

PARISH LIAISON MEETING
25th February 2015

LOCAL DEVELOPMENT FRAMEWORK
UPDATE ON KEY PROJECTS

1. PLACEMAKING PLAN

1.1 The consultation on the Options closed at the end of January and the next key task is to prepare the draft Placemaking Plan for consideration by B&NES Cabinet in September 2015 and then submission for examination. B&NES Council will need to continue to work closely with Parish and Town Councils on preparing the draft Plan.

1.2 The next steps are;

| Milestone | Task |
|------------------|---|
| March 2015 | assess the comments received through the consultation |
| March 2015 | review the evidence available or secure new evidence where needed |
| July 2015 | work with Parish / Town Councils and other stakeholders to agree the preferred policy |
| August 2015 | Plan sign-off |
| Sept 2015 | B&NES Cabinet agrees draft Plan |
| Oct-Nov 2015 | formal public consultation |
| Dec 2015 | submit for examination |

1.3 Particular issues to be discussed with Town & Parish Councils include;

- Whether any further local Community engagement is required
- Whether any further evidence is needed
- Sign-off arrangements with Parish councils

1.4 The main areas of the Plan on which B&NES Council will continue working with Parish & Town Councils are:

- Site allocations for development
- Housing Development Boundary Review
- Local Green Space Designations

The process for working on the latter two of these areas is addressed in the next sections of this report.

1.5 With regard to development site allocations and following the review of comments on the Options consultation B&NES Council will undertake further work to address the issues raised and to assess any alternative sites put forward. This work and the emerging recommended sites for allocation in the Draft Plan will be discussed with Town & Parish Councils (anticipated this will be from March/April onwards).

- 1.6 Following this site allocation work and the HDB review/Local Green Space designation work outlined below it is anticipated there will be an opportunity for Town & Parish Councils to informally consider and comment on/sign-off the officer Draft Plan during the summer prior to it being progressed and reported to Cabinet in September.

- 1.7 Town & Parish Councils are encouraged to continue to engage with their local communities during the work on the Draft Plan. In addition the Draft Plan, once approved by Cabinet, is subject to a six week consultation period providing local residents and other stakeholders (including Town & parish Councils) with a further, more formal opportunity to comment.

2. HOUSING DEVELOPMENT BOUNDARIES REVIEW

- 2.1 Housing Development Boundaries (HDBs) should be delineated to enable appropriate housing development to come forward within the policy framework of the Core Strategy, reflecting the roles of each settlement. This includes identification of sites and facilitation of appropriate windfall sites in line with the Core Strategy. They also therefore help to resist development on inappropriate sites.
- 2.2 HDBs were last defined in the Adopted B&NES Local Plan and are being reviewed in the Placemaking Plan. As a minimum they will be updated to reflect planning permissions for residential development and/or housing completions. There is an opportunity for parishes to consider whether further changes to HDBs should be proposed and/or made.
- 2.3 For the first time, B&NES has offered Town & Parish Councils the opportunity to be involved in the review of HDBs
- 2.4 To enable the Parish Councils to contribute to the HDB review, the Council developed 4 principles which are being applied in considering the HDBs of each village or Town Council area. A briefing note and further information was sent to all Parish Councils. The Council provided each parish and Town Council with a list of planning permissions and unimplemented planning permissions for residential development. The deadline for the HDB revisions is 27th February 2015. It is noted that some Parish and Town Councils have already submitted revisions however this is an opportunity to suggest any further amendments.
- 2.5 Once suggested revisions to the HDBs have been submitted to the Council they will be reviewed, the Council will feedback to the Parish and Town Councils. The agreed HDB revisions will be included in the Draft Placemaking Plan which is subject to a wider formal public consultation as planned for autumn 2015. Parish and Town Councils, members of the public, organisations and land owners, etc. will also be able to comment further on the proposed HDB's during this consultation.

