

# Public Document Pack



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Tuesday 4 October 2016

## Notice of Meeting

Dear Member

### **Cabinet**

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.30 am** on **Wednesday 12 October 2016**.

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', on a light-colored background.

**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 Shabir Pandor

Councillor Peter McBride

Councillor Naheed Mather

Councillor Musarrat Khan

Councillor Erin Hill

Councillor Viv Kendrick

Councillor Masood Ahmed

Councillor Graham Turner

### **Responsible For:**

Leader / Strategy and Strategic Resources, New Council & Regional Issues

Deputy Leader / Strategy and Strategic Resources, New Council & Regional Issues

Economy, Skills, Transportation & Planning

Housing & Enforcement Management

Highways & Neighbourhoods

Family Support & Child Protection

Adults, Health & Activity to Improve Health

Community Cohension & Schools

Asset Strategy, Resources & Creative Kirklees

# Agenda

## Reports or Explanatory Notes Attached

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Pages

**1: Membership of the Committee**

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

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**2: Minutes of previous meeting**

1 - 10

To approve the Minutes of the meeting of the Committee held on 20<sup>th</sup> September 2016.

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**3: Interests**

11 - 12

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.

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**4: 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.

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## **5: 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.

Cabinet received a deputation from Paul Burr, Director of VI Promotions, who provided information on the Junk Tooth and Foodle projects within the local communities, and particularly the provision of dental care for children in the Dewsbury area, and sought support for the projects.

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## **6: Public Question Time**

The Committee will hear any questions from the general public.

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## **7: Member Question Time**

To consider questions from Councillors.

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## **8: Publication and Submission of the Local Plan**

13 - 42

A report seeking support for the Local Plan.

Wards: All

Officer: Richard Hollinson 01484 221000

### **Wards**

**Affected:** All Wards

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**9: Consultation on the Community Infrastructure Levy -  
Draft Charging Schedule**

43 - 70

A report seeking approval to consult on the Community Infrastructure Levy (CIL) Draft Charging Schedule and proceed to examination alongside the Draft Local Plan.

Wards: All

Officer: Richard Hollinson: 01484 221000

**Wards**

**Affected:** All Wards

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Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### CABINET

**Tuesday 20th September 2016**

Present: Councillor David Sheard (Chair)  
Councillor Shabir Pandor  
Councillor Peter McBride  
Councillor Naheed Mather  
Councillor Musarrat Khan  
Councillor Viv Kendrick  
Councillor Masood Ahmed  
Councillor Graham Turner

Apologies: Councillor Erin Hill

Observers: Councillor Donna Bellamy  
Councillor Amanda Stubleby  
Councillor Linda Wilkinson

#### **43 Membership of the Committee**

Apologies for absence were received on behalf of Councillor Hill.

#### **44 Interests**

Councillor McBride declared a prejudicial interest in Agenda Items 14 and 18 on the grounds that he is a Board Member of Kirklees Stadium Development Limited, and left the meeting during the consideration of these matters. (Minute Nos 56 and 60 refer).

#### **45 Admission of the Public**

It was noted that Agenda Items 16, 17 and 18 would be considered in private session. (Minutes Nos 58,59 and 60 refer).

#### **46 Deputations/Petitions**

No deputations or petitions were received.

**47 Public Question Time**

No questions were asked.

**48 Member Question Time**

Councillor Wilkinson made reference to a question that she had asked at Council on 14 October 2016 in regard to a ward resident being denied the opportunity to dispose waste at Vine Street tip due to the size of his trailer. She advised that, pursuant to the meeting, she had looked at the policies of neighbouring Local Authorities, and found them not to be in line with that of Kirklees, which was contrary to the response that she had received from the Cabinet Member.

Councillor Mather replied thereto.

**49 A better service for children & young people – proposals for consultation**

Cabinet gave consideration to a report which set out details on a proposed future model of early help services, including the proposed closure of designated children's centres and youth centre buildings, and to seek to authority to commence formal consultation on the proposed changes. The report set out the contextual position in relation to the current and proposed future 'early help offer' delivered by the Council and Cabinet noted that it was in response to the need to reshape the current service offer of the early Intervention and Targeted Support Service and Integrated Youth Support Service into an Integrated Early Help Offer.

The report outlined the current offer and proposals to seek approval to carry out consultation with current service users, staff and key stakeholders, in order to redesign the future service offer that will form part of the new Kirklees Early Help Offer. It also proposed specific reductions in the current service in order to meet the savings as already agreed in the MTFP and to reduce demand for high cost social care interventions.

The reports explained that, subject to approval, officers would undertake a formal consultation process between 27 September 2016, and 22 November 2016. The findings of the consultation would then be submitted to the meeting of Cabinet on 17 January 2016.

**RESOLVED -**

(1) That the proposals for consultation regarding the proposed future model of early help services be approved.

(2) That officers be authorised to commence the consultation exercise, as detailed within the report, with current users of the Early Intervention and Targeted Support Service, and Integrated Youth Support Service.



**50 Request for approval to consult on the implementation of a revised Adult Social Care Charging Policy**

Item deferred.

**RESOLVED** – That the consideration of the report be deferred to a future Cabinet meeting.

**51 184 Wakefield Road, Moldgreen - Proposed Compulsory Purchase Order**

Cabinet gave consideration to a report which sought authority to make a Compulsory Purchase Order for 184 Wakefield Road, Moldgreen, in order to enable it to be demolished as part of a project to demolish seven properties on Wakefield Road (No.s 172 to 184). The report advised that all seven properties were vacant, and that No. 184 was derelict. The Council had attempted to acquire the property by negotiation over a period of six months, but the owner had failed to respond to the Council's approaches to acquire the property, and it was therefore necessary to instigate a Compulsory Purchase Order. Cabinet noted that planning approval for the demolition of the properties had been granted.

The report advised that a budget of £205,000 to cover the demolition works and acquisition of the property had previously been approved and would be funded from the Council's Capital Allowance budget.

**RESOLVED -**

(1) That the Assistant Director (Legal, Governance and Monitoring), be authorised to proceed with the making of a Compulsory Purchase Order for the land shown on 16-0334 under Section 226(1)(a) of the Town and Country Planning Act 1990 and all other enabling powers and submit the order to the Secretary of State for confirmation. The Order shall be called the Kirklees Council (184 Wakefield Road, Moldgreen, Huddersfield) Compulsory Purchase Order 2016.

(2) That it be confirmed that, having considered Article 1 of the First Protocol to the Convention on Human Rights, it is in the interest of the community to make the Compulsory Purchase Order and that interference with Convention rights is considered to be necessary and justified.

(3) That the Assistant Director (Legal, Governance and Monitoring) be authorised to confirm the Order, if there are no objections and if directed by the confirming authority, in accordance with Section 14a of the Acquisition of Land Act 1981.

(4) That the Assistant Director (Place) be authorised to continue negotiations to attempt to acquire the property by agreement and that authority be given to make a discretionary loss payment in accordance with Section 33J of the Land Compensation Act 1973, if appropriate.

**52 Expanded Formal Pre-application Service & Development Management Officer Member Communication Protocol**

Cabinet received a report which set out details of two initiatives to improve the efficiency, speed and outcomes of planning proposals. The initiatives were (a) to introduce an expanded formal pre-application service and (b) to introduce a new Development Management Officer/Member Communication Protocol. Fuller details on the proposals were set out at paragraph 2 of the considered report, and within the appendix. Cabinet noted that the intended consequences of the initiatives were to set out the standards service that could be expected to prospective applicants, and to improve the quality of developments and decision making.

**RESOLVED** - That the proposed changes to Planning Services engagement with service users, and Elected Members, as detailed within the report, be approved.

**53 Freehold Asset Transfer of Holmfirth Civic Hall, Huddersfield Road**

(Under the provision of Council Procedure Rule 36 (1), Cabinet received a representation from Councillor Bellamy).

Cabinet gave consideration to a proposal to transfer the land and buildings which currently make up Holmfirth Civic Hall, to Holme Valley Parish Council, on a freehold transfer. The report advised that the Civic Hall was a well-used community facility in Holmfirth which provided a meeting and event space and that it was currently managed by the Council. The Parish Council had submitted plans to seek an asset transfer of the building and surrounding land. The report advised that the conditions of such a transfer would include covenants to ensure that Holmfirth Civic Hall would principally remain available for community use only. The considered report provided details to the background to the request, and the proposal to transfer the asset at nil consideration, but with restrictive covenants in place to protect community use.

**RESOLVED** -

(1) That approval be given to transfer the freehold of Holmfirth Civic Hall from the Council to Holme Valley Parish Council for nil consideration, and to include covenants to ensure that the Civic Hall can be used for Community Use with an exception of up to 30% of commercial use, in line with previous asset transfers.

(2) That it be noted that the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) have delegated authority to negotiate and agree the terms and red line boundary of the freehold transfer that relate to the transfer of Holmfirth Civic Hall to Holme Valley Parish Council.

(3) That officers be authorised to give three months' notice of termination of Holme Valley Parish Council's tenancy at Holmfirth Council Offices from the date of legal completion of the transfer.

(4) That, in the event that the transfer is not actioned within 6 months, the reasons for delay be reviewed at Assets Committee, and that further appropriate action be determined.

**54 Abandoned Waste Management Site, the Scotland Yard, Lockwood, Huddersfield**

Cabinet received a report which provided an update on the consequences of the abandonment of the waste site, followed by a deep fire, at Scotland Yard, Queens Mill Road, Lockwood. The report advised that the incident had resulted in the Council incurring significant costs in restoring the site to a safe and legal position and asked that Cabinet note the actions taken to date to mitigate the risks and liabilities as set out within the content of the report, and exempt appendix. The report advised that the costs arising from addressing the requirements of the site would be funded from the Council's Risk Reserve.

Cabinet noted that the next steps of the process would be to clear the waste from the land and develop a communication plan to ensure that local residents and businesses that were currently experiencing smoke, odour nuisance and pest problems, were informed of the progress on site. The report indicated that Environmental Health would continue to monitor the situation and advise on mitigation measures to minimise the impact of the nuisance.

Cabinet highlighted their concerns regarding the powers of the Environment Agency in dealing with such instances and considered that it was important to support lobbying of the Government to empower the Environment Agency to be able to prevent any such similar instances occurring.

(Cabinet gave consideration to exempt information at Agenda Item 16 (Minute No. 58 refers) prior to its determination of this item).

**RESOLVED -**

(1) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring), to take all reasonable and necessary steps as detailed in the considered reports in order to ensure the safe removal of waste from the land and to negotiate and/or enter into suitable arrangements to do this using existing call off contracts, where appropriate, and in accordance with Council Contract and Procedure Rules.

