



Basingstoke  
and Deane

## **Cabinet – 22 March 2018: Adoption and Implementation of the Community Infrastructure Levy**

**Cllr Ruffell, Cabinet Member for Planning and Infrastructure**

---

<b>Report to</b>	<b>Cabinet</b>
<b>Ward(s):</b>	<b>All wards</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Appendix 1:</b>	<b>CIL Examiner's Report</b>
<b>Appendix 2:</b>	<b>CIL Charging Schedule</b>
<b>Appendix 3:</b>	<b>Regulation 123 list</b>
<b>Appendix 4:</b>	<b>Summary of responses made to draft Planning Obligations for Infrastructure Supplementary Planning Document</b>
<b>Appendix 5:</b>	<b>Planning Obligations Supplementary Planning Document</b>
<b>Appendix 6:</b>	<b>CIL Instalments Policy</b>
<b>Appendix 7:</b>	<b>Discretionary Social Housing Relief Policy</b>
<b>Appendix 8:</b>	<b>Payment in Kind Policy</b>
<b>Appendix 9:</b>	<b>CIL Enforcement Policy</b>
	<b>Basingstoke and Deane Local Plan (2011-2029)</b>
<b>Papers relied on:</b>	<b>Report to Full Council 21 July 2016</b>
	<b>Report to Full Council 18 May 2017</b>

---

### **Foreword - Cllr Ruffell, Cabinet Member for Planning and Infrastructure**

*The borough needs the right infrastructure to support its future development. New developments must contribute to the much-needed funding for roads, transport solutions, schools, community facilities and other infrastructure to ensure that residents continue to enjoy a high quality of life here.*

*The Community Infrastructure Levy will play a key part of this, and I am pleased to report that after Examination hearing sessions in September 2017 and January 2018, the Examiner has endorsed the approach taken and, subject to a number of modifications, recommended that the CIL Charging Schedule be adopted. This represents a major step forward and allows adoption and implementation of the levy, with the monies received used to fund infrastructure to benefit residents, employees and visitors to the borough.*

**Recommendation to Cabinet:**

- i. Notes the findings of the Examiner in respect of the Community Infrastructure Levy; and
- ii. Recommends to Full Council that the following are adopted for implementation of the Community Infrastructure Levy for planning applications determined from 25 June 2018:
  - a. The Community Infrastructure Levy Charging Schedule incorporating the modifications required by the Examiner;
  - b. The Regulation 123 list;
  - c. The Planning Obligations for Infrastructure Supplementary Planning Document;
  - d. The CIL Instalments Policy;
  - e. The Discretionary Affordable Housing Relief Policy;
  - f. The Payment in Kind Policy; and
  - g. The CIL Enforcement Policy;
- iii. Recommend to Council to delegate to the Head of Planning and Infrastructure in consultation with the Portfolio Holder authority to make minor or editorial changes to the above documents prior to publication.

## Background, corporate objectives and priorities

The Community Infrastructure Levy Regulations 2010 (as amended) introduced the opportunity for local authorities to charge a levy on new development in order to raise money to fund infrastructure. The receipts arising from this will be used to fund the provision of infrastructure across the borough, to support the delivery of development.

The considerations outlined in this report support delivery of each of the Council Plan priorities - preparing for controlled and sustainable growth, improving residents' quality of life and supporting those who need it. More directly it supports the following priorities:

- Invest in our Infrastructure.
- Enhance leisure and cultural facilities.
- Maintain and enhance our built and natural environment.
- Promote strong communities.

