



Dear Councillor,

CENTRAL LANCASHIRE STRATEGIC PLANNING JOINT ADVISORY COMMITTEE - THURSDAY, 29TH SEPTEMBER 2016

The next meeting of the Central Lancashire Strategic Planning Joint Advisory Committee is to be held on Thursday 29 September 2016 at South Ribble Borough Council commencing at 5.30pm.

The agenda and accompanying reports for consideration at the meeting are enclosed.

The agenda papers are being sent to both appointed and substitute members. Any appointed members who cannot attend is asked to first contact their substitute to see if he or she can attend instead. Then please contact James Wallwork on 01772 625306 or via email (jwallwork@southribble.gov.uk) to give apologies and indicate whether the substitute will be attending.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Hall', written in a cursive style.

Gary Hall
Chief Executive of Chorley Council

James Wallwork
Democratic Services Officer
E-mail: jwallwork@southribble.gov.uk
Tel: (01772) 625306

Distribution

All members of the Central Lancashire Strategic Planning Joint Advisory Committee



CENTRAL LANCASHIRE STRATEGIC PLANNING JOINT ADVISORY COMMITTEE

**Thursday 29 September 2016 at 5.30pm in the
Wheel Room at South Ribble Borough Council,
Civic Centre, West Paddock, Leyland**

AGENDA

- 1 **Appointment of Chair for the Meeting**
- 2 **Welcome by Chair and Introductions**
- 3 **Apologies for absence**
- 4 **Confirmation of Minutes - 27 June 2016 (Pages 5 - 10)**
- 5 **Objectively Assessed Housing Needs Study**
A verbal update will be provided.
- 6 **Other Evidence - Employment Land Review**
A verbal update will be provided.
- 7 **Central Lancashire Gypsy and Traveller and Travelling Showpeople Local Plan -
Results of Consultation on Issues and Options Paper (Pages 11 - 18)**
Report attached.
- 8 **CIL Review (Pages 19 - 22)**
Report attached.
- 9 **Supplementary Planning Documents Update - Affordable Housing; Employment
and Skills**
A verbal update will be provided.
- 10 **LDF - individual authority updates**
A verbal update will be provided.
- 11 **Key Sites Update**
A verbal update will be provided.

12 **City Deal Update**

A verbal update will be provided.

13 **Any other business**

14 **Date of Next Meeting - Monday 23 January 2017 - Chorley Borough Council**

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MINUTES OF **CENTRAL LANCASHIRE STRATEGIC PLANNING JOINT ADVISORY COMMITTEE**

MEETING DATE **Monday, 27 June 2016**

MEMBERS PRESENT: Councillor Paul Walmsley (Chair) – Chorley Council
Councillor Martin Boardman – Chorley Council
Councillor Roy Lees – Chorley Council
Councillor John Potter – Preston City Council
Councillor Brian Rollo – Preston City Council
County Councillor Marcus Johnstone – Lancashire County Council

OFFICERS: Gary Hall – Chief Executive (Chorley Council)
Zoe Whiteside - Development and Regeneration Manager (Chorley Council)
Chris Hayward - Assistant Director (Chief Planning Office) (Preston City Council)
Mike Molyneaux – Planning Policy Manager (Preston City Council)
Jonathan Noad – Planning Manager (South Ribble Borough Council)
Marcus Hudson – Head of Planning (Lancashire County Council)
Cathryn Filbin – Democratic and Members Services Officer (Chorley Council)

1 Appointment of Chair for the Meeting

RESOLVED – That Councillor Paul Walmsley be appointed Chairman for the meeting.

2 Welcome by Chair and Introductions

The Chairman, Councillor Walmsley, welcomed those present to the meeting.

3 Apologies for absence

Apologies for absence were submitted on behalf of Councillor Alistair Bradley (Chorley Council), Councillor Neil Cartwright (Preston City Council), Councillor Joseph Hughes MBE (South Ribble Borough Council) and Councillor John Hesketh (South Ribble Borough Council).

