

**COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE:
SUBMISSION DOCUMENT
(Report by Head of Planning)**

1 INTRODUCTION

- 1.1 This report describes the background and consultation involved in the production of the Huntingdonshire Community Infrastructure Levy Charging Schedule, leading to the final version of the Charging Schedule and evidence to be submitted for examination. Members are asked to consider the Charging Schedule and it is recommended that the necessary papers be approved for submission.

2 BACKGROUND

- 2.1 The Community Infrastructure Levy (CIL) was first noted in the Planning Act 2008. This was followed in April 2010 with the Community Infrastructure Regulations and subsequent amendments in 2011.
- 2.2 The 'Huntingdonshire Community Infrastructure Levy - Preliminary Draft Charging Schedule' (issued for consultation between 29 July 2011 and 9 September 2011) set out the Council's initial framework for justifying the introduction of a new Community Infrastructure Levy (CIL) to be charged on most new development across the District. The CIL is a mechanism to allow local planning authorities in England and Wales to raise funds from developments to help pay for the infrastructure that is, or will be, needed as a result of new development. It applies to most new buildings and charges are based on the size and type of the new development.
- 2.3 The CIL is based on identified community infrastructure needs, and is payable per net additional square metre of floorspace. Affordable housing development, development by charities and a limited range of minor ancillary development is exempt from CIL. Domestic household extensions up to 100 square metres of net additional floorspace are not liable for CIL. All other development is liable for CIL which is charged on a scale of rates based on viability testing. The outcome of the viability testing means that some types of new development, such as new business space, are subject to a nil charge, whilst other types of new development, including all new dwellings (houses and flats), are subject to a viability tested charge. The proposed charges for the 'Draft Charging Schedule' are set out section 3 of this report.
- 2.4 The CIL 'Draft Charging Schedule' (issued for consultation between 23 November 2011 and 3 January 2012) is complementary to the 'Developer Contributions Supplementary Planning Document' (SPD) which was subject to a consultation at the same time as the CIL

'Preliminary Draft Charging Schedule'. The SPD was considered and adopted by Cabinet on 8th December 2011. The SPD is now operational, and the SPD and the CIL will operate together when the CIL is adopted. It is envisaged that the CIL 'Draft Charging Schedule' will be subject to an Examination in Public, followed by adoption in April 2012 at Full Council. The next steps for the CIL are set out in section 6 of this report.

3 CONSULTATIONS

Stage 1: Preliminary Draft Charging Schedule

3.1 The CIL 'Preliminary Draft Charging Schedule' was subject to a widespread public consultation for a 6 week period between 25th July 2011 and 9th September 2011. A consultation session with the Council's Developers and Agents Forum was held on 5th September 2011. A total of 134 representations from 39 respondents were received. The key themes raised within the representations were:

- Impacts on development viability and challenges on the justification and scale of proposed CIL charges
- Clarifications on the viability testing and evidence base used to inform the CIL
- Linkages with the proposed SPD

Stage 2: Draft Charging Schedule

3.2 A range of minor changes were incorporated into the CIL 'Draft Charging Schedule' in line with the officer comments. In response to consultation comments, the proposed CIL rates were reviewed through further viability testing. The proposed rates were consequently amended and at the Cabinet meeting of 19th November 2011, the Draft Charging Schedule was approved for the final round of consultation in line with the Community Infrastructure Regulations 2010 (as amended). The rates proposed were:

Proposed charge for development types	CIL rate (per square metre)
All development types unless stated otherwise in this table	£ 85 (standard rate)
Retail 500 sq m or less(A1/A2/A3/A4/A5)	£40
Retail > 500 sq m (A1/A2/A3/A4/A5)	£100
Hotel (C1)	£60
Nursing Home (C2)	£45
Health (D1)	£140
Business (B1), General Industrial, Storage & Distribution (B2 and B2), Community Uses (within D1 and D2) and Agricultural	£0

