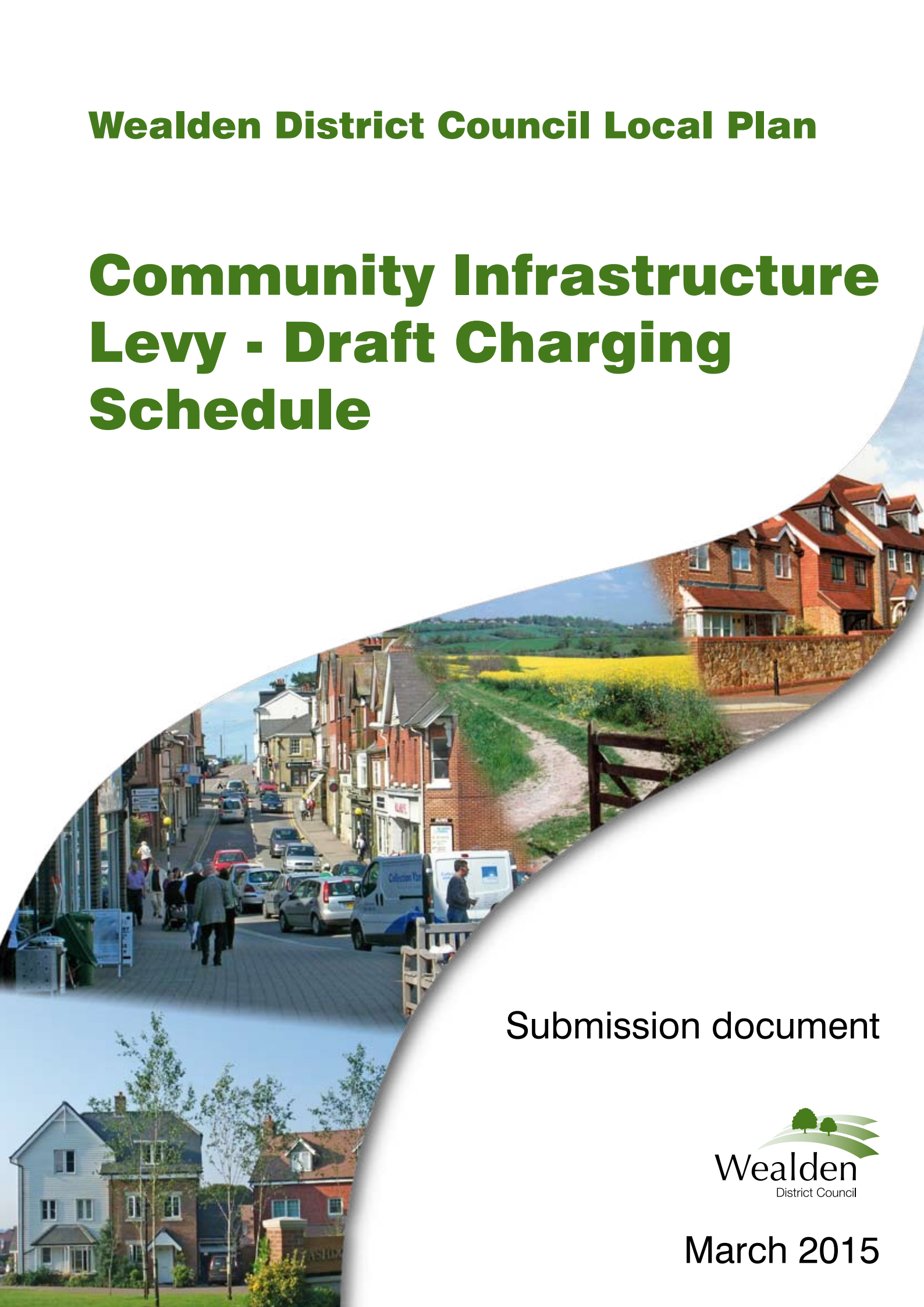
Wealden District Council Local Plan

Community Infrastructure Levy - Draft Charging Schedule



Submission document

Wealden District Council

March 2015

How to Contact Us

Planning Policy
Wealden District Council
Council Offices, Vicarage Lane, Hailsham, East Sussex BN27 2AX

