

BRECKLAND COUNCIL

REPORT OF PAUL CLAUSSEN, EXECUTIVE MEMBER OF PLANNING, HEALTH & HOUSING to the CABINET – 30th NOVEMBER, 2010 **(Author: Mark Stokes, Deputy Chief Executive)**

COMMUNITY INFRASTRUCTURE LEVY (CIL)

1. Purpose of Report

- 1.1 This report aims to inform the Council about the Community Infrastructure Levy (CIL), to identify what is needed in order to implement a CIL in Breckland, including a suggested timetable for implementation.
- 1.2 The report seeks approval to the formation of a 'Working Group' of Cabinet to lead the research and development of the CIL and make recommendations to Council accordingly.

2. Recommendations

It is recommended that the Council/Committee:

- 2.1 To approve the research and development of a Community Infrastructure Levy for Breckland Council, with the formation of a Sub-Group of Cabinet.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

- 3.1.1 This report provides members with the background information and reasons for a proposed Community Infrastructure Levy (CIL). This is a new concept, the process to implement a CIL is a statutory responsibility, with any scheme is required to be strictly administered in accordance with prescribed regulations. The document would be titled 'Breckland Community Infrastructure Levy Charging Schedule'.

Capita Symonds, the Council's strategic partners for Planning and Building Control have provided (Appendix A) a scoping paper for consideration and approval. It sets out the requirements for a CIL, the differences between a CIL and a Section 106 Agreement and a proposed methodology for its implementation including costs.

3.2 Issues

- 3.2.1 Due to the uncertainty over the CIL and as a result of discussions with local stakeholders and the potential effect of the change in government, it is recommended that in Stage 1, tasks 1, 2, and 3 are undertaken in sequence.

The CIL would follow on from the IDP/LIP work which is programmed for completion in October. By this time, and certainly by the end of task 3, it is anticipated that the new Government would have provided further detail on the changes it intends to introduce to the planning system.

It is proposed that the formation of a Sub Group of Cabinet will provide the necessary focus and flexibility for meetings to enable the research and development of the CIL within an appropriately defined timescale. Its terms of reference will initially focus on Stage 1 in accordance with Appendix A.

3.3 Options

3.3.1 To approve the research and development of a Community Infrastructure Levy for Breckland Council, with the formation of a Sub-Group of Cabinet.

3.3.2 To not approve the research and development of a Community Infrastructure Levy.

3.4 **Reasons for Recommendation(s)**

3.4.1 All local authorities will need to have CIL schedules in place by 2014 if they want to secure contributions from landowners and developers towards the costs of infrastructure projects.

3.4.2 A CIL provides the Council with a mechanism of funding shortfalls in infrastructure to support the growth in Breckland by charging developers.

3.4.3 If CIL or another charge is not taken forward, the Council will need to investigate other ways of funding any shortfall in infrastructure requirements arising from new development.

4. **Risk and Financial Implications**

4.1 Risk

4.1.1 The new Government could abolish the CIL, but it is envisaged that another charge on development would take its place to pay for new infrastructure. Any new charge would likely require a similar charging schedule and economic viability assessment.

4.2 Financial

4.2.1 Please refer to the attached Proforma B.

5. **Legal Implications**

5.1 None

6. **Other Implications** [*Insert statement or confirm 'none' as appropriate at each sub-paragraph*]

a) Equalities:

b) Section 17, Crime & Disorder Act 1998:

c) Section 40, Natural Environment & Rural Communities Act 2006:

d) Human Resources:

e) Human Rights:

f) Other: [e.g. Children's Act 2004]

7. **Alignment to Council Priorities**

7.1 The Community Infrastructure contributes to all priorities of the Council

8. **Ward/Community Affected**

8.1 All wards/communities affected

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Key Decision Status (Executive Decisions only): Key decision

Appendices attached to this report: Appendix A

Community Infrastructure Levy and Breckland District.

Scoping report.

