

**LOCAL DEVELOPMENT SCHEME 2014 AND COMMUNITY INFRASTRUCTURE
LEVY**

Relevant Portfolio Holder	Councillor Greg Chance
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	No
Key Decision	Yes

1. SUMMARY OF PROPOSALS

The proposed Local Development Scheme (LDS) at Appendix A is a revised and updated version of the Local Development Scheme adopted by Redditch Borough Council in Nov 2012.

This revised scheme is required to update the programme of preparing planning policy documents, reflecting the requirements of the Localism Act 2011 and the National Planning Policy Framework. The purpose of the Local Development Scheme is to provide a programme for the production of Local Planning Policy Documents to adoption. The most significant changes to this version are the introduction of Community Infrastructure levy (CIL) and inclusion of an Allocations Plan.

2. RECOMMENDATIONS

The Executive Committee is requested to RESOLVE that

- 1) the contents of this report and the proposed amendments to the Local Development Scheme timetables be noted;**
- 2) Officers be formally instructed to begin preparation of a Community Infrastructure Levy and Allocations Plan for Redditch Borough Council; and**

RECOMMEND that

- 3) Appendix A to this report, which includes the Council's forthcoming programme for planning policy documents from July 2014, be approved by Members.**

3. KEY ISSUES

Financial Implications

There are no further resource implications for the Borough of Redditch Local Plan No.4, subject to its successful adoption following examination during 2014.

The Community Infrastructure Levy (CIL) is essential in order to collect and pool funding for much needed wider infrastructure projects across the Borough which would otherwise be lost. It is therefore critical that there are adequate resources for the production of the CIL. While some resources required for the production of the CIL can be met through existing budgets, a comprehensive evidence base needs to be in place to justify the CIL before and during its examination. Budget bids will be required to fund the evidence base and examination. As part of the CIL a percentage (up to 5%) can be recouped as administration fees. Given the Council's financial position, whilst it is not yet known what proportion would be applicable to recoup and how much this could cover the budget bid costs of evidence and examination, it is anticipated that a significant proportion will come back to the Council.

For the Allocations Plan, some resource can be met from existing budgets. Additional work particularly on retail needs and site appraisal will have resource implications which will be subject to separate budget bids. Examination of the Allocations Plan will also be subject to budget bids.

Legal Implications

The LDS is produced under the Localism Act 2011, Part 6, Chapter 1, Paragraph 111. The legislation states that Councils must prepare and maintain a local development scheme specifying:

The documents which are to be development plan documents, The subject matter and geographical area of each document, Any matter or area in respect of which the authority have agreed; and, The timetable for preparing and revising the documents.

It is important for Councils to publish up to date information on their progress against the LDS timetable.

The primary legislation governing the making of and implementation of a CIL Charging schedule is the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).

Service / Operational Implications

Since LDS No.5 was produced, the Borough of Redditch Local Plan No.4 has progressed through consultation, publication and submission into examination. The initial hearings, set by the Planning Inspectorate will take place in June 2014 and it is expected that additional hearings will take place in September 2014.

As the production of the Local Plan is nearing the end of examination, staffing resources allow the Council to commence production of the Community Infrastructure Levy (CIL). This also allows production to commence on the Allocations Plan, which was discontinued in preference to the resource being put towards Local Plan production.

The Local Development Scheme sets out the key Development Planning Documents (DPDs) to be progressed by Redditch Borough Council. The LDS outlines that Redditch Borough Council are progressing with Local Plan No.4. The LDS now also contains an indicative timetable for the introduction of a CIL and Allocations Plan in Redditch.

LDS Timetable

The LDS timetable (see appendix A) indicates the schedule for the production of the Borough of Redditch Local Plan 4 along with the Redditch Borough CIL and Allocations Plan. The chart identifies the key dates.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) represents a new system of collecting monies from developer contributions to fund infrastructure, which will benefit the development of an area.

CIL came into force on 6th April 2010 through the CIL Regulations 2010 (as amended), the powers enabling Councils to introduce the planning charge having been introduced through the Planning Act 2008 (as amended). It will introduce a standard charge per square metre applied to all qualifying developments. The charge will be applied at the time planning permission is granted and normally be paid upon commencement of development.

CIL will provide a more transparent, fairer approach to securing funds from developer contributions for a broader range of developments than from the existing planning obligations system (Section 106 legal agreements). It will help to secure a funding stream for infrastructure, but should be regarded as complimentary to other sources of funding. The amount of CIL charged must be informed by and not adversely affect the viability of development in an area.

Section 106 and section 278 agreements will still be used for site-specific mitigation measures that are required to make a development acceptable,

including affordable housing. From April 2014, no more than five Section 106 contributions can be 'pooled' towards one infrastructure project or type.

CIL monies can only be spent on the infrastructure identified by the Council as being needed to support the development of their area. This should focus on new infrastructure provision, but can be also be used to increase the capacity of existing infrastructure. It should not be used to remedy pre-existing infrastructure deficiencies unless they will be made more severe by new development.

There is a requirement that a proportion of CIL collected is passed directly onto the immediate area where the development takes place.

Where there is a Parish Council and Neighbourhood Plan 25% of all money collected must be passed onto the Parish Council. In un-parished areas where there is a Neighbourhood Plan 25% of the money collected must be spent in consultation with the local community. Where there is a Parish Council but no Neighbourhood Plan 15% must be passed on. Where there is no Parish Council the District Council is required to spend 15% the CIL receipts to "support the development" of the relevant area where the development is located.

Redditch has one Parish Council in Feckenham therefore 15% of all money collected for development that takes place in this area will need to be passed on to the Parish Council.

Allocations Plan

An allocations plan would provide the site specific allocations for retail. The allocations will need to be evidenced with more specific quantitative retail data because retail evidence can only ever provide a snapshot in time before the adoption of the Local Plan and can become out of date quickly.

Customer / Equalities and Diversity Implications

The publication of the LDS will allow residents and stakeholders of Redditch Borough to identify how they can become involved in the various stages of progressing the development planning documents. The CIL will allow for money generated from development to be spent in the communities where the development takes place.

4. RISK MANAGEMENT

The most significant risk is that without an up to date and sufficient Local Development Scheme the Council would not be fulfilling its statutory obligations. In addition, a Local Development Scheme is essential to set the overall programme and identify how the documents will be managed and progressed.

Without an up to date Local Development Scheme the Development Plan Document could be found unsound as the authority would have failed to respond to a statutory duty within the Localism Act 2011.

Without a CIL the opportunity to collect and pool funding for much needed wider infrastructure projects which are needed across the Borough will be lost.

5. APPENDICES

Local Development Scheme No. 6 July 2014

6. BACKGROUND PAPERS

None

7. KEY

RBC - Redditch Borough Council
CIL – Community Infrastructure Levy
DPDs – Development Plan Documents
LDS – Local Development Scheme
NPPF – National Planning Policy Framework

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