4 Notification of Substitute Members (if any)

Councillor Roy Lees (substitute for Councillor Alistair Bradley) and Councillor Brian Rollo (substitute for Councillor Neil Cartwright).

5 Minutes of the last meeting

RESOLVED (Unanimously) – That the minutes of the Central Lancashire Strategic Planning Joint Advisory Committee meeting held on 26 November 2016 be confirmed as a correct record and signed by the Chair.

6 Housing and Planning Act 2016

The Joint Advisory Committee received a report of the Director of Development (Preston City Council) which advised members on the content of the Housing and Planning Act.

The Housing and Planning Bill received Royal Assent on 13 May 2016. The provisions of the Act, were wide ranging and high level. Some elements of the Act and other changes were more relevant to local authority planning and housing functions than other parts. Particular issues were:

- The extent to which the requirements for starter homes would affect the ability of the local authorities to deliver affordable housing was currently defined in the National Planning Policy Framework.
- Changes to the planning regime which included changes to the neighbourhood and local planning regimes and the introduction of the concept of permission in principle. It had been argued that this represented a major shift in town planning philosophy towards a zonal model.

During debate, members of the Joint Advisory Committee discussed the Brownfield Register Pilot Project, of which both Preston City Council and South Ribble Borough Council had been participating. Both authorities were due to publish their register by the end of June 2016.

RESOLVED – That the report be noted.

7 Gypsy and traveller SPD

The consultation on the Issues and Options version of the Central Lancashire Gypsy, Traveller and Travelling Showpeople Local Plan was due to close on 1 July 2016.

During debate, members of the Joint Advisory Committee discussed

- There was need to identify a transit traveller site across Central Lancashire
- Travelling Show People site; a need for site had to be demonstrated
- Preston had 22 pitches
- Authorities calling for sites to come forward

RESOLVED – That the update was noted.

8 Full Objectively Assessed Housing Needs and Strategic Housing Market Assessment

The Director of Development (Preston City Council) submitted a report which informed members of the Joint Advisory Committee of the appointment of consultants GL Hearn, to carry out a Full Objectively Assessed Housing Need and Strategic Housing Market Assessment of Central Lancashire.

The report detailed the reasons as to the importance of the review, which included the fifth anniversary of the adoption of the Central Lancashire Core Strategy in 2017, the revocation of Regional Spatial Strategy on which the Core Strategy figures were based and the latest population and household projection figures.

Since the adoption of the Site Allocations Plan there had been two planning inquiries which involved housing land issues held in Preston. The City Council had faced arguments that the Core Strategy housing requirement figure was out of date and did not represent the full objectively assessed need. The City Council had argued that both parts of the development plan (the Core Strategy and Site Allocations Plan) were compliant with the National Planning Policy Framework. However, it would become increasingly difficult to sustain that argument over the passage of time, particularly as the fifth anniversary of the adoption of the Core Strategy approached in 2017, which was a critical date in government guidance.

The review was expected to be completed by the end of September 2016.

Members of the Joint Advisory Committee discussed various aspects of the report, which included -

- the rate of house building in central Lancashire
- recent planning appeals
- CIL funding infrastructure

RESOLVED – That the report be noted.

9 Affordable Housing Supplementary Planning Document

The Director of Development, Preston City Council, submitted a report which informed members of the Joint Advisory Committee of the need to replace the currently adopted Affordable Housing Supplementary Planning Document (SPD) as a result of changes in legislation and other requirements in relation to the provision of affordable housing.

A redraft of wording of the SPD was to be considered by officers, taking into account the matters identified in the report. It was expected that the draft would be available for consultation by September, subject to government regulations to Starter Homes and definitions of affordable housing being in place.

Preston City Council was leading the review of the Affordable Housing SPD in partnership with officers from Chorley and Preston Councils and the report provided an update on that work. As a result of the Housing and Planning Act; and in particular

the forthcoming regulations on Starter Homes, the work had slowed pending the introduction of these regulations which would heavily influence the document.

The Starter Homes regulations would determine what percentage of starter homes must be provided on future sites, and so would influence policy and the contents of the Affordable Housing SPD. Enquiries from developers offering starter homes in lieu of other types of affordable housing, and sites had begun to stall ahead of the national policy being confirmed. A draft document would be prepared following the government regulations which would be released autumn 2016.

