

Community Infrastructure Levy

Draft Charging Schedule



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November 2014

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Executive Summary

This consultation on the Draft Charging Schedule is the second stage in preparing a CIL Charging Schedule. All responses will be considered before the draft Charging Schedule is submitted for independent examination.

Where possible we prefer that comments are made via the consultation portal, as this is the quickest and easiest way of responding.

Representation forms can also be emailed to: planningpolicy@chichester.gov.uk

Alternatively, you can post your comments to:

CIL Draft Charging Schedule
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For any queries, please call the Planning Policy Team on 01243 534571.

This document is published for a consultation period starting on **21 November 2014 at 9.00am and closing on 5 January 2015 at 5.00pm.**

Please note that comments received cannot be treated as confidential as all comments must be publicly available in accordance with government regulations.

Charging Authority	Chichester District Council
Evidence base	<p>The development of the Draft Charging Schedule has been informed by a number of pieces of evidence, including:</p> <p>Chichester District Plan Viability November 2013 prepared by Peter Brett Associates. (This contains a series of appraisals that have been undertaken to test the viability of different types of development).</p> <p>This has been brought up to date by the CIL Viability for the Draft Charging Schedule, Chichester Plan Viability August 2014 prepared by Peter Brett Associates CIL Viability for the Draft Charging Schedule September 2014</p> <p>Infrastructure Delivery Plan Version2 October 2014</p> <p>(This was developed by Chichester District Council, with assistance from a range of infrastructure providers and West Sussex County Council alongside preparation of the Chichester Local Plan: Key Policies)</p>
Rates (£m²) at which CIL is to be Chargeable	CIL will be charged in pounds sterling (£) per square metre at different rates according to the type of development as set out in Table 7.1 (Residential, Retail, Business and Purpose Built Student Accommodation) of this schedule.
Charging Area	The charging area to which CIL will be applied is illustrated on Map 1.1 of this schedule.
How will the chargeable amount be calculated	The District Council will calculate the amount of CIL chargeable to a qualifying development utilising the formula set out in Annexe C .
Further Information	<p>Further information relating to the CIL and the evidence base are available to view on the Council's website:</p> <p>CIL</p>

1 . Introduction

1.1 This consultation document represents the second stage in setting the Community Infrastructure Levy (CIL) for the area covered by the Chichester Local Plan. It sets out the general principles of CIL, the background to the charging schedule and a summary of the methodology used to arrive at the proposed rates. (It does not cover the part of the district within the South Downs National Park because the South Downs National Park Authority will prepare its own CIL schedule).

What is the Community Infrastructure Levy?

1.2 The Community Infrastructure Levy (CIL) is a new tariff which will allow funds to be raised from new building development projects in the area covered by the Chichester District Local Plan. The finance raised will help to fund a wide range of infrastructure to support development across the Council's area. CIL is intended to supplement rather than replace other funding streams, and to provide infrastructure alongside residential and commercial development. Charges are meant to help fund new, or upgrade existing infrastructure to support growth. It cannot be raised in order to cover the cost of existing deficiencies.

1.3 CIL was introduced through Part 11 of the Planning Act 2008 and the CIL Regulations 2010, which came into force in May 2010 (now amended by the CIL Amendment Regulations 2011, 2012, 2013 and 2014).

1.4 Policy 9 of the Draft Local Plan Key Policies – Preferred Approach March 2013 provides the basis for the collection of developer contributions and the provision of on-site infrastructure associated with new development through the Community Infrastructure Levy. S106 obligations will be limited to affordable housing and site specific mitigation measures which are required to make a development acceptable.

Purpose of this document

1.5 This Draft Charging Schedule is produced for consultation as the second stage in setting the CIL in Chichester District under Regulation 16 of the CIL Regs 2010 (as amended). It has been amended to take into account representations made at the Preliminary Draft Consultation Stage. Following this consultation, the Draft Charging Schedule will be submitted for examination together with copies of any representations received and if applicable, a statement of modifications. (see Next Steps -Section 8).

