

24 March 2016

Dear Sir/Madam

CABINET MEETING

A meeting of the Cabinet has been arranged to take place on **TUESDAY 5 APRIL 2016** at **6.30 PM** in **THE COMMUNITY ROOM** at the **OLD MINING COLLEGE, QUEEN STREET, CHASETOWN**, to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours faithfully



Strategic Director

To: Members of the Cabinet

Councillors: Wilcox (Leader), Pritchard (Deputy Leader), Eadie, Fisher, Greatorex, Pullen, Smith and Spruce.

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1. Apologies for Absence
 2. Declarations of Interest
 3. Community Infrastructure Levy – Adoption of Charging Schedule (copy attached)
 4. Review of the Civic Function (copy attached)
 5. Acceptance of Funding to Support Locality Commissioning (copy attached)
 6. Wigginton, Hopwas & Comberford Neighbourhood Plan - Referral to Referendum (copy attached)
 7. Little Aston & Stonnall Neighbourhood Plans Final Decision Statements (copy attached)
 8. Re-procurement of Desktop Operating Software Contract (copy attached)
 9. Re-procurement of Geographic Information Software Contract (copy attached)



10. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: "That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business, which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972"

11. Re-procurement of Property and Place Related Software Applications (copy attached)
12. Letting of the Pest Control Contract (copy attached)
13. Minutes of the Meeting of the Asset Strategy Group Meeting held on 10 March 2016. (copy attached)



Community Infrastructure Levy: Adoption of Charging Schedule and supporting documentation

Councillor Ian Pritchard Cabinet Member for Economy

Date: 5TH April 2016
Agenda Item: 3
Contact Officer: Maxine Turley/Craig Jordan
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Key Decision? YES
Local Ward
Members

CABINET

1. Executive Summary

- 1.1 Planning obligations secured through developer contributions enable the delivery of sustainable development within the District. These contributions support the delivery of the key infrastructure requirements as identified within the Local Plan Strategy and in the Council's Infrastructure Delivery Plan (IDP).
- 1.2 The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6th April 2010 through the Community Infrastructure Levy Regulations 2010. The CIL Charging Schedule (CS) sets out the rate of levy the authority will charge those types of development that are eligible to contribute toward infrastructure provision. The District Council CIL submission was subject to examination in January 2016 with the Examiner's Report ([Appendix A](#)) received in February 2016.
- 1.3 Cabinet previously approved the submission of the Draft Charging Schedule (DCS) ([Appendix B](#)) to independent examination. Examination of the DCS duly took place on the 28th January 2016 with a Report ([Appendix A](#)) received from The Planning Inspectorate (PINS) on the 24th February 2016. The Report concludes that, subject to certain recommended modifications, the Draft CIL CS provides an appropriate basis for the collection of the levy in Lichfield District.
- 1.4 This report relates to the adoption of the CIL CS and the associated documentation which will enable the administration of the charge to take place.

2. Recommendations

- 2.1 That Cabinet notes the CIL Examination Report, accepts the modifications recommended by PINS as set out in [Appendix C](#) and recommends that Full Council approves and adopts the CIL CS.
- 2.2 That Cabinet recommends that Full Council approve the inclusion of definitions for dwellings and apartments within the CIL CS.
- 2.3 That Cabinet agrees and recommends to Full Council that the 13th June 2016 will be the date for commencement of charging CIL in Lichfield District.

- 2.4 That Cabinet recommend to Full Council approval and adoption of the proposed CIL Instalment Policy ([Appendix D](#)) and CIL Guidance to Discretionary Relief, Social Housing Relief, Charitable Relief and Exemption ([Appendix E](#)).
- 2.5 That Cabinet recommend that Full Council approve and adopt the Regulation 123 list ([Appendix F](#)).
- 2.6 That Cabinet recommend that Full Council approve and adopt the proposed CIL Payment In Kind Policy ([Appendix G](#)).
- 2.7 That Cabinet recommends to Full Council a change to the constitution to delegate the implementation and administration of the CIL Charging Schedule to the Strategic Director – Democratic, Development and Legal Services, Development Executive (Spatial Policy and Delivery), Development Executive (Planning and Development), Planning Development Manager and Spatial Policy and Delivery Manager.

3. Background

- 3.1 The District Council has previously expressed its commitment through a number of formal approvals to support the adoption and delivery of CIL. With this aim in mind the Draft Charging Schedule (DCS) was published for public consultation between 20th March 2015 and 1st May 2015. In setting the CIL DCS rates the District Council sought an appropriate balance between helping to fund necessary new infrastructure and the potential effect of the proposed CIL rates on the economic viability of development across its area.
- 3.2 Cabinet approval was secured in November 2015 to submit the DCS along with relevant documents for independent examination. The Examination hearing was held on the 28th January 2016, before Mr Philip Staddon an examiner appointed by the Planning Inspectorate (PINS). The subsequent Report on the Examination of the Draft CIL DCS was received on the 24th February 2016.
- 3.3 The Report concluded that, subject to 3 (three) recommended modifications, the DCS provided an appropriate basis for the collection of the CIL within Lichfield District. The recommended modifications are:
 - that the CIL rate applicable to all of the Strategic Development Allocations and the ‘North of Tamworth’ Broad Development Location as defined in the Local Plan Strategy be reduced from £55 per square metre to £14 per square metre;
 - that a clarification that residential apartments will not incur a CIL charge; and,
 - that there is an introduction of definitions for retail development types that will be subject to CIL.
- 3.4 Of the proposed modifications, the most important one and that which was the subject of debate at the examination relates to the charges to be applied to the major housing sites as identified in the Local Plan Strategy. The Examiner had to consider whether in the light of evidence before him there was a case for charging CIL in relation to Strategic Sites and if so what the level should be. Objectors to the Council’s proposals argued that applying a £55 per square metre rate would make larger sites unviable particularly taking into account other requirements such as S106. The examiner concluded that the Council was right to be seeking CIL contributions from such sites but that given the evidence a figure of £14 per sq. metre is appropriate and justified.
- 3.5 In addition to the recommended modifications the Examiner at the examination also suggested that the Council include definitions for dwellings and apartments within the CS for clarification.

- 3.7 The Draft Charging Schedule (DCS) can be viewed at [Appendix B](#) and the modified Charging Schedule (CS) can be viewed at [Appendix C](#).
- 3.8 Recommendation to adopt the modified CS will be sought from Full Council on the 19th April 2016. To enable the District Council to have in place appropriate administration procedures, and to ensure planning applicants have been able to prepare for the implementation of a CIL it is proposed that an eight week period should be put in place between adoption and the date the District will commence charging CIL. It is therefore recommended that a CIL Commencement Date of the 13th June 2016 be approved.
- 3.9 Previous reports seeking approval to take forward the DCS have been accompanied by supporting documents. The CIL Instalment Policy, CIL Guidance to Discretionary Relief, Social Housing Relief, Charitable Relief and Exemption and the Regulation 123 list are three such documents having previously appeared in draft form. Approval is sought to adopt these three documents enabling them to support the administrative process of levying CIL. It should be noted that previously circulated editions of the documents have been subject to minor amendments. In terms of the Regulation 123 list amendments are in response to comments made by the Examiner, amendments relating to the other two documents have been made to ensure they are legally compliant with current regulations and support timely triggers in regard to income generation.
- 3.10 In order to enable flexibility in delivery and also ensure timely delivery of infrastructure during the Local Plan Strategy period this report recommends the inclusion of a CIL Payment in Kind Policy. This policy will enable applicants to suggest an alternative approach to the delivery of infrastructure. Applicants accessing the Policy could deliver a required infrastructure item as an alternative to providing a cash contribution. It should be noted that the Policy includes no commitment for the District Council to accept any proposed alternative delivery option over a CIL charge.
- 3.11 A change to the constitution is required to enable the implementation and administration of the CIL Charging Schedule. There may also be a need for further changes to the constitution in regard to determining CIL liable planning applications, so this is inclusive within the Development Management officers delegated powers.

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|----------------------------|---|
| <p>Alternative Options</p> | <ol style="list-style-type: none"> 1. The recommended modifications are not accepted. Without the modifications the DCS is unable to proceed to adoption. 2. Without an adopted CIL Charging Schedule the District Council would rely solely on the existing planning obligations system (S106) to provide for infrastructure investment. Whilst S106 can assist in delivering infrastructure and mitigating against the impacts of development, it relies on a process of negotiations with developers and therefore introduces an element of uncertainty to the process. This coupled with restrictions imposed on 'pooling' of S106 planning obligations as a consequence of the CIL regulations – restricting contributions to five separate planning obligations for a single item of infrastructure means for many Authorities CIL is necessary if infrastructure is to be delivered. |
| <p>Consultation</p> | <ol style="list-style-type: none"> 1. Consultation on the DCS along with supporting evidence took place over a 6 week period between 20th March and 1st May 2015. 2. The Examination of the DCS was held in public. Interested parties who had made representations during the DCS consultation had the right to be heard during the examination. 3. At the Economic Growth, Environment and Development (Overview and Scrutiny) Committee on the 16th March 2016 a Local Plan Strategy update report was presented. The report detailed the progress to date in terms of |

CIL and included a commitment to proceed to adoption subject to modifications of the DCS.

Financial Implications

1. CIL revenue over the Local Plan Strategy period are estimated at £ 9.1m.
2. Not all infrastructure will be able to be funded via CIL. There will be a need to lever other sources of funding and attract infrastructure investment by other delivery agents over the plan period. The District Council will put in place governance to oversee how to best utilise monies levied through CIL to deliver its infrastructure priorities.
3. Up to 5% of CIL funds generated can be directed to pay for the administration of CIL including previously incurred set up and development costs.
4. The identification and acquisition of CIL management IT software is vitally important to enabling the compliant collection and administration of CIL and Section 106. It is also recognised that it would be preferable that an IT system to support CIL forms part of a system linked to Development Management and is also already supported by the Council. It is important that the package is in place for the CIL commencement date of the 13th June 2016. Detail in terms of the procurement of the IT software to support CIL is subject to a separate report to Cabinet.
5. The CIL regulations require a meaningful proportion of CIL funds collected by the Local Authority to be paid directly to those Parish Councils that have development within their area. Meaningful proportions for those with 'Made' Neighbourhood Plans is set out as 25% and 15% for those without Neighbourhood Plan in place (capped at £100 per dwelling).

Contribution to the Delivery of the Strategic Plan

1. The Local Plan Strategy including its associated infrastructure requirements and mechanisms for delivery are relevant to all of the Council's spatial ambitions identified in the Strategic Plan for Lichfield District.

Equality, Diversity and Human Rights Implications

1. Overall it is considered that the proposed charging levels of CIL should benefit the position of the District by funding different infrastructure needs that support equality of access to services/facilities.
2. There are no Human Rights Issues.

Crime & Safety Issues

1. Crime and community safety issues have been considered as an integral part of the Local Plan Strategy and as such specific infrastructure requirements have been identified via the Infrastructure Delivery Plan, some of which may be appropriate for CIL funding.

| | Risk Description | How We Manage It | Severity of Risk (RYG) |
|---|--|--|-------------------------------|
| A | Due to the 'pooling' restrictions on S106, not adopting CIL will lead to the risk of the District Council and other statutory providers being unable to deliver large infrastructure projects. | Proceeding with the Adoption of a CS to support CIL. | Red |
| B | That the recommended modifications are not accepted by Cabinet or Full Council and as such the District Council is unable to adopt the proposed CS to support CIL. | Transparent consultation compliant with CIL Regulations. Robust evidence supporting proposed rates. Examination process. Appropriate internal reporting requirements met. | Yellow |
| C | That a challenge is received during | Transparent consultation compliant | Red |

| | | | |
|---|---|--|-------|
| | the legal challenge period, (six week period following adoption). | with CIL Regulations. Robust evidence supporting proposed rates. Examination process. Legal Advice secured if such challenge is received. | |
| D | The Government are currently conducting a review of CIL as to whether it is meeting its objectives of providing a faster, fairer, more certain and transparent means of funding infrastructure through developer contributions. | Irrespective of any Government recommendations, the CIL charge is based on the viability of development and therefore the rates would remain. The Council may have to review its administration of the charge based on the recommendations of the Government review. | Green |

Background documents

[Appendix A](#) – Report on the Examination of the Draft Lichfield District Council Community Infrastructure Levy Charging Schedule.

[Appendix B](#) - Draft Charging Schedule.

[Appendix C](#) - Charging Schedule (including recommended modifications).

[Appendix D](#) - Community Infrastructure Levy Instalment Policy.

[Appendix E](#) – Community Infrastructure Levy Guidance to Discretionary Relief, Social Housing relief, Charitable Relief and Exemption.

[Appendix F](#) – Regulation 123 list.

[Appendix G](#) – Payment In Kind Policy

Relevant web links

www.lichfielddc.gov.uk/localplan



Report to Lichfield District Council

by Mr Philip Staddon BSc, Dip, MBA, MRTPI

an Examiner appointed by the Council

24 February 2016

PLANNING ACT 2008 (AS AMENDED)

SECTION 212(2)

REPORT ON THE EXAMINATION OF THE DRAFT LICHFIELD DISTRICT COUNCIL COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Charging Schedule submitted for examination on 26 November 2015

Examination hearings held on 28 January 2016

File Ref: PINS/K3415/429/6

Non-Technical Summary

This report concludes that, subject to some recommended modifications, the Lichfield District Council Draft Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area.

There are three modifications required. First, the reduction of the residential development CIL to £14 per square metres in all of the Strategic Development Allocations and the 'North of Tamworth' Broad Development Location as defined in the Local Plan Strategy. Second, a clarification that residential apartments will not incur CIL. Third, the introduction of definitions for retail development types that will be subject to CIL.

Subject to these modifications, the Council is able to demonstrate that it has sufficient evidence to support the Schedule and can show that the levy rates would be set at levels that will not put the overall development of the area, as set out in its adopted Local Plan Strategy 2008 - 2029, at risk. The proposals will secure an important funding stream for infrastructure necessary to support planned growth in the district.

Introduction

1. This report contains my assessment of Lichfield District Council's draft Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008 (as amended). It considers whether the schedule is compliant in legal terms and whether it is economically viable, as well as reasonable, realistic and consistent with national guidance set out in the National Planning Practice Guidance (PPG).
2. To comply with the relevant legislation and guidance the local charging authority has to submit a charging schedule that should set an appropriate balance between helping to fund necessary new infrastructure and the potential effect of the proposed CIL rates on the economic viability of development across its area.
3. The basis for the examination, on which Hearing sessions were held on 28 January 2016, is the Draft Charging Schedule, hereafter referred to as the 'DCS'. The DCS was published for public consultation between 20 March 2015 and 1 May 2015. The DCS proposes CIL charges for residential development and for certain types of retail development.
4. The DCS proposes two levels of CIL charge for new residential development based on geographic location. Most of the Lichfield district would fall under the 'High Value Area' charging zone where the CIL would be £55 per square metre (psm). The 'Low Value Area' charging zone comprises three limited

areas on the periphery of the district; these are broadly the areas around Fazeley (in the south of the district), Burntwood (to the west) and Armitage with Handsacre (to the north-west). The CIL would be £25 psm for residential developments in these locations.

5. The proposed retail CIL charges are not zoned and would apply across all parts of the district. The DCS proposes a £160 psm CIL charge for 'supermarket' developments; a £70 psm CIL charge for 'retail warehouse' developments and a £20 psm CIL for 'neighbourhood convenience retail.'
6. For completeness, the DCS sets out that CIL would be zero rated for 'all other development.'

Background evidence – Lichfield district, the development plan, infrastructure needs and economic viability evidence

Lichfield district

7. The district of Lichfield lies in south-east Staffordshire and has a population of just over 100,000. It is quite a diverse district with two main settlements, the historic cathedral City of Lichfield and the town of Burntwood, complemented by a network of smaller rural settlements and villages. The district has strong interdependencies and functional relationships with settlements beyond its administrative boundaries. These include the West Midlands conurbation (Birmingham and The Black Country) to its south-west, Tamworth to the south-east, Cannock and Stafford to the north-west and the East Midlands to the north-east. The south-western half of the district is washed over by the West Midlands Green Belt.

The Local Plan Strategy 2008 – 2029 (adopted February 2015)

8. Lichfield's 'Local Plan Strategy' (LPS) is a recently adopted and up to date development plan. It sets out the Council's vision and strategy for sustainable growth in the district in the period to 2029. The LPS seeks to direct growth to the most sustainable and accessible locations in line with the district's defined hierarchy of settlements. It also seeks to promote the most efficient use of land and prioritises the use of previously developed or 'brownfield' land.

New Homes

9. The LPS plans the delivery of at least 10,030 new homes over the plan period of 2008 – 2029 i.e. an average of about 478 new homes per annum. The capacity of existing urban areas and brownfield land is limited and the balance of the housing requirement is proposed to be met by a series of Strategic Development Allocations (SDAs) and a Broad Development Location (BDL), typically on greenfield urban extensions sites. The LPS defines seven SDAs and one BDL. It includes 'Concept Statements' for all of the SDAs, which set out details of the development rationale, objectives,

design principles and infrastructure requirements. There is no concept statement for the North of Tamworth BDL.

10. Following the principles of the defined settlement hierarchy, the highest proportion of new homes is proposed in the Lichfield itself, which is classed as a 'strategic centre'. Here, about 3,900 homes (38% of the requirement) are planned, split between sites within the existing urban area (46% of the Lichfield allocation) and SDAs (54% of the Lichfield allocation). There are four Lichfield SDAs; three to the south (1,350 homes combined) and one to the east (750 homes).
11. In addition to the LPS designated Lichfield SDAs, a further large scale development is being promoted to the north-east of the town (but is opposed by the Council). The promoters consider that, ultimately, an urban extension of between 2,000 – 4,000 new homes could be delivered in this location. A planning application for 750 homes and associated development, including a neighbourhood centre, has been the subject of a recent planning appeal. The Public Local Inquiry concluded on 22 January 2016 and the Secretary of State's decision is awaited.
12. The district's second tier settlement of Burntwood is classed as an 'other large centre' and is proposed to accommodate about 1,350 homes (13% of the Plan's new homes requirement). Most of these (70%) are expected to be delivered from within the Burntwood urban area, including through the redevelopment of poor quality employment sites. The balance of the new homes is planned through a SDA of approximately 375 homes (east of the Burntwood Bypass).
13. The next settlement tier identified in the Plan is that of 'neighbouring towns' where growth is planned to the urban areas of Tamworth and Rugeley through a BDL and a SDA which cross the administrative boundary. These are large strategic sites, being 'around 1,000 homes' for the North Tamworth BDL and 1,130 for the East of Rugeley SDA. These account for 10% and 11% of the planned housing requirement respectively.
14. A further SDA is proposed at Fradley, which is classified as a 'key rural settlement'. This SDA is focused on a former airfield and is expected to deliver 1,250 homes (about 12% of the district total). The balance of the housing requirement (16% of the total) is planned to be met by smaller allocations within Fradley and the other 'key rural settlements' of Fazeley, Shenstone, Armitage with Handsacre, Whittington and Alrewas.
15. The LPS seeks 'a target of up to 40%' of new dwellings to be provided as affordable homes. In Lichfield and Burntwood, the qualifying site size threshold is 0.5 hectares or 15 units. Outside these two main urban areas, the Council employs a lower site size threshold of 0.2 hectares or 5 units.

