


17 July 2017

Committee	Council
Date	Wednesday, 26 July 2017
Time of Meeting	6:00 pm
Venue	Council Chamber

ALL MEMBERS OF THE COUNCIL ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



3. MINUTES

1 - 5

To approve the Minutes of the meeting held on 27 June 2017.

4. ANNOUNCEMENTS

1. When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. To receive any announcements from the Chair of the Meeting and/or the Chief Executive.

5. ITEMS FROM MEMBERS OF THE PUBLIC

- a) To receive any questions, deputations or petitions submitted under Council Rule of Procedure.12.

(The deadline for public participation submissions for this meeting is 20 July 2017).

- b) To receive any petitions submitted under the Council's Petitions Scheme.

6. MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

To receive any questions submitted under Rule of Procedure 13. Any items received will be circulated on 26 July 2017.

(Any questions must be submitted in writing to Democratic Services by, not later than, 10.00am on the working day immediately preceding the date of the meeting).

7. LEAD MEMBER PRESENTATION

To receive a presentation from the Lead Member for Community – Councillor Mrs Kay Berry.

8. RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

The Council is asked to consider and determine recommendations of a policy nature arising from the Executive Committee as follows:-

(a) Community Infrastructure Levy - Statement of Modifications

6 - 34

At its meeting on 12 July 2017 the Executive Committee considered the Community Infrastructure Levy - Statement of Modifications and **RECOMMENDED TO COUNCIL** that

1. That the Community Infrastructure Levy Proposed Statement of Modifications, as attached to the report at Appendix 1, be **APPROVED** for public consultation.
2. That authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Built Environment, to amend the proposed Statement of Modifications and prepare any further statements of modification that may be required following the JCS hearings and/or any further viability assessments undertaken.
3. That the Deputy Chief Executive be authorised to agree the date of public consultation(s) with Cheltenham Borough and Gloucester City Councils.
4. That the Deputy Chief Executive, following the conclusion of the public consultation(s), be authorised to compile and submit responses received to the CIL examiner for examination.

At the Executive Committee meeting Members requested that the complete Community Infrastructure Levy charges, as approved by Council on 19 April 2016, be advised to Members and that additional information is provided as an Addendum to the report.

9. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND'S REVIEW OF THE BOROUGH WARD BOUNDARIES

35 - 42

To consider the Council's response to the recommendations made by the Local Government Boundary Commission for England on the Borough Ward Boundaries.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Mayor will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 27 June 2017 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor H A E Turbyfield
Councillor T A Spencer

and Councillors:

R E Allen, P W Awford, Mrs K J Berry, R A Bird, Mrs G F Blackwell, G J Bocking, K J Cromwell, D M M Davies, M Dean, R D East, A J Evans, D T Foyle, R Furolo, Mrs P A Godwin, Mrs M A Gore, Mrs J Greening, Mrs R M Hatton, B C J Hesketh, Mrs S E Hillier-Richardson, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, V D Smith, Mrs P E Stokes, P D Surman, M G Szymiak, R J E Vines, M J Williams and P N Workman

CL.23 APOLOGIES FOR ABSENCE

23.1 Apologies for absence were received from Councillors Mrs J E Day, J H Evetts, R E Garnham, Mrs H C McLain, A S Reece and D J Waters.

CL.24 DECLARATIONS OF INTEREST

24.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

24.2 There were no declarations of interest made on this occasion.

CL.25 MINUTES

25.1 The Minutes of the meetings held on 9 and 16 May 2017, copies of which had been circulated, were approved as correct records and signed by the Mayor.

CL.26 ANNOUNCEMENTS

26.1 The Mayor extended his deepest sympathies, and those of the Council, to the Leader following the sad loss of his sister.

26.2 The evacuation procedure, as noted on the Agenda, was advised to those present.

26.3 The Mayor welcomed Mr Matt Lennard and Dr Claire Mould to the meeting. They were in attendance to provide a presentation at Item 7 of the Agenda – Voluntary and Community Sector (VCS) Alliance Presentation.

CL.27 ITEMS FROM MEMBERS OF THE PUBLIC

27.1 There were no items from members of the public on this occasion.

CL.28 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

28.1 There were no Member questions on this occasion.

CL.29 VOLUNTARY AND COMMUNITY SECTOR (VCS) ALLIANCE PRESENTATION

29.1 The Mayor invited Mr Matt Lennard and Dr Claire Mould of the Voluntary and Community Sector (VCS) Alliance to make their presentation to the Council.

29.2 The presentation covered the following main points:

- Alliance and the VCS – independent voice for the VCS community in the County. Could be challenging at times due to the diverse nature of the 4,000 organisations which included 2,500 registered charities and 1,500 informal community groups. The VCS was an independent advocate for the sector with the sole aim of providing a voice for the voluntary and community sector in Gloucestershire – the organisation included 12 Trustees; four Board Directors; and three staff members. The Alliance worked well in effectively establishing a relationship between the voluntary and community sector and the County Council, the Local Enterprise Partnership and the Gloucestershire Clinical Commissioning Group. In terms of staff, the Head of Operations and the Project Coordinator were paid for by Gloucestershire County Council and the Health and Wellbeing Officer was paid for by the Gloucestershire Clinical Commissioning Group.
- Our Function – through advocacy and representation – this meant attendance at meetings throughout the County and acting as a conduit for the voluntary and community sector; through information provision - using newsletters, local regional and national bulletins; and targeted consultation; and through partnership building – this was the hardest part of the Alliance’s function with one of the consistent themes being to ‘work better together to survive and thrive’.
- Forums - there were quarterly forums which VCS members attended to listen to people that commissioned services e.g. health and wellbeing; stronger, safer communities; children and young people; and art and culture.
- Future Work – the Office of the Police and Crime Commissioner had recently joined which was great news for the VCS in terms of relationships. This had provided an engagement officer, the Police and Crime Plan and sought to link up projects like the Aston Project. The Alliance was also looking at better engagement with District Councils and it was working with a team at Tewkesbury Borough Council to create a model for this.
- Benefits of Engaging the VCS in Enabling Active Communities – VCS could help reach those who experienced the greatest health inequalities with particular emphasis on engagement with those people who were less frequently heard. The VCS could also often have an impact well beyond what statutory services could achieve alone as it understood specific local needs, had high levels of trust and engagement with local communities and had the ability to work across multiple services. The VCS was not just about providing services as it was expertise that was needed and tapping into that could have just as much impact. There was often misunderstanding of what the VCS could provide as it was not only about volunteers but also about people that were at the top of their chosen field, with an absolute understanding of their particular area of expertise, and that type of knowledge should not be underestimated.

- 29.3 The Mayor thanked the VCS representatives for their informative presentation and indicated that he regularly received emails from them about funding lists which he passed onto smaller groups within his locality; he felt this was a reminder that there was some funding out there which was a great help. He invited questions from Members.
- 29.4 During the discussion which ensued, a Member questioned where the funding for the VCS Alliance came from and how the District Councils could be sure that the expertise was valid and that there were no conflicts of interest. In response, the VCS Operations Manager advised that he and the Project Coordinator were paid for by Gloucestershire County Council and the Health and Wellbeing Officer was paid for by the Gloucestershire Clinical Commissioning Group. In addition, Dr Mould advised that the Alliance had a very low cost base which was helpful; however, it should also be borne in mind that it could not operate with a “slush” fund so any additional money, after salaries were paid, was fed back into the service. In terms of expertise, it was not possible to ‘vet’ everyone specifically but there were some organisations which had a particular remit and were considered experts in their field e.g. there was a quality kite mark system in place for social prescribing so anyone the GPs referred to had to have attained that. As a general rule, the VCS Alliance could say whether an organisation had an interest in a particular area and that organisation would then go to the relevant forum; once all parties were in a room together it would be down to the individuals to discuss and see if any information they shared was helpful. In terms of how the VCS worked in practice, the VCS Operations Manager explained that it worked closely with the teams at Tewkesbury Borough Council, both via the Communities Forum and on other County-wide groups on which the VCS was represented. Part of the reason that the VCS was starting to build its relationship with Tewkesbury Borough Council first was that those links were already in place with the Community Development Team and it was considered that this would offer the best platform from which to launch a closer relationship with the Districts.
- 29.5 The VCS Chair, Dr Mould, explained that the Alliance was not a new initiative and she had chaired it since its inception six years ago. In terms of the information being provided to the Council through the current presentation, she explained that the idea was to share the exciting things that were already happening. No other Districts hosted Forums as yet so Tewkesbury really was leading the way and the idea was that the model would be taken to the other Districts in the County so that relationships could be improved across the board. The Chief Executive explained that the VCS included a large number of organisations which worked to support the community and were highly valued. Some worked without much contact with anyone except those they served; whereas others worked a lot more with the Council - the Alliance represented all of those organisations and helped to get their work known across the County. He felt the Alliance offered the Council a great way to improve its relationships with those organisations that worked ‘on the ground’ within the communities and he was of the view that Tewkesbury Borough should be pleased that it had been chosen as the first District Council to work with the VCS in this way.
- 29.6 In response to a Member’s request for an example of the achievements made by the VCS Alliance, the Council was advised that the Alliance had been instrumental in getting millions of pounds of funding into the County from growth deal funding – the funding had been secured as the bid had shown independent and clear examples of how the VCS would make a social impact with the funding. The ‘Building Better Opportunities’ initiative had been set up and the project was going really well. On a more local basis, the VCS Operations Manager explained that he sat on a drug and alcohol briefing group for the County Council; recently the contract had been renewed but there had been no one local organisation that was

large enough to bid for it; instead the VCS groups had collectively bid for the tender and, whilst the bid had not been successful, the VCS groups had formed a sub-group which was still influencing the project.

- 29.7 The Mayor offered his thanks for an extremely interesting and informative presentation and, accordingly, it was

RESOLVED That the presentation from the Voluntary and Community Sector (VCS) Alliance be **NOTED**.

CL.30 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Preparation for the General Data Protection Regulation

- 30.1 At its meeting on 7 June 2017, the Executive Committee had considered a report which detailed the preparations required for compliance with the General Data Protection Regulation that was due to be implemented on 25 May 2018. The Executive Committee had recommended to Council that ongoing funding for the Business Administration Manager post be included in the base budget for 2018/19 and future years.
- 30.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 17-30.
- 30.3 The recommendation was proposed by the Vice-Chair of the Executive Committee. He informed Members that the Regulation significantly increased the data protection obligations on the Council and its requirements were extensive and complex. He explained the risks associated with non-compliance, which included reputational and financial, the latter involving fines that could be as much as €20 million. Members were encouraged to support the recommendation to establish a Business Administration Manager's post who would work with the Senior Information Risk Owner and the Data Controller and all teams to implement the requirements of the General Data Protection Regulation and maintain compliance post the implementation date of May 2018.
- 30.4 During the discussion which ensued, a Member questioned whether the Regulation was linked to the European Union (EU). In response, the Chief Executive explained that this was an EU Regulation but the United Kingdom (UK) government had already indicated that it intended to adopt the same standard, regardless of Britain's exit from the EU, and this had been confirmed by the Information Commissioner's Office. The Regulation had a serious impact on all organisations that stored, handled and received personal data and, as well as ensuring it was in compliance, the Council would need to help others to comply e.g. Parish Councils. Another Member questioned whether the Regulation would have an impact on individuals i.e. when Councillors kept personal data on their files. In response, the Chief Executive advised that if information was held by individuals the legislation did not apply; however, as Councillors, they may have the information for one of three reasons: in their role as a Councillor; for Ward purposes; or for personal information. When handling the Council's data they were covered by the Council as a whole and therefore there was a duty to manage it properly. The Ward information was a Councillor's own personal responsibility and he encouraged Members to register themselves with the Information Commissioner's Office as a Ward Councillor. In order to ensure Councillors were kept fully apprised of the legislation as it developed, seminars would be provided in due course. The purpose of the recommendation today was to gain the financial support for the new post.