Reasons for implementing a CIL

1.6 The levy is a fixed, non-negotiable charge relative to the size and type of the chargeable development. As such, it is expected that the levy will give developers more certainty over costs and to give councils and communities more choice and flexibility in how infrastructure is funded. The CIL (Amendment) Regulations 2013 state that 25% of CIL funds collected from a development will be passed directly to the parish council in which the site is located, if there is an adopted Neighbourhood Plan in place. The amount is reduced to 15% (capped at £100 per existing council tax dwelling per year) in areas without an adopted Neighbourhood Plan. The funds are to be spent on infrastructure projects of their choice.

1.7 Section 106 Agreements are currently the main means by which new developments fund infrastructure. However, from April 2015, the regulations mean that S106 obligations cannot pool infrastructure contributions from more than 5 obligations, and CIL will be the main mechanism for delivering off-site community infrastructure from developer contributions. Although CIL will become the main mechanism for collecting financial contributions from development, Section 106 obligations will still be used to deliver affordable housing and certain site-specific infrastructure needs and mitigation measures. In addition, Section 278 agreements will still be used to secure highway improvements to mitigate the impact of new development.

1.8 A further benefit is that the levy, expressed as a rate of pounds per square metre, will be charged on most new developments that involve a net increase in floorspace (100m²). As such, there is expected to be an increase in total funding that would arise from the application of the levy to many more developments than are currently made the subject of planning obligations.

