applications.

What you can expect from the city council in Stage 6

We will arrange and pay for the referendum.

We will publish the results of the referendum.

We will adopt the plan at the next suitable Full Council meeting

We will use the plan in making decisions on relevant planning applications in the neighbourhood area.

CABINET	AGENDA ITEM No. 7
16 JULY 2018	PUBLIC REPORT

Report of:	Annette Joyce - Service Director – Environment and Economy Growth and Regeneration	
Cabinet Member(s) responsible:	Cllr Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development.	
Contact Officer(s):	Phil Hylton, Senior Strategic Planning Officer Richard Kay, Head of Sustainable Growth Strategy	Tel. 863879

UPDATED REG 123 LIST AND COMMUNITY INFRASTRUCTURE LEVY SUPPORTING POLICIES

R E C O M M E N D A T I O N S	
FROM: Corporate Director of Growth and Regeneration	Deadline date: 16 July 2018
It is recommended that Cabinet approves the set of Community Infrastructure Levy Supporting Policies Documents including Regulation 123 List for a targeted consultation.	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following an officer review of the current policy documents and a recommendation that they be updated. The relevant Cabinet Member (Councillor Peter Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development) has endorsed the putting forward of a report.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to seek the approval for the purpose of public consultation on the revised Community Infrastructure Levy Supporting Policies Document, the draft revised Regulation 123 List, and the revised Governance Proposals.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.4, ‘To promote the Council’s corporate and key strategies and Peterborough’s Community Strategy and approve strategies and cross-cutting programmes not included within the Council’s major policy and budget framework.’

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

4.1 Peterborough City Council adopted a Community Infrastructure Levy (CIL) on 15 April 2015 following a number of consultations and an Examination in Public. The Levy was formally brought into effect from 24 April 2015. In simple terms, CIL provides a clear levy that can be charged for each square metre of floor area in eligible new developments. CIL allows funds from multiple developments to be pooled to subsequently deliver strategic infrastructure.

- 4.2 How much a developer must pay depends on what type of development it is, what part of the district it is located in, and the total floorspace being constructed. All of these details are set out in the CIL 'Charging Schedule'. The Charging Schedule can only be changed following extensive reconsultation, updated evidence gathering and independent examination, a process which typically would take 2-3 years to undertake and be a significant resource undertaking. Officers best estimate is that, even if such an extensive review of the Charging Schedule is undertaken, the net effect is not likely to be significant i.e. it is unlikely that the rates set out on the Charging Schedule would materially alter, particularly as the rates get updated each year in line with inflation. As such, there is **no proposal** to commence a full review of the CIL Charging Schedule (though this will continue to be monitored).
- 4.3 However, in addition to the Charging Schedule, in April 2015 Council also adopted a number of supporting CIL related policy documents and guidance. In addition, on 7 November 2016, Cabinet agreed internal 'governance arrangements' for spending CIL. It is these supporting documents which have been reviewed, and considered appropriate to update. The full set of supporting documents and policies are:
- Regulation 123 List;
 - Instalment Policy;
 - Payment in Kind Policy;
 - Statement of Exceptional Circumstances Relief; and
 - PCC CIL Governance Proposals
- 4.4 Of the above, the Regulation 123 (R123) List is the most important (see more details below) and it is this policy that is proposed to be revised. In doing so, this is the primary reason why the other related policies above also need a refresh, in order to avoid duplication, ensure consistency and be fully up to date.
- 4.5 The R123 List contains infrastructure types or specific projects for which other types of developer contributions (or 'planning obligations') will not be sought, but for which CIL money collected may be spent. A Local Planning Authority can include as much or as little as it sees fit on the Reg 123 List, but it is important to ensure that inclusion of infrastructure on the list does not preclude the ability to secure any funding through other planning obligations where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 4.6 To put it another way, a R123 List is seen by many (especially the general public) as having the primary role of setting out what infrastructure any CIL money collected might be spent on. However, arguably, its primary role is actually to confirm what infrastructure will not be sought from other developer contributions. On a day to day basis, it is the latter purpose for which the R123 List is used by developers and planning officers.
- 4.7 As well as the R123 List, other locally-defined CIL policies relating to payment installments, payment in kind (such as through provision of land or directly delivering a specific piece of infrastructure) and exceptional circumstances for relief of payments were wrapped up in the April 2015 council agreed 'Community Infrastructure Levy Supporting Policies Document'. It is proposed to retain this umbrella document for these supporting policies, except for the R123 List which is proposed to be separated into its own entity to assist with clarity for customers, and reflecting its importance and more day-to-day use.
- 4.8 Separately, the CIL Governance Proposals document was adopted by Cabinet in November 2016 and contains details about how the Council administers and reports on the spending of CIL funds. These governance proposals have been reviewed by officers are not proposed for material amendment. However, for consistency with amendments to other policy documents, it also requires some minor amendments and is, therefore, being refreshed and reoption sought.
- 4.9 Of all the changes, Members attention is therefore drawn to the updating of the R123 List. The

changes seek to provide greater definition of what infrastructure is included or excluded from the R123 List, making it clearer for applicants as to what may or may not be sought through other planning obligations. The current (2015) R123 List contained eleven infrastructure types which were quite broad. The revised recommended R123 List proposes the introduction of further detail, being more specific about what is included on the List and what is excluded. Being precise about what is expected will help to avoid unnecessary debate (and potential legal challenges), ensure CIL funds are targeted where intended and, overall, help ensure that the necessary supportive infrastructure is delivered.

