



Name of meeting: Cabinet and Council
 Date: 12th 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 Council's Forward Plan ?	Yes
Is it eligible for "call in" by Scrutiny ?	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 portfolio	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 9th November 2015 and 1st 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.

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

Regulation 123 List CIL Infrastructure
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

S106 & S278 planning obligations	
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"> • primary provision for Bradley Strategic Site (H1747 & H351) • primary and secondary provision for Chidswell Strategic Site (MX1905) • primary and secondary provision for Dewsbury Riverside Strategic Site (H2089)
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:

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

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

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

Kirklees CIL Draft Instalments Policy		
CIL Charge £0-24,999		
Full Amount to be paid within 60 days of commencement		
CIL Charge £25,000 to £149,000		
Instalment	Amount due	Due Date Weeks after Commencement
1	35%	12
2	35%	26
3	30%	52
CIL Charge £150,000 and above		
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 9th November 2015 and 1st 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

9. Assistant Director Responsible

Paul Kemp
Assistant Director (Acting) - Place
01484 221000

paul.kemp@kirklees.gov.uk

10. Background papers

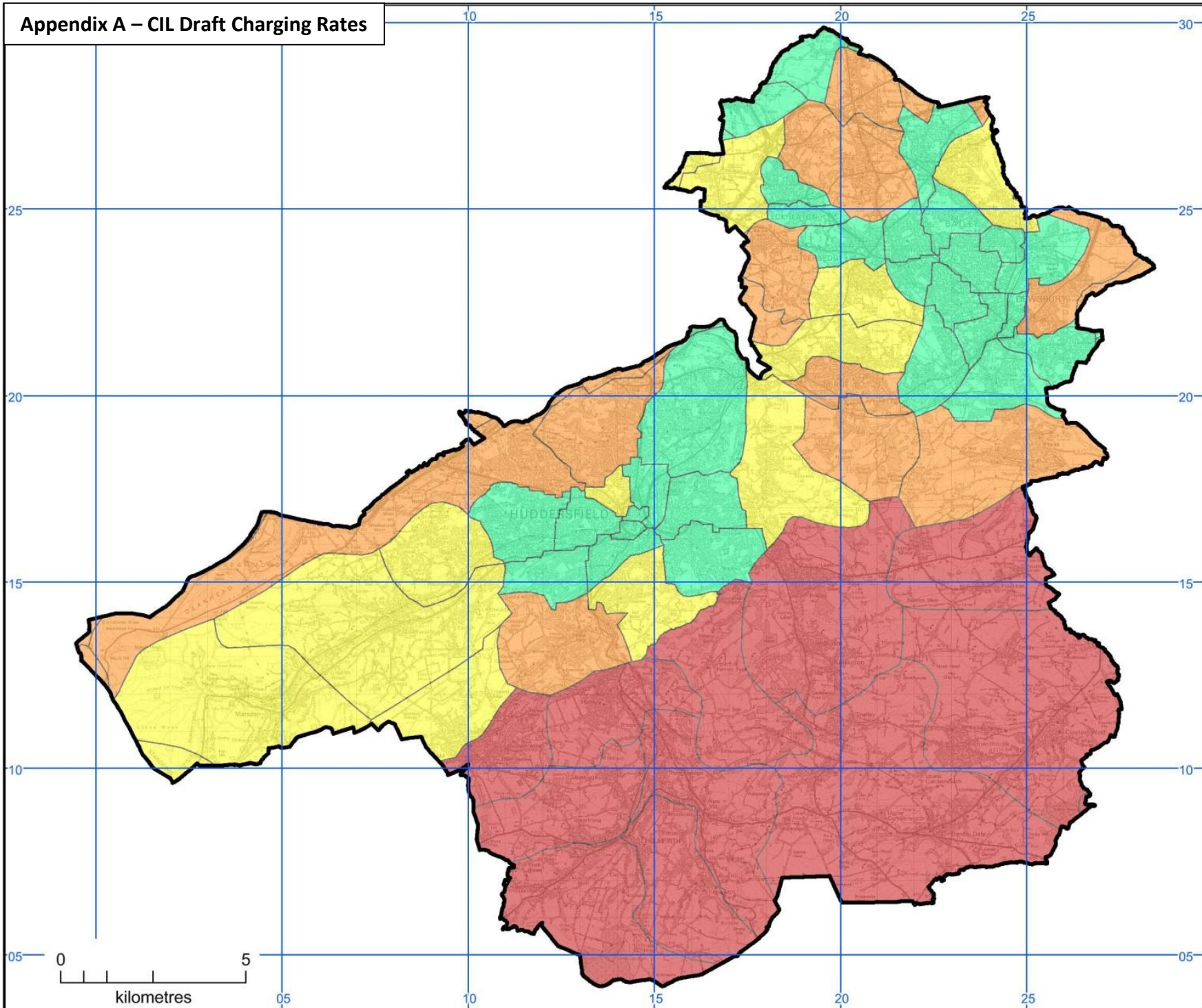
- [Background Papers](#)
- Kirklees CIL Draft Charging Schedule
- Kirklees Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule Consultation Report

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.

