



Cabinet

Thursday, 22nd September, 2016 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:	Ray Dawe	Leader
	Jonathan Chowen	Deputy Leader and Leisure and Culture
	Philip Circus	Housing and Public Protection
	Roy Cornell	Waste, Recycling and Cleansing
	Brian Donnelly	Finance and Assets
	Gordon Lindsay	Local Economy
	Kate Rowbottom	Community and Wellbeing
	Claire Vickers	Planning and Development

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

Agenda

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1. Apologies for absence	
2. Minutes	3 - 4
To approve as correct the minutes of the meeting held on 18 th August 2016	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Cabinet	
4. Announcements	
To receive any announcements from the Leader, Cabinet Members or the Chief Executive	
5. Public Questions	
To receive questions from and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting	
6. Community Infrastructure Levy and Planning Obligations	5 - 48
Report of the Cabinet Member for Planning and Development on the Community Infrastructure Levy Draft Charging Schedule and Planning Obligations & Affordable Housing Supplementary Planning Document	

7.	Statement of Community Involvement 2016	49 - 66
	Report of the Cabinet Member for Planning and Development on the Statement of Community Involvement 2016 - setting out how the Council intends to consult on its local plan documents and for planning applications	
8.	Private Sector Housing Assistance Policy	67 - 74
	Report of the Cabinet Member for Housing and Public Protection on a proposal to update the Private Sector Housing Assistance Policy to increase the scope of discretionary disabled facilities grants	
9.	Construction of new Multi-Use Games Area pitches at Broadbridge Heath Leisure Centre	75 - 80
	Report of the Cabinet Member for Leisure and Culture on the appointment of a contractor for the construction of new Multi-Use Games Area pitches at Broadbridge Heath Leisure Centre	
10.	Commercial Waste Disposal	81 - 88
	Report of the Cabinet Member for Waste, Recycling and Cleansing on Commercial Waste Disposal - appointment of contractor	
11.	Purchase of wheeled bins	89 - 94
	Report of the Cabinet Member for Waste, Recycling and Cleansing on the purchase of wheeled bins	
12.	Overview & Scrutiny Committee	
	To consider any matters referred to Cabinet by the Overview & Scrutiny Committee	
13.	Forward Plan	95 - 102
	To note the Forward Plan	
14.	To consider matters of special urgency	

Cabinet
18 AUGUST 2016

Present: Councillors: Ray Dawe (Leader), Jonathan Chowen (Deputy Leader and Leisure and Culture), Philip Circus (Housing and Public Protection), Roy Cornell (Waste, Recycling and Cleansing), Brian Donnelly (Finance and Assets), Gordon Lindsay (Local Economy), Kate Rowbottom (Community and Wellbeing) and Claire Vickers (Planning and Development)

Also Present: Councillors: Leonard Crosbie and Nigel Jupp

EX/24 **MINUTES**

The minutes of the meeting of the Cabinet held on 21st July 2016 were approved as a correct record and signed by the Leader.

EX/25 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

EX/26 **ANNOUNCEMENTS**

The Cabinet Member for Leisure and Culture gave an update on car parking issues at Southwater Country Park. It was noted that additional overflow parking had been provided. Officers and local Members would continue to look for additional solutions.

EX/27 **PUBLIC QUESTIONS**

No questions had been received.

EX/28 **REPLACEMENT OF THE FINANCIAL MANAGEMENT SYSTEM**

The Cabinet Member for Finance and Assets reported that no extension was permitted to the current contract for the Council's financial management system (FMS), which would expire in November 2017. A procurement exercise had therefore been carried out, jointly with Adur-Worthing Council, to choose a modern, fit for purpose replacement FMS. Implementation of the new FMS system would run concurrently with the old system, with the intention of a go-live date in the summer of 2017.

Details of the results of the tender process were submitted.

Whilst the Finance and Assets Policy Development Advisory Group had not met since the tender exercise had concluded, the views of the members of the

Group had been sought and all those who had responded supported the proposal.

RESOLVED

That the contract for a new financial management system be awarded to Company C, as detailed in Appendix 1 to the report.

REASON

The Council's current FMS contract expires in November 2017 and the Council is required to purchase a new FMS to ensure that an effective and robust financial system is in place.

EX/29 **OVERVIEW & SCRUTINY COMMITTEE**

There were no matters currently outstanding for consideration.

EX/30 **FORWARD PLAN**

The Forward Plan was noted.

EX/31 **TO CONSIDER MATTERS OF SPECIAL URGENCY**

There were no matters of special urgency to be considered.

The meeting closed at 4.53 pm having commenced at 4.30 pm

CHAIRMAN

Report to Cabinet

22 September 2016

By the Cabinet Member for Planning and Development



Horsham
District
Council

Not Exempt

Community Infrastructure Levy – Summary of Consultation Responses and Recommended Changes

Executive Summary

Horsham District Council invited representations on its Community Infrastructure Levy (CIL) Draft Charging Schedule in line with the requirements of Regulation 16 of the CIL Regulations 2010 (as amended), from 6 May to 17 June 2016. The relevant evidence supporting the Draft Charging Schedule was published alongside and comments were invited. A total of 24 people or organisations responded.

A single issue was raised, which could be resolved, but would require more than a minor change to the Draft Charging Schedule. This was the request by a developer that another strategic site in the District should have a zero CIL charge as the developers are concerned that there is no flexibility in the CIL Draft Charging Schedule or the current regulations that would allow for them to amend their applications, if needed in the future, to effectively deliver the site. Whilst the Council resolution on 24 February 2016 approving the Draft Charging Schedule for consultation gave the Cabinet Member for Planning and Development delegated authority to agree minor editorial changes, the change required to address the issue for the existing strategic sites would be more than minor editorial changes, **although the rate and the amount of CIL that would be generated would remain unchanged as the infrastructure would be delivered through Section 106 agreements as is currently planned.**

The principle of this proposed modification to allow an additional strategic site – (Kilnwood Vale) to have a zero CIL charge is explained and presented in this report for Cabinet approval. Additional evidence has been produced to support and test the viability of this proposal. This evidence as well as the detailed wording of the change to the document will be subject to targeted public consultation before submission of the CIL Draft Charging Schedule, Proposed Modifications (and any comments on the Proposed Modifications) for examination by an independent Examiner. The Examination could then take place directly following the consultation on the Proposed Modifications.

As the Proposed Modifications aim to address this main issue as well as minor issues raised during the preparation of the Draft Charging Schedule, the Council would have done all it could to minimise the length of the examination and ensure that the adoption of it's CIL charge in a timely way.

Recommendations

Cabinet is asked to approve the following recommendations:

- i) That an additional strategic site (Kilwood Vale) should be zero rated for CIL.
- ii) That the Proposed Modification in recommendation (i) is subject to 4 weeks consultation, prior to submission for Examination.
- iii) That the Cabinet Member for Planning and Development has delegated authority to agree minor editorial changes.

Reasons for Recommendations

- i) To take into account issues raised during the consultation period that would address concerns about the deliverability of a key allocation within the HDPF and lead to the Examiner finding CIL appropriate for adoption by the Council.
- ii) To ensure that the Examiner has clarity on any outstanding issues prior to his examination. Note that the 4 week consultation period on proposed modifications is a requirement of the CIL Regulations.
- iii) To undertake minor editorial or typographical amendments.

Background Papers

Appendix 1 - Draft Charging Schedule (May 2016) – showing suggested amendments.

Appendix 2 - CIL Draft Charging Schedule, Consultation Report Statement of Representations (Regulation 19)

Appendix 3 – Statement from Dixon Searle Partnership, September 2016

Draft Charging Schedule (including the Regulation 123 list) (May 2016)

Infrastructure Delivery Plan (May 2016)

Draft Planning Obligations & Affordable Housing SPD (May 2016)

Preliminary Draft Charging Schedule July 2014

Wards affected: All.

Contact: Dr Chris Lyons, Director of Planning, Economic Development & Property, Julia Dawe, Planning Policy Advisor.

Background Information

1 Introduction and Background

- 1.1 The Horsham District Planning Framework (HDPF) was adopted in November 2015 so the Council is looking to develop its Community Infrastructure Levy (CIL) that will set a charge on new development to help fund infrastructure set out in the Local Plan. Horsham District Council invited representations on its Community Infrastructure Levy (CIL) Draft Charging Schedule in line with the requirements of Regulation 16 of the CIL Regulations 2010 (as amended), from 6 May to 17 June 2016. This was the second and final statutory consultation stage required before the document is submitted for Examination by an independent Examiner. The Draft Charging Schedule addressed the following matters which had arisen since the publication of the Preliminary Draft Charging Schedule:
- It took account of the comments made at the previous consultation stage, which were incorporated, where possible in the Draft Charging Schedule and accompanying consultation documents.
 - It had updated viability evidence produced by a different company (Dixon Searle Partnership - current consultants).
 - Took account of the adopted strategy in the HDPF.

2 Relevant Council policy

- 2.1 In March 2012 the Government published the National Planning Policy Framework (NPPF). One key element of the NPPF is to ensure that sufficient infrastructure such as transport, community, leisure, health and education have been identified to support new development and that the development identified in the Development Plan is viable. CIL was introduced by the Planning Act 2008 and its application in subsequent CIL Regulations issued in 2010 and amended thereafter, is a tool which local authorities can choose to charge on new development within its area, when it is viable to do so.
- 2.2 The HDPF sets out what development is likely to come forward over the Plan period to 2031. The CIL charge ensures that an appropriate levy is set to ensure that the plan is economically viable and sufficient infrastructure is identified to deliver the proposed development.

3 Details

- 3.1 Horsham District Council invited representations on its CIL Draft Charging Schedule in line with the requirements of Regulation 16 of the CIL Regulations 2010 (as amended), from 6 May to 17 June 2016. Consultation responses were received from 24 people or organisations. These were from 5 statutory consultees including West Sussex County Council, 9 developers, 7 Parishes or Neighbourhood Councils, and 3 residents. A summary of the key issues raised during the consultation and commentary on the requested changes on the Draft Charging Schedule are;
- Developers made various observations about strategic sites and their viability. The developers of Kilnwood Vale requested that their site should be zero rated.

This would require a change to the CIL - Draft Charging Schedule by inserting a reference to this site to be zero rated. This would be a more than minor editorial change.

- Some residents and Parishes/Neighbourhood Councils queried how the funding gap will be addressed. This is an information sharing issue rather than a requested change to the document. This could be addressed by producing further information and minor editorial changes to the CIL Draft Charging Schedule and supporting documents.
- The zero charging rate for the strategic site at land north of Horsham was both supported and opposed. This matter and these opinions will be considered as part of the Examination; therefore no changes are required.
- Clarification was sought on various matters, including how CIL works alongside Neighbourhood Planning. To address this there could be minor editorial changes to the documents to make this matter clearer. Various points were raised, generally from the development industry, about the wording or implementation of certain procedures such as payment in kind, instalments polices and commencement definitions. These points will be considered as part of the Examination and therefore no changes are required.

3.2 Comments were also received on the supporting evidence that were more technical or seeking clarification:

- **Viability evidence** - a resident commented that the figures had varied from previous information and believed that some of the assumptions were erroneous.
- **Infrastructure Delivery Plan (IDP)** - some items on the IDP were supported and some further updates were suggested. As this is a live list, the IDP submitted for examination will be up to date, taking into account the latest projects and developments.
- **Draft Planning Obligations and Affordable Housing Supplementary Planning Document** – Comments sought clarification about the availability of viability assessments for development and the wording of the affordable housing section.

All of these issues can be addressed by minor changes to wording or clarification in the supporting documents.

3.3 The detailed changes that are recommended are now inserted in the Draft Charging Schedule (Appendix 1) and all the changes are set out in the Statement of Representations appended to this report (Appendix 2). The main change, as per the first bullet point in paragraph 3.1 is for the Kilnwood Vale strategic site to be zero rated; a change which is supported by the independent expert view of viability consultants Dixon Searle Partnerships, as set out in the statement attached at Appendix 3. This is because it already has a Section 106 agreement which is delivering the required infrastructure that is necessary to deliver this development and was not therefore intended to attract CIL payments. This proposed change is to ensure that the delivery of this key strategic site is not held up if there are any future amendments to the original planning permission. If this site were zero rated for CIL, in the event of them needing new planning permission, which is possible given the extended build-out period of this strategic site, the original section 106 agreement would simply be updated. This is considered to be a more efficient

mechanism than charging CIL and then calculating the necessary discount to the amended section 106 agreement and more importantly, it guarantees the delivery of essential infrastructure.

- 3.4 Whilst the Council resolution on 24 February 2016 approving the Draft Charging Schedule for consultation gave the Cabinet Member for Planning and Development delegated authority to agree minor editorial changes, the change required to address the issue of this strategic site would be more than a minor editorial change. **The rate per square metre charge for CIL in the District would remain unchanged and there would be no change to the amount of CIL collected as a result of the proposed changes.**
- 3.5 All comments and suggested major and minor changes are detailed in the attached Regulation 19 Statement of Representations in Appendix 2.

4 Next Steps

- 4.1 The Proposed Modifications to the CIL Draft Charging Schedule as informed by further advice, to add the Kilnwood Vale site to the CIL Zone 2 on the map to be zero rated for CIL, have now been produced.. These Proposed Modifications and the supporting evidence will be subject to targeted public consultation for a four week period, following which they will be submitted to the Examiner along with any comments received.
- 4.2 The revised Draft Charging Schedule, its supporting documents, including the Proposed Modifications and comments received, and the Regulation 19 Statement of Representations will be submitted for Examination to a CIL Examiner. The Examiner will consider the modifications proposed to the Draft Charging Schedule. There may also be other modifications that arise during the course of the Examination. If the CIL Examiner considers that the Draft Charging Schedule (with any Proposed Modifications) is an appropriate basis for CIL in the district, it will be recommended for adoption.

5 Views of the Planning and Development Policy Development Advisory Group and Outcome of Consultations

- 5.1 The views of the Planning and Development Policy Development Advisory Group have been sought and they endorsed the recommendation that changes should be made to the Draft Charging Schedule to address the concerns of consultees, particularly the issue of the deliverability as reported to this Cabinet meeting. Such changes to the CIL Charging Schedule are in common with a number of other authorities with approved strategic development sites.
- 5.2 The Monitoring Officer and the Director of Corporate Resources have been consulted about the proposed changes and are supportive of these as there is no change to the CIL rate and the overall amount of CIL estimated to be collected would remain unchanged.

6 Other Courses of Action Considered but Rejected

- 6.1 The Council could decide not to address the concerns raised and not put forward any changes. This may lead to an extended or even suspended Examination or, at worse, the CIL Charge being found unsound.

7 Resource Consequences

- 7.1 The adoption of CIL is important to help fund infrastructure needed to support growth in the area. It is considered that the Council has greater control over how and when CIL is spent compared to Section 106 agreements.
- 7.2 Preparation of the Proposed Modifications to the Draft Charging Schedule will be funded within existing budgets, including consultancy support where required.
- 7.3 Although not directly a Horsham District Council financial matter it should be noted that part of the funds raised can be used by local communities to address the impacts of new development in their neighbourhood (essentially 15% of receipts to Parish Councils and 25% where a Neighbourhood Plan is made).
- 7.4 There are no staffing consequences resulting from this decision.

8 Legal Consequences

- 8.1 There are no legal implications of this report.

9 Risk Assessment

- 9.1 There are no risks identified at this stage provided that Proposed Modifications are put forward as part of the Examination and that they are subject to public consultation. There may be a six week period when the decision to adopt the CIL may be judicially reviewed. Once this time has elapsed after the CIL will be fully operative.

10 Other Considerations

- 10.1 There are no Crime & Disorder; Human Rights; Equality & Diversity or Sustainability consequences resulting from this decision.



Horsham
District
Council

**Community Infrastructure Levy (CIL)
Draft Charging Schedule
Consultation Amendments**

May 2016

(Revised September 2016)

Consultation – Community Infrastructure Levy: Draft Charging Schedule

The consultation on the Community Infrastructure Levy (CIL): Draft Charging Schedule is the second stage in the preparation of a CIL Charging Schedule. All responses received will be considered prior to submitting the CIL Draft Charging Schedule for independent examination.

