



**Tamworth Borough Council
Community Infrastructure Levy**

**Draft Charging Schedule and Local
Policies**

April 2018

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1. Introduction

- 1.1 The Community Infrastructure Levy (CIL) is a tariff upon development which Local Authorities can charge in order to raise funds to contribute towards the delivery of new infrastructure which is needed to support the future development of the area. The Community Infrastructure Levy Regulations 2010 (subsequently amended) (the Regulations) provided the ability to charge a CIL on development.

2. Regulations and evidence base

- 2.1 The Council adopted the Tamworth Local Plan 2006-2031 in February 2016. Two reports¹ were prepared to illustrate the impact of the Local Plan on development viability and demonstrate a range of potential CIL charges on different types of development. A third report² was commissioned to address issues raised during the Draft Charging Schedule consultation. All three reports were consolidated and updated in the Tamworth CIL Update Report 2017.
- 2.2 The Infrastructure Delivery Plan sets out a range of strategic and local infrastructure needs which support the Local Plan and forms the basis of the list of infrastructure projects or types of infrastructure which will be wholly or partly funded by CIL (referred to as the Regulation 123 list).
- 2.3 The Draft Charging Schedule document comprises the Draft Charging Schedule and accompanying plans within Appendix A. The Draft Charging Schedule and CIL Maps in Appendix A have been through examination.
- 2.4 The Local Policies within Section 5 are not part of the Charging Schedule but support the implementation of the schedule. The Local Policies provide clarity in circumstances that may require flexibility in order to assist development viability and deliverability. Local Policies will be updated as necessary within a revised document, however, the Draft Charging Schedule and CIL maps will only change following examination.
- 2.5 Together the Local Plan, the IDP and the Whole Plan Viability Assessment form the basis of the CIL evidence base. It is these documents which have shaped the Charging Schedule.

¹ Whole Plan Viability, Affordable Housing and CIL Study 2014; Whole Plan Viability Addendum 2015

² Tamworth Preliminary Draft Charging Schedule responses Review and Technical Note, 2016

3. **CIL Charging Schedule**

- 3.1 The Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended).
- 3.2 The CIL rates in the table below expressed as pounds per m² apply to eligible development within the charging areas shown in Appendix A.

Date of approval: To be inserted

Date charging schedule takes effect: To be inserted

Land Use	Criteria	CIL Rate per square metre
Residential	One or two unit residential schemes	£0
Residential	Residential schemes between 3 and 10 units	£68
Residential	Residential schemes of 11 or more units	£35
Specialist Residential	Retirement dwellings, extra care and care homes*	£0
Out of Centre Retail	Comparison and convenience retail development located outside the Town Centre, Local Centres and Neighbourhood Centres as defined in the accompanying Charging Zones Maps	£200
In Centre Retail	Comparison and convenience retail development located inside the Town Centre, Local Centres and Neighbourhood Centres as defined in the accompanying Charging Zones Maps	£0
All other development	None	£0

Definitions:

* Retirement dwellings – Also known as sheltered housing, these are usually groups of dwellings, often flats and bungalows, which provide independent, self-contained homes often with some element of communal facilities, such as a lounge or warden.

Extra care – Also known as assisted living, this is housing with care whereby people live independently in their own flats but have access to 24-hour care and support. These are usually defined as schemes designed for an elderly population that may require further assistance with certain aspects of day to day life.

Care homes – Residential or nursing homes where 24-hour care is provided together with all meals. Residents usually occupy under a licence agreement.

Exemptions and Relief

3.2 Part 6 of the Regulations sets out a number of types of development which are eligible for exemption or relief from CIL. Further details can be found within the Regulations however the main types of relief from CIL are:

- Minor development – where the gross internal area of a new build would be less than 100 square metres;
- Charitable relief - where a charity has a material interest in the land and the development will be used wholly or mainly for charitable purposes;
- Social housing relief;
- Residential extensions and annexes;
- Self-build properties including communal self-build development.

