

## Consultation

### How to Comment on the Preliminary Draft Charging Schedule

This Preliminary Draft Charging Schedule is produced for public consultation as the first step in setting a Community Infrastructure Levy (CIL) for Breckland District Council in accordance with Regulation 15 of CIL Regulations 2010 (as amended 2011). The document also sets out the background to the Charging Schedule, including the methodology and assumptions made, and the evidence base used to inform the proposed draft levy. Comments received will be taken in to account in preparing a Draft Charging Schedule for examination.

Comments on the Preliminary Draft Charging Schedule are invited by 4pm on 28th of May 2013.

In preference we would encourage the use of the full consultation document available online at <http://consult.breckland.gov.uk/portal> or emailed to [planningpolicyteam@breckland.gov.uk](mailto:planningpolicyteam@breckland.gov.uk).

Alternatively, comments can be sent by post to: **Planning Policy Team, Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE.**

Hard copies of the full consultation document are available for viewing at the Breckland Council Office, local libraries and Presence Offices.

If you have any questions regarding any of the issues raised in this document, please contact the **Planning Policy Team** on **01362 656873**.

Please note that comments received cannot be treated as confidential as all comments must be publicly available in accordance with government regulations.

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# 1 Introduction

## Introduction

**1.1** Breckland Council is seeking comments on its Community Infrastructure Levy Preliminary Draft Charging Schedule. Comments are invited by no later than 4pm on 28th May 2013.

**1.2** Comments received at this stage will be taken into account in preparing the second stage of the documents preparation which will be a draft Charging Schedule. The Charging Schedule will then be submitted for independent examination later in 2013.

## What is the Community Infrastructure Levy (CIL)?

**1.3** The Community Infrastructure Levy (CIL) is a levy (i.e. a tax) on development which allows Local Authorities to raise funds from new development towards the cost of the infrastructure that is or will be needed as a result of that development. This may include new or safer road schemes, flood defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres.

## Who will pay CIL?

**1.4** CIL will be charged on most new development. Liability to pay CIL arises when, on commencement of the development, the gross internal area of new build is 100 square metres or above. The development of all new dwellings, even if it is less than 100 square metres, is also liable to pay CIL. A Charging Schedule (such as this document) sets out the CIL rate(s) for a Local Authority (known as the Charging Authority for the purposes of CIL). The levy is chargeable on the basis of a calculation related to pounds (£) per square metre (sq m) on the net additional floorspace created by the development.

**1.5** CIL will not be charged on changes of use that do not involve new additional floorspace or on structures which people do not normally go into or do so only intermittently for the purpose of inspecting or maintaining fixed plant or machinery<sup>(1)</sup>. Affordable housing development and the majority of development by charities is also exempt from the charge<sup>(2)</sup>.

## Why Produce CIL?

**1.6** The CIL regulations came into force in April 2010. Further amended regulations were published in April 2011, October 2012 and draft regulations in February 2013. The introduction of CIL will coincide with significant changes to the Section 106 Planning Obligations regime which will be scaled back to cover only site-specific mitigation measures and affordable housing, until either of the following occur:

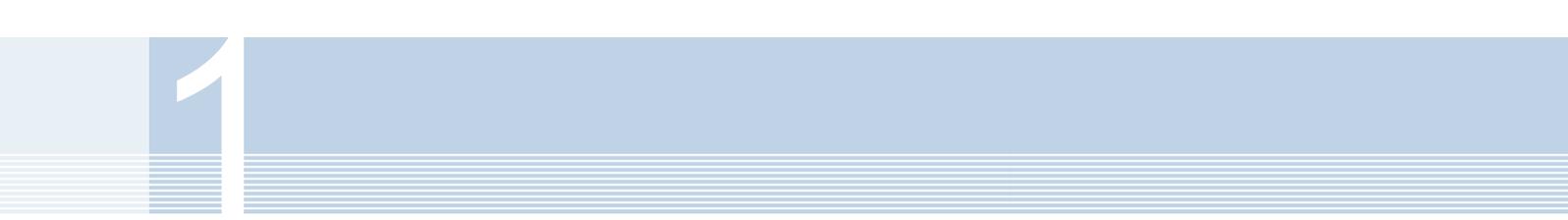
- the adoption of a local CIL Charging Schedule; or
- the end of a transitional period concluding on 6 April 2014.

**1.7** From April 2014, local authorities will not be able to pool any more than five planning obligations for projects or specific types of infrastructure. Therefore, the implementation of CIL will provide that flexibility in the pooling and spending of monies from developments and can be spent on any identified infrastructure need (unlike Section 106 agreements which require a direct link between the development and any infrastructure project). Furthermore, any existing Section 106 'tariff based' arrangements (such as standard charges) must also cease operating.

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1 Community Infrastructure Regulations 2010 (as amended): Regulation 6

2 Community Infrastructure Levy Relief Information Document, DCLG, May 2011



**1.8** Therefore, the Council considers that the development of a CIL in its area to be necessary in order to ensure that funding for infrastructure can continue to be secured beyond April 2014.

