

ADDENDUM TO COUNCIL SUMMONS AGENDA ITEM 9 - WILTSHIRE COMMUNITY INFRASTRUCTURE LEVY

Revised Draft Regulation 123 List and Other CIL Policies Consultation Report (Appendix 4)

In response to comment reference 4 on Page 163 of the Council Summons a proposed change is identified, as set out in the table below.

The is also reflected in the table summarising all proposed changes to the Regulation 123 List on Page 179 of the Council Summons, as follows:

#	Proposed changes
C1	<p>Add an extra row to Table 1 as follows:</p> <p><u>Historic environment and public realm infrastructure</u></p> <p><u>The provision, improvement, replacement, operation or maintenance of new and existing historic and public realm infrastructure, except where the requirement can be attributed to five or fewer developments.</u></p>

The consequential amendment to the table in Appendix A to the Regulation 123 List, which is required for consistency with proposed change C1, should also be included for clarity on pages 163 and 179:

Infrastructure type	Specific requirement	Site location	Delivery mechanism	
			S106	CIL
<u>Other Historic environment and public realm infrastructure</u>	<u>Site-specific public realm infrastructure, where the requirement can be attributed to five or fewer developments</u>		<u>✓</u>	<u>X</u>
	<u>Strategic public realm infrastructure, e.g. streetscene and built environment, community safety measures, heritage asset improvements, visitor management issues and public art, except where the requirement can be attributed to five or fewer developments</u>		<u>X</u>	<u>✓</u>

Regulation 123 List (Appendix 5)

The amendment referred to above is already included in 'Appendix A' (Page 193 to 196, Council Summons) within Appendix 5. However, the underlining has been missed off from the words in the 'specific requirement' column to show that this change came about as a result of the consultation on the draft Regulation 123 List.

Also, the comment box should relate to the 'Historic environment and public realm' infrastructure type' and not 'other'.

Consultation Statement on Planning Obligations Supplementary Planning Document (Appendix 7)

Incorporate late response to consultation received from Pewsey Parish Council (see **Annex 1** to this Addendum).

The Adoption Statement included as 'Appendix C' of Appendix 7 (pages 241 to 243, Council Summons) and referred to in paragraph 43 of the covering report to Agenda Item 9 (page 99, Council Summons) sets out the amendments to the Supplementary Planning Document arising from the consultation and internal review. This should be reordered in the interests of accuracy and clarity (See **Annex 2** to this Addendum). In addition, the changes to Appendix 4 referred to above should be included.

Further minor textual changes in the interests of clarity and accuracy, in accordance with Proposal (v), may be made prior to the finalisation of the Adoption Statement.

Planning Obligations Supplementary Planning Document (Appendix 8)

The Infrastructure Type 'other' in Appendix 1 of Appendix 8 should be moved to the final row of the table and be replaced by 'Historic environment and public realm infrastructure' (pages 282 and 283, Council Summons).

ANNEX 1

The following response from Pewsey Parish Council, received after the close of the consultation, on the draft Planning Obligations Supplementary Planning Document, should be incorporated into the Consultation Statement:

Document reference:

Chapter 11 Negotiating planning obligations in Wiltshire

Comment:

Para 11.16 and 11.17

It is agreed that Parish and Town Councils should be involved in both CIL and 106 benefits from development in their area of responsibility. It would be most useful to set out in one of these paragraphs at which point or points in the application process this Parish or Town involvement would take place and who exactly will initiate it.

Officer comments/ proposed changes

In terms of involvement with section 106 agreements, the SPD already references pre-application consultation with local communities by developers. However, this was made clearer in a proposed change to paragraph 11.6 as a result of similar comments made by other representations to the consultation. Town and parish councils will continue to be consulted on planning applications.

With regard to CIL, Wiltshire Council must pass a proportion of CIL receipts from development to the town/ parish council in whose area the development takes place. This proportion is 15% (capped) or 25% if there is an adopted neighbourhood plan in place. The default position in legislation is that this must take place at least twice a year. However, Wiltshire Council has the option of introducing a bespoke arrangement. It will then be completely up to the town or parish council how they spend their proportion of CIL, as long as it supports development in their area. They are not tied by the Council's spending plans.

No change.

ANNEX 2

Adoption statement

Table 1a Modifications to the draft Planning Obligations SPD (consultation feedback)

#	Proposed changes arising from consultation feedback
Chapter 3 The council's approach to developer contributions	
C10a	Add an additional bullet point in paragraph 3.2 as follows: <ul style="list-style-type: none"> • <u>Site-specific measures to protect and enhance the historic environment</u>
Chapter 5 Education	
C1	Amend paragraph 5.2 as follows: <p>Wiltshire's school population is predicted to increase over the period to 2026 both in the primary and secondary sectors. This is as a result of population growth, economic factors and housing development. There will be a need for a significant increase in school places and in some areas new schools in both sectors. There may also be the need to increase the provision of special school places across the wider catchment area. <u>New development in Wiltshire may also place demands on infrastructure in neighbouring authorities. For example, pupils in Mere and Tisbury attend secondary schools in Gillingham and Shaftesbury respectively.</u> The Department of Education will provide only formula funding where there is a demographic increase in actual numbers. This will not cover the full cost of assembling land and building a school.</p>
C2	Amend text in Table 5.1 as follows: <p>Locate key facilities, such as primary schools, within walking distance of most properties, <u>where practical</u>, and provide a sufficient choice of school places.</p>
C3	Amend paragraph 5.13 as follows: <p>It will then be assessed whether the likely number of pupils can be accommodated within the existing capacity of the relevant catchment area school, taking into account other known granted or pending developments <u>planning applications</u> in their catchment area.</p>
C4	Amend paragraph 5.15 as follows: <p>Development proposals for around 400 to 500 houses may require a significant expansion of existing primary and secondary schools (combined or individually). Proposals for more than around 700 houses may require new nursery and primary schools, as well as a significant expansion of existing secondary schools, to serve children generated by the development. In both instances, this will depend upon the extent of any surplus capacity within reasonable (defined) walking distance of the development. <u>Proposals of this size may also require significant expansion of existing secondary schools, taking into account any surplus capacity within the catchment area.</u></p>
C5	Amend paragraph 5.16 as follows: <p>A new secondary school is only likely to be required to serve a major urban expansion scheme. <u>The council will consider the establishment of a new secondary school where long term demand is likely to lead to a school with 900 11-16 school places.</u> Special schools have a relatively wide catchment area and large development proposals may require the expansion of special school provision serving a wider area.</p>

