



NOTICE OF MEETING

CABINET MEMBER FOR PLANNING POLICY & CITY DEVELOPMENT

TUESDAY, 29 NOVEMBER 2022 AT 3.00 PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to James Harris - Senior Local Democracy Officer
Email: james.harris@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Membership

Councillor Lee Hunt (Cabinet Member)

Opposition Spokespersons

Councillor Ryan Brent

Councillor Judith Smyth

(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

Public health guidance for staff and the public due to Winter coughs, colds and viruses, including Covid-19

- Following the government announcement 'Living with Covid-19' made on 21 February and the end of universal free testing from 1st April, attendees are no longer required to undertake any asymptomatic/ lateral flow test within 48 hours of the meeting; however, we still encourage attendees to follow the public health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.

- We strongly recommend that attendees should be double vaccinated and have received any boosters they are eligible for.
- If unwell we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive Covid-19 test result is still being advised to follow this guidance for five days, which is the period when you are most infectious.
- We encourage all attendees to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that protects us from coughs, colds and winter viruses, including Covid-19.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

AGENDA

1 Apologies for absence

2 Declarations of interest

3 Record of Previous Decision Meeting - 9 November 2022 (Pages 5 - 6)

The minutes of the previous meeting held on 9 November 2022 are attached.

4 Neighbourhood CIL spending in Milton Neighbourhood Area (Pages 7 - 28)

Purpose

The purpose of this report is seek approval for an amendment to the procedure for spending the neighbourhood portion of Community Infrastructure Levy (CIL) to reflect the adoption of the Milton Neighbourhood Plan (MNP) within the relevant area of Portsmouth.

Recommendations

That the updated Draft CIL Neighbourhood Portion Spend Guidance Note (appendix 1) be adopted and applied by Portsmouth City Council.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

21 November 2022

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CABINET MEMBER FOR PLANNING POLICY & CITY DEVELOPMENT

RECORD OF DECISIONS of the meeting of the Cabinet Member for Planning Policy & City Development held on Wednesday, 9 November 2022 at 4.00 pm at the Guildhall, Portsmouth

Present

Councillor Lee Hunt (in the Chair)

Councillors Ryan Brent
Judith Smyth

21. Apologies for absence

There were no apologies for absence.

22. Record of Previous Decision Meeting - 14 October 2022

The minutes of the previous meeting held on 14 October 2022 were agreed by the Cabinet Member

23. Declarations of interest

There were no declarations of interest.

24. Scheme of Delegation for Planning Decision Making

After an introduction by the Assistant Director for Planning & Economic Growth the Cabinet Member invited comments prior to making his decision.

Whilst he believed that the aspiration was for funding to be sourced to allow the option for additional Planning Committee meetings to be considered, Cllr Brent understood that this had been explored and that no funding was available.

The Cabinet Member:

RESOLVED that the scheme of delegation for planning decision making be amended by:

- (i) **The deletion of paragraph 53 of Part 2 Section 5B (Director of Regeneration) of the constitution; and**
- (ii) **The amendment of paragraph 57 of Part 2 Section 5B (Director of Regeneration) of the constitution so that the threshold applied to a requirement for Committee determination is where six or more adverse representations based on material planning considerations have been received.**

These decisions had previously been the subject of a call-in, which had been considered and upheld by the Scrutiny Management Panel. Following this, a referral had been made by the Cabinet Member to the Governance & Audit & Scrutiny Committee for consideration in advance of the decision being taken. The decisions were therefore not subject to further call-in and took immediate effect.

The meeting concluded at 4.05 pm.

Councillor Lee Hunt
Chair

Title of meeting:	Planning Policy and City Development Portfolio Decision Meeting
Date of meeting:	29 November 2022
Subject:	Neighbourhood CIL spending in Milton Neighbourhood Area
Report by:	Ian Maguire, Assistant Director Planning & Economic Growth, Regeneration
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

