

# Community Infrastructure Levy

Draft Charging Schedule

February 2015

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## **i. Statement of Statutory Compliance**

*The CIL Draft Charging Schedule has been approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012 2013 and 2014)*

*and Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011). In setting the levy rates, Selby District Council considers it has struck an appropriate balance between;*

*a) the desirability of funding from CIL in whole or in part the actual and estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding, and*

*b) the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across the Selby District.*

*This Charging Schedule was approved by on [date to be inserted following examination]*

*This Charging Schedule will come into effect on [date to be inserted following a successful examination and full Council approval]*

## **1.0 Introduction**

1.1 This document is the Draft Charging Schedule (DCS) for the Selby District Council Community Infrastructure Levy (CIL). This document contains the Charging Schedule itself along with Charging Zone Maps as well as an explanation and background of CIL to make the process easier to understand.

1.2 The CIL is a tariff system that local authorities can choose to charge on new development in their area by setting a Charging Schedule. The CIL is a charge levied on new buildings and extensions to buildings according to their floor area. In this way money is raised from developments to help the Council pay for infrastructure such as schools, public transport improvements, greenspace, highways, and other facilities to ensure sustainable growth. It can only be spent on infrastructure needs as a result of new growth and will be a mandatory charge. The CIL will replace the current Section 106 (s106) 'tariff' approaches which are currently used for this purpose because the Council can no longer use s106s in the same way from April 2015 due to a change in government regulations. However s106s will continue to be used for affordable housing and anything required for the specific development site to make it acceptable in planning terms, further details of this are outlined in this document. The CIL regulations are clear the CIL should not be set at such a level that it risks the delivery of the development plan, and has to be based on viability evidence

### Who is liable for the payment of CIL?

1.3 The regulations state the registered owner of the land is liable to pay the CIL, unless another party claims liability and declares this to the council. On adoption of CIL the council intends to incorporate a section for this into the application. For example a developer may have a contract with the land owner to develop a site and therefore declare they are liable for the CIL payment on the owner's behalf. The regulations and governments intention is that those who benefit financially when planning

permission is granted should share some of that gain with the community. That benefit is also transferred when the land is sold with planning permission, which also runs with the land. The CIL can also be paid to the Council 'in kind' through the transfer of land or the provision of infrastructure, however this will be at the Councils discretion and will be tested on a case by case basis.

#### When is CIL due to for payment?

- 1.4 The levy's charges will become due on the 'commencement of development' the definition of which is the same as that used in current planning legislation. When planning permission is granted, the Council will issue a liability notice setting out the amount of the levy that will be due for payment. Upon commencement of development payments must be made in full or in line with the council's instalments policy and failure to do so can lead to a prison sentence.

#### What can the Council spend CIL on?

- 1.5 CIL can only be spent on 'Strategic Infrastructure' which includes transport, flood defences, schools, health and social care facilities, parks and green spaces, cultural and sports facilities as well as maintenance and improvement of facilities affected by development. Items that the council wishes to spend CIL money on must be published in a Regulation 123 List (R123) and only items on this list can receive CIL funding. From April 2015 s106 can only be sought for items not listed on the R123 list and only for infrastructure directly required to make development 'acceptable in planning terms'. The R123 list also ensures that no 'double dipping' occurs and that a development cannot make a payment for the same item through CIL and s106.
- 1.6 The regulation state that the council is required to provide a 'Meaningful Proportion' to areas where development takes place. The Selby District Council catchment is fully covered by Parish/Town Councils therefore Town/Parish Councils are due 15% of any CIL payments collected within their area. Areas that have an adopted Neighbourhood Plan will receive 25% as a government incentive to accept

development through a Neighbourhood Plan. Unlike the councils CIL receipts, the Parish Council's meaningful proportion is not tied to the R123 and does not have to be spent in consultation with SDC. However Parish Councils do have to spend the meaningful proportion in line with the following CIL regulations:

- (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" (Regulation 59C).

## **2.0 Background to the Draft Charging Rates & Zones**

2.1 Peter Brett Associates (PBA), formerly Roger Tym & Partners, was commissioned by SDC to provide specialist services for the development and preparation of a Community Infrastructure Levy (CIL) Economic Viability Assessment. The Viability Assessment has been used to inform the council of the appropriate charges and zones as well as explaining in detail the approach and methods used for setting the rates. This document along with 2 updates can be found on the Councils website:

[Community Infrastructure Levy, Economic Viability Assessment September 2013](#)

(hyperlink will be inserted upon adoption)

[Selby Community Infrastructure Levy, Addendum Report April 2014](#)

(hyperlink will be inserted upon adoption)

[Community Infrastructure Levy, Revised Draft Charging Schedule Report November 2014](#)

(hyperlink will be inserted upon adoption)

### **3.0 THE DRAFT CHARGING SCHEDULE**

- 3.1 CIL will be applied on the chargeable floor space of all new development apart from that exempt under the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, and 2014) and specifically Part 2 and Part 6.

