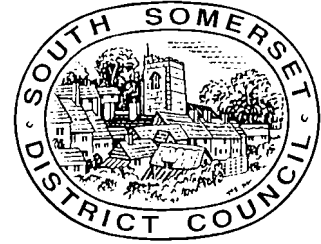


South Somerset District Council

Notice of Meeting



District Executive

Making a difference where it counts

Thursday 12th May 2016

9.30 am

**Council Chamber
Council Offices
Brympton Way
Yeovil
Somerset BA20 2HT**



Disabled access and a hearing loop are available at this meeting venue.

Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Angela Cox 01935 462148**, website:
www.southsomerset.gov.uk

This Agenda was issued on Wednesday 4 May 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



INVESTORS IN PEOPLE

District Executive Membership

Ric Pallister
Carol Goodall
Peter Gubbins
Henry Hobhouse
Shane Pledger
Jo Roundell Greene
Sylvia Seal
Peter Seib
Angie Singleton
Nick Weeks

Information for the Public

The District Executive co-ordinates the policy objectives of the Council and gives the Area Committees strategic direction. It carries out all of the local authority's functions which are not the responsibility of any other part of the Council. It delegates some of its responsibilities to Area Committees, officers and individual portfolio holders within limits set by the Council's Constitution. When major decisions are to be discussed or made, these are published in the Executive Forward Plan in so far as they can be anticipated.

Members of the Public are able to:-

- attend meetings of the Council and its committees such as Area Committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at Area Committees, District Executive and Council meetings;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- find out, from the Executive Forward Plan, what major decisions are to be decided by the District Executive.

Meetings of the District Executive are held monthly at 9.30 a.m. on the first Thursday of the month in the Council Offices, Brympton Way.

The Executive Forward Plan and copies of executive reports and decisions are published on the Council's web site - www.southsomerset.gov.uk.

The Council's Constitution is also on the web site and available for inspection in Council offices.

The Council's corporate priorities which guide the work and decisions of the Executive are set out below.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- **Jobs** - We want a strong economy which has low unemployment and thriving businesses
- **Environment** - We want an attractive environment to live in with increased recycling and lower energy use
- **Homes** - We want decent housing for our residents that matches their income
- **Health and Communities** - We want communities that are healthy, self-reliant, and have individuals who are willing to help each other

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District Executive

Thursday 12 May 2016

Agenda

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the District Executive meeting held on 7th April 2016.

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

4. Public Question Time

Questions, statements or comments from members of the public are welcome at the beginning of each meeting of the Council. The total period allowed for public participation shall not exceed 15 minutes except with the consent of the Council and each individual speaker shall be restricted to a total of three minutes. Where there are a number of persons wishing to speak about the same matter, they should consider choosing one spokesperson to speak on their behalf where appropriate. If a member of the public wishes to speak they should advise the committee administrator and complete one of the public participation slips setting out their name and the matter they wish to speak about. The public will be invited to speak in the order determined by the Chairman. Answers to questions may be provided at the meeting itself or a written reply will be sent subsequently, as appropriate. Matters raised during the public question session will not be debated by the Council at that meeting.

5. Chairman's Announcements

Items for Discussion

6. **Report from Yeovil District Hospital NHS Foundation Trust** (Pages 5 - 13)
7. **Intelligent Enforcement Proposal for Council car parks** (Pages 14 - 19)
8. **Community Infrastructure Levy - Draft Charging Schedule** (Pages 20 - 67)
9. **Monthly News Snapshot** (Page 68)
10. **District Executive Forward Plan** (Pages 69 - 74)
11. **Date of Next Meeting** (Page 75)
12. **Exclusion of Press and Public** (Page 76)
13. **Restrictive covenant removal - Dunster House, Castle Cary (Confidential)**
(Pages 77 - 83)
14. **The Provision and Maintenance of Bus Shelters in the Yeovil area (Confidential)** (Pages 84 - 91)

Agenda Item 6

Report from Yeovil District Hospital NHS Foundation Trust

Executive Portfolio Holder: Cllr Sylvia Seal, Leisure and Culture
SSDC Representative: Cllr David Recardo

Council of Governors meetings held in December 2015

Councillor David Recardo will attend the District Executive meeting to answer any questions from Members regarding the Yeovil District Hospital NHS Foundation Trust. The published minutes of the Council of Governors meeting is attached for information.

COUNCIL OF GOVERNORS

Minutes of the Council of Governors meeting held on 10 December 2015
At the **Academy, Level 4, Yeovil District Hospital**

Present:	Peter Wyman Sue Brown Sue Bulley Ian Fawcett Hala Hall John Hawkins John Park Philip Tyrrell Alison Whitman Nicholas Craw Michael Fernando Paul Porter Yvonne Thorne Lou Evans Jane Lock David Recardo	Chairman Public Governor Public Governor Public Governor Public Governor Public Governor Public Governor Public Governor Public Governor Staff Governor Staff Governor Staff Governor Staff Governor Appointed Governor [items 50/15-60/15] Appointed Governor [items 51/15-60/15] Appointed Governor
In Attendance:	Maurice Dunster Julian Grazebrook Samantha Hann Paul von der Heyde Paul Mears Tim Newman Helen Ryan	Non-Executive Director [items 46/15-53/15] Non-Executive Director [items 46/15-50/15] Assistant Company Secretary Non-Executive Director [items 50/15-60/15] Chief Executive Chief Finance and Commercial Officer [items 49/15–53/15] Director of Nursing and Clinical Governance [items 46/15-50/15]
Apologies:	Monica Denny Jane Gifford Martin Ormston John Webster John Tricker Judith Lindsay-Clark Rob Childs	Public Governor Public Governor Public Governor Public Governor Public Governor Staff Governor Appointed Governor

		Action
46/15	WELCOME AND APOLOGIES Peter Wyman welcomed the governors, Non-Executive Directors and those in attendance to the meeting. Apologies were noted as listed above.	
47/15	DECLARATIONS OF INTEREST The Chairman declared that he is the Treasurer and Vice-Chairman of the University of Bath and the named Chairman Designate for the Care Quality Commission (CQC).	

48/15	<p>MINUTES OF THE PREVIOUS MEETING AND MATTERS ARISING</p> <p>The minutes of the meeting held on 17 September 2015 were approved as a true and accurate record, subject to one amendment in relation to the dates of the governor working group meetings: Membership and Communications 14 May 2015 and Strategy and Performance 15 May 2015 to be replaced with Membership and Communications 13 August 2015 and Strategy and Performance 04 September 2015. There were no matters arising.</p>	
49/15	<p>APPOINTMENT OF A NEW CHAIRMAN</p> <p>Following confirmation that Peter Wyman has been named as the Chair of the CQC, Julian Grazebrook, Senior Independent Director, provided an overview of the process to appoint a new Chairman of YDH, which had been developed with the Governor Appointments Committee and agreed by the Council of Governors by email in November 2015:</p> <ul style="list-style-type: none"> • The term of office, time commitment, role specification, remuneration, allowances, and the other terms and conditions replicates that of the Chair currently in post. • The full content of the advert and role specification was agreed by the Appointments Committee of the Council of Governors. • The advert was placed in the Western Gazette, Somerset County Gazette, YDH website and the Public Appointments website for a period of two weeks. • A longlist was produced by the HR team and the Senior Independent Director and shared with the Appointments Committee to agree a shortlist for interview. • Interviews took place on 9 December 2015. The interview panel was comprised of five members, the majority of whom were a subset of the governors on the Appointments Committee (Hala Hall, John Park and Michael Fernando), the Senior Independent Director (who chaired the panel) and the Chief Executive. <p>Julian Grazebrook spoke of the recruitment and interview process, from which it was noted that:</p> <ul style="list-style-type: none"> • Four candidates applied for the post. Of these, the Appointments Committee agreed to shortlist three candidates. • The candidates had a mixture of NHS and private sector experience. • There was one internal candidate. <p>Following a thorough set of interviews, Julian Grazebrook advised the recommendation of the interview panel is to appoint Paul von der Heyde, currently YDH Non-Executive Director and Vice-Chair based on the strength of his interview and extensive experience. John Park assured the Council the external candidates had been given a fair opportunity against the internal candidate. The recommendation to appoint Paul von der Heyde as Trust Chairman was unanimously approved by the Council of Governors. His appointment will run from 4 January 2016 until 31 May 2018.</p>	

50/15	<p>OVERVIEW OF IWANTGREATCARE</p> <p>Helen Ryan provided a demonstration of IWANTGREATCARE.org (IWGC) which was launched on 1 October 2015 and provides an independent service for patients to leave meaningful and honest feedback on their care. She added that the tool would also enhance the Trust’s existing mechanisms for obtaining and responding to “friends and family” feedback. Helen Ryan advised patients/carers/parents are given the opportunity to provide feedback upon leaving the hospital by: inputting their feedback onto a Trust ipad with the help of a volunteer, completing a paper feedback form or completing feedback at home either directly on the IWGC website or completion of a paper survey which is sent directly to the company. Helen Ryan advised the feedback is checked by moderators at iwantgreatcare who are able to contact those who have left feedback to ask if they would like a member of the Trust to contact them directly to discuss this further. Helen Ryan confirmed the Patient Experience Team review the feedback and are able to respond to comments on the website.</p> <p>Helen Ryan provided an example of a report produced by IWGC which is reviewed by the Board of Directors each month. She confirmed Roger Hayward, Head of Patient Services, will receive additional training by the company to enable him to interrogate the information more fully and produce more detailed reports. Helen Ryan advised reports can be tailored for different areas and services across the Trust for instance ward reports will be produced and displayed on the wards to provide real time feedback for staff and patients. She spoke of the morale boost this can provide to staff who receive this feedback. The tailored reports will be received by the Patient Experience Committee for scrutiny. John Hawkins asked if the Council can also receive the information, which this was agreed.</p> <p>Nick Crow questioned whether IWGC is an additional mechanism for patients to leave feedback or whether this replaces the systems already in place. Helen Ryan confirmed this is an additional way to leave feedback and patients/carers/parents will still be able to leave feedback on NHS choices or provide follow feedback directly to the Trust.</p> <p>Ian Fawcett asked if negative feedback can be removed from the website. Helen Ryan said the Trust can approach the person to contact the Trust to discuss the matter but comments cannot be removed. However, any defamatory comments or feedback which breaches any legislation will be assessed by the moderators at IWGC.</p> <p>David Recardo congratulated the Trust on receiving such positive feedback to date considering the short period of time the system had been in place.</p>	SH
51/15	<p>UPDATE ON FINANCIAL PERFORMANCE AND THE GOVERNOR QUALITY AND OPERATIONAL PERFORMANCE DASHBOARD</p> <p>Paul Mears presented the governor information dashboard highlighting key areas of operational pressure from which it was noted that:</p> <p>It remains a challenge for the Trust to recover the RTT position after the significant winter operational pressures last year which necessitated YDH postponing a high proportion of non-urgent elective procedures to accommodate patients requiring urgent care together with experiencing recent increases in referrals for particular specialities. A recovery plan is in place and is on track but the 2015/16 winter period and the increase in referral rates are risks to achieving this.</p>	

The Council discussed the risks and John Park asked if the increase is due solely to the demographics of the population served by YDH. Paul Mears confirmed this was the reason for The majority but also cited patient choice, particularly for the increase in ophthalmology referrals.

Paul Mears spoke of the challenges faced in A&E and he confirmed the Trust did not meet the 95% target during the period, along with many trusts across the country, primarily due to the growth in attendance and the number of patients who need to be admitted. Delayed transfers of care remain a challenge affecting patient flow. Paul Mears confirmed the actions taken by the Trust in preparation for winter include the new 24 bed modular ward and the block purchasing of 18 “time to think” beds at Cookson’s Court Nursing Home. He confirmed the modular ward had arrived on site and the ward is currently being fitted out and connected to the rest of the hospital. Nick Craw asked when the new modular ward would be ready to receive patients and Paul Mears confirmed it is anticipated from late January/early February 2016. Paul Mears confirmed of the 18 beds at Cookson’s Court which are managed by Somerset Care, 6 will be available for patients waiting for onward care arrangements and 12 for patients who no longer need acute medical care but require some clinical care, such as therapy input. He confirmed the staff at Cookson’s Court are employed by Somerset Care but the YDH therapy team staff will provide rehabilitation services for these patients. Jane Lock asked about the price paid for the block purchase of these beds and questioned that after 6 weeks in Cookson’s Court, the Local Authority may be unable to continue funding the beds at the same rate and patients, if not self-funded, may therefore be moved to more affordable beds. Paul Mears confirmed discussions will take place with each patient and their family/carers to clarify that this is a short term staged pathway, not a permanent placement. Ian Fawcett asked if these beds are available to Dorset patients as well as Somerset patients. Paul Mears confirmed the beds are available for Somerset patients and Yvonne Thorne advised decisions are made on a case by case basis for Dorset patients in relation to all services provided. Peter Wyman added that by having these beds available for Somerset patients, this indirectly benefits Dorset patients by increasing patient flow through the hospital.

Tim Newman presented the Finance Report advising the Trust is currently in line with budget (£10.4m deficit year-to-date, which is £0.02m favourable to budget). He spoke of the key risks to the budget – operational pressure and nursing expenditure, progress on which is being made as a result of the nurse recruitment campaign. Michael Fernando asked if there is adequate nursing provision for the new modular ward which was positively confirmed by Tim Newman.

In relation to medical staffing spend, Tim Newman advised there is still a dependency on agency staff due to the difficulties faced to recruit to certain posts. He confirmed this is a national issue echoed by many Trusts.

Tim Newman confirmed YDH is continuing to drawdown support from the Department of Health to fund the deficit and capital projects (such as the modular ward). He confirmed CIP and capital expenditure are both in line with the budget.

John Hawkins questioned why the cost of the modular ward had increased from £3.3m to £3.5m Tim Newman advised the main reason had been the additional steel structure which had to be erected to provide support for the modular ward.

