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Dear Councillor,

Central Lancashire Strategic Planning Joint Advisory Committee - Tuesday, 20th June, 2023

The next meeting of the Central Lancashire Strategic Planning Joint Advisory Committee is to be held on Tuesday, 20 June, 2023 in the Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH commencing at 6.30 pm.

The agenda and accompanying reports for consideration at the meeting are enclosed.

The agenda papers are being sent to both appointed and substitute Members. Any appointed Member who cannot attend are asked to first contact their substitute to see if he or she can attend instead. Then please contact Ben Storey, Democratic and Member Services Officer either by telephone or email at the address below to give their apology with an indication of whether the substitute Member will attend.

Yours sincerely

Chris Sinnott
Chief Executive

Ben Storey, Democratic and Member Services Officer
Democratic and Member Services Officer
E-mail: ben.storey@southribble.gov.uk
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Central Lancashire Strategic Planning Joint Advisory Committee

Agenda

1. **Appointment of Chair for the meeting**
2. **Welcome & Introductions**
3. **Apologies for absence**
4. **Declarations of Interest**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

5. **Minutes of meeting Monday, 27 March 2023 of Central Lancashire Strategic Planning Joint Advisory Committee (Pages 5 - 8)**

To agree the minutes of the last meeting as an accurate record for signing by the Chair.

6. **Preferred Options Part One Consultation Outcome (Verbal Report)**

A verbal report will be provided at the meeting.

7. **Technical Consultation on the Environment Outcomes Report (Pages 9 - 14)**

Report of the Chief Executive attached.

8. **Technical Consultation on the Infrastructure Levy (Pages 15 - 20)**

Report of the Chief Executive attached.

9. **Dates of Future Meetings**

Meetings of the Central Lancashire Strategic Planning Joint Advisory Committee for the 2023/24 municipal year:

- 6.30pm Tuesday, 3 October 2023
- 6.30pm Monday, 4 December 2023
- 6.30pm Wednesday, 7 February 2024
- 6.30pm Thursday, 28 March 2024

10. **Exclusion of Press and Public**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Condition: Information is not exempt if it is required to be registered under The Companies Act 1985, The Friendly Societies Act 1974, The Friendly Societies Act 1992, The Industrial and Provident Societies Acts 1965 to 1978, The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act) The Charities Act 1993.

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

11. **Public Health Hot Food Takeaway Policy Recommendations (Verbal Report)**

Director of Public Health and Wellbeing at Lancashire County Council to deliver a presentation.

12. **Transport Update (Pages 21 - 26)**

Report of the Local Plan Director/Head of Spatial Planning (Chorley) attached.

13. **Local Plan Update (Pages 27 - 34)**

Report of the Local Plan Director/Head of Spatial Planning (Chorley) attached.

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Agenda Item 5



Minutes of **Central Lancashire Strategic Planning Joint Advisory Committee**

Meeting date **Monday, 27 March 2023**

Members present: Councillor Alistair Bradley (Chair) and Councillors James Flannery, Caleb Tomlinson, Mal Donoghue, , Alistair Morwood, David Borrow, and County Councillors Alan Cullens and Michael Green

Committee Members present virtually (non-voting): County Councillor Sue Whittam

Officers: John Harrison (Interim Director of Planning and Development), Elizabeth Hindle (Head of Planning and Enforcement), Chris Hayward (Director of Development and Housing), Zoe Whiteside (Head of Spatial Planning), Carolyn Williams (Planning Policy Manager), Philippa Lane (Planning Policy Officer), Katherine Greenwood (Principal Planning Officer) and Matthew Pawlysyn (Democratic and Member Services Officer)

74 Appointment of Chair for the meeting

Resolved: That Councillor Alistair Bradley be appointed Chair for the meeting.

75 Welcome & Introductions

The Chair, Councillor Alistair Bradley welcomed everyone to the meeting.

76 Apologies for absence

There were no apologies.