Telephone 01892 602007
E-mail: ldf@wealden.gov.uk
Website: www.wealden.gov.uk

Office hours Monday, Tuesday, Thursday, Friday 8.30am to 5.00pm and Wednesday 9.00am to 5.00pm

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

NAPM RECYCLED 75% APPROVED

Contents

1 Introduction 1

2 Infrastructure evidence and the funding gap 3

3 Implementation 5
Instalments Policy 5
Payments in kind 5
Exceptional circumstances relief 6
The relationship between CIL and Section 106 agreements 7
How CIL will be spent 10

4 Viability evidence 13
Proposed rates for residential charges 13
Proposed rates for retail charges 14

5 The Draft Charging Schedule 17

Appendices

Appendix A: Regulation 123 List 21

Appendix B: Calculating the chargeable amount 25

Contents

1 Introduction

1.1 This document sets out Wealden District Council's (excluding the area covered by the South Downs National Park Authority) (WDC) Community Infrastructure Levy (CIL) Draft Charging Schedule and summary of supporting evidence.

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 Planning Policy Guidance and Community Infrastructure Levy Regulations 2010 (as amended).

1.3 WDC set a timetable to introduce a CIL by November 2015 (or earlier if possible) in its updated Local Development Scheme which was adopted by Full Council on 28th January 2015. 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	15th September 2014 - 27th October 2014
Submission of CIL Draft Charging Schedule to Planning Inspectorate for examination	March 2015
CIL Examination	June 2015
Full Council Adoption of CIL	November 2015
Implementation of CIL	November/ December 2015

1.4 The following consultation exercises have been undertaken in the production of the Draft Charging Schedule;

Table 2 : CIL Consultation Stages

Consultation Stage	Dates of Consultation	Number of responses received
Preliminary Draft Charging Schedule	13th August 2012 - 23rd September 2012	45`

Consultation Stage	Dates of Consultation	Number of responses received
Draft Charging Schedule	17th June 2013 - 29th July 2013	27
Amended Draft Charging Schedule	9th December 2013 - 3rd February 2014	15
Revised Draft Charging Schedule	15th September 2014 - 27th October 2014	26

1.5 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. An additional hearing date was held on 20th January 2015. In light of this delay in the examination WDC prepared an Affordable Housing Delivery Local Plan setting out the level of affordable housing required on the Strategic Sites to support the CIL Draft Charging Schedule. The Affordable Housing Delivery Local Plan is a single policy document relating only to Policy WCS8 in the Core Strategy relating to affordable housing. This Local Plan is being submitted alongside the CIL DCS for examination to take place at the same time.

2 Infrastructure evidence and the funding gap

2.1 The National Planning Policy 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. 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. An updated IDP has been published alongside this document providing the most up to date information to support the draft charging schedule.

2.2 WDC has published alongside this document 'Background Paper 1: Infrastructure Evidence and the Funding Gap' and 'Background Paper 2: Suitable Alternative Natural Greenspace (SANGS) and Strategic Access Management and Monitoring Strategy (SAMMS)' which identifies the infrastructure required to identify the funding gap.

2.3 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.

2.4 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.

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

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

2.6 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.

2.7 Table 9 of Background paper 1: Infrastructure Funding Gap Analysis (reproduced below) sets out a summary of the funding gap and outlines a residual funding gap of £73,452,131.

Table 3 - Funding Gap summary table

Critical Infrastructure to support growth	Total estimated infrastructure costs	Assumed/potential funding deductions (£)*	Funding Gap (£)
SANGS/ SAMMS	£10,731,300	£0	£10,731,300
Transport	£43,999,000	£15,953,639	£28,034,361
Education	£54,600,000	£10,669,000	£43,931,000
Health**	£2,000,000	£1,046,580	£953,420
Aggregate funding gap	**£111,319,300**	**£27,669,219**	**£83,650,081*****
Projected CIL income			**£10,197,950******
Residual funding gap			**£73,452,131**

*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 does not reflect potential Section 106 funding that may be negotiated in relation to applications on Strategic sites which are currently under consideration and which may recieve planning approval before the adoption of CIL. This may increase the available funding and reduce the funding gap.

**** This figure is correct as at the end of February 2015. Should applications be received prior to the implementation of the Charging Schedule then this figure will reduce.