(2) That approval be given to spending up to the values as set out in the report for clearance of the land before a further Cabinet approval is required.

(3) That the risks involved in the project, and the associated potential cost and time implications, be noted.

(4) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) to take appropriate action(s) to recover the costs of clearance of the land from appropriate responsible parties, and that officers be asked to fully investigate the options of recovering the cost to the Council of the site clean-up.

**55 Leeds City Region - support for strategic housing sites, jobs and skills growth**

Cabinet gave consideration to a report which sought authority to enter into arrangements to draw down Local Enterprise Partnership (LEP) funding to unlock housing sites within Kirklees and pursue the necessary steps to bring forward an identified site using LEP funding. The report outlined the support received from the Leeds City Region Local Enterprise Partnership through the Local Growth Fund to support development and bring forward strategic or challenging housing sites, which would assist the Council in meeting objectives of Economic, Joint Health and Wellbeing Strategies, particularly in relation to new housing and growth.

The report advised of proposals to use external funding provided by the LEP to support the development of challenging housing sites and to utilise the funding as detailed within the exempt appendix, which identifies a specific site. Cabinet were asked to endorse actions which would enable the Council to draw down and use external LEP Local Growth funding to secure housing development on this site, and others in the future. Cabinet noted that the initiative would help the Council to co-ordinate and drive the pace of development and investment, and build a more economically resilient Kirklees.

(Cabinet gave consideration to exempt information at Agenda Item 17 (Minute No. 59 refers) prior to its determination of this item).

**RESOLVED -**

(1) That the role of the Leeds City Region Local Enterprise Partnership and Local Growth Fund in helping to bring forward strategic or challenging housing sites for delivery, and helping to meet the Council's Economic, Joint Health and Wellbeing objectives, be noted.

(2) That the approach to the development of strategic housing sites, as detailed within the considered reports, be approved.

(3) That authority be delegated to the Assistant Director (Place) and the Assistant Director (Legal, Governance and Monitoring) to (i) conclude the legal arrangements or agreements necessary to enable the Local Enterprise Partnership offer of funding to be drawn down and utilised, to enable development to deliver housing and other infrastructure for growth in Kirklees (ii) progress appropriate negotiations with third parties to enable the development of housing and infrastructure and (iii) negotiate to purchase and assemble land where applicable to enable development sites to be brought forward.

(4) That it be noted that a further report will be submitted to Cabinet to outline the support of the HCA and Local Enterprise Partnership in the North Kirklees Growth Zone.

**56 Provision of loan facility to Kirklees Stadium Development Ltd (KSDL) for investment purposes**

Cabinet received a report which set out a proposal from Kirklees Stadium Development Limited (KSDL) for the Council to provide secured debt funding to KSDL which would allow KSDL to take a majority equity stake in the outdoor Snow Sports Centre within the HD One Development. It advised that, if approved, officers would be authorised to carry out appropriate due diligence on the proposal and detailed negotiation on the documentation. Cabinet noted that the funding the loan advance, would be from the Risks and Pressures budget, within the approved Capital Plan.

(Cabinet gave consideration to exempt information at Agenda Item 18 (Minute No. 60 refers) prior to its determination of this item).

**RESOLVED -**

(1) That approval be given to an offer of secured debt to Kirklees Stadium Development Limited (KSDL) to allow KSDL to invest to acquire a majority equity stake in the Snow Sports Centre Special Purpose Vehicle that will develop such a facility at the John Smith's stadium site, Huddersfield.

(2) That the Assistant Director (Place), Assistant Director (Legal, Governance and Monitoring) and Assistant Director (Financial Management, Risk, IT and Performance) be authorised to enter into detailed due diligence on the documentation required to progress (1) above, and to progress negotiations on a loan to provide secured debt.

(3) That authority be delegated to the Chief Executive, in consultation with the relevant Cabinet Member, to agree the final terms of the loan with KSDL and give consent on behalf of the Council to the terms by which KSDL makes its equity investment into the Special Purpose Vehicle for the Snow Sports Centre.

(4) That authority be delegated to the Assistant Director (Legal, Governance and Monitoring) to enter into any documentation required in connection with the loan to KSDL.

**57 Exclusion of the Public**

**RESOLVED -** That acting under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

**58 Abandoned Waste Management Site, the Scotland Yard, Lockwood, Huddersfield**

(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 as it contains (i) information relating to any individual (ii) information which is likely to reveal the identity of an individual and (iii) information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely affect overall value for money, could compromise the commercial confidentiality of organisations and may disclose the contractual terms and impact on potential legal action to be taken in relation to activities that have taken place on the site, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in Council decision making.)

Cabinet received exempt information regarding the consequences of the abandonment of the waste site prior to the determination of Agenda Item 12 (Minute No. 54 refers).

**RESOLVED** - Cabinet gave consideration to exempt information prior to the determination of Agenda Item 12.

**59 Leeds City Region - support for strategic housing sites, jobs and skills growth**

(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that it would not be in the public interest to disclose the information contained in the report as disclosure could potentially adversely compromise the commercial confidentiality of negotiations with third parties, and may disclose the contractual terms, which is considered to outweigh the public interest in disclosing information including, greater accountability, transparency in spending public money and openness in Council decision making.)

Cabinet received exempt information regarding LEP Local Growth funding prior to the determination of Agenda Item 13 (Minute No. 55 refers).

**RESOLVED** - Cabinet gave consideration to exempt information prior to the determination of Agenda Item 13.

**60 Provision of loan facility to Kirklees Stadium Development Ltd (KSDL) for investment purposes**

(Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 as it contains information relating to an individual, and contains commercially sensitive information about a third party. The public interest in maintaining confidentiality on the information, which, if made public would contravene data protection legislation and outweighs the public interest in disclosing the information for reasons of open governance).

Cabinet received exempt information regarding the provision of a loan facility prior to the determination of Agenda Item 14 (Minute No. 56 refers).

**RESOLVED** - Cabinet gave consideration to exempt information prior to the determination of Agenda Item 14.

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<b>KIRKLEES COUNCIL</b>			
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>			
<b>DECLARATION OF INTERESTS</b>			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>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]</b>	<b>Brief description of your interest</b>

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 and Council

**Date:** 12 October 2016

**Title of report:** Publication and Submission of the 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?	Yes
Is it in the <a href="#">Council's Forward Plan</a> ?	Yes
Is it eligible for "call in" by <a href="#">Scrutiny</a> ?	Yes
<b>Date signed off by <u>Director</u> &amp; name</b>	Jacqui Gedman - 3.10.16
<b>Is it also signed off by the Assistant Director - Financial Management, Risk, IT &amp; Performance?</b>	Debbie Hogg - 30.09.16
<b>Is it signed off by the Assistant Director - Legal, Governance and Monitoring</b>	Julie Muscroft - 29.09.16
<b>Cabinet member <a href="#">portfolio</a></b>	Councillor David Sheard - Strategy and Strategic Resources, New Council & Regional Issues Councillor Shabir Pandor - Strategy and Strategic Resources, New Council & Regional Issues Councillor Peter McBride - Economy, Skills, Transportation & Planning

**Electoral [wards](#) affected:** All

**Ward councillors consulted:** All

**Public or private:** Public

## 1. Purpose of report

The purpose of this report is to request that Members approve the Local Plan for the purposes of submission to the Secretary of State for an independent examination in public in accordance with the Council's approved Local Development Scheme 2016, following public consultation on whether the Local Plan meets legal and 'soundness' tests.

## **2. Key points**

### **a. Local Plan Progress to Date**

Members will recall that a full Council decision was made on 23<sup>rd</sup> October 2013 to withdraw the former LDF Core Strategy. Cabinet subsequently agreed on 28<sup>th</sup> January 2014 to proceed to develop a full Local Plan, including site allocations.

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:

- 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 to 2031.

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. National Planning Practice Guidance (NPPG) sets out the main stages of plan making for development plans and in relation to the flowchart in Appendix 1, the Council has now reached the 'Publication and Submission' stage.

In early 2014, the Council started 'early engagement' with stakeholders 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.

In November 2015 the Council consulted on the 'Draft Local Plan' for an initial 6 week period, which was subsequently extended for a further period and closed on 1<sup>st</sup> February 2016. The Council received a significant response from a wide range of stakeholders and a summary of the consultation is set out later in this report. Before the Local Plan is submitted to the Secretary of State the Council will need to prepare a 'Statement of Consultation' which will include this information and which will also summarise the comments which will be received in relation to legal and soundness tests. This is required by regulations.

Following the consultation the Local Plan has now been revised. Revisions have taken into account comments received; updates to the Council's evidence base; and a range of new site proposals put to the Council.

Officers consider that robust and up to date evidence to support the Local Plan is now in place. This includes:

- key evidence on housing requirements, housing mix and 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; and
- 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 a 15 year period, 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 essential infrastructure.

The Publication Draft Local Plan is subject to a Sustainability Appraisal (including a health impact assessment) and a Habitat Regulations Assessment. These reports will be presented alongside the Publication Draft Local Plan during the consultation period.

#### **b. Consultation on the Draft Local Plan**

The Council consulted on the following documents from November 2015 onwards in accordance with the protocols agreed by Cabinet and as required by planning legislation and the Statement of Community Involvement:

- Draft Local Plan – Strategy and Policies
- Draft Local Plan – Allocations and Designations
- Draft Local Plan – Rejected Options Report
- Draft Local Plan – Green Belt Review and Outcomes
- Draft Local Plan – Sustainability Appraisal

In total the Council received responses from 5884 groups/individuals, raising 17750 comments. A broad response breakdown of these comments to each consultation document is set out below:

<b>Event Name</b>	<b>Support</b>	<b>Conditional Support</b>	<b>Object</b>	<b>No Comment</b>	<b>Total</b>
DLP Allocations and Designations (Draft accepted options)	579	495	9628	30	10732
DLP Rejected Site Options	4546	4	416	5	4971
DLP Strategies and Policies	345	455	877	153	1830
Green Belt Review	34		108	5	147
Sustainability Appraisal	2	5	55	8	70
<b>Total</b>	<b>5506</b>	<b>959</b>	<b>11084</b>	<b>201</b>	<b>17750</b>

In addition to individual comments the Council also received 8 petitions which were recorded against relevant policies and proposals as follows:

<b>Petition Group</b>	<b>Petition Holder</b>	<b>Number of signatures</b>	<b>Site Reference(s)</b>
The Netherton & South Crosland Action Group	Alan Knight	1624	H102, H660, H94 (Object)
Save Gomersal Green Belt	Rachael Elliott	69	H591 (Object)
Little Wood, Batley	Margaret Darton (first name on the list)	408	H1701 (Object)
Grange Moor	Karen Hooley (first name on the list)	49	H36, H270 (Object)
Raikes Lane	Hilary Wainwright & Alec Jackson	204	H761 (Object)
Scholes	Michael Reader	853	H8, H38, SL300 (Object)
Liversedge FC	Bob Gawthorpe	750	H226 (Support)
Save Mirfield	Cheryl Tyler	715	H2089, SL2163 (Object)

As well as the above 273, new site options were received by the Council. These site options have been assessed in the same way as site options were considered in the Draft Local Plan to understand whether they should replace or amend site options in the Draft Local Plan. The new site options are not just for housing sites but also options were received for employment, urban greenspace, local greenspace, minerals, mixed use development, green belt alterations, safeguarded land, and transport schemes.