Appendix A – CIL Draft Charging Rates

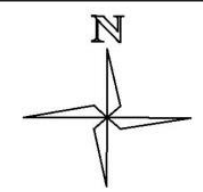
Kirklees CIL
Draft Charging Rates



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

Kirklees CIL Draft Charging Rates (per sq.m)		
Residential Development (C3)*	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 (A1)**	£100 district wide	
All other uses	£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
REVISED DRAFT CHARGING SCHEDULE PUBLISHED Mon 7 Nov <ul style="list-style-type: none"> on-line full copy made available in locations specified in Statement of Community Involvement: Dewsbury Service Centre and Civic Centre 3 Huddersfield 	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"> Civic Centre 3, Huddersfield Dewsbury Service Centre 	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>SUMMARY LEAFLET PUBLISHED Mon 7 Nov</p>	<p>All</p> <p>The following to be included in the Local Plan summary Consultation Leaflet:</p> <ul style="list-style-type: none"> - explanation of CIL - signpost to consultation documents - explanation of technical grounds to challenge CIL at this stage - how to access standard form 	<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"> • in SCI locations (Dewsbury & Huddersfield) • Huddersfield, Dewsbury and Cleckheaton Town Halls • at all Kirklees Library and Information Centres across the district (26 locations) • to all elected members 	<p>AMP to draft, print & distribute</p>	<p>Include production of point of sale stands</p>
<p>LETTERS TO LOCAL PLAN DATABASE w/c Mon 7 Nov</p>	<p>Engaged residents, businesses, landowners, developers and special-interest groups</p>	<p>We will write to all those who have previously asked to join our Local Plan 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.		
PRESSS from w/c 4 October & as appropriate thereafter	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
ON-LINE CAMPAIGN w/c Mon 7 Nov	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>FOCUS GROUPS 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>PUBLIC DROP-IN SESSION 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 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"> • explanatory video • revised CIL Draft Charging Schedule available • summary leaflets available • mobile workstations for submitting comments 	<p>AMP JS</p>	

<p>DISTRICT COMMITTEES Within Consultation period or period leading up to consultation</p>	<p>Elected members and members of the public</p>	<p>1) A joint briefing of all chairs of district committees tbc in October to cover:</p> <ul style="list-style-type: none"> • the scope of this consultation • where to find information • how to register views • next steps <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"> • copy of revised Draft Charging Schedule • summary leaflets • comprehensive summary of Local Plan changes • applicable ward map • blank comments forms for Local Plan and CIL 	<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>SCRUTINY Share this Consultation Methodology with Chair of Scrutiny</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 & RH</p>	

<p>KIRKLEES TOGETHER (on-line & print) *Print to be distributed towards the start of consultation period *Online story in kirkleestogether.co.uk for the duration of the consultation</p>	<p>Kirklees residents</p>	<p>Kirklees Together 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.

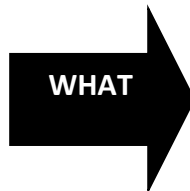
(to be allocated by the equality and diversity team)

Directorate:	Service:
Place	Investment and Regeneration Service
Lead Officer:	Service Area/Team:
Thomas Fish	Planning Policy
Officers responsible for Assessment:	Date:
Thomas Fish	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.
(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 Marriage & Civil Partnership Religion & Belief
 Disability Pregnancy & Maternity Sex
 Gender Reassignment Race Sexual Orientation

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

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

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

Have any of the following been completed? Y N

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

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

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

List any supporting documents

N/A

Authorisation

Sign off by lead officer (name)	Signature	Date
Simon Taylor - Head of Development Management		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>End Unlawful Discrimination?</p>	<p>End Unlawful Discrimination?</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>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.
Promote Equality of Opportunity?	Promote Equality of Opportunity?	
<p>When the Planning Policy team undertakes public consultation, it does so in adherence to the Statement of Community Involvement (SCI), and other relevant Council requirements.</p> <p>The SCI is available on the council's website at: http://www.kirklees.gov.uk/business/regeneration/localplan/communityinvolvement.aspx</p>	<p>The SCI will be adhered to alongside other relevant Council policies to ensure equality of opportunity is met.</p> <p>Funding of infrastructure projects through CIL provides an opportunity to ensure that community needs are addressed.</p> <p>The evidence that is used to set a CIL charge considers the need to provide affordable housing and the associated costs. This is to ensure that the CIL rate is not set at a level that would jeopardise affordable housing delivery.</p> <p>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



- **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.