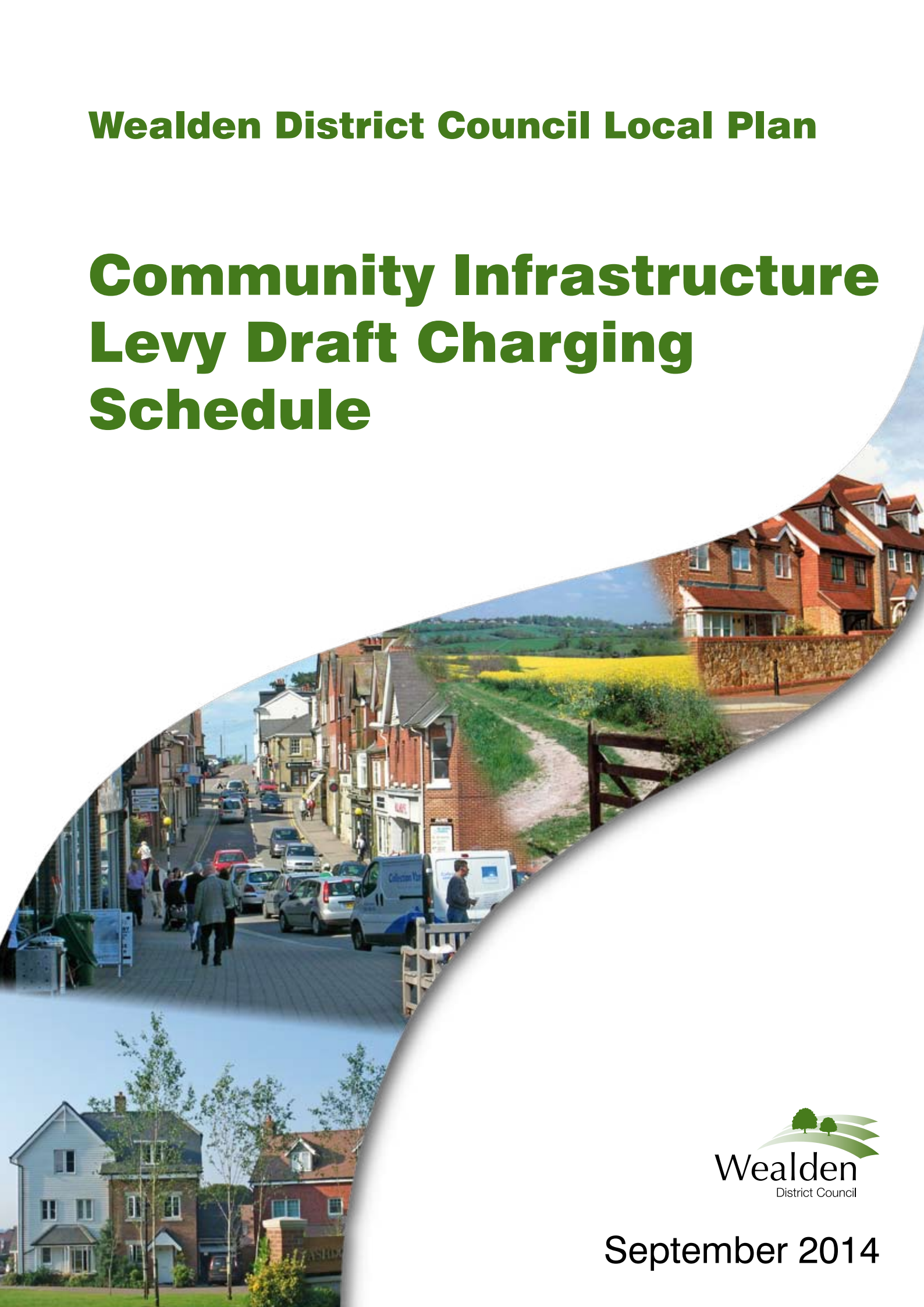
Wealden District Council Local Plan

Community Infrastructure Levy Draft Charging Schedule



Wealden
District Council

September 2014

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You may also visit the offices Monday to Friday, to view other Local Plan documents.

A copy of Wealden's Community Infrastructure Levy Draft Charging Schedule can be downloaded from the Planning Policy pages of the Wealden website, www.wealden.gov.uk or scan the QR code below with your smart phone.

If you, or somebody you know, would like the information contained in this document in large print, Braille, audio tape/CD or in another language please contact Wealden District Council on 01323 443322 or info@wealden.gov.uk

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1 Introduction

1.1 This consultation document sets out Wealden District Council's (excluding the area covered by the South Downs National Park Authority) (WDC) evidence and progress to date with the introduction of a Community Infrastructure Levy (CIL) and produces the Draft Charging Schedule for consultation.

1.2 The ability to implement a CIL charge is set out in the Planning Act 2008 as amended by the Localism Act 2011 and is supported by the Community Infrastructure Levy Regulations 2010 (as amended).

1.3 WDC has set a timetable to introduce a CIL by early 2015 in its updated Local Development Scheme. The table below outlines the key stages and timetable for adoption of CIL by WDC.

Table 1 - Timetable for CIL

Stage	Date(s)
CIL Preliminary Draft Charging Schedule	13th August 2012 - 23rd September 2012
CIL Draft Charging Schedule consultation	17th June 2013 - 29th July 2013
Amended Draft Charging Schedule consultation	9th December 2013 - 3rd February 2014
Revised Draft Charging Schedule consultation	September 2014 - October 2014
Submission of CIL Draft Charging Schedule to Planning Inspectorate for examination	November 2014
CIL Examination	January 2015
Full Council Adoption of CIL	March 2015
Implementation of CIL	April 2015

1.4 Consultation on an Draft Charging Schedule (DCS) took place between 17th June 2013 and 29th July 2013. A total of 27 responses were received. Consultation on an Amended Draft Charging Schedule took place between 9th December 2013 and 3rd February 2014. A total of 15 responses were received. The responses can be viewed on our online 'Objective' consultation system at http://wealden.objective.co.uk/portal/.

1.5 In February 2014 amended CIL Regulations were published alongside updated Statutory Guidance. This document and the CIL evidence base has been updated to be in compliance with these changes.

1.6 WDC is now publishing;

1) This updated consultation document (including the draft Instalments Policy and draft Regulation 123 list);
2) Draft Charging Schedule Statement of Representations Procedures;
3) Updated CIL Viability Report - July 2014; and
4) Updated Infrastructure Delivery Plan (IDP) - July 2014.

1.7 Details of how to comment on this consultation can be found in section 6.

1.8 In February 2013 WDC's Core Strategy was adopted which sets out the growth proposed across the District to be delivered up to 2027. In June 2014 WDC's Strategic Sites Local Plan was examined. This document outlines the polices and exact locations of each of the strategic sites required to deliver the bulk of the growth identified in the Core Strategy. This document and the CIL Charging Schedule have been informed by both documents which together form the relevant 'Local Plan'. The CIL Charging Schedule is consistent with and supports the implementation of these documents (in line with para 2:2:1 of the February 2014 CIL Statutory Guidance).

2 Infrastructure evidence and the funding gap

2.1 The 2014 CIL Statutory Guidance states that information relating to the infrastructure needs of a Charging Authority should, wherever possible, be drawn directly from the infrastructure planning that underpins the Charging Authority's development plan (para 2:2:2:1). In March 2014 the Council produced and published for submission of its Strategic Sites Local Plan an Infrastructure Delivery Plan (IDP) identifying the strategic infrastructure needed to support the growth anticipated over the lifetime of the Core Strategy Local Plan and Strategic Sites Local Plan. The Strategic Sites Local Plan was examined in June 2014. The IDP has formed the basis of our funding gap analysis in relation to strategic infrastructure requirements for the purposes of the CIL.

