

CIL Draft Charging Schedule Statement of Modifications

November 2018



Views over the City of Brighton & Hove

The statutory requirements to submit a Draft Charging Schedule are set out in the CIL Regulations (as amended). This is a statement specifying that a request to be heard by the examiner on those modifications contained in this Statement of Modifications made to the Draft Charging Schedule published in accordance with Regulation 16 (as amended) may be made to the charging authority between 16 January 2019 and **by 13 February 2019** – i.e. the period of four weeks beginning with the day on which the Draft Charging Schedule is submitted to the examiner. Any person may request to be heard by the examiner in relation to the modifications as set out in this Statement of Modifications.

In relation to the above, requests to be heard must be submitted to the charging authority in writing (via consultation portal, email and post - addresses set out below) and must include details of the modifications by reference (# in the table below) to the statement of modifications on which the person wishes to be heard. The charging authority will pass all requests to the examiner. Any person who has made a request to be heard may withdraw that request at any time before the opening of the examination by giving notice in writing to the charging authority.

All requests are to be sent between 16 January and 13 February 2019 via:

Consultation Portal: www.brighton-hove.gov.uk/cil-consultation

Email: CommunityInfrastructureLevy@brighton-hove.gov.uk

Postal Address: Policy, Projects and Heritage Team, Hove Town Hall, Norton Road, BN3 3BQ

In accordance with the CIL Regulations (as amended), before the authority can submit the Draft Charging Schedule for examination it will send a copy of this Statement of Modifications to each of the consultation bodies invited to make representations under regulation 15 (as amended), and publish the Statement of Modifications on the council's website www.brighton-hove.gov.uk

The following table sets out the modifications made to the published Draft Charging Schedule. A full tracked-changed version of the Draft Charging Schedule is appended to this document:

#	Modification	Reason / Comment
1	Modify contents page to reflect Statement of Modifications	To provide an up to date contents page
2	Remove explanatory paragraph 'Consultation Procedures' and references to amended consultation procedures.	Remove explanatory text previously included to provide information about the DCS consultation of March - June 2018
3	Modify and update paragraph 'Relevant Legislation Context' and rename as 'Introduction'	Updating the Draft Charging Schedule to reflect modifications and current submission stage. Clarify

		and change references to legislation so Charging Schedule can support approaches to Developer Contributions further to MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018. Remove links to web pages provided to support DCS consultation and which could become out of date during the CIL approval process
4	Remove explanatory paragraphs: CIL Overview; Advantages of CIL; Parish and Neighbourhood Fund;	Remove explanatory text previously included to provide information about CIL to support the consultation for the PDCS and/or the DCS. Parish and Neighbourhood funding from CIL is set out in the CIL Regulations.
5	Summarise and update paragraph 'The Evidence Base' and locate at the end of the document	Remove detailed explanatory text previously included to provide information about the DCS/PDCS consultations. Change references to legislation to allow flexibility for potential amendments to CIL Regulations further to MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018. Retain summarised version of information at the end of the document.
6	Modify paragraph 'How the chargeable amount will be calculated' to more general reference to Part 5 of CIL Regulations. New text shown in italics, superseded text has been struck through: The Council will calculate the 'chargeable amount' of CIL using <i>Part 5 of the CIL Regulations 2010 (as amended) and the formal calculation methodology therein</i> as set out in Regulation 40 of the CIL Regulations 2010 (as amended) . The key themes of calculating a CIL charge is that CIL will be charged on the net additional internal floor area of development, once exempted development types and other eligibility considerations as set out in the CIL Regulations (as amended) have been taken into account.	Includes flexibility to allow for potential changes to CIL Regulations regarding indexing and methodologies further to MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018. Acknowledges how charge will be calculated while BCIS index is required.

	<p>The Council will use the indexing figure as set out in Regulation 40 of the CIL Regulations 2010 (as amended).</p> <p>[Currently-At submission stage this regulations sets out an index linked to the 'All-In Tender Price Index' of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. and Where relevant the council will apply the most recent BCIS finalised figure published before the previous 1 November, with the Royal Institution of Chartered Surveyors (RICS) Code of Measuring Practice 6th edition definition of Gross Internal Area used to calculate chargeable floor space.]</p>	
7	Remove preamble text to 'Proposed Charging Schedule' and change heading to 'Charging Schedule'	Remove text previously included to provide information to support the consultations for the PDCS and the DCS, and to reflect the submission stage of the DCS.
8	Within Charging Schedule Residential category remove the reference to C2 use class alongside reference to C3.	Further considerations upon the potential impact of CIL informed by made representations to the published DCS have led to modifications in the treatment of C2 accommodation. Supported by the findings of the Council's Viability Assessment, this modification reflects a review of C2 charges and of those accommodation types which may warrant differential CIL treatment. See the approach set out in modification 9 below.
9	Include a separate category for residential development: <i>'Private care residential homes with a degree of self-containment including Extra Care and Assisted Living'</i> to be charged at a rate of £100/sq.m in Residential Zone 1 and Zone 2 areas as shown on Map in Appendix 1	As above, considerations of representations and further viability review have resulted in a modified approach to the treatment of some forms of accommodation for older people. The council will substitute an overall C2 charge with a charge for development described as <i>'Private care residential homes with a degree of self-containment including Extra Care and Assisted Living'</i> . Commensurate with this development viability, the proposed rate has been lowered to £100/sq.m within an overall charge for residential zones 1 and 2 only. This response is considered capable of contributing to