	<p>Paul Porter asked for a definition of a “public dividend capital (PDC)”. Tim Newman advised if the drawdown funds are provided to YDH as a loan but converted to PDC, the Trust would only pay interest on the PDC. If however the funds remain a loan, as they are currently, YDH would pay back interest and the capital.</p> <p>Jane Lock asked of the impact financially for YDH to provide all employees with the living wage. Tim Newman advised there will be minimal impact for the Trust as the majority of employees already receive higher than the living wage salary.</p> <p>Paul Mears confirmed him, the Chairman and Tim Newman meet regularly with Monitor to review progress. Paul Mears acknowledged the significant efforts which had been undertaken in the recruitment of nursing staff and with the progress made to recruit consultants. There was acknowledgement that radiology recruitment in particular remains a challenge both locally and nationally.</p>	
52/15	<p>CHIEF EXECUTIVE REPORT</p> <p>Paul Mears presented highlights from his written report, from which it was noted that:</p> <p>Junior Doctors’ Strike Action</p> <p>Paul Mears advised the 3 days of strike action scheduled for December 2015 had been called off. He confirmed the impact had been relatively small for the Trust with only a small number of operations and outpatient clinic appointments being rescheduled. Paul Mears said the next stage of negotiations are awaited.</p> <p>Chairman</p> <p>Paul Mears thanked the Chairman for his leadership and guidance during his tenure and said Peter Wyman had been critical to enabling the success of YDH. Peter Wyman said being Chairman of YDH has been a fantastic experience.</p> <p>New Interim Chief Officer for Integrated Care</p> <p>Paul Mears confirmed Mandy Seymour-Hanbury had been appointed as the Interim Chief Officer for Integrated Care and, as the former Chief Executive of Torbay and Southern Devon Health & Care Trust (previously Torbay Care Trust), she has almost unparalleled experience of integrated care systems.</p> <p>Director of Elective Care Appointment</p> <p>Paul Mears confirmed the Trust is in final negotiations with the preferred candidate following interviews for the post of Director of Elective Care subject to which, they will join YDH in the new year.</p> <p>iCARE Awards</p> <p>Paul Mears spoke of the fantastic opportunity to pause and reflect on the exceptional work taking place across the hospital every day at the staff iCARE awards. More than 300 members of staff and volunteers attended with 132 nominations for 8 awards. He advised the winners spanned a wide range of departments and specialisms and positive feedback had been received from attendees. John Park congratulated Paul Mears and Helen Ryan on hosting the awards.</p> <p>Car Park Update</p> <p>Paul Mears confirmed works will commence in January 2016, firstly with the creation of the opening of the link road onto the dual carriageway. Paul Mears acknowledged there will be a disruption in the service for 12 months. He confirmed an interim solution for staff who are affected by the works had been communicated with them.</p>	

	<p>TrakCare (Electronic Health Record) Update</p> <p>Paul Mears advised the decision had been made with Intersystems to delay the roll-out of TrakCare until Spring 2016 to ensure YDH has adequate time to prepare and train staff. He advised that YDH had the opportunity to visit a Trust in the North of England who had recently implemented TrakCare and which provided the team with invaluable learning experience to help ensure any issues experienced by that Trust are addressed by YDH before its go live in Spring 2016.</p> <p>Paul Mears confirmed an update on the modular ward and the CQC inspection had been discussed in the governor seminar session and earlier this morning and during the course of the meeting and so it was not repeated here.</p> <p>Nick Crow asked if a bid had been submitted for the Shepton Mallet NHS Treatment Centre. Paul Mears confirmed the current contract held by Care UK for the Shepton Mallet NHS Treatment Centre and the health campus was being procured by the Somerset CCG and YDH in partnership with Circle Bath had submitted a bid. He said the procurement process is still underway and final decision will be made in March 2016.</p>	
53/15	<p>UPDATE ON DEVELOPMENT OF NEW MODELS OF INTEGRATED CARE</p> <p>Acknowledging recognition of the Trust's plans to develop new models of integrated care and being selected as a vanguard site, Paul Mears said that progress is being made with the Symphony work and a Programme Board is in place to oversee development of the plans, at which there is joint and equal representation from YDH and primary care. In addition he said there is representation from Somerset Partnership NHS Foundation Trust, Somerset County Council and Somerset Clinical Commissioning Group (CCG).</p> <p>Paul Mears advised there are three key areas of focus for the Programme Board:</p> <ul style="list-style-type: none"> • complex care hub – the hub situated at YDH has been operating since June 2015 and has received exceptional feedback from patients. Paul Mears confirmed for those patients managed by the hub when compared with the data from 2014, there has been a 30% reduction in the number of hospital admissions and a 50% reduction in the length of stay for the patients who have been admitted. Two further hubs within the county will be set up and the venue of the hubs is currently being arranged. • enhanced primary care – for patients with one or two long term conditions who are currently managed by their GP practice, the Programme Board are working with 12 South Somerset GP practices to develop the enhanced primary care model which will enable more patients to be treated outside of an acute setting. The model involves providing practice staff with the skill set to manage additional services within the practices and working with some of the YDH teams, such as physiotherapy team, who will be able to provide therapy services within primary care. Health coaches will also be available within the practices to help patients manage their behaviours in relation to their health. • governance structure and outcomes based commissioning – Paul Mears confirmed the Programme Board have reviewed the governance structure for the new models of care and will continue to develop this as projects progress. He spoke of the move towards outcomes based commissioning which will be a significant change from the current commissioner and provider contract arrangements which are focused on activity and yearly renewable contracts. • Paul Mears advised outcomes based commissioning will allow providers to work together and decide how to allocate the population resource funds in 	

	<p>order to achieve the outcomes set by the commissioner and the contract will be over a longer time period than the current arrangements in order to provide time for the outcomes to be achieved.</p> <p>John Park asked whether GPs in Dorset were engaged in the process. Paul Mears confirmed there have been discussions with the community provider in Dorset, Dorset GPs, Dorset CCG and the Dorset County Hospital and there could be the possibility of developing a similar model in a GP practice in Sherborne but the Dorset CCG are currently undertaking a clinical services review within Dorset and this will feed into this programme of work.</p> <p>Peter Wyman said that the pace of development for the new models of care was hotting up and while it simply was not possible to predict with any certainty what developments will take place it is likely that some will have occurred before the next meeting of the Council. He said the Chief Executive and the new chairman will do their best to advise the Council of matters as they happen but because of their commercial sensitivity, and the timing of the meetings it may not always be possible to do so in advance. Should there be a transaction which under the constitution requires the approval of the Council it will of course not be entered into unconditionally until such approval is obtained.</p> <p>The Council welcomed the update and supported the direction of travel to develop new models of integrated care.</p>	
54/15	<p>REPORTS FROM ASSURANCE COMMITTEES</p> <p>The Council were advised that copies of the draft minutes for Governance Assurance Committee and the Audit Committee which were held on 14 October 2015 would be circulated by email when finalised. John Park advised that the Audit Committee had reviewed the audit programme of work for the new year and received an internal review of consultant job plans and the recommendations being taken forward.</p>	
55/15	<p>REPORTS FROM GOVERNOR WORKING GROUPS</p> <p>It was noted that the Council had received by email copies of the draft minutes for the governor working groups, verbal updates on which were provided as follows:</p> <p>Membership and Communications – 05 November 2015</p> <p>Hala Hall advised the group had reviewed the membership statistics, membership events and the revised membership form. The Council was provided with copies of the revised membership form and asked to recruit new members. Hala Hall commented on the attendance of the group members and advised decisions are unable to be made due to the group not being quorate. Hala Hall invited any governors who would like to become a member of the group to contact Samantha Hann.</p> <p>Strategy and Performance – 12 November 2015</p> <p>Alison Whitman advised the group had an in-depth discussion with Jonathan Higman, Director of Strategic Developments, in relation to the revised and much more accessible Trust strategic objectives and priorities.</p>	<p>ALL</p> <p>ALL</p>
56/15	<p>PATIENT EXPERIENCE COMMITTEE UPDATE</p> <p>Yvonne Thorne advised she was unable to attend the last Patient Experience Committee but would ask Judith Lindsay-Clark to circulate an update to the Council electronically.</p>	JLC

57/15	<p>FEEDBACK FROM MEETINGS</p> <p>Peter Wyman advised governors had been invited to attend local health meetings across the county. Feedback would be provided to each organisation and representatives from their organisations had been invited to attend the YDH Council of Governor meetings. The Council received feedback from the YDH representatives who had attended the following meetings:</p> <p>Royal United Hospital Bath NHS Foundation Trust Council of Governors Meeting – 8 October 2015 Hala Hall and John Webster attended.</p> <p>Somerset Clinical Commissioning Group Governing Body Meeting – 22 October 2015 Sue Brown, Sue Bulley, Nick Craw, Samantha Hann and Jade Renville attended.</p> <p>Wincanton Health and Social Care Forum – 3 November 2015 Sue Brown attended.</p> <p>South West Governor Exchange Network – 19 November 2015 Alison Whitman attended.</p> <p>Visit to South Western Ambulance Services NHS Foundation Trust John Hawkins attended. Samantha Hann provided feedback which had been received from the Somerset Partnership NHS Foundation Trust Governors who attended the Trust’s Council meeting on 17 September 2015.</p>	
58/15	<p>ANY OTHER BUSINESS</p> <p>David Recardo advised he recently attended a presentation evening at Yeovil College regarding the way forward in the future where they discussed a medical learning facility. Paul Mears spoke of the discussions between YDH and Yeovil College regarding the proposal of a career college where students will be able to study and work through a pathway to a career within health care.</p> <p>Philip Tyrrell asked whether the local MP had visited the hospital since his election earlier in the year. Peter Wyman confirmed Marcus Fysh had visited the Trust early Autumn and another visit had been arranged for mid December.</p> <p>The Council discussed the increasing population within the Trust’s catchment area and the subsequent increase in demand on the services provided by YDH.</p> <p>There was no further business to discuss.</p>	
59/15	<p>EXCLUSION OF THE PUBLIC</p> <p>The Council resolved to exclude the public and others for the remainder of the meeting.</p>	
60/15	<p>DATE OF NEXT MEETING</p> <p>The next meeting will be held on Thursday 03 March 2016.</p>	

Agenda Item 7

Enforcement Proposal for Council car parks

Executive Portfolio Holder: Henry Hobhouse, Property and Climate Change
Ward Member(s) Proposal affects Areas West and South
Strategic Director: Vega Sturgess, Operations and Customer Focus
Assistant Director: Laurence Willis, Environment
Service Manager: Garry Green, Property & Engineering Services Manager
Lead Officer: Garry Green, Property & Engineering Services Manager
Contact Details: garry.green@southsomerset.gov.uk or 01935 462066

Purpose of the Report

To seek approval to proceed with a proposal put forward to this Council by Bemrose Booth, the service provider of the phone and pay facility in our public car parks, on an 'intelligent enforcement' option based on digital technology to complement the way we patrol and enforce our car parks at present.

Forward Plan

This decision appeared on the District Executive Forward Plan for March, but required further investigation around procurement before it was ready for Member consideration.

Public Interest

Public car parking is of interest to the majority of the public going about their everyday business and leisure time activities. Compliance with the parking regulations to ensure that car parks are used correctly is a necessary management tool to ensure that parking is available as and when required and contributes in an appropriate way to the vitality of town centres.

Enforcement is carried out by Civil Enforcement Officers (CEOs or parking attendants) who patrol the car parks on foot and check that vehicles have paid, not overstayed their purchased time, and are parked correctly in the designated bays. Penalty Charge Notices (PCN's, parking tickets) are issued for contravention of the regulations in place by placing a penalty notice on the vehicle.

This proposal enhances the existing process by 'tracking' vehicle movements in and out of our car parks with the use of ANPR (automatic number plate recognition). This is correlated to the method of payment to the vehicle in question. Alerts are relayed to the CEOs via mobile phone about those vehicles in contravention of parking times which can then be located and enforced as necessary.

The enforcement process under this proposal is no different for the public with a PCN being attached to the vehicle in question in the usual way. The proposed system will also offer other potential benefits and options to the public as described below.

Recommendations

For Members to agree:

- (1) That the Council enters into a 2 year contract with Bemrose Booth for the 'intelligent enforcement' offer subject to agreement of the terms and conditions of the contract.

- (2) That the guaranteed maximum 10% uplift of car park income is noted where the system is installed in accordance with the terms and conditions of the contract for the next two years.
- (3) That Bemrose Booth receives any excess of the 10% uplift in point 2 above in accordance with the terms and conditions of the contract for the next 2 years.
- (4) That the potential increase in car park income will be capped at 10% for the next two years above the agreed baseline income figures.
- (5) That this Council commits a maximum of £20,000 from the capital budget already approved in the car park enhancement programme to amend and alter the carpark entrances and exits to accommodate the ANPR cameras.

Background

Enforcement is carried out in all our pay and display car parks and periodically in our free car parks to ensure that the public comply with the regulations in place.

PCNs are issued by the CEOs for non-compliance by placing the notice on the vehicle in question detailing which offence has been contravened

The means of paying for parking are by pay and display, which involves purchasing a ticket from the ticket machines for the time you wish to stay, season tickets, permits, or using the phone and pay system whereby you register your vehicle details and pay by credit or debit card to the service provider over the phone or online. Bemrose Booth is the service provider for the phone and pay system

The CEOs will patrol the car parks and visually check that a means of payment is on display. If no means of payment is visible they will check their mobile phones and log into the Phone and Pay application which will inform them which vehicles in any particular car park have paid by this means. They are then able to determine non payment on any vehicle and issue PCNs in accordance with the guidelines in place

Other contraventions in addition to non-payment are, for example, parking outside marked bays, parking in specific designated bays (such as a disabled bay without a valid blue badge, in taxi ranks, or loading bays without unloading), and causing an obstruction.

'Intelligent Enforcement' Proposal

The 'intelligent enforcement' offer put forward by Bemrose Booth will enhance compliance with contraventions relating to non-payment or overstaying the time purchased by motorists only and not the other offences indicated above. The vast majority of contraventions are in this category.

Vehicle movements in and out of our pay and display car parks will be tracked with the use of ANPR (automatic number plate recognition) and this will be correlated to the method of payment to the vehicle in question.

This will involve installing ANPR cameras at all entrances and exits to our car parks and new 'state of the art' ticket machines that require the vehicle registration details to be entered before a ticket is purchased. The cameras log when a vehicle enters the car park and are linked to the machines to match the vehicle registration details to the ticket purchased. The system then knows what time that vehicle should be leaving the car park and if it is not registered doing so by the cameras on exit it can then notify the CEOs (via their mobile phones) which vehicles in which car parks are in contravention.

As this is the same provider as the phone and pay service it will automatically follow the same process with motorists who have used that service

Any motorists who have purchased season tickets, permits, or have rights of access off the car parks will have their vehicle registration details and conditions logged into the system so that they are known as being compliant.

The system is basically reversing the present role of enforcement by informing the CEOs of vehicles who have contravened the payment offences rather than the CEOs having to visibly check all vehicles. They will still have to patrol the car parks to check other non-compliance offences as stated but these are few and far between.

Traffic and parking legislation does not permit PCNs to be issued in off street car parks retrospectively by issuing a PCN in the post for example, using ANPR evidence. The CEOs will still have to manually place the PCN and affix it to the offending vehicle. (Please note: private car parks such as those adjoining supermarkets are not affected by this legislation, and they can be issued in certain on street situations, for example bus lanes).

The offer made to this Council is that Bemrose Booth will provide and install the APNR cameras and associated software along with new ticket machines at no cost to this council.

Any modifications required to the entrances to the car parks to facilitate the APNR cameras will be at this Council's expense up to a maximum of £20,000.

The idea of this new enforcement mechanism is to maximize compliance and reduce our enforcement costs and possibly administration over time.

Other benefits of this type of system are that motorists can sign up to 'Auto Pay' whereby they register their details and can use any car parks and the system will log the duration of stay in any car park they use and debit their account accordingly, They would be informed via an SMS of the details stating when they entered a car park, how long they had stayed, and the amount which had automatically been debited from their registered payment card. The SMS would cost no more than 20p

Auto Pay users would not receive a PCN and would pay for the time parked with no need to estimate how much parking they would need to purchase. There may also be an option to encourage more users to adopt Auto Pay by offering pro-rata parking, i.e. paying for the actual stay in the car park, even to the nearest minute if need be, relating to the applicable hourly tariff in that car park. This option would need to be developed over the contract period and implemented at a later date (and be subject to further Executive approval if required).