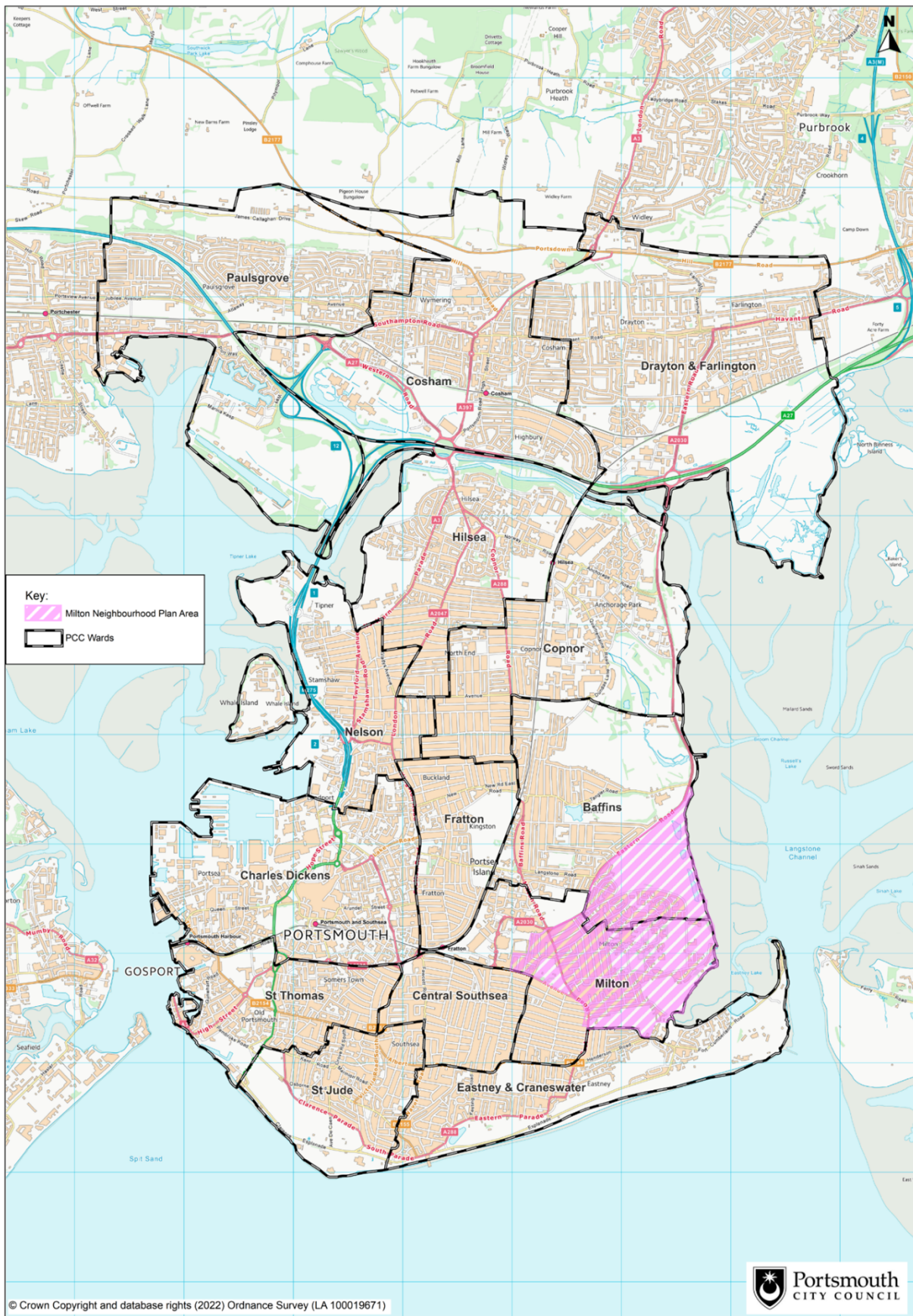
- 1.1. The purpose of this report is seek approval for an amendment to the procedure for spending the neighbourhood portion of Community Infrastructure Levy (CIL) to reflect the adoption of the Milton Neighbourhood Plan (MNP) within the relevant area of Portsmouth.

