

Maldon District Community Infrastructure Levy Charging Schedule Consultation Statement

- 1.1 This Consultation Statement outlines how Maldon District Council (MDC) undertook both the Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS) and Draft Charging Schedule (DCS) consultations in accordance with the CIL Regulations (2010) as amended, and in accordance with the principles for consultation set out in the Council's Statement of Community Involvement (2007 and 2012 Addendum, SD07a and SD07b). This Statement also summarises the results of each consultation, and outlines how the Council has responded to comments made within consultation representations. All relevant consultation documents are included as appendices.

CIL Preliminary Draft Charging Schedule consultation

- 1.2 The CIL PDCS consultation was undertaken for 6 weeks, starting on the Wednesday 22 January and ending at 12 noon on Friday 7 March. The consultation document is provided in Appendix 1.
- 1.3 Information letters were sent to all consultation bodies (as set out in the CIL Regulations), all statutory consultees (general and specific consultation bodies as set out in Local Planning Regulations 2012), and all contacts on the Council's Local Development Plan (LDP) consultation database. Promotional material, the charging schedule, response forms, and the public notice were made available on the Council website, at all libraries, parish and town councils, and One Place offices in the District, and at libraries outside the District in Danbury, Hatfield Peverel, Witham, and South Woodham Ferrers. The public notice was also displayed on the Council Office notice board and in the Essex Chronicle Newspaper. Unmanned exhibitions were available throughout the consultation period at Maldon Library, Burnham-on-Crouch Library, Heybridge Plantation Hall, and the Maldon District Council offices.
- 1.4 Consultation events were held at Heybridge Plantation Hall, Burnham on Crouch Town Council, and Maldon Library. The Council requested that responses to the consultation were provided by completing a consultation questionnaire. Table 1 outlines the six questions in the consultation questionnaire, and the responses received.

Table 1: CIL PDCS consultation questionnaire responses

Questions		Numbers of responses
Question 1: Do you feel that the proposed rates are suitably informed by the viability evidence provided in the Local Plan and Community Infrastructure Levy Viability Study (August 2013) and Viability Study Post Consultation Update (November 2013) produced by HDH Planning & Development?	Yes	4
	No	20
Question 2: Do you believe the evidence on viability is correct? If not, please set out alternative evidence to support your view	Yes	6
	No	20
Question 3: Do you think the rates proposed strike an appropriate balance between helping to fund infrastructure through CIL and the potential effects of imposing CIL on the	Yes	5
	No	17

viability of development needed to deliver the aspirations of the Local Development Plan?		
Question 4: Do you think the Council should introduce an instalments policy?	Yes	19
	No	6
Question 5: Do you think the Council should include discretionary relief from CIL for charitable investment or 'exceptional circumstances' as outlined in section 2.5 of the CIL Preliminary Draft Charging Schedule consultation document?	Yes	20
	No	6
Question 6: Do you have any other comments on the Preliminary Draft Charging Schedule or supporting evidence?	Yes	17
	No	8

*Please note that not all consultation representations answered every question, therefore the number of responses to consultation questions will not match the total number of representations received.

1.5 The Council received 41 consultation representations which are provided in CS02. CS03 provides a summary of each PDCS consultation representation received. Key issues which were raised through consultation responses are summarised as follows:

- Infrastructure provision, and the ability of CIL to raise sufficient funds to pay for required infrastructure;
- Variations in CIL rates, some representations requesting higher and lower CIL rates for different types of development;
- The timing of when CIL rates should be paid by developers. There was strong support for the inclusion of an instalments policy;
- Who, if anyone, should be provided discretionary relief from CIL. There was support for providing discretionary relief generally for development related to charities, and also for development that would be rendered economically unviable through the imposition of CIL rates;
- The governance arrangements for CIL, and which organisations should be involved in considering how CIL funds should be used;
- Increasing the portion of CIL provided to parish and town council's in the District, irrespective of whether a neighbourhood plan has been produced;
- The definitions of development types which will be charged CIL rates;
- The impact of CIL rates on the economic viability of development in the District, and the ability of some development sites to support CIL rates and levels of affordable housing proposed in the LDP;
- Details of the assessments made within the CIL and Local Plan Viability Study (August 2013, EB040a) and Post-Consultation Update (November 2013, EB040c);
- The proposed section 106 pooling arrangements for strategic sites within the Garden Suburbs and Strategic Allocations in the LDP, as outlined in Policy I1 of the LDP and within the Infrastructure Delivery Plan Update (IDP) (December 2013, EB059c);
- Requested alterations to the Draft Regulation 123 list within the IDP, and the need for clarification of projects which will be funded through CIL or section 106 contributions;
- Clarification of how the imposition of CIL rates has been tested on the economic viability of development;

1.6 Based on representations made on to the PDCS consultation, the following main changes were incorporated into the Draft Charging Schedule (DCS) and supporting documents:

- A reduction to the rates applicable to supermarkets and retail warehouses within the built up area of Maldon and Heybridge;
- A reduction to the rates applicable to sheltered housing and extra care development;
- The inclusion of a discretionary charitable relief policy;
- Inclusion of an instalment policy;
- Focused updates to the Infrastructure Delivery Plan (IDP) (May 2014, EB059d) and the CIL and Local Plan Viability Study (May 2014, EB040d);
- The inclusion of a draft infrastructure phasing plan within the IDP; and
- The inclusion of definitions for certain types of development which would be required to pay CIL within the CIL Charging Schedule.

The Draft Charging Schedule consultation

1.7 The CIL DCS consultation was undertaken for 6 weeks, starting on the Wednesday 11 June and ending at 5pm on Wednesday 23 July 2014. The DCS consultation document is provided as Appendix 2.

1.8 Information letters were sent to all consultation bodies (as set out in the CIL Regulations), all statutory consultees (general and specific consultation bodies as set out in Local Planning Regulations 2012), and all respondents to the PDCS consultation. Promotional material, charging schedules, response forms, an explanatory leaflet, and public notices were made available on the Council website, at all libraries, parish and town councils, and One Place offices in the District, and at libraries outside the District in Danbury, Hatfield Peverel, Witham, and South Woodham Ferrers. The public notice was also displayed on the Council Office notice board and in the Essex Chronicle Newspaper. Unmanned exhibitions were available throughout the consultation period at Maldon Library, Burnham-on-Crouch Library, Heybridge Plantation Hall, and the Maldon District Council offices.

1.9 The consultation response form did not ask any specific questions, and requested for views to be provided on the proposed rates set out in the DCS, the proposed Draft Discretionary Relief Policy, and the proposed Draft Instalments Policy. The Council received 36 consultation representations, which are provided in CS04. CS05 provides a summary of each DCS consultation representation received. Key issues which were raised through consultation responses are summarised as follows:

Table 2: Key comments from the DCS consultation representations

Key comments and relevant representations	Council response
Concerns regarding technical assumptions and methodology within the Viability Study, particularly related to retail development costs, land values, viability thresholds, property values, impact of LDP policy requirements, sampling of sites (DCS08, DCS23, DCS24,	The Council and appointed viability consultant are confident that the assumptions used within the viability studies produced to support the production of the CIL DCS are accurate, and have been sufficiently reconsidered through the various updates produced to support the LDP and DCS between August 2013 and May 2014.

