

**COMMUNITY INFRASTRUCTURE LEVY – Draft CHARGING SCHEDULE
PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT**

Public consultation 24th July – 5pm on 18th September 2014

QUESTIONS AND ANSWERS

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1. What is the Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a new levy that local authorities can choose to charge on new developments in their area to provide key infrastructure needed as a result of development.

It applies to most new buildings, and charges (£/square metre) are based on the size, type and location of the new development.

There will be a number of exemptions and reliefs, for example there are exemptions for “self-builders” people building their own home or an extension /annex subject to criteria, and reliefs for development undertaken by charities, and for affordable housing, subject to criteria.

2. Is Bath and North East Somerset (B&NES) preparing a Community Infrastructure Levy?

Yes. B&NES is preparing a Community Infrastructure Levy (CIL) Charging Schedule to provide the Council with the opportunity to secure money from new development to help pay for the infrastructure to support the developments.

3. What is the History and Timescale of the Community Infrastructure Levy Charging Schedule document?

Consultation of Preliminary Draft Charging Schedule (PDCS)	April to June 2012.
Analysis of PDCS consultation responses Preparation of updated Viability Assessment Updating Infrastructure Delivery Programme Examinations and Adoption of Core Strategy	June 2012-July 2014
Public consultation on Draft Charging Schedule (DCS)	From 24th July and will close at 5pm on 18th September 2014.
Draft Charging Schedule submitted to Secretary of State	October / November 2014
Draft Charging Schedule examined in public by Independent Examiner	December 2014/January 2015
Final version of Charging Schedule adopted by Council	April 2015

4. What do the consultation documents include?

The Draft Charging Schedule is informed by three key pieces of evidence – the B&NES adopted Core Strategy 2014, the Infrastructure Delivery Plan 2014 and an Economic Viability Assessment 2014. It also takes into account responses to the Preliminary Draft consultation in 2012.

The consultation documents and evidence documents published are as follows:-

- 1) **Community Infrastructure Levy Consultation Paper** - provides background information on CIL for example it explains what development is liable, how it is charged, and exemptions. This paper includes the following key schedules:
 - B&NES Draft CIL Charging Schedule (which sets out the CIL rates for chargeable development)
 - A Draft Infrastructure List (in accordance with CIL Regulation 123) or “Regulation 123 list” which sets out those types of infrastructure on which CIL

could be spent. The B&NES infrastructure (Reg 123) list is based on the Council's Infrastructure Delivery Plan (IDP) which underpins the Core Strategy.

- 2) **Viability Assessment Update 2014** that provides advice on CIL rates having regard to development viability.
- 3) **CIL Evidence Background Paper (2014)** which sets out details of the infrastructure requirements derived from the Infrastructure Delivery Programme, details of funding and the funding gap and data on receipts of section 106 planning obligations from previous approved development schemes.
- 4) **Revised Planning Obligations Supplementary Planning Document 2014** which sets out the circumstances where affordable housing and site related planning obligations necessary to make the development acceptable, will be required.

5) **A Report on the Consultation of the Preliminary Draft Charging Schedule**

5. **What is the Revised Planning Obligations Supplementary Planning Document?**

The Council has a current Planning Obligations Supplementary Planning Document (SPD) which was adopted in 2009. It sets out the circumstances where a planning obligation /section 106 agreement will be required for development and includes details of affordable housing requirements and contributions towards strategic transportation infrastructure and schools and other contributions.

CIL is intended to contribute towards funding strategic infrastructure to support the development of the area rather than infrastructure directly related to making individual planning applications acceptable in planning terms. However, there may still be some site specific impact mitigation requirements without which a development should not be granted planning permission and which would require the need for a section 106 planning obligation. The policy requirement for affordable housing is not affected by the CIL regulations, and hence would require a section 106 planning obligation.