Summary

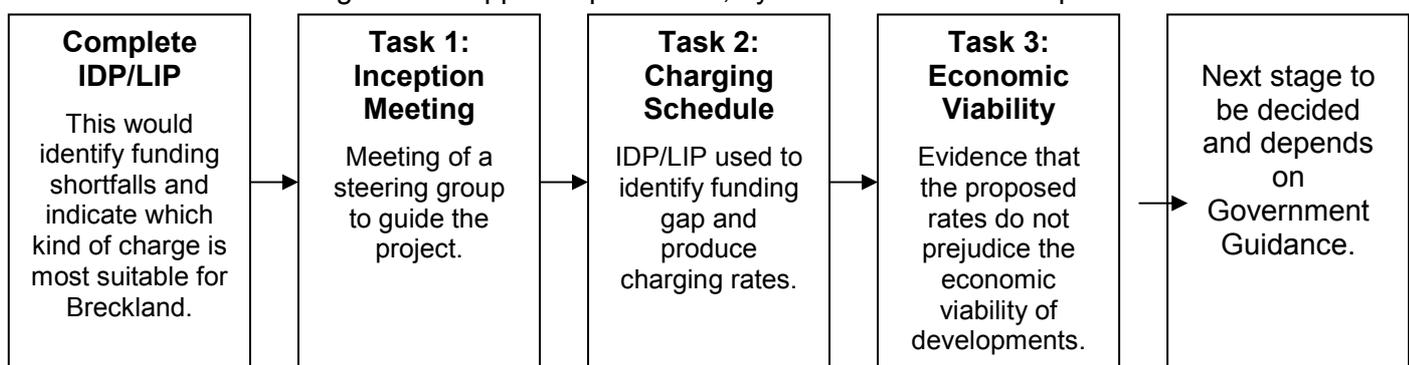
- CIL / a charge provides the Council with a mechanism of funding shortfalls in infrastructure to support the growth in Breckland by charging developers.
- Much work has been completed with regards to infrastructure in the District as part of the LDF process, which will be brought together and prioritised through the IDP/LIP work. Any charge must be demonstrated to be economically viable.
- CIL is a very new concept (introduced 6th April 2010) and there are not any case studies available to learn from. However, CIL is a planning related issue which will have implications for all functions across the authority.
- If CIL or another charge is not taken forward, the Council will need to investigate other ways of funding any shortfall in infrastructure requirements arising from new development.
- Further resources are required to fund the work needed for a Breckland CIL/charge and to administer the CIL/charge once found sound.
- All local authorities will need to have CIL schedules in place by 2014 if they want to secure contributions from land owners and developers towards the costs of infrastructure projects.
- The new Government could abolish the CIL, but it is envisaged that another charge on development would take its place to pay for new infrastructure. Any new charge would likely require a similar charging schedule and economic viability assessment.

Recommendations

- BDC should start work to produce a charge on development for infrastructure in 2 stages.
- Capita Symonds to be instructed to undertake Stage 1 including tasks 1, 2 and 3 as set out in this report.
- BDC should release the appropriate funding to enable Capita Symonds to complete tasks 1, 2 and 3.

Note: Capita Symonds should start such work after the completion of the IDP/LIP (currently early October)

- A steering group should be set up with an inception meeting to discuss methodology held at the start of the process. BDC may wish to suggest changes to the steering group and should do this on instructing Capita Symonds to undertake the work. Names for BDC Officers are required.
- A CIL Member Group (to develop ownership of this important issue) is set up to reduce the length of the approval procedure, by means of a Sub Group of Cabinet



1. Introduction and purpose of this scoping paper

This report aims to inform the Council about the Community Infrastructure Levy (CIL). It also aims to identify what is needed in order to get CIL in place in Breckland, how long that work would take and potentially how much it would cost.

It is worth initially emphasising the following in this report:

- this is a new concept and has not been completed anywhere before;
- the process to get CIL in place is a statutory one which must adhere to regulations; and
- if and when the CIL for Breckland is found sound, the scheme is required to be strictly administered with regulations to adhere to. This will have a resource implication for the charging authority (the District Council).

Please note that the correct name for the document would be 'Breckland Community Infrastructure Levy Charging Schedule' or Breckland CIL for short.

2. Change in Government

CIL was an initiative of the previous Government. The new Coalition Government have indicated that there will be changes to the planning system. They have also announced the scrapping of the Regional Spatial Strategy and its housing targets.

