

PLANNING COMMITTEE

6 FEBRUARY 2017

Community Infrastructure Levy (CIL) & S.106 agreements –

Planning Committee items

1.0 Background

- 1.1 Members will be aware that from 15 February 2017, the Borough Council will be introducing a CIL regime. This means that from that date, any qualifying application not determined will be subject to CIL.
- 1.2 Members will also be aware that a number of planning applications have been approved at Committee with a 4 month date for compliance with the requirement to sign a S.106 agreement, including in some cases the requirement to pay financial contributions, mainly County Council charges for educational purposes. CIL will automatically supersede these payments, and it is unlawful to 'double charge' developments. There are some planning applications where the S.106 is not due to be completed until after the 15 February, & where the S.106 agreement will not be signed in time. Technically at present these applications have a resolution to sign the S.106 for the reasons set out in the Committee Report, which could give rise to double charging.
- 1.3 It should be noted that S.106 agreements will still be required for other site specific items such as affordable housing, Public Open Space and SUDS etc., but not for items to be covered by CIL.
- 1.4 This report therefore seeks a general resolution to give delegated powers to the Executive Director to amend as necessary any previous resolution for applications affected by CIL, to bring them into line with the new CIL and S.106 regime, and to prevent any unlawful consents through double charging. Rather than bring each individually affected application back to Committee, this report seeks a general resolution to allow the Executive Director to amend the resolution to correct the anomaly caused by the introduction of the CIL regime. The S.106 requirements unaffected by the introduction of CIL, will remain as per the original Committee resolution.

2.0 Recommendation

- 2.1 That permission is granted to the Executive Director – Environment & Planning to amend previous Committee resolutions on the applications that are affected by the introduction of CIL, to reflect the fact that there cannot be double charging through the introduction of CIL.

Contact: Stuart Ashworth
Assistant Director
Telephone: 01553 616417