- 30.5 A Member noted that the job description for the new Business Administration Manager post indicated that there would be a large impact on the Council and she felt this would also apply to Parish and Town Councils; she questioned whether the new post would be available for the Borough Council to 'sell' to Parishes. In response, the Chief Executive advised that the role would be quite busy looking after the Council's own business and it should be remembered that all organisations were responsible for their own data. The first thing was to ensure everyone was aware the new Regulations were coming as the fines for breaches would be very high and this was a priority for the Information Commissioner. The Council's priority was to protect the data it received and ensure it had the correct policies in place to deal with it. In terms of the action plan, he advised that it was based on the actions that the Information Commissioner had stated needed to be put into place. The Information Commissioner had a very good website which gave a lot of information including a video which explained the new legislation; the Chief Executive undertook to circulate a link to the website to all Members.
- 30.6 In response to a query regarding the difference between paper and electronic files, the Chief Executive advised that personal data was still personal data in whichever format it was held. It was possible to hold information for legitimate reasons but the data controller must know what was held and why and ensure that it was not held for longer than it was needed. Essentially there were four reasons why personal data could be kept: with consent; by reason of contract; statutory requirement to hold information in law; and for a task of a public nature. The Council's policies needed to ensure the information was managed correctly, was not dealt with inappropriately and was deleted when it was no longer needed. The Council must be compliant by May 2018 and this was an extremely detailed piece of work which needed a lot of resources. A Member was concerned about the Council-owned equipment and how she would remove data and, in response, the Chief Executive indicated that the data was the important thing rather than the equipment it was stored on. He felt sure Members would be able to delete the information that they had stored on such equipment but this would be considered as part of the policy development. Cloud storage was very important and storage in Europe would have to comply with the same Regulations. America did not comply with the same standards so organisations would have to be mindful of this when purchasing cloud storage; this was not something which was of concern to Tewkesbury Borough Council as its cloud-based storage was held in Europe.
- 30.7 Having considered the information provided, it was
- RESOLVED** That ongoing funding for the Business Administration Manager post be included in the base budget for 2018/19 and future years.

The meeting closed at 7:15 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 July 2017
Subject:	Community Infrastructure Levy – Statement of Modifications
Report of:	Annette Roberts, Head of Development Services
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	One

Executive Summary:

The Community Infrastructure Levy (CIL) Draft Charging Schedule was submitted to the Planning Inspectorate in July 2016. Following changes to Strategic Allocations within the Joint Core Strategy, revisions are now required to the Draft Charging Schedule through the publication of a Proposed Statement of Modifications. This report seeks Council approval to undertake public consultation on the Proposed Statement of Modifications and approval to compile and submit responses received to the CIL Examiner for examination. Cheltenham Borough and Gloucester City Councils will also be consulting on their Proposed Statements of Modifications.

Recommendation:

That it be RECOMMENDED TO COUNCIL:

- 1) That the Community Infrastructure Levy Proposed Statement of Modifications at Appendix 1 be APPROVED for public consultation.
- 2) That authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for the Built Environment, to amend the Proposed Statement of Modifications at Appendix 1 and prepare any further statements of modification that may be required following the JCS hearings and/or any further viability assessments undertaken.
- 3) That the Deputy Chief Executive be authorised to agree the date of public consultation(s) with Cheltenham Borough and Gloucester City Councils.
- 4) That the Deputy Chief Executive, following the conclusion of the public consultation(s), be authorised to compile and submit responses received to the CIL Examiner for examination.

Reasons for Recommendation:

The development of a CIL Charging Schedule enables the Council to ensure that new development contributes proportionately to infrastructure provision whilst taking into account the need to strike an appropriate balance which does not threaten viability.

If the CIL Draft Charging Schedule were to go to the CIL Examiner unmodified it would not reflect the current state of the JCS and consultees would not have been able to have their say on the latest version of the schedule and the sites within it.

Resource Implications:

The cost of implementing CIL going forward has been estimated at £180,000 between the three Joint Core Strategy (JCS) authorities, to be shared equally between the three Joint Core Strategy (JCS) authorities. Tewkesbury's contribution will cover the following requirements:

Staffing costs £30,000; and

IT system for the administration and management of CIL £30,000.

The CIL Regulations provide for Charging Authorities to recover their administrative costs from CIL income, up to a total of 5% of the annual CIL income. In addition, before adoption set up costs can be included in this recovery. As the CIL income in the first few years most likely will be variable, the 5% is averaged over the remaining time of the first year from implementation, plus the next full three years. The fourth year therefore, it the first year where the 5% administrative costs will be an 'annual amount'.

The anticipated CIL income over the first three years between the JCS authorities is in the region of £13 million.

Legal Implications:

The formal procedure for the setting and adoption of CIL charges is set out in Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations 2010 (the requirements of which, so far as they relate to the drafting of the charging schedule, are known collectively as "the drafting requirements").

Under the drafting requirements, a Charging Authority (the local planning authority) which proposes to charge CIL must, after having prepared and consulted upon a Preliminary Draft Charging Schedule, prepare a Draft Charging Schedule (DCS) and then formally publish the DCS together with the appropriate available evidence on infrastructure costs, other funding sources and economic viability for consultation for a minimum period of four weeks.

After the close of the consultation process, the Charging Authority must then submit the DCS for public examination before an independent person.

There is a "Statement of Modifications" process available in respect of amending a DCS prior to submission to examination and the process is also utilised in respect of proposed modifications to a DCS subsequent to submission. The statement of modifications must be sent to each of the consultation bodies that were invited to make representations on the Preliminary Draft Charging Schedule and must be published on the local planning authority's website. Substantive changes should be avoided, unless they have been sufficiently consulted upon; with Charging Authority's taking steps they consider necessary to inform people who were invited to make representations on the DCS that the statement of modifications has been published.

Anyone who makes representations about a DCS can, if that person so requests at the time of making a representation on the DCS, be heard by the examiner. Similarly, a period of four weeks is to be available for any person to make representations and requests to be heard on any published modifications. The examination will consider whether the drafting requirements have been complied with, including whether there has been due regard to the actual and expected costs of infrastructure, economic viability of development and other actual and expected sources of funding for infrastructure.

Risk Management Implications:

Failure to develop a CIL Charging Schedule would reduce the Council's ability to ensure that new development contributes proportionately to infrastructure provision in the longer term. The Council will also continue to utilise Section 106 Agreements to secure appropriate infrastructure contributions, where appropriate.

Failure to adopt a CIL in the longer term means that the Council could be disadvantaged by the changes to Section 106 which took effect on 6 April 2015, which limit the pooling of contributions for the infrastructure needed to support new development, and could result in a significant loss of contributions towards infrastructure until such time as a CIL is adopted.

Performance Management Follow-up:

Monitoring reports will be provided through the quarterly Performance Tracker.

Once in place, CIL will be required to be closely monitored and the Charging Schedule kept under review, ensuring that levy charges remain appropriate over time.

Environmental Implications:

Poor-quality infrastructure – owing to underfunding or resource constraints - will not assist in mitigating the effects of climate change and may exacerbate existing problems. For example, under-provision of transport infrastructure may increase congestion and exhaust emissions. The development of the CIL would take into account the three dimensions of sustainable development set out in the National Planning Policy Framework (NPPF):

- An economic role – contributing to building a strong, responsive and competitive economy.
- A social role – supporting strong, vibrant and healthy communities.
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

1.0 INTRODUCTION/BACKGROUND

1.1 The Joint Core Strategy (JCS) authorities (Tewkesbury, Cheltenham and Gloucester) have been working towards adopting CIL alongside the JCS. The Community Infrastructure Levy (CIL) will allow the Councils to raise funds from developers undertaking new developments to fund a wide range of infrastructure that is needed to support new development such as road improvements and schools. As almost all development has some impact on the need for infrastructure, services and amenities CIL is a more effective, quicker and fairer system to fund new infrastructure. CIL will replace the majority of Section 106 Planning Obligations however; Section 106 will still be used to deliver affordable housing provision and site-specific mitigation measures. For Strategic Allocations, the majority of required infrastructure will still be funded through Section 106 Planning Obligations process.

1.2 The proposed CIL rates are set out within the Draft CIL Charging Schedule which was submitted to the Planning Inspectorate for Examination on 29 July 2016. The CIL charges are set out within each authority's CIL Drafting Charging Schedule, which provides details on the CIL charges for different types of development. An independent Planning Inspector has been appointed to preside over the Examination into the CIL Charging Schedule; this is the same Inspector who is dealing with the Joint Core Strategy (JCS). The CIL Hearings will take place sometime after the JCS Hearings.

2.0 AMENDMENTS REQUIRED FOLLOWING THE JCS HEARINGS

2.1 Following the hearings on the JCS in 2016, the Planning Inspector published an Interim Report. This report set out that in order for the JCS to be found sound further work was required and a number of recommendations were made. This included:

- increasing the level of housing provision from 30,500 to 35,175; and
- the deletion of the North Churchdown and Leckhampton strategic allocations from the plan.

In October 2016, it was confirmed that the majority of MOD Ashchurch would no longer be available for development for at least the next ten years.

2.2 With the removal of these three sites as strategic allocations and the increase in the required housing provision the following sites have been added as strategic allocations within the Proposed Main Modifications JCS. These are:

- West Cheltenham;
- Twigworth; and
- Winnycroft.

2.3 Winnycroft was previously included as a site for housing development but through the Gloucester City Local Plan but was not previously a strategic allocation.

2.4 These additional sites had not been assessed in terms of the level of infrastructure required, their viability or their ability to pay a CIL charge in the Draft Charging Schedules that were submitted to the CIL Examiner, with those Draft Charging Schedules having reflected the strategic allocations as existing prior to the Proposed Main Modifications JCS.

2.5 The JCS authorities have commissioned Peter Brett Associates (PBA) to complete a viability study on these additional sites in consultation with developers and these (save in respect of Winnycroft, which is currently in hand) are available on the JCS website. Appendix 1 indicates the potential CIL rate applied to all Strategic Allocations and anticipated affordable housing provision based on JCS requirements.

3.0 PROPOSED MODIFICATIONS TO THE DRAFT CIL CHARGING SCHEDULES

3.1 Given the changes to the JCS strategic allocations, the Draft CIL Charging Schedules for each JCS Authority require amending before an Examination can take place. The JCS authorities have received legal advice setting out that the most appropriate way forward is to produce a 'Statement of Modifications' to each Draft Charging Schedule before the examination and to consult on these statements for a period of four weeks. The statement contained within Appendix 1, sets out the following modifications:

- (a) The addition/deletion of strategic allocations as recommended by the JCS Inspector.

- (b) The inclusion of maps showing the boundaries of Strategic Allocations (as required by the CIL Regulations).
- (c) A section setting out how the CIL charge will be calculated (as required by the CIL Regulations).

4.0 NEXT STEPS

4.1 Once the three Councils have each approved the Statement of Modifications for their respective Draft Charging Schedules the proposed timetable is as follows:-

- Consultation for 4 weeks commencing – late July/early August 2017.
- Examination – anticipated October 2017.
- Adoption – January 2018.

5.0 IMPLEMENTATION AND RESOURCING

5.1 In order to implement CIL, the JCS authorities will be required to implement a system for the collection and administration of CIL to include the recruitment of two Officers to manage CIL and S106 Planning Obligations, the financial costs associated with this are estimated to equate to £60,000 for each authority.

5.2 The CIL Regulations allow Councils to claw back reasonable costs in preparing and implementing CIL, by allowing them to reclaim 5% of the total CIL revenue for the first three years that CIL is levied. In addition to this, the CIL Regulations make provision for Councils to use up to 5% of each year's CIL revenue to offset the CIL administrative costs of charging a CIL for that year which will be used to cover the additional staff costs for the collection and administration of CIL. This covers the years following the initial three year period and can continue to be recovered for as long as the CIL is being charged.

5.3 In considering the relative costs of preparing CIL, it should be noted that they will have to be borne up front; the retrieval of these costs will only be realised once the CIL Schedule is implemented. Therefore the JCS authorities will have to bear the costs of preparation before any costs can be clawed back.

5.4 The JCS Authorities projections for CIL income is in the region of £13 million in the first three years and therefore the additional cost of a new system and additional staff resources should be able to be retrieved during that period.

6.0 OTHER OPTIONS CONSIDERED

6.1 At the early stages of considering CIL, an option not to implement CIL and continue to rely only on negotiations of S106 was investigated. However, the restrictions put in place which limit the ability to pool receipts from S106, would be likely to result in loss of resources to fund identified infrastructure needs. The use of CIL would address this loss of resources towards the funding gap for future infrastructure.

7.0 CONSULTATION

7.1 Public consultation took place on a Preliminary Draft Charing Schedule from 29 May to 10 July 2015. Comments received have fed into the Draft Charging Schedule. A consultation took place on the Draft Charging Schedule from 13 May 2016 to 24 June 2016. A workshop with the development industry has also taken place.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 8.1** Pre-Submission Joint Core Strategy.
Proposed Main Modifications Joint Core Strategy.

9.0 RELEVANT GOVERNMENT POLICIES

- 9.1** Planning Act 2008.
CIL Regulations 2010.
National Planning Practice Guidance – Community Infrastructure Levy.

10.0 RESOURCE IMPLICATIONS (Human/Property)

- 10.1** Officer time in considering the issues raised as part of the CIL procedures.
- 10.2** No direct implications, but property colleagues will need to be aware of the potential introduction of the Community Infrastructure Levy described in this report.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 11.1** The overall purpose of the Community Infrastructure Levy (CIL) is *“to ensure that costs incurred in supporting the development of an area can be funded (wholly or partly) by owners or developers of land in a way that does not make development of the area economically unviable”*.