77 Minutes of meeting Monday, 6 February 2023 of Central Lancashire Strategic Planning Joint Advisory Committee

County Councillor Michael Green wanted it clarified that his apologies were recorded for the last meeting, however due to a fault with the technology at Preston City Council, he was unable to gain access to the meeting.

78 Declarations of Interest

There were no declarations.

79 Biodiversity Net Gain: Outcome of the DLUHC Consultation

Agenda Item 5

2

Carolyn Williams Planning Policy Manager at Preston City Council presented the report, which provided an update from the biodiversity net gain (BNG) Consultation that ran for 12 weeks in January 2022.

Key information;

- Any outline planning permission granted before the introduction of the regulations do not need to abide with BNG, however any significant variation to previously permission would. Every application would be required to submit biodiversity net gain plans.
- The current date for implementation was November 2023, however there was an extended transition time for small sites and for Local Authorities to gain familiarity with the system.
- BNG would apply to Nationally Significant Infrastructure Projects (NSIPs), however, due to the complexity, the transition period would continue until November 2025.
- Preventative action to take place to stop the removal of habitats prior to ecological assessments.
- Incentives to be offered to favour on-site gains, if not possible, off-site gains should be as close to the site as possible. Members raised concern should developers skirt off-site gains similar to social housing responsibilities.
- Biodiversity gains to be supported for 30 years, with options available for sites to reapply for additional support.
- Sites could be put forward by local authorities, but not mandate where credits were placed. Sites would be assessed by ecologists.
- Sites can overdeliver biodiversity but required to be planned from the conception of the application. The additional biodiversity gain could be allocated to other sites. Sites cannot retroactively overdeliver.

Further information and guidance was outstanding for considerable parts from the consultation, these included;

- The definition of 'irreplaceable habitats' and the legislation for the application of the 10% net gain for replaceable habitats.
- Guidance to be published to detail what planning authorities and local authorities should take into consideration to secure biodiversity net gain.
- Regulations to be implemented that detailed eligibility and to prevent the registration of duplicated sites. Natural England's role was to sell the credits on behalf of the Secretary of State, administer the habit register for BNG sites and supervise and manage the list of sites.
- How on and off-site biodiversity gains would be reported.

Resolved: that the report be noted.

80 Preferred Options Consultation Part One - Initial Findings and Next Steps

Katherine Greenwood, Principal Planning Officer, presented and summarised the report.

The key points:

- The consultation received 930 responses, 694 through Citizenspace, 236 were received via email or handwritten letter. It was noted that digital responses were favoured due to the time requirement to decipher, appropriately categorise and analyse each written response.

Agenda Item 5

3

- 42 Call For Sites submissions were received and to be assessed by the SHEELA process.
- Drop in events were held, although attendance varied based on location, and what had been proposed.
 - o 18 in Chorley attended by 504 people
 - o 6 in Preston attended by 128 people
 - o 5 in South Ribble attended by 182 people
- All statutory consultees were invited to engage in a formal Duty to Cooperate meeting.
- The next step was to analyse the representations through clear methodology to inform the preparation of the Preferred Options Part One Consultation Outcomes Report and the continuation of the plan preparation.
- The Planning Inspector required due diligence through the process and the representations could be reviewed to ensure the consultation was effective.

Members fed back and praised the team for the hard work conducted, and the need for written representations was highlighted and was understood to be a learning process. It was also noted that there had been numerous reports of residents and some Members that struggled to fill in the consultation, and raised the warning that it was likely that the age group that was most likely to have the time and will to complete the consultation would be the age group most likely to struggle completing it on the digital platform.

Resolved: That the report be noted.

81 Negotiated Stopping: A Practical Solution to meeting Transient Need for Gypsy and Travellers

Phillipa Lane, Planning Policy & Housing Officer presented to the Committee and provided an overview of negotiated stopping, what it was, and how it worked.

