Lewes District Council Community Infrastructure Levy

Charging Schedule

October 2015

Contents

1 INTRODUCTION

1.1 The Community Infrastructure Levy (CIL) is a tariff-based approach to funding infrastructure that allows local authorities to raise funds from developers undertaking new building projects. Its purpose is to help fund the provision of infrastructure needed to support development and help implement the growth identified in the Lewes District Local Plan Part 1 – The Core Strategy.

1.2 In order to charge CIL local authorities must produce a Charging Schedule, which identifies the detail of who will pay CIL and at what rate. This is the purpose of this document.

1.3 The production of a CIL Charging Schedule is subject to considerable regulation and guidance, which has been carefully followed. For further introductory details regarding CIL, including what it is, why we are producing it and how it will work, please see the background document to this Schedule called "Background Paper – Producing a CIL Charging Schedule".

1.4 This Charging Schedule applies to areas of the district that lie outside the South Downs National Park boundary only, as these are the areas for which Lewes District Council is the charging authority (and local planning authority). The South Downs National Park Authority (SDNPA) is the charging authority (and local planning authority) for the whole of the area within the national park boundary.

2   STATUTORY COMPLIANCE

2.1   Lewes District Council is a Charging Authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge CIL in respect of development in its administrative area. The Council is both the CIL Charging and Collecting Authority for its administrative area.

2.2   In preparing this Charging Schedule, Lewes District Council has complied with the requirements set out in Part 11 of the Planning Act (as amended) and the CIL Regulations 2010 (as amended).

2.3   In setting the CIL rates, the Council has used appropriate available evidence to inform the Charging Schedule and struck an appropriate balance between:

- The desirability of funding from CIL, in whole or in part, the estimated cost of infrastructure required to support the development of its area, 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 its area.

2.4   This Charging Schedule was approved by the Council on 14th October 2015.

2.5   This Charging Schedule will come into effect on 1st December 2015.

3 CIL CHARGING SCHEDULE AND CHARGING AREA

a) CIL Charging Schedule

3.1 The CIL rates for Lewes District (all areas outside the South Downs National Park) are shown in the table below.

Table 2 CIL Charging Rates for Lewes District Council Charging Area

Development Type		CIL charge (£/m^2)
Residential	Low Zone (South of SDNP, i.e. the coastal towns)	£90
	High Zone (North of SDNP)	£150
Residential Institution		£0
Industrial		£0
Office		£0
Retail		£100
Hotel		£0
Standard Charge[1]		£0

b) CIL Charging Area Map

3.2 The CIL charging area is all areas of Lewes District that lie outside the South Downs National Park boundary as shown in Map 1. It is worth noting that the small area at Falmer and the area of Glynde Parish that lie outside the National Park are within the High Zone for the CIL charge.

3.3 In calculating individual charges for the levy, the Council will be required by the Regulations to apply an annually updated index of inflation to keep the levy responsive to market conditions. The index will be the national All-In Tender Price Index of construction costs published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors.

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[1] The Standard Charge applies to all other types of chargeable development not otherwise specified in Table 1. These types of development may be liable for on-site improvements through S106 or S278 off-site highway improvements, even though the Standard Charge for CIL is proposed to be zero.

Map 1 Lewes District Council CIL Charging Area
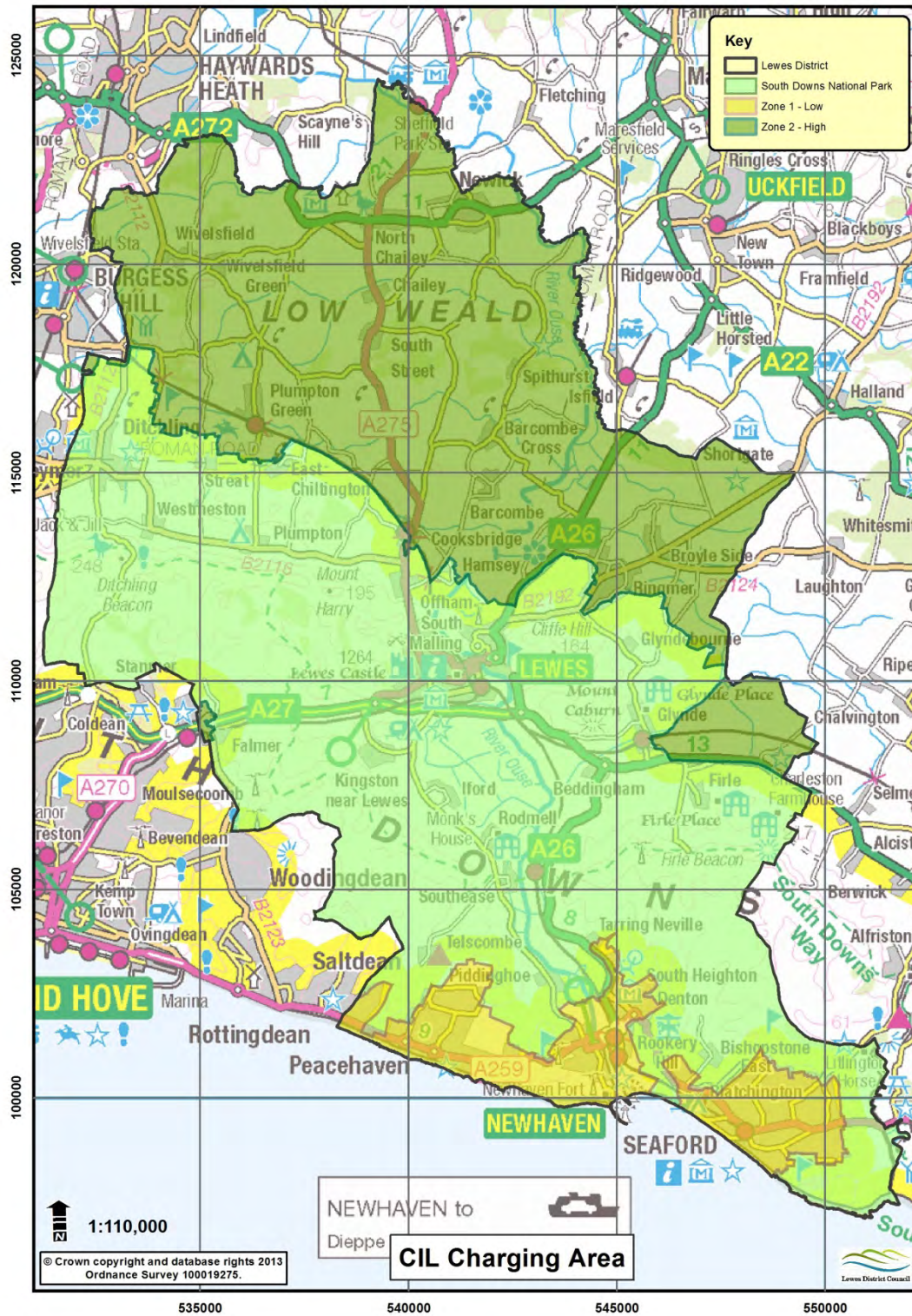
4   OTHER MATTERS