2.2 WDC has a close working relationship with infrastructure providers and throughout the development of the Local Plan the IDP has been revised and updated. Infrastructure providers have given consideration to the Core Strategy Local Plan which sets out the overall strategy for the development of the District, projected housing growth and population projections to identify future infrastructure needs, costs and potential sources.

2.3 As part of the development of the CIL and Local Plan further liaison with infrastructure providers took place to provide a clearer indication of the costs associated with key pieces of infrastructure required to support the growth identified across the District in the Core Strategy.

2.4 Since the consultation on the DCS further work has been undertaken to establish costs and available funding for infrastructure critical to growth outlined in the Core Strategy and Strategic Sites Local Plan. An updated IDP is published alongside this Revised Draft Charging Schedule and encompasses further information from East Sussex County Council with regard to the level of section 106 developer contributions agreed and estimated costs of the infrastructure (which is discussed in more detail in section 2.25 below).

2.5 The funding gap analysis establishes the aggregate funding gap between the total costs of critical infrastructure to support growth and the amount of available funding. It uses an indicative list of infrastructure projects, covering a variety of infrastructure types, to demonstrate a funding gap and thereby, justify the introduction of the CIL in Wealden.

2.6 The schemes the funding gap analysis focuses on can be grouped under the following infrastructure type categories;

a. Education;
b. Transport; and
c. Health.

2.7 Other, yet unknown, funding streams may also be available in the future, which may change the funding gap. An example of this may be the New Homes Bonus, the allocation of which will be assessed in due course. Together with the viability evidence,

the funding gap analysis provides sufficient justification for the development and implementation of a CIL charge across the District.

Education

2.8 With regards to future education funding, funding sources to provide sufficient educational facilities are not clearly identified. The responsibility for the delivery of facilities will depend upon whether or not it is to be provided by the local authority as an expansion of existing maintained school provision or a proposal by a new provider for a new educational facility, i.e. free school or studio school.

2.9 It is anticipated that the funding profile will therefore be a robust combination of Central Government grant to the County Council for school places, County Council funds to ensure statutory duty can be delivered, Educational Funding Agency in support of new provision and development contribution funding and/or land requirement through Sec 106 and CIL.

2.10 Section 106 contributions are not expected to fully fund educational requirements created by their source developments. This is because the contributions are based on Department for Education costs information which does not cover the full costs of provision.

2.11 It is important to remember that, any local birth rate increases that cannot be accommodated through existing provision will have to be considered as part of the demand for any new provision, and this may also have consequences regarding future provision and funding.

2.12 The IDP identifies critical early years, primary, secondary and further education schemes which are outlined in table 2 below. This shows a total cost of identified education projects as **£51,351,000**.

Table 2 - Indicative list of education projects and costs

Education project	**Estimated cost**	**IDP Ref.**
Early years and primary		
Crowborough (Early years - 60 places and 1 FE primary)	£3,000,000	AB10 & AB15
Herstmonceux (Early years - 16 places)	£100,000	AB15
Pevensey and Westham (Early years - 48 places)	£400,000	AB16
Uckfield (Early years - 32 and 1FE Primary) - inc. land cost	£4,700,000	AB7 & AB11
Hailsham North (Early years - 224 and 3FE Primary) - inc. land cost	£15,200,000	AB8 & AB12

Education project	Estimated cost	IDP Ref.
Polegate, Willingdon and Stone Cross (Early years - 192 and 1FE Primary) inc. land cost	£5,900,000	AB10 & AB113
Total Primary and Early years	**£20,400,000**	
Secondary provision		
Uckfield (400 places)	£12,000,000	AB1
Hailsham (400 places)	£12,000,000	AB2
Polegate, Willingdon and Stone Cross (150 places)	£5,000,000	AB3
Total secondary provision	**£29,000,000**	
Further Education Provision (WDC Contribution)		
Sussex Downs College - Eastbourne Campus	£920,000	AB4
Sussex Downs College - Lewes College	£650,000	AB5
Plumpton College	£381,000	AB6
Total Further Education	**£1,951,000**	
Total cost of identified education projects	**£51,351,000**	

Transport

2.13 The IDP identifies critical transport interventions on both the strategic and non strategic road networks to support the growth identified in the Core Strategy. These interventions were identified in the South Wealden and Eastbourne Transport Study (SWETS).

2.14 The responsibility of delivering appropriate transport infrastructure identified in the IDP will be through a number of infrastructure and service providers - the County Council, Highways Agency, bus operators, train operators and Network Rail and the development industry.

2.15 With regard to transport funding, the level of funding available over the life of Plan to enable the delivery of transport infrastructure is not clearly defined. Development contributions are not expected to fully fund transport infrastructure requirements created

by the source developments. Therefore, it is anticipated that the funding profile will be a robust combination of Central Government funding through either the HA's funding programme or one of grant allocations (such as the Pinch Point Programme), local authority funding, Local Transport Body funding and development contributions through s106 or CIL.

2.16 Further work has now been undertaken by East Sussex County Council (as Transport Authority) to identify the costs associated with the works identified in the SWETS. This includes the Hailsham and Hellingly Movement and Access Study (MASHH) (May 2012) and the Polegate Movement and Access Strategy Strategic Junction Review (PMASS) (October 2012).

2.17 The MASHH study identifies critical schemes ('game-changers') which total **£2,410,000**. There are two schemes that do not have a cost estimate; real time bus information system (estimated at 'millions of pounds') and parking charges and time restrictions (where the enforcement element is estimated as 'significant'). These schemes have not been fully costed but given the comments in the study it is likely that they will substantially add to the total cost of transport infrastructure.

2.18 The MASHH study also identifies other transport schemes and important local interventions which have also been included in the funding gap analysis. These schemes total **£2,494,000**. In Hailsham the important transport schemes have been included in the funding gap analysis to ensure we are not double counting due to the s106 developer contributions received being for a mixture of critical and important funding. Together the important road schemes identified create a package of works which when combined will alleviate current problems on the road network within these areas.

2.19 The PMASS study identifies key junction schemes totalling **£5,390,000**. The junction improvements in Lewes total **£450,000**. The total cost for the MASHH, PMASS and Lewes projects total **£10,744,000.**

Table 3 - Indicative list of transport projects and costs

Transport projects	**Estimated cost**	**IDP Ref.**
Hailsham and Hellingly (MASHH study)		
Game changers		
A22 & Hempstead Lane - all movement junction	£670,000	AA7
Consolidated South Road, Dipolcks Way and Ersham Rd roundabout	£520,000	AA8
Signalisation of junction of South & Western Roads	£90,000	AA9
Hailsham Eastbourne Quality Bus Corridor	£1,050,000	AA2

Transport projects	**Estimated cost**	**IDP Ref.**
Strategic & Local Tactical signing improvements	£80,000	AA11
Transport Projects		
High Street works	£540,000	AA12
George Street works	£230,000	AA12
Thorough re modelling of the junction of London Road with north and high streets	£400,000	AA12
Finger post signs and locality maps	£20,000	AA12
Important Local Interventions		
Improved footways on Hawks Road and connecting roads and pull off bays adjacent school	£230,000	AA13
Direct access to Community College from Cuckoo trail	£2,000	AA13
Pedestrian shelters and cycle storage at the northern entrance to White House Primary School	£7,000	AA14
Cycle storage at Marshlands Primary School	£5,000	AA14
Zebra crossing over London Road just north of Grovelands Road	£20,000	AA14
Zebra crossing over London Road on eastern side of the bridge over the Cuckoo Trail	£20,000	AA14
Southern access to the Cuckoo Trail from London Road	£130,000	AA14
Improved footways either side of and across the A267 at Boship Roundabout	£60,000	AA14
Provision of continuous footways on the southern side of the A271 between "Spinney Cottage" and London Road junction	£45,000	AA13
Improvements to A271 between Bell Bank Cottages and Danum Close	£110,000	AA15
Provision of lighting on urban sections of the Cuckoo Trail	£675,000	AA15
Total Hailsham and Hellingly transport project costs	**£4,904,000**	