Employment

16. The LPS seeks to support employment growth, with a target of creating between 7,300 and 9,000 additional jobs in the Plan period. It also seeks to

improve the ratio of job numbers to economically active residents (which is notably lower than in surrounding areas). To assist in delivering this objective, the LPS proposes the allocation of 79.1 hectares of employment land, which includes a 12 hectare allocation in one of the south Lichfield SDA's (Cricket Lane SDA). The Council advised that about 10 hectares of employment land is expected to be defined by its Local Plan Allocations document, to ensure flexibility of provision.

Retail and town centres

17. The LPS approach to retail, leisure, office and cultural facilities follows the settlement hierarchy, with a strong focus on the two largest centres of Lichfield and Burntwood, complemented by the smaller centres in the lower tier settlements.
18. For Lichfield, the LPS identifies and supports a need for up to 36,000 square metres of new retail development, of which the majority (31,000 square metres) would be for comparison shopping. A major town centre scheme, 'Friarsgate', would deliver much of the planned new shopping. A planning application has been submitted which includes retail, a cinema, multi-storey parking, housing, a new bus station and public spaces. The LPS also proposes up to 5,000 square metres of 'bulky goods' retail warehousing outside of Lichfield town centre.
19. For Burntwood, up to 14,000 square metres of new retail space is proposed, with most (13,000 square metres) proposed for comparison retailing.

Infrastructure planning evidence

20. The LPS was supported by an Infrastructure Delivery Plan (IDP) and this has been refreshed in 2015 to support the CIL proposals. The IDP provides an up to date assessment of the district's infrastructure needs arising from the growth planned in the LPS. It assesses and analyses the needs in respect of 'physical', 'green' and 'social and community' infrastructure. The IDP also assesses projects by classifying them as either 'strategic' or 'local' infrastructure. Costs, funding sources, phasing and lead delivery organisations are included where known. The IDP is a thorough, up to date and clear analysis of the district's infrastructure needs.
21. Based on known costs or estimates, the Council's evidence assesses a total infrastructure bill for strategic infrastructure of circa £127.7 million, of which circa £119.5 million is currently unfunded. Almost half of this relates to major town centre improvements in Lichfield and Burntwood, with much of the remainder assigned to transport schemes and new schools, and a smaller allocation to strategic leisure and green infrastructure projects. Although some representors considered that the major costs (£50 million) associated with the Friarsgate scheme in Lichfield town centre should be excluded (or at least reduced), even doing so would still leave a very significant funding gap (of circa £70 million).
22. The Council estimates that, once existing commitments (schemes with

planning permission that will not attract CIL) are taken into account, its CIL proposals may generate a total revenue of £11.65 million in the remaining plan period. The majority of that sum (circa £10.84 million) is anticipated to derive from the residential development CIL charges.

23. Overall, the evidence indicates that the funding gap is substantial and that the imposition of a CIL regime is justified. CIL revenue would make a modest, but nonetheless important, contribution to reducing that gap and supporting the delivery of new infrastructure required to support growth.
24. The Council has produced a Draft Regulation 123 list that sets out the infrastructure that it intends to fund, partly or wholly, through CIL receipts. The list includes a range of strategic and integrated transport projects; school expansion schemes; sports, 'green' and environmental projects, along with health, social and community infrastructure schemes. The list includes a column that identifies where infrastructure would be dealt with by S.106 Planning agreements. For example, specified SDAs are expected to fund, through S.106 obligations, identified primary education, playing field, open space and community facilities that are directly associated with these planned major developments.
25. In my view, the Draft Regulation 123 list is relatively clear and comprehensive, although it is very much in 'draft' form, with a number of gaps and details to be added. Nonetheless, the list does provide the certainty and transparency on the destiny of CIL revenues.

Economic viability evidence – methodology and modelling assumptions

Methodology

26. The Council commissioned consultants to undertake a Viability Assessment to support its CIL proposals. There are three separate volumes of work. First, the 'Viability Study Final Report (January 2014)' which informed the preparation and publication of the Preliminary DCS proposals. Second, 'Draft Charging Schedule Viability Report (January 2015)'. Third, the 'Post Draft Charging Schedule Report (October 2015)' which deals with SDAs and small housing site viability. This iterative collection of Viability Assessment evidence is hereafter referred to as the 'VA'.
27. The VA uses a residual valuation approach. The modelling seeks to establish a Residual Land Value (RLV) by subtracting all development costs (including an allowance for developer profit) from the total value of the completed scheme - the Gross Development Value (GDV). The RLV is then compared to Benchmark Land Values (BLV), which are set at levels at which it is assumed a typical willing landowner would be prepared to sell the land. If the RLV exceeds the BLV then any surplus or 'overage' could be used to make CIL contributions. Where this overage occurs, the modelling expresses it as a financial value per square metre and this value can be seen as the maximum theoretical 'ceiling' for setting CIL.
28. Clearly, such modelling involves making a wide range of assumptions about

the component inputs of development costs and revenues, and these have been adjusted and updated through the modelling iterations. Some of the inputs, such as sales values, land costs, building costs and developer profit levels, can have a profound influence on the modelling outputs and, accordingly, assumptions need to be reasonable and robust.

Residential development modelling assumptions- the scheme 'typologies'

29. The initial residential modelling was undertaken for site typologies of 0.25 hectare, 1 hectare and 5 hectares. The housing mix, size and density was tailored for low, moderate and high value scenarios, with lower densities and larger homes assumed in the higher sales value areas. The Council considered that this would reflect the main range of sites that it expects to make up most of the supply of new homes (outside of the SDAs / BDL).
30. In terms of establishing local residential sales value assumptions, the Council's consultants undertook an analysis of Land Registry data of recent transactions and supplemented this with an analysis of new build asking prices (which were discounted to reflect assumed slightly lower actual sales values). Based on a triangulation of these findings, the Council proposed three value levels for new houses of £2,100 psm (lower), £2,275 psm (moderate) and £2,450 psm (higher) for testing purposes. For apartments, the respective figures used were £2,000 psm, £2,100 psm and £2,350 psm.
31. The Council has used available evidence to assess sales values and that data set is reasonably comprehensive and up to date. However, the methodology employed to establish assumed sales values is, inescapably, quite generalised. Whilst I do not consider the Council's approach to be inappropriate for CIL testing purposes, it is important to recognise that the spectrum of actual values in Lichfield district is much wider (a sales value range of £1,623 - £3,303 psm is cited in the VA). The variability either side of the averages is a matter that needs to be considered 'in the round' when interpreting the results and ensuring that CIL rates are set with appropriate viability headroom (or 'buffers').
32. To establish assumed land values the Council gathered quantitative and qualitative evidence from a number of sources. These included Valuation Office Agency (VOA) reports, considerations of existing use values with uplifts applied and soundings from local agents active in the market. To ensure comparability, the modelling assumes that all sites were readily developable i.e. greenfield sites were fully serviced 'parcels' and brownfield sites cleared and remediated. This process led to the establishment of three assumed BLVs of £650,000 per hectare (low value), £900,000 per hectare (moderate value) and £1,100,000 per hectare (high value) reflecting the assessed variation in land prices across the district. Although the absence of a substantial body of transactional evidence necessitates a degree of judgment in setting these BLVs, I consider the approach to be reasonable and note that the land values employed went largely unchallenged through the DCS consultation exercise.
33. 'Base' building costs for residential schemes were drawn from Building Cost

Information Service (BCIS) rates using the 'estate housing generally' category, with adjustments made for the assumed value areas (reflecting the higher buyer specifications in higher value locations). Additional allowances were made for external works (10% of base build costs) and contingencies (5% of base build costs, external works and professional fees). Although the BCIS base used was, by the time of the examination, a little dated (December 2014 figures were used), I am satisfied that any intervening build cost inflation can be factored in to the ultimate assessment of the 'headroom' above the proposed CIL rates. Overall, I consider the building cost assumptions to be reasonable and assumptions in respect of fees, contingencies and finance conformed to accepted industry norms.

34. Developer profit was assumed at levels of 20% of GDV on market housing and 6% of GDV on affordable housing, which I consider reasonable.
35. Affordable housing cost assumptions were modelled at the policy target level of 40% of new homes, with a 65/35 tenure split between social rented and 'intermediate' (shared ownership) housing. The modelling includes this content on all of the tested schemes (small, medium and large). The affordable housing assumptions attracted some comment, as it was suggested that the Council rarely sought or achieved this level of affordable housing. In practice, it uses a 'dynamic viability model' to inform appropriate levels of affordable housing on a site by site basis. Following the publication of the DCS, the Council undertook some additional sensitivity testing (the October 2015 report) on smaller sites to assess the effect of affordable housing costs on viability. This included an additional very small site typology (0.13 hectare).
36. The modelling assumed that residual S.106 planning agreement costs for site specific requirements would be limited to £500 per unit on all sites.

SDA modelling assumptions

37. The Council had not undertaken any viability testing of very large scale development, such as those proposed at the SDAs, in the preparation of its DCS. However, it did undertake testing of two SDAs after the publication of the DCS. The two tested SDAs are both to the south of Lichfield and each is substantially larger than the 5 hectare site typology used in the earlier VA reports (each has a gross area of circa 40 hectares). Deans Slade Park SDA is a 450 unit housing site with a small amount (0.44 hectares) of commercial development; about half of the site's gross area is proposed to be a countryside park. Land off Cricket Lane SDA is a mixed use scheme of 450 homes and 12 hectares of employment land.
38. The modelling assumptions employed for the SDAs were similar to those used in the main testing exercise, with some adjustments made and a longer development cycle employed. The main cost differences were the application of an additional £10,500 per dwelling education cost (S.106) to reflect new school provision and a reduced build costs to reflect the economies of scale on a large site. No particular additional allowances appear to have been made for the new site infrastructure and enabling

works that may be required on these large sites. The BLV adopted was £900,000 per hectare for residential development (the 'moderate' BLV) and £400,000 per hectare for commercial / employment development.

Commercial development modelling assumptions

39. The commercial development modelling used similar assumptions and methodology to assess the viability of different types of office, industrial and retail uses. The assumptions employed for assumed rents, yields, build costs, developer's margin and finance all appeared reasonable for high-level CIL testing purposes.

Conclusions on background evidence

40. The LPS provides a clear strategic planning framework to guide sustainable growth in the Lichfield district to 2029. The Plan's growth strategy has a strong focus on delivering growth at the larger settlements in the district through a combination of sites within existing settlements and a portfolio of larger planned urban extensions (the SDAs and BDL). The IDP identifies the infrastructure required to support this planned growth in population and jobs. The evidence demonstrates a sizeable infrastructure funding gap that justifies the introduction of a CIL regime. CIL receipts will help to reduce that gap, although a significant funding shortfall will remain.
41. Overall, the background economic viability evidence for both residential and commercial development has been drawn from available sources and is well grounded and appropriate. The application, interpretation and use of that evidence, in defining the proposed CIL rates and zones, are discussed more fully below.

Residential Development CIL – appraisal findings, zones and charges

42. In essence, new housing development in Lichfield in the Plan period will derive from two main sources. Firstly, from the portfolio of large SDAs / BDL and, secondly, from a wide range of other sites, typically in existing larger settlements and often on brownfield land, spread across the rest of the district. The Council's DCS proposals have been developed from a viability analysis of the latter (the 'typology' testing) with SDA testing only being carried out post publication of the DCS. There are some reasons for this, but it does create some complications and implications. For clarity, I have separated my assessment of the 'non SDA / BDL', 'SDA / BDL' and 'apartments' developments.

'Non SDA / BDL' residential development

43. The broad brush methodology employed for the main set of tested development typologies generates a relatively concise set of 'overage' results. These are expressed as maximum CIL rates psm. In total there are nine results, comprising overage calculations for the three site size typologies (0.25, 1.0 and 5.0 hectares) in each of the three assumed value

areas (low / moderate / high). All of the tested permutations generate positive results i.e. there is a modelled surplus, after all costs and profit have been deducted, that could be used to fund CIL payments.

44. In the 'low value' scenario, the modelling indicates maximum CIL rates of £59 psm, £38 psm and £60 psm for the 0.25, 1.0 and 5.0 hectare scenarios respectively. The 'moderate value' results were maximum CIL rates of £107 psm, £81 psm and £84 psm. With the 'high value' sales and land values applied, the modelling indicates results of £133 psm, £96 psm and £81 psm.
45. The October VS report undertook sensitivity testing of the small site scenario (0.25 hectares) plus a new, even smaller, site scenario (0.125 hectares). This explored the effect of removing affordable housing costs, given that there had been some uncertainty arising from the Government's policy position and legal challenges by other Councils¹. The testing showed that, with affordable housing costs removed, the viability of these schemes was substantially increased, with maximum CIL rates falling within a range of £250 - £346 psm.
46. The Council assesses that the main typology test findings support the principle of a two zone charging approach, given that the 'moderate' and 'higher' maximum CIL results all fall in relatively close proximity (the actual range is £81 psm up to £133 psm) whereas the 'low' results are markedly below those generated in the other value scenarios (the range being £38 psm up to £60 psm).
47. In terms of the geographic definition of the charging zones, the Council has used sales value 'heat mapping' (based on Land Registry data). This supports the view that, for most of the district, sales values are generally healthy and would be represented by the 'high' or 'moderate' value assumptions, but there are some localised areas where sales values are relatively weaker. The Low Value zone areas are those that have relatively lower sales values across all house types (detached, semi-detached, terraced and flats).
48. The approach to setting the proposed CIL charges is to take the lowest of the typology appraisal results in each of the zones and apply a viability 'buffer' from that theoretical maximum. Most of the district is represented by the combined results of the 'high' and 'moderate' value areas. As noted above, the range here is from £81 psm up to £133 psm. The Council's proposal to set the CIL at £55 psm across this 'high value area' zone builds in a comfortable 'buffer' from the lowest point in the range and a substantial buffer from the highest point.

¹ West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin).

49. For the 'lower value area' zone, the proposed £25 psm CIL is similarly set below the test results of £60, £59 and £38 psm, building in a measure of viability headroom.
50. A case was made for the application of a single £55 psm CIL, which would improve the parish proportion in the Armitage with Handsacre area. However, based on the current evidence, this would jeopardise the viability of schemes in this area. There were also views expressed suggesting a greater number of zones and differing charges but the evidence before me does not present a compelling case for such an approach. I am also mindful that the Guidance encourages charging authorities in setting differential rates to avoid undue complexity².
51. Overall, the evidence supports the conclusion that the CIL charges will not pose a threat to scheme viability of 'non SDA' residential developments. All schemes are shown to be comfortably viable with CIL applied at the proposed CIL rates.
52. This conclusion is supported by the lack of any substantive challenge from the development sector in respect of non-SDA housing schemes. Indeed, most of the representations in respect of the Council's charging proposals (for non-SDA housing) express the view that CIL should be set at higher levels.
53. The evidence does support the view that, in theory, a higher CIL could be sustained on many sites, particularly if 'real world' affordable housing levels were employed in the modelling. However, the Council has correctly modelled the full policy target level and has chosen to opt for a cautious approach in setting its first CIL. My remit here is limited to testing any negative implications on scheme viability. In that respect, I conclude that the CIL proposals do not threaten the viability of non-SDL / BDL housing developments. The Council will no doubt wish to consider and revisit these matters when it undertakes its first CIL review.

SDA / BDL developments

54. Whilst the Council's approach to CIL on non-SDA / BDL developments is cautious and comfortable in terms of viability, I have some concerns about its approach to SDAs / BDL.
55. These large sites are fundamental to the delivery of the housing and employment growth set out in the LPS. Based on an update note produced at my request, the current seven SDAs and one BDL will account for 5,881 new dwellings in the plan period i.e. well over half of all new homes, as well as significant employment allocations.
56. With the exception of one site, they all appear to be at relatively early life cycle stages. The majority of the sites do have extant planning permissions, or are subject to 'minded to grant' resolutions that may be concluded before

² Planning Practice Guidance - Paragraph: 021 Reference ID: 25-021-20140612

the CIL regime is implemented. For these reasons, the Council appears to have regarded these schemes as 'banked' in planning terms.

57. However, the two SDAs that have been subjected to testing (post DCS publication) do not have planning permissions and, as currently proposed, would be subject to CIL. Furthermore, one of the largest sites is the North of Tamworth BDL and this only has permission for 165 out of a planned 1000 homes. The Council also cannot be certain that unforeseen circumstances on the other SDAs will not result in a need for fresh planning applications. There may also be future circumstances where new SDAs emerge and/or are required, perhaps when the LPS is reviewed. For all of these reasons, the viability impacts of the proposed CIL regime on these large sites needs to be assessed carefully, particularly given the emphasis of the Guidance to focus on *'strategic sites on which the relevant Plan relies.'*³
58. With regard to the two tested SDAs, the October appraisals revealed, unsurprisingly, that the additional S.106 education burden (£10,500 per dwelling) substantially reduces residential development viability (when compared to the notional 'typology' results). Deans Slade Park SDA returned a maximum CIL result of £33 psm when modelled at a density of 30 dwellings per hectare (dph). The viability was further challenged with a lower density applied (25 dph resulted in a £22 maximum CIL) and with higher densities (40 dph - £18 psm maximum CIL; 50 dph - £4 psm maximum CIL). The Cricket Lane SDA, where scheme density is more settled, generated a maximum residential CIL rate of £28 psm for all three phases. The testing of the commercial / employment development content at both SDAs found these elements to be currently unviable.
59. Concerns were expressed that, whilst school provision costs were included in the modelling, the Council had not made allowances for strategic infrastructure and utility costs that would normally be expected on large strategic sites. The 'Harman' guidance suggests that these costs may fall in the range of £17,000 - £23,000 per plot⁴. Applying these costs would clearly worsen the viability position. However, this concern is largely offset in my view by the assumed BLV, which, at £900,000 per hectare appears to be very high for strategic scale green field development land.
60. A more typical approach, employed in other CIL examinations, would be to adopt a lower BLV and to factor 'Harman' costs into the (SDA) appraisal. Research evidence on such greenfield land values is thin, but one study (now a little dated) commissioned by the Department for Communities and Local Government (DCLG) suggested a range of £250,000 - £374,000 per hectare⁵. Applying a 'mid Harman' strategic infrastructure cost and a modest assumed housing density to these suggested values would actually result in a similar value to the BLV adopted.

³ Planning Practice Guidance - Paragraph: 019 Reference ID: 25-019-20140612.

⁴ Viability Testing Local Plans – Local Housing Delivery Group (Chaired by Sir John Harman) June 2012.

⁵ Cumulative Impacts of Regulations on House Builders and Landowners - Research Paper. Published by DCLG in 2011 (although commissioned by the previous Government in 2008).

