

Appendix A

Draft Cabinet response to recommendations of the Scrutiny Committee

The document sets out the draft response of the Cabinet Member to recommendations made by the Scrutiny Committee on 04 March 2024 concerning the Request for Exceptional Circumstances Relief from the Community Infrastructure Levy. The Cabinet is asked to amend and agree a formal response as appropriate.

<i>Recommendation</i>	<i>Agree?</i>	<i>Comment</i>
1) That the Cabinet, in the making of its decision, has regard to the relative insignificance of the value of the proposed CIL exemption compared to the overall project viability gap and thus the limited impact that the CIL exemption, if agreed, would have on influencing and/or changing the behaviour or intentions of BMW.	No	Consideration of the value of the subsidy is mandated as part of the Subsidy Control Act and so it already forms part of the decision-making process.
2) That the Cabinet, in the making of its decision, has regard to the existence of other entities that are able to provide subsidies of a similar scale, in particular Central Government.	No	The application for exceptional relief relates specifically here to the CIL liability, and no other body would be able to grant such an exemption.
3) That the Council, should the CIL exemption be approved by Cabinet, asks BMW to provide a statement setting out how it will mitigate the impact of the development without the use of CIL monies.	Yes	CIL money is not used to mitigate impacts of a specific development (CIL should not be confused with Section 106 agreements that specify measures in relation to specific planning applications). Nevertheless, and noting that the statement is not a requirement of the Relief process, this will be requested of the applicant.

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