### **What are the Benefits of CIL?**

**1.9** New development impacts on infrastructure needs and facilities in an area. As such, it is reasonable that new development should continue to contribute towards the costs of these needs. There are also a number of other benefits to the introduction of CIL which are set out as follows:

- CIL is a standard fixed charge which provides developers with much more certainty and is 'up front' about how much money they will be expected to contribute which can be factored in to their development calculations.
- CIL is non-negotiable, so should save time compared to Section 106 agreements, which can be time-consuming due to negotiations and procedure.
- CIL will deliver additional funding to local communities to carry out a wide range of infrastructure projects that support growth and benefit to the local community.
- CIL will ensure greater transparency for local people, because they will be able to understand how new development is contributing to their community.
- CIL is a fairer system as it takes account of the specific size of a scheme, as it is based on pounds (£) per m<sup>2</sup>.

### **CIL Exemptions and Discretionary Relief**

**1.10** The CIL Regulations contain a number of exceptions and some forms of development will be able to apply for discretionary relief. There will be no charge for change of use applications unless additional floorspace is created, as well as no charge for the sub-division of existing dwellings. The CIL regulations also make other exemptions and CIL is not payable on the following:

- structures into which people do not go and buildings which people go intermittently for the purposes of inspecting or maintaining fixed plant or machinery,
- all affordable housing,
- redevelopments that do not result in a net increase in floorspace (subject to caveats); and
- development for charitable purposes.

**1.11** Additionally, the gross floor space of any existing building/s on the site that are going to be demolished may be deducted from the calculation of CIL liability.

**1.12** The Council can grant relief from CIL liabilities. However, regulations on this matter mean that relief should only be granted in truly 'exceptional circumstances'. The fact that a development might be unviable at the time of a planning application is considered unlikely to constitute an 'exceptional circumstance' in relation to the CIL Regulations.

## Policy Background

### National

**1.13** The Council wishes to ensure that there is an appropriate balance between the funding of infrastructure and the delivery of new development in the District. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development, and this approach is consistent with the overarching aims of the statement. The NPPF also states at Paragraph 173, in relation to Plan-making that:

#### Box 1

To ensure viability, the costs of and requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing development to enable the development to be deliverable.

**1.14** The above provides a clear contextual background to which the Government expects Local Authorities to have careful regard to, particularly in terms of the role that CIL will play as a backdrop to future plan preparation.

### Local

**1.15** The adopted Breckland Core Strategy (2009) sets out the strategic spatial planning framework for development in the district to 2026. The Core Strategy contains a number of strategic policies to manage growth and guide new development as expressed in its Spatial Vision:

#### Box 2

'By 2026, Breckland's settlements and its wider rural area will have developed as a dynamic, prosperous and self sustaining community through the delivery of 19,000 net new homes and significant employment growth, supported by necessary facilities, services and infrastructure'.

**1.16** Paragraph 3 of adopted Core Strategy Policy CP5 'Developer Obligations' details the Council's intent to introduce a Community Infrastructure Levy to address strategic infrastructure delivery:

#### Box 3

.....Subject to legislation the Council will also consider the introduction of a Community Infrastructure Levy (CIL) to address strategic infrastructure delivery, which will supersede any tariff which was already in place.

Therefore, the Council recognises the role that CIL could play in addressing the need for the delivery of infrastructure in Breckland.

**1.17** The Charging Schedule will form part of the Development Plan for Breckland which covers the period to 2026. The following sets out the Council's current and proposed suite of Local Development Documents which form part of the Development Plan:

- Core Strategy and Development and Control Policies Development Plan Document- adopted 17th December 2009.
- Site Specific Policies and Proposals Development Plan Document - adopted 19th January 2012.
- Thetford Area Action Plan Development Plan Document - adopted 5th July 2012.
- Attleborough and Snetterton Heath Area Action Plan Preferred Options document - Proposals in Attleborough to form part of new District-wide Local Plan.
- Community Infrastructure Levy (CIL) – proposed adoption 2014.

**1.18** In light of legislative changes as a result of the publishing of the National Planning Policy Framework (NPPF) on the 27th March 2012, the Local Planning Authority must prepare a Local Plan. Local Plans must be prepared in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the NPPF. Following the publication of the NPPF, Breckland Council will consider which aspects of the adopted Core Strategy need to be revised in order to reflect the approach of the presumption in favour of sustainable development, to meet the development needs of the area.

**1.19** Breckland Council has resolved to formally commence the preparation of a new Local Plan for the District, which it anticipates to adopt in 2016. This effectively ceases the preparation of the Attleborough and Snetterton Heath Area Action Plan; however, proposals for this area will be included in the Local Plan.

**1.20** The table below outlines the key stages and timetable for adoption of CIL by Breckland District Council.

Stage	Date
Evidence gathering	Autumn '12
Public consultation on Preliminary Draft Charging Schedule	Apr - May '13
Consider comments and Preparation of Draft Charging Schedule	June '13
Public consultation of draft Charging Schedule	Oct - Nov '13
Submission	Dec '13
Examination Hearings	Jan '14
Inspectors Report	Feb '14
Adoption	Apr '14

#### **Timetable for the adoption of CIL**

#### **Relationship of CIL with S106 agreements**

**1.21** The implementation of CIL is intended to provide infrastructure to support the development of an area. However, CIL will not fully replace Section 106 Agreements. There will remain some developments that will require specific mitigation measures that will still need to be agreed and provided through a Section 106 Agreement in addition to a CIL.

