



Tockwith with Wilstrop Parish Council North Yorkshire

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Minutes of the Extra Ordinary Meeting of Tockwith with Wilstrop Parish Council (TWWPC) held at 4pm on Thursday 13 October 2022 at Tockwith Village Hall, Marston Road, Tockwith, YO26 7rR

Present: Councillor Arnold Warneken (Chairman), Councillor Sarah Pearce, Councillor Ray Clark, Councillor Graeme McBride, Councillor Kriston Wright, Councillor Sue Corbett, Councillor Alex Marsh

Apologies: Councillor Simon Blake

Not Present: Councillor Stuart McHenry

Guests: Ward Councillor Andrew Paraskos, Lee Jones (Community Development Officer, Harrogate Borough Council), Racheal Hutton (Principal Policy and Delivery Officer, Harrogate Borough Council).

In attendance: Deborah Marshall, Clerk to the Parish Council.

Twelve members of the public were in attendance.

107.	<u>Apologies:</u>
1.	To note any apologies received
	RESOLVED: That apologies received from Councillor Blake be accepted.
2.	To approve any reasons for absence submitted for consideration
	RESOLVED: That the reason for absence submitted by Councillor Blake be approved.
108.	<u>To Note any Declarations of Interest:</u>
1.	To note declarations of interests not already declared under members Code of Conduct or members register of Disclosable Pecuniary Interests (DPI) in the business to be transacted at this meeting
	None.
2.	To approve any dispensation requests received
	None.
109.	<u>Public Open Forum:</u>
	There were no matters raised by the public.

110.	<p><u>Introduction from representatives on Harrogate Borough Council’s Community Development Team</u></p>
	<p>Lee Jones in introduced himself as the newly appointed HBC Community Development Officer, having been in the role for 4 months. Also in attendance was Rachael Hutton from the HBC Planning Policy Team who are responsible for the Local Plan and implementing policies associated with both S106 (Commuted Sums) and CIL (Community Infrastructure Levy). Apologies were given that Stephen Hynes, Community Development Officer for Parks and Environmental Services was not able to attend.</p>
111.	<p><u>HBC to address questions previously submitted by Tockwith with Wilstrop PC and other community organisations</u></p>
	<p>Prior to the Q&A session, Cllr Paraskos wished to clarify to the public that the term ‘Commuted Sums’ is just another term for S106 monies.</p> <p>Questions from the Parish Council and Community Groups had been submitted to HBC prior to the meeting. The Chairman asked the representatives from HBC to respond.</p> <p>1) Has Tockwith with Wilstrop had any CIL monies? If not, why not?</p> <p>Tockwith with Wilstrop has not received any CIL monies. This is because HBC’s CIL policy only came into existence in October 2020. CIL cannot be applied retrospectively to sites where planning permission was granted before this date.</p> <p>2) Will Tockwith with Wilstrop receive 15% or 25% of the CIL?</p> <p>Tockwith with Wilstrop is on the 15% rate as it does not have a Neighbourhood Plan. Parish Councils with a Neighbourhood Plan receive 25%.</p> <p>3) The new development on Rudgate looks like it is all CIL monies. Is it or is there any S106 monies as well for that development?</p> <p>S106 only applies to residential properties. It is to mitigate the impact of the additional population and is site specific. CIL is very different and is more like a tax which is charged per 100sqm. It was advised that there may be some potential CIL monies from Marston Business Park but it not possible for HBC to say when or how much this might be as it will depend on the type of business that operates from the site. HBC only request CIL from class B8 – Distribution or Warehousing.</p> <p>4) Why would the District Council not receive CIL monies on a development?</p> <p>All buildings that meet the criteria for CIL must pay it.</p> <p>5) Does Tockwith have GPC (General Power of Competence?)</p> <p>No, Tockwith with Wilstrop Parish Council does not have GPC.</p> <p>6) CIL does not require a legal document. Why is that?</p> <p>The S106 is set in legislation which cannot be changed by HBC. In order to be charged S106, a development must be residential, have more than five dwellings and the developer is required to meet a number of criteria. CIL is different to S106 in that it is levied on a much wider range of developments and according to a published tariff schedule and is covered by legal regulations. There are a number of different of charging levels and it is paid at</p>

commencement of the development. Unlike S106, CIL can be spent across the whole of the area and is not site specific. Both S106 and CIL can be requested from a developer.

7) Why does S106 require a legal agreement?

S106 allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner as part of the granting of planning permission.

8) Why is there a cap of £50,000 in any financial year?

The cap is not £50,000 per year. The cap is set at a maximum of £100 per existing council tax dwelling within the parish per financial year. HBC had calculated this as being £89,000 for Tockwith with Wilstrop but said it was highly unlikely that this level of CIL would ever be reached.

9) What is the position with S106 amounts currently available from each of the Tockwith developments?

A list of commuted sums had been circulated for the Marston Moor Ward. A member of the public asked if this information could be shared and the printed lists were distributed. Lee Jones confirmed that S106 does not need to be paid by the developer until all dwellings have been occupied. Only money that has been collected by HBC is included on the list. Cllr Warneken asked whether potential future monies could be included. HBC said they will not release this information until HBC receives all sums once a development has been completed.