A full summary of the comments received, together with which parts of the consultation documents they relate to and the Council's response to the comments are attached as background papers to this report.

### **c. Summary of the Local Plan Strategy, Vision and Objectives**

Full versions of the Publication Draft Local Plan – Strategy and Policies document, the Publication Draft Local Plan – Allocations and Designations document and Policies Maps are attached as background papers.

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 the 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
- to help understand the place shaping characteristics of different parts of the district the plan splits the place shaping statements into four sub-areas which are Huddersfield, Dewsbury/Mirfield, Batley and Spen and Kirklees Rural. It is important to note that the distribution of jobs and homes in the plan is guided by these place shaping principles but there are not distinct jobs and homes targets set for these sub-areas, settlements or wards within them
- the role and function of the Green Belt, topography, settlement appraisal, level of infrastructure, and local needs are given high priority when choosing site allocations and considering new development in place shaping terms
- where needs 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 improved deliverability, quality layouts, good design, green infrastructure and higher building specifications
  - affect a smaller number of localities; and
  - reduce the need for smaller green belt release sites
- to meet basic housing needs in each sub-area
- to meet the need for strategic employment locations along the M62 corridor
- to 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 be delivered

- the plan will have a regeneration focus on Huddersfield and Dewsbury town centres 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
- 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
- the importance of open spaces within urban areas where these meet identified local needs and where their retention is justified
- planning for new development in locations and ways which reduce greenhouse gas emissions
- take into account the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, seek to use areas of poorer quality land in preference to that of a higher quality

### **Meeting Kirklees' Needs and Requirements**

The Local Plan confirms that Kirklees will meet all its objectively assessed needs without reliance on adjoining authorities for housing, employment land accommodation for travellers and provision for mineral extraction. 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 31,140 new dwellings over the plan period (1730 new dwellings per annum). The Council will assume a windfall allowance; take into account committed housing figures, and losses/demolitions when determining how much land is required from new housing allocations. This results in the need for approximately 21,324 new dwellings from allocated land. Draft allocations have been identified to meet these needs.

The Council also needs to identify new land to safeguard in accordance with national planning policy to ensure the permanence of the new green belt boundary for the longer term. Although national planning policy does not specify how much safeguarded land is required, local plans which look for approximately 10% of the total land identified for housing have been judged to be sound at other local authorities, examinations in public.



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 is an employment land requirement for approximately 175 hectares of new employment land to achieve a 75% employment rate over the plan period. Prime new employment land is focussed largely along the M62 corridor. 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 show person 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 is identified for future expansion.

Other designations will be shown in the Local Plan which includes:

- mineral safeguarding areas,
- mineral extraction sites,
- mineral preferred areas;
- mineral areas of search;
- 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/retail policy areas/shopping frontages; and
- transport proposals.

#### **d. Summary of the Local Plan Policies**

The plan includes new planning policies relating to implementing the strategy, vision and objectives and which will be applied to planning applications received through the Development Management process. Policies in the plan include delivering growth and sustainable development, place shaping, economy, homes, retailing and town centres, transport, design, climate change, natural environment, historic environment, minerals, waste, health and supporting communities, green belt and open space.

## e. The Local Plan Evidence Base

In order to meet the Government's soundness tests as set out in national planning policy the Local Plan needs to be underpinned by an up-to-date, robust and credible evidence base. The National Planning Policy Framework sets out the main pieces of evidence which should be in place for housing, business, infrastructure, minerals, defence/national security/counter-terrorism and resilience, environment, historic environment, health and well-being, public safety from major accidents, viability and delivery and the duty to co-operate.

The Local Plan evidence base was published on the Council's website during the Draft Local Plan consultation and has been available since that time. Some of this evidence has now been updated and some additional evidence gathered. The Local Plan evidence base will be made available on the council's website for the publication stage so that this information can be taken into account during the publication consultation and during the Examination in Public.

It is officer's view that the Publication Draft Local is underpinned by an appropriate and proportionate evidence base for producing a sound Local Plan.

Some of the key evidence documents are listed below. However, this is not a comprehensive list of the whole Local Plan evidence.

- *Plan preparation methodology and supporting technical papers setting out local evidence on housing, employment, environmental designations, infrastructure planning, transport model outputs, urban greenspace and local greenspace, renewable and low carbon energy, retail and town centres, settlement appraisal, minerals and waste*
- *Strategic Housing Market Assessment and evidence on housing land supply*
- *Private Rented Market in Kirklees*
- *Kirklees Empty Homes Strategy*
- *Gypsy and Traveller and Travelling Showperson Accommodation Assessment*
- *Kirklees Economic Strategy*
- *Kirklees Market Strength Assessment*
- *Kirklees Leisure Study*
- *Kirklees Retail Capacity Study*
- *Kirklees Infrastructure Delivery Plan*
- *Strategic Flood Risk Assessment*
- *Landscape Character Assessment*
- *Sustainability Appraisal*
- *Habitat Regulation Assessment*
- *Castle Hill Setting Study*
- *Waste Need Assessment*
- *Kirklees Joint Health and Well Being Strategy*
- *Air Quality Study*
- *Open Space Study*
- *Playing Pitch Strategy*
- *Built Facilities Strategy*

- *Viability Study*

## **f. 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 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 shared 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.

Overall, this work has established that there are no fundamental strategic/cross-boundary issues which have not been explored and discussed to date. Issues raised by adjoining authorities relate to the role and function of the West Yorkshire green belt, traffic generation, local school capacities and attendance patterns, joint delivery of transport improvements and planning effectively across boundaries for the economy. 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 and evidence being shared.

Duty to co-operate activity will continue in parallel with the publication Plan consultation and evidence will continue to be gathered with all the statutory duty to co-operate bodies so that a full statement of evidence can be submitted alongside the Local Plan to the Secretary of State. In some cases this may include the preparation of Statements of Common Ground and Memorandums of Understanding.

## **3. Implications for the council**

### **a. Risks**

The absence of an approved Local Plan would have significant implications for development management processes and long term impacts on jobs, homes, inwards investment and prosperity in the district due to development happening in Kirklees in an uncoordinated way, making it difficult to ensure that new homes and employment areas are created alongside public infrastructure needs. In addition, the Housing and Planning Act 2016 increases the government's powers to direct an individual authority to prepare or revise their local plan, to submit it to independent examination, and to publish any recommendations from that examination and to consider whether they should be adopted. In practical

terms this means the Planning Inspectorate would produce the Plan on behalf of the council. Intervention is likely to be prioritised against those councils in areas of high housing pressure who have made the least progress on a plan.

#### **b. 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, help meeting housing and job needs and assist in increasing inward investment into the district.

#### **c. Costs**

A total of £215,000 has been set aside in the existing budget for consultation, the publication and examination in public stages of the plan.

#### **d. Equalities**

A stage 2 Equality Impact Assessment has been undertaken for the 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 Equality Impact Assessment helps to ensure that the council are able to do this.

### **4. Consultees and their opinions**

Comments from a wide range of statutory and non-statutory consultees have been taken into account in preparing the Publication Draft Local Plan. A summary of the comments received and the Council's response to these comments are included as background papers.

As part of the technical evidence base underpinning the policies and proposals set out in the Publication Draft Local Plan, a wide range of internal and external consultees have provided technical advice. This advice has been considered, taken into account, and has informed decisions for accepted and rejected policies and proposals.

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 Publication Draft Local Plan before submission to the Secretary of State.

Briefing sessions have taken place with all ward councillors since the Local Plan began to be prepared. Copies of the Local Plan policies were circulated to all ward councillors for comment prior to its public consultation last year and copies of the Publication Draft Local Plan policies and proposals have been provided ahead of this meeting. Details of the proposed consultation arrangements have been discussed with Cabinet member portfolio holders and a pre-scrutiny meeting held.

## 5. Next steps

### a. Consultation on the Publication Draft Local Plan

The publication stage plan is the document which the local authority considers ready for examination. However, the Publication Draft Local Plan must be published for representations to the Local Planning Authority before it can be submitted to the Planning Inspectorate for examination. This provides a formal opportunity for the local community and other interests to consider the Local Plan, which the Local Planning Authority would like to adopt.

The specific publication requirements are set out at Regulations 17,19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation on the Publication Draft Local Plan will be focussed on whether the plan meets legal and soundness tests.

The legal tests are as follows:

- compliance with the Local Development Scheme;
- the process of community involvement for the plan should be in general accordance with the Statement of Community Involvement;
- the plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012;
- whether a Sustainability Appraisal has been carried out and whether the Habitat Regulations have been complied with; and,
- whether the Duty to Co-operate has been complied with

The soundness tests are as follows:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and.
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

It is officer's opinion that these tests have been met and that the plan is ready for examination. However it is necessary for the Council to review comments which are received regarding these tests before formally submitting the plan to the Secretary of State in order to avoid risk of significant challenge occurring at the examination.

During the consultation on the Draft Local Plan some new site options were submitted to the Council. All these new site options have been assessed and will be presented for public comment as part of the publication stage of the Local Plan.

Subject to approval, the Council will consult on the Publication Draft Local Plan and its supporting documents. The consultation will be carried out in accordance with the proposals set out in the consultation schedule attached as Appendix 2 to this report.

#### **b. Submission of the Local Plan to the Secretary of State**

Having received any representations on the publication version of the plan, the Council should submit the Local Plan and any proposed changes it considers appropriate, along with supporting documents to the Planning Inspectorate for examination on behalf of the Secretary of State. A Statement of Representations Procedure will be published alongside the submission version of the Local Plan.

Before the Council submits the plan it must review the representations received regarding legal and soundness matters and satisfy itself that the Local Plan is ready for independent examination. It is therefore requested that the decision to formally submit the Local Plan to the Secretary of State is delegated to the Director of Place in consultation with the Leader and Deputy Leader. The Local Development Scheme confirms that the plan is proposed to be submitted in March 2017.