		an appropriate balance by the Council as supported by the Council's Viability Assessment.
10	Rename 'Strategic Sites rate' to ' <i>Nil CIL charge zone</i> '	To more clearly describe the areas designated for a nil CIL charge rate within the Charging Schedule
11	Modify Draft Charging Schedule by widening nil CIL charge zone at Brighton Marina Inner Harbour to encompass the whole City Plan Part One Policy DA2 area and replace text 'Brighton Marina Inner Harbour' with new text ' <i>DA2 Brighton Marina, Gas Works and Black Rock Area</i> '	Modification responds to a review of representations made in relation to DA2 sites and draws upon the Council's knowledge of the development area as a whole. The entire DA2 area is considered as being of strategic importance in terms of the CIL and due to the combination of abnormal costs, site-specific mitigation, Policy DA2 Area aspirations and the quantum of housing still to be delivered through the development plan including extant permissions which may require further planning consents, the current nil CIL charge zone boundary for Brighton Marina Inner Harbour will be expanded; an approach considered to be consistent with the Council's Viability Assessment.
12	Modify Map in Appendix 1 to increase the Strategic Site boundary at Brighton Marina Inner Harbour to include Brighton Marina, Gas Works and Black Rock Area.	Reflecting modification 11 using DA2 site boundary as set out in the Adopted Brighton & Hove City Plan Part 1 Policies Map - East 2016
13	Modify Draft Charging Schedule to include ' <i>Brighton General Hospital site</i> ' within the Nil CIL charge zone	Modification responds to representations and submitted viability evidence made in relation to this site regarding planned site requirements, including the delivery of Healthcare campus and community facilities and draws upon the council's knowledge of this site including the presence of significant heritage assets; consistent with CIL principles and the significance of this single site with the development plan.
14	Modify Map in Appendix 1 to include Brighton General Hospital site boundary	Reflecting modification 13 using Brighton General Hospital site boundary as set out in the Adopted Brighton & Hove City Plan Policies
	Modify Draft Charging Schedule 'Purpose Built Student Housing' category to	Clarification that the PBSA typology is

15	include ' <i>Purpose Built Shared Living Accommodation</i> '	commensurate with and applies to purpose built shared living accommodation as set out in the modification to the accompanying notes where this living accommodation falls outside of the C3 residential use classes
16	Modify Draft Charging Schedule to include the text (shown here in italics): <i>Retail – Other shopping units development</i>	For clarification
17	Modify Draft Charging Schedule Notes to include text (shown here in italics): <i>Nil CIL charge zone boundaries as set out in the Adopted Brighton and Hove City Plan Policies</i>	Make clear the origin of the Nil CIL charge zone boundaries
18	Modify Draft Charging Schedule Notes to include text (shown here in italics): ' <i>Purpose Built Student Housing category – includes Purpose Built Shared Living accommodation set around cluster type accommodation and/or studio units commensurate with PBSA standards</i> '.	Clarification that the proposed sui generis PBSA typology rate will also apply to sui generis large scale purpose built shared living accommodation commensurate to PBSA where this living accommodation falls outside of the C3 residential use class
19	Remove paragraph 'Section 106 Planning Obligations'	Paragraph was previously included for ease of reference to inform the DCS consultation. This information will now be included with the Draft Infrastructure/ Draft Regulation 123 List supporting the submission DCS and Statement of Modifications. This information is not required by the CIL regulations to form part of the Charging Schedule and this approach assists the Charging Schedule to support future approaches to Developer Contributions further to MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018
20	Remove explanatory paragraphs: 'Next Steps, Indicative Timetable for development & adoption of a CIL Charging Schedule'	Remove explanatory text previously included to provide information about CIL to support the consultation for the DCS. Current indicative timetable will be updated on the council website
21	Remove paragraphs 'Instalment policy and when CIL is Payable' and 'Payment in Kind Policy' and replace with 'CIL Policies' paragraph.	CIL policies do not form part of the charging schedule and can be changed independently of it.

		Text has been amalgamated into one paragraph indicating the council's intentions regarding introduction of such policies
22	Remove paragraph 'CIL Income Estimates and Use'	Paragraph was previously included for ease of reference to support the DCS consultation. This is included in the relevant information supporting the submission DCS and Statement of Modifications
23	Remove second paragraph in 'CIL and Existing Planning Permissions'	Modified to provide flexibility to allow for potential changes in CIL legislation
24	Modify paragraph 'Reporting, Monitoring and Review' to amend the text in the first paragraph to read: So as to ensure an appropriate CIL rate that allows for changing market and other influences on development viability and deliverability, the Council will put in place an appropriate reporting, monitoring and review framework. This may be in the form of an Infrastructure Funding Statement or reporting within the Council's Authority Monitoring Report (AMR) – subject to Government review at time of drafting.	Includes flexibility to allow for potential changes in legislation as a result of MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018.