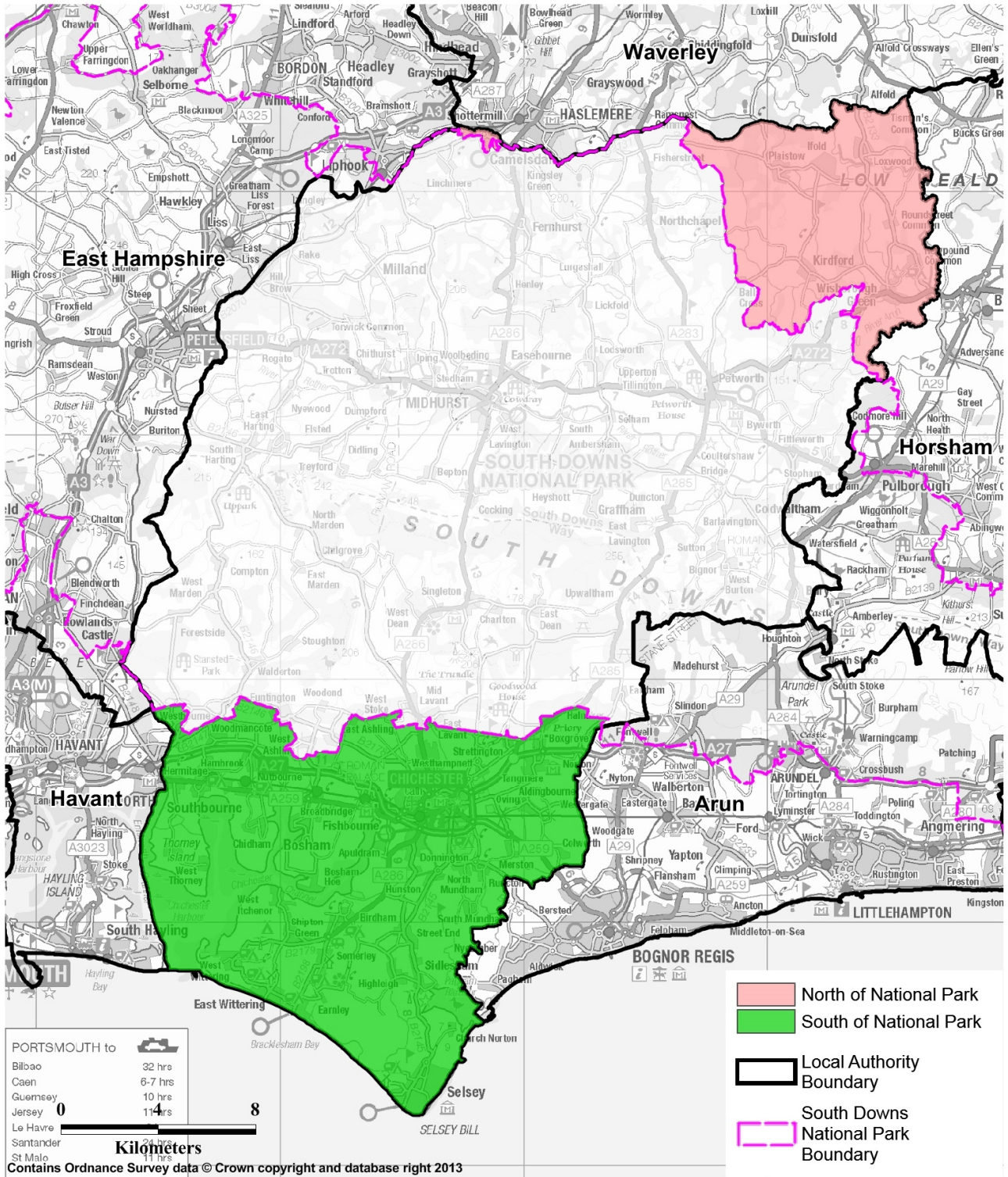
Charging Area

1.9 The charges cover all of Chichester District with the exception of the area within the South Downs National Park. The National Park Authority is a local planning authority in its own right, although at present it has a delegation agreement with the District Council to determine planning applications in the parts of Chichester which lie within the Park.

1.10 The South Downs National Park Authority will be the CIL charging authority for the part of the District within the National Park once it has its own CIL in place. Until the National Park CIL is adopted the District Council will continue to collect Section 106 contributions from development in the National Park under the delegation agreement. The Chichester District CIL rates therefore only apply to the areas of the District outside of the National Park where the District Council is the charging authority.

1. Introduction

Map 1.1 Charging Areas



2.1 Subject to viability considerations CIL can be levied on most types of new building development where the gross internal area of new build exceeds 100 square metres. That limit does not apply to new homes, and a charge can be levied on a single home of any size, unless it is built by a 'self builder' (See CIL Regulation 54A and 54B).

2.2 There will be no CIL charge for change of use applications unless additional floorspace is also created, as well as no charge for the sub-division of existing dwellings. The CIL regulations also make other exemptions and CIL is not payable on the following:

- Development of less than 100 square metres (see Regulation 42 on Minor Development Exemptions) - unless this is a whole house, in which case the levy is payable;
- Houses, flats, residential annexes and residential extensions which are built by 'self builders' (See Regulations 42A, 42B, 54A and 54B, inserted by the 2014 Regulations);
- Social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2014 Regulations).
- Charitable development that meets the relief criteria set out in Regulations 43 to 48;
- Buildings into which people do not normally go (see Regulation 5(2));
- Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (see Regulation 5(2));
- Structures which are not buildings, such as pylons and wind turbines;
- Specified types of development which local authorities have decided should be subject to a 'zero' rate and specified as such in their charging schedule;
- Vacant buildings brought back into the same use (see Regulation 40 as amended by the 2014 Regulations).

2.3 The Council can also choose to adopt a zero rate if viability testing shows that a particular use or area cannot withstand the charge, or where the levy is calculated to be less than £50.

2.4 Mezzanine floors of less than 200 square metres, inserted into an existing building, are not liable for the levy unless they form part of a wide planning permission that seeks to provide other works as well.

2.5 It should be noted that for eligible sites CIL is non-negotiable. However, under the terms of the Regulations and statutory guidance the Council could offer discretionary relief from liability in very rare and exceptional circumstances. Offering exceptional circumstances relief would provide the Council with some limited flexibility to deal with individual sites where development is desirable, but which are proved to have truly exceptional costs or other requirements which make them unviable. At this stage Chichester District Council does not intend to adopt an Exceptional Circumstances policy. However, it should be noted that exceptional circumstances relief can be activated and deactivated at any time and a notice of intention will be published by the Council.

3 . What will CIL be spent on?

3.1 'Infrastructure' is generally considered to be any facility, service or development which supports or enables proposed development and growth. The NPPF (paragraph 162) states that local planning authorities should work with other authorities and providers to:

- Assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and
- Take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.

3.2 The Council has published a 'Regulation 123' list, which lists infrastructure projects or types of infrastructure that it intends to fund through CIL. S106 contributions can still be sought for infrastructure directly related to a development, provided that the infrastructure is not included on the Regulation 123 list. The use of the Regulation 123 list therefore provides the flexibility to address any exceptional on-site infrastructure requirements.

3.3 The Council must spend the CIL on infrastructure needed to support the growth identified in the Local Plan area and will work closely with the Parishes and West Sussex County Council and where appropriate, neighbouring authorities to decide infrastructure priorities.