These exemptions from the CIL rates are:

- a) Where the gross internal area of a new buildings or extensions to buildings will be less than 100 square metres (other than where the development will comprise one or more dwellings);
  - b) A building into which people do not normally go;
  - c) A building into which people go only intermittently for the purpose of maintaining or inspecting fixed plant or machinery;
  - d) A building for which planning permission was granted for a limited period;
  - e) Development by charities of their own land to be used wholly or mainly for their charitable purposes;
  - f) Social Housing;
  - g) Vacant buildings brought back into the same use;
  - h) Floorspace resulting from change of use development where part of the building has been in continuous lawful use for at least six months in the three years twelve months prior to the development being permitted;
  - i) Houses, flats, residential annexes and residential extensions which are built by 'self-builders';
  - j) Mezzanine floors of less than 200 square metres inserted into an existing building, unless they form part of a wider planning permission that seeks to provide other works as well.
- 3.2 SDC has chosen to adopt an Instalments Policy, which allows those liable for CIL to pay their CIL charge in phased stages, this is set out in a separate document.
- 3.3 The Council has chosen to adopt an Exceptional Circumstances Policy, whereby developers can request strictly through a viability appraisal for some or all of the CIL charge to be waived this is set out in a separate document and has very narrow criteria.

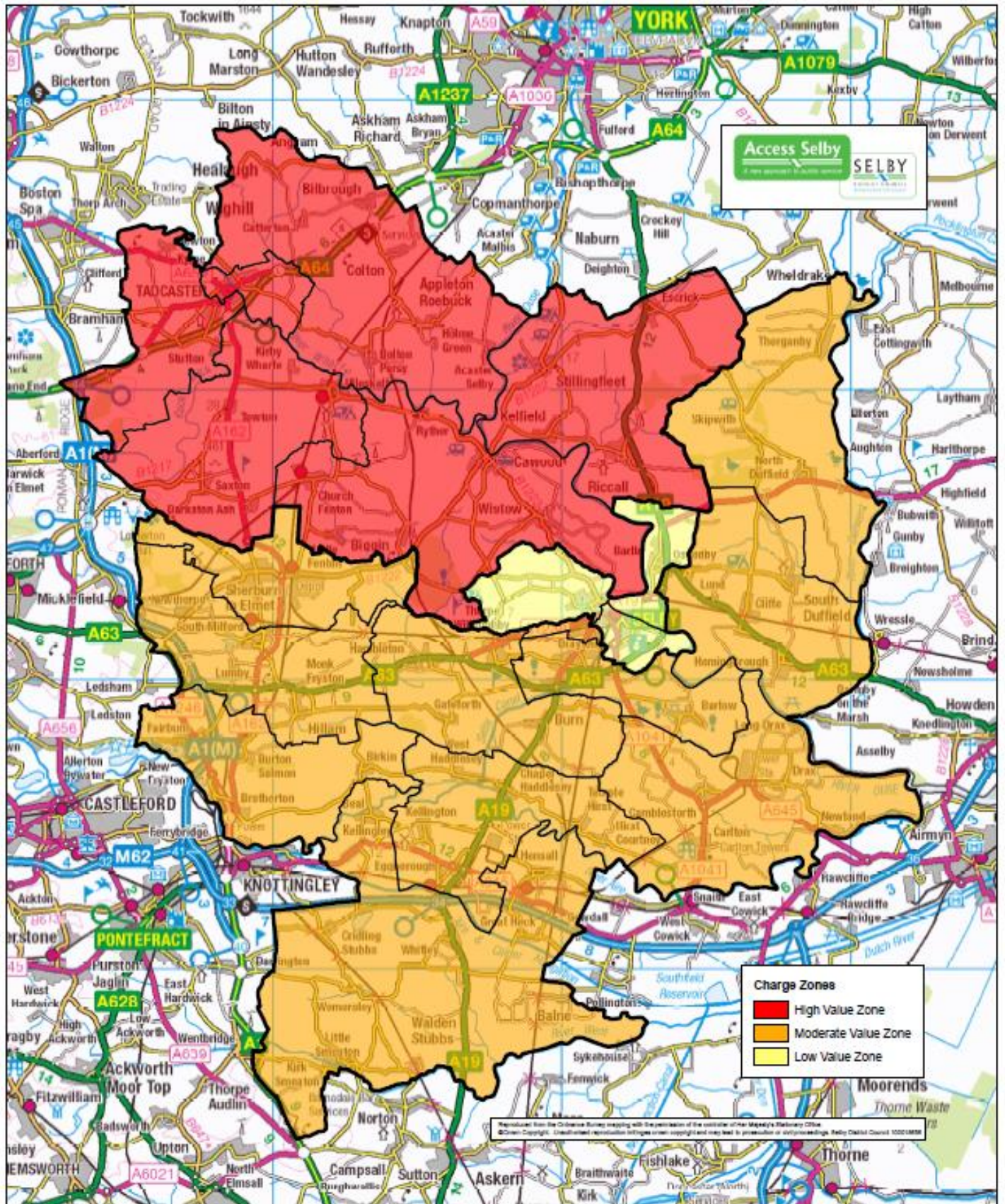
3.4

<b>Use</b>	<b>Proposed CIL Charge per sq. m.</b>
<b>Private Market Houses (excl. apartments)</b> Low value areas Moderate value areas High value areas	£10 £35 £50
<b>Supermarket</b>	£110
<b>Retail Warehouse</b>	£60
<b>Public/Institutional Facilities as follows: education, health, community and emergency services</b>	£0
<b>All other chargeable development (incl. apartments)</b>	£0