## Glossary of terms

Term	Definition
ALP	Adopted Local Plan
BDBC	Basingstoke and Deane Borough Council
CIL	Community Infrastructure Levy
EPH	Economic, Planning and Housing Committee
HCC	Hampshire County Council
LPA	Local Planning Authority
R123	Regulation 123 list
S106	Section 106 Legal Agreement
SPD	Supplementary Planning Document

## Main considerations

### 1 Executive summary

- 1.1 Community Infrastructure Levy (CIL) is the primary mechanism to secure contributions from development to deliver new infrastructure across the borough. Without CIL, the council would have to rely on the more limited opportunities available via Section 106 planning obligations, which relate directly to the development itself, and other external sources of funding to deliver the infrastructure needed to support the timely delivery of the development set out in the Basingstoke and Deane Local Plan.
- 1.2 Under the Adopted Local Plan (ALP), the council must prepare and implement a CIL Charging Schedule. This sets out the levy rates to be paid per square metre on new development in the borough. It must be prepared in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and

needs to set rates which do not threaten the ability to viably deliver the sites and scale of development identified in the Local Plan.

- 1.3 A range of rates have been proposed and subjected to consultation and more recently an 'Examination' by an independent Examiner. Through this process, consideration has been given to whether the rates meet the Government's requirements and that they set the appropriate balance between the need to fund infrastructure to support development and the potential effect on the viability of developments.
- 1.4 The Examiner's Report (set out in Appendix One) was published in early March. This notes that, subject to a number of modifications, the CIL Charging Schedule prepared by the Borough Council satisfies the necessary legal requirements, with the Examiner recommending that this be approved.
- 1.5 The modifications highlighted by the Examiner respond to the findings of sensitivity testing to consider changes in costs and values. They also reflect uncertainties around infrastructure costs associated with large-scale development sites and the need for on-going flexibility to ensure that sites deliver homes as envisaged by the Adopted Local Plan (ALP). The main modifications include:
  - A reduction in the proposed CIL rate for the Hounsome Fields site from £30 psm to zero;
  - A reduction in the proposed CIL rate for the Manydown site from £50 psm to zero; and
  - A reduction in the proposed CIL rate for non-residential uses including budget hotels and comparison retail shop outside of Basingstoke town centre/retail warehouses from £40 psm to zero.
- 1.6 The Examiner was content with the proposed rates for the sites and charging zones listed below:
  - CIL rate for the Golf Course, East of Basingstoke and Upper Cufaude Farm sites - £80 psm;
  - CIL rate for the urban area of Basingstoke and Tadley - £140 psm; and
  - CIL rate for the rest of the borough - £200 psm.
- 1.7 Given the above and the endorsement of the Examiner to the approach taken to prepare CIL rates, it is now proposed that the borough council formally adopts the CIL Charging Schedule with the Inspector's modifications and commences charging CIL for applications determined from Monday 25 June 2018.
- 1.8 Alongside CIL, it is also necessary to adopt a range of supporting documents to assist in the implementation of the CIL. These include:
  - Regulation 123 list;
  - Planning Obligations for Infrastructure Supplementary Planning Document;
  - Instalments Policy;

- Discretionary Social Housing Relief Policy;
- Payment in Kind Policy; and
- Enforcement Policy;

1.9 This report summarises the issues raised by the Examiner's recommendations and goes on to:

- Explain the purpose of the supporting documents referred to above;
- Highlight the processes required to implement CIL; and
- Describe the steps to be taken to advise those who use the planning service of the introduction of CIL, in order to ensure that there is a high-level of awareness prior to its introduction.

## **2 The proposal and key issues for consideration**

### Background

- 2.1 The borough council is in the process of introducing a CIL Charging Schedule which will place non-negotiable financial charges on some types of new development in the borough. This funding will help to deliver infrastructure required within the borough. Once introduced, this will work alongside S106 agreements, where there is a requirement to mitigate the impacts of a particular development.
- 2.2 Consultation on the proposed CIL rates was undertaken in:
- January/February 2014 on a Preliminary Draft Charging Schedule;
  - November/December 2014 on a Draft Charging Schedule (that was subsequently withdrawn by Full Council in May 2017); and
  - August/September 2016 on a Revised Draft Charging Schedule.
- 2.3 Most recently, consultation was undertaken on a proposed change in the CIL rate for residential development on the Manydown site in May/June 2017 to reflect latest evidence in respect of costs and values. This was considered at a meeting of Full Council on 18 May 2017 which provided the authority to formally 'Submit' the relevant documents for an 'Examination' by an appointed 'Examiner'. This included, amongst others, a schedule of the proposed CIL rates, all objections received through consultation, a detailed supporting viability assessment to support the proposed rates and other background documents.
- 2.4 An initial Examination session was held on 5 September 2017, chaired by the appointed examiner, and attended by representatives from the Local Planning Authority (LPA) and those who had made representations to the proposed rates and who wished to outline their responses in more detail to the examiner. This consisted of representatives from the landowner and leaseholders for the Manydown site, in addition to the landowners of Basingstoke Golf Course.
- 2.5 Having considered the representations received and views expressed, the Examiner requested the undertaking of sensitivity testing, to consider the