Transport projects	Estimated cost	IDP Ref.
Polegate Movement & Access Strategy		
Key junction schemes		
A27, A22 and A2270 signalised junction	£2,000,000	AA4
Transport Projects		
A2270 and High Street signalised junction	£1,000,000	AA5
A22 &A27 Cophall Roundabout	£2,000,000	AA1
A27 A22 Golden Jubilee Way roundabout and A22 Golden Jubilee Way and Dittons Road Roundabout	£250,000	AA3
Lion Hill & Rattle, Hailsham & Dittons Roads signalised junction	£140,000	AA6
Total Polegate transport project costs	**£5,390,000**	
Junction Improvements in Lewes		
A26/ B2192 Junction (Earwig Corner)	£300,000	AA20
A26 Malling Hill/ Church Lane Junction	£150,000	AA21
Total cost of identified transport projects	**£10,744,000**	

Health

2.20 The delivery of primary health care services is currently by Clinical Commissioning Groups (CCG's). Two CCG's have been set up within the Wealden District area, they are:-

- The High Weald, Lewes and Havens CCG – covering the north and central parts oft he District, and
- The Eastbourne, Hailsham and Seaford CCG – covering the south of the District

2.21 The High Weald, Lewes and Havens Clinical Commissioning Group, are committed to a growth model which will look to utilise spare capacity and space within existing facilities such as the community hospitals more efficiently and also looking to invest in other facilities. In the Eastbourne, Hailsham and Seaford Clinical Commissioning Group area, there are a number of stress areas, such as community services and neighbourhood

support teams, requiring a multi-agency and multi-functional response. The CCG's however, do not deal with the provision of any new infrastructure (i.e. premises) that may be required as a consequence of growth. Responsibility for assessing and delivering the infrastructure required by the CCG's rests with the Area Committees of NHS England. It is they who will take decisions on whether and where there should be new surgeries or primary health care facilities, and how many practitioners are needed in any given area. Hailsham and North Polegate are particular stress areas for the CCG regarding health care within the District. The work of the new CCG's is currently underway. It is not possible at this time to provide detail of the various requirements for each of the CCG areas and the implications in relation to the infrastructure required as a consequence of the growth proposed through the Wealden District Core Strategy Local Plan and the submission Strategic Sites Local Plan. The issues and requirements of each area will differ depending upon factors such as deprivation and projected population, and will be updated in subsequent iterations of the IDP. The cost estimates that are currently known are included in Table 4 together with the known deductions.

Summary

2.22 The funding gap analysis has concentrated on a number of critical infrastructure schemes that are required to deliver the growth set out in the Core Strategy and Strategic Sites Local Plan. This information has been drawn from the infrastructure needs outlined in the infrastructure assessment that has been undertaken as part of the preparation of the Core Strategy and the Strategic Sites Local Plan. It has identified the known and anticipated levels of available funding for the schemes and calculated the funding shortfall. This is set out in table 4 below.

Table 4 - Funding Gap summary table

Critical Infrastructure to support growth	Total estimated infrastructure costs	Assumed/potential funding deductions (£)*	Funding Gap (£)
Transport	£10,744,000	£8,367,000	£2,377,000
Education	£51,351,000	£10,337,000	£41,014,000
Health**	£2,000,000	£1,134,258	£865,742
Aggregate funding gap	**£64,095,000**	**£19,838,250**	**£44,256,742**
Projected CIL income			**£25,002,950*****
Residual funding gap			**£19,253,792**

*Contributions agreed (subject to conditions precedent and payment triggers) Includes contributions agreed and conditions precedent met. Figures correct as at end of June 2014.

** We are currently working with the CCG's on refinements to the cost estimates in addition to the costs stated.

*** This figure is correct as at the end of July 2014. Should applications be received prior to the implementation of the Charging Schedule then this figure will reduce.

2.23 In addition to the costs identified above there are also significant infrastructure schemes that are required to support the growth identified in the Core Strategy and Strategic Sites Local Plan. These schemes have yet to be fully costed but it is likely that they will substantially add to the total cost of infrastructure and the overall funding gap. These schemes are shown in table 5 below.

Suitable Alternative Natural Greenspace (SANGS)

2.24 The 2014 CIL Statutory Guidance confirms that SANGS are open space and are within the levy definition of infrastructure (paragraph 2:4:2). This mitigation is required to deliver the development identified in the Core Strategy in Uckfield, Crowborough and Maresfield. WDC intends to prioritise the use of CIL receipts to deliver SANGS and maintain their effectiveness in the long term. The provision of SANGS is included in the funding gap analysis and in the Regulation 123 list outlined in Appendix A.

2.25 In order for residential development to be able to take place in the north of the District appropriate mitigation measures must be in place to ensure that new development does not have a significant effect on the Ashdown Forest Special Protection Area (SPA). Delivery of these mitigation measures is therefore crucial to delivering the overall development strategy for the District.

2.26 In order to protect the SPA from the recreational impacts of new housing development a package of mitigation will be required. All planning applications which create a material impact upon the Ashdown Forest (i.e. within 7km) will require to show proportionate mitigation measures. This includes both the provision of or improvement of alternative areas of natural greenspace (SANGs) and Strategic Access Management and Monitoring Measures (SAMM) to manage recreational pressure on the SPA itself. Section 106 developer contributions will be sought from development taking place within 7km which is exempt from CIL for the provision of SANGS maintenance and SAMMS.

2.27 Each SANG is bespoke to the development and the area the development is taking place therefore the cost for each SANG will differ. Currently it is anticipated that the SANGS for the strategic development sites at Uckfield and Crowborough will be delivered by the developer through s106 developer contributions because applications are likely to be received prior to the Charging Schedule being adopted. Pre application discussions are being undertaken on both sites including the delivery of the SANG for each site. If permission is granted after the charging schedule is adopted this will have an impact on how the SANGS will be delivered.

Table 5 - Infrastructure schemes where costs are unknown

Critical Infrastructure to support growth	Total estimated infrastructure costs	Assumed/potential funding deductions (£)	Funding Gap (£)
SAMM Strategic Access Management and Monitoring - set up and monitoring costs	To be determined	To be determined	To be determined
Social and community facilities - Stone Cross and Polegate	To be determined	To be determined	To be determined
Transport; **- Real time bus information system** **- Traffic movement measures**	To be determined (potentially 'millions')	To be determined	To be determined
Education - contributions towards provision in Tunbridge Wells	To be determined	To be determined	To be determined
SANGS (provision for Crowborough and Maresfield Core Strategy requirements)	To be determined	To be determined	To be determined

2.28 Under the charging proposals set out in this document the projected income generated from CIL receipts over the plan period of the Core Strategy, up to 2027, is estimated to be approximately £25,002,950 based on the development proposed in the Core Strategy and Strategic Sites Local Plan. This estimate has been revised down since the consultation on the Draft Charging Schedule and Amended Draft Charging Schedule due to sites identified in the Submission Strategic Sites Local Plan being granted planning permission. These developments relied upon s106 funding of infrastructure. The residual funding gap summarised in table 4 clearly demonstrates the need to charge CIL on development to provide funding for infrastructure requirements to support levels of growth set out in the Core Strategy and Strategic Sites Local Plan.