At present there is uncertainty around development contributions, but there is real potential that CIL could be abolished and replaced with another (albeit similar) type of charge on development to pay for infrastructure – any development will need supporting infrastructure.

This Scoping Report sets out the proposed methodology for completing a CIL from start to finish. However, due to the uncertainty over the CIL and as a result of discussions with local stakeholders on the CIL and the potential effect of the change in government, it is recommended that tasks 1, 2, and 3 are undertaken in sequence. Whatever charging initiative is adopted by the new Government, it is considered that something similar to a charging schedule (Task 2) would need to be produced and its economic viability tested (Task 3).

The CIL would follow on from the IDP/LIP work (as explained in section 6 below) which is programmed for completion in October. By this time, and certainly by the end of task 3, it is anticipated that the new Government would have provided further detail on the changes it intends to introduce to the planning system.

3. What is CIL?

The Community Infrastructure Levy (CIL) is a new charge that local authorities have the power to levy on most types of new development (both commercial and residential) in their areas to fund infrastructure development costs.

Although local authorities are not obliged to charge the CIL, changes in the law mean that, from 6 April 2010, the use of section 106 agreements will be restricted and by 2014 local authorities will not be able to impose obligations in section 106 agreements to fund costs recoverable under the CIL. This will provide a powerful incentive on local authorities to adopt the new CIL regime.

Although the CIL will make a significant contribution to infrastructure provision, core public funding from all levels of Government will continue to bear the main burden of funding infrastructure development costs. The CIL is intended to fill the funding gaps that remain once existing sources of funding have been taken into account. Each charging authority will need to identify its infrastructure requirements, the likely

available funding to meet those requirements and the funding gap to be met by the CIL when setting its CIL rates. Breckland Council would be the charging authority.

The infrastructure that can be funded by the CIL includes transport, flood defences, schools, hospitals, and other health and social care facilities. The definition is deliberately wide to enable charging authorities to best meet the infrastructure needs of their local areas.

The cost of delivering affordable housing has been excluded from the CIL because the Government believes that planning obligations remain the best way of delivering affordable housing. Affordable housing requirements in respect of residential development will therefore continue to be the subject of obligations in section 106 agreements and land transfer.

The development of most buildings that people normally use will be liable to pay the CIL. Buildings into which people do not normally go, and buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery, will not be liable to pay CIL.

CIL would apply to all development (apart from Affordable Housing) and would be charged on a per square metre basis. The CIL document is not a Development Plan Document but will form part of the Local Development Framework suite of documents. It will cover the whole District and could be one rate for the whole District or different rates for different parts of the District, depending on economic viability.

4. CIL and S106

With the introduction of the CIL, the Government has also made a major change to the basis upon which section 106 agreements can be required for developments. From 6 April 2010, three statutory tests must be satisfied for a section 106 agreement to be acceptable. It must:

- be necessary to make the development acceptable in planning terms; and
- directly relate to the development; and
- fairly and reasonably relate in scale and kind to the development.

These statutory tests are designed to ensure that section 106 agreements are used only for essential contributions to allow the granting of planning permission, rather than more general contributions which are better suited to use of CIL.

These statutory tests will, however, apply to all contributions that may be included in a section 106 agreement, not simply to contributions that relate to infrastructure.

On the adoption of the CIL by a charging authority, that authority cannot then seek a contribution towards the same item of infrastructure through section 106 agreements.

5. What if there is no CIL?

The use of section 106 agreements will be restricted and by 2014 local authorities will not be able to impose obligations in section 106 agreements to fund costs recoverable under the CIL.

After 6 April 2014, there will be further restrictions on the use of section 106 agreements. From this date, a further statutory test will ensure that section 106 agreements cannot be used for contributions to an infrastructure project or type of infrastructure where there are five or more earlier section 106 agreements in place that provide for contributions to that project or type of infrastructure. Effectively this means that all local authorities will need to have CIL schedules in place by 2014 if

they want to secure contributions from land owners and developers towards the costs of wider infrastructure projects.

If the CIL approach is not pursued, the Council would need to investigate other ways of paying for the necessary infrastructure that development around the District requires. It may be difficult for Area Action Plans to demonstrate 'reasonable prospect of delivery' without it.