Calculation of Chargeable Amount

3.3 CIL liability is calculated in £s per square metre applied to the gross internal floorspace created by the development. Where more than one chargeable rate applies to the development, each of the appropriate rates will be applied to the relevant floorspace in accordance with Regulation 40 of the Regulations.

3.4 The chargeable rate is also subject to an annually updated index of inflation using the national All-In Tender Price Index of Construction Costs published by the Royal Institute of Chartered Surveyors.

3.5 Payment is due when development commences for which permission was granted after adoption of the Charging Schedule. Further details can

be found in the CIL guidance on the Tamworth Borough Council website: www.tamworth.gov.uk/CIL.

4. Monitoring and Review

- 4.1 As part of the Council's annual monitoring regime a report will be published which will set out how much CIL money has been received and the infrastructure to which that money will be applied.
- 4.2 The Council needs to ensure that the CIL rates remain appropriate over time. The Tamworth CIL Charging Schedule will be kept under review, taking into account changing economic circumstances and viability. In addition to taking account of changes in market conditions the Council will consider revising the charging schedule in conjunction with any substantive review of the Local Plan

5. Local CIL Policies

Instalments

- 5.1 The Regulations allow councils to set an instalments policy to assist with development cash flow, reducing up-front costs to ensure economic viability. The table below sets out the instalments policy that will be applied:

Total CIL Liability	Number of Instalments	Payment period and amount
Amount less than £25,000	Single payment	100% payable within 60 days of commencement date
Amounts between £25,001 and £100,000	2 instalments	1st instalment – 25% payable within 60 days of commencement date 2nd instalment – 75% payable within 240 days of commencement date
Amounts between £100,001 and £500,000	3 instalments	1st instalment – 25% payable within 60 days of commencement date 2nd instalment – 25% payable within 240 days of commencement date 3rd instalment – 50% 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 between £500,001 and £1,000,000	4 instalments	1st instalment – 20% payable within 60 days of commencement date 2nd instalment – 20% payable within 240 days of commencement date 3rd instalment – 30% payable within 540 days of commencement date 4th instalment – 30% payable within 730 days of commencement date 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

5.2 In exceptional circumstances, such as where a particular development proposal cannot afford to pay CIL, the Council offers a process for giving relief from CIL. This will avoid making sites which have very significant abnormal 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. Any viability evidence must be prepared by a suitably qualified independent professional.
- Relief from CIL must not constitute notifiable state aid.

Payment in kind

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

5.4 The types of infrastructure that the Council will consider accepting as payment will be the same as those set out in the Regulation 123 list and a land or infrastructure agreement must be entered into.

6. *How will CIL be spent?*

- 6.1 In accordance with Regulation 123 of the Regulations, the Council has produced, and will maintain and update, a list of infrastructure projects that it intends to fund in full or in part from CIL receipts. The contents of the list are informed by the IDP. Where items on the Regulation 123 list are to be delivered by other bodies, such as Staffordshire County Council, the Council will pass funds on to those bodies for the purposes of delivering the specific items of infrastructure.
- 6.2 The Regulations require that a proportion of CIL receipts are passed to Parish or Town Councils where development is taking place. Tamworth is unparished and therefore the Council will establish a separate process to define meaningful neighbourhood(s) across the Borough. The regulations set this amount at 15%, which then rises to 25% where a group has an adopted Neighbourhood Plan.

7. *Other planning obligations*

- 7.1 The CIL is intended to provide infrastructure to support the development of Tamworth, rather than to make individual planning applications acceptable in planning terms. As a result, dependent on the nature and scale of the proposed works, a developer may still be required to enter into other agreements to provide site specific impact mitigation even where the development is eligible to pay CIL. This could include agreements under S106 of the Town and Country Planning Act 1990 (as amended) and S278 of the Highways Act 1980 (as amended).
- 7.2 Planning obligations will only be required for specific items of infrastructure required to make a development acceptable in planning terms and cannot be applied to any item of infrastructure that is listed on the Council's up to date Regulation 123 list. This is intended to avoid developments paying for the same item of infrastructure twice.