- 4.10 The net effect of the changes to R123 List is that whilst developers will not pay any different CIL Levy (because the Charging Schedule is not being amended), developers might end up contributing more through wider developer contributions for certain types of necessary infrastructure, because such types of infrastructure are no longer on the R123 List. These changes are limited and likely to only result in additional 'in kind' payments (such as provision of land for infrastructure). The vast majority of new developments will see no difference. The Council will also continue to need to comply with regulations and national policy and will need to ensure that, in seeking planning obligations on top of any CIL levy, it does not undermine viability.

5. CONSULTATION

- 5.1 Consultation with Council departments and other infrastructure providers has taken place in order to inform the revision of the R123 List. Planning and Environment Protection Committee (3 July) and Growth, Environment and Resources Scrutiny Committee (4 July) have also considered the items in this report, and their views will be reported orally to Cabinet.

- 5.2 Subject to Cabinet approval, it is recommended that all of the appended documents should be consulted upon (targeted consultation with, for example, the developers forum and parish councils) before being taken back to Cabinet in the autumn or winter for adoption.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 The amended document will help to ensure that Peterborough City Council maximises contributions towards the infrastructure necessary to support the growth occurring, whilst ensuring that development remains viable. It is anticipated that Cabinet will endorse the updated documents as attached for consultation. The documents will be brought back to Cabinet for adoption, taking into account any findings of the consultation.

7. REASON FOR THE RECOMMENDATION

- 7.1 The adoption of these documents are recommended as it will assist Peterborough City Council in delivering the necessary infrastructure to support growth in the city and in the surrounding areas, in accordance with the adopted CIL Charging Schedule.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Do not update the documents - this was rejected as the documents are in need of a refresh and, in particular, the R123 List needs updating for clarity and to ensure the successful securing of necessary infrastructure from new development.

Do a full refresh of the CIL Charging Schedule - this was rejected because the Charging Schedule can only be changed following extensive reconsultation, updated evidence gathering and independent examination, a process which typically would take 2-3 years to undertake and be a significant resource undertaking. Officers best estimate is that, even if such an extensive review of the Charging Schedule is undertaken, the net effect is not likely to be significant i.e. it is unlikely that the rates set out on the Charging Schedule would materially alter, particularly as the rates get updated each year in line with inflation.

9. IMPLICATIONS

Financial Implications

- 9.1 None directly. However, the adoption of this revised documents may result in some additional funds or land being secured from development, to be spent/utilised for infrastructure, to better support growth.

Legal Implications

- 9.2 Preparation of a CIL charging schedule and associated policy documents is heavily prescribed through legislation, particularly the Community Infrastructure Levy Regulations (2010) (as amended). Officers have adhered to such legislation in updating the documents referred in this item.

Equalities Implications

- 9.3 None.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1
- Community Infrastructure Levy Charging Schedule (April 2015)
 - Community Infrastructure Levy Supporting Policies Document (April 2015)
 - Developer Contributions Supplementary Planning Document (April 2015)
 - Developer Contributions Supplementary Planning Document (approved by Cabinet for consultation on 15 January 2018)

11. APPENDICES

- 11.1 Appendix A - Community Infrastructure Levy Supporting Policies Document.
Appendix B - Regulation 123 List.
Appendix C - Community Infrastructure Levy Governance Proposals.

Peterborough City Council

Community Infrastructure Levy Supporting Policies:

- CIL Instalment Policy
- Payment in Kind Policy – Land and Infrastructure
- Exceptional Circumstances Statement

July 2018

1. Introduction

- 1.1. This document provides the Community Infrastructure Levy (CIL) policies relating to the operation of the CIL which have been left to the discretion of the Charging Authority, Peterborough City Council.
- 1.2. Peterborough City Council is the CIL collecting authority in respect of the area in which it grants planning permission.
- 1.3. Detailed queries about the operation of policies contained in this document should be directed to the Council's Planning Obligations Officer – planningobligations@peterborough.gov.uk.

2. Peterborough Community Infrastructure Levy Instalment Policy

- 2.1. Peterborough City Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended).
- 2.2. This Instalment Policy took effect on 24 April 2015 and was reconfirmed in July 2018.
- 2.3. As permitted under Regulation 9(4) of the Community Infrastructure Levy Regulations 2010 (as amended), where outline permission has been granted which permits development to be implemented in phases, the Instalment Policy will apply to each separate phase of development and the associated separate chargeable amount.