DCS26, DCS29, DCS33, DCS35)	
Concerns regarding State Aid rules and the allocation different CIL rates within the same development type (DCS08)	The proposed CIL rates are set at differential rates based solely on the viability assessment. The rates identified in the DCS are supported by evidence within the Viability Study. The approach of proposing differential rates is consistent with the approach taken in other areas.
The need for a 'buffer' or margin to be included within the proposed CIL rates, to account for changes in the market, land values, or development costs (DCS25, DCS33)	The CIL rates proposed in the Viability Study are based on the inclusion of a significant allowance for changes in the viability threshold. To provide an appropriate 'buffer' to support the viability of strategic sites, the Council has acknowledged that the rates of housing allocated in LDP Policy H1 will need to be considered as part of the LDP Examination, with a potential reduction to the requirements within the LDP strategic sites as recommended in the May 2013 Viability Study. This would provide an appropriate buffer as requested in the representations.
Requests that the progression of CIL be withheld until the LDP Examination is completed, to allow any changes to the LDP to be considered within evidence base support the DCS (DCS25)	The Council is confident that there will be no significant changes to the LDP through the Examination that would impact the assessment of appropriate CIL rates for the District. It is therefore not considered necessary await the conclusion of the LDP Examination before submitting the DCS.
Requests for a further review of the Regulation 123 list, to ensure items that will receive section 106 funding are not included within the list (DCS25, DCS28, DCS29)	The Council has sought necessary expert guidance and is confident that items anticipated to be sought through Section 106 obligations are not included in the Regulation 123 list.
The need for a Planning Obligations SPD to be produced to clarify how the Council will continue to use section 106 contributions following the adoption of CIL (DCS25, DCS33)	The Council is not proposing to produce a Planning Obligations SPD, and details of infrastructure requirements and future funding arrangements are clearly set out within the IDP.
The need for an Exceptional Circumstances Relief Policy to be produced in advance of the adoption of CIL. This would enable the Council to support some development considered appropriate and potentially essential for the District, but which may be unviable in relation to the imposition of CIL (DCS08, DCS23, DCS25, DCS27)	The Council has sought to set CIL rates at a level which would allow all development to be viable. The Council will consider further the inclusion of this policy in advance of the adoption of CIL. This is not required for the Examination of the CIL Charging Schedule.
The need to review the CIL Charging Schedule every 2-3 years to account for changes to the	Request noted and accepted. A review process will be considered within a CIL Implementation Plan.

market, land values or development costs (DCS25, DCS31)	
Seeking a reduction or increase to CIL rates proposed in the DCS for certain types of development (DCS02, DCS03, DCS05, DCS06, DCS08, DCS10, DCS14, DCS16, DCS21, DCS26, DCS29, DCS31, DCS33)	The Viability Study has used evidence to identify the most appropriate CIL rates for the District. All viability related issues identified through the consultation representations have either already been considered and dismissed following the PDCS consultation through the May 2014 Viability Study Update, or are not considered to require further viability assessment. The Council is therefore not proposing any amendments to the CIL rates set out in the DCS.
Requests for items to be added to, removed from, or prioritised within the Regulation 123 list (DCS09, DCS15, DCS34)	The Regulation 123 list is provided for information purposes only, and will not be assessed during a CIL Charging Schedule examination. The Council will review further the content of the Regulation 123 list following the examination of both the CIL DCS and the LDP. The mechanisms for prioritising projects within the Regulation 123 list have not yet been agreed by the Council.
Support for the proposed rates of CIL in the Charging Schedule (DCS11, DCS13, DCS17, DCS20, DCS23, DCS32, DCS36)	Support noted.
Support of the inclusion of a Discretionary Charitable Relief Policy and Instalments Policy (DCS21, DCS23, DCS31)	Support noted.

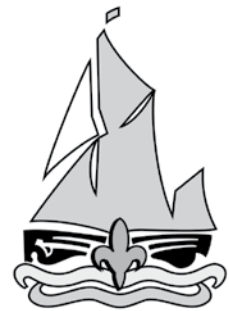
- 1.10 Having carefully reviewed and considered the representations received, the Council has identified that one minor modification is proposed to the DCS, as set out in the Statement of Modifications to the Published CIL Draft Charging Schedule.

Appendix 1

MALDON DISTRICT

Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation

JANUARY 2014



MALDON DISTRICT
COUNCIL

1.0 Introduction

- 1.1 This consultation document sets out the Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule for Maldon District Council. The consultation will be carried out in accordance with Regulation 15 of the CIL Regulations 2010 (as amended).
- 1.2 The Pre-Submission Maldon District Local Development Plan (LDP) proposes growth for the District in the form of new homes and jobs. To ensure that this growth is sustainable, infrastructure such as roads, public transport, school places, health facilities and open space needs to be provided. An assessment of the infrastructure required to support the development envisaged by the LDP is set out in the Maldon District Infrastructure Delivery Plan (IDP) Update (December 2013).
- 1.3 It is important that developers contribute towards providing for the infrastructure needs that development creates. The introduction of the Community Infrastructure Levy Regulations in 2010 established a new way for district councils and unitary authorities in England and Wales to raise funds from developers to achieve this.
- 1.4 Local authorities who wish to charge the levy must produce a draft charging schedule setting out CIL rates for their areas. CIL is levied on the internal floorspace of most new-build development so the rates are expressed as pounds per square metre. Before it is approved by the Council, the draft schedule has to be approved by an independent examiner.
- 1.5 As well as setting out the Preliminary Draft Charging Schedule for consultation, this document gives a brief summary of CIL, the key requirements for setting the levy and the evidence base which has been used to inform the proposed charging schedule.
- 1.6 The Council, as the CIL charging authority, is required to consult with residents, local communities, businesses and stakeholders on the proposed levy rates.
- 1.7 This consultation on the Preliminary Draft Charging Schedule is the first of two consultations which are required under the Regulations. They will be followed by an Examination-in-Public of the Draft Charging Schedule which will be conducted by an independent examiner appointed by the Council prior to the proposed adoption of CIL towards the end of 2014.

2.0 General principles of CIL

2.1 What is CIL?

- 2.1.1 The Community Infrastructure Levy (CIL) was introduced in the Planning Act 2008 and defined in the CIL Regulations 2010 (as amended). This legislation also restricts the use of planning obligations, sometimes known as 'Section 106 agreements'.
- 2.1.2 It is a locally set charge on new development that authorities can choose to introduce across their area. It is based on the size and type of development and once set in an area is mandatory to pay and non-negotiable. The funds raised must be used to provide infrastructure which is required to support new development across the area.
- 2.1.3 The requirements which a local authority, or 'charging authority', setting a CIL charging schedule has to meet are set out in:
- The Planning Act 2008 (as amended by the Localism Act 2011);
 - The CIL Regulations 2010, as amended in 2011 and 2012 and 2013;
 - The CIL Guidance issued under S221 of the Planning Act 2008, which is statutory guidance.

2.2 What are the benefits of CIL?

- 2.2.1 CIL provides a simpler and more transparent process than the collection of funds and provision of infrastructure under the Section 106 procedures. The Government suggests there are a range of benefits when local authorities introduce the levy. These include:
- CIL collects contributions from a wider range of developments, providing additional funding to allow local authorities to carry out a range of infrastructure projects that not only support growth but benefit the local community;
 - CIL gives authorities greater flexibility to set their own priorities on projects benefitting the wider community affected by development, unlike Section 106 funds which require a direct link between a contributing development and an infrastructure project;
 - CIL provides developers with clarity about the level of contributions which are required from any development and provides transparency for local people;

- CIL is non-negotiable and therefore should save time by removing the need for negotiations between the local authority and developers as occurs on S106;
- CIL is fair as it relates the contribution to the size of the development in terms of new floorspace;
- Parishes where development takes place will receive their own portion of the CIL to spend on the infrastructure they want. In areas where there is no neighbourhood plan this will be 15%, capped at £100 per existing dwelling. Where a neighbourhood plan is in place the portion is an uncapped 25%.

2.3 What development will be liable for CIL?

2.3.1 Most buildings that people normally use are liable to pay the levy, whether the proposal is for a new building or an extension which results in 100 sq. m or more of net increase in gross internal floor space. Development which is less than 100 sq.m but which involves the creation of an additional dwelling will also be liable. The conversion of a building that has not been in use for some time will also be liable for the levy.

2.4 Are there any exemptions from CIL?

2.4.1 The CIL Regulations outline that some development will not be subject to a charge:

- Development by registered charities for the delivery of charitable purposes;
- Those parts of a development which are to be used as affordable housing;
- The conversion of any building previously used as a dwelling to two or more dwellings providing there is no increase in floor area;
- Buildings into which people do not normally go, buildings which people only enter intermittently for the purposes of inspection or maintenance, and structures which are not buildings, such as pylons;
- Changes of use which do not involve an increase in floorspace.