The submitted documents should include those that were made available at the publication stage (updated as necessary), including details of who was consulted when preparing the Local Plan and how the main issues raised have been addressed. Comments made on the Draft Local Plan will also be provided to the Secretary of State.

#### **c. The Examination in Public**

The Local Plan will be examined by an independent Inspector from the Planning Inspectorate (PINS) whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The Examination in Public is conducted by the Inspector and they are responsible for the timing of the examination and its main stages. The Council will appoint a Programme Officer to liaise between the Council, other interested parties and the Inspector and to run the day to day programme.

#### **d. Final Adoption of the Local Plan**

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, i.e. adoption of the Local Plan, the existing Unitary Development Plan will remain the statutory development plan for Kirklees. The decision to 'adopt' the plan after the Examination in Public requires a full Council meeting decision to be made at a later date. The council's Local Development Scheme suggests this is likely to be in early 2018.

## 6. Officer recommendations and reasons

### **Recommendation 1 (this is a Cabinet decision only)**

Officers recommend that Cabinet Members:

- advise Council that Cabinet supports the Local Plan for publication and submission; and
- approve the attached schedule setting out the proposed consultation arrangements for the Publication Draft Local Plan for public consultation; and
- delegate authority to the Director of Place, in consultation with the Leader and Deputy Leader of the Council, to put in place any minor amendments to the consultation arrangements set out in the schedule attached to this report as necessary.

Reason: to ensure that the publication stage consultation is carried out in accordance with the Council's approved Statement of Community Involvement and to comply with planning legislation for preparing a development plan.

### **Recommendation 2 (this is a Council decision only)**

Officers recommend that Council:

- approve publication of the Local Plan to invite formal representations relating to the legal and soundness tests, and thereafter submit the Local Plan to the Secretary of State for an independent examination in public in accordance with the approved Local Development Scheme
- approve delegated authority to the Director of Place to submit the Local Plan to the Secretary of State once the period for representations has expired.

This is subject to:

- completion of a Habitat Regulation Assessment and Sustainability Appraisal, and
- authorising the Director of Place, in consultation with the Leader and Deputy Leader of the Council, to make minor amendments as may be necessary, prior to formal publication for representation and/or prior to submission of the Local Plan to the Secretary of State

Reason: to ensure that the Local Plan is prepared in accordance with the timeline set out in the Council's Local Development Scheme and to comply with planning legislation for preparing a development plan.

## 7. Cabinet portfolio holder recommendation

Portfolio holders have been briefed on the content of the Publication Draft Local Plan, the purposes of submitting the plan to the Secretary of State for Examination in Public and on the consultation arrangements attached to this report. The Portfolio Holders support and agree with the officer recommendations set out in this report.

## 8. Contact officer and relevant papers

Richard Hollinson - Policy Group Leader, Planning Services  
[richard.hollinson@kirklees.gov.uk](mailto:richard.hollinson@kirklees.gov.uk)  
(01484) 221000

## 9. Assistant Director responsible

Paul Kemp - Assistant Director - Place  
[paul.kemp@kirklees.gov.uk](mailto:paul.kemp@kirklees.gov.uk)  
(01484) 221000

## 10. Background Papers

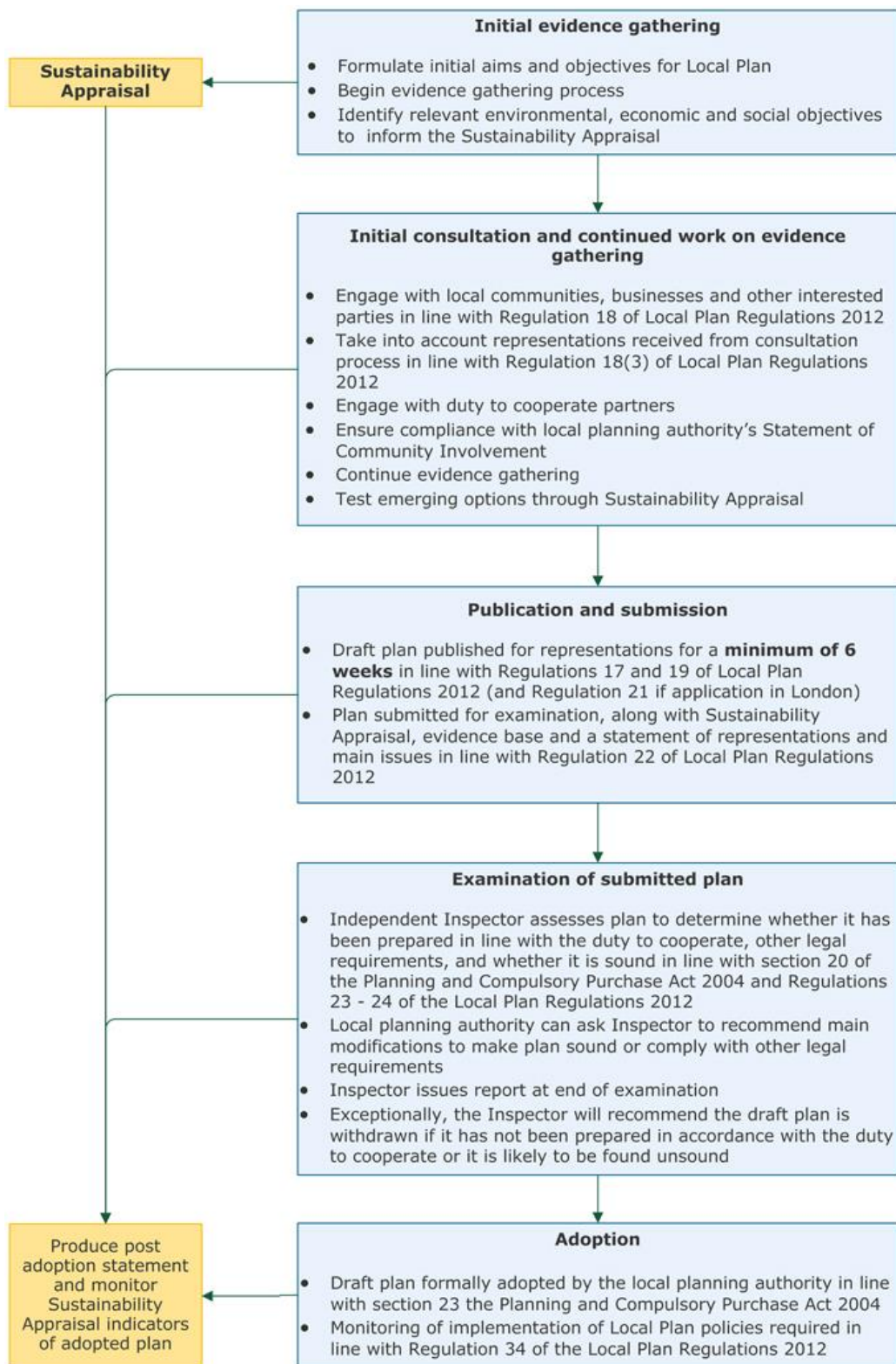
### [Background Papers](#)

- [Local Development Scheme 2016](#)
- [Statement of Community Involvement](#)
- Publication Draft Local Plan – Strategy and Policies
- Publication Draft Local Plan – Allocations and Designations
- Publication Draft Local Plan – Policies Map 1
- Publication Draft Local Plan – Policies Map 2
- Publication Draft Local Plan – Policies Map 3
- Publication Draft Local Plan – Policies Map 4
- Publication Draft Local Plan – Policies Map 5
- Publication Draft Local Plan – Policies Map 6
- Publication Draft Local Plan – Policies Map 7
- Town Centre Maps
- Draft Local Plan – Strategy and Policies – Summary of Comments
- Draft Local Plan – Allocations and Designations – Summary of Comments
- Draft Local Plan – Rejected Options - Summary of Comments
- Draft Local Plan - Green Belt Review and Outcomes – Summary of Comments
- Draft Local Plan - Sustainability Appraisal and Habitat Regulations Assessment – Summary of Comments

**PLEASE NOTE - HARD COPIES OF THE BACKGROUND PAPERS ARE AVAILABLE FOR COUNCILLORS TO VIEW AT THE CABINET OFFICE - OR GOVERNANCE AND DEMOCRATIC SERVICES - CIVIC CENTRE III.**

**PLEASE NOTE - HARD COPIES OF THE BACKGROUND PAPERS ARE AVAILABLE FOR MEMBERS OF THE PUBLIC TO VIEW AT HUDDERSFIELD CENTRAL LIBRARY AND RECEPTION - DEWSBURY TOWN HALL.**





## APPENDIX 2

### Local Plan Consultation Methodology

#### Outline

Following the consultation on site options in November 2015, the revised Local Plan will go out for public consultation on its soundness for 6 weeks in November 2016:

- Monday 7 November to Monday 19 December

This is consistent with statutory guidelines and recognised good practice.

Over 17,000 representations were received during the last round of consultation, which we believe is indicative of a high degree of engagement from local residents, businesses and stakeholders, prompted no doubt, by the publication of specific site details. We expect high engagement to continue for those who contributed to the last round of consultation, and this is made easier by the fact we have retained contact details for many of these people. Generally, the issue of soundness is slightly more technical for previously disengaged groups and the general public to grasp, but consistent with previous consultation exercises, this consultation methodology proposes a blend of channels which can be accessed by individuals, appropriate to their level of interest in, and understanding of, the issues.

#### Submitting and collating views

The main comment tool will be the availability of a standard form listing the grounds for challenging soundness through the *Objective* consultation system. A standard form will help guide objectors to set out their grounds for challenging the soundness of the plan, rather than encouraging respondents to repeat general comments about sites which have been considered previously. All information in the public domain will refer people to the Local Plan pages of the council's website, which will in turn, link through to Objective.

For people who do not wish to complete representations on-line, there will be the opportunity to download a writable PDF version of the standard form which can be completed and emailed to [local.development@kirklees.gov.uk](mailto:local.development@kirklees.gov.uk).

We will produce a summary information leaflet which sets what has happened to date, and what remains of the process prior to adoption, referencing the on-line Local Plan documents published previously, but this will not be a summary of the Local Plan proposals in itself. The summary leaflet will also explain that this round of consultation is about the soundness of the Local Plan, and how to do that.

The summary leaflet will be widely distributed through the same channels as the previous summary leaflet. A full copy of the revised Local Plan and accompanying maps will be made available at the Deposit Locations in Huddersfield and Dewsbury.