With new pay and display machines and this enforcement system in place it would allow the option of reduced/free/other parking schemes for the public to be managed effectively, although loss of income would need to be covered as it would affect the 10% and 10%+ figures on which the business case is predicated.

Season tickets/permits may also be purchased via the system without the need to issue permits hence saving on administration costs.

By using this latest technology, it is anticipated that the following benefits will be realised:

- Improved customer service
- Greater efficiencies for Parking Services
- New pay and display machines, so no need to replace the Councils pay and display ticket machine stock
- More ways to pay than ever before
- Higher levels of compliance resulting in additional income,
- Improved targeting of enforcement activity
- Reduced administration of paper permits/season tickets

- Less pay and display machine usage, tickets, wear and tear and maintenance
- Reduced necessity for cash collection, counting and banking

Risks and Mitigations (R & M)

R. There is the risk that the car park inspectors may not receive the data, for whatever reason, relating to the vehicles that have not complied with the payment options in place.

M. The inspectors would enforce in the normal manner until there was confidence that the information on non-compliance for not paying (this will be the only offence the system will be able to check) is filtering through satisfactorily.

R. The public are unhappy with SMS charges, causing reputational damage.

M. The SMS charges relating to people taking up the auto pay option will be agreed in the contract. It is a relatively small amount for the added convenience of not having any change. The administration charge for virtual permits would be 1.5% of the value charged to SSDC and no costs to the public.

R. Payment of uplift sums owed to the council made on time.

M. Agreement will be reached when payments will be made, and included in contract.

R. The public don't like having to key in their registration details, causing reputational damage.

M. This type of machine is becoming more common to prevent unexpired tickets being passed to other parkers, so the public should be getting more used to the routine of using them.

This Council's insurance would cover any vandalism to the new machines as at present and any disputes not in the contract would have to be resolved between ourselves as would be the case in any agreement. Non-payment of the guaranteed 10% uplift would be pursued via legal action under the terms of the contract

At the end of the two year trial the Council would have options to seek tenders to continue with the system, implement our own, or abandon the system depending on the outcomes of the trial period. The existing machines will be 'bagged' and left in place, to enable the council to return to the status quo or seek a different option.

Procurement Implications

The Procurement and Risk Manager considers it is appropriate and safe to proceed with a 2 year proof of concept extension/alteration to the existing phone and pay contract. At the end of this period it is expected that the Engineering Manager will come back with a further recommendation for consideration.

Financial Implications

The installation of all the new ticket machines and ANPR cameras will be at nil cost to the Council.

Adaptions to the car parks will be necessary to ensure cars enter and exit through the ANPR cameras. This Council commits a maximum of £20,000 from the previously approved capital car park enhancement budget for these works.

Bemrose guarantee 10% up lift on pay and display income, in all car parks where the system is installed, and should this not be achieved through consumer income, it is to be paid for by

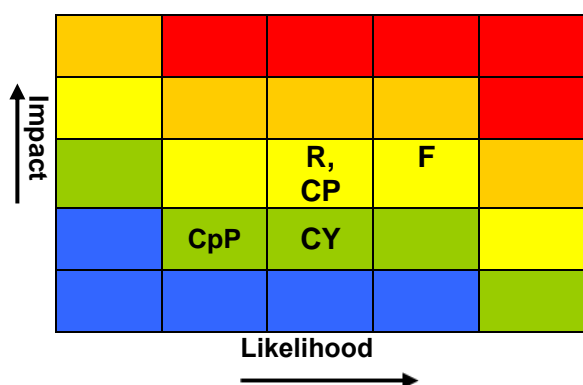
Bemrose Booth (baseline for income the average of previous 24 months). This could be worth up to £200K if all car parks are found to be suited to these new arrangements.

Any uplift over and above the 10% detailed above would be payable to Bemrose Booth. This would be fixed for the 2 year contract period. After this time, the financial data would be available to analysis the effect of the cameras on income, and negotiate the contract as necessary.

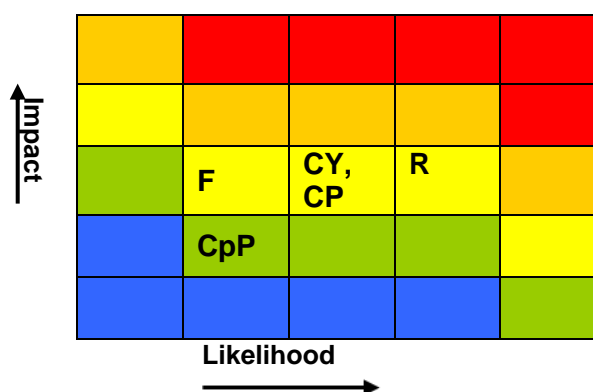
As part of the budget setting report agreed by Full Council in February, an additional £200,000 was added to the income budget for Car Parks, to reflect the decision to look at the implementation of this system. Therefore, no further adjustments to the budget are needed at this stage.

Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

Council Plan Implications

- Council Plan 2016-21: High Quality, Cost Effective Services.
 - Actively manage assets and resources to ensure the best financial or community return.
 - Work with partners to achieve economies, resilience and influence.
- Annual action plan for 2016/17
 - Optimise council assets to increase use or receive income

Carbon Emissions and Climate Change Implications

No effect on carbon issues and potentially will reduce administration and paper

Ticket machines will be solar powered to save on energy costs

Equality and Diversity Implications

Ticket machines will be DDA compliant and increased options on how to pay will reduce the need to use the ticket machines for all.

Analysis carried out so far will be used to inform contract negotiations, with full EqA being concluded closer to the end of this process once full terms and conditions are known.

Privacy Impact Assessment

- Vehicle registration details are monitored but not used for any other data or use except to correlate compliance with payments to stay in car parks. Common system used elsewhere in car parks and toll roads
- No personal data used or stored and the process of following up any Penalty Charge Notices is as at present and well regulated
- General public will not notice any difference to their experience of parking, other than the need to tap in their vehicle registration details if they use the new machines as their method for payment.
- The service provider of the system will process the data and forward non-compliant vehicles registration details to the Civil Enforcement Officers for action
- No risk to security data of third parties, the CEOs will still need to identify the vehicle and decide whether or not a ticket should be issued.

Background Papers

None available

Agenda Item 8

Community Infrastructure Levy – Draft Charging Schedule

Executive Portfolio Holder: Angie Singleton, Strategic Planning (Place Making)
Strategic Director: Rina Singh, Strategic Director, Place and Performance
Assistant Director: Martin Woods, Assistant Director Economy
Service Manager: Paul Wheatley, Principal Spatial Planner
Lead Officer: Paul Wheatley, Principal Spatial Planner
Contact Details: paul.wheatley@southsomerset.gov.uk or (01935) 462598

1. Purpose of the Report

- 1.1. To note and agree the modifications made to the Community Infrastructure Levy Draft Charging Schedule as a result of the recent public consultation. To agree that these modifications to the Community Infrastructure Levy Draft Charging Schedule be published for consultation, and to agree that the Community Infrastructure Levy Draft Charging Schedule is submitted to an independent examiner (in this case the Planning Inspectorate) on the 27th May 2016.

2. Public Interest

- 2.1. The Council is in the process of creating a Community Infrastructure Levy which will operate across the district. The Community Infrastructure Levy will be a chargeable amount levied on to certain forms of residential and commercial development in South Somerset. The submission of the Draft Charging Schedule represents the next formal stage in finalising the Community Infrastructure Levy. The Council consulted upon the Draft Charging Schedule in February 2016¹.
- 2.2. If agreed, the Council will submit the Draft Charging Schedule to an independent examiner (in this case the Planning Inspectorate) who will further scrutinise the Council's proposal for a Community Infrastructure Levy. If the Charging Schedule successfully passes through examination, the Council will then be in a position to formally adopt a Community Infrastructure Levy.

Recommendation(s):

- i. To endorse the Modifications made to the Community Infrastructure Levy Draft Charging Schedule, and recommend that these are approved by Full Council;
- ii. To endorse that the Council publishes the Modifications to the Community Infrastructure Levy Draft Charging Schedule for public consultation, and recommend that these are approved by Full Council;
- iii. To endorse the Community Infrastructure Levy Draft Charging Schedule Submission version, and all accompanying evidence, and recommend that these are approved by Full Council to be submitted to the independent examiner; and
- iv. To delegate responsibility to the Assistant Director for Economy in consultation with the Portfolio Holder for Strategic Planning to make all necessary arrangements so that the Council can carry out and complete the Examination in to the Community Infrastructure Levy Draft Charging Schedule.

¹ Draft Charging Schedule (February 2016):
http://www.southsomerset.gov.uk/media/814352/south_somerset_community_infrastructure_levy_draft_charging_schedule_issue_to_inovem_080216.pdf

3. Report

Background and Context

- 3.1. The Community Infrastructure Levy was introduced through the Planning Act (2008) and is defined through the Community Infrastructure Levy Regulations 2010 (as amended).
- 3.2. The Community Infrastructure Levy represents an opportunity to establish a clearer, more certain process for collecting contributions from development to help deliver infrastructure improvements.
- 3.3. The Community Infrastructure Levy is payable on development which creates net additional floorspace, where it exceeds 100 square metres. However, all new dwellings are potentially liable for the Community Infrastructure Levy irrespective of their size (unless there are proven exemptions).
- 3.4. The Community Infrastructure Levy will be charged by South Somerset District Council, and any amount of money received through the Community Infrastructure Levy will be collected by South Somerset District Council.
- 3.5. Under the terms of the Community Infrastructure Levy Regulations 2010 (as amended) 15% of the monies received would automatically be passed to the Parish or Town Council where the development occurred. This proportion increases to 25% where a Parish or Town Council has adopted a Neighbourhood Plan. The level of money passed to Parish or Town Council is not subject to change and will not be negotiated by either the developer or the Council.

Overview of the Process So Far

- 3.6. The Council adopted the South Somerset Local Plan (2006 – 2028) in March 2015, and this sets out the scale and location of planned growth – 15,950 homes and 11,250 jobs by 2028.
- 3.7. To ensure that this level of growth can be delivered the Council has produced an Infrastructure Delivery Plan (January 2016) which details the infrastructure requirements to support development across the district. This work concludes that there is a funding gap of approximately £128 million, which a Community Infrastructure Levy would help (in part) to bridge².
- 3.8. The Council has prepared a series of viability appraisals to inform its approach to the Community Infrastructure Levy. These appraisals examine whether development sites will still proceed if a Community Infrastructure Levy is added to the overall calculation of the costs required to develop.
- 3.9. The first appraisals originally took place in 2012 and helped inform the Preliminary Draft Charging Schedule, which was published in March 2012. Since that time, changes in circumstance have affected the overall viability of developments in South Somerset. As such, additional viability work has been prepared to inform the Draft Charging Schedule. This evidence was included as part of the formal public

² South Somerset Infrastructure Delivery Plan 2016 (January 2016):
[http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-\(2006-2028/evidence-base/](http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-(2006-2028/evidence-base/)

consultation on the Draft Charging Schedule, which took place between the 10th February and the 24th March 2016.

Summary of Consultation on the Draft Charging Schedule

- 3.10. The Council received 34 consultation responses to the proposed Draft Charging Schedule. These were from a mixture of landowners, housing developers, parish/town councils, and private individuals.
- 3.11. All of the consultation responses received will be forwarded to the independent examiner who will conduct the Examination into the Council’s Draft Charging Schedule
- 3.12. Six consultees have indicated that they wish to be present at the Examination into the Draft Charging Schedule. Given this level of response it is likely that a hearing/inquiry will be held to discuss the Draft Charging Schedule. The details of when, and where, the Examination will take place are yet to be determined. The Council will publicise these details once they are known.
- 3.13. A summary of the main issues raised by the consultation responses is set out in Appendix A. A full list of those persons and organisations who responded, along with their full consultation response, can be found on the Council’s consultation website: <http://consult.southsomerset.gov.uk/consult.ti/system/listConsultations>

Modifications as a Result of the Consultation on the Draft Charging Schedule

- 3.14. Having carefully considered the consultation responses, the Council believes that two modifications are required to the Draft Charging Schedule. These are summarised as:

Table 3.1: Modifications to the Draft Charging Schedule and Reasons

Modification	Reason
Removal of reference to C2 (Use Class) from the list of developments that will be subject to a £40 per square metre charge	Evidence in the viability appraisals does not support the imposition of a levy rate on this type of development.
Deletion of row referencing “Retail (A1- A5 Use Class) in Town Centres and Primary Shopping Areas” from the Draft Charging Schedule	This row of the Draft Charging Schedule was intended to clarify that retail inside defined Town Centres and Primary Shopping Areas would not be subject to a levy rate. However, it has highlighted potential unintended consequences about the effect of a levy on retail in other locations. Therefore, the simplest solution is to remove the row altogether, and Retail (A1 – A5 Use Class) will fall under the “All Other Uses” category in the Draft Charging Schedule. This type of development will still not be subject to a levy charge, and therefore the overall effect remains the same as before.

- 3.15. Full details of the proposed modifications to the Draft Charging Schedule are set out in the “Statement of Modifications” document, which can be found at Appendix B.
- 3.16. Because the Council is proposing modifications to the Draft Charging Schedule, it will need to issue a copy of the “Statement of Modifications” to all those people who have so far been invited to make representations on the Community Infrastructure Levy.

- 3.17. The Council will also publicise the “*Statement of Modifications*” on its website from the 26th May 2016. The “*Statement of Modifications*” will be available to view here: [http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-\(2006-2028/evidence-base/](http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-(2006-2028/evidence-base/)
- 3.18. Any person may request to be heard by the examiner in relation to the modifications. For the avoidance of doubt, the right to be heard can only be made in relation to the modifications themselves. Comments on other aspects of the Community Infrastructure Levy or other aspects of the Draft Charging Schedule cannot be made at this stage in the process.
- 3.19. Those persons who request to be heard about the modifications should include details of which modification they wish to be heard.
- 3.20. All requests to be heard must be made in writing and submitted to the Council within four weeks of the date of the submission of the Draft Charging Schedule to the examiner.
- 3.21. Therefore, requests must be submitted to the Council by 12pm on the 24th June 2016. The Council will then submit copies of any requests to be heard to the examiner.
- 3.22. Request to be heard can be made to the Council in following ways:
- **By email to:** planningpolicy@southsomerset.gov.uk; or
 - **By post to:** Spatial Policy, South Somerset District Council, Brympton Way, Yeovil, BA20 2HT

Other Changes as a Result of the Consultation on the Draft Charging Schedule

- 3.23. In evaluating the consultation responses, the Council has also made other changes to the Community Infrastructure Levy Draft Charging Schedule documentation and supporting evidence. These are summarised as follows:
- Alterations to the proposed Instalments Policy;
 - Provision of supplementary evidence on development viability linked to the Sustainable Urban Extensions in Yeovil; and
 - Provision of supplementary evidence on infrastructure requirements for a cemetery in Yeovil, and subsequent amendment to the Draft Regulation 123 List.
- 3.24. Full details on these other changes can be found in both Appendix A and Appendix B.