Indeed at the Thetford Area Action Plan (TAAP) and Attleborough and Snetterton Heath Area Action Plan's (ASHAAP's) Examination In Public, the Inspector would need to be fully satisfied that ways of funding the infrastructure were being investigated or were known in order to find the AAPs sound. This is an important part of ensuring Area Action Plans have a reasonable prospect of being delivered.

6. CIL and the IDP/LIP

The IDP/LIP is currently being progressed with a final draft proposed by end of September 2010. The purpose of this piece of work is to identify the strategic infrastructure that needs to be provided as part of the delivery of sustainable communities in the District. Therefore, as well as setting out the scope, spatial extent, and cost of infrastructure projects, this document will also include a timetable to deliver the projects that will realise the Council's vision. The IDP/LIP document will also identify for the first time key infrastructure priorities and outline how particular projects are to be funded as well as highlighting any funding gaps that may be evident and how to fill them.

This piece of work essentially is the first task in producing a CIL/charge. It will provide an idea about what kind of charge to plan for in addressing any likely funding gap – there are other charges, although the CIL is discussed in this document. It is worth emphasising again that any charge will need a Charging Schedule and Economic Viability testing.

7. Proposed Methodology

Stage 1 work is as follows:

- **Task 1: Inception meeting**

A steering group would be set up and would meet to discuss the proposed methodology, identify potential issues and agree a way forward. Steering Group meetings will subsequently be set up over the production period. The proposed membership of the Steering Group could include officers from legal, finance and asset management from BDC together with officers from transport, culture and education from Norfolk County Council. This Officer Steering Group would report to a CIL Member Group and then ultimately to Cabinet and Full Council.

Note: The Member CIL steering group will need to be established at this stage.

- **Task 2: Production of a charging schedule**

The focus of this task will be on providing evidence of an aggregate funding gap that demonstrates the need to levy CIL – thus justifying CIL is necessary.

A charging schedule will set out the CIL rates in the area.

Charging schedules may include differential rates of CIL where they can be justified either on the basis of the economic viability of development in different parts of the authority's area or by reference to the economic viability of different types of development within their area.

This task will draw upon the infrastructure planning that underpins the Core Strategy and other emerging Development Plan Documents, which will then be in the form of a LIP/IDP

The total funding gap that CIL is intended to support will be identified, taking into account other sources of available funding.

A selection of indicative infrastructure projects or types of infrastructure that are likely to be funded by CIL will be identified. It is worth noting that in order to respond to changing local circumstances over time, the CIL may be spent on different projects from those identified during the rate setting process.

In respect of chargeable developments, the CIL will be levied in pounds per square metre of the additional increase in floorspace of any given development.

- **Task 3: Assessing Economic Viability**

The CIL rates proposed by the charging authority must not put at serious risk the overall development of their area. Evidence will have to be produced that the proposed rates do not prejudice the economic viability of developments.

An appropriate balance will be struck between desirability of funding infrastructure through CIL and the potential effects of the imposition of CIL.

This may build on work undertaken to inform the Strategic Housing Land Availability Assessment, although non-housing sectors, which will also pay the CIL, would require more work. Different rates of CIL can be included to reflect the viability of development in *different parts* of the District or to reflect the viability of *different types* of development in the District.

This section of work will involve the use of economic valuation models with expert input from a Chartered Surveyor. It will reflect economic circumstances and land values at the time of production, how they could change over time using projected trend levels of property prices and land values and also changes in the last 12 months.



Next Stages

The following tasks are relevant to the Community Infrastructure Levy. These tasks are included in this Scoping Report to give an idea of potential type of work that would need to be undertaken to result in a completed charge.

- **Task 4: Consultation on the Preliminary Draft Charging Schedule for Breckland.**

Local communities and stakeholders must be consulted on the proposed CIL.

It is envisaged that BDC might require the Preliminary Draft Charging Schedule for Breckland to go through BDC's Committee Cycle before going out to consultation. It should be noted that taking the Draft CIL to every single meeting will have a cost and time implication. It is recommended that a shorter approval process be adopted. Capita is recommending a specific CIL Member Group reporting to Cabinet. This Member group could evolve from the Members involved in the preparation of the IDP/LIP.