In order to ensure that Planning Obligations sought as part of development proposals, and the Council's Community Infrastructure Levy can operate in a complementary way, and ensure the funding of the levy and planning obligations does not overlap, the CIL Regulations place limits on the use of planning obligations at the same time as CIL. *In particular, there will be a limit on pooled contributions from planning obligations towards infrastructure that may be funded by the levy.*

In response to these changes, the Council has prepared a draft updated /revised Planning Obligations SPD for consultation to explain the circumstances where planning obligations contributions will still be required, in particular for affordable housing, which is

not affected by the introduction of CIL, for on-site specific infrastructure (eg open space and facilities) and off-site infrastructure (eg highway access works) and facilities or services that are essential for the development to take place, or are needed to mitigate the impact of a specific development at site or neighbourhood level.

It is intended that this SPD will take effect when the CIL Charging Schedule comes into force, as it is designed to complement the CIL system.

6. Where can I see the documents?

The documents are available to view:

Online at the Bath & North East Somerset Council website:
www.bathnes.gov.uk/CIL

Council One Stop Shops during normal opening hours at:

- The Bath One Stop Shop, 3-4 Manvers Street, Bath BA1 1JQ
- The Hollies, Midsomer Norton, Bath, BA3 2DP;
- Riverside, Temple Street, Keynsham, Bristol, BS31 1LA

All Public Libraries within the District including the mobile libraries during library opening times.

7. How can I comment?

Representations may be made by emailing us at cil@bathnes.gov.uk

or writing to:

Planning Policy,
Bath and North East Somerset Council,
PO Box 5006,
Bath
BA1 1JG.

A representation form is available to download or can be supplied in hard copy.

A response form is available - If you do not have access to a computer, a paper form can be completed and sent to the Council. Copies of the response form are available from the Planning Policy team.

8. What is the deadline for submitting representations?

The consultation will run from 24th July 2014 to 5pm 18th September 2014.

9. What happens next?

All representations will be considered by the Inspector as written representations. In addition, any persons or organisations making representations for CIL Draft Charging Schedule have the right to be heard at examination, should they choose to appear. The examination will normally take the format of a hearing, using an informal 'round table' format under the direction of the Inspector.

Should you make comments to the consultation, the comments will be published on the Council's website together with your name.

10. Will a development be liable to pay CIL if planning permission is granted before CIL is approved?

No. There is no CIL liability for a planning permission if that planning permission was granted before the CIL adoption date. The relevant date is the date of the issuing of the planning permission decision notice.

11. How will the levy be spent?

The money raised through CIL must be spent on infrastructure needed to support the development of the B&NES area. The Council must specify the projects/types it intends to spend CIL receipts on, in what is known as an Infrastructure List or 'Regulation 123 List'.

The CIL (Amendment) Regulations 2013, requires that the Council pass a proportion of the CIL funds to the neighbourhoods in which the chargeable development takes place. The neighbourhood proportion of CIL can be spent on a wider range of items than the scope of the district wide infrastructure list.

In areas where there is a Neighbourhood Plan in place prior to planning permission being granted; or permission was granted by a Neighbourhood Development Order, the Council must pass 25% of Community Infrastructure Levy funds from developments within those areas to the relevant local council area (Town and Parish Councils).

Where there is no Neighbourhood Plan this amount is 15%, subject to a cap of £100 per household in the local council area, per year.

Communities without a Parish or Town Council, such as Bath, will still benefit from the neighbourhood proportion of CIL funds (15% capped or 25% uncapped). In these areas the Council will retain the CIL receipts and engage with the local communities at the neighbourhood level to agree how best to spend the neighbourhood funding.

12. What is the relationship between CIL and planning obligations/Section 106 agreements?

Following the adoption of a Charging Schedule, CIL will replace Section 106 Agreements (S.106) (of the Town and Country Planning Act 1990) as the primary tool to

pool contributions towards delivering the infrastructure necessary to support the sustainable development of the District.

The provision of affordable housing lies outside the remit of CIL and will continue to be secured through S.106 Agreements. S.106 Agreements will be significantly scaled back so that the Council will only be able to request S.106 planning obligations, alongside Planning Conditions, for on-site specific infrastructure (eg open space and facilities) and off-site infrastructure (eg highway access works) and facilities or services that are essential for the development to take place, or are needed to mitigate the impact of a specific development at site or neighbourhood level. The principle is that all CIL liable developments must pay CIL as well as contribute to any site specific requirements to be secured through S.106 Agreements.