The consultation document and supporting evidence are available for viewing and comment here;

<https://www.horsham.gov.uk/planningpolicy/planning-policy/current-consultations>

However, if preferred, comments can be emailed to strategic.planning@horsham.gov.uk or sent to: Strategic Planning Team, Parkside, Chart Way, Horsham, RH12 1RL.

Or by post:

Strategic Planning Team
Parkside
Chart Way
Horsham
RH12 1RL

The consultation period on the Draft Charging Schedule runs from consultation from;

6 May 2016 to 5pm on Friday 17 June 2016.

Please note that all comments will be made public.

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1. Introduction

What is the Community Infrastructure Levy?

- 1.1 The Community Infrastructure Levy (CIL) is a charge placed on new development. The funds raised help to pay for a wide range of infrastructure to support development across Horsham District. CIL is intended to supplement rather than replace other infrastructure funding streams and to help ensure that new development is supported by the infrastructure it requires, which in turn helps to ensure that the Horsham District Planning Framework (HDPF) can be implemented effectively. CIL funds are meant to help fund new, or upgrade existing infrastructure to support growth, rather than being used simply in order to cover the cost of existing deficiencies.
- 1.2 The powers for Councils to introduce CIL were provided by Part 11 of the Planning Act 2008 and by the CIL Regulations 2010, which came into force in May 2010 and have since been amended by the CIL Amendment Regulations 2011, 2012, 2013 and 2014.

What is the purpose of this document?

- 1.3 This Draft Charging Schedule is the second stage in the preparation of Horsham's CIL and is produced for the purposes of consultation under Regulation 16 of the CIL Regulations 2010 (as amended). The document, including the proposed charge rates set out below, has been amended in order to take account of the consultation responses received on the 'Preliminary Draft Charging Schedule' in addition to the new and updated evidence base that has been prepared since the previous consultation in early summer 2014.
- 1.4 Following the consultation on this Draft Charging Schedule, the document will be submitted, together with copies of any representation received, for examination by a planning inspector.

What area is covered by this document?

- 1.5 The CIL Charging Area covered by this document comprises the area of Horsham District, except those parts in the south of the District that fall within the boundaries of the South Downs National Park.
- 1.6 The South Downs National Park Authority (SDNPA) is a CIL Charging Authority in its own right and intends to introduce its own CIL within its area. Until the National Park CIL is in place, Horsham District Council will continue to collect Section 106 contributions from relevant development within the National Park areas at the south of the District under the current delegation planning agreement between the two authorities.
- 1.7 The Charging Area relevant to this document is shown on **Map 1** (see below).

Which types of new development need to pay CIL?

- 1.8 The charge is levied on new building developments that create net additional floorspace, where the gross internal area of the new build will be more than 100 sq.m. The charge is also levied on those developments creating one or more new dwellings, even where the gross internal floorspace of the new build is less than 100 sq.m (but see exemptions below).
- 1.9 Where CIL is chargeable there will be a legal obligation to pay it and it will not be negotiable. Anybody involved in a new development can take on the liability to pay the CIL charge but ultimately, if nobody else takes on this liability, it will fall to the landowner to pay the CIL. In order to benefit from the Council's proposed payment instalments policy, somebody must let the Council know that they will be liable for the CIL charges.

Which types of development are exempt or gain relief from paying CIL?

- 1.10 The levy will not be charged on redevelopment or changes of use that do not involve a net increase in floorspace. Sub-divisions of existing dwellings to form other dwellings will also not be charged. Structures which are not buildings, or which people do not normally go into will not be liable, in accordance with the CIL regulations. The CIL Regulations make a range of exemptions, in addition to providing relief from CIL in some circumstances. These are set out in the National Planning Guidance and, at the time of preparing this document, include:
- Development of less than 100 square metres (see Regulation 42 on Minor Development Exemptions) – unless this is a whole house, in which case the levy is payable;
 - Houses, flats, residential annexes and residential extensions which are built by 'self builders' (see Regulations 42A, 42B, 54A and 54B, inserted by the 2014 Regulations);
 - Social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2014 Regulations);
 - Charitable development that meets the relief criteria set out in Regulations 43 to 48;
 - Buildings into which people do not normally go (see Regulation 6(2));
 - Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (see Regulation 6(2));
 - Structures which are not buildings, such as pylons and wind turbines;
 - Vacant buildings brought back into the same use (see Regulation 40 as amended by the 2014 Regulations);
 - Mezzanine floors of less than 200 square metres, inserted into an existing building, unless they form part of a wider planning permission that seeks to provide other works as well; and
 - Any total levy liability calculated to be less than £50 is deemed to be zero, so no levy is due.

What will CIL be spent on?

- 1.11 There is a wide range of infrastructure that CIL can be used to fund, as long as everything funded helps to support the development of the area. The intention is that the infrastructure funded through the levy will help to deliver the development proposed within the Horsham District Planning Framework (HDPF), which was adopted in November 2015. The focus of infrastructure spending from the levy should be on the provision of new infrastructure required to support growth and it should only be used to improve existing deficiencies where these will be made worse by proposed new development.
- 1.12 The Council's immediate priorities for spending CIL receipts are set out in a document known as a 'Regulation 123 List'. The draft Regulation 123 List is included as Annex 1 of this document and its contents will be subject to independent examination alongside the Charging Schedule. In addition to providing some clarity about what the Council intends to spend CIL receipts on, the Regulation 123 List provides payers of CIL with the information they need to ensure that the Council is not seeking to 'double charge' for infrastructure items through both CIL and through the residual Section 106 contributions that may still be required in certain circumstances, once CIL is introduced. To be clear, the Council will not require Section 106 contributions for any infrastructure project or type that is included on the Regulation 123 List for funding in part or in whole through CIL.
- 1.13 In accordance with the Localism Act 2011 and the CIL Regulations, a portion equalling 15% of CIL receipts (known as the 'neighbourhood share') will be passed directly to those Parish and Neighbourhood Councils where development has taken place (see Regulation 59A for details). Where chargeable development takes place, within the Parish up to £100 per existing council tax dwelling can be passed to the Parish or Neighbourhood Council, each year, to be spent on local priorities (see Regulation 59C for details). The spending priorities for the 'neighbourhood share' are determined locally and are not included within Horsham District Council's Regulation 123 List. Local areas could choose to use some of the 'neighbourhood share' to develop a neighbourhood plan where it would support development by addressing the demands that development places on the area.
- 1.14 Normally the 'neighbourhood share' will amount to 15% of the relevant CIL receipts (subject to the annual limit referred to above). However, areas parishes that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25% of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit. For this to apply, the neighbourhood plan must have been 'made' before a relevant planning permission first permits development. It should be noted that whilst Horsham's Neighbourhood Councils may still benefit from the 15% or 25% 'neighbourhood share', as appropriate, they will not receive the funding directly but it will be spent on their behalf by Horsham District Council, in consultation with the local community.

- 1.15 The CIL Regulations provide for Charging Authorities to apply up to 5% of CIL receipts to the fund the administrative costs incurred in the introduction and operation of CIL. The Council proposes to make use of these powers, although the amount that will be spent on CIL administration will reflect the costs incurred, the extent of which are not yet known.

How does CIL relate to Section 106?

- 1.16 Horsham District Council currently collect financial contributions from new development through legal agreements signed under Section 106 of the Town and Country Planning Act 1990 (as amended). These contributions are also known as 'planning obligations'.
- 1.17 Through the introduction of the CIL legislation, the Government has 'scaled back' the use of planning obligations as CIL is viewed as a replacement for the use of planning obligations in many, but not all, circumstances. With the introduction of CIL the use of planning obligations is restricted to site-specific impacts of new development, necessary on-site infrastructure and the provision of affordable housing.
- 1.18 Since April 2015, Regulation 123 of the CIL Regulations has placed a national restriction on the traditional approach of 'pooling' Section 106 contributions from numerous developments towards the provision of infrastructure, such as schools or roads. Such pooling is now only permissible for up to five separate planning obligations, for any given infrastructure project or type, that have been secured since April 2010.
- 1.19 Once CIL is introduced across Horsham District, the Council intends that the levy receipts will be used to fund much of the necessary infrastructure that was previously funded through the pooling of Section 106 contributions. However, the use of Section 106 contributions will continue in certain circumstances as is permitted under the new legislation. Therefore, both CIL and a scaled-back use of planning obligations will operate side by side in Horsham, as is the case in many parts of the country. The Council proposes to continue the use of planning obligations for the following main purposes:
- The provision of affordable housing (which falls outside of the CIL regime);
 - Securing delivery of key on-site infrastructure that is required to mitigate the impact of larger developments;
 - The provision of other site-specific measures, either on or off-site, which are necessary to make any given development acceptable in planning terms; and
 - For other purposes which do not require developer contributions, such as regulating the use of land (which falls outside of the CIL regime).
- 1.20 Further detail on the purposes for which the Council will continue to seek planning obligations can be found on the Draft Regulation 123 List attached as Annex 1 of this document. In addition, a revised Planning Obligations and Affordable Housing Supplementary Planning Document hasis currently being been prepared as background information for ~~and this will be published for consultation prior to the CIL Examination.~~

How will CIL be calculated and collected?

- 1.21 The CIL liability for any development is calculated at the point at which it is first permitted, usually by the granting of planning permission. The 'chargeable amount' will be calculated in accordance with Regulation 40 of the CIL Regulations 2010 (as amended) and this will involve multiplying the net additional 'gross internal area'¹ of the development by the relevant charge rate (or rates) in £ per square metre, taking any relevant demolitions into account.
- 1.22 For the majority of chargeable development, Horsham District Council will be the 'Collecting Authority' and once a development has been first permitted, the Council will issue a 'liability notice' setting out the amount of CIL due for payment once the development commences. The liability notice will also provide details of the procedure for paying CIL and indicate the likely consequences of any non-payment of CIL liability. The CIL Regulations provide powers for Collecting Authorities to take enforcement action, which may include financial penalties or the stopping of development.
- 1.23 Although CIL charges will become liable on commencement of that development, the Council is proposing to provide an 'instalments policy' which will set out the circumstances in which CIL liability may be paid in instalments over a period of time, following commencement of the development (see Section 4 below). It should be noted that CIL payers would need to undertake certain steps in order to benefit from the instalments policy, such as assuming liability to pay CIL and issuing a 'commencement notice' to the Council, prior to the commencement of development.
- 1.24 The CIL Regulations provide the Council with the discretion to accept CIL payments 'in kind', such as through the transfer of land or the completion of infrastructure works on or off the development site. The Council is proposing to allow payments in kind in line with the CIL Regulations.² It will remain in the Council's discretion whether to accept payments in kind.

When will the charge rates change or be reviewed?

- 1.25 The 'indexation' of levy charge rates is provided for to ensure that rates continue to reflect the costs of infrastructure provision that the levy will be used to fund. An annual index-linked adjustment to rates is set out in CIL Regulation 40 (as amended). This will involve the use of the 'All-in Tender Price Index', published by the Building Cost Information Service (BCIS). The adjustment to charge rates will be applied from 1st January each year, using the index figure published by the BCIS for the previous 1st November.

¹ The Council will use the definition of 'gross internal area' set out by the Valuation Office Agency which can be found on their website: <https://www.gov.uk/government/publications/measuring-practice-for-voa-property-valuations#a2>

² See Regulations 73 and 74 (as amended) and 73A and 73B, which were inserted by the CIL (Amendment) Regulations 2014.

- 1.26 In addition to annual indexation, the Council will have a duty to keep its adopted levy rates under review to ensure that they remain appropriate over time. The Council will need to consider both the planning policy context within which the levy operates as well as wider economic and market-related changes over time, which may indicate the need to adjust rates to ensure that they do not adversely impact on the overall viability of development across the District.
- 1.27 If evidence emerges to indicate that the adopted charge rates are no longer appropriate, the Council will commence the process of a formal review of the Charging Schedule. This will involve the same evidence requirements, consultation opportunities and examination that were required to introduce the initial Charging Schedule.

2. EVIDENCE BASE

2.1 The CIL legislation requires charge rates set out within a charging schedule to be informed by the 'appropriate available evidence'. In summary, this will include:

- Evidence of the need to introduce CIL, in terms of the need for infrastructure to support the growth of the area and the anticipated costs of providing the necessary infrastructure;
- Evidence of the anticipated revenue CIL could generate for funding infrastructure, relating to the amount of new development that is planned; and
- Evidence of the potential impact of the proposed CIL charge rates on the economic viability of development across the area.

2.2 Having prepared an evidence base, the CIL Regulations then require the Charging Authority to strike an appropriate balance between the desirability of funding infrastructure from CIL, taking account of other anticipated funding sources, and the potential effects that the introduction of CIL could have on the economic viability of development across the Charging Authority's area.

The Horsham District Planning Framework

2.3 The Horsham District Planning Framework (HDPF) is the District's 'Local Plan' and was adopted by the Council in November 2015. This document sets out how much development will take place in the period to 2031 and indicates, for strategic development, where that development will be located. The HDPF also identifies the level of development that is anticipated to come forward through Neighbourhood Development Plans and through 'windfalls'.

2.4 Policy 15 of the HDPF indicates that a total of 16,000 dwellings are planned for, although some have already been permitted or completed, or are likely to have been permitted when CIL is introduced. These new homes will not be liable to pay CIL. This means that it is likely that only one third of the planned homes have the potential to contribute to CIL over the remainder of the plan period.

2.5 In terms of non-residential development, Policy SD2 anticipates a new business park will be developed as part of the strategic development at North Horsham, with an indicative employment floorspace of 46,450 sq.m. Policy SD3 includes the potential for the development of up to 6,000 sq.m in retail floorspace at the new North Horsham local centre. Further retail and leisure development is anticipated to come forward as part of the redevelopment within the Broadbridge Heath Quadrant Opportunity Area, although no floorspace targets are set out within the policy.

Anticipated CIL Revenue

2.6 Based on the anticipated level of development within the HDPF, summarised above, the proposed CIL rates (see Table 1) have been used to produce an

indicative projection of CIL revenue. The total below is for the remaining plan period to 2031 and takes account of the likely impact of CIL relief for social housing and for self-build dwellings, but disregards the effect of annual indexation and any future review of CIL rates, which cannot be known at this stage. Using the above assumptions, the projected revenue from CIL would be **£24,122,875**.

Infrastructure Funding Gap

- 2.7 In order to establish the need to charge CIL, the Council must draw on its infrastructure planning work undertaken to support the HDPF. In essence, this needs to demonstrate that the gap in funding, between the total cost of infrastructure required to deliver development proposed in the HDPF and the known sources of funding, is sufficient to justify the need for CIL and the rates proposed.
- 2.8 The Horsham District Infrastructure Delivery Plan (IDP) was prepared in 2014 to support the Examination of the HDPF, and was published for consultation alongside the Preliminary Draft Charging Schedule. The IDP identified infrastructure schemes proposed to be funded, in whole or in part, through CIL and these amounted to £37,333,174.
- 2.9 Since the publication of the IDP in May 2014 the HDPF has successfully passed through its Examination and has been adopted. Consequently, there have been a number of changes in the nature and level of infrastructure requirements needed to support the development now set out within the adopted HDPF. Reflecting this, the Council has undertaken a thorough review of the infrastructure schedule, which was set out in Appendix A of the IDP, in order to bring it up-to-date for the purposes of the CIL evidence base.
- 2.10 The review did not include a comprehensive revision of the whole IDP, but focussed on the main infrastructure schedule, which lists the individual requirements, the likely costs, funding sources and the bodies responsible for delivery. The review included extensive engagement during the second half of 2015, with infrastructure and service providers. This included: West Sussex County Council; neighbouring local authorities; all of Horsham's parish and neighbourhood councils; statutory agencies; utility companies; the emergency services and other service providers.
- 2.11 The outcome of the review and engagement process is that the infrastructure, which is required to support the implementation of the HDPF, and which is identified for funding through CIL, now amounts to an anticipated cost of £38,181,985³. Therefore, the overall 'funding gap' is **£14,059,110**. In reality the gap is anticipated to be somewhat larger as, under the CIL Regulations, a portion of the total CIL revenue must be passed to local communities to spend on their own local priorities, which may not be the same as those in the Regulation 123 list. Whilst the updated infrastructure schedule takes account of

³ The revised Infrastructure Schedule shows the projected costs as a range and the figure indicated here is the mean point in that range.

these priorities, where they have been identified to the Council, these are not included within the updated total infrastructure cost figure set out above.