4. Conclusion and Next Steps

- 4.1. The Council’s position remains that it wishes to adopt a Community Infrastructure Levy, and as part of that process it must submit a Draft Charging Schedule for independent examination. A finalised version of the Draft Charging Schedule, updated to take account of the modifications and other proposed changes can be found at Appendix C.
- 4.2. The Council will publicise the proposed modifications to the Draft Charging Schedule in advance of submitting to the independent examiner; and will then submit the Draft

Charging Schedule to the examiner. Any requests to be heard in relation to the modifications will then be sent to the examiner as and when received.

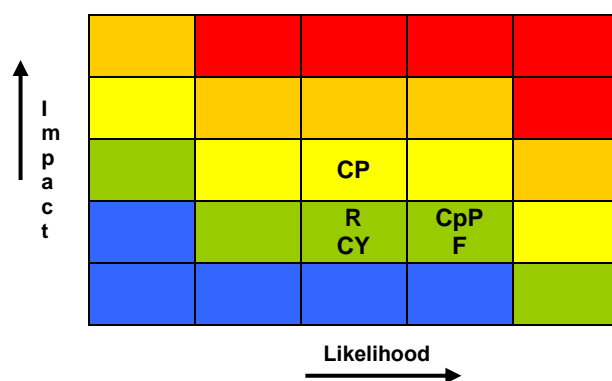
- 4.3. The Council will be submitting the modified Draft Charging Schedule, along with all of the supporting evidence and documentation, to the independent examiner on the 27th May 2016.

5. Financial Implications

- 5.1. There are no direct financial implications from this report or the recommendations.
- 5.2. However, if and when the Community Infrastructure Levy is adopted there will be financial implications for the Council in terms of the management, monitoring, and auditing of any levy monies received.
- 5.3. Similarly, practical arrangements to ensure that the correct proportion is given to Town and Parish Councils will require coordination of activity between the Council's Finance and Corporate Services directorate.
- 5.4. The governance arrangements for how the levy will be spent will be determined at a later date, but are likely to require approval from Full Council.

6. Risk Matrix

- 6.1. The matrix below sets out the risks associated with District Executive endorsing the modified Draft Charging Schedule for submission to the examiner on the 27th May 2016.



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

7. Corporate Priority Implications

- 7.1. The successful adoption of a Community Infrastructure Levy in South Somerset is an agreed Corporate Priority. Approving the Draft Charging Schedule so that it can progress to examination supports the objective to have a levy in place in the district.

8. Carbon Emissions and Climate Change Implications

8.1. None.

9. Equality and Diversity Implications

9.1. No direct implications.

9.2. The Community Infrastructure Levy is subject to a series of exemptions and qualifying criteria. These are clearly stated in the Community Infrastructure Levy Regulations 2010 (as amended). The Council will ensure that if and when it adopts the Community Infrastructure Levy it will carry out the implementation of it in direct accordance with these regulations so that the implementation is equitable.

10. Background Papers

Appendix A: Community Infrastructure Levy Draft Charging Schedule – Summary of Main Issues (May 2016)

Appendix B: Community Infrastructure Levy Draft Charging Schedule – Statement of Modifications (May 2016)

Appendix C: Community Infrastructure Levy Draft Charging Schedule – Submission Version (May 2016)

South Somerset

Community Infrastructure Levy

Consultation on Draft Charging
Schedule

Summary of Main Issues

May 2016

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3. Summary of Main Issues	2
4. Conclusion and Next Steps	12

1. Introduction

- 1.1. South Somerset District Council carried out public consultation on its Draft Charging Schedule for the Community Infrastructure Levy between 10th February and 24th March 2016. This consultation was carried out in accordance with Regulation 16 and 17 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 1.2. In accordance with Regulation 19(b) of the Community Infrastructure Levy Regulations 2010 (as amended) this document sets out a summary of the main issues and the Council's response to those issues. This report will be submitted to the Examiner alongside the Council's evidence base and other documentation.

2. Consultation on Draft Charging Schedule

Overview

- 2.1. The Council received a total of 34 consultation responses. These were from a mixture of landowners, housing developers, parish/town councils, and private individuals.
- 2.2. All of the consultation responses received will be forwarded to the independent Examiner who will conduct the Examination into the Council's Draft Charging Schedule.
- 2.3. Six consultees have indicated that they wish to be present at the Examination into the Draft Charging Schedule. Given this level of response it is likely that a hearing/inquiry will be held to discuss the Draft Charging Schedule. The details of when, and where, the Examination will take place are yet to be determined. The Council will publicise these details once they are known.
- 2.4. A summary of the main issues raised by the consultation responses is set out in Section 3. A full list of those persons and organisations who responded, along with their full consultation response, can be found on the Council's consultation website: <http://consult.southsomerset.gov.uk/consult.ti/system/listConsultations>

3. Summary of Main Issues

Main Issue	South Somerset District Council's Response	Recommendation
<p>A greater proportion than 15% of the CIL receipt should be direct to Parish/Town Councils.</p>	<p>The Council is not currently proposing to raise the percentage that is re-directed back to Parish/Town Councils. This is to ensure the overall CIL fund generated can be used to deliver strategic and critical infrastructure across the district. Parish/Town Councils are able to pursue Neighbourhood Plans where once 'made' would result in 25% of the CIL receipt being re-directed back to the Parish/Town Council.</p>	<p>No change</p>
<p>What is the review mechanism for the CIL charging rates and Regulation 123 List?</p>	<p>The Council has not yet assigned a review period. There are a number of reasons why and when a review may be triggered. These include:</p> <ul style="list-style-type: none"> • Substantial changes in the amount of infrastructure that is required to be delivered in South Somerset to secure growth; and/or • Significant changes in the housing market, linked to sales prices, constructions costs, and overall viability. <p>Whilst no fixed period has been set; it is likely that the Council will review its position on CIL after a two or three year period. This is in accordance with the NPPF/PPG.</p>	<p>No change</p>
<p>The Instalments Policy should be revised to provide greater flexibility to the development industry and avoid large costs early in the build-out of development sites.</p>	<p>The Council does not have to put in place an instalments policy. But, given the circumstances in South Somerset, it has carefully considered the need to balance the overall intention of CIL, which is to bring more certainty to the realisation of payments, and to do so earlier in the development cycle; versus the potential imposition of large costs to developers and the effects on cash-flow and viability. At present, the Council believes the instalments policy strikes the right balance.</p>	<p>The Council is mindful that the Instalments Policy can have an effect on the cashflow associated with a development. The Council is also conscious that South Somerset's development profile has a mixture of very small-scale developments, and large-scale developments. In order to meet the possible cashflow challenges at both ends of the spectrum, the Instalments Policy has been amended</p>

Main Issue	South Somerset District Council's Response	Recommendation
		slightly to ensure payment and timescales are better suited to the development typologies.
<p>The 720 day period for the final instalment payment over £300k is too long.</p>	<p>The Council does not have to put in place an instalments policy. But, given the circumstances in South Somerset, it has carefully considered the need to balance the overall intention of CIL, which is to bring more certainty to the realisation of payments, and to do so earlier in the development cycle; versus the potential imposition of large costs to developers and the effects on cash-flow and viability. At present, the Council believes the instalments policy strikes the right balance.</p>	<p>The Council is mindful that the Instalments Policy can have an effect on the cashflow associated with a development. The Council is also conscious that South Somerset's development profile has a mixture of very small-scale developments, and large-scale developments. In order to meet the possible cashflow challenges at both ends of the spectrum, the Instalments Policy has been amended slightly to ensure payment and timescales are better suited to the development typologies.</p>
<p>What is the definition of "self-build"</p>	<p>The exemption will apply to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Individuals claiming the exemption must own the property and occupy it as their principal residence for a minimum of three years after the work is completed.</p> <p>Community group self-build projects also qualify for the exemption where they meet the required criteria.</p> <p>There is also an exemption for people who extend their homes or build residential annexes.</p> <p>Applicants can apply for a self-build exemption at any time, as long as their development has not commenced (see Regulation 7 and Section 56(4) of the Town and Country Planning Act 1990, for the definition of 'commencement of development'). If the development commences before the collecting authority has notified the claimant</p>	<p>No change</p>

Main Issue	South Somerset District Council's Response	Recommendation
	<p>of its decision on the claim, the levy charge must be paid in full within the time period specified by the charging authority.</p> <p>The self-build exemption does not apply retrospectively: if a levy payment has already been made before the 2014 regulations come into force, no refund will be given.</p> <p>If personal circumstances change and the applicant wants to dispose of the property before the three year occupancy limit expires, they can do so, but they must notify the charging authority and the levy then becomes payable in full. Failure to notify the charging authority will result in enforcement action against the applicant and surcharges will become payable.</p> <p>Applicants wishing to claim must take two steps before commencing their development:</p> <ul style="list-style-type: none"> • Firstly, the applicant must assume the liability to pay levy in relation to the development. This is done by completing an Assumption of Liability form. If the original levy liability was in the name of a developer, the self-build applicant must complete a Transfer of Assumed Liability form • and submit this to the collecting authority. • Secondly, the applicant must certify that the scheme will meet the criteria to qualify as a 'self-build' development. He or she must submit a Self-Build Exemption Claim Form – Part 1 to the collecting authority (available on the Planning Portal website •). At this stage, the applicant must self-certify: <ul style="list-style-type: none"> ○ the name and address of the person(s) claiming liability ○ that the project is a "self-build project" for purposes of the exemption set out within the regulation; 	

Main Issue	South Somerset District Council's Response	Recommendation
	<ul style="list-style-type: none"> ○ that the applicant will occupy the premises as their principal residence for a period of 3 years from completion; ○ that the applicant will provide the required supporting documentation on project completion to confirm their development qualifies for relief; and ○ the amount of de minimis State Aid received by the applicant in the last three years prior to the submission of the application for relief (View more information on state aid). <p>On receipt of the form, the charging authority must notify the applicant in writing as soon as practicable, confirming the amount of exemption granted.</p>	
<p>Object to C2 uses being included in the draft charging schedule and therefore subject to the £40 per square metre levy. There is no evidence to support this position.</p>	<p>The Council believes that residential institutions and care homes are a viable use that is capable of accommodating a levy rate. This is borne out by the increase in the number of proposals coming forward within the district, and within larger mixed-use schemes. However, the appraisals do not provide sufficient evidence to support this position, at this time, and therefore the Council accepts that this is not a justified position to take.</p>	<p>Modify the Draft Charging Schedule to remove reference to C2 uses within the Charging Schedule.</p> <p>See "<i>Statement of Modifications</i>" document.</p>
<p>There appears to be some confusion over the use of "affordable rent" and "social rent" in the Addendum report. And in any event, the costs associated with delivering affordable housing have changed since the viability work was carried out. This affects the overall conclusion</p>	<p>The use of "affordable rent" in Section 2.1.2 of the Addendum Report (July 2015) is an error, and should read "social rent".</p> <p>The appraisals have taken into account the Council's policy requirements for 35% affordable housing. This has then been broken down into the Council's requirements for 33% "intermediate" affordable products, and 67% "social rented" products.</p> <p>The Council is in regular dialogue with Register Providers and latest capital values attributed to the social rent units are still line</p>	<p>No change</p>

Main Issue	South Somerset District Council's Response	Recommendation
<p>that residential development can accommodate a £40 per square metre levy.</p>	<p>with those in the typologies.</p> <p>The Council accepts that the likely value paid by Registered Providers on the “social rented” proportion will reduce in the future, but it does not accept that this reduction is going to be 25% lower than previous levels. This appears to be on the extreme end of the spectrum of the reduction and the Council believes the reduction is closer to 15%, or at worst, 20%.</p> <p>In any event, the reduction only affects the “social rented” component, and does not affect the “intermediate” affordable housing component. Therefore the level of reduction in values is unlikely to be stark, as it represents a 20% reduction of 67%, which means the new value is 54% of the market value.</p> <p>Over the course of the total appraisal, accounting for contingencies and other buffers within the values and costings it is not felt that this has a material effect on the ability for sites to tolerate CIL. Particularly when, as stated at in Section 3 and Section 3.1 of the Addendum Report (July 2015), it is important to distinguish between scenarios where a scheme is unviable regardless of the level of CIL and those that are viable prior to the imposition of CIL. The Council makes the case that where the level of return based upon the balance of “intermediate” affordable housing products and “social rented” products indicates that a scheme is not viable, then it would not be viable with or without the imposition of CIL.</p> <p>The fact that an unviable scheme will only become viable following a degree of real house price inflation, or in the event that the Council agrees to a lower level of affordable housing for particular sites, or benchmark land values change – is readily accepted in Section 3 and Section 3.1 of the Addendum Report (July 2015).</p>	
<p>BCIS costs have increased by 6% since the viability work</p>	<p>Section 2.13 of the Addendum Report (July 2015) report takes account of the upward revisions to building costs, using the latest</p>	<p>No change</p>

Main Issue	South Somerset District Council's Response	Recommendation
<p>was carried out in 2013 and 2015. This affects the overall conclusion that residential development can accommodate a £40 per square metre levy.</p>	<p>BCIS data at that time. These show a significant uplift in building costs and it is felt that the average cost of £1,097.10 per square metre still equates to an average level of costs per typology. Higher building costs have been set out for the smaller development typologies, and the Council has also chosen to maintain the cost implications of the Code for Sustainable Homes (at 4%) in order to provide a buffer within the viability appraisals to account for fluctuations and expected general increases in build costs over time. These factors together mean the Council is confident that the analysis remains robust and caters to the changing nature of build costs.</p>	
<p>Costs of education obligations (within a Section 106 Agreement) mean overall burden on development is much greater than set out in viability appraisals. This affects the overall conclusion that residential development can accommodate a £40 per square metre levy.</p>	<p>The average level of Section 106 contribution for a site in South Somerset has been analysed and shown to be £4,841 per unit. This includes accounting for contributions to education (and other external / off-site contributions, e.g. highways, open space etc). It is important to state that the Council's figures reflect the values of payments made, rather than contributions sought. This ensures that the viability assessments reflect true values paid rather than relying on values "sought", which in most instances can be considerably higher than what is ultimately paid.</p> <p>For larger sites, the Section 106 obligation has been increased to £10,000 per unit, accounting for the additional burdens (including education) that are usually due on larger sites.</p> <p>Where circumstances arise that legitimate Section 106 costs are greater than what is set out in the appraisal "typologies" the likely outcomes is that the affordable housing component of the scheme would be negotiated in order to ensure viability. To overcome this dilemma for the larger, strategic sites within the district, the Council has proposed a £0(zero) levy rate. The Council is currently brokering Section 106 Agreements for the majority of these larger sites, and the education costs, determined in conjunction with the developer/landowner and Education Authority have been factored</p>	<p>No change</p>