impact of changes in costs and values on the proposed CIL rates. The views of objectors were requested on the outcomes of that work in Autumn 2017.

- 2.6 Arising from that work and the views expressed, the Examiner requested a further hearing session, which took place on Tuesday 9 January 2018. This provided the opportunity to consider the scope for increases in build costs in the future and the likely impact on the proposed CIL rates and, correspondingly, the ability for development to be delivered.

### Examiner's Report

- 2.7 The Examiner's Report on the proposed CIL rates was published by the borough council in early March 2018, with a copy circulated to Members, a copy placed on the council's website, circulated for deposit at all libraries and all objectors informed subsequently. A copy of this is included as Appendix One.
- 2.8 In forming her view on the borough council's approach to CIL, the Examiner noted that:
- The approach taken in the Viability Assessment is appropriate, including the assumptions used to inform this, which are supported by relevant evidence; and
  - The information provided in respect of demonstrating a need for CIL is appropriate.
- 2.9 Having considered the evidence presented, the Examiner considered that the CIL rates set out below are appropriate:
- Golf Course, East of Basingstoke and Upper Cufaude Farm sites - £80 psm;
  - The urban area of Basingstoke and Tadley - £140 psm; and
  - The rest of the Borough - £200 psm.
- 2.10 However, the Examiner goes on to recommend that a number of modifications are made to the rates in order for development to remain viable if a CIL charge is applied. This takes into account the outcomes of the sensitivity testing that has considered the implications of scenarios such as rising costs and falling sales values, which can reduce the ability to pay the proposed CIL charges. Accordingly, the Examiner has recommended the following amendments:
- A reduction in the proposed CIL rate for the Hounsome Fields site from £30 psm to zero;
  - A reduction in the proposed CIL rate for the Manydown site from £50 psm to zero; and
  - A reduction in the proposed CIL rate for non-residential uses including budget hotels and comparison retail shop outside of Basingstoke town centre/retail warehouses from £40 psm to zero.

2.11 In addition to concerns around the impact of rising costs and falling values, the Examiner's report highlights the following issues in respect of Manydown:

- There is a considerable difference in the estimated cost of infrastructure and S106 costs between the Local Planning Authority (LPA) and the long leaseholders/landowners;
- There remains considerable uncertainty as to the level of infrastructure required;
- A recognition that the Examiner is unable to definitively conclude that either the LPA's or the long leaseholders' approach is correct;
- A need to ensure adequate flexibility to take account of changes to infrastructure and S106 costs as well as other variables, which impact on viability, given the scale of the development and period of time over which the site will deliver; and
- A view that it is inappropriate to treat the land for the country park as attracting a similar value to the Manydown site allocated for development, but recognising that some uplift would be appropriate in order to incentivise the development of the site as a country park.

2.12 In respect of Hounsome Fields, the Examiner noted in her report that an increase in costs of 2% or greater would impact on the ability to bring forward the site. Accordingly, she has made the recommendation that the rate is reduced to zero.

2.13 The Examiner was also asked to consider the CIL rates for the non-residential uses where a rate was proposed. This includes budget hotels, out of centre retail uses and retail warehouses, where a rate of £40 psm was proposed. Taking into account the sensitivity testing undertaken, the Examiner noted that these uses could be impacted by changes in build costs in the future and consequentially made the recommendation that the rates be reduced to zero.