RESOLVED – That the report be noted.

10 City Deal Update

The Head of Planning (Lancashire County Council) provided an update on City Deal and the current position in respect of a number of schemes which included –

- Golden Way, Penwortham had been completed
- Broughton Bypass – work was underway; a planning application had been submitted for the Western Distributer, the decision for which was expected in September
- Preston Bus Station and Car Park – it was expected work would commence in autumn 2016 (subject to planning permission approval) for the first stage of improvement works which included repairs to the concrete.
- Centre improvements works
 - Bamber Bridge – work to commence shortly
 - New Hall Lane – officers had been working closely with the community

Further updates were also given in respect of –

- Commercial floor space
- Job creation
- Housing completions

City Deal was at the end of its second year. A review of progress made over the second year had been conducted, the results of which had been compiled in to a report which would be circulated to members of the Joint Advisory Committee following its presentation at the next meeting of City Deal.

During debate, members of the Joint Advisory Committee discussed various works that had been completed, and the positive impact City Deal already had on areas of Preston and South Ribble. It was also suggested that the Joint Advisory Committee could take a proactive role in prioritising the programme of schemes to be completed over the term of City Deal.

RESOLVED – That the update be noted.

11 Dates of Future Meetings

The next meeting had been scheduled to take place on Thursday, 29 September at 5.30pm at South Ribble Borough Council.

Chair

Date

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Report of	Meeting	Date
Joint LDF Officer Team	Central Lancashire LDF Joint Advisory Committee	29 th September 2016

CENTRAL LANCASHIRE GYPSY, TRAVELLER & TRAVELLING SHOWPEOPLE'S LOCAL PLAN – ISSUES AND OPTIONS VERSION – RESULTS OF CONSULTATION

PURPOSE OF REPORT

1. To inform members about the results of the public consultation on the Issues and Options version of the Central Lancashire Gypsy, Traveller and Travelling Showpeople Local Plan – May 2016.

RECOMMENDATION(S)

2. It is recommended that the group note this report..

EXECUTIVE SUMMARY OF REPORT

3. Statutory formal public consultation on the Issues and Options version of the Central Lancashire Gypsy, Traveller and Travelling Showpeople's Local Plan took place between 20th May and 1st July 2016.
4. The consultation exercise generated XX responses in total across Central Lancashire. 15 in Chorley, X in Preston and 17 in South Ribble. The results of consultation will inform the next Preferred Options stage of this Local Plan.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. Officers consider that this Local Plan process should continue to progress as planned to ensure an appropriate planning policy document is prepared and adopted to guide Traveller and Travelling Showpeople development.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None.

BACKGROUND

7. The Issues and Options paper is the first stage in the process of preparing the Gypsy and Traveller and Travelling Showpeople Local Plan. It explained the purpose of the Local Plan and the current planning policy context relating to the provision of accommodation for Gypsies, Travellers and Travelling Showpeople.
8. It set out the evidence of need as contained in the Central Lancashire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (May 2015); identified the key issues that should be addressed to meet this need, and presented a number of options on which views were sought.
9. In order to allocate sites for future provision for Gypsies, Travellers and Travelling Showpeople, the Central Lancashire authorities must identify potential sites. The Issues and Options Paper therefore also included a 'call for sites' exercise encouraging potential sites to be put forward for consideration.
10. Any sites suggested through the 'call for sites' will be assessed, along with potential sites identified by the three Central Lancashire authorities, using the assessment methodology as set out in section 5 of the Issues and Options paper. Preferred sites for allocation will then be proposed and consulted on before the Gypsy and Traveller and Travelling Showpeople Local Plan is finalised and submitted to the Secretary of State for Examination. More detail on the process of preparing the Local Plan is set out in section 6 of the Issues and Options paper.
11. The consultation exercise was carried out between 20th May and 1st July 2016. Over 200 consultees from the Chorley Local Plan contact database were consulted including all relevant statutory bodies. XX in Preston and XX in South Ribble. These generated 15 responses (largely from statutory organisations) in Chorley, XX in Preston and 17 in South Ribble.
12. It is anticipated that the next stage of plan preparation will generate more representations as it will move away from general issues to be considered and suggest specific sites to meet Traveller and any Travelling Showpeople need.