3.4 The Draft Charging Schedule was open for public consultation between 23rd November 2011 and 3 January 2012. District and County Council member briefings were held in November and December 2011. A further consultation session with the Council's Developers and Agents Forum was held on 16th December 2011. A total of 32 representations from 24 respondents were received during this time. In addition, comments from a further 3 respondents were

received out of the permitted consultation time, although they do not form part of the formal responses. The key themes raised within the representations were:

- Levy rates set and S106
- Viability assumptions
- Development deliverability
- Exemptions
- Infrastructure list and funding gap
- Spending of CIL
- CIL Regulations clarifications

3.5 The detailed representations and related officer comments are contained in the Draft Charging Schedule Statement of Representations at Appendix A.

4. STATEMENT OF MODIFICATIONS

4.1 Having considered the comments received, a modification has been made. This relates to the health levy rate which has changed from £140 per square metre to £65 per square metre. A Statement of Modifications clarifying this along with appropriate evidence will be sent to consultees in line with the CIL Regulations 2010 (as amended) before including within the paperwork submitted to the examiner.

5 EQUALITY IMPACT ASSESSMENT

5.1 The Draft Charging Schedule was screened for an Equality Impact Assessment (EqIA). This was to ensure that the impact of Charging Schedule was fully understood in relation to its impact on local residents and to identify, remove or reduce barriers to equality.

5.2 An action plan has been agreed from the EqIA. This will ensure that local needs are accommodated within the Annual Business Plan for CIL expenditure through continued partnership working.

6 CHARGING SCHEDULE - NEXT STEPS

6.1 The next key stages in the process, subject to approval, will be to:

- Send a copy of the Statement of Modifications to all consultation bodies as required under Regulation 19
- Publish the Statement of Modifications on the Council website

6.2 Following this the Draft Charging Schedule, subject to approval, will be submitted to the examiner along with:

- a statement setting out if representations were made in accordance with Regulation 17, the number of representations made and a summary of the main issues raised by the representations
- copies of any representations made in accordance with Regulation 17
- a Statement of Modifications in accordance with Regulation 16
- copies of the relevant evidence

- 6.3 The Council is also required to submit a declaration, approved at “a meeting of the authority, and by a majority of votes of members present”, that the charging authority has complied with the requirements of this Part and CIL regulations (including the requirements to have regard to the matters listed in section 211(2) and (4)); that appropriate available evidence has been used to inform the Draft Charging Schedule, and that any other matters prescribed by CIL regulations have been dealt with. A copy of this declaration for approval can be found at Appendix B.
- 6.4 The above documentation will all be available for inspection at Pathfinder House, libraries and Community Access Points across the district. It will also be accessible via the Council’s website.

7. RECOMMENDATIONS

- 7.1 It is recommended that Cabinet:
- a) Approves the Charging Schedule for submission together with supporting documents to the examiner;
 - b) Authorises the Head of Planning Services, after consultation with the Executive Councillor for Strategic Planning and Housing, to make minor amendments as necessary to prepare the ‘Huntingdonshire Community Infrastructure Levy - Charging Schedule’ and associated paperwork for submission for Examination.
 - c) Approves the legal declaration required under the Planning Act 2008 and CIL Regulations 2010 (as amended).

Background Papers:

- Huntingdonshire Local Investment Framework 2009
- Core Strategy 2009
- Huntingdonshire Market Report, August 2010 published with Preliminary Draft Charging Schedule
- Huntingdonshire Viability Testing of Community Infrastructure Levy Charges Report, 2011 published with Preliminary Draft Charging Schedule
- Huntingdonshire Preliminary Draft Charging Schedule Project Plan List
- Huntingdonshire Draft Charging Schedule Project Plan List Update, November 2011
- Huntingdonshire CIL Addendum Report, November 2011
- Huntingdonshire Draft Charging Schedule Explanatory Note, November 2011

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