The development of the CIL would take into account the three dimensions of sustainable development set out in the National Planning Policy Framework (NPPF):

- An economic role – contributing to building a strong, responsive and competitive economy.
- A social role – supporting strong, vibrant and healthy communities.
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 12.1** None.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 13.1** 14 April 2015 Council decision to approve CIL Preliminary Draft Charging Schedule for consultation.

19 April 2016 Council decision to approve CIL Draft Charging Schedule for publication and submission to examination.

Background Papers: None.

Contact Officer: Jonathan Dibble, Joint Core Strategy Programme Manager.

Appendices: One – CIL Proposed Statement of Modifications and Maps.

Tewkesbury Borough Council Community Infrastructure Levy (CIL) Draft Charging Schedule: Proposed Modifications

Changes are highlighted in **bold** with ~~strike-through~~ indicating deletions and underline indicating additions.

Modifications					
	Document Reference/Page/Para Number	Modification			Reason for Modification
MOD 1	CIL Draft Charging Schedule – Table 1.2	Delete the following rows from Table 1.2:			Required changes following the Inspector’s findings in the JCS Interim Report
			Recommended CIL	Recommended Affordable Housing (AH)	
	Strategic Sites	A2 North Churchdown	£35	35%	
		A6 Leckhampton	£35	35%	
		A8a MOD Ashchurch	£0	35%	
		A8b MOD Ashchurch	£35	35%	
MOD 2	CIL Draft Charging Schedule – Table 1.2	Add a new row in Table 1.2:			Required changes following the Inspector’s findings in the JCS Interim Report
			Recommended CIL	Recommended Affordable Housing (AH)	
	Strategic Sites	<u>B2 Twigworth</u>	<u>£35</u>	<u>35%</u>	
MOD 3	CIL Draft Charging Schedule – New	Add new section:			To ensure compliance with the Regulations and

	section to be added after para 1.7.1	<p><u>Calculating the CIL Chargeable Amount</u></p> <p><u>CIL charges will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 as amended.</u></p> <p><u>The Community Infrastructure Levy is generally chargeable on the net increase in gross internal floor space of all new development, except:</u></p> <ul style="list-style-type: none"> • <u>Minor development: that is buildings or extensions where the gross internal area of new build is less than 100m², other than where the development will comprise one or more new dwellings (in which case the new dwellings will constitute ‘Chargeable Development’, irrespective of their size);</u> • <u>Where the CIL chargeable amount is calculated to be less than £50;</u> • <u>Where the development is of buildings into which people do not normally go, or which they go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery;</u> • <u>Where the development is exempt under Part 6 of the CIL Regulations (as amended); or</u> • <u>Where Tewkesbury Borough Council as ‘Charging Authority’ has in this schedule applied a £0m² rate, based on viability evidence, therefore not levying a charge on that intended development due to its use, location or size.</u> <p><u>All CIL Liability will be index linked to the Building Cost Information Service (BCIS) All-in Tender Price Index or any other Price Index in accordance with the CIL Regulations (Regulation 40).</u></p> <p><u>As set out in the Regulations, the calculation of the chargeable amount is based on gross internal area (GIA). The definition of gross internal area is not specified in the Regulations; however, the generally accepted method of calculation is the RICS Code of Measuring Practice (6th edition, 2007).</u></p>	relevant CIL legislation.
MOD 4	CIL Draft Charging Schedule - Appendix	<p>Addition of ‘<u>Appendix C – Strategic Allocation Boundaries</u>’</p> <p><u>In accordance with Regulation 12 of the Community Infrastructure Levy Regulations 2010 (as amended), the following maps identify the location and boundaries of the Strategic Allocations identified within the JCS.</u></p>	To ensure compliance with the Regulations and relevant CIL legislation.

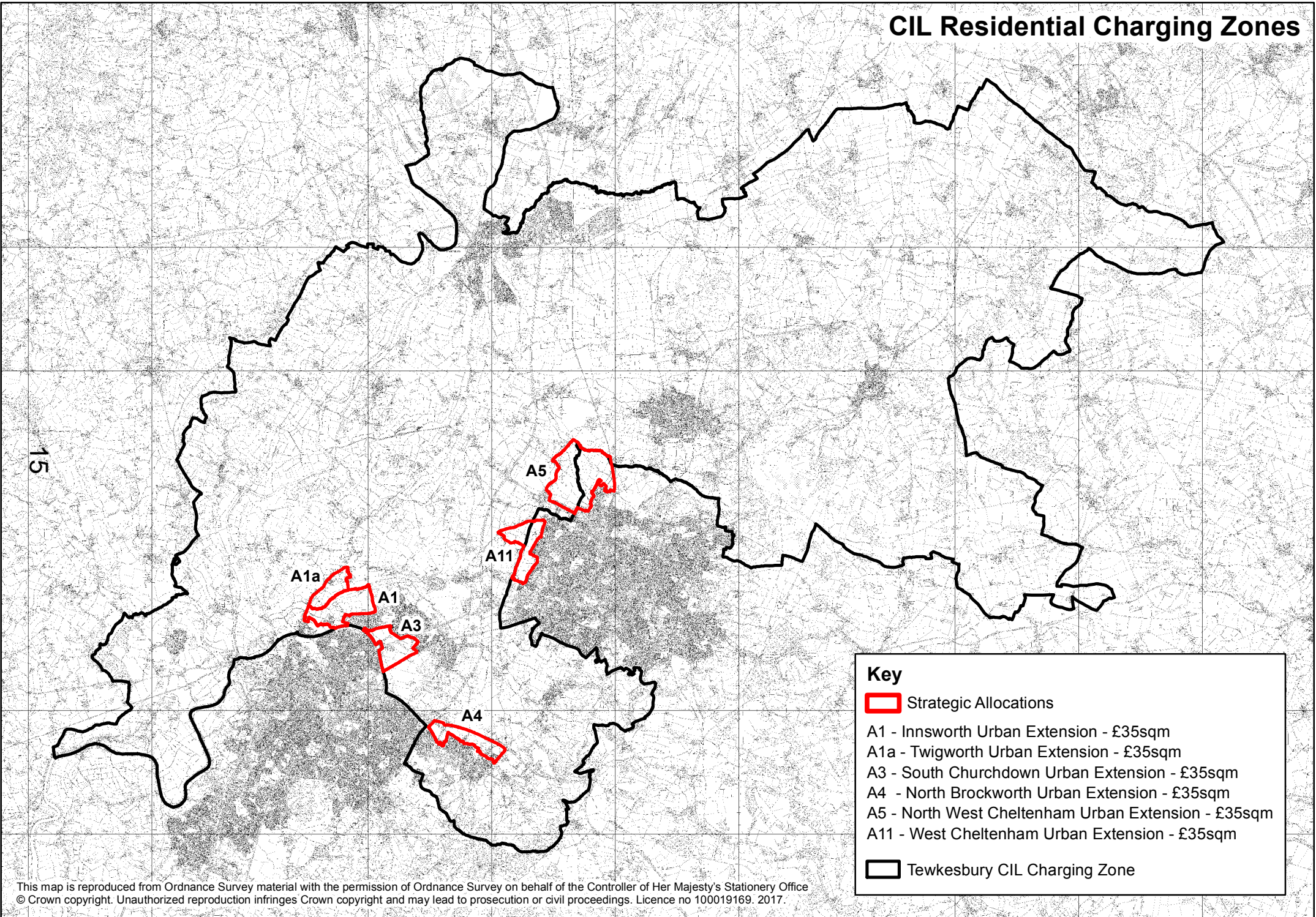
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A request to be heard by the examiner on the above proposed modifications may be made to the Cheltenham Borough Council by email or post.



Email: cil@gct-jcs.org

Post: JCS Community Infrastructure Levy Team, Municipal Offices, Cheltenham, Gloucestershire, GL50 9SA

CIL Residential Charging Zones



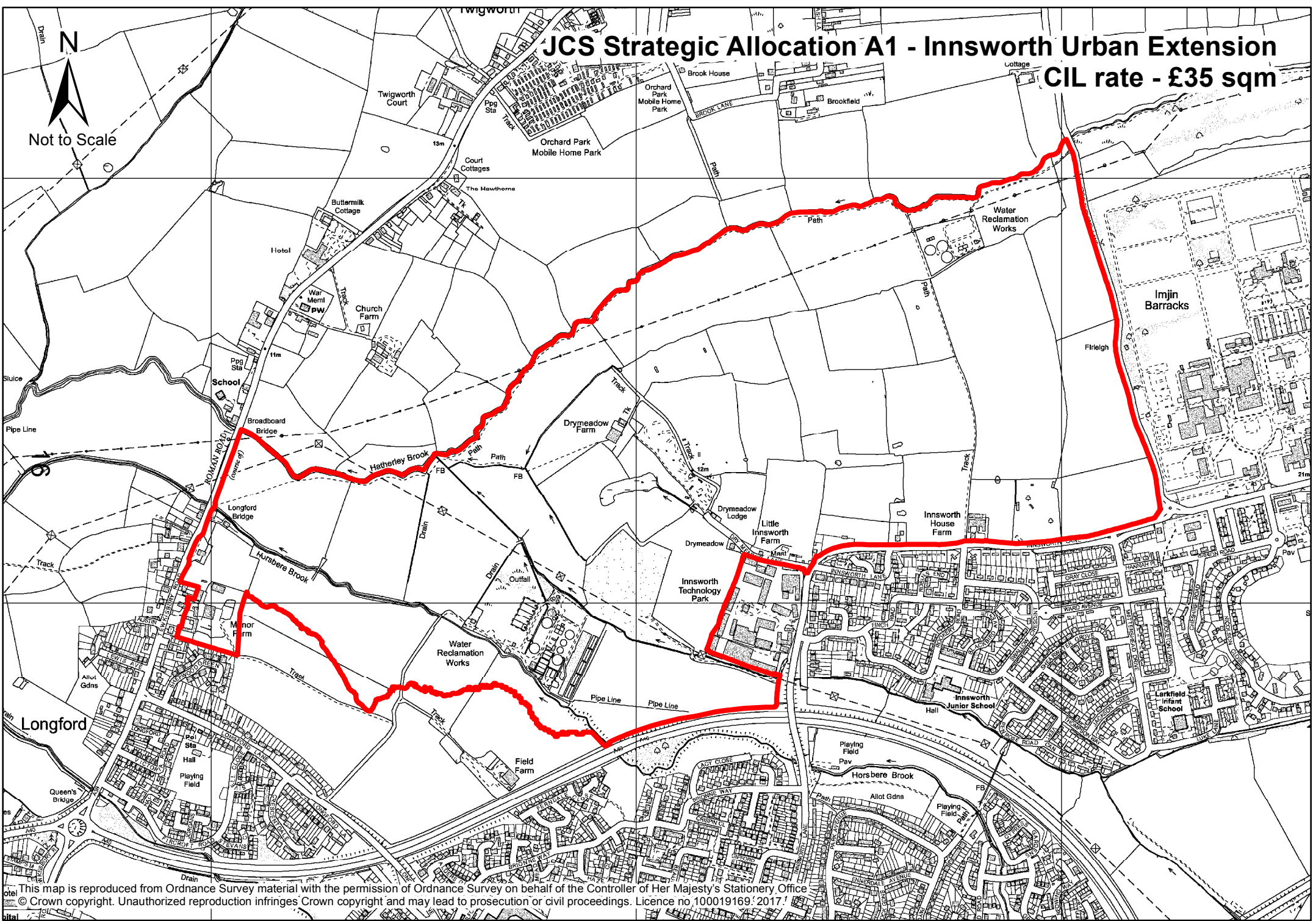
Key

-  Strategic Allocations
- A1 - Innsworth Urban Extension - £35sqm
- A1a - Twigworth Urban Extension - £35sqm
- A3 - South Churchdown Urban Extension - £35sqm
- A4 - North Brockworth Urban Extension - £35sqm
- A5 - North West Cheltenham Urban Extension - £35sqm
- A11 - West Cheltenham Urban Extension - £35sqm
-  Tewkesbury CIL Charging Zone