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 4 - 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 In accordance with Regulation 73 of the CIL Regulations, WDC may support the payment of part of a CIL liability in the form of one or more land payments. This will be subject to the following conditions:

- The Council must be satisfied that the land to be transferred would be appropriate for the provision of necessary infrastructure to support the growth of the District. It is entirely at the Council's discretion as to whether to accept a land transfer in lieu of CIL.
- 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.
- The chargeable development must not have commenced before a written agreement with the Council to pay part of the CIL amount in land has been made. This agreement must state the value of the land to be transferred.
- The person transferring the land to the charging authority as payment must have assumed liability to pay CIL and completed the relevant CIL forms.
- The land to be transferred must be values by a suitably qualified and experienced independent person as agreed with the Council. The valuation must represent a fair market price for the land on the day that it is valued and reflect the relevant purposes for which the land will be utilised.
- The land, subject to the transfer, must be free from any interest in land and encumbrance to the land, buildings or structures.
- The land, subject to the transfer, must be fit for a relevant purpose being the provision of necessary infrastructure to support the growth of the District.
- The Council may transfer the land, at nit cost, to a third party for the provision of infrastructure.

Exceptional circumstances relief

3.4 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.

3.5 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.

3.6 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.

3.7 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

3.8 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

3.9 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

3.10 The requirement of a Section 106 (s106) obligation varies according to the size, impact and nature of the proposed development. The Council relies 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).

3.11 In line with CIL regulations 122 and 123, once the CIL charging schedule is adopted, the Council will only be able to pool up to five s106 contributions towards the implementation of a specific item of infrastructure. 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.

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

3.12 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

3.13 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 5 - Wealden housing completions

Year	Total gross completions	Total affordable homes
2013-2014	**560**	**201**
2012-2013	**674**	**150**
2011-2012	**619**	**243**
2010-2011	**709**	**228**
2009-2010	**337**	**77**
2008-2009	**349**	**64**
2007-2008	**415**	**13**

3.14 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. Since this time this target has been significantly exceeded in each reporting year and this trend is likely to continue given the housing allocation in the Core Strategy Local Plan and the Strategic Sites Local Plan.

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

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.

Table 6 - Strategic Sites (with planning permission) housing figures

Site	Planning application no.	Total number of units	Total number of affordable units
Site HHA (part) - Amberstone Nursery	**2014/1078**	**47**	**16 (35%)**
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%)**
Site CRF - Land at Walsh Manor Farm	**2014/1565**	**160**	**56 (35%)**

3.16 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 561 affordable units.

3.17 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).

3.18 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. In light of changes in Government policy WDC has prepared an Affordable Housing Delivery Local Plan which seeks to amend policy WCS8 of the Core Strategy. The revised Local Plan requires affordable housing at a level of 35% of the number of dwellings on development sites in areas defined on the Proposals Map as Affordable Housing Policy Area of 11 dwellings (net) or more and with a combined gross floorspace of more than 1000 sqm. Affordable housing is required in all other areas of the District at a level of 35% of the number of dwellings on development sites of 6 dwellings (net) or more.

3.19 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.

3.20 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

3.21 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

3.22 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

3.23 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.

3.24 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.

3 Implementation

4 Viability evidence

4.1 The NPPG states that charging authorities must show why the proposed rates set an appropriate balance between the need to fund infrastructure and the potential implications for the economic viability of development across their area. 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. 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 changes to the NPPG and CIL Statutory Guidance introduced in 2014 and any changes to the market in terms of the assumptions used in the viability appraisals.

Proposed rates for residential charges

4.5 The proposed rates for residential development are set out in table 7 in section 5 and comprise of a higher band of £200 per square meter and a lower band of £150 per square meter. The charging zone boundaries are set out in Figure 1 in section 5. Two zones are considered appropriate to reflect the broad geographical differences of residential viability identified in the viability study although it is acknowledged that there will be small pockets of variation across a large District such as Wealden.

4.6 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.

4.7 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

4.8 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.

4.9 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.

4.10 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.

4.11 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.

4.12 During the period 01/01/03 to 14/01/15 WDC received 70 full planning applications which include retail provision. Six applications included convenience retail and sixty two comparison retail. Two new applications do not stipulate what type of retail uses the new development will be. 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 two comparison retail applications fifty five related to a change of use where no additional floorspace was created and four 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 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.

