



East
Northamptonshire
Council

Community Infrastructure Levy

Draft Charging Schedule

Consultation

March 2014

Community Infrastructure Levy Draft Charging Schedule

This charging schedule has been prepared in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended). It is supported by local evidence regarding infrastructure requirements and the impact of the levy on the viability of development, as set out in the consultants' report. These can be found on the Council's website on the Planning Policy pages under "Community Infrastructure Levy" (CIL): <http://www.east-northamptonshire.gov.uk/cil>

This CIL Draft Charging Schedule has been published by East Northamptonshire Council for consultation. Comments are sought by **4.30pm on Monday 28 April 2014**. A questionnaire and details of how to respond are included at the end of this document.

CIL Rates

A district wide Viability Study, undertaken by BNP Paribas Real Estate, informs the CIL rates proposed by the Council. The proposed CIL rates are set out below.

Development type	Proposed CIL rate (per square metre)		
	North rural	South villages high value	All other areas
Residential *	Marked Pink on map	Marked Yellow on map	Marked Blue on map
	£112.50	£75	£50
Care homes, Extra Care and other residential institutions	Nil		
Offices, Industrial and Warehousing (B1, B2 & B8) **	£20		
Comparison and all other retail A1-A5	Nil		
Convenience based supermarkets and superstores and retail warehousing (net retailing space of over 280 square metres) ***	£100		

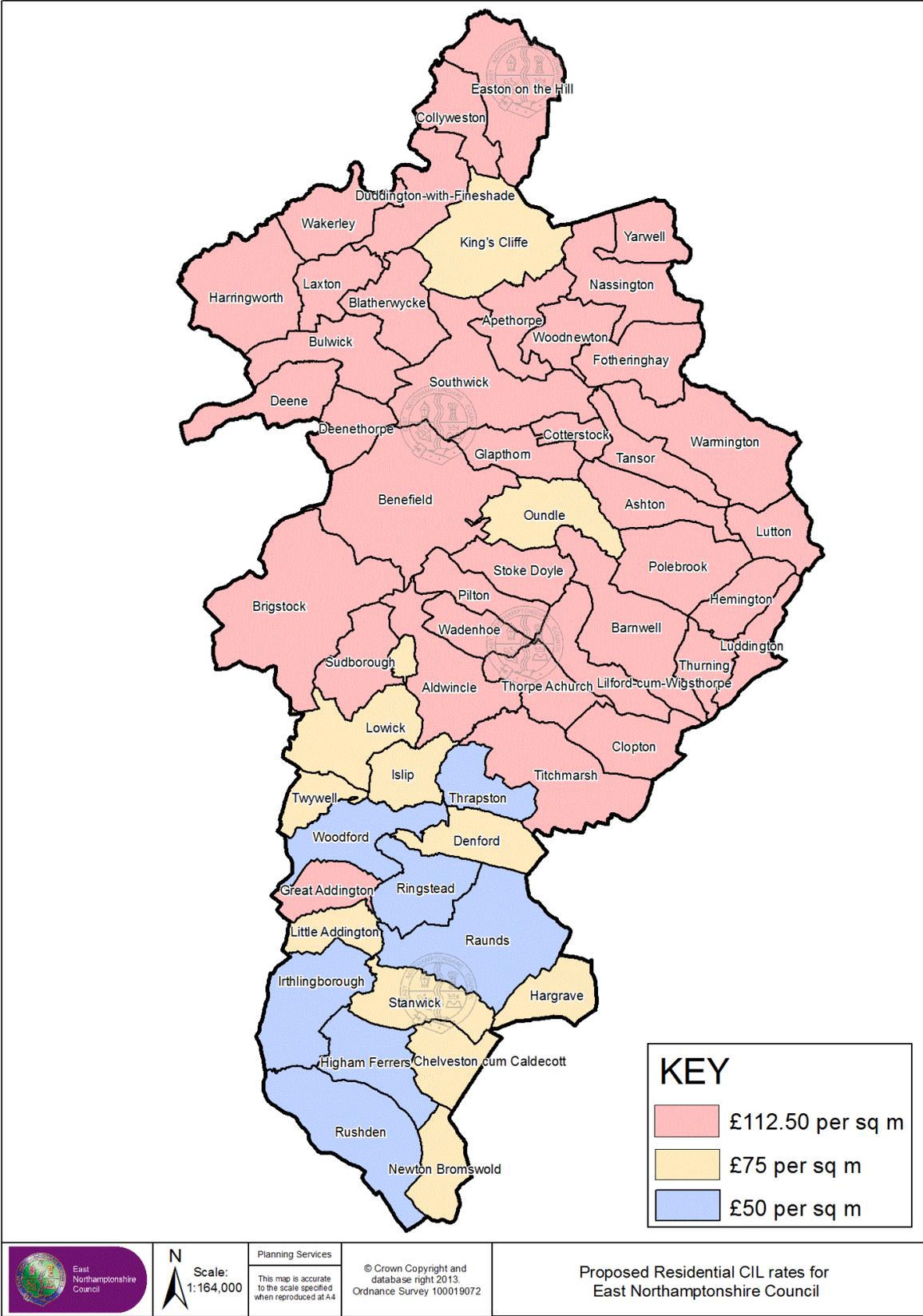
*Residential, for the purposes of this charging schedule means new dwellings/flats. It does not include any other developments within Class C1, C2 or C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) such as residential care homes, Extra Care housing and other residential institutions