CHORLEY COUNCIL REPRESENTATIONS RECEIVED

13. In Chorley, the respondents were as follows:
 - Network Rail
 - Highways England
 - Historic England
 - The Coal Authority
 - Canal and Rivers Trust
 - Natural England
 - United Utilities
 - Environment Agency
 - Bretherton Parish Council
 - Heath Charnock Parish Council
 - Whittle-le-Woods Parish Council
 - West Lancashire Borough Council
 - Michael Hargreaves on behalf of the Linfoots
 - Cowling Action Group – 2 residents

SUMMARY OF CHORLEY'S REPRESENTATIONS

14. The Statutory bodies generally made comments asking that their respective areas of control/interest be included in a design criteria policy and be used to inform any further sites selection and that they be involved in the various stages to Local Plan adoption.
15. In terms of Parish Council responses Bretherton Parish Council supported Chorley Council's approach. Heath Charnock Parish Council suggested that Cowling Farm be used to accommodate any additional need and Whittle-le-Woods Parish Council had no comments to make.
16. Michael Hargreaves, the consultant acting on behalf of the Linfoots supported the figures contained in the GTAA. He also supported the masterplanning approach to site delivery at Cowling Farm which he considered should be solely to meet the needs of the Linfoots who would wish to privately own their site.
17. West Lancashire Borough Council support Chorley Council's approach to meeting its identified need within its own boundaries and welcomed further consultation.
18. Mrs Valerie Brown, acting on behalf of Cowling Action Group and Mr Kevin Brown criticised the approach of Chorley Council on the grounds that it was driven by one family's need. They suggested Hut Lane be used as a traveller site. They considered transit need should be accommodated near major road networks and that there is no travelling Showpeople need. They also suggested appropriate screening and separation be added to a Design Criteria policy and welcomed further consultation and involvement in the process, criticising how consultation (and the sustainability appraisal) had been undertaken by Chorley Council to date.

CHORLEY COUNCIL'S RESPONSES

19. In respect of any Travelling Showpeople need, the GTAA identified an aspiration for Travelling Showpeople plots in the area. The Travelling showpeople did not respond to this consultation, therefore officers will contact their representative in order to ascertain whether any of this aspiration constitutes an actual need which should be provided for in the preferred option version of this Local Plan.
20. As regards any permanent need generated from Traveller households residing in bricks and mortar, no comments were received from such households and as the government requires that such households to demonstrate that they travel before they can be considered to constitute a need, it would seem prudent to remove the bricks and mortar need from the Central Lancs GTAA until such times that such a need presents itself and can be quantified. Should such a need arise outside this Local Plan process, Core Strategy Policy 8 can be used to assess the appropriateness of any proposed site.
21. The statutory bodies will continue to be consulted as the Local Plan progresses to adoption allowing them the opportunity for further comment and to scrutinise any proposed additional sites.
22. It is considered that many of the consultation responses can inform a detailed Design Criteria Policy which will be included in the next stage (preferred options) of the Local Plan.
23. At present the Council does not consider it necessary to expand the existing allocation at Cowling Farm as the existing Traveller community at Hut Lane have indicated that it would satisfy their needs to 2026. The nature and location of any transit provision or travelling showpeople need will be progressed through this Local Plan process.