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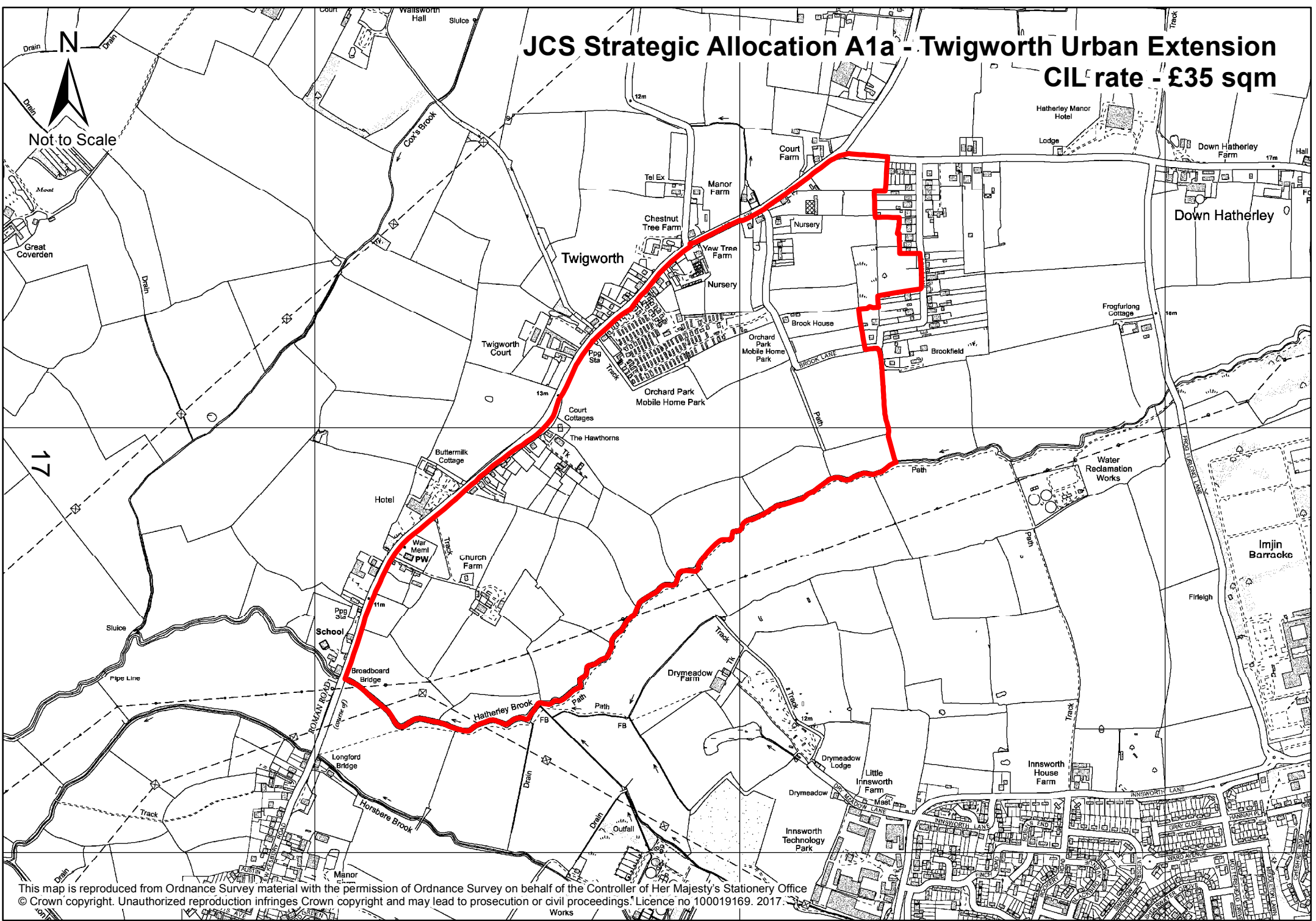
JCS Strategic Allocation A1 - Innsworth Urban Extension

CIL rate - £35 sqm



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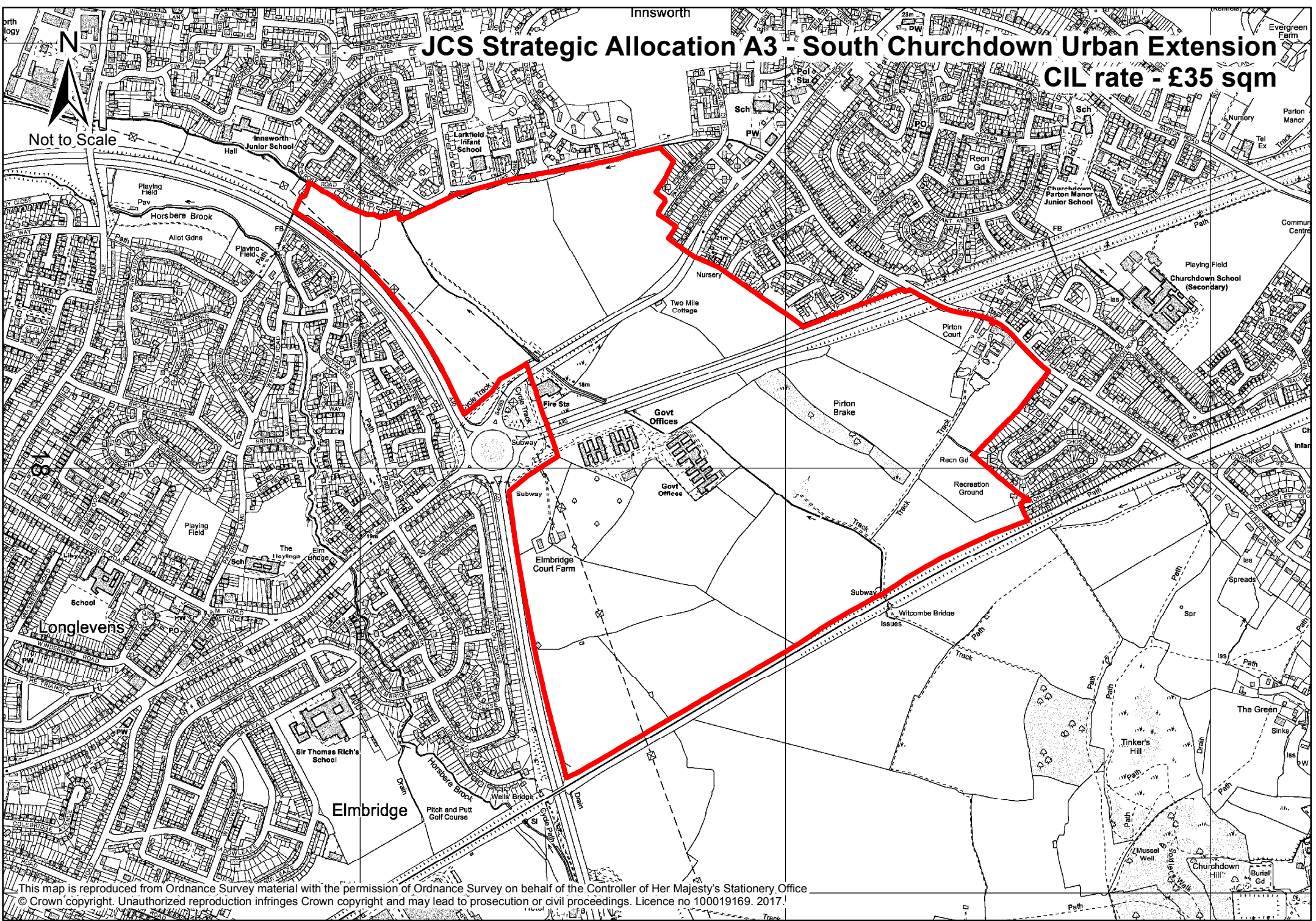
JCS Strategic Allocation A1a - Twigworth Urban Extension CIL rate - £35 sqm



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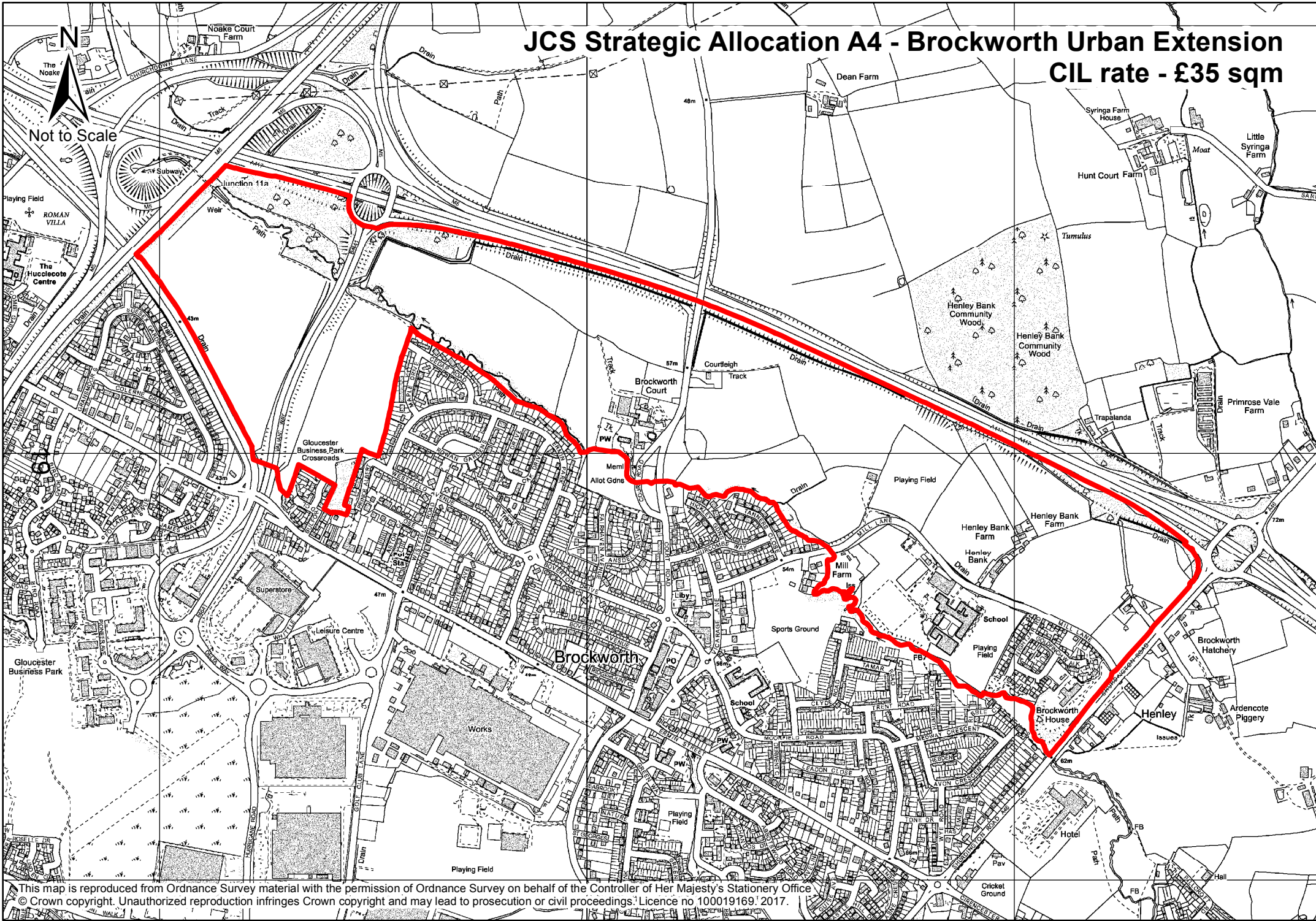
JCS Strategic Allocation A3 - South Churchdown Urban Extension