2.29 There will be circumstances where infrastructure identified will also be critical to development to our neighbouring authorities and funding streams may be available from these sources, including CIL contributions raised by neighbouring authorities, especially transport and education provision in the south of the district with Eastbourne Borough Council and Strategic Access Management and Monitoring on the Ashdown Forest with

Mid Sussex District Council, Lewes District Council and Tunbridge Wells Borough Council. There will also be circumstances where CIL contributions collected will be required to be spent outside the district including education provision in the north of the district in Tunbridge Wells and transport provision in Eastbourne.

3 Implementation

Instalments Policy

3.1 The CIL Regulations (as amended) allow the Charging Authority to implement an instalments policy. The policy must be published on the Council's website and include the date on which it takes effect, number of instalments payments, amount of CIL payable in any instalment, time at which the first instalment is due and the minimum amount below which CIL may not be paid by instalment. The instalment policy is not subject to examination and can be amended at any time. The Council intends to publish an Instalments Policy which is is outlined in table 6 below. Two payment bands are proposed based on periods of time from commencement of the development.

3.2 Under Regulation 9 of the CIL Regulations each separate phase of a development is treated as a separate 'chargeable development' and for clarification therefore the instalments policy will apply to each phase.

Table 6 - Draft Instalments Policy

Amount of CIL liability	Number of instalments	Payment period and amount
Amounts less than £500,000	One instalment	• 100% of the chargeable amount payable within 30 days of the commencement of the development
Amounts greater than £500,000 but less than £1,500,000	Two instalments	• 60% of the chargeable amount payable within 30 days of commencements of development • Balance payable within 52 weeks from commencement of development
Any amount greater than £1,500,000	Three instalments	• 60% of the chargeable amount payable within 30 days of commencement of development • Balance payable in a further two instalments of 20% of the chargeable amount payable within 52 weeks and 104 weeks of commencement of development.

Payments in kind

3.3 Regulation 73 of the CIL Regulations provides the potential for a Charging Authority to accept payments in kind for CIL, in the form of a transfer of land to be used for infrastructure provision. The value of the land is required to be assessed by an independent valuer.

3.4 Payments in kind will normally only be considered for land in excess of that needed to deliver the infrastructure required by the development. 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.

3.5 Transfers of land 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.

Exceptional circumstances relief

3.6 The CIL Regulations provide that Charging Authorities have the option to offer a process for giving relief from CIL in exceptional circumstances and where a specific scheme would be unviable if it were required to pay the levy. The guidance and regulations make it clear that this would only apply in very exceptional circumstances and where an s106 agreement was also in place and the value of this exceeds the cost of the CIL charge.

3.7 In addition, any such exceptional relief must not constitute a notifiable state aid. The Charging Authority is legislatively unable to offer relief over £200,000 to any one party over a three year rolling period.

3.8 A Charging Authority wishing to offer exceptional circumstances relief in its area must first give notice publicly of its intention to have an exceptional circumstances policy. A Charging Authority can then consider claims for relief on chargeable developments from landowners on a case by case basis, provided the conditions are met. All claims for relief must be submitted with a viability assessment completed by a suitably qualified independent person.

3.9 Given the very limited scope in the application of the relief, the practical issues involved in assessing the claims and the fact that it militates against the efficiency, clarity and certainty of operation that are the main benefits of CIL, WDC does not now propose to introduce an exceptional circumstances policy.

The relationship between CIL and Section 106 agreements

3.10 Several comments have been received in relation to how the Council intends to use planning obligations and Section 106 agreements after the adoption of the CIL. Concerns were raised that there would be “double counting” between CIL and s106, with developers paying twice towards the same item of infrastructure

3.11 The National Planning Policy Framework (NPPF) states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (paragraph 206, NPPF). Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and where they meet the three tests:

- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development, and,
- Fairly and reasonably related in scale and kind to the development

3.12 The requirement of a Section 106 (s106) obligation varies according to the size, impact and nature of the proposed development. In Wealden, officers rely on Interim Planning Guidance published by East Sussex County Council[1] to inform applicants of the requirement that financial contributions may be required if the development increases the demand for site services and infrastructure where sufficient capacity does not exist. For example they might be used to prescribe the nature of development by; securing a contribution for loss or damage resulting from the development (e.g. loss of open space) or to mitigate the development's impact (e.g. highway improvements or education contributions).

3.13 In line with CIL regulations 122 and 123, once the CIL charging schedule is adopted, or after 6th April 2015, the Council will only be able to pool up to five s106 contributions towards the implementation of a specific item of infrastructure. This item of infrastructure must be clearly exempt from the Regulation 123 list, which is shown in Appendix A. The Regulation 123 list sets out which projects/ types of infrastructure will be wholly or partly by CIL and the infrastructure projects to be funded through s106 contributions. The projects/ types of infrastructure are outlined in detail to provide a clear and transparent system from identifying what infrastructure should be funded through CIL and in what circumstances an item of infrastructure would be in addition to the CIL payment, as a planning obligation to ensure that there will be no actual or perceived "double counting" between CIL and s106.

3.14 The tables in Appendix A Schedule B of the IDP provide a list of the local infrastructure to support the delivery of the Strategic Sites Local Plan and the delivery of the Core Strategy Local Plan that will be funded through site specific s106 and 278 developer contributions and other funding and not through CIL.

Delivery of Affordable Housing in Wealden

3.15 The Wealden District Council Annual Monitoring Report is published on an annual basis. Indicator 3a provides the total number of housing completions per annum and indicator 3c provides the affordable housing completions per annum. The table below outlines the figures since the 2007/08 reporting year.

Table 7 - Wealden housing completions

Year	Total gross completions	Total affordable homes
2011-2012	**619**	**243**
2010-2011	**709**	**228**

1 A New Approach to Developer Contributions – Interim Supplemental Planning Guidance – East Sussex County Council – October 2003

Year	Total gross completions	Total affordable homes
2009-2010	337	77
2008-2009	349	64
2007-2008	415	13

3.16 In 2011-2012 an interim target of 100 affordable housing completions per annum until the Strategic Sites Local Plan is adopted was included in the AMR. Prior to this no target was included in the AMR. In 2010/11 and 2011/12 this target was significantly exceeded and this trend is likely to continue given the housing allocation in the Core Strategy Local Plan and the Strategic Sites Local Plan.

3.17 Below is a table analysing sites within the Strategic Sites Local Plan that currently have outline planning permission[(2)].

Table 8 - Strategic Sites (with planning permission) housing figures

Site	Planning application no.	Total number of units	Total number of affordable units
Site HHD - Land West of Park Road, Hailsham	2013/1294	240	84 (35%)
Site HHE - Land East of Park Road, Hailsham	2013/0637	460	161 (35%)
Site SCB - Land north of Dittons Road	2012/2583	120	48 (40%)
Site SCC,SCD & SCG -Land at the Wells, Stone Cross	2013/1564	286	115 (40%)
Site SCE - Land South of Rattle Road, Stone Cross	2013/2270	120	48 (40%)
Site SCF - Land at Uplands Farm, Stone Cross	2011/1704	82	33 (40%)

3.18 The table shows that each of the sites will achieve the level of affordable housing outlined within the policies in the Strategic Sites Local Plan and based on these figures will deliver 489 affordable units.

