

**CANNOCK CHASE COUNCIL**

**COMMUNITY INFRASTRUCTURE LEVY**

**APPROVED CHARGING SCHEDULE**  
**EFFECTIVE FROM 1<sup>ST</sup> JUNE 2015**

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**What is the Community Infrastructure Levy and why is it being introduced**

The Community Infrastructure Levy (CIL) is a tax that Local Authorities can charge on new development in order to fund infrastructure required to support the housing and commercial growth identified in an up to date Local Plan. It will not be the sole source of funding, but will supplement other sources including that from Planning Obligations completed under S106 of the Town and Country Planning Act 1990 (as amended), Regional, National and European grants/loans.

The introduction of the CIL Regulations in 2010 (amended in 2011, 2012, 2013 and 2014) changed the rules relating to the circumstances in which Planning Obligations (either agreements or unilateral undertakings) under S106 of the Town & Country Planning Act 1990 (as amended) can be used to fund infrastructure. Planning Obligations have generally been negotiated on major developments and in some cases funding has been pooled from a

number of agreements in order to deliver a specific item of infrastructure. The CIL Regulations now limit the use of this pooling mechanism, so Planning Obligations will in future generally be limited to securing delivery of infrastructure on and adjacent to very large developments and affordable housing.

The cumulative impact of many small developments generates a need for infrastructure, but in the past such developments have not always contributed to provision of infrastructure. CIL is seen as a fairer way of obtaining funding for infrastructure from all relevant developments, subject to development viability considerations.

In parallel with the process of introducing CIL the Council has consulted on a revised Developer Contributions and Housing Choices Supplementary Planning Document (SPD) to reflect the changes to the S106 regime. The outcome of the consultation and a proposal to adopt this new SPD will be considered by the Council's Cabinet at its meeting on 25<sup>th</sup> June 2015.

### **Outcome of the Examination process**

The Council submitted its Draft Charging Schedule for independent examination on 31/10/2014 and the Inspector issued his final report on 10/02/2015. He concluded that, "In setting the CIL charging rate, the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in Cannock Chase District. The Council has tried to be realistic in terms of achieving a reasonable level of income to address the acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the District". He then went on to confirm that the Council had met national policy/guidance and legislative requirements in the Planning Act 2008 ( as amended ) and the CIL Regulations. He therefore recommended that the Draft Charging Schedule CIL be approved without any modifications.

The funding gap which CIL will go some way towards addressing ( more details in the appended Regulation 123 List ) relates to the following broad categories of infrastructure –

- a) Local highway and other transport improvements.
- b) Flood prevention.
- c) Public realm improvements.
- d) Open space sport and recreation facilities.

- e) Mitigation of the impact of new housing development on the Cannock Chase Special Area of Conservation.
- f) School buildings.
- g) Community and cultural facilities.
- h) Conservation of heritage assets.

**Approved Charging Schedule Rates – Residential**

<b>Residential Type</b>	<b>Charging rate per square metre</b>	<b>Indicative charge for average dwelling of 85 square metres</b>
<b>Specialist retirement housing</b>	<b>£0</b>	<b>n/a</b>
<b>All other market housing</b>	<b>£40</b>	<b>£3,400</b>

**Approved Charging Schedule Rates – Retail**

<b>Retail Type</b>	<b>Charging rate per square metre</b>
<b>Foodstores with floorspace &gt; 280 square metres</b>	<b>£60</b>
<b>Out of centre retail park developments</b>	
<b>All other types of retail development</b>	<b>£0</b>

**Approved Charging Schedule Rates – Other Uses**

<b>Development type</b>	<b>Charging rate per square metre</b>
<b>All other uses</b>	<b>£0</b>

**Payment processes and exemptions**

How is the charge calculated?

CIL is charged in £s per square metre on the net additional floorspace of a development. Any new building or extension is only liable to pay CIL if it has 100 square metres or more of gross internal floorspace unless it involves

creation of additional dwellings in which case the minimum size limit does not apply.

The gross floorspace of any existing buildings on the site to be demolished will be deducted from the CIL charge. Floorspace subject to demolition or resulting from a change of use will only be deducted if it has been in continuous lawful use for at least six months in the three years prior to the development being permitted.

### National exemptions

The following exemptions apply nationally as a result of the CIL

Regulations as amended –

- Residential annexes and extensions within the curtilage of a dwelling.
- Self-build housing to be occupied as the sole or main residence of the people on whose behalf it is being built, with clawback provisions.
- Any development where the total chargeable amount is less than £50 (this is deemed to be zero rated).
- Retail mezzanine floors.
- Structures or buildings that people enter for the purpose of inspecting or maintaining fixed plant or machinery.
- Any floorspace where the headroom is less than 1.5 metres unless under a stairway.