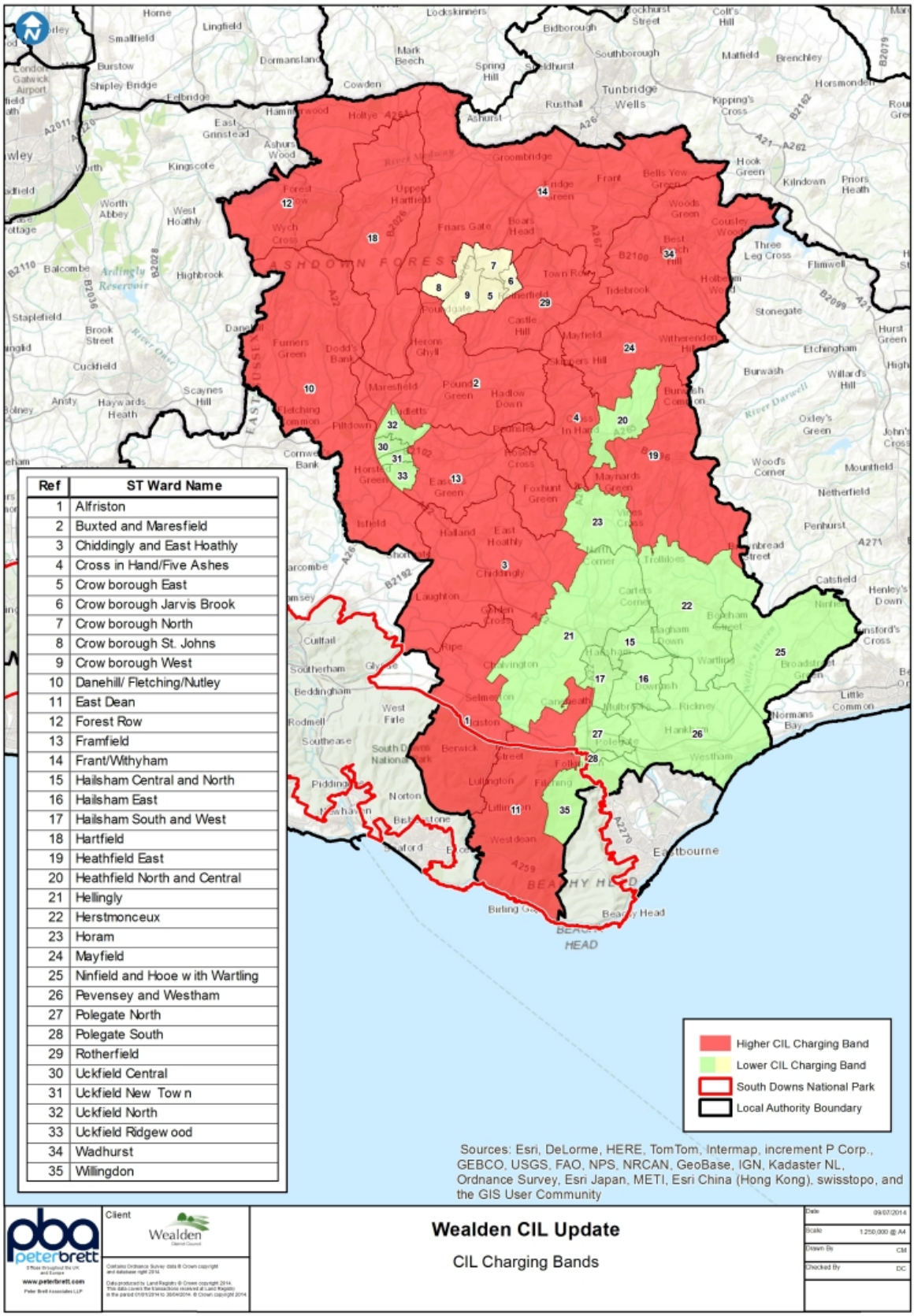
5.3 The proposed charging schedule is set out in Table 9 below. The Ordnance Survey map extract (Figure 1) identifies the zones to which the residential CIL charges apply.

Table 7 - 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 8 - 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

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 9

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
• Policing Infrastructure and community safety 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 10

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
• 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 11

• 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.

