

Public Document Pack



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Monday 28 September 2015

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 6 October 2015**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Cabinet members are:-

Member

Councillor David Sheard
Councillor Jean Calvert

Councillor Steve Hall
Councillor Erin Hill
Councillor Viv Kendrick
Councillor Peter McBride
Councillor Shabir Pandor
Councillor Cathy Scott
Councillor Graham Turner

Responsible For:

The Leader
Community Development, Councillors involvement in
a New Council, including Councillor Development
Planning, Highways and Open Spaces
Family Support and Child Protection
Prevention, Early Intervention and Vulnerable Adults
Transportation, Skills, Jobs and Regional Affairs
Schools and Learning
Housing and Relief of Poverty
Resources and Community Safety

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive apologies for absence of Members who are unable to attend this meeting.

2: Interests

1 - 2

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

3: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

4: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

5: Public Question Time

The Committee will hear any questions from the general public.

6: Member Question Time

To consider questions from Councillors.

7: Draft Local Plan

3 - 22

A report seeking approval to consult on the Draft Local Plan and its supporting documents and a schedule setting out the proposed consultation arrangements as appended to the report.

Officer: Richard Hollinson 01484 221000

Wards

Affected: All Wards

8: Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule

23 - 40

A report seeking approval to consult on draft Community Infrastructure Levy rates in a Preliminary Draft Charging Schedule and a schedule setting out the proposed consultation arrangements as appended to the report.

Officer: Richard Hollinson 01484 221000

Wards

Affected: All Wards

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Cabinet
Date: 6th October 2015

Title of report: Consultation on the Draft Local Plan

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	The proposal will have an effect on all Wards
Is it in the Council's Forward Plan ?	Yes
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman - 28/09/15
Is it signed off by the Director of Resources?	David Smith - 25/09/15
Is it signed off by the Assistant Director - Legal, Governance & Monitoring?	Julie Muscroft - 25/09/15
Cabinet member portfolio	Councillor David Sheard - Strategic Themes, Councillor Peter McBride, Transportation, Skills, Jobs and Regional Affairs

Electoral [wards](#) affected: All

- **Ward councillors consulted:** Briefing sessions have taken place with all ward councillors over the last 12-18 months regarding the strategy (for the principles upon which the "strategy" is based see section 2) for the draft Local Plan and the scale of growth the district should plan for.
- Copies of the draft Local Plan policies have been circulated to ward councillors for comment.
- Details of the proposed consultation arrangements have been discussed with Cabinet member portfolio holders.

Public or private: Public

1. Purpose of report

This report requests the approval to consult on the Draft Local Plan and its supporting documents. A schedule setting out the proposed consultation arrangements is attached as an appendix to this report.

It is requested that any minor amendments needed to prepare the draft Local Plan and its supporting information for public consultation and/or any final

amendments to the consultation arrangements set out in this report are delegated to the Director of Place.

Reason: so that final printing and publication arrangements can be put in place and for any minor errors to be rectified.

It is also requested that Cabinet note and agree the contents of the draft Local Plan for consultation and subject to Cabinet approval, the following documents will be presented for formal public consultation:

- Draft Local Plan - Strategy and Policies
- Draft Local Plan - Allocations and Designations (and Policies Maps)
- Draft Local Plan - Green Belt Review and Outcomes (and Edge/changes maps)
- Draft Local Plan - Rejected Options (and rejected options maps)
- Draft Local Plan - Sustainability Appraisal (including Equality Impact Assessment and Health Impact Assessment)
- Community Infrastructure Levy - Preliminary Draft Charging Schedule

2. Key Points

Members will recall that a full Council decision was made 23rd October 2013 to withdraw the former LDF Core Strategy. Cabinet subsequently agreed on 28th January 2014 to proceed with a full Local Plan.

Following the withdrawal of the Kirklees Core Strategy from its examination in public in late 2013 the Council has been working on a Local Plan document comprising of: a spatial vision, land use objectives, strategic polices, development management policies and a full suite of site allocations and land designations. The plan period will run between 2013 and 2031.

During this period the Council has also been carrying out early engagement activity on the Local Plan options, supplementing and revising the evidence base (particularly in relation to housing and jobs), carrying out a full Green Belt review and engaging in the statutory “duty to co-operate” discussions and meetings with adjacent authorities and other bodies which are key to strategic and cross-boundary matters.

Officers consider that robust and up to date evidence to support consultation on the draft Local Plan development strategy, draft policies and draft site allocations is now in place. This includes key evidence on housing requirements, housing mix, affordability; the need and market demand for land for jobs to meet the Economic Strategy; accommodation needs for travellers; need for land for mineral extraction and waste management; green belt; land for open space, sports and leisure; capacity for new retail and leisure.

The government requires all local councils to develop a long-term plan which sets out how and where land can be developed over the next 15 years, in order to meet the growing needs of local people and businesses. Without a plan, and particularly without a five-year land supply, we are at risk of development happening in Kirklees in an un-coordinated way making it difficult for us to plan ahead and ensure that new homes and employment areas are created alongside infrastructure such as local services and facilities and green space.

The statutory provisions for the preparation of a Local Plan are set out in the Planning and Compulsory Purchase Act and the Town and Country (Local Planning) (England) Regulations 2012.

Proposed Development Strategy

The draft Local Plan development strategy, vision and objectives (see Draft Local Plan - Strategies and policies) are based on the following key principles:

- the main strategic drivers are Kirklees Economic Strategy and Joint Health and Wellbeing Strategy
- where appraisal of current settlements indicates that there is a greater level of services/facilities, these are given preference when distributing growth options. This is a Sub-area/place based approach which does not adopt a strict settlement hierarchy; Sub-areas are Huddersfield, Dewsbury/Mirfield, Batley & Spen, Kirklees Rural
- the role and function of the Green Belt, topography, settlement appraisal, level of infrastructure, and local needs issues are given high priority when choosing site allocations and considering new development in Place Shaping
- where the need for urban extension locations for housing are identified , they will aim to:
 - maximise the chance of new infrastructure being provided (including new schools and roads as part of site development)
 - offer better chance of quality layouts, design, green infrastructure and higher building specifications through “masterplanned sites”
 - affect a smaller number of localities
 - reduce the need for a greater number of smaller green belt release sites
- meet basic housing needs in each sub-area
- meet the need for strategic employment locations along the M62
- meet the need of Local employment needs where demand indicates need and place shaping constraints allow
- that before significant development can take place, Proper consideration of infrastructure opportunities and constraints will be reflected. Land allocations will then be based on the premise that infrastructure needs to come forward
- the plan will have a regeneration focus on Huddersfield and Dewsbury as indicated by the Kirklees Economic Strategy
- brownfield ‘first’ but not brownfield only – this is because there is insufficient supply of deliverable brownfield sites to meet the housing numbers and provide land for strategic employment sites
- there will be a ‘Sequential’ approach to allocations and development – i.e. land within urban areas considered first (unless essential for urban/local greenspace or other over-riding constraints); edge of settlement sites; avoidance of any significant detached green belt sites (exceptions being major developed sites in the green belt and strategic employment locations)
- Focus on mixed use sites in the plan where land use mix can be more flexible, viable and allow for more sustainable development and place shaping

- Full retail hierarchy set out with a strategic framework for town centres

Meeting Kirklees' Needs and Requirements

The draft Local Plan confirms that Kirklees will meet all its objectively assessed needs without reliance on adjoining authorities for housing, employment, travellers and minerals. With regard to planning for waste, the Council's ambition is to be as self-sufficient as possible.