- 2.12 Given the substantial overall funding gap, evidenced through the revised infrastructure schedule and referred to above, the Council considers that there is clear justification for the need to introduce CIL across Horsham District.

Assessing the potential viability impacts of CIL

- 2.13 The CIL guidance states that charging authorities should use an area-based approach, involving a broad test of viability across their area. The emphasis, drawing on recent changes to the CIL legislation, is for the authority to demonstrate how the proposed CIL charge rates set an appropriate balance between securing additional investment to support new development and the impact this may have on the economic viability of development across the area.

- 2.14 As part of seeking to show that this balance has been achieved, the Council needed to undertake viability assessments on a sample of sites across the area covering a range of development types drawn from those proposed within the HDPF. In addition, where it is proposed to set differential rates of CIL, a more fine-grained sampling, on a higher proportion of total sites is required in order to set the boundaries between the different geographical zones or categories of use or scale of development that will be subject to differential rates.

- 2.15 The Council previously undertook full viability assessment work to inform the public consultation on the Preliminary Draft Charging Schedule (PDCS). That consultation took place in May and June 2014, with the viability and other evidence pre-dating that. Given the finalisation of the HDPF, the passing of time and associated market movements since the PDCS stage, the Council sought to fully update its viability evidence work, which has been undertaken by consultants at Dixon Searle Partnership (DSP) who are highly experienced in CIL viability evidence work. Further updating of the viability evidence was undertaken to consider Strategic Sites in the district.

2.16 Approach taken within the viability evidence

The DSP viability update assessment employed 'residual valuation principles' as a well-established and robust approach, consistent with most other CIL and Local Plan viability assessments. This approach involves deducting the all development costs (including build costs, finance, professional fees, sales costs and HDPF policy costs) from the estimated completed development (sales) value. This provides the ability to explore whether there is a viability scope to support a CIL charge. This is considered by reviewing whether a surplus exists from which CIL may be paid, and if so how much, after realistic land value and developer's profit expectations have been taken into account.

- 2.17 A large number of viability appraisals (several thousand all together) were run, so that the potential surplus to support CIL payments could be considered across an appropriate range of development scenario types and new-build property sales values – all representative of the variety of development expected to come forward through the HDPF. For this strategic overview,

suitable for informing CIL rate setting, it was not necessary or appropriate to appraise and review all conceivable development types and variations.

2.18 Viability evidence outcomes: Residential development

The evidence in the viability update assessment related to a range of residential development scenarios, which included retirement residential homes, throughout the District. The outcomes pointed to generally high residential property values and a high level of consistency between the residential land values across the area, when looking at the overview level appropriate to setting CIL rates. This was particularly the case when new-build housing, of the type most relevant to the HDPF delivery, was considered. Based on this evidence, and additional evidence work undertaken since the previous consultation on the Draft Charging Schedule, DSP recommended a simple approach to CIL rates for residential development. This would involve, with a single residential charge rate being applied across the District, but with the exception of the North of Horsham Strategic Development Area two key strategic sites, where particular circumstances indicated the need for a separate rate (see below).

2.19 In terms of the level of the District-wide residential rate, it will be noted that £125 per sq.m rate was previously proposed in the PDCS. However, DSP tested a wide range of potential CIL rates in the residential appraisals, both lower and higher than the previously proposed rate. This involved a fresh look at the values and development costs and, whilst increases were noted in both values and costs, the evidence points clearly to the improvement in values more than compensating for the observed build costs increases. This means that, in general, the underlying viability positions have consolidated and viability has improved to some degree. This can be seen, for example, by the strong rate of housing delivery in recent years, including a positive track record on securing affordable housing as part of that.

2.20 The viability evidence concludes that a residential CIL rate of up to £200 per sq.m would be realistic, without significantly harming viability when considered across the District as whole. However, such a rate could be considered to be at the margins of what residential development in some parts of the District could withstand. The National Planning Guidance on CIL is clear that charging authorities should avoid setting rates to the margins of viability. For this reason, and to ensure sufficient viability for continued delivery of affordable housing across the District at the appropriate HDPF policy target rates, the Council considers that such a level of rates would be too high.

2.21 Overall, when the updated viability evidence is considered alongside the most recent evidence of infrastructure needs to support the delivery of the level of residential development set out in the HDPF, it is clear that a modest increase, over the previously proposed charge rate originally proposed within the Preliminary Draft Charging Schedule, can be justified. Based on the recommended range set out in the updated viability evidence, the Council is therefore proposing a District-wide residential rate of £135 per sq.m.

2.22 Viability evidence outcomes: North of Horsham Strategic Development Area Key

Strategic Sites (North of Horsham and Kilnwood Vale)

As referred to above, land values were found to be broadly consistent across the District, when considered at the strategic level, which is appropriate for CIL purposes. However, it is important to keep in mind that other factors also influence the outcomes of viability appraisals. Large strategic-scale development involves considerable additional costs relating to site-specific infrastructure and other requirements necessary to make large-scale development acceptable in planning terms. Consistent with findings on similar strategic development elsewhere across the country, the evidence suggests that Section 106 (planning obligations) would prove a more adaptable and appropriate mechanism than CIL for addressing such site-specific costs with the certainty and flexibility required to ensure the strategic development remained deliverable.

2.23 Based on the viability evidence, as well as on the representations made by promoters of strategic sites within the District, The Council considers Of the strategic development set out in the HDPP, the North of Horsham Strategic Development is the only remaining scheme that two strategic sites could be 'caught' by CIL, once introduced across Horsham District: The North of Horsham Strategic Development Area and Kilnwood Vale.

2.24 In the case of the North of Horsham However, there is currently no clear or detailed picture of the overall infrastructure and development requirements for that particular scheme, so DSP applied typical cost assumptions for similar strategic sites. The resulting appraisal outcomes indicate clearly that such schemes have no viability headroom for the application of a fixed CIL charge in addition to the typical Section 106 costs assumed.

2.25 The latest viability evidence indicates that Kilnwood Vale shares many of the attributes of the North of Horsham site. Planning obligations have already been agreed for this development to fund the delivery of key infrastructure and there is clear evidence that, taking these existing commitments into account, the development would also be made undeliverable if it were subject to CIL at the standard residential rate. Although the main Kilnwood Vale development has already been granted planning permission, there may need to be some revision to the development that would require additional planning applications that would attract CIL liability following the introduction of CIL across Horsham District.

2.2264 Reflecting the outcomes of the viability evidence, DSP have recommended that a differential charge zone be created to include both the North of Horsham Strategic Development Area and Kilnwood Vale. It has been recommended, and that a £0 per sq.m CIL rate be applied within these 'strategic sites' charge zone for residential development.

2.275 Viability evidence outcomes: Retail Development
Following a similar approach to that used for residential development, the viability update assessment tested a range of retail development scenarios that could typically be expected to come forward within Horsham District. Each of these included the application of CIL rates both above and below the £100 per

sq.m that was previously proposed for all retail development (Use Classes A1 – A5) in the PDCS.

2.2628 The outcomes of the updated viability evidence indicate that 'larger format' retail development, such as supermarkets and retail warehouses, could be demonstrated to be generally viable with a levy rate set at £100 per sq.m. For smaller retail development however, the evidence indicated that even at lower levy rates, viability was seen to be more marginal. Therefore, the evidence suggests that a differential rate for retail development would be appropriate with 'large format' retail charged at £100 per sq.m and other types of retail development included within a £0 per sq.m rate to reduce the risk of contributing to the viability pressure on smaller retail development across the District.

2.2729 *Viability evidence outcomes: Other forms of development*

The update viability assessment also considered other types of development, which fall outside of the categories referred to above. This would include business and employment development (within the 'B' Use Class) in addition to care homes/nursing homes (in Use Class C2, which are not regarded as retirement homes), leisure development, community facilities and the sorts of development for which the public sector is typically responsible, such as schools and health clinics. A number of such uses were tested by DSP and they were each found to have insufficient viability to support any level of CIL other than a 'zero rate'.

2.2830 It is also important to note that, with the exception of 'employment floorspace', such uses are not forms of development proposed within the HDPF and very little additional floorspace in these sorts of uses is anticipated over the plan period. Therefore, the Council is proposing to set a 'standard CIL charge rate' of £0 per sq.m for these types of development.

3. DRAFT CHARGING SCHEDULE

- 3.1 The Draft Charging Schedule is set out in Table 1 below and has been prepared in accordance with the Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).
- 3.2 Horsham District Council is a Charging Authority according to Part 11 of the Planning Act 2008. Horsham District Council is proposing to charge the Community Infrastructure Levy at the following rates, relative to the proposed use of development (expressed as pounds per square metre). The Charging Area is the District of Horsham, excluding those areas within the boundaries of the South Downs National Park.

Table 1: Proposed CIL Rates (£ per square metre)

Residential Development ⁽¹⁾	CIL charge per m²
District-wide (Zone 1 – See Map 1)	£135
North of Horsham Strategic Development Area <u>Strategic Sites</u> (Zone 2 – See Map 1)	£0
Other Development (Across the Charging Area)	CIL charge per m²
'Large format' Retail Development including supermarkets ⁽²⁾ and retail warehousing ⁽³⁾	£100
'Standard Charge' (applies to all development not separately defined above, including, smaller retail development ⁽⁴⁾ , offices, warehouses, leisure, education and health facilities)	£0

Notes:

All class references are to the Use Classes as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended).

⁽¹⁾ This includes dwelling houses (C3), retirement homes falling within C3, houses in multiple occupation (C4), and purpose-built student accommodation (C2), but excludes all other forms of 'residential institution' in C2.

⁽²⁾ Supermarkets (or superstores) are shopping destinations in their own right where weekly convenience shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.

⁽³⁾ Retail warehouses are large stores specialising in the sale of: household goods (such as carpets, furniture and electrical goods); DIY items; and other ranges of goods, catering mainly for car-borne customers.

⁽⁴⁾ 'Smaller retail development' will exclude developments falling within the

definitions of supermarkets and retail warehouses (see above). For the avoidance of doubt, 'smaller retail development' will have a floor area for serving customers measuring up to and including 280 sq. m. (Sunday Trading Act 1994).

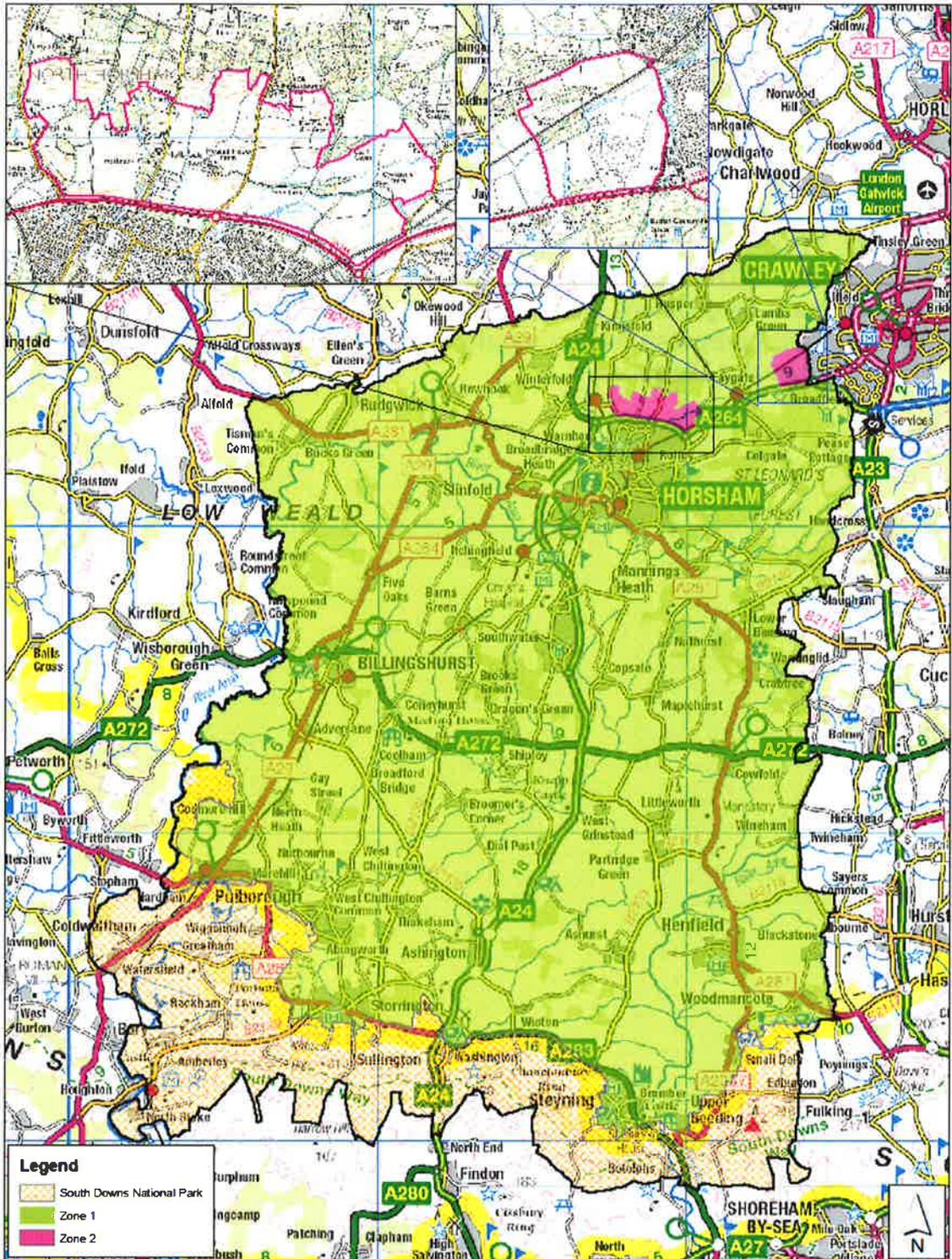
Calculating the Chargeable Amount of CIL

- 3.3 The Council will calculate the amount of CIL payable (the 'chargeable amount') in respect of a chargeable development in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

Statement of Conformity

- 3.4 This Charging Schedule has been prepared in accordance with the requirements of Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013 and 2014. The charging schedule has also been prepared having regard to the CIL Guidance, published within the National Planning Guidance.

Map 1: The Charging Area and the Differential Rate Charge Zones for the purposes of residential development Insert amended map adding another zone 2 in the Kilnwood Vale development area.



Horsham District Council
 Parkside, Chert Way, Horsham
 West Sussex RH12 1RL
 Chris Lyons : Director of Planning, Economic Development & Property
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CIL Charging Zones			
Scale : 1:110000 and 1:30000 insets (at A3)	Date : 09/02/2016	Reference No :	
Drawing No :	Drawn :	Checked :	Revisions : 14/09/2016

4. OTHER MATTERS BEING CONSULTED ON

- 4.1 The following matters are related to the introduction of CIL across Horsham District, but are not part of the Draft Charging Schedule. The Council has included these in the current consultation to ensure transparency in its approach and compliance with the National Planning Guidance. Comments on these matters are invited from all interested parties and the local community.

CIL Instalments Policy

- 4.2 In accordance with Regulation 69B of the CIL Regulations 2010 (as amended), The Council proposes to apply an Instalment Policy to all development liable to pay CIL. The discretionary payment of CIL by instalments will help to provide greater flexibility in dealing with certain larger development. The CIL legislation limits the payment of CIL by instalments to given proportions of the total CIL liability that may be paid at 'x' number of days following the commencement of development.
- 4.3 It should be noted that where an outline planning permission permits the development to be implemented in phases, each phase of the development will be a separate chargeable development for CIL purposes and so the Instalment Policy will apply to each separate phase. The Council's proposed Instalment Policy is set out below:

Total CIL Liability	Proportion of CIL liability to be paid within the given period
Up to £20,000	100% within 60 days of commencement
£20,001 to £50,000	50% within 60 days of commencement
	50% within 90 days of commencement
£50,001 to £250,000	50% within 90 days of commencement
	50% within 180 days of commencement
£250,001 to £500,000	25% within 90 days of commencement
	25% within 180 days of commencement
	25% within 360 days of commencement
	25% within 540 days of commencement
£500,001 or more	25% within 180 days of commencement
	25% within 360 days of commencement
	25% within 540 days of commencement
	25% within 720 days of commencement

Regulation 123 List

- 4.4 The Council has prepared a draft list in accordance with CIL Regulation 123 (as amended) and this can be found in Annex 1 below. The intention is that the Regulation 123 List would become effective on the same day as the Horsham

District CIL Charging Schedule.