2.5 Discretionary relief from CIL

2.5.1 The CIL Regulations state that discretionary relief can be made available for charitable investment if the charging authority chooses to make it available in its area and publishes a local policy. To be considered for relief, the whole or greater part of the chargeable development must be held as an investment from which the profits will be applied for charitable purposes.

2.5.2 The CIL Regulations also state that discretionary relief can be made available for 'exceptional circumstances' however relief can only be given where the following eligibility criteria set out in the Regulations are fulfilled:

- The claimant owns a material interest in the land;
- A Section 106 Planning Obligation has been entered into in respect of the planning permission which permits the chargeable development; and

The charging authority considers that:

- The cost of complying with the Section 106 agreement is greater than the charge from the levy payable on the chargeable development;
- Requiring payment of the charge would have an unacceptable impact on the economic viability of the chargeable development; and
- Granting relief would not constitute a notifiable State Aid.

2.5.3 Maldon District Council has sought to use the evidence it has commissioned on the viability of development envisaged by the Pre-Submission LDP in order to set CIL rates which will be affordable for the development needed to deliver the Pre-Submission LDP. Accordingly, the Council does not propose to make discretionary relief available for exceptional circumstances.

2.6 What is the relationship between CIL and other planning obligations?

- 2.6.1 The use of 'Section 106' planning obligations has been scaled back by the Government to ensure there is no overlap between obligations and CIL. Pooling of obligations from more than five schemes is restricted after April 2014 (Government is currently proposing to extend this to April 2015). This is because CIL is intended to take over the collection and pooling of funds to deal with the cumulative demands on infrastructure caused by development across a district.
- 2.6.2 However, there may be some site-specific infrastructure requirements without which planning permission should not be granted. Some of these needs may be provided with levy funds but some may be very local or specific, perhaps arising only from one or a small group of major developments in an area, such as the proposed Garden Suburbs at Maldon and Heybridge allocated in the Pre-Submission LDP. For this reason, while planning obligations have been scaled back, they have not been abolished.
- 2.6.3 To safeguard developers, authorities cannot charge for the same items through both planning obligations and CIL. Under CIL Regulation 123, they should show which items or types will not be subject to planning obligations by publishing a list of infrastructure projects or types they intend will be or may be funded by CIL. The 'Regulation 123 list' is presented as supporting evidence when the CIL charging schedule is examined, but it is not part of the charging schedule as it can be reviewed and changed independently of it.

- 2.6.4 The Council is making its draft Regulation 123 list available alongside this consultation within the Infrastructure Delivery Plan Update (IDP), together with policy for the continued use of planning obligations within Policy I1 of the Pre-Submission LDP. This will provide transparency over the way it is intended the two methods will work together to help provide the infrastructure our communities need.

2.7 When is CIL payable?

- 2.7.1 Liability to pay CIL is triggered by commencement of the development. By default it must be paid within 60 days, but for schemes with phased outline permission payment will be triggered separately for each phase. In addition, authorities can set their own policies allowing all large liabilities to be paid by instalments. To implement this, the Council would be required to publish an instalment policy on its website. Such a policy would not be part of the charging schedule and could be changed independently of it. By law, an instalment policy would apply to all developments and could contain only the following:

- The number of instalment payments;
- The amount or proportion of CIL payable in any instalment;
- The time from commencement by which the first and subsequent instalments must be paid;
- Any minimum amount of CIL below which CIL may not be paid by instalment.

- 2.7.2 The Council is considering introducing an instalment policy and is seeking views on the above points.

2.8 Want to know more?

- 2.8.1 Links to the Government's CIL webpages and the legislation giving more detailed information on the Community Infrastructure Levy can be found in the Maldon District Council website at: www.maldon.gov.uk.

2.9 The evidence base

- 2.9.1 To set a CIL charge, an authority must first show there is an overall need for infrastructure funding to support the LDP, and that there is a funding gap because other sources of funding will not be sufficient to provide all that is necessary.
- 2.9.2 Having established a funding gap, the law requires a charging authority to strike an appropriate balance between raising funds from developers towards infrastructure to support the development envisaged in the LDP, and the effect

of taking those funds on the viability, and so deliverability of that development. In other words, the proposed CIL must have a positive effect and support, not threaten, delivery of the LDP. The authority will be required to explain that balance at the CIL Examination-in-Public.

2.9.3 To help strike and explain that balance, the CIL charging schedule must be informed by appropriate available evidence, which includes the LDP (to show the development envisaged), the Infrastructure Delivery Plan Update (to demonstrate broad need for infrastructure and a funding gap), and the LDP Viability Study to assess the likely impact of CIL on the viability of development envisaged in the LDP. Full details of these evidence base documents are as follows:

- Maldon District Pre-Submission Local Development Plan 2014-2029 (MDC, January 2014)
- Maldon District Infrastructure Delivery Plan Update (MDC / Peter Brett Associates, December 2013)
- Local Plan and Community Infrastructure Levy Viability Study (August 2013)
- Local Plan and Community Infrastructure Levy Viability Study Post Consultation Update (November 2013)

2.9.4 The evidence which supports the Preliminary Draft Charging Schedule is available on the Councils' website at www.maldon.gov.uk.

2.10 Maldon Local Development Plan 2014-2029

2.10.1 The Maldon District Council LDP aims to improve the quality of life for those who live and work in and visit the District, to the benefit of existing and future generations. It sets out the development needed to meet local housing needs and requirements, to protect local services and deliver new affordable homes and infrastructure. Once in place, the Plan will guide, manage and control development across the District over the next 15 years, ensuring development proposals are focussed on sustainable and appropriate locations. The LDP will be submitted to the Secretary of State early in 2014 with an intended adoption date of late-2014.

2.11 Infrastructure Delivery Plan

2.11.1 The IDP identifies the infrastructure requirements necessary to support the anticipated development and growth across the District and so demonstrate that the policies and proposals contained within the LDP will be delivered in accordance with the principle of sustainable development.

2.11.2 The IDP was updated in December 2013, and identifies the lead organisations to deliver and manage infrastructure. In addition, it identifies the infrastructure

costs arising as a result of development put forward in the LDP and where feasible aligns with the aims and objectives of other local and sub-regional strategies. It outlines how costs may be met in order to ensure necessary infrastructure can be delivered and informs policy on the continued use of planning obligations, particularly on major sites such as the proposed Garden Suburbs, which informs the assessment of the viability of the LDP and proposed CIL rates.

- 2.11.3 To provide transparency over the way Maldon District Council intends to use CIL and planning obligations together in a complementary way to help provide infrastructure, the Council is making its draft 'Regulation 123 list' available alongside this consultation, together with proposals for the continued use of planning obligations once CIL is introduced. This information will be included in the IDP.

2.12 Funding Gap

- 2.12.1 In assessing likely funding sources, the IDP will provide evidence for an aggregate funding gap over the plan period. The IDP is therefore a key part of the evidence base to inform the justification of the Council's CIL Preliminary Draft Charging Schedule, as well as forming part of the LDP's evidence base.
- 2.12.2 Revenue from CIL is not expected to bridge the funding gap entirely, but it is expected to have a significant impact on available finances to enable Maldon District Council to bring forward infrastructure.
- 2.12.3 It is not possible at this stage to be definitive about the total cost of infrastructure or about the funding gap. Indeed, this position will change over time. As such, the funding gap position is subject to change.
- 2.12.4 Based on the current assessment of infrastructure needs, costs and funding, there is currently a funding gap totalling £78,733,452.
- 2.12.5 As the plan does not contain targets for the quantity of development of non-residential uses which viability evidence shows could bear a CIL charge, the CIL income generated from non-residential development has not been estimated. For residential development, based on the proposed growth allocated in the Pre-Submission LDP and the charges proposed in the Annex A, we estimate CIL could raise in the region of £12.6m over the plan period to help address the funding gap and contribute to local infrastructure needs. This takes into account the Council's policy for major strategic sites to contribute to infrastructure needs they create separately via planning obligations, and so represents a significant contribution towards delivering sustainable development in Maldon District.