2. Recommendations

- 2.1 To Resolve: that the updated Draft CIL Neighbourhood Portion Spend Guidance Note (appendix 1) be adopted and applied by Portsmouth City Council.**

3. Background

- 3.1 On the 11th October 2022 Full Council approved the adoption of the MNP as part of the Development Plan for Portsmouth. The MNP has an impact on the allocation and process of CIL spend in respect of the Neighbourhood portion of the collected Levy. 25% of CIL income from affected developments (where planning permission first permits development in the MNP area on or after the 11th October date) will be directed to the CIL Neighbourhood pot for that ward instead of 15%, which was the proportion prior to adoption.
- 3.2 The location of the MNP not only spans a large proportion of the Milton ward, but also extends in a northerly direction into the Baffins ward, namely Milton Common. Below is an illustrative map of the Portsmouth wards and the area spanning the Milton Neighbourhood Plan Area.



4. Reasons for recommendations

- 4.1 It is important to reflect the adoption of the MNP within the Council's current Neighbourhood Spend application process to ensure that priorities within the MNP are met within future relevant bids and the Milton Neighbourhood Forum (MNF) as a constituted body are part of the decision-making process.
- 4.2 The MNP and supporting evidence document set out the priorities for the future of Milton in general terms, and officers broadly categorised these priorities in an appendix to a Note (Appendix 2) that was shared with the Milton Neighbourhood Planning Forum (MNF) and with Ward Members for Milton and Baffins Wards.
- 4.3 As part of that draft amended to procedure, shared with those local stakeholders, it was proposed to include the MNF as a formal consultee alongside Ward Councillors from the affected wards on relevant bids. As a result of the MNP spanning into the Baffins ward, the MNF will also be consulted on Neighbourhood CIL spend applications located within the Baffins ward.
- 4.4 To reflect the adoption of the MNP, the Council's Draft CIL Neighbourhood Portion Spend Guidance Note (DNPSG) has been updated to reflect the insertion of the MNP. Appendix 1 provides a copy of the proposed updated DNPSG. It is intended that the application process for seeking funding from Neighbourhood CIL itself will remain the same, however, the main amendments are the inclusion of the MNF as a formal consultee as referred to within the application process summary in the DNPSG and the encouragement of decision takers to ensure they have appropriately considered the priorities for infrastructure described in the MNP..
- 4.5 As an illustrative example, if a Neighbourhood CIL application was submitted that was located within either the Milton or Baffins wards, the CIL team would first carry out an initial assessment against the published criteria and also the MNP priorities (as documented within appendix B of the DNPSG). If applications are considered suitable, this will be confirmed in a statement along the lines of *'It is considered that the proposed spend item meets the local priorities as set out within the Milton Neighbourhood Plan'*. That statement can then inform the further consultation stages with Ward Members, the MNF, and the s151 Officer. It will also provide confirmation to the wider Council as part of the MIS publication and to decision making process following these consultations.
- 4.5 Ward Councillors from the affected ward(s) along with the MNF would then be contacted by email to request confirmation as to their support of the application. In a situation where differing views may be provided, between any of the Ward Members and/or the MNF and an agreement cannot be reached, as per the DNPSG, the Neighbourhood CIL application will be reviewed by Cabinet to arbitrate.
- 4.6 As noted above the proposed amended policy and summary of infrastructure spending priorities, was shared with the MNF and the Ward Members for Milton

and Baffins. In response to this consultation they have provided the following comments for the consideration of the Portfolio Holder:

4.6.1 One Baffin's ward member sought clarification regarding whether the MNF would be included as a consultee on all NCIL spending applications, including those outside of the MNP area.

Officers provided clarification confirming that "the proposed procedure as drafted is indeed to consult the MNF on all NCIL spending applications for Baffins NCIL money whether or not that spending occurs on a site within the MNF area. We frequently see applications for NCIL money from one ward to be spent on an adjacent ward as of course the communities, and the catchments for different types of infrastructure have no regard for where municipal boundaries are drawn. More significantly we want to ensure a process that cannot be criticised by a scenario that a significant proportion/all of Baffins NCIL could be assigned to a project without even the knowledge of the MNF, especially in the future scenarios which may see that NCIL generated from development that occurs within the MNF area of Baffins ward. The procedure is one of consultation with ward members and the MNF, not decision making by ward members or the Forum so checks and balances are built in to prevent unreasonable outcomes as to actual spending, but a process is needed to enable all relevant parties to understand and compare what applications for spending are being brought forward to be funded from budgets that they have a legitimate expectation to have some influence over."