### Availability of relief from CIL

Social housing relief is available as a right on application to the Council where a private registered provider of social housing, a registered social landlord or a local housing authority is building qualifying dwellings for rent or shared ownership. If dwellings cease to be qualifying dwellings there is a clawback process.

Exemption for charities applies where otherwise chargeable development is carried out by a charitable institution and will be used wholly or mainly for charitable purposes.

### Who pays and when are payments due?

Responsibility for payment rests with the owner(s) of the development site but the developer may assume liability instead.

The CIL Regulations set a default for full payment of CIL within 60 days of commencement of development. However the Regulations also allow

Councils to set an instalments policy to assist with cashflow. The following instalments policy is proposed –

<b>Total CIL Liability</b>	<b>Number of Instalments</b>	<b>Payment period and amount</b>
Amount less than £25,000	No instalments	100% payable within 60 days of commencement date
Amounts between £25,001 and £100,000	2 instalments	1 <sup>st</sup> instalment – 25% payable within 60 days of commencement date 2 <sup>nd</sup> instalment – 75% payable within 240 days of commencement date
Amounts between £100,001 and £500,000	3 instalments	1 <sup>st</sup> instalment – 25% payable within 60 days of commencement date 2 <sup>nd</sup> instalment – 25% payable within 240 days of commencement date 3 <sup>rd</sup> instalment – 50% payable within 365 days of commencement date But the full balance is payable on completion of the development if this occurs before any of the due instalment dates
Amounts between £500,001 and £1,000,000	4 instalments	1 <sup>st</sup> instalment – 20% payable within 60 days of commencement date 2 <sup>nd</sup> instalment – 20% payable within 240 days of commencement date 3 <sup>rd</sup> instalment – 30% payable within 365 days of commencement date 4 <sup>th</sup> instalment – 30% payable within 540 days of commencement date But the full balance is payable

		on completion of the development if this occurs before any of the due instalment dates
Amounts over £1,000,000	4 instalments	Negotiated on a case by case basis

### Exceptional circumstances

The Council proposes to offer a process for giving relief from CIL in exceptional circumstances where a particular development proposal cannot afford to pay. This will avoid making sites which have exceptional additional development costs unviable. Claims for relief will be considered on a case by case basis providing the following conditions are met –

- A S106 agreement relating to the permitted chargeable development must exist.
- Evidence must be submitted to the Council to show that paying the full CIL charge would make the development unviable.
- Relief from CIL must not constitute notifiable state aid.

### Payment in kind

There may be circumstances where it would be appropriate for the Council to receive land or items of infrastructure provided by the developer instead of monies. The CIL Regulations allow the Council to accept land transfers and/or construction of infrastructure as payment for the whole or part of the levy, subject to valuation procedures. This will be considered on a site by site basis in accordance with the Regulations.

## **Procedure for distribution of funds**

### Parish and Town Councils

These bodies are entitled to receive 15% of CIL funds generated from development taking place in their areas, subject to an annual cap of £100 per existing Council Tax dwelling, and can use the funds more broadly than solely on infrastructure, provided that the use would help to address the demands that development places on the area. The percentage goes up to 25% with no cap where there is an adopted Neighbourhood Plan.

### Non-parished areas

Cannock, Chads Moor, Longford, Rawnsley, Hazelslade and Prospect Village are not Parished. The Council will consult with local communities in these areas to determine how the 15% locally generated funding should be spent.

### Other infrastructure providers

Staffordshire County Council is responsible for highway and education infrastructure. The Environment Agency is responsible for flood alleviation projects. Formal governance procedures will shortly be established to provide for distribution of funds to these organizations and any others having projects identified on the Regulation 123 List.

### **Further Information**

The Council has published a document entitled Guidance for Applicants and Developers, which is available to read on the website.

<b>Updated CIL Regulation 123 List (changes from submitted draft highlighted in bold) (note:-not in priority order)</b>				
<b>Site</b>	<b>Town/Location</b>	<b>Description of works</b>	<b>Evidence base -reference numbers from Local Plan (Part 1) list of evidence documents</b>	<b>Costs</b>
Conduit Road to Albutts Road mineral line	Norton Canes	Upgrade stoned path to cycleway to connect existing cycleway routes	Cannock Chase Integrated Transport Strategy -99a	£48,000
Norton Canes Community Centre	Norton Canes	Pitch Improvements	PPG17 Open Space Sport & Recreation Facilities Studies-129, 129a, 129b	£98,000
Heath Hayes Park	Heath Hayes	Pitch Improvements	129, 129a 129b	£300,000
Heath Hayes Park	Heath Hayes	Ancillary Facilities -Changing Rooms	129, 129a, 129b	£700,000
Heath Hayes Park	Heath Hayes	Car Parking	129, 129a 129b	£200,000
Heath Hayes Park	Heath Hayes	Refurbish Tennis Courts/Fencing	129, 129a, 129b	£90,000
Hednesford Park	Hednesford	Pitch Improvements	129,129a, 129b	£200,000
Hednesford-Rawnsley mineral line	Hednesford/Rawnsley	Create cycleway on former mineral line to provide off road safe route from Rawnsley to Hednesford and linking into the Chase.	99a	£100,000
Cannock Park	Shoal Hill/Longford	Replace 2 space nets, 2 multi units and resurface wet pour.	129, 129a, 129b	£120,000