[Website: www.brighton-hove.gov.uk/cil-examination](http://www.brighton-hove.gov.uk/cil-examination)

Appendix 1 – Full tracked-changed version of the Draft Charging Schedule demonstrating Statement of Modifications

Community Infrastructure Levy

Draft Charging Schedule including the Modifications set out in the Statement of Modifications as tracked changes

~~(With amended consultation procedures - page 3)~~

Brighton & Hove City Council

March 2018



Views over the City of Brighton & Hove

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The Community Infrastructure Levy (CIL)

~~Amended Consultation Procedures (note: struck through text denotes deleted text; text in *italics* denotes new text)~~

~~Community Infrastructure Levy Draft Charging Schedule~~

~~Brighton & Hove City Council intends to publish and submit a Community Infrastructure Levy (CIL) Draft Charging Schedule for public examination, in accordance with Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).~~

~~This Draft Charging Schedule (DCS) is issued as the second, formal stage in the preparation of a CIL Charging Schedule in accordance with regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended). The charging area covers the administrative area of Brighton and Hove City Council excluding the South Downs National Park area. The charging authority and the collecting authority is Brighton & Hove City Council.~~

~~Representations are invited on the Draft Charging Schedule during a six week consultation period starting 28 March 2018 (00.00am) and ending 8 May **13 June 2018* (midnight).~~

~~Anonymous comments or comments received outside these dates and times will not be accepted.~~

~~The Draft Charging Schedule and relevant evidence can be inspected and representations made on the consultation portal: www.brighton-hove.gov.uk/DCS-consultation (Preferred).~~

~~Alternatively, The Draft Charging Schedule, relevant evidence and response form can be viewed and downloaded from the Council's website:~~

~~*From 27 April 2018 – 13 June 2018* During the consultation period a copy of the *amended* Draft Charging Schedule, the relevant evidence, the *amended* statement of the representations procedure and *amended* response forms will be made available for inspection at the Brighton & Hove City Council's two Customer Service Centres:~~

~~**Brighton Customer Service Centre, Bartholomew House, Bartholomew Square, Brighton, BN1 1JE** (open Mon – Fri 8.45am to 4.30pm)~~

~~**Hove Customer Service Centre, Hove Town Hall, Norton Road, BN3 3BQ** (open Mon – Fri 10am to 4.30)~~

~~*From 27 April 2018 – 13 June 2018* a copy of the *amended* Draft Charging Schedule, the relevant evidence, the *amended* statement of the representations procedure and *amended* response forms will be made available for inspection at the following Brighton & Hove City Council Libraries: **Jubilee Library; Hove Library; Portslade Library; Coldean Library;**~~

~~Hangleton Library; Hollingbury Library; Mile Oak Library; Moulsecoomb Library; Patcham Library; Rottingdean Library; Saltdean Library; Westdene Library; Whitehawk Library; Woodingdean Library. Opening Hours apply – please see Brighton & Hove City Council or telephone 01273 290800~~

~~Written responses should be sent to the following Postal address: Policy, Projects and Heritage Team; Hove Town Hall, Norton Road BN3 3BQ~~

~~Responses can be made through the consultation portal, via email or via the post:~~

~~Completed forms should be emailed to:~~

~~Representations should specify the matters to which they relate. Objections should also specify the change sought, including evidence to support your view. Where any modifications are made to the Draft Charging Schedule a Statement of Modifications to the Draft Charging Schedule will be published on Brighton & Hove City Council's website and sent to the statutory consultation bodies.~~

~~The Draft Charging Schedule and any modifications, the relevant evidence, a statement of representations and those representations made in accordance with the Regulations will be submitted to the examiner.~~

~~Regulation 16 identifies that persons making representations may (1) request the right to be heard by the CIL examiner and (2) request to be notified, at a specific address, of any of the following:~~

- ~~• That the draft charging schedule has been submitted to the examiner in accordance with section 212 of PA 2008,~~
- ~~• The publication of the recommendations of the examiner and the reason for those recommendations,~~
- ~~• The approval of the charging schedule by the charging authority.~~

~~Regulation 17 allows any person to make representations about the Draft Charging Schedule within the consultation period to the address specified above. A person who has made representations about the Draft Charging Schedule may withdraw those representations at any time by giving notice in writing to the charging authority.~~

~~This section reflects information set out in the Brighton & Hove City Council Statement of Representations Procedure published alongside this DCS.~~

~~Introduction~~ ~~Relevant Legislation Context~~

~~This A Draft Charging Schedule (DCS) is was published by Brighton & Hove City Council and consulted upon in 2018 issued as the second, formal stage in the preparation of a CIL Charging Schedule in accordance with Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011) and the Community Infrastructure Levy Regulations 2010 (as amended by~~

~~the Community Infrastructure Levy Amendment Regulations of 2011, 2012, 2013, 2014, 2015 and 2018). A Statement of Modifications to the above Draft Charging Schedule has been prepared and submitted to the Examiner alongside the Draft Charging Schedule.~~

~~All Regulations referred to within this DCS refer to those contained within these Community Infrastructure Levy Regulations 2010 (as amended) unless otherwise stated. Relevant matters within National Planning Policy Guidance and the National Planning Policy Framework 2012 have been reviewed in the drafting and content of this DCS.~~

~~The Planning Act 2008, the Localism Act 2011 and the Community Infrastructure Levy Regulations can be accessed via the following website:~~

~~[Legislation.gov.uk](http://legislation.gov.uk)~~

~~National planning practice guidance can be accessed via the following website:~~

~~[PPG Website](#)~~

~~National Planning Policy Framework 2012 can be accessed via the following website:~~

~~[NPPF Website](#)~~

The Charging Authority and Charging Area

The Charging Authority and Collecting Authority is Brighton & Hove City Council.