Chargeable amount	Number of Instalments	Amount or proportion of CIL payable in any instalment/time at which payments are due
£75,000 or less	1	Total amount payable within 180 days of commencement of development
£75,001 - £500,000	3	Instalment 1: 25% of full payment within 60 days of commencement date Instalment 2: 50% of full payment within 360 days of commencement date Instalment 3: 25% of full payment within 540 days of commencement date
£500,001 or more	4	Instalment 1: 25% of full payment within 60 days of commencement Instalment 2: 25% of full payment within 360 days of commencement Instalment 3: 25% of full payment within 540 days of commencement Instalment 4: 25% of full payment within 720 days of commencement

CIL Instalment Policy Advice

- 2.4. The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy
- 2.5. This Instalment Policy only applies where:
- The Council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70(1)(a)); and,
 - The Council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1)(b)) and the Council does not challenge the date of commencement specified.
- 2.6. If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

- 2.7. Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).
- 2.8. To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all the payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.

3. Peterborough Community Infrastructure Levy Payment in Kind Policy – Land and Infrastructure

- 3.1. In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, will allow the payment of CIL by land payments or infrastructure payments.
- 3.2. This policy is effective from the day the Peterborough CIL Charging Schedule came into effect, 24 April 2015 (and reconfirmed in July 2018).

Paying CIL in the form of land

- 3.3. In certain circumstances it will be possible to pay some or the entire CIL amount in the form of land. This will be dependent on certain conditions:
1. The Council agree to the transfer of land as part or whole payment of the CIL.
 2. The land can be used to provide infrastructure to support the development of the area.
 3. The applicant must have assumed liability to pay CIL.
 4. The value of the land to be transferred must have been determined by a suitably qualified independent person agreed by the Council. The valuation must represent a fair market value for the land on the day it was valued.
 5. Where the payment of CIL by land provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. The Council must be satisfied that the criteria in Regulation 73 have been met.
 6. The agreement cannot form part of a planning obligation within a S106 Agreement.

Paying CIL in the form of infrastructure

- 3.4. In certain circumstances it will be possible to pay some or the entire CIL amount in the form of infrastructure. This will be dependent on certain conditions:
1. The infrastructure to be provided must be related to the provision of those projects listed in the Council's Regulation 123 list.
 2. The applicant must have assumed liability to pay CIL.
 3. The value of the infrastructure to be transferred must have been determined by a suitably qualified independent person agreed by the Council who will ascertain the cost to the provider including any design related costs. The valuation must represent a fair market value for the infrastructure on the day it was valued.
 4. Where the payment of CIL by infrastructure provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. This agreement must include the information specified in Regulation 73A.
 5. The agreement cannot form part of a planning obligation within a S106 Agreement.
- 3.5. The Council is not obliged to accept any offer of payment in kind by land or infrastructure.
- 3.6. Whilst not ruled out, the 'entire amount' is unlikely to be accepted by the Council, due to the implications as summarised in paragraph 3.9 below.
- 3.7. Please see the Community Infrastructure Levy Regulations 2010 (as amended), for the full details relating to payment in kind.
- 3.8. Before submission of an application, liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if the principle of 'payment in kind' is suitable – planningobligations@peterborough.gov.uk.

- 3.9. Where the Council accepts land and/or infrastructure as 'payment in kind' the equivalent Neighbourhood Fund (25% where there is a Neighbourhood Plan in place or where permission was granted through a Neighbourhood Development Order; or 15% where there is no Neighbourhood Plan, capped at a maximum of £100 per council tax dwelling) must still be paid to the local community as a financial payment.

4. Peterborough City Council Community Infrastructure Levy Exceptional Circumstances Relief Statement

- 4.1. In accordance with Regulation 55 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, gives notice that exceptional circumstances relief is available in the Council's administrative area.
- 4.2. This is effective from the day the Peterborough CIL Charging Schedule came into effect on 24 April 2015 (and reconfirmed in July 2018).
- 4.3. Anyone wishing to claim relief for exceptional circumstances must follow the procedures set down in Regulations 55 – 58 of the Community Infrastructure Levy Regulations 2010 (as amended), and any relief given must be in accordance with the procedures in the Regulations and must not constitute state aid.
- 4.4. Relief claims must take place after planning permission is granted but before development has commenced. Any claim will include funding the appointment of an independent person with appropriate qualifications and experience to undertake a viability study who, before appointment, must be agreed as an appropriate person by the Council.
- 4.5. In summary, in order to qualify for exceptional circumstances relief, the Regulations require:
 - that a planning obligation has been entered into in respect of the planning permission which permits the chargeable development;
 - the claim to be submitted in writing on the appropriate form, this must also be sent to any other owners or holders of a material interest in the land;
 - an assessment to be carried out by an independent person of the economic viability of the chargeable development. An independent person is one who has appropriate qualifications and experience and who is appointed by the claimant with the agreement of the Council;
 - an explanation of why, in the opinion of the claimant, payment of the chargeable amount would have an unacceptable impact on the economic viability of that development;
 - proof that the relief would not constitute state aid; and,
 - other required information about apportionment assessment if appropriate and declarations as required by the regulations.
- 4.6. Please note that this note is not intended to be a definitive interpretation of the legislation or CIL Regulations and applicants are advised to seek professional advice where appropriate.
- 4.7. This is a discretionary policy and will be considered by the Council on a case by case basis. Before applying for exceptional circumstances relief liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if this is a possibility - planningobligations@peterborough.gov.uk.

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Peterborough City Council

Community Infrastructure Levy – Regulation 123 List

July 2018

This statement forms Peterborough City Council's CIL Regulation 123 list.