61. In any event, the modelling demonstrates that neither tested SDA can sustain the proposed £55 residential CIL charge proposed by the Council (they are both located in the higher value zone). At the Hearing sessions, the Council confirmed its position that, notwithstanding its own evidence, it did not wish to forego potential CIL revenue from these major sites and preferred an approach of requiring these developments to 'make a case' to prove that they could not support the CIL charge. It indicated that, if that case was successfully made, it would use its proposed policy for discretionary relief for exceptional circumstances under Regulation 55 to address the issue.
62. I cannot support this approach. Imposing a CIL charge on SDAs, that the Council's own evidence indicates they cannot sustain, would conflict with the Guidance, which expects the levy to have a 'positive economic effect'⁶. It would also conflict with the National Planning Policy Framework that clearly advises that obligations and burdens should not be set at levels that threaten viability⁷ and that CIL '*should support and incentivise new development*'⁸. This seems particularly pertinent on strategically significant sites such as Lichfield's portfolio of SDAs (and the BDL).
63. I do not consider that Regulation 55 (exceptional relief) mechanisms are appropriate to effectively 'means test' SDAs in the light of the Council's own evidence base. The SDAs, along with their associated development economics, cannot be seen as 'exceptional' but are, rather, a fundamental part of the development plan strategy.
64. Based on the evidence before me, there is a compelling case to differentiate the SDAs (and the BDL) and modify the DCS to align it with the evidence. I am presented with some challenges in terms of the most appropriate modifications to achieve that differentiation. The challenges are twofold. First, defining the sites with precision and, second, considering whether any CIL charge is appropriate.
65. With regard to defining the SDAs and BDL, the eight current sites are identified and set out in the LPS. The seven SDAs have clear plans identifying their boundaries (contained in the LPS 'concept statements') and the North of Tamworth BDL has a 'key diagram' with an indicative 'broad development location' boundary. Accordingly, it appears to be a straightforward matter to identify the geographic location on the charging schedule map and to include more detailed 'inset' maps to define their boundaries. Whilst this may be largely academic for the sites that are fully covered by extant permissions, it is appropriate to differentiate the sites in a consistent manner, as the Council has not given any indication that the development economics would be materially different on the six other sites (to the two tested schemes).
66. I have given consideration to views expressed that a wider differentiation,

⁶ PPG - Paragraph: 009 Reference ID: 25-009-20140612

⁷ NPPF – Paragraph 173

⁸ NPPF - Paragraph 175

perhaps based on a strategic dwelling number threshold, should be employed as this would allow potential future SDAs to be addressed. However, I have no clear evidence to define such a threshold and my remit is focused on currently planned LPS development. Given that the LPS is a relatively recently adopted Plan, I consider that the CIL approach to future strategic scale developments is more properly addressed through the periodic CIL review process (which may coincide with any LPS review).

67. Turning to the issue of whether any CIL should be applied to the strategic sites, I share the Council's consultants' conclusions. These were that whilst the £55 psm CIL charge could not be sustained by the two tested SDAs, a more modest charge could be supported. Applying a similar approach to the typology evidence, a rate of £14 psm was recommended which would build in a reasonable viability buffer. Although this appears to be a relatively low rate, the two tested sites would still generate a combined CIL revenue of £872,578 which would, given the infrastructure funding gap, provide important funding worthy of collection. I conclude that the suggested £14 psm CIL for SDAs (and the BDL) is appropriate and justified.

Apartment developments

68. The testing of an apartment scheme on a small site (0.25 hectares) indicated that such developments were not viable under any value scenario with CIL psm results being all negative (ranging from -£55 psm to -£370 psm). The Council does not intend to impose CIL charges on apartment schemes. However, the DCS could be improved by making this more explicit. I have included a recommended modification to this effect.

Non-residential development – viability appraisal evidence and proposed CIL charges

69. The non-residential assessments tested a range of different types of commercial development including town centre office, business park office, industrial / warehousing and different types of retail development. With the exception of certain types of retail development, the commercial appraisals demonstrated that these could not currently support CIL charges.
70. The VA tested different types of retail development, in varying sizes, formats and covenant strengths. For high level CIL testing purposes, the assumptions on rents and yields were soundly drawn from published sources and complemented by local market intelligence.
71. 'High Street comparison retail' development, using reasonable yields, rents and other cost assumptions, was found to be not viable. Although only one scheme type of 6,000 square metres gross (a proxy for the Friarsgate development) was tested, the substantially negative CIL 'value' of -£492 psm suggests that other floorspace formats are unlikely to generate positive results.
72. The Council's testing of 'neighbourhood convenience' stores had caused

some confusion through the consultation stages. In the January 2014 VS report, this development type was defined in relation to 'top up' shopping activities and a format involving a trading area of 'less than 500 square metres'. However, it actually tested some notional developments somewhat above this threshold, leading some to question how this could be used to justify the differentiated charge. However, the most recent October 2015 VS testing did include a smaller unit with a gross floorspace of 450 square metres and a trading area of 405 square metres. The results here suggest a maximum CIL of £39 psm.

73. Although the evidence does not establish that the adopted 500 square metre floorspace threshold represents a critical viability watershed, it is a reasonable proxy for distinguishing smaller format convenience stores (with associated weaker rents and yields) from the larger formats, particularly in terms of the actual anticipated developments in the district (including small 'basket shop' stores in new SDAs). Based on the evidence, the £20 psm is readily affordable and the headroom allows for some scheme specific variation.
74. The testing of a large format 'retail warehouse' generated a maximum CIL rate of £125 psm. In my view, the assumptions employed appeared reasonable and the proposed CIL charge of £70 psm would allow a reasonable viability buffer.
75. The testing of a 4,000 square metre 'supermarket' development type generated a maximum modelled CIL rate of £236 psm. I consider the Council's proposal to set CIL at £160 psm to be acceptable as the evidence indicates that viability would not be compromised.
76. At the Hearing sessions, the Council agreed that it would be beneficial to modify the DCS by including definitions of the retail development types, consistent with those used in the VA.

Overall Conclusions

77. The LPS and the IDP provide a clear framework for planned growth and necessary infrastructure in Lichfield District. The planned growth will include development of a portfolio of urban extensions (SDAs and a BDL) and growth from within urban areas, particularly the larger settlements. There is a substantial infrastructure funding gap which justifies the imposition of a CIL.
78. The Council's residential development CIL proposals have been developed with a primary focus on the more general, 'non SDA / BDL', schemes anticipated in the Plan period. In this respect, the evidence demonstrates that the CIL will not pose a threat to these developments. Indeed, the evidence suggests that the CIL would be set at a level where there will be a comfortable viability buffer in most cases.

79. However, the Council’s treatment of SDA / BDL developments needs to be modified. Whilst many of the strategic sites have planning permission and may be implemented unaffected by the CIL regime, others do not. The evidence produced after the DCS publication demonstrates that these large sites cannot support the CIL proposed and imposing such a charge would threaten the viability of these strategically important developments. This matter needs to be addressed by modifying the DCS to reduce CIL charges on these sites to a level that the evidence indicates can be sustained. A modification is also required to clarify that apartment developments will not incur CIL.
80. The evidence indicates that the proposed CIL charges for specified types of retail developments will not threaten the viability of anticipated schemes. However, the DCS needs to be modified by the inclusion of development type definitions for clarity.
81. The evidence demonstrates that, subject to my recommended modifications, the overall planned development of Lichfield district, as set out in the LPS, will not be put at risk if the proposed CIL charges are applied. I conclude that, in setting the CIL charges, the Council has used an appropriate and available evidence base that has informed assumptions about land and development values and likely costs. The CIL proposals are anticipated to achieve an important income stream that will help to address a well evidenced infrastructure funding gap.
82. Overall, I conclude that, subject to my recommended modifications, the Lichfield District Council Draft Community Infrastructure Levy Charging Schedule will satisfy the requirements of Section 212 of the 2008 Act and will meet the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that, subject to the modifications set out in Appendix A to this report, the Charging Schedule be approved.

| LEGAL REQUIREMENTS | |
|---|--|
| National Policy / Guidance | Subject to recommended modifications, the Charging Schedule complies with national policy / guidance. |
| 2008 Planning Act and 2010 Regulations (as amended) | Subject to recommended modifications, the Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, and consistency with the Local Plan Strategy for Lichfield District and is supported by an adequate financial appraisal. |

P.J. Staddon

Examiner

Attached: APPENDIX A – recommended modifications

APPENDIX A

Modifications that the Examiner specifies so that the Lichfield District Council Draft Charging Schedule (October 2015) may be approved.

| Reference | Clarification / Modification |
|-----------|---|
| EM1 | <p><u>Strategic Development Allocations</u></p> <p>Table 1 – add new row:</p> <p>Under 'Use' insert: <i>Market houses within Strategic Development Allocations (SDAs) and Broad Development Location (BDL) defined in the Local Plan Strategy 2008 – 2029 adopted 17 February 2015 (refer to Figure 1 and inset maps).</i></p> <p>Under 'CIL Charge (per sq. m)' insert: <i>£14</i></p> <p>Figure 1 – add SDA and BDL locations to map and identify in the legend</p> <p>Figures 2 – 9 – insert new inset plans to define the site boundaries of each SDA and the BDL for clarity.</p> |
| EM2 | <p><u>Clarification - apartments</u></p> <p>Table 1</p> <p>After 'All other development' - add '<i>including residential apartments.</i>'</p> |
| EM3 | <p><u>Clarification – retail definitions</u></p> <p>Page 3 – Table 1</p> <p>Add the following definitions either within the table or as footnotes:</p> <p><u>Supermarkets</u> <i>Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include:</i></p> <ul style="list-style-type: none">- <i>The area used for the sale of goods will generally be above 500 sq. m;</i>- <i>The majority of customers will use a trolley to gather a large number of products;</i> |

- *The majority of customers will access the store by car, using the large adjacent car parks provided; and*
- *Servicing is generally undertaken via a dedicated service area, rather than from the street.*

Retail warehouse

Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.

Neighbourhood convenience retail

Neighbourhood convenience stores are used primarily by customers undertaking 'top-up' shopping. They sell a limited range of convenience goods and usually do not sell comparison goods. The key characteristics of their use include:

- *Trading areas of less than 500 sq. m;*
- *The majority of customers will buy only a small number of items that can be carried around the store by hand or in a small basket;*
- *The majority of customers will access the store on foot and as such there is usually little or no dedicated parking; and*
- *Servicing is often undertaken from the street, rather than dedicated service areas.*



Lichfield District Council
Community Infrastructure Levy
Draft Charging Schedule

October 2015

1. The Charging Authority

The Charging Authority is Lichfield District Council

2. Date of Approval

To insert at the appropriate time

3. Date of Effect

To insert at the appropriate time

4. Schedule of Rates

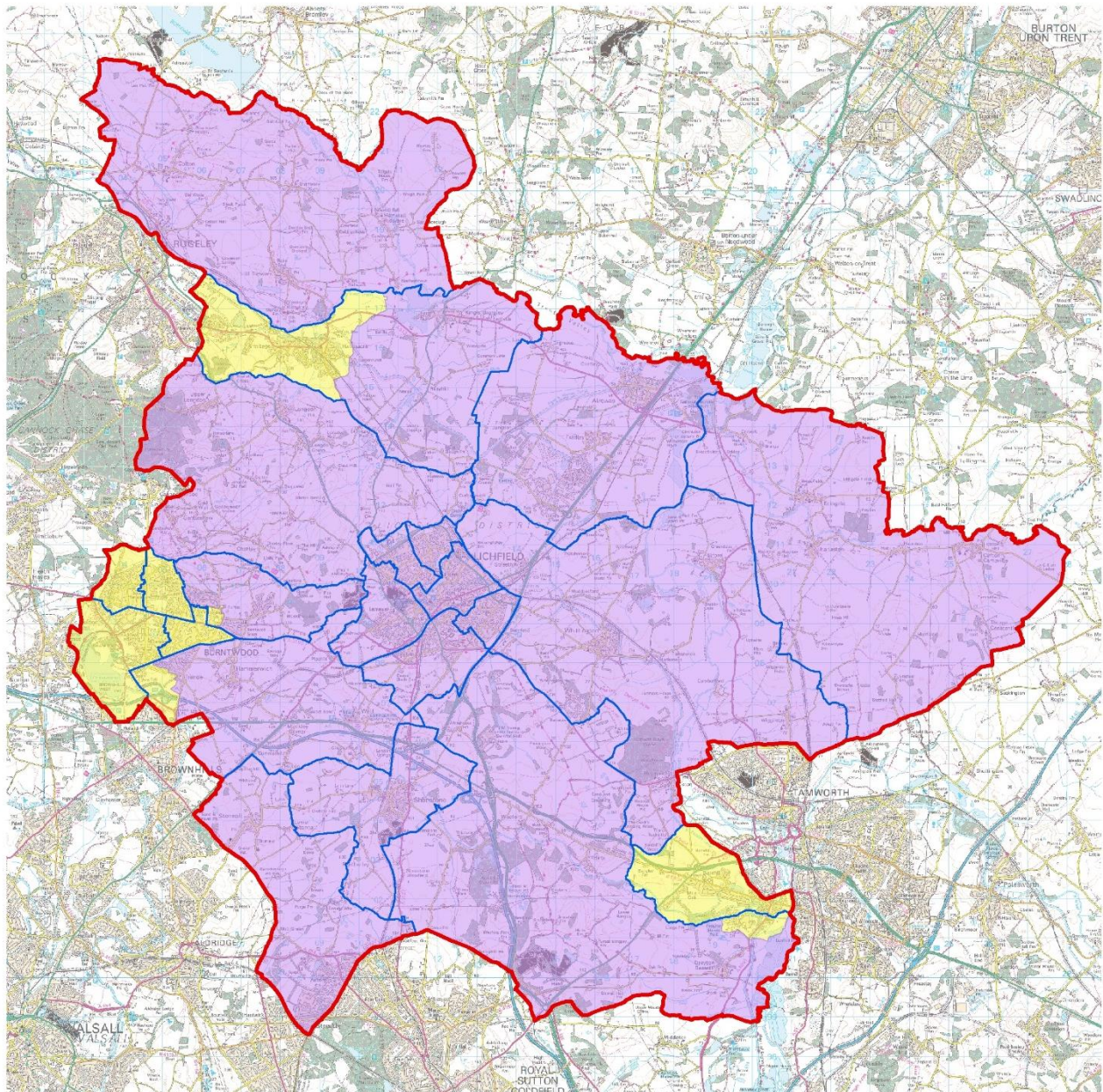
Table 1 – Schedule of Rates

| Use | CIL Charge (per sq. m) |
|---|-------------------------------|
| Market houses in lower value zone (refer to Figure 1) | £25 |
| Market houses in higher value zone (refer to Figure 1) | £55 |
| Supermarket | £160 |
| Retail Warehouse | £70 |
| Neighbourhood Convenience Retail | £20 |
| All other development | £0 |

5. Calculation of Chargeable Amount

The Community Infrastructure Levy is payable on the types of development set out in Table 1 above. The calculation of the chargeable amount will be in accordance with Regulation 40 of the Community Infrastructure Regulations 2010 (as amended).

Figure 1 – Charging Zones in Lichfield District



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Legend

-  Lichfield District Boundary
-  Ward Boundaries 2015
-  High Value Area
-  Low Value Area



Lichfield District Council
Community Infrastructure Levy
Charging Schedule

March 2016

1. The Charging Authority

The Charging Authority is Lichfield District Council

2. Date of Approval

The Charging Schedule was approved at Full Council on 19th April 2016

3. Date of Effect

This Charging Schedule takes effect on 13th June 2016

4. Schedule of Rates

Table 1 – Schedule of Rates

| Use | CIL Charge (per sq. m) |
|---|------------------------|
| Market houses within Strategic Development Allocations (SDAs) and the Broad Development Location (BDL) defined in the Local Plan Strategy 2008-2029 adopted 17 February 2015 (refer to Figure 1 and inset maps Figures 2 - 9) | £14 |
| Market houses in lower value zone (refer to Figure 1) | £25 |
| Market houses in higher value zone (refer to Figure 1) | £55 |
| Supermarket | £160 |
| Retail Warehouse | £70 |
| Neighbourhood Convenience Retail | £20 |
| All other development including residential apartments | £0 |

4.1 Definitions

Private Market Housing

Houses that are developed for sale or for private rent on the open market at full value. As such 'affordable housing' of any type is excluded from this definition.

Apartments

Separate and self contained dwellings within the same building. They generally have shared access from the street and communal areas from which individual dwellings are accessed. Apartment buildings have dwellings on more than one floor and are subdivided horizontally by floor.

Supermarkets

Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this the key characteristics of the way a supermarket is used include:

- The area used for the sale of goods will generally be above 500 sq. m;
- The majority of customers will use a trolley to gather a large number of products
- The majority of customers will access the store by car, using the large adjacent car parks provided; and
- Servicing is generally undertaken via a dedicated service area, rather than from the street.

Retail warehouse

Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.

Neighbourhood convenience retail

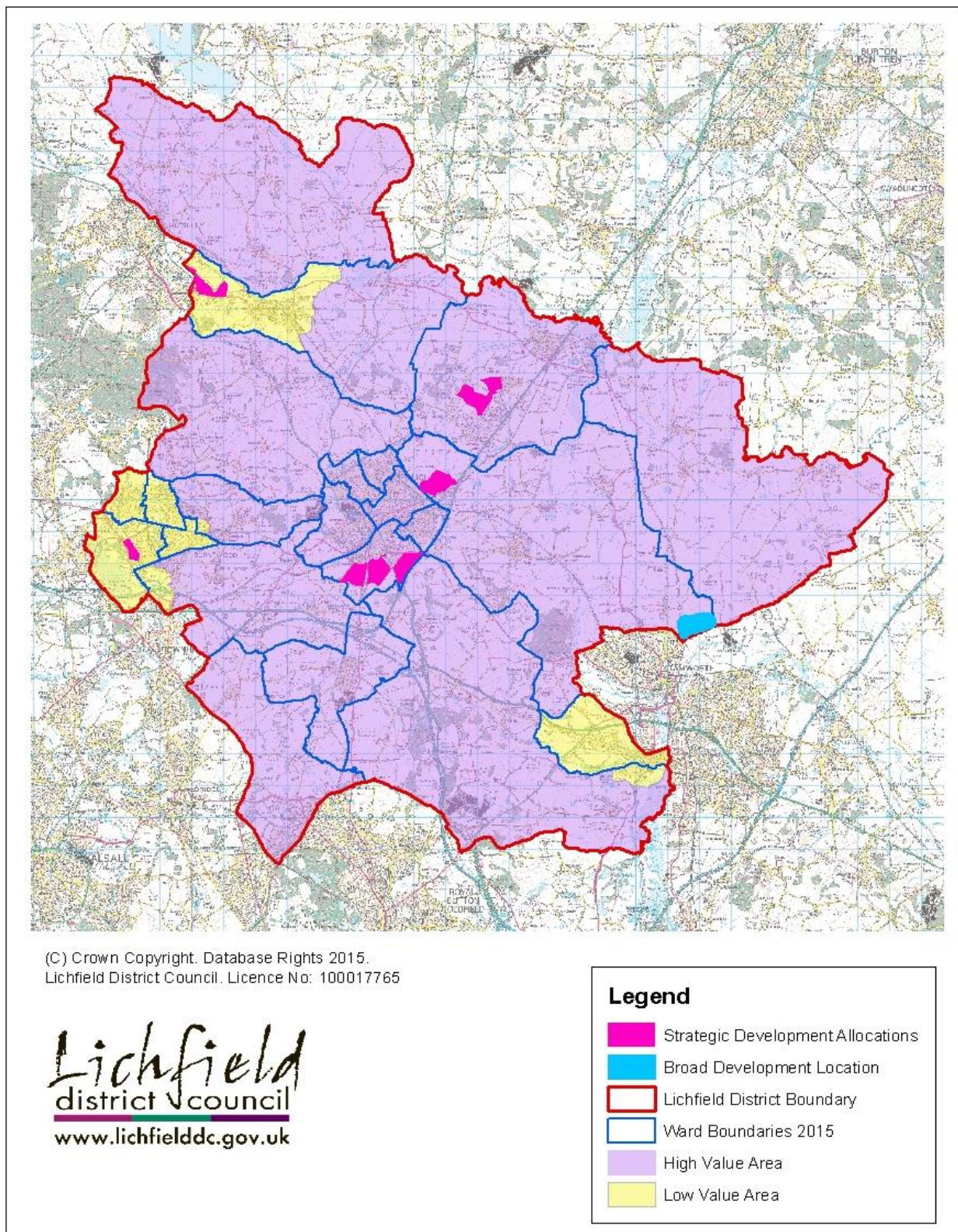
Neighbourhood convenience stores are used primarily by customers undertaking 'top-up' shopping. They sell a limited range of convenience goods and usually do not sell comparison goods. The key characteristics of their use include:

- Trading areas of less than 500 sq. m;
- The majority of customers will buy only a small number of items that can be carried around the store by hand or in a small basket;
- The majority of customers will access the store on foot and as such there is usually little or no dedicated parking; and
- Servicing is often undertaken from the street, rather than dedicated service areas.

