

Brighton & Hove City Council Community Infrastructure Levy
Draft Charging Schedule – Schedule of Additional Minor Modifications
July 2019

Additional Minor Modifications

| Reference | Page | Policy/Section | Additional Minor Modifications | Reason |
|------------------|-------------|-----------------------|---|--|
| AM1 | 2 | Contents | Consultation Procedures 3 Introduction Relevant Legislation Context 3 The Charging Authority and Charging Area 35 CIL Overview 5 Advantages of CIL 6 Parish and Neighbourhood Fund 6 CIL Viability Study 7 Infrastructure Provision under CIL 7 Local Development Plan 7 How the chargeable amount will be calculated 3 Reporting, Monitoring and Review 34-7 Proposed Charging Schedule 48 Next Steps 10 Instalment Policy and when CIL is payable 10 Payment in Kind PoCIL Policies 5 CIL Income Estimates and Use 11 CIL and Existing Planning Permissions 5-11 The Evidence Base 5 | To provide an up to date contents page to the Charging Schedule. |
| AM2 | 3-4 | Consultation | Community Infrastructure Levy Draft Charging Schedule | To remove explanatory |

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| | | <p>Procedures</p> | <p>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.</p> <p>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.</p> <p>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:</p> <p>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)</p> <p>From 27 April 2018 – 13 June 2018 a copy of the amended Draft Charging Schedule, the relevant evidence, the amended statement of the</p> | <p>text on consultation</p> |
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| | | <p>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</p> <p>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:</p> <p>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:</p> <ul style="list-style-type: none">• 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. <p>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</p> | |
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| | | | <p>Schedule may withdraw these representations at any time by giving notice in writing to the charging authority.</p> <p>This section reflects information set out in the Brighton & Hove City Council Statement of Representations Procedure published alongside this DCS.</p> | |
| AM3 | 5-6 | CIL Overview; Advantages of CIL; Parish and Neighbourhood Fund; | <p>CIL Overview</p> <p>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.</p> <p>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.</p> <p>Advantages of CIL</p> <p>The Government's CIL regulations and guidance outlines a range of key advantages over the current system of Section 106 Agreements including that:</p> <ul style="list-style-type: none"> • 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; | To remove explanatory text previously included to support the consultation for the Preliminary Draft Charging Schedule (PDCS) and/or the DCS. |

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| | | | <p>• 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.</p> <p>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.</p> | |
| AM4 | 9 | Charging Schedule | <p>Proposed Charging Schedule</p> <p>The proposed CIL charging rates below 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.</p> <p><u>Following independent examination and approval, the rates as set out below will be non-negotiable.</u></p> | To remove text previously included to provide information to support the consultations for the PDCS and the DCS. |
| AM5 | 10 | Section 106 Planning Obligations | <p>Section 106 Planning Obligations</p> <p>Once the CIL charging schedule is adopted, developers or land owners will still be expected to provide site-specific infrastructure which is:</p> | Paragraph was included previously to help inform the DCS consultation. |

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| | | | <p>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</p> <p>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:</p> <p>Current areas of s106 contributions proposed to be scaled back on introduction of CIL:</p> <ul style="list-style-type: none"> Off-site Recreation space contributions; Off-site Education provision contributions; Off-site Sustainable Transport contributions. <p>Current areas of s106 contributions proposed to remain secured via s106 on introduction of CIL for on-site /site-specific provision includes:</p> <ul style="list-style-type: none"> 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; | |
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| | | | <p>On-site health care facilities, emergency services facilities and other community buildings; Development related nature conservation and ecological measures.</p> <p>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).</p> <p>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.</p> | | | | | | | | | | | | | |
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| AM6 | 12 | Next Steps | <p>Next Steps Indicative Timetable for development & adoption of a CIL Charging Schedule</p> <table border="1"> <thead> <tr> <th>Date</th> <th>Key Stage</th> </tr> </thead> <tbody> <tr> <td>Oct 2017 – Dec 2017</td> <td>Preliminary Draft Charging Schedule published for eight week consultation following Committee resolution</td> </tr> <tr> <td>March – May 2018</td> <td>Following committee resolution, publish for six week consultation: <ul style="list-style-type: none"> • Draft Charging Schedule (revised following PDCS consultation) • Statement of representations procedure • Draft Regulation 123 list </td> </tr> <tr> <td>June 2018</td> <td>Submission of documents and relevant evidence to the examiner</td> </tr> <tr> <td>Oct/Nov 2018</td> <td>Publication of the examiner’s recommendations</td> </tr> <tr> <td>Spring 2019</td> <td>Adopt CIL Charging Schedule following a resolution of Full Council</td> </tr> </tbody> </table> | 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 consultation: <ul style="list-style-type: none"> • Draft Charging Schedule (revised following PDCS 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 | To remove explanatory text previously included to provide information about CIL to support the consultation for the DCS. |
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| Spring 2019 | Adopt CIL Charging Schedule following a resolution of Full Council | | | | | | | | | | | | | | | |
| AM7 | 12 | CIL policies | Instalment Policy and when CIL is Payable | To reflect council’s | | | | | | | | | | | | |

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| | | | <p><u>The council intends to consider the appropriateness of introducing instalment and payment in kind policies allowed for under the CIL Regulations.</u></p> <p>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 thisthese, the Council would publish these an instalment policies on its website in accordance with the notification requirements. Such a policiesy would not be part of the charging schedule and could be changed independently of it.</p> <p>The council intends to consider the appropriateness of introducing an installment policy.</p> <p>Payment in Kind Policy</p> <p>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.</p> <p>The council intends to consider the appropriateness of introducing a payment in kind policy.</p> | <p>intentions regarding introduction of such policies</p> |
| AM8 | 13 | CIL Income Estimates and Use | <p>CIL Income Estimates and Use</p> <p>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.</p> <p>It is currently estimated for the purposes of this DCS that in the region of</p> | <p>Deletion of paragraph included to support the DCS consultation only.</p> |

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| | | | <p>£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.</p> <p>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.</p> <p>Revenues from CIL are therefore not expected to bridge the long term funding gap demonstrated through the IDP.</p> | |
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