2.14 The effect of these changes is that the CIL income arising will be reduced over the Local Plan period. This also has implications for the relevant parish councils who would have benefitted from a proportion of the CIL income through the Neighbourhood Fund.

2.15 The council has taken Counsel's advice on the Inspector's recommendations. Counsel has concluded that "the Examiner's conclusions are reasonable, logical, and lawful. Whilst it could be said that the Examiner has adopted a particularly cautious approach, she has given an adequate justification for that approach. That justification applies with particular force in relation to the Manydown site."

2.16 Councillors should note that although the Manydown CIL rate is zero Manydown will still need to deliver a wide range of infrastructure, secured by Section 106 agreement, to make the development acceptable in planning terms and to meet the requirements of the Local Plan and adopted Development Brief. Hounsome Fields already has planning permission so would not have been liable for CIL.

2.17 As stated at 2.10 above, the Inspector has concluded:-

*“that with modifications the Draft Basingstoke and Deane Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area.”*

and in doing so, she has complied with the CIL Regulations 2010 and section 212A(4) of the Planning Act 2008.

2.18 Given this, the recommended amendments have been made to the proposed CIL Charging Schedule, set out in Appendix Two. This is proposed for adoption by Full Council at its meeting on 22 March.

2.19 On this basis, it is proposed that CIL comes into effect and is applied to relevant planning permissions granted after Monday 25 June 2018. Since publication of the examiner’s report in early March, the LPA has been proactively advising applicants of the proposed date for the introduction of CIL. Applications determined after this time (including those which involve the signing of associated legal agreements) will become CIL liable, where a CIL charge is to be applied for that form of development.

2.20 Work has been underway for some time to ensure that there are appropriate systems in place to collect CIL receipts and manage the process of receiving these. This includes a series of specific forms for applicants to meet the CIL regulation requirements as well as the provision of guides to assist applicants.

### **Supporting Documents and Policies**

2.21 In addition to adopting CIL, there are a number of other relevant documents that must be adopted by the borough council, in order to effectively implement, manage and enforce compliance with the new charge. These have been prepared to reflect Government guidance and include the following:

- R123 list
- Planning Obligations Supplementary Planning Document
- CIL Instalments Policy;
- Discretionary Social Housing Relief Policy;
- CIL Payment in Kind;
- CIL Enforcement Policy

Further detail on each of these is provided below.

#### **R123 List**

2.22 The council must produce a Regulation 123 (R123) list setting out the infrastructure that it intends to fund through CIL receipts. The purpose of this is to ensure that the authority does not use CIL receipts and Section 106 (S106) agreements to fund the same piece of infrastructure. Accordingly, the R123 list has been carefully drafted to avoid identifying infrastructure items that it is expected would be required through a S106 agreement to mitigate its impacts.

2.23 The R123 list is drawn from the Infrastructure Delivery Plan (IDP) and was considered by Full Council in May 2017. Both the R123 list and the IDP were submitted to the Examiner for information as a part of the Examination process. A copy of the R123 list is provided in Appendix Three and will come into effect at the same time as CIL is introduced.

#### Planning Obligations Supplementary Planning Document

2.24 Alongside the introduction of CIL, there will be a continued need to make use of S106 agreements in the future, in order to mitigate the impact of a specific development. Such agreements must take account of the 'pooling' restrictions and be drafted in line with the CIL regulations, such that they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

2.25 In order to assist applicants and to set out the borough council's expectations in respect of S106 agreements, a Planning Obligations for Infrastructure Supplementary Planning Document (SPD) has been prepared. This was initially consulted upon in November 2014 and was further updated and views sought in May/June 2017, having been considered by Members at meetings of the Economic, Planning and Housing Committee (EPH). The most up-to-date draft was made available to the Examiner in order to assist understanding of the borough council's approach to the future use of S106 agreements.

2.26 The views expressed through the most recent consultation are summarised below with responses to each set out in Appendix Four:

- A need for further clarification in respect of terminology around green infrastructure provision and open space provision.
- Concern around the highway impact of development on neighbouring authority areas.
- Further clarity needed about the impact of development on drainage and ensuring that infrastructure is provided.
- Concern around splitting the cost of 'shared' infrastructure between adjacent sites.