- 4.5 Where items are excluded from the list in **Annex 1**, the intention is that Section 106 (planning obligations) would continue to be used for those purposes. Further details about these 'exclusions' and the uses for which the Council will continue to rely on Section 106 will be published within a Draft Planning Obligations and Affordable Housing Supplementary Planning Document (SPD), prior to the CIL Examination.

Payments in Kind

- 4.6 The CIL Regulations provide the Council with the discretion to accept CIL payments 'in kind', such as through the transfer of land or the completion of infrastructure works on or off the development site. The Council is proposing to allow payments in kind in line with the CIL Regulations.⁴ It will remain in the Council's discretion whether to accept payments in kind.

Discretionary Relief from CIL

- 4.7 The CIL Regulations allow charging authorities to permit discretionary relief from CIL in certain circumstances, which would result in a reduced, or nil CIL payment being accepted. The discretionary forms of relief available to charging authorities include:
- Development by charities for their own investment activities (as defined by Regulation 44);
 - Development by charities where the mandatory charitable relief would normally constitute State Aid (as defined in Regulation 45); and,
 - Where the District Council considers that there are exceptional circumstances to justify relief (as defined in Regulations 55 to 57).
- 4.8 Discretionary Charitable Relief
In accordance with Regulations 44 to 48 of the CIL Regulations 2010 (as amended) the Council proposes to offer discretionary charitable relief from CIL. There is already a mandatory relief from CIL for charitable development, which will be used mainly for charitable purposes. The additional discretionary relief the Council proposes to offer would come into effect for development where a charity has a material interest and where the purposes of the development are to generate profits that will be applied to charitable purposes.
- 4.9 The other form of discretionary charitable relief applies only in the circumstances in which the mandatory relief from CIL, for development to be used for charitable purposes, would constitute 'State aid' under EU law. In such cases, the charitable development may still benefit from the relief from CIL if the Council has satisfied itself that the offering of relief in that case would not need to be notified to and approved by the European Commission.

⁴ See Regulations 73 and 74 (as amended) and 73A and 73B, which were inserted by the CIL (Amendment) Regulations 2014.

4.10 Exceptional Circumstances Relief

Regulation 55 of the CIL Regulations 2010 (as amended) permits a charging authority to grant relief from liability to pay CIL in 'exceptional circumstances'. This may only happen if a planning obligation (Section 106 agreement) has been entered into in respect of the planning permission that permits the chargeable development and the Council considers that payment of the levy would have an unacceptable impact on the economic viability of development. In such cases, a developer would be expected to demonstrate this (as set out in Regulation 57) via an 'open book' approach with an agreed independent valuer (paid for by the developer). Relief in exceptional circumstances can also only be granted if it does not constitute 'notifiable State aid' (as defined in European Law).

4.11 It is not the intention of the Council to offer this type of relief at present. The circumstances in which a policy of this nature would be likely to be used would be rare, given that the proposed CIL rates are based on up-to-date viability evidence. Moreover, it would impose an additional layer of complexity in the administration and management of the CIL charge and increase overall costs of CIL administration. A policy to offer 'exceptional circumstances relief' could be introduced at any stage however, and so the Council will keep this under review.

ANNEX 1:

Draft Regulation 123 List

The draft Regulation 123 List below sets out those infrastructure projects or types of infrastructure that Horsham District Council, as CIL charging authority, may wholly or partly fund by the levy.

Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) ~~prohibits the use of~~ provides that planning obligations for infrastructure that will otherwise be funded by CIL cannot be taken into account as a reason for granting planning permission. Infrastructure types or projects that are listed below (in the left-hand column) will not be secured through planning obligations. This is to ensure there is no duplication between the funding of infrastructure through CIL and planning obligations secured through s106 agreements.

This list should be read in conjunction with the Draft Planning Obligations and Affordable Housing Supplementary Planning Document (SPD), which will set out the borough council's approach towards seeking planning obligations. The Draft Planning Obligations and Affordable Housing SPD will be published prior to the CIL Examination.

In accordance with CIL Regulation 59 (as amended) Horsham District Council will spend CIL funds on "the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area." The inclusion of a project or type of infrastructure on the list below does not signify a commitment from the District Council to fund (either in whole or in part) the listed project or type of infrastructure through CIL. Nor does the order of infrastructure items within the list imply or signify any order of preference or priority for CIL funding. The Council will review this list annually, as part of its monitoring of CIL collection and spending.

Draft Regulation 123 List – as amended post Council meeting

Infrastructure Projects to be funded at least in part by the CIL (provision, improvement, replacement, operation or maintenance)	Exclusions – To be funded by Planning Obligations, Section 278 Agreements or other sources of funding
<p>Transport infrastructure, including: Public transport infrastructure improvements Strategic Road corridor and junction improvements Pedestrian and cycle improvements</p>	<ul style="list-style-type: none"> • Specific on or off-site improvements or infrastructure required to make a development acceptable in planning terms. • All transport infrastructure required due to the strategic development at Zone 2 including: on-site infrastructure; all pedestrian and cycle linkages and crossings; off-site improvements and alterations to the highway network (including to the Strategic Road Network); and public transport infrastructure.
<p>Education infrastructure including: Additional Early Years provision Additional capacity for SEND (Special Educational Need and Disability) provision in mainstream schools Provision of additional primary and secondary school capacity within the district Additional capacity for Post 16 provision</p>	<ul style="list-style-type: none"> • On or off-site education infrastructure required specifically meet the needs of the strategic development at Zone 2, including: Early years provision; SEN - provision; two primary schools; one secondary school; and Post 16 provision.
<p>Leisure, sport and open space infrastructure relating to 'green links' and Public Rights of Way including: New indoor and outdoor sports and leisure provision and improvements to existing facilities New strategic open space and improvements to existing public open space facilities</p>	<ul style="list-style-type: none"> • Specific on or off-site improvements or infrastructure required to make a development acceptable in planning terms. • All sport, recreation and open space infrastructure and facilities required due to the strategic development at Zone 2 including: on-site formal and informal open space, sport and leisure facilities; all facilities required within the 'Landscape Buffer'; and off-site facilities necessary to mitigate the impact of the development on neighbouring communities.
<p>Community facilities infrastructure, including:</p> <ul style="list-style-type: none"> • Libraries • Health care facilities • Community buildings 	<ul style="list-style-type: none"> • All community facilities provision required to meet the needs of the strategic development at the Zone 2, including; community buildings; healthcare facilities; and library provision.
<p>Public Services infrastructure, including:</p>	<ul style="list-style-type: none"> • Specific on or off-site improvements or

<ul style="list-style-type: none"> • Strategic recycling and waste facilities • Capital expenditure for Emergency services <u>infrastructure</u> 	<p>infrastructure required to make a development acceptable in planning terms, including: CCTV; fire hydrants; and small-scale communal recycling facilities.</p>
<p>Flood Management Infrastructure, including:</p> <ul style="list-style-type: none"> • Strategic flood management infrastructure 	<ul style="list-style-type: none"> • Specific on or off-site Sustainable Drainage Systems (SuDS) or flood management infrastructure that is required to make a specific development acceptable in planning terms.
<p>Strategic nature conservation Infrastructure, including:</p> <ul style="list-style-type: none"> • New nature reserves or improvements to existing nature reserves. 	<ul style="list-style-type: none"> • Specific on or off-site improvements and mitigation measures required to make a development acceptable in planning terms, including. • All mitigation or avoidance measures (including financial contributions) required specifically to address the impact of a development on protected 'European sites' in accordance with the Habitat Regulations Assessment.

**Community Infrastructure Levy (CIL)
Draft Charging Schedule
Consultation Report
Statement of Representations
Regulation 19 (1) (b)**

September 2016

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1.0 Introduction

- 1.1 In accordance with Regulation 19(1) of the Community Infrastructure Levy Regulations 2010, this statement sets out information regarding the representations received in relation to the Council's Community Infrastructure Levy (CIL) Draft Charging Schedule.
- 1.2 Horsham District Council invited representations on its Community Infrastructure Levy (CIL) Draft Charging Schedule in line with the requirements of Regulation 16 of the CIL Regulations 2010 (as amended), from 6th May to 17th June 2016. The relevant evidence supporting the Draft Charging Schedule was published alongside. Comments were also invited on these.
- 1.3 In accordance with Regulation 19 (1) (b) of the CIL Regulations 2010, this consultation statement provides a summary of the consultation process undertaken; the main issues raised by respondents and their representations; and the Council's proposed response to representations received.

2.0 Representation Process

- 2.1 A key aim of the consultation was to enable a wide audience to respond to the Council's CIL proposals. Key means used to raise awareness of the consultation included:
- 2.2 Consultation on the CIL Draft Charging Schedule May 2016
 - Notifications were sent to consultation bodies;
 - A notice was placed in the District Post on 9th May 2016
 - Information on the consultation and how to respond made available on the Council's website
 - Copies of the consultation documents made available for public inspection, at the District Council Offices, and in libraries across the District;
 - Placing of a formal public notice, in accordance with regulations 16 and 17 of the CIL Regulations 2010 (as amended), in local papers District Post
- 2.3 Consultation on the Preliminary Draft Charging Schedule (May 2014)
 - Notifications were sent to Regulation 15 consultation bodies;
 - A notice was placed in the West Sussex County Times on 22 May 2014
 - Comments from local residents, businesses and voluntary organisations (Regulation 15(5)).
 - Information on the consultation and how to respond made available on the Council's website
 - Copies of the consultation documents made available for public inspection, at the District Council Offices, and in libraries across the District;

3.0 Respondents

- 3.1 By the close of the consultation 24 representations on the draft CIL Charging Schedule had been received. These were from 5 statutory consultees including West Sussex County

Council, 9 developers, 7 Parishes or Neighbourhood Councils, and 3 residents. Annex 1 provides a full list the respondents.

4.0 Summary of Main Issues Raised

4.1 In accordance with the regulations representations were invited on the CIL Draft Charging Schedule and the supporting Documents. The summary below identifies the main issues raised against the document that they relate to. Annex 2 provides details of the representations made.

4.2 Community Infrastructure Draft Charging Schedule May 2016

- Developers requested that all strategic sites are zero rated including those with planning permission.
- Some residents and Parishes/Neighbourhood Councils queried how the funding gap will be addressed.
- The zero charging rate for the strategic site at land north of Horsham was both supported and opposed.
- Clarification was sought on various matters, including how CIL works alongside Neighbourhood Planning.
- Various points were raised, generally from the development industry, about the wording or implementation of certain procedures such as payment in kind, instalments polices and commencement definitions.

4.3 Comments were received on the supporting evidence that were more technical or seeking clarification. These are summarised below;

- Viability evidence - a resident commented that the figures had varied from former information and that some of the assumptions are erroneous.
- Infrastructure Delivery Plan - some items on this were supported and some further updates were suggested.
- Draft Planning Obligations and Affordable Housing Supplementary Planning Document – Comments sought clarification about the availability of viability assessments for development and the wording of the affordable housing section.

5.0 Changes in Response to Representations

5.1 The detailed changes are set out in the consultation statement. The issues that are summarised above where Horsham District Council will recommend changes to the Inspector are explained in detail below.

Charging for Strategic Sites

5.2 Developers of Kilnwood Vale requested that their strategic site be zero rated due to the possibility that revisions to the proposed scheme would require additional planning applications. This request has been considered and further evidence work has been

undertaken by the Council¹. The Council have concluded, based on the additional evidence work undertaken, that Kilnwood Vale should be included within charge zone 2 (along with the North of Horsham site) and should be zero CIL rated. This will ensure that the delivery of this key strategic site is not held up if there needs to be amendments to the original permission. If they need new permission this would be possible as the original section 106 agreement would be updated and used, which is more efficient and would not delay the delivery of the site which would happen if CIL were imposed on the scheme.

- 5.3 This change is the main change that was recommended and was reported to Cabinet for approval and a 4 week period of consultation is to be undertaken. This will mean that Kilnwood Vale should not have to pay CIL at all, if any further planning applications are required to revised the scheme that is already consented. This is because they already have a Section 106 agreement which is delivering the infrastructure to deal with the development and was not intended to attract CIL payments. The rate per square metre charge for CIL in the District will remain unchanged. The amount of CIL collected would also remain unchanged.
- 5.4 Some residents and Parishes/Neighbourhood Councils queried how the funding gap will be addressed. This is an information sharing issue rather than a requested change to the document. This could be addressed by producing further information and minor editorial changes to the CIL Draft Charging Schedule and supporting documents.
- 5.5 The zero charging rate for the strategic site at land north of Horsham was both supported and opposed. This matter and these opinions will be considered as part of the Examination; therefore no changes are required.
- 5.6 Clarification was sought on various matters, including how CIL works alongside Neighbourhood Planning. To address this there could be minor editorial changes to the documents to make this matter clearer. Various points were raised, generally from the development industry, about the wording or implementation of certain procedures such as payment in kind, instalments polices and commencement definitions. These points will be considered as part of the Examination and therefore no changes are required.

Viability Assessment and Rate Setting

- 5.7 A resident commented that the figures had varied from previous information and believed that some of the assumptions were erroneous.

Infrastructure Delivery Plan (IDP)

- 5.8 Some items on the IDP were supported and some further updates were suggested. As this is a live list, the IDP submitted for examination will be up to date, taking into account the latest projects and developments.

¹ Evidence to support the principle of zero rating CIL for strategic developments - Dixon Searle Partnership (September 2016)

Draft Planning Obligations and Affordable Housing Supplementary Planning Document

- 5.9 Comments sought clarification about the availability of viability assessments for development and the wording of the affordable housing section. Minor wording changes for clarification are suggested.

Annex 1 List of Those who Made Representations

Ref	Name
CIL_DCS_representor_01	Ashington Parish Council
CIL_DCS_representor_02	Aviva Life and Pensions UK Ltd (Aviva)
CIL_DCS_representor_03	Billingshurst Parish Council
CIL_DCS_representor_04	Broadbridge Heath Parish Council
CIL_DCS_representor_05	Crest Strategic Projects (CSP) - Kilnwood Vale
CIL_DCS_representor_06	Crest Strategic Projects (CSP) and Bellway Homes -E Billingshurst
CIL_DCS_representor_07	Denne Neighbourhood Council
CIL_DCS_representor_08	Gladman Developments
CIL_DCS_representor_09	Henfield Parish Council
CIL_DCS_representor_10	Historic England
CIL_DCS_representor_11	Paul Kornicky
CIL_DCS_representor_12	Liberty Property Trust
CIL_DCS_representor_13	Natural England
CIL_DCS_representor_14	Persimmon Homes
CIL_DCS_representor_15	Rydon Homes
CIL_DCS_representor_16	Sheila White
CIL_DCS_representor_17	Southern Water
CIL_DCS_representor_18	Stephen Ashworth
CIL_DCS_representor_19	Storrington & Sullington Parish Council
CIL_DCS_representor_20	Thakeham Homes
CIL_DCS_representor_21	The Environment Agency
CIL_DCS_representor_22	Trafalgar Neighbourhood Council
CIL_DCS_representor_23	West of Ifield Consortium
CIL_DCS_representor_24	West Sussex County Council

Annex 2 - Schedule of suggested changes to the CIL Draft Charging Schedule and supporting documents.