Appendix A – CIL Charging Zones Maps

CIL Residential Charging Zones Map



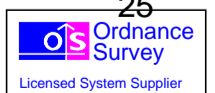
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CIL Residential Charging Zones

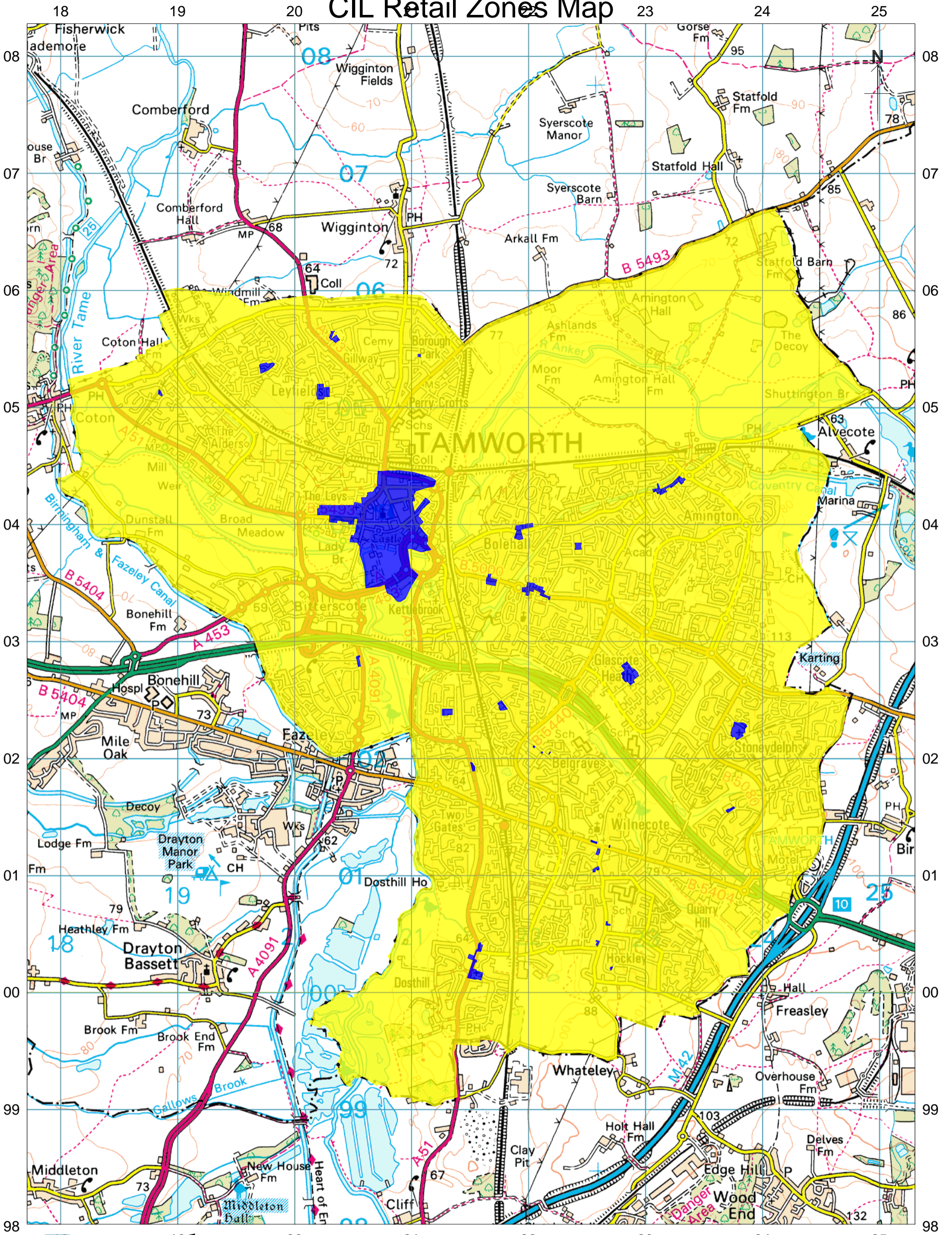
Residential charging zone

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CIL Retail Zones Map



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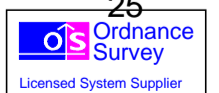
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CIL Retail Charging Zones