The Council's latest evidence suggests that Kirklees has a largely self-contained housing market area and will need to plan for approximately 30,000 new dwellings over the plan period (1630 new dwellings per annum - former RSS figure was 1700). The Council will assume a windfall allowance, take into account committed housing figures, losses/demolitions and allow for an additional 5% flexibility when determining how much land is required from new housing allocations. This results in the need for approximately 20,000 new dwellings from allocated land. Draft allocations have been identified to meet these needs.

The Council also needs to identify new land (POL) to safeguard in accordance with national planning policy to safeguard the permanence of the new green belt boundary. Although national planning policy does not specify how much safeguarded land is required, local plans which look for approximately 5 years supply of housing have been judged to be sound. Draft allocations have been identified to meet approximately 3.5 – 4 years supply of safeguarded land.

Previously agreed Leeds City Region (LCR) position statements have helped confirm that Kirklees is part of a much wider functional economic market area (extending to the whole of the LCR and into parts of Greater Manchester). Using outputs from the economic modelling based upon new evidence regarding the interpretation of its Economic Strategy, officers have concluded that there are employment land requirements for approximately 265 hectares of new employment land. Of this the Council has identified the need for approximately 150 hectares of prime new employment land, largely along with the M62 corridor, focussing on advanced manufacturing. This is in line with the LCR Strategic Economic Plan (SEP) and allocations included in the draft Local Plan indicate a strong correlation with SEP schemes/objectives. Existing employment land will be safeguarded where justified and draft allocations made to meet the identified needs.

The Council has worked on a gypsy and traveller accommodation assessment with Calderdale Council and intends to meet any identified needs within Kirklees. There is an identified need for 12 permanent traveller pitches, a small transit site and a small extension to an existing travelling showperson site.

In terms of minerals, allocations will be made to ensure Kirklees continues to contribute to its West Yorkshire obligations. Existing waste facilities will be safeguarded to deal with existing and future waste requirements and at least one strategic waste facility identified for future expansion.

Other designations will be shown in the draft Local Plan which include: mineral safeguarding areas/mineral extraction site; waste management sites; wildlife habitat network; historic/ecological/geological designations; core

cycling/pedestrian routes; priority employment areas; additions/removals from green belt; town centre insets/frontages; and transport proposals.

Duty to Co-operate Process

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters. The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

The Council has been working with adjoining local authorities and other key bodies on strategic and cross-boundary matters. This has included developing sharing evidence bases (e.g. strategic flood risk assessment with Calderdale and Wakefield; South Pennines Landscape Study; Joint Gypsy and Traveller Accommodation Needs Assessment) and involving adjoining authorities and other bodies in the setting of assumptions and methodology on transport modelling, school place planning, strategic housing market assessment and viability testing. The Council intends to supplement this evidence by engaging consultants to produce a wider assessment of any strategic and/or cross-boundary issues by using (amongst other things) the use of transport modelling to 'plug in' to adjoining authorities transport modelling evidence.

Overall, this work has established that there are no fundamental objections to the principle of development outlined in the Kirklees draft Local Plan. Issues raised by adjoining authorities related to the role and function of the West Yorkshire green belt, traffic generation, and some raised impacts on local school capacities and attendance patterns. Cases were also identified where there will be a cumulative impact with proposals in neighbouring authorities and those within Kirklees. However, in all cases, options for mitigation are being explored.

Consultation on the draft Local Plan

The decision to consult upon the draft Local Plan represents a significant milestone in the preparation of a new development plan for Kirklees. The policies and proposals set out in the draft Local Plan affect all wards in the district and it is important that this consultation is carried out in accordance with the scope of regulatory requirements, the Council's Statement of Community Involvement and other Council consultation protocols. Whilst it is a very significant milestone for the Local Plan, the decision to consult does not commit the Council to submitting the Plan for examination in public or commit the Council to adopt it. These decisions will need to be made at a later date.

The comments received during the consultation period will be considered and any relevant changes made to the Draft Local Plan to create a 'publication' version of the Local Plan during 2016. This revised version of the plan will require another period of consultation prior to submission to an Independent Inspector to examine the Plan proposals for soundness. If the plan is found to

be 'sound' following its Examination in Public, the Council will then need to make a final decision to adopt the plan. Until this stage the existing Unitary Development Plan will remain the statutory development plan for Kirklees.

3. Implications for the Council

Risks

The risk of not consulting on the Draft Local Plan will lead to a significant delay in preparing the Local Plan. This has significant ramifications for development management processes and long term impacts on jobs, homes, inwards investment and prosperity in the district.

Benefit

The government requires all local councils to develop a long-term plan which sets out how and where land can be developed over the next 15 years, in order to meet the growing needs of local people and businesses. Having an up to date plan will assist in determining planning applications in accordance with the national planning policy framework.

Costs

The cost of public consultation activity will be met from the existing Local Plan budget.

Equalities

A stage 2 Equality Impact Assessment has been undertaken for the draft Local Plan which is attached.

The Equality Act 2010 requires local authorities to have a public duty to have due regard to eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between different groups and the EqIA ensures that the council are able to do this.

4. Consultees and their Opinions

As part of the technical evidence base underpinning the policies and proposals set out in the Draft Local Plan, a wide range of internal and external consultees have provided technical advice. This advice has been taken into account wherever possible and has clearly informed decisions for accepted and rejected policies and proposals. Discussions have also taken place with Members for informal views on policies and proposals set out in the Draft Local Plan.

As part of the statutory regulations laid out for preparing development plan documents and, in accordance with the Council's Statement of Community Involvement and other Council consultation protocols, the Council now needs to consult all interested parties on the Draft Local Plan.

5. Next steps

Subject to Cabinet approval, the Council will consult on the Draft Local Plan and its supporting documents for a 6 week period commencing on 9th

November 2015 and closing on Friday 18th December 2015. The consultation will be carried out in accordance with the proposals set out in the consultation schedule attached as an Appendix to this report.

The next steps:

- Responding to preferred options formal consultation – Autumn 2015-Spring 2016;
- Publication - Summer 2016
- Submission - Late 2016
- Adoption - Late 2017.

6. Officer recommendations and reasons

To request that Cabinet note and agree the contents of the draft Local Plan for consultation and to agree to consult on the Draft Local Plan and its supporting documents in November 2015.

Reason: to ensure that the Council continues to make progress on preparing its new development plan.

To agree that that any minor amendments needed to prepare the Draft Local Plan and its supporting information for public consultation and/or any final amendments to the consultation arrangements set out in this report are delegated to the Director of Place

Reason: so that final printing and publication arrangements can be put in place and for any minor errors to be rectified.

7. Cabinet portfolio holder recommendation

Regular briefing sessions have taken place regarding the Draft Local Plan and its content with relevant Portfolio Holders. The consultation arrangements set out in this report have also been discussed and agreed with relevant Portfolio Holders.