It specifies projects or types of infrastructure which the City Council intends will be, or may be, funded fully or partly by CIL contributions. The exclusions (third column) denote infrastructure which does not form part of the Regulation 123 list, and for which S.106 contributions may be sought.

In accordance with CIL Regulation 122, developments will be expected to provide for, or make contributions towards, infrastructure not listed in the Regulation 123 List, to make the development acceptable in planning terms. This provision will be in addition to CIL. Further information on planning obligations that might be sought to make a development acceptable in planning terms can be found in other policy documents of the Council.

Peterborough City Council retains the right to determine where CIL contributions are spent and are not restricted by this list, providing the requirements of the CIL Regulations are met.

The R123 List is made up of two tables. The first table relates to sites comprising development of 500 or more dwellings. The second table applies to all other forms of development.

Table 1: Sites comprising development of 500 dwellings or more		
Theme	The Reg 123 List	Excluded from the Reg 123 List
Transport	<ul style="list-style-type: none"> Strategic / city wide impact transport projects 	<ul style="list-style-type: none"> Specific improvements necessary to make a development acceptable in planning terms
Education		<ul style="list-style-type: none"> Education facilities, defined as: <ul style="list-style-type: none"> Nursery or pre-school Primary education Secondary education Further and higher education Special education needs The provision of land for education
Health		<ul style="list-style-type: none"> Health facilities The provision of land for health facilities
Emergency services		<ul style="list-style-type: none"> Emergency services
Community and Leisure		<ul style="list-style-type: none"> Indoor sports and recreation facilities Library, museum and lifelong learning facilities
Waste management	<ul style="list-style-type: none"> Anaerobic digestion plant Householder recycling centre 	<ul style="list-style-type: none"> Bring sites Specific facilities or improvements necessary to make a development acceptable in planning terms
Green infrastructure	<ul style="list-style-type: none"> Strategic green infrastructure, defined as wider strategic level projects which establish or enhance habitat connectivity at a larger than local or at a city-wide scale 	<ul style="list-style-type: none"> Strategic open space, defined as: <ul style="list-style-type: none"> Country parks Synthetic turf pitches Children's play areas (including LAP, LEAP, NEAP) Neighbourhood Parks Allotments Natural greenspace Playing pitches or other areas for outside sports
Crematorium and burial grounds	<ul style="list-style-type: none"> Crematorium or burial grounds 	

Table 2: All other development sites		
Theme	The Reg 123 List	Excluded from the Reg 123 List
Transport	<ul style="list-style-type: none"> • Strategic / city wide impact transport projects 	<ul style="list-style-type: none"> • Specific improvements necessary to make a development acceptable in planning terms
Education	<ul style="list-style-type: none"> • Education facilities, defined as: <ul style="list-style-type: none"> ○ Nursery or pre-school ○ Primary education ○ Secondary education ○ Further and higher education ○ Special educations needs 	<ul style="list-style-type: none"> • The provision of land for education
Health	<ul style="list-style-type: none"> • Health facilities 	<ul style="list-style-type: none"> • The provision of land for health facilities
Emergency services	<ul style="list-style-type: none"> • Emergency services 	
Community and Leisure	<ul style="list-style-type: none"> • Indoor sports and recreation facilities • Library, museum and lifelong learning facilities 	
Waste management	<ul style="list-style-type: none"> • Anaerobic digestion plant • Householder recycling centre • Bring sites 	<ul style="list-style-type: none"> • Specific facilities or improvements necessary to make a development acceptable in planning terms
Green infrastructure	<ul style="list-style-type: none"> • Strategic open space, defined as: <ul style="list-style-type: none"> ○ Country parks ○ Synthetic turf pitches • Strategic green infrastructure, defined as wider strategic level projects which establish or enhance habitat connectivity at a larger than local or at a city-wide scale 	<ul style="list-style-type: none"> • Children's play areas (including LAP, LEAP, NEAP) • Neighbourhood Parks • Allotments • Natural greenspace • Playing pitches or other areas for outside sports
Crematorium and burial grounds	<ul style="list-style-type: none"> • Crematorium or burial grounds 	

Peterborough City Council

Community Infrastructure Levy
Governance Arrangements

Updated - July 2018

1. Introduction

- 1.1. This report presents the approach to governing Community Infrastructure Levy (CIL) funds that will be received from development. It is an update from the version approved in 2016. It explains how the spending of CIL funds will be administered and reported (Section 2). This report also proposes a split for funding from the strategic portion (Section 3).
- 1.2. The report seeks to identify the roles, responsibilities and processes relating to the different strands of CIL funding in accordance with the CIL regulations and the Peterborough City Council Constitution. There are three strands of CIL funding, which can be summarised as follows:
- **Administration Portion (5%)** – The regulations allow up to 5% of funds collected to be allocated to pay for the administration (revenue costs) aspect of CIL. Full Council has already agreed to utilise this ‘top slice’ option, and it will continue to do so. The remaining 95% are capital funds.
 - **Strategic Portion (up to 80% of all funds)** – The Council is responsible for managing and spending this, but external providers can bid for funds. CIL receipts must be spent on infrastructure needed to support the development of the area and should be based on the infrastructure priorities set out on the R123 List and Infrastructure Delivery Schedule (IDS).
 - **Neighbourhood Portion (15% or 25% of all funds) -**
 - **Parished areas** – at least 15% of CIL receipts received from development in the parish (up to £100 per existing council tax dwelling per financial year) are transferred to the parish council to spend on local infrastructure priorities. This proportion of CIL receipts rises to 25% where there is a ‘made’ Neighbourhood Plan. The parish council must report its spending on an annual basis. Parishes can contribute toward strategic projects but are ultimately autonomous in taking spending decisions.
 - **Non-parished areas** – at least 15% of CIL receipts (up to £100 per existing council tax dwelling per financial year) to be spent on local community infrastructure. The money is managed by Peterborough City Council, who must engage with communities where development has taken place and agree with them how best to spend the neighbourhood funding. Where there is a ‘made’ Neighbourhood Plan, this proportion of CIL receipts rises from 15% to 25%. The Council must report this spending annually.