2.13 Viability assessment

- 2.13.1 The Council commissioned HDH Planning & Development to assess the viability of the delivery of the Draft LDP in August 2013 and the emerging Pre-Submission LDP in November 2013. The two assessments considered the Plans policy requirements, including for the provision of affordable housing and infrastructure contributions via planning obligations. The study also considered the viability of a selection of strategic development sites, and assessed the effect which the introduction of CIL may have on development viability.
- 2.13.2 The CIL rates proposed in the preliminary draft charging schedule have been based on the results of these assessments of viability across the District. The consultants tested different development types and scenarios. Evidence was collected from a variety of sources including discussions with local landowners, agents and developers for information on property sales and values and to inform assumptions on the costs of development. The testing examined the effects of different levels of affordable housing contribution and took account of the impact on development viability of other policy costs faced by development, including other planning obligation costs.
- 2.13.3 Events were held in June and November 2013 with promoters of the key development sites within the District and the representatives of the main developers, development site landowners and housing providers. The meetings were used to set out the methodology, test the assumptions used in the report and to put the report in context of the emerging LDP, requirements of National Planning Policy, and CIL.
- 2.13.4 The assessment found that all residential development was sufficiently viable to pay CIL except the allocation North Heybridge strategic sites S2d 'North of Heybridge' and S2e 'North of Holloway Road'. These sites have high infrastructure costs associated with development, which would render development unviable if a CIL rate was required in addition to policy requirements in the LDP. Supermarkets and retail warehouses, hotels, sheltered housing, and extra care facilities were found to be viable based on a higher rate of CIL.

3.0 The Preliminary Draft Charging Schedule

3.1 Your Views

3.1.1 Maldon District Council's Preliminary Draft Charging Schedule is set out in Annex A.

3.1.2 The Preliminary Draft Charging Schedule is available for consultation from Wednesday 22 January to Wednesday 5 March 2014.

3.1.3 Maldon District Council would like your views on the Preliminary Draft Charging Schedule and in particular responses on the following questions:

1. Do you feel that the proposed rates are suitably informed by the viability evidence provided in the Local Plan and Community Infrastructure Levy Viability Study (August 2013) and Viability Study Post Consultation Update (November 2013) produced by HDH Planning & Development?
2. Do you believe the evidence on viability is correct? If not, please set out alternative evidence to support your view.
3. Do you think the rates proposed strike an appropriate balance between helping to fund infrastructure through CIL and the potential effects of imposing CIL on the viability of development needed to deliver the aspirations of the Local Development Plan?
4. Do you think the Council should introduce an instalments policy?
5. Do you think the Council should include discretionary relief from CIL for charitable investment or 'exceptional circumstances' as outlined in section 2.5 of the CIL Preliminary Draft Charging Schedule consultation document?
6. Do you have any other comments on the Preliminary Draft Charging Schedule or supporting evidence?

3.1.4 Copies of this document, including the Preliminary Draft Charging Schedule, are available for inspection online at www.maldon.gov.uk and at Maldon District Council Offices, parish and town council offices and public libraries. All evidence base documents are available online and from the Maldon District Council Offices.

- 3.1.5 Comments should be made by completing the response form, which is also available as a separate document at www.maldon.gov.uk, and emailing it to the Council at policy@maldon.gov.uk. Alternatively it can be posted to

Planning Policy,
Maldon District Council,
Princes Road,
Maldon,
Essex CM9 5DL.

- 3.1.6 All comments must be received by 12 noon on Friday 7 March 2014.

3.2 Next Steps

- 3.2.1 Following this consultation, the Council will review the comments received together with any other evidence that emerges and use the findings to inform the next stage, which is the preparation of a draft charging schedule.
- 3.2.2 Once the Council considers that the draft charging schedule is ready for an Examination-in-Public, it will publish the document for consultation. During this period, representations can be made and any person making a representation has the right to be heard at the CIL Examination-in-Public.

ANNEX A

Maldon District Council Community Infrastructure Levy (CIL) Charging Schedule Preliminary Draft for Consultation

The Charging Authority

The Charging authority is Maldon District Council.

Date of Approval

This Preliminary Draft Charging Schedule was approved by the Council on 11th December 2013.

Date of Effect

This Preliminary Draft Charging Schedule takes effect on the 22nd January 2014.

Statutory Compliance

This CIL Preliminary Draft Charging Schedule has been issued, approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and Part 11 of the Planning Act 2008.

Calculation of the CIL Charge

Calculation

The chargeable amount will be calculated using the rates set out in this Preliminary Draft Charging Schedule in accordance with Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended).

In accordance with Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended), the calculation will take account of inflation by index-linking to 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. If the BCIS Index ceases to be made available, the Retail Prices Index will be used instead.

Exemptions and Reliefs

The chargeable amount will be subject to any exemptions or reliefs which may be due in accordance with Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) and, where applicable, Maldon District Council policy.

Maldon District Council policies

Maldon Council has set out its policies on payment by instalments, discretionary charitable relief and exceptional circumstances relief on its website at www.maldon.gov.uk

CIL Rates

The Community Infrastructure Levy charging rates for development across Maldon District Council's area are as follows:

Development Type	Maximum Rate of CIL
Residential All areas except Local Development Plan Heybridge Strategic Sites S2(d) North of Heybridge and S2(e) North of Holloway Road:	£70 /sq. m
Local Development Plan Heybridge Strategic Sites S2(d) North of Heybridge and S2(e) North of Holloway Road:	£0 /sq. m
Supermarkets and Retail Warehouse	£150 /sq. m
Hotels	£150 /sq. m
Sheltered Housing	£150 /sq. m
Extra Care	£150 /sq. m
All other development	£0 /sq. m

Further Information

More Information on CIL and its application in Maldon District is available on the Council's website at www.maldon.gov.uk.

Community Infrastructure Levy

Draft Charging Schedule Consultation

JUNE 2014



MALDON DISTRICT
COUNCIL

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1.0 Introduction

- 1.1 Following careful consideration of representations made on the Preliminary Draft Charging Schedule consultation held between January and March 2014, this consultation document sets out the Community Infrastructure Levy (CIL) Draft Charging Schedule which Maldon District Council intends to submit for Examination-in-Public. Anyone can make a representation about the Draft Charging Schedule and has the right, if they ask, to be heard by the examiner. The consultation will be carried out in accordance with Regulations 16 to 21 of the CIL Regulations 2010 (as amended).
- 1.2 While this document contains much that is new, it also seeks to avoid the need for readers to cross-refer to the previous consultation leaflet by setting out again key information about CIL and the evidence base for Maldon District Council's proposals.
- 1.3 Maldon District Council submitted the Maldon District Local Development Plan (LDP) to the Planning Inspectorate on the 25th April 2014. The submitted LDP proposes growth for the District in the form of new homes and jobs. To ensure that this growth is sustainable, infrastructure such as roads, public transport, school places, health facilities and open space need to be provided and improvements to existing infrastructure may be required. An assessment of the new and improved infrastructure required to support the development envisaged by the LDP is set out in the Maldon District Infrastructure Delivery Plan (IDP) Update (December 2013 and further updated in May 2014).
- 1.4 It is important that developers contribute towards providing for the needs that development creates for new and improved infrastructure. The introduction of the Community Infrastructure Levy Regulations in 2010 established a new way for district councils and unitary authorities in England and Wales to raise funds from developers to achieve this.
- 1.5 Local authorities who wish to charge the levy must produce a draft charging schedule setting out CIL rates for their areas. CIL is levied on the internal floorspace of certain types of new-build development so the rates are expressed as pounds per square metre. Before it is approved by the Council, the draft schedule has to be approved by an independent examiner.
- 1.6 The Council, as the CIL charging authority, is required to consult with residents, local communities, businesses and stakeholders on the proposed levy rates.
- 1.7 This consultation on the Draft Charging Schedule is the second of two consultations which are required under the Regulations. It will be followed by

an Examination-in-Public of the Draft Charging Schedule which will be conducted by an independent examiner prior to the proposed adoption of CIL towards the end of 2014.