3.4 In conformity with CIL regulations the Council proposes that it will apply up to 5% of the CIL to pay for administrative expenses incurred in connection with CIL, after the relevant proportions are passed to the Town and Parish Councils.

4 . How will the levy be collected?

4.1 The Council will need to calculate the ‘chargeable amount’ of CIL using the locally-set rates (set out in table 7.1) multiplied by the ‘gross internal area’ of new buildings and enlargements to existing buildings, taking demolished floorspace into account. The formal calculation methodology is set out in the Regulations. The Council will use the HMRC Valuation Office Agency’s definition of Gross Internal Area <http://www.voa.gov.uk/corporate/Publications/comp.html#a2>. The CIL rates will be index linked to the ‘All-in Tender Price Index’ published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors.

4.2 Chichester District Council will collect the levy as the ‘Collecting Authority’. The charge will be imposed at the time the planning permission is granted and will be payable on the commencement of development or for larger developments, over an agreed phased period (see para 4.5). The definition of commencement of development for the levy’s purposes is the same as that used in planning legislation, unless planning permission has been granted after commencement.

4.3 When planning permission is granted, the Council will issue a liability notice setting out the amount of the levy due for payment when the development is commenced, the payment procedure and the possible consequences of not following this procedure – which would include enforcement action.

4.4 An individual or organisations (for example, the developers) may assume liability for payment of the levy. If no-one assumes liability, the landowner becomes liable for the charge.

4.5 The Council proposes to permit the discretionary payment of CIL by instalments that will help to ensure development remains viable. An ‘instalment policy’ containing details of the number of instalments permitted, the timing and dates of payments, the amount payable in any instalment and a minimum monetary threshold will be published with the adopted Charging Schedule.

4.6 There may be circumstances where it will be more desirable for a charging authority to receive land or provision of infrastructure (on or off-site) instead of monies. The regulations provide for charging authorities to accept transfers of land or provision of infrastructure as a payment in kind for the whole or part of the levy. This will be subject to negotiation with the Council and the value of land acquired as ‘payment in kind’ will be determined by the District Valuer (at the cost of the developer).

4.7 Payments in kind will normally only be considered for land or provision of infrastructure in excess of that needed to deliver the infrastructure required by the development (as identified in the Regulation 123 list). Where land is required within a development to provide built infrastructure to support that development it will be expected that land transfer will be at no cost to the Council and will not be accepted as a CIL payment in kind.

4.8 Transfers of land or provision of infrastructure as payment in kind in lieu of CIL will only take place in exceptional circumstances and is in addition to any transfer of land which may be required via section 106 agreements.

5 . Evidence Base

The need for an evidence base

5.1 Regulation 13 of the CIL Regulations (2010) allows the Council to set differential rates of CIL for different geographical zones and/or for 'different intended uses or scales of development'. There is also provision for supplementary charges, nil rates, increased rates or reductions to be set. Guidance is clear in that differential rates can only be set when justified by reference to economic viability evidence.

Relevant evidence

5.2 This Draft Charging Schedule and the proposed CIL rates in the next section have been informed by a variety of documents. The primary ones being: the Chichester Local Plan: Key Policies Submission document (May 2014); the Infrastructure Delivery Plan (November 2013); the Chichester District Council Plan Viability study as updated August 2014, and its various components (see paragraph 6.4) and updates. Copies of all evidence base documents can be viewed on the Council's website.

5.3 The Chichester Local Plan: Key Policies Submission document sets out how much development will take place in the plan area to 2029 and the broad locations of that development. Policy 9 provides the basis for the collection of developer contributions. Supporting the Council's Local Plan, the Infrastructure Delivery Plan identifies the type, location and estimated cost of the infrastructure required to support the growth of the area during the plan period to 2029.

Infrastructure Funding Gap

5.4 An infrastructure review formed part of the work undertaken by Peter Brett Associates who were commissioned by the Council to undertake a CIL Viability Assessment for the area covered by the Local Plan.

5.5 The consultants were provided with a comprehensive set of documentation from which to produce a schedule of infrastructure schemes potentially eligible for CIL funding. The Chichester District Council Plan Viability study update (September 2014) estimated that for the Local Plan period the total Infrastructure Funding Deficit (for items where costs are known) without CIL stands at approximately £52m. With the anticipated CIL receipts the gap narrows to approximately £18.5 million.