**1.22** However, the CIL Regulations have placed limitations on the future use of Planning Obligations by:

- Putting three of the five policy tests on the use of Planning Obligations as set out in former Circular 5/05 on a statutory basis for developments which are capable of being charged the Levy; and
- Ensuring the local use of the CIL and Planning Obligations does not overlap.

**1.23** Limiting pooled contributions from Planning Obligations from no more than five developments towards infrastructure which may be funded by the Levy. Therefore, CIL will become the principal mechanism for securing infrastructure funding via planning application decisions in future.

**1.24** However, Section 106 Agreements and Planning Conditions will continue to be used for affordable housing provision and for local infrastructure requirements on development sites (such as site specific local provision of open space, connection to utility services (as required by legislation), habitat protection, access roads and archaeology). The principle is that all eligible developments must pay a CIL as well as any site specific requirement to be secured through Section 106 Agreements.

**1.25** For the purpose of providing a context for introducing a CIL it is necessary to make some assumptions about the likely scale and relationship that may exist between the two mechanisms. These assumptions can be found in the supporting CIL Viability Study which influences the assessments undertaken and is reflected in the proposed levy charge rates tabled in this Preliminary Draft Charging Schedule document.

#### **Relationship of CIL with the Conservation of Habitats and Species Regulations**

**1.26** Breckland Council has identified through the Habitats Regulations Assessments (HRAs) of three existing DPDs (the adopted Core Strategy, Site Specific Policies and Proposals and Thetford AAP) the need for a range essential mitigation measures to be secured in order to allow the proposals in these documents to be adopted without having an adverse effect on European Sites.

**1.27** A number of requirements from the above HRAs include securing the delivery of non-infrastructure projects (i.e. Measures that do not require land or buildings etc). Some of these requirements are necessary to act as 'early warning' systems to ensure that an adverse effect on a European Site(s) does not occur. Such activities could include 'wardening' of existing European Sites to limit human disturbance, implementing existing environmental management plans, or seeking contributions towards monitoring of recreational pressure to avoid an adverse effect occurring in the first place.

**1.28** Therefore, in order to ensure that development can be made acceptable and that mitigation measures are capable of being implemented, contributions to such non-infrastructure items will continue to be sought through the S106 regime.

## 2 Evidence Base

**2.1** Breckland Council is required by regulation to ensure that any CIL rate proposed does not put at serious risk the overall development of the area. The Council's overall development framework for the district is already established through the existing suite of adopted DPDs (see section 1). In addition, the Council has relied on three other key sources of evidence in producing its Charging Schedule. These are:

- The Breckland District Wide Infrastructure Needs, Funding and Delivery Study (2009) - identified the physical, social and green infrastructure needs arising from the planned growth in Breckland to 2026.
- Breckland Integrated Delivery Document (BIDD) (2010) - prioritised housing and infrastructure that is needed to be provided as part of the delivery of sustainable communities in the District. This document identified key priorities and outlined how particular projects are to be funded as well as highlighting any funding gaps that may be evident and how to fill them.
- CIL Viability Study (2013) - Examining the level that CIL could be introduced without putting the overall development of the area at risk.

### **The Breckland District Wide Infrastructure Needs, Funding and Delivery Study (2009)**

**2.2** To support the preparation of the Council's Core Strategy (adopted December 2009), a district wide needs, funding and deliver study was undertaken in February 2009 which built upon two earlier infrastructure reviews associated with growth commitment's in Thetford and Attleborough. The study provides a review of the infrastructure requirements for Breckland until 2026 including:

- physical and social infrastructure arising from the growth in the district;
- phasing of infrastructure, its cost and available funding;
- options for capturing developer contributions; and
- Infrastructure delivery programme.

### **Breckland Integrated Delivery Document (BIDD) (2010)**

**2.3** The Breckland Integrated Delivery Document (BIDD) identifies the strategic housing and infrastructure priorities necessary in order to unlock and support the scale of growth in Breckland as set out in the Council's adopted Core Strategy. As well as setting out the scope, spatial extent, and cost of housing and infrastructure projects the document includes a timetable to delivery of projects that will realise the Council's vision.

**2.4** This document identifies key infrastructure priorities which have been scored based on a locally set range of criteria, e.g. Number of homes or jobs delivered. The BIDD also outlines how the identified projects are to be funded as well as highlighting any funding available to deliver these projects. The study also examines any funding gap that may be evident and provides some recommendations as to how to fill them.

**2.5** As CIL can only be charged if there is a funding gap for the infrastructure needed to meet the needs of new development. The BIDD has estimated that the total cost of infrastructure needed to support new development in Breckland is approximately £124 million. Taking into account other actual and expected sources of funding, there is a potential infrastructure funding gap of £71 million which could be filled by CIL revenues<sup>(3)</sup>. The funding gap identified in the BIDD clearly demonstrates the need to implement CIL in the district.