Information requested from members included

- The list of maintained sites were either due to be developed or vacant brownfields. Not all sites were permanent, some would be available for a limited amount of time. Every site would be deemed suitable by an Officer.
- The sites would be under the same level of enforcement, if negotiation failed, there was no alternate provision.
- It was highlighted that organisations such as the Leeds Gypsy and Traveller Exchange (GATE) could be engaged with, and to assist with the Travellers that entered the area without connection to the area and were passing through.

The next steps;

- Explore the working of transit policy and identify within the local plan suitable sites for the 15 year period.
- The sites selected and proposed to feature within the three Local Plan Working groups to gain views and consensus.
- Seek the views of the County Council in relation to their Traveller provision.

Resolved: That the update be noted.

82 Date of Future Meetings

Agenda Item 5

4

The following dates were proposed for the 2023/24 municipal year

- Tuesday 20 June 2023, 6:30pm at South Ribble Borough Council
- Tuesday 3 October 2023, 6:30pm at Preston City Council
- Monday 4 December 2023, 6:30pm at Chorley Borough Council
- Wednesday 7 February 2024, 6:30pm at South Ribble Borough Council
- Thursday 28 March 2024, 6:30pm at Preston City Council.

Chair

Date

Agenda Item 7



Report of	Meeting	Date
Chief Executive	Central Lancashire Strategic Planning Joint Advisory Committee	Tuesday 20 June, 2023

Technical Consultation on the Environmental Outcomes Report: a new approach to environmental assessment

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

1. To inform members on the recent consultation on the introduction of the Environmental Outcomes Report (EOR) and the existing approaches which this new system is intended replace.

Recommendations

2. To note the contents of the report.

Reasons for recommendations

3. The report does not require any decisions, it is for information only.

Other options considered and rejected

4. Not applicable

Summary of the consultation proposals

5. The Department for Levelling Up, Housing and Communities (DLUHC) sought views on a proposed new system of environmental assessment ('Environmental Outcomes Reports') to replace the current EU-derived environmental assessment processes of Strategic Environmental Assessment and Environmental Impact Assessment during a 12 week consultation from 12th March to 9th June 2023.
6. The Levelling Up and Regeneration Bill is seeking powers to implement a new domestic framework for environmental assessment. DLUHC consulted on the use of powers in the Bill and sought views from stakeholders across environmental assessment regimes. The consultation sought views on how this new framework could

Agenda Item 7

work as a replacement to the existing environmental assessment regimes that have been transposed into domestic law from the Environmental Assessment of Plans and Programmes Directive and the Environmental Impact Assessment Directive.

7. The consultation focused on the technical elements of the process to be introduced, with further detail on the system to be implemented to follow.

Summary of the EOR consultation

8. Formal environmental assessment has been required in the UK since the 1980s but there remain questions as to how effective these processes have been in managing environmental issues. The Levelling Up and Regeneration Bill intends to secure powers to replace the current processes set out in EIA and SEA Directives with a new system of Environmental Outcomes Reports (EORs)
9. The Government is committed to improving what already exists and will ensure the new system provides as much overall environmental protection as the current system.
10. This consultation sets out DLUHC's initial thinking on how the powers in the Bill could be used to deliver a more effective system. It also shows how EORs propose to benefit from other measures in the Levelling Up and Regeneration Bill; including the move from a document-based system towards interactive information, use of common data standards, and the increased data accessibility requirements which form part of the Government's digital reforms.
11. Further consultation will follow in the coming months to design and develop the detail of the system to be delivered through secondary legislation.
12. The new system will be at outcomes based approach, ensuring plans and development support the Government's goals set out in the Environmental Improvement Plan.
13. To maximise efficiencies and reduce duplication, the government will identify opportunities to take a single approach across regimes wherever possible. For all regimes EORs will cover, as a minimum – biodiversity and environmental quality (including visual impacts).
14. Part 6 of the Levelling Up and Regeneration Bill seeks to secure powers to implement a new system of environmental assessment known as Environmental Outcomes Reports. This will allow the government to replace the EU-derived Strategic Environmental Assessment and Environmental Impact Assessment processes with a streamlined system that places greater focus on delivering the Government's environmental ambitions. Clause 142 of the Bill enshrines the commitment to non-regression in law and ensures that the new system provides as much overall environmental protection as the current system. Habitats Regulations Assessment (HRA) not covered by this proposal.
15. The consultation notes inefficiencies with the existing system, with comments it's a box ticking exercise, with the information presented overly lengthy and the findings are not used properly.