The charging area covers the administrative area of Brighton and Hove City Council excluding the South Downs National Park area. The National Park Authority is the charging authority for its own CIL Charging Schedule implemented on 1st April 2017.



Easterly views towards Marine Parade, Brighton

~~The Community Infrastructure Levy (CIL)~~

~~[CIL Overview](#)~~

CIL allows local authorities to raise funds from development for the provision of infrastructure in and around their areas. A CIL charge is non-negotiable; however there are exemptions for some types of development such as Affordable Housing.

Once adopted, the CIL Charging Schedule will set out a standard rate (£ per sq. m) based on new Gross Internal Area (GIA) that will be payable by landowners or developers for specific development types within geographical locations as set out in the Charging Schedule. The money collected through CIL will be authorised by the Council to help pay for a range of infrastructure that will support growth and development within the city.

Advantages of CIL

The Government's CIL regulations and guidance outlines a range of key advantages over the current system of Section 106 Agreements including that:

- It will be less time consuming, reduce the levels of negotiation with applicants and help speed up the planning system;
- It is a non-negotiable charge which is transparent and predictable, meaning that applicants will know their CIL liability prior to submitting a planning application;
- CIL provides a fairer system in that it relates contributions to the size of liable developments in respect of net new floor space provided by a development, and new residential dwellings;
- CIL collects contributions from a wider range of developments than under section 106, 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;
- Pooling restrictions from April 2015 allow a maximum of five S106 contributions towards an infrastructure project or a type of infrastructure; so limiting funds from S106 contributions to bring forward strategic infrastructure necessary to support new development. CIL allows a predictable, longer-term funding stream giving strategic infrastructure delivery more certainty.

Parish and Neighbourhood Fund

CIL regulations require that at least 15% of levy receipts are to be spent on priorities that should be agreed with the local community in areas where development is taking place. Under CIL Regulations, 15% of CIL receipts are passed directly to Parish Councils where development has taken place. This is capped at a maximum of £100 per existing council tax dwelling. Communities with a 'made' neighbourhood plan will benefit from 25% of the levy revenues arising from the development that takes place in their area (this is uncapped). Areas without a Parish Council or neighbourhood plan will still benefit from the 15% neighbourhood portion. In these instances, the charging authority retains the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Neighbourhood forums will have an influence over how funds are spent in their area.

The Evidence Base

When establishing a CIL Charging Schedule and CIL rates, a local authority must show that there's need for infrastructure funding to support its Local Development Plan. The local authority

also has to demonstrate available sources of infrastructure funding are insufficient to meet all infrastructure needs over the life span of the local plan, and therefore a funding gap exists.

Therefore, a CIL charging schedule must be informed by available evidence, which includes:

- A bespoke viability assessment to test the likely impact of CIL rates on the viability of developments envisaged by the Local Development Plan;
- An infrastructure delivery plan to demonstrate broad needs and a funding gap; and
- The Local Development Plan

The above documents are briefly set out below. They can also be accessed via the council's [Developer Contributions](#) webpage.

CIL Viability Study towards a Charging Schedule

Under Regulation 14 (as amended) the Council is required to 'strike an appropriate balance between' the desirability of funding infrastructure from the levy and 'the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area'.

A bespoke CIL Viability Study has been carried out for the purposes of exploring a CIL Charging Schedule for Brighton & Hove City Council by Dixon Searle Partnership between the dates Jan – August 2017 and was consulted upon alongside the PDGS. To address representations made through the consultation, a Viability Study Addendum (February 2018) has been produced. The Viability Study and its Addendum is considered to be an appropriate evidence base to underpin the rates and geographical areas within this DCS.

Infrastructure Provision under CIL

The June 2017 Infrastructure Delivery Plan (IDP) update is the first update of the IDP which was tested as part of the process to adopt City Plan Part One. This IDP update was agreed by the Tourism Development and Culture committee, and identifies in its summary that it is 'also an evolving part of the evidence base for an emerging Community Infrastructure Levy (CIL) Charging Schedule and Regulation 123 list'. It is considered to be appropriate evidence to inform the preparation of this Draft Charging Schedule. The list evidences a funding gap in the provision of infrastructure and justifies the collection of CIL.

A draft Infrastructure List – Draft Regulation 123 list of infrastructure has been prepared by the council to support the CIL Draft Charging Schedule and proposes Infrastructure Types or Projects suitable for CIL funding.

Local Development Plan

The Local Development Plan for Brighton and Hove consists of the Brighton & Hove City Plan Part One 2016, retained policies of the Brighton & Hove Local Plan 2005, the East Sussex, South Downs and Brighton and Hove Waste & Minerals Plan (adopted 2013) and the East Sussex, South Downs and Brighton and Hove Waste & Minerals Sites Plan (adopted 2017).

How the chargeable amount will be calculated

The Council will calculate the 'chargeable amount' of CIL using Part 5 of the CIL Regulations 2010 (as amended) and the formal calculation methodology ~~as therein set out in Regulation 40 of the CIL Regulations 2010 (as amended)~~. The key themes of calculating a CIL charge is that CIL will be charged on the net additional internal floor area of development, once exempted development types and other eligibility considerations as set out in the CIL Regulations (as amended) have been taken into account.

The Council will use the index ~~figure~~ ing as set out in ~~Regulation 40 of the~~ the CIL Regulations 2010 (as amended).

