

**Brighton & Hove City Council Community Infrastructure Levy
Draft Charging Schedule - Schedule of Main Modifications
July 2019**



Views over the City of Brighton & Hove

Schedule of Proposed Main Modifications

The following table sets out the proposed main modifications to the published Draft CIL Charging Schedule Statement of Modifications as submitted for examination in January 2019. The table includes further modifications as agreed by the CIL Examination Inspector for consultation following the CIL Examination Public Hearing (held April 2 2019).

A full tracked-changed version of the Draft Charging Schedule with proposed modifications is appended to this document.

Reference	Page	Policy/Section	Main Modification	Reason
MM1	4	Relevant Legislation Context	<p><u>Relevant Legislation Context Introduction</u> 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 Draft Charging Schedule was prepared and submitted to the Examiner alongside the Draft Charging Schedule in January 2019. A public hearing took place April 2019 and the Council then submitted further work in June 2019. The Examination Inspector agreed modifications for consultation July 2019. 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:</p>	In the interests of clarity to reflect process.

Reference	Page	Policy/Section	Main Modification	Reason
			<p>Legislation.gov.uk National planning practice guidance can be accessed via the following website:</p> <p>PPG Website National Planning Policy Framework 2012 can be accessed via the following website:</p> <p>NPPF Website</p>	
MM2	6-7	The Evidence Base; CIL Viability Study towards a Charging Schedule; Infrastructure Provision under CIL; Local Development Plan	<p>The Evidence Base</p> <p>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.</p> <p>Therefore, a CIL charging schedule must be informed by available evidence, which includes:</p> <ul style="list-style-type: none"> • 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 <p>The above documents are briefly set out below. They can also be accessed via the council's Developer Contributions webpage.</p>	To reflect evidence base, process and links to the local development plan document.

Reference	Page	Policy/Section	Main Modification	Reason
			<p><u>CIL Viability Study towards a Charging Schedule</u></p> <p>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'.</p> <p>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 PDCS. 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.</p> <p><u>Infrastructure Provision under CIL</u></p> <p>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.</p>	

Reference	Page	Policy/Section	Main Modification	Reason
			<p><u>Local Development Plan</u></p> <p>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).</p> <p><u>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.</u></p> <p><u>The Council's CIL Viability Assessment informs and underpins the rates and geographical areas within the DCS.</u></p> <p><u>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 Draft Charging Schedule.</u></p> <p><u>The Local Development Plan for Brighton & Hove at the 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 & Hove Waste & Minerals Plan (2013) and the East Sussex, South Downs and Brighton & Hove Waste & Minerals Sites Plan (2017).</u></p>	

Reference	Page	Policy/Section	Main Modification	Reason										
MM3	8	How the Chargeable amount will be calculated	<p>The Council will calculate the 'chargeable amount' of CIL using <u>Part 5 of the CIL Regulations 2010 (as amended)</u> and the formal calculation methodology as therein as set out in Regulation 40 of the CIL Regulations 2010 (as amended). The key theme 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.</p> <p>The Council will use the indexing <u>figure as set out in Regulation 40 of the CIL Regulations 2010 (as amended)</u>.</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>	To reflect regulations and allow for future flexibility to allow for potential changes to CIL Regulations.										
MM4	9	Charging Schedule Table 1	<table border="1"> <thead> <tr> <th>Use</th> <th>Location</th> <th>Levy (£/sq. m)</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Residential – applies to C3 and G3-use classes Zone areas are shown on Map in Appendix 1</td> <td>Zone 1</td> <td>175</td> </tr> <tr> <td>Zone 2</td> <td>150</td> </tr> <tr> <td>Zone 3</td> <td>75</td> </tr> </tbody> </table>	Use	Location	Levy (£/sq. m)	Residential – applies to C3 and G3-use classes Zone areas are shown on Map in Appendix 1	Zone 1	175	Zone 2	150	Zone 3	75	To reflect representations; supported by Council's Viability Evidence.
Use	Location	Levy (£/sq. m)												
Residential – applies to C3 and G3-use classes Zone areas are shown on Map in Appendix 1	Zone 1	175												
	Zone 2	150												
	Zone 3	75												

Reference	Page	Policy/Section	Main Modification	Reason									
MM5	9	Charging Schedule Table 1	<table border="1"> <thead> <tr> <th>Use</th> <th>Location</th> <th>Levy (£/sq. m)</th> </tr> </thead> <tbody> <tr> <td>Private care residential homes with a degree of self-containment including Extra Care and Assisted Living</td> <td><u>Zone 1 & Zone 2</u></td> <td><u>100</u></td> </tr> <tr> <td><u>C2 – Extra Care / Assisted Living (see notes below)</u></td> <td></td> <td></td> </tr> </tbody> </table>	Use	Location	Levy (£/sq. m)	Private care residential homes with a degree of self-containment including Extra Care and Assisted Living	<u>Zone 1 & Zone 2</u>	<u>100</u>	<u>C2 – Extra Care / Assisted Living (see notes below)</u>			To provide clarity and reflect further viability work undertaken post examination.
			Use	Location	Levy (£/sq. m)								
Private care residential homes with a degree of self-containment including Extra Care and Assisted Living	<u>Zone 1 & Zone 2</u>	<u>100</u>											
<u>C2 – Extra Care / Assisted Living (see notes below)</u>													
MM6	9	Charging Schedule Table 1	<table border="1"> <thead> <tr> <th>Use</th> </tr> </thead> <tbody> <tr> <td>Strategic Sites Nil CIL charge zone rate</td> </tr> <tr> <td><u>Nil CIL charge zone boundaries are shown on Map in Appendix 1</u></td> </tr> </tbody> </table>	Use	Strategic Sites Nil CIL charge zone rate	<u>Nil CIL charge zone boundaries are shown on Map in Appendix 1</u>	To more clearly describe the areas designated for a nil CIL charge rate within the Charging Schedule.						
Use													
Strategic Sites Nil CIL charge zone rate													
<u>Nil CIL charge zone boundaries are shown on Map in Appendix 1</u>													
MM7	9	Charging Schedule Table 1	<table border="1"> <thead> <tr> <th>Location</th> </tr> </thead> <tbody> <tr> <td>Brighton Marina Inner Harbour; DA2 Brighton Marina, Gas Works and Black Rock Area</td> </tr> </tbody> </table> <p>Nb: 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 as consequence of modification</p>	Location	Brighton Marina Inner Harbour; DA2 Brighton Marina, Gas Works and Black Rock Area	Nil CIL charge zone at Brighton Marina Inner Harbour widened to encompass the whole City Plan Part One Policy DA2 area to reflect representations and viability assessment.							
Location													
Brighton Marina Inner Harbour; DA2 Brighton Marina, Gas Works and Black Rock Area													