Main Issue	South Somerset District Council's Response	Recommendation
	<p>into the overall viability of the sites.</p> <p>For smaller sites within the district the Section 106 requirements (for education or any other infrastructure) will be proportionately lower and within the value ranges set out in the average scenarios documented in the viability appraisals and therefore it is not expected that there will be any additional burden.</p>	
<p>£100 per square metre charge could affect District Centres and Local Centres in larger settlements.</p>	<p>The £100 per square metre levy charge is clearly linked to uses as defined in the accompanying footnotes. Therefore, the Council does not expect the levy rate to have the effect described.</p> <p>However, the Council is mindful that there is the potential for some confusion relating to the interaction between the proposed zero rate for retail (A1-A5) in Town Centres and Primary Shopping Areas; retail (A1 – A5) that might sit outside of the Town Centres and Primary Shopping Areas; and the uses described as being subject to the £100 per square metre charge.</p> <p>As such, the Council proposes to modify the Draft Charging Schedule to remove the row of the charging schedule that references the zero rate that will be charged for Retail (A1 – A5) uses in Town Centres and Primary Shopping Areas. This will mean that retail uses fall in to the “All Other Uses” category and remain subject to a zero levy rate, but the distinction and possible confusion caused by being within, or outside Town Centres or Primary Shopping Areas is removed.</p>	<p>Modify the Draft Charging Schedule to remove the row that makes reference to Retail (A1- A5) uses.</p> <p>See “<i>Statement of Modifications</i>” document.</p>
<p>The Council should establish an Exceptional Circumstances Relief Policy.</p>	<p>At present, the Council does not believe that there is a need to prepare and give notice that relief for exceptional circumstances is available in South Somerset. The Council's viability work demonstrates that a CIL is viable for certain uses in certain locations. Should the viability of development be seen to be consistently compromised, then the Council is at liberty to produce an exceptional circumstances relief mechanism at any moment after the adoption on the Charging Schedule.</p>	<p>No change</p>

Main Issue	South Somerset District Council's Response	Recommendation
Trees and woodland infrastructure should be added to the Regulation 123 List.	Noted. The Infrastructure Delivery Plan sets out how the provision of green infrastructure is being delivered in South Somerset. There is currently no justification for these specific items to be included in the CIL Regulation 123 List based upon existing provision and shortfall.	No change
How will the CIL receipts be spent?	<p>The governance arrangements for how the CIL receipts will be spent are yet to be determined. As is appropriate at this stage of the process, the Council will need to deliberate and decide what model of apportioning the CIL fund is appropriate to South Somerset.</p> <p>Any decision-making and spending of the CIL fund will be in accordance with the rules and requirements set out in the legislation and regulations.</p>	No change
The Council should produce a guide to the relationship between CIL, Section 106 Agreements and the policies in the Local Plan.	Noted. A guide will be produced as the Council moves closer to the adoption and implementation of a CIL. The Council already has a series of Frequently Asked Questions documents relating to CIL on its website.	No change
RentPlus model qualifies for social housing relief.	Noted.	No change
The Council should be mindful of the changing definition to affordable housing.	Noted. The changes set out in the various Government policy changes and emerging	No change
Why has the viability appraisal work not looked at an 800 dwelling scheme now proposed for the Yeovil Sustainable Urban Extensions in the Local Plan? The viability appraisals cannot be accurate if they are looking at a different scale of	<p>The existing viability work has been progressed on the basis of defining a series of "typologies" to test the likely viability of a levy charge. This follows best practice, and responds to the fact that it is not necessary to appraise every time of possible development that is likely to come forward in the district.</p> <p>The Council has followed an area-based approach, involving a broad test of viability across the district. The Council feels that it has used appropriate available evidence (as defined in the</p>	<p>No change.</p> <p>The Council has prepared additional evidence which looks at the viability of charging a levy on an "800 dwelling scheme in Yeovil" development typology.</p> <p>This evidence shows that such a scale</p>

Main Issue	South Somerset District Council's Response	Recommendation
development.	<p>Planning Act 2008 section 211(7A)) to inform the draft charging schedule.</p> <p>The Council feels that it has directly sampled an appropriate range of different types of sites across its area, with a focus on strategic sites set out in the Local Plan. In doing so, the Council believes that it has provided a robust evidence base about the potential effects of the rates proposed, balanced against the need to avoid excessive detail.</p> <p>That being said, for ease of reference and to overcome any perceived lack of information, the Council will prepare an additional typology for an "800 dwelling urban extension in Yeovil" to directly address concerns.</p>	<p>of development is still unable to support a levy charge. This evidence has been added to the overall CIL evidence base, and will be submitted to the Examiner.</p> <p>This evidence will be subject to further discussion during the Examination into the Draft Charging Schedule.</p> <p>The evidence on development viability can be found here: http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/</p>
<p>Why do the viability appraisals make reference to the Code for Sustainable Homes when this policy approach has been abandoned by Government? The viability appraisals cannot be accurate if they are including elements which no longer affect development.</p>	<p>The Council recognises that the Code for Sustainable Homes is no longer a standard by which development must comply. However, the costs associated with achieving the code are akin to the additional construction costs that are associated with developments that need to be meet Building Regulation standards.</p> <p>Furthermore, the Council believes that the additional costs factored in to the appraisals balance out those additional costs which have generally been experience by the construction sector even since the appraisals were carried out in July 2015. As has been indicated by respondents and addressed above, the BCIS costs have increased. Therefore, the Council believes the CFSH figures balance out any uplift in general construction costs. Therefore conclusions as to whether the levy rate is viable or not, is not affected by the inclusion of this figure.</p>	No change
<p>How and when will the 15% / 25% of CIL receipts be transferred to Parish / Town Councils?</p>	<p>South Somerset District Council both the "charging authority" and the "collecting authority" for CIL receipts. Therefore, in the first instance, all monies will come in to South Somerset District Council. The amended CIL Regulations set out that 15% of the receipt generated in an area should be passed directly back to the</p>	No change

Main Issue	South Somerset District Council's Response	Recommendation
	<p>parish/town council in which the development took place.</p> <p>The exact arrangements for when the receipts will be passed to parish/town councils are not yet defined, and the Regulations do not prescribe a timescale. It is likely, that the funds will be allocated annually, at the same time that precepts are determined and finalised. This would allow relevant parish/town councils to full take account of their financial position.</p> <p>The Regulations do however set a cap on the total annual amount of payments that can be made to a parish/town council area that does not have 'made' Neighbourhood Plan. The cap is set at £100 per council tax dwelling, per year. This means that a parish with 500 dwellings cannot receive more than £50,000 of CIL receipts per year. This is to prevent excessive amounts being passed on to areas without the means or ability to manage and spend the payments.</p>	
<p>Yeovil Cemetery should be added to the Regulation 123 List</p>	<p>The Council welcomes the supporting evidence and justification which demonstrates the need for a new cemetery in Yeovil. More importantly, the evidence indicates there is a deliverable project that funds accrued from a Community Infrastructure Levy could be used to realise the new cemetery.</p>	<p>Yeovil Cemetery to be added to the Regulation 123 List.</p> <p>Evidence provided has been added to the overall evidence base used to justify adopting a CIL. The specific evidence relating to the cemetery will be added as a supplementary paper to sit alongside the Council's Infrastructure Delivery Plan (2015/2016).</p> <p>Further evidence on the need for new cemetery space can be found here: http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/</p>

4. Conclusions and Next Steps

Conclusions

- 4.1. Having considered the representations and summarised the main issues, the Council believes that there is justification to modify the Draft Charging Schedule.
- 4.2. In accordance with Regulation 11 and Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended) the Council therefore proposes two modifications, they are:
 - i. To delete reference to C2 Use Class in the “*All Other Residential Development*” row of the Draft Charging Schedule. This includes deleting footnote 8; and
 - ii. To delete the row of the Draft Charging Schedule relating to Retail (A1 – A5 Use Class) in town centres and/or primary shopping areas. This includes deleting footnote 11, and the removal of references in the key to the accompanying maps.
- 4.3. A full explanation of the two modifications proposed is set out in the accompanying “*Statement of Modifications*” document¹. A detailed explanation of how comments can be made on the proposed modifications is also set out in that document.
- 4.4. As well as these formal modifications to the Draft Charging Schedule, the Council has also provided supplementary information to sit alongside the existing Community Infrastructure Levy evidence base. This includes:
 - minor alterations to the Instalments Policy to take account of South Somerset’s range of small-scale and large-scale developments;
 - a viability appraisal of an “800 dwelling Yeovil Urban Extension” typology to add to the existing viability work; and
 - analysis of the need for additional cemetery infrastructure in Yeovil to support this item being added to the Regulation 123 List.
- 4.5. This evidence will feature as part of the overall package of information and documentation that will form the Council’s “submission” to Examiner and then considered at the Examination.

Next Steps

- 4.6. Given that six respondents have indicated that they wish to be present at an Examination in to the Draft Charging Schedule, it is expected that a hearing/inquiry will be required. Formal confirmation of the exact approach will be given by the Examiner in due course. The holding of a hearing/inquiry comes with additional time and cost pressures for the Council, these costs will have to be factored into the overall resource planning of the Spatial Policy team.
- 4.7. The Council will shortly be appointing a Programme Officer who will provide the administrative support to help manage the Examination process. The Programme Officer will also be the point of contact between consultees, those due to attend the

¹ South Somerset Community Infrastructure Levy – Draft Charging Schedule: Statement of Modifications

Examination, the Council and the Examiner. The Programme Officer will provide support to the process, but is an objective and impartial person who does not act on half of the Council.

- 4.8. Based upon the current timetable, the Council will be seeking approval from its District Executive Committee to submit the Draft Charging Schedule to the Examiner in May/June 2016. The Examination itself is likely to take place in Summer 2016.
- 4.9. If the examination concludes that the Charging Schedule can be adopted, the Council then has to table the final version of the Charging Schedule before a meeting of Full Council. This is expected to be in Autumn 2016.

South Somerset

Community Infrastructure Levy

Statement of Modifications

May 2016

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1. Introduction

- 1.1. South Somerset District Council received 34 consultation responses on the Draft Charging Schedule. A detailed summary of the main issues raised by these representations can be found in the accompanying *South Somerset Community Infrastructure Levy – Draft Charging Schedule: Summary of Main Issues* document¹.
- 1.2. Based upon these consultation responses, and in accordance with Regulation 11 and 19 of the Community Infrastructure Levy Regulations 2010 (as amended), the Council has modified the Draft Charging Schedule.
- 1.3. The Council proposes two modifications to the charging schedule. This is set out in full in Chapter 3. The modifications are shown in the customary way, with text that is proposed to be deleted shown by way of “~~strikethrough~~”; and text that is newly added is shown as “**emboldened and underlined**”.

2. Request to be Heard

- 2.1. Given that the Council has modified the Draft Charging Schedule, any person who wishes to, may request to be heard by the Examiner in relation to the modifications². For the avoidance of doubt, the right to be heard and representations can only be made in relation to the modifications themselves.
- 2.2. Requests to be heard must include details of the modification on which the person wishes to be heard.
- 2.3. All requests must be made in writing and submitted to the Council within four weeks of the date of the submission of the charging schedule to the Examiner. Requests must therefore be submitted to the Council by **12pm on the 24th of June 2016**. The Council will then submit copies of any requests to be heard to the Examiner.
- 2.4. Request to be heard and representations can be made to the Council in following ways:

By email to: planningpolicy@southsomerset.gov.uk; or

By post to: Spatial Policy,
South Somerset District Council,
Brympton Way,
Yeovil,
BA20 2HT

¹ South Somerset Community Infrastructure Levy – Draft Charging Schedule: Summary of Main issues (May 2016)

² In accordance with Regulation 21 of the Community Infrastructure Levy Regulations 2010 (as amended)

3. Modifications to the Draft Charging Schedule

- 3.1. As noted in Chapter 2, the Council is only proposing two modifications to the charging schedule. This is set out in table 3.1 below.
- 3.2. Text that is proposed to be deleted shown by way of “*strikethrough*” (example: ~~strikethrough~~); and text that is newly added is shown as “*emboldened and underlined*” (example: **emboldened and underlined**).

Table 3.1: Modifications to the Draft Charging Schedule

Reference	Page of Draft Charging Schedule	Modification	Justification for Modification
M1	10	<p>Remove reference to C2 uses in the charging schedule linked to residential development, including deletion of footnote.</p> <p>-----</p> <p>“All Other Residential Development (including C2 Use Class)⁸</p> <p>⁸As defined under Use Class C2 (including residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, and nursing homes.”</p>	<p>Representations received highlight that the Council’s evidence base on the viability of C2 uses does not support the imposition of the residential levy rate.</p>
M2	10	<p>Remove row of the Draft Charging Schedule relating to Retail (A1 – A5 Use Class) in town centres and/or primary shopping areas. This includes removal of footnote 11.</p> <p>For the appendices indicating geographical extent, the key to the maps will have the words “<i>Retail in...</i>” and “<i>...Charging Zone</i>” removed to avoid indicating that there is a differential rate for Retail (A1 – A5 Uses).</p> <p>-----</p> <p>“Retail (A1 – A5 Use Class) in Town Centres and Primary Shopping Areas¹⁴ £0 (zero) per square metre See Appendices 1, 2, and 4 – 15</p> <p>¹⁴Town Centres as defined through Policy EP11 of the South Somerset Local Plan (2006 – 2028). Primary</p>	<p>The evidence remains valid that retail in town centres and primary shopping areas do not support the imposition of a levy rate. However, to avoid confusion and unintended consequences the Council has removed this reference. Retail (A1 – A5 Use Class) within Town Centres/Primary Shopping Areas will fall within the “All Other Uses” category and so will still be subject to a £0(zero) levy rate.</p>

Reference	Page of Draft Charging Schedule	Modification	Justification for Modification
		<p>Shopping Areas in Yeovil and Chard as defined through Policy EP11 in the South Somerset Local Plan (2006 – 2028).</p> <p>Appendix 1: Yeovil Charging Zones “Retail in Primary Shopping Area Charging Zone”</p> <p>Appendix 2: Chard Charging Zones “Retail in Primary Shopping Area Charging Zone”</p> <p>Appendix 3: District-wide Residential Charging Zone “Retail in Primary Shopping Area Charging Zone” “Retail in Town Centre Charging Zone”</p> <p>Appendix 4: Crewkerne Charging Zone “Retail in Town Centre Charging Zone”</p> <p>Appendix 5: Ilminster Charging Zone “Retail in Town Centre Charging Zone”</p> <p>Appendix 6: Wincanton Charging Zone “Retail in Town Centre Charging Zone”</p> <p>Appendix 7: Ansford-Castle Cary Charging Zone “Retail in Town Centre Charging Zone”</p> <p>Appendix 8: Langport & Huish Episcopi Charging Zone “Retail in Town Centre Charging Zone”</p> <p>Appendix 9: Somerton Charging Zone “Retail in Town Centre Charging Zone”</p> <p>Appendix 10: Bruton Charging Zone “Retail in Town Centre Charging Zone”</p> <p>Appendix 11: Ilchester Charging Zone “Retail in Town Centre Charging Zone”</p> <p>Appendix 12: Martock & Bower Hinton Charging Zone “Retail in Town Centre Charging Zone”</p>	

Reference	Page of Draft Charging Schedule	Modification	Justification for Modification
		Appendix 13: Milborne Port Charging Zone "Retail in Town Centre Charging Zone"	
		Appendix 14: South Petherton Charging Zone "Retail in Town Centre Charging Zone"	
		Appendix 15: Stoke sub Hamdon Charging Zone "Retail in Town Centre Charging Zone"	

4. Other Changes to the Council's Approach to CIL

4.1. As highlighted in the accompanying "South Somerset Community Infrastructure Levy – Draft Charging Schedule: Summary of Main Issues" document there are some other changes to the Council's overall approach to justifying the adoption of a Community Infrastructure Levy³.