Text Changes proposed to the Draft CIL Charging Schedule

Page/Para	Rep no. / Consultee asking for change	Summary of issue	Text changes proposed
5/1.13	General comment from a number of PC's CIL-DCS019 / WSCC	Lack of clarity on neighbourhood share, in relation to Neighbourhood Councils	In accordance with the Localism Act 2011 and the CIL Regulations, a portion <u>equalling 15%</u> of CIL receipts (known as the 'neighbourhood share') will be passed directly to those Parish and Neighbourhood Councils where development has taken place (see Regulation 59A for details). Where chargeable development takes place <u>within the parish</u> , up to £100 per existing council tax dwelling can be passed to the Parish or Neighbourhood Council, each year, to be spent on local priorities (see Regulation 59C for details). The spending priorities for the 'neighbourhood share' are determined locally and are not included within Horsham District Council's Regulation 123 List. Local areas could choose to use some of the 'neighbourhood share' to develop a neighbourhood plan where it would support development by addressing the demands that development places on the area.
5/1.14	General comment from a number of PC's DCS019 / WSCC	Lack of clarity on neighbourhood share, in relation to Neighbourhood Councils	Normally the 'neighbourhood share' will amount to 15% of the relevant CIL receipts (subject to the annual limit referred to above). However, areas-parishes that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25% of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit. For this to apply, the neighbourhood plan must have been 'made' before a relevant planning permission first permits development. <u>It should be noted that whilst Horsham's Neighbourhood Councils may still benefit from the 15% or 25% 'neighbourhood share', as appropriate, they will not receive the funding directly but it will be spent on their behalf by Horsham District Council, in consultation with the local community.</u>
10/2.11 (3 rd sentence)	CIL-DCS021/WSCC	To aid clarity	In reality the gap is anticipated to be somewhat larger as, under the CIL Regulations, a portion of the total CIL revenue must be passed to local communities to spend on their own local priorities, <u>which may not be the same as those in the Regulation 123 list.</u>
Cover and Whole Document	HDC	To update the document	Text changes to update the document removing references to the previous DCS consultation and to make the document suitable for another round of consultation.
12-13/ 2.18-2.26	HDC	To ensure the deliverability of Strategic Sites with planning permission.	Minor revisions to the text on how strategic sites are treated in CIL terms to indicate that the need for a 'zero rate' extends to Kilnwood Vale and not just North Horsham
Table 1 (Row 2)	HDC	To clarify the application of Zone 2	North of Horsham Strategic Development Area Strategic Sites (Zone 2 – See Map 1)
Map 1	HDC	To include Kilnwood Vales within Zone 2	Revise map to add Kilnwood Vale site within charge Zone 2

Text Changes proposed to the Draft Regulation 123 List

Page/Para	Rep no. / Consultee asking for change	Summary of issue	Text changes proposed
Regulation 123 List (first row, left-hand column)	CIL-DCS022/WSCC	To avoid misinterpretations or Reg 123 list becoming out of date.	Transport infrastructure, including: <ul style="list-style-type: none"> • Public transport infrastructure improvements • Strategic Road corridor and junction improvements • Pedestrian and cycle improvements
Regulation 123 List (second row, left-hand column)	CIL-DCS022/WSCC	To avoid misinterpretations or Reg 123 list becoming out of date.	Education infrastructure including: <ul style="list-style-type: none"> • Additional Early Years provision • Additional capacity for SEND (Special Educational Need and Disability) provision in mainstream schools • Provision of additional primary and secondary school capacity within the district • Additional capacity for Post 16 provision
Regulation 123 List (third row, left-hand column)	CIL-DCS022/WSCC	To include reference to GI Links & PROW .	Leisure, sport and open space infrastructure <u>and infrastructure relating to 'green links' and Public Rights of Way</u> including: <ul style="list-style-type: none"> • New indoor and outdoor sports and leisure provision and improvements to existing facilities • New strategic open space and improvements to existing public open space facilities
Regulation 123 List (fifth row, left-hand column)	CIL-DCS022/WSCC	To aid clarity .	Public Services infrastructure, including: <ul style="list-style-type: none"> • Strategic recycling and waste facilities • Capital expenditure for Emergency services <u>infrastructure</u>
Intro to Annex 1 (of Draft DCS)	CIL-DCS081/Stephen Ashworth	Text is inconsistent with the phrasing of the relevant legislation	Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) prohibits the use of <u>provides that</u> planning obligations for infrastructure that will <u>otherwise</u> be funded by CIL <u>cannot be taken into account as a reason for granting planning permission</u> . Infrastructure types or projects that are listed below (in the left-hand column) will not be secured through planning obligations. This is to ensure there is no duplication between the funding of infrastructure through CIL and planning obligations secured through s106 agreements.

Text Changes proposed to the Draft Planning Obligations and Affordable Housing SPD

Page/Para	Rep no. / Consultee asking for change	Summary of issue	Text changes proposed
13/5.7	CIL-DCS008	Paul Kornycky	Add at end of sentence ... subject to FOI/EIR regulations these assessment may be publically available
14/6.1.2	HDC	Clarification required about Affordable Housing requirements.	add at end of sentence after HDPF 'and is the starting point for considering affordable housing proposals'
19/6.1.25	HDC	Update to reflect current policy position.	add in a new sentence after the bullet points "If there is evidence of a lack of interest from registered or affordable housing providers in relation to a particular proposal, the Council will seek financial contributions in lieu of on-site provision, as set out in more detail in paragraphs 6.1.61 to 6.1.72
34-35/6.3.6	CIL-DCS024/WSCC	Clarification needed in relation to WSCC infrastructure evidence	The Infrastructure Delivery Plan (IDP) sets out details about the transport improvements that are anticipated to be required in order to successfully deliver the <u>strategic elements of the</u> development strategy established by the HDPF.
37/6.3.16	CIL-DCS025/WSCC	Clarification regarding cost-basis of planning obligations relating to new school provision	Where a planning obligation is used to secure on-site education facilities, West Sussex County Council will advise on the specification, location and delivery of all school infrastructure. Applicants are encouraged to engage with the County Council at an early stage to open a dialogue on the size and location of school sites within any planned strategic development. <u>Where a planning obligation is used to secure financial contributions in lieu of whole on-site education facilities then the amount will be calculated based on real costs of the school development.</u>
Whole Document	HDC	Update to reflect current legislation	Amendments to refer to the Housing and Planning Act (not Bill)

F.a.o. Julia Dawes,
Planning Policy Advisor,
Horsham District Council,
Parkside,
Chart Way,
Horsham,
West Sussex,
RH12 1RL

13th September 2016

(Sent by email on 13.09.2016 - to: Julia.Dawe@horsham.gov.uk)

Dear Julia

**Reference: HDC's consideration of further potential nil CIL charging rate zoning
– Kilnwood Vale.**

I refer to our recent correspondence and discussions, and particularly to your request for viability related advice on the potential extension of the nil-CIL rating principle that has been consulted on to date in respect of the North of Horsham allocated strategic development. DSP's remit in this respect, consistent with our February 2016 Viability Update Assessment and subsequent discussions, is on considering the potential development viability aspects only.

Following the CIL consultation representations made by Savills on behalf of Crest, I understand the Council's focus for this element of review to be on Kilnwood Vale given the level of outstanding delivery, which is key to the HDPF, still to come through on that development.

Subsequent to our February Update Assessment report, as you know we have been working with HDC on the viability of North of Horsham related to that planning application, considering the applicant's viability positions. We have also worked on strategic site viability with HDC in respect of the Southwater site. We are therefore familiar with local strategic site viability nuances, in addition to our wider work with a range of local authorities.

Drawing on that experience, it has been seen that the previously proposed nil CIL-rating approach for North of Horsham certainly remains an appropriate one in terms of viability and the collective costs of development. This is for the reasons set out in our earlier Assessment. Amongst setting out other information and commentary, that report provides our findings and guidance on that site - at its para.s 3.3.17 to 3.3.21, for example. As a reminder, at the time of our high-level viability work we used a Harman Report based report assumption of site enabling/infrastructure costs at £23,000/dwelling overall. We found that alongside testing with all other estimated development costs, that would be likely to leave scope for circa £21,500/dwelling on the s.106 package.

T: 01428 288101
E: info@dixonsearle.co.uk
www.dixonsearle.co.uk

The Old Hayloft, 28C Headley Road,
Grayshott, Surrey, GU26 6LD

Whilst from HDC's current discussions the latter (DSP Assessment indicative outcome on s.106) is panning-out so that it is likely to represent an amount broadly similar to that which will be needed, in fact the site-specific work more recently possible on North of Horsham is showing the enabling/infrastructure costs there to be significantly in excess of the earlier stage assumption. The Council's proposed approach to CIL on that strategic site is certainly endorsed by subsequent experience now, in addition to and still consistent with the Viability Update Assessment recommendation on CIL.

Although from the Council's information provided on 10th August 2016 I have only been able to compile a part-picture on the collective costs likely to continue impacting at Kilnwood Vale (in respect of part of the overall s.106 package only), we now have more to go on in considering the relevant characteristics of that site that are so key to its viability (and therefore continued delivery through varying economic conditions). That further information was received last week – on 7th September from Savills - confidentially on behalf of Crest.

The summary information provided by Savills last week in respect of Kilnwood Vale shows a picture of collective costs which in our view with little doubt would lead to the same sort of viability overview as that we gave for North of Horsham, in terms of considering any scope for CIL to impact in addition to the s.106 package and other very significant costs. Based on the available information, there is likely to be no financial scope to support CIL charging at Kilnwood with the current costs view and obligations in place, should that now be a consideration for HDC (e.g. as a contingency matter helping to further secure delivery) in firming-up the CIL proposals.

The costs indications provided summarise to the effect of s.106 requirements representing approximately £15,000/dwelling at Kilnwood Vale; together with enabling/infrastructure costs at a level also significantly higher than the Harman Report based allowances (in each case before other costs associated with fees and financing, etc).

Viewed in per dwelling terms these updates provide a broadly similar nature of collective costs overview to that emerging for North of Horsham. In our experience certainly this is representative of genuinely strategically scale development that would normally warrant the consideration of nil-charge rating and zoning for the purposes of CIL; thereby avoiding the potential for fixed CIL charging to impact alongside the very high level of site-specific costs.

The S.106 route (as opposed to a switch to relying more on CIL for strategic sites infrastructure support) also offers flexibility on delivery, as we understand has been used already at Kilnwood Vale. Typically it also offers more direct prospects of control around getting in place the essential infrastructure to facilitate and support the new homes and other delivery.

Therefore we can indicate that had we undertaken similar Kilnwood Vale related viability testing based on varied discussions with HDC, or were we to carry out further high-level viability testing similar to that within our February 2016 Assessment, as is appropriate for CIL viability, I consider that we would have reached or would now reach conclusions on Kilnwood equivalent to those we set out for North of Horsham. In addition, I am of the view that further viability work, undertaken using assumptions based on currently available information, would in fact most likely tell us little more than the above given an equivalent appropriate approach to that and the further information review that has now been possible.

I trust this helps inform your further review, and if we can be of further assistance, please let me know.

Yours Sincerely

Richard Dixon BSc(Hons) MRICS CIHM

Director
Dixon Searle Partnership Ltd

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Report to Cabinet

22 September 2016

By the Cabinet Member for Planning and Development

KEY DECISION



**Horsham
District
Council**

Not Exempt

Draft Statement of Community Involvement

Executive Summary

The Statement of Community Involvement (SCI) is a statutory document which sets out the ways in which the council will engage with residents, communities, businesses, local organisations and other groups to ensure as many people as possible are able to have a say in planning decisions that affect them.

The document provides guidance on how the planning system works and advises the manner in which the council will inform, consult and involve people in planning decisions within Horsham District, excluding the area within the South Downs National Park.

The current SCI was reviewed in 2013. In response to changes in the planning system and feedback from consultation bodies an updated and revised SCI is now required.

A draft Statement of Community Involvement has been prepared for public consultation.

Recommendations

Cabinet is asked to approve the following recommendations:

- i) To approve the draft Statement of Community Involvement, attached at Appendix 1, for a 6 week period of public consultation.
- ii) That the Cabinet Member for Planning and Development has delegated authority to agree minor editorial changes prior to publication.

Reasons for Recommendations

- i) To enable the draft SCI, which satisfies current legislation, to go forward for consultation
- ii) To undertake minor editorial or typographical amendments.

Background Papers: Statement of Community Involvement (2013)

Wards affected: All

Contact: Dr Chris Lyons, Director of Planning, Economic Development & Property,
Barbara Childs, Head of Strategic Planning & Sustainability

Background Information

1 Introduction and Background

- 1.1 It is a requirement of the Planning and Compulsory Purchase Act 2004 for a local authority to produce a Statement of Community Involvement (SCI). The document sets out the standards to be met by the authority in terms of community involvement, building upon the minimum requirements set out in Planning Regulations.
- 1.2 The current SCI was reviewed in November 2013 and incorporated minor editorial changes which were made under Delegated approval. In light of changes to the planning system, (for example updated planning legislation now refers to Local Plans rather than Local Development Frameworks) and recent feedback from consultation bodies, a revision and update of the authority's SCI is needed.
- 1.3 The draft SCI seeks to address these changes and update the Council's commitment to community involvement throughout the planning process. The updated SCI has been reviewed to reflect 'plain English' guidance and the Council's own communication guidelines. The SCI is public statement which lets communities and organisations know when and how they can be involved in both the preparation of planning policy documents and decisions on planning applications.

2 Relevant Council policy

- 2.1 The Horsham District Planning Framework (HDPF) provides the policy framework for future strategic planning in the district. It informs the public of the location of future strategic development and provides a timeframe in which development will take place.
- 2.2 The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 2.3 In addition to the requirements of Planning Regulations the SCI must take into account those of the Constitution. The document should address the consultation requirements for planning applications, as well as any future Development Plan Documents and Supplementary Planning Documents as set out in the Local Development Scheme.

3 Details

- 3.1 Following the adoption of the Horsham District Planning Framework (HDPF) in November 2015 and recent feedback from consultation bodies, the SCI has been redrafted for consultation.
- 3.2 A revised SCI has been developed through discussions with relevant sections of the Council, including the Strategic Planning & Sustainability Team and Development

Management, as well as taking into account the consultation feedback received to date. It is attached at Appendix 1 of this report.

3.3 It is a requirement under the Town and Country Planning Regulations 2008 to notify 'specific bodies' of the intention to prepare a Statement of Community Involvement and invite representations about what the content of the statement may be.

3.4 The draft SCI has been produced in order to seek the views of these specific consultation bodies. It will also be publically available on the website and in local libraries. A six week period of consultation on the draft SCI is proposed.

4 Next Steps

4.1 If agreed, the draft SCI will be published for a six week period of consultation from 23 September 2016– 4 November 2016. All representations received will be analysed and incorporated, where appropriate, into the final SCI, which will be reported to Cabinet on 24 November 2016 for approval for future use.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

5.1 The Planning & Development Policy Development Advisory Group considered the draft SCI on 8 September 2016 and endorsed its contents subject to the wording on the Council's constitution being clarified. This updated wording has now been inserted.

5.2 The Monitoring Officer and the Director of Corporate Resources have been consulted during the preparation of the document and they support its contents.

6 Other Courses of Action Considered but Rejected

6.1 The Council could continue to rely on the existing SCI from 2013. However, this document is out of date and therefore this course of action is not recommended.

7 Resource Consequences

7.1 There are no financial or staffing consequences.

8 Legal Consequences

8.1 There are no legal implications of this report.

9 Risk Assessment

9.1 Updating the existing SCI will reduce the risk of challenge to the adoption of new planning policy and decisions made on planning applications.

10 Other Considerations

10.1 If the consultation is not agreed and does not go ahead, the Council will not be able to develop an up to-date SCI. This could result in a risk of any future Development

Plan Document being found 'unsound' by the Inspector during an examination in public.

**Statement of
Community
Involvement
Consultation Draft**

**Planning & Development
PDAG 8 September 2016**

Statement of Community Involvement Consultation Draft 2016

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Introduction

The Statement of Community Involvement (SCI) is a statutory document which sets out the ways in which the council will engage with residents, communities, businesses, local organisations and other groups to ensure as many people as possible are able to have a say in planning decisions that affect them.

This document provides guidance on how the planning system works and advises the manner in which we will inform, consult and involve people in planning decisions within Horsham District, excluding the area within the South Downs National Park.

There are two key functions to the planning system; Planning Policy and Development Management.

Planning Policy, led by the Strategic Planning Team, produce planning documents such as the Local Plan and supplementary planning documents that are used to guide development. The documents must comply with relevant Government legislation and guidance, and there are specific regulatory procedures which must be followed during their production.

Development Management, who are responsible for the processing and determination of planning applications, applications for works to trees, advertisements and listed buildings. The Development Management team provide pre-application advice and investigate breaches of planning control.

Planning Policy

Local Planning Documents

The Horsham District Planning Framework (HDPF) is the council's adopted Local Plan and sets out the planning strategy for the years up to 2031 to deliver the social, economic and environmental needs for the district, outside of the South Downs National Park.

The Strategic Planning Team consider a range of different issues affecting the district such as the provision of new housing, and the delivery of employment, retail and open space. Planning policy documents seek to ensure that these allocations are delivered in the right place and at the right time.