Reference	Page	Policy/Section	Main Modification	Reason						
MM8	9	Charging Schedule Table 1	<table border="1"> <thead> <tr> <th>Location</th> </tr> </thead> <tbody> <tr> <td><u>Brighton General Hospital site</u></td> </tr> <tr> <td><u>Sackville Trading Estate/Coal Yard site</u></td> </tr> </tbody> </table> <p>Nb: Modify Maps in Appendix 1 to include Brighton General Hospital site boundary and the Sackville Trading Estate and Coal Yard site boundary as nil CIL charge zones as consequence of modification.</p>	Location	<u>Brighton General Hospital site</u>	<u>Sackville Trading Estate/Coal Yard site</u>	<p>Nil CIL charge zone to include Brighton General Hospital site to reflect representations and viability evidence.</p> <p>Nil CIL charge zone to include Sackville Trading Estate and Coal Yard site reflects the conclusions of the further work undertaken post examination.</p>			
Location										
<u>Brighton General Hospital site</u>										
<u>Sackville Trading Estate/Coal Yard site</u>										
MM9	9	Charging Schedule Table 1	<table border="1"> <thead> <tr> <th>Use</th> <th>Location</th> <th>Levy (£/sq. m)</th> </tr> </thead> <tbody> <tr> <td><u>Purpose Built Student Housing/Purpose Built Shared Living Accommodation</u></td> <td>City Wide</td> <td>175</td> </tr> </tbody> </table>	Use	Location	Levy (£/sq. m)	<u>Purpose Built Student Housing/Purpose Built Shared Living Accommodation</u>	City Wide	175	To clarify that a CIL charge will also apply to Purpose Built Shared Living accommodation where this living accommodation falls outside of the C3 residential use classes.
Use	Location	Levy (£/sq. m)								
<u>Purpose Built Student Housing/Purpose Built Shared Living Accommodation</u>	City Wide	175								
MM10	10	Charging Schedule Table 1	<table border="1"> <thead> <tr> <th>Use</th> <th>Location</th> <th>Levy (£/sq. m)</th> </tr> </thead> <tbody> <tr> <td><u>Retail – Other shopping retail units development</u></td> <td>City Wide</td> <td>50</td> </tr> </tbody> </table>	Use	Location	Levy (£/sq. m)	<u>Retail – Other shopping retail units development</u>	City Wide	50	For clarification.
Use	Location	Levy (£/sq. m)								
<u>Retail – Other shopping retail units development</u>	City Wide	50								
MM11	10	Charging	Notes:							

Reference	Page	Policy/Section	Main Modification	Reason
		Schedule: Notes	<p><u>C2 Extra Care / Assisted Living – housing with care (primarily for older people):</u></p> <ul style="list-style-type: none"> • <u>Where purpose built self-contained homes are designed and built to facilitate independent living and the care and support needs of occupants</u> • <u>Where occupants have agreements to cover the provision of onsite care, support, domestic and other services;</u> • <u>Which may also include communal spaces and facilities (some may be open to local community) and;</u> • <u>Onsite access to care and support services is available 24 hours a day.</u> 	To clarify and aid implementation.
MM12	10	Charging Schedule: Notes	<u>Nil CIL charge zone boundaries as set out in the Adopted Brighton and Hove City Plan Policies</u>	To clarify the origin of the Nil CIL charge zone boundaries
MM13	10	Charging Schedule: Notes	<p><u>Retail (A1 – A5) – Larger format:</u> 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.</p> <p>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.</p> <p><u>Retail (A1 – A5) - Other retail shopping units developments: to include city centre comparison retail development in defined shopping centres and at Major Sporting Venues.</u></p>	To clarify and aid implementation.
MM14	10	Charging	<u>Purpose Built Student Housing category – includes Purpose</u>	To clarify and aid

Reference	Page	Policy/Section	Main Modification	Reason
		Schedule: Notes	<u>Built Shared Living accommodation set around cluster type accommodation and/or studio units commensurate with PBSA standards.</u>	implementation.
MM15	13	CIL and Existing Planning Permission	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.	Modified to provide flexibility to allow for potential changes in CIL legislation
MM16	8	Reporting, Monitoring and Review	<p>So as to 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. <u>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).</u> Currently it is intended to:</p> <p>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.</p> <p>Preparation of a report for any financial year in which CIL is collected</p> <p>Continue existing s106 monitoring systems.</p> <p>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 <u>adoption commencement</u> date, or at an earlier date if</p>	Provides flexibility to allow for potential changes in CIL legislation.

Reference	Page	Policy/Section	Main Modification	Reason
			changing market conditions support this.	

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

PDF track changes version here