5.6 It is considered there is sufficient evidence of a potential infrastructure funding deficit to progress publication of this Preliminary Draft Charging Schedule to demonstrate potential CIL rates based on a viability assessment.

6 . Viability Assessment

6.1 The updated Viability Assessment prepared by Peter Brett Associates is a key piece of evidence to inform the Draft Charging Schedule in that it assesses the economic viability of housing and commercial development across the area covered by the Local Plan. The report assesses the viability of the principal categories of development in the geographical area covered by the Chichester Local Plan: Key Policies Submission document, and the ability of those developments to make contributions to new infrastructure through a Community Infrastructure Levy.

6.2 Peter Brett Associates were commissioned to provide an updated CIL viability study that met the requirements of guidance and legislation and, informed by relevant evidence, makes recommendations that strike an appropriate balance between:

- the desirability of funding from CIL the estimated total cost of infrastructure required to support development in the Chichester plan area, taking into account other actual and expected sources of funding; and
- the potential effects of the imposition of CIL on the economic viability of development across the plan area.

6.3 The key stages undertaken in the study included: an infrastructure funding gap review; land valuation survey; construction cost survey; and the viability testing of options including particular attention to testing the Strategic Development Location residential sites which are key to delivering the Local Plan(using baseline assumptions and agreed scenarios). Ultimately, the consultants were asked to set out the maximum and recommended rates of CIL in Chichester District for each category of development.

6.4 The study specifically assessed the scope for differential rates of CIL across different parts of the District, different scales of development and for different uses of development. A bespoke CIL viability model was used for the assessment and assumptions were defined and reviewed for Chichester District including: residential values from recent transactions; a broad range of site densities; fees; base construction costs; Code for Sustainable Homes requirements; profit; and a range of existing use values. A series of scenarios were then modelled using combinations of the above variables and a range of CIL charges.

7 . The Draft Charging Schedule

7.1 Informed by the relevant background evidence the Council proposes to set differential rates of CIL for different intended uses of development and different geographical areas based on economic viability.

7.2 The results set out in the Chichester District Council Plan Viability study illustrate the maximum potential CIL rates which could be applied without threatening the economic viability of development. However, it should be noted that the appraisals are necessarily generic tests which do not make allowance for site specific abnormal costs or other planning obligation contributions. As such the recommended CIL rates are set significantly within the identified viability margins to take account of these unknown factors.

Table 7.1 Proposed CIL Charges

Use of Development	Proposed Levy (£/m ²)
Residential ⁽¹⁾ – South of the District with 30% affordable housing	£120 m ²
Residential ⁽²⁾ – North of the District with 30% affordable housing	£200 m ²
Business (B1b, B1c, B2, B8)	£0 m ²
Retail (wholly or mainly convenience)	£125 m ²
Retail (wholly or mainly comparison)	£20 m ²
Purpose Built Student Housing	£30 m ²
Standard Charge (applies to all development not separately defined)	£0 m ²

1. with the exception of residential institutions (C2)

2. with the exception of residential institutions (C2)

Revenue projections

7.3 It is estimated that the amount received from CIL receipts from residential units will be in excess of £30 million. It is not possible to estimate how much might be raised from retail or student accommodation because the Local Plan does not make any allocations for these uses. Such uses will come forward as windfalls and therefore cannot be calculated.

7 . The Draft Charging Schedule

7.4 The headline figures on costs, funding and developer contributions are as follows:

Table 7.2

Known strategic infrastructure costs of approximately (Please note that this figure currently excludes social infrastructure, green infrastructure, public services, and utility services)	£70,417,900
Less existing S106 funding available (including not yet received)	-£5,682,409
Less anticipated S106 funding (estimate)	-£13,455,276
Less other known funding	Unknown
Less anticipated CIL receipts	£32,843,400
Funding gap of	£18,436,815

7.5 Some of this funding gap might be plugged through a combination of mainstream funding and New Homes Bonus. However, new Homes Bonus is simply a reallocation of previously existing mainstream funding, and so cannot be relied on as a funding stream for strategic infrastructure requirements.

Overview of the CIL rates

7.6 The rates proposed have been informed by the appropriate evidence and, as such, and in line with regulations, they are considered to strike the most appropriate balance between the desirability of funding infrastructure in the area and the potential effects on the economic viability of development.