There are two main types of planning documents; Development Plan Documents and Supplementary Planning Documents:

- **Development Plan Documents (DPDs)** are formal plans that set out policies for a particular geographical area. They are subject to public consultation and a Sustainability Appraisal. They must be considered at an independent examination and obtain Council approval before they can be adopted. The Horsham District Planning Framework is an adopted DPD.
- **Supplementary Planning Documents (SPDs)** expand upon a particular theme contained in a Development Plan Document to provide additional detail and guidance. They may cover a range of topics or be for individual sites. An SPD is subject to consultation and may require a Sustainability Appraisal. Although SPDs are not subject to independent examination, they do need to obtain approval at Council before they adopted.

Production of Planning Documents

The Council is required to produce new planning documents or update existing documents in accordance with legal requirements. The timetable for drafting, consultation and adoption of plans can be found in the Local Development Scheme (LDS). This sets out the production timetable for the planning documents that this council will be producing over the next three years. A copy of this is available on our website:

<https://www.horsham.gov.uk/planningpolicy/planning-policy/planning-timetable>

There will be different preparation and consultation stages to undertake dependant on whether the Council are working to produce a Development Plan Document or a Supplementary Planning Document. The Council will look to involve people as early as possible and will invite feedback on draft documents. The Council will also work to ensure that people are kept informed throughout the document production process.

Planning Document Preparation Process

The council will use a range of methods to inform, consult and involve people. The following table provides details of the planning document production and opportunities for consultation and participation. The methods used by the Council are varied; this is to allow flexibility to ensure the right consultation processes are used for individual documents and that the relevant audiences are notified.

Early Engagement
The council will: <ul style="list-style-type: none">- Collect evidence to input and support production of document- Notify key stakeholders including Councillors, Parish Councils, local groups and organisations- Consider all issues and any alternatives which may come forward- Prepare content of draft document
Publication & Consultation
The council will ensure: <ul style="list-style-type: none">- 6 week (minimum) consultation period for DPDs (this is a statutory requirement). This includes both the DPD and the associated sustainability appraisal- 4 week (minimum) consultation period for SPDs (this is a statutory requirement)- All consultation documents will be made available for inspection on the council website and at relevant libraries- Local advertising of the consultation
Examination & Adoption
The Council will: <ul style="list-style-type: none">- Submit DPDs to Secretary of State for independent examination- Summarise and make publically available all representations received during consultation.- Statement of Compliance produced to demonstrate the SCI has been followed.- Make publically available the report issued by a Planning Inspector issues for the DPD.- DPDs/SPDs to be adopted by Council
Monitor
The Council will: <ul style="list-style-type: none">- Monitor the plan to show how the planning policies set out in Local Plan are being achieved.- Review the plan where/when necessary

Meeting Regulatory Requirements

There are statutory consultation requirements which the Council must adhere to, as detailed in The Town and County Planning (Local Planning)(England) Regulations 2012. In order to meet these requirements the Council will:

- Publish all documents and supporting information on the Council's website, including details of where and when copies of the documents can be viewed and how people can comment. The planning policy webpage is: <https://www.horsham.gov.uk/planningpolicy/planning-policy>
- Make all consultation documents and supporting information available for the public to view at Council offices during the normal office hours throughout the consultation period, which is a minimum of six weeks for a DPD and a minimum of four weeks for an SPD.

Who will be consulted?

The Council is required to send details of planning document consultations to 'specific consultation bodies' as specified in The Town and County Planning (Local Planning)(England) Regulations 2012. The following organisations **must** be consulted:

- Natural England
- Environment Agency
- Historic England
- Highways Agency
- Within or adjoining County Councils (West Sussex and Surrey)
- Adjoining local authorities (Arun, Adur & Worthing, Brighton & Hove, Chichester, Crawley, Mid Sussex, Mole Valley, South Downs National Park and Waverley)
- Parish Councils/Neighbourhood Councils (including those which adjoin the District)
- NHS Sussex
- Sussex Police
- Homes and Community Agency
- Relevant electricity and gas companies
- Relevant sewerage and water undertakers
- Relevant electronic communication companies
- Network Rail
- Coal Authority
- Marine Management Organisation

In addition to the statutory consultees and members of the general public there are many other groups and organisations that will have an interest in planning policy documents. These consultees and stakeholders will have a variety of different interests and priorities and could contribute expertise and knowledge across a range of subject areas. The following consultees/stakeholders are examples of groups and who may be contacted and involved where appropriate:

- Local residents' associations
- Local environmental organisations
- High Weald Area of Outstanding Natural Beauty Unit (advises on the management of the AONB)
- Agents and developers
- Local business groups and forums
- Youth groups
- Faith groups
- Disability groups
- Sport and open space organisations
- Transport organisations

If you would like to be automatically notified of new consultations please email your contact details to strategic.planning@horsham.gov.uk

Adoption of Planning Documents

The final stage in the production of a planning document is the formal process of Adoption. A Development Plan Document must be presented to Council to consider if it should be adopted as Council Policy. Supplementary Planning Documents are presented to Cabinet for consideration to adopt.

Full Council is made up of all 44 Councillors for the District, representing 22 Wards. It is responsible for approving or adopting the policy framework and the budget, which includes and Development Plan Documents and Plans and Strategies (such as the HDPF). Members of the public are able to attend meetings of the Council and may ask questions at the start of the meeting, as outlined in Part 4I of the Constitution.

Cabinet consists of seven Councillors of the majority political party and plus the Leader of the Council. Each Cabinet Member has responsibility for a particular area of the Council's activity. For Planning, the relevant Councillor is the Cabinet Member for Planning and Development. There is one Policy Development Advisory Group (PDAG) per Cabinet Member. Where relevant, the Cabinet Member for Planning and Development will be briefed on a planning document at their Planning and Development PDAG. PDAGs are not open to members of the public, however, a copy of the agenda and minutes of each meeting is available to view on the council website.

In accordance with The Town and County Planning (Local Planning)(England) Regulations 2012; as soon as is reasonably practicable after adoption, the Council will send a copy of the adoption statement to any person who has asked to be notified of the adoption.

Neighbourhood Planning

Neighbourhood Plans are community produced statutory planning documents that enable people to take a more direct role in shaping the places where they live.

A neighbourhood plan can build upon the strategic policies set out in the Council's local planning documents and allows people to influence the location, appearance and type of development that comes forward in their local parish or neighbourhood. The preparation of Neighbourhood Plans

follows a formal legal process, and is subject to a minimum of two stages of consultation undertaken first by the local community and then by the Council. The plan then undergoes independent examination. If recommended by the Examiner, the next stage of plan preparation is to submit the plan to a referendum where the local community can vote on whether the plan should be used to determine planning applications in the Neighbourhood Plan area. If more than 50% of the community vote 'yes', then the plan will then be 'Made' by Horsham District Council (a similar process to the formal adoption of a DPD. Once 'Made' the Neighbourhood Plan will be used together with the Council's planning policies to determine planning applications for the area it covers.

In a parished area like Horsham District it is usually the Parish Council who prepares a Neighbourhood Plan. A Neighbourhood Plan can cover all or part of the parish and in some cases may involve a number of parishes where they choose to cluster. In some areas residents associations or other bodies may be interested in drawing up a Neighbourhood Plan and act as a forum; however, this will need to be carried out with the Parish/Neighbourhood Council(s) who initiate and support the project.

The Government is encouraging communities to get involved in plan production and consultation, either by responding to local plan consultations or by producing a Neighbourhood Plan. It is recognised that this requires a significant commitment from local communities in terms of time and resources. The Council will seek to provide support and advice on a range of issues, including consultation and the process of document production.

If you are interested in getting involved with the production of a Neighbourhood Plan or would like to find out further information, please view our website:

<https://www.horsham.gov.uk/planning/neighbourhood-planning>

Development Management

The Council has the responsibility for the determination of planning applications within the district. It is the Development Management team who is responsible for determining the planning applications we receive.

The service also operates an agency arrangement with the South Downs National Park Authority; this means that the majority of applications within the part of the SDNP which falls within Horsham District are dealt with by Development Management at Horsham Council on behalf of the National Park Authority.

It is at this stage that decisions are made on proposals for the use and development of land and buildings. Decisions on planning applications must be made in accordance with Development Plan Documents, which including 'Made' Neighbourhood Plans unless other material considerations indicate otherwise.

Pre-application Planning Advice

Development Management offer a comprehensive pre-application advice service. The Council welcome and encourage discussions before the submission of an application. The service provided is in the form of advice given face to face in our offices, over the telephone or through a written service. The written service is chargeable; please view the Pre Application Standards of Service and Fees table for further information:

https://www.horsham.gov.uk/_data/assets/pdf_file/0018/31473/Pre-Application-Service-Standards-June-2016V2.pdf

Pre-application Consultation

Pre-application consultation is not undertaken by the Council. It is carried out by a developer before a planning application is submitted to the local authority.

Development Management strongly recommend that developers undertake pre-application consultation with local residents and organisations, in addition to that undertaken with the Council, prior to submitting any planning applications for major developments and other developments which would invoke significant public interest.

Pre-application consultation can be helpful because discussions between a developer and local residents can help to identify potential problems or improvements that could be made to proposals at an early stage.

Local residents can benefit from this by providing their input to help ensure the development is acceptable. It can also assist developers by reducing the scope for objections at a later stage.

Developers undertaking pre-application consultation are asked to address the following:

- Set clear objectives and agree the consultation approach with Development Management, including who will be consulted.
- Let people know what the scheme is proposing, and be clear about what they can influence when making comments.

- Use different engagement approaches to maximise opportunities for people to influence the proposals. Particular steps should be taken to involve any seldom-heard groups that could be affected by a proposal
- Submit a statement alongside the final planning application outlining the community involvement work that has been undertaken. This should include a summary of any responses received at consultation, and should explain how feedback has influenced the proposals

Planning Application Publicity

When a planning application is registered there is a statutory period of 21 days during which anyone can comment on a proposal. The council is only statutorily required to publicise certain types of development but will ensure that applications are appropriately published. Our approach to notification of planning application is to:

- Produce a Weekly List of registered planning applications which is available to view through the online planning service 'Public Access' which can be accessed via the following link: <https://www.horsham.gov.uk/planning/view-and-comment-on-planning-application>
- Advertise the weekly list in a local newspaper
- Publish details of planning applications online through Public Access. This can be used to view planning applications and supporting documentation. Applications can be searched by address or by an individual application number.
- Consult all parish/neighbourhood councils on appropriate applications within their parish/neighbourhood
- Undertake appropriate notification. This will vary according to the type of application; methods of notification may include adjoining neighbour notifications and displaying site notices.

Commenting on a Planning Application

Should you wish to comment on a planning application, your comments must be submitted to the Council in writing within the 21 day consultation period. Comments received after this time will be taken in to account wherever possible up until the point that the application is determined. You will need to provide details of your name and address, which will appear with your comments on the Council website.

Comments received in response to a planning application are a matter of public record and cannot be treated as confidential. The Council will not publish telephone numbers, private email addresses or signatures. The Council reserve the right not to publish any comments or parts of comments that are not considered suitable for the public to view; these include comments that are offensive, personal or defamatory.

Comments can be made **online** via the following link:

<https://www.horsham.gov.uk/planning/view-and-comment-on-planning-application>

By post: Development Management, Horsham District Council, Parkside, Chart Way, Horsham, RH12 1RL

By email: planning@horsham.gov.uk

What Can I Comment On?

If you comment on a planning application it is important that your comments relate to planning matters, as it is only these matters that can be taken into account by the Council when making a decision. Some of the issues considered to be planning matters are:

- External appearance and design
- Highway safety, traffic and parking issues
- Impact of street scene or character of the local area
- Issues of noise, privacy, disturbance and amenity
- Drainage
- Loss of light or overshadowing
- Loss of trees or impact on conservation areas

This list is for guidance only and is not exhaustive; there may be other relevant issues that you would like to comment on.

Some issues are not regarded as planning matters and are not usually taken into account when reaching a planning decision. These include the following:

- Loss of private view
- Property value
- Possible future uses outside the scope of the application
- Private property matters such as boundary and ownership disputes, or private rights of way
- Personal matters relating to the identity of the applicant
- Moral issues or applicant's motives
- Matters covered by other legislation such as building regulations, licensing or restrictive covenants

Making a decision

There are two main ways in which the Council will reach a decision on a planning application; through officers of the Council, known as a delegated decision or through a Development Control Committee made up of elected Council Members:

1. **Delegated Decisions** – once the application consultation period has closed, the planning case officer will take into account all material considerations, including any valid comments on the application, and will make a recommendation to either permit or refuse the application. The reasoning behind the case officer's recommendation will be set out in a short report that explains the approach taken. A decision will then be made in accordance with the Council's Scheme of Delegation by authorised officers on behalf of the Director of Planning, Economic Development & Property.

2. **Development Committee** – there are some cases where a decision cannot be made under the Council’s Scheme of Delegation and must be decided by Councillors at one of the Development Control Committees. The main reasons for referral are:

- The case officer recommendation is contrary to the view of the relevant Parish Council and the Parish Council have requested the opportunity to address the Committee
- A Councillor requests that the applications be determined by the Committee
- The applicant is a Council employee or Councillor
- There are five letters or more with a different view to the officer recommendation
- The decision would conflict with the Council’s planning policy (i.e. it would be a ‘departure’ from the Development Plan)

Please note that this is a simplified list and the most up to date decision making procedures are set out in the Council’s constitution. For further information please view the Constitution, a copy of which is on our website:

<https://www.horsham.gov.uk/councilanddemocracy/councillors/committees-and-council-business/constitution>

The Council allows public speaking at meetings of its Development Committees provided that the question has been delivered in writing to the Council no later than 12.00 noon on the last but one working day before the day of the meeting. Please refer to the Constitution, a link to which is provided above, for full details on public speaking at meetings of the Council.

Notification of Decisions

Once a decision has been made on an application, either by the Development Committee or by delegation, the Council will notify the applicant/agent of the Council’s decision.

All decision notices are made available for inspection at the Council offices and are available to view on our website through the Public Access system.

Appeals

Where a planning application is refused, or a decision is not made within the required timescale, the applicant may choose to appeal; It is the responsibility of an independent planning inspector, or in certain cases the Secretary of State, to make a final decision on the application. There may be a further opportunity at this stage for public involvement in the process, for more information on taking part in an inquiry please see <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

Contact Us

Please find below a list of useful contact details:

Section	Telephone Number	Email Address
Strategic Planning & Sustainability	01403 215398	strategic.planning@horsham.gov.uk
Neighbourhood Planning	01403 215129	neighbourhood.planning@horsham.gov.uk
Development Management	01403 215187	planning@horsham.gov.uk

Postal Address: Horsham District Council, Parkside, Chart Way, Horsham, West Sussex, RH12 1RL

www.horsham.gov.uk

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Report to Cabinet

Date of meeting 22nd September 2016
By the Cabinet Member for Housing and Public
Protection



DECISION REQUIRED

Not Exempt

Discretionary Disabled Facilities Grants

Executive Summary

The Council's Private Sector Housing Assistance Policy was first adopted in July 2003 as a result of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Regulatory Reform Order required Local Authorities to adopt and publish a Policy in respect of housing renewal should they wish to continue to give private sector housing assistance. It gave Local Authorities the power to grant discretionary housing assistance in any form. This report seeks approval to increase the amount of assistance to help a disabled person move to a more suitable property and to make available discretionary Disabled Facilities Grants (DFGs) as a 'top up' to mandatory DFGs, subject to available resources.

Recommendations

That the Cabinet is recommended:

- i) To increase the amount of Moving Home Assistance to £10,000 and to align the repayment conditions with those for mandatory DFGs as set out in Appendix 1 to this report.
- ii) To make available discretionary DFGs normally to a maximum amount of up to £10,000 as a 'top up' to mandatory DFGs and to align the repayment conditions with those for mandatory DFGs as set out in Appendix 2 to this report.

Reasons for Recommendations

- i) To enable the Council to sustain a robust Private Sector Housing Assistance Policy.
- ii) To effectively use the increase in funding the Department of Health is providing to local authorities for home adaptations.

