

OFFICER DECISION

Decision: To consult on a revised draft CIL charging schedule			
Decision Date: 15 December 2023			
Type of Decision: Director	Key		Non-Key
			x
Portfolio Area that decision relates to:			
Leader (inc Corporate Services, Policy, Strategy & Partnerships)		Environment and Climate Emergency	
Economy & Transport		Finance, Performance, Major Projects & Equalities	
Children, Young People and Education		Children, Young People & Education	
Health, Wellbeing and Adults Social Care		Housing, Planning & Safer Communities	X
Background / Decision Summary:			
<p>At Executive in January 2023 it was decided that the Council should consult on a Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS). Delegated authority was given to the Corporate Director of Place, in consultation with the Executive Member for Finance and Major Projects, to consider the representations made to the consultation, to make any relevant modifications, and then submit the draft CIL Charging Schedule (and supporting documents) for examination by an independent Examiner.</p> <p>The consultation was undertaken in March 2023 and resulted in 33 responses. As a result of the responses, further sensitivity testing was commissioned from the Council's consultants to re-test some of the original viability testing assumptions based upon challenges received in the representations, including updating costings to 2023 data.</p> <p>Results of the further viability work have suggested that some of the CIL rates should be revised. The key changes relate to:</p> <ul style="list-style-type: none"> • Strategic sites, which previously had capacity to afford CIL, are proposed to be £0 rated. This includes ST4, ST31 and ST33; • Sheltered/retirement accommodation is proposed to be split between brownfield (£100 sqm rate) and greenfield (£0 rated) • All extra care accommodation is proposed to be £0 rated; • Purpose built student accommodation is now differentiated between on and off campus accommodation. A charge rate is only proposed where development is off campus; and • Retail development charges are amended to further reflect commercial viability assumptions. Retail is proposed to be £0. <p>Best practice recommends that the revised DCS is subject to consultation. The</p>			

benefits of this are that it should reduce the number of objections to the DCS and thereby make the examination process less complex and quicker. The results of the consultation will be reported to Executive to re-establish the Council's position to submit the schedule for examination.

Options Considered:

- To proceed with the original CIL DCS to Examination.
- To proceed with a revised CIL DCS to Examination without further consultation
- To consult on a revised CIL DCS prior to proceeding to Examination

Options Rejected:

- To continue with the original DCS . Sensitivity testing has indicated that some of the CIL rates should be amended to reflect current costs and market changes. If the rates are not changed before examination then the examination is likely to be a more complex and lengthy process.
- To proceed to examination on a revised DCS without further consultation. Undertaking further consultation allows respondents to consider the revised DCS and remove objections. This should result in a more straightforward examination.

Consultation Process:

A consultation on the original CIL DCS took place in February/March 2023 in accordance with Regulation 16 of CIL Regulations 2010. As such the consultation documents were made available on the Council website [<https://www.york.gov.uk/CILConsultation2023>] and at West Offices. Representations were invited through the Council's online consultation portal as well as paper copies being available on request. In accordance with the Regulations, neighbouring LPAs, parish councils and neighbourhood forums were directly informed of the consultation which was also advertised in the local press and via the Council's social media channels.

Consultation on the revised CIL DCS is proposed in accordance with Regulation 16 of the CIL Regulations 2010 although the timescale for consultation is extended to allow for the Christmas holiday period. Direct contact will made with those who previously responded to the CIL consultation and/or indicated that they wanted continuing contact regarding CIL as well as agents and statutory consultees of the process. Responses will be invited by email only in relation to the revised additional information published on the website.

Implications

Crime & Disorder		Equalities		Highways	
Human Resources		Legal		ICT	
Financial		Affordability	X	Property	
Climate Change		Health		Other	
Environment	X	Human Rights			

Implications Contact: Alison Cooke, Head of Strategic Planning Policy

Level of Risk: Low

Wards Affected:

All Wards	X	Fishergate		Holgate		Rural West York
Acomb		Fulford & Heslington		Hull Road		Strensall
Bishopthorpe		Guildhall		Huntington & New Earswick		Westfield
Clifton		Haxby & Wigginton		Micklegate		Wheldrake
Copmanthorpe		Heworth		Osbalwick & Derwent		
Dringhouses & Woodthorpe		Heworth Without		Rawcliffe & Clifton		

Comments/Observations:

Decision: To consult on a revised draft CIL charging schedule

Decision Made by: Neil Ferris, Corporate Director of Place in consultation with Executive Member for Housing, Planning and Safer Communities (inc Local Plan)

Contact Details: email: neil.ferris@york.gov.uk;

On behalf of: Corporate Director of Place

To be implemented by: Alison Cooke

On Completion – Signed off by:

Date:

15.12.23



Neil Ferris
Corporate Director of Place