ACTIVITY	AUDIENCE	DETAIL	RESPONSIBLE	NOTES
<p><b>REVISED PLAN PUBLISHED</b>  <b>Mon 7 Nov</b></p> <ul style="list-style-type: none"> <li>• on-line</li> <li>• full copy made available in locations specified in Statement of Community Involvement: Dewsbury Service Centre and Civic Centre 3 Huddersfield</li> </ul>	<p>residents            businesses            developers            land-owners</p>	<p>The revised Local Plan will be of interest to groups and individuals who are already engaged in the Local Plan process, and those who engaged in the last round of consultation</p> <p>A full copy of the revised draft Local Plan will be available at:</p> <ul style="list-style-type: none"> <li>• Civic Centre 3, Huddersfield</li> <li>• Dewsbury Service Centre</li> </ul> <p>Together with the plan, will be:</p> <ul style="list-style-type: none"> <li>• a summary of the main changes to policy and strategy, greenspace and the greenbelt</li> <li>• a list of new and revised site options which have been included since the last draft plan was published</li> <li>• a list of all changes</li> </ul>	<p>RH to draft plan</p> <p>AS to distribute to SCI locations</p> <p>AMP/JS to distribute to any additional locations</p> <p>Comms to manage upload to webpages</p>	<p>This is consistent with previous consultations and in line with the Statement of Community Involvement.</p>

	<p>elected members</p>	<p>Party Business Managers will each receive 4 boxed copies of the revised draft Local Plan, together with a full set of accompanying maps</p> <p>All members will receive a detailed summary which will include:</p> <ul style="list-style-type: none"> <li>• significant changes affecting policy, strategy, green space and greenbelt</li> <li>• new sites added</li> <li>• existing sites which have been significantly revised so that we are treating them as a new site</li> <li>• any changes to controversial sites (including rejections)</li> </ul> <p>Each member will receive a map of their ward area (Business Managers will have 4 complete sets of maps to share within the party)</p> <p>Full copies of the revised Local Plan can be made available to individual members on request</p>	<p>Governance to distribute to members</p>	<p>It is costly to produce 75 printed copies of the full Local Plan, so where possible we would like Party Groups to share 4 copies amongst themselves.</p> <p>However each member will be provided with a comprehensive summary of all significant changes to the Local Plan together with an updated map of their ward area, so that they can assess the impact of any changes within their ward.</p> <p>We recognise some members will still prefer to have their own full copy of the Local Plan, and will make copies available on request.</p> <p>Packs will be available to collect at 9 November Council Meeting</p>
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<p><b>SUMMARY LEAFLET PUBLISHED Mon 7 Nov</b></p>	<p>All</p> <p>Explanation of:  - Local Plan process to date and how to access the revised Local Plan on-line  - summary of main changes to Local Plan  - explanation of technical grounds to challenge Local Plan at this stage  - how to access standard form</p>	<p>12 page summary of the main changes to the Local Plan as a result of last consultation</p> <p>(10,000 copies printed)</p> <p>Made available:</p> <ul style="list-style-type: none"> <li>• in SCI locations (Dewsbury &amp; Huddersfield)</li> <li>• Huddersfield, Dewsbury and Cleckheaton Town Halls</li> <li>• at all Kirklees Library and Information Centres across the district (26 locations)</li> <li>• to all elected members</li> </ul>	<p>AMP to draft, print &amp; distribute</p>	<p>Include production of point of sale stands</p>
<p><b>LETTERS TO LOCAL PLAN DATABASE w/c Mon 7 Nov</b></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 database, to be kept informed of any developments in relation to the Local Plan.</p> <p>We will write to all those who made representations during the last round of consultation, where we have address or contact details for them.</p> <p>This comprises around 5000 email addresses; and a further 5,000 postal addresses – 10,000 contacts in total.</p> <p>Letter will direct recipient to look at the revised Local Plan online; to highlight the standard form to challenge the revised plan; and to submit their comments through <i>Objective</i> where possible.</p>	<p>JS to draft letters AS to distribute</p>	

<p><b>PRESSS</b>  <b>from w/c 4 October</b>  <b>&amp; as appropriate thereafter</b></p>	<p>All</p>	<p>Main press feature to be timed around publication of papers for Full Council on 12 October.</p> <p>Interview with senior politician and Asst Director</p> <p>Subject – main changes and process of this consultation</p> <p>Further press release when the consultation period begins, with further releases to follow as appropriate until the consultation period ends.</p>	<p>AI</p>	<p>To note that press interest is likely to start early with the publication of the Cabinet Papers</p>
<p><b>ON-LINE CAMPAIGN</b>  <b>w/c Mon 7 Nov</b></p>	<p>All</p>	<p>Homepage campaign for 2 weeks from w/c 9 Nov</p> <p>Draft Local Plan published on Local Plan web pages</p> <p>Summary leaflet also published on Local Plan web pages</p> <p>Produce Videoscribe to explain main changes and process &amp; how to comment – to be used in conjunction with on-line campaign and SM integration</p> <p>Local Plan 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>AMP  AI  NS</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 7 Nov</p>		
<p><b>FOCUS GROUPS</b> dates tbc within consultation period</p>	<p>Young people People aged 65+ Disabled people Faith groups Businesses BME</p>	<p>No additional focus group activity is proposed; however we will meet with groups who specifically requested a follow-up meeting during those original discussions in November 2015</p>		
<p><b>PUBLIC DROP-IN SESSION</b> full day event in Dewsbury – Tuesday 22 November full day event in Huddersfield – Tuesday 29 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"> <li>• explanatory video</li> <li>• revised Local Plan available</li> <li>• summary leaflets available</li> <li>• mobile workstations for submitting comments</li> </ul>	<p>AMP JS</p>	

<p><b>DISTRICT COMMITTEES</b>  <b>Within Consultation period or period leading up to consultation</b></p>	<p>Elected members and members of the public</p>	<p>1) joint briefing of all chairs of district committees tbc in October to cover:</p> <ul style="list-style-type: none"> <li>• the scope of this consultation</li> <li>• where to find information</li> <li>• how to register views</li> <li>• next steps</li> </ul> <p>2) Information will be provided to elected members to enable them to host their own session on the Local Plan, including:</p> <ul style="list-style-type: none"> <li>• summary leaflets</li> <li>• comprehensive summary of changes</li> <li>• applicable ward map</li> <li>• blank comments forms</li> </ul>	<p>RH SM</p>	<p>Members wanting to hold their own sessions will be able to borrow full copy of the plans from Group Business Managers if they wish)</p>
<p><b>SCRUTINY</b>  <b>Share this Consultation Methodology with Chair of Scrutiny</b></p>	<p>Scrutiny Committee</p>	<p>A private briefing with the chair of Scrutiny will be undertaken to share this methodology in advance of Cabinet</p>	<p>AMP &amp; RH</p>	
<p><b>KIRKLEES TOGETHER (on-line &amp; print)</b>  <b>*Print to be distributed towards the start of consultation period</b>  <b>*Online story in kirkleestgether.co.uk for the duration of the consultation</b></p>	<p>Kirklees residents</p>	<p>Kirklees Together will carry a short signpost to the website to encourage people to view and comment</p> <p>Kirklees Together (digital) will also hold an article about the Local Plan in-keeping with the overall editorial style, signposting people to the Local Plan pages of the website to read the draft Local Plan and to make their comments.</p>	<p>AMP AI</p>	



# EQUALITY IMPACT ASSESSMENT FRONT COVER

**Service Details**

**Ref No.**

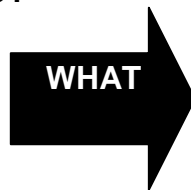
(to be allocated by the equality and diversity team)

<b>Directorate:</b>	<b>Service:</b>
<b>Place</b>	Investment and Regeneration Service
<b>Lead Officer:</b>	<b>Service Area/Team:</b>
Richard Hollinson	Planning Policy
<b>Officers responsible for Assessment:</b>	<b>Date:</b>
<b>Richard Hollinson</b>	22/9/2016

**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 Publication 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;
- detail on 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 PDLP affects all members of society who are directly or indirectly involved in the planning system. This can be local residents, businesses, or those that work in 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.

**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?**

N Y

- Ending Unlawful Discrimination, harassment & Victimisation  X
- Promoting Equality of opportunity  X
- Foster Good Relations  X

**List any supporting documents**

There is an extensive document library for the Publication Draft Local available to view at [www.kirklees.gov.uk/localplan](http://www.kirklees.gov.uk/localplan)

**Authorisation**

Sign off by lead officer (name)	Signature	Date
<b>Simon Taylor - Head of Development Management</b>		29/09/16
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>
<p><b>End Unlawful Discrimination?</b></p> <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 Publication 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. These national documents have all been subject to their own EIA.</p>	<p><b>End Unlawful Discrimination?</b></p> <p>The establishment of the Publication 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 Local Plan. The consultations adhere to the Council’s Statement of Community Involvement (SCI) and consultation guidelines.</p> <p>The Publication 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 Publication 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, highway safety and ecology, and infrastructure needs.</p> <p>New development may be unequal across the district in terms of amount however this</p>	<p>A consultation methodology was prepared in accordance with the council’s Statement of Community Involvement), the council’s Involving Communities Framework, and the planning regulations. 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 Local Plan.</p> <p>Officer have reviewed and made appropriate changes to the local plan following public consultation, including amending sites and policies.</p> <p>Officers will review representations made in the consultation of the Publication Draft Local Plan and if there are any issues raised at this stage that raise EIA issues these will be fully taken into account. Members of the public will also be able to attend the examination in public on the plan and request to put their view forward during these sessions.</p>

	would not be against specific equality groups.	The Local Plan will be continually monitored throughout it is implementation, via the Annual Monitoring Report and monitoring indicates set out in the Publication Draft Local Plan.
<b>Promote Equality of Opportunity?</b>	<b>Promote Equality of Opportunity?</b>	
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. The SCI is available on the council's website at: <a href="http://www.kirklees.gov.uk/business/regeneration/localplan/communityinvolvement.aspx">http://www.kirklees.gov.uk/business/regeneration/localplan/communityinvolvement.aspx</a>	The SCI will be adhered to alongside other relevant Council policies to ensure equality of opportunity is met. The Publication 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. The Publication 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 etc.	The SCI reduces any potential discrimination by ensuring an open and transparent process. The levels of development set out in the Publication 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 and the Joint Health and Wellbeing Strategy.
<b>Foster Good Relations Between People</b>	<b>Foster Good Relations Between People</b>	
The Planning Service operates within the	The Publication Draft Local Plan has been	Officer advice on planning proposals, the

<p>Council's requirements not to discriminate through the planning application and planning policy making process.</p>	<p>written with the input of local residents, and all sections of society through opportunities to comment on the early engagement consultation, the call for sites process, and subsequent periods of formal consultation. The Publication 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. Local residents will have the opportunity to comment on planning proposals in light of the Policies set out in the Publication Draft Local Plan, to aid in ensuring that new developments accord with planning policies, and residents get chance to have their say at every stage in the planning process..</p>	<p>opportunity to make representations on planning proposals and the planning committee process will foster good relations with people.</p>
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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](mailto: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 effect 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 and Council  
**Date:** 12<sup>th</sup> October 2016

**Title of report:** Consultation on the Community Infrastructure Levy - 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 <a href="#">Council's Forward Plan</a> ?	Yes
Is it eligible for "call in" by <a href="#">Scrutiny</a> ?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman - 30.09.16
Is it also signed off by the Assistant Director - Financial Management, Risk, IT & Performance?	Debbie Hogg - 28.09.16
Is it signed off by the Assistant Director - Legal, Governance & Monitoring?	Julie Muscroft - 29.09.16
Cabinet member <a href="#">portfolio</a>	Councillor Peter McBride - Economy Skills, Transportation and Planning

**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 the Community Infrastructure Levy (CIL) Draft Charging Schedule and proceed to examination alongside the Draft Local Plan.