4.7 No other comments in respect of the proposed procedures or the summary categorisations of infrastructure priorities were received as part of the consultation.

5. Equality impact assessment

5.1 An equality impact assessment is not required as the recommendations do not have a disproportionate negative impact on any of the specific protected characteristics as described in the Equality Act 2010.

6. Legal implications

6.1 The spending of CIL receipts is governed by The Community Infrastructure Levy Regulations 2010 as amended ("the CIL Regs"). The Charging Authority has a duty to pass on the neighbourhood portion of the CIL receipts as set out in regulation 59A(3) of the CIL Regs. It states that where all or part of a chargeable development is within an area that has a neighbourhood development plan in place the charging authority must pass 25 per cent of the relevant CIL receipts to the parish council for that area.

6.2 Where there is no neighbourhood plan in place the Charging Authority has a duty to pass on 15% of the relevant CIL receipts to the parish, which is capped at £100 (index-linked) per dwelling in the parish.

6.3 As there are no parish councils in Portsmouth the Charging Authority retains the levy receipts and engages with the ward members, neighbourhood forum (where there is a neighbourhood plan) and local communities where development is taking place to agree with them how best to spend the neighbourhood portion.

7. Director of Finance's comments

7.1 There are no direct financial implications as a result of approving the recommendations within this report.

.....
Signed by:

Appendices:

- Appendix 1 - Amended Draft CIL Neighbourhood Portion Spend Guidance Note
- Appendix 2 - Community Infrastructure Levy (Neighbourhood CIL Spend) Procedure Note (7.10.2022)

Background list of documents: Milton Neighbourhood Plan

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

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Portsmouth
CITY COUNCIL

DRAFT CIL NEIGHBOURHOOD PORTION SPEND GUIDANCE NOTE

Oct 2022

Portsmouth City Council

Page 13

Portsmouth City Council reserves the right to amend the information in this document at any time.

CIL NEIGHBOURHOOD PORTION SPEND

- 1. What is the CIL Neighbourhood Portion?**
 - 2. What can the CIL Neighbourhood Portion be spent on?**
 - 3. What are the criteria for bids?**
 - 4. What is the application process?**
- Appendix A. Portsmouth Ward and Neighbourhood Plan Area Map**
- Appendix B. Application Form**

1. What is the CIL Neighbourhood Portion?

Fifteen per cent of Community Infrastructure Levy (CIL) receipts can be spent on local priorities in and around the ward where development has taken place. This amount is capped at the total number of dwellings in the ward x £100 (index-linked) in any financial year.

As Portsmouth does not have any parish, town or community councils, Portsmouth City Council (PCC) as charging authority will retain the levy receipts and engage with the local communities where development has taken place to agree with them how best to spend the neighbourhood portion.

Where a neighbourhood plan or neighbourhood development order has been made, the neighbourhood will benefit from 25% of the levy revenues (uncapped) arising from the development that takes place in their area and the relevant neighbourhood forum will be consulted as part of the spend process.

It was agreed by Cabinet (1 July 2013) that the community area for the neighbourhood portion will be the ward, with the caveat that there will be a degree of flexibility to allow for considerations beyond the strict boundaries of the ward. A map of the Portsmouth wards and any made neighbourhood plan or neighbourhood development order areas is shown at Appendix A.

For any developments commencing on or after 1 April 2020 which generate £1m or more in CIL, the first £150,000 of neighbourhood portion will go to the relevant ward, with the remainder going to the city wide neighbourhood fund. This paragraph does not apply to areas where a neighbourhood plan or neighbourhood development order has been made.

2. What can the CIL Neighbourhood Portion be spent on?

The CIL neighbourhood portion can be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to 'support the development of the area' by (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or (b) anything else that is concerned with addressing the demands that development places on an area.