CIL rate - £35 sqm



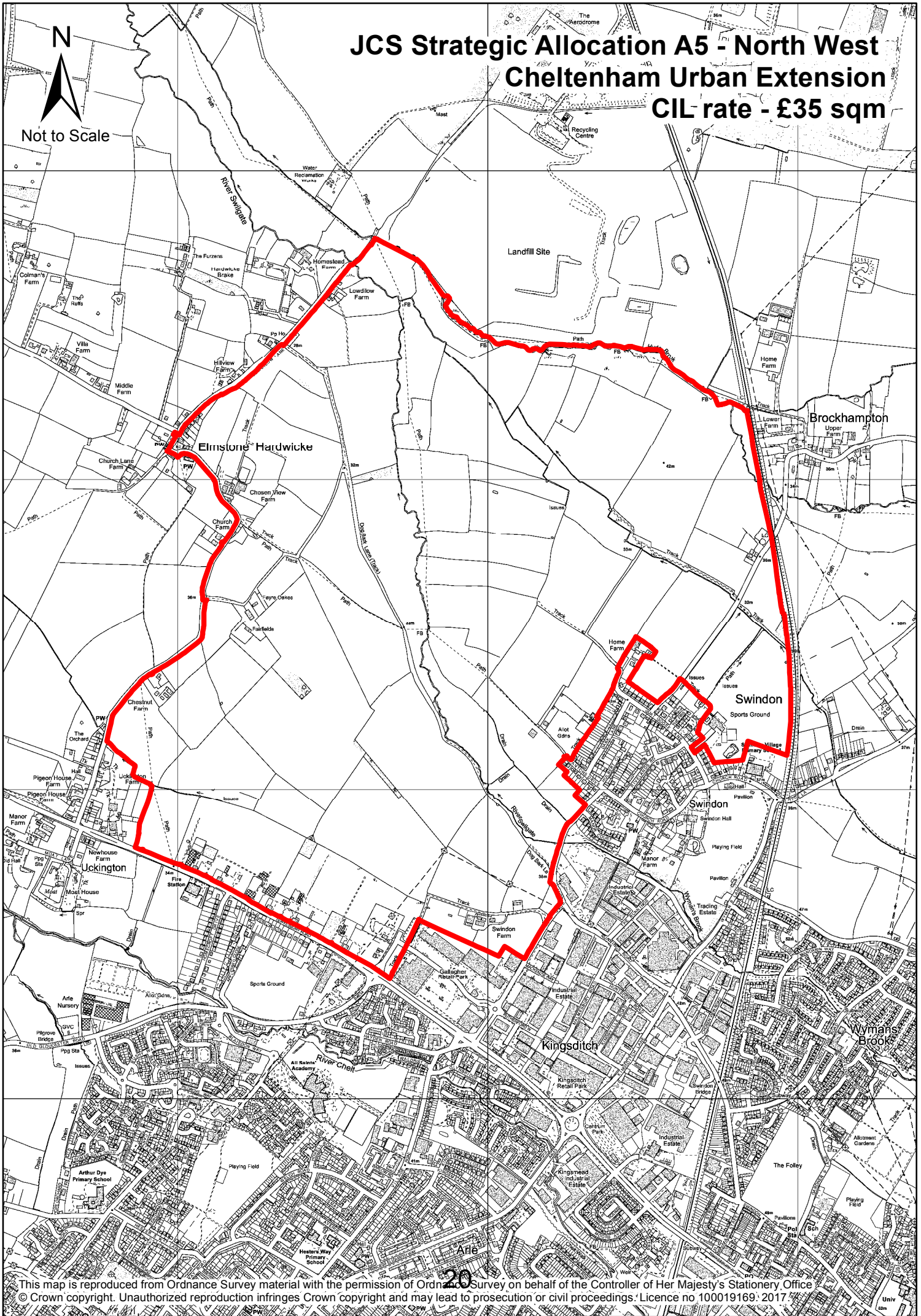
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JCS Strategic Allocation A4 - Brockworth Urban Extension CIL rate - £35 sqm



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JCS Strategic Allocation A5 - North West Cheltenham Urban Extension CIL rate - £35 sqm

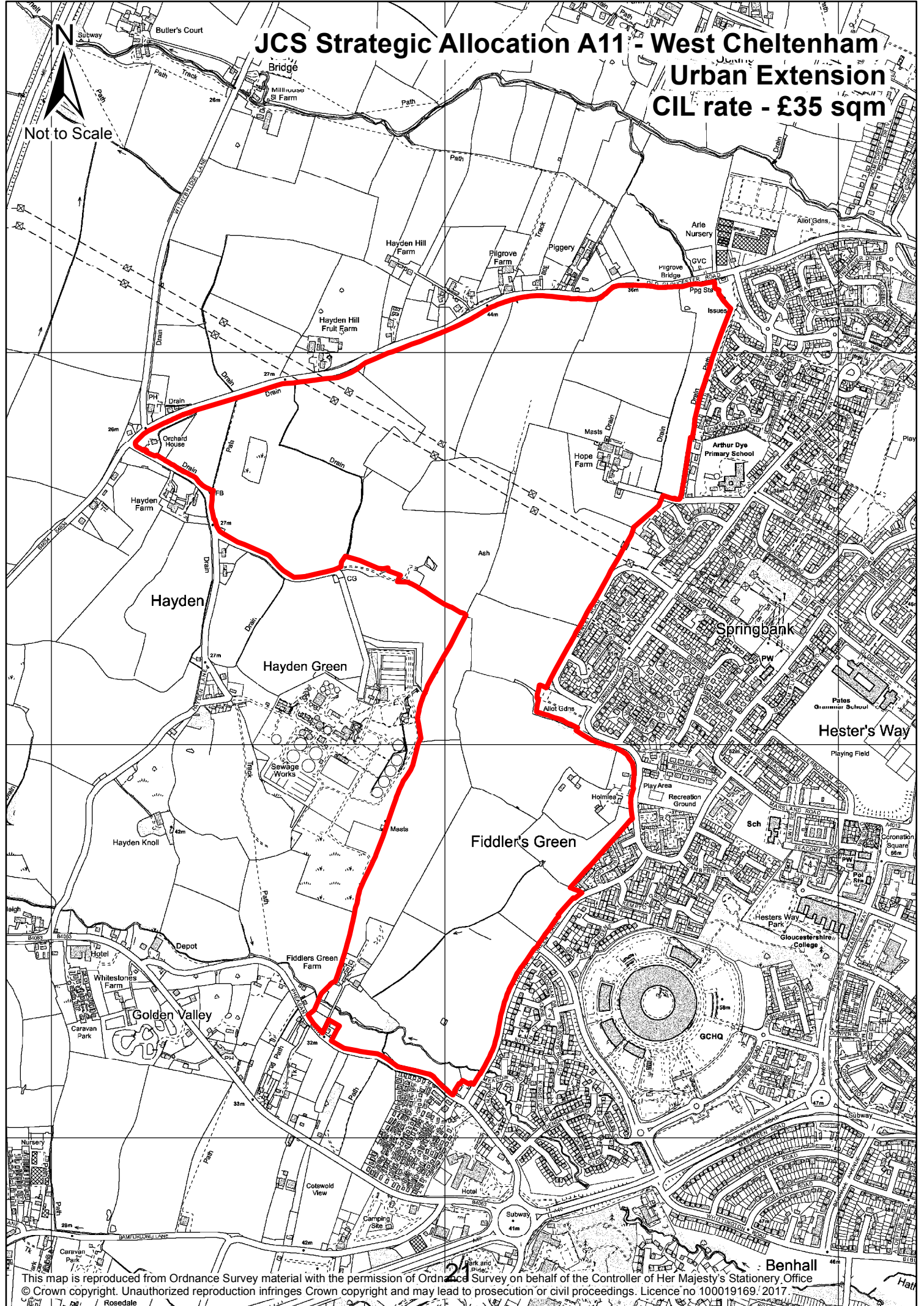


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JCS Strategic Allocation A11 - West Cheltenham

Urban Extension

CIL rate - £35 sqm



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Tewkesbury Borough Council
Community Infrastructure Levy
Draft Charging Schedule (DCS)

1.1 Introduction

- 1.1.1 Tewkesbury Borough Council has published this Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) as the Local Planning Authority under powers provided by Section 206 of the Planning Act 2008. The context of CIL is set out at paragraphs 1.4 – 1.6 of this report.
- 1.1.2 Tewkesbury Borough Council, along with Gloucester and Cheltenham are preparing a Joint Core Strategy (JCS). The JCS has a common evidence base including testing viability and infrastructure needs.
- 1.1.3 Viability and infrastructure evidence has been prepared on a joint basis to support the plan, therefore the sections in this report that deal with evidence are written for all three authorities. The aim is to prepare the three DCS on a co-ordinated basis in order to appropriately address cross boundary infrastructure issues. Although this joint evidence base has informed the DCS preparation, each of the JCS councils are CIL charging authorities in their own right and are required to prepare separate CIL Charging Schedules.
- 1.1.4 All relevant evidence can be accessed via the JCS website www.gct-jcs.org. This DCS is being consulted upon alongside the DCS for Cheltenham and Gloucester.
- 1.1.5 This DCS is published for public consultation as a further step in setting a CIL charge for Tewkesbury and has been prepared in accordance with Regulation 16 of the CIL Regulations 2010 (as amended). Any comments made on this document will be submitted to the Inspectorate for examination as per the regulations.
- 1.1.6 The purpose of this consultation document is to set out Tewkesbury Borough Council's CIL Draft Charging Schedule. In addition to the charging schedule, the document explains the general principles of CIL and summarises the methodology / evidence base used in calculating the levels of the charge. Further information can be viewed on the Council's website and a hard copy of the Draft Charging Schedule will be available at the following locations during the consultation period:

Council Offices
Gloucester City Council
Cheltenham Borough Council
Tewkesbury Borough Council
Gloucestershire County Council
Libraries
Gloucester Central
Cheltenham Central
Tewkesbury Town
Bishops Cleeve
Brockworth
Churchdown
Winchcombe Library and Children's Centre

Hucclecote
Longlevens
Matson
Quedgeley
Tuffley
Charlton Kings
Hesters Way
Prestbury
Up Hatherley
Other Locations
Gloucester Tourist Information Centre
Hesters Way Neighbourhood Project
Cheltenham West End Partnership
Brockworth Advice Centre
Churchdown Advice Centre
Winchcombe Advice Centre
Bishops Cleeve Advice Centre

1.2 Procedure for representations

1.2.1 Comments on this document are welcome during the consultation period of 6 weeks from Friday 13 May to 5pm Friday 24 June 2016.

1.2.2 Should you wish to comment on this document please could you contact the following:

- By email to cil@gct-jcs.org
- By post to: JCS Community Infrastructure Levy Team, Municipal Offices, Cheltenham, Gloucestershire, GL50 9SA.

1.2.3 The closing date for comments is 5pm Friday 24 June 2016. Any comments received after this date will not be submitted to the Inspectorate as duly made.

1.2.4 Please note that the preferred method of receiving consultation responses is via the DCS questionnaire which can be downloaded from www.gct-jcs.org

1.3 Timetable

1.3.1 The anticipated stages of preparation and consultation are set out in the following table:

Table 1.1: Anticipated timetable

Stage		Description	Date
1	Preliminary Draft Charging Schedule	Consultation on the initial rates proposed within the Preliminary Draft Charging Schedule	Complete
2	Draft Charging Schedule	Consultation on the Draft Charging Schedule CIL rates informed by the consultation responses on the Preliminary Draft Charging Schedule.	Summer 2016
3	Submission to Independent Examiner	The Council can submit the proposed Draft Charging Schedule for examination.	Autumn 2016
4	Examination in public	The Draft Charging Schedule is examined by an independent examiner through a public hearing.	Winter 2016
5	Adoption and Implementation	The Charging Schedule is published online and will take effect on the date stated in the Charging Schedule.	Winter 2016

1.4 Context

- 1.4.1 The Community Infrastructure Levy (CIL) is a locally set planning charge, introduced by the Planning Act 2008 (as amended) as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area.
- 1.4.2 CIL allows local authorities to generate funding from development for the provision of infrastructure in and around their location or strategic cross boundary infrastructure projects where several local authorities contribute. Importantly, CIL is not intended to fund the entire infrastructure required for Gloucester and that required to support cross boundary development as this would result in unviable development, but instead is intended to supplement other funding streams.
- 1.4.3 The level of CIL to be charged can only be set on the basis of evidence based viability. An appropriate balance must be struck between the desirability of funding from CIL required to support the development of its area; and the potential effects of the imposition of CIL on the economic viability of its area.

1.5 Legislative background

- 1.5.1 CIL is governed by legislation that came into force on 6th April 2010. Guidance and Regulations are prepared by the Department for Communities and Local Government (DCLG) as set out in:
- The Planning Act 2008 as amended by the Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2008/29/contents>
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
 - The CIL Regulations 2010, as amended in 2011, 2012, 2013 and 2014
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
<http://www.legislation.gov.uk/uksi/2011/987/contents/made>

<http://www.legislation.gov.uk/ukdsi/2012/9780111529270>
http://www.legislation.gov.uk/uksi/2013/982/pdfs/uksi_20130982_en.pdf
<http://www.legislation.gov.uk/ukdsi/2014/9780111106761/contents>

- National Planning Policy Framework: Planning Practice Guidance on CIL.
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
<http://planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/>

1.5.2 Authorities cannot charge for the same items through both CIL and planning obligations. Local Authorities who intend to adopt a CIL should publish a “Regulation 123 List” by April 2015 to identify the infrastructure that it is intended will be, or may be, wholly or partly funded by the levy. A Regulation 123 list is appended to this report.

