



Rushcliffe
Borough Council

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Direct dial 0115 914 8511
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Our reference:
Your reference:
Date: 3 October 2016

To all Members of the Council

Dear Councillor

A meeting of the CABINET will be held on Tuesday 11 October 2016 at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely

Deputy Monitoring Officer

AGENDA

1. Apologies for absence.
2. Declarations of Interest.
3. Minutes of the Meeting held on Tuesday 13 September 2016 (pages 3 – 5).

Key Decisions

None

Matters referred from Scrutiny

4. Review of the Constitution 2016
The report of the Monitoring Officer is attached (pages 6 – 9).

Non Key Decisions

5. Community Infrastructure Levy
The report of the Executive Manager – Communities is attached (pages 10 – 22).

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6. Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

It is RESOLVED that the public be excluded from the meeting for consideration of the following item of business pursuant to Regulation 4 (2) of the above Regulations on the grounds that it is likely that exempt information may be disclosed as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

7. Scotland Bank Land Transactions (Confidential Item)

The report of the Executive Manager – Transformation and Operations is attached (pages 23 – 32).

Budget and Policy Framework Items

None

Membership

Chairman: Councillor J N Clarke

Vice-Chairman: Councillor S J Robinson

Councillors: R L Butler, J E Cottee, D J Mason, R G Upton

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble in the Nottingham Forest car park adjacent to the main gates.

Toilets: are located opposite Committee Room 2.

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**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY 13 SEPTEMBER 2016**

Held At 7.00pm in the Council Chamber, Civic Centre, Pavilion Road, West
Bridgford

PRESENT:

Councillors J N Clarke (Chairman), R L Butler, J E Cottee, S J Robinson and
R G Upton

ALSO IN ATTENDANCE:

Councillors S J Hull, R M Jones and A MacInnes.

OFFICERS PRESENT:

A Graham	Chief Executive
P Horsfield	Monitoring Officer
P Linfield	Executive Manager – Finance and Corporate Services
A Poole	Constitutional Services Team Leader

APOLOGIES FOR ABSENCE:

Councillors D J Mason

13. Declarations of Interest

There were none declared.

14. Minutes

The minutes of the meeting held on Tuesday 12 July 2016 were approved as a
correct record and signed by the Chairman.

15. Revenue and Capital Budget Monitoring 2016/17 – Quarter 1 Update

Councillor Robinson presented a report on the financial position at the end of
quarter 1. He explained that as this was the first quarter of the year, it was too
early to predict trends and patterns for the year.

Regarding Revenue, Members were informed that this showed an underspend
against profiled budget to date of £199,000 and a projected efficiency saving
for the year of £227,000. He explained that there were a number of
movements against the budget, with some positive variances which included
employee cost savings; increased income from investment properties; the lack
of current calls made on the contingency budget; and additional green waste
income. There were several negative variances, the main one being in
relation to a fall in expected planning income, particularly due to a reduction in
solar farm applications. Councillor Robinson highlighted that this would need
to be monitored to ensure that this did not continue.

With regard to Capital expenditure, Councillor Robinson explained that, for the major capital projects being undertaken, timing remained a significant issue. He expected that expenditure against the redevelopment of Rushcliffe Arena and Bridgford Hall, and the loan to Nottinghamshire County Cricket Club, would move forward over the next quarter, although it was currently showing an underspend of £3.538m.

The Executive Manager – Finance and Corporate Services explained that the underspend of £659,000 against the housing provider was to support the provision of social housing in the future potentially through a property development company.

Councillor Robinson summarised that this was an excellent financial start for the first quarter of the year and recognised the excellent work of the Executive Manager – Finance and Corporate Services and his team for their management of the Council's finances.

Councillor Clarke supported the comments made and added that the financial variances detailed should balance out over the year.

RESOLVED that Cabinet note the projected revenue and capital budget positions for the year of £227k and £3,538k, respectively, in efficiency savings.