5. Calculation of Chargeable Amount

The Community Infrastructure Levy is payable on the types of development set out in Table 1 above. The calculation of the chargeable amount will be in accordance with Regulation 40 of the Community Infrastructure Regulations 2010 (as amended).

Figure 1 – Charging Zones in Lichfield District



For further information on the SDAs and BDL please see following Figures 2 to 9.

Figure 2 – North of Tamworth Broad Development Location

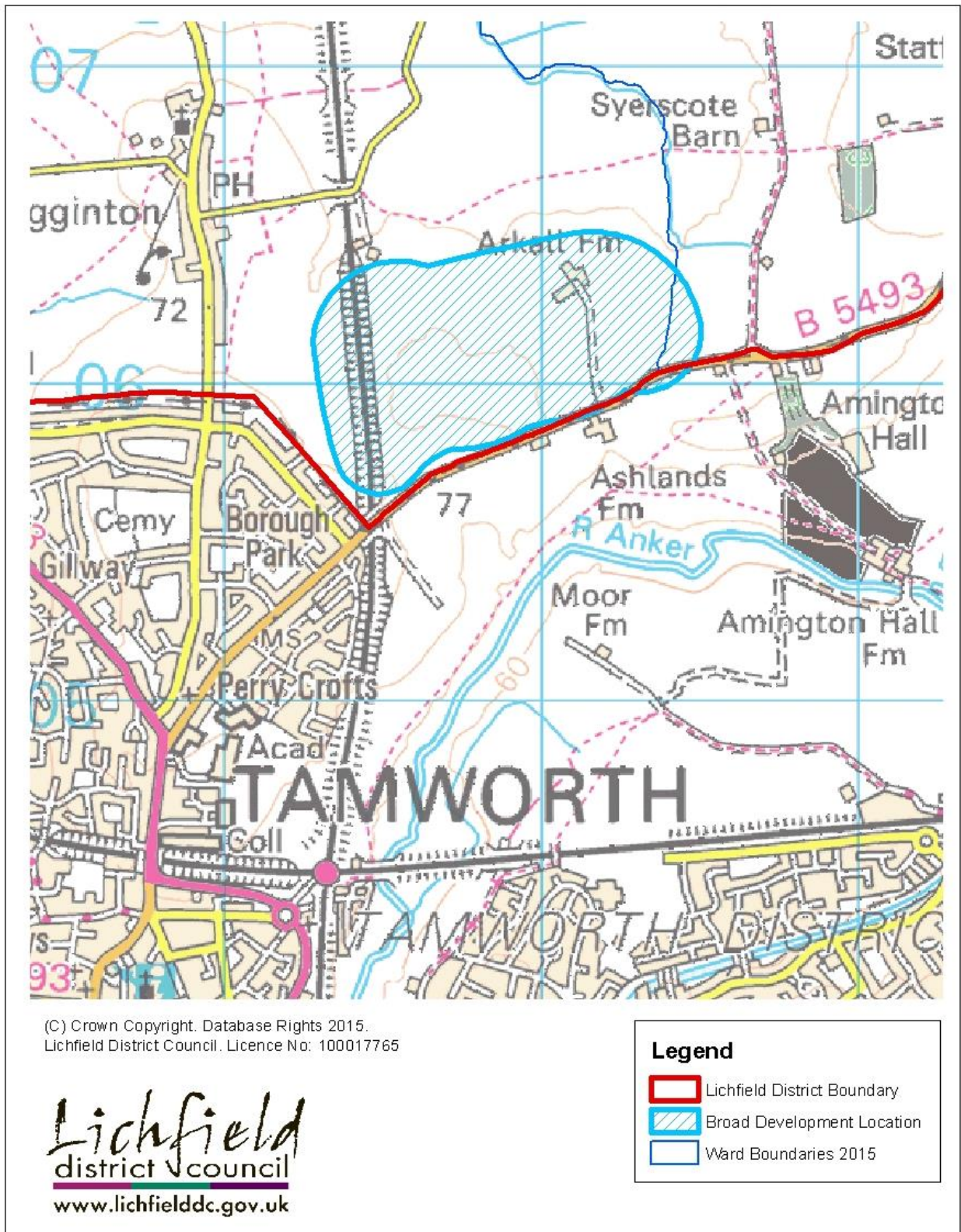
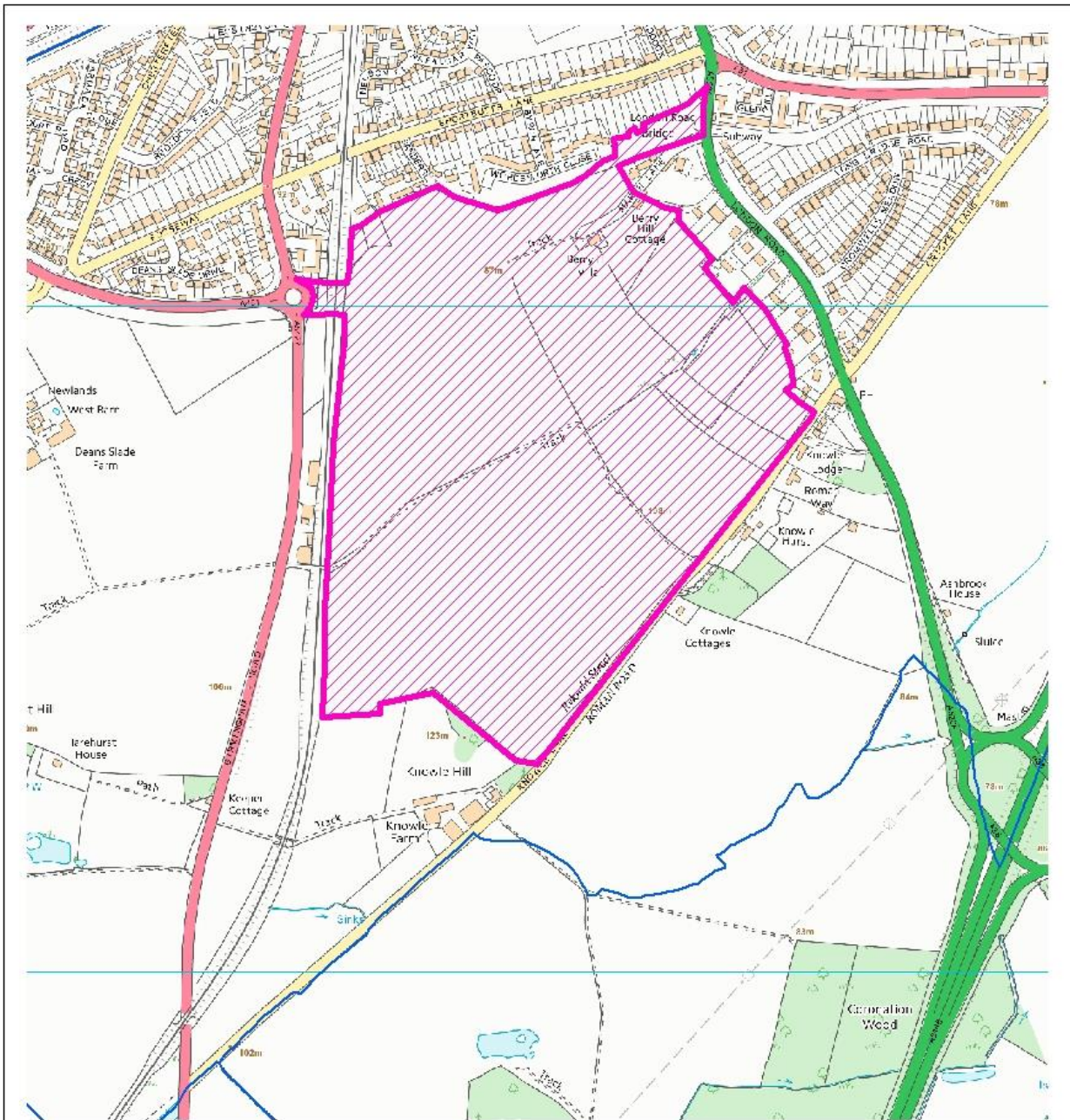


Figure 3 – South of Lichfield Strategic Development Allocation



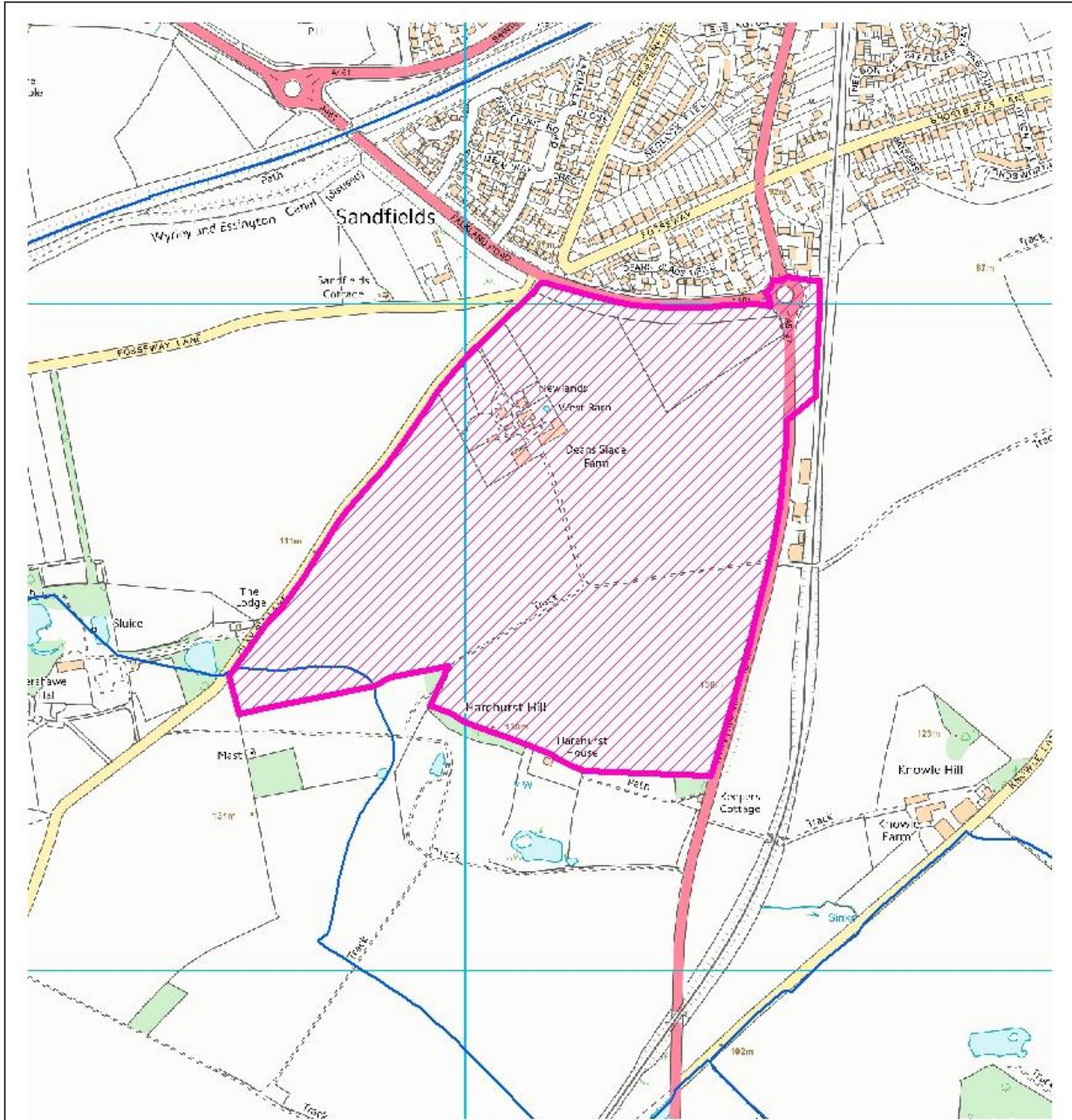
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Legend

-  South of Lichfield SDA
-  Ward Boundaries 2015

Figure 4 – Deans Slade Strategic Development Allocation



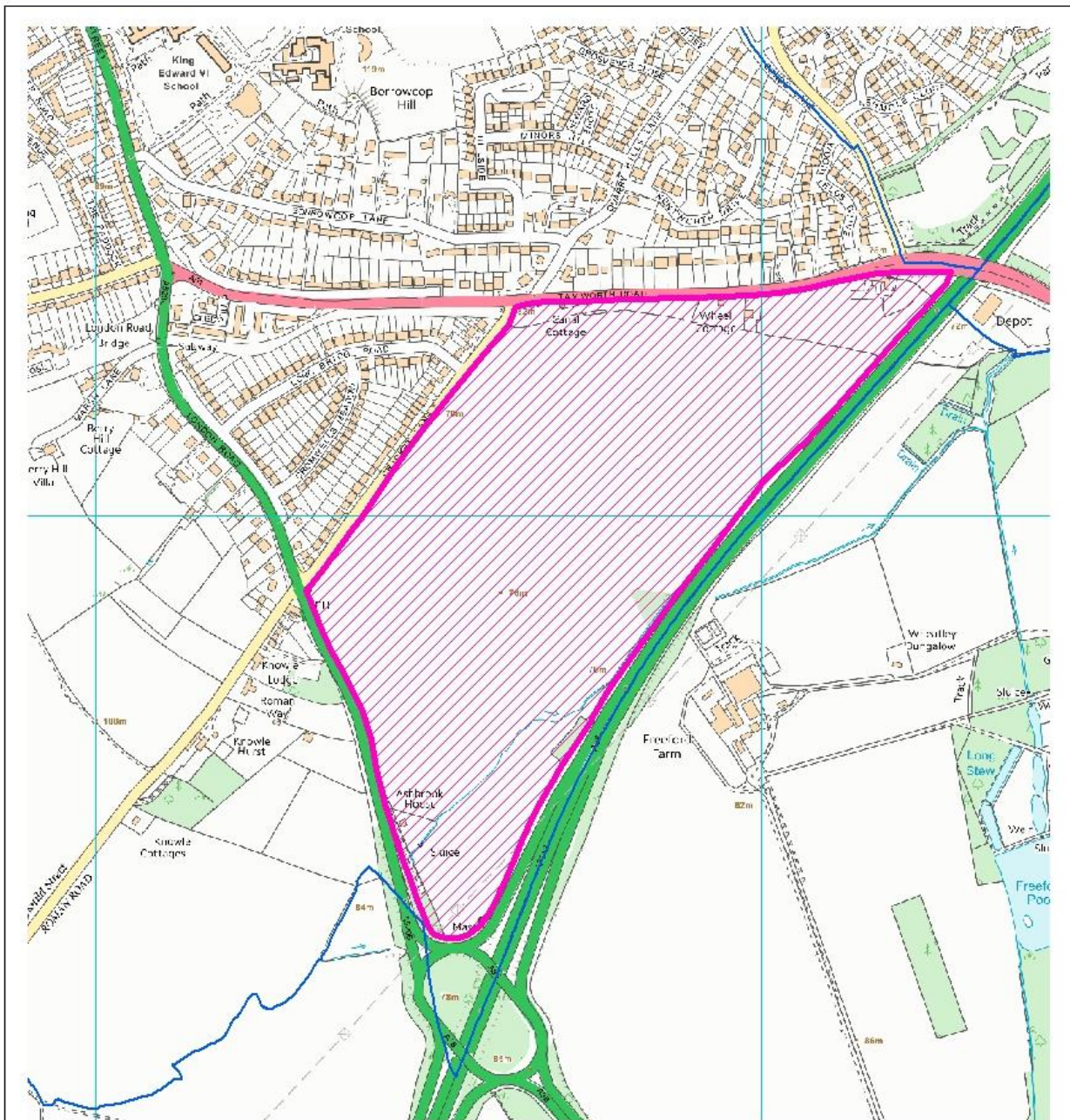
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Legend

-  Deans Slade SDA
-  Ward Boundaries 2015

Figure 5 – Cricket Lane Strategic Development Allocation



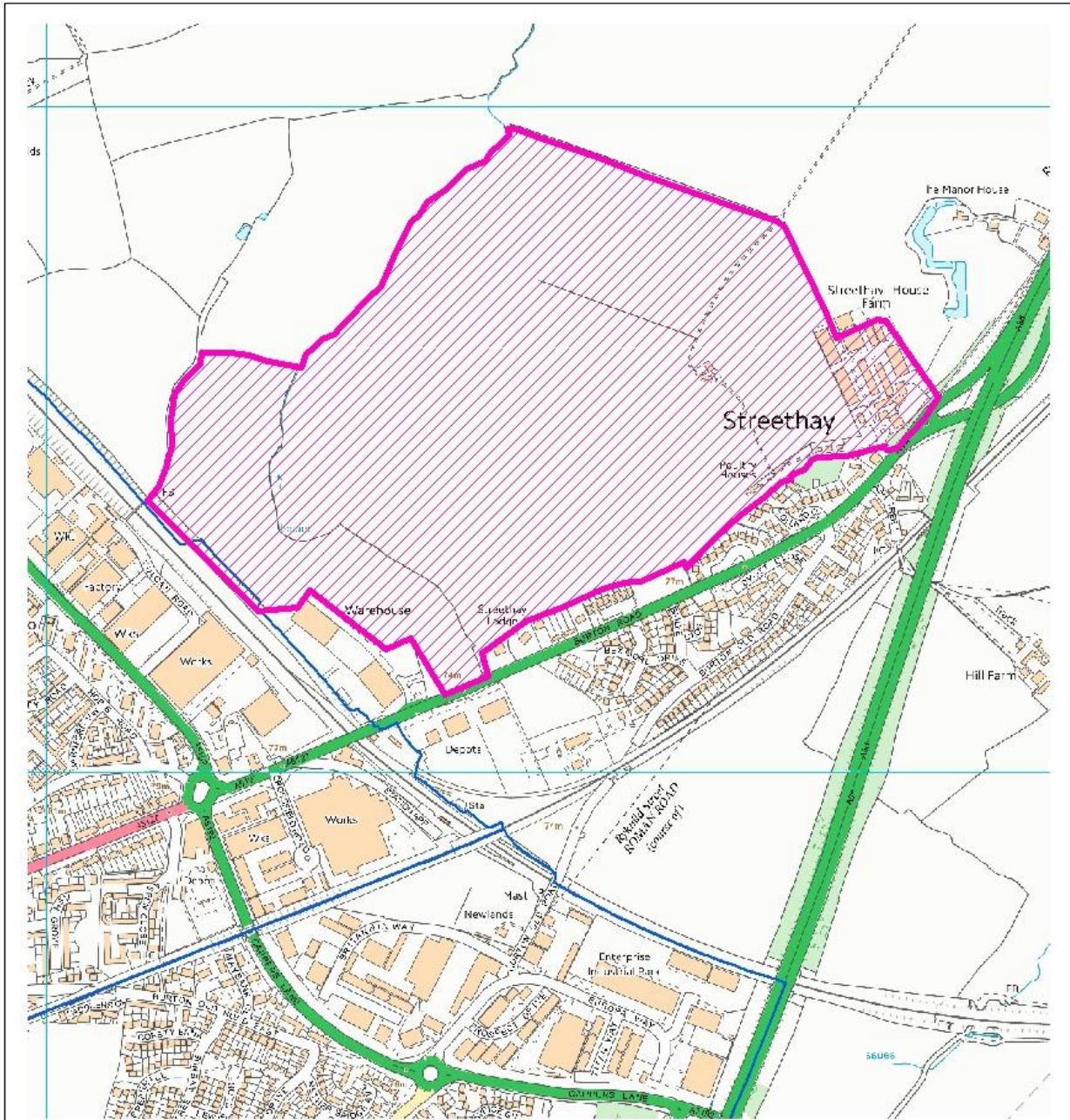
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Legend