3. What are the criteria for bids?

In addition to the above requirement, bids of a political or religious nature will only be considered if accessible to all. Bids of a political or religious nature will also not be supported if they:

- Benefit less than 5 people within the ward
- Are for a private benefit
- Are for less than £500

As CIL neighbourhood funds are limited, we will look favourably upon projects that:

- Have full or majority ward councillor support
- Have support from any relevant neighbourhood forum
- Have community backing
- Have a wide public benefit
- Are accessible to all sectors of the community
- Have a set delivery time frame
- Have no ongoing maintenance costs to PCC
- Have not yet been implemented*

4. What is the application process?

A bid for funding from the CIL neighbourhood portion can be made using the application form shown at Appendix B. The application form should be completed to provide all of the relevant information to allow the bid to be fully assessed. The application form should be accompanied by any supporting documentation.

Completed bid applications forms and any queries relating to CIL can be emailed to CIL@portsmouthcc.gov.uk or sent in the post to Neighbourhood CIL Team, Planning Service, Floor 4 Core 4, Civic Offices, Guildhall Square, Portsmouth PO1 2AU.

A summary of the application process is set out in the following table:

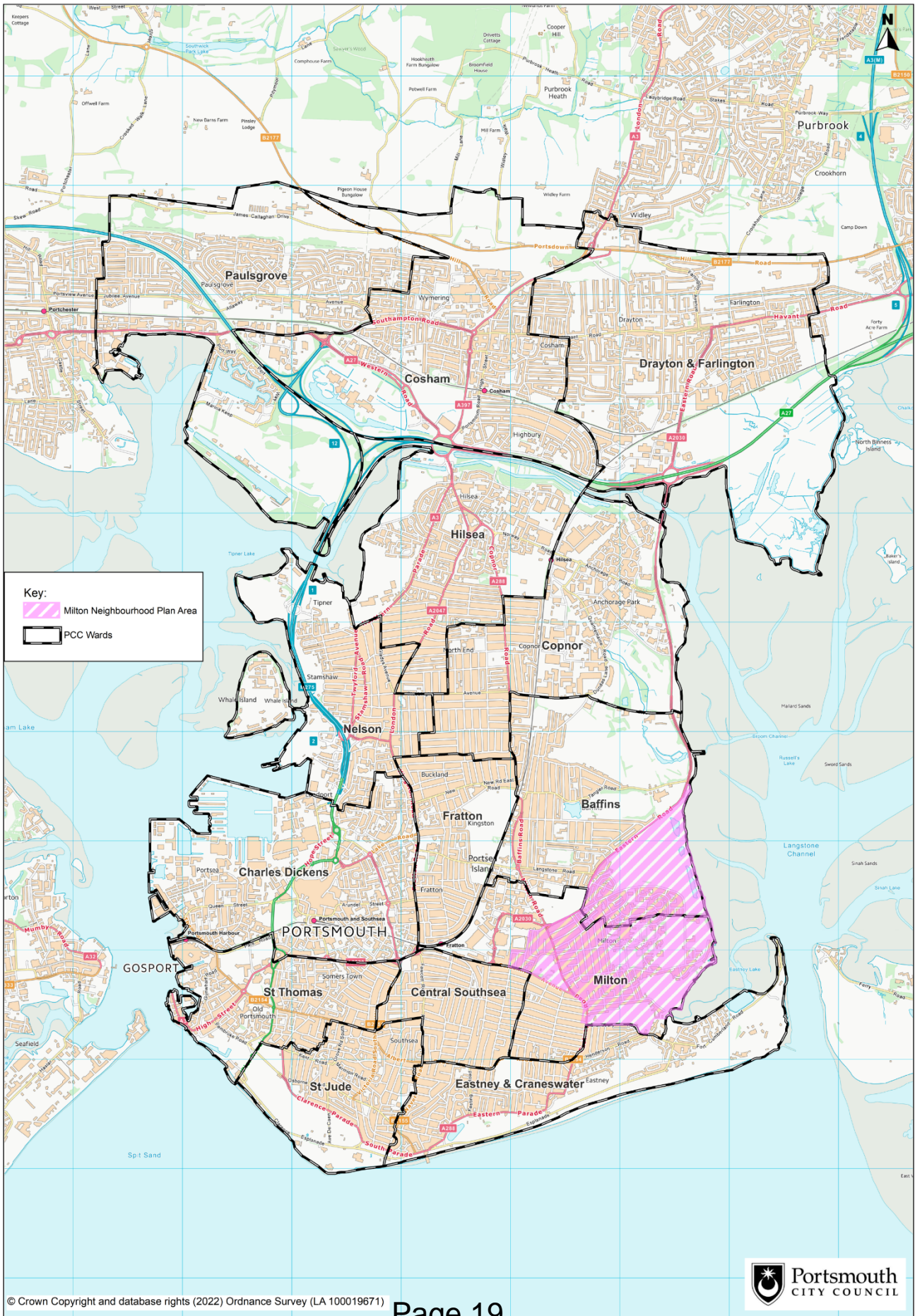
*Approval of CIL neighbourhood funding bids for historical projects already implemented will be at PCC's sole discretion.