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3 Total cost of infrastructure and funding gap derived from the BIDD (2010)

## **CIL Viability Study (2013)**

**2.6** The CIL Viability Assessment examines the potential for a CIL rate to be charged for a number of different development scenarios. The assessment utilises the residual land valuation method to calculate the site value after the total development costs and developers profit have been taken from the gross development value. The residual land value represents the amount of money available to both purchase the land and also pay any CIL.

**2.7** The CIL viability study has been informed by recent sales values information for both residential and commercial properties, and clearly shows that there are distinct variations in the sales values which can be achieved within Breckland. The viability study concludes that within parts of the District, the residual land value is such that there is the potential to include a CIL charge on residential development. However there remains significant parts of the District, including the market towns of Dereham, Swaffham, Thetford and Watton where it is not possible to include a CIL rate for residential development.

**2.8** The viability study concludes that for b-class employment uses there isn't a surplus within the residual land value which would be available for CIL. However the study does show that for other development types including hotels, residential/nursing care homes, and tourism accommodation there is a surplus available for CIL. The final development type which was tested through the viability study was retail development. The study showed that for A1 out of town centre uses there is a surplus available for CIL, however for all other A class uses the CIL rate should be set at £0 per sqm.

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## 3 Methodology

### Community Infrastructure Levy Regulations

**3.1** The Community Infrastructure Levy Regulations came into force on the 6th April 2010 and amended regulations were implemented on 6th April 2011. In setting a CIL rate, a Charging Authority must comply with Regulation 14 of the Community Infrastructure Regulations 2010 which states:

(1) In setting rates (including differential rates) in a charging schedule, a charging authority must aim to strike an appropriate balance between -

- (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and
- (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

(2) In setting rates in a charging schedule, a charging authority may also have regard to actual and expected administrative expenses in connection with CIL to the extent that those expenses can be funded from CIL in accordance with regulation 61.

and Section 211 (2) and (4) from part 11 of the Planning Act 2008:

211 (2) A charging authority, in setting rates or other criteria, must have regard, to the extent and in the manner specified by CIL regulations, to -

- (a) actual and expected costs of infrastructure (whether by reference to lists prepared by virtue of section (5)(a) or otherwise),
- (b) matters specified by CIL regulations relating to the economic viability of development (which may include, in particular, actual or potential economic effects of planning permission or of the imposition of CIL), and
- (c) other actual and expected sources of funding for infrastructure.

211. (4) The regulations may, in particular, permit or require charging authorities in setting rates or other criteria -

- (a) to have regard, to the extent and in the manner specified by the regulations, to actual or expected administrative expenses in connection with CIL,
- (b) to have regard, to the extent and in the manner specified by the regulations, to values used or documents produced for other statutory purposes,
- (c) to integrate the process, to the extent and in the manner specified by the regulations, with processes undertaken for other statutory purposes; and
- (d) to produce charging schedules having effect in relation to specified periods (subject to revision).

**3.2** The Charging Authority levy rate will therefore need to strike a balance between securing additional investment for infrastructure to support development and the potential economic effect of imposing CIL across the district.

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## 4 Charging Schedule

### Setting a Proposed Rate

**4.1** In setting the proposed rates of CIL, Regulation 14 of the CIL Regulations states that Charging Authorities must aim to strike an appropriate balance between the desirability of funding from CIL the actual or expected cost of infrastructure, and the effects on the viability of development across the area.

### Differential Rates

**4.2** Regulation 13 permits the setting of differential rates for different zones in which development will be situated or by reference to different intended uses of development. Paragraphs 34-37 of the Government's CIL Guidance<sup>(4)</sup> set out that differential rates are options to enable total flexibility of CIL to suit the viability of local development alone. Regulation 14 requires Charging Authorities to strike a balance between the desirability of funding CIL and the actual and expected costs of the infrastructure intended to support development (having regard to other funding sources).

**4.3** The Council's CIL viability evidence indicates that only residential dwellings, care homes, hotels and retail uses (outside town centres - as defined on proposals map) have the potential to realise CIL receipts without compromising the viability of development. Commercial developments, and other 'A class' uses such as restaurants, cafés, and hot food takeaways do not appear to have any potential to pay CIL. Whilst residential and large-scale retail can support a CIL level above zero it would not be appropriate to see a single CIL because of differentials between the viability between the uses. Furthermore, in respect of residential there is evidence to support varying CIL rates across the District.

**4.4** The differential CIL rate will apply to charging zones for residential and retail development across the district.

### Geographical Zones

**4.5** The Council's supporting viability assessment indicates that for residential development proposals, there are some areas of the district that are more viable to develop in than others. The evidence concludes that the ability of development in these areas can therefore accommodate an increased level of CIL than others. These differing value areas translate into different zones for the purposes of calculating CIL in accordance with the Charging Schedule. The maps illustrated at Section 5 set out the boundaries of the different residential charging zones.

**4.6** For other non-residential uses, there are no significant variations in the viability of these uses that justifies separate zones and as such, the CIL rates will apply district-wide.