-  Cricket Lane SDA
-  Ward Boundaries 2015

Figure 6 – East of Lichfield (Streethay) Strategic Development Allocation



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Legend



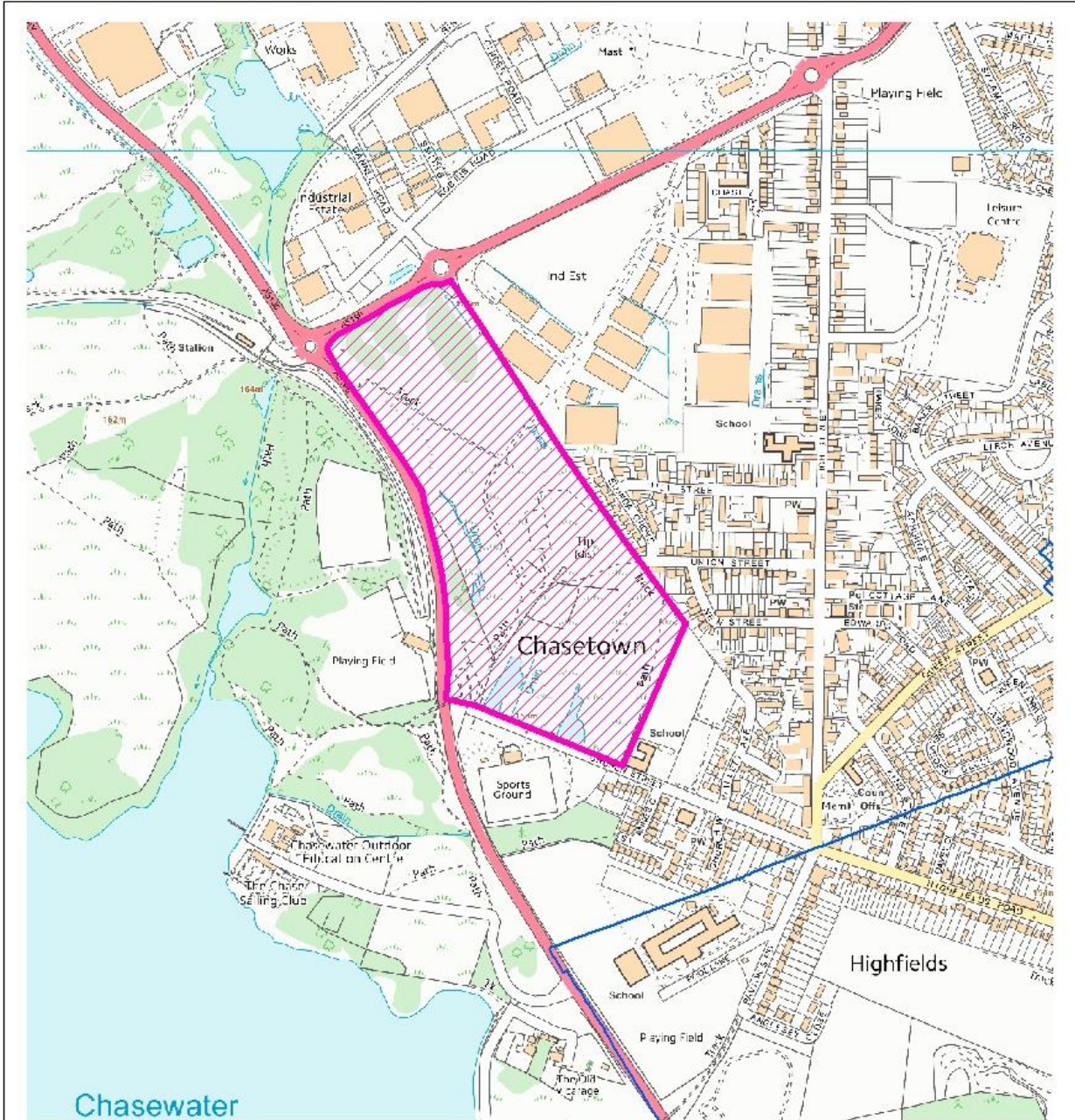
-  East of Lichfield (Streethay) SDA
-  Ward Boundaries 2015

Figure 7 – East of Burntwood Bypass Strategic Development Allocation



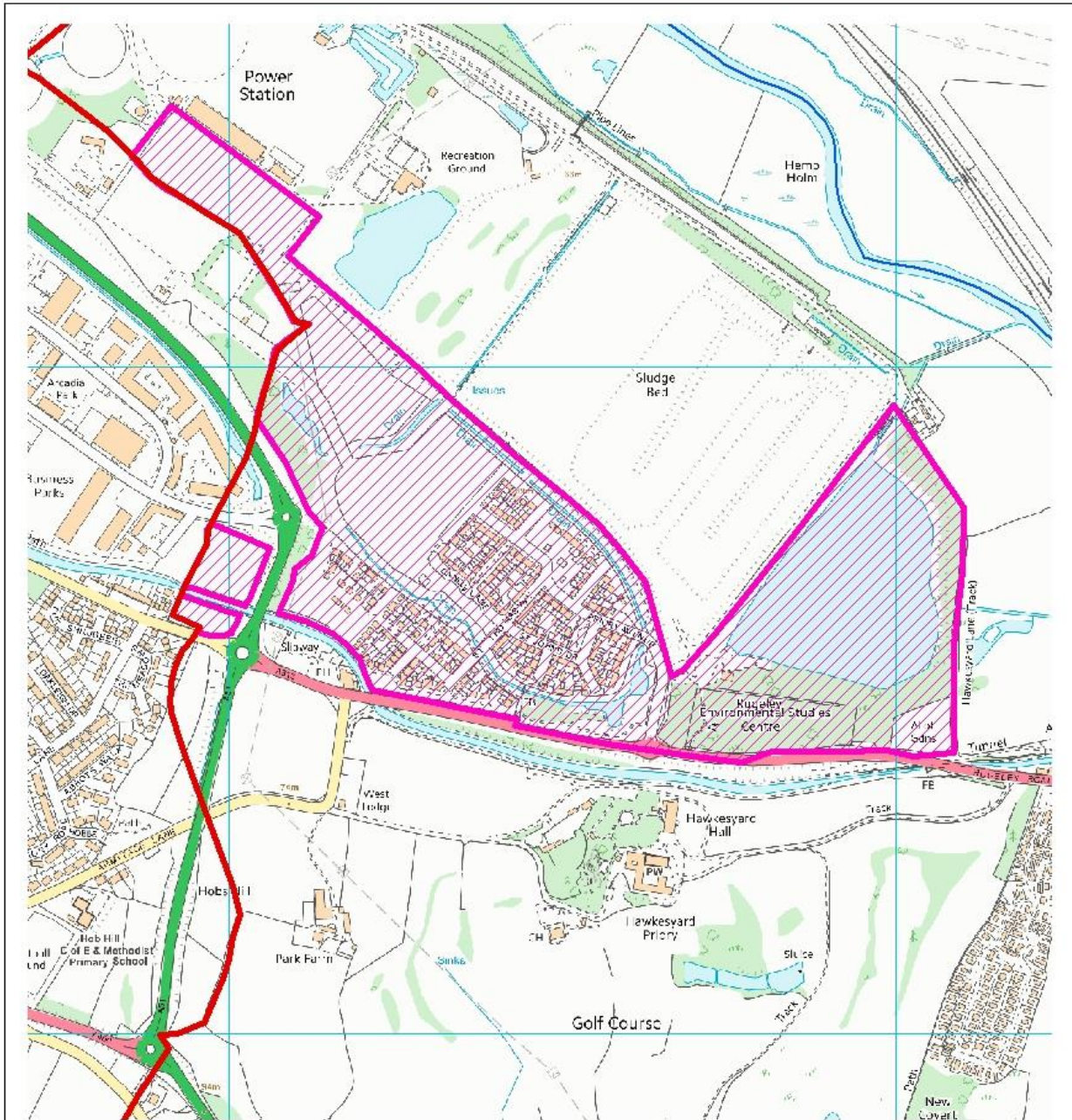
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Legend

-  East of Burntwood Bypass SDA
-  Ward Boundaries 2015

Figure 8 – East of Rugeley (Hawksyard) Strategic Development Allocation



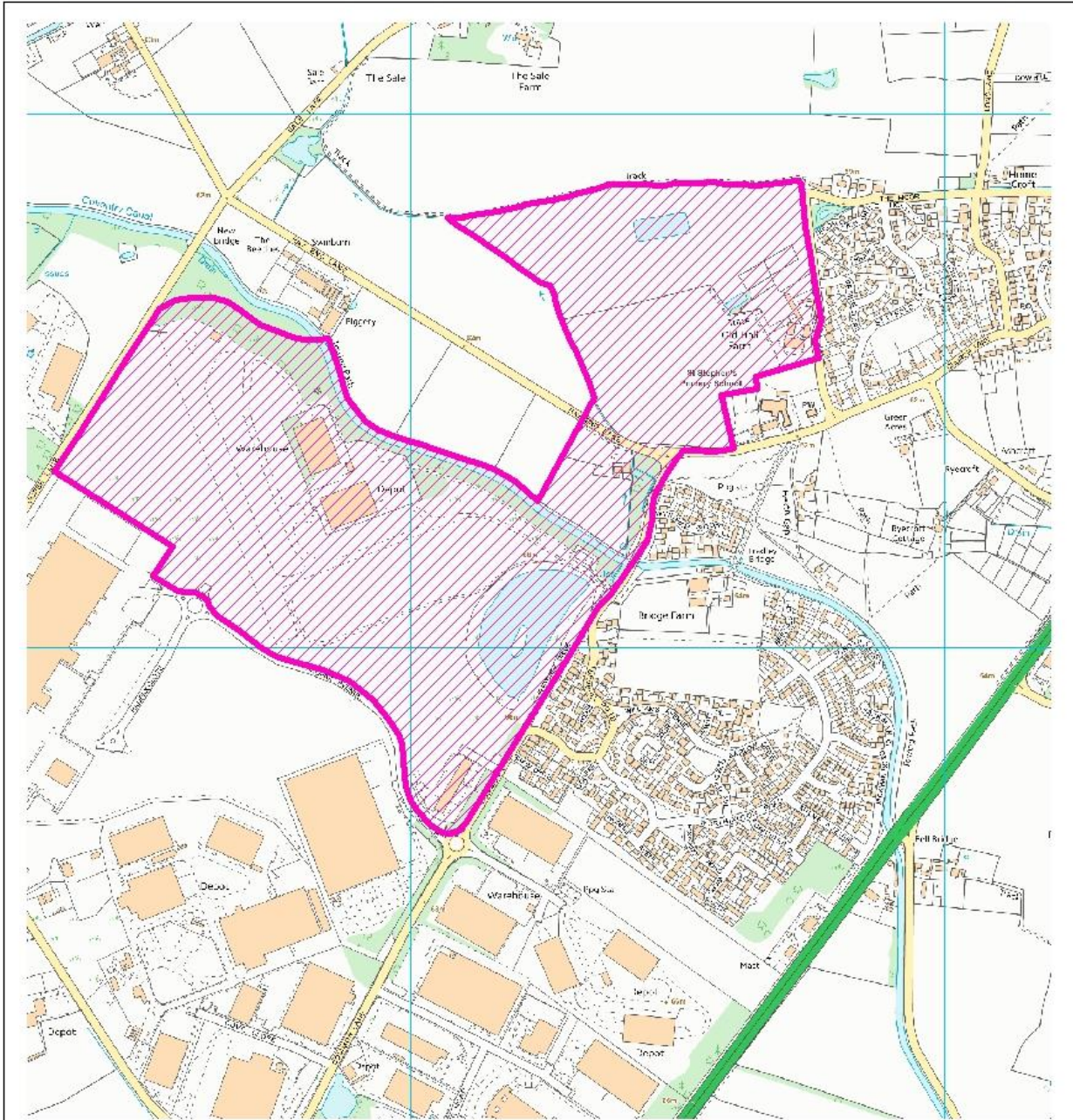
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Legend

- Lichfield District Boundary
- East Of Rugeley SDA
- Ward Boundaries 2015

Figure 9 – Fradley Strategic Development Allocation



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Legend

-  Fradley SDA
-  Ward Boundaries 2015



**Lichfield District Council
Community Infrastructure Levy
Instalment Policy**

Effective from 13 June 2016

What is the Community Infrastructure Levy?

The Community Infrastructure Levy (CIL) is a charge on development, calculated on a £ per square metre (sq.m) basis of development. CIL is intended to be used to help fund infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of Section 106 Agreements. CIL does not fully replace Section 106 Agreements. For more information you can also:

- Visit the Council's CIL web pages: www.lichfielddc.gov.uk/CIL
- Read the CIL Planning Policy Guidance (PPG): <http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>
- Email: CIL@lichfielddc.gov.uk
- Call Lichfield's Planning enquiry line: 01543 308174
- Lichfield District Council Developer Contributions Supplementary Planning Document
- Visit the [Planning Portal](#).

What is this document?

To support developers bringing forward new schemes, Lichfield District Council as the CIL charging authority for its area will permit the payment of CIL through instalments in accordance with the CIL Regulations and the Instalment Policy as set out in the following page.

When planning permission is granted for a CIL liable development the Council will issue a Liability Notice, which will set out how much CIL is to be paid and when it will become due. CIL does not need to be paid at this point, payment only becomes due once the development is commenced.

Prior to commencing development, the developer must send a completed Commencement Notice (CIL Form 6) to the charging authority (Lichfield District Council) stating the date when construction work will begin. The Council will then acknowledge this formally and send out a CIL Demand Notice setting out precise details of payment arrangements.

In addition to paying through instalments, the CIL Regulations allow for phased developments. Where an outline planning permission is granted that allows a phased development, each phase is treated as a separate chargeable development. For these developments, CIL is calculated on the date the pre-commencement condition associated with the relevant phase is approved. Each phase would then be able to benefit from payment through instalments.

The Council has a 'payments in kind' policy which details alternatives to cash payments through the provision of land or infrastructure, and a policy for relief from CIL in exceptional circumstances; both policies are available from www.lichfielddc.gov.uk/CIL .

INSTALMENT POLICY

The Community Infrastructure Levy will be payable by instalments as follows:-

| CIL liability | Number of Instalments | Payment periods and amounts |
|-----------------------------|-----------------------|--|
| Under £25,000 | 1 | 100% within 180 days of commencement of development |
| From £25,000 up to £75,000 | 2 | 50% within 180 days of commencement of development 50% within 360 days of commencement of development |
| From £75,000 up to £250,000 | 3 | 25% within 180 days of commencement of development 25% within 360 days of commencement of development 50% within 540 days of commencement of development |
| £250,000 or more | 4 | 25% within 180 days of commencement of development 25% within 360 days of commencement of development 25% within 540 days of commencement of development 25% within 720 days of commencement of development |

Where-

- a person has assumed liability to pay CIL in respect of a chargeable development;
- the collecting authority has received a commencement notice in respect of a chargeable development; and
- the collecting authority has not determined a deemed commencement date for a chargeable development.

The amount of CIL payable to the charging authority in respect of a chargeable development is payable in accordance with that instalment policy.

Where an instalment payment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately¹.

¹ See Regulation 70(8)(a)



Lichfield District Council
Community Infrastructure Levy
Exemptions, Relief and Exceptional
Circumstances Policy

Effective from 13 June 2016

What is the Community Infrastructure Levy?

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- Visit the Council's CIL web pages: www.lichfielddc.gov.uk/CIL
- Read the CIL Planning Policy Guidance (PPG): <http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>
- Email: CIL@lichfielddc.gov.uk
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- Visit the [Planning Portal](#).
- Lichfield District Council Planning Obligations Supplementary Planning Document

What is this document?

The amount of CIL calculated for a given development is non-negotiable, however the Community Infrastructure Levy Regulations 2010 (as amended) contains provisions that allow for certain types of exemptions or relief from paying the full CIL amount. Depending on the nature of the development, the following forms of relief or exemption may be available:

- minor development exemption
- mandatory charitable relief
- discretionary charitable relief
- mandatory social housing relief
- discretionary social housing relief
- self build exemption (for a dwelling)
- self build exemption (for a residential annexe or a residential extension)
- exceptional circumstances relief

Please see the Planning Practice Guidance on CIL for more information on each of these types of relief or exemption:

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/relief/>

Social Housing Relief

Relief from the Levy is available for those dwellings and communal areas that are either let in specified tenancies by a private registered provider of social housing, or a registered social landlord, or a local housing authority, or are occupied under specified shared ownership arrangements. The details of qualifying dwellings are specified in Regulation 49 of the Community Infrastructure Regulations 2010 (as amended). Anyone wishing to claim relief must follow the procedures set down in the CIL Regulations 2010 (as amended), and

the claim must be made using the standard CIL 'Form 2: Claiming Exemption of Relief' which is available on the Planning Portal website:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Charitable Relief

Under Regulation 43 of the Community Infrastructure Levy Regulations 2010 (as amended) a charitable institution which owns a material interest in the land (a charity landowner) will get full relief from their share of the liability where the chargeable development will be used 'wholly, or mainly, for charitable purposes' and they meet the requirements of Regulation 43

The CIL regulations also allow discretionary charitable relief to a charity landowner where the greater part of the chargeable development will be held as an investment, from which the profits will be applied for charitable purposes. The CIL regulations¹ indicate that these activities should be the sale of donated goods, where the proceeds of sale of the goods (after any deduction of expenses) are applied to the charitable purposes. A claim can be made using the standard CIL 'Form 2: Claiming Exemption of Relief' which is available on the Planning Portal website:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

DISCRETIONARY CHARITABLE RELIEF POLICY

Discretionary relief for investment activities by charities may be made in accordance with Regulations 44, 45 and 46 of the CIL Regulations 2010 (as amended). Lichfield District Council allows such discretionary relief where the chargeable development delivers facilities, services or infrastructure that have been identified as a requirement in the Local Plan.