2.27 In light of the above, minor amendments have been made to the SPD to improve clarity. This is now proposed for adoption alongside the CIL Charging Schedule. A copy is provided in Appendix Five.

#### Instalments Policy

2.28 The CIL regulations set out that monies due are generally paid 60 days after a development has formally 'commenced'. However, the regulations provide the flexibility for LPAs to introduce an Instalments Policy. This allows for the phased payment of the amount owed for larger sites, where the CIL liability could be significant. This assists in supporting a developer's cash-flow, which

is important to ensure that a site comes forward for development in a timely manner, given that the majority of development costs are 'up-front'.

- 2.29 A draft Instalments Policy was considered by members in September 2014 and consulted upon alongside the proposed CIL Charging Schedule at that time. Consultation responses indicated that there was general support for the introduction of such a policy, albeit, some comments were made on the appropriate triggers to be used. The intention to implement an Instalments Policy was confirmed by the LPA through the examination process. However, no further changes have been made as a result of the comments received and a proposed CIL Instalments Policy for adoption is set out in Appendix Six.

#### Discretionary Social Housing Relief Policy

- 2.30 Under the Government's CIL Regulations, CIL is not payable on many forms of affordable housing, including those to be provided as social rent, affordable rent, intermediate rent or shared rent. However, this exemption does not automatically apply to some forms of shared equity tenure, with the need for authorities to introduce a specific policy to take this forward, should it wish to exempt this form of tenure. Given that these forms of housing fall within the definition of affordable housing, as defined in the ALP, a Discretionary Housing Relief policy has been prepared to ensure that these tenures can be delivered in the borough without paying CIL. This approach assists in supporting the provision of affordable housing generally and reflects the approach of the adopted Housing and Homelessness Strategy which seeks to increase the supply of affordable housing in the borough, and providing more housing choice. A copy of the policy for adoption is provided in Appendix Seven, which reflects the necessary wording required by Government regulations.

#### Payment in Kind

- 2.31 In the vast majority of cases, CIL will be passed to the borough council in the form of a financial payment. However, the CIL regulations allow for the charging authority to, at its discretion, accept land and / or infrastructure from the body liable in exceptional circumstances, instead of money to satisfy the CIL charge arising. This can be beneficial where it may be more beneficial for all parties for a developer to provide the infrastructure as a component of a scheme, where this serves a strategic function and this is not to be provided through a S106 agreement.
- 2.32 The policy set out in Appendix Eight sets out the process for considering the use of payment in kind as an alternative to a financial transaction. This is largely based on the regulations set out by the Government and includes a requirement to seek a valuation for the cost of that asset, and noting that the borough council is not obliged to accept this form of payment.

#### CIL Enforcement Policy

- 2.33 The Government's CIL regulations make provision for local authorities to charge penalties for late payments or failure to submit the appropriate notices

in relation to CIL, and these require the publication of a CIL Enforcement Policy. This covers points such as:

- Failure to submit a commencement notice as required by the regulations. This notifies the authority when development has formally started on site and accordingly, when CIL payment will be due; and
- Failure to make payments when they are due in line with the adopted Instalments Policy.

2.34 An Enforcement Policy has been prepared to reflect Government regulations and best practice from elsewhere and is set out in Appendix Nine for adoption alongside the CIL Charging Schedule.

### **3 Options analysis**

3.1 Legal advice confirms that the options now lawfully open to the Council are:

- (i) to decline to approve a CIL Charging Schedule;
- (ii) to approve the draft Charging Schedule as modified by the Examiner; or
- (iii) to seek to approve the draft Charging Schedule with alternative modifications which meet the same concerns as identified by the Examiner.

3.2 The first approach is not recommended as the borough council will lose the opportunity to secure future CIL payments associated with new development and to fund much needed infrastructure.