### Preliminary draft Charging Schedule

**4.7** Regulation 15 of the CIL Regulations requires Charging Authorities who wish to issue a Charging Schedule to publish a Preliminary Draft Charging Schedule for consultation. The Preliminary Draft Charging Schedule for Breckland is set out in table 4.1 below:

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4 Community Infrastructure Levy Guidance: Charge setting and charging schedule procedures (2010)

Use Class	Rate (£ per square metre)	
	Zone A	Zone B
Residential dwelling houses (C3)	£60	£0
Commercial Development (B1, B1a, B2 and B8)	£0	
Out of Centre Retail development (A1)	£150	
Other retail developments (A3, A4 and A5)	£0	
Hotels (C1)	£140	
Residential care homes/ institutions (C2)	£90	
Holiday Accommodation (C3) - where subject to a planning condition or legal agreement restricting occupation to holiday accommodation.	£30	
All other development	£0	

**Table 4.1 Preliminary draft Charging Schedule**

#### Collecting CIL Receipts

**4.8** The collecting authority for CIL payments will normally be the District Council (as the determining/ Charging Authority). There will also be some proposals whereby Norfolk County Council will be the determining authority (in respect of County matters such as schools, libraries etc) but where that development will take place within Breckland. Therefore, when Planning Permission is granted by Breckland Council as the determining authority, the Council will then issue a Notice of Liability setting out the Levy, payment procedure and instalments that will be due for payment from the date the chargeable development commences.

**4.9** Where developers have assumed liability, they are required to submit a commencement notice to the Breckland Council no later than the day before the day on which the chargeable development is to be commenced. Where no-one has assumed liability to pay the Levy, the liability will automatically default to the landowners of the relevant land and their successors in title.

## Instalment Policy

**4.10** In accordance with Regulation 69b of The CIL Regulations (as amended) 2011, Breckland Council can introduce an instalment policy which will offer developers more favourable payment arrangements. The timing of CIL payments can affect development viability, with later payments generally having a positive impact on the viability of schemes.

**4.11** Instalment policies do not form part of the CIL examination process, however, the Council considers the following to be a fair policy for the payment of CIL.

### **Draft Policy for staging payments of Community Infrastructure Levy**

#### **a) Development incurring CIL liability up to £100,000.**

One instalment payable within 60 days after commencement of the development.

#### **b) Development incurring CIL liability between £100,000 and £250,000.**

Two equal instalments.

1. 60 days after commencement.
2. 120 days after commencement.

#### **(c) Development incurring CIL liability between £250,000 and £500,000.**

Three equal instalments.

1. 60 days after commencement.
2. 120 days after commencement.
3. 180 days after commencement.

#### **(e) Development incurring CIL liability over £500,000.**

Four equal instalments.

1. 60 days after commencement.
2. 120 days after commencement.
3. 180 days after commencement.
4. 240 days after commencement.

## Payments in Kind

**4.12** The CIL regulations allow the potential for a Charging Authority to accept payments in kind in lieu of CIL, in the form of a transfer of land to be used for infrastructure provision. The value of the land needs to be equal to the amount of CIL that would have been paid and the land value must be assessed by an independent valuer.

The Council considers that this may take place in exceptional circumstances. Payments in kind could be instead of CIL, and is in addition to any transfer of land which may be required via a Section 106 agreement, (e.g. land for schools).

### **Spending of CIL receipts**

**4.13** Monies generated from the levy will be spent on infrastructure required to support new development across Breckland. This includes development that does not require planning permission. Furthermore, the levy will not be used to remedy pre-existing deficiencies unless the new development makes the deficiency more severe. In addition to new infrastructure, CIL receipts can also be used to expand and enhance existing infrastructure or for the on-going maintenance or operational costs of providing infrastructure. These costs must be directly related to the additional demands arising from new development.

**4.14** Using powers in the Localism Act (2011) the Government intends to require Authorities to allocate a meaningful proportion of CIL revenues raised in each neighbourhood in which development has taken place. This will enable the local community to decide on what infrastructure priorities they have, whether in their locality or covering a wider geography, and take control to address them.

**4.15** In January 2013, the Government published the 'meaningful proportion' of CIL that will be available for communities. For those communities without an adopted Neighbourhood Plan in place, 15% of CIL receipts in their area will be given to communities which is capped up to the value of £100 per existing dwelling registered for Council Tax in that area. For those communities with an adopted Neighbourhood Plan in place, 25% of CIL will be given to communities as their meaningful proportion. In this case, the latter is not subject to capping.

**4.16** As required by regulation<sup>(5)</sup> Breckland Council will publish on its website a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. The collection and subsequent expenditure of any levy contributions received from developers will be carefully monitored so that the handling of CIL monies is managed in a transparent and accountable way.

**4.17** The District Council will:

- maintain an ongoing overview of progress of the implementation of Community Infrastructure Levy and site specific infrastructure projects. A clear focus for liaising between the various District Council Service Areas, partner Authorities and other delivery agencies which are responsible for ensuring particular projects are completed satisfactorily will be provided.
- maintain a Developer Contributions Database to record progress with all CIL contributions and Section 106 Agreements, and enable the correct procedures to be followed and notices issued as projects move forward.
- prepare a comprehensive Developer Contributions Annual Monitoring Report which will be published on the District Council's website<sup>(6)</sup>.