Cannock Park	Shoal Hill/Longford	Refurbish heating system for showers, re-tile showers and refit changing rooms	129,129a, 129b	£40,000
Avon Road (former MEB sub station)	Shoal Hill/Longford	Install new Local Equipped Area for Play (LEAP) area	129, 129a, 129b	£100,000
Laburnum Avenue Recreation Ground	Shoal Hill/Longford	Pitch Improvements	129, 129a , 129b	£98,000
Green Lane	Rugeley/Etching Hill	Pitch Improvements	129, 129a, 129b	£150,000
Former Cannock Stadium	Chadsmoor	Elements of Phase 2 of Site Redevelopment -Pitch and Drainage improvements, Fencing, Artificial Grass Pitch (AGP), Access, Social Picnic Areas	129, 129a 129b	£750,000
Old Fallow Road	Chadsmoor	Pitch Improvements	129, 129a, 129b	£98,000
Rugeley Leisure Centre Artificial Turf Pitch Extension (ATP)	Rugeley/Hagley	Extend ATP into full size pitch and lighting upgrade	129, 129a, 129b	£400,000
Elmore Park	Rugeley/Western Springs	Dredge lake and stabilise banks	Rugeley Town Centre Strategic Flood Risk Assessment-117	£500,000
<b>Brereton mineral line</b>	<b>Brereton and Ravenhill/Rugeley Town</b>	<b>Create cycleway on the Brereton and Ravenhill Way from Rugeley Town station car park to the Cannock Chase Area of Outstanding Natural Beauty</b>	<b>99a</b>	<b>£50,000</b>
Land south of A5190 Norton Canes	Whole District	Develop new Burial Space for south of District	Internally generated evidence of need for additional burial space.	£1,000,000

Cannock Chase Special Area of Conservation (SAC) Mitigation Measures <b>excluding review of access network, signage and path repairs</b>	Whole District	Measures to mitigate impacts of increased recreational pressure upon the Cannock Chase SAC arising from new housing developments within the District. Costs for CCDC currently approx 1/5 of £2m for entire SAC partnership area.	145-149 (inclusive)	£400,000
Heath Hayes and Wimblebury Parish	Heath Hayes and Wimblebury	Expansion of existing primary school provision by up to 210 additional places in the Heath Hayes and Wimblebury Parish.	Planning of School Places and Education Planning Obligations Policy-88, 89	
Rugeley and Brereton	Rugeley/Brereton	Land acquisition and associated costs to provide additional primary school places in Rugeley	88,89	
West Hill Primary School	Hednesford	Expansion of West Hill Primary to provide an additional 105 places	88, 89	
Hob Hill Primary School	Brereton and Ravenhill	Expansion of Hob Hill to provide an additional 105 primary school places	88, 89	
•Hednesford (Town) •Rugeley (Town)	•Hednesford •Rugeley	Replacement of temporary accommodation <b>with permanent accommodation</b>	88, 89	
<i>TOTAL COST OF EDUCATION ITEMS</i>				
Cannock, Rugeley and Hednesford town train stations	Cannock, Rugeley and Hednesford	Upgrades to train stations to support Chase Line improvements	99a	TBC

Five Ways Island	Heath Hayes and Wimblebury	Delivery of Five Ways Junction Improvement (part of Local Pinch Point Package Programme)	99a	£300,000
Rugeley Town Centre (Hagley Park)	Rugeley	Rugeley Town Centre Flood Alleviation Scheme	117	£1,500,000
Hednesford, Rugeley, Brereton and Norton Canes	Hednesford, Rugeley, Brereton and Norton Canes	Initial programme to replace bus shelters (15), bins (15) , benches (15) and provide cycle racks (3)	Internally generated evidence of need for upgrades.	£121,000
<b>Eastern Way/Leacroft Island, Cannock</b>	<b>Cannock</b>	<b>Elements of dualling/ island improvements</b>	<b>Cannock Chase Integrated Transport Strategy 99a</b>	<b>TBC</b>
<b>Mill Green Nature Reserve</b>	<b>Cannock</b>	<b>Improvements excluding link from proposed Designer Outlet Centre to Railway Station</b>	<b>127,1297a,129b</b>	<b>TBC</b>
<b>Lichfield Road/Mill Street, Cannock</b>	<b>Cannock</b>	<b>Elements of pedestrian/cycle improvements linking to Cannock Town centre</b>	<b>99a</b>	<b>TBC</b>
<b>TOTAL COST OF PROJECTS</b>				<b>£11,729,000</b>