2 Each of the sites listed have received outline planning permission only. The total number of units is 'up to' therefore the percentage affordable housing may change at reserved matters stage. This table provides indicative figures based on current information provided in the planning application documentation.

3.19 CIL payments will be sought in line with the Council's adopted CIL charging schedule. In addition, developers will be expected to mitigate any impact on the environmental or local infrastructure that arises directly as a result of the development. Affordable housing will also be continued to be provided through planning obligations. Therefore, although the number of planning obligations will be scaled back, they will be sought in relation to the three main types of matter listed below:

- Affordable housing (as this falls outside the scope of CIL);
- Infrastructure which is required as a result of specific development (which is included on the CIL Regulation 123 list; and
- Mitigating the impacts of development (for example, relating to environmental mitigation and transport and access etc.

3.20 Policy WCS8 Affordable Housing' in the adopted Wealden District Core Strategy sets out the Council's policy to ensure that a proportion of new dwellings built in the District will be affordable. The policy requires that affordable housing will be required at a level of 35% of the number of dwellings in any scheme on sites of 5 or more dwellings (net) or on sites of 0.2 hectares or more.

3.21 Planning obligations will continue to be required (in addition to CIL payments) for our strategic and larger scale developments, which are likely to have a greater impact on the locality. The provision of on site infrastructure for each of the strategic sites is clearly outlined in the Regulation 123 list together with other infrastructure which will be required to be provided through s106.

3.22 There are some cases when the change of use of a build and the redevelopment of a building that does not result in the net gain of any floorspace would be exempt from the charge. However, these types of development can have an impact that may be required to be mitigated in order to make the application acceptable in planning terms. Applicants may need to enter into a section 106 agreement to address any site related mitigation measures required.

How CIL will be spent

3.23 The CIL delivers additional funding for charging authorities to carry out a wide range of infrastructure projects that support growth and benefit the local community. It cannot be expected to pay for the entire infrastructure required, but is expected to provide 'top up funds' to projects where other funding is available, to enable projects to be delivered

3.24 Regulation 123 of the CIL Regulations allows a charging authority to set out a list of infrastructure projects or types on which CIL monies will be spent and puts in place measures to ensure developers are not double charged to implement the same piece of infrastructure by both CIL and section 106 planning obligations. Once CIL is adopted WDC will not be able to secure s106 planning obligations for infrastructure that it proposes to fund through CIL. In order to provide transparency, WDC has produced a list (Regulation 123 list) identifying the infrastructure that it proposes to fund through CIL and through s106 which is outlined in Appendix B.

The meaningful proportion

3.25 The CIL Regulations 2013 set out the level of CIL collected from a development that the charging authority must pass to the Parish Council that the development takes place in. 15% of the receipts associated with a development (capped at £100 per existing council tax dwelling) will be paid to the Parish/ Town Council in areas without an adopted neighbourhood plans and that 25% will be passed to a Parish/ Town Council in areas with an adopted neighbourhood plan (without a cap). In Wealden, the entirety of the district is covered by Parish or Town Councils.

3.26 The meaningful proportion has a wider definition of what the monies could be spent on. Published guidance indicates that it can be spent on supporting the development of the area by funding:

- The provision, improvement, replacement, operations or maintenance of infrastructure; or
- Anything else that is concerned with addressing the demands that development places on an area.

4 Viability evidence

4.1 The 2014 CIL Statutory Guidance states that charging authorities should use infrastructure evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area. When deciding the CIL rates an appropriate balance must be struck between additional investment to support development and the potential effect on viability of developments. When considering the economic valuation of a development, "charging authorities need to demonstrate that their proposed CIL rate or rates are informed by 'appropriate available evidence' and consistent with that evidence across the area as a whole" (paragraph 25). To asses the viability of development in the District and to inform the CIL charge based on this evidence, Peter Brett & Associates (formerly Roger Tym & Partners) were appointed to carry out viability work to underpin the CIL rates.

4.2 A viability report was produced in July 2012 and an updated report was produced in January 2013 and July 2014. Further viability testing was undertaken in May 2013 with regard to each of the ten Strategic Development Areas (SDA's) outlined in the Proposed Submission Strategic Sites Local Plan and this was updated in October 2013. All reports have been published alongside this consultation document and are available on the Council's website.

4.3 The deliverability of the ten SDA's is necessary in order for the housing targets identified in the Council's Adopted Core Strategy to be met. Viability assessments have been carried out for each SDA (in line with the viability appraisals undertaken in the viability report for CIL). The report indicates that profit is the key indicator for viability with a benchmark of 20% profit on costs being allowed in the appraisals as a minimum profit level to deem development viable. Such a profit level is deemed appropriate given current market conditions and development proposed (para 3.6.1). Each of the SDA's show a profit of at least 20%. The report concludes that in general CIL, Affordable Housing Policy and other Section 106 demands are not negatively affecting the viability of the SDA's.

4.4 The CIL Viability work has been updated and published alongside this consultation document. This updated report takes into account the 2014 Statutory Guidance and any changes to the market in terms of the assumptions used in the viability appraisals.

Proposed rates for residential charges

4.5 During consultation a number of comments were made relating to the residential CIL charges. They included objections to the geographical rate variations and which category (low/mid/high) settlements fall into. The classification of Crowborough and Uckfield were challenged in several representations. Having carefully reviewed the comments with our appointed consultants and the changes in the viability evidence the Council considers that the geographical rate variations should be amended to merge the mid band with the lower band to create two separate charging zones (lower and higher). Two zones are considered appropriate to reflect the broad geographical differences of residential viability identified in the research although it is acknowledged that there will be small pockets of variation across a large District such as Wealden. The report concludes

that the viability has increased for residential development across the district in the lower and higher banded areas. The viability in the mid band area has been minimal due to the lack of available stock coming into the market. It is proposed to merge the mid and lower bands to reflect this change in the viability position and create a unified charge in the lower area. This ensures that the level of CIL charges are set at an appropriate level to ensure that the development proposed within the Core Strategy is viable with the policy requirements as set out in the Core Strategy Local Plan and Strategic Sites Local Plan.

4.6 In line with this change in the charging bands and the increase in the viability across the district it is proposed to increase the CIL charges in the higher and lower bands. The higher band will increase from £180 sqm to £200 sqm and the lower band from £110 sqm to £150 sqm .

4.7 Comments were also made to challenge the assumptions used in the viability appraisals and challenging the rate of the residential charge as being too high and risking development viability. Conversely a number of correspondents felt the charge was set too low. In line with the consultants recommendations, the Council has been cautious not to set CIL rates further towards the theoretical maximum levels to allow for land value variations, variable development costs and other contingencies. The updated Viability Report shows a stronger viability position therefore the Council is therefore satisfied that the increase in the rates proposed would not put development at risk of non viability. The viability appraisals undertaken in the viability work demonstrate very positive overages based on the assumptions regarding values, costs, and profit levels built into the appraisals.

4.8 The proposed CIL charges are generally no more than 4% of the asking prices for the properties currently listed on the property website used for this research. For detached properties (the majority of the sales across the District) this reduces to 2.5% of the asking price.

Proposed rates for retail charges

4.9 A number of respondents objected to the separation of convenience and comparison retail for the CIL charge. It has also been stated that s106 contributions have not been taken into account in the viability assessments.

4.10 In response to these comments further development appraisals have accordingly been undertaken to include s106 contributions for the retail charges which show that the rates remain viable. These appraisals are shown in the updated Viability Study published alongside this consultation document.

