

**TO: DIRECTOR OF ENVIRONMENT, CULTURE AND COMMUNITIES
8 SEPTEMBER 2014**

**COMMUNITY INFRASTRUCTURE LEVY – SUBMISSION OF AMENDED DRAFT
CHARGING SCHEDULE**

Director of Environment, Culture and Communities

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to approve the amended Draft Charging Schedule and the relevant statutory statements to the Secretary of State for Examination.

2 RECOMMENDATION(S)

- 2.1 **That the Director of Environment, Culture and Communities, in consultation with the Executive Member for Planning and Transport approves the Draft Charging Schedule (June 2014) at Appendix A for submission for Examination along with the Regulation 19(1)(b) Statement at Appendix B; and the Statement of Modifications at Appendix C.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The Community Infrastructure Levy (CIL) will become an important mechanism by which the Council will secure money to create new, and improve existing, infrastructure to support growth in the Development Plan. The submission and examination of a Draft Charging Schedule (DCS) following consultation on it are legal requirements for the introduction of CIL.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternatives would be either to delay submission of the DCS or to abandon the introduction of CIL. The comments received through further consultation on the DCS (following the decision of the Executive on 24 June 2014) are not considered to raise any issues that would cause the Council to make any changes to the DCS prior to its examination, and in order to achieve the introduction of CIL before the pooling restrictions on S106 contributions come into effect in April 2015 it is important that the DCS is submitted in September 2014.
- 4.2 The alternative of abandoning CIL would create the risk of significant loss of infrastructure funding after April 2015. While CIL is likely to be reviewed by government in future, the consequences it is not considered likely that it will be abandoned, The consequences of abandoning the process are therefore too serious for this to be supported at present

5 SUPPORTING INFORMATION

- 5.1 At the meeting of the Executive on 24 June 2014 it was resolved that an amended DCS should be consulted on and that the Director of ECC be authorised to submit it and the relevant statutory notices for examination.

- 5.2 Further consultation on the amended DCS was carried out between 4 July and 15 August 2014 and 13 representations were made. The Regulation 19(1)(b) Notice at Appendix B contains a summary of the main issues raised in the representations, including those made during the first consultation on the DCS (before it was amended as approved by the Executive). None of the representations made during the latest consultation following the decision of the Executive in June 2014 raised any issues that officers consider require any further changes to be made to the DCS before it is submitted for examination at which the outstanding issues raised can be considered by an independent examiner. The Statement of Modifications at Appendix C sets out the changes made to the DCS (May 2013) in producing the Amended DCS (June 2014).
- 5.3 In order to be able to commence charging CIL by the 1st April 2015 it is proposed that the DCS be submitted for examination in September 2014. Accordingly, it is proposed that the decision made should be regarded as one of urgency to which the "call in" procedure for Overview and Scrutiny should not apply.

8 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 8.1 The advice of the Borough Solicitor has been incorporated into this report.

Borough Treasurer

- 8.2 The views of the Borough Treasurer are incorporated in the report considered by the Executive at its meeting on the 24th June 2014.

Equalities Impact Assessment

- 8.3 A full impact assessment for the introduction of the CIL has been published by CLG (January 2011). This includes an Equalities Impact Assessment, which concludes that the CIL is unlikely to have an adverse impact on any social group.

Strategic Risk Management Issues

- 8.4 None as a consequence of this report. However, timely introduction of CIL will reduce the risks associated with lack of adequate funding for necessary infrastructure. There are strategic risks associated with CIL, particularly around the level of CIL receipts and the potential non-delivery of housing if CIL is set too high (with consequential impacts on the New Homes Bonus).

Consultation

- 8.5 Further consultation on the amended DCS ran for a period of 6 weeks from 4 July to 15 August 2014. The consultation documents and a questionnaire were made available online and hard copies were available at the Borough Council Offices, at public libraries and at Town and Parish Council offices.
- 8.7 The results of the consultations on the draft Charging Schedule will be reported to the examiner undertaking the examination into the Draft Charging Schedule prior to its adoption, and the outcome of the examination will be reported to Executive when the charging schedule is put forward for adoption.

Unrestricted

Background Papers

APPENDIX A Bracknell Forest Council Draft Charging Schedule (June 2014)

APPENDIX B Notice under Regulation 19(1)(b) of the Community Infrastructure Regulations
2010 (as amended)

APPENDIX C Statement of Modifications to the Draft Charging Schedule (May 2013)

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