The amount of relief granted will be in proportion to the proposed development's benefit to the community, as assessed by Lichfield District Council in consultation with the Parish or Town Council.

This policy is effective from the day the Lichfield CIL Charging Schedule comes into effect on 13 June 2016.

Anyone wishing to claim relief must follow the procedures set down in the CIL Regulations 2010 (as amended).

¹ See Regulation 44 for more details

Exceptional circumstances relief

Regulation 55 of the Community Infrastructure Levy Regulations 2010 (as amended) allows a charging authority to grant relief where: a section 106 agreement exists on the planning permission permitting the chargeable development; and where the charging authority considers that payment of the full Levy would have an unacceptable impact on the economic viability of the development. The granting of this relief must not constitute a notifiable state aid. A claim can be made using the standard CIL 'Form 2: Claiming Exemption of Relief' which is available on the Planning Portal website:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

EXCEPTIONAL CIRCUMSTANCES RELIEF POLICY

In accordance with Regulations 55, 56 and 57 of the Community Infrastructure Levy Regulations 2010 (as amended), Lichfield District Council as the charging authority for the area, gives notice that relief for exceptional circumstances is available within the district.

This policy is effective from the day the Lichfield CIL Charging Schedule comes into effect on 13 June 2016.

Anyone wishing to claim relief for exceptional circumstances must follow the procedures set down in the CIL Regulations 2010 (as amended).



Lichfield District Council
Community Infrastructure Levy
Regulation 123 List

Effective from 13 June 2016

What is the Community Infrastructure Levy?

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- Read the CIL Planning Policy Guidance (PPG): <http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>
- Email: CIL@lichfielddc.gov.uk
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- Visit the [Planning Portal](#).
- Lichfield District Council's Planning Obligations Supplementary Planning Document

What is this document?

CIL income from new development can be spent on anything that constitutes "infrastructure" as defined by Regulation 216 of the 2008 Planning Act and the CIL Regulations 2010 (as amended). This includes but is not limited to: roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces. Regulation 123 of the CIL Regulations 2010 (as amended) sets out the need for local authorities to produce a list of "relevant infrastructure" which will be funded in whole or part by the CIL.

The Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations secured through S106 agreements for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy. This is to ensure there is no duplication between CIL and planning obligations in funding the same infrastructure projects. In addition, a development should not have to contribute twice towards the same piece of highways infrastructure through works carried out under Section 278 of the Highways Act 1980, and monies or land provided through CIL. The CIL Regulations 2010 (as amended) prescribe that a condition must not be imposed on the grant of planning permission to require a highway agreement for the funding or provision of infrastructure that is included on the Regulation 123 list, nor must a planning condition be used that prevents or restricts the carrying out of development (sometimes referred to as a 'Grampian condition') until a highway agreement has been entered into which is also included on the Regulation 123 list of infrastructure.

The relationship between CIL and planning obligations is explained in the Planning Practice Guidance¹ where it notes that it is possible that site specific mitigation may still be necessary subject to certain limits, namely:

¹ Paragraphs 93 to 107; Reference ID:25-093-20140612 to Reference ID: 25-107-20140612

- The application of the statutory test with respect to planning obligations (Regulation 122);
- Ensuring no overlap between CIL and planning obligations as noted above; and
- Imposing a limit on pooled contributions from planning obligations towards infrastructure that may be funded by the levy.

The list below sets out those infrastructure projects that Lichfield District Council currently intends may be wholly or partly funded by CIL, together with clarification notes and S106 requirements. The order in the table does not imply any order of preference for spend, it just signifies projects that will be considered by the council in its decision as to what might receive CIL funding. This list will be updated on a regular basis, taking into account the Council's Infrastructure Delivery Plan (IDP) and any changes to the CIL regulations.

| Transport | |
|---|--|
| Infrastructure to be funded in whole or in part by CIL | Notes |
| <p>Completion of the Lichfield Southern Bypass via provision of new underbridge section.</p> | <ul style="list-style-type: none"> • Section from east of new bridge structure to London Road to be delivered by developer as part of site access road layout. • New underbridge section will be funded by existing s106 and possible Local Growth Fund. • Section to west of new bridge delivered by gift of land from developers. |
| <p>Improvements to the Strategic Highway Network as identified by the Highways Agency at:</p> <ul style="list-style-type: none"> • Muckley Corner • Swinfen • Further junction improvements and safer access to A38 (Hillards Cross and Fradley South) | <p>CIL funds may be used to form part of package for Local Enterprise Partnership (LEP) bids.</p> |
| <p>Transport improvement scheme from the integrated Transport Strategy for Lichfield:</p> <p>Lichfield City Centre Transport Package including:</p> <ul style="list-style-type: none"> • Bus network improvements • Cycle and walking routes within the City • Electric Charging Points • Delivery of local traffic routing scheme • Designated Coach Parking area • Real Time Passenger Information, including signage to car parks <p>East Lichfield Local Transport Package (including Fradley) including:</p> | |

- HGV routing and parking arrangements in Fradley

Burntwood Transport Package including:

- Cannock Road – public realm enhancements and access modifications
- Improved walking and cycling links from southern to northern Burntwood
- Bus access and service improvements linking to Cannock and Lichfield
- Burntwood Bus interchange

District wide measures including

- A5 (T) and A38 (T)
- Route signage Lichfield to Tamworth

| Education | |
|--|---|
| Infrastructure to be funded in whole or in part by CIL | Notes |
| <p>Primary Education</p> <p>Primary School provision to deliver the Local Plan Strategy will be generated through S106 agreements apart from the following projects that may benefit from CIL funds:</p> <ul style="list-style-type: none"> • Expansion of Hob Hill Primary School, Rugeley • Expansion of All Saint's Alrewas Primary School | <p>S106 agreements will be required to secure the provision of primary education facilities to mitigate the need generated by site specific developments, and growth within the Strategic Development Allocations (SDAs) identified in the Lichfield District Local Plan as:</p> <ul style="list-style-type: none"> • South of Lichfield • Deans Slade Farm • Cricket Lane • East of Lichfield (Streethay) • Fradley • East of Burntwood Bypass • East of Rugeley • North of Tamworth (BDL) |
| <p>Secondary Education</p> <p>Delivery of Five Forms of Entry of additional secondary education facilities through:</p> <ul style="list-style-type: none"> • Expansion to Nether Stowe School • Expansion to The Friary School • Expansion to King Edward VI School | |

Open Spaces, Sporting and Recreational Facilities

Infrastructure to be funded in whole or in part by CIL

Notes

Open Space

Improvements to open space provision, including play provision for key sites, in line with the Open Space Assessment.

S106 agreements will be required to secure the on-site provision and maintenance of recreation and open space needs generated by growth within the Strategic Development Allocations (SDAs) and the North of Tamworth Broad Development Location identified in the Lichfield District Local Plan as:

- South of Lichfield
- Deans Slade Farm
- Cricket Lane
- East of Lichfield (Streethay)
- Fradley
- East of Burntwood Bypass
- East of Rugeley
- North of Tamworth Broad Development Location

Indoor Sports

CIL funds may be spent on improving indoor sports provision to serve Lichfield City and its hinterland as set out in the Swimming Pool and Sports Hall Feasibility Study 2013.

No specific elements for indoor sports provision have been identified for new S106 funding.

Playing Pitches

CIL funds may be spent on improving playing pitch provision in line with the deficiencies identified in the Playing Pitch, Tennis and Bowls Strategy.

S106 agreements will be required to secure the on-site provision and maintenance of playing pitch provision for the following SDA and the North of Tamworth Broad Development Location identified in the Lichfield District Local Plan as:

- South of Lichfield
- Deans Slade Farm
- Cricket Lane
- East of Lichfield (Streethay)
- Fradley
- East of Burntwood Bypass
- East of Rugeley
- North of Tamworth Broad Development Location

| Environment and Biodiversity | |
|--|---|
| Infrastructure to be funded in whole or in part by CIL | Notes |
| <p>Environment and Biodiversity</p> <p>CIL funds may be spent on improving the public realm, landscapes and habitats; and improving access to green space, to include:</p> <ul style="list-style-type: none"> • Chasewater Country Park improvements. • Central Rivers Initiative projects. • Heathland management programme. • Improvements to the canal network to improve Green Infrastructure Links. • Local Nature Reserves. • Woodland and hedgerow projects. <p>Infrastructure works relating to the restoration of the Lichfield and Hatherton Canal will potentially benefit from CIL funds, <i>apart from works required in relation to any on-site provision by the developers connected to the three SDAs in the vicinity of the canal: South of Lichfield, Deans Slade Farm, Cricket Lane.</i></p> | <p>Section 106 agreements will be required to secure infrastructure works relating to the restoration of the Lichfield and Hatherton Canal for the three SDAs in the vicinity of the canal: South of Lichfield, Deans Slade Farm, Cricket Lane.</p> |
| <p>Cannock Chase Special Area of Conservation</p> <p>CIL funds may be spent on measures for preventing harm to the Cannock Chase Special Area of Conservation (CCSAC) agreed by the Cannock Chase SAC partnership.</p> | <p>S106 agreements will be required for the Strategic Development Allocations (SDAs) to secure the provision of mitigation measures in relation to the Cannock Chase Special Area of Conservation.</p> |

| | |
|---|--|
| <p>River Mease Special Area of Conservation</p> <p>CIL funds may be spent on measures for mitigating the impact of development upon the River Mease Special Area of Conservation (RMSAC) measures.</p> | |
|---|--|

| Other Infrastructure | |
|--|--|
| Infrastructure to be funded in whole or in part by CIL | Notes |
| <p>Flood Mitigation</p> <p>General measures may benefit from CIL funds.</p> | <p>Site specific SUDS will be secured through planning conditions or S106 agreements.</p> |
| <p>Health facilities</p> <p>CIL funds may be used where evidence is provided that there is no local capacity and expansion of services is required to support growth across the district.</p> | <p>S106 agreements will be required for the Strategic Development Allocations (SDAs) to secure the provision of health care as identified in the Local Plan Strategy concept statements.</p> |
| <p>Social and community facilities will benefit from the local slice of CIL funds (15-25%) raised within their area. These funds can be distributed by Parish Councils and any neighbourhood planning forums that emerge, in line with evidence of local need.</p> | <p>S106 agreements will be required for the Strategic Development Allocations (SDAs) to secure the provision of community centres/hubs as identified in the Local Plan concept statements.</p> |
| <p>Low Carbon Initiatives / Carbon Investment Fund</p> <p>CIL funds may be used to support the delivery of Local Plan policy SC1 which states: The District Council is developing a Carbon Community Fund (CCF) which will support the achievement of carbon targets through financial contributions.</p> | |



Lichfield District Council
Community Infrastructure Levy
Payment in Kind: Land and Infrastructure
Payment Policy

Effective from 13 June 2016

What is the Community Infrastructure Levy?

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- Email: CIL@lichfielddc.gov.uk
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- Visit the [Planning Portal](#).
- Lichfield District Council Planning Obligations Supplementary Planning Document

What is this document?

In the majority of cases, CIL will be paid to the Council in the form of money. The CIL Regulations 2010 (as amended) allow the Council as the CIL charging authority to introduce a policy which details alternatives to cash payments through the provision of land or infrastructure.

The Council may accept full or part payment of a CIL liability by way of the transfer of land or to receive infrastructure as payment. The infrastructure to be provided must be related to the provision of those projects listed in the Council's Regulation 123 list, and land should be used to provide or facilitate (in any way) the provision of identified infrastructure to support the development of the charging authority's area.

Any agreement relating to such a payment must be made before the chargeable development commences.

The value of any land or infrastructure offered by way of payment has to be determined by a suitably qualified independent person to be instructed by the Council, yet paid for by the developer/applicant.

The Council is not obliged to accept any offer of payment in kind by way of land or infrastructure.

Please see the Community Infrastructure Levy Regulations 2010 (as amended), for the full details relating to payment in kind.

PAYMENT IN KIND: LAND AND INFRASTRUCTURE PAYMENT POLICY

In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Lichfield District Council as the charging authority for the area will allow the payment of CIL by land payments or infrastructure payments.

The infrastructure to be provided must be related to the provision of those projects listed in the Council's Regulation 123 list, and land should be used to provide or facilitate (in any way) the provision of identified infrastructure to support the development of the charging authority's area.

This policy is effective from the day the Lichfield's CIL Charging Schedule comes into effect on 13 June 2016.

Review of the Civic Function

Leader of the Council

| | |
|--------------------|---------------------------------|
| Date: | 5 th April 2016 |
| Agenda Item: | 4 |
| Contact Officer: | Diane Tilley |
| Tel Number: | 01543 308001 |
| Email: | Diane.tilley@lichfielddc.gov.uk |
| Key Decision? | NO |
| Local Ward Members | All councillors |



CABINET

1. Executive Summary

1.1 The current lease for the Chairman's car expired in March 2015. The arrangements have been temporarily extended to enable further consideration of the Civic function. On consideration of the proposals at Strategic Overview and Scrutiny in June 2015 it was agreed a Task Group would be established to consider not only the car but also the wider civic function. The Task Group reported to the Committee on its findings in September 2015 and recommended changes to the Civic function to Cabinet. This report presents the recommendations of the Leader of the Council to Cabinet in respect of the Civic function taking into account the views of the Overview and Scrutiny Task Group. It should be noted that these proposals, whilst taking into account the financial impact on the council, have been proposed in order to modernise and reinvigorate the civic function and align it with the strategic objectives of the council.

2. Recommendations

- 2.0 It is recommended that the role of the Chairman and Vice Chairman of the Council (the Civic Function) be revised from the start of the Civic year 2016/17 and focussed in future on supporting the work of the Council in meeting its strategic priorities. The impact of this is :
- 2.1 That the number of engagements attended be reduced and that the scoring matrix as set out in Appendix A be used by the Chairman and Vice Chairman to aid decisions on what invitations they should accept that add value for the Council.
- 2.2 That the Civic Duties Allowance (CDA) paid to the Chairman be reduced to £3250 (currently £6,490) and the Vice Chairman's by the same proportion to £1,400 (currently £2810). This will be formally proposed as part of the response to the annual review by Independent Remuneration Panel (IRP) in May 2016.
- 2.3 That the Chairman charity events cease
- 2.4 That a competitive process be undertaken to secure a lease for a Mondeo car (Option 4 of Appendix B) for the term of this Council (May 2019) under the appropriate procurement procedures.
- 2.5 That the Member Task Group be reconvened one year after implementation (i.e. May 2017) to evaluate the effectiveness of the new arrangements.

3. Statement of Reasons

3.1 It should be noted that while there is a statutory role (Local Government Act 1972) for a Chairman to preside over Council meetings there is no legislation requiring a Civic function. However, to the best of our knowledge there is no Authority that does not have a Civic function. It is felt that there are advantages to having a 'first citizen' ; promoting the district, the council, aiding networking opportunities and helping to build relationships between the Council and other groups and organisations.

3.2 However it is also felt that there is value in reviewing, modernising and refreshing the Civic role to ensure it remains relevant and that there are strong links to the Council and its Strategic priorities as well as to the community it serves. A number of factors have been considered:

3.3 Number of Events

The number of events attended each year varies and this impacts on costs. The current process is for invitations to be accepted at the discretion of the Chairman themselves without a requirement to consider what added value it would give to the Council or how it would assist it in achieving its Strategic priorities.

To help reduce the number of events attended by Chairman (or Vice Chairman in his/her absence) and ensure they added value to the Council and District of a whole, a scoring matrix has been devised which aids decisions on what invitations should be accepted. This matrix has been based on best practice guidance from the National Association of Civic Officers (NACO) where it advises that *"a measure of the effectiveness of the Mayoralty (Chairmanship) in undertaking quality engagements is maintained."* The matrix can be found at Appendix A to this report.

It is suggested that there should be a presumption of attendance for any event in the District that involves Royalty, or at the invite of the Lord Lieutenant and any event at a significant venue for example the National Memorial Arboretum. The NACO guidance also states that *"Ideally, the Borough (District) has a target of 90% engagements within its boundary, on the basis that it is local people who are funding the Mayoralty (Chairmanship)"*. Taking this into account it is proposed that invitations inside the district should be prioritised but that the significance of partnership working and the relationship with neighbouring authorities should also be respected. There are Civic Heads in the district that could attend the events that had less strategic value to the Council. In these instances, it would be suggested to the host organisation issuing the invite that they approach another Civic Head i.e. City or Parish head.

As it is possible that the number of events may vary from year to year, for instance at the time of significant anniversaries, the proposal from the Task Group to establish a contingency fund has been considered. It is proposed that this is not set up at this point but that the position is reviewed following the first full year of operation of these new arrangements as the financial implications of the change proposed, and the level of visits undertaken can only be estimated at the current time.

It is recognised that the number of Civic invitations received during the current Civic year has considerably reduced from the 208 attended in 2012/13, and that given the economic climate affecting Authorities this has now reduced to around 150. The Chairman and Vice Chairman should discuss and evaluate each invitation received in conjunction with the matrix as set out in Appendix A, to decide on what invitations are accepted that would add value to the strategic objectives of the council, and this should see further reduction to around 100 events.

3.4 Expenses

With the reduction in events attended, it is proposed that the expenses paid to the Chairman be reduced to £3250 (currently £6,490). It would be appropriate for the Vice Chairman's expense budget to be reduced by the same proportion to £1400 (currently £2810).

It is recommended that whilst expenses may be necessary, the Chairman and Vice-Chairman should always bear in mind the public perception of the use of the expenses for personal items including clothing.

It should be noted that the level of expenses is recommended to Council by the Independent Remuneration Panel and as such can only change by Council; if Cabinet are supportive of this approach then the necessary changes can be proposed and approved by Council at its annual meeting in May 2016.