~~[Currently At submission stage this regulations sets~~ out an index linked to the 'All-In Tender Price Index' of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. Wand here relevant the council will apply the most recent BCIS finalised figure published before the previous 1 November, with the Royal Institution of Chartered Surveyors (RICS) Code of Measuring Practice 6th edition definition of Gross Internal Area used to calculate chargeable floor space.]

Reporting, Monitoring and Review

~~So as to~~ ensure an appropriate CIL rate that allows for changing market and other influences on development viability and deliverability, the Council will put in place an appropriate reporting, monitoring and review framework. This may be in the form of an Infrastructure Funding Statement or reporting within ~~This framework will comply with Regulation 62 of the CIL Regulations 2010 (as amended).~~ Currently it is intended to:
~~Report of the level and progress of development in the City in the Council's Authority Monitoring Report (AMR) – subject to Government review at time of drafting.~~
~~Preparation of a report for any financial year in which CIL is collected~~
~~Continue existing s106 monitoring systems.~~

It is also anticipated that the CIL charging schedule and its rates will be reviewed within a 3 to 5 year time period, from its ~~adoption~~ commencement date, or at an earlier date if changing market conditions support this.

Proposed Charging Schedule

Following independent examination and approval, the proposed CIL charging rates below will be non-negotiable.

are within the scope of the Viability Assessment's updated guide parameters and findings; and it is considered that these rates will not impede the delivery of the overall Brighton and Hove Local Development Plan.

Table 1

Use	Location	Levy (£/sq. m)
Residential - applies to C3 and C2 -use classes Zone areas are shown on Map in Appendix 1	Zone 1	175
	Zone 2	150
	Zone 3	75
<u>Private care residential homes with a degree of self-containment including Extra Care and Assisted Living</u> <u>Zone areas are shown on Map in Appendix 1</u>	<u>Zone 1 & Zone 2</u>	<u>100</u>
<u>Strategic Sites Nil CIL charge zone rate</u> <u>Nil CIL charge zone boundaries are shown on Map in Appendix 1</u>	<u>Brighton Marina Inner Harbour; DA2 Brighton Marina, Gas Works and Black Rock Area</u> King Alfred Leisure Centre/RNR site <u>Brighton General Hospital site</u>	0
<u>Purpose Built Student Housing / Purpose Built Shared Living Accommodation</u>	City Wide	175
Retail – Larger format – Retail	City Wide	100

warehousing / Supermarkets		
Retail - Other shopping units development	City Wide	50
All other development uses	City Wide	0

Notes:

Nil CIL charge zone boundaries as set out in the Adopted Brighton and Hove City Plan Policies;-

Purpose Built Student Housing category – includes Purpose Built Shared Living

Accommodation set around cluster type accommodation and/or studio units commensurate with

PBSA standards

Retail – Larger format:

Retail warehouses are 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.

Superstores/supermarkets are 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.

Retail - Other shopping units development: includes city centre comparison retail

Section 106 Planning Obligations

~~Once the CIL charging schedule is adopted, developers or land owners will still be expected to provide site-specific infrastructure which is:~~

~~necessary to make the development acceptable in planning terms~~

~~directly related to the development~~

~~fairly and reasonably related in scale and kind to the development~~

~~through a section 106 (s106) obligation under CIL Regulation 122 (as amended). No item on a Regulation 123 infrastructure list will be eligible for s106 contributions to avoid ‘double dipping’. In order to provide clarity about the extent of the financial burden that development will be expected to bear so that viability can be robustly assessed, the list below demonstrates which current areas of s106 contributions are proposed to be scaled back and which obligations are to remain secured via s106 obligations:~~

~~Current areas of s106 contributions proposed to be scaled back on introduction of CIL:~~

~~Off-site Recreation space contributions;~~

~~Off-site Education provision contributions;~~

~~Off-site Sustainable Transport contributions.~~

~~Current areas of s106 contributions proposed to remain secured via s106 on introduction of CIL for on-site /site-specific provision includes:~~

~~Affordable Housing – on-site provision or commuted sum in lieu;~~

~~On-site recreation/sports facilities and/or space provision where required by site-specific policy allocation;~~

~~On-site schools/education land and/or building provision where required by site-specific policy allocation;~~

~~Development related transport access, Trunk Roads and highways works provision under s278 and/or s38 of the Highways Act 1980;~~

~~On-site Local Employment training/job opportunities provision with supporting financial contribution;~~

~~On-site public realm provision including artistic element;~~

~~Development related flood defenses and coastal engineering including site-specific policy allocation mitigation;~~

~~Development related water supply & utilities provision, & wastewater drainage;~~

~~Zero rated (£0 per sq. m) developments where site specific mitigation measures may be required;~~

~~On-site health care facilities, emergency services facilities and other community buildings;~~

~~Development related nature conservation and ecological measures.~~

~~The methodologies used to calculate the remaining s106 contribution areas are proposed to continue as set out in the updated Developer Contribution Technical Guidance (March 2017).~~

~~For further information on current areas of s106 contributions which are set out in the March 2017 Developer Contribution Technical Guidance, please go to our [Developer Contributions webpage](#) . A more detailed framework of Infrastructure Type or Project has been prepared by the council for consultation alongside the published CIL Draft Charging Schedule.~~