4.11 In line with the Consultants recommendations to the Council we contend that the regulations do provide the scope for differentiating building uses in the way undertaken in the viability report. The CIL Regulations allow differentiation by “uses of development”. Development is specifically defined for CIL to include only “buildings”. There is no requirement to follow the Use Classes Order in setting a CIL and the Council can differentiate CIL rates by building use.

4.12 The Examiners report on the CIL Examination report for Plymouth City Council dated 5th October 2012 addressed differential retail CIL rates. The context for such differential rates is set out in paragraphs 11 and 12 of the Examiners report. Regulation 13 of the CIL Regulations allow for differential rates to be set where viability differs by reference to Zones where buildings could be situated by reference to the different "intended uses" of development. The report goes on to state that "there is nothing in the Regulations to indicate that different "intended uses" could not fall within the same use class under the Town and Country Planning (Use Classes) Order 1987. However, there would need to be a clear and actual difference in the uses that can be unambiguously described, if a differential CIL is to be charged" (paragraph 11). In addition "the application of differential rates for different forms of retail, such as convenience rather than comparison shopping, could only be justified where a distinct delineation can be made between different intended retail uses, and where the different uses thus identified have demonstrably different viability characteristics" (paragraph 12). The evidence needs to demonstrate a difference in viability which mirrors a clearly identifiable difference in the intended use of retail development.

4.13 During the period 01/01/03 to 01/07/14 Wealden District Council (WDC) received 67 full planning applications which include retail provision. Six applications included convenience retail and sixty one comparison retail. Of the six convenience retail one related to a change of use to provide a newsagent, one additional petrol pump at a petrol station and four were from major convenience retailers for supermarket provision across the district totalling 6622 sqm of retail floorspace (4190 sqm net additional floorspace). These comprised three applications for new supermarkets and one for alterations to an existing retail unit, all within main town centres within the District. Of the sixty one comparison retail applications fifty four related to a change of use where no additional floorspace was created and three where minor additional floorspace was created (less than 250 sqm). Four related to minor alterations to existing retail units. This evidence indicates that there is a clear difference in the type of new build retail development taking place across the District. Based upon this pattern of development both convenience and comparison retail were tested in the viability study. The viability evidence showed a clear difference between comparison and convenience retail justifying a differential rate for each use. The scenarios tested in the viability study included in town and edge of town comparison retail schemes. The viability report concluded that edge of town schemes could sustain up to £41 psqm and in town schemes were unviable. A charge of £20 psqm was recommended given the majority of in town schemes are for change of use where no additional floorspace is created and no CIL charge would be payable.

4.14 Concern was also raised relating to development which encompasses both convenience and comparison retail. For clarification the Council is not proposing to charge convenience and comparison space within the same store at different CIL rates. The charge will be set on the majority use. In stores that sell a mixture of convenience and comparison goods the majority use will be used to determine the CIL liability.

4 Viability evidence

5 The Draft Charging Schedule

Setting the CIL rate

5.1 The evidence set out in the Viability Study informs the proposed CIL rates for Wealden District.

5.2 The CIL Regulations acknowledge that the rates of CIL may make some types of development unviable, and therefore a zero CIL charge may be appropriate. The key consideration however in setting a charge is to ensure that the imposition of CIL does not harm economic viability across the District when considered as a whole. The rates are proposed at a level that does not put the overall quantum of development proposed through the Local Plan at risk. A CIL charge set at or near the maximum level could have a serious adverse effect on development throughout Wealden should markets or policies change that tip viability over this critical point. The CIL regulations therefore recommend that the CIL charge is not set near the margins of viability. It is considered therefore, that the proposed CIL rates outlined in section 5.3 below should be resistant to market and policy changes, given they have been set at an amount that is viable within the current economic climate.

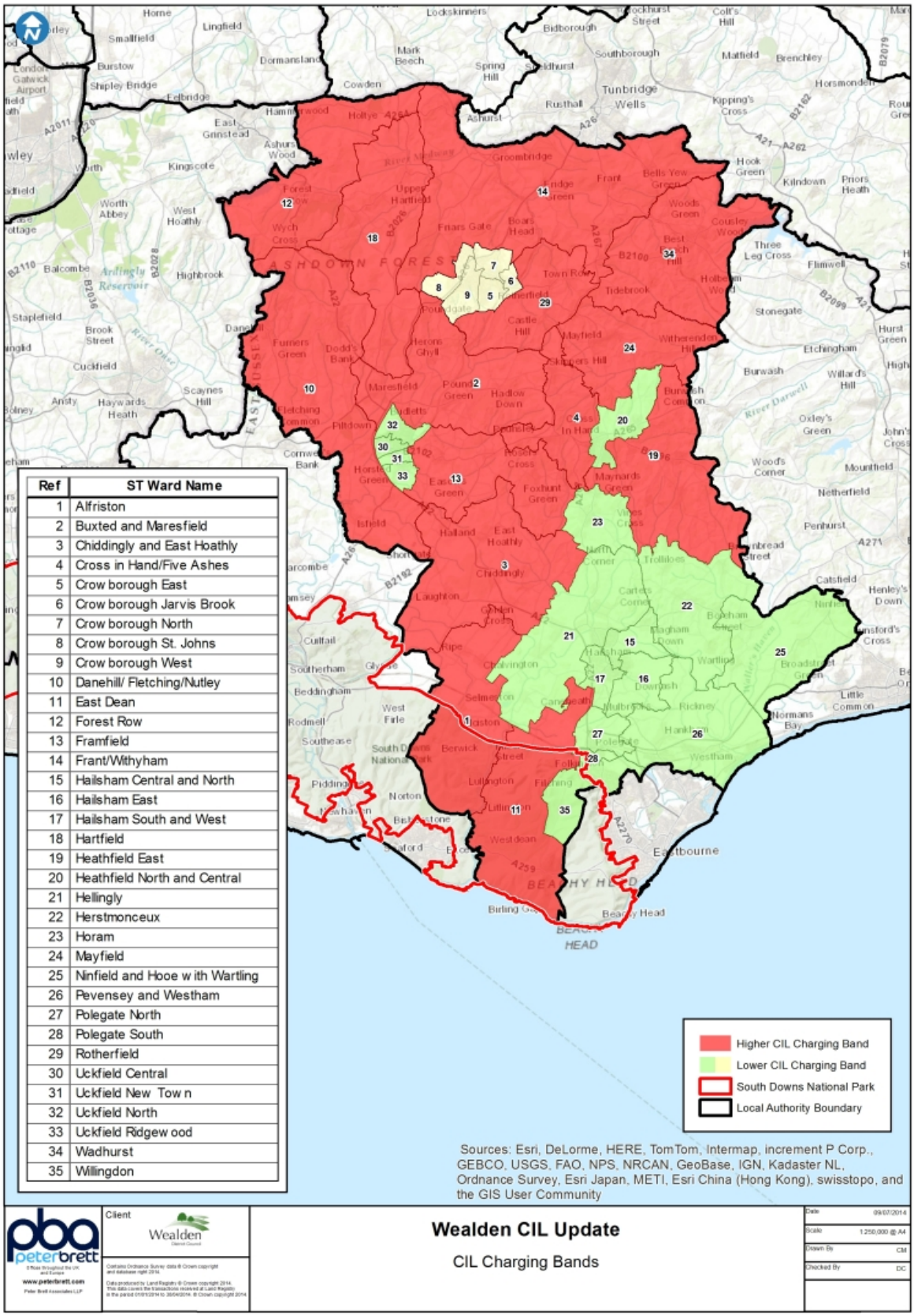
5.3 The proposed charging schedule is set out in Table 9 below. The Ordnance Survey map extract (Figure 1) identifies the zones to which the residential CIL charges apply.