16. **Statement of Community Involvement for Planning Policy and Planning Applications**

Councillor Butler presented a report on the community consultation undertaken to revise the Statement of Community Involvement for Planning Policy and Planning Applications. He explained that this was last completed in 2007 and that it was timely to update the document. Members were informed that eight comments/representations had been received from different organisations in response to the consultation and that this had resulted in the now revised Statement of Planning Policy and Planning Applications.

Councillor Cottee explained that Keyworth Parish Council were concerned that they had been unable to comment as part of the consultation due to timing. Councillor Cottee had spoken with the Development Control Manager to allay fears that they had been ignored and had reassured Keyworth Parish Council that they were involved and would be consulted at the planning stage.

Councillor Butler reassured Members that parish councils were and would continue to be consulted throughout the process and that the Borough Council's consultation methods exceeded the requirements set out in the regulations.

Councillor Clarke recognised that the Statement of Planning Policy and Planning Applications was a lengthy document, but that it was worthwhile and necessary to ensure a proper consultation process was undertaken.

RESOLVED that Cabinet adopts the revised draft Statement of Community Involvement for Planning Policy and Planning Applications.

17. **Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

RESOLVED that the public be excluded from the meeting for consideration of the following item of business pursuant to Regulation 4 (2) of the above Regulations on the grounds that it was likely that exempt information may be disclosed as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

18. **Potential relocation sites for Rushcliffe Depot**

Cabinet considered the report of the Chief Executive in respect of potential relocation sites for Rushcliffe Depot.

RESOLVED that Cabinet agreed to further work to enable the Authority to consider the relocation of the Rushcliffe Depot.

The meeting closed at 7.15pm.

CHAIRMAN

Report of the Monitoring Officer

Cabinet Portfolio Holder Councillor D Mason

1. Summary

- 1.1 The Monitoring Officer and Corporate Governance Group are responsible for ensuring that the Constitution is maintained. There have been significant legislative changes that have been accounted for in the revisions that are attached. In addition changes have been incorporated in order to clarify responsibilities for functions and ensure that the wording reflects the structure of the Council. The scope of the review is limited to these elements only.
- 1.2 The Corporate Governance Group at its meeting on 28 July and 8 September 2016 the document. The Group's observations and proposed changes have been incorporated into the version that Cabinet is asked to consider. The Group has also requested that a further report be produced to enable it to consider whether further changes should be made and the approach taken to this.
- 1.3 It is anticipated, subject to Cabinet's approval on 11 October 2016, that the final version will be submitted for approval to Full Council on 8 December 2016.

2. Recommendations

- 2.1 That the Constitution as amended be APPROVED and RECOMMENDED to Council for consideration.

3. Review of the Constitution

- 3.1 A light touch review of the Constitution has taken place in order to ensure its provisions are in line with both legislation and the structure of the Authority.
- 3.2 Changes that have been necessary include provisions to bring the Constitution in to line with the changes brought about through The Localism Act 2011 that removed the Statutory Petition Scheme that had previously been introduced by the Local Democracy, Economic Development and Construction Act 2009. The Constitution has been amended in order to reflect this change in law.

4. Reasons for the Recommendation

- 4.1 To comply with relevant legislation and ensure that the Constitution reflects both the law as it stands presently and the structure of the Authority.

5. Implications

5.1. Finance

The Constitution and in particular the finance regulations underpin the good financial governance of the Authority. There are no direct financial implications arising from the report.

5.2. Legal

The Constitution underpins and provides authority for the governance arrangements of the Council and it is essential that it is maintained so as to provide this framework.

5.3. Corporate Priorities

The Constitution enables delivery of the Corporate Priorities.

5.4. Other Implications

None.