Time Period	Task	Delivery Responsibility
Prior to application	Community Groups (including Neighbourhood Forums) / Applicants / Ward Councillors to discuss and identify potential projects. Existing networks to be used. Supported projects	Community Groups Applicants Ward Councillors CIL Liaison Officer

	further develop their bids e.g. obtain information on cost/delivery/viability.	
0-7 days	Completed application form received. Suitability for CIL funding against published criteria checked. Ward Councillors and, where a neighbourhood plan has been made, Neighbourhood Forum (being a relevant Neighbourhood Forum) contacted by email to request confirmation as to their support of the application.	Applicant CIL Team CIL Team
8-14 days	Application reviewed by s151 Officer to ensure safeguarding and proper stewardship of proposed spend - to ensure expenditure is legal and value for money.	s151 Officer
15-35 days*	If at least one Councillor or relevant Neighbourhood Forum from the affected area has given full support for the application, MIS Part 2 item prepared and affected Ward Councillors/relevant Neighbourhood Forum notified by email. If any Councillor or relevant Neighbourhood Forum objects and application not withdrawn, item to go to Cabinet for review.*	CIL Team
36-42 days	Assistant Director to review expenditure of CIL (as decision is an executive function) under delegated authority from Cabinet Member for Culture and City Development.	Assistant Director Planning & Economic Growth, Regeneration
43-49 days	Applications that fail any of the reviews referred to above will be considered unsuccessful. Applications that pass will be considered successful. Decision letter to be issued.	CIL Team
Governance		
	Project delivered, funds drawn down, evidence of expenditure and implementation to be supplied. If no contact, updates or responses received 12 months after funding letter issued, funding may be withdrawn.	Applicant CIL Liaison Officer Finance
	Review 12-24 Months after delivery - has the project been successful and worthwhile? Community Groups / Councillors / PCC Infrastructure teams to be contacted	Ward Networks CIL Liaison Officer

*For the avoidance of doubt, 28 days will always be accommodated to afford affected Ward Councillors and relevant Neighbourhood Forums the opportunity to review applications and either support, oppose or abstain. After 28 days, non-response will be considered as abstention. Where Ward Councillors and relevant Neighbourhood Forums unanimously support or oppose an application, the process may be expedited.

APPENDIX A - PORTSMOUTH WARD AND NEIGHBOURHOOD PLAN AREA MAP



Neighbourhood CIL Bid Form

Applicant details Name Community group/Organisation Address		Contact details Tel number[s] Email address	
Ward		Has a recognised community group been consulted	YES / NO [if Yes please provide details]
Are these proposals supported by Ward Members?	YES / NO		
Details of Ward Members in support Page 29	1. 2. 3.		
Details of partner organisations/groups Name Community group/Organisation Address Email address Tel number			

Neighbourhood CIL Bid Form

<p>Project Location/address</p>		<p>Anticipated start date</p> <p>Anticipated finish date</p>	
<p>Project Details</p> <p>Description of scheme</p> <p>Please attach supplementary information such as drawings/quotes/regulatory approvals</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 22</p>		<p>Overall cost of project [incl VAT]</p> <p>Level of CIL Neighbourhood Funding that is sought</p>	<p>£</p> <p>£</p>
<p>Briefly describe how the scheme supports/benefits the development of your local area by funding either a) the provision, improvement, replacement, operation or maintenance of infrastructure; or b) anything else that is concerned with addressing the demands that development places on an the area</p>			