The Draft Charging Schedule rates and charging zones can be found in Appendix A. Further explanation and requested actions are set out in this report.

The future governance arrangements for distributing Community Infrastructure Levy revenue is not subject to this report and will need to be determined at a later date once the charge rates have been subject to independent examination.

## **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 on 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.

The Council has commissioned consultants who have gathered evidence across Kirklees about the current viability of different types of development. The results and recommendations have provided the evidence for setting the Kirklees CIL Draft Charging Rates.

The infrastructure evidence supporting the Publication Draft Local Plan, in the form of the Infrastructure Delivery Plan and Infrastructure Delivery Plan Addendum, provide the justification for establishing a CIL charge to help pay for the infrastructure types and schemes identified.

### **a. Changes since the Preliminary Draft Charging Schedule Consultation**

The first round of CIL consultation took place alongside the Draft Local Plan between 9<sup>th</sup> November 2015 and 1<sup>st</sup> February 2016. There were a total of 69 comments relating to the CIL Preliminary Draft Charging Schedule and its supporting evidence from a range of consultees including; developers, infrastructure providers and members of the public. The majority of comments were supportive or conditionally supportive, with 10 objections.

In response to comments received through the consultation and an update of viability evidence the Draft Charging Schedule includes some changes compared to the Preliminary Draft Charging Schedule. The specific changes are outlined below:

- Reduction in the number of charging zones from 5 to 4, merging zones 1 & 2 of the Preliminary Draft Charging Rates.
- Revised charging zone boundaries based on updated housing market and viability evidence.
- Revised charge rate for charging zone 2 (From £60 to £20 per sq m for developments of more than 10 units).

Following the Draft Charging Schedule consultation the document and supporting evidence will be submitted for examination where it will be considered whether the Council has struck an appropriate balance between:

- i) the desirability of funding from CIL in whole or in part the actual and estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding, and
- ii) the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across the Kirklees District. (The Community Infrastructure Levy Regulations 2010 14(1) as amended 2014).

If the Draft Charging Schedule is judged to be in compliance with the CIL Regulations, the Council can then decide to adopt the CIL and begin applying CIL charges to new development. This is timetabled for early 2018 alongside Local Plan adoption as shown in the Local Development Scheme.

**b. Nominal Charging Rate (£5 rate per sqm)**

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 Draft Charging Schedule therefore includes £5 nominal rates per sqm in residential charging zones 3 & 4.

**c. CIL Income Estimates**

By applying the draft CIL rates to accepted housing sites in the Publication Draft Local Plan it is estimated that circa £30 million could be raised by the CIL across the plan period up to 2031.

**d. Leeds City Region CIL Authority Progress**

There are a number of Leeds City Region authorities charging or in the process of implementing the CIL as outlined in the table below.

<b>Authority</b>	<b>Timetable</b>
<b>Leeds</b>	Charging CIL since 6 <sup>th</sup> April 2015
<b>Wakefield</b>	Charging CIL since 1 <sup>st</sup> April 2016
<b>Bradford</b>	CIL Examination July 2016
<b>Calderdale</b>	Preliminary Draft Charging Schedule consultation Nov/Dec 2015
<b>Barnsley</b>	Preliminary Draft Charging Schedule consultation June/July 2015

*Table 1: Leeds City Region Authority Progress*

#### **e. Planning Obligations (Section 106 & 278 Agreements) and CIL**

The CIL is intended 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 a planning obligation (Section 106 agreement). The CIL will not fully replace planning obligations but is a complementary measure for infrastructure delivery.

Planning obligations will continue to be the primary mechanism for securing affordable housing through the planning system. In addition, they will still be used to mitigate the direct impact of the development proposed, to make it acceptable in planning terms.

The CIL Regulations restrict the use of planning obligations to ensure that developments are not charged twice for the same infrastructure type or project (i.e. through both a planning obligation and a CIL charge). The Council is, therefore, required to publish a list of infrastructure it intends to fund via CIL, this is called the Regulation 123 list. It will not be possible to seek planning obligations towards items identified for CIL funding on the Regulation 123 list. Furthermore, since April 2015 the Council is only able to pool a maximum of five planning obligations entered into after 6<sup>th</sup> April 2010 towards a particular infrastructure project or type.

#### **f. Section 278 agreement (of the Highways Act 1980) is:**

- an agreement between the Council and developer which describes proposed modifications to the existing highway network to facilitate or service a proposed development
- typically the scope of any off site works that are required to mitigate the impact of the development on the existing road network
- examples of works covered by this type of agreement could include:
  - roundabouts,
  - signalised junctions,
  - right turn lanes,
  - safety related works such as traffic calming,
  - street lighting,
  - improved facilities for pedestrians and cyclist.

Items identified on the R123 list for CIL funding will not be able to be delivered by S278 Agreements as the CIL Regulations prevent double charging similar to S106 Agreements. However S278 Agreements are not limited to pooling restrictions like S106 Agreements.

A 'meaningful proportion' of CIL that is raised in an area (the neighbourhood proportion) must be spent on local infrastructure priorities. The Council will work with local communities and Town and Parish Councils to agree their local spending priorities. The neighbourhood proportion can be spent on items on the Regulation 123 list, but it does not have to be, as long as it addresses the demands that development places on an area.

Once the neighbourhood proportion of the CIL income has been allocated to the relevant neighbourhood in which the development has taken place, the remaining money will be pooled and spent on strategic infrastructure priorities to support growth and economic development in the district. The infrastructure spending priorities will be informed by the Regulation 123 List. The predicted CIL income will not meet the estimated infrastructure funding gap. Therefore, CIL money will be spent on infrastructure priorities in conjunction with other sources of funding.

**g. Kirklees CIL Draft Regulation 123 List**

**(Required by Regulation 123 of Community Infrastructure Levy (CIL) Regulations)**

Infrastructure projects it is intended to fund through CIL\*

<b>Regulation 123 List CIL Infrastructure</b>
Strategic transport infrastructure Kirklees wide
Strategic education infrastructure Kirklees wide
Strategic open space infrastructure Kirklees wide
Strategic flood alleviation schemes Kirklees wide
Strategic community and cultural infrastructure Kirklees wide
Strategic sports, leisure and recreation infrastructure Kirklees wide

*\*Extracted from the Local Plan Infrastructure Delivery Plan and the Kirklees Local Plan Infrastructure Delivery Plan Addendum) – see for further information on strategic infrastructure projects.*

Infrastructure projects it is intended to fund through S106 & S278 Agreements

<b>S106 &amp; S278 planning obligations</b>	
Transport infrastructure directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind	
Strategic development site school provision which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind:	<ul style="list-style-type: none"> <li>• primary provision for Bradley Strategic Site (H1747 &amp; H351)</li> <li>• primary and secondary provision for Chidswell Strategic Site (MX1905)</li> <li>• primary and secondary provision for Dewsbury Riverside Strategic Site (H2089)</li> </ul>
On-site open space / green space provision as required by Local Plan Policies (which includes requirements for a financial contribution in lieu of on-site provision in certain circumstances) directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind	
On-site flooding and drainage mitigation directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind	
On-site community and cultural infrastructure directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind	
On-site sports, leisure and recreation infrastructure directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind	
Affordable housing	

#### **h. Affordable Housing**

The Publication Draft Local Plan affordable housing policy has been tested in the viability assessment and used to inform the CIL rates. The draft affordable housing policy sets out:

<b>Developments more than 10 units:</b>	20% of units to be affordable
<b>Development of 10 Units or less:</b>	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.

## **i. CIL Exemptions and Payment Terms**

As set out in the CIL Regulations the following do not pay the levy:

- development of less than 100 square metres – unless this is a whole house, in which case the levy is payable
- houses, flats, residential annexes and residential extensions which are built by ‘self builders’ (see Regulations 42A, 42B, 54A and 54B, inserted by the 2014 Regulations)
- social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2014 Regulations)
- charitable development that meets the relief criteria set out in Regulations 43 to 48
- buildings into which people do not normally go
- buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery
- structures which are not buildings, such as pylons and wind turbines
- specified types of development which local authorities have decided should be subject to a ‘zero’ rate and specified as such in their charging schedules
- vacant buildings brought back into the same use
- Where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no levy is due
- Mezzanine floors of less than 200 square metres, inserted into an existing building, are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.

## **j. Exceptional Circumstances Relief**

The CIL Regulations allow for the Council to provide further relief, at their discretion, to avoid rendering a site with specific and exceptional cost burdens unviable, should circumstances arise. The Council do not have to offer this relief, but if they chose to do so, it must adopt a discretionary relief policy. In line with best practice, should the circumstances arise the Council would issue such a policy document in line with the CIL Regulations once the Charging Schedule has been implemented. It should be noted that the power to offer relief can be deactivated at short notice once a Charging Schedule is in place, in line with the CIL Regulations. Exceptional circumstances should be rare and should not constitute state aid.

The Council can consider implementing exceptional relief if the CIL is adopted.

## k. Phased Payments of CIL

The CIL Regulations allow for the Council to make provisions for phased payments, at their discretion. A phased payment approach and / or an instalment policy helps developers with cash flow, assisting in making development more viable, therefore, helping the charging system to be flexible. Phased payments can be permitted where a planning application is subdivided into phases for the purpose of the levy. This is useful for large scale applications. Each phase would be a separate chargeable development and, therefore, liable for payment in line with any instalment policy in force.

The principle of phased delivery must be apparent from the planning permission and can be established at the planning application stage.