8. Contact officer and Relevant Papers

Contact Officer:

Richard Hollinson
Policy Group Leader
01484 221000
richard.hollinson@kirklees.gov.uk

Relevant Papers:

- Draft Local Plan – Strategy and Policies
- Draft Local Plan – Allocations and Designations (and maps)
- Draft Local Plan – Rejected Options (and maps)
- Draft Local Plan –Green Belt Review and Outcomes (and maps)
- Draft Local Plan – Non-Technical Summary of Sustainability Appraisal

These papers can be viewed at: [Relevant Papers](#)

9. Assistant Director Responsible

Paul Kemp
Assistant Director (Acting) - Place
01484 221000
paul.kemp@kirklees.gov.uk

Appendix 1: Consultation Schedule

Appendix 2: Equality Impact Assessment

Appendix 1: Consultation Schedule Outline

The Draft Local Plan and the Preliminary Draft Charging Schedule will go out for public consultation for 6 weeks in early November 2015:

- Monday 9th November to Friday 18th December (or Sunday 20th December)

This is consistent with statutory guidelines and recognised good practice. The issue is a complex one, but affects all sectors of our community, from businesses, to residents, and from groups who are highly engaged with the issues, to those who are unaware of the status of a Local Plan/CIL or its significance in shaping life, work and business opportunities across the district. The consultation format proposed therefore seeks to engage people at a level which is appropriate for their level of interest and understanding. In addition, the consultation format also seeks to invite the views of difficult-to-reach and special-interest groups.

Submitting and collating views

The main comment tool will be the availability of the draft Local Plan/CIL on-line through the *Objective* consultation system. This enables users to go through the plan by page and/or section and to submit comments on the document. All information in the public domain will direct people to the *Objective* system to register their views.

While we will accept other written submissions, registering views through the *Objective* system will be promoted as the most effective way to participate in the consultation process.

The summary leaflet will invite people to comment by email, in writing to a postal address, and refer those who wish to make detailed responses to the *Objective* system.

ACTIVITY	AUDIENCE	DETAIL
DRAFT PLAN & CIL PUBLISHED Mon 9 Nov <ul style="list-style-type: none">on-line	residents businesses developers	The full draft Local Plan/CIL will mainly be of interest to groups and individuals who are already engaged in the Local Plan process.

<ul style="list-style-type: none"> full copy made available in locations specified in Statement of Community Involvement: Dewsbury Service Centre and Civic Centre 3 Huddersfield 	land-owners	
SUMMARY LEAFLET PUBLISHED Mon 9 Nov	All Simplified overview of the draft Local Plan/CIL, appropriate for those who are less engaged than specifically interested groups and individuals	12 page summary of the Local Plan/CIL (10,000 copies printed) Made available: <ul style="list-style-type: none"> in SCI locations (Dewsbury & Huddersfield) Huddersfield, Dewsbury and Cleckheaton Town Halls at all Kirklees Library and Information Centres across the district (26 locations) to all councillors
LETTERS TO LOCAL PLAN DATABASE w/c Mon 9 Nov	Engaged residents, businesses, landowners, developers and special-interest groups	We will write to all those who have previously asked to join our Local Plan/CIL database, to be kept informed of any developments in relation to the Local Plan/CIL. There are 6200 listed on the database. Letter will direct recipient to look at the draft Local Plan/CIL online, and to submit their comments through <i>Objective</i> .
PRESSS w/c 9 Nov	All	Press Release and feature article will be issued when Cabinet Papers are published in advance of meeting on 6 th October. Further press release when the consultation period begins, with further releases to follow as appropriate.
ON-LINE CAMPAIGN w/c Mon 9 Nov	All	Homepage campaign for 2 weeks from w/c 9 Nov Draft Local Plan/CIL published on Planning web pages.

		<p>Summary leaflet also published on planning web pages. Planning pages to be mobile/tablet optimised to have the appearance of an APP.</p> <p>Links through from information documents to the <i>Objective</i> consultation system</p> <p>Homepage campaign will be supported by Facebook and other SM activity throughout the consultation period</p> <p>Intranet campaign for 2 weeks from w/c 9 Nov</p>
<p>FOCUS GROUPS dates tbc within consultation period</p>	<p>Young people People aged 65+ Disabled people Faith groups Businesses BME</p>	<p>Host Focus Groups to encourage contribution and views from specific interest groups who can be harder to reach, or less inclined to contribute.</p> <p>Propose Planning Aid convene 6 focus groups of 10-15 representatives</p>
<p>PUBLIC DROP-IN SESSION full day event in Dewsbury – Tuesday 24 November full day event in Huddersfield – Monday 30 November</p>	<p>Members of the public</p>	<p>Staff will be on hand to explain the plan and answer questions to help members of the public to comment on-line using mobile IT stations.</p> <p>Sessions will include:</p> <ul style="list-style-type: none"> • explanatory video • draft local plan available • summary leaflets available • mobile workstations for submitting comments

<p>DISTRICT COMMITTEES Within Consultation period or period leading up to consultation</p>	<p>Elected members and members of the public</p>	<p>1) A briefing will be given to chairs of district committees about the consultation process:</p> <ul style="list-style-type: none"> • the scope of consultation • where to find information • how to register views • next steps <p>2) Information will be provided to elected members to enable them to host their own session on the Local Plan/CIL, including:</p> <ul style="list-style-type: none"> • summary leaflets • short video explanation of local plan issues (in style of budget consultation using videoscribe)
<p>KIRKLEES TOGETHER (on-line & print) *Print to be distributed towards the start of consultation period *Online story in kirkleestogether.co.uk for the duration of the consultation</p>	<p>Kirklees residents</p>	<p>Kirklees Together (print) is likely to become a shorter signposting format by the autumn. This is distributed to 99% of Kirklees households. Will contain a brief article signposting people to the web, and to Kirklees Together digital magazine for further information.</p> <p>Kirklees Together (digital) will hold an article about the Local Plan/CIL in-keeping with the overall editorial style, signposting people to the Planning pages of the website to read the draft Local Plan and to make their comments.</p>

Appendix 2: Equality Impact Assessment
EQUALITY IMPACT ASSESSMENT FRONT COVER

Service Details

Ref No.

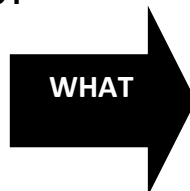
(to be allocated by the equality and diversity team)

Directorate:	Service:
Place	Investment and Regeneration Service
Lead Officer:	Service Area/Team:
Richard Hollinson, Jo Scrutton and Neil Bearcroft	Planning Policy
Officers responsible for Assessment:	Date:
Neil Bearcroft	17/9/2015

About the proposal

What are you planning to do?

- Change/Reduce public
- Remove
- Introduce or charge Practice/Profile
- Review



- Service provision to the
- Policy
- Employment

Assessed level of Impact

- High
- Medium
- Low

Budget Affected

- Capital
- Revenue

How has this issue come about?