Because a CIL has not been produced before, the exact format of consultation is not known at this stage, although Breckland's Statement of Community Involvement will

of course be followed. The Steering Group will discuss ways of undertaking consultation and liaise with BDC accordingly.

This consultation period would be 6 weeks. The version that is consulted on will be evidenced to reduce need for subsequent modifications. Any representations made must be taken into account. A matrix with representations made, by whom and responses to the representations, is a transparent way of taking comments on board.

- **Task 5: Publication**

Comments from the consultation would be taken into account and the Draft CIL changed as appropriate.

The schedule has to be published and a further four week consultation period is allowed for anyone to raise objections. As such, it is recommended that the Submission Breckland CIL Charging Schedule is taken through the full Committee Cycle including Full Council at this point of the process.

Comments received during the 4 week period will be noted. It is then for the Council to decide at Full Council if it wished to submit the Submission Breckland CIL Charging Schedule for examination or go back to some previous steps to change it. If it is to be changed the process would start at tasks 1 or 2.

- **Task 6: Examination**

At the end of this four week period, the charging authority must have the schedule formally approved by an independent examiner who has the power to reject, approve or suggest changes to the schedule. Anyone who has raised an objection during the four week period is entitled to be heard by the independent examiner. The process for this is similar to the process that applies to development plan documentation.

A Programme Officer would need to be appointed on a short contract. This would be someone who has not had direct dealings with the process. The Officer would need to be appointed prior to Task 5 in order to collate the comments received.

The report produced by the examiner will be binding on BDC. The examiner will approve, modify or reject the CIL document. Once the comments in the examiner's report have been taken on board, the schedule must be formally approved by a resolution of Full Council.

- **Task 7: Printing**

Printing of the CIL document would be managed by Capita Symonds although BDC would procure. The document will be published on the website with a FAQ section.

- **Concurrent Tasks**

The following tasks will be undertaken at the same time as the tasks stated above.

- a. Quick and Easy Guide to CIL.** Some developments will be promoted by those who are not developer agents and might not be familiar with the CIL. As such an accessible easy guide would be produced, in conjunction with the Council's Communications Team.
- b. Protocols for the administering of CIL will be set up.** These will need to be agreed with BDC before CIL is taken to examination. Protocols relating to and clarifying administration, liability, reliefs, exemptions, who pays and enforcement, are examples.
- c. Future resource requirements will be identified.** See section 11.

8. What could the CIL/charge look like?

It is proposed that there will be a series of outputs from this work.

The following outputs will result from Stages 1 and 2: tasks 1, 2 and 3.

- **Draft Breckland Charging Schedule Document** - The main document that includes the Charging Schedule
- **Economic Viability Assessment** - Showing the potential effects of the proposed CIL rate on the economic viability of development across the District.

The following outputs will result from Stage 3: tasks 4, 5, 6, 7, a, c and d. onwards as set out above.

- **Protocols for administering CIL** - Ways to collect, spend and monitor CIL
- **Resource Requirements** - Another document will be produced which sets out future resource requirements for consideration by the Council. This would not be published but will be more of an internal document.
- **Quick and Easy Guide** - This will be produced to summarise the CIL in an accessible manner and sit alongside the Breckland CIL.
- **Final Adopted Breckland Charging Schedule Document** - A result of the EIP process.

9. How long to produce a CIL?

Note that the CIL has not been completed before and as identified in the risk section, the time could change. Some tasks will be undertaken concurrently. This is shown in the chart in Appendix A.

As such, the length of time to complete a CIL up to examination in public (Tasks 1 to 5 and a to e) is: **6 months**.

As CIL is new and none have gone through the examination stage, only an estimate for the Examination stage is given which is: **2 months**.

The time to do Tasks 1, 2 and 3 and b and e is estimated as **4 months**.

10. How much will it cost to produce a CIL?

Producing a CIL is a planning related function, but such a document is not in Capita's core contract i.e. the work will be above and beyond what is set out in the current contractual arrangements between Breckland Council and Capita Symonds. As such, further resources would be required to deliver a CIL document for Breckland Council.