Table 9 - Recommended charging rates for Wealden District Council (excluding the area covered by the South Downs National Park Authority) CIL - (per sq m)

Development	CIL Charge (£ per sq m)
Residential (higher band)	£200
Residential (lower band)	£150
Retail - wholly or mainly convenience	£100
Retail - wholly or mainly comparison	£20
Standard Charge (applies to all development not separately defined)	£0

Source: PBA

Figure 1 Residential Charging Zone Boundaries



5.4 The residential zones follow Standard Table Wards and in order to provide additional clarity, Table 10, below identifies the wards that fall within each zone.

Table 10 - Wards within particular Charging Zones

Charging Zone	Standard Table Wards included
1 - Higher	Alfriston Buxted and Maresfield Chiddingly and East Hoathly Cross in Hand/Five Ashes Danehill/Fletching/Nutley East Dean Forest Row Framfield Frant/Withyham Hartfield Heathfield East Mayfield Rotherfield Wadhurst
2 - Lower	Crowborough East Crowborough Jarvis Brook Crowborough North Crowborough St Johns Crowborough West Hailsham Central and North Hailsham East

Charging Zone	Standard Table Wards included
	Hailsham South and West Heathfield North and Central Hellingly Herstmonceux Horam Ninfield and Hooe with Wartling Pevensey and Westham Polegate North Polegate South Uckfield Central Uckfield New Town Uckfield North Uckfield Ridgewood Willingdon

6 How to comment on the Draft Charging Schedule

6.1 Comments and feedback are welcomed on this document. The consultation period runs for six weeks from **Monday 15th September 2014 until Monday 27th October 2014**.

6.2 Please read the accompanying 'Guidance Note for Respondents' before submitting your comments.

6.3 Where possible, the Council would prefer that you submit your response using our online 'Objective' consultation system at http://wealden.objective.co.uk/portal.

6.4 If you would prefer to submit your comments by post, please complete our prescribed representation form and send it to us by email:

ldf@wealden.gov.uk

Or by post to:

Community Infrastructure Levy

Planning Policy

Wealden District Council

Council Offices

Vicarage Lane, Hailsham

East Sussex,

BN27 2AZ

For more information please contact us at the above address/email or alternatively telephone the Planning Policy Team on 01892 602008.

The closing date for comments is 5.00 pm on Monday 27th October 2014.

6.5 Please note that representations cannot be treated in confidence. Regulation 30 of the Town and Country Planning (Local Development) (England) Regulations 2004, as amended, requires copies of all representations to be made publicly available. The Council will also provide names and associated representations on its website but will not publish personal information such as telephone numbers, e-mail or private addresses. By submitting a representation on the Draft Charging Schedule you confirm that you agree to this and accept responsibility for your comments.

6 How to comment on the Draft Charging Schedule

7 Next Steps

7.1 Following the consultation the Council will submit the Draft Charging Schedule, together with the comments received, for examination in November 2014. Such examination will be carried out by an independently appointed Government inspector.

7 Next Steps

Appendix A: Regulation 123 List

Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations for the provision of infrastructure that will be funded in whole or in part by the Community Infrastructure Levy. Infrastructure types or projects that are listed below will not be secured through planning obligations. This is to ensure there is no duplication between CIL and planning obligations secured through s106 agreements in funding the same infrastructure projects.

The indicative list below sets out those infrastructure projects that Wealden District Council intends will be, or may be, wholly or partly funded by CIL. The inclusion of projects in this list does not signify a commitment from the Council to fund all the projects listed, or the entirety of any one project through CIL. The order in the table does not imply any order of preference for spend.

Table 11

Infrastructure projects/types to be funded wholly or partly by CIL (by CIL Chargeable development)
• Improvements to release additional road capacity and road safety measures, including public transport provision in the Parishes of Hailsham, Hellingly, Polegate, Willingdon and Jevington and Westham, Uckfield and the Strategic Road Network
• Improvements to public transport provision associated with development at Land at West Uckfield (Policies SUC1 and SUC4 of the Strategic Sites Local Plan), Land at East Hailsham (Policies SSH1 and SHH3 of the Strategic Sites Local Plan), Land at North Hailsham (Policies SHH5 and SHH6 of the Strategic Sites Local Plan), Land at South Polegate and East Willingdon (Policy SPW1 and SPW3 of the Strategic Sites Local Plan), Land at Dittons Road, Polegate (Policy SPW4 and SPW6 of the Strategic Sites Local Plan), Land at Stone Cross (Policy SSC1 and SSC3 of the Strategic Sites Local Plan) and Land at South East Crowborough (Policy SCR10 and SCR12 and Land adjacent to Tunbridge Wells, Frant (Policy SFR1 and SFR3 of the Strategic Sites Local Plan).
• Improvements to release additional road capacity and road safety measures within the Lewes District Council area.
• Primary School and early year's provision located on Land at North Hailsham identified in the Core Strategy Policy WSC4 and in the Strategic Sites Local Plan Policy SHH4.
• Primary School and early year's provision located on Land at West Uckfield identified in the Core Strategy Policy WSC4 and in the Strategic Sites Local Plan Policy SUC1 and secondary school provision in the Parish of Uckfield.

Infrastructure projects/types to be funded wholly or partly by CIL (by CIL Chargeable development)
• Primary School and early year's provision located on Land at South Polegate and East Willingdon identified in the Core Strategy Policy WSC4 and in the Strategic Sites Local Plan Policy SPW1.
• Early year's provision for Pevensey and Westham and Herstmonceux
• Secondary School provision for development in Stone Cross, Polegate and Willingdon and Hailsham to be provided in the Parishes of Westham, Polegate, Willingdon and Hailsham
• Early years and primary school provision for Crowborough
• Provision and maintenance of Suitable Alternative Natural Green Space (SANGS)
• Strategic Access Management and Monitoring Strategy (SAMMS) on Ashdown Forest
• The provision of Health Care facilities
• Multi functional indoor Community facilities in the Parishes of Westham and Polegate and Willingdon.
• Library provision
• Waste Management facilities
• Town centre public car parking facilities

Unless the need for specific infrastructure contributions arises directly from five or fewer developments section 106 arrangements may continue to apply if the infrastructure is required to make the development acceptable in planning terms.

The approach to the future use of any pooled section 106 contributions is set out in the table below which outlines the items of infrastructure where section 106 contributions will continue to be sought.

Table 12

Infrastructure projects/types to be funded through s106 contributions (by CIL chargeable development)
• Provision of affordable housing
• Provision of serviced employment land associated with mixed use development

