

BROMSGROVE DISTRICT COUNCIL

**Local Development Scheme July 2013 and Community Infrastructure
Levy**

Cabinet Meeting

3rd July 2012

Local Development Scheme 2013 and Community Infrastructure Levy

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Key Decision

1. SUMMARY OF PROPOSALS

- 1.1 The Local Development Scheme (LDS) is a revised and updated version of the Local Development Scheme adopted by Bromsgrove District Council in September 2012. This revised scheme is required to update the programme of preparing planning policy documents but it also reflects 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 change to this version is the deletion of a separate Area Action Plan for the Town Centre with these policies to now be included in the Bromsgrove District Plan, and the introduction of Community Infrastructure levy (CIL).

2. RECOMMENDATIONS

- 2.1 That the members note the contents of this report and the proposed amendments to the Local Development Scheme.
- 2.2 That appendix A is approved by members as Bromsgrove District Council's forthcoming programme for planning policy documents from 4th July 2013.
- 2.3 That members formally instruct officers to begin preparation of a Community Infrastructure Levy for Bromsgrove District.

3. KEY ISSUES

Financial Implications

- 3.1 Whilst there are no immediate direct financial implications of producing the revised Local Development Scheme, the costs to progress planning policy documents through an independent Examination and associated evidence gathering should be noted.
- 3.2 The deletion of the separate Town Centre AAP and incorporation of these policies in the Bromsgrove District Plan will remove the need for an additional

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Examination in Public (EIP) thus saving a considerable amount of money and officer time, an indicative cost for a public inquiry is approximately £100,000.

- 3.3 The preparation and subsequent operation of a CIL will allow the Council to levy a charge on all qualifying development which will then be used to fund infrastructure projects throughout the district.

Legal Implications

- 3.3 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.*

- 3.4 The Localism Act 2011 removes the requirement to submit the LDS to the Secretary of State. It is important for Councils to publish up to date information on their progress of the local development scheme. Bromsgrove District Council thus have flexibility to decide how best to present this information to the public.
- 3.5 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

- 3.5 The Local Development Scheme sets out the key Development Planning Documents (DPDs) to be progressed by Bromsgrove District Council. The LDS outlines that Bromsgrove District Council are progressing a District Plan, this is the new name for the document previously known as the Core Strategy. The LDS now also contains an indicative timetable for the introduction of a CIL in Bromsgrove
- 3.6 Bromsgrove District Plan and Proposals Map DPD
- 3.7 Following the successful completion of the Draft Core Strategy 2 consultation period, on 15th April 2011, and the more recent Redditch housing growth consultation, the Council were seeking to produce a Publication version of the District Plan by August 2013. The delay in publishing the housing growth consultation now means the publication of the plan now not able to happen until September 2013 at the earliest. It is envisaged that Cabinet meeting on the 2nd

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September and the Council meeting on the 25th September will now consider the publication draft of the District Plan.

3.8 Town Centre Area Action Plan DPD

It is proposed to delete the separate production of the Town Centre Area Action Plan, and incorporate the policies contained within this document into the district plan. This is more in line with the National planning policy Framework which identifies that districts should prepare a plan, rather than the previous planning system where local authorities were encouraged to prepare a local development framework which consisted of a folder of different plans.

LDS Timetable

3.9 The LDS timetable (see appendix A) indicates the schedule for the production of the Bromsgrove District Plan and the Bromsgrove District CIL. The chart identifies the key dates in the process although the dates are only an indication at this stage, further information will be provided on the publication consultation as the process moves on. The examination date is subject to consultation with the Planning Inspectorate, the body responsible for holding examinations into local plans.

3.10 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.

3.12 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.

3.13 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.

3.14 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 (or the adoption of a CIL Charging

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Schedule, whichever is the sooner), no more than five Section 106 contributions can be 'pooled' towards one infrastructure project or type.

- 3.15 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.
- 3.16 Recent changes also require 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.

Customer / Equalities and Diversity Implications

- 3.18 The Local Development Scheme and CIL has no direct impact on the Councils Equalities and Diversity policies. Notwithstanding the publication of the LDS will allow residents and stakeholders of Bromsgrove District 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

- 4.1 The most significant risk is without an up to date and sufficiently 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.
- 4.2 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.
- 4.3 Without a CIL the opportunity to collect and pool funding for much needed wider infrastructure projects which are needed across the district will be lost.

5. APPENDICES

Appendix A - Local Development Scheme timetable July 2013

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6. BACKGROUND PAPERS

Local Development Scheme timetable 2013-2014

7. KEY

AAP – Area Action Plan

CIL – Community Infrastructure Levy

DPDs – Development Plan Documents

LDS – Local Development Scheme

NPPF – National Planning Policy Framework

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