2. How CIL funds will be managed

Administration and cost implications

- 2.1. The Compliance and Section 106 team will continue to maintain responsibility for the day-to-day administration of CIL funds, alongside other planning obligations. The team will administer the transfer of the Neighbourhood Portion, and also fulfil the Council's reporting requirements in accordance with the CIL regulations. This includes the preparation of an annual report.
- 2.2. The 5% of CIL receipts will be retained to cover these administration costs each year.

Spending process

- 2.3. The Strategic Portion of CIL receipts will be spent by the Council in order to provide the strategic infrastructure required to deliver Peterborough's growth. These spending decisions will be informed by the Council's Regulation 123 list (a list of spending priorities which the Council is legally required to publish) and the Infrastructure Delivery Schedule (IDS). The IDS will be updated regularly by the Strategic Planning Team with Council departments nominating infrastructure schemes to be placed on the IDS.
- 2.4. The strategic portion from CIL contributions will continue to be managed through a percentage split approach (see Section 3).
- 2.5. Once received, CIL funds will be held by the Compliance and Section 106 Team as CIL administrator. The Compliance and Section 106 Team will fulfil requests to release CIL funds where the proposed infrastructure item is:
 - a) identified in the IDS and/or R123 list; and
 - b) there is funding available in the relevant strategic pool.
- 2.6. Spending decisions over £500,000 and those that affect more than one ward will continue to require specific approval by Cabinet.

Neighbourhood Portion (parished areas)

- 2.7. The neighbourhood portion of any funds collected from CIL receipts will be transferred to the appropriate parish council by the Compliance and Section 106 Team in its role as the CIL administrator twice a year. This transfer will be made by the end of April and by the end of October, unless there is a specific agreement in place for alternative arrangements.
- 2.8. Each parish council that receives funds must report on how the funds have been spent.
- 2.9. The Compliance and Section 106 Team will, in discussion with the Strategic Planning Team, maintain a list of parishes with adopted neighbourhood plans to identify the locations where a higher proportion of CIL funds will be retained in the neighbourhood portion and to ensure the correct funds are provided.

Neighbourhood Portion (non-parished areas)

- 2.10. In areas without a parish council, the neighbourhood portion will be retained by Peterborough City Council. Responsibility for managing spending of this fund will lie with the Community Capacity Manager. The neighbourhood portion of any funds collected from CIL receipts will be transferred by the Compliance and Section 106 Team to the Community Capacity Manager twice a year at the end of April and the end of October.

- 2.11. Responsibilities for the Community Capacity Manager in relation to the neighbourhood portion of CIL include:
- Consulting as appropriate with the community on spending priorities for the neighbourhood portion;
 - Consider requests for funding from other council departments and external bodies;
 - Distribute funds to bodies and departments as appropriate (limited to £50,000 or 20% of the total neighbourhood portion fund) where their proposals are in accordance with the IDS and/or are in accordance with recognised community priorities;
 - Bring any requests for funding that are either not in accordance with the IDS and/or are over the specified threshold to the Corporate Director for Growth and Regeneration; and
 - Submit a report on spending to the Compliance and Section 106 Team annually to go into the annual report on spending to cabinet and to be placed on the PCC website.
- 2.12. The Compliance and Section 106 Team will, in discussion with the Strategic Planning Team, maintain a list of non-parished areas with adopted neighbourhood plans to identify the locations where a higher proportion of CIL funds will be retained in the neighbourhood portion and to ensure the correct funds are provided.

3. The Split of CIL Strategic Portion

- 3.1. The Strategic Portion of CIL is the remaining CIL 'pot' - after the Neighbourhood Portion and Administration Portion have been removed. The Strategic Portion will be used by the Council to deliver strategic infrastructure.
- 3.2. The Strategic Portion is split into strategic funding pools. These 'strategic pools' will reflect the infrastructure types set out in the R123 list. This approach is in line with past council policy, including before CIL was in existence (i.e. under the 'POIS' system of developer contributions).
- 3.3. The percentage split of the Strategic Portion will be set by Cabinet and will continue until such time as it is proposed to be reviewed.