1.6 Why introduce CIL?

- 1.6.1 Central to the rationale for introducing CIL is the widely held belief that most development has some impact on the need for infrastructure and services, or benefits from them. Therefore it is considered appropriate that such development pays a share of the cost, particularly given the potential financial benefits that planning permission can bring to developments. Under the current regime of Section 106 agreements (another form of planning agreement used to provide funding for certain infrastructure projects) this cannot be achieved as obligations must be directly related to the development. In addition smaller sites tend to fall outside negotiation of obligations. Additionally, contributions from CIL can be pooled and used to lever investment or loans from other sources (for example Gloucestershire Infrastructure Investment Fund, Pinchpoint funding).
- 1.6.2 Unlike Section 106 agreements, once adopted, a CIL charging liability is non-negotiable. The levy is a standard fixed charge which provides developers with much more certainty about how much money they will be expected to contribute, which can be factored in to their development calculations. This provides clarity to the developer and transparency to the landowner.
- 1.6.3 Importantly, from April 2015, the local authorities are restricted on the pooling of Section 106 planning obligations which changes the way infrastructure is delivered across Gloucester. The regulations allow for a maximum of five Section 106 planning agreements to be pooled for specific infrastructure projects. Therefore, the implementation of CIL will provide that flexibility in the pooling and spending of monies from developments and can be spent on any identified infrastructure need (unlike Section 106 agreements which require a direct link between the development and any infrastructure project).
- 1.6.4 Nevertheless, it will still be possible for specific infrastructure projects to be funded through Section 106 planning agreements, but only where these are directly related to a proposed development and are needed to make individual planning applications acceptable in planning terms. The statutory tests for S106 agreements as set out in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework will still need to be applied. These tests being that
- they are necessary to make the development acceptable in planning terms,
 - directly related to the development, and
 - fairly and reasonably related in scale and kind.
- 1.6.5 It is intended that CIL sits alongside the current Section 106 regime rather than directly replacing it with regulations in place to ensure that there is a distinction between the two systems and that they do not overlap.

1.7 Chargeable development

1.7.1 CIL is levied on the development of virtually all buildings that people 'normally go into'. The following development types will be liable for CIL:

- Developments of more than 100m² new floorspace;
- Development of less than 100m² which result in the creation of one or more new dwellings;
- The conversion of a building that is no longer in lawful use.

Exemptions

1.7.2 The CIL Regulations provide for certain types of development to be exempt from CIL, which include:

- Development by registered charities for the delivery of their charitable purposes;
- Those parts of a development which are to be used as social (affordable) housing;
- The conversion of any building previously used as a dwelling house to two or more dwellings;
- Development of less than 100m² of new build floorspace, provided that it does not result in the creation of a new dwelling;
- The conversion of, or works to, a building in lawful use that affects only the interior of the building;
- Development of buildings and structures into which people do not normally go (e.g. pylons, wind turbines and electricity sub stations);
- Residential annexes and extensions (where the person who would normally be liable for the charge owns a material interest in the main dwelling and occupies the main dwelling as the sole or main residence);
- Self-build housing where a dwelling is built by the person who would normally be liable for the charge (including where built following a commission by that person) and occupied by that person as their sole or main residence.

Setting the levy

1.7.3 The rate of CIL is determined by the charging authority. It is scrutinised by an independent examiner to assess whether the charge has regard to the evidence base and that the level of charge is reasonable and will not impact negatively on the economic viability of development taken as a whole across the Authority's area.

1.7.4 Under Regulation 13 of the Community Infrastructure Regulations 2010 (as amended) a CIL charge can either be set as a single rate which covers all types of development across the whole of an area or as differential rates which cover different development types and/or different areas. Whilst guidance also denotes that it is also possible for some types of development to have a zero rating this can only be based on viability and cannot be used to encourage certain types of development within an area as this could be considered as state aid and would therefore be deemed unlawful. A CIL charging schedule can be reviewed, but this would then be subject to re-consultation and examination.

1.8 Evidence base used

- 1.8.1 To support the DCS an update of the plan viability was completed (noted as item e. below) and this in conjunction with previous documents used for the PDCS informed the schedule. These documents can all be viewed on the JCS website www.gct-jcs.org and include:
- a. Stage 1 and Stage 3 Viability assessments of local development typologies/representative development schemes
<http://www.gctjcs.org/PublicConsultation/EINF-Evidence-Infrastructure.aspx>
 - b. Stage 2 Viability Testing of Notional Development Schemes, Allocated in the Pre Submission Joint Core Strategy
<http://www.gct-jcs.org/PublicConsultation/EINFEvidence-Infrastructure.aspx>
 - c. Joint Core Strategy, Submission version November 2014
<http://www.gctjcs.org/Documents/Publications/Submission/JCS-Submission-Version-November-2014acorrected.pdf>
 - d. Gloucester City Council, Cheltenham Borough Council & Tewkesbury Borough Council, Infrastructure Delivery Plan.
<http://www.gct-jcs.org/PublicConsultation/EINF-Evidence-Infrastructure.aspx>
 - e. Viability Evidence – Plan Viability, Community Infrastructure Levy and affordable housing study, Peter Brett Associates LLP, January 2016.
<http://www.gct-jcs.org/Documents/Examination-Document-Library-4/EXAM-176---JCS-CIL-and-Plan-Viability-Report-Final-January-2016.pdf>
 - f. JCS CIL Preliminary Draft Charging Schedule Consultation Report, February 2016
<http://www.gct-jcs.org/Documents/CIL/JCS-CIL-PDCS-consultation-report.pdf>
- 1.8.2 Subsequent to the initial viability work completed by the District Valuer Services (referred to as DVS henceforth), Peter Brett Associates (referred to as PBA henceforth) were jointly commissioned by Gloucester City, Tewkesbury Borough and Cheltenham Borough to undertake a further viability assessment taking into consideration the updated JCS development plan, comments made on the PDCS (included within the PDCS Consultation report, listed above), discussion at the JCS examination as well as meetings with relevant developers and stakeholders on infrastructure needs.
- 1.8.3 The main purpose of a plan viability (or PV) assessment is to provide evidence to show that the requirements of the National Planning Policy Framework (NPPF) are met. That is, the policy requirements in the Plan should not threaten the delivery of the plan as a whole. The objective of this study is to inform policy decisions relating to the trade-offs between the policy aspirations of achieving sustainable development and the realities of economic viability. A key outcome of this is to establish the surplus residual land value (referred to as the “headroom”) left over once other build and policy costs are taken into account. This analysis then provides the scope for setting a CIL rate.
- 1.8.4 The latest plan viability assessment (item e. above), further reviewed the types of developments most likely to come forward in the JCS area.
- 1.8.5 It is intended that the DCS is read in conjunction with this viability assessment, particularly for further details regarding the methodology and assumptions.
- 1.8.6 The viability work raises ‘viability pressures’ between the delivery of infrastructure via CIL and the balance with continued Section 106 obligations for site specific infrastructure and affordable housing. The council, in implementing CIL, needs to achieve a realistic balance which does not undermine the viability of development.

1.9 Proposed CIL rates

- 1.9.1 The viability work conducted by PBA (in the report 'Community Infrastructure Levy and affordable housing study, Peter Brett Associates LLP, January 2016') provides the following recommendations for CIL within Tewkesbury. The following amounts are represented as a £ per square metre value.

Residential development

- 1.9.2 For the residential sites in Tewkesbury the recommended CIL rate is in table 1.2 below.
- 1.9.3 Table 1.2 also sets out the CIL rates for strategic sites that are located within Tewkesbury's administrative area.

Table 1.2: Proposed residential CIL rates

		Recommended CIL £ sq. m	Recommended Affordable Housing (AH)
Generic sites	Tewkesbury 10 dwellings and under	£104	0%
	Tewkesbury 11 dwellings and over	£200	40%
Strategic sites	A1 Innsworth	£35	35%
	A2 North Churchdown	£35	35%
	A3 South Churchdown	£35	35%
	A4 Brockworth	£35	35%
	A5 Northwest Cheltenham	£35	35%
	A6 Leckhampton	£35	35%
	A8a MOD Ashchurch	£0	35%
	A8b MOD Ashchurch	£35	35%

Other forms of development

- 1.9.4 In addition to residential uses a number of other uses have been tested. With the exception of retail uses, all other uses were found to have insufficient headroom to levy a charge.

Table 1.3: Proposed Non residential CIL rates

	Recommended CIL £ sq. m
Retail development outside town centre	£100
Retail development within town centre	£0
Any Office uses	£0
Any Industrial uses	£0
Retirement Homes	£0
Extra Care Homes	£0
Student Accommodation	£0
Hotels	£0
All other forms of development not previously listed	£0

1.10 Spending of CIL

- 1.10.1 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), henceforth referred to as 'CIL Regulations', the charging authority will publish on its website their intention for how revenues raised from the levy will be spent. This will make clear what items will in future fall under the CIL rather than S106, but also show contributors and other interested parties what types of infrastructure the CIL could be spent on. In formulating the Regulation 123 list the Council will continue to work closely with other bodies to address strategic infrastructure and that delivered by other public authorities, for example, Gloucestershire County Council. The Reg 123 list is attached to this document under Appendix B.
- 1.10.2 The CIL regime allows authorities to respond to changing local circumstances, by spending revenue from the CIL on different projects from those identified during the rate setting process. Therefore the Regulation 123 list will be continually reviewed and updated accordingly. Changes to the Regulation 123 list will be updated via the council website.

1.11 Duty to pass CIL to local councils

- 1.11.1 CIL regulations outline provision for receipts to be redistributed to local parish councils, or to be spent on behalf of designated neighbourhood forums. The proportion allocated to the local council, or spent on behalf, is dependent on the adoption of a neighbourhood plan. Where a neighbourhood plan is in place, 25% of the CIL is passed to the local council. Where a neighbourhood plan is not made, 15% is passed to local councils, subject to a cap equivalent to £100 for every existing dwelling in that area.

1.12 Optional exemptions and discretionary matter

- 1.12.1 The CIL Regulations allow Local Authorities to make certain choices about how to implement the CIL and the Council would like your views on the following options:

Payment by instalments (Regulation 69b)

- 1.12.2 Payment of a CIL charge is due from the date at which a chargeable development commences. The Council can offer the payment of CIL by instalments to provide flexibility and support for more complicated and phased developments. An 'instalment policy' stating

the parameters of this process would be published alongside the adopted Charging Schedule.

Social housing relief (Regulation 49)

- 1.12.3 The Council can allow, at its discretion, relief from liability to pay a CIL charge to new market houses that are to be sold at no more than 80 per cent of their market value.

Land and infrastructure in-kind (Regulations 73&73A)

- 1.12.4 The Council can allow, at its discretion, the value of land transferred to the Council and infrastructure provided or constructed by a developer to be offset against the CIL charge. This would enable developers to provide the infrastructure needed to support new development directly, rather than paying for it indirectly through the CIL. The value of land and infrastructure in kind would be determined by 'a suitably qualified independent person' (for example the District Valuer).

Relief for exceptional circumstances (Regulation 55)

- 1.12.5 Liability to pay a CIL charge on chargeable development is a statutory obligation and is non-negotiable. The Council can, however, in exceptional circumstances offer discretionary relief from liability to pay a CIL charge. Offering this relief would provide the Council with some flexibility to deal with complex sites which are proved to have exceptional costs or other requirements which make them unviable.
- 1.12.6 Justification for this relief would have to be demonstrated through (independently verified) appropriate evidence of viability and is entirely at the discretion of the Council. This relief can be activated and deactivated at any time subject to a notice of intention to be published by the Council.

Relief for charitable investment activities (Regulation 44)

- 1.12.7 The Council can allow, at its discretion, relief from CIL liability to charity landowners where the greater part of a development is held as an investment from which the profits are applied for charitable purposes.

1.13 Your View

We would like your view on the Draft Charging Schedule by the closing date 5pm Friday 24 June 2016 and any responses will be submitted to the Inspectorate as part of the submission information under Regulation 19.

Appendix A: DCS rates proposed for Cheltenham and Gloucester including the Strategic Allocations.

1.13.1 The tables and explanations below summarise the proposed DCS CIL rates for Gloucester and Cheltenham as well the Strategic Allocations.

Table A4: Cheltenham and Tewkesbury Proposed DCS rates – Generic Sites

		Recommended CIL £ sq. m	Recommended Affordable Housing (AH)
Generic sites	Gloucester 10 dwellings and under	£0	0%
	Cheltenham 10 dwellings and under	£148	0%
	Gloucester 11 dwellings and over	£45	20%
	Cheltenham 11 dwellings and over	£200	40%

1.13.2 For commercial units, PBA's testing indicates that all out of centre and convenience typologies were viable. To ensure a simple and consistent approach, a CIL rate of **£100 per sq. m** for these types of units is proposed. Whilst viability of town centre retail across the JCS area varied, it was recommended that this type of development could not support a significant charge in any of the JCS authorities.

Appendix B: Regulation 123 list for PDS

In accordance with the Planning Act (2008) as amended by the Localism Act (2011) and the Community Infrastructure Levy Regulations (2010) as amended.

The infrastructure that may be funded by CIL will be set out in lists to be published from time to time by the Charging Authority - known as the Regulation 123 list.

The table below gives an indication of the types and categories of infrastructure and/or specific infrastructure projects to which CIL receipts raised by the Council as the Charging Authority could be applied.