- Budget Proposal
 - Service Plan
 - Loss/reduction in funding Legislation. (inc. end of funding period)
 - New funding/Grant Aid
 - Legal Duty
 - Other (please state) A change in Planning
-

Proposal detail (give a brief outline of what this is about – no max words)

The Draft Local Plan will become the main planning policy document for the district over the plan period until 2031, in summary it will contain the following:

- a vision and strategic objectives for the development of Kirklees up to 2031;
- a spatial strategy setting out how development will be accommodated across the district reflecting the distinctiveness of different parts of the district;
- objectively assessed development needs particularly for housing and employment – specifying the number of new homes and jobs to be provided during the plan period;
- clear policies to guide decisions on planning applications;
- site allocations showing land to be developed for housing, employment, retail, minerals and waste and other uses, identified on a policies map;
- designations showing land to be protected from development and land subject to other policies in the plan;
- infrastructure provision – to support the delivery of the proposed development;
- an indication of how the policies will be delivered and implemented; and
- a monitoring framework – setting out the performance measures that will show how successfully the plan’s objectives and proposals are being delivered over time.

Who is the proposal likely to impact?

- Age Marriage & Civil Partnership Religion & Belief
- Disability Pregnancy & Maternity Sex
- Gender Reassignment Race Sexual Orientation

X Other (please state) It will impact all members of the society who either live, work, visit or do business within the district, and in particular those members who are directly involved the development industry.

The DLP affects all members of society who are directly or indirectly involved in the development sector. This can be local residents, businesses, or those that work or visit the district. It will provide benefits to some members of society such as assisting in increasing access to affordable housing, improving transport infrastructure, and access to sustainable modes of transport, ecological and open space protection and enhancement and a improvements to a number of areas.

Which ward area(s) is this likely to affect?

Have any of the following been completed?	Y	N
Stage 1 Screening Tool	X	<input type="checkbox"/>
Stage 2 Legal Compliance	X	<input type="checkbox"/>
Stage 3 Customer focus assessment	<input type="checkbox"/>	X

Is the proposal likely to have an adverse impact on compliance with the Public Sector Equality Duty? **Y**

N

Ending Unlawful Discrimination, harassment & Victimisation	<input type="checkbox"/>	X
Promoting Equality of opportunity	<input type="checkbox"/>	X
Foster Good Relations	<input type="checkbox"/>	X

List any supporting documents

Sustainability Scoping Report – this is available to view on the council’s website.

Background papers attached to the Cabinet report include:

- Non technical summary – sustainability appraisal
- Draft Local Plan – Strategy and policies
- Draft Local Plan – Allocations and designations
- Green belt review and outcomes
- Draft Local Plan rejected sites

Authorisation

Sign off by lead officer (name)	Signature	Date
Sign off by Assistant Director (name)	Signature	Date
Proposed Review Date		

Further Authorisation

Authorising Body	Signature	Date

EQUALITY IMPACT ASSESMENT STAGE 2 – ENSURING LEGAL COMPLIANCE

In what way does your current service delivery help to:	How might your proposal affect your capacity to:	How will you mitigate any adverse effects? <small>(You will need to review how effective these measures have been)</small>
End Unlawful Discrimination?	End Unlawful Discrimination?	
<p>The Planning Service operates within the Council's requirements not to discriminate through the planning application and planning policy making process.</p> <p>The Draft Local Plan has been formulated in accordance with Policies and guidance in the National Planning Policy Framework, National Planning Policy Guidance and all relevant planning legislation.</p>	<p>The establishment of the Draft Local Plan has involved an initial early engagement to gain views from the public, and then two subsequent periods of public consultation on the Draft Local Plan. During these periods, the consultations will adhere to the Council's Statement of Community Involvement (SCI) and consultation guidelines.</p> <p>The Draft Local Plan will focus new development in areas of the district which have been assessed by officers/technical consultees to be capable of accommodating new development balancing all material planning considerations, and taking account of consultations by statutory bodies and members of the public. The Draft Local Plan will also protect other areas of the district such as the Green Belt or open space, and will be used to assess planning application for all other types of development considering issues such as design, amenity,</p>	<p>A consultation methodology was produced which has been signed off by Corporate Consultation Board and LMT. This was prepared in the context of the council's revised Statement of Community Involvement (to be presented to Cabinet on 22nd September 2015) and the council's Involving Communities Framework. The SCI was subject to an EqIA and public consultation. Both the SCI and the Involving Communities framework provide an open and transparent framework for consultation to ensure equality for all to make representations and shape planning policy documents including the draft Local Plan.</p> <p>Officers will review representations made in the consultation of the Draft Local Plan and make modifications which are considered to be appropriate and publish these in an amended version of the Local Plan.</p> <p>The Draft Local Plan will be continually</p>

	<p>highway safety and ecology, and infrastructure needs.</p> <p>New development may be unequal across the district in terms of amount however this would not be against specific equality groups.</p>	<p>monitored throughout it is implementation, via the Annual Monitoring Report and monitoring indicates set out in the Draft Local Plan.</p>
Promote Equality of Opportunity?	Promote Equality of Opportunity?	
<p>When the Planning Policy team undertakes public consultation, it does so in adherence to the Statement of Community Involvement (SCI), and other relevant Council requirements including the council's Involving Communities Framework.</p> <p>The SCI is available on the council's website at: http://www.kirklees.gov.uk/business/regeneration/localplan/communityinvolvement.aspx</p>	<p>The SCI will be adhered to alongside other relevant Council policies to ensure equality of opportunity is met.</p> <p>The Draft Local Plan provides Planning Policies which will be used by the Council when assessing planning applications to ensure that community and economic needs of the district are met, and ensure that areas of the district which are of important community or local value are protected or enhanced.</p> <p>The Draft Local Plan will also ensure the delivery of affordable housing across the district brought about from new housing developments, and will ensure that a wider range of other issues are assessed such as ecological, highway safety, design, amenity</p>	<p>The SCI reduces any potential discrimination by ensuring an open and transparent process.</p> <p>The levels of development set out in the Draft Local Plan have been set based on a detailed evidence base, and predicated on population growth, housing and employment needs, and considering the levels of growth set out in the Kirklees Economic Strategy.</p>

	etc.	
Foster Good Relations Between People	Foster Good Relations Between People	
<p>The Planning Service operates within the Council's requirements not to discriminate through the planning application and planning policy making process.</p>	<p>The Draft Local Plan has been written with the input of local residents, and all sections of society through opportunities to comment on the early enjoyment consultation, the call for sites process, and subsequent periods of formal consultation.</p> <p>The Draft Local Plan will help to strategically manage new development across the district, enhance areas of the district both in terms of their appearance and function, but also in terms of their economic prosperity, and also ensure that new developments have an acceptable impact on local residents.</p> <p>Local residents will be able have the opportunity to comment on planning proposals in light of the Policies set out in the Draft Local Plan, to aid in ensuring that new developments accord with planning policies.</p>	<p>Officer advice on planning proposals, the opportunity to make representations on planning proposals and the planning committee process will foster good relations with people.</p>

Think about what you are planning to change; and what impact that will have upon 'your' compliance with the Public Sector Equality Duty (refer to [guidance sheet](#) complete with examples where necessary)



ONLY IF You are confident that there is little if any negative affect on your public sector equality duty and/or you have all the necessary evidence to support your proposal.

- Save this sheet for your own records
- Complete and save a front sheet
- Send this, a front sheet and your screening tool if you have completed one to equalityanddiversity@kirklees.gov.uk



- IF the proposal is likely to be high or medium/high impact on equality groups,
AND
- You do not have any supporting evidence needed for your proposal (such as consultation)
- Your proposal is likely to have a negative affect on your ability to comply with the Public Sector Equality Duty. Proceed to stage 3 Customer focus assessment.