Stage 1: Inception; production of a detailed, costed charging schedule

- **Production** - staff time: **£18,000**
- **Contingencies** - As we have mentioned during this report on numerous occasions, CIL is a new thing and has not been completed anywhere. As such it is recommended that 10% of the total cost be allocated as a contingency fund. **£1,800**
- This cost will include attendance at an Inception Meeting; a meeting of a Member Steering Group and attendance/presentation of stages 1 and 2 to Cabinet.

Economic Viability Assessment

- **Production** - staff time: **£3,300**
- **Contingencies** - As we have mentioned during this report on numerous occasions, CIL is a new process and has not been completed anywhere. As such it is recommended that 10% of the total cost be allocated as a contingency fund. **£330**

- This cost will include attendance at meetings of Member Steering Group and attendance/presentation of stages 1 and 2 to Cabinet

Stage 1 Total: £23,430

Stage 2: Consultation; Examination and finalisation of the CIL document

- **Production** – staff time including quick and easy guide and future resource requirements. **£23,725**
- **Consultation** - **£3,500** for venue hire and adverts etc.
- **Examination in public** - Using the Examination in Public for the Core Strategy as an example, but with only one Inspector an estimated budget of **£32,000** should be set aside. This is for the EIP costs and the Programme Officer. It assumes a 4 day examination.
- **Printing of CIL document** - At this stage we are unsure as to how big the document would be. It could be that a summary guide and the Quick and Easy Guide are printed in numbers as opposed to the final complete document. A rough estimate of funding to be set aside for this task is therefore: **£5,000**
- **Contingencies** – 10% of the sum of the 4 bullet points above. **£6,400**

Stage 2 Total: £70,625

11. Staff involved

| Officer | Tasks |
|--------------------|---|
| Nick Moys | Project overseer from a Development Control perspective. |
| David Spencer | Project overseer from a Planning Policy perspective. |
| Phil Mileham | Technical input in preparing the CIL document to meet regulations and planning policy requirements. |
| Natalie Beal | Technical input in preparing the CIL document. Assistance in overall project management. |
| Sue Bloomfield | S106 officer advising on administering CIL. Involvement in the setting up of protocols and general input. |
| Chartered Surveyor | Economic viability is key. Main tasks will be to assess economic viability of the proposed CIL. |

12. How is CIL administered?

Protocols for administration will be produced during the production period of the CIL in Stage 3 of the process.

BDC should note that once the CIL is in place and found sound, there are regulations governing collection, monitoring, reporting and spending of the CIL which are likely to require extra resources. This will be identified in the work.

Up to 5% of the CIL receipts can be retained by the charging authority (BDC) to cover administrative costs.

13. Issues which the study could take on board...

Later it is suggested that developers sit on the steering group in order to identify issues to consider during the production period.

One potential issue for landowners and developers is that although the charging authorities have to produce annual reports showing what expenditure has been made, the charging authorities are under no statutory duty to expend the monies received within any particular timeframe. Therefore, the first developer of an area may find itself paying the CIL, which is then held by the charging authority for some time until sufficient receipts from other developers have been received to enable the relevant infrastructure to be put in place.

14. Initial thoughts on the Breckland CIL.

- **Work on the CIL/charge should start** soon after the completion of the IDP/LIP.

At their public examinations, the TAAP and ASHAAP would need to prove how infrastructure required to serve the growth will be paid for – progress on the CIL/charge work would show that the Council are looking into this issue and committed to addressing it. The TAAP examination for example could be in late spring 2011.

- **Breckland could have 4 charging zones**

Thetford, Snetterton Heath, Attleborough and the rest of Breckland. Each of these charging zones might charge a different rate as there maybe different economic viability of development within them.

- **A CIL Member Steering Group to be set up supported by;**

- **An Officer Steering Group**, consisting of the following members:

- Sue Bloomfield, S106 Officer, Capita Symonds
- David Spencer, Planning Policy, Capita Symonds
- Phil Mileham, Planning Policy, Capita Symonds
- Nick Moys, Development Control, Capita Symonds
- Natalie Beal, Planning Policy, Capita Symonds
- Chartered Surveyor, Capita Symonds
- Finance Officer, BDC – suggested involvement as banker role and protocol would need to be set up.
- Legal Officer, BDC – as CIL has not been completed before, it is suggested that a legal officer could aid with compliance
- Planning & Transportation representative, NCC
- 2 representatives from the development industry – suggested involvement to give developer's views.

