

CED021

Local Plan Partial Review – Examination Matters, Issues and Questions Hearing Statement

Matter 3: Delivery Strategy
Issue 3g: Infrastructure Delivery and Planning
Contributions (Policy C1)

February 2018



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Matter 3 – Delivery Strategy

Issue 3g: Infrastructure Delivery and Planning Contributions (Policy C1)

12. **Is Policy C1 and its supporting text consistent with national policy in respect of the neighbourhood portion of the community infrastructure Levy?**
- 12.1 Policy C1 is a high level Local Plan policy which is making it clear that CIL will be applied in accordance with the Regulations. This ensures that the policy is flexible enough to accommodate any changes in the Regulations.
- 12.2 CIL Regulations (as amended). 59A applies to a part of chargeable development within the area of a local council. 59A (3) requires that where all or part of a chargeable development is within an area that has a neighbourhood development plan in place the charging authority must pass 25 per cent of the relevant CIL receipts to the parish council for that area. 59A (5) requires that where all or part of a chargeable development is not in an area that has a neighbourhood development plan in place then, subject to paragraph (7) of the 59A, the charging authority must pass 15 per cent of the relevant CIL receipts to the parish council for that area.
- 12.3 CIL Regulation 59A (7) clarifies that the total amount of CIL receipts passed to a local council in accordance with 59A (5) shall not exceed an amount equal to £100 per dwellings in the area of the local council.
- 12.4 In respect of 59A (3) and 59A (5), there are no parish councils in Kensington and Chelsea. At 59F (3) the CIL Regulations state that where 59A does not apply (i.e. where there is no local council) the charging authority may use the CIL to support the development of the relevant area for infrastructure or anything else that is concerned with addressing the demands that development places on an area.
- 12.5 Paragraph 175 of the National Planning Policy Framework states that *“...The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.”*
- 12.6 Further guidance on the neighbourhood portion is provided in the National Planning Practice Guidance¹. The NPPG on CIL clarifies that where there is no parish, town or community council the charging authority will retain the levy receipts but should engage with the

¹ NPPG on Community Infrastructure Levy, paragraphs 072 to 076

communities where development has taken place and agree with them how best to spend the neighbourhood funding.

- 12.7 Figure: *Relationship Between the Levy and Neighbourhood Plans in England* of the NPPG on CIL (Paragraph 072 Reference ID: 25-072-20140612) clarifies that where there is no parish council or neighbourhood plan, the neighbourhood portion is 15% capped at £100/ per (existing council tax) dwelling and the local authority consults with community. Where there is no parish Council and there is a neighbourhood plan the neighbourhood portion is 25% uncapped and the local authority consults with community.
- 12.8 In respect of engaging with communities the NPPG on CIL² states that, ***“The government does not prescribe a specific process for agreeing how the neighbourhood portion should be spent. Charging authorities should use existing community consultation and engagement processes”*** [emphasis added]. Therefore, Neighbourhood CIL spending arrangements sit outside of the LPPR process.
- 12.9 Supporting text to Policy C1, paragraph 29.2.4 was updated at Publication Policy (SUB5) stage to include additional wording to clarify that *“communities must be consulted on how to spend a neighbourhood portion of the levy revenues arising for the development that takes place in their area.”* Associated footnote 338 further provides an appropriate level of detail on the neighbourhood portion by explaining that the neighbourhood portion is *“15% of CIL revenues where there is no neighbourhood plan and 25% where a neighbourhood plan has been made”*.
- 12.10 Taking into account the reference to CIL Regulations in Policy C1 together with paragraph 29.2.4 of the supporting text, it is considered that Policy C1 and its supporting text is consistent with national policy in respect of the neighbourhood portion of the community infrastructure Levy.
13. **Do the proposed modifications to the infrastructure schedule in chapter 37 materially affect the plan? Are they necessary to ensure the effectiveness of its policies? If so should they be considered as ‘main modifications’ to the RBKCLPPR?**
- 13.1 The proposed modifications to the infrastructure schedule in chapter 37 do not materially affect the plan and are not necessary to ensure the effectiveness of its policies.
- 13.2 The proposed modifications (SUB6)³ submitted alongside the RBKCLPPR in May 2017 reflect:

² NPPG on Community Infrastructure Levy, paragraph 073

³ Proposed Modifications (May 2017) (SUB6)

[https://planningconsult.rbkc.gov.uk/gf2.ti/f/799106/26650245.1/PDF/-](https://planningconsult.rbkc.gov.uk/gf2.ti/f/799106/26650245.1/PDF/)

- Minor service area updates and refinements to existing items in the schedule where further information is now available or to provide further clarification (MINOR/075,090,091,092,093,094,095,096,097,098,102,103,104,115,116,117,118,119,120,121,122,123)
- Items being moved to other sections of the schedule to reflect service area responsibilities (MINOR/074,077,084,085,086,087,088,106,107,108,109,110)
- Infrastructure from agreed S106 agreements (MINOR/078,079,080,081,082,083,099,100,101,111,112,113,114,125)
- Typographical corrections (MINOR/76,089,090,105,124)

13.3 The Further Proposed Modifications (CED004)⁴ reflect consequential modifications arising from the Council's decision to suspend estate regeneration projects following the Grenfell Tragedy.

13.4 The above updates were established through ongoing discussion with service areas and infrastructure providers. The RBKCLPRR infrastructure schedule has been developed as part of the Councils Infrastructure Delivery Plan (IDP). This is intended to be a living document that will be regularly updated as and when new infrastructure requirements arise, as schemes are completed and through ongoing dialogue with infrastructure providers. Updates will include reviewing the Infrastructure Schedule.

13.5 Given the nature of the updates, the proposed and further proposed modifications are not considered to be main modifications.

[/170428Proposed_Mods_ALL_CONSOLIDATED.pdf](#)

⁴ Further Proposed Modifications (October 2017) (CED004)

https://planningconsult.rbkc.gov.uk/gf2.ti/f/799106/30540421.1/PDF/-/CED004_Further_Proposed_Modifications_Oct_2017.pdf