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Name of meeting: Cabinet
Date: 6th October 2015

Title of report: Consultation on the Community Infrastructure Levy - Preliminary Draft Charging Schedule.

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	The proposal will have an effect on all Wards
Is it in the Council's Forward Plan ?	Yes
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman - 28/09/15
Is it signed off by the Director of Resources?	David Smith - 23/09/15
Is it signed off by the Assistant Director - Legal, Governance & Monitoring?	Julie Muscroft - 24/09/15
Cabinet member portfolio	Councillor Peter McBride - Transportation, Jobs, Skills and Regional Affairs

Electoral [wards](#) affected: All
Ward councillors consulted: None at this stage.

Public or private: Public

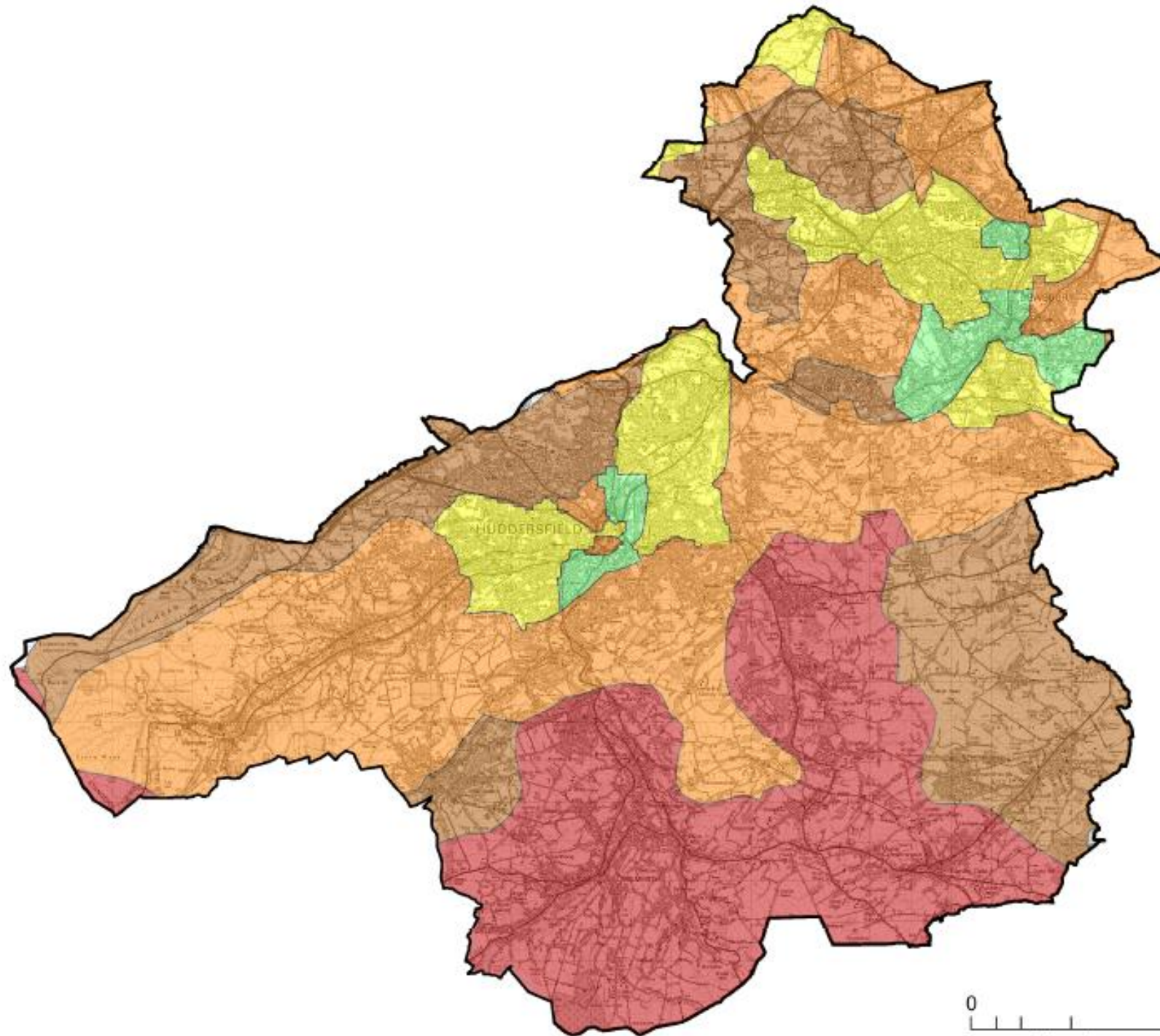
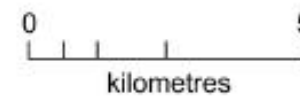
1. Purpose of report

This report requests approval to consult on draft Community Infrastructure Levy (CIL) rates in a Preliminary Draft Charging Schedule at the same time as public consultation takes place on the Local Plan in November 2015. A schedule setting out the proposed consultation arrangements is attached as an appendix to this report.

It is also requested that any minor amendments needed to prepare the Preliminary Draft Charging Schedule and its supporting information for public consultation and/or any final amendments to the consultation arrangements set out in this report are delegated to the Director of Place.

Kirklees CIL Preliminary Draft Charging Rates (per sq.m)		
Residential Development	More than 10 Units	10 Units or Less
Zone 1	£80	£100
Zone 2	£60	£80
Zone 3	£20	£60
Zone 4	£5	£40
Zone 5	£5	£5
Retail Warehousing	£100 district wide	
All other uses	£0	

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2. Key points

The CIL is effectively a development tax that local planning authorities can implement to help pay for new infrastructure that is needed to support new development.

CIL rates have to be based two main pieces of evidence;

- An assessment of development viability across the district which tests the impacts of national and local planning policies and recommends CIL rates that will not render development unviable.
- The infrastructure assessment that supports the Local Plan and identifies what infrastructure schemes the CIL can help to fund.

We have therefore commissioned consultants who have gathered evidence Kirklees wide of the current viability of different types of development and recommended CIL rates as outlined on the above plan. These proposed CIL rates have been assessed against the future infrastructure that is required to support the Local Plan.

Based on these pieces of evidence the Council has to strike an appropriate balance between; the need to fund infrastructure; the likely requirements of policies in the Local Plan such as affordable housing contributions and making sure there is enough development viability so that the growth identified in the Local Plan can come forward. Due to the interrelationship of these issues, national guidance recommends that the CIL and the Local Plan are developed at the same time.

The decision to consult upon the CIL Preliminary Draft Charging Schedule is the first stage of the process. It does not commit the Council to implementing CIL. The comments received during the consultation period will be considered and any relevant changes made to create a Draft Charging Schedule which will require another period of consultation prior to submission to an Independent Inspector to examine the CIL. The Council can then decide whether to adopt the CIL.

CIL Income Estimates

By applying the draft CIL rates to accepted housing sites in the draft Local Plan it is estimated that circa £37 million could be raised by the CIL across the plan period up to 2031.

Leeds City Region CIL Authority Progress

There are a number of Leeds City Region authorities making swift CIL progress due to senior management and member pressure and the related loss of income from Section 106 pooling restrictions.