For more information contact:	Phillip Horsfield Monitoring Officer 0115 314 8332 phorsfield@rushcliffe.gov.uk Nigel Carter Deputy Monitoring Officer 0115 914 8340 ncarter@rushcliffe.gov.uk
Background papers available for Inspection:	
List of appendices (if any):	Appendix A – Table of proposed original significant amendments

APPENDIX A

Section	Reference	Description of proposed change
Part 1 – Summary and explanation	How the Council operates	Factual amendment to reflect change in number of Councillors.
Part 2 – Articles of the Constitution	Article 1	No change
	Article 2 Members of the Council	Proposed minor amendments to reflect current Council structure and practices. Para 2.3 Insert – represents their communities and bring their values into the Council's decision-making process, i.e. become advocates of and for their communities Page 8 – Knowledge – delete - basic understanding of local government finances and audit processes
	Article 3 Citizens and the Council	Proposed minor amendments to reflect current Council structure and practices. (b) Citizens have a right to: Insert – (v) register and vote; and (vi) respond to consultations.
	Article 4 The Full Council	Proposed minor amendments to reflect current Council structure.
	Article 5 Chairing the Council	No change
	Article 6 Scrutiny Committees	No change
	Article 7 Cabinet	Proposed minor amendments to reflect current Council structure and revised remit of Cabinet portfolio holders.
	Article 8 Regulatory and other Committees and Member Groups	Proposed minor amendments to reflect current Council structure. In addition the remit of the Employment Appeals Committee has been amended to include absence and the Local Development Framework Group remit has been updated.
	Article 9 The Standards Committee	9.1 – Insert – and associated legislation.
	Article 10	No change
	Article 11 Joint Arrangements	Procedure for appointments to Joint Committees clarified. Insert 11.3 - Appointments to joint committees will be made by: <ul style="list-style-type: none"> • The Council, where all the functions of the joint committee are the responsibility of the Council • The Council with the agreement of the Cabinet, where some of the functions of the joint committee are the responsibility of the Council and some are the responsibility of the Cabinet • The Cabinet, where all of the functions of the joint committee are the responsibility of the Cabinet.
	Article 12 Officers	Proposed minor amendments to reflect current Council structure and practices.
	Article 13 Decision	Proposed minor amendments to reflect current Council structure and practices. Plus Increased clarity with regard

	Making	to Chief Executive's role in support of decision making. Insert 13.9 - Officers' role in support of decision-making The Chief Executive will have primary responsibility for ensuring that all decisions taken by the Council, the Cabinet or any other Council body are taken according to a proper process and full consideration of all relevant facts and circumstances
	Article 14 Finance, contracts and legal matters	Proposed minor amendments to reflect current Council structure and practices, including amendment to the authorisation of the official seal for contracts.
	Article 15	No change
	Article 16	No change
Part 3 – Responsibility and Functions	Throughout Part 3	Proposed minor amendments to reflect current Council structure and practices.
Part 4 – Rules of Procedure	10.6 – 10.14 21.1 – 21.7	Proposed removal of the provision for a statutory petition scheme.
	Throughout Part 4	Minor amendments to reflect current Council structure and practices.
	Standing Orders relating to contracts	Proposed amendments to update and clarify procedures and requirements in relations to contracts. Some proposed increases to financial thresholds to bring into line with current prices.
	Officer Employment	Update of provisions relating to officer recruitment, employment and dismissal in accordance with scheme as agreed by Full Council June 2015.
Part 5 – Codes and Protocols	Throughout Part 5	Minor amendments to reflect current Council structure and practices.
	RBC's Petition Scheme	Amendments to reflect removal of a national petition scheme.
	Corporate Information Security Access Policies	Proposed strengthening of corporate information security access policies to reflect current legislative and best practice requirements.
Part 6 – Members Allowances Scheme		Updated to reflect legislative changes and approved recommendations of the independent review panel and reaffirmed by Full Council March 2015.