3. DESIGNATION OF LOCAL GREEN SPACES

- 3.1 In March 2012, the Government provided the opportunity for green spaces with a special community importance to qualify for a new protection status. This status is known as 'Local Green Space Designation'. This is a special form of protection and allows for development where it contributes to the character of the green space. Criteria for identifying sites worthy of Local Green Space designation is provided in the National Planning Policy Framework (NPPF) 2012 (paragraphs 76-78).
- 3.2 It should be noted that in addition to the NPPF, the National Planning Practice Guidance (NPPG) requires that sites nominated by the communities for Local Green Space need to meet the NPPF criteria in order to be designated and that designation needs to be based on robust justification and evidence. Local Green Spaces can be designated in a Neighbourhood Plan however the Council are offering the opportunity for the Parish and Town Councils to designate green spaces through the Placemaking Plan.
- 3.3 To enable the Parish and Town Councils to contribute to identifying important Green Spaces, the Council developed a pro-forma which is designed to support the parish and Town Councils in putting forward their green spaces for formal designation as a Local Green Space in a robust, consistent and transparent manner. A briefing note and further information was sent to all Parish Councils. Additionally in September 2013 the parishes were given green infrastructure maps which could also be used to help identify green spaces. If you require another copy of the map please contact the planning department. The deadline for submitting the pro-formas to the Council is 5pm on 27th February 2015. Please note that a number of Parish and Town Councils have already nominated green spaces however this is the opportunity to add any further spaces.
- 3.4 The Council will use the pro-forma to evidence the reasons why any nominated local green space is considered special to a local community would need to be taken into consideration when assessing 'further benefit' (e.g. historic, beauty, tranquillity, recreational value and wildlife importance). Nominated Local Green Space sites will be assessed on a site by site basis.
- 3.5 Once the green spaces/supporting evidence has been submitted to the Council it will be reviewed and if necessary further evidence will be requested. Land owners will also be contacted on any proposals to designate any part of their land as Local Green Space.
- 3.6 The agreed sites will be included in the Draft Placemaking Plan which is subject to a wider formal public consultation as planned for autumn 2015. Parish and Town Councils, members of the public, organisations and land owners, etc. will also be able to comment further on the proposed Local Green Space designations and policy at this time. The final list of Local Green Spaces can only be formalised through the formal adoption of the Placemaking Plan.

4. COMMUNITY INFRASTRUCTURE LEVY

- 4.1 The CIL was due to be approved by B&NES Full Council on 17th February 2015. The next key issue to be addressed is the CIL spend. The Council is in the process of setting out its approach to agreeing CIL spend but some key issues in relation to Town and parish Councils are highlighted below.
- 4.2 Town and Parish council's receive 15% of CIL receipts in the area (capped) and those with an adopted Neighbourhood Plan receive 25%. The regulations enable Charging Authorities offering more to councils but there are conditions on use. However, the wider spending powers that apply to the neighbourhood funding element of the Community Infrastructure Levy will not apply to any additional funds passed to a Parish or Community council. Those additional funds can only be spent on infrastructure as they would be general Levy funds.
- 4.3 Where the developer pays land in kind, it must still pay relevant proportion to local council in cash.

When does local council receive funding?

- 4.4 If the charging authority and the local council agree on a timetable for payment, the charging authority pay the local council in accordance with that timetable. However, the default payments are;
- CIL received by District Council 1st April to 30th September to be paid to local Council on 28th October of that financial year.
 - CIL received 1st October to 31st March in financial year- pay local council by 28th April of the following financial year

What can neighbourhood funding be spent on?

- 4.5 A local council must use CIL receipts passed to support the development of the local council's area, or any part of that area, by funding;
- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) anything else that is concerned with addressing the demands that development places on an area.
- 4.6 PPG states The neighbourhood portion of the levy can be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to 'support the development of the area'. The wider definition means that the neighbourhood portion can be spent on things other than

infrastructure (as defined in the Community Infrastructure Levy regulations). For example, the pot could be used to fund affordable housing where it would support the development of the area by addressing the demands that development places on the area.

- 4.7 Once the levy is in place, Parish, Town and Community Councils should work closely with their neighbouring councils and the charging authority to agree on infrastructure spending priorities. If the Parish, Town or Community Council shares the priorities of the charging authority, they may agree that the charging authority should retain the neighbourhood funding to spend on that infrastructure. It may be that this infrastructure (e.g. a school) is not in the Parish, Town or Community Council's administrative area, but will support the development of the area.

Monitoring

- 4.8 PPG states Local Councils must make arrangements for the proper administration of their financial affairs (see Section 151 of the Local Government Act 1972 ·). They must have systems in place to ensure effective financial control (see Accounts and Audit (England) Regulations 2011 · and Accounts and Audit (Wales) Regulations 2005 ·). These requirements also apply when dealing with neighbourhood funding payments under the levy.
- 4.9 CIL Regs state local councils must prepare a report for any financial year in which it receives CIL receipts. Stating
- (a) the total CIL receipts for the reported year;
 - (b) the total CIL expenditure for the reported year;
 - (c) summary of CIL expenditure during the reported year including—
 - (i) the items to which CIL has been applied; and
 - (ii) the amount of CIL expenditure on each item;
 - (d) details of any money requested to be returned by the district (see funds not spent below)
 - (e) the total amount of CIL receipts retained at the end of the year; and previous years

Local portion not spent within 5 years?

- 4.10 If a Local Council does not spend its levy share within five years of receipt, or does not spend it on initiatives that support the development of the area, the charging authority may require it to repay some or all of those funds to the

charging authority. If it cannot pay the CIL back then future CIL payments to the Council will be adjusted.

Value Added Tax

- 4.11 Unless a local council is registered for VAT, they will need to be VAT on CIL income. Some Local authorities, who are VAT registered, therefore administer CIL on behalf of their local Councils through agreed arrangements