** Offices, Industrial and Warehousing (B1, B2 & B8) over 1000m² of additional floorspace (includes new buildings over 1000sqm and extensions to existing buildings that are proposed to become larger than 1000sqm)

*** Retail, for the purposes of this charging schedule, means convenience based supermarkets and superstores¹ and retail warehousing² (net retail selling space of over 280m²)

¹ Superstores/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 of the unit.

² Retail warehouses are large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers



N
Scale:
1:164,000

Planning Services
This map is accurate to the scale specified when reproduced at A4

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Ordnance Survey 100019072

Proposed Residential CIL rates for East Northamptonshire Council

In setting its CIL rates in accordance with the Community Infrastructure Levy Regulations, East Northamptonshire Council has struck an appropriate balance between:

- the desirability of funding from CIL (in whole or part) the estimated total cost of infrastructure required to support the development in East Northamptonshire Council, taking into account other actual and expected sources of funding; and
- The potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the district.

Justification for introducing CIL

The Council has identified an infrastructure funding gap of approximately £32.8 million. It is anticipated that CIL receipts for the period 1 April 2014 to 31 March 2021 will be approximately £8.5 million (a maximum of 30% of this to be for Town and Parish Council allocation and CIL administration). This figure does not equate to additional funding in its entirety as the Council would have collected some of this funding through s106 contributions.

Scope of CIL

With regard to the CIL charging rates given above, the following developments will be liable for CIL:

- Development comprising 100sqm or more of gross internal floorspace;
- Development of less than 100sqm of gross internal floorspace that results in the creation of one or more dwellings;
- The conversion of a building that is no longer in lawful use.

Mandatory Exemptions and Relief from CIL

The CIL regulations provide for certain types of development to be exempt or eligible for relief from CIL, as set out below:

Development exempt from CIL

- The conversion of any building previously used as a dwelling house to two or more dwellings
- Development of less than 100sqm of gross internal floorspace, provided that it does not result in the creation of a new dwelling; this includes residential extensions
- The conversion of a building in lawful use, or the creation of additional floorspace within the existing structure of a building in lawful use
- Development of buildings and structures into which people do not normally go (e.g., pylons, wind turbines, electricity sub stations)
- Residential extensions and free-standing residential annexes

Development entitled, upon application, to Mandatory Relief from CIL

- Development by registered charities for the delivery of their charitable purposes, as set out in Regulation 43 of the Community Infrastructure Levy Regulations 2010
- Those parts of a development which are to be used as social housing, as set out in Regulation 49 of the Community Infrastructure Levy Regulations 2010
- “Self-build” dwellings

Where planning permission is granted for a new development that involves the extension or demolition of a building in lawful use, the level of CIL payable will be

calculated based on the net increase in floorspace. This means that the existing internal floorspace of the building to be extended or demolished will be deducted from the total internal floorspace of the new development, when calculating the CIL liability.