In general it is proposed that site specific mitigation measures, including providing a safe and acceptable means of access to a public highway, or roads providing access to a development, will be secured through planning conditions or S106 obligations.

Other more strategic infrastructure may be supported in whole or in part through CIL.

The inclusion on the list of an infrastructure project or type of infrastructure does not represent a commitment by the Council to provide that project or type of infrastructure either with or without funding from CIL. The only function of the list is in relation to the future use of S106 agreements and to avoid any perception of double charging to developers. The Infrastructure List gives an indication of the categories of infrastructure currently intended to be funded by CIL or other means. The list can be reviewed on a regular basis, for example annually, to ensure that it remains up to date.

Reg. 123 List – Tewkesbury (including Strategic Allocations if applicable)

Infrastructure to be funded, or part funded, through CIL	Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition
Section A: All Non-Strategic Allocations	
Transportation Transportation infrastructure for walking, cycling, public transport and highways.	Development specific mitigation works on, or directly related to, a development site.
Education Provision for which the Local Education Authority has a statutory responsibility including early years, primary and secondary (covering ages 2 – 19)	
Flood and Water Management Flood risk mitigation to support development across the area.	Development specific mitigation works on, or directly related to, a site.
Social and Community Infrastructure Including social and community facilities, sports, recreational, play infrastructure and youth provision, and cultural infrastructure.	Development specific mitigation works on, or directly related to, a site.
Green	Development specific mitigation works on, or

Infrastructure to be funded, or part funded, through CIL	Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition
infrastructure Strategic green infrastructure.	directly related to, a site.
Historic Environment Conservation and enhancement of the historic environment, heritage assets and their setting.	Development specific mitigation works on, or directly related to, a site.
Public Realm, Art and Culture Off-site provision/ enhancements.	Development specific mitigation works on, or directly related to, a site.
Emergency Services (Police, Fire and Ambulance) Including infrastructure to support the capacity of local services in areas of major growth.	Provision of fire hydrants.
Economic Development Infrastructure Including off-site starter business units, information and communications technology, supporting other employment initiatives.	On-site infrastructure and non-infrastructure Initiatives such as skills training and local employment initiatives.
Waste Recycling Provision of household waste recycling and waste management facilities	On site collection facilities and waste reduction initiatives.
Renewable Energy Infrastructure Renewable Energy infrastructure	
Section B: Strategic Allocations	
Strategic Infrastructure Infrastructure not directly linked to the development site of strategic nature	All site specific infrastructure needs.

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	26 July 2017
Subject:	Local Government Boundary Commission for England's Review of the Borough Ward Boundaries
Report of:	Boundary Review Working Group
Corporate Lead:	Sara Freckleton, Borough Solicitor
Lead Member:	Councillor R J E Vines – Chair of Boundary Review Working Group
Number of Appendices:	Three

<p>Executive Summary:</p> <p>To agree the Council's response to the Local Boundary Commission for England following its review of the warding arrangements for Tewkesbury Borough.</p>
<p>Recommendation:</p> <p>That the Council's response to the draft recommendations of the Local Government Boundary Commission for England for a revised pattern of warding for Tewkesbury Borough as set out in Paragraph 2.3 of the report.</p>
<p>Reasons for Recommendation:</p> <p>To respond to the consultation being undertaken by the Local Government Boundary Commission for England on the warding arrangements for Tewkesbury Borough Council.</p>

<p>Resource Implications:</p> <p>None.</p>
<p>Legal Implications:</p> <p>Following publication of the Commission's final recommendations, an Order will be laid in Parliament to bring in the recommendations for the elections in May 2019.</p>
<p>Risk Management Implications:</p> <p>None.</p>

Performance Management Follow-up:

Following approval by the Council, the agreed response will be submitted by the deadline of 4 September 2017.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Local Government Boundary Commission for England (LGBCE) published its draft recommendations for a revised pattern of warding for Tewkesbury Borough on 4 July 2017. The draft recommendations are now out for public consultation until 4 September 2017 and the Commission is seeking to hear as much evidence as possible to develop its final recommendations for the Borough.
- 1.2** A copy of the summary report of the LGBCE is attached to this report at Appendix 1. The detailed draft recommendations report was emailed to all Members on 4 July and all the documents, together with an interactive map, are available on the Commission's website.

2.0 THE DRAFT RECOMMENDATIONS

- 2.1** With the exception of four minor variations, the Commission's draft recommendations reflect the warding submission approved by the Council at its meeting on 13 March 2017.
- 2.2** The Boundary Review Working Group met on Wednesday 12 July to consider the draft recommendations, and specifically the proposed variations to the Council's scheme, and commented as follows:
- 1) The Council submitted the name of 'Severn Vale South' or 'De Winton' for the new Ward which would include the Parishes of Uckington, Norton, Sandhurst, Boddington and Down Hatherley. The Commission's recommendation is for the Ward to be named 'Severn Vale South' as it was considered to be more appropriate particularly with the new Ward of Severn Vale North. The Boundary Review Working Group propose support for the Commission's recommendation.
 - 2) In respect of the proposed Tewkesbury North and South Wards, the Council's scheme proposed to use Oldbury Road as a boundary to separate the two Wards. Using this road, Tewkesbury North would have a variance of 8% and Tewkesbury South a variance of 10%. The Commission visited the area and considered an alternative boundary that followed the existing polling district boundary adjacent to the High Street behind the houses and roads along Oldbury Road (see map at Appendix 2 – a large version will be displayed at the meeting). The Commission considered this to be a more effective boundary with a variance of 9% in each Ward. The Boundary Review Working Group propose support for the Commission's recommendation.
 - 3) The Council's scheme proposed including the Parish of Twyning in a Ward with part of Tewkesbury to be named 'Tewkesbury North'. The Commission received six other submissions which opposed combining the rural area of Twyning with urban Tewkesbury and proposed that Twyning remain a separate Ward with its own Councillor. It is the Commission's view that this would lead to "bad electoral equality" and therefore it recommended a Tewkesbury North Ward including Twyning in its draft recommendations subject to a variation in the boundary

between the proposed North and South Wards as detailed in point 2) above. However, in considering the submissions received in respect of Twyning, the Commission was of the view that, in order to better reflect the clear community identity in the area, Tewkesbury North should be named 'Tewkesbury North and Twyning'. The Boundary Review Working Group propose support for the Commission's recommendation on the naming of this Ward.

- 4) The Commission only received a proposal from the Council in respect of the proposed Cleeve St Michael's and Cleeve West Wards of Bishop's Cleeve. However, in visiting the area, the Commission considered an alternative boundary in the area of Bishop's Cleeve Primary Academy which would result in Huntsmans Close being included in Cleeve St Michael's Ward to allow for better access (see map at Appendix 3 – a large version will be displayed at the meeting). The Commission felt that this boundary better reflected its statutory criteria and have included it as part of its draft recommendations. The Boundary Review Working Group was in support of the revised boundary but felt it created an anomaly by leaving six properties in Pecked Lane in the Cleeve West Ward whilst the remaining 65 properties were in the Cleeve St Michael's Ward already or within the area that the LGBCE was proposing to move into Cleeve St Michael's.

2.3 Accordingly, the boundary Review Working Group propose that the Council respond to the LGBCE's consultation on revised Borough Wards supporting the draft recommendations but proposing that, in respect of the Cleeve St Michael's and Cleeve West Wards, the proposed boundary be further amended to include all of the properties in Pecked Lane in the Cleeve St Michael's Ward.

3.0 THE TIMETABLE

3.1 The remainder of the electoral review timetable is as set out below:

4 September 2017	Closure of the consultation on the Commission's draft recommendations.
October 2017	Publication of the Commission's final recommendations.
May 2019	Implementation of the Commission's final recommendations.

4.0 OTHER OPTIONS CONSIDERED

4.1 Not applicable.

5.0 CONSULTATION

5.1 The draft recommendations of the LGBCE will be subject to extensive consultation.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 Not applicable.

7.0 RELEVANT GOVERNMENT POLICIES

7.1 Not applicable.

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 Executive Committee on 14 October 2015 – Set up the Boundary Review Working Group.

Council on 6 December 2016 – Approved the Council's size submission.

Council (Extraordinary) on 13 March 2017 – Approved the Council's submission for its Warding arrangements.

Background Papers: None.

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Appendices:

1. LGBCE's Summary Report.
2. Map – Tewkesbury North and South.
3. Map – Cleeve St Michaels and Cleeve West.

Helping you to have your say:

We are now consulting local people on a new pattern of wards for Tewkesbury. The Commission has an open mind about its final recommendations and will consider every piece of evidence it receives from local groups and people. Every representation will be considered, regardless of whom it is from or whether it relates to the whole borough or just a part of it.

If you agree with our recommendations, please let us know. If you don't think our recommendations are right for Tewkesbury, we want to hear alternative proposals for a different pattern of wards.

The Commission aims to propose a pattern of wards for Tewkesbury which delivers:

- **Electoral equality:** each councillor represents a similar number of voters.
- **Community identity:** reflects the identity and interests of local communities.
- **Effective and convenient local government:** helping your council discharge its responsibilities effectively.

July 2017

The
Local Government
Boundary Commission
for England

Draft recommendations on the new electoral arrangements for Tewkesbury Borough Council

Summary report

Read the full report, view detailed maps and have your say at: consultation.lgbce.org.uk

Find out more at: www.lgbce.org.uk

Follow us on Twitter at: [@LGBCE](https://twitter.com/LGBCE)

A good pattern of wards should:

- Provide good electoral equality, with each councillor representing, as closely as possible, the same number of voters.
- Reflect community interests and identities and include evidence of community links.
- Be based on strong, easily identifiable boundaries.
- Help the council deliver effective and convenient local government.

Electoral equality:

- Does your proposal mean that councillors would represent roughly the same number of voters as elsewhere in the council area?

Community identity:

- **Transport links:** are there good links across your proposed ward? Is there any form of public transport?
- **Community groups:** is there a parish council, residents association or another group that represents the area?
- **Facilities:** does your pattern of wards reflect where local people go for shops, medical services, leisure facilities etc?
- **Interests:** what issues bind the community together or separate it from other parts of your area?
- **Identifiable boundaries:** are there natural or constructed features which make strong boundaries for your proposals?

Effective local government:

- Are any of the proposed wards too large or small to be represented effectively?
- Are the proposed names of the wards appropriate?

Useful tips:

- Our website has a special consultation area where you can explore the maps and draw your own proposed boundaries. You can find it at consultation.lgbce.org.uk.
- We publish all submissions we receive on our website so you can follow what other people and organisations have told us. Go to: www.lgbce.org.uk

Have your say by writing to:

Review Officer (Tewkesbury)
LGBCE
14th floor, Millbank Tower
London
SW1P 4QP

Through our consultation area:
consultation.lgbce.org.uk
or by email to: reviews@lgbce.org.uk

The full report and interactive maps are available to view at www.lgbce.org.uk

Follow us on Twitter: [@LGBCE](https://twitter.com/LGBCE)

Who we are

The Local Government Boundary Commission for England is an independent body set up by Parliament. We are not part of government or any political party. We are accountable to Parliament through a committee of MPs chaired by the Speaker of the House of Commons.

Our main role is to carry out electoral reviews of local authorities throughout England.

Electoral review

An electoral review examines and proposes new electoral arrangements for a local authority. A local authority's electoral arrangements are:

- The total number of councillors representing the council's voters ('council size').
- The names, number and boundaries of wards or electoral divisions.
- The number of councillors representing each ward or division.

Why Tewkesbury?

We are conducting an electoral review of Tewkesbury following a formal request from the council to deliver improved levels of electoral equality for local voters.

Tewkesbury has high levels of electoral inequality where some councillors represent many more - or many fewer - voters than others. This means that the value of your vote varies depending on where you live in Tewkesbury.

Our proposals

Tewkesbury Borough Council currently has 38 councillors. We propose that the council should continue to have 38 councillors in future.

Electoral arrangements

Our draft recommendations propose that Tewkesbury's 38 councillors should represent five one-councillor wards, twelve two-councillor wards and three-councillor wards across the borough.

You have until 4 September 2017 to have your say on the recommendations

Stage of review	Description
10 Jan - 20 Mar 2017	Public consultation on new ward boundaries
4 Jul - 4 Sep 2017	Public consultation on draft recommendations for new electoral arrangements
31 Oct 2017	Publication of final recommendations by the Commission
May 2019	Subject to parliamentary approval - implementation of new arrangements at local elections

Summary of our recommendations

We have considered all the representations received in response to our request for warding proposals.

Our draft recommendations propose that Tewkesbury's 38 councillors should represent three three-councillor wards, twelve two-councillor wards and five one-councillor wards across the borough.