7.7 The Viability Assessment showed that, for certain types of development in particular areas, much higher CIL rates than those proposed in the schedule could be applied without affecting viability. There are, however, several reasons for the Council not adopting rates significantly above the baseline figure. Charging authorities are strongly advised not to adopt CIL rates at or near the margin of viability. This is to allow for future fluctuations in market conditions and means that the charging schedule will not need to be reviewed with every minor change in conditions.

7.8 While the assessment builds in sensitivity testing to ensure the proposed levels of CIL are robust, the Council recognises that, if market conditions improve and therefore margins increase, the CIL rates would need to be reviewed, subject to regulatory procedures.

8 . Next Steps

8.1 The CIL Regulations require the Council to carry out two stages of consultation on the proposed CIL Charging Schedule. The first of these, the Preliminary Draft Charging Schedule, was held from the 17th March 2014 to 23rd April 2014.

8.2 This second consultation on the Draft Charging Schedule has taken account of the representations made on the Preliminary Draft Charging Schedule, and will run for a 6 week consultation period, starting on 21 November 2014 at 9.00am and will close on 5 January 2015 at 5.00pm. It will be submitted for Examination in March 2015 together with a summary of main representations and any proposed modifications made as a result of representations. An examination in public will be held following the Local Plan examination in May 2015 and, if found sound, it is expected that the CIL Charging Schedule will be adopted for Chichester District in July 2015.

Annexe A . CIL Draft Payments by Instalments Policy

A.1 This policy has been prepared in accordance with Regulation 69B of the Community Infrastructure Levy (Amendment) Regulations 2011.

A.2 The Council will allow payment of CIL by instalments according to the total amount of the liability as follows:

Amount of CIL Liability	Number of Instalments	Payment Periods and Amounts
Any amount less than £50,000	No instalments	<ul style="list-style-type: none"> Total amount payable within 60 days of commencement of development
Amounts from £50,001 to £250,000	Two instalments	<ul style="list-style-type: none"> £50,000 payable within 60 days of commencement of development Balance payable within 120 days of commencement of development <p>But</p> <p>The full balance is payable on first occupation/opening of the development if this is earlier than the due instalment dates set out above.</p>
Amounts from £250,001 to £500,000	Three instalments	<ul style="list-style-type: none"> £100,000 payable within 60 days of commencement of development Balance payable in a further two instalments of equal amount within 120 and 180 days of commencement of development <p>But</p> <p>The full balance is payable on first occupation/opening of the development if this is earlier than the due instalment dates set out above.</p>
Amounts from £500,001 to £1,000,000	Four instalments	<ul style="list-style-type: none"> £250,000 payable within 60 days of commencement of development Balance payable in a further three instalments of equal amount within 120, 180 and 240 days of commencement of development <p>But</p> <p>The full balance is payable on first occupation/opening of the development if this is earlier than the due instalment dates set out above.</p>
Amounts over £1,000,000	Four instalments	In principle, as set out above for amounts over £500,001, but instalments for this scale of development will be open to negotiation on an individual basis.

Annexe A . CIL Draft Payments by Instalments Policy

A.3 This policy will take effect from (date to be inserted once known).

A.4 Commencement will be taken to be the date advised by the developer in the Commencement Notice under CIL Regulation 67.

A.5 Where a planning permission which permits development to be implemented in phases has been granted, each phase of development as agreed is a separate chargeable development in its own right.

A.6 In accordance with Regulation 70 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011) the Chichester District CIL Instalment Policy will only apply in the following circumstances:

1. Where the Council has received a valid CIL Assumption of Liability form prior to commencement of the chargeable development (Regulation 70(1)(a)); and
2. Where the Council has received a valid CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1)(b))

A.7 If either of the above requirements are not complied with, the total CIL liability will become payable within 60 days of the commencement of the chargeable development. In addition, surcharges may apply due to the CIL Assumption of Liability Form and/or the CIL Commencement Notice not being submitted to the Council prior to the commencement of the chargeable development. Once the development has commenced, all CIL payments must be made in accordance with the CIL Instalment Policy. Where a payment is not received in full on or before the day on which it is due, the total CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

A.8 In summary, to benefit from the CIL Instalment Policy, the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all payments must be paid in accordance with the CIL Instalment Policy.