- In centre retail zone
- Out of centre retail zone

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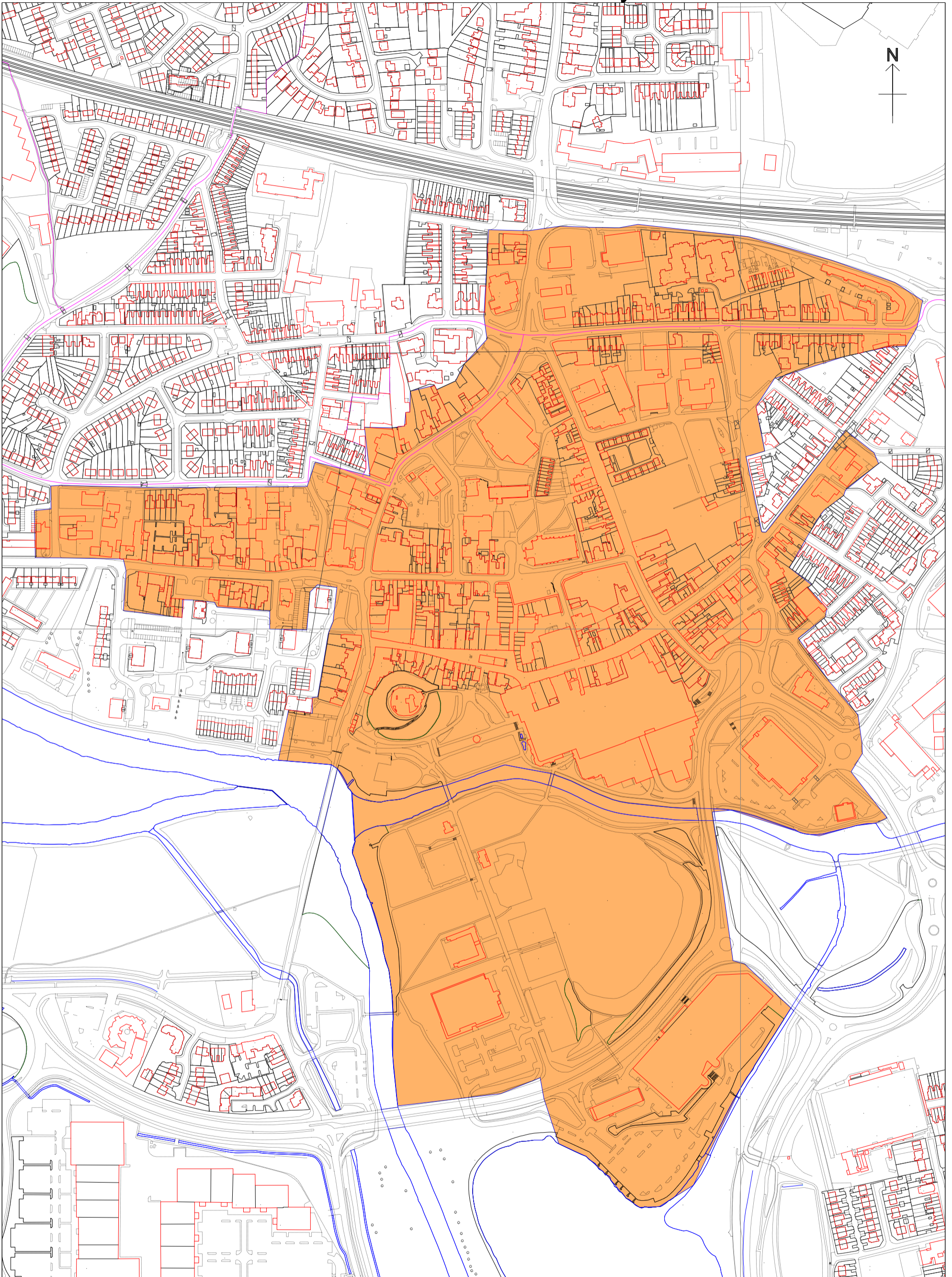
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Town Centre Boundary