Regulation 123 List Infrastructure Types

- 3.4. The R123 list (as revised in July 2018) details the infrastructure for which CIL funds may be pooled and spent, and these are grouped into a number of themes, namely:
- Transport
 - Education
 - Health
 - Emergency services
 - Community and leisure
 - Waste management
 - Green infrastructure; and
 - Crematorium and burial grounds

It is important to note that not all of these themes contain items on the R123 List for sites of over 500 dwellings. Furthermore, a number of specific types of infrastructure under these themes are confirmed as not being included on the R123 List.

- 3.5. The distribution of the strategic portion of CIL funds is set out in Table 3 (and is unaltered from the 2016 version of the governance arrangements and closely follows the split previously used under the earlier POIS system):

Table 1: Split of CIL Strategic Portion

Infrastructure Type	Percentage of Strategic Portion
Transport & Communications	30%
Community & Leisure	10%
Education & Learning	40%
Environment	10%
Health & Adult Social Care and Emergency Services	10%
Total	100%

4. Worked Examples

- 4.1. Worked examples are provided in Tables 4 and 5 for illustrative purposes. For every £1m CIL collected, the subsequent sums become available. The example in Table 4 is for an area in which no neighbourhood plan has been adopted. The example in Table 5 is for an area where a neighbourhood plan has been adopted.

Table 4: Worked example based on **£1m** CIL collected in an area without a neighbourhood plan in place (and assumes the £100 per existing council tax dwelling per financial year cap is not reached)

Administration (5%)	£50,000 (revenue)	Retained by PCC for admin (revenue costs)
Strategic Funds (80%)	£800,000 (capital)	Transport & Communications - £240,000 Community & Leisure - £80,000 Education & Learning - £320,000 Environment - £80,000 Health & Adult Social Care and Emergency Services - £80,000
Neighbourhood Funds (15%)	£150,000 (capital)	Distributed to the parish council (or to the Community Capacity Manager in non-parished areas) where the development took place.
Total	£1,000,000	

Table 5: Worked example based on **£1m** CIL collected in an area with a 'made' neighbourhood plan

Administration (5%)	£50,000 (revenue)	Retained by PCC for admin (revenue costs)
Strategic Funds (70%)	£700,000 (capital)	Transport & Communications - £210,000 Community & Leisure - £70,000 Education & Learning - £280,000 Environment - £70,000 Health & Adult Social Care and Emergency Services - £70,000
Neighbourhood Funds (25%)	£250,000 (capital)	Distributed to the parish council (or to the Community Capacity Manager in non-parished areas) where the development took place.
Total	£1,000,000	

CABINET	AGENDA ITEM No. 8
16 JULY 2018	PUBLIC REPORT

Report of:	Adrian Chapman, Service Director: Communities and Safety	
Cabinet Member(s) responsible:	Councillor Irene Walsh, Cabinet Member for Communities	
Contact Officer(s):	Lisa Roberts, Head of Culture and Leisure	Tel: 01733 452386

GREEN BACKYARD PROGRESS REPORT

R E C O M M E N D A T I O N S	
FROM: <i>Cabinet Member for Communities</i>	Deadline date: <i>N/A</i>
It is recommended that Cabinet notes the Green Backyard progress report.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following a request from Councillor Irene Walsh, Cabinet Member for Communities.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for Cabinet to consider the progress made by the Green Backyard, from the 5 October 2017 signing of a 12 year lease to occupy the site.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.2, 'To promote the Council's role as community leader, giving a 'voice' to the community in its external relations at local, regional and international level, and fostering good working relationships with the Council's partner organisations, Parish Councils and the relevant authorities for Police, Fire, Probation and Magistrates' Courts Services.'

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

- 4.1 On the 5 October 2017 a twelve year lease was signed with The Green Backyard and Peterborough City Council to secure the charity's future on the Oundle Road site. This represented a major investment in the community project by the city council. The agreement includes:

- A 12 year lease
- Two council appointed members to join The Green Backyard's board of 12 trustees
- Six months to make improvements to the appearance of the Oundle Road site
- A requirement for an annual report to the council's scrutiny committee to measure positive community impact - which will include, for example, the levels of volunteering,

community learning, activities for the most vulnerable, and supporting arts and culture groups

As part of the agreement the council has retained the frontage of the site onto Oundle Road and will partition The Green Backyard site with a new fence.

The Green Backyard wrote a Business Plan in 2015 outlining its vision for the future of the site. This plan still represents the overall vision for the organisation, although the cash flow and targets require some revision in the light of the lease not being signed until October 2017. In the seven months that the site has had security of tenure the Green Backyard have:

- Secured £73,500 in grant funding
- Submitted bids for a further £100,000+ potential further funding, currently awaiting the outcomes
- identified further funding streams into which they will shortly be applying
- Relaunched Backyard Food with new stock inspired by a community consultation exercise, including offering visitors the chance to avoid single use plastics
- Run workshops on wreath making, contemporary floristry and permaculture gardening, which have been well-received by the participants
- Run a programme of skills-based training through the Community Learning Trust
- Provided volunteering opportunities to, on average, 100 people per week
- Held a range of community events, celebrating the culture and diversity of Peterborough
- Improved the accessibility and aesthetics of the Green Backyard site

4.2 **Incorporation, Governance and Organisational Structure**

The Green Backyard is a Charitable Incorporated Organisation (CIO) with the following charitable objectives:

1. To develop the capacity and skills of members of socially or economically disadvantaged communities within the community of interest in such ways that they are better able to identify, and help meet their needs and to participate more fully in society, including by:
 - equipping people with skills and competencies which they would not otherwise have
 - realising existing skills and developing potential
 - promoting people's self-confidence
 - encouraging people to get involved in their community and wider society
2. To promote sustainable development for the benefit of the public by:
 - the preservation, conservation and the protection of the environment and the prudent use of resources
 - the promotion of sustainable means of achieving economic growth and regeneration
 - the advancement of education of the public in subjects relating to sustainable development
 - the protection, enhancement and rehabilitation of the environment and to promote study and research in such subjects provided that the useful results of such study are disseminated to the public at large.

