



WOKINGHAM BOROUGH COUNCIL

A Meeting of an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held at the Civic Offices, Shute End, Wokingham on
TUESDAY 9 FEBRUARY 2016 AT 2.00 PM

A handwritten signature in black ink, appearing to read 'Andy Couldrick', written in a cursive style.

Andy Couldrick
Chief Executive
Published on 1 February 2016

This meeting will be filmed for inclusion on the Council's website.

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Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

For consideration by

John Kaiser, Executive Member for Planning and Highways

Officers Present

Brendan Troy, Community Infrastructure Delivery

Colm Ó Caomhánaigh, Democratic Services

IMD NO. 2016	WARD	SUBJECT	5 - 8
IMD4	Hillside	64 NOTTON WAY, EARLEY – COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY To consider CIL Liability at 64 Notton Way.	5 - 8

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Agenda Item IMD4

INDIVIDUAL EXECUTIVE MEMBER DECISION REFERENCE IMD: 2016 / 4

TITLE	64 Notton Way, Earley – Community Infrastructure Levy (CIL) Liability
FOR CONSIDERATION BY	John Kaiser, Executive Member for Planning and Highways
ON	9 February 2016
TIME	2pm
WARD	Hillside
DIRECTOR	Heather Thwaites, Director of Environment
VENUE	WSP Room, Civic Offices, Shute End

OUTCOME / BENEFITS TO THE COMMUNITY

Ensure a fair and equitable approach towards the application of developer contributions in the transitional period as the Council moves from S106 to CIL.

RECOMMENDATION

The Executive Member for Planning and Highways writes off £13,937.32 of the CIL liability incurred at 64 Notton Way, Earley on planning application number F/2014/1142.

SUMMARY OF REPORT

A CIL liability of £18,812.10 has been incurred by Mr Nick Manson at 64 Notton Way, Earley. The liability was incurred when on 05 August 2015 when planning permission was granted for the erection of a new dwelling

Mr Manson has pleaded that his application should have been determined under the old S106 regime prior to CIL being introduced on 06 April 2015.

Officers have investigated the issue and are of the opinion that Mr. Manson's planning application could have been dealt with before 06 April 2015. As such the recommendation is to reduce the CIL liability to that which would have been payable under S106 - £4,874.78.

CIL Liability – 64 Notton Way, Earley

Key dates:

- Planning application F/2014/1142 for the construction of a new dwelling was validated – 19th May 2014
- Legal were instructed to draw up S106 Agreement – 5th February 2015
- Legal Agreement was in process up to March 2015, when the Council asked for mortgagee consent. Mortgagee consent was received on 21st May 2015
- The Council implemented CIL on 6th April 2015. All planning applications granted after that date are CIL liable
- Planning approval was granted on 5th August 2015, 15 months after it was validated. The approval incurs a CIL liability of £18,812.10

Mr Manson contends that his planning application should have been dealt with before 6th April 2015. If it had been he would not have incurred a CIL liability at all but would have agreed to S106 contributions totalling £4,878.78.

Due to ongoing workload the application was not progressed expediently by the case officer, however it is fair to say that it could have been determined earlier. It is also true to say that the applicant was not expedient getting the S106 Agreement signed.

Had the application been approved before CIL was implemented on 6th April 2015 then it would have had a signed S106 Agreement attached securing contributions to the value of £4,878.78. Given that the application could have been dealt with in a more expedient way by the Council a reasonable approach would be to waive the increase required by the CIL relative to what would have been required via S106.

In real terms this means that the Council would write off £13,937.32 of the CIL liability incurred at 64 Notton Way, Earley on planning application F/2014/1142. The balance of £4878.78 would remain payable under CIL as this is equivalent to the amount the applicant would have been required to pay under S106 had his application been determined earlier.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£13,937.32		Capital - CIL
Next Financial Year (Year 2)			
Following Financial Year (Year 3)			

Other financial information relevant to the Recommendation/Decision

N/A

Cross-Council Implications

Whilst there is a loss of income this is a discretionary relief based upon the circumstances of the application; thus not only is this an unusual case, it is an income which we would not normally have expected from CIL had the application been determined on time.

SUMMARY OF CONSULTATION RESPONSES

Director - Resources	No comment
Monitoring Officer	No comment
Leader of the Council	It is clear from the dates that the council has a degree of liability in the excessive delay. Therefore it appears only fair and equitable that this action is taken.

List of Background Papers

1. Planning application F/2014/1142
2. Liability Notice LN00000257 (Attached)

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