3.3 In respect of the second option, legal advice is that this “*is a justified course of action with limited risk of challenge*”. If the Council wishes to approve the draft Charging Schedule it is obliged by section 213(1)(b) Planning Act 2008 to have had regard to the Examiner’s recommendations and her reasons for them. Since those recommendations are that the draft Charging Schedule should only be approved if it is modified as recommended, the Council will have clearly “*had regard*” to those recommendations if it accepts them and modifies the draft Charging Schedule accordingly.

3.4 The third option stated at 3.1 above “*would be very difficult to achieve, given the nature of the Examiner’s concerns, and would have a much greater risk of legal challenge*” states our legal advice. Any modifications made must be “*sufficient and necessary to remedy the non-compliance which the Examiner has specified under section 212A(4)(a) of the 2008 Act.*”

3.5 The additional documents referred to in this report are all important to effectively implement and secure infrastructure in the borough, as well as to manage and enforce the use of CIL. In particular, it is a requirement of the regulations to adopt the R123 list when adopting CIL in order to provide the necessary clarity on how CIL will be used alongside S106 agreements. There is greater scope for authorities to decide to prepare additional documents included in this report, such as the Planning Obligations SPD, Instalments Policy and Discretionary Relief Policy. However, these documents have all been referred to the Examiner through the Examination process and are considered to be important in ensuring that:

- Applicants are clear on the expectations of the borough council.
- That opportunities to secure affordable housing are maximised.
- That the payment of CIL provides scope to make phased payments over a period of time, assisting in delivering development and recognising the high up-front costs incurred in bringing a large site forward.
- Payments are made in a timely manner and there are mechanisms in place to enforce non-payment when required.
- To provide the scope to accept a payment in kind in exceptional circumstances where this provides the greatest scope to deliver infrastructure in an effective manner, at the discretion of the borough council.

## **Corporate implications**

### **4 Legal implications**

- 4.1 The introduction of CIL is subject to detailed and complex Government regulations, which have been considered and complied with at each stage of the process. Most recently, this was the undertaking of the examination process. The Examiner's Report, published in early March, confirmed that the rates are appropriate when the modifications are made. Legal advice confirms that it is appropriate for the council to accept the modifications made by the Examiner and that there could be difficulties should any other course of action be taken.
- 4.2 The next formal stage of the process, subject to adoption of the rates at Full Council on 22 March, is to undertake the necessary placing of notices and informing key stakeholders, as summarised in the Consultation and Communications section of this report. The council also has to publish a report explaining the modifications made once the charging schedule has been approved (under section 213(3B) of the Planning Act 2008).
- 4.3 In implementing CIL, it will be important to ensure that all of the necessary forms and notes are made available to applicants to collect CIL. These will be available on the Borough Council's website in the future in order to ensure that charging can be introduced at the appropriate time. On-going legal advice will be sought to ensure that this is undertaken in a compliant manner.

### **5 Financial Implications**

- 5.1 It is proposed to start charging CIL for applications determined from 25 June 2018. Taking in to account the modifications set out in the Examiner's Report and based upon a series of assumptions around the size of dwellings and the location of development amongst others, it is estimated that CIL incomes over the period to 2029 will amount to approximately £20–£21 million. CIL will take a while to build but once established is expected to raise £2m-£3m per annum.

- 5.2 This is approximately £9 million lower than previously estimated due to the reduction in the Manydown CIL rate to zero. The other CIL changes in the Examiner's report are not expected to have a material impact on CIL income.
- 5.3 The impact of the £9 million reduction in CIL will be on the borough council, HCC and parishes. Parishes within the Manydown development area would have received up to 25% of CIL relating to new housing in their area (i.e. up to a combined total of £2.25 million (25%) of the £9 million).
- 5.4 The balance of £6.75 million would have been received by this council and been available for this council to allocate to schemes on the Infrastructure Delivery Plan, a large proportion of which relates to HCC services. With less CIL funding there will therefore be a reduction in resources available to fund these schemes. Further detail on the approach to prioritising and spending CIL was considered by EPH Committee in January 2018 and referred to in the Annual Budget report subsequently considered by Cabinet and Full Council in February 2018.