#	Proposed changes arising from consultation feedback
Chapter 6 Open space/ green infrastructure	
C8	<p>Amend paragraph 6.3 as follows:</p> <p><u>The provision of new and improvements to existing public open space and green infrastructure will generally be funded through CIL, except where the requirement can be attributed to five or fewer developments unless directly related to the proposed development, when new provision they will may be sought through planning obligations, subject to meeting the three statutory tests in Regulation 122 of the CIL Regulations 2010 (as amended).</u></p>
C9	<p>Amend paragraph 6.4 as follows:</p> <p>Mitigation of ecological impacts will generally continue to be managed through planning conditions and obligations as these matters are typically site specific. However, in exceptional circumstances where off-site compensation, such as habitat creation or enhancement, is may be required to offset the effects of development where onsite mitigation is not possible. For example, a financial contribution may be required through a planning obligation to fund capital works and ongoing management by the council or relevant third parties. This would exclude funding of strategic HRA mitigation strategies, as identified in the Regulation 123 list, Infrastructure Delivery Plan and/ or paragraph 6.70 of the Wiltshire Core Strategy.</p>
C6	<p>Add the following row to Table 6.1, Chapter 6 Open space and green infrastructure.</p> <p><u>Core Policy 53 Wiltshire's canals</u></p> <p><u>Supports in principle the restoration and reconstruction of the Wilts & Berks and Thames and Severn canals as navigable waterways. Safeguards their alignments from new development. Permits proposals that develop the recreational and nature conservation potential.</u></p>
C7	<p>Amend paragraph 6.9 of the Planning Obligations SPD to read:</p> <p>Onsite provision of open space and landscaping schemes may be offered to the council or its nominee (usually a town or parish council) by a developer as council owned and maintained provision to be managed in perpetuity by a private management company on behalf of the council or town/ parish council.</p>
Chapter 10 Other planning obligations	
C10b	<p>Add an additional bullet point in paragraph 10.2 as follows:</p> <ul style="list-style-type: none"> • <u>Site-specific measures to protect and enhance the historic environment</u>
Chapter 11 Negotiating planning obligations in Wiltshire	
C11 & C12	<p>Amend paragraph 11.16 as follows:</p> <p>The council would expect that encourage developers will have to undertaken pre-application consultation with local communities prior to submitting development proposals. This will enable them to gain a greater understanding of local concerns and issues, including the relative priority of any identified planning obligations at the local level, and should inform the detail of their planning application.</p>

Table 1b Modifications to the draft Planning Obligations SPD (internal review)

#	Proposed changes arising from post-consultation internal review				
General formatting					
IR1	Amend the title page as follows: Draft Planning Obligations Supplementary Planning Document March May 2015				
IR2	Remove the page containing information about the consultation				
Chapter 2 Legislative and policy framework					
IR3	Amend paragraph 2.6 to reflect that the Highways Agency is now called Highways England: Regulation 123 of the CIL Regulations 2010 (as amended) prevents section 278 agreements being used to fund items on the Regulation 123 List. The exception is where the section 278 agreement relates to roads that are the responsibility of the Highways Agency England. There are no pooling restrictions on section 278 agreements. Pooling is discussed in more detail in paragraph 2.13.				
Chapter 6 Open space/ green infrastructure					
IR4	Amend the final sentence of paragraph 6.9 to clarify the function of the source for open space/ green infrastructure calculations: These are calculated using rates from the current Spons external works and landscape price book.				
IR5	Add a paragraph following paragraph 6.9 to explain how offsite contributions for open space/ green infrastructure are calculated: <u>Off-site provision of open space will be sought through planning obligations where it is not possible for the provision to be made on-site and the off-site open space is directly related to the proposed development. The off-site contribution will be calculated in line with the adopted Wiltshire Open Space standards and based on rates from the current Spons external works and landscape price book.</u>				
Appendix 1 Examples of how the Council will apply the R123 List and Planning Obligations in practice					
IR6	Correct Appendix 1 to show that site-specific community and cultural facilities infrastructure will be delivered through s106 and not CIL				
IR7	Amend Appendix 1 as follows:				
	Infrastructure type	Specific requirement	Site location	Delivery mechanism	
				S106	
				CIL	
	<u>Other Historic environment and public realm infrastructure</u>	<u>Site-specific public realm infrastructure, where the requirement can be attributed to five or fewer developments</u>		✓	X
		<u>Strategic public realm infrastructure, e.g. streetscene and built</u>		X	✓

#	Proposed changes arising from post-consultation internal review				
		<u>environment, community safety measures, heritage asset improvements, visitor management issues and public art, except where the requirement can be attributed to five or fewer developments</u>			