- 1.8 As well as setting out the Draft Charging Schedule for consultation, together with a proposed draft Policy for allowing CIL to be paid by instalments, this document provides a brief summary of CIL, the key requirements for setting the levy and the evidence base which has been used to inform the proposed charging schedule. It also sets out the changes that have been made since the last consultation and outlines Maldon District Council's emerging thinking on the governance arrangements needed to ensure effective decision making on spending the CIL income.
- 1.9 This document takes into account changes to the procedures and requirements for setting and operating CIL, which were introduced by new CIL Amendment Regulations in February 2014. Those regulations took account of ongoing CIL consultations and the changes have been made so as to ensure that any consultation process already underway should not be re-started.

2.0 General principles of CIL

2.1 What is CIL?

- 2.1.1 The Community Infrastructure Levy (CIL) was introduced in the Planning Act 2008 and defined in the CIL Regulations 2010 (as amended). This legislation also restricts the use of planning obligations, sometimes known as 'Section 106 agreements'.
- 2.1.2 It is a locally set charge on new development that authorities can choose to introduce across their area. It is based on the size and type of development and once set in an area is mandatory to pay and non-negotiable. The funds raised must be used to provide new infrastructure and make improvements to existing infrastructure which are required to support new development across the area.
- 2.1.3 The requirements which a local authority, or 'charging authority', setting a CIL charging schedule has to meet are set out in:
- The Planning Act 2008 (as amended by the Localism Act 2011);
 - The CIL Regulations 2010, as amended in 2011 and 2012, 2013 and 2014;
 - The CIL Guidance, which has statutory backing under S221 of the Planning Act 2008.

2.2 What are the benefits of CIL?

- 2.2.1 CIL provides a simpler and more transparent process than the collection of funds and provision of infrastructure under the Section 106 procedures. The Government suggests there are a range of benefits when local authorities introduce the levy. These include:
- CIL collects contributions from a wider range of developments, providing additional funding to allow local authorities to carry out a range of projects for new and improved infrastructure that not only support growth but benefit the local community;
 - CIL gives authorities greater flexibility to set their own priorities on projects benefitting the wider community affected by development, unlike Section 106 funds which require a direct link between a contributing development and an infrastructure project;
 - CIL provides developers with clarity about the level of contributions which are required from any development and provides transparency for local people;

- CIL is non-negotiable and therefore should save time by removing the need for negotiations between the local authority and developers as occurs on S106;
- CIL is fair as it relates the contribution to the size of the development in terms of new floorspace;
- Parishes where development takes place will receive their own portion of the CIL to spend on the infrastructure they want. In areas where there is no neighbourhood plan this will be 15%, capped at £100 per existing dwelling. Where a neighbourhood plan is in place the portion is an uncapped 25%.

2.3 What development will be liable for CIL?

2.3.1 The levy may be payable on the development of buildings, including extensions, which creates net additional floor space, and where the gross internal area of new build exceeds 100 sq m. Development which is less than 100 sq m. but which involves the creation of an additional dwelling may also be liable. The conversion of a vacant building that has not been in use for some time may also be liable for the levy.

2.4 Are there any exemptions from CIL?

2.4.1 The CIL Regulations set out that some development which might otherwise be liable as set out above will not be subject to a charge:

- Houses, flats, residential annexes and residential extensions which are built by 'self builders' for their own use;
- Development by registered charities for the delivery of charitable purposes;
- Those parts of a development which are to be used as affordable housing;
- The conversion of any building previously used as a dwelling to two or more dwellings providing there is no increase in floor area;
- Buildings into which people do not normally go, buildings which people only enter intermittently for the purposes of inspection or maintenance, and structures which are not buildings, such as pylons;
- Changes of use which do not involve an increase in floorspace;
- Vacant buildings brought back into the same use without an increase in floorspace;
- Specific types of buildings or buildings in specific zones, which a local authority has decided on viability grounds should be subject to a 'zero-rate' of CIL and specified as such in their charging schedule;
- Mezzanine floors of less than 200 sq m. inserted into an existing building – unless they form part of a wider planning permission which includes other works.

2.5 Discretionary relief from CIL

2.5.1 The CIL Regulations state that discretionary relief can be made available for charitable investment if the charging authority chooses to make it available in its area and publishes a local policy. Based on responses to the Preliminary Draft Charging Schedule consultation, the Council has now published a policy to provide discretionary relief from CIL for charitable investment. This policy is available on the CIL page of the Council's website, and also in Annex B of this document. However, this policy is separate to the Charging Schedule and is not subject to examination. To be considered for relief, the whole or greater part of the chargeable development must be held as an investment from which the profits will be applied for charitable purposes.

2.5.2 The CIL Regulations also allow that discretionary relief can be made available for 'exceptional circumstances' if the charging authority chooses to make it available in its area and publishes a local policy after its CIL charging schedule has been examined and then approved by the Council. As with discretionary charitable relief, such policies are separate to the Charging Schedule and are not subject to examination. Relief can only be given where the following eligibility criteria set out in the Regulations are fulfilled:

- The claimant owns a material interest in the land;
- A Section 106 Planning Obligation has been entered into in respect of the planning permission which permits the chargeable development; and

The charging authority considers that:

- Requiring payment of the charge would have an unacceptable impact on the economic viability of the chargeable development; and
- Granting relief would not constitute a notifiable State Aid.

2.5.3 Maldon District Council has sought to use the evidence it has commissioned on the viability of development allocated in the submitted LDP in order to set CIL rates which will be affordable for the development needed to deliver growth in the submitted LDP.

2.6 What is the relationship between CIL and other planning obligations?

2.6.1 The use of 'Section 106' planning obligations has been scaled back by the Government to ensure there is no overlap between obligations and CIL. Pooling of obligations from more than five schemes is restricted after April 2015. This is because CIL is intended to take over the collection and pooling of funds to deal with the cumulative demands on infrastructure caused by development across a district.

2.6.2 However, there may be some site-specific infrastructure requirements without which planning permission should not be granted. Some of these needs may

be provided with levy funds but some may be very local or specific, perhaps arising only from one or a small group of major developments in an area, such as the proposed Garden Suburbs at Maldon and Heybridge allocated in the submitted LDP. For this reason, while planning obligations have been scaled back, they have not been abolished.

- 2.6.3 To safeguard developers, authorities cannot charge for the same items through both planning obligations and CIL. Under CIL Regulation 123, local authorities should show which items or types of infrastructure will not be subject to planning obligations by publishing a list of infrastructure projects or types they intend will be or may be funded by CIL. The 'Regulation 123 list' is considered by the Council as part of the evidence base for CIL and it is presented as supporting evidence when the CIL charging schedule is examined, but it is not examined and is not part of the charging schedule as it can be reviewed and changed independently of it.
- 2.6.4 The Council is making its draft Regulation 123 list available alongside this consultation within the Infrastructure Delivery Plan Update (IDP, May 2014), together with policy for the continued use of planning obligations within Policy I1 of the submitted LDP. This will provide transparency over the way it is intended the two methods will work together to help provide the infrastructure our communities need.

2.7 When is CIL payable?

- 2.7.1 Liability to pay CIL is triggered by commencement of the development. By default the CIL Regulations state it must be paid within 60 days, but for schemes with phased outline or full permission payment will be triggered separately for each phase. In addition, authorities can set their own policies allowing all large liabilities to be paid by instalments.
- 2.7.2 Following consultation on the Preliminary Draft Charging schedule, Maldon District Council has decided to adopt a CIL instalments policy. To implement this, the Council has published the policy on its website and within Annex C of this document. The policy will not be part of the charging schedule and can be changed independently of it. By law, the instalment policy must apply to all developments and can contain only the following criteria:
- The number of instalment payments;
 - The amount or proportion of CIL payable in any instalment;
 - The time from commencement by which the first and subsequent instalments must be paid;
 - Any minimum amount of CIL below which CIL may not be paid by instalment.

2.8 Want to know more?

- 2.8.1 Links to the Government's CIL webpages and the legislation giving more detailed information on the Community Infrastructure Levy can be found in the Maldon District Council website at: www.maldon.gov.uk.