Site Management

Prior to 2016, the Board of Trustees and other volunteers were responsible for all the work carried out on site and all the organisational tasks required to ensure site activities took place safely and for the benefit of the public. Some paid roles have now been introduced:

1. In 2016 Contracted Site Managers: responsible for the day to day management of the site, including maintenance and improvement, volunteer management, welcoming visitors and running events and educational activities.
2. From September 2017: two part-time employees (21 hour contracts), covering a broad Team Member job description but with responsibility split into Operational and Business Development functions.

Progress since September 2017

Following the AGM in March 2018, the Board of Trustees have new members drawn from the community and two members representing Peterborough City Council, Cllr Irene Walsh, Cabinet Member for Communities and Lisa Roberts, Head of Culture and Leisure.

Key roles on the Board are:

- Chair – Jay Gearing
- Vice-chair - Sophie Antonelli
- Treasurer – Alun Williams
- Secretary – Hazel Perry

Governance Committee:

The Green Backyard has a governance committee responsible for ensuring good governance and compliance with legal and other obligations, the Governance Committee is made up of staff, contractors and trustees. Since September 2017, the Governance Committee has approved the following new policies and procedures:

- Safeguarding Policy and Procedures
- Health and Safety Policy
- Environmental Policy
- Complaints Procedure
- Equality and Diversity Policy
- Data Protection Policy
- Social Media Policy
- Site Managers' Manual and Procedures
- People Care Code of Conduct

Business Development Committee:

Responsible for development of income streams (both trading and grant-funded) and diversification of the services and activities offered by the Green Backyard, the Business Development Committee is made up of both paid staff and Trustees.

Since September 2017, the Business Development Committee has overseen the development of new funding streams, the re-launch of Backyard Food wholefood shop and the promotion of courses, events, workshops, corporate volunteer days and private hires. Progress on all of these is detailed in Section 3: Business Development and Funding.

Operations Worker: (21 hrs per week):

Employed since September 2017, this worker is one of two part-time employees responsible for the day to day operations at the Green Backyard. His role is wide-reaching but encompasses acting as a key point of contact for Site Managers, working out the rota for covering opening hours, bookings, liaison with key partners, social media and marketing, financial management and working closely with the Governance and Business development committees.

Business Development Worker: (21 hrs per week):

Also employed since September 2017, this worker's role focuses on writing management systems, policies and procedures, writing funding applications, development of trading and other non-grant based sources of income, financial management and working closely with the Governance and Business Development committees. The Green Backyard continue to expand their contract delivery programme, delivering community learning for City College Peterborough.

Site Managers (Pool of Contractors working during site opening hours):

Members of the Site Manager pool are contracted on a rota and are responsible for ensuring the health, safety and well-being of all visitors and volunteers on site, maintenance and improvement of the gardens and structures and are involved in educational and therapeutic horticulture activities. Site Managers also provide key support during events, courses, hires, corporate days and workshops.

Temporary Workers:

The Green Backyard have contracted a shop development worker one day per week, to ensure the opening of Backyard Food. This is funded through participation in the School of Social Entrepreneurs/Power to Change Community Build Up programme.

The partnership with Peterborough City College via their Community Learning Trust programme has allowed the Green Backyard to contract a temporary administrative worker and a range of teaching staff to deliver a programme of community-based learning called Seed to Sale.

There are also paid opportunities available to a range of teachers and workshop leaders to offer educational programmes.

4.3 **Site Improvements**

The Green Backyard could not invest in site improvements until the issue of the lease was resolved.

Over the years of operation, areas of the site have accumulated tools, materials and resources of varying quality and usefulness. Some of these belong to the Green Backyard directly, some belong to supporters, volunteers or site managers.

The lease contains a number of requirements to improve the visual and aesthetic quality of the site, maintain general tidiness and restrict certain kinds of activity. The lease also reduced the area of land constituting the Green Backyard and incorporated a car park at the Oundle Road end of the site. Work on this commenced in May 2018.

Progress since September 2017:

An ownership survey of items (materials and tools) has been carried out and the majority of personally owned items of no use to the charity's objectives have been removed. This process is ongoing with good progress made.