15. Useful links

Further information can be found at the following links:

Overview:

<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevy>

Procedures:

<http://www.communities.gov.uk/publications/planningandbuilding/cilguidance>

Regulations: http://www.opsi.gov.uk/si/si2010/draft/ukdsi_9780111492390_en_1

16. Risks

Initial risks have been identified in the table over page. As the project progresses, further risks might be identified.

| Risk Name | Risk Description | Risk Control | Mitigation Plan | Contingency Plan | Likelihood of occurring | The potential impact of the consequences |
|---|--|---|--|---|---|--|
| Change in Government Policy | Policy may change and CIL may be abolished as a result. CIL related Work completed could have been completed or near to completion. | No control identified. The risk could come from National Government level. | Infrastructure will be required to support development and will need to be funded whatever the policy changes. | | Medium. Depends on changes to primary legislation and associated planning related policies. | Low. Although the name of the scheme might change, the work behind the CIL will always be of use to any future method of charging. |
| Cost to produce CIL increases | CIL has not been undertaken anywhere before. It is a new thing. Changes to the guidance or other supporting documentation may be produced and could affect the procedure with potential knock on effects on the cost and time to complete the CIL. | No control identified. This report sets out Capita Symonds's approach with associated cost. BDC will be kept informed of progress on a monthly basis and any issues will be raised. | No mitigation plan identified. | We have recommended a contingency fund to cover any potential increase in cost. | Medium. Depends on changes to primary legislation and associated planning related policies. | Low to moderate. Depends on cost increase. A contingency fund has been suggested. |
| Length of time taken to produce CIL increases | CIL has not been undertaken anywhere before. It is a new thing. Changes to the guidance or other supporting documentation may be produced and could affect the procedure with potential knock on effects on the cost and time to complete the CIL. | No control identified. This report sets out Capita Symonds's approach with associated cost. | BDC will be kept informed of progress on a monthly basis and any issues will be raised. | No contingency plan. More time could be required to change or improve the document in order to make it more likely to be found sound. | Low Depends on changes to primary legislation and associated planning related policies. | Low to moderate. A delay could result in development being given planning permission and not contributing through the CIL to infrastructure needs. Note that S106 could still be applied if : <ul style="list-style-type: none"> • It is necessary to make the development acceptable in planning terms; and • It directly relate to the development; and • It fairly and reasonably relates in scale and kind to the development. |

| Risk Name | Risk Description | Risk Control | Mitigation Plan | Contingency Plan | Likelihood of occurring | The potential impact of the consequences |
|---|--|---|---|--|--|--|
| Developer objection | A developer may object to the CIL. Objector has right to speak at EIP. | No control identified, although CIL is a Government Policy and therefore the principle is sound. With regards to the detail, the regulations make it clear that any charge must be Economically Viable. The regulations would be followed. | We have suggested that known local developer agents are invited to be part of the Steering Group. | BDC may agree with objection and require CIL to be looked at again. | Likely | Low to moderate but depends on nature of objection. Ultimately there could be more work required needing more time and funding with associated effects identified previously. |
| After a consultation stage, BDC choose to re-visit the CIL. | BDC might want changes to the CIL. | No control identified, although CIL is a Government Policy and therefore the principle is sound. With regards to the detail, the regulations make it clear that any charge must be Economically Viable. The regulations would be followed. BDC will be kept informed of progress on a monthly basis and any issues will be raised. | No mitigation plan identified | The process could start again and all the Tasks repeated taking into account all the comments made | Low. | Low to moderate but depends on nature of change. Ultimately there could be more work required needing more time and funding with associated effects identified previously.. |
| Infrastructure evidence base not adequate | Whilst preparing the CIL, Capita Symonds could identify gaps or areas for improvement in the evidence base to support the CIL. | Delay submission until appropriate evidence is in place. | No mitigation plan identified | Bespoke infrastructure planning might be needed. | Unlikely. The regulations require a CIL to be based on an up-to-date DPD. BDC have the core Strategy. | Low to moderate as depends on the actual evidence gap and what is required to fill that gap. |

Gant Chart