Agenda Item 7

16. The introduction of outcomes-based approach to the Environmental Outcomes Reports allows the government to reflect its environmental priorities directly into plan-making and decision-making process on the largest developments.
17. The consultation seeks views on how this new framework could work as a replacement to the existing environmental assessment regimes that have been transposed into domestic law from the Environmental Assessment of Plans and Programmes Directive and the Environmental Impact Assessment Directive.
18. Government states that leaving the European Union gives the UK a once in a lifetime opportunity to create an improved framework of environmental assessment which properly reflects our country's needs and the unique characteristics of our environment. These reforms will ensure the value and rigour of environmental assessment is retained whilst allowing us to push for better environmental outcomes.
19. The system proposes to simplify and streamline the assessment process to make it more effective as a tool to support the delivery of our environmental commitments.
20. The government propose that by re-focusing assessment, it will allow communities to better engage and fully understand the environmental effects of a development and be confident that problems will be addressed if they arise. By setting clear outcomes and clarifying process, developers will be able to embed environmental considerations from the outset and be supported to deliver the best possible environmental outcomes. A reformed system will ensure decision-makers are equipped with the information they need to make informed choices that support sustainable development.
21. The change in approach includes a move from a document based system towards interactive information, use of common data standards and increased access to data inline with the Governments digital reforms.
22. It will replace 18 existing forms of legislation, out of which of relevance to planning are:
 - The Environmental Assessment of Plans and Programmes 2004
 - The Town and Country Planning (TCPA) (Environmental Impact Assessment) Regulations 2017
23. The approaches put forward will replace the existing system of EIA for development management and sustainability appraisals /strategic environmental assessment for Local Plans. The Government feels the existing systems are inefficient and often result in duplication of effort, and are not useful in providing information on the impact of the proposal on the environment for the decision maker which should be the purpose of the assessment.
24. The consultation consists of 26 questions set around a discussion of the proposals. However, there is still a significant amount of information regarding the new system to come forward via secondary legislation, therefore a full understanding of the proposals is not possible at this time.

The Process

Agenda Item 7

25. The new systems aims to simplify the assessments which Councils will need to undertake when preparing Local Plans which is supported, as well as requiring the assessments for planning applications to show meaningful considerations of issues has been accounted for.
26. A national set of indicators is proposed which are still to be defined and consulted. We welcome the opportunity to comment on the suitability of these indicators when they are published to ensure they are fit for purpose and cover sufficient scope to inform decision making at the local scale.
27. The consultation notes that further thought is still needed on how the issue of climate change will be addressed, particularly measuring carbon emissions, with the government seeking suggestions of approaches which could be used.
28. The consultation is seeking to have a single regime for all areas, however that raises concern that some aspects of the consultation are more focused on the process of EIA to support a planning application and may not work as well for supporting the Local Plan process. An example of this is the requirement for proportionate reporting against outcomes. Further detail on this process would be required to understand how it would work in practice, and it should not result in additional burdens to the Councils in carrying out monitoring. It is also not clear when this refers to a planning application if the reporting is a role for the LPA or the planning applicant.
29. The issue of climate change is linked to the Governments National Adaption Program (NAP3). Whilst this helps to bring the key issues of climate change to the forefront, it is considered that key changes in addressing climate change need to come via the National Planning Policy Framework (NPPF) or other primary legislation in order for change to be effectively delivered through the planning regime.

