

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive Member for Planning and Development 13 December 2017

<b>Portfolio:</b>	Planning and Development
<b>Subject:</b>	<b>Community Infrastructure Levy – Amended Regulation 123 List (for Consultation)</b>
<b>Report of:</b>	Director of Planning and Regulation
<b>Strategy/Policy:</b>	Maintain and Extend Prosperity
<b>Corporate Objective:</b>	Leisure for Health and Fun A Balanced Housing Market Strong and Inclusive Communities Dynamic, Prudent & Progressive Council

#### **Purpose:**

This report seeks Executive Member approval to consult on amending the Council's Community Infrastructure Levy (CIL) Regulation 123 List.

#### **Executive Summary:**

Under Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) this Council has published a list of those projects or types of infrastructure that it intends to fund, or may fund, through the levy.

The Council's published Regulation 123 List differentiates between those types of infrastructure that the authority may fund through CIL and infrastructure projects or types of infrastructure where a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended) or another source of funding may be pursued to deliver the relevant infrastructure item.

#### **Recommendation:**

That the Executive Member approves to consult on changes to the Council's CIL Regulation 123 List.

#### **Reason:**

To ensure that the Council's CIL 123 List accurately reflects the current need for infrastructure in the Borough and to ensure that specific infrastructure projects can be secured by way of planning obligation in order to make certain schemes acceptable in planning terms.

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**Cost of proposals:**

The costs can be met within existing budgets.

**Appendices:**                    **A:** The Council's current CIL Regulation 123 list highlighting the proposed amendments.

**Background papers:** Community Infrastructure Levy Regulations 2010 (as amended)

**Reference papers:**        None

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### Executive Member Briefing Paper

<b>Date:</b>	13 December 2017
<b>Subject:</b>	Community Infrastructure Levy – Amended Regulation 123 List (for Consultation)
<b>Briefing by:</b>	Director of Planning and Regulation
<b>Portfolio:</b>	Planning and Development

#### INTRODUCTION

1. The Council's current CIL Regulation 123 list was first published on 1 May 2013 and is attached at Appendix A.
2. Following comments received from consultees in respect of some large scale planning applications outside of the Welborne Plan boundary area, Officers have looked at the CIL Regulation 123 List to ensure that it reflects the current need for infrastructure to be secured by way of planning obligation to make certain schemes acceptable in planning terms.
3. Officers consider that a change should be made to the current CIL Regulation 123 List by the removal of education facilities as highlighted in Appendix A. Consultation will need to be undertaken on the proposal before any change can be made to the Regulation 123 List. In addition, Officers have removed some of the infrastructure projects/ types on the Regulation 123 List which have already been completed.

#### PROPOSALS

4. Hampshire County Council Children's Services has recently submitted representations on the Council's Infrastructure Delivery Plan with formed part of the Draft Local Plan 2036 Consultation. The representation concluded that in some areas of the Borough there will be a shortfall in school places to meet the assessed demand arising from particular development proposals.
5. In light of the need to secure contributions towards education facilities to make proposals acceptable in planning terms, Officers believe it would be appropriate to secure such funding through planning obligations rather than be wholly reliant on CIL. To achieve this, the Council needs to amend its CIL Regulation 123 List in order to secure developer contributions through planning obligations.
6. If the CIL Regulation 123 List is amended as proposed, Hampshire County Council Children's Services Department would be consulted on planning applications relating to developments of 10 dwellings or more, as a matter of routine.

7. Hampshire County Council would need to assess the impact of proposed developments upon existing education facilities as part of those consultations. Where contributions are sought towards new/improved education facilities, Hampshire County Council will need to set out the level of the contribution sought and what the contribution will be spent on. Hampshire County Council's approved 'Developers' Contributions towards Children's Services Facilities' dated November 2016 will provide the basis for calculating when contributions will be necessary and the level of the contribution..
8. Should the financial contribution towards education facilities have implications for the viability of a scheme, it would be open for applicants to submit appropriate viability evidence as part of any planning application.
9. A report will be presented to the Executive after the consultation on the amended CIL Regulation 123 List has been undertaken, and any representations received have been considered.
10. Public consultation will be carried out in accordance with the Council's Adopted Statement of Community Involvement including publishing the details on the Council's website. The consultation period would run for 4 weeks.
11. Any representations received will be reported to the Executive on 5 March 2018 for consideration before deciding if the amended CIL 123 List should be approved for publication.

### **RISK ASSESSMENT**

12. If the Council was not to amend the CIL 123 List, the Council would not be able to collect developer contributions separately towards education facilities; the Council would be entirely reliant on CIL receipts being sufficient to meet these education needs and to make development acceptable in planning terms.
13. The effect of removing the infrastructure type from the list does not preclude CIL receipts from being spent on educational facilities; it simply allows the LPA to secure funding through planning obligations.

### **FINANCIAL IMPLICATIONS**

14. The costs can be met within existing budgets, but part or all of which may be recovered in due course under the provision of the Community Infrastructure Levy arrangements.

### **CONCLUSIONS**

15. It is recommended for the reasons set out in the above report that the CIL amended Regulation 123 List should be approved for consultation.

**Enquiries:** For further information on this report please contact Lee Smith, Head of Development Management on 01329 824427.