Infrastructure projects/types to be funded through s106 contributions (by CIL chargeable development)
• Provision of vehicle (including cycle) and pedestrian accesses to development areas
• Specific measures for vehicles (including cycles) and pedestrians associated with development to improve accessibility.
• Improvements to release additional road capacity and road safety measures in all Parishes except Hailsham, Hellingly, Polegate, Willingdon and Jevington and Westham, Uckfield and within the Lewes District Council area and the Strategic Road Network.
• Improvements to public transport provision not associated with development at Land at West Uckfield (Policies SUC1 and SUC4 of the Strategic Sites Local Plan), Land at East Hailsham (Policies SSH1 and SHH3 of the Strategic Sites Local Plan), Land at North Hailsham (Policies SHH5 and SHH6 of the Strategic Sites Local Plan), Land at South Polegate and East Willingdon (Policy SPW1 and SPW3 of the Strategic Sites Local Plan), Land at Dittons Road, Polegate (Policy SPW4 and SPW6 of the Strategic Sites Local Plan), Land at Stone Cross (Policy SSC1 and SSC3 of the Strategic Sites Local Plan) and Land at South East Crowborough (Policy SCR10 and SCR12 and Land adjacent to Tunbridge Wells, Frant (Policy SFR1 and SFR3 of the Strategic Sites Local Plan).
• Education provision with the exception of: Primary school and early years provision located on Land at North Hailsham identified in the Core Strategy Policy WSC4 and in the Strategic Sites Local Plan Policy SHH4; Primary school and early years provision located on Land at West Uckfield identified in the Core Strategy Policy WSC4 and in the Strategic Sites Local Plan Policy SUC1; Secondary school provision in the parish of Uckfield, Primary school and early years provision located on Land at South Polegate and East Willingdon identified in the Core Strategy Policy WSC4 and in the Strategic Sites Local Plan Policy SPW1; Early years provision for Herstmonceux and Pevensey and Westham; and early years and primary school provision for Crowborough.
• The provision of multi functional indoor community facilities with exception of a multi functional indoor community facility at Land at South Polegate and East Willingdon identified in the Core Strategy Policy WSC4 and in the Strategic Sites Local Plan Policy SPW1 and Land South of Appletrees, South of Rattle Road, Stone Cross identified in the Strategic Sites Local Plan Policy SSC1.
• Measures to improve safety measures at self operated pedestrian crossing gate over railway on Footpath Willingdon and Jevington Number 6 the 1066 Way.
• Noise attenuation measures
• Off site landscape measures

Infrastructure projects/types to be funded through s106 contributions (by CIL chargeable development)
• Odour control measures at Waste Water Treatment Works
• Upgrading of sewerage pipelines
• Mitigation measures to address hydrological impact, including surface water pollution, on the Pevensey Levels Ramsar Site and candidate SAC.
• Provision of new, enhanced and management of biodiversity attributes
• Provision of compensatory land for Sites of Nature Conservation Importance (do we include SSSI here as although it is not in the SSLP it will be a general requirement).
• Provision of open space, green space, leisure and recreation
• Measures to address any archaeological requirements
• Any flood risk measures, including sustainable drainage systems

There are a number of developments that may be classified as CIL exempt, where more than 5 planning obligations can be pooled. For purposes of clarification S106 will be collected for the following.

Table 13

• Maintenance of SANGS, for relevant CIL exempt development
• Strategic Access Management and Monitoring on Ashdown Forest, for relevant CIL exempt development

Appendix B: Calculating the chargeable amount

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 at which CIL is chargeable in respect of the chargeable development taken from the charging schedules 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;

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 value of A in paragraph (5) must be calculated by applying the following formula—

$$\frac{CR \times (C - E)}{C}$$

where—

CR = the gross internal area of the part of the chargeable development chargeable at rate R, less an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) on completion of the chargeable development which —

(a) on the day planning permission first permits the chargeable development,are situated on the relevant land and in lawful use;

(b) will be part of the chargeable development upon completion; and

(c) will be chargeable at rate R.

C = the gross internal area of the chargeable development; and

E = an amount equal to the aggregate of the gross internal areas of all buildings which—

(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and

(b) are to be demolished before completion of the chargeable development.

(7) The index referred to in paragraph (5) is 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; and the figure for a given year is the figure for 1st November of the preceding year.

(8) But in the event that the All-in Tender Price Index ceases to be published, the index referred to in paragraph is the retail prices index; and the figure for a given year is the figure for November of the preceding year.

(9) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—

(a) the gross internal area of a building situated on the relevant land; or

(b) whether a building situated on the relevant land is in lawful use, the collecting authority may deem the gross internal area of the building to be zero.

(10) For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

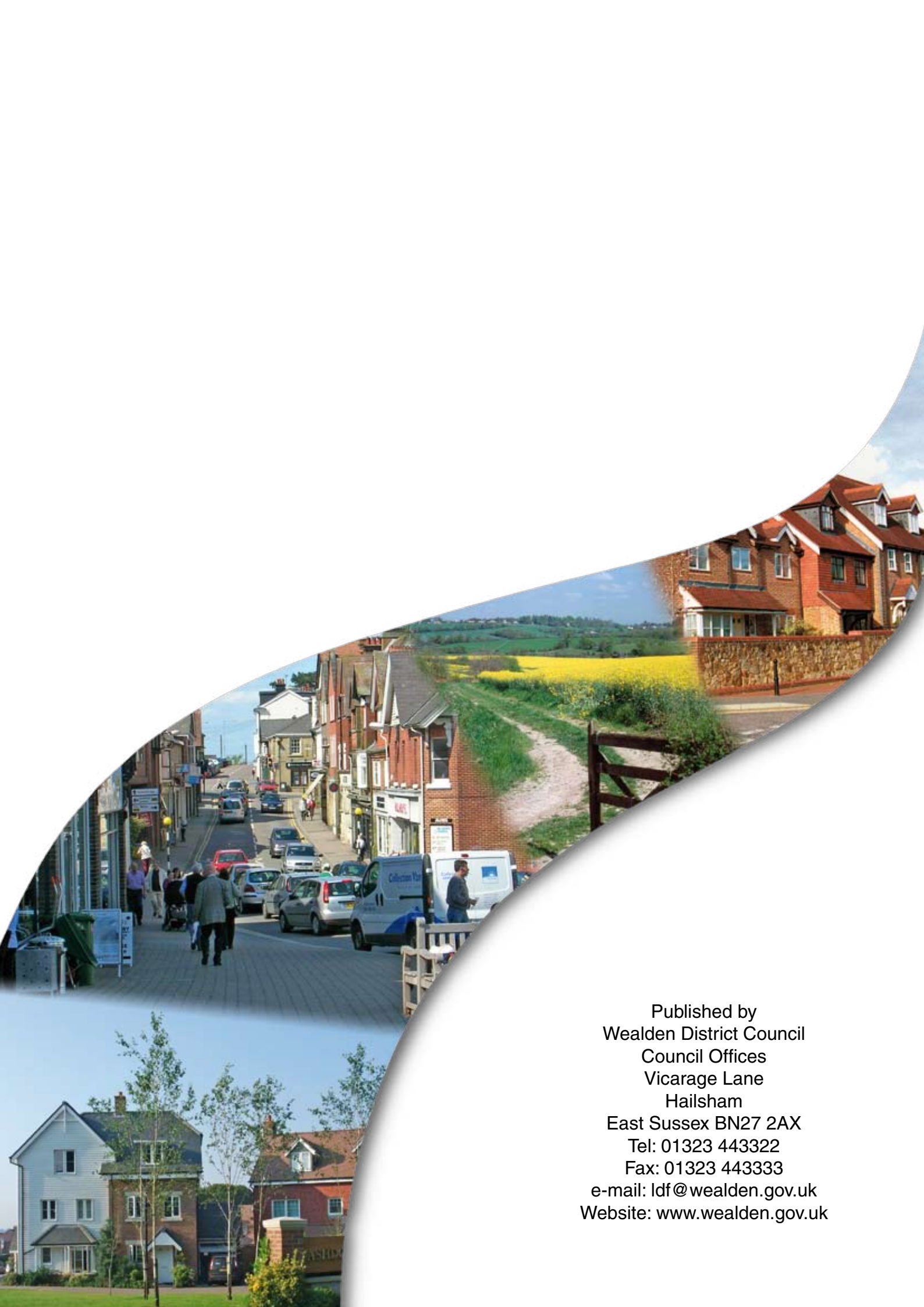
(11) In this regulation “building” does not include—

(a) a building into which people do not normally go;

(b) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or

(c) a building for which planning permission was granted for a limited period.

(12) In this regulation “new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.



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