3.6 Chairman's Car

All options regarding transport arrangements for the Chairman and Consort have been considered. These are detailed at Appendix B. It is proposed that a lease car and chauffeur service is still required as to ensure a level of safety and security and in order not to discriminate against any Member who could not drive or preclude them from taking up the position. Option 4, to lease a Mondeo car is recommended.

| | |
|------------------------------|---|
| Community Benefits | These proposals provide an opportunity to modernise the civic function and to ensure that it supports the strategic priorities of the council and promotes the districts whilst recognising the views of the community. |
| Views of Overview & Scrutiny | The Strategic Overview and Scrutiny Committee established a Task Group to consider the civic function, the report of which can be accessed at https://www.lichfielddc.gov.uk/Council/Meetings-committees-and-papers/StrategicOverviewScrutinyCommittee/2015/09/09/StrategicOverviewScrutinyCommittee-9-Sep-2015.aspx |
| Alternative options | <p>The current arrangements could continue as they do at present.</p> <p>The recommendations could be accepted in part, but the cost effectiveness of implementing some changes, without others, might not be cost effective or affordable.</p> <p>The Civic function could cease although a Chairman of Council would still be required for the Council meetings and the Constitution. It is not known of any other council where this is done.</p> |
| Consultation | In the public consultation exercise undertaken in May 2014, stopping the provision of a car for the Chairman was proposed as a suggested cut to the budget and was supported by 90% of people, opposed by 6% and 3% of people had no view. |

| | |
|--|--|
| Financial Implications | <p>The total budget for the civic function for 2015/16 is £59,080.</p> <p>Taking into account the proposals made it is anticipated that a permanent reduction of £ 7,385 per annum. This comprises £4,650 reduction in allowances and £2,735 reduction in lease costs on car.</p> |
| Plan for Lichfield District Implications | The new proposals are designed to ensure that the work of the Chairman and Vice Chairman supports the strategic objectives of the Council, and promotes the district. |
| Equality & Diversity Implications | <p>An Equality Impact Assessment of the range of options for the civic car has been undertaken. There is no impact on the community at large.</p> <p>However, the role of the Chairman and Vice Chairman must be open to all elected members. Thus if the Chairman/Vice Chairman falls into one of the protected characteristic groupings there would be an impact on the arrangements which would need to be considered.</p> <p>In summary, a decision to not have a car and driver at all could affect a person who has a physical disability which prevents them from driving making the role more challenging, however there is no impact if alternative transport arrangements are made as proposed here compared to provision of a leased car and employed chauffeur</p> |
| Crime & Safety Issues | None identified |
| Human Rights Issues | None identified |

4. Risk Management

| | Risk Description | Likelihood / Impact | Status | Countermeasure |
|---|--|---------------------|--------|--|
| A | The reputation of the District council is adversely affected | Medium/low | | That the matrix be used to demonstrate justification for the civic function and the attendance of the major events |
| B | | | | |
| C | | | | |
| D | | | | |
| E | | | | |

| | |
|----------------------|---------------------|
| Background documents | Please list details |
| Relevant web links | Please list details |

Civic Function Scoring Matrix

| | | FUNCTION DRIVERS | | | | |
|------------------------|--|---------------------|---|---------------------|--------------|-------------------|
| | | Press in Attendance | Supports LDC Initiatives / Strategic Plan | Within LDC Boundary | Social Event | Traditional Event |
| QUALITY OF ENGAGEMENTS | (1) PROMOTING Council Initiatives, Business Opportunities, tourism | 1 | 2 | 3 | 4 | 5 |
| | (2) COMMUNITY events Attending local events (LDC Area) | 2 | 4 | 6 | 8 | 10 |
| | (3) CIVIC HOSTING Offering hospitality to community groups | 3 | 6 | 9 | 12 | 15 |
| | (4) CHARITIES Charity appeal, fundraising events | 4 | 8 | 12 | 16 | 20 |
| | (5) CIVIC CIRCUIT (Chain Gang) Visiting other Civic Heads | 5 | 10 | 15 | 20 | 25 |

Low Numbers (Green) are acceptable functions

Middle Numbers (Amber) Need approval Leader/CEO

High Numbers in the (Red) Non-acceptable functions

Caveats

- Royal Visits (esp NMA) - Presumption of Attendance
- Business Events (Drayton Manor) or other event for the Lichfield District Council Strategic Plan – Presumption of Attendance
- Queens (Kings) Award for Voluntary Service - Presumption of Attendance
- Significant Local Venue (not Buckingham Palace Garden Party) – Presumption of Attendance
- Most Appropriate Civic Head should attend function
- An attempt that visits should be evenly distributed across the District

Review of Civic Function: Chairman's Car

Summary of Options considered

| | Option | Opportunities | Challenges | Cost per annum (approx) | Cost increase (saving) pa Based on actual budget for 15/16 of £16,830 (car & fuel: £8470 pay:£8360) |
|---|--|---|---|--------------------------------|--|
| 1 | No car and no chauffeur | Reduces costs Demonstrates council has listened to Community consultation. Maximum reduction in budget achieved | Chairman would transport him/herself to functions. Costs of mileage claim /taxi fares (estimated at £3000). Impact on status of chairman and reputation of council. Safety of chain. Chauffeurs would no longer be required and redundancy liability would exist estimated to be a one off payment of up to £10,000 | £3,000 | (13,830) |
| 2 | Hire car and chauffeur for each event (est 100 events) | Demonstrates council has listened to Community consultation. Medium level of savings achieved | May increase need for support at our own events as no Chauffeur present. Chairman will be unaccompanied at events May be delays and cancellations due to less reliability and commitment though contractual arrangements | £13500 | (£3330) |

| | | | | | |
|----|--|---|--|---------|---------|
| | | | <p>Could be costs incurred for last minute cancellations/changes</p> <p>Increased risk of failure of service</p> <p>Limited number of events can be attended according to budget</p> | | |
| 3 | Purchase lease car and run for a further 4 years | <p>Community see older car being utilised whilst still projecting positive image of council</p> <p>No lease costs</p> <p>Little overall savings</p> | <p>Would cost approx. £13,975 to purchase. Apportioned over 4 years the cost is £3493</p> <p>Increased costs of service and MOT not previously incurred (estimated £800 pa)</p> <p>Increased risk of maintenance as car ages.</p> <p>Increased risk of breakdown and non availability of car</p> | £15433 | (£1397) |
| 4 | Lease an alternative car (e.g. Ford Mondeo Diesel Hatchback) | <p>No additional risk</p> <p>No additional administrative burden</p> <p>All events can be attended</p> | <p>Not aligned with community view</p> <p>Lease car would cost £2955 pa as opposed to current cost of £5690</p> | £14,135 | (£2735) |
| 5 | Extend lease of current car | Supplier unable to offer this option | n/a | n/a | n/a |
| 6. | Lease the similar jaguar model of car | <p>No additional risk</p> <p>No additional administrative burden</p> <p>All events can be attended</p> | <p>Not aligned with community view</p> <p>Saving of £1756 pa</p> | £15,074 | (£1756) |

ACCEPTANCE OF FUNDING TO SUPPORT LOCALITY COMMISSIONING

Report of the Cabinet Member for Community



Date: 5 April 2016
Agenda Item: 5
Contact Officer: Helen Titterton
Tel Number: 01543 308700
Email: Helen.Titterton@lichfielddc.gov.uk
Key Decision? YES
Local Ward Members Not applicable to specific wards

CABINET

1. Executive Summary

- 1.1 In autumn 2014, a Locality Commissioning Board (LCB) was established to oversee public sector commissioning in Lichfield District and to make investment decisions on behalf of Lichfield District Board using funds delegated to it by public sector partners. The District Council is the Accountable Body for the LCB, receives income from partners and administers the investment of this income in accordance with decisions made by the LCB.
- 1.2 Partners have advised the District Council of the contributions they will be making towards locality commissioning in 2016/17 and this report asks Cabinet to approve acceptance of this funding. As the allocation exceeds £50k, the funding needs to be formally accepted by the Cabinet in accordance with the District Council's Financial Procedure Rules.
- 1.3 Funding has been confirmed by the County Council and correspondence received. The CCG and Police and Crime Commissioner have advised the District Council of the sums they intend to provide and final letters of confirmation are expected shortly. This report is being brought in advance of final confirmation so that the funding can be allocated out to the community and voluntary sector as promptly as possible.

2. Recommendations

Cabinet is recommended to accept the following funding from partners to be used to support the implementation of locality commissioning in Lichfield District:

- 2.1 A confirmed sum of £20,000 from the County Commissioner for Older People and Market Development, Staffordshire County Council
- 2.2 A confirmed sum of £62,148 from Public Health, Staffordshire County Council
- 2.3 An indicative sum of £69,000 from South East Staffordshire and Seisdon Clinical Commissioning Group
- 2.4 An indicative sum of £71,885 from the Police and Crime Commissioner for Staffordshire

3. Background

Acceptance of Funding

- 3.1 At the September 2014 meeting of Cabinet, Members were advised that local public sector organisations (including the County and District Councils, Clinical Commissioning Group and Police and Crime Commissioner) had separate processes for investing locality budgets and this leads to

considerable duplication of effort. Consequently, partners had expressed an interest in testing out a new locality commissioning approach to this investment by agreeing shared priorities and identifying funding streams that could support this process. The Staffordshire Health and Wellbeing Board endorsed the introduction of locality commissioning and most Local Strategic Partnerships have established this model of partnership working in their own areas.

- 3.2 Cabinet agreed that LDC should take part in a locality commissioning process and endorsed the establishment of a Locality Commissioning Board, which was formally established by the District Board in September 2014 with Councillor Greatorex as Chairman (now Councillor Pullen). The District Council is the accountable body for locality commissioning and therefore income received from partners is dealt with in accordance with the District Council’s Financial Procedure Rules. Cabinet has previously delegated authority to the Cabinet Member for Community in consultation with the Strategic Director for Democratic, Development and Legal Services and the Strategic Director for Community, Housing and Health to enter into contracts (for work, supplies and services) with successful bidders on behalf of the District Council (as part of its role as accountable body). The District Council has entered into 21 Service Level Agreements (SLAs) on behalf of the LCB.
- 3.3 The District Council received £286,500 from public sector partners in 2015/16 and has allocated (or has plans in place to allocate) £465,614 (including funding contributed from the District Council’s own grants budget). Details of the tendering processes (autumn 2014 and summer 2015) and outcomes are available [here](#).
- 3.4 Partners have indicated their intention to continue to make a financial contribution to locality commissioning within Lichfield District in 2016/17 and have identified the following budgets for this purpose:
- County Commissioner for Older people and Market Development, Staffordshire County Council - £20,000
 - Public Health, Staffordshire County Council - £62,148
 - South East Staffordshire and Seisdon Clinical Commissioning Group - £69,000
 - Police and Crime Commissioner for Staffordshire - £71,885

Letters of confirmation have been received from Staffordshire County Council in relation to the sums referred to. It is expected that confirmation will be received shortly from the other partners.

- 3.5 This means that in 2016/17, there will be a ‘new’ budget of £400,033 for locality commissioning (including the District Council’s own contribution). Decisions regarding the investment of this funding have been made by the Locality Commissioning Board following the tendering processes referred to above; subject to the achievement of satisfactory performance, the majority of the SLAs will be extended by a further year to provide continuity of funding (and reduce the overhead costs associated with conducting a further tendering process).

| | |
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| Alternative Options | Cabinet could decide not to accept the funding. |
| Consultation | <p>A Member Task Group (Chaired by Councillor Mrs Woodward) met during summer 2014 to decide on the priorities for investing the District Council funding element of the locality commissioning budget. A further one off Member Task Group meeting took place in September 2015 to decide on how unallocated LDC funding should be distributed.</p> <p>There has been extensive consultation with funding partners regarding the priority outcomes to be achieved through the locality commissioning process.</p> <p>Various bidders’ events took place in autumn 2014 and summer 2015 to engage with potential applicants and to explain the process for submitting applications.</p> |

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| Financial Implications | The income from partners expected to be received by Lichfield District in 2016/17 is £223,033k. The funding is managed in a partnership account which is separate from the District Council's own revenue accounts. The District Council has a budget of £177k for grant aid which is included within the overall budget for locality commissioning. |
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| Contribution to the Delivery of the Strategic Plan | The new Strategic Plan 2016-20 emphasizes the importance of the community and voluntary sector in helping the District Council to achieve its strategic priorities and specifically sets out 'How the community, voluntary and business sectors can help'; the funding which is allocated through the locality commissioning process helps to ensure that the District continues to benefit from a thriving and diverse voluntary sector and will help achieve the outcome by 2020 of ' <i>more people involved in volunteering and community activity</i> '. |
|--|---|

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|---|--|
| Equality, Diversity and Human Rights Implications | It is likely that the projects and services which are commissioned as a consequence of this process will benefit all sectors of the community. The Lot to Enable independent living may have greatest impact for people who are elderly / have disabilities (supporting the protected characteristics of age and disability) |
|---|--|

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| Crime & Safety Issues | <p>One of the strategic aspirations to be achieved through locality commissioning is A community which is safe. The following funding Lots support this ambition:</p> <ul style="list-style-type: none"> • Supporting victims and witnesses • Early intervention for young people • Support for victims of anti social behaviour • Increasing public confidence / community support <p>It is anticipated that the Police and Crime Commissioner will make a significant contribution (£72k) to fund the above</p> |
|-----------------------|--|

| | Risk Description | How We Manage It | Severity of Risk (RYG) |
|---|--|--|------------------------|
| A | That funding which has been promised from partners is not received | The District Council holds a partnership reserve on behalf of the District Board. The Board has agreed that this reserve can be used to underwrite expenditure incurred in the event that income from partners is not received | Green |
| B | That the process / outcomes of allocating funding locally are unsuccessful | Regular monitoring reports are produced using the performance management system Upshot | Green |

Background documents

Locality Commissioning Board Terms of Reference

http://www.lichfielddc.gov.uk/meetings/meeting/1045/locality_commissioning_board

Report to Cabinet in September 2014 '*Funding the Community and Voluntary Sector and Locality Commissioning*' (item 5)

Report to Cabinet in February 2015 'Acceptance of Funding to Support Locality Commissioning' (item 10)

Report to Cabinet in January 2015 '*Acceptance of Funding from Staffordshire County Council - Supporting Locality Commissioning*' (item 5)

Wigginton, Hopwas & Comberford Neighbourhood Plan- Referral to Referendum

Councillor Ian Pritchard Cabinet Member for Economy



| | |
|--------------------|--|
| Date: | 5 th April |
| Agenda Item: | 6 |
| Contact Officer: | Craig Jordan |
| Tel Number: | 01543 308202 |
| Email: | Craig.jordan@lichfielddc.gov.uk |
| Key Decision? | YES |
| Local Ward Members | Whittington & Streethay Ward- Councillor Leytham, Councillor Strachan, Councillor White |

CABINET

1. Executive Summary

- 1.1 This report relates to the preparation of a Neighbourhood Plan covering Wigginton, Hopwas & Comberford (WH&C), which has recently been the subject of formal examination by an Independent Examiner. The Examiner is recommending that subject to a number of modifications being made to the plan that it can proceed to referendum. The District Council now has to consider the Examiner's Report and recommendations and if it so wishes resolve to progress the WH&C Neighbourhood Plan to referendum by way of issuing a Decision Statement.

2. Recommendations

- 2.1 That the Cabinet accepts and agrees to the making of modifications as set out in the 'Decision Statement regarding WH&C Neighbourhood Plan proceeding to referendum' to the WH&C Neighbourhood Plan and allows the Plan to be proceed to the referendum stage.

3. Background

- 3.1 Neighbourhood planning is one of the provisions of the 2011 Localism Act allowing local communities to bring forward detailed policies and plans which can form part of the statutory planning process for an area and its residents; [Appendix A](#) of this report provides a background to neighbourhood planning and the formal process each plan must follow in their preparation.
- 3.2 The Neighbourhood Planning (General) Regulations 2012 require that Neighbourhood Plans are subject to independent examination. The appointed independent Examiner must consider whether a Neighbourhood Plan meets the 'Basic Conditions' as set out in [Appendix A](#). Following the completion of an examination, the Examiner must produce a report which can make three recommendations; 1) That the neighbourhood plan can proceed to referendum; 2) That subject to identified modifications the neighbourhood plan can proceed to referendum; 3) That the neighbourhood plan should not proceed to referendum.
- 3.3 The WH&C Neighbourhood Plan has been independently examined and it is recommended in the Examiner's Final Report (<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Neighbourhood-plans/Downloads/Wigginton-Hopwas/Wigginton-Hopwas-Comberford-Neighbourhood-Plan-Independent-Examiners-Report.pdf>) that subject to the modifications outlined within the report the neighbourhood plan meets the 'basic conditions' and as such should proceed to referendum.
- 3.4 The Regulations 2012 require that upon receipt of the final report from an independent examination of a Neighbourhood Plan, the Local Planning Authority (Lichfield District Council) is required to consider the recommendations set out in the Examiner's report and publish on their website a 'decision statement' which considers the recommendations of the independent examination.

- 3.5 The report and proposed modifications have been considered by your officers. On the basis of the assessment of the report and the proposed changes it is recommended that the District Council accepts the recommendations of the examiner and agrees all the respective modifications
- 3.6 In line with the conclusions and recommendations of the Examiner a proposed Decision Notice in respect of WH&C Neighbourhood Plan is attached at [Appendix B](#). A modified version of the WH&C Neighbourhood Plan has been provided to clearly illustrate the proposed modifications - see [Appendix C](#).
- 3.7 The Cabinet is asked to note the Examiner’s Report for the aforementioned plan, including the specific recommendations, and agree the Decision Notice allowing for referendum to follow.
- 3.8 Next Steps - following a decision to allow a neighbourhood plan to proceed to referendum, the District Council will need to publish the Decision Statement online and provide the decision statement to the Qualifying Body and any other stakeholder who has requested to be notified of the decision. Following this the referendum will need to be organised.

| | |
|------------------------|---|
| Alternative Options | <ol style="list-style-type: none"> 1. Lichfield District Council declines to send the WH&C Neighbourhood Plan to referendum. This would mean the Neighbourhood Plan would retreat to an earlier stage of development. 2. The Qualifying Body withdraws the Neighbourhood Plan prior to Lichfield District Council making a formal decision as outlined within the Decision Statement. Again this would mean the Neighbourhood Plan would retreat to an earlier stage of development. |
| Consultation | <ol style="list-style-type: none"> 1. In line with the Regulations the draft WH&C Neighbourhood Plan has been consulted upon for at least the minimum required 6 week period at both the pre-submission and local authority publicity stages prior to their submission for Independent Examination. Alongside the submission of the Plan the Qualifying Body (Wigginton & Hopwas Parish Council) are required to submit a Consultation Statement detailing the consultation undertaken throughout the Neighbourhood Plan process. This statement was considered by the Independent Examiner along with all representations made at the Local Authority publicity period. |
| Financial Implications | <ol style="list-style-type: none"> 1. The Government has made substantial grant aid available to District Councils in recognition of the level of resourcing required in the administration of Neighbourhood Plans. Government guidance states that ‘this money is to ensure LPAs receive sufficient funding to enable them to meet new legislative duties on neighbourhood planning. Specifically, it covers the neighbourhood planning duties in the Localism Act which are to provide advice and assistance; to hold an examination; and to make arrangements for a referendum’ 2. Upon designation, £5,000 can be claimed for each Neighbourhood Area. Additionally a further £5,000 grant aid can be claimed when a plan is publicised for examination, and a further £20,000 can be claimed for each successful examination completed which results in a Neighbourhood Plan meeting the Five Basic Conditions. 3. However, the last payment is not dependent on pursuing the referendum route if both parties agree on a different approach at that point (for example, if both parties agree, the neighbourhood plan could be taken forward as part of the local plan or as a supplementary planning document). 4. Communities with Neighbourhood Plans in place will also be entitled to 25% of the Community Infrastructure Levy (CIL) receipts generated by eligible development in their area. Communities with no Neighbourhood Plan will be entitled to 15%. |

| | |
|---|---|
| Contribution to the Delivery of the Strategic Plan | 1. Any Neighbourhood Plan will need to demonstrate that it is in broad conformity with the Local Plan which, in turn has been prepared in line with the Plan for Lichfield District. |
| Equality, Diversity and Human Rights Implications | 1. The extensive consultation procedures provided for by the Planning and Compulsory Purchase Act 2004 ensure that consultation is undertaken with the wider community and covers human rights matters. |
| Crime & Safety Issues | 1. Crime and Community safety issues may be considered as part of an emerging Neighbourhood Plan. |

| | Risk Description | How We Manage It | Severity of Risk (RYG) |
|---|---|---|-------------------------------|
| A | Plan received a 'no' vote in a referendum | Have regular dialogue with the Parish Council to ensure consultation and engagement gains 'buy in' from the community at the earliest opportunity | Yellow |
| B | Parish decides to withdraw Neighbourhood Plan | Have regular dialogue with the parish Council to ensure understanding of process moving forward and the implications of withdrawing the plan. | Green |

Background documents

1. Neighbourhood Planning (General) Regulations 2012
2. DCLG letter to Chief Planners 'Changes to financial support for Neighbourhood Planning in 2012/13 and 2013/14' 18th December 2012.
3. Local Plan Strategy (Adopted February 17 2015)
4. WH&C Neighbourhood Plan Independent Examination Final Report

Relevant web links

1. Copies of all documents can be found at:

<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Local-plan/Local-plan.aspx>

2. Copies of the submitted neighbourhood plans and supporting documents, final examiner reports and all representations received can be found via:

<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Neighbourhood-plans/Neighbourhood-Plans.aspx>

3. Details on support available to communities can be found via the My Community Rights website:

<http://mycommunityrights.org.uk/neighbourhood-planning/>

Little Aston & Stonnall Neighbourhood Plans

Final Decision Statements

Councillor Ian Pritchard, Cabinet Member for Economy

Date: 5th April
Agenda Item: 7
Contact Officer: Craig Jordan
Tel Number: 01543 308202
Email: craig.jordan@lichfielddc.gov.uk
Key Decision? YES
Local Ward Members Shenstone Ward- Councillor David Salter

Lichfield
district council
www.lichfielddc.gov.uk

CABINET

1. Executive Summary

- 1.1 This report relates to the preparation of Neighbourhood Plans covering Little Aston and Stonnall, which have recently been subject to referendums. Both Neighbourhood Plans received a majority Yes vote in their corresponding referendums. The District Council now has to formally 'make' the Little Aston Neighbourhood Plan and the Stonnall Neighbourhood Plan, following which they will both form a part of the Lichfield District Development Plan.