Report of the Executive Manager – Communities

Cabinet Portfolio Holder Councillor R L Butler

1. Summary

- 1.1. The purpose of the report is to outline background work undertaken on the Community Infrastructure Levy (CIL), the findings of the CIL viability study, the reasons for and against introducing CIL and the proposed way forward.
- 1.2. Cabinet is requested to consider the contents of the report, the principle of establishing a CIL in Rushcliffe and the way forward in relation to preparation of CIL.

2. Recommendation

It is RECOMMENDED that Cabinet support the principle of establishing a Community Infrastructure Levy and support the proposed timetable for its preparation, examination and adoption.

3. Reasons for Recommendation

- 3.1. To ensure that the impacts of development are mitigated as far as possible through improvements to infrastructure across the Borough.

4. Supporting Evidence

- 4.1. In 2010 the Government introduced legislation to enable local authorities to introduce a Community Infrastructure Levy (CIL) as part of funding new infrastructure required to support growth. CIL would be applied as a standard pre-set charge to almost all new developments that involves new buildings or extensions of 100 square metres or more of gross internal floor space or that involves the creation of an additional dwelling even when that is below the 100 square metre threshold.
- 4.2. CIL is intended to sit alongside S106 agreements in order to fund new infrastructure to support development. The two would operate together, on the basis that, generally, S106 agreements would be used to secure new infrastructure that is required to support individual development schemes (particularly on-site facilities) and CIL would be used to fund new infrastructure that is required to support a number of developments. There are now restrictions in force that limit the ability of councils to 'pool' those financial contributions secured through S106 agreements, which means, therefore, that use of CIL is the only option if there is a need or desire to

combine infrastructure funding from multiple developments. It should be noted that S106 agreements would still be used to secure affordable housing where appropriate.

- 4.3. CIL is a charge levied on new buildings and extensions to buildings according to their floor area. The rate is based upon a charging schedule set by the local authority. The charging schedule is set only after a formal process, concluding in an Examination in Public. In setting and revising a charging schedule, it requires that local authorities monitor sales values, build costs and developer activity in order that CIL is set at a level that does not adversely affect the viability of development. The local authority cannot set a level of CIL that is so high it makes development unviable – i.e. prevents development from taking place. The final CIL charge is based on a simple formula linking the size of the charge to the floorspace, type and location of development.
- 4.4. Finance raised from development is to help fund strategic and local infrastructure, such as local highways improvements, schools, leisure facilities and other community facilities. If CIL is introduced these pieces of infrastructure are required to be listed on what is called a S123 list which is produced alongside the levy. The purpose of the list is to ensure that there is clarity on the types of infrastructure that the levy will contribute towards paying for and which infrastructure items will continue to be paid for by S106 contributions.

Apportioning CIL Funds

- 4.5. While the majority of funding collected through CIL would be used to pay for those infrastructure items specified on the S123 list, a maximum of 5% of CIL receipts can be used to contribute towards administration costs. In addition, 15% of the CIL funds collected in an area must be given to the relevant town/parish council, and where a neighbourhood plan has been adopted this rises to 25%. Town and parish councils can spend their receipts on the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area. Where a town or parish council does not exist, for example in West Bridgford, a minimum 15% of the CIL receipt (or 25% if a neighbourhood plan is in place) would also have to be spent in the same way in the area where the development takes place. The Borough Council would collect and hold the receipt and determine the mechanism for its expenditure in such areas.

The national picture

- 4.6. At May 2016 some 62% of local planning authorities nationally have either adopted a CIL or have progressed CIL preparation to at least the first formal consultation stage. In Nottinghamshire, three local authorities (Bassetlaw, Gedling and Newark and Sherwood) have an adopted CIL in place, with Newark being amongst the first in the country to do so.