PRESTON CITY COUNCIL'S REPRESENTATIONS RECEIVED

24. In Preston, the respondents were as follows:

- a. Historic England
- b. Highways England
- c. United Utilities
- d. The Canal and River Trust
- e. The Environment Agency
- f. Whittingham Parish Council
- g. Woodplumpton Parish Council
- h. Blackburn with Darwen Council
- i. Two residents

SUMMARY OF REPRESENTATIONS

25. A number of the statutory bodies who responded to Preston City Council made representations to all three Councils. Comments made by United Utilities, Historic England, Highways England, United Utilities, The Canal and River Trust and the Environment Agency are identical to those made to Chorley and South Ribble Councils. It may also be the case that some bodies have responded to one Council whilst not to others. The comments made by those bodies should be taken into account by all three authorities in the next stage of plan preparation.
26. In general the bodies listed above made requests to be kept informed as the plan preparation progressed. A number of them are prescribed bodies in the Town and Country Planning (Local Planning) (England) Regulations 2012.
27. Of the parish councils that responded, one felt that the GTAA was the best way of identifying the level of provision while the other questioned the apparently large variations in allocation between authority areas. Both were agreed that there is no identified need for a site for travelling showpeople, nor was there a need for rural exception sites for the gypsy and traveller community. There was a broad view that sites should be subject to design criteria and that, for sustainability reasons, some parts of the rural areas should be excluded, nor should there be blanket policy allowing provision on mixed use sites identified in the local plan. Sites should be assessed against CS policy 8 criteria. Identified sites should be on PCC, LCC or HCA land; Red Scar and Bluebell Way were specifically suggested. It is suggested that the community should contribute to the infrastructure needs arising from any development proposals
28. Blackburn with Darwen Council stated that the definition of Gypsies and Travellers has changed and the impact of this should be considered to ensure that the accommodation needs reflect current guidance.
29. Individual comments focused on the need for sites to be identified on publicly owned land with the provision of adequate facilities.

PRESTON CITY COUNCIL RESPONSES

30. Requests to be kept informed have been noted and further discussion will take place as the plan progresses to ensure compliance with regulation 4 of the 2012 regulations.

31. City Council officers have started a process of identifying and assessing suitable land in public ownership as part of the next stage of plan preparation.
32. Comments on the changes in definition have been noted but the City Council considers that the approach being taken by the Central Lancashire authorities is consistent with the new guidance

SOUTH RIBBLE COUNCIL'S REPRESENTATIONS RECEIVED

33. In South Ribble, the respondents were as follows:
 - j. Historic England
 - k. Highways England
 - l. Network Rail
 - m. Little Hoole Parish Council
 - n. Canal and River Trust
 - o. The Wildlife Trust for Lancashire, Manchester and North Merseyside
 - p. Blackburn with Darwen Borough Council
 - q. United Utilities
 - r. National Trust
 - s. Economic Development, South Ribble Borough Council
 - t. West Lancashire Borough Council
 - u. Environment Agency
 - v. 5 local residents.

SUMMARY OF REPRESENTATIONS

34. The Statutory bodies all made comments asking to be kept informed at all stages of the Plan production. Both the Wildlife Trust and the National Trust felt that not enough emphasis had been placed on ecological considerations in the Issues and Options document. Historic England also indicated that Heritage Assets must be protected from harm throughout the process.
35. In terms of neighbouring Local Authorities, West Lancashire Council welcomed the approach taken, whilst Blackburn with Darwen stated that the methodology used for the GTAA was now out of date and further work should be undertaken. Little Hoole Parish Council felt a site should be accommodated in the central areas of the Borough, such as Leyland, Bamber Bridge or possibly within the M6/M65/M61 triangle.
36. The Economic Development section at the Council supported the Issues and Options Paper, but would not wish to see any employment sites being lost in order to accommodate a site for Gypsies and Travellers.
37. 5 residents of the Borough responded to the consultation, one suggested some changes be made to the consultation to make it easier for Gypsies, Travellers and Travelling Showpeople to respond. Of the others, 3 supported the GTAA and one didn't. One resident suggested that sites should be located close to the major road network, and away from residential properties. One resident felt that the consultation was a waste of time as no notice was taken of comments made as part of other consultations.

SOUTH RIBBLE COUNCIL RESPONSES

38. In respect of any travelling showpeople need, the GTAA identified an aspiration for Travelling showpeople plots in the area. The Travelling showpeople did not respond to this consultation, therefore officers will contact their representative in order to ascertain whether any of this aspiration constitutes an actual need which should be provided for in the preferred option version of this Local Plan.