10) What happened to the sum due to the Village Hall from the Linden development (15/01484/FULMAJ)? The calculation of Feb 2016 showed an allocation of £178,362.48, yet this had disappeared by May 2018.

Rachael Hutton said that six different S106 calculations had to be made during the lifetime of the application because of the changes to dwelling bedroom numbers. There had also been an error in the calculations within the HBC database for which HBC subsequently apologised. The Village Hall received five S106 contributions. At the time, the government had put a restriction of the number of S106 contributions that a site could receive at 5. By the time the final S106 calculation had been done in March 2016, the Village Hall had already reached this limit. A representative from the Village Hall said the amounts had been very small and that it seemed unfair that this should be capped at number of contributions and not at a set amount. Rachel Hutton confirmed that in 2019, the Government changed the rules and the maximum limit is now a set amount.

11. If there were more than one of a potential recipient type in the area, how would the allocation be decided?

HBC have a data map of all community sites. A quality assessment is carried out on the nearest site to the development. If its quality score is below 80% then the site qualifies for the money. If it is over 80% then it goes to the other nearest site and so on. Cllr Pearce asked whether the public were ever consulted about where the money should be allocated. The answer was no, although HBC said that Parish Councils were now being sent data maps. A member of the public asked whether it was possible to see the criteria on which the 80% quality score is assessed.

12. If S106 sums are not used in certain allocation types, can they be used by others where there is need? (i.e. combined.) If not, why not? How are allocation types decided?

Allocation types and sites are allocated through the S106 legal agreement and cannot be changed. The money must be spent on a site which within 1,000 metres of the development. If there is more than one community site within 1,000 metres, then it goes according to quality assessment rating. It was asked why the Church Row allotment site had been chosen by HBC to receive the S106 monies, rather than the Bridle Path. It was explained that a quality assessment had been carried out on the nearest site to the development and Church Row had come in under the 80% quality score. Cllr Clark asked how HBC assessed each site and it was confirmed the S106 and CIL officers undertake site visits. Cllr Clark asked if he could accompany the HBC Officers next time an inspection was scheduled.

13. When will payments be received for the following buildings/developments? Will any of this money be made available to Tockwith with Wilstrop Parish Council?

Coggrave - Ness Lane, Coggrave – Rudgate, Spruce and Hawe, Blind Lane

Rachel Hutton confirmed that there would not be any CIL for Blind Lane as planning permission was given prior to October 2020. In regard to other sites, it was restated that only use type class B8 – distribution or warehousing gets CIL. At outline planning stage, the class does not need to be determined so it is not possible to say currently whether there will any CIL for these commercial/industrial developments.

14. Are there any monies outstanding prior to the Oak Park estate being built? Oak Park estate ownership changed its name. Could we be missing some payments because of that change?

HBC confirmed that no monies were outstanding. All S106 monies are tied to the site, not to the developer.

112. CIL Monies Q&A Session

Could Tockwith with Wilstrop have a Neighbourhood Plan?

It was advised that NPs take a long time to create because of the work involved and that the PC did not currently have the resource. A Community Plan is being developed which will take the parish some way towards a Neighbourhood Plan. It would then be down to the volunteers from a broad range of community groups to work together if it was decided that a Neighbourhood Plan was worthwhile.

113. S106 Monies Q&A Session

How long is the money available for?

The area that has accrued the S106 has 10 years to spend the money from when it becomes available. After the 10 years, unspent monies can be clawed back by the developer. The money retained by HBC is in an isolated reserve until such a time that the PC requests it.

Has the Linden Development (Oak Park) been completed and has the money been received?

Rachael Hutton confirmed that all the trigger points had been met and that the money was ready for Tockwith to draw down on. £195,000 is ready to distribute. Lee Jones supplied a handout covering the permitted projects on which the money could be spent.

What is current position with the Mulgrave (Church Farm) Development?

	<p>It was confirmed that the money would not be available until the development has been completed and the funds received by HBC.</p> <p>How can a new community space be added to the list? New community spaces are added to HBC’s list automatically if the PC purchases new land or buildings.</p> <p>Would it be possible to transfer the money from one amenity to another? Yes, this would be possible if an amenity closed down and a new facility was built to replace it or if the PC purchased a new building. S106 and CIL money is only available to buildings and spaces owned by the PC and cannot be applied to commercial buildings or enterprises.</p> <p>Will there be any changes once HBC becomes North Yorkshire Council on 1st April 2023? HBC said there would be no changes and that all existing policies and staff would remain in place.</p>
114.	<u>Actions to be taken forward</u>
	<p>The Chairman thanked HBC, the local community groups, the Parish Council and the public for attending the meeting and stated how important it was that everyone worked together to help improve the parish and its public amenities. Racheal Hutton said she was happy for her email address to be distributed so that she could address any questions from the public. Cllr Wright encouraged members of the public to attend the monthly surgeries to raise any issues or make any suggestions to the Parish Council. Cllr Warneken said that the Parish Council would be discussing how to take things forward with the community plan at the next Parish Council meeting.</p>
	Meeting closed at 17:26

Chairman Signature _____

Date _____