## l. Instalment Policy

It is proposed that the Council offers an Instalment Policy which allows developers to pay their CIL charge in instalments to provide flexibility in the CIL charging regime. The policy will be made available on the Council's website once the CIL is adopted. The policy is not subject to an examination and can be revised, or withdrawn as appropriate, in-line with the CIL Regulations.

### Draft CIL Instalments Policy

<b>Kirklees CIL Draft Instalments Policy</b>		
<b>CIL Charge £0-24,999</b>		
Full Amount to be paid within 60 days of commencement		
<b>CIL Charge £25,000 to £149,000</b>		
Instalment	Amount due	Due Date Weeks after Commencement
1	35%	12
2	35%	26
3	30%	52
<b>CIL Charge £150,000 and above</b>		
Instalment	Amount due	Due Date Weeks after Commencement
1	25%	26
2	25%	52
3	25%	78
4	25%	104



### **m. Payments in Kind**

The CIL Regulations allow for the Council to accept payments in kind, in the form of land or infrastructure, to be offset against the CIL liability, where agreed by the Council as more desirable instead of monies. This must only be done with the intention of using the land to provide, or facilitate the provision of infrastructure to support the development of the area.

It is not proposed to offer or consult on a payment in kind policy at this time, although this can be considered at a later date if the CIL is adopted.

## **3. Implications for the Council**

### **a. 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.

### **b. Risks**

The risk of not consulting on the CIL Draft Charging Schedule in the same time frame as the Local Plan will lead to a 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.

### **c. Costs**

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

### **d. Equalities**

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

## **4. Consultees and their Opinions**

The Council consulted on the Preliminary Draft Charging Schedule between 9<sup>th</sup> November 2015 and 1<sup>st</sup> February 2016. The representations received during this consultation have been considered as part of the review of the charging schedule and production of the Draft Charging Schedule. It is now proposed to consult on the Draft Charging Schedule in line with the relevant Regulations and Council's Statement of Community Involvement.

## **5. Next steps**

### **a. Consultation on the Draft Charging Schedule**

The Draft Charging Schedule should be the CIL document that the council considers ready for examination. The Draft Charging Schedule must be published for representations by the local planning authority before it can be submitted for examination.

It is Officer's opinion that the Draft Charging Schedule meets appropriate tests for its preparation, is underpinned for robust and credible evidence and that it is ready for examination, however it will be necessary for the Council to review comments which are received regarding these tests before formally submitting to the Secretary of State in order to avoid significant risks occurring at the examination.

Subject to Cabinet approval, the Council will consult on the Draft Charging Schedule and its supporting documents. The consultation will be carried out in accordance with the proposals set out in the consultation schedule attached as Appendix B to this report.

### **b. Submission of the Draft Charging Schedule to the Secretary of State**

A charging schedule must be examined in public by an independent person appointed by the charging authority. Any person asking to be heard before the examiner at the examination must be heard in public. The independent examiner may determine the examination procedures and set time limits for those wishing to be heard to ensure that the examination is conducted efficiently and effectively.

Following the consultation the Draft Charging Schedule and supporting evidence will be submitted for examination where it will be considered whether the Council has struck an appropriate balance between:

- a) the desirability of funding from CIL in whole or in part the actual and estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding, and
- b) the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across the Kirklees District. (*The Community Infrastructure Levy Regulations 2010 14(1) as amended 2014*).

### **c. Final Adoption of the Charging Schedule**

If the charging schedule is found to meet the above tests following its Examination in Public, the Council will then need to make a final decision to adopt the CIL charge rates. The decision to 'adopt' the charge rates after the Examination in Public will need to a full council meeting decision to be made

at a later date. The Council's Local Development Scheme suggests this is likely to be in early 2018.

## **6. Officer recommendations and reasons**

### **Recommendation 1 (this is a Cabinet decision only)**

Officers recommend that Cabinet Members:

- advise the Council that Cabinet endorses the Draft Charging Schedule for consultation and submission to examination; and
- approve the attached schedule setting out the proposed consultation arrangements for the Draft Charging Schedule
- delegate authority to the Director of Place, in consultation with the Leader and Deputy Leader of the Council, to put in place any minor amendments to the consultation arrangements set out in the schedule attached to this report as necessary.

Reason: To comply with legislation for preparing a Community Infrastructure Levy and to ensure that the Draft Charging Schedule consultation is carried out in accordance with the council's approved Statement of Community Involvement.

### **Recommendation 2 (this is a Council decision only)**

Officers recommend that Council:

- approve the Draft Charging Schedule for consultation, to invite formal representations, and thereafter submit the Draft Charging Schedule for an independent examination in public in accordance with the approved Local Development Scheme; and
- approve delegated authority to the Director of Place to submit the Draft Charging Schedule for independent examination in public, once the period for representations has been completed.

This is subject to:

- authorising the Director of Place, in consultation with the Leader and Deputy Leader of the Council, to make minor amendments as may be necessary, prior to consultation for representations and/or prior to submission of the Draft Charging Schedule for independent examination in public

Reason: To comply with legislation for preparing a Community Infrastructure Levy and to ensure that the Draft Charging Schedule consultation is carried out in accordance with the council's approved Statement of Community Involvement.

## 7. Cabinet portfolio holder recommendation

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

## 8. Contact officer and Relevant Papers

### Contact Officer:

Richard Hollinson  
Policy Group Leader  
01484 221000

[richard.hollinson@kirklees.gov.uk](mailto:richard.hollinson@kirklees.gov.uk)

## 9. Assistant Director Responsible

Paul Kemp  
Assistant Director (Acting) - Place  
01484 221000

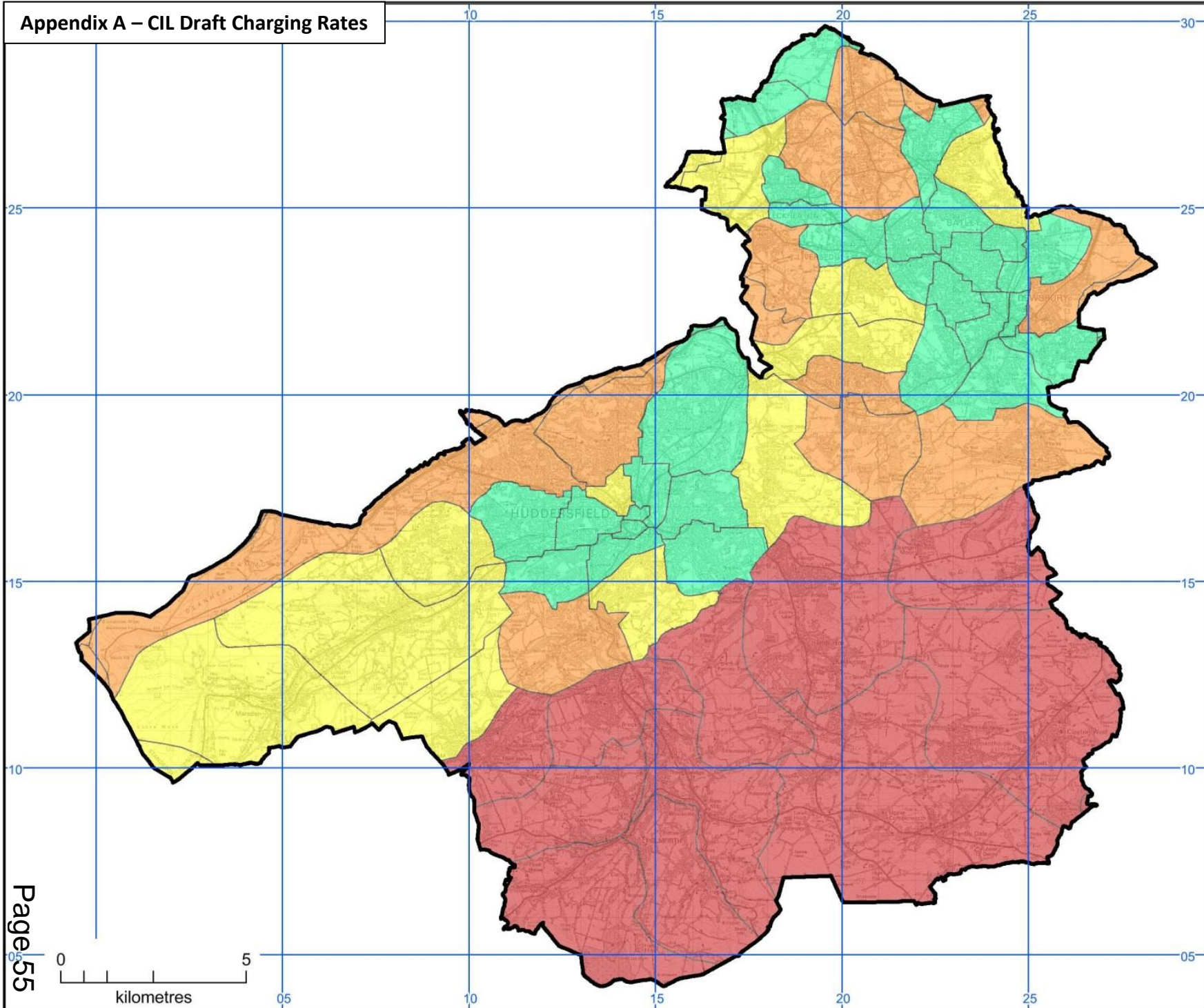
[paul.kemp@kirklees.gov.uk](mailto:paul.kemp@kirklees.gov.uk)

## 10. Background papers

- [Background Papers](#)
- Kirklees CIL Draft Charging Schedule
- Kirklees Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule Consultation Report

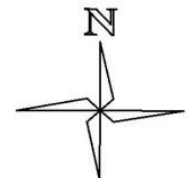
**PLEASE NOTE - HARD COPIES OF THE BACKGROUND PAPERS ARE AVAILABLE FOR COUNCILLORS TO VIEW AT THE CABINET OFFICE - OR GOVERNANCE AND DEMOCRATIC SERVICES - CIVIC CENTRE III.**

**PLEASE NOTE - HARD COPIES OF THE BACKGROUND PAPERS ARE AVAILABLE FOR MEMBERS OF THE PUBLIC TO VIEW AT HUDDERSFIELD CENTRAL LIBRARY AND RECEPTION - DEWSBURY TOWN HALL.**



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

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Kirklees CIL Draft Charging Rates

<b>Kirklees CIL Draft Charging Rates (per sq.m)</b>		
<b>Residential Development (C3)*</b>	<b>More than 10 Units</b>	<b>10 Units or Less</b>
<b>Zone 1</b>	£80	£100
<b>Zone 2</b>	£20	£80
<b>Zone 3</b>	£5	£40
<b>Zone 4</b>	£5	£5
<b>Retail Warehousing (A1)**</b>	£100 district wide	
<b>All other uses</b>	£0	

*\*Not including 'Retirement Living Accommodation' defined as residential units which are sold with an age restriction typically over 50s/55s with design features and support services available to enable self-care and independent living.*

*\*\*Retail Warehouse definition: large stores in edge-of-centre and out-of-centre locations specialising in the sale of household goods (such as carpets, furniture and electrical goods), clothes, DIY items and other ranges of goods, catering mainly for car-borne customers.*

**Outline**

Following the consultation on the Preliminary Draft Charging Schedule in November 2015, the revised Draft Charging Schedule will go out for a final round of public consultation for 6 weeks in November 2016:

- Monday 7 November to Monday 19 December

This is consistent with statutory guidelines and recognised good practice.