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5 Regulation 123, Community Infrastructure Regulations 2010 (as amended)

6 Regulation 62, Community Infrastructure Regulations 2012 (as amended)

## 6 Charging Zone Maps

### Residential CIL Charging Zones

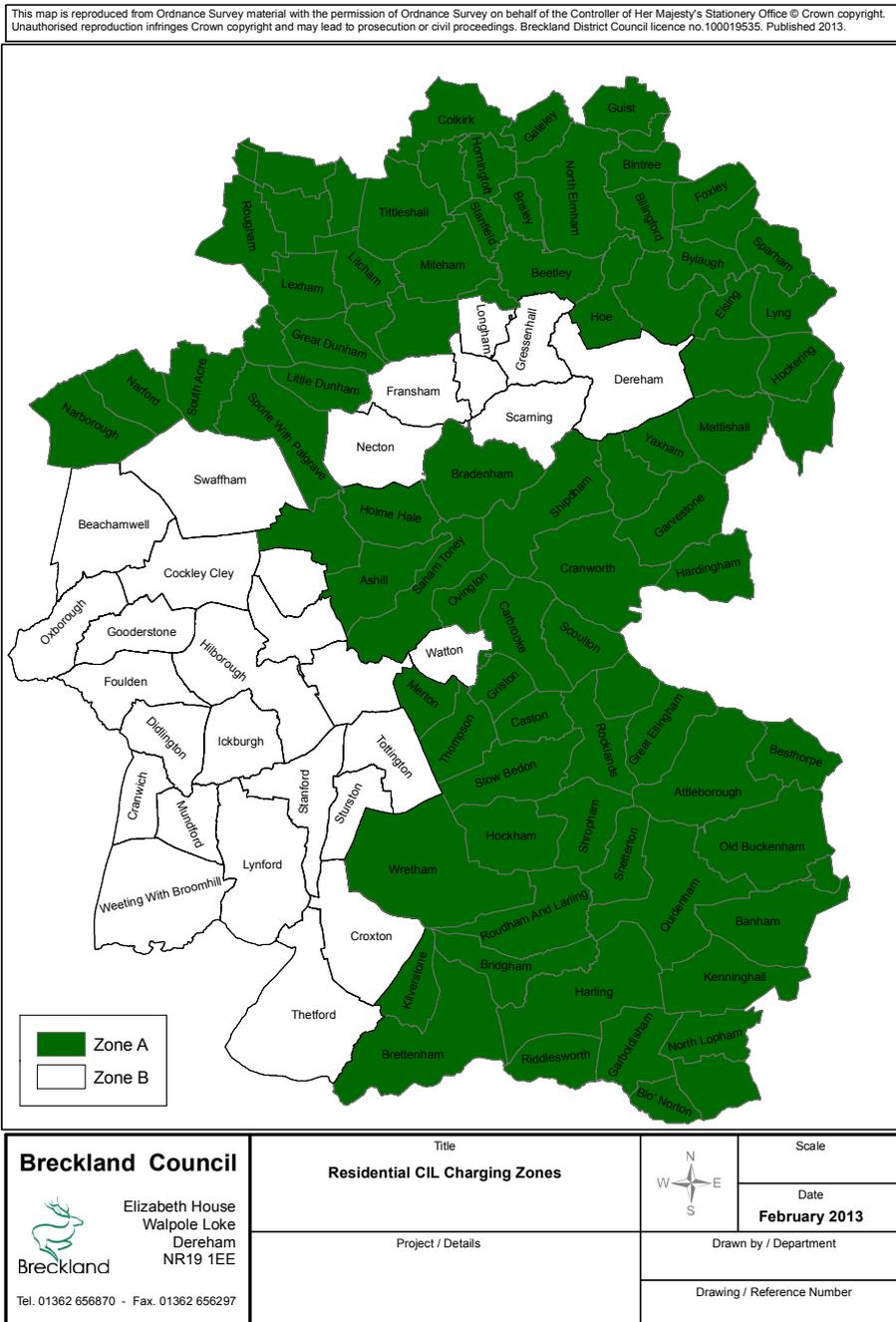


Figure 6.1 Residential CIL Charging Zones