Table 2: Leeds City Region Authority CIL progress

Authority	Timetable
Leeds	Charging CIL since 6 th April 2015
Wakefield	CIL Examination 6 th and 7 th October 2015
Bradford	Preliminary Draft Charging Schedule consultation on-going
Calderdale	Preliminary Draft Charging Schedule in development

CIL, Planning Obligations (Section 106) and Neighbourhood Planning

The CIL will work alongside planning obligations, known commonly as section 106 agreements, on planning applications to deliver infrastructure and make schemes acceptable in planning terms. The CIL will aid in delivering new infrastructure to support new development, while planning obligations will continue to be used to ensure that specific schemes can be considered acceptable in planning terms, securing matters such as affordable housing and site specific requirements.

New restrictions on existing planning obligations were introduced on 6 April 2015. These have limited the number of planning obligations the Council can pool to deliver infrastructure to just five, with these needing to be for specific detailed schemes. The CIL has no such restrictions, and can be collected on a range of developments and then 'pooled'. The pooled levy can then be spent on a range of infrastructure, providing greater flexibility in the delivery of local infrastructure.

Receipts from the CIL will also be passed back to the communities where development takes place, with 15% passed back to local communities or 25% if the local community has a neighbourhood plan or neighbourhood development order in place.

The CIL Regulations ensure that developments are not charged twice for the same infrastructure type or project (i.e. through both a section 106 agreement and a CIL charge) by restricting the extent of planning obligations. The Council is therefore required to publish a list of infrastructure it intends to fund via CIL which is known as the Regulation 123 List, as detailed in Table 3 below.

Table 3: Preliminary Draft Regulation 123 List

CIL Infrastructure	S106/S278/Scheme Design/Conditions
Strategic transport infrastructure Kirklees wide	On-site and transport infrastructure close to the development site which makes a development acceptable in planning terms
Strategic school infrastructure Kirklees wide	On-site school provision relating to major development sites (tbc)
Strategic open space infrastructure Kirklees wide	On-site open space required to make developments acceptable in planning terms
Strategic flood alleviation schemes Kirklees wide	On-site flooding and drainage mitigation
Strategic community and cultural infrastructure Kirklees wide	On-site community and cultural infrastructure relating to major development sites (tbc)
Strategic sports, leisure and recreation infrastructure Kirklees wide	On-site sports, leisure and recreation infrastructure relating to major development sites (tbc)

Affordable Housing

The draft Local Plan affordable housing policy has been tested by the viability assessment and used to inform the CIL rates. The draft affordable housing policy is:

Developments more than 10 units:	20% of units to be affordable
Development of 10 Units or less:	Zero affordable housing

The affordable housing rate and threshold at which the policy starts to apply has been drafted based on the up to date viability evidence and affordable housing needs. It is judged that developments of over 10 dwellings are more likely to be able to deliver affordable units. This is not to say that all developments of 10 dwellings and under cannot demonstrate some residual value, and this is reflected in higher CIL rates in more viable market areas. This issue forms part of the wider balance that has to be considered between the delivery of affordable housing, infrastructure funding and ensuring Local Plan delivery.

Nominal Charging Rate (£5 rate)

The viability assessment identifies that in some areas of the district there is limited viability to charge any CIL for the types of housing development that have been tested. There is nonetheless the potential to set a nominal rate in these areas so that all liable housing developments across the district make a contribution towards the improvement of infrastructure. The Kirklees CIL Preliminary Draft Charging Schedule therefore includes £5 nominal rates in residential charging zones 4 & 5.

Some authorities, including Leeds, have taken this approach. This approach can be justified using evidence including recent S106 agreements in the areas of low viability to demonstrate that individual schemes can afford some charges. The relatively minor impact of low CIL charges on development viability compared to other variables such as build costs and sales values also provides further justification.

Exemptions, Relief and Payment Terms

Exemptions

The CIL Regulations exempt the following developments from paying the CIL:

- Development of less than 100 sqm of new build floorspace, provided that it does not result in the creation of a new dwelling;
- Where the levy liable is calculated to be less than £50 overall;
- Specified types of development which the Council has decided should be subject to a 'zero' rate and specified as such in their charging schedules;
- Development of buildings and structures into which people do not normally go (eg, pylons, wind turbines, electricity sub stations);
- Development by registered charities for the delivery of their charitable purposes;
- Those parts of a development which are to be used as social housing;

- The conversion of any building previously used as a dwelling house to two or more dwellings;
- The conversion of, or works to, a building in lawful use that affects only the interior of the building;
- Residential annexes and extensions (where the person who would normally be liable for the charge owns a material interest in the main dwelling and occupies the main dwelling as the sole or main residence);
- Self-build housing where a dwelling is built by the person who would normally be liable for the charge (including where built following a commission by that person) and occupied by that person as their sole or main residence.
- Vacant buildings which are brought back into the same use.

Discretionary Relief and Exceptional Circumstances Relief

Discretionary relief to the CIL can also be provided at the discretion of the Council. However any such relief needs to form part of a discretionary relief policy and any such discretionary relief is not part of this stage of the development of the CIL, and may be published at a later date.

Phased Payments of CIL

The CIL Regulations allow the Council to introduce a phased payments procedure or instalments policy if they consider it appropriate, to allow payments of the CIL to be phased over different time scales. Currently the Council is considering whether this approach is appropriate to collect the CIL payments in the district, and an instalments policy would need to be developed in the future, though it does not form part of the Preliminary Draft Charging Schedule. Any such policy would be published at a later date.

Payments in Kind

The CIL regulations allow the Council to accept payments in kind where appropriate in the form of land or infrastructure to offset the charge required by the CIL. The value of both the land and infrastructure payments must be equal to the value of the land / infrastructure required. Such arrangements should only be accepted when they facilitate the provision of infrastructure to support the development of the area.

Payments in kind are at the discretion of the Council and currently the Council is considering whether this approach is appropriate. If appropriate a payments in kind policy would need to be developed in the future, though it does not form part of the Preliminary Draft Charging Schedule. Any such policy would be published at a later date.

3. Implications for the Council

Benefit

New restrictions on existing planning obligations such as section 106 agreements were introduced on 6 April 2015. These have limited the number of planning obligations the Council can pool to deliver infrastructure to just five, with these needing to be for specific detailed schemes. The CIL however has no such restrictions, and can be collected on a range of developments and then 'pooled'. The pooled levy can then be spent on a range of infrastructure, providing greater flexibility in the delivery of local infrastructure.

Risks

The risk of not consulting on the CIL Preliminary Draft Charging Schedule in the same time frame as the Local Plan making will lead to a significant delay in its implementation. This has significant ramifications for the Council's ability to obtain revenue from new development in the district. In the long term this will reduce the ability of the Council to provide essential infrastructure required as a consequence of new development and increased pressure on local services.

Costs

The cost of public consultation activity will be met from the existing Local Plan budget.

Equalities

A stage 2 Equality Impact Assessment has been undertaken for the Preliminary Draft Charging Schedule which is attached.

4. Consultees and their Opinions

As part of the developing the viability evidence for the CIL an external consultation workshop has been held with relevant development industry representatives to share the assumptions and methodology for viability testing. In addition, a wide range of internal and external consultees have been interviewed for information relating to the draft Infrastructure Delivery Plan to determine whether a funding gap exists for essential infrastructure provision, which is needed to justify CIL charging.

