



## COUNCIL – 19/11/2013

### SUBJECT: COMMUNITY INFRASTRUCTURE LEVY

### REPORT BY: ACTING CHIEF EXECUTIVE

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#### 1. PURPOSE OF REPORT

- 1.1 In accordance with Section 212 of the Planning Act 2008, this report seeks Council approval for the declaration at Appendix 1 that confirms that Caerphilly County Borough Council has complied with the appropriate statutory requirements and has used appropriate available evidence to inform the preparation of its Community Infrastructure Levy (CIL) Draft Charging Schedule

#### 2. SUMMARY

- 2.1 In order to comply with Section 212 of the Planning Act 2008 and the Community Infrastructure Regulations 2010 (as amended), the Council is required to approve the *Community Infrastructure Levy – Draft Charging Schedule : Planning Act 2008 – Section 211 and 212 Declaration* at a meeting of the authority, and by a majority of votes of members present, for submission to the Planning Inspectorate.

#### 3. LINKS TO STRATEGY

- 3.1 The CIL will directly assist in the delivery of the council's land use objectives as set out in the Caerphilly County Borough Local Development Plan (LDP). CIL will expand upon LDP policy SP7 Planning Obligations, which sets out the strategic policy basis for securing S106 Agreements where they are necessary to remove obstacles to planned development.
- 3.2 CIL will be one of the mechanisms for making direct contributions toward the provision of many of the allocations set out in the LDP. Overall CIL will be a significant tool for the delivery of the Council's aspirations in terms of infrastructure that cannot be funded through other means and for which no alternative funding mechanisms are available

#### 4. THE REPORT

- 4.1 On 8 October 2013, the Council resolved to submit the Community Infrastructure Levy (CIL) Draft Charging Schedule to the Planning Inspectorate for Examination.

- 4.2 In accordance with Section 212 of the Planning Act 2008, the draft submitted to the examiner i.e. the Planning Inspectorate must be accompanied by a declaration (approved under subsection (5) or (6)) that:
- a) the Charging Authority has complied with the requirements of Part 11 of the Planning Act and the Community Infrastructure Levy Regulations 2010 as amended by the CIL Amendment Regulations 2011, 2012 and 2013 (including the requirements to have regard to the matters listed in section 211(2) and (4) of the Planning Act 2008);
  - b) the Charging Authority has used appropriate available evidence to inform the Draft Charging Schedule;
  - c) any other matters prescribed by the CIL Regulations 2010 as amended have been dealt with
- 4.3 In order to comply with the Regulations the *Community Infrastructure Levy – Draft Charging Schedule : Planning Act 2008 – Section 211 and 212 Declaration* is attached to this report at Appendix 1. The Council are now required to approve this declaration at a meeting of the authority, and by a majority of votes of members present, to be submitted to the Planning Inspectorate.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 None

## **6. FINANCIAL IMPLICATIONS**

- 6.1 None

## **7. PERSONNEL IMPLICATIONS**

- 7.1 None

## **8. CONSULTATIONS**

- 8.1 All consultation responses are reflected in the report.

## **9. RECOMMENDATIONS**

- 9.1 To approve the *Community Infrastructure Levy – Draft Charging Schedule: Planning Act 2008 – Section 211 and 212 Declaration* for submission to the Planning Inspectorate

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 In order to comply with Part 11 of the Planning Act and the Community Infrastructure Levy Regulations 2010 as amended by the CIL Amendment Regulations 2011, 2012 and 2013 (including the requirements to have regard to the matters listed in section

211(2) and (4) of the Planning Act 2008).

## **11. STATUTORY POWER**

11.1 Part 11 of the Planning Act and the Community Infrastructure Levy Regulations 2010 as amended by the CIL Amendment Regulations 2011, 2012 and 2013 (including the requirements to have regard to the matters listed in section 211(2) and (4) of the Planning Act 2008).

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Sandra Aspinall, Acting Chief Executive  
Pauline Elliott, Head of Regeneration & Planning  
Dan Perkins, Head of Legal Services  
Gail Williams, Monitoring Officer

Background Papers:  
None

Appendices:  
Appendix 1 *Draft Charging Schedule: Planning Act 2008 – Section 211 and 212 Declaration*

## **Community Infrastructure Levy – Draft Charging Schedule:**

### **Planning Act 2008 – Section 211 and 212 Declaration**

#### **1 Introduction**

1.1 In accordance with Section 212 of the Planning Act 2008, this declaration confirms that Caerphilly County Borough Council has complied with the appropriate statutory requirements and has used appropriate available evidence to inform the preparation of its Community Infrastructure Levy (CIL) Draft Charging Schedule.

#### **2 Declaration**

2.1 Caerphilly County Borough Council declares that:

- a) the Charging Authority has complied with the requirements of Part 11 of the Planning Act and the Community Infrastructure Levy Regulations 2010 as amended by the CIL Amendment Regulations 2011, 2012 and 2013 (including the requirements to have regard to the matters listed in section 211(2) and (4) of the Planning Act 2008);
- b) the Charging Authority has used appropriate available evidence to inform the Draft Charging Schedule;
- c) any other matters prescribed by the CIL Regulations 2010 as amended have been dealt with.

2.2 This declaration was reported to a Full Meeting of Caerphilly County Borough Council that was held on the 19 November 2013.

2.3 The Council will provide a detailed Examination Statement demonstrating how the Council has complied with the appropriate Legislation and Regulations.

#### **3 Available Appropriate Evidence**

##### **Development Plan**

3.1 The Caerphilly County Borough Local Development Plan was adopted by Council on 23<sup>rd</sup> November 2010 and covers the period up to 2021. On the 8 October 2013, the Council resolved to move to the first review of the plan, however this CIL is designed to support the up to date adopted development plan. The CIL will be revised in due course in tandem with the LDP.

##### *Infrastructure Assessments*

3.4 Through the preparation and Examination of the Council's development plan a thorough understanding of infrastructure needs has been established and independently tested. This information has been brought together and updated through the preparation of the CIL

Charging Schedule. The Infrastructure Assessment Report (June 2012) sets out the infrastructure required to support the delivery of the Adopted LDP, the costs of the identified infrastructure and the funding gap.

### *Viability Assessment*

3.5 The Council has undertaken detailed viability analysis undertaken by Council Officers and the District Valuer Services. These assessments have examined the impact of a range of CIL rates on the types of development expected to come forward in the Council's area in the period up to 2021. The viability assessments have used up-to-date market information and established viability methodologies using industry standard sources of information such as the Valuation Office Agency, Land Registry and Building Cost Information Service (BCIS) and as such are considered robust evidence.

Signed:

Pauline Elliott, Head of Regeneration & Planning  
Caerphilly County Borough Council