

Subject:	Planning Application Validation Review - Community Infrastructure Levy		
Date of Meeting:	16 January 2020		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Paul Vidler	Tel: 01273 292192
	Email:	paul.vidler@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of the report is to seek agreement for the amendment of the planning application local validation criteria to require a completed Community Infrastructure Levy (CIL) Additional Information Form 1 as part of the validation process in conjunction with the planned introduction of CIL.

2. RECOMMENDATIONS:

- 2.1 That the Committee agrees the amendment of the planning application local validation criteria to require a completed CIL Additional Information Form 1 as part of the validation process from 2nd March 2020 for all applications for full planning permission, including householder applications and reserved matters following an outline planning permission, and applications for lawful development certificates.
- 2.2 That the Committee agrees the validation requirement set out in paragraph 2.1 will lapse if Full Council does not approve the commencement of CIL on 2 April 2020.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The council is planning on introducing a Community Infrastructure Levy (CIL) on all liable planning permissions granted approval on and from 1st June 2020. This is subject to approval by Full Council on 2nd April 2020. CIL is a non-negotiable financial payment which will pay for infrastructure across the City.
- 3.2 In Brighton & Hove, CIL will be levied on developments for Residential (C3); Extra Care/ Assisted Living (C2); Purpose Built Student Housing/ Purpose Built Shared Living Accommodation and Retail uses, subject to the CIL Regulations 2010 (as amended) criteria.
- 3.3 In order to assess whether a development is CIL liable, the council will require a completed CIL Additional Information Form 1 as part of the planning application validation process from 2nd March 2020. This date allows for an appropriate

lead in time before the CIL implementation date of 1st June 2020. The validation requirement will lapse if Full Council does not approve the commencement of CIL on 2 April 2020.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Committee can decide not to require the submission of the CIL Additional Information Form 1 as part of the validation process, however the submission of the form at this stage provides certainty for the applicant and the council early in the development process on CIL liability and is common practice for those local planning authorities that have introduced a CIL.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 In accordance with current guidance, a 4 week consultation has been undertaken seeking views from residents, businesses, property owners, developers, agents, community groups, council teams and other stakeholders on the change to the planning application validation requirements. The consultation responses are set out in Appendix 1.
- 5.2 [Analysis of consultation responses following closure of consultation on 15/12/19 to be inserted]

6. CONCLUSION

- 6.1 Agreeing the amendment of the planning application local validation criteria to require the submission of the CIL Additional Information Form 1 as part of the validation process will provide certainty for the applicant and the council early in the development process on CIL liability.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications of the proposed new planning application validation criteria. It is assumed that any associated costs of delivering this will be adsorbed within existing budgets. This will be monitored and reviewed as part of ongoing budget monitoring and setting.

Finance Officer Consulted: Jess Laing

Date: 11/12/2019

Legal Implications:

- 7.2 Section 62 (3) of the Town and Country Planning Act 1990 provides that local planning authorities may require that certain particulars and/or evidence is included with an application for planning permission. However, such information must be reasonable having regard, in particular, to the nature and scale of the proposed development and relate to a matter that it is reasonable to think would be a material consideration in the determination of the application (Article 11(3) (c) of The Town and Country Planning (Development Management Procedure) (England) Order 2015). The list of requirements must be published on the

Council's website. The inclusion of the CIL Additional Information Form 1 within the Council's validation criteria would comply with the statutory requirements.

Lawyer Consulted: Hilary Woodward

Date: 11/12/19

Equalities Implications:

- 7.3 There are no equalities implications in relation to the proposals contained in the report.

Sustainability Implications:

- 7.4 There are no sustainability implications in relation to the proposals contained in the report.

Any Other Significant Implications:

- 7.5 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Responses to consultation

Background Documents

None.