CIL Viability Study

- 4.7. In 2015, Rushcliffe Borough Council, Broxtowe Borough Council and Nottingham City Council together commissioned independent consultants to examine both plan wide viability for the second parts of their respective Local Plans and the viability of introducing CIL across their respective authorities. In order to report on the viability of CIL, interim reports were produced by the Consultants for each of the three authorities. The reports assessed the potential for generating CIL revenue for different types and sizes of development in different areas, taking into account known viability issues and changing market conditions.
- 4.8. The interim report for Rushcliffe concluded the following:
- Viability testing concludes that CIL charging is viable for most residential and retail development.
 - CIL charging is not viable for all other types of development (eg employment), therefore no charge should be levied.
 - In respect of residential development, the interim report recommends that with the exception of flats (which should be zero rated), the charging of CIL is viable across the whole of the Borough with differential rates applying across a low, medium and high charging zone. A charge in the range of £35-£50 per m² could apply within the former Bingham West and Cotgrave wards, £75-£80 per m² within the former Abbey, Bingham East, Cranmer, Gotham, Keyworth South, Leake, Lutterell, Manvers, Tollerton and Wiverton Wards and £100-£120 per m² elsewhere in the Borough. These potential changing zones for residential development are shown at **Appendix 1**.
- 4.9. If CIL were implemented in Rushcliffe, the following picture and potential income levels are likely to unfold:
- CIL could only be collected on sites which are granted a new planning permission once CIL has been adopted. There is significant residential growth planned for Rushcliffe Borough up to the year 2028 (the end of the Local Plan period). Much of this development should take place on sites already having secured planning permission, with a signed, or soon to be agreed S106 Agreement in place. However there is still a significant proportion of proposed development yet to be allocated or receive planning permission which could be captured by CIL. CIL would also continue to apply to all development beyond 2028.
 - Based upon a series of assumptions, including that CIL will be in place by 2018, it has been estimated that the Council is likely to grant planning permission for around 5,500 dwellings in the period 2018-2028 in order to achieve the Core Strategy's target of 13,150 dwellings between 2011-2028. This estimate assumes planning permission would be granted south of Clifton prior to CIL being in place but that the strategic allocation East of Gamston/North of Tollerton would be granted planning permission post CIL implementation.
 - In the case of the East of Gamston/North of Tollerton, however, it may be decided that this strategic site should have a zero (£0) CIL rate and, instead, that all associated infrastructure funding should be secured

solely through S106 as the vast majority of infrastructure is site specific and is unlikely to fall foul of pooling restrictions.

- CIL cannot be charged on affordable dwellings, developments undertaken by charities nor self-build dwellings (nationally) and the consultants who undertook the viability study consider that it is not viable to levy CIL on flats.
- It is difficult to estimate the financial receipts that the Borough Council would receive in the early years after CIL is adopted. This is because the number of dwellings to be allocated through Local Plan Part 2 has yet to be finalised, and there is often a time lag of 1-3 years between development receiving planning permission and it being built.
- Once the levy is in place and has had time to bed in, it is anticipated that a realistic assumption of around £940,000 per annum on average could be earned through the collection of CIL. This estimate is based on past delivery rates on non-allocated sites, and the discounting of affordable housing, flats and self-build dwellings. In addition, it is likely that the amount of money raised per annum will be higher than this amount through the allocation of further land for development through Local Plan Part 2.

Strengths and weaknesses of introducing a CIL in Rushcliffe

- 4.10. The Council is empowered, but not required to introduce a CIL to be charged on new developments in the Borough. However, policy 19 of the adopted Rushcliffe Core Strategy gives a commitment to introducing a CIL at some point. An analysis is provided below which reflects, in brief, on the strengths and weaknesses of introducing CIL.