The Environmental outcomes Report

30. The consultation is proposing a change in the consideration of reasonable alternatives, suggesting it is the process of decision making that would be the alternative and not necessarily different sites. As this currently tends to be consideration of sites, the consultation asks if further clarification of the approach should be provided in the guidance to be produced on what the consideration of reasonable alternative will entail.
31. The consultation is also seeking views on how the design of the new process will ensure alternatives are considered early on.
32. The process of screening is to be strengthened, however as this applies to both Local Plan and planning applications, more detail is needed to understand the changes proposed, and whether this element will be just for planning applications or for Local Plans also, this is an area where a single regime may not work in practice..

Mitigation

Agenda Item 7

33. The approach to mitigation is discussed, however the information put forward again links more to planning applications than Local Plans. The importance of mitigation should address both processes.
34. To know mitigation is ineffective, it proposed to monitor sites regularly which is supported in principle, however it needs to be clear who will undertake this monitoring, and if the councils, can we charge for it similar to the approach for minerals and waste sites currently, an approach which is suggested.
35. The requirements for dynamic and remedial actions to be taken where monitoring shows mitigation to be ineffective is also put forward, however no detail is provided on who is responsible for undertaking the monitoring and identifying this.

Monitoring

36. The consultation discusses a more formal and robust approach to monitoring. The suggestions put forward again appear to link more towards developments being delivered than the Local Plan process. Local Plans currently undergo annual monitoring against a specific set of indicators, as such it is felt that further monitoring requirements should not be required for them.
37. Questions around the cost for monitoring and means of incentivising better assessment in practice are asked. The need for financial incentives for both, higher/stricter fines for sites which fail to mitigate effectively and funding for LPAs to carry out the monitoring could be options considered here.

Data

38. The Government are proposing to make environmental data available publicly for use. The suitability of the data for the purpose it was produced are factors which need to be considered when assessing if can be used to support EORs. It must also be up to date and fit for purpose and ideally free for LPAs.
39. Currently licensing of data can present a barrier to councils accessing it, along with knowing exactly where the data is held and accuracy of it. As such having a validated list of data sources which government have approved as fit for purpose would assist with this.

Reporting on outcomes

40. The EOR process is considering the need for reporting on the performance of a plan or project against outcomes.
41. Any new process should not add further burdens of monitoring on Councils, and the consultation asks for views on whether this will increase work for the planning teams. The consultation is not specific on who would carry out the reporting, is this the LPA or the developers. Further detail on this process when released will assist with understanding this requirement better.

Transition period

Agenda Item 7

42. The Government is considering what transition period should be imposed, with 6 months, 1 year and 2 years proposed. This may be an area again which differs by regimes, with plan making being linked to wider reform changes and the review of plans as they happen naturally. The time needed for Planning Applications may also need further consideration once detailed requirements are brought forward via secondary legislation to understand what time frame will be needed and to ensure Councils have the resources in place to undertake any additional work.

Next Steps

43. The three Councils have each prepared their individual response to this consultation and will continue to review and responds to further updates to this process as they are released.

Climate change and air quality

44. The work noted in this report has an overall positive impact on the Council's Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.
45. The report impacts on the following activities in a positive way although details of specific benefits is to evolve as further guidance on the EOR is prepared:
- Net carbon zero by 2030,
 - Air quality,
 - Flooding risks,
 - Green areas and biodiversity.

Equality and diversity

46. The government has published an EIA along with the consultation. There are no implications at this stage as it is unclear when these new requirements will come into force for planning.

Risk

47. The proposals for the EOR are still being formulated. There is the potential for additional work for the Councils to carry out in regards to implementing the legislation when it is introduced, which could require further resources for the planning teams, however this is unknown at this time.

Background documents

There are no background papers to this report

Appendices

There are no appendices.

Report Author:	Email:	Telephone:	Date:
Carolyn Williams	c.williams@preston.gov.uk	01772906732	6/6/23

Agenda Item 8



Report of	Meeting	Date
Chief Executive	Central Lancashire Strategic Planning Joint Advisory Committee	Tuesday, 20 June 2023

Technical Consultation on the Infrastructure Levy

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

1. To provide Members with a summary of the Government consultation on the Infrastructure Levy, which ran for a 12-week period until 9th June 2023.