Background Papers

Private Sector Housing assistance Policy

Wards affected: All

Contact: John Batchelor, Environmental Health and Licensing Manager, Extension 5417

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to seek approval for amendments to the Private Sector Housing Assistance Policy to increase the amount of assistance to help a disabled person move to a more suitable property and to make available discretionary Disabled Facilities Grants (DFGs) as a 'top up' to mandatory DFGs, subject to available resources.
- 1.2 The Council's Private Sector Housing Assistance Policy was first adopted in July 2003 as a result of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Regulatory Reform Order required Local Authorities to adopt and publish a Policy in respect of housing renewal should they wish to continue to give private sector housing assistance. It gave Local Authorities the power to grant discretionary housing assistance in any form. It is a requirement of the Order that any updates or revisions of the Council's policy in respect of the allocation of housing assistance be formally adopted.

2 Relevant Council policy

- 2.1 The Private Sector Housing Assistance Policy contributes towards the District Priority: Support our Communities.

3 Details

- 3.1 The Council's Private Sector Housing Assistance Policy was first adopted in July 2003 as a result of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Prior to this Order the Council could only provide private sector housing assistance by way of grants as detailed in the Housing Grants Construction and Regeneration Act 1996. The Regulatory Reform Order repealed the detailed provisions in the Housing Grants Construction and Regeneration Act, with the exception of mandatory DFGs, and required Local Authorities to adopt and publish a Policy in respect of housing renewal.
- 3.2 DFGs are the only mandatory grants and are available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling. The Occupational Therapists at West Sussex County Council assess whether any works are necessary, and discuss the best available options with officers from the Environmental Health and Licensing Department.
- 3.3 DFGs are generally subject to a test of resources which means that the applicant's income and savings have to be assessed to determine whether any contributions are required to be made by them towards the costs of the required work. The way in which the means test is carried out is governed by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are "passported" through the means testing process and young persons are exempt from the means test.

- 3.4 The maximum amount of DFG is currently set by statute at £30,000 and has been at this level since 2008.
- 3.5 The Council is given a sum of money each year by the Government, which is specifically to be used for providing grants to help disabled people stay in their own homes.
- 3.6 The Council only has finite resources to provide private sector housing assistance including DFGs and the Council's policy makes the best use of the funds we have available, reflects current best practice and is in line with legislation and national policy.
- 3.7 Due to limited resources the Council has not been in a position to offer discretionary DFGs other than Moving Home Assistance to help a disabled person to move to more suitable accommodation. However due to changes in how the Government allocates funding for home adaptations there has been a significant increase in the funding given to local authorities. This increase is likely to continue to 2019-20 and therefore it is appropriate to review the discretionary assistance we make available to adapt and improve living conditions for disabled persons.
- 3.8 Under the existing policy the only discretionary DFGs the Council offer is Moving Home Assistance. This discretionary assistance will be considered where the existing home is unsuitable for adaptation and the grant will enable the occupant to relocate to a more suitable property and this is a more cost effective solution. Moving Home Assistance is currently limited to £5,000 and is repayable should the property be sold within five years of the move.
- 3.9 There has been no take up of this assistance, and one of the factors may be the high cost of moving. Therefore it is proposed that the maximum amount of this assistance be increased to £10,000.
- 3.10 Moving Home Assistance is currently repayable should the property be sold within five years of the move and it is proposed to align the repayment conditions with those for mandatory DFGs. In 2013 the Council adopted the provisions of The Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, which gave local authorities the power to impose a limited charge on properties adapted with mandatory DFGs which requires repayment, should the property be sold within ten years. It is therefore proposed that the repayment period be increased to ten years.
- 3.11 The maximum amount of DFG is currently set by statute at £30,000 and has been at this level since 2008. With the high building cost in this area, where a property requires major adaptations such as a ground floor extension to provide a bedroom and bathroom, this will normally exceed the maximum grant.
- 3.12 In the case of owner occupiers it is proposed to offer discretionary DFG normally to a maximum amount of up to £10,000 to top-up mandatory DFGs where circumstances are such that the cost of the works exceeds £30,000 (either as a result of unforeseen works or the extent of the original work that is recommended to the Council). This type of assistance will only be offered for works that meet the eligibility criteria for Mandatory DFGs and will not be available for 'notional

schemes'. This assistance would also be subject to the same means test as the mandatory grant. This assistance will be registered as a land charge and will be repayable if the property is sold within ten years, in line with the repayment conditions for mandatory DFGs.

- 3.13 In the case of tenants it is proposed to offer discretionary DFG normally to a maximum amount of up to £5,000 to top-up mandatory DFGs where circumstances are such that the cost of the works exceeds £30,000 (either as a result of unforeseen works or the extent of the original work that is recommended to the Council). This type of assistance will only be offered for works that meet the eligibility criteria for Mandatory DFGs and will not be available for 'notional schemes'. This assistance would also be subject to the same means test as the mandatory grant.
- 3.14 Discretionary funding from the Council will only be made available as a last resort and must be approved by the Environmental Health and Licensing Manager in consultation with the Cabinet Member for Housing and Public Protection. Applicants will need to show that other options have been explored, including but not limited to self-funding and charitable funding. If there are insufficient resources to deal with referrals for Mandatory DFGs received from the West Sussex County Council Occupational Therapist, the Council reserves the right not to approve any discretionary grant application.

4 Next Steps

- 4.1 To amend the Private Sector Assistance Policy to Policy to increase the amount of assistance to help a disabled person move to a more suitable property and to make available discretionary Disabled Facilities Grants (DFGs) as a 'top up' to mandatory DFGs, subject to available resources and to align the repayment conditions with those for mandatory DFGs

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The proposed policy changes were considered by the Housing and Public Protection Policy Development and Advisory Group at its meeting on 22nd August 2016 and the Group was fully supportive of the proposed changes.
- 5.2 The Monitoring Officer advised that The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gives Councils power to give discretionary assistance in addition to mandatory DFGs.
- 5.3 The Director of Corporate Resources advised that as the proposed discretionary assistance will be met from the additional funding provided by the Department of Health there will be no direct financial cost to the Council.

6 Other Courses of Action Considered but Rejected

- 6.1 Not to extend the scope of financial assistance. This would mean that the Council would not be making good use of the additional funding provided by the Department of Health
- 6.2 To impose repayment conditions with no time limit. As these proposals are for the benefit of disabled people, it is equitable to match the repayment conditions attached to mandatory DFGs.

7 Resource Consequences

- 7.1 As the proposed discretionary assistance will be met from the additional funding provided by the Department of Health there will be no direct financial cost to the Council. The proposal will also enable any repaid assistance to be recycled by the Council as further grants in the future.

8 Legal Consequences

- 8.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gives Councils power to give discretionary assistance in addition to mandatory DFGs. It also provides that assistance may be conditional, including conditions as to repayment of assistance, as is proposed in this report.

9 Risk Assessment

- 9.1 There are no risks associated with these changes to the Private Sector Housing Assistance Policy.

10 Other Considerations

- 10.1 Action under the proposed policy would be taken without discrimination and is designed to give equal consideration to people's needs.

4.6 Moving Home Assistance

- 4.6.1 Moving Home Assistance is available to provide an alternative where high cost adaptations are required and it is more cost effective to move to a more suitable property.
- 4.6.2 Where a person owns their own home and qualifies for a Disabled Facilities Grant but their existing home is unsuitable and a move to different accommodation would be a better alternative to adaptation, financial assistance up to £10,000 will be available towards the cost of moving instead.
- 4.6.3 Where Moving Home Assistance is awarded the Council will demand repayment in full if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the Certified Date. This will be recorded as a land charge.

4.7 Disabled Facilities Grants

- 4.7.1 Mandatory Disabled Facilities Grants (DFGs) will be made available in accordance with the statute.
- 4.7.2 Where Mandatory DFGs are awarded the Council will demand repayment of such part of the grant that exceeds £5,000 (subject to qualifying conditions), but may not demand an amount in excess of £10,000, if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the Certified Date. This will be recorded as a land charge.
- 4.7.3 In addition to providing Mandatory DFGs, the Authority has the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. The Council will consider providing such assistance in the form of a discretionary DFG as a 'top up' to a mandatory grant.
- 4.7.4 In the case of owner occupiers the Council may provide an additional funding to the Mandatory DFG, currently £30,000, in the form of a discretionary grant normally up to a maximum of £10,000 and subject to the availability of resources.
- 4.7.5 In the case of tenants the Council may provide an additional funding to the Mandatory DFG, currently £30,000, in the form of a discretionary grant normally up to a maximum of £5,000 and subject to the availability of resources.
- 4.7.6 If there are insufficient resources to deal with referrals for Mandatory DFGs received from the West Sussex County Council Occupational Therapist, the Council reserves the right not to approve any discretionary grant application.
- 4.7.7 Top-up from the Council will only be offered for works that meet the eligibility criteria for Mandatory DFGs and will not be available for 'notional schemes'. Discretionary DFGs will be subject to the same means test as the mandatory grant.
- 4.7.8 Discretionary funding from the Council will only be made available as a last resort and must be approved by the Environmental Health and Licensing Manager in consultation with the Cabinet Member for Housing and Public Protection. Applicants will need to show that other options have been explored, including but not limited to self-funding and charitable funding.
- 4.7.9 In the case of owner occupiers where Discretionary DFGs are awarded the Council will demand repayment in full if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the Certified Date. This will be recorded as a land charge.

Report to Cabinet

22 September 2016

By the Cabinet Member for Leisure and Culture



**Horsham
District
Council**

DECISION REQUIRED

Not Exempt

**Appendix 1 Exempt under paragraph 3 Part 1 of
Schedule 12A of the Local Government Act 1972**

Appointment of Contractor to undertake building works – Broadbridge Heath Leisure Centre – Construction of Multi Use Games Area Pitches

Executive Summary

On 23rd November 2015 Cabinet approved the redevelopment of the leisure centre at Broadbridge Heath and Council approved the budget for the project on 9th December 2015. The first phase of the project is to relocate the Multi-Use Games Area (MUGA) pitches onto land to be transferred to the Council by Countryside Properties (UK) Ltd (Countryside) to the south of the Bowls Club. This land is being transferred under an obligation in the section 106 agreement for Countryside's housing development at Broadbridge Heath. This report deals with the appointment of the contractor for the construction of new MUGA pitches and to seek Cabinet approval to award a contract with a value over £250,000.

The Council's appointed professional team for the Broadbridge Heath leisure centre project advised that the most suitable form of contract for this project would be a single stage design and build contract, where contractors are provided with a robust set of employer's requirements, which are competitively tendered. The contractors determine the most appropriate design and construction methodology that satisfy the employer's requirements.

The procurement of the contract was through an open local tender process. The tender document invited contractors to submit two proposals, Option A and Option B. Option A will be for the construction of 3 MUGA pitches and Option B will be for the construction of 3 MUGA pitches, with an option for a further 2 shortly thereafter. The option choice will depend on whether the Council agrees terms to construct two MUGA pitches on behalf of Countryside under a proposed variation to the s106 agreement. This variation proposal is currently in the final stages of negotiation with Countryside and will be subject to the approval of the Development Control North Planning Committee.

A local tender process was used to ensure a competitive price for the project, which was evaluated using a 70/30, price/quality split, to ensure best value. The cost and quality elements of the tenders were marked by a panel and the final results were as follows:

- Company A 84%
- Company B 78%
- Company C 72%
- Company D 63%

The panel agreed that these scores accurately reflected their conclusions and that Company A should be recommended for selection as contractors for the proposed project.

Recommendations

That the Cabinet is recommended:

- i) To approve the tender received from Company A - as identified in the attached exempt Appendix 1 and award the contract.
- ii) To delegate authority to the Director of Community Services to enter into the contract for the appointment of Company A for either Option A or Option B dependent on the finalisation of terms with Countryside.

Reasons for Recommendations

- i) To appoint a contractor to undertake the construction of MUGA pitches at Broadbridge Heath.

Background Papers

Cabinet Report dated 23rd November 2015: Proposals for the Redevelopment of Broadbridge Heath Leisure Centre
Referred to Council, 9th December 2015: Proposals for the Redevelopment of Broadbridge Heath Leisure Centre
Appendix 2- EXEMPT – Analysis of tenders

Wards affected- Broadbridge Heath

Contact: Brian Elliott Property and Facilities Manager

Background Information

1 Introduction and Background

- 1.1 The Council has agreed to develop a new Leisure Centre at Broadbridge Heath to provide a facility that will accommodate the expected future growth of the District.
- 1.2 A contractor is required to build new MUGA pitches on land to the south of the development to be acquired from Countryside. This will release the old MUGA pitches for development of the new leisure centre.
- 1.3 The objective of the procurement process is to identify a contractor who has the relevant experience to undertake a project of this nature at a competitive price.

2 Relevant Council Policy

- 2.1 Horsham District Corporate Plan Priorities 2016-2019. – Ensuring commissioning principles are applied to our service delivery to secure quality and value which will deliver efficiencies and objectives of the Medium Term Financial Strategy.

3 Details

- 3.1 Consideration was given to the method of procurement.

There were two options;

(a) to undertake a local tender or;

(b) to use a framework agreement.

- 3.2 The decision was taken to undertake a local tender process because the construction works are simple and will appeal to suitably experienced contractors of which there are many.
- 3.3 A Tender document was prepared which was locally advertised. The tender document included scoring and evaluation criteria of 70% price: 30% quality, in line with the Council's procurement code.
- 3.4 The competitive evaluation process ensures the appointment of a contractor who has the right experience and capability to deliver the project and that the tendered price is fair value.
- 3.5 A total of 17 suppliers expressed an interest in the project and four contractors' submitted tenders. The bidders provided prices on the basis of both options and answered questions to explain their capability and approach to the project. The tenders were evaluated and the results are set out in exempt Appendix 1.
- 3.6 The panel agreed that the results accurately reflected their conclusions from the interviews and that Company A should be selected and appointed as contractors for the proposed project.

4 Next steps

- 4.1 Following approval to award the contracts, there will be a mandatory legal 10 day “standstill” period as required by the Public Contract Regulations, to allow unsuccessful tenderers time to request feedback and scrutinise the award process. Once this has passed without incident, the appointment can be ratified and legal formalities concluded.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 Comments from the Policy Development Advisory Group held on the 15th September 2016 will be verbally reported at the Cabinet meeting.
- 5.2 Comments from the Director of Corporate Resources, the Council Solicitor and the Director of Community Services are included in this report.
- 5.3 There are no staffing issues arising from this report

6 Other Courses of Action Considered but Rejected

- 6.1 This was a choice between an open tender process and a framework. The use of a contractor from a framework agreement was considered a less suitable course of action due to the wide availability of suitably experienced contractors for works of this nature.

7 Resource Consequences

- 7.1 The projected costs are in line with the budget forecast for this element of the overall project.
- 7.2 There are no HR consequences.

8 Legal Consequences

- 8.1 The council has the legal authority to enter into a construction contract and the procurement process has been carried out in compliance with the Council’s procurement code.

9 Risk Assessment

- 9.1 There are no specific risks in relation to this project, however normal construction risks arise, such as in relation to ground conditions, weather or other matters that might impact on construction.

10 Other Considerations

- 10.1 The proposal is compliant with disability access requirements and has no sustainability implications.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Report to Cabinet

22nd September 2016

By the Cabinet Member for Waste, Recycling and
Cleaving



DECISION REQUIRED

Not Exempt

Exempt Appendix 1 under paragraph 3 Part 1 of
Schedule 12A of the Local Government Act 1972

Commercial Waste Disposal – Preferred Supplier

Executive Summary

Horsham District Council currently disposes of commercial (trade) waste collected from businesses across the district. The waste collected is then transported to Burgess Hill Transfer station which is operated by Viridor Waste Ltd on behalf of West Sussex County Council. The purpose of this report is to seek Cabinet approval to award a five year contract with a total value of over £250,000 for the disposal of trade waste.

For many years the Council has incurred higher disposal costs which has impacted in the commercial competitiveness of the service. Horsham District Council is not legally bound by any agreement with West Sussex County Council as the Waste Disposal Authority, however a reasonable period of notice is required to withdraw or amend current arrangements with West Sussex County Council; intention of such was made in November 2015.

Soft market testing was undertaken which concluded that a tendering exercise was required to secure a preferable disposal tariff set against a range of waste and recycling materials, with preferred options available for selection based on a best price basis. In addition to this the tender included the need for each supplier to consider any logistical benefits linked to transfer site locations which would offer reduced carbon footprint and to minimise transport costs.