Table 1: Potential strengths and weaknesses of introducing a CIL

Potential strengths	Potential weaknesses
<ul style="list-style-type: none"> • CIL charges can be reviewed and updated on a periodic basis (subject to Examination). • S123 list can be amended should new infrastructure requirements or priorities arise that will support the delivery of new development. • Funds due at commencement of development for smaller schemes, and at set trigger points for larger developments. • CIL allows contributions to be pooled and invested across the Borough, whereas legal restrictions make it extremely difficult to pool towards infrastructure S106 contributions from 5 or more developments. 	<ul style="list-style-type: none"> • Percentage of receipts shared between the Borough Council and town/ parish councils, (although this is also identified as an opportunity). • CIL 123 infrastructure list cannot be changed without consultation. • Involved and expensive process to go through every time the charge is reset, however it is not envisaged that the charging schedule is revised unless there is significant new evidence to suggest CIL rates should be dramatically altered. • Work on a S106 would not be wholly replaced by CIL. There would still be a requirement for

Potential strengths	Potential weaknesses
<ul style="list-style-type: none"> • Provides a degree of clarity/ certainty for all parties in setting out approach to CIL and what particular infrastructure items are to be funded. • Potential to speed up application process as potentially less matters to negotiate through S106 process. • Communities, through town/ parish councils have direct benefit from development contributions of up to 25% which the town or parish council can spend locally. Not progressing CIL could be viewed as depriving town/parish councils of potential funds to mitigate against the impact of development in the way that they see fit. • No time limitations for spending receipts. S106 normally have time limits within them. • Levy would apply to all residential developments (with some exceptions, including affordable housing and self or custom build developments) and retail developments over a certain size. Current S106 obligations only apply to developments of 25 or over. Developments less than 25 dwellings still provide a significant contribution towards the Borough Councils housing land supply, but do not provide contributions towards improvements to infrastructure to mitigate the impacts of development (such as school improvements). • Levy receipts can be used as justification to lever in match-funding for infrastructure projects if they are on the S123 	<p>S106 negotiations on the larger sites for items not included in the CIL S123 infrastructure list.</p> <ul style="list-style-type: none"> • Adopting CIL may require some extra work in relation to S106, in order to ensure that there the development is not charged twice for the same piece of infrastructure. • New monitoring and collection arrangements will have to be put in place if CIL is adopted. • A panel on behalf of the Government is reviewing the effectiveness of CIL and its report, due out shortly, could lead to the Government further revising how CIL is put into place or operated.

Potential strengths	Potential weaknesses
<p>infrastructure list, potentially strengthening the Council's position when bidding for infrastructure funding. An example locally of where this is happening is the Gedling Access Road.</p> <ul style="list-style-type: none"> • 5% of receipts can be used to cover admin costs, including preparation costs, monitoring and collection costs. Potential that costs are recovered once bedded in. Experiences at Newark and Sherwood indicate that their costs are covered now that CIL has been in place for a number of years. • RBC could allocate all funds collected in West Bridgford Governance arrangements for this funding could include Member involvement in prioritising projects that this funding could be spent upon. • Land/items could be given in kind in lieu of CIL • Can still secure site specific requirements through S106, although funding for particular infrastructure items should not be secured twice by both CIL and S106. 	

4.11. To expand further on a couple of the highlighted potential strengths and weaknesses identified above. Firstly, there is potential merit in applying a charge to all new residential development, rather than just developments of 25 and over. This is because all new residential development has an impact on infrastructure and services (such as schools, health facilities), but under present S106 arrangements, contributions are not made to mitigate this impact. A significant proportion of new development across Rushcliffe is on sites of 24 or under. There is a view that CIL may penalise small developers, however viability evidence builds in a large 'viability buffer' to account for this. In addition self-build developments can apply for exemption from CIL, therefore such a charge will not fall upon such projects.