2.9 The evidence base

- 2.9.1 To set a CIL charge, an authority must first show there is an overall need for funding for new and/or improved infrastructure to support the LDP, and that there is a funding gap because other sources of funding will not be sufficient to provide all that is necessary.
- 2.9.2 Having established a funding gap, the law requires a charging authority to strike an appropriate balance between raising funds from developers towards infrastructure to support the development envisaged in the LDP, and the effect of taking those funds on the viability, and so deliverability of that development. In other words, the proposed CIL must have a positive effect and support, not threaten, delivery of the LDP. The authority will be required to explain that balance at the CIL Examination-in-Public.
- 2.9.3 To help strike and explain that balance, the CIL charging schedule must be informed by appropriate available evidence, which includes the LDP (to show the development proposed), the Infrastructure Delivery Plan Update (to demonstrate broad need for infrastructure and a funding gap), a draft 'Regulation 123 list' of CIL spending intentions if the authority has prepared one, and the LDP Viability Study to assess the likely impact of CIL on the viability of development envisaged in the LDP. Full details of these evidence base documents are as follows:
- Maldon District Pre-Submission Local Development Plan 2014-2029 (MDC, January 2014)
 - Maldon District Infrastructure Delivery Plan Baseline Report (June 2012)
 - Maldon District Infrastructure Delivery Plan Update (June 2013)
 - Maldon District Infrastructure Delivery Plan Update (December 2013)
 - Maldon District Infrastructure Delivery Plan Update (May 2014)
 - Local Plan and Community Infrastructure Levy Viability Study (August 2013)
 - Local Plan and Community Infrastructure Levy Viability Study Post Consultation Update (November 2013)
 - Local Plan and Community Infrastructure Levy Development Viability Study (May 2014)
- 2.9.4 The evidence which supports the Draft Charging Schedule is available on the Council's website at www.maldon.gov.uk.

2.10 Maldon Local Development Plan 2014-2029

2.10.1 The Maldon District LDP aims to improve the quality of life for those who live and work in and visit the District, to the benefit of existing and future generations. It sets out the development needed to meet local housing needs and requirements, to protect local services and deliver new affordable homes and infrastructure. Once in place, the Plan will guide, manage and control development across the District over the next 15 years, ensuring development proposals are focussed on sustainable and appropriate locations. The LDP was submitted to the Secretary of State on the 25th April 2014 with an intended adoption date of late 2014.

2.11 Infrastructure Delivery Plan

2.11.1 The IDP identifies the infrastructure requirements necessary to support the proposed development and growth across the District and so demonstrate that the policies and proposals contained within the LDP will be delivered in accordance with the principle of sustainable development.

2.11.2 The IDP (December 2013) identifies the lead organisations to deliver and manage infrastructure. In addition, it identifies the infrastructure costs arising as a result of development put forward in the LDP and where feasible aligns with the aims and objectives of other local and sub-regional strategies. It outlines how costs may be met in order to ensure necessary infrastructure can be delivered and informs policy on the continued use of planning obligations, particularly on major sites such as the proposed Garden Suburbs, which informs the assessment of the viability of the LDP and proposed CIL rates.

2.11.3 To provide transparency over the way Maldon District Council intends to use CIL and planning obligations together in a complementary way to help provide infrastructure, the Council has made its draft 'Regulation 123 list' of CIL spending intentions available in the IDP, together with proposals for the continued use of planning obligations once CIL is introduced. This draft list forms part of the evidence base for the authority's CIL.

2.11.4 In relation to responses provided to both the Pre-Submission LDP and Preliminary Draft Charging Schedule consultations, an update to the IDP was produced in May 2014. This update reconsiders the amount and distribution of infrastructure costs related to health, sport provision, public transport, and allotments. Although not required as part of the CIL evidence base for consultation or examination, the May 2014 IDP also includes an updated Regulation 123 list and initial information on the phasing and delivery of key infrastructure across the LDP Garden Suburbs and Strategic Allocations.

2.12 Funding Gap

- 2.12.1 In assessing likely funding sources, the IDP provides evidence for an aggregate funding gap over the plan period. The IDP is therefore a key part of the evidence base to inform the justification of the Council's CIL Draft Charging Schedule, as well as forming part of the LDP's evidence base.
- 2.12.2 Revenue from CIL is not expected to bridge the funding gap entirely, but it is expected to have a significant impact on available finances to enable Maldon District Council to bring forward infrastructure.
- 2.12.3 It is not possible at this stage to be definitive about the total cost of infrastructure or about the funding gap. Indeed, this position will change over time. As such, the funding gap position is subject to change.
- 2.12.4 Based on the current assessment of infrastructure needs, costs and funding, there is currently a funding gap of around £83 million.
- 2.12.5 As the Plan does not contain targets for the quantity of development of non-residential uses which viability evidence shows could bear a CIL charge, the CIL income generated from non-residential development has not been estimated. For residential development, based on the proposed growth allocated in the submitted LDP and the charges proposed in the Annex A, it is estimated CIL could raise in the region of £12 million over the plan period to help address the funding gap and contribute to local infrastructure needs. This takes into account the Council's policy for major strategic sites to contribute to infrastructure needs they create separately via planning obligations, and so represents a significant contribution towards delivering sustainable development in Maldon District.

2.13 Viability assessment

- 2.13.1 The Council commissioned HDH Planning & Development to assess the viability of the delivery of the Draft LDP in August 2013 and the emerging Pre-Submission LDP in November 2013. The two assessments considered the Plans policy requirements, including for the provision of affordable housing and infrastructure contributions via planning obligations. The study also considered the viability of a selection of strategic development sites, and assessed the effect which the introduction of CIL may have on development viability.
- 2.13.2 Following the Preliminary Draft Charging Schedule consultation in January, the Council commissioned HDH Planning & Development to undertake a further assessment of viability based on issues raised through consultation representations. This update was completed in May 2014.

- 2.13.3 The CIL rates proposed in the draft charging schedule have been based on the results of these assessments of viability across the District. The consultants tested different development types and scenarios. Evidence was collected from a variety of sources including discussions with local landowners, agents and developers for information on property sales and values and to inform assumptions on the costs of development. This has been supplemented by the consultation on the Preliminary Draft Charging Schedule. The testing examined the effects of different levels of affordable housing contribution and took account of the impact on development viability of other policy costs faced by development, including other planning obligation costs.
- 2.13.4 Events and meetings were held in June and November 2013, and April 2014 following the Preliminary Draft Charging Schedule consultation, with promoters of the key development sites within the District and the representatives of the main developers, development site landowners and housing providers. The meetings were used to set out the methodology, test the assumptions used in the report, to put the report in context of the emerging LDP, requirements of National Planning Policy, and CIL, and to discuss the Council's proposals.
- 2.13.5 The May 2014 assessment found that all residential development was sufficiently viable to pay CIL except the North Heybridge strategic sites S2(d) 'North of Heybridge' and S2(e) 'North of Holloway Road'. These sites have high infrastructure costs associated with development, which would render development unviable if a CIL rate was required in addition to policy requirements in the LDP. Based on the Preliminary Draft Charging Schedule consultation responses, a further assessment of the viability of development relating to sheltered housing, extra care, and supermarkets identified the need to reduce the rates of CIL for certain types of development. The Viability Study recommended reducing the rate of CIL payable for extra care development to zero, reducing CIL rates for supermarkets within the built up areas of Maldon and Heybridge, and reducing the overall rate for sheltered housing to zero in the built up areas of Maldon and Heybridge, and £70 per sq m. in all other areas.

2.14 List of changes to the CIL Charging Schedule

2.14.1 Based on representations made on the Preliminary Draft Charging Schedule consultation, the following main changes have been made to the Draft Charging Schedule and supporting documents:

- A reduction to the rates applicable to supermarkets and retail warehouses within the built up area of Maldon and Heybridge;
- A reduction to the rates applicable to sheltered housing (private retirement homes / nursing homes) and extra care development;
- The inclusion of a discretionary charitable relief policy;
- Inclusion of an instalment policy;
- Focused updates to the IDP and CIL and Local Plan Viability Study;
- The inclusion of a draft infrastructure phasing plan within the IDP; and
- The inclusion of definitions for certain types of development which would be required to pay CIL within the Charging Schedule.