We received 82 comments during the last round of consultation, with the majority of these originating from property developers and infrastructure providers.

Comments were broadly supportive of our proposed approach to CIL, with specific comments about the approach to viability testing and what infrastructure CIL should be spent on.

Because of the very technical nature of the CIL consultation, in order to encourage engagement from as wide an audience as possible, and over and above agents, landowners and developers, we will clearly reference the CIL consultation in the summary leaflet produced for the next round of Local Plan consultation, as this leaflet is aimed at the general public.

## Submitting and collating views

The main comment tool will be the ability to comment directly on the consultation documents through the council's *Objective* consultation system.

All information in the public domain will refer people to the Local Plan pages of the council's website, which will in turn, link through direct to the CIL consultation information on Objective. We will also replicate the latest CIL consultation documents and information on the council's website.

Respondents who prefer to email us, rather than comment in Objective, will be able to do so.

We will produce summary information about the new Draft Charging Schedule, and include this as an individual section within the Local Plan summary leaflet, which is widely distributed throughout the district. A full copy of the revised Draft Charging Schedule will also be available together with the Local Plan and accompanying maps at the Deposit Locations in Huddersfield and Dewsbury.

ACTIVITY	AUDIENCE	DETAIL	RESPONSIBLE	NOTES
<b>REVISED DRAFT CHARGING SCHEDULE PUBLISHED</b> <b>Mon 7 Nov</b> <ul style="list-style-type: none"> <li>on-line</li> <li>full copy made available in locations specified in Statement of Community Involvement: Dewsbury Service Centre and Civic Centre 3 Huddersfield</li> </ul>	residents businesses developers land-owners	A full copy of the Draft Charging Schedule will be available for inspection, together with other Local Plan consultation documents at: <ul style="list-style-type: none"> <li>Civic Centre 3, Huddersfield</li> <li>Dewsbury Service Centre</li> </ul>	TF  Comms to manage upload to webpages	This is consistent with previous consultations and in line with the Statement of Community Involvement.
	elected members	Party Business Managers will each receive a copy of the revised Draft charging Schedule, together with their copies of the revised draft Local Plan.  Full copies of the revised Draft Charging Schedule will be made available to individual members on request	Governance to distribute to members	



<p><b>SUMMARY LEAFLET PUBLISHED Mon 7 Nov</b></p>	<p>All</p> <p>The following to be included in the Local Plan summary Consultation Leaflet:</p> <ul style="list-style-type: none"> <li>- explanation of CIL</li> <li>- signpost to consultation documents</li> <li>- explanation of technical grounds to challenge CIL at this stage</li> <li>- how to access standard form</li> </ul>	<p>Explanation of CIL consultation included in 12 page summary latest round of consultation on Local Plan.</p> <p>(10,000 copies printed)</p> <p>Made available:</p> <ul style="list-style-type: none"> <li>• in SCI locations (Dewsbury &amp; Huddersfield)</li> <li>• Huddersfield, Dewsbury and Cleckheaton Town Halls</li> <li>• at all Kirklees Library and Information Centres across the district (26 locations)</li> <li>• to all elected members</li> </ul>	<p>AMP to draft, print &amp; distribute</p>	<p>Include production of point of sale stands</p>
<p><b>LETTERS TO LOCAL PLAN DATABASE w/c Mon 7 Nov</b></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 database, to be kept informed of any developments in relation to the Local Plan and CIL.</p> <p>We will write to all those who made representations during the last round of consultation, where we have address or contact details for them.</p> <p>This comprises around 5000 email addresses; and a further 5,000 postal addresses – 10,000 contacts in total.</p> <p>Letter will direct recipient to look at the revised Draft charging Schedule online; to highlight the standard form to be used to</p>	<p>RH/TF to draft letters AS to distribute</p>	

		challenge the latest CIL proposals; and to submit comments through <i>Objective</i> where possible.		
<b>PRESSS from w/c 4 October &amp; as appropriate thereafter</b>	All	<p>Main press feature to be timed around publication of papers for Full Council on 12 October.</p> <p>Interview with senior politician and Asst Director</p> <p>Subject – main changes and process of this consultation</p> <p>Further press release when the consultation period begins, with further releases to follow as appropriate until the consultation period ends.</p>	AI	To note that press interest is likely to start early with the publication of the Cabinet Papers
<b>ON-LINE CAMPAIGN w/c Mon 7 Nov</b>	All	<p>Homepage campaign as part of Local Plan consultation for 2 weeks from w/c 9 Nov</p> <p>Revised Draft Charging Schedule published on Local Plan web pages</p> <p>Summary leaflet which also includes information on latest CIL proposals also published on web pages</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</p>	AMP AI NS	

		<p>the consultation period</p> <p>Intranet campaign for 2 weeks from w/c 7 Nov</p>		
<p><b>FOCUS GROUPS</b>  <b>dates tbc within consultation period</b></p>	<p>Young people  People aged 65+  Disabled people  Faith groups  Businesses  BME</p>	<p>No additional focus group activity is proposed; however we will meet with groups who specifically requested a follow-up meeting during those original discussions in November 2015</p>		
<p><b>PUBLIC DROP-IN SESSION</b>  <b>full day event in Dewsbury –</b>  <b>Tuesday 22 November</b>  <b>full day event in Huddersfield –</b>  <b>Tuesday 29 November</b></p>	<p>Members of the public</p>	<p>Staff will be on hand to explain CIL as part of planned Local Plan drop-in sessions, 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"> <li>• explanatory video</li> <li>• revised CIL Draft Charging Schedule available</li> <li>• summary leaflets available</li> <li>• mobile workstations for submitting comments</li> </ul>	<p>AMP  JS</p>	

<p><b>DISTRICT COMMITTEES</b>  <b>Within Consultation period or period leading up to consultation</b></p>	<p>Elected members and members of the public</p>	<p>1) A joint briefing of all chairs of district committees tbc in October to cover:</p> <ul style="list-style-type: none"> <li>• the scope of this consultation</li> <li>• where to find information</li> <li>• how to register views</li> <li>• next steps</li> </ul> <p>2) Information will be provided to elected members on CIL and the Local Plan, to enable them to host their own sessions in wards, :</p> <ul style="list-style-type: none"> <li>• copy of revised Draft Charging Schedule</li> <li>• summary leaflets</li> <li>• comprehensive summary of Local Plan changes</li> <li>• applicable ward map</li> <li>• blank comments forms for Local Plan and CIL</li> </ul>	<p>RH SM</p>	<p>Members wanting to hold their own sessions will be able to borrow full copy of the plans from Group Business Managers if they wish)</p>
<p><b>SCRUTINY</b>  <b>Share this Consultation Methodology with Chair of Scrutiny</b></p>	<p>Scrutiny Committee</p>	<p>A private briefing with the chair of Scrutiny will be undertaken to share this methodology in advance of Cabinet</p>	<p>AMP &amp; RH</p>	

<p><b>KIRKLEES TOGETHER (on-line &amp; print)</b>  <b>*Print to be distributed towards the start of consultation period</b>  <b>*Online story in kirkleestogether.co.uk for the duration of the consultation</b></p>	<p>Kirklees residents</p>	<p>Kirklees Together will carry a short signpost to the Local Plan website (which will link to CIL information) to encourage people to view and comment</p> <p>Kirklees Together (digital) will also hold an article about the Local Plan and CIL, in-keeping with the overall editorial style, signposting people to the Local Plan pages of the website to read the draft Local Plan and to make their comments.</p>	<p>AMP AI</p>	
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**APPENDIX C: Equality Impact Assessment**  
**EQUALITY IMPACT ASSESSMENT FRONT COVER**

*Service Details*

*Ref No.*

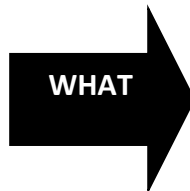
*(to be allocated by the equality and diversity team)*

<b>Directorate:</b>	<b>Service:</b>
<b>Place</b>	Investment and Regeneration Service
<b>Lead Officer:</b>	<b>Service Area/Team:</b>
Thomas Fish	Planning Policy
<b>Officers responsible for Assessment:</b>	<b>Date:</b>
<b>Thomas Fish</b>	20/9/2016

*About the proposal*

**What are you planning to do?**

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



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

**Assessed level of Impact**

- High
- X Medium
- Low

**Budget Affected**

- Capital
- X Revenue

*How has this issue come about?*

- |   |  |
|---|--|
| <input type="checkbox"/> Budget Proposal  | <input type="checkbox"/> New funding/Grant Aid |
| <input type="checkbox"/> Service Plan   | <input type="checkbox"/> Legal Duty            |
| <input type="checkbox"/> Loss/reduction in funding Legislation.<br>(inc. end of funding period) | X 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
- Disability
- Gender Reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion & Belief
- Sex
- 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?**

	<b>Y</b>	<b>N</b>
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
<b>Simon Taylor - Head of Development Management</b>		29/09/16
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>
<p><b>End Unlawful Discrimination?</b></p> <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><b>End Unlawful Discrimination?</b></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. It is unclear whether this will have an impact on specific equality groups.</p>	<p>A consultation methodology has been produced in conformity with the Council's Statement of Community Involvement. The SCI was subject to an EqIA and public consultation. The SCI provides 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>

		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.
<b>Promote Equality of Opportunity?</b>	<b>Promote Equality of Opportunity?</b>	
<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:  <a href="http://www.kirklees.gov.uk/business/regeneration/localplan/communityinvolvement.aspx">http://www.kirklees.gov.uk/business/regeneration/localplan/communityinvolvement.aspx</a></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>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.</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>

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 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 Elected Members.</p>	<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.</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](mailto: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 effect on your ability to comply with the Public Sector Equality Duty. Proceed to stage 3 Customer focus assessment.