In accordance with the Council's Statement of Community Involvement and other Council consultation protocols, and following the statutory regulations laid out for preparing development plan documents, the Council now needs to consult all interested parties on the Preliminary Draft Charging Schedule.

5. Next steps

Subject to Cabinet approval, the Council will consult on the Preliminary Draft Charging Schedule and its supporting documents for a 6 week period commencing on 9th November 2015 and closing on Friday 18th December 2015. The consultation will be carried out in accordance with the proposals set out in the consultation schedule attached as an Appendix to this report.

6. Officer recommendations and reasons

To agree to consult on the Preliminary Draft Charging Schedule and its supporting documents in November 2015

Reason: to ensure that the Council continues to make progress on preparing its Community Infrastructure Levy.

To agree that that any minor amendments needed to prepare the Preliminary Draft Charging Schedule and its supporting information for public consultation and/or any final amendments to the consultation arrangements set out in this report are delegated to the Director of Place.

Reason: so that final printing and publication arrangements can be put in place and for any minor errors to be rectified.

7. Cabinet portfolio holder recommendation

Relevant Portfolio Holders have been briefed on the proposed charging rates set out in the Preliminary Draft Charging Schedule. The consultation arrangements set out in this report have also been discussed and agreed with relevant Portfolio Holders.

8. Contact officer and Relevant Papers

Contact Officer:

Richard Hollinson
Policy Group Leader
01484 221000
richard.hollinson@kirklees.gov.uk

9. Assistant Director Responsible

Paul Kemp
Assistant Director (Acting) – Place
01484 221000
paul.kemp@kirklees.gov.uk

Appendix 1: Consultation Schedule

Appendix 2: Equality Impact Assessment

APPENDIX 1 – Consultation Schedule

Outline

The Draft Local Plan and the Preliminary Draft Charging Schedule will go out for public consultation for 6 weeks in early November 2015:

- Monday 9th November to Friday 18th December (or Sunday 20th December)

This is consistent with statutory guidelines and recognised good practice. The issue is a complex one, but affects all sectors of our community, from businesses, to residents, and from groups who are highly engaged with the issues, to those who are unaware of the status of a Local Plan/CIL or its significance in shaping life, work and business opportunities across the district. The consultation format proposed therefore seeks to engage people at a level which is appropriate for their level of interest and understanding. In addition, the consultation format also seeks to invite the views of difficult-to-reach and special-interest groups.

Submitting and collating views

The main comment tool will be the availability of the draft Local Plan/CIL on-line through the *Objective* consultation system. This enables users to go through the plan by page and/or section and to submit comments on the document. All information in the public domain will direct people to the *Objective* system to register their views.

While we will accept other written submissions, registering views through the *Objective* system will be promoted as the most effective way to participate in the consultation process.

The summary leaflet will invite people to comment by email, in writing to a postal address, and refer those who wish to make detailed responses to the *Objective* system.

ACTIVITY	AUDIENCE	DETAIL
<p>DRAFT PLAN & CIL PUBLISHED Mon 9 Nov</p> <ul style="list-style-type: none"> on-line full copy made available in locations specified in Statement of Community Involvement: Dewsbury Service Centre and Civic Centre 3 Huddersfield 	<p>residents businesses developers land-owners</p>	<p>The full draft Local Plan/CIL will mainly be of interest to groups and individuals who are already engaged in the Local Plan process.</p>
<p>SUMMARY LEAFLET PUBLISHED Mon 9 Nov</p>	<p>All Simplified overview of the draft Local Plan/CIL, appropriate for those who are less engaged than specifically interested groups and individuals</p>	<p>12 page summary of the Local Plan/CIL (10,000 copies printed) Made available:</p> <ul style="list-style-type: none"> in SCI locations (Dewsbury & Huddersfield) Huddersfield, Dewsbury and Cleckheaton Town Halls at all Kirklees Library and Information Centres across the district (26 locations) to all councillors

<p>LETTERS TO LOCAL PLAN DATABASE w/c Mon 9 Nov</p>	<p>Engaged residents, businesses, landowners, developers and special-interest groups</p>	<p>We will write to all those who have previously asked to join our Local Plan/CIL database, to be kept informed of any developments in relation to the Local Plan/CIL.</p> <p>There are 6200 listed on the database.</p> <p>Letter will direct recipient to look at the draft Local Plan/CIL online, and to submit their comments through <i>Objective</i>.</p>
<p>PRESSS w/c 9 Nov</p>	<p>All</p>	<p>Press Release and feature article will be issued when Cabinet Papers are published in advance of meeting on 6th October.</p> <p>Further press release when the consultation period begins, with further releases to follow as appropriate.</p>
<p>ON-LINE CAMPAIGN w/c Mon 9 Nov</p>	<p>All</p>	<p>Homepage campaign for 2 weeks from w/c 9 Nov</p> <p>Draft Local Plan/CIL published on Planning web pages. Summary leaflet also published on planning web pages. Planning pages to be mobile/tablet optimised to have the appearance of an APP.</p> <p>Links through from information documents to the <i>Objective</i> consultation system</p> <p>Homepage campaign will be supported by Facebook and other SM activity throughout the consultation period</p> <p>Intranet campaign for 2 weeks from w/c 9 Nov</p>
<p>FOCUS GROUPS dates tbc within consultation period</p>	<p>Young people People aged 65+ Disabled people Faith groups Businesses BME</p>	<p>Host Focus Groups to encourage contribution and views from specific interest groups who can be harder to reach, or less inclined to contribute.</p> <p>Propose Planning Aid convene 6 focus groups of 10-15 representatives</p>

<p>PUBLIC DROP-IN SESSION full day event in Dewsbury – Tuesday 24 November full day event in Huddersfield – Monday 30 November</p>	<p>Members of the public</p>	<p>Staff will be on hand to explain the plan and answer questions to help members of the public to comment on-line using mobile IT stations.</p> <p>Sessions will include:</p> <ul style="list-style-type: none"> • explanatory video • draft local plan available • summary leaflets available • mobile workstations for submitting comments
<p>DISTRICT COMMITTEES Within Consultation period or period leading up to consultation</p>	<p>Elected members and members of the public</p>	<p>1) A briefing will be given to chairs of district committees about the consultation process:</p> <ul style="list-style-type: none"> • the scope of consultation • where to find information • how to register views • next steps <p>2) Information will be provided to elected members to enable them to host their own session on the Local Plan/CIL, including:</p> <ul style="list-style-type: none"> • summary leaflets • short video explanation of local plan issues (in style of budget consultation using videoscribe)
<p>KIRKLEES TOGETHER (on-line & print) *Print to be distributed towards the start of consultation period *Online story in kirkleestogether.co.uk for the duration of the consultation</p>	<p>Kirklees residents</p>	<p>Kirklees Together (print) is likely to become a shorter signposting format by the autumn. This is distributed to 99% of Kirklees households. Will contain a brief article signposting people to the web, and to Kirklees Together digital magazine for further information.</p> <p>Kirklees Together (digital) will hold an article about the Local Plan/CIL in-keeping with the overall editorial style, signposting people to the Planning pages of the website to read the draft Local Plan and to make their comments.</p>

APPENDIX 2: Equality Impact Assessment
EQUALITY IMPACT ASSESSMENT FRONT COVER

Service Details

Ref No.