4.2. These other changes can be summarised as follows:

- Minor alterations to the Instalments Policy to take account of South Somerset's range of small-scale and large-scale developments;
- The additional of a new viability appraisal of an "800 dwelling Yeovil Urban Extension" typology to add to the existing viability work; and
- The additional of analysis of the need for additional cemetery infrastructure in Yeovil to support this item being added to the Regulation 123 List.

4.3. These additions and changes do not constitute modifications to the charging schedule and therefore are not treated as formal modifications. However, the Council is mindful to identify this additional information and material that will feature as part of the overall package of documentation that will be submitted to the Examiner.

³ South Somerset Community Infrastructure Levy – Draft Charging Schedule: Summary of Main issues (May 2016)

South Somerset

Community Infrastructure Levy

Draft Charging Schedule

Submission Version

May 2016

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1. Introduction

- 1.1. This document marks the next stage in the process of South Somerset District Council establishing the Community Infrastructure Levy (CIL) in South Somerset. CIL is a fixed levy that Councils can charge on new developments to fund infrastructure needed to support development.
- 1.2. The Government introduced CIL in the Planning Act 2008. Detail on the CIL regime was subsequently set out in the CIL Regulations 2010 (as amended)¹. The Government has also published guidance on the operation of CIL².
- 1.3. This Draft Charging Schedule (DCS) consultation document represents the second consultation stage in preparing a CIL for South Somerset. Consultation on the Preliminary Draft Charging Schedule (PDCS) took place in March 2012. This DCS has been informed by the responses which were received during this earlier consultation, along with updated evidence on viability and infrastructure requirements.
- 1.4. The supporting evidence on CIL and infrastructure issues which should be read in conjunction with this DCS is:
 - Community Infrastructure Levy evidence base, Roger Tym & Partners and Baker Associates (January 2012);
 - Community Infrastructure Levy: viability study, BNP Paribas and SSDC (May 2013);
 - Community Infrastructure Levy: viability assessment – update Addendum report, BNP Paribas and SSDC (July 2015);
 - South Somerset Infrastructure Delivery Plan update 2015/16 (January 2016);
 - Additional viability evidence prepared for an 800 dwelling development in Yeovil (March 2016); and
 - Additional infrastructure evidence on the need for a new cemetery in Yeovil (April 2016).
- 1.5. This document contains the proposed level of CIL, an instalment policy, and a draft Regulation 123 list of infrastructure that may be funded, in whole or part, by CIL.
- 1.6. In accordance with Regulation 16 and 17 of the CIL Regulations 2010 (as amended) the Council invited comments on the DCS, the instalment policy, and the draft Regulation 123 list, over a six-week period from **10th February to the 24th March 2016**.
- 1.7. In accordance with Regulation 19(b) of the Community Infrastructure Levy Regulations 2010 (as amended) the Council has set out a summary of the main issues and the Council's response to those issues. The summary of main issues report will be submitted to the Examiner alongside the Council's evidence base and other

¹ Community Infrastructure Regulations 2010 (as amended):
<http://www.legislation.gov.uk/ukxi/2010/948/contents/made>

² Department for Communities and Local Government Planning Practice Guidance:
<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>

documentation. The “*Summary of Main Issues*” document is available here: <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/>

- 1.8. Given the nature of the consultation responses, and in accordance with Regulation 11 and Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended), the Council has modified the Draft Charging Schedule. The Council’s “*Statement of Modifications*” setting out exactly what has been modified is available here: <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/>
- 1.9. Having regard to all of the above, the Council has prepared a finalised version of the Draft Charging Schedule that it intends to submit to the examiner. This represents the “Submission” version, and is set out in the remainder of this document.
- 1.10. **Chapter 2** sets the context for CIL, in the form of ‘frequently asked questions’. The justification for introducing CIL in South Somerset and the key findings of the evidence base, specifically the four studies listed above, are set out in **Chapter 3**. The Draft Charging Schedule itself, which shows the proposed levy rates, is in **Chapter 4**; supported by the overall approach for how the levy will be calculated in **Chapter 5**. The proposed instalment policy is explained in **Chapter 6**, and the draft ‘Regulation 123 list’ of infrastructure that may be funded in whole or part by CIL is shown at **Chapter 7**). Finally, **Chapter 8** explains how to make comments on this consultation document, and outlines the next steps in the CIL preparation process.

2. Context – Community Infrastructure Levy FAQs

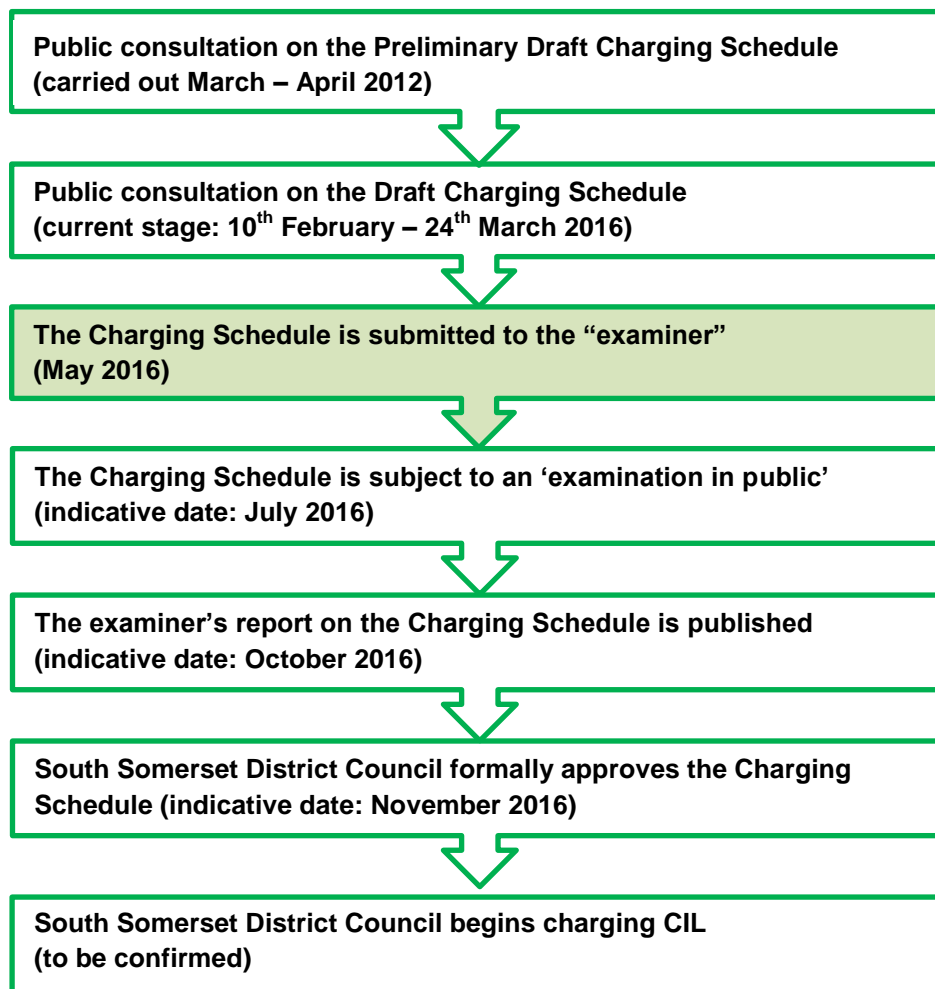
What is the Community Infrastructure Levy?

2.1. The Community Infrastructure Levy (CIL) is a tool for local authorities to help deliver infrastructure to support new development. It is a fixed levy, calculated per square metre, which the Council can charge on new development in order to fund a wide range of infrastructure. CIL was introduced in the Planning Act 2008, and came into force through the CIL Regulations 2010 (as amended).

What is the process for introducing CIL?

2.2. The following diagram outlines the process that is required for the Council to successfully introduce CIL in South Somerset.

Figure 2.1: Process for introducing CIL in South Somerset



What are the benefits of CIL?

- 2.3. The Government has set out that CIL seeks to provide a “*faster, fairer, more certain and transparent*” means of collecting developer contributions to infrastructure than individually negotiated Section 106 planning obligations:
- It is *faster* because it reduces the need for lengthy discussions on planning obligations, and CIL must be paid within a certain time of development commencing.
 - Most new development has an impact on infrastructure needs and, as such, it is *fairer* that nearly all new development contributes towards the cost of these needs.
 - CIL provides *certainty* as the levy is fixed, so the developer is aware of costs towards infrastructure provision up front.
 - There is greater *transparency* because a schedule sets out the infrastructure that will be funded through CIL.
- 2.4. In addition, local communities will benefit from the proportion of CIL that is given to town and parish councils. Town and parish council will automatically receive 15% of CIL receipts from development occurring in their area, and this figure rises to 25% where a neighbourhood plan has been ‘made’ and adopted.

What type of development is liable for CIL?

- 2.5. CIL may be payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres. This threshold does not apply to new dwellings as CIL is payable for a new dwelling of any size, unless it is subject to an exemption (e.g. built by a ‘self-builder’), or is located in an area that has been designated as a zero rate in the Charging Schedule.
- 2.6. The levy is applied to the gross internal area (GIA) of the net additional development liable for the levy. GIA should be calculated according to the definition in the latest edition of the RICS Guidance Note: Code of Measuring Practice. Chapter 5 sets out how the chargeable amount will be calculated.
- 2.7. CIL applies to planning permission granted through local planning orders and may also be payable on permitted development and development which is subject to a Lawful Development Certificate.

What kind of development does not pay CIL?

- 2.8. The following examples are types of development that do not pay the levy. This list is not exhaustive and further exemptions may arise:
- Development of less than 100 square metres, unless it is a new dwelling;
 - Houses, flats, residential annexes and residential extensions which are built by ‘self-builders’;
 - Social housing that meets Government criteria;
 - Charitable development that meets Government criteria;

- Buildings into which people do not normally go, or go only intermittently for the purpose of maintaining fixed plant or machinery;
- Structures which are not buildings, such as pylons and wind turbines;
- Types of development which have a 'zero rate' in the Charging Schedule;
- Vacant buildings brought back into the same use; and
- Mezzanine floors of less than 200 square metres inserted into existing buildings, unless they form part of a wider planning permission that seeks to provide other works as well.

What is the rate of CIL?

2.9. The levy rate is expressed as pounds per square metre. The Draft Charging Schedule (set out in Chapter 4) identifies a zero rate at the Yeovil Sustainable Urban Extensions and Chard Eastern Development Area; £40 per square metre for residential development elsewhere in the district; £100 per square metre for convenience based supermarkets and superstores, and retail warehouse parks (outside of town centres and primary shopping areas); and a £0 (zero) rate per square metre for retail development inside the town centres and primary shopping areas. All other uses are proposed to have a nil rate.

When does CIL need to be paid?

2.10. The regulations state that the amount of CIL generated by a development should be paid in full within 60 days of commencing development. However, the regulations also allow councils to have an instalment policy if they wish, which can set out the number of payments, the amount and time due.

2.11. Chapter 6 contains the Council's proposed instalment policy. This was drafted in response to comments made on the Preliminary Draft Charging Schedule, and is intended to assist the viability and deliverability of development, recognising that few if any developments generate value until they are complete either in whole or phases.

What can CIL be spent on?

2.12. Local authorities must spend CIL on infrastructure needed to support the development of the area. The adopted South Somerset Local Plan identifies development that should be delivered over the period 2006 – 2028. CIL can be used to fund a wide range of infrastructure, including: transport, flood defences, schools, health care, open space, and sports facilities. The infrastructure that the Council intends to fund, or may fund, by CIL is set out in the 'Regulation 123 list'. The draft Regulation 123 list for consultation is set out in Chapter 7.

2.13. The focus of the majority of spending CIL should be on the provision of new infrastructure. However, CIL can also be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

2.14. The money that is expected from CIL will not be enough to cover the cost of infrastructure requirements in the district. The South Somerset Infrastructure Delivery Plan (2016) identifies a funding gap of approximately £124 million, far higher than the

amount expected to be generated from CIL receipts³. Therefore, a governance and prioritisation process will be set up for spending CIL. The Council will also work to obtain other funding streams to help deliver infrastructure. The governance and prioritisation of spending CIL is the responsibility of the district council, and will involve infrastructure providers and other public organisations.

- 2.15. Fifteen percent of CIL receipts are passed directly to those Town and Parish Councils where development has taken place, subject to a limit of £100 per existing council tax dwelling which can be passed to the Town or Parish Council each year. Where a neighbourhood plan has been adopted, having successfully passed through a local referendum, the Town or Parish Council will receive 25% of CIL receipts and are not subject to the annual limit per existing dwelling.
- 2.16. Known as the 'neighbourhood portion' of the levy, the money allocated to Town and Parish Councils can be spent on a wider range of things than the rest of the funds collected through the levy, provided that it meets the requirement to '*support the development of the area*' (e.g. it could be used to fund affordable housing, or develop a neighbourhood plan).
- 2.17. In addition, the Council can retain up to 5% of total CIL receipts for administrative expenses.

How does CIL relate to other developer contributions?

- 2.18. There are several ways that developers may be asked to make contributions for the delivery of infrastructure. This may be through CIL, Section 106 Agreements, and Section 278 highway Agreements.⁴
- 2.19. CIL is intended to contribute to infrastructure to support the development of the whole district, rather than making individual planning applications acceptable. Therefore, some site specific mitigation of impacts through other developer contributions may still be required in order for a development to be granted planning permission e.g. the provision of affordable housing, community facilities, local open space, and access roads.
- 2.20. Once CIL is in place, Section 106 obligations should be scaled back to those matters that are directly related to a specific site. In addition, Section 106 and Section 278 Agreements cannot be sought for infrastructure items that are defined in the 'Regulation 123 list'. This is to ensure there is no 'double dipping', with the development industry paying twice for the same item of infrastructure. These restrictions do not apply to highways Agreements drawn up by Highways England, as the scale and nature of works on the strategic road network are not considered suitable for funding through receipts from CIL.
- 2.21. Since April 2015, there is a restriction on the number of Section 106 contributions that can be pooled for specific infrastructure projects. No more contributions can be collected if five or more obligations for a project have already been entered into since 6 April 2010. This restriction does not apply for provision that is not capable of being funded by the levy, such as affordable housing.

