



**Cabinet recommendations for consideration by Council
at the Meeting of the Council on Wednesday, 14 October 2015**

Cabinet – 24 September 2015

23 Adoption of the Community Infrastructure Levy (CIL) – Charging Schedule

The Cabinet considered Report No 119/15 which related to a proposal to recommend to the Council, the adoption and implementation of the Community Infrastructure Levy (CIL) Charging Schedule for Lewes District Council Charging Area, a copy of which was set out at Appendix 1 to the Report.

The CIL was a mechanism that was introduced by Government in 2010 to allow local planning authorities to raise funds from some forms of development in order to pay for the infrastructure that was, or would be, needed as a result of that new development. It was applied on a £'s per square metre basis and replaced the existing tariff-based approach for collecting planning infrastructure contributions. From April 2015, CIL would be the only significant means by which local authorities would be able to collect and 'pool' developer contributions to deliver infrastructure improvements.

CIL had a number of significant advantages over the current system of Section 106 agreements, further details of which were set out in paragraph 1.3 of the Report. CIL could be spent on any community infrastructure required to support growth, provided the infrastructure was contained within the Council's published Regulation 123 list, a copy of which was set out at Appendix 2 to the Report.

The Council had submitted its Draft Charging Schedule to the Planning Inspectorate for independent examination on 16 September 2014. The examination was held on 14 April 2015 and the Council had received the Examiner's Final Report on 17th July 2015, a copy of which was set out at Appendix 4 to the Report. The Examiner's Report had concluded that the

Lewes District Council Community Infrastructure Levy Charging Schedule provided an appropriate basis for the collection of the levy in the area. The Council had sufficient evidence to support the Schedule and could show that the levy was set at levels that would not put the overall development of the area at risk. The Examiner had recommended that the Schedule should be approved in its published form, without changes.

Paragraph 3 of Report No 119/15 set out details relating to the CIL Charges and Implementation Policies. A copy of the Instalments Policy was set out at Appendix 3 to the Report.

The benefits to the Council of adopting the Schedule at the earliest opportunity were clear in that CIL currently presented the most effective lawful mechanism to collect developer contributions towards meeting the Council's infrastructure requirements. Implementation of CIL would commence on 1 December 2015 and, therefore, any CIL liable applications determined therefrom would have a CIL Charge applied to them. The Council would widely publicise its intention to start applying CIL, in particular with agents and developers, in order to ensure that any required CIL charges did not come as a surprise.

Resolved:

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| 23.1 | That the Community Infrastructure Levy (CIL) Charging Schedule, as set out at Appendix 1 to Report No 119/15, be approved in line with the recommendation of the Examiner's Final Report; | DBSD |
| 23.2 | That the Regulation 123 List, as set out at Appendix 2 to the Report and the Instalments Policy and Infrastructure Payments Policy, as set out at Appendix 3 to the Report, that support the implementation of the Community Infrastructure Levy, be approved; | DBSD |
| 23.3 | That the withdrawal, from 1 December 2015, of the Supplementary Planning Guidance (SPG) "The Provision of Outdoor Playing Space as Part of New Residential Development", which had been approved by Cabinet on 30 January 2002, be noted; and. | |
| 23.4 | That the withdrawal, from 1 December 2015, of the Lewes District Council Schedule of Developer Contributions 2014/2015, be noted. | |

It was further

Recommended:

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| 23.5 | That the Community Infrastructure Levy (CIL) Charging Schedule, as referred to in 23.1 above, be adopted to come into force from 1 December 2015; and | DBSD (to note) |
| 23.6 | That the Regulation 123 List and the Instalments Policy and Infrastructure Payments Policy, as referred to in 23.2 above, be | DBSD (to note) |

published.

Reasons for the Decisions:

It is a legal requirement, set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) to refer the decision relating to the adoption of a CIL Charging Schedule to Full Council.

The adoption of a CIL Charging Schedule will allow the Council to secure funding to help deliver the level of infrastructure necessary to support development, in light of the recent change to the S106 mechanism:

Since the 6th April 2015 the Council has been unable to pool more than 5 contributions (from agreements entered into since 6th April 2010) from new development to fund infrastructure projects. This has made it difficult to use S106 to secure appropriate funding.

The Playing Space Supplementary Planning Guidance and the Schedule of Developer Contributions should be considered as effectively redundant from 1 December 2015 when CIL is implemented as the full restrictions over the use of S106 agreements contained within the CIL Regulations 2010 (as amended) come into force once CIL is operational. Once the CIL Charging Schedule takes effect, the Council cannot seek planning obligations towards infrastructure projects or types of infrastructure listed on the Regulation 123 List.

† *The Recommendations, and not the Resolutions, in the above Minute are for consideration by Council.*

Councillors are requested to bring with them to the meeting Report No 119/15 which was circulated with the agenda papers for the meeting of the Cabinet on 24 September 2015. If you require a further copy of the document please contact Trevor Hayward, Committee Officer, on e-mail trevor.hayward@lewes.gov.uk or telephone 01273 471600.