- 4.12. Secondly, the proportion of CIL that a parish council receives can be spent upon infrastructure projects that they consider are a priority in the local area, and will receive a higher proportion of CIL receipts where there is a neighbourhood plan in place. To draw on an example, it is proposed that at Keyworth sites are allocated for a minimum of 450 additional homes. Taking the assumption that 60% of new development is liable for CIL, the total receipt to the parish council to spend upon local infrastructure projects could be around £531,500, although this would take a number of years to materialise. This sum is calculated on the basis of 25% of £75 (per potential charge per square metre) multiplied by 90 (average house size in square metres) multiplied by 315 (number of dwellings liable for CIL).
- 4.13. Thirdly, in respect of the legal restrictions that prohibit the ‘pooling’ of financial contributions from five or more developments, the more planning permissions that are granted across the Borough the more risk there is of complications arising from pooling restrictions. For example, in respect of schools and health, in order to avoid pooling restrictions, S106 agreements have been tied to a particular school or particular health centre rather than seeking a more generic contribution towards education or health services more widely. However as pooling restrictions apply to any development granted planning permission since 2010, even this avenue may reach its limits at some point in time. In particular at East Leake, pooling limits have been reached in respect of particular schools and the health centre. This increases the risk of not securing further contributions for improvements to these facilities should further planning applications be received in East Leake.

Section 123 infrastructure list

- 4.14. The S123 infrastructure list ideally should be based upon the infrastructure evidence underpinning an up-to-date Local Plan. In the case of Rushcliffe, an Infrastructure Delivery Plan was produced in support of the proposed development contained within the Rushcliffe Core Strategy, and it is intended that this evidence will be refreshed in parallel with the production of Local Plan Part 2 and the introduction of CIL. The following table offers an initial view of what infrastructure would be funded by CIL and what requirements would be sought through existing mechanisms.

Table 2: Initial view on which mechanisms will be used to secure infrastructure post CIL adoption

Which mechanism:	To secure which Infrastructure:
Community Infrastructure Levy (CIL)	<ul style="list-style-type: none"> • Off-site Sport and Leisure contributions • Local Transport Plan schemes • Health • Education • Waste Management • Library contributions • Infrastructure identified by Parish Council
S106 and/or planning conditions	<ul style="list-style-type: none"> • On-site transport and highway works • Site specific travel plans • Local training in construction • Affordable Housing

Which mechanism:	To secure which Infrastructure:
	<ul style="list-style-type: none"> • Archaeology • Flood Risk Management • On-site SuDs • Other site specific measures to mitigate against impacts of development
S278 Highways Agreements	<ul style="list-style-type: none"> • Strategic Highways improvements identified as part of the A52 developer contribution strategy. • Other off-site highways improvements.
Mechanism still to be determined, in consultation with infrastructure providers and site promoters	<ul style="list-style-type: none"> • Approach to strategic sites in the Core Strategy that remain undeveloped (policies 20-25) – whether to exclude them from CIL liability (set a £0 CIL rate) and secure all infrastructure contributions through S106 • Community Facilities • Off-site parks and open space improvements • Public transport improvements • Biodiversity contributions

Local Development Framework Group

4.15. The Local Development Framework Group, at its meeting on 18 July 2016, considered the principle of establishing a Community Infrastructure Levy for Rushcliffe. In its consideration, the Group raised several questions and issues in relation to the Local Development Framework Group which were answered by officers at the time. The main queries and answers were:

- a) **Timescales:** One query raised was the length of time that it would take to complete the process of introducing the CIL and whether it was too long (around 18-24 months). It was explained that although the Council had learnt from the experiences of other authorities, the process was governed by set consultation periods and, as a local example, it had taken Gedling Borough Council four years to complete.
- b) **Governance of CIL receipts:** Another query related to the governance of parish council receipts from CIL and what happens to the West Bridgford proportion of CIL for more localised infrastructure provision (which is funded by at least 15% of CIL receipts). It was explained that in respect of parish councils, the Borough Council would act as “banker” and would release funds to the parish councils for relevant infrastructure projects. These could incorporate priority items which had been identified in Neighbourhood Plans or other infrastructure requirements to support growth. The parish councils would be accountable to demonstrate that funding was spent on infrastructure to support growth and would be required to produce an annual statement showing how the CIL funds were spent. In the case of West Bridgford, the Borough Council would be responsible for the percentage of funds that would be

allocated to more localised infrastructure provision, with governance arrangements to be decided further along in the process.