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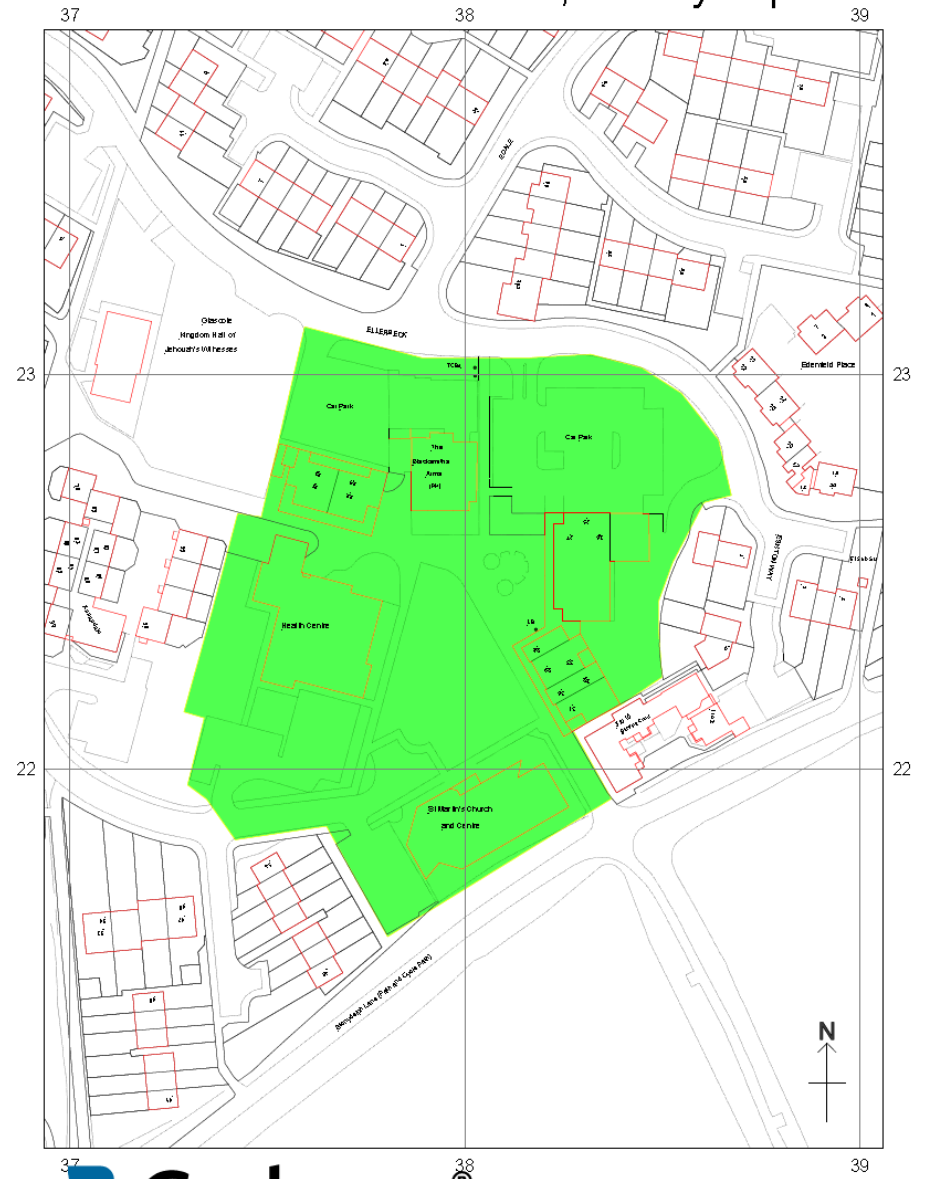


