

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE 2 DECEMBER 2014	AGENDA ITEM No. 6
20 NOVEMBER 2014	PUBLIC REPORT

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ADOPTION OF WORDING LEADING UP TO THE ADOPTION OF COMMUNITY INFRASTRUCTURE LEVY

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
That a wording is inserted in all Committee reports during the lead up to the adoption of a Community Infrastructure Levy to prevent planning applications having to go through the Committee process twice.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee on behalf of the Director of Growth and Regeneration in order that a wording is added to all Committee reports during the period leading up to the adoption of a Community Infrastructure Levy.

2. PURPOSE AND REASON FOR REPORT

- 2.1 A number of changes to how developer contributions are collected are in process at the Council, this is being driven by legislative and statutory changes at the national level. The main thrust of these changes is through the adoption of a Community Infrastructure Levy (CIL) which, once approved through independent examination and adopted by Council, will replace the current Peterborough Planning Obligations Implementation Scheme (POIS). This report reminds Councillors about CIL, and the timetable for adopting and implementing a CIL before April 2015.

3. TIMESCALE

- 3.1 Councillors approved the submission of the Peterborough CIL Charging Schedule for independent examination at Full Council on 23 July 2014. The CIL Proposed Draft Charging Schedule sets out '£ rates per sq m' for different development types that are liable to pay the charge (usually all new dwellings and most new floorspace over 100m² for buildings which are normally occupied by persons).
- 3.2 The Council submitted its Draft CIL Charging Schedule to the Planning Inspectorate for examination in public on 24 October 2014. We are still waiting for a date for the hearing sessions but they are likely to take place in January 2015. The Council has a target date for adoption of CIL of 6 April 2015.

4. BACKGROUND INFORMATION

- 4.1 From April 2015 it will be unlawful for Local Authorities to pool contributions from more than 5 planning obligations secured via Section 106 agreements for funding any single

infrastructure project. In effect, this makes our current S106/POIS tariff-based system unlawful and a CIL will become the only available mechanism to pool funds.

- 4.2 CIL applies to planning permissions issued on or after the day it commences. This means we should have CIL systems in place to deal with applications that are in the pipeline before the commencement date. Essentially this means that, up to 3 months before CIL is adopted (or three months before 6 April 2014), we will need to be collecting information relevant to processing the CIL.
- 4.3 Applications determined in this transitional period could be liable to POIS or CIL, depending on the date approval is issued (Applications approved before 6 April 2015 will be charged POIS as normal and applications approved after 6 April 2014 will be liable for CIL). In some circumstances applications will have approval pending the signature of a S.106 agreement. If in those cases the S.106 has not been signed, the application will not technically have planning permission and so will become CIL liable if it is not signed before 6 April 2014.

5. CONSULTATION

- 5.1 The Peterborough Preliminary Draft Charging Schedule Consultation closed on 12 December 2012. This consultation related to the council's initial ideas on appropriate rates to charge on most types of new development in the area.

Having taken into account comments received during the Preliminary Draft Charging Schedule consultation the Council published a further version of its CIL proposals, the CIL Draft Charging Schedule, on 18 August 2014. Consultation on the Peterborough CIL Draft Charging Schedule took place between 18 August 2014 and 15 September 2014.

6. ANTICIPATED OUTCOMES

- 6.1 To prevent applications having to go through the Committee process twice a proposed wording will be included in all Committee reports until the adoption of CIL.

7. REASONS FOR RECOMMENDATIONS

- 7.1 Recommendation:

That the proposed wording in 7.2 is adopted by the Planning and Environmental Protection Committee

- 7.2 **“Recommendation:**

[The Director of Growth and Regeneration] [The Planning and Environmental Protection Committee] recommends that planning permission is **GRANTED** subject to the following conditions and satisfactory completion of a Section 106 legal agreement.

If the required Section 106 legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Director of Growth and Regeneration on the grounds that the development has failed to adequately mitigate its impacts.

Should the Community Infrastructure Levy (CIL) Charging Schedule come into force prior to the completion of the Section 106 legal agreement, the development may be wholly liable to CIL or the S106 legal agreement may be amended to exclude those items that could be funded by the CIL.

Items that could be funded by CIL will be listed on the Council's Regulation 123 List in accordance with Regulation 123 of the CIL Regulations 2010.

A Regulation 123 List will be adopted by the Council on the same day as the Council's CIL Charging Schedule. Currently, a Draft Regulation 123 List can be viewed on the CIL pages of the Council's website.”

7.3 Reasons for recommendations:

To prevent applications having to go through the Committee process twice.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 That the proposed wording is not included in all planning applications.

8.2 It is recommended that the proposed wording is approved to ensure a smooth transition of the Council's approach to collecting developer contributions prior to the adoption of CIL.

9. IMPLICATIONS

9.1 Legal Implications

The adoption of the proposed wording will avoid additional workload as applications will not have to go through the Committee process twice

9.2 Financial Implications

There are no financial implications associated with the adoption of the proposed wording.

9.3 Cross-service Implications

The proposed wording will prevent delays in planning applications being determined.

10. BACKGROUND DOCUMENTS

10.1 Peterborough Community Infrastructure Levy Study, Peterborough CIL DCS Viability Study, Peterborough Integrated Development Programme, Peterborough Infrastructure Delivery Schedule, CIL Draft Charging Schedule, Peterborough Draft CIL Regulation 123 List, Peterborough Draft Developer Contributions Supplementary Planning Document.

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