## **6 Equalities Implications**

- 6.1 An Equality Impact Assessment was undertaken to consider the implications of the introduction of CIL for the Public Sector Equality Duty and the impact on the protected characteristics groups (Equality Act 2010). No differential impact has been identified for any groups. It was noted that all residents will benefit from improvements to infrastructure in their local area and the borough as a whole.

## **7 Risk Management**

- 7.1 A risk assessment has been completed in accordance with the council's risk management process and has identified no significant (Red or Amber) residual risks that cannot be fully minimised by existing or planned controls or additional procedures.

## **8. Consultation and Communication**

- 8.1 Given the stage in the process of introducing CIL that has been reached, emphasis should now be placed on communicating the message that CIL is to be introduced for applications determined from 25 June 2018. It is therefore important that those seeking planning permission are aware of this timescale in order that they can consider their proposals in light of this and any CIL charge that may be payable.
- 8.2 The Local Planning Authority published a copy of the Examiner's Report in early March 2018 which included placing a copy of this on the council's website as well as at Parklands Reception and in libraries in the Borough. Since that time, the LPA has also been highlighting the proposed introduction of CIL and relevant timescales to those who use the Planning and Development service. In addition the following steps have been taken, or will be taken in advance of adoption:

- Formal notice given to those who expressed an interest in receiving updates on progress with CIL;
- Notifications to all town and parish councils in the borough;
- Email updates to all Councillors, in addition to use of the Members Bulletin;
- Regular use of Twitter and other social media to advise of the future introduction of CIL; and
- Preparation of a Frequently Asked Questions list to assist those applicants who are unfamiliar with CIL and how it is applied
- Formal notices in relevant local newspapers of the intention to adopt CIL.

8.3 Further engagement is proposed with town and parish councils in the borough to consider how CIL will be distributed in the future, which will also be made available to those community groups within the non-parished parts of the borough who may be considering preparing a Neighbourhood Plan. The Neighbourhood Plan protocol has been updated to reflect the use of CIL in the future.

## **9 HR implications**

9.1 There are no direct HR issues as a result of this report. However, staff resources will be required from within the existing resources in the Planning and Development, Finance and Exchequer Teams to collect and programme manage CIL once introduced.

## **Conclusion**

## **10 Summary and reasons for the recommendation**

10.1 In conclusion, and recognising the modifications set out in the Examiner's Report, it is recommended that the updated CIL Charging Schedule is adopted at the meeting of Full Council on 22 March 2018, along with the associated policy documents appended to this report. After formal adoption of the CIL Charging Schedule by the Borough Council, the necessary regulatory requirements will be undertaken in order to commence charging CIL for planning applications determined from 25 June 2018. This will assist in providing a necessary funding stream to deliver infrastructure to support new and existing residents.

## **11 Summary and reason for the decision**

11.1 The options considered and rejected are: (i) to not accept the Examiner's recommendations and to decide not to adopt the CIL Charging Schedule with the necessary changes; and (ii) to impose alternative modifications to those of the Examiner. If CIL were not to be adopted, this would mean that the borough council will not benefit from this funding stream and it would impact on the ability to deliver infrastructure in the borough. As an alternative, there would be reliance on the continued and exclusive use of S106 agreements, and the associated issues that this would mean, including the limitations imposed by the pooling restrictions.

**Date: 22 March 2018**  
**Decision taken by: Cabinet/Council**

<b>Lead officer</b>	Matthew Evans
<b>Report author</b>	Mark Lambert – Design, Environment and Infrastructure Manager Email: <a href="mailto:mark.lambert@basingstoke.gov.uk">mark.lambert@basingstoke.gov.uk</a> Tel: 01256 845750 or Ext 2750
<b>Version</b>	Final
<b>Dated</b>	22 March 2018
<b>Status</b>	Open
<b>Confidentiality</b>	It is considered that information contained within this report (and appendices) do not contain exempt information under the meaning of Schedule 12A of the Local Government Act 1972, as amended, and therefore can be made public.