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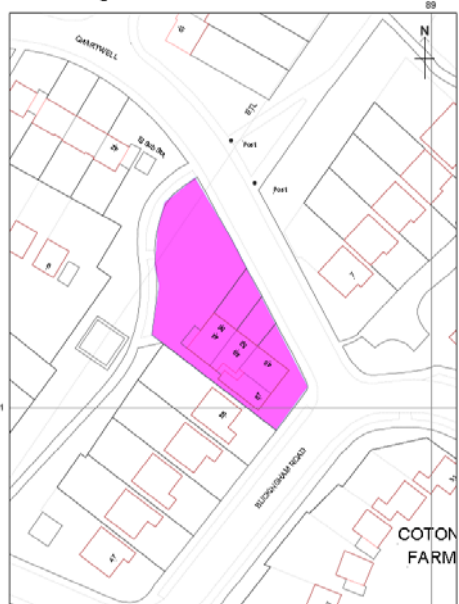
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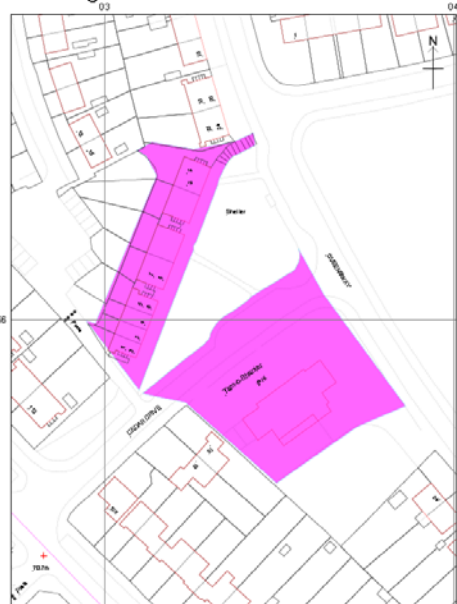
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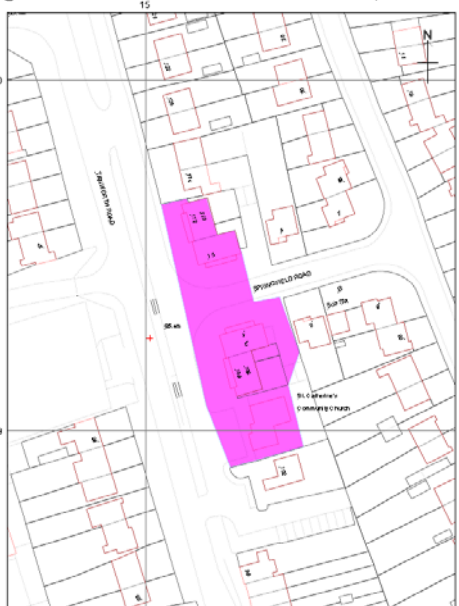