3.0 Application of CIL funds

3.1 Governance arrangements

- 3.1.1 An important aspect of successfully implementing a CIL charge in Maldon District will be the way in which the Council works with its partners to make well informed and appropriate decisions about how the CIL income should be spent, including keeping the Regulation 123 list of CIL spending intentions under review. Such arrangements are not considered by the CIL examiner, whose focus is the CIL charge itself, not the priorities for spending. However, for the sake of transparency, the Council has decided to set out the arrangements which are currently being considered.
- 3.1.2 Comments provided through responses to the Preliminary Draft Charging Schedule consultation on proposed governance arrangements are currently being considered by the Council. The Council will be developing a CIL Implementation Plan which will be presented to Council for consideration in late summer 2014. The Council would therefore welcome any further recommendations on the governance arrangements for CIL in Maldon District to be provided within representations to this consultation on the Draft CIL Charging Schedule.

4.0 The Draft Charging Schedule

4.1 Your Views

4.1.1 Maldon District Council's Draft Charging Schedule is set out in Annex A, the draft Discretionary Charitable Relief Policy in Annex B, and the draft Instalments Policy in Annex C. The draft policies do not form part of the Draft Charging Schedule, and are not subject to examination

4.1.2 The Draft Charging Schedule and draft accompanying policies are available for consultation from 11th June to 23rd July 2014.

4.1.3 Maldon District Council would like your views on:

1. The Draft Charging Schedule it proposes to submit for Examination-In-Public;
2. The draft Discretionary Relief Policy; and
3. The draft Instalments Policy.

4.1.4 Copies of this document, including the Draft Charging Schedule, draft Discretionary Charitable Relief Policy, and draft Instalments Policy, are available for inspection online at www.maldon.gov.uk and at the following locations:

Location	Address	Opening Times
Maldon District Council	Princes Road, Maldon, Essex, CM9 5DL Tel: 01621 854477	Monday – Thursday 8.30am to 5pm Friday 8.30am to 4:30pm
One Place, Burnham-on-Crouch	1 High Street, Burnham-on-Crouch, Essex, CM0 8AG	Monday – Saturday 10am to 4pm Sunday – Closed
One Place, Southminster	Unit 1, The Car Park, High Street, Southminster, Essex, CM0 7AY	Monday – Saturday 10am to 4pm Sunday – Closed
Local Libraries (Including Maldon, Wickham Bishops, Burnham on Crouch, Southminster, South Woodham Ferrers, Danbury, Tiptree and Witham)	Please check Essex County Council's website at www.essex.gov.uk for latest opening hours for all local libraries.	
Parish / Town Councils	Please check with your local Parish / Town Council for their opening times.	

4.1.5 All evidence base documents are available online and from the Maldon District Council Offices.

- 4.1.5 Comments should be made by completing the consultation response form, which is available as a separate document at www.maldon.gov.uk, and emailing it to the Council at policy@maldon.gov.uk. Alternatively it can be posted to:

Planning Policy,
Maldon District Council,
Princes Road,
Maldon,
Essex
CM9 5DL.

- 4.1.6 All comments must be received by **5pm on Wednesday 23rd July 2014**. Responses received after the deadline may not be considered.
- 4.1.7 Any respondent wishing to exercise their right to be heard by the Inspector at the Examination in Public can request to do so by completing the appropriate section of the consultation response form.

4.2 Next Steps

- 4.2.1 Following this consultation, the Council will review any representations made together with any other evidence that emerges and use the findings to inform the next stage, which is the submission of the Draft Charging Schedule for Examination-In-Public.

ANNEX A

Maldon District Council Community Infrastructure Levy (CIL) Charging Schedule Draft for Consultation

The Charging Authority

The Charging authority is Maldon District Council.

Date of Approval

This Draft Charging Schedule was approved on behalf of the Council by the Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee, Leader of the Council, and the Opposition Leader, on the 9th June 2014.

Date of Effect

This Draft Charging Schedule is published for consultation on 11th June 2014.

Statutory Compliance

This CIL Draft Charging Schedule has been issued, approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and Part 11 of the Planning Act 2008.

Calculation of the CIL Charge

Calculation

The chargeable amount will be calculated using the rates set out in this Preliminary Draft Charging Schedule in accordance with Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended).

In accordance with Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended), the calculation will take account of inflation by index-linking to 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. If the BCIS Index ceases to be made available, the Retail Prices Index will be used instead.

Exemptions and Reliefs

The chargeable amount will be subject to any exemptions or reliefs which may be due in accordance with Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) and, where applicable, Maldon District Council Policy.

Maldon District Council policies

Maldon Council has set out its policies on payment by instalments, discretionary charitable relief and exceptional circumstances relief on its website at www.maldon.gov.uk, and within Annex B and C of the consultation document.

Proposed CIL Rates

The Community Infrastructure Levy charging rates for development across Maldon District Council's area are as follows:

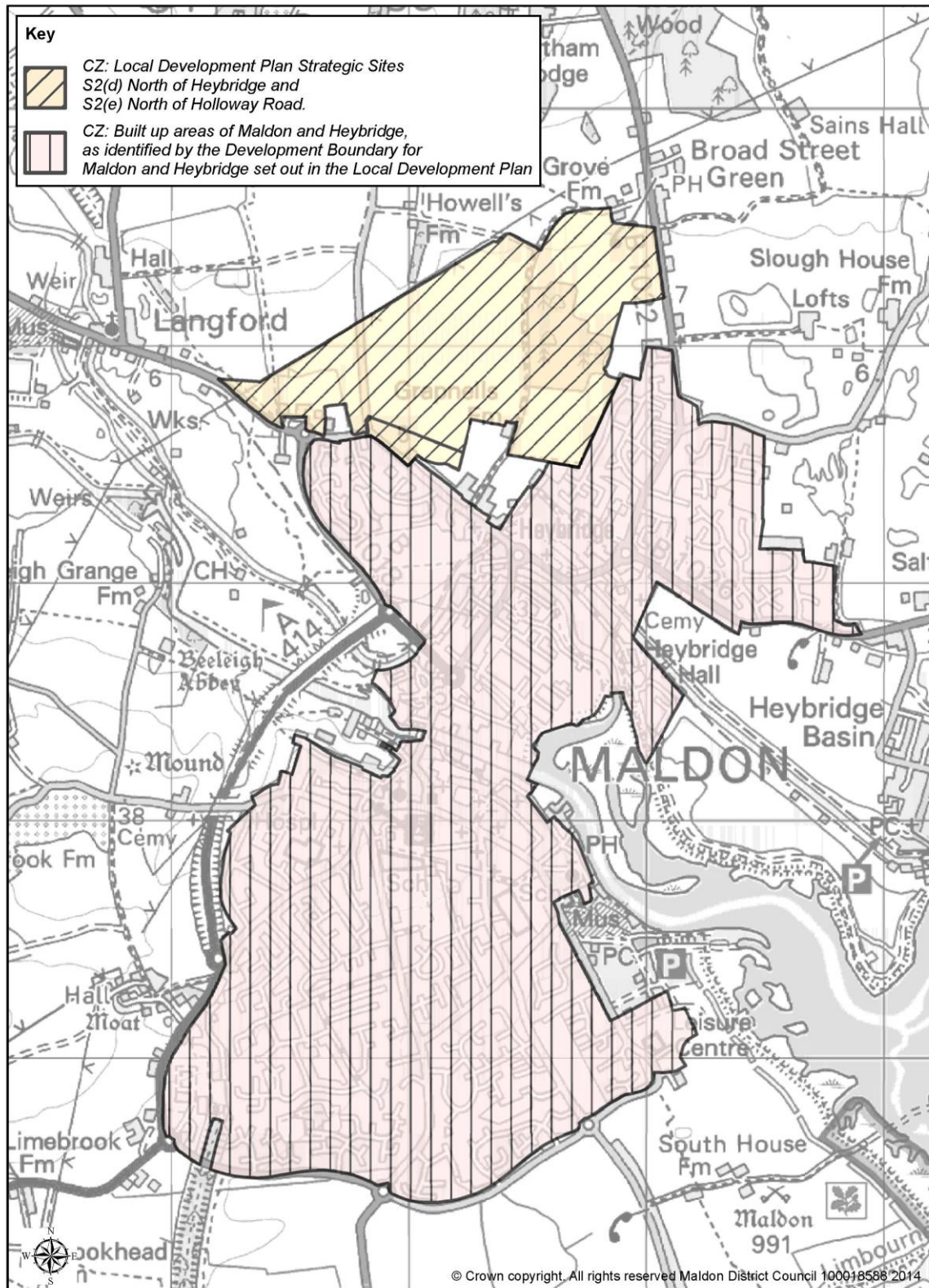
Development Type	Maximum Rate of CIL
Residential: Local Development Plan Heybridge strategic sites S2(d) North of Heybridge and S2(e) North of Holloway Road ¹ All other areas	£0 per sq. m £70 per sq. m
Supermarkets ² and Retail Warehouses ³ : Within the built up areas of Maldon and Heybridge ⁴ All other areas	£0 per sq. m £150 per sq. m
Hotels	£150 per sq. m
Private Retirement Homes / Nursing Homes ⁵ : Within the built up areas of Maldon and Heybridge ⁴ All other areas	£0 per sq. m £70 per sq.m
All other development	£0 /sq. m