An outline of the proposals is shown in the map to the right of this box. A detailed report on the recommendations and interactive mapping is available on our website at: www.lgbce.org.uk.

The Commission welcomes comments on these draft recommendations whether you support the proposals or if you wish to put forward alternative arrangements. In particular, the Commission welcomes proposals for alternative boundaries or ward names which meet the criteria we must follow as part of electoral reviews and which are described in more detail over the page.

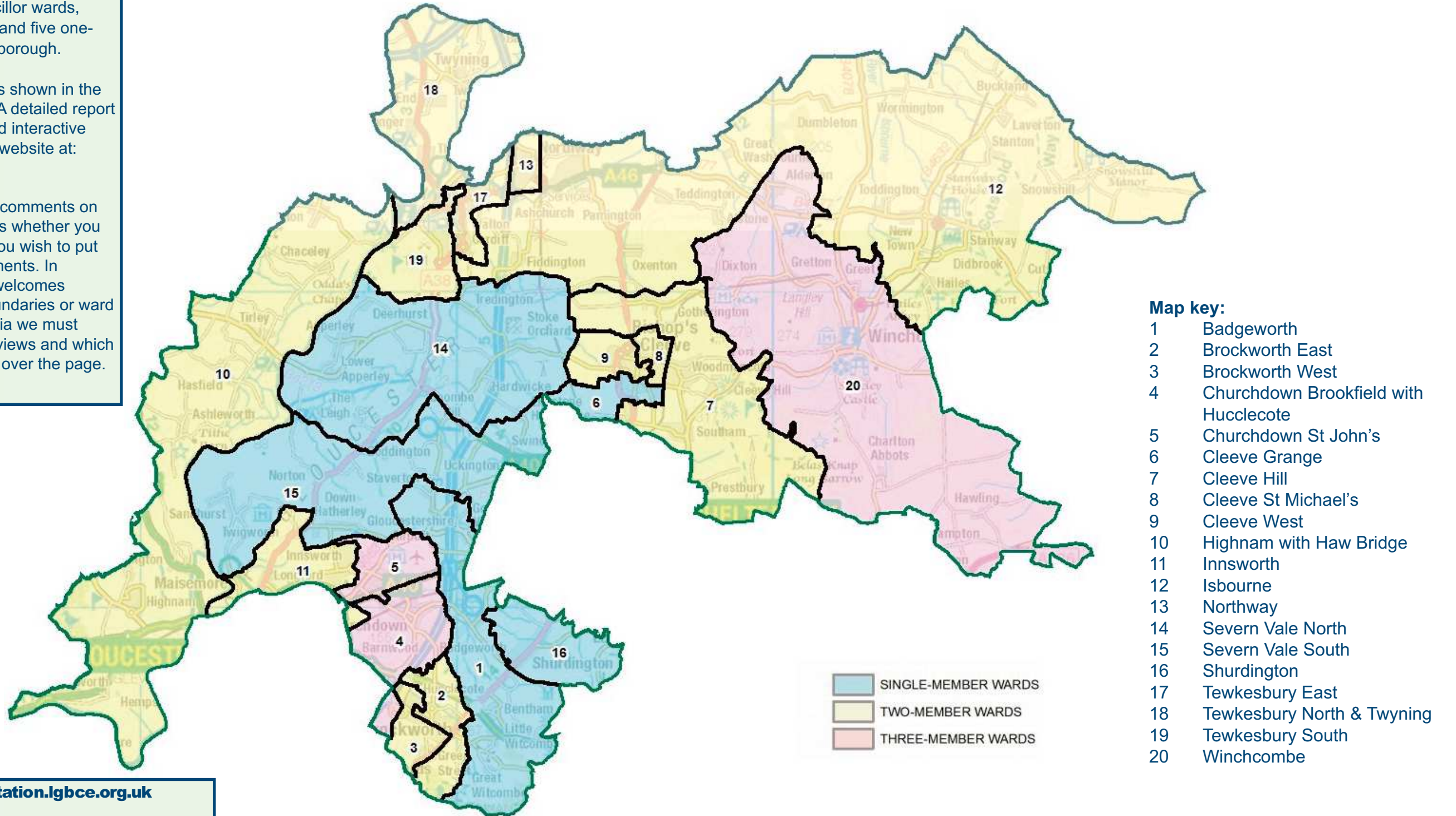
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Overview of draft recommendations for Tewkesbury Borough Council

View this map online and draw your own boundaries: consultation.lgbce.org.uk

Follow the review on Twitter: [@LGBCE](https://twitter.com/LGBCE)

If you are viewing this page online, click on the map to go straight to our interactive consultation area

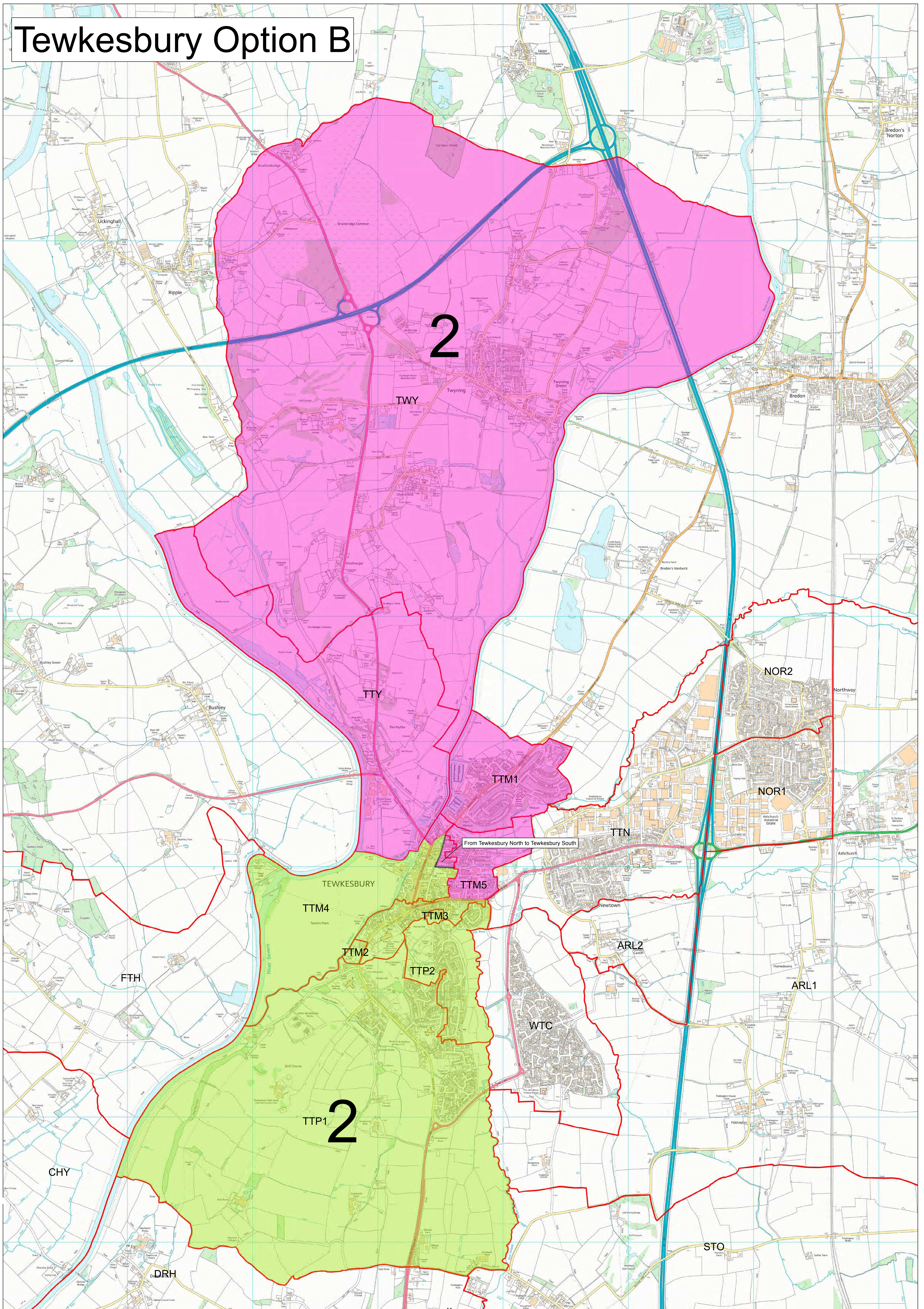


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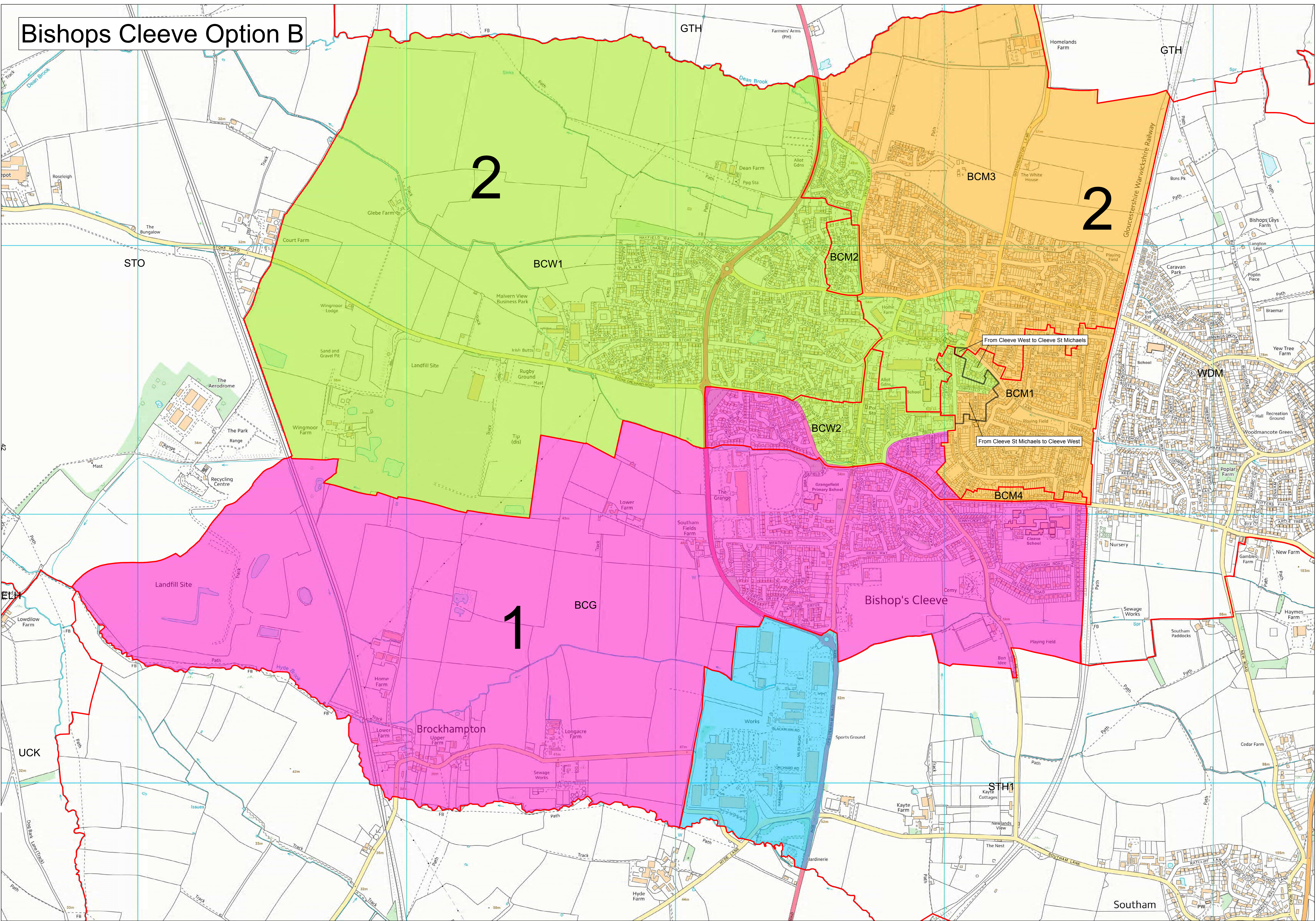
Have your say at consultation.lgbce.org.uk

- view the map of our recommendations down to street level.
- draw your own boundaries online.
- zoom into the areas that interest you most.
- find more guidance on how to have your say.
- read the full report of our recommendations.
- send us your views directly.

Tewkesbury Option B



Bishops Cleeve Option B



2

2

1

BCM3

BCM2

BCM1

BCW2

BCM4

BCW1

BCG

Brockhampton

Bishop's Cleeve

Southam

STO

GTH

GTH

From Cleeve West to Cleeve St Michaels

From Cleeve St Michaels to Cleeve West

STH1

UCK

WDM