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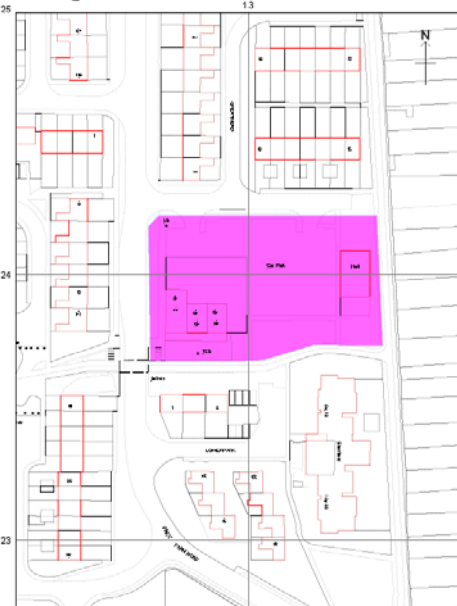
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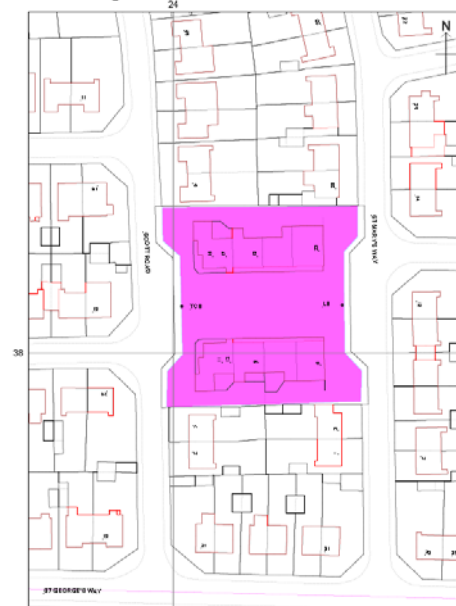
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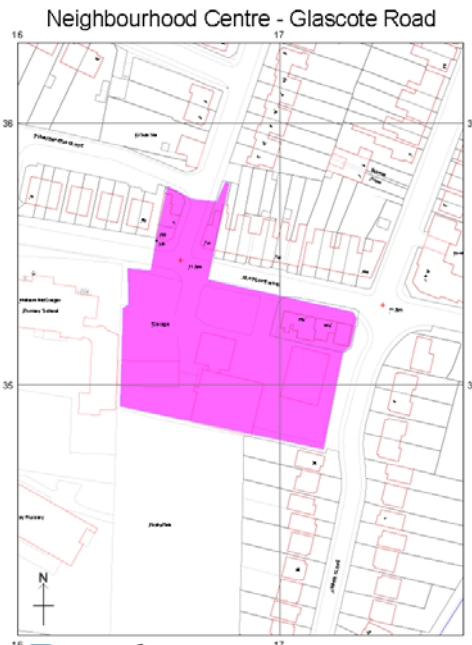
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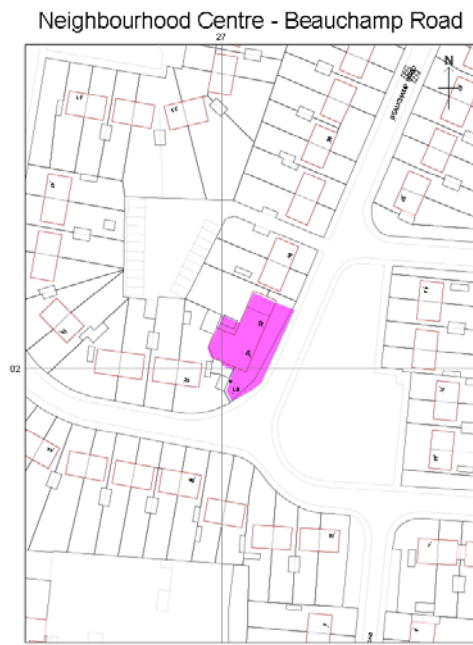
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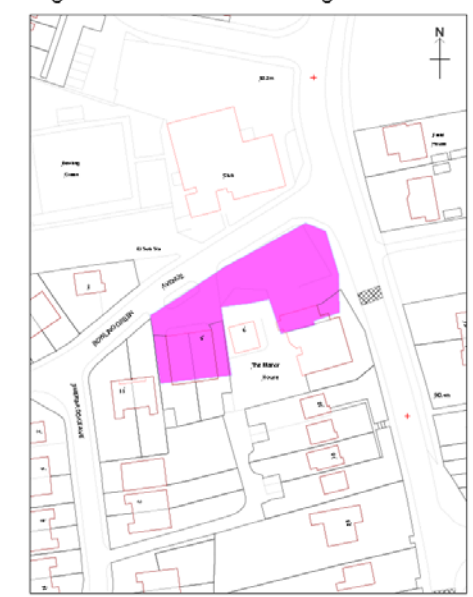


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