Annexe B . Draft Regulation 123 List

- B.1** This Regulation 123 list will be valid from adoption of the CIL charging schedule.
- B.2** Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy, to ensure no duplication between the two types of developer contributions. A CIL charging authority is expected to publish a list of infrastructure that will benefit from CIL on its website.
- B.3** The list below sets out those infrastructure projects that Chichester District Council intends will be, or may be, wholly or partly funded by CIL. In accordance with Regulation 123, developer contributions to the projects listed will not be sought through planning obligations.
- B.4** Please note that inclusion of infrastructure types in this list does not signify a commitment from the district council to fund all the projects listed, or the entirety of any one project through CIL.
- B.5** It is anticipated that CIL receipts will be limited in the first year after adoption, given that (a) contributions are not payable until commencement and (b) an instalment policy is planned to be adopted. On this basis it is unlikely that CIL receipts will be spent, they will therefore be banked for future allocation and spend.
- B.6** In accordance with CIL Regulation 59A, this Council will pass 15% of relevant CIL receipts to the Parish or Town Council for that area, capped at £100 per existing council tax dwelling per year. If any Parish or Town or City Council within the Chichester plan area adopts a neighbourhood plan, this percentage will be increased to 25% (uncapped). This will be passed onto the Parish, Town or City Councils' on a six monthly basis in accordance with the Regulations.

Annexe B . Draft Regulation 123 List

Infrastructure Projects to be funded at least in part by the CIL (provision, improvement, replacement, operation or maintenance)	Exclusions (to be secured through planning obligations S106/S278)
<p>Transport</p> <ul style="list-style-type: none"> ● Improvements to the local road network other than site-specific mitigation requirements ● Measures in connection with 'smarter choices' to secure changed travel behaviours and promote the use of more sustainable modes of transport other than site-specific requirements ● Provision of public transport infrastructure other than site-specific requirements ● Provision of pedestrian infrastructure other than site-specific requirements ● Provision of cycle infrastructure other than site-specific requirements 	<p>Transport</p> <p>Strategic Road Network improvements to the A27 Chichester Bypass junctions in order to relieve congestion.</p> <p>Provision of the following cycle routes:</p> <ul style="list-style-type: none"> ● St Paul's cycle route, and Parklands cycle route in conjunction with the West of Chichester Strategic Development Location; ● Oving cycle route in conjunction with the Shopwyke Strategic Development Location; ● Chichester - Tangmere cycle route in conjunction with the Tangmere Strategic Development Location; <p>Improvements to Sherborne Road and St. Paul's Road and junction in conjunction with the West of Chichester Strategic Development Location.</p> <p>Provision of new road access and improvements to nearby roads connecting with southern access in conjunction with the West of Chichester Strategic Development Location.</p> <p>Junction improvements to Cathedral Way/Via Ravenna in conjunction with the West of Chichester Strategic Development Location.</p> <p>Provision of 2 new foot/cycle bridges across the A27 in conjunction with Shopwyke Lakes SDL.</p> <p>Changes to Oving crossroad in conjunction with the Shopwyke Lakes SDL.</p> <p>Provision of bus routes through the SDL's.</p>
<p>Education</p> <ul style="list-style-type: none"> ● Provision for which the local education authority has a statutory responsibility (primary schools, secondary schools, and sixth form and special educational needs with the exception of primary school provision on the Strategic development Locations at West of Chichester and Tangmere. ● Early Years and Childcare provision ● Youth provision 	<p>Education</p> <p>Provision of new primary schools to be provided in conjunction with the development of the Strategic Development Locations at West of Chichester and Tangmere.</p>