Neighbourhood CIL Bid Form

<p>Describe how the revenue / maintenance costs, if not covered by the sought CIL funds, will be funded for the lifetime of the project</p>	
<p>Will the scheme be on public or private land and has the landowner given permission for the project to proceed? [Please provide details of support]</p>	
<p>Who will deliver the project? (e.g. the Council, applicant or a third party)</p>	

Notes to applicant

Please retain a copy of this form

Supporting information [e.g. plans/drawings, quotes] can be submitted electronically to CIL@portsmouthcc.gov.uk

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Community Infrastructure Levy (Neighbourhood CIL Spend) Procedure Note (7.10.2022)

This Procedure Note is intended to be shared with the Portfolio holder for Planning Policy & City Development in consultation with the Milton and Baffins ward Councillors and the Milton Neighbourhood Forum.

Background

On the 11th October 2022 a recommendation is going to Full Council to approve the adoption of the Milton Neighbourhood plan (MNP) as part of the Development Plan for Portsmouth. The MNP has an impact on CIL spend (Neighbourhood portion). 25% of CIL income from affected developments (where planning permission first permits development in the MNP area on or after this date) will be directed to the CIL Neighbourhood pot for that ward instead of 15%.

The location of the MNP not only spans a large proportion of the Milton ward, but also extends in a northerly direction into the Baffins ward, namely Milton Common. Appendix A provides an illustrative map of the Portsmouth wards and the area spanning the Milton Neighbourhood Plan Area.

Purpose of Procedure Note

The procedure note is intended to outline the proposed adjustments to the Council's current Neighbourhood CIL spend procedure to reflect the introduction of a Neighbourhood Plan.

Proposed amended process

It is important to reflect the adoption of the MNP within the Council's current Neighbourhood Spend application process to ensure that priorities within the MNP are met within future relevant bids and the Milton Neighbourhood Forum (MNF) as a constituted body are part of the decision-making process.

The MNP and supporting evidence document set out the priorities for the future of Milton in general terms, these are broadly categorised in Appendix B of this Procedure Note.

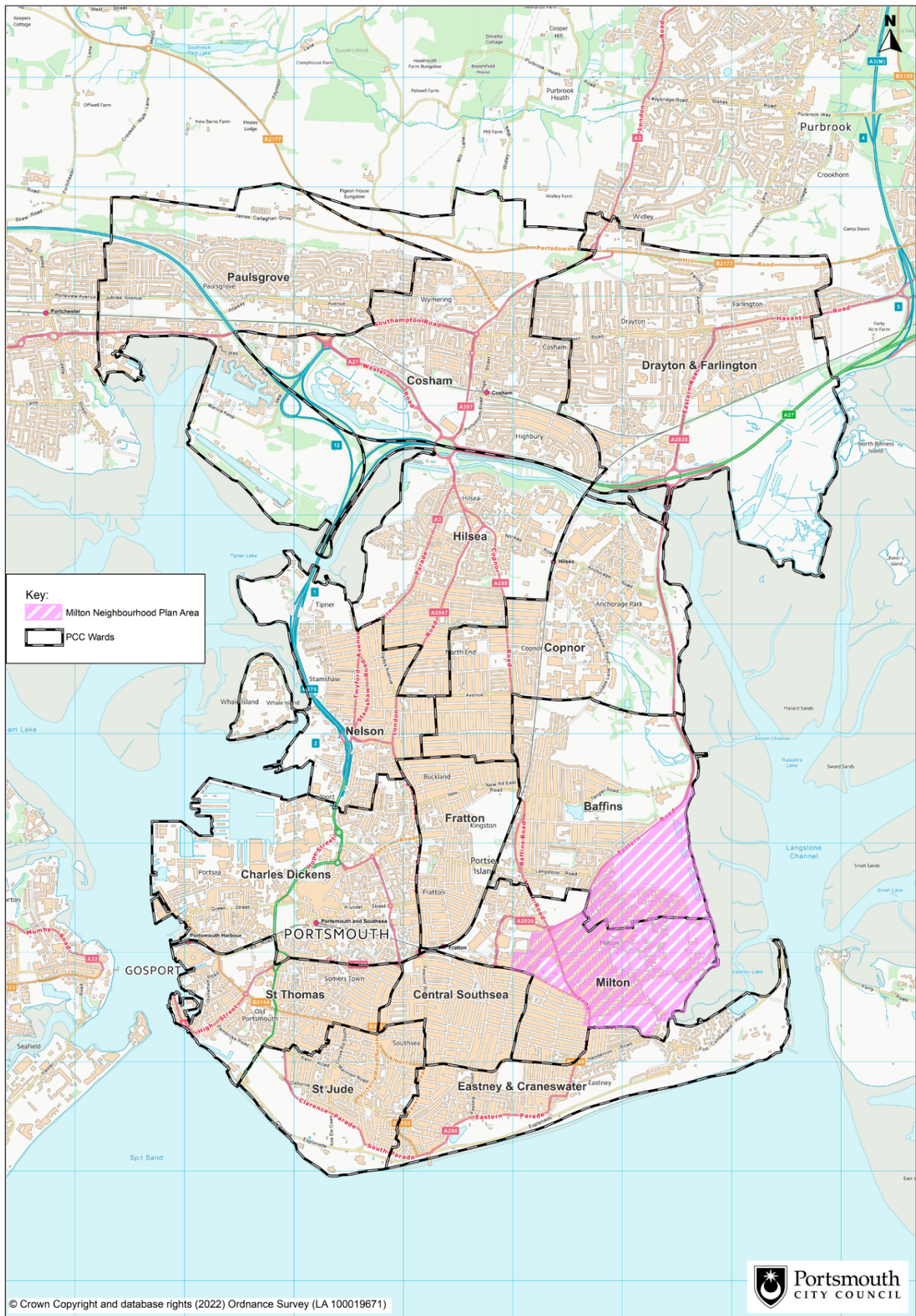
It is proposed to include the MNF as a formal consultee alongside Ward Councillors from the affected wards on relevant bids. As a result of the MNP spanning into the Baffins ward, the MNF will also be consulted on Neighbourhood CIL spend applications located within the Baffins ward.