Additional works include the following:

- Painting and tidying of the boards around the perimeter, including removal of graffiti-based mural art
- Painting and screening of the shipping containers has commenced. Paint is on order to complete this work
- Planters situated in the area allocated to the new car park have been dismantled for re-use
- A new accessible compost toilet has been installed and work will be taking place in the near future to create new accessible paths and raised beds
- The poly-tunnel has been re-skinned and is now fully operational

- Work on removing brick edging to beds and replacing this with safer wooden edging has been completed
- Creation of new beds for cut flowers and herbs (linked to the CLT courses) has commenced
- Dead trees along the London Road boundary have been identified, the Council will make arrangements for their removal
- The animal enclosure has been moved from its former position close to the boundary with KFC to a more open area further down the site
- Improvements have been made to the storage areas behind the Hub and to the beehive area
- A new composting area has been completed with bays for perennial weeds and for composting of waste materials. This area is now much tidier and provides a closed loop for fertility improvements
- Pruning of willow and other trees has taken place, as well as weeding and tidying of the garden area is ongoing and the garden area is looking vibrant and abundant

A number of funding bids have been submitted which if successful, will allow the Green Backyard to make greater improvements to the site infrastructure, accessibility and aesthetics.

4.4 **Progress on Business Development and Grant Funding**

The Green Backyard's capacity for development is currently limited by the ability to employ sufficient high quality staff at a competitive rate of pay. The site lends itself to a multitude of potential uses and the degree to which they can develop it, particularly as a venue for hire, is dependent on being able to employ more staff directly (rather than as contractors) and to develop and retain talent within the organisation.

The Community Trade up Programme has provided enough funds to contract a self-employed Shop Development Worker for 1 day a week for sixteen weeks. It is anticipated that the shop income will be able to support continuation of this role.

Through the current fund-raising and income generation activities, Green Backyard will be able to maintain a level of provision, however to be able to deliver the wider vision, Green Backyard will need to both employ more people and improve income.

The grant awarded by Tudor Trust of £40,000 over two years plus the Green Backyard's projected income streams will allow the organisation to maintain a business as usual model for the current year. If they are successful in the Power to Change and/or Core Strength Fund bids, these will allow them more freedom to develop a stronger staff team and enhance their capacity to deliver a wider range of services including:

- More regular events/workshops/courses
- A Forest School offering wild play (after school/school holidays)
- Social prescribing/ therapeutic horticulture sessions
- A hire package for different events, such as parties and weddings
- More corporate events
- More tailored volunteering opportunities for people of different ages/abilities

4.5 **Partnerships, Volunteers and Visitors**

The Green Backyard's central ethos has always been to provide a "garden for the city": a place of beauty, where all are welcome. During opening hours (Weds, Thurs, Sat, Sun 11am-4pm all year), the site is freely open to anyone who wants to visit or to take part in day to day gardening, craft or site improvement activities.

On average, around 100 people per week visit the site, although this can be much higher

during events. For example, around 500 people came to the Holi May Day event to enjoy maypole and Indian dancing, food and drink and the throwing of the colours (a traditional Holi activity within the Hindu community). This event is run annually in conjunction with Vivacity and the Diwali Association.

Over the course of its history, the Green Backyard has built many partnerships with other local organisations, businesses, schools and playgroups, as well as attracting a committed volunteer following and occasional visitors. Regular attendees include the Belsize Bears Playgroup and Phoenix School. The Green Backyard provides volunteering opportunities to organisations/community groups and to individuals.

Progress since September 2017:

1. Community Partnership: Headway

Headway, the brain injuries charity, have been sending a group of their volunteers to site for regular sessions since 2016. They are hoping to move more of their activities to site in the future and to that end, have been working closely with the Green Backyard to train employees in understanding brain injuries and help with accessibility improvements. They have raised funds on behalf of the organisation for an accessible toilet, paths and raised beds, and facilitated other organisations to volunteer on site on construction projects. Headway joined the Board of Trustees in March 2018.

2. IKEA

IKEA have been a long-standing partner to Green Backyard. They have provided help through covering the costs of waste removal from site, providing a new skin for the dilapidated poly-tunnel and sent teams of volunteers to work on specific projects. In turn, The Green Backyard has run workshops for IKEA staff, including "Cooking Day", in which the IKEA team used the Green Backyard's rocket stove to cook a curry and staff enjoyed time working on the garden and adding fresh seasonal produce to the recipe. The Green Backyard's gardening experts are helping to advise them on the establishment of a growing area at the IKEA distribution centre.

3. Learning Partnership – Peterborough City College

Green Backyard has been delivering training via the Community Learning Trust for Peterborough City College, using their expertise in arts, crafts and growing vegetables, cut flowers and therapeutic plants. This year's programme was called Seed to Sale and invited participants to learn growing skills, whilst also learning how to market and sell horticultural products. The Green Backyard are currently applying to continue to develop this training into 2019.

5. CONSULTATION

5.1 Not applicable.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 The Green Backyard progress report aims to ensure compliance with the granted lease. The Green Backyard have complied with the terms of the lease as set out on the 5 October 2017.

7. REASON FOR THE RECOMMENDATION

7.1 Cabinet requested a progress report on the Green Backyard as part of the lease. This report provides a progress report and Cabinet are recommended to note the progress made in fulfilment of the lease.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 Not applicable.

9. IMPLICATIONS

9.1 There are no financial, legal or equalities implications arising from this progress report.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 None.

11. APPENDICES

11.1 None.

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