2. Recommendations

- 2.1 That the Cabinet agrees to the making of the Little Aston Neighbourhood Plan and the Stonnall Neighbourhood Plan.

3. Background

- 3.1 Neighbourhood planning is one of the provisions of the 2011 Localism Act allowing local communities to bring forward detailed policies and plans which can form part of the statutory planning process for an area and its residents; [Appendix A](#) of this report provides a background to neighbourhood planning and the formal process each plan must follow in their preparation.
- 3.2 The Neighbourhood Planning (General) Regulations 2012 require that Neighbourhood Plans are subject to a referendum. The referendums were in accordance with the Neighbourhood Planning (Referendum) Regulations 2012. All those eligible to vote in their respective Neighbourhood Area voted Yes or No to the following question, "Do you want Lichfield District Council to use the Neighbourhood Plan for ----- to help it decide planning applications in the Neighbourhood Area?" If the majority (50% +1) of the turnout vote in favour the Local Planning Authority (Lichfield District Council) must make the Neighbourhood Plan.
- 3.3 Both referendums were held on 25th February 2016. The Little Aston Neighbourhood Plan referendum received a turnout of 21.5%, with 481 (89%) votes in favour and 59 (11%) votes against the making of the Neighbourhood Plan. The Stonnall Neighbourhood Plan referendum received a turnout of 29.68%, with 350 (92%) votes in favour, 24 (8%) votes against the making of the Neighbourhood Plan, 4 ballot papers were rejected.
- 3.4 The 2012 Regulations require that upon the completion of the referendum the Local Planning Authority is required to publish a 'Decision Statement' on their website. This Decision Statement will state that the Neighbourhood Plan has been successful at referendum and will now be 'made', and will form a part of the Development Plan for Lichfield District. A proposed Decision Statement in respect of

the Little Aston Neighbourhood Plan is attached at [Appendix B](#), and Stonnall Neighbourhood Plan at [Appendix C](#).

- 3.5 The Cabinet is asked to note the referendum results and the Decision Statements and agree to the making of the Little Aston Neighbourhood Plan and the Stonnall Neighbourhood Plan. The decision of the Cabinet will then need to be endorsed by Full Council.
- 3.5 Next Steps – following a decision to make the Neighbourhood Plans, the District Council will need to publish the Decision Statements online, and provide the Decision Statements to the Qualifying Body and any other stakeholder who has requested to be notified of the decision. The Neighbourhood Plans will form a part of the Development Plan for Lichfield District and will be used in determining planning applications. The made Neighbourhood Plans will be published online and the prescribed persons will be notified.

| | |
|--|---|
| Alternative Options | <ol style="list-style-type: none"> 1. The Lichfield District Council refuses to make the Neighbourhood Plans. The Council can only do this if it considers this would breach, or be incompatible with any EU Obligation or any of the Convention Rights. 2. Following the making of the Neighbourhood Plans, Lichfield District Council can decide to modify or revoke the Neighbourhood Plans, in line with the Regulations. |
| Consultation | <ol style="list-style-type: none"> 1. In line with the Regulations the Neighbourhood Plans have been through numerous consultation periods. Consultation Statements detailing the consultation undertaken throughout the Neighbourhood Plan process were provided by the Qualifying Body (Shenstone Parish Council) as part of the Neighbourhood Plan Submission Documents. 2. The Neighbourhood Plan Referendums were publicised according to the Neighbourhood Planning (Referendum) Regulations 2012. |
| Financial Implications | <ol style="list-style-type: none"> 1. The Government has made grant aid available to District Councils in recognition of the level of resourcing required in the administration of Neighbourhood Plans. Lichfield District Council has received full £30,000 grants from DCLG for both the Little Aston Neighbourhood Plan and the Stonnall Neighbourhood Plan. 2. Communities with Neighbourhood Plans in place will be entitled to 25% of the Community Infrastructure Levy (CIL) receipts generated by eligible development in their area. Communities with no Neighbourhood Plan will be entitled to 15%. |
| Contribution to the Delivery of the Strategic Plan | <ol style="list-style-type: none"> 1. The Neighbourhood Plans demonstrate that it is in broad conformity with the Local Plan Strategy which conforms with the Strategic Plan. |
| Equality, Diversity and Human Rights Implications | <ol style="list-style-type: none"> 1. The extensive consultation procedures provided for by the Planning and Compulsory Purchase Act 2004 ensure that consultation is undertaken with the wider community and covers human rights matters. 2. The Neighbourhood Planning (Referendum) Regulations 2012 ensure that all those eligible were entitled to vote in the referendums. 3. Equality Impact Assessments have been completed for both Neighbourhood Plans, please see Appendix D and Appendix E. |
| Crime & Safety Issues | <ol style="list-style-type: none"> 1. Crime and community safety issues may be considered as part of the Neighbourhood Plans. |

| | Risk Description | How We Manage It | Severity of Risk (RYG) |
|---|--|--|------------------------|
| A | Qualifying Body propose the replacement of the Neighbourhood Plan. | Ensure the Qualifying Body produce the replacement Neighbourhood Plan in accordance to the Neighbourhood Planning (General) Regulations 2012. | Green |
| B | Lichfield District Council decide to modify the made Neighbourhood Plan. | Lichfield District Council in line with the Regulations will seek the permission of Qualifying Body before modifying the Neighbourhood Plan, and will carrying out the process in accordance with the Regulations. | Green |
| C | Lichfield District Council decide to revoke the made Neighbourhood Plan. | Lichfield District Council will gain permission from the Secretary of State before revoking the Neighbourhood Plan, the revocation will be in accordance with the Regulations. | Green |
| D | Secretary of State revokes the made Neighbourhood Plan. | This would be outside the control of the District Council. | Green |

Background documents

1. Neighbourhood Planning (General) Regulations 2012
2. Neighbourhood Planning (Referendum) Regulations 2012
3. Little Aston Neighbourhood Plan
4. Stonnall Neighbourhood Plan

Relevant web links

1. Copies of the submitted neighbourhood plans can be found via: www.lichfielddc.gov.uk/neighbourhoodplans

Re-procurement of Desktop Operating Software Contract

Councillor D Pullen, Cabinet Member for Community



| | |
|--------------------|----------------------------------|
| Date: | 5 April 2016 |
| Agenda Item: | 8 |
| Contact Officer: | Kevin Sleeman |
| Tel Number: | 01543 308120 |
| Email: | kevin.sleeman@lichfielddc.gov.uk |
| Key Decision? | YES |
| Local Ward Members | None |

CABINET

1. Executive Summary

- 1.1 Lichfield District Council (LDC) uses a range of software applications from Microsoft for running all aspects of its computer systems, both central servers and desktop computers.
- 1.2 The existing contract ends on 30 April 2016 and through LDC's preferred reseller, a quotation for a new contract for these software applications has been obtained. The Government has put in place a framework for Microsoft software and this quotation uses that framework and the combined buying power of the Government.
- 1.3 The cost of the three-year contract is projected to increase from **£144,450** to **£152,850** (a rise of 5.8%) and this is due to changes to the computer systems introduced as a result of the 'ICT Looking to the Future' report approved by Council on 24 February 2014.

2. Recommendations

That Cabinet approve:

- 2.1 The award of the contract for the server and desktop software applications to Microsoft.
- 2.2 An update to the Medium Term Financial Strategy 2016-20 (MTFS 2016-20) for the net additional costs of **£8,400** for this procurement.

3. Background

- 3.1 LDC relies on software applications from Microsoft to run its servers and desktops. This software powers many business critical applications such as email, databases and the holding of files. In addition, it allows Members and Officers to manipulate emails and files through the Microsoft Office suite of software. The Microsoft Windows desktop software is the required operating software for many of LDC's key lines of business software.
- 3.2 The contract for the software runs for three years and the current contract ends on 30 April 2016.
- 3.3 With assistance from LDC's appointed ICT reseller, a quotation for a new contract to run for three years has been obtained. The new contract would be part of the Government's wider contract with Microsoft and gives additional benefits to support shared service and mobile working.
- 3.4 The cost of the three-year contract has increased from **£144,450** to **£152,850** as a result of changes to the ICT systems introduced due to the 'ICT Looking to the Future' report approved by Council on 24 February 2014.
- 3.5 Whilst this is a three year contract, the annual costs reflect the actual Microsoft products being used by LDC at the end of each year and the annual cost can vary depending on changes in staffing levels.

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| Alternative Options | <ol style="list-style-type: none"> 1. Buying out of the contract: This option has been discounted as the software products would be locked at their current version and at some point in the near future LDC would need to buy into a new contract to enable software to be updated. In addition, this would prevent LDC using some of the business continuity and disaster recovery options it has implemented as a result of the 'ICT Looking to the Future' report. 2. Migrate away from using Microsoft software: This option has been discounted as whilst there are open source, or free versions of most software packages, some lines of business software requires the Microsoft operating system and many of the software programs are not tested with other desktop systems and may not work as expected. Whilst the software may be free, there would be costs for supporting and retraining officers and technical staff in different software. |
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| Consultation | <ol style="list-style-type: none"> 1. There has been no consultation undertaken. |
|---------------------|---|

| Financial Implications | <ol style="list-style-type: none"> 1. The cost of the contract increases from £144,450 to £152,850. <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Year</th> <th>Budget</th> <th>Actual</th> <th>Cost Increase</th> </tr> </thead> <tbody> <tr> <td>2016/17</td> <td>48,150</td> <td>50,950</td> <td>2,800</td> </tr> <tr> <td>2017/18</td> <td>48,150</td> <td>50,950</td> <td>2,800</td> </tr> <tr> <td>2018/19</td> <td>48,150</td> <td>50,950</td> <td>2,800</td> </tr> <tr> <td>Total</td> <td>£144,450</td> <td>£152,850</td> <td>£8,400</td> </tr> </tbody> </table> | Year | Budget | Actual | Cost Increase | 2016/17 | 48,150 | 50,950 | 2,800 | 2017/18 | 48,150 | 50,950 | 2,800 | 2018/19 | 48,150 | 50,950 | 2,800 | Total | £144,450 | £152,850 | £8,400 |
|-------------------------------|--|-----------------|---------------|--------|---------------|---------|--------|--------|-------|---------|--------|--------|-------|---------|--------|--------|-------|--------------|-----------------|-----------------|---------------|
| Year | Budget | Actual | Cost Increase | | | | | | | | | | | | | | | | | | |
| 2016/17 | 48,150 | 50,950 | 2,800 | | | | | | | | | | | | | | | | | | |
| 2017/18 | 48,150 | 50,950 | 2,800 | | | | | | | | | | | | | | | | | | |
| 2018/19 | 48,150 | 50,950 | 2,800 | | | | | | | | | | | | | | | | | | |
| Total | £144,450 | £152,850 | £8,400 | | | | | | | | | | | | | | | | | | |

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|---|---|
| Contribution to the Delivery of the Strategic Plan | <ol style="list-style-type: none"> 1. This supports the theme of '<i>A Council that is fit for the future</i>' by putting in place contracts that can be varied throughout their life to reflect changes to LDC. |
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| Equality, Diversity and Human Rights Implications | <ol style="list-style-type: none"> 1. There are no Equality, Diversity and Human Rights Implications associated with awarding this contract. |
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|----------------------------------|---|
| Crime & Safety Issues | <ol style="list-style-type: none"> 1. There are no Crime and Safety Issues associated with awarding this contract. |
|----------------------------------|---|

| | Risk Description | How We Manage It | Severity of Risk (RYG) |
|---|---|---|------------------------|
| A | Costs are not kept to a minimum. | We have software tools that tell how us who is using each piece of software and we work with our appointed reseller to ensure there is a robust review each year. | Green |
| B | Unnecessary licences are purchased that do not reflect the actual number of people using the systems. | Regular reviewing of user levels | Yellow |

Background documents : Costing Documents

Relevant web links : Not Applicable

Re-procurement of Geographic Information Software Contract



Councillor D Pullen, Cabinet Member for Community

| | |
|--------------------|---|
| Date: | 5 April 2016 |
| Agenda Item: | 9 |
| Contact Officer: | Kevin Sleeman/Gareth Thomas |
| Tel Number: | 01543 308120/308131 |
| Email: | gareth.thomas@lichfielddc.gov.uk/ kevin.sleeman@lichfielddc.gov.uk |
| Key Decision? | YES |
| Local Ward Members | None |

CABINET

1. Executive Summary

- 1.1 The software application Lichfield District Council (LDC) uses to manage its Geographical Information and Spatial (GIS) data has been in use since 2006.
- 1.2 Staffordshire County Council Procurement Service (SCCPS) using the Government's Crown Commercial Services Framework (GCCSF) for Local Authority Applications, has created a framework for other Staffordshire Authorities to join, to give access to tools and systems that LDC would not be able to afford on its own.
- 1.3 Through this competitive process the contract until 2020/21 can be secured for **£84,470** for the entire period (approx. **£18,520** pa) giving a marginal saving over the life of the contract compared to the existing budget forecast.

2. Recommendations

- 2.1 That Cabinet approve the award of the contract for the software applications for GIS data to the incumbent supplier through the SCCPS framework.

3. Background

- 3.1 Since 2006, LDC has used a software application to manage its GIS. The mapping from these systems is used by most teams within LDC and is an essential asset for helping Members and officers understand the impact of decisions that are made.
- 3.2 The contract for the software is to enable the Council to comply with the Contract Procedure Rules, and the EU Procurement limit threshold.
- 3.3 SCCPS have recently created a Staffordshire-wide framework for the software, using the GCCFS for Local Authority software applications. This framework runs until October 2018 with two 12 month optional extensions. LDCs incumbent supplier is the only supplier on the framework.
- 3.4 In addition to replacing the software applications, the framework allows for additional Officers to use the software whilst avoiding additional up-front costs. It also adds additional products that will enable LDC to better share its information with other Staffordshire Councils and related agencies, such as the Civil Contingencies Unit.
- 3.5 This provides additional products that give access to more spatial information.

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| Alternative Options | 1. Extending the existing contract with incumbent supplier. This option has been discounted as the contract with the incumbent supplier no longer complies with Contract Procedure Rules and expenditure has exceeded the EU Procurement limit threshold. |
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| Consultation | 1. Officers who use the software applications and officers from Staffordshire County Council (SCC). |
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| Financial Implications | <p>1. The cost of the contract produces a minimal saving over the period and will be managed within existing budgets:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Year</th> <th>Budget</th> <th>Actual</th> <th>Cost Increase/ (Decrease)</th> </tr> </thead> <tbody> <tr> <td>2016/17</td> <td>18,020</td> <td>18,520</td> <td>500</td> </tr> <tr> <td>2017/18</td> <td>18,560</td> <td>18,520</td> <td>(40)</td> </tr> <tr> <td>2018/19</td> <td>19,120</td> <td>18,520</td> <td>(600)</td> </tr> <tr> <td>2019/20</td> <td>19,690</td> <td>19,080</td> <td>(610)</td> </tr> <tr> <td>Part year 2020/21</td> <td>10,140</td> <td>9,830</td> <td>(310)</td> </tr> <tr> <td>Total</td> <td>£85,530</td> <td>£84,470</td> <td>(£1,060)</td> </tr> </tbody> </table> | Year | Budget | Actual | Cost Increase/ (Decrease) | 2016/17 | 18,020 | 18,520 | 500 | 2017/18 | 18,560 | 18,520 | (40) | 2018/19 | 19,120 | 18,520 | (600) | 2019/20 | 19,690 | 19,080 | (610) | Part year 2020/21 | 10,140 | 9,830 | (310) | Total | £85,530 | £84,470 | (£1,060) |
|-------------------------------|---|----------------|---------------------------|--------|---------------------------|---------|--------|--------|-----|---------|--------|--------|------|---------|--------|--------|-------|---------|--------|--------|-------|-------------------|--------|-------|-------|--------------|----------------|----------------|-----------------|
| Year | Budget | Actual | Cost Increase/ (Decrease) | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2016/17 | 18,020 | 18,520 | 500 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2017/18 | 18,560 | 18,520 | (40) | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2018/19 | 19,120 | 18,520 | (600) | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2019/20 | 19,690 | 19,080 | (610) | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Part year 2020/21 | 10,140 | 9,830 | (310) | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | £85,530 | £84,470 | (£1,060) | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| Contribution to the Delivery of the Strategic Plan | 1. This supports the theme of 'A Council that is fit for the future' by supporting other teams across LDC in understanding their services and where incidents occur. |
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| Equality, Diversity and Human Rights Implications | 1. There are no Equality, Diversity and Human Rights Implications associated with awarding this contract. |
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| | |
|----------------------------------|---|
| Crime & Safety Issues | 1. There are no Crime and Safety Issues associated with awarding this contract. |
|----------------------------------|---|

| | Risk Description | How We Manage It | Severity of Risk (RYG) |
|---|---|--|------------------------|
| A | The existing contract breaches EU Procurement Rules. | We have engaged specialists from SCCPS team to assist us in mitigating this risk and joining the SCC framework ensures that we comply with EU Procurement Rules. | Green |
| B | The agreement is for 2.5 years with an option to extend; the contract ceases or increases more than anticipated in price. | Supplier negotiations | Yellow |

Background documents : Negotiations with Supplier

Relevant web links : Not applicable