Next Steps

Indicative Timetable for development & adoption of a CIL Charging Schedule

Date	Key Stage
Oct 2017-Dec 2017	Preliminary Draft Charging Schedule published for eight week consultation following Committee resolution
March-May 2018	Following committee resolution, publish for six week

	<p>consultation:</p> <ul style="list-style-type: none"> • Draft Charging Schedule (revised following PDGS consultation) • Statement of representations procedure • Draft Regulation 123 list
June 2018	Submission of documents and relevant evidence to the examiner
Oct/ Nov 2018	Publication of the examiner's recommendations
Spring 2019	Adopt CIL Charging Schedule following a resolution of Full Council

CIL policies

~~Instalment Policy and when CIL is Payable~~

~~The council intends to consider the appropriateness of introducing installment and payment in kind policies allowed for under the CIL Regulations.~~

~~In accordance with Regulation 69B of the CIL Regulations (as amended), a charging authority can set its own policy allowing liabilities to be paid by instalments. To implement this/these, the Council would publish these/an instalment policies/y on its website in accordance with the notification requirements. Such-a policies/iesy would not be part of the charging schedule and could be changed independently of it.~~

~~The council intends to consider the appropriateness of introducing an installment policy.~~

~~Payment in Kind Policy~~

~~In accordance with Regulations 73, 73A, 73B and 74 of the CIL Regulations (as amended), charging authorities have the discretion to accept payment in kind to allow land or infrastructure payments for the whole or part of the CIL due in respect of a chargeable development. To implement this, the Council would publish a policy on its website in accordance with the notification requirements. Such a policy would not be part of the charging schedule and could be changed independently of it.~~

~~The council intends to consider the appropriateness of introducing a payment in kind policy.~~

~~CIL Income Estimates and Use~~

~~This is an estimated, indicative income for residential development, based on the projected growth and approximate timing of delivery outlined by the Local Development Plan, along with the residential CIL rates and zones proposed by the DCS. The methodology and assumptions for this income estimate are set out as part of the relevant information published alongside this DCS.~~

~~It is currently estimated for the purposes of this DCS that in the region of £2 million per annum could be generated from CIL income over the plan period to 2030. This is based on housing~~

~~(including an affordable housing discount), retail and student housing delivery (excluding strategic sites) as identified within policy CP1 of City Plan Part One over the plan period to 2030.~~

~~The amount available to the Council to fund strategic infrastructure will however, be reduced due to the need to net-off an administration cost of up to 5%, and allocate neighbourhood funds under the criteria specified above.~~

~~Revenues from CIL are therefore not expected to bridge the long term funding gap demonstrated through the IDP.~~

CIL and Existing Planning Permissions

Developments which receive planning consent and have concluded section 106 agreements prior to the commencement date of a CIL Charging Schedule, will not be liable to CIL.

~~Where a planning permission granted before a levy charge came into force is then subject to amendment under s73 (minor material amendment) of the Planning Act 1990 (as amended) after the commencement date of a CIL charging schedule, then only any additional liability it introduces will be subject to CIL.~~

The Evidence Base

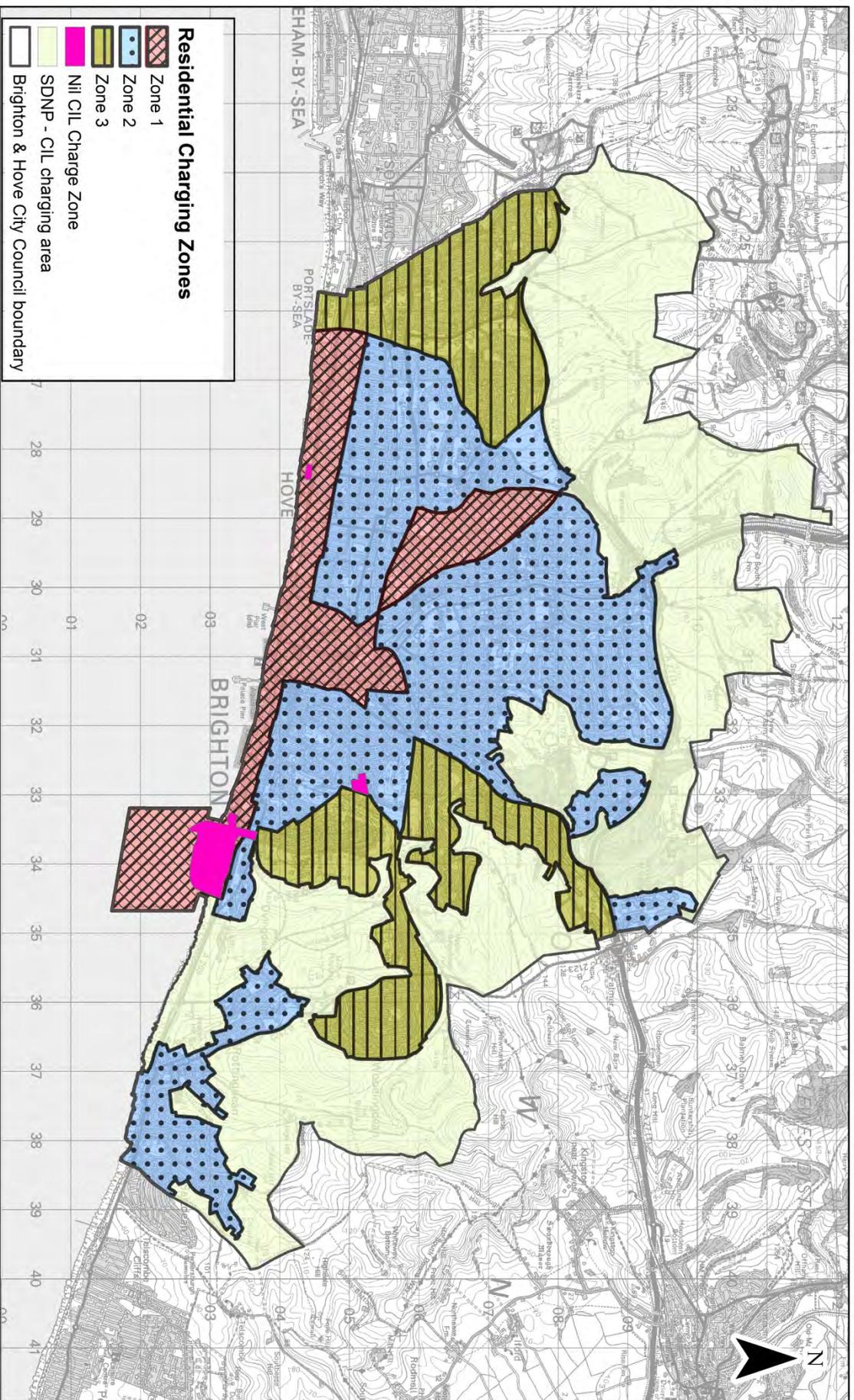
The Council has struck an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