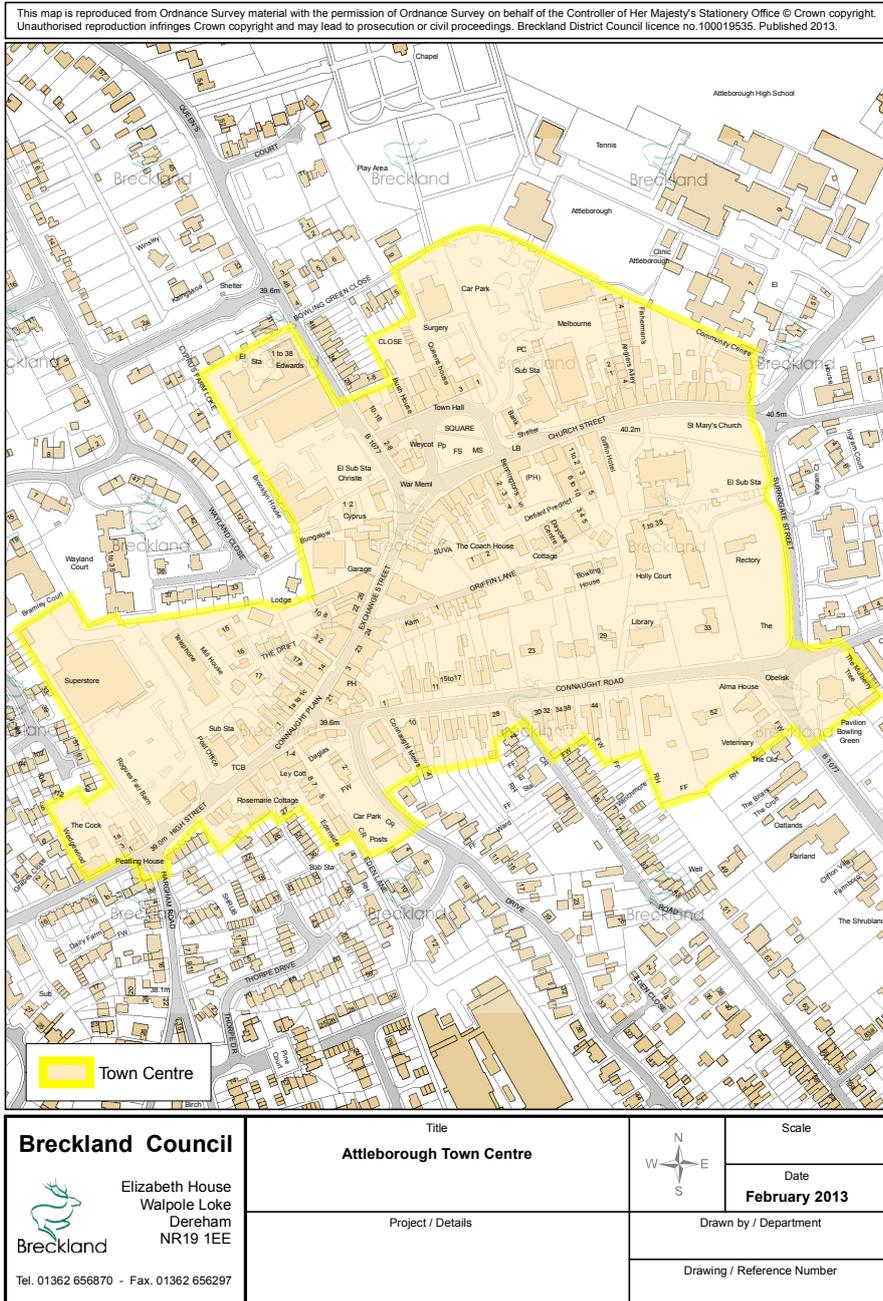
## CIL Charging Zones Excluding Residential Development and Out of Centre A1 Retail



Figure 6.2 CIL Charging Zone Excluding Residential Development and Out of Centre A1 Retail

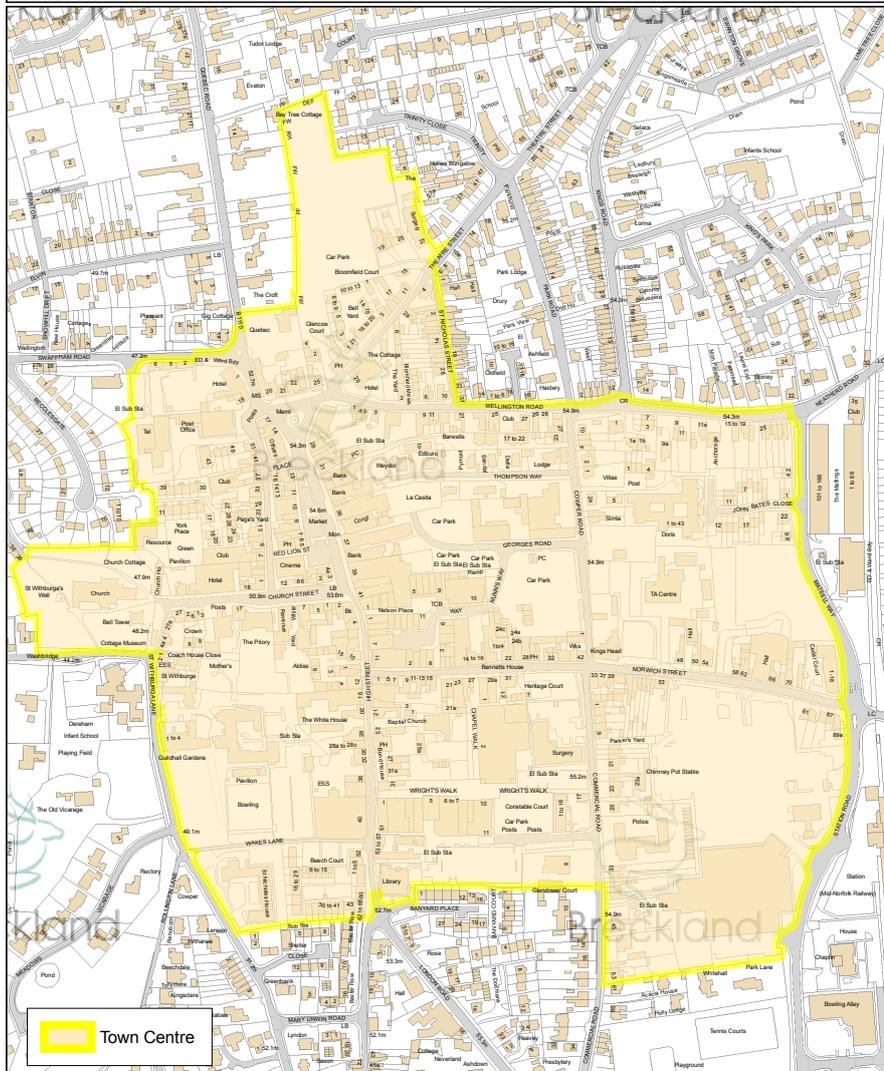
### CIL Charging Zones Out of Town Centre A1 Retail