³ South Somerset infrastructure Delivery Plan (2016): [http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-\(2006-2028/evidence-base/](http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-(2006-2028/evidence-base/)

⁴ Section 278 of the Highways Act 1980 allows developers to enter into an Agreement with the highways authority (Somerset County Council) that requires them to pay for or undertake improvement works to the existing highway.

2.22. Where Section 278 Agreements are used, there is no restriction on the number of contributions that can be pooled.

What will be the Council's approach to Section 106 planning obligations once CIL is in place?

2.23. The Council expects that Section 106 planning obligations will be sought on larger, more complicated development sites within the district. It is expected that the development proposals for the two Yeovil Sustainable Urban Extensions and Chard Eastern Development Area will be subject to Section 106 Agreements in order to secure the necessary on-site infrastructure and affordable housing as required in the South Somerset Local Plan.

3. Evidence Base

Justification for Community Infrastructure Levy in South Somerset

- 3.1. The Council is not required to introduce CIL but, as explained in Chapter 2, there are benefits in being able to capture funds for infrastructure from most new development that occurs, rather than just larger schemes. Government regulations have also restricted the use of planning obligations, meaning it is no longer possible to gather more than five planning obligations towards a single infrastructure project.
- 3.2. The Council adopted the South Somerset Local Plan (2006 – 2028) which provides a statutory framework through which to realise policy objectives for 15,950 homes and 11,250 jobs in the district by 2028. The Council had previously produced an Infrastructure Delivery Plan in 2012 to help support the adoption of the local plan. However, significant changes in the viability, funding and delivery of development have occurred since that time, which in turn has altered the context for infrastructure provision.
- 3.3. Therefore, the Council has produced a new Infrastructure Delivery Plan (January 2016) which documents the current status of existing infrastructure, appraises its ability to meet the additional demands generated by planned growth, takes account of planned investment, and concludes on infrastructure requirements and projects necessary to ensure the successful delivery of the number of homes and jobs set out in the South Somerset Local Plan (2006 – 2028)⁵.
- 3.4. The Infrastructure Delivery Plan provides conclusions on infrastructure requirements in each of the locations defined in the South Somerset Local Plan settlement hierarchy, as well as clarifying needs which affect the district as a whole. As noted above, the clear conclusion from the Infrastructure Delivery Plan is that there is a gap between the costs of the funding required, versus the availability of known funding. As at January 2016, the funding gap is approximately £124 million. As such, the proposed levy rates are demonstrated to be necessary and will contribute towards the implementation of the South Somerset Local Plan.

⁵ South Somerset infrastructure Delivery Plan (2016): [http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-\(2006-2028/evidence-base/](http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-(2006-2028/evidence-base/)

Impact of Community Infrastructure Levy on development viability

3.5. As noted in Chapter 1, the Council has undertaken a series of assessments and viability appraisals to help inform its approach to the CIL. The following Section provides a brief summary of work carried out, and the conclusions on development viability.

Table 3.1: Overview of Development Viability Work

Date	Report / Event	Conclusions
January 2012	Community Infrastructure Levy Evidence Base	<p>Appraised 26 different generic development typologies. 13 linked to various residential development sites, and 13 linked to a range of commercial developments.</p> <p>Identified CIL rates of the following amounts:</p> <ul style="list-style-type: none"> • Yeovil Urban Extensions = £32m² • Chard Urban Extensions = £0m² • Other residential = £150m² • Retail = £200m²
March 2012	Preliminary Draft Charging Schedule (PDCS)	Based upon this initial viability work, the PDCS was consulted upon in accordance with the CIL Regulations for period of four weeks up to the 4 th April 2012.
November 2012	Developer Workshop	Consultation on PDCS held. All respondents invited to attend.
	Internal Work	<p>PDCS CIL Rate for residential is deemed too high due to:</p> <ul style="list-style-type: none"> • Source of adopted build costs – agreed BCIS data adjusted for Somerset region, split rates for large scale and small developments • Treatment of externals – additional 15% on build costs to be adopted • Professional fee assumptions increased to the mid-range proposed of 10% • Finance and marketing cost assumptions agreed at current interest rates and 3% of GDV for marketing on larger sites, with a higher agent's fee on small sites. • Review of sale data with developers requested to submit anonymous appraisals and current new homes sales rates

Date	Report / Event	Conclusions
		<p>PDCS CIL Rate for larger format retail is too high due to:</p> <ul style="list-style-type: none"> • GDV too optimistic, rents and yields not reflective of actual scheme evidence • Overall costs are not sufficient and should vary between in-town brownfield and out of town greenfield sites. • SSDC Requested and agreed to take actual residual appraisal examples provided by the market agents and developers in this field into account in preparing the DCS. A greenfield and brownfield appraisal provided by the market that represented the concerns raised were adopted for reappraising the CIL rate proposed in the DCS.
May 2013	Community Infrastructure Levy: Viability Study	<p>The new research was collected from the market and respondents and the DCS 2013 report was then prepared, finalised in May 2013 and the proposed CIL rates changed in light of adopting the respondents' comments and agreed areas from the workshop, ready for consultation in June/ July 13.</p> <p>This new work and previous consultation feedback resulted in CIL rates of the following amounts:</p> <ul style="list-style-type: none"> • Urban Extensions (Yeovil & Chard) = £0m² • All other residential = £50m² • Convenience base supermarkets, and superstores, and retail warehouse parks = £100m²
March 2015	South Somerset Local Plan (2006 – 2028) adopted	Confirms approach to residential and commercial growth, as well as shaping infrastructural requirements to support growth. Establishes policy framework to progress with CIL.
July 2015	Community Infrastructure Levy: Viability Assessment (Update Addendum Report)	<p>Drafted to support and update the 2013 report to ensure that key variables and market changes have been incorporated and proposed CIL rate is robust. Updates, include:</p> <ul style="list-style-type: none"> • New sales values researched with an increase adopted in appraisals. New homes sales rates per sq ft analysed on local schemes to ensure that this was in line with increase in sales assumptions. • Updated BCIS build costs for Somerset adopted for large and small schemes. • Yields on retail adjusted to reflect current investment market position

Date	Report / Event	Conclusions
		<ul style="list-style-type: none"> • Code for sustainable homes assumptions altered in line with government guidance. • New analysis of current S106 charges undertaken = no change to DCS assumptions. • All appraisals re-run with amended assumptions and results summarised in addendum report and appendices. <p>This additional work and previous consultation feedback resulted in CIL rates of the following amounts:</p> <ul style="list-style-type: none"> • Urban Extensions (Yeovil & Chard) = £0m² • All other residential = £40m² • Convenience base supermarkets, and superstores, and retail warehouse parks = £100m².
January 2016	Infrastructure Delivery Plan	Re-defines current infrastructure capabilities, the impact of proposed levels of growth, whether existing infrastructure can accommodate planned growth, what infrastructure is planned and funded, what additional infrastructure is required and how much does it cost, and what (if any) gaps in funding and delivery exist.
March 2016	Yeovil Urban Extension Typology at 800 dwellings prepared as part of viability evidence base.	To provide supplementary viability evidence a development typology of “800 dwelling urban extension in Yeovil” has been prepared. As with the previous viability assessments this shows a significantly negative land value. Viability assessment uses the same assumptions and shows that a CIL is not viable, particularly given the level of on-site infrastructure costs required.
April 2016	Additional infrastructure evidence showing the need for a new cemetery space to serve the needs of Yeovil	Supplementary evidence has been provided which identifies an infrastructure shortfall in cemetery space in Yeovil. This is identified as a problem which needs addressing in the short term. The Council accepts this evidence as complementary to the Infrastructure Delivery Plan (2015/2016). As such, the Council has added new cemetery space to meet the needs for Yeovil to the Draft Regulation 123 List.

4. Draft Charging Schedule

- 4.1. When deciding the rate of the levy, an appropriate balance must be struck between the level of additional investment that can be accrued to support development, and the potential effect on the viability of developments. Having regard to the viability assessments prepared in January 2012, May 2013, and July 2015, the following levy rates have been established as capable of being realised via development.
- 4.2. The Draft Charging Schedule set out in Table 4.1 should be read in conjunction with the accompanying Appendices. These set out the geographical extent of the various charging zones within South Somerset. The Appendices can be found at the following webpage: <http://consult.southsomerset.gov.uk/consult.ti/system/listConsultations>

Table 4.1: Draft Charging Schedule

Type of Development	Levy Rate	Geographical Extent
Yeovil Sustainable Urban Extensions⁶	£0 (zero) per square metre	See Appendix 1
Chard Eastern Development Area⁷	£0 (zero) per square metre	See Appendix 2
All Other Residential Development	£40 per square metre	District-wide. See Appendix 3
Convenience-based Supermarkets and Superstores, and Retail Warehouse Parks (outside of defined Town Centres and Primary Shopping Areas)^{8,9}	£100 per square metre	District-wide, excluding those areas defined in Appendices 1, 2, and 4 – 15
All Other Uses	£0 (zero) per square metre	District-wide. See Appendix 1 – 15

⁶ As defined in Policy YV2 in the South Somerset Local Plan (2006 – 2028): North-East Sustainable Urban Extension and South Sustainable Urban Extension.

⁷ As defined by Policy PMT1 & PMT2 in the South Somerset Local Plan (2006 – 2028).

⁸ Supermarkets are shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix. The majority of custom at supermarkets arrives by car, using the large adjacent car parks provided.

Superstores are self-service stores selling mainly food, or food and non-food goods, with supporting car parking.

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

⁹ Town Centres as defined through Policy EP11 of the South Somerset Local Plan (2006 – 2028).

Primary Shopping Areas in Yeovil and Chard as defined through Policy EP11 in the South Somerset Local Plan (2006 – 2028).

- 4.3. The levy rate for the Yeovil Sustainable Urban Extensions and Chard Eastern Development Area has been set at £0 (zero) per square metre because the viability evidence shows that the sites cannot support a levy charge.
- 4.4. The sites will require substantial site preparation works and significant on-site infrastructure to be delivered. This includes opening up an access into the site; the laying of internal roads; establishing large and complex utility, water supply, sewerage and drainage networks; and the provision of the on-site requirements set out in the Local Plan, such as: new schools, health care facilities, neighbourhood centres, and sustainable transport infrastructure.
- 4.5. The scale of these costs is significantly higher than those for a smaller development as the larger urban extensions will need to fully address their impacts on-site. In addition, the sites will have to provide additional mitigation set out in a Section 106 Agreement. All of this means that a levy charge would render the developments unviable. Given that the CIL is not intended to be set at a level where it jeopardises development from coming forward, the Council has set a zero levy rate.
- 4.6. Given the proposed level of growth defined in the South Somerset Local Plan (2006 – 2028) but taking account of previous delivery, the Council expects there to be approximately £14.6 million by way of CIL receipts up to 2028.
- 4.7. It is clear from this figure that CIL will be important to help realise the level and cost of infrastructure identified in the Infrastructure Delivery Plan (2016); but will only go part way to help fund the overall total requirement.

5. Calculating the Chargeable Amount

5.1. The formula for calculating the chargeable amount is set out in full in Part 5 of the Community Infrastructure Regulations 2010 (as amended)¹⁰. In summary the amount of CIL chargeable is calculated as follows:

CIL Rate (£m²) x net chargeable floor area (m²) x BCIS index figure (at date of planning permission)

BCIS Index figure (at the date of implementation of the Charging Schedule)

5.2. This calculation multiplies the CIL rate by the net new floor area and then adjusts the results to take account of inflation (BCIS index figure);

- the **CIL Rate** (£m²) is the applicable rate from the above schedule.
- the **net chargeable floor area** (m²) is the gross internal floorspace of the development minus the gross internal floorspace of any existing buildings that are to be retained or demolished, provided they have been in continuous lawful use in accordance with CIL Regs (as amended). Where there is more than one use class on a development, the chargeable amount in each class is calculated separately and then added together to provide the total chargeable amount. However where the amount is less than £50 the chargeable amount is zero.
- The **BCIS Index Figure** (%) is an annually updated measure of inflation published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS).

5.3. The CIL is charged on new development over 100m² or any new dwellings if these are less than this size. Gross internal floorspace includes everything within the external walls of a building, including lifts, stairwells and internal circulation areas, but not the thickness of the external walls or balconies. GIA should be calculated according to the definition in the latest edition of the RICS Guidance Note: Code of Measuring Practice. Chapter 6 sets out how the chargeable amount will be calculated.

5.4. Residential floorspace includes new dwellings, extensions, conversions, garages or any other buildings ancillary to residential use. Affordable housing and self-build housing are exempt from CIL.

¹⁰ Community Infrastructure Regulations 2010 (as amended):
<http://www.legislation.gov.uk/ukxi/2010/948/contents/made>

6. Instalment Policy

- 6.1. The CIL regime aims to provide certainty to both the development industry and the Council in terms of the amount of levy that is due, and the timing of payment. As noted in Chapter 1, the Government expects the CIL process to be faster in terms of securing funds. In normal circumstances the levy becomes due from the date that a chargeable development has commenced. Commencement is defined in the same way as it is used in planning legislation (i.e. 'material operations' on the site)¹¹.
- 6.2. However, in response to comments received during consultation on the Preliminary Draft Charging Schedule, the Council intends to introduce an instalments policy to help manage the flow of payments.
- 6.3. The Council's instalments policy is in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended), with instalments linked to the amount payable (the chargeable amount). As permitted under Regulation 9(4) of the Community Infrastructure Regulations 2010 (as amended), where outline planning permission which permits development to be implemented in phases has been granted, each phase of the development as agreed by South Somerset District Council is a separate chargeable development and the instalment policy will, therefore, apply to each separate chargeable development and associated separate liable amount chargeable.
- 6.4. There will be exemptions and circumstances where this policy will not apply. These issues will be considered by the Council as and when they arise, but include, and are not limited to:
 - a) A commencement notice has not been submitted prior to commencement of the chargeable development, as required by Regulation 67 of the Community Infrastructure Regulations 2010 (as amended).
 - b) On the intended date of commencement:
 - i. Nobody has assumed liability to pay CIL in respect of the chargeable development;
 - ii. A commencement notice has been received by South Somerset District Council in respect of the chargeable development; and
 - iii. South Somerset District Council has not determined a deemed commencement date for the chargeable development and, therefore, payment is required in full, as required by Regulation 71 of the Community Infrastructure Regulations 2010 (as amended);
 - c) A person has failed to notify South Somerset District Council of a disqualifying event before the end of 14 days beginning with the day on which the disqualifying event occurs, as per the Community Infrastructure Regulations 2010 (as amended).

¹¹ See Section 56(4) of the Town and Country Planning Act 1990:
<http://www.legislation.gov.uk/ukpga/1990/8/Section/56>

- d) An instalment payment has not been made in full after the end of the period of 30 days beginning with the day on which the instalment payment was due, as per the Community Infrastructure Regulations 2010 (as amended).
- 6.5. Where the instalment policy is not applicable, the amount must be paid in full at the end of the period of 60 days beginning with the notified or deemed commencement date of the chargeable development or the date of the disqualifying event, whichever is the earliest, unless specified otherwise within the Community Infrastructure Levy Regulations 2010 (as amended).
- 6.6. The breakdown of instalments for payments of the levy is set out in Table 6.1 below.