The Council's CIL viability assessment informs and underpins the rates and geographical areas within this DCS.

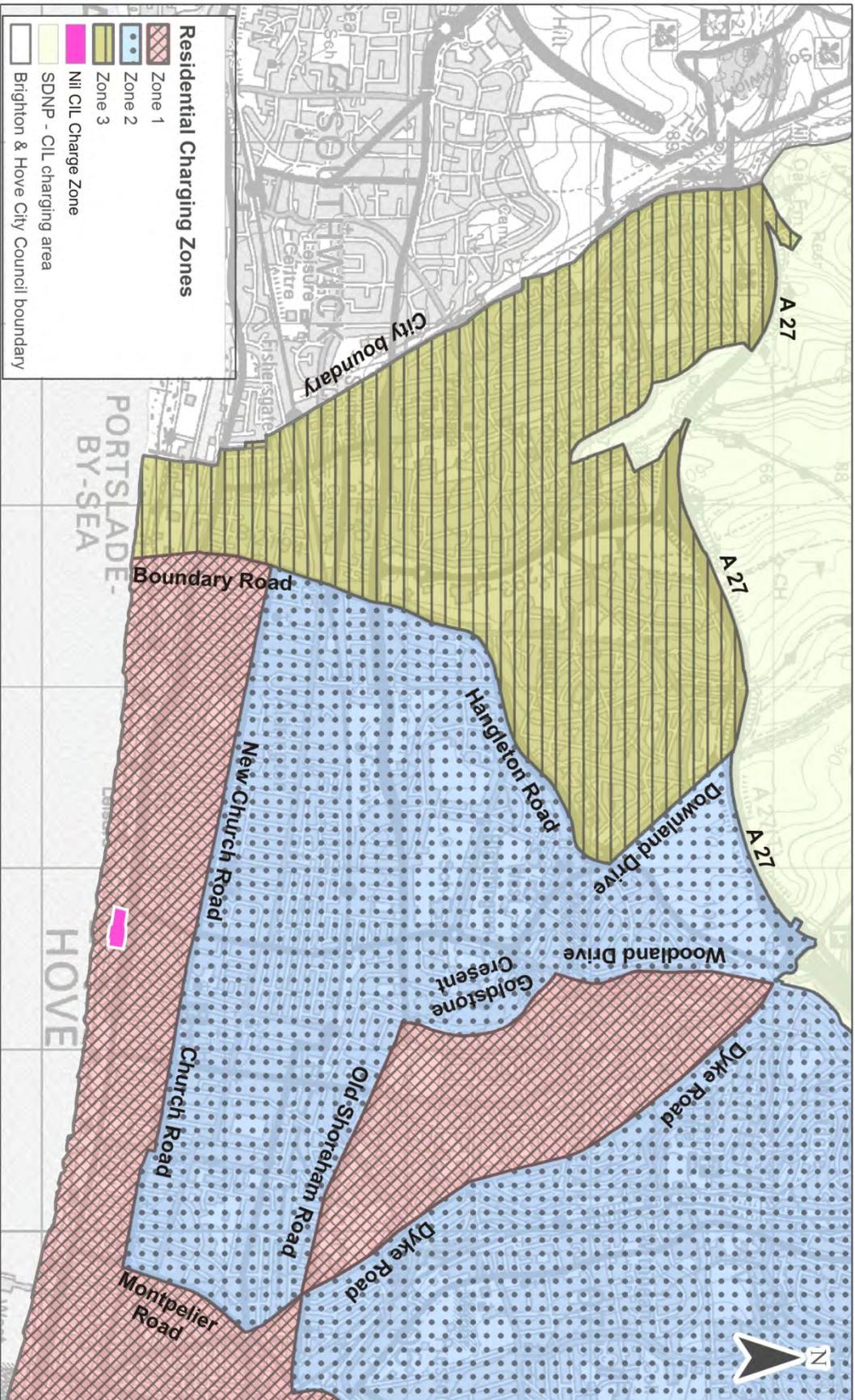
The June 2017 Infrastructure Delivery Plan (IDP) was agreed by the Tourism Development and Culture committee as 'an evolving part of the evidence base for an emerging Community Infrastructure Levy (CIL) Charging Schedule and Regulation 123 list' and evidences a funding gap in the provision of infrastructure and justifies the collection of CIL. A draft Infrastructure List informed, and was consulted upon alongside, the published CIL Draft Charging Schedule.