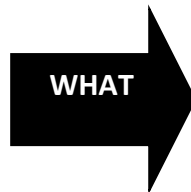
(to be allocated by the equality and diversity team)

Directorate:	Service:
Place	Investment and Regeneration Service
Lead Officer:	Service Area/Team:
Neil Bearcroft and Thomas Fish	Planning Policy
Officers responsible for Assessment:	Date:
Neil Bearcroft	4/9/2015

About the proposal

What are you planning to do?

- Change/Reduce
- Remove
- Introduce or charge
- Review



- Service provision to the public
- Policy
- Employment Practice/Profile

Assessed level of Impact

- High
- Medium
- Low

Budget Affected

- Capital
- Revenue

How has this issue come about?

- Budget Proposal
- Service Plan
- Loss/reduction in funding Legislation.
(inc. end of funding period)
- New funding/Grant Aid
- Legal Duty
- Other (please state) A change in Planning

Proposal detail (give a brief outline of what this is about – no max words)

The Community Infrastructure Levy (CIL) is a new levy that the Council is proposing to introduce to charge on new developments in the district. The money collected from the CIL can be used to support development by funding the infrastructure that the Council, local communities and neighbourhoods deem necessary.

Who is the proposal likely to impact?

- Age Marriage & Civil Partnership Religion & Belief
 Disability Pregnancy & Maternity Sex
 Gender Reassignment Race Sexual Orientation

X Other (please state) It will impact on the development industry, and those members of society who directly benefit from infrastructure funding within the district.

The CIL affects those in the development industry as it would be an additional charge for certain types of development in certain areas of the district. It would also impact on those members of society who directly benefit from infrastructure funding within the district.

Which ward area(s) is this likely to affect?

Have any of the following been completed? **Y** **N**

Stage 1 Screening Tool	X	<input type="checkbox"/>
Stage 2 Legal Compliance	X	<input type="checkbox"/>
Stage 3 Customer focus assessment	<input type="checkbox"/>	X

Is the proposal likely to have an adverse impact on compliance with the Public Sector Equality Duty?

	Y	N
Ending Unlawful Discrimination, harassment & Victimisation	<input type="checkbox"/>	X
Promoting Equality of opportunity	<input type="checkbox"/>	X
Foster Good Relations	<input type="checkbox"/>	X

List any supporting documents

N/A

Authorisation

Sign off by lead officer (name)	Signature	Date
Sign off by Assistant Director (name)		Date
Proposed Review Date		

Further Authorisation

Authorising Body	Signature	Date

EQUALITY IMPACT ASSESMENT STAGE 2 – ENSURING LEGAL COMPLIANCE

In what way does your current service delivery help to:	How might your proposal affect your capacity to:	How will you mitigate any adverse effects? <small>(You will need to review how effective these measures have been)</small>
End Unlawful Discrimination?	End Unlawful Discrimination?	
<p>The Planning Service operates within the Council's requirements not to discriminate through the planning application and planning policy making process.</p> <p>The CIL has been compiled in accordance with National Planning Legislation set out in the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, 2014 and 2015).</p>	<p>The establishment of the Community Infrastructure Levy (CIL) involves two periods of public consultation. During these periods, the consultations will adhere to the Council's Statement of Community Involvement (SCI) and consultation guidelines. When CIL is operating, it will charge developers a fee to pay for infrastructure improvements across the district. A proportion of the fee will go directly to the areas where this money is raised to spend on their priorities.</p> <p>The remainder of the money will go into a central Council pot and it will ultimately be the decision of Members to decide where this will be spent. This process may well have an unequal impact on certain areas, but not necessarily against specific equality groups.</p>	<p>A consultation methodology was produced which has been signed off by Corporate Consultation Board and LMT. This was prepared in the context of the council's revised Statement of Community Involvement (to be presented to Cabinet on 22nd September 2015) and the council's Involving Communities Framework. The SCI was subject to an EqlA and public consultation. Both the SCI and the Involving Communities framework provide an open and transparent framework for consultation to ensure equality for all to make representations and shape planning policy documents including the CIL.</p> <p>Officers will review representations made in the consultation of the CIL and make modifications which are considered to be appropriate and publish these in an amended version of the CIL.</p>

		<p>Officers can recommend where CIL money should be spent based upon infrastructure requirements. This can consider issues of potential discrimination. These recommendations will form part of the periods of public consultation for CIL.</p> <p>It is intended that the Council will monitor the type, location and value of projects funded by CIL therefore highlight where and how the monies have been spent.</p>
Promote Equality of Opportunity?	Promote Equality of Opportunity?	
<p>When the Planning Policy team undertakes public consultation, it does so in adherence to the Statement of Community Involvement (SCI), and other relevant Council requirements.</p> <p>The SCI is available on the council's website at: http://www.kirklees.gov.uk/business/regeneration/localplan/communityinvolvement.aspx</p>	<p>The SCI will be adhered to alongside other relevant Council policies to ensure equality of opportunity is met.</p> <p>Funding of infrastructure projects through CIL provides an opportunity to ensure that community needs are addressed.</p> <p>The evidence that is used to set a CIL charge considers the need to provide affordable housing and the associated costs. This is to ensure that the CIL rate is not set at a level that would jeopardise affordable housing delivery.</p>	<p>The SCI reduces any potential discrimination by ensuring an open and transparent process.</p> <p>The CIL rates will be set at levels that take account of other policy requirements and costs, such as affordable housing, to ensure that these should still be deliverable.</p>

	Despite this, CIL is a non negotiable charge, and affordable housing is delivered through Section 106 Agreements which are negotiable. This means that affordable housing provision may be negotiated downwards on certain sites when CIL is introduced.	
Foster Good Relations Between People	Foster Good Relations Between People	
The Planning Service operates within the Council's requirements not to discriminate through the planning application and planning policy making process.	<p>The implementation and ultimate operation of CIL is a technical addition to the planning application process.</p> <p>The spending of CIL money may have the opportunity to be spent upon community infrastructure and projects that helps to foster good relations between different people.</p> <p>The spending priorities of CIL will ultimately be defined by the communities who receive a proportion of CIL and define their own infrastructure priorities. The remaining CIL will be spent on infrastructure priorities decided upon by senior council officers and</p>	Officer advice relating to potential infrastructure spending that will foster good relations between people can be provided to senior officers and members on an annual basis to inform their CIL spending decisions.

Think about what you are planning to change; and what impact that will have upon 'your' compliance with the Public Sector Equality Duty (refer to [guidance sheet](#) complete with examples where necessary)



ONLY IF You are confident that there is little if any negative affect on your public sector equality duty and/or you have all the necessary evidence to support your proposal.

- Save this sheet for your own records
- Complete and save a front sheet
- Send this, a front sheet and your screening tool if you have completed one to equalityanddiversity@kirklees.gov.uk



- **IF** the proposal is likely to be high or medium/high impact on equality groups,
AND
- You do not have any supporting evidence needed for your proposal (such as consultation)
- Your proposal is likely to have a negative affect on your ability to comply with the Public Sector Equality Duty. Proceed to stage 3 Customer focus assessment.