Discretionary Relief

The CIL regulations allow for charging authorities to choose to offer two types of discretionary relief:

- to a charity landowner where the greater part of the chargeable development will be held as an investment, from which the profits are applied for charitable purposes, or
- relief from the levy in exceptional circumstances, subject to the provisions of the CIL Regulations 2010 which set out the circumstances that would enable an application to be made for exceptional relief from CIL liability.

East Northamptonshire Council will review responses before considering whether to adopt any CIL discretionary relief on the implementation of CIL.

Instalment Policy

The CIL Regulations 2010 (as amended) enable a charging authority to introduce an instalment policy for the payment of CIL. East Northamptonshire Council proposes to introduce a CIL Instalment Policy, which would be offered in all cases where the total CIL liability is greater than £20,000. The Draft Instalment Policy is as follows:

Total CIL liability	Number of instalments	Payment period
Amount less than £20,000	1	100% payable within 120 days of commencement
Amount between £20,000 and £100,000	3	25% payable within 120 days 50% payable within 240 days 25% payable within 365 days
Amount over £100,000	3	25% payable within 120 days 50% payable within 365 days 25% payable within 540 days

Failure to comply with the instalment policy at any stage will result in the total unpaid balance becoming payable immediately (regulation 70(8) Community Infrastructure Levy (amendment) Regulations 2011).

It is expected that large development schemes will apply to be phased and, as such, CIL liability will be calculated for each phase rather than for the scheme as a whole. In these cases payment of CIL will be spread by phase of development and each phase will be able to benefit from the Instalment Policy.

The Draft Instalment Policy sets out the Council's proposals for such a policy to enable interested parties to consider its implications on development finance and delivery. Whilst comments are invited alongside the Draft Charging Schedule, it should be noted that the Draft Instalments Policy will not itself be subject to Examination. East Northamptonshire Council will consider responses before finalising and adopting any CIL Instalment Policy.

Draft Regulation 123 list and the Relationship between CIL and s106 Agreements

Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations (s106 agreements) for infrastructure that will be funded in whole or in part by CIL. This is to ensure that individual developments are not charged for the same infrastructure items through both planning obligations and the levy.

A CIL charging authority is expected to prepare a draft regulation 123 list (r123 list) for the examination of the CIL Charging Schedule. The final r123 list will be published on our website after the CIL Charging Schedule has been approved by full Council.

The inclusion of a project or type of infrastructure in any published list does not signify a commitment from the Council to fund (either in whole or in part) the listed project or type of infrastructure through CIL. The order in the table does not imply any order of preference for spend.

Highways /Transport
Town highway improvements (excluding those serving new development sites)
Higham town centre transport improvements
Oundle town centre transport improvements
Rushden town centre transport improvements
Chowms Mill improvements
Green Infrastructure
Nene Valley Nature Improvement area
Public rights of way and cycle way improvements (excluding those serving new development sites)
North Northamptonshire Greenway
Barnwell Country Park expansion
King's Cliffe proposed Local Nature Reserve improvement
Rockingham Forest for Life
Leisure/recreation/ community facilities
Open Space excluding that required to service a new development site
Sports and leisure improvements excluding that required to service a new development site
Libraries
Chester Farm
Public realm
Town centre public realm improvements (excluding local, site related improvements)
Rushden High Street
Oundle town centre
Education
Secondary school provision, including middle and upper schools (unless a new school is required by a specific site)
Healthcare facilities
Police

Town and Parish Councils

Of the CIL monies collected by the Council, a certain percentage has to be passed onto the Town or Parish Council where the development is taking place. The 2013 amended regulations state that these amounts will be:

- i. 25% of relevant CIL monies if the development is taking place in an area that has a neighbourhood development plan in place, or
- ii. 15% of relevant CIL monies in all other areas - up to a maximum cap of £100 per dwelling in that area, in that financial year (index linked).