Table 6.1: Draft Instalments Policy

Total CIL liability	Number of instalments and amount payable	Payment period
Amount less than £16,000 or amount due in respect of a single dwelling	Payable as one instalment	100% payable within 60 days of the commencement date
Amount between £16,000 and £60,000	Payable as three instalments	1st instalment of 20% payable within 90 days of commencement date; and 2nd instalment of 20% payable within 360 days of commencement date. 3rd instalment of 60% payable within 540 days of commencement date.
Amount between £60,000 and £300,000	Payable as three instalments	1st instalment of 20% payable within 90 days of commencement date 2nd instalment of 20% payable within 360 days of commencement date 3rd instalment of 60% payable within 720 days of commencement date
Amount between £300,000 and £750,000	Payable as four instalments	1st instalment of 20% payable within 90 days of commencement date 2nd instalment of 20% payable within 360 days of commencement date 3rd instalment of 20% payable within 720 days of commencement date 4th instalment of 40% payable within 1080 days of commencement date
Amount over £750,000	Payable as four instalments	1st instalment of 10% payable within 90 days of commencement date 2nd instalment of 20% payable within 540 days of commencement date 3rd instalment of 20% payable within 1080 days of commencement date 4th instalment of 50% payable within 1800 days of commencement date
<p>1. Where an outline planning permission permits development to be implemented in phases, each phase of the development is a separate chargeable development and will be collected in accordance with this Instalment Policy.</p> <p>2. Nothing in this Instalment Policy prevents the person with assumed liability to pay CIL, to pay the outstanding CIL (in whole or in part) in advance of the instalment period set out in this policy.</p>		

7. Draft Regulation 123 List

- 7.1. The Community Infrastructure Levy Regulations 2010 (as amended) require the Council to set out a list of those projects or types of infrastructure that it intends to fund, or may fund, through the Community Infrastructure Levy.
- 7.2. The Regulation 123 List limits the use of planning obligations. The Regulations restrict the use of pooled contributions towards items that may be funded via the levy. From April 2015, no contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 Agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010.
- 7.3. The Council's draft Regulation 123 List is set out in Table 7.1 below.
- 7.4. The draft Regulation 123 List does not signify a commitment from the Council to fund all the projects listed, or the entirety of any one project through the CIL funds – it just signifies projects that will be considered by the Council in its decision as to what might receive funding.

Table 7.1: Draft Regulation 123 List

Infrastructure type	Infrastructure that may be partly or wholly funded by CIL	Exclusions (funded by S106 or S278 payments or alternative measures)
Transport	Millfield Link Road, Chard.	Improvements or provision of highways or highways access works related to a specific development site.
	Link road from Oaklands Avenue to A358 Furnham Road, Chard.	
	Link road connecting A30 with Oaklands Avenue, Chard.	
	Improve Stop Line Way cycle route between Chard and Tatworth.	
	Yeovil Sustainable Transport Interchange	
	Chard Sustainable Transport Interchange	
Flood risk management	Off-site flood risk management works	Improvements or provision of flood risk management works related to a specific development site.
Outdoor Play Space, Sports, Community and Cultural facilities	Playing pitch improvements or provision in Primary and Local Market Towns.	Improvements or provision of outdoor play space, sports, community and cultural facilities related to a specific development site.
	Equipped play area improvements or provision in Primary and Local Market Towns	
	Birchfield Bike Park	

Infrastructure type	Infrastructure that may be partly or wholly funded by CIL	Exclusions (funded by S106 or S278 payments or alternative measures)
	Refurbishment of Westlands Sports Centre Swimming pool improvements of provision in Yeovil, Chard, Primary and Local Market Towns Sports hall improvements or provision in Primary and Local Market Towns 3G Synthetic Turf Pitch improvements or provision in Primary and Local Market Towns New cemetery space to serve Yeovil	
Open Space and Public Realm	Off-site open space and public realm	Improvement or provision of open space or public realm related to a specific development site.

7.5. Where site-specific exclusions are identified, they will be subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which stipulates the following:

“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development”.*

7.6. Site-specific infrastructure which is required to make the development acceptable in planning terms, and satisfies the requirements set out in Regulation 122, will be secured through Section 106 Agreements for sites such as: North-east Yeovil Sustainable Urban Extension, South Yeovil Sustainable Urban Extension, and each of the development sites which constitute the Chard Eastern Development Area.

7.7. Affordable housing will continue to be secured through Section 106 Agreements, and is not liable for the CIL.

7.8. The Council will continue to seek financial contributions through Policy HG4 of the South Somerset Local Plan in relation to the provision of affordable housing on small sites. The viability work undertaken to justify the CIL shows that eligible development will be able to support both the financial contribution under Policy HG4 and the CIL. The Council will secure the financial contributions from Policy HG4 through a Section 106 Agreement.

8. Next Steps

- 8.1. This document takes account of the consultation responses on the Draft Charging Schedule, and incorporates the Council's proposed Modifications to the Draft Charging Schedule. This document is now intended to be submitted to the appointed examiner on the 27th May 2016.
- 8.2. Given that the Council has modified the Draft Charging Schedule, any person who wishes to, may request to be heard by the Examiner in relation to the modifications¹². For the avoidance of doubt, the right to be heard and representations can only be made in relation to the modifications themselves.
- 8.3. Requests to be heard must include details of the modification on which the person wishes to be heard.
- 8.4. All requests must be made in writing and submitted to the Council within four weeks of the date of the submission of the charging schedule to the Examiner. Requests must therefore be submitted to the Council by **12pm on the 24th of June 2016**. The Council will then submit copies of any requests to be heard to the Examiner.
- 8.5. Request to be heard and representations can be made to the Council in following ways:

By email to: planningpolicy@southsomerset.gov.uk; or

By post to: Spatial Policy,
South Somerset District Council,
Brympton Way,
Yeovil,
BA20 2HT
- 8.6. Only after the Council's Charging Schedule is examined and found to be acceptable, can the Council look to adopt the proposed Community Infrastructure Levy. A full meeting of South Somerset District Council will be required to finally sign-off and adopt the Community Infrastructure Levy.

¹² In accordance with Regulation 21 of the Community Infrastructure Levy Regulations 2010 (as amended)



- The Countryside Rangers at Ham Hill Country Park held a community open day for interested parties to drop in and see the plans for the Witcombe Valley project. 50 people came through the door to discuss the project and ways of getting involved. It's hoped that new volunteers and Friends will come forward in the coming months as the project progresses.
- The Housing & Welfare Benefits team at Petter House have worked hard to secure the kit and accommodation to allow us to welcome two families from the refugee camps on the Syrian/Jordan border. These families are settling in to Somerset life with the help of Yeovil for Families at the Gateway Church and the Yeovil community.
- South Somerset Careline saw its highest ever numbers, finishing the 2015/16 year with 2,117 customers, an increase of 102 customers from last year. Portfolio Holder Sylvia Seal also joined one of Carelines customers, Freda Marks, to celebrate her 90th birthday which she shares with Her Majesty the Queen on 21st April, and presented her with a bouquet of flowers and a year's free subscription to Careline.
- The catchment area of The Octagon Theatre increased recently when bookings for X Factor Winner, Matt Cardle, went on sale for Monday 4th July. Ticket bookings from Hungary, Brazil and even Hawaii were recorded!
- You can now subscribe to receive a notification via email when the latest edition of South Somerset News has been published. The email will include a link direct to the latest publication. Subscribe at www.southsomerset.gov.uk/latest-news and follow the link under 'South Somerset News'.

Latest headlines:

- Streetscene Services recently helped a vulnerable elderly resident clear his garden after he was ripped off by a group of rogue traders who were meant to undertake some horticultural work in his garden. To read more, visit <http://goo.gl/UmNPtb>.
- The Westfield Regeneration Plan to regenerate the Westfield area of Yeovil was jointly launched by SSSC and the Westfield Community Association on 11th March. To find out more about the plan and the projects that have been completed or are under way, visit <http://goo.gl/7Clc2Y>.
- Residents are being reminded that if they have received a poll card for the May 5 Police and Crime Commissioner election, they do not need to re-register for the EU Referendum on June 23rd. More information can be found at <http://goo.gl/WcYqaX>.

Agenda Item 10

District Executive Forward Plan

Executive Portfolio Holder: Ric Pallister, Leader, Strategy and Policy
Assistant Director: Ian Clarke, Legal and Corporate Services
Lead Officer: Ian Clarke, Legal and Corporate Services
Contact Details: ian.clarke@southsomerset.gov.uk or (01935) 462184

1. Purpose of the Report

1.1 This report informs Members of the current Executive Forward Plan, provides information on Portfolio Holder decisions and on consultation documents received by the Council that have been logged on the consultation database.

2. Public Interest

2.1 The District Executive Forward Plan lists the reports due to be discussed and decisions due to be made by the Committee within the next few months. The Consultation Database is a list of topics which the Council's view is currently being consulted upon by various outside organisations.

3. Recommendations

3.1 The District Executive is asked to:-

- I. approve the updated Executive Forward Plan for publication as attached at Appendix A;
- II. note the contents of the Consultation Database as shown at Appendix B.

4. Executive Forward Plan

4.1 The latest Forward Plan is attached at Appendix A. The timings given for reports to come forward are indicative only, and occasionally may be re scheduled and new items added as new circumstances arise.

5. Consultation Database

5.1 The Council has agreed a protocol for processing consultation documents received by the Council. This requires consultation documents received to be logged and the current consultation documents are attached at Appendix B.

6. Background Papers

6.1 None.

SSDC Executive Forward Plan

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
June 2016	Quarterly Performance and Complaints Monitoring Report	Portfolio Holder for Strategy and Policy	Strategic Director (Place & Performance)	Andrew Gillespie / Charlotte Jones Performance Managers	District Executive
June 2016	Westland Leisure Complex Progress Report	Portfolio Holder Leisure & Culture	Assistant Director (Health and Well-Being)	Steve Joel, Assistant Director (Health & Well-Being)	District Executive
June 2016	Fixed penalty notices for flytipping	Portfolio Holders for Environment & Economic Development and Area West	Assistant Director (Environment)	Vicki Dawson, Principal Environmental Protection Officer	District Executive
June 2016 July 2016	Community Governance Review Request - Brympton Parish Council	Portfolio Holder for Area West	Assistant Director (Legal and Corporate Services)	Angela Cox, Democratic Services Manager	District Executive South Somerset District Council
June 2016 July 2016	Strategic Housing Market Assessment	Portfolio Holder for Strategic Planning (Place Making)	Assistant Director (Economy)	Paul Wheatley, Principal Spatial Planner	District Executive South Somerset District Council
June 2016	South Somerset Together Annual Update	Portfolio Holder for Strategy and Policy	Assistant Directors (Communities)	Chereen Scott, South Somerset Together Co-ordinator	District Executive

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
June 2016	Approval of the Somerset District Authorities Regulatory Services Enforcement Policy 2015-2020 and the Environmental Protection Enforcement Policy 2015-2020	Portfolio Holder for Area West	Assistant Director (Environment)	Alasdair Bell, Environmental Health Manager	District Executive
June 2016	Capital and Revenue Budget monitoring reports for Quarter 4 (out-turn reports)	Portfolio Holder for Finance and Legal Services	Assistant Director (Finance and Corporate Services)	Donna Parham, Assistant Director (Finance & Corporate Services)	District Executive
June 2016 June 2016	Approval of the Homefinder Somerset Allocations Policy	Portfolio Holder for Strategy and Policy	Assistant Director (Health and Well-Being) Assistant Director (Health and Well-Being)	Kirsty Larkins, Housing and Welfare Manager	District Executive South Somerset District Council
June 2016	Annual Grants Report	Portfolio Holder for Strategy and Policy	Assistant Directors (Communities)	David Crisfield, Third Sector & Partnerships Co-ordinator	District Executive
July 2016 July 2016	Five-Year Housing Land Supply / Authorities Monitoring report	Portfolio Holder for Strategic Planning (Place Making)	Assistant Director (Economy)	Paul Wheatley, Principal Spatial Planner	District Executive South Somerset District Council

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
July 2016	Somerset Waste Partnership New Waste Collection Model	Portfolio Holder for Environment & Economic Development	Strategic Director (Operations & Customer Focus)	Vega Sturgess, Strategic Director (Operations & Customer Focus)	District Executive
July 2016	Community Right to Bid Quarterly Update Report	Portfolio Holder for Strategic Planning (Place Making)	Assistant Directors (Communities)	Helen Rutter, Area Assistant Director (Communities)	District Executive
July 2016	Annual Review of SSDC Partnerships	Portfolio Holder for Strategy and Policy	Assistant Directors (Communities)	David Crisfield, Third Sector & Partnerships Co-ordinator	District Executive
August 2016	Capital & Revenue Budget monitoring reports for quarter 1	Portfolio Holder for Finance and Legal Services	Assistant Director (Finance and Corporate Services)	Donna Parham, Assistant Director (Finance & Corporate Services)	District Executive
September 2016 September 2016	Adoption of the Revised County Wide Tenancy Strategy	Portfolio Holder for Strategy and Policy	Assistant Director (Economy)	Colin McDonald, Corporate Strategic Housing Manager	District Executive South Somerset District Council
September 2016	Quarterly Performance and Complaints Monitoring Report	Portfolio Holder for Strategy and Policy	Strategic Director (Place & Performance)	Andrew Gillespie / Charlotte Jones, Performance Managers	District Executive

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
October 2016	Medium Term Financial Strategy & Medium Term Financial Plan for 2017/18 to 2019/20	Portfolio Holder for Finance and Legal Services	Assistant Director (Finance and Corporate Services)	Donna Parham, Assistant Director (Finance & Corporate Services)	District Executive
November 2016	Capital & Revenue Budget monitoring reports for quarter 2	Portfolio Holder for Finance and Legal Services	Assistant Director (Finance and Corporate Services)	Donna Parham, Assistant Director (Finance & Corporate Services)	District Executive

APPENDIX B - Current Consultations – May 2016

Purpose of Document	Portfolio	Director	Response to be agreed by	Contact	Deadline for response
<p>Starter homes regulations: technical consultation</p> <p>This technical consultation document seeks views on the details for the regulations to be made under powers contained in the Housing and Planning Bill; including options for the starter homes requirement on reasonably sized sites. We want to hear views so the resulting regulations are feasible, proportionate and effective.</p> <p>https://www.gov.uk/government/consultations/starter-homes-regulations-technical-consultation</p>	<p>Strategy and Policy</p>	<p>Assistant Director (Economy)</p>	<p>Officers in consultation with Portfolio Holder</p>	<p>Colin McDonald</p>	<p>18th May 2016</p>

Agenda Item 11

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the District Executive will take place on **Thursday, 2nd June 2016** in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

Agenda Item 12

Exclusion of Press and Public

The Committee is asked to agree that the following item (agenda item 16) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3:

“Information relating to the financial or business affairs of any particular person (including the authority holding that information).”

It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 13

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

Document is Restricted

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

Document is Restricted

Agenda Item 14

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

Document is Restricted