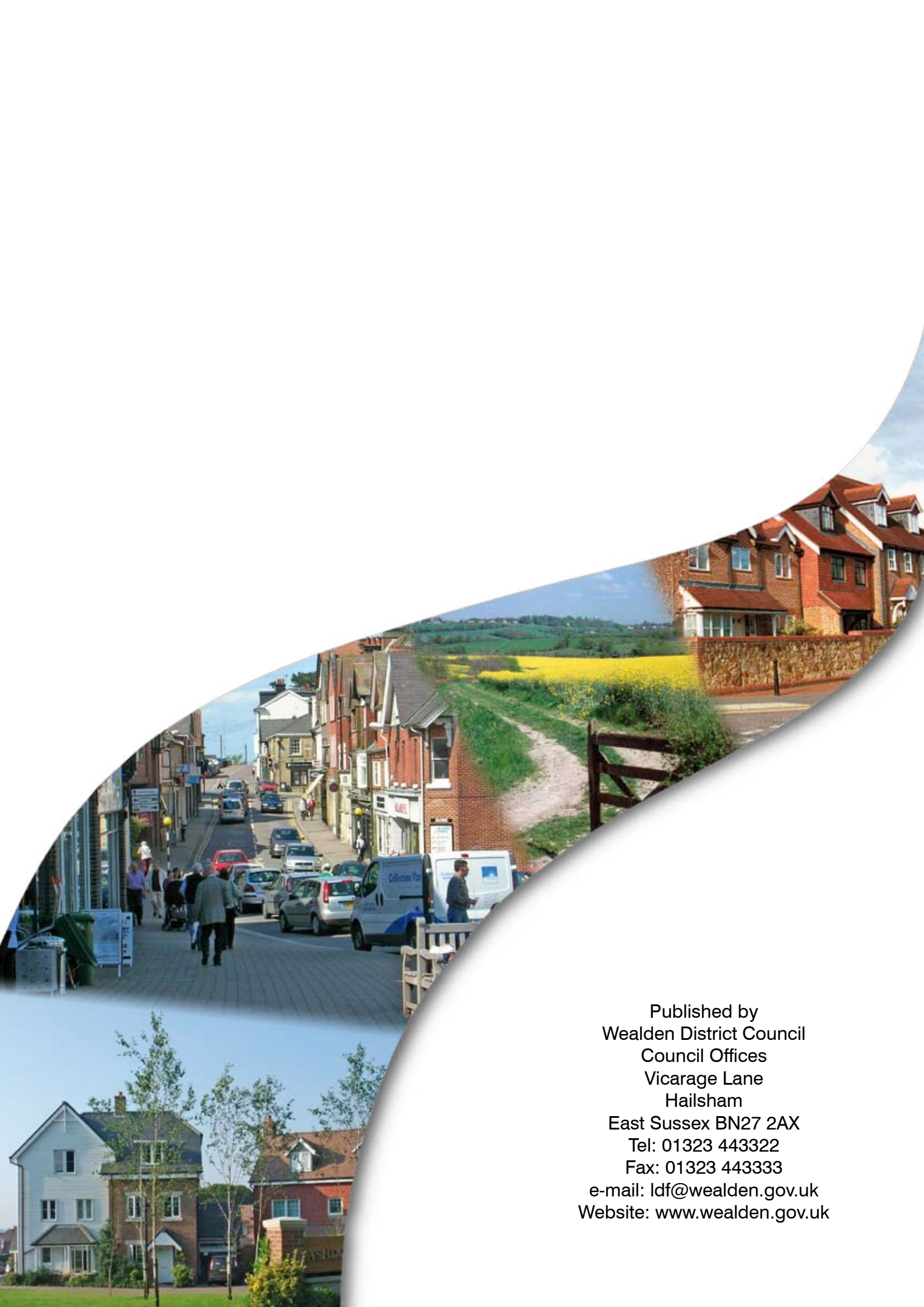
(11) In this regulation “building” does not include—

(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.



Published by
Wealden District Council
Council Offices
Vicarage Lane
Hailsham
East Sussex BN27 2AX
Tel: 01323 443322
Fax: 01323 443333
e-mail: ldf@wealden.gov.uk
Website: www.wealden.gov.uk