39. As regards any permanent need generated from Traveller households residing in bricks and mortar, no comments were received from such households and as the government requires that such households to demonstrate that they travel before they can be considered to constitute a need, it would seem prudent to remove the bricks and mortar need from the Central Lancs GTAA until such times that such a need presents itself and can be quantified. Should such a need arise outside this Local Plan process, Core Strategy Policy 8 can be used to assess the appropriateness of any proposed site.
40. The GTAA used the definition that was in place at the time of the Study. The consultants have been consulted since the definition changed, and they consider the study/figures to be robust.
41. The government has confirmed that there is no further guidance planned on the new definition and its impact on undertaking GTAAs (contrary to what was stated at the time of release of the updated guidance). It has confirmed that local councils should assess locally how the new definition impacts on the specific nature of their need.
42. The current uses and designations of sites will be fully assessed when considering any future sites, and the suitability of any proposed site will be carefully considered during site site assessment process. Permanent, and transit Gypsy and Traveller sites, and Travelling Showpeople sites all have different locational and site needs which will influence the final site selections.

NEXT STAGES

43. Chorley Council will progress a permanent site for a minimum of 5 Traveller pitches at Cowling Farm in accordance with the Allocation in the Chorley Local Plan and the Central Lancashire Gypsy and Travellers and Travelling Showpeople Local Plan will be progressed to preferred options stage in line with the timetable set out in Appendix 1.
44. Central Lancashire Members will agree how and where the transit need can be best provided as proposed sites are being subject to a sustainability and deliverability assessment. Preston, South Ribble and Chorley will also explore how best to satisfy their respective permanent Traveller site needs and any Travelling Showpeople need.
45. Outside Central Lancashire, surrounding authorities are all progressing their own GTAAs, therefore their respective Gypsy and Traveller and Travelling Showpeople's needs will be covered by these. Any cross-boundary need will be satisfied through the arrangements set up under the duty to cooperate.
46. Before the Local Plan is adopted, as a need has been demonstrated, should any applications be submitted for Gypsy, Traveller or Travelling Showpeople sites, Central Lancashire Authorities will apply Core Strategy Policy 8: Gypsy and Traveller and Travelling Showpeople in order to assess the appropriateness of any proposed sites.
47. As detailed in Appendix 1, the next formal stage of the production of this Local Plan will be the Preferred Options document. This will examine and number of options and set out preferred allocations and draft policies covering design issues and rural exception sites and will be consulted on for a 6 week period. Following this consultation all representations will be taken into account and the Local Plan will be finalised and a Publication version will be published and consulted on prior to submission to the Secretary of State for examination. If found sound the Local Plan will then be adopted in 2018.

Background Papers			
Document	Date	File	Place of Inspection
Central Lancashire Gypsy and Traveller Accommodation Assessment *** Central Lancashire Gypsy and Traveller and Travelling Showpeople Local Plan – Issues and Options Version – May 2016	***	***	available on respective Council's websites. ***

Report Author	Ext	Date	Doc ID
Peter McAnespie	01257 515281	08/09/16	***

Appendix 1 : The timetable for preparation of the Gypsy and Traveller and Travelling Showpeople Local Plan

Timetable for Production of the Gypsy and Traveller and Travelling Showpeople Local Plan

Task	Revised Timescale
6 week consultation on Issues and Options and call for sites process at same time	Complete
Review Issues and Options stage and prepare responses to representations/preferred options stage	Responses completed. Preferred Options document to be drafted. Anticipated October/November
6 weeks consultation on Preferred Options	Dec-Feb 2017
Review preferred options consultation stage and prepare responses to representations/publication stage Prepare - Soundness Self-Assessment, Statement of Consultation, Statement of Community Involvement, Sustainability Appraisal, Duty to Cooperate Statement, NPPF PAS Checklist, Equality Impact Assessment, Health Impact Assessment, Rural Proofing Assessment.	Feb – Apr 2017
6 week consultation on Publication DPD	May – June 2017
Review publication stage and prepare responses to representations/ prepare for submission	July – Aug 2017
Submission to SoS	Oct – Nov 2017
Pre-Hearing Meeting with Inspector (8 weeks after submission, 6 weeks before examination)	December 2017
Examination	January/Feb 2018
Inspector's Report	March 2018
Adoption of DPD	April 2018