To reflect the adoption of the MNP, the Council's Draft CIL Neighbourhood Portion Spend Guidance Note (DNPSG) will be updated to reflect the insertion of the MNP. Appendix C provides a copy of the proposed updated DNPSG. The application process itself will remain the same, however, the main amendment is the inclusion of the MNF as a formal consultee as referred to within the application process summary in the DNPSG.

As an illustrative example, if a Neighbourhood CIL application was submitted that was located within either the Milton or Baffins wards, the CIL team would first carry out an initial assessment against the published criteria and also the MNP priorities (as documented within Appendix B of this Procedure Note). If applications are considered suitable, a statement along the lines of '*It is considered that the proposed spend item meets the local priorities as set out within the Milton Neighbourhood Plan*' will be added to application correspondence (e.g. Cllr and MNF consultation, s151 consultation, MIS item and AD review request).

Ward Councillors from the affected ward(s) along with the MNF would then be contacted by email to request confirmation as to their support of the application. In a situation where differing views may be provided and an agreement cannot be reached, as per the DNPSG the Neighbourhood CIL application will be reviewed by Cabinet to arbitrate.

Appendix A: Portsmouth Ward and Milton Neighbourhood Plan Area



Appendix B: Priorities as set out within the Milton Neighbourhood Plan and supporting evidence document

Transport:	<ul style="list-style-type: none"> • Junction improvements (Improvements to key junctions including at Velder Avenue/ Milton Road, Milton Road / Locksway Road, Goldsmith Avenue / Milton Road and Eastney Road / Bransbury Road. • Improved cycle and footpath infrastructure provision to encourage sustainable transport • Improved bus provision with associated infrastructure • Electric vehicle charging infrastructure
Community Facilities:	The Plan encourages the development of new community facilities and the protection of existing facilities including: Libraries, churches, Nursery's, halls, and community cafes.
Green Environment and Biodiversity:	Enhancement to Milton's local green environment including wildlife habitats and corridors, green spaces, trees and woodland spaces and create biodiversity net gain.
Heritage	Refurbish or reuse designated and non-designated heritage assets
Retail	Proposals that support the Eastney Road Retail Centre
Other	The supporting evidence to the Milton NP document also mentions other issues impacting Milton including Health; Adult Social Care; Air Pollution and education which infrastructure could aid.

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