Notes which form part of the Schedule:

1. The charging zones for Local Development Plan Heybridge Strategic Sites S2(d) North of Heybridge and S2(e) North of Holloway Road are set out in the following map, which forms part of this Charging Schedule.
2. Supermarkets are defined as shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.
3. Retail warehouses are defined as large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items, and other ranges of goods catering for mainly car-borne customers.
4. As defined by the development boundary for Maldon and Heybridge identified in the Local Development Plan Proposals Map, and set out in the map on the following page.
5. This was referred to as Sheltered Housing in the Preliminary Draft Charging Schedule.

Charging Zone Map

The following map forms part of the Charging Schedule



ANNEX B

Draft Discretionary Charitable Relief Policy

Maldon District Council hereby gives notice that the Council is offering discretionary charitable relief in its area under Regulations 44 and 45 of the Community Infrastructure Regulations 2010 (as amended).

The Council will begin accepting claims following formal adoption of the CIL Charging Schedule. Subject to the requirements of the Regulations, the Council offers discretionary charitable relief:

- a) Where the proposed charitable development will be used to fund the provision of services to residents of the District; and
- b) That charitable relief shall be given at the rate of 25% of the amount of CIL due.

Claiming Discretionary Charitable Relief

The Council's ability to grant discretionary charitable relief from CIL is limited by Regulations 44 and 45 of the CIL Regulations 2010 (as amended). You are advised to consult the Regulations and the Department for Communities and Local Government guide 'Community Infrastructure Levy Relief' (CLG, May 2011) to confirm the chargeable development is eligible before submitting a claim.

Regulation 47 of the CIL Regulations sets out the procedure for claiming Charitable Relief. If these procedures are not followed, development will cease to be eligible for charitable relief and/or claims for charitable relief will lapse.

All Claims for Charitable Relief should be made using the form 'Claiming CIL Exemption or Relief' available in the CIL page of the Council's website, www.maldon.gov.uk.

Please send your completed forms to:

Planning Policy
Maldon District Council,
Princes Road,
Maldon,
Essex CM9 5DL.

Further information on CIL is available on the Council's website at:
www.maldon.gov.uk

ANNEX C

Draft Instalments Policy

In accordance with Regulation 69 of the Community Infrastructure Levy Regulations 2010 (as amended), Maldon District Council will automatically allow the payment of CIL by instalments. The instalments permitted will be linked to the amount payable (the chargeable amount) as recorded on the Demand Notice.

As permitted under Regulation 9 (4) of the Community Infrastructure Regulations 2010 (as amended), where outline planning permission which permits development to be implemented in phases has been granted, each phase of the development as agreed by Maldon District Council is a separate chargeable development and the instalment policy will, therefore, apply to each separate chargeable development and associated separate liable amount chargeable.

This policy will **not apply** if any one or more of the following applies:

- a) A commencement notice has not been submitted prior to commencement of the chargeable development, as required by Regulation 67 of the Community Infrastructure Regulations 2010 (as amended);
- b) On the intended date of commencement
 - i. Nobody has assumed liability to pay CIL in respect of the chargeable development;
 - ii. A commencement notice has been received by Maldon District Council in respect of the chargeable development; and
 - iii. Maldon District Council has not determined a deemed commencement date for the chargeable development and, therefore, payment is required in full, as required by Regulation 71 of the Community Infrastructure Regulations 2010 (as amended);
- c) A person has failed to notify Maldon District Council of a disqualifying event before the end of 14 days beginning with the day on which the disqualifying event occurs, as per the Community Infrastructure Regulations 2010 (as amended)
- d) An instalment payment has not been made in full after the end of the period of 30 days beginning with the day on which the instalment payment was due, as per the Community Infrastructure Regulations 2010 (as amended)

This policy relates to both residential development and non-residential development (NRD). Where the instalment policy is not applicable, the amount must be paid in full at the end of the period of 60 days beginning with the notified or deemed commencement date of the chargeable development or the date of the disqualifying event, whichever is the earliest, unless specified otherwise within the Community Infrastructure Levy Regulations 2010 (as amended).

Appendix 2

Instalments should be paid to the Council as outlined in the table below:

Number of dwellings ¹ or per 1000m ² non-residential development ² (NRD)	Number of Instalments	Total Timescale for Instalments	Payment Amounts	Payment Periods
Where instalment policy is not applicable	1	60 days	100%	60 days from commencement.
1 dwelling or 1,000m ² of NRD	2	270 days (9 months)	10%	60 days from commencement.
			90%	270 days from commencement.
2 to 5 dwellings or 2,000-5,000m ² of NRD	3	365 days (1 year)	10%	60 days from commencement.
			45%	270 days from commencement.
			45%	365 days from commencement.
6 to 25 dwellings or 6,000-25,000m ² of NRD	3	548 days (18 months)	10%	60 days from commencement.
			45%	365 days from commencement.
			45%	548 days from commencement.
26 to 50 dwellings or 26,000-50,000m ² of NRD	4	730 days (2 years)	10%	60 days from commencement.
			30%	365 days from commencement.
			30%	548 days from commencement.
			30%	730 days from commencement.
51 to 100 dwellings or 51,000-100,000m ² of NRD	5	1095 days (3 years)	10%	60 days from commencement.
			21%	365 days from commencement.
			23%	548 days from commencement.
			23%	730 days from commencement.
			23%	1095 days from commencement.
101 to 200 dwellings or 101,000-200,000m ² of NRD	6	1460 days (4 years)	10%	60 days from commencement.
			18%	365 days from commencement.
			18%	548 days from commencement.
			18%	730 days from commencement.
			18%	1095 days from commencement.
			18%	1460 days from commencement.
201 to 300 dwellings or 201,000 to 300,000m ² of NRD	7	1825 days (5 years)	10%	60 days from commencement.
			15%	365 days from commencement.
			15%	548 days from commencement.
			15%	730 days from commencement.
			15%	1095 days from commencement.
			15%	1460 days from commencement.
			15%	1825 days from commencement.
301+ dwellings or 301,000m ² and over of NRD	8	2190 days (5 years)	10%	60 days from commencement.
			13%	365 days from commencement.
			13%	548 days from commencement.
			13%	730 days from commencement.
			13%	1095 days from commencement.
			13%	1460 days from commencement.
			13%	1825 days from commencement.
			12%	1826 days from commencement.

Notes:

- The number of dwellings refers to the residential and private retirement homes / nursing homes development types listed in the proposed CIL rates
- Non-residential development (NRD) refers to the all other development, supermarkets, retail warehouses, and hotels development types listed in the proposed CIL rates.

In all cases the full balance is payable on occupation/opening of the development if this is earlier than the due instalment dates set out above.