Recommendations

2. To note the contents of this report.

Reasons for recommendations

3. For information only.

Other options considered and rejected

4. None.

Corporate priorities

5. The report relates to the following corporate priorities:

Housing where residents can live well	A green and sustainable borough
An enterprising economy with vibrant local centres in urban and rural areas	Healthy, safe and engaged communities

Background to the report

6. The Government consulted on a proposed Infrastructure Levy for a period of 12 weeks until 9th June 2023. The Infrastructure Levy is the government's proposed new system for securing contributions from developers towards the cost of infrastructure and

Agenda Item 8

affordable housing. It is a reform to the existing system of developer contributions which includes Section 106 planning obligations and the Community Infrastructure Levy, in England and forms part of proposals in the wider Levelling Up and Regeneration Bill that is currently going through Parliament.

7. Section 106 planning obligations (s106) are negotiated on an application by application basis. Community Infrastructure Levy (CIL) is set by individual local authorities and is voluntary. Chorley is a CIL charging local authority. Between s106 and CIL, the Council secures contributions towards a range of infrastructure including open space, education, highways, as well as affordable housing.
8. The proposed Infrastructure Levy would largely replace these systems through the introduction of a mandatory levy charged on the final value of the completed development.
9. The Government intends the new system to be more efficient and transparent, as there will be no need for lengthy s106 negotiations, and the value of the expected contributions will be clear up-front. It is also intended to make clear to residents what new infrastructure will accompany development and to developers what infrastructure will be required to make development acceptable. The new system is intended to raise at least as much developer contributions as the existing one.

How infrastructure would be funded

10. Infrastructure integral to the successful functioning of a site such as on-site play areas, site access and internal highway network or drainage systems will be delivered by developers secured through planning conditions. This infrastructure will be delivered in addition to payment of the Levy.
11. All other forms of infrastructure will be Levy funded and paid for through Levy revenues. Levy funded infrastructure will be infrastructure that is required because of planned growth that will have a cumulative impact on an area and creates the need for new infrastructure to mitigate its impact. Levy receipts can also be passed to third parties such as County Councils if they are best placed to deliver the infrastructure.
12. It is proposed that a nationally set list of types of infrastructure that are integral, or levy funded will be set out in regulations or policy.
13. This approach is similar to the current planning system.

Routeways for securing developer contributions

14. It is proposed that there will be three Levy routeways for securing developer contributions. It is accepted that s106 agreements will still be required in some cases, but these will only be used in limited circumstances. How infrastructure is secured and how s106 agreements operate in each routeway will vary.
15. The first is the core Levy routeway which the majority of development will be subject to. The Levy will be paid in cash by developers with integral infrastructure provided on-site and secured through planning conditions. Where it is not possible to secure integral infrastructure through planning conditions, they will be secured through targeted planning obligations known as Delivery Agreements which are similar to s106 agreements.

Agenda Item 8

16. The second is the infrastructure in-kind routeway which will only apply to sites that fall over a certain threshold. The threshold has not yet been set but options are consulted on. S106 agreements will be retained for these more large and complex sites and will be used as a tool to secure infrastructure and affordable housing as an in-kind contribution of the Levy. The value of any in-kind contributions towards infrastructure will have to equal or exceed the value of what otherwise would be secured through a calculation of the Levy.
17. The third is the s106 only route which will only apply to a minority of developments that do not meet the definition of development such as minerals and waste sites and therefore will not be charged the Levy.

How the Infrastructure Levy would operate

18. There are three main elements to operating the Levy: (i) setting the Levy; (ii) charging and collecting the Levy; and (iii) spending the Levy.