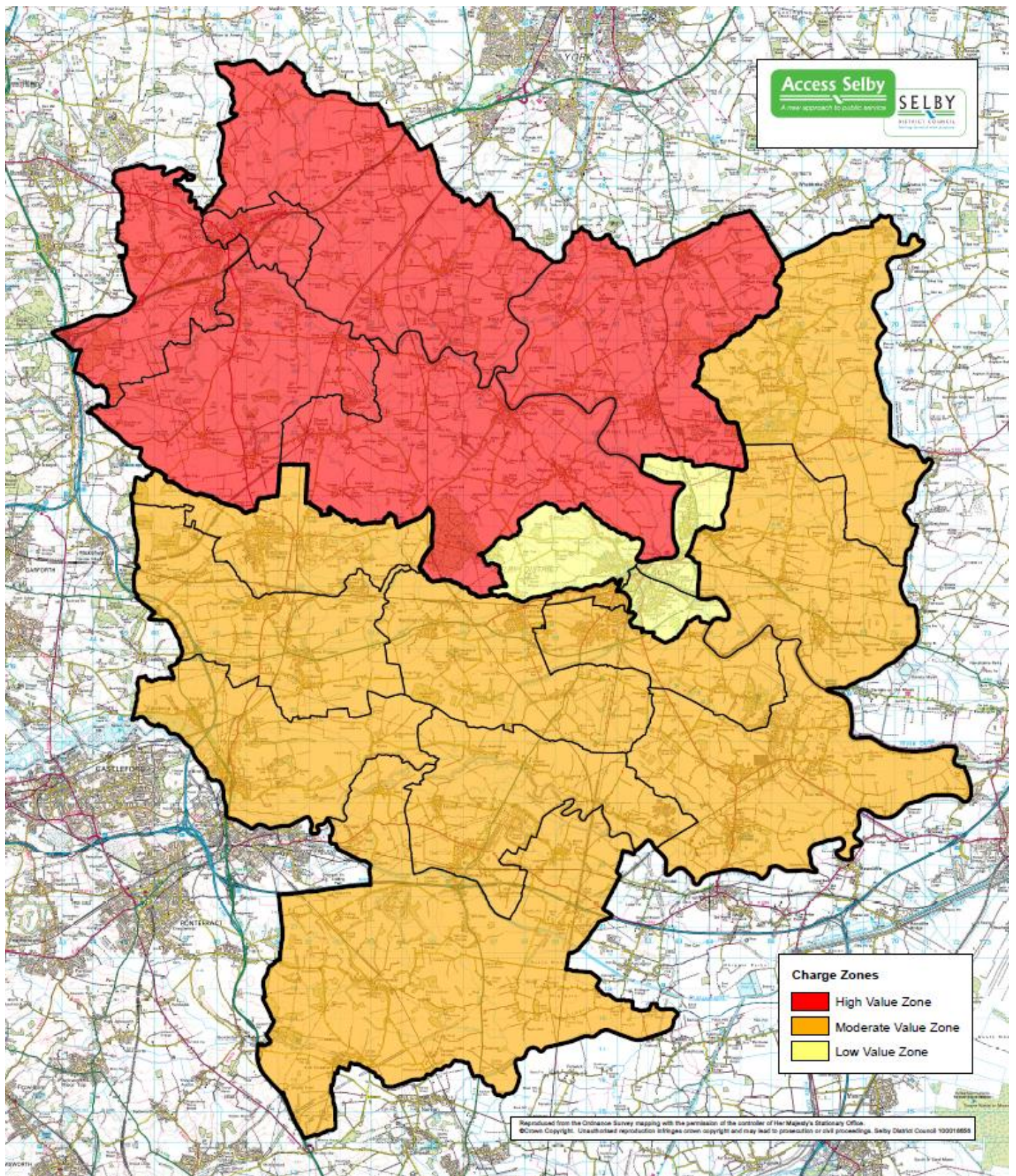
3.5 The charging zones which these rates apply to are set out on the following map which is presented on an OS base as required in the regulations.

3.6 This map is also available on SDC website and clearly demonstrates the boundaries (hyperlink will be inserted).









**For any further details please Consult Selby District Council**

**[http://www.selby.gov.uk/service\\_main.asp?menuid=2&pageid=951&id=2391](http://www.selby.gov.uk/service_main.asp?menuid=2&pageid=951&id=2391)**