Report of	Meeting	Date
Director of Development, Preston City Council	Central Lancashire Strategic Planning Joint Advisory Committee	29 September 2016

REVIEW OF THE COMMUNITY INFRASTRUCTURE LEVY

PURPOSE OF REPORT

1. To update members of the Joint Advisory Committee on the government's review of the Community Infrastructure Levy.

RECOMMENDATION(S)

2. The Joint Advisory Committee is recommended to note the current position with regard to the timing of a review of the Community Infrastructure Levy.

EXECUTIVE SUMMARY OF REPORT

3. This report provides an update to the report to the Joint Advisory Committee presented in July 2015.

REASONS FOR RECOMMENDATION(S)

4. For Members of the JAC to be aware of the current position.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. N/A. The local planning authorities will have to comply with legislation.

BACKGROUND

9. This note provides an update in relation to the review of CIL that was reported to the Joint Advisory Committee in July 2015. Since that report, which focused on the implications of policy changes in relation to the Code for Sustainable Homes, and recommended members to note that there was no immediate need to carry out a review, the government has

commissioned its own review of the Community Infrastructure Levy and a decision on that is expected to be imminent.

10. The Community Infrastructure Levy for the three Central Lancashire authorities was adopted at various dates in July and August 2013 following an examination held in April 2013. The levy came into effect on 1st September 2013 in Chorley and South Ribble and on 30th September 2013 in Preston.
11. The National Planning Practice Guidance indicates that charging authorities must keep their charging schedules under review and should ensure that levy charges remain appropriate over time. For example charging schedules should take account of changes in market conditions, and remain relevant to the funding gap for the infrastructure needed to support the development of the area.
12. The guidance goes on to say that when reviewing their charging schedule, charging authorities should take account of the impact of revised levy rates on approved phased developments, as well as future planned development.
13. Charging authorities may revise their charging schedule in whole or in part. Any revisions must follow the same processes as the preparation, examination, approval and publication of a charging schedule (as specified under the Planning Act 2008, particularly sections 211-214 as amended by the Localism Act 2011, and the levy Regulations).
14. Government does not prescribe when reviews should take place. However, in addition to taking account of market conditions and infrastructure needs, the guidance advises that charging authorities should also consider linking a review of their charging schedule to any substantive review of the evidence base for the relevant Local Plan. The Government suggests that even if the original charging schedule was not examined together with the relevant Plan, there may be advantages in coordinating the review of both.

CORE STRATEGY POLICY 27

15. The principle issue driving consideration of a review in 2015 was the alleged increase in costs of development that would arise from full implementation of the Code for Sustainable Homes as set out in Policy 27 of the Central Lancashire Core Strategy.
16. The issue of increasing costs arising from these increasing levels in housing was an issue before the Inspector who conducted the examination of the CIL charges in April 2013 and was also the subject of the Judicial Review brought by Fox Strategic Land and Property Limited, part of the Gladman group of companies.
17. From his report it was clear the Inspector's expectation was that a review of CIL would be carried out to reflect the increasing costs to development arising from the introduction of Code level 6 from January 2016, and that review would be carried out in 2015.
18. Following the adoption of the CIL charging schedule by the three authorities Fox Strategic Land and Property Limited sought and was granted permission to pursue a judicial review of the CIL charge for residential use on a number of grounds, the relevant one in this case being:

'Whether it was unlawful to adopt the charging schedule for dwelling-houses without allowing for the potential effects of a requirement in development plan policy, due to come into effect in January 2016, that new housing must meet Level 6 of the Code for Sustainable Homes (ground 4).'

19. The hearing was held on 10th March 2014 and the judge, Lindblom J., issued his judgment on 17th April 2014 dismissing the claim on all grounds.

