



Tamworth Borough Council
Community Infrastructure Levy
Charging Schedule and Local Policies

Adopted August 2018
Updated July 2021

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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.
- 2.3 The Charging Schedule comprises the Charging Schedule and accompanying plans within Appendix A. The 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 Charging Schedule and CIL maps can only be changed 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: 17 July 2018

Date charging schedule takes effect: **01 August 2018**

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

Discretionary Relief

Social Housing

- 5.2 The Regulations provide for mandatory relief from CIL for social housing meeting certain criteria, however discounted market sale dwellings are only eligible for relief from CIL at the charging authority's discretion.
- 5.3 The Council has made Discretionary Social Housing Relief available in Tamworth for development that meets the criteria set out in the Regulations and the following additional eligibility criteria.
- Purchasers of the dwelling should have a household income not exceeding two times the median gross annual workplace-based earnings for Tamworth published by Office for National Statistics (or any replacement of that dataset if that ceases to be published)
 - The dwelling should be purchased with a mortgage for at least 75% of the purchase price
- 5.4 The eligibility criteria will be secured as part of a S106 agreement. In the event that someone meeting the criteria can't be found within a reasonable period (usually defined as four months), then the eligibility criteria can be set aside and the property can be sold to any buyer, still at a price 20% below market value. A clause will usually be required to prohibit renting or restrict rent to 80% of market value.
- 5.5 Claims for relief can be made from: **09 July 2021**

Exceptional Circumstances

- 5.6 In exceptional circumstances, such as where the payment of CIL would have an unacceptable impact on the economic viability of a development, 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.
- 5.7 Claims for relief can be made from: **01 August 2018**

Payment in kind

- 5.8 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 and the infrastructure requirements of the borough.

6. How will CIL be spent?

- 6.1 The Council will spend CIL income in accordance with the priorities set out in the Infrastructure Funding Statement. Where items of infrastructure are to be delivered by other bodies, such as Staffordshire County Council, the Council may pass CIL 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 process for spending the 15% of CIL income that makes up the neighbourhood proportion.

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).

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Appendix A – CIL Charging Zones Maps

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