Recommendations

That the Cabinet is recommended:

- i) To accept the tender and award the contract to Company A as identified in the exempt Appendix 1
- ii) To delegate to the Director of Community Services any minor contractual changes during the contract term.

Reasons for Recommendations

- i) The contract for disposal of commercial waste was offered to a number of suppliers. This exercise elicited only one bid. The bid submitted will deliver a significant saving to the Council compared to existing disposal arrangements with West Sussex County Council.

Background Papers- none

Wards affected: All wards

Contact: John McArthur - Head of Waste, Recycling, Street Scene.

Background Information

1. Introduction and Background

- 1.1 Trade waste generates significant income for the Council with a market share of 11.3% in the district.
- 1.2 88.6% of all businesses in the Horsham district are mainly Micro (0-9 employees) which is our target market given that our main competitors, prefer larger companies with national contracts.
- 1.3 The service has many unique selling points which give Horsham an advantage over their competitors such as:
 - Free advice on legal obligation such as duty of care and transfer of waste
 - Registered carrier of waste
 - Daily collection service available
 - All-inclusive prices
 - Flexible charging schedule to suit customer budgets
 - Local service
- 1.4 Horsham District Council has disposed of commercial waste via the West Sussex agreement at Burgess Hill for a number of years. The agreement has no legal standing given that West Sussex County Council are not bound by the Environmental Protection Act 1990 to provide a disposal route for Commercial Waste
- 1.5 The cost for disposal has always been high when compared to alternative disposal routes. The cost of disposal significantly impacts on the financial return to the Council.
- 1.6 Alternative disposal providers have been sought to take the commercial waste the council collects from business premises. This exercise compliments the work identified in 2014 by the Trade Waste Scrutiny Working Group (TWWG).
- 1.7 The tender exercise was facilitated via the OJEU contracts notice which is a recognised mechanism which already includes pre-tender requirements to ensure compliance and due diligence.
- 1.8 By entering into a new disposal contract we receive a much improved disposal charge and in addition gain a logistical benefit all of which enables the Council to offer an improved service both on cost and carbon footprint.
- 1.9 The proposal allows the council to take the best disposal cost option from both the existing and new suppliers' agreements respectively.
- 1.10 The Council has the opportunity to take advantage of a new contract with an alternative supplier whose facilities are closer than Burgess Hill. This will support expansion of the current service and improve the income return to the Council. It will also assist expanding the commercial portfolio targeting businesses in Crawley and Mid Sussex. In addition, we will, look to retain disposal options via West Sussex County Council albeit at a higher tariff which may still make sense dependent upon where materials are being collected from.

2 Relevant Council policy

- 2.1 Horsham District Corporate Plan Priorities 2016-2019. – Ensuring commissioning principles are applied to our service delivery to secure quality and value which will deliver efficiencies and objectives of the Medium Term Financial Strategy.

3 Details

- 3.1 The Council's requirement was advertised in the Official Journal of the European Union (OJEU) providing all suppliers the opportunity to submit bids to provide a disposal route for a range of materials that Horsham District Council collect on behalf of commercial enterprises across the district
- 3.2 The bid submitted by the preferred supplier offers logistical benefits that also has the potential of opening up new markets in Crawley
- 3.3 The Council has a growing market share within the district. In addition, we are already offering a service outside of the district boundary. The new contract will serve to enhance market share in this sector.

4 Next Steps

- 4.1 The contract needs to be offered formally to Company A based on the tender submission. There will be a formal 10-day period of standstill.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The Cabinet Member's Policy and Development Advisory Group (PDAG) has considered the proposal and are supportive of the recommendation.
- 5.2 The Councils Monitoring Officer and Director of Corporate Resources have been consulted and their comments have been incorporated in to this report.
- 5.3 We have consulted with West Sussex County Council and the existing supplier to make them aware of the alternative provisions being made for the disposal of materials

6 Other Courses of Action Considered but Rejected

- 6.1 The Council could continue disposing of commercial waste at a higher tariff and incur further costs for transport making the service less competitive. If we carry on disposing of our commercial waste via the existing agreement, we lose the opportunity of the financial benefits set out in the report.

7 Resource Consequences

- 7.1 The financial outcome benefits the Council by approximately £50,000 per annum which will allow a revised schedule of charging or enhanced margin of profit based on the disposal costs received via the tender.

8 Legal Consequences

- 8.1 The procurement process has been carried out in compliance with the Council's procurement code.
- 8.3 There is no legally binding agreement or legislation with West Sussex County Council with regard to the disposal of commercial waste.

9 Risk Assessment

- 9.1 The contract will allow the Council the flexibility to determine which is the most cost effective route for disposing of commercial waste which will reduce the risk of the contract.

10 Other Considerations

- 10.1 The proposal does not impact on Crime and Disorder, Human Rights or Equalities and Diversity.
- 10.2 The award to a new supplier will have a positive impact on sustainability by reducing the carbon emissions and reduced fuel consumption. More competitive pricing may encourage more trade waste recycling.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Report to Cabinet

22nd September 2016

By the Cabinet Member for Waste, Recycling and
Cleaving

DECISION REQUIRED

Not Exempt

Exempt Appendix 1 under paragraph 3 Part 1 of
Schedule 12A of the Local Government Act 1972



Supply of Plastic Wheeled Waste Bins- Preferred Supplier

Executive Summary

Horsham District Council requires plastic wheeled bins for the collection of domestic refuse, recycling and garden waste. The purpose of this report is to ask Cabinet to approve the preferred bidder for the supply of wheeled bins as the contract award is over the value of £250,000.

The current contract for the supply of wheeled bins has expired and therefore it has been necessary to undertake a tendering exercise to obtain wheeled bins at the most competitive price, balanced against quality and the ability to supply.

A mini tender exercise has been conducted through a framework agreement managed by Yorkshire Purchasing Organisation (YPO) and the submissions have been evaluated accordingly. Key considerations of the tender exercise included unit costs, phased supply to assist with optimum storage requirements and the ability to supply in a timely manner to meet local demand.

Recommendations

That the Cabinet is recommended:

- i) To accept the bid and award the contract to Company A (exempt appendix 1), as the preferred supplier of plastic wheeled bins for the next 4 years.

Reasons for Recommendations

- i) The tendering exercise offered a preferential unit cost for each bin, with the option of purchasing replacement parts as required.

Background Papers None

Wards affected: All wards are affected

Contact:

Gerry Brooker (Litter & Cleaving Manager) 01403 739449

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to seek the approval to award the contract for the purchase of wheeled bins for the next four years.
- 1.2 The new contract will be at a lower price than the existing contract which means a significant cost saving over the 4-year period. In addition, the new supplier will maintain a reasonable stock level to which we are able to access quickly, which negates the requirement to provide considerable storage space at the Hop Oast waste depot facility. The council will only pay for stock that we will hold at any one time.

2 Relevant Council policy

- 2.1 Horsham District Corporate Plan Priorities 2016-2019. – Ensuring commissioning principles are applied to our service delivery to secure quality and value which will deliver efficiencies and objectives of the Medium Term Financial Strategy.

3 Details

- 3.1 The current contract for the supply of wheeled bins has expired and therefore it has been necessary to undertake a tendering exercise to obtain wheeled bins at the most competitive price, balanced against quality and the ability to supply.
- 3.2 A mini tender exercise has been conducted through a framework agreement managed by Yorkshire Purchasing Organisation (YPO) and the submissions have been evaluated accordingly. 4 bids were received and have been evaluated. Key considerations of the tender exercise included unit costs, phased supply to assist with optimum storage requirements and the ability to supply in a timely manner to meet local demand.
- 3.3 From the procurement exercise undertaken, Tender Company A has emerged as the Preferred Bidder. The preferred Bidder has also submitted the lowest bid which includes transport costs for delivery of the bins. In addition, the Preferred Bidder is able to supply the bins in smaller quantities to the council which negates the requirement of providing significant on-site depot storage space.

4 Next Steps

- 4.1 Following approval by Cabinet to award the contract, there will be a mandatory legal 10 day “standstill” period as required by the Public Contract Regulations, to allow unsuccessful tenderers time to request feedback and scrutinise the award process. Once this has passed without incident, the appointment can be ratified and legal formalities concluded.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The Cabinet Member’s Policy and Development Advisory Group (PDAG) has considered the proposal on the 13 September 2016 and are supportive of the recommendation.

5.2 The Councils Monitoring Officer and Director of Corporate Resources have been consulted and their comments have been incorporated in to this report.

6 Other Courses of Action Considered but Rejected

6.1 The Council could continue to purchase wheeled bins at a higher unit cost and incur greater transport costs.

6.2 There were 3 other bids received which elicited a preferential unit cost from the preferred supplier. One company matched the cost of the wheeled bins but they did not include delivery costs in their price, and neither did the design of bin match what we currently use. This is important as it would affect replacement part costs and require the need to hold a greater stock of incompatible parts

7 Resource Consequences

7.1 Financial consequences

There would be an annual purchase of around 3000 x 140 litre bins and 2000 x 240 litre bins. There can be fluctuations in demand and there may be a need for extra “one off purchases”, which have been agreed at the same cost as the annual supply. Exempt Appendix 1 explains the tender pricing and cost per unit. The savings over 4 years are circa £12,400.

8 Legal Consequences

8.1 The procurement process has been carried out in compliance with the Council's procurement code.

9 Risk Assessment

9.1 There are no specific risks in relation to this project.

10 Other considerations

10.1 This proposal does not impact on Crime & Disorder; Human Rights; Equality & Diversity and Sustainability matters.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**Parkside, Chart Way, Horsham,
West Sussex RH12 1RL**

FORWARD PLAN

This notice sets out details of key decisions that the Cabinet or a Cabinet Member intend to make, and gives 28 days' notice of the decision under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The notice also includes details of other decisions the Council intends to make.

The reports and any background documents that have been used to inform the decisions will be available on the Council's website (www.horsham.gov.uk) or by contacting Committee Services at the Council Offices.

Whilst the majority of the Council's business will be open to the public, there will be occasions when the business to be considered contains confidential, commercially sensitive or personal information. This is formal notice under the 2012 Regulations that part or all of the reports on the decisions referred to in the schedule may be private because they contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and the public interest in withholding the information outweighs the public interest in disclosing it.

If you wish to make representations about why part or all of the papers should be open to the public, please contact Committee Services at least 10 working days before the date on which the decision is to be taken.

If you wish to make representations to the Cabinet or Cabinet Member about the proposed decisions, please contact Committee Services to make your request.

Please note that the decision date given in this notice may be subject to change.

To contact Committee Services:

E-mail: : committeeservices@horsham.gov.uk

Tel: 01403 215123

Published on 01 October 2016

What is a Key Decision?

A key decision is an executive decision which, is likely –

(i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

(ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
1.	Appointment of a contractor for the construction of new Multi-Use Games Area pitches at Broadbridge Heath Leisure Centre Policy Development Advisory Group 15 September 2016	Leisure and Culture Policy Development Advisory Group Cabinet	22 Sep 2016	Part exempt	Brian Elliott, Property & Facilities Manager brian.elliott@horsham.gov.uk Deputy Leader and Cabinet Member for Leisure and Culture (Councillor Jonathan Chown)
2.	Community Infrastructure Levy Draft Charging Schedule and Planning Obligations & Affordable Housing Supplementary Planning Document Policy Development Advisory Group 14 July 2016	Cabinet Council	22 Sep 2016 19 Oct 2016	Open	Barbara Childs, Head of Strategic Planning and Sustainability barbara.childs@horsham.gov.uk Cabinet Member for Planning and Development (Councillor Claire Vickers)
3.	Statement of Community Involvement 2016 - to set out how the Council intends to consult on its local plan documents and for planning applications Policy Development Advisory Group - 8 September 2016	Cabinet	22 Sep 2016	Open	Chris Lyons, Director of Planning, Economic Development and Property chris.lyons@horsham.gov.uk Cabinet Member for Planning and Development (Councillor Claire Vickers)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
4.	Commercial Waste Disposal - appointment of contractor	Cabinet	22 Sep 2016	Part exempt	John McArthur, Street Scene & Fleet Manager john.mcarthur@horsham.gov.uk Cabinet Member for Waste, Recycling and Cleansing (Councillor Roy Cornell)
5.	Purchase of wheeled bins	Cabinet	22 Sep 2016	Part exempt	John McArthur, Street Scene & Fleet Manager john.mcarthur@horsham.gov.uk Cabinet Member for Waste, Recycling and Cleansing (Councillor Roy Cornell)
6.	Proposal to update the Private Sector Housing Assistance Policy to increase the scope of discretionary disabled facilities grants Policy Development Advisory Group 22 August 2016	Cabinet	22 Sep 2016	Open	John Batchelor, Environmental Health & Licensing Manager john.batchelor@horsham.gov.uk Cabinet Member for Housing and Public Protection (Councillor Philip Circus)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
7.	Appointment of Contractor for the redevelopment of Broadbridge Heath leisure centre Policy Development Advisory Group 15 September 2016	Cabinet	24 Nov 2016	Part exempt	Brian Elliott, Property & Facilities Manager brian.elliott@horsham.gov.uk Deputy Leader and Cabinet Member for Leisure and Culture (Councillor Jonathan Chowen)
8.	To consider options for the creation of a Local Housing Company or similar vehicle to support investment in homes for rent locally Policy Development Advisory Group 25 October 2016	Cabinet	24 Nov 2016	Open	Brian Elliott, Property & Facilities Manager brian.elliott@horsham.gov.uk Cabinet Member for Finance and Assets (Councillor Brian Donnelly)
9.	Housing Strategy interim statement - a response to the July 2015 budget and the Housing and Planning Act 2016 Policy Development Advisory Group 7 November 2016	Cabinet	24 Nov 2016	Open	Natalie Brahma-Pearl, Director of Community Services natalie.brahma-pearl@horsham.gov.uk Cabinet Member for Housing and Public Protection (Councillor Philip Circus)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
10.	Medium Term Financial Strategy Policy Development Advisory Group 25 October 2016	Cabinet Council	24 Nov 2016 7 Dec 2016	Open	Jane Eaton, Director of Corporate Resources jane.eaton@horsham.gov.uk Cabinet Member for Finance and Assets (Councillor Brian Donnelly)
11.	Waste and Recycling Collection Review Policy Development Advisory Group 29 September 2016	Cabinet	24 Nov 2016	Open	Natalie Brahma-Pearl, Director of Community Services natalie.brahma-pearl@horsham.gov.uk Cabinet Member for Waste, Recycling and Cleansing (Councillor Roy Cornell)
12.	Rural Car Parking arrangements Policy Development Advisory Group 5 October 2016	Cabinet	24 Nov 2016	Open	Natalie Brahma-Pearl, Director of Community Services natalie.brahma-pearl@horsham.gov.uk Cabinet Member for Local Economy (Councillor Gordon Lindsay)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
13.	Horsham Town Centre Vision Policy Development Advisory Group 3 November 2016	Cabinet Council	24 Nov 2016 7 Dec 2016	Open	Barbara Childs, Head of Strategic Planning and Sustainability barbara.childs@horsham.gov.uk Leader (Councillor Ray Dawe)
14.	Draft Site Allocations Document Policy Development Advisory Group 3 November 2016	Cabinet Council	24 Nov 2016 7 Dec 2016	Open	Barbara Childs, Head of Strategic Planning and Sustainability barbara.childs@horsham.gov.uk Cabinet Member for Planning and Development (Councillor Claire Vickers)
15.	Economic Development Strategy Policy Development Advisory Group 5 October 2016	Cabinet	24 Nov 2016		Clare Mangan, Economic Development Manager clare.mangan@horsham.gov.uk Cabinet Member for Local Economy (Councillor Gordon Lindsay)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
16.	<p>Review and update the Contaminated Land Strategy</p> <p>Policy Development Advisory Group 7 November 2016</p>	Cabinet	26 Jan 2017	Open	<p>John Batchelor, Environmental Health & Licensing Manager john.batchelor@horsham.gov.uk</p> <p>Cabinet Member for Housing and Public Protection (Councillor Philip Circus)</p>
17.	<p>Consideration of business case for shared building control service with Crawley, Arun and Chichester councils</p> <p>Policy Development Advisory Group 12 January 2017</p>	Cabinet	26 Jan 2017	Open	<p>Steve Shorrocks, Building Control Manager stephen.shorrocks@horsham.gov.uk</p> <p>Cabinet Member for Planning and Development (Councillor Claire Vickers)</p>