POLICY CHANGES

20. While the need for a review of the CIL charge has been cast in terms of an assumption that Code Level 6 will come into effect in January 2016, Government Policy in relation to the Code for Sustainable Homes has itself changed. Local Planning Authorities with policies in place in adopted plans can continue to seek energy efficiency levels equivalent to Code for Sustainable Homes level 4 until such time as building regulations are amended to require an equivalent level, at which point S1 of the Planning and Energy Act 2008, which is the statutory basis for CS Policy 27, will be amended to no longer apply to dwelling houses.
21. What this means for a review of CIL is that any review is going to have to be carried out in the context of a requirement on site for energy efficiency levels equivalent to Code level 4 of the Code for Sustainable Homes. Clearly the situation has changed since the point was raised in the CIL examination and at the judicial review. Developers are providing equivalent to code level 4 energy efficiency measures and contributing the CIL charge so the implication is that development is viable at this level of energy efficiency and the current CIL charge.

GOVERNMENT REVIEW OF CIL

22. The government commissioned a review of CIL, which was carried out by an independent panel between November 2015 and March 2016. The panel was chaired by Liz Peace, formerly chair of the British Property Federation. The other members of the panel were:
- Andrew Whitaker (Home Builders Federation),
 - Gilian MacInnes (Planning Advisory Service),
 - Tom Dobson (Quod Planning),
 - Steve Dennington (LB Croydon)
 - Michael Gallimore (Hogan Lovells)
 - Councillor John Fuller, Leader of South Norfolk District Council.
23. The panel reported to government in June 2016 and the government's response is now expected to be imminent. On the 12th September Nathaniel Lichfield & Partners, planning consultants published a list of possible amendments to the CIL regime. Whilst this is speculative it is consistent with information from other sources suggesting that most, if not all of the changes, will find their way into the amended scheme.
24. Those changes are:
- Simplified Regulations and National Planning Practice Guidance to accompany them
 - The removal of the Regulation 123 infrastructure list and section 106 pooling restrictions i.e. councils would be able to negotiate with applicants and communities where receipts will be spent
 - Strategic sites would not be liable to CIL, or if they were to be, the liability would be a low rate per sq. m.

- CIL (possibly to be renamed?) would be a charge on all development
- There would be no ‘other’ charges (via section 106) for small and medium sites but major developments would be liable to CIL and section 106 payments
- Ideally, there would be a clear integration of CIL and section 106 with a review of the local plan-making process (pursuant to the Local Plans Expert Group’s work)
- There would be scope for charging authorities to borrow against forecast CIL receipts
- There would be a prescribed method of CIL calculation, with any ‘indexing’ potentially linked to the Retail Price Index or any other freely available, reputable Index
- Greater recognition of combined governance and how this could assist in funding large scale infrastructure projects (such as the Mayoral CIL is doing for Crossrail)

25. Some of these have potentially significant implications for the Central Lancashire authorities and for the City Deal arrangements. In particular the abolition or reduction of CIL charges on strategic sites may affect the North West Preston Strategic Location although it is not clear at present how widely the net would be cast in terms of defining a strategic site. In fairness, the question of whether there is a need to set lower levels of CIL in large strategic sites, to reflect the site specific infrastructure costs applicable and lower land values arising from releasing a large site at once, is something that has always been an issue to take into account in assessing viability and CIL charges. The counter argument at North West Preston has always been that it is not one site but a number of sites in the same broad location and this has been reflected in landowners’ expectations of land values, which have remained high.
26. Other implications may be more positive, particularly the removal of pooling of S106 contributions, a CIL charge on all development and indexing against a readily and publicly available index such as RPI rather than BCIS as at present. It is expected that all these changes will require changes to legislation: NLP comment *“We can rest assured that the Panel’s recommendations are highly likely to lead to still more legislative changes (and possibly, more wide-reaching reform), when the review report is launched this autumn”*.
27. Given that the government’s response now appears to be imminent and may be in the next month or two, it may be worthwhile holding back on any local CIL review until it is clearer what we might be required to do as part of that review.

Report Author	Ext	Date	Doc ID
Mike Molyneux	01772 906703	September 2016	***