Annexe B . Draft Regulation 123 List

Infrastructure Projects to be funded at least in part by the CIL (provision, improvement, replacement, operation or maintenance)	Exclusions (to be secured through planning obligations S106/S278)
Health <ul style="list-style-type: none"> ● Community Healthcare/Primary Care facilities/improvements 	
Social Infrastructure <ul style="list-style-type: none"> ● Community facilities other than site-specific requirements. ● Built Sport and Leisure Facilities other than site-specific requirements. ● General improvements to streetscene and built environment ● Libraries 	Social Infrastructure Provision necessary to make the development acceptable in planning terms.
Green Infrastructure <ul style="list-style-type: none"> ● Green Infrastructure (including landscaping, planting and woodland creation and improvements and upgrades and additions to the Public Rights of Way Network) other than site-specific requirements ● Public Open Space other than site-specific requirements ● Playing Fields, Sports Pitches and related built facilities, and children's play areas other than site-specific requirements ● Flood and Coastal Erosion Risk Management Infrastructure, other than site-specific requirements ● Biodiversity measures/initiatives other than site-specific requirements ● Provision of allotments other than site-specific requirements. 	Green Infrastructure Provision necessary to make the development acceptable in planning terms.
	Habitat Regulations Assessment Mitigation Provision of Alternative Natural Greenspace necessary to make the development acceptable in planning terms. Financial contribution towards management of Europa 2000 sites.
Public Services	Public Services

Annexe B . Draft Regulation 123 List

Infrastructure Projects to be funded at least in part by the CIL (provision, improvement, replacement, operation or maintenance)	Exclusions (to be secured through planning obligations S106/S278)
<ul style="list-style-type: none"> Police and emergency services (fire and rescue and ambulance) facilities other than site specific measures. 	Provision necessary to make the development acceptable in planning terms, for example CCTV or fire hydrants, required specifically as a result of a new development
	Affordable housing provision and contributions

Annexe C . Calculating the chargeable amount

How the chargeable amount will be calculated

Regulation 40

- (1) The collecting authority must calculate the amount of CIL payable ("chargeable amount") in respect of a chargeable development in accordance with this regulation.
- (2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.
- (3) But where that amount is less than £50 the chargeable amount is deemed to be zero.
- (4) The relevant rates are the rates, taken from the charging schedule, at which CIL is chargeable in respect of the chargeable development which are in effect -
 - (a) at the time planning permission first permits the chargeable development; and
 - (b) in the area in which the chargeable development will be situated.
- (5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula:

$$\frac{R \times A \times Ip}{Ic}$$

Where:

A = the deemed net area chargeable at rate R, calculated in accordance with paragraph (7);

Ip = the index figure for the year in which planning permission was granted; and

Ic = the index figure for the year in which the charging schedule containing rate R took effect.

- (6) The index figure for a given year is:
 - (a) the figure for 1st November for the preceding year in the national All-in Tender price index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors (a); or
 - (b) if the All-in Tender Price Index ceases to be published, the figure for 1st November for the preceding year in the retail prices index.

(7) The value of A must be calculated by applying the following formula:

$$\frac{G_R - K_R - (G_R \times E)}{G}$$

Where:

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G = the gross internal area of the chargeable development;

G_R = the gross internal area of the part of the chargeable development chargeable at rate R ;

K_R = the aggregate of the gross internal areas of the following:

(i) retained parts of in-use buildings, and

(ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development;

E = the aggregate of the following:

(i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and

(ii) for the second and subsequent phases of a phased planning permission, the value E_x (as determined under paragraph (8)), unless E_x is negative,

Provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.

The value E_x must be calculated by applying the following formula:

$$E_p - (G_p - K_{pR})$$

Where:

E_p = the value of E for the previously commenced phase of the planning permission;

G_p = the value of G for the previously commenced phase of the planning permission; and

K_{pR} = the total of the values of K_R for the previously commenced phase of planning permission.

(9) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish that a relevant building is an in-use building, it may deem it not to be an in-use building.

(10) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish:

(a) whether part of a building falls within a description in the definitions of K_R and E in paragraph (7); or

(b) the gross internal area of any part of a building falling within such a description, it may deem the gross internal area of the part in question to be zero.

(11) In this regulation:

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"building" does not include:

- (i) a building into which people do not normally go,
- (ii) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery, or
- (iii) a building for which planning permission was granted for a limited period;

"in-use building" means a building which:

- (i) is a relevant building, and
- (ii) contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development;

"new build" means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings;

"relevant building" means a building which is situated on the relevant land on the day planning permission first permits the chargeable development;

"relevant charging schedules" means the charging schedules which are in effect:

- (i) at the time planning permission first permits the chargeable development, and
- (ii) in the area in which the chargeable development will be situated;

"retained part" means part of a building which will be:

- (i) on the relevant land on completion of the chargeable development (excluding new build),
- (ii) part of the chargeable development on completion, and
- (iii) chargeable at rate R.

Chichester District Council



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