As a supplementary, some members expressed concern that Borough Councillors could be excluded from the process in areas where they were not also parish councillors. Officers explained that the Borough Council would still have direct control over how 75% of the Levy was spent.

- c) **Charging zone boundaries:** The Group expressed concern that the charging zones were based on the pre 2015 ward boundaries and that the data needed to be correct before being placed in the public domain. It was explained that the initial work on the CIL had commenced prior to the boundary changes and was based on the data available. The issue would be investigated prior to the second stage of consultation following an update of infrastructure evidence and refresh of viability assessments.

Members queried the methodology behind the charging zone allocated to each ward and in particular the difference between Bingham East and Bingham West. Officers confirmed that the allocation of zone was based on the outcome of the study undertaken by independent consultants and took into account viability issues and market conditions.

- 4.16. Following discussion at the meeting, the Group have recommended to Cabinet that they support the principle of establishing a Community Infrastructure Levy and the proposed timetable for its preparation, examination and adoption.

Timetable:

- 4.17. Based upon other examples, it is anticipated that if preparation of CIL commences then its production and introduction will take approximately 18 months to complete from the date of this report. The anticipated timetable for production and adoption is as follows:
- Evidence gathering and preparation to January 2017 (update of infrastructure evidence and refresh of viability assessments).
 - Consultation on preliminary draft charging schedule, make available initial draft S123 list and draft approach to planning contributions February-April 2017
 - Draft Charging Schedule consultation June-July 2017
 - Submission for independent examination October 2017
 - Independent Examination December 2017
 - Examiners report February 2018
 - Adoption March 2018

Conclusion

- 4.18. Whilst there are some risks to introducing CIL, it is considered that as the viability evidence indicates that CIL is viable within Rushcliffe, and the potential strengths of CIL outweigh the weaknesses, on balance, the introduction of a Community Infrastructure Levy is appropriate for Rushcliffe.

5. **Other Options Considered**

- 5.1. Cabinet could choose not to commence with the production of a Community Infrastructure Levy. It is considered that this option is not appropriate considering the risks associated with not introducing a Community Infrastructure Levy as outlined in section 6 of this report.

6. **Risk and Uncertainties**

- 6.1. The legal restrictions that prohibit the 'pooling' of financial contributions from five or more developments means that there is a risk of a significant reduction of finance from planning applications for the provision or improvement of infrastructure across the Borough.
- 6.2. A review panel on behalf of the Government is examining the effectiveness of CIL and its report, due out shortly, could lead to the Government further revising how CIL is put into place or operated.
- 6.3. Should the Community Infrastructure Levy be introduced, the income received is dependent on the state of the housing market and will vary year on year.

7. **Implications**

7.1. **Finance**

There will be ongoing preparatory costs and running costs that are still yet to be fully quantified, together with officer time. Once CIL is implemented there will be management and administration costs. It is anticipated that, once CIL is fully generating receipts, these costs should be covered through the proportion of CIL receipts that the Borough Council is allowed to retain for such purposes.

7.2. **Legal**

None identified

7.3. **Corporate Priorities**

The introduction of CIL will help support the Corporate Strategy theme of maintaining and enhancing our residents quality of life through the provision of funding for infrastructure projects across the Borough

7.4. Other Implications

None.

For more information contact:	Richard Mapletoft Planning Policy Manager 0115 914 8457 email rmapletoft@rushcliffe.gov.uk
Background papers Available for Inspection:	None
List of appendices (if any):	Appendix 1: Potential CIL rates across the Borough

Appendix 1: Potential CIL charging zones and rates for residential development

Potential CIL charge for residential

- Zone 1: £35 to £50 per square metre
- Zone 2: £75 to £80 per square metre
- Zone 3: £100 to £120 per square metre