**6.1** The CIL zone for out of town centre A1 retail will apply to all of Breckland District outside of the Districts five defined town centres in Attleborough, Dereham, Swaffham, Thetford and Watton. The following maps show the town centre boundaries,



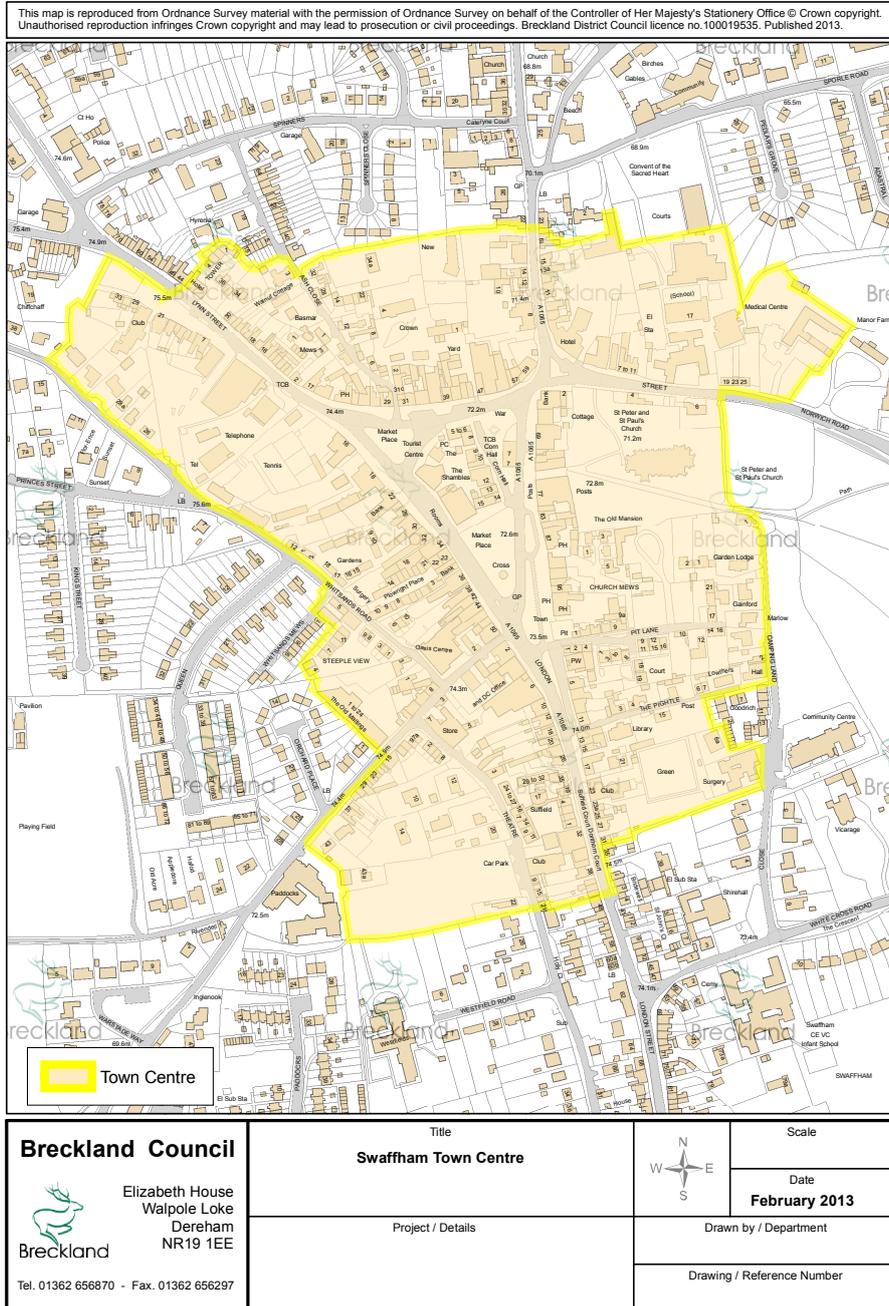
**Figure 6.3 Attleborough Town Centre**

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