The Local Development Plan for Brighton and Hove at time of writing consists of the Brighton & Hove City Plan Part One 2016, retained policies of the Brighton & Hove Local Plan 2005, the East Sussex, South Downs and Brighton and Hove Waste & Minerals Plan (2013) and the East Sussex, South Downs and Brighton and Hove Waste & Minerals Sites Plan (2017).

Appendix 1 Community Infrastructure Levy - Draft Charging Schedule map as amended by Statement of Modifications 2018 Brighton & Hove City Council

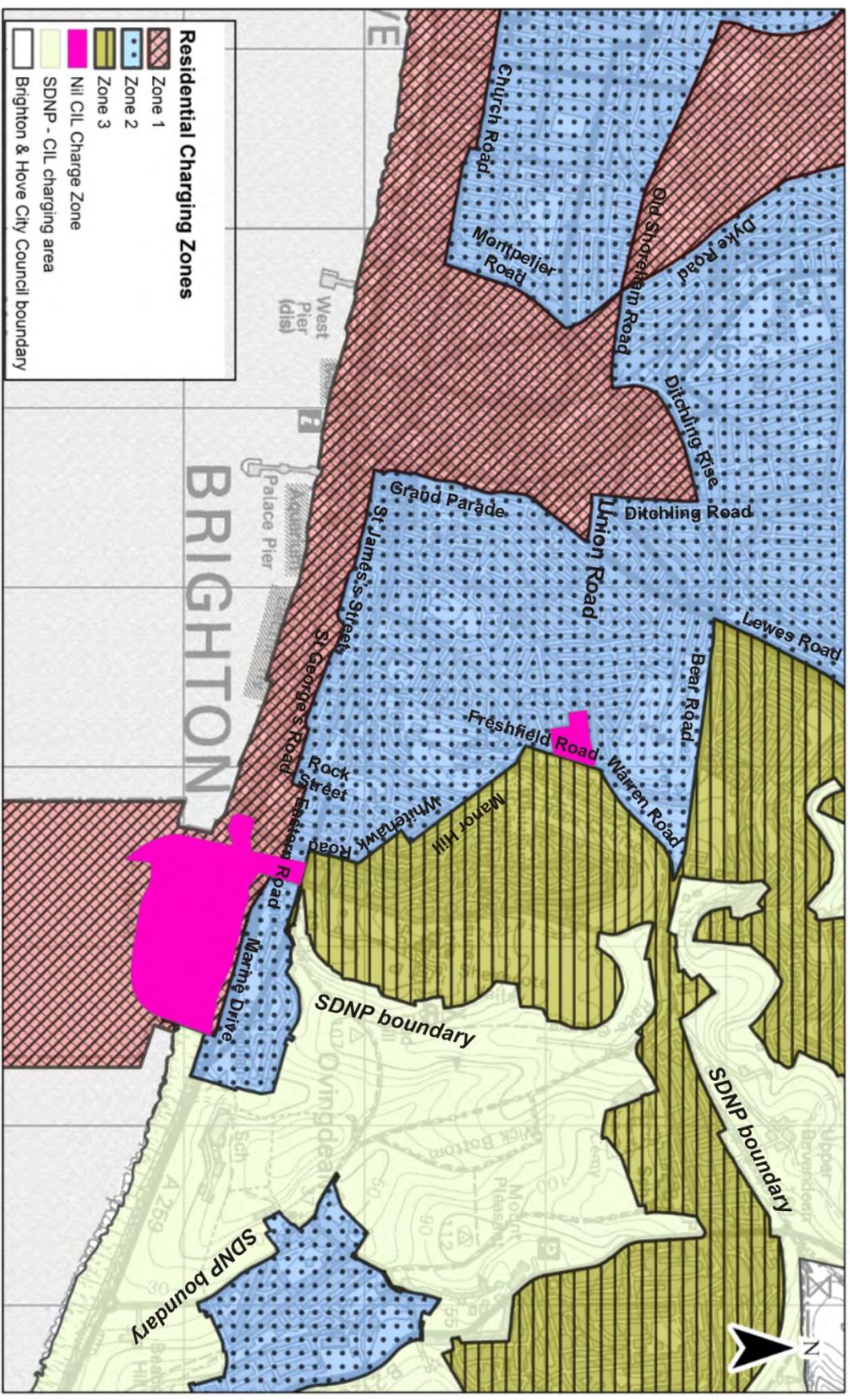


Appendix 1 Community Infrastructure Levy - Draft Charging Schedule map as amended by Statement of Modifications 2018 Brighton & Hove City Council - Detail: No. 1 : City West



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Appendix 1 Community Infrastructure Levy - Draft Charging Schedule map as amended by Statement of Modifications 2018 Brighton & Hove City Council - Detail: No. 2 : City East



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