(i) Setting the Levy

19. Local Authorities would be in charge of setting a local rate and a minimum threshold below which the Levy will not be charged. Local authorities would be able to set different rates and/or thresholds for different development uses and land typologies in their local area. The Levy would apply to most types of development, but certain types may be exempt or subject to reduced rates. Local Authorities would have to consider a range of prescribed factors in setting rates. The rate would be set on the gross development value of the development rather than floor space although an estimation of the final value would be required at an earlier stage.

(ii) Charging and Collecting the Levy

20. The Levy would be charged by local authorities, based on the gross development value of a development upon its completion.

(iii) Spending the Levy

21. Local Authorities would be required to prepare a new document, called an Infrastructure Delivery Strategy, in order to identify and plan for infrastructure priorities. This would support consideration of infrastructure requirements arising from planned development in the area and would set out how Levy receipts will be directed to the affordable housing and infrastructure needed to support it. In that manner, it would be a tool for local authorities to set out their spending priorities and for local people to understand what infrastructure, such as GP surgeries, sustainable transport or schools, will be delivered to accommodate the new needs of the community. The Infrastructure Delivery Strategy would require an examination.
22. The intention is that infrastructure would be better planned for and delivered ahead of acute need, rather than the more ad hoc nature of s106 contributions. Local authorities would be able to view developer contributions as an ongoing revenue stream and borrow against this to deliver infrastructure alongside development. The consultation document does not go into detail about how this would work in practise.

Delivering affordable housing

23. On-site affordable housing as part of market schemes would be delivered through the Infrastructure Levy as an in-kind payment of the Levy through a new 'right to require'. Local authorities will set a proportion of the Levy that must be delivered in-kind as on-

Agenda Item 8

site affordable housing and developers will be obliged to provide that in-kind contribution. To calculate how many affordable dwellings can be provided by the monetary value of the affordable housing proportion of the Levy, the value of discount of the relevant tenure of affordable housing from the open market would need to be calculated. For example, if the monetary value of the 'right to require' proportion of the Levy is £480,000 and the discount of an affordable dwellings is £48,000 from the market price then 10 affordable dwellings must be provided on site.

24. The key principle of the 'right to require' is that there will be limited scope or incentive for developers to provide less affordable housing on viability grounds because the Levy is fixed.

Implementation of the Infrastructure Levy

25. The Government recognises that the introduction of the Levy would be a significant change to the current system and proposes that the system would be introduced through a 'test and learn' approach. This would see the Levy introduced in a representative minority of local authorities in the first instance, prior to a nationwide rollout to all English authorities. In the intervening period, the government would work closely with local authorities operating the Levy to monitor, evaluate, and improve its operation.
26. The prospective timeline as set out in the consultation document is that the introduction of the Infrastructure Levy would be undertaken over the course of a decade, with the test and learn period starting some time in 2025 and an expansion to national roll out some time in 2030.

Consultation Response

27. A formal consultation response was submitted by each authority.

Climate change and air quality

28. The work noted in this report does not impact on the Councils Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.

Equality and diversity

29. No impact.

Risk

30. None.

Comments of the Statutory Finance Officer

31. There are no direct financial implications arising from this report, but the implications of any proposed changes could be significant to the way the Council receives and spends developer contributions. Full implications will only be known when the final proposals are published but as the Council does not commit contributions in advance, there is no current risk to existing schemes.

Comments of the Monitoring Officer

32. At this stage we are considering proposed changes to legislation – nothing definite has yet happened. Hence there are no immediate legal implications arising. If these changes

Agenda Item 8

are indeed introduced, then that will represent a major change in how councils ensure that when development comes forward that the consequences of such development is properly addressed and that affordable houses are brought forward. The current Section 106 procedure (and its predecessor provisions) have been in force since 1971. Moving forward we must ensure that we set any Levy at an appropriate level.

Background documents

There are no background papers to this report

Report Author:	Email:	Telephone:	Date:
Katherine Greenwood (Principal Planning Officer)	katherine.greenwood@chorley.gov.uk		09/06/23

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Agenda Item 12

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

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Agenda Item 13

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

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