a)   CIL Implementation

4.1   It is proposed to use a proportion of CIL funds to cover CIL administration expenses, in accordance with the Regulations. Further details will be established once the CIL administration procedures are developed.

4.2   An Instalments Policy has been published separately to accompany this Charging Schedule.

4.3   The Council will keep under review and consideration the implementation of the following discretionary CIL administration policies. Such policies do not require formal consultation or examination and may be introduced and revoked at any time (subject to meeting relevant requirements on publication periods prior to commencement).

- Exceptional circumstances relief[2]
- Discretionary charitable relief[3]
- Payment in kind[4]

b)   Monitoring and Review

4.4   Lewes District Council is committed to ensuring the use of CIL is open and transparent and will publish an annual report, which will set out clearly how much CIL money has been received and the infrastructure to which that money has been applied.

4.5   We recognise that regulatory and economic circumstances change and propose that a review of the CIL Charging Schedule be triggered if either of the following conditions is met:

- Changes are made to the CIL Regulations such that it would be necessary or of benefit for the Council to review its Schedule
- A period of three years has passed since the implementation of the Schedule

4.6   The Council will also consider the need for review if monitoring of CIL performance and/or local conditions indicates that either development is being constrained by CIL rate(s) or that development viability may

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[2] Regulations 55-58 allows for discretionary relief in exceptional circumstances
[3] This is in addition to the mandatory charitable relief where the chargeable development is to be used wholly or mainly for charitable purposes.
[4] Regulation 73 in the CIL (Amendment) Regulations 2014 allows for a charging authority to make infrastructure payments available in its area and accept one or more infrastructure payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development.

have increased such that CIL receipts are being persistently constrained by the prevailing CIL rate(s).

c)   Ashdown Forest

4.7   The Ashdown Forest, located in neighbouring Wealden District, is covered by Special Protection Area (SPA) and Special Area of Conservation (SAC) European designation. A 7km protection zone has been established around the Forest within which new residential development requires mitigation so that the pressures of usage experienced by the Forest are not worsened as a result of the development. The 7km protection zone partly extends into Lewes District covering much of Newick parish, including the village itself. Mitigation required for residential development in this area is in the form of financial contributions to the Strategic Access Management and Monitoring Strategy (SAMMS) and the delivery and ongoing management of Suitable Accessible Natural Green Space (SANGS).

4.8   It is proposed that financial or other contributions required for the mitigation of residential development will be collected using planning obligations and CIL monies will <u>not</u> be used towards this mitigation.

APPENDIX A

Calculating the chargeable amount

i) CIL charges will be calculated in accordance with CIL Regulation 40 (as amended). The chargeable amount will be an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates as set out in the charging schedule.

ii) The chargeable amount will be index linked using the Royal Institution of Chartered Surveyors' All-in Tender Price Index figures for the year in which the planning permission was granted and the year in which the charging schedule took effect.

iii) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula:

$$\frac{R \times A \times I_P}{I_C}$$

Where:
   A = the deemed net area chargeable at rate R;
   I_P = the index figure for the year in which planning permission was granted; and
   I_C = the index figure for the year in which the charging schedule containing rate R took effect.

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

$$G_R - K_k - \left(\frac{G_R \times E}{G}\right)$$

Where:
   G = the gross internal area of the chargeable development;
   G_R = the gross internal area of the part of the development chargeable at rate R;
   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, 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.
   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.

> 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 the planning permission.