In these regulations "an area", as used in point i. above, means the area covered by the neighbourhood development plan of a Town or Parish Council. It does not necessarily mean the entire Parish boundary, unless the neighbourhood plan covers the entire parish. If an area does not have a Town or Parish Council, or is covered by a Parish Meeting, then East Northamptonshire Council will act as if it were the Parish Council for that area.

Town and Parish Councils must spend their CIL monies to support the development of their area by funding:

- 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."

Next Steps

Following this consultation, we intend to submit this Draft Charging Schedule for Examination. The current timetable is for the Draft Charging Schedule to be submitted for Examination in late Spring 2014. Dependent upon the Examination date, we hope that the Charging Schedule can go to full Council for adoption in Summer 2014. The Council will then decide on an adoption date.

Supporting Information and Evidence Base

The documents listed below support this CIL Draft Charging Schedule. They are all available on the council's website and to view at the Council Offices in Thrapston.

<http://www.east-northamptonshire.gov.uk/cil>

- **CIL Infrastructure document:** This outlines infrastructure projects required to support the growth set out in the Core Strategy and demonstrates an aggregate funding gap in delivering these projects. It also shows how the aggregate funding gap directly relates to the draft r123 list.
- **East Northamptonshire Council CIL Viability Study (BNP Paribas):** The study assesses whether differing development types remain viable when all Core Strategy policy considerations are taken into account and when CIL is applied at various levels. It identifies maximum affordable CIL levels and suggests levels at which CIL could be charged that would not make otherwise viable development, unviable. This document shows that a balance has been struck between the desirability of funding infrastructure through a CIL and the potential effects of imposing a CIL. It also includes:
 - Details of the range of types of site sampled based on those types identified in the Core Strategy.
 - Details of fine grained sampling to reflect the different sites in the plan and whether it is consistent with plan making viability, including any strategic site types when setting differential rates
 - the viability evidence for all zero rate setting, and
 - evidence relating to S106 agreements detailing secured contributions against targets
- **CIL Preliminary Draft Charging Schedule:** This was consulted on from November 2012 to 21 December 2012.
- **Summary Schedule of Representations and Responses to CIL Preliminary Draft Charging Schedule:** This summarises responses received and the council's response to the issues raised.
- **Preliminary Draft Planning Agreements Supplementary Planning Document:** a draft document giving guidance on when section 106 (s106) agreements may be secured and the relationship between CIL and s106.
- **Preliminary Draft Open Space Supplementary Planning Document:** a draft document giving guidance on open space provision. This document takes account of the new relationship between CIL and s106.
- **The Background Document to the Draft Charging Schedule:** Identifies the information the Council considered to inform its decision making.
- **Draft regulation 123 list (r123 list):** a draft document setting out the specific projects and infrastructure types that could be funded by CIL (in whole or by part) based upon the Infrastructure Project Document.
- **Compliance Document:** sets out how the Council have complied with the regulations and statutory guidance in relation to CIL;

Community Infrastructure Levy Draft Charging Schedule Response Form

If you do wish to make comments on the Draft Charging Schedule please consider what you will be commenting on. If you think the document should be changed to address your comments please give details. Comments should cover succinctly all the information, evidence and supporting information necessary to support or justify the comment and the suggested change. You should not assume that there will be an opportunity to add further information, although the examiner may request additional information from you, based on the matters he/she identifies for examination.

Persons making representations on the Draft Charging Schedule can request the right to be heard at an independent examination. If you do wish to be heard at the examination this should be clearly indicated in your response to Question 2 overleaf.

