

# Agenda Item IMD4

## INDIVIDUAL EXECUTIVE MEMBER DECISION REFERENCE IMD: 2016 / 4

<b>TITLE</b>	<b>64 Notton Way, Earley – Community Infrastructure Levy (CIL) Liability</b>
<b>FOR CONSIDERATION BY</b>	<b>John Kaiser, Executive Member for Planning and Highways</b>
<b>ON</b>	9 February 2016
<b>TIME</b>	2pm
<b>WARD</b>	Hillside
<b>DIRECTOR</b>	Heather Thwaites, Director of Environment
<b>VENUE</b>	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 – 19<sup>th</sup> May 2014
- Legal were instructed to draw up S106 Agreement – 5<sup>th</sup> February 2015
- Legal Agreement was in process up to March 2015, when the Council asked for mortgagee consent. Mortgagee consent was received on 21<sup>st</sup> May 2015
- The Council implemented CIL on 6<sup>th</sup> April 2015. All planning applications granted after that date are CIL liable
- Planning approval was granted on 5<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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**

<b>Director - Resources</b>	No comment
<b>Monitoring Officer</b>	No comment
<b>Leader of the Council</b>	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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