All comments including any requests to be heard must be submitted in writing **by no later than 4.30pm on Monday, 28 April 2014** either by post to:

Planning Policy & Conservation Team
East Northamptonshire Council
Cedar Drive
Thrapston
Northamptonshire
NN14 4LZ

Or by email to: planningpolicy@east-northamptonshire.gov.uk

You may also respond using the council's website at www.east-northamptonshire.gov.uk/consultations

Please note that late representations will not be accepted.

The CIL regulations require that any representations made during the consultation period for the Draft Charging Schedule must be submitted to the examiner together with a summary of the main issues raised. Comments can therefore not be treated as confidential and will be attributed to the source and made available as public documents. Personal addresses will not be made publicly available.



For Office Use Only Ref No. Date Received: Date Acknowledged: Entered By:
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East Northamptonshire Council

Community Infrastructure Levy: Draft Charging Schedule response form

This form may be photocopied or downloaded from the website. Further printed copies can also be obtained from the Council. **Please return by 4.30pm on Monday, 28 April 2014.**

This form can be returned by e-mail to planningpolicy@east-northamptonshire.gov.uk or by post to Community Infrastructure Levy Draft Charging Schedule (CIL DCS) Consultation, East Northamptonshire Council, Freepost NH 2352, Thrapston, Northamptonshire NN14 4BR. *Email is the Council's preferred method of receiving comments, as it will help us to handle your representation quickly and efficiently.*

Comments are invited, regarding the Community Infrastructure Levy Draft Charging Schedule and other supporting documentation. If you wish to make comments about these, please consider what you will be commenting on. If you think the document should be changed to address your comments please give details. Comments should cover succinctly all the information, evidence and supporting information necessary to support or justify the comment and the suggested change. You should not assume that there will be an opportunity to add further information, although the examiner may request additional information from you, based on the matters he/ she identifies for examination.

The CIL regulations require that any representations made during the consultation period for the Draft Charging Schedule must be submitted to the examiner together with a summary of the main issues raised. Therefore, comments can not be treated as confidential. They will be attributed to source and made available as public documents, although personal addresses will not be made publicly available.

East Northamptonshire Council will consider all representations made if returned by the deadline. However, please note that late representations cannot be accepted.

Personal Details		Agents Details (if applicable)	
Organisation Name:		Organisation Name:	
Contact Name:		Contact Name:	
Address:		Address:	

<i>Tel:</i>		<i>Tel:</i>	
<i>Fax:</i>		<i>Fax:</i>	
<i>E-mail:</i>		<i>E-mail:</i>	

Q1 Please let us know if you would like to be notified at a specified address of any of the following:

- (i) That the draft CIL Charging Schedule has been submitted to the CIL Examiner in accordance with section 212 of PA 2008
- (ii) The publication of the recommendations of the CIL Examiner and the reasons for those recommendations
- (iii) The approval of the CIL Charging Schedule by the Council

If you have ticked any of the above options, please make sure you have provided an e mail address to help us reduce postal costs.

Q2 To which part of the Draft Charging Schedule or other supporting document does your representation relate? (please refer to the relevant document)

Document name:

Section, paragraph or Appendix reference

Section, paragraph or Appendix title

Q3 Reason for your representation regarding the Draft Charging Schedule or other supporting document

Please provide a brief summary of your comments.

Detailed statement

Please give further details of your opinion and the reasons for it (continue on a separate sheet as necessary).

Q4 Any person making a representation on the Draft Charging Schedule has the right to be heard before the Examiner at the Community Infrastructure Levy Examination, if they have requested to be heard and

the request has been made within the specified consultation period for the Draft Charging Schedule. If you would like to exercise your right to be heard, please tick the box below. Alternatively, the examiner will consider your written representation on the Draft Charging Schedule alongside the evidence as part of the examination.

I would like to request to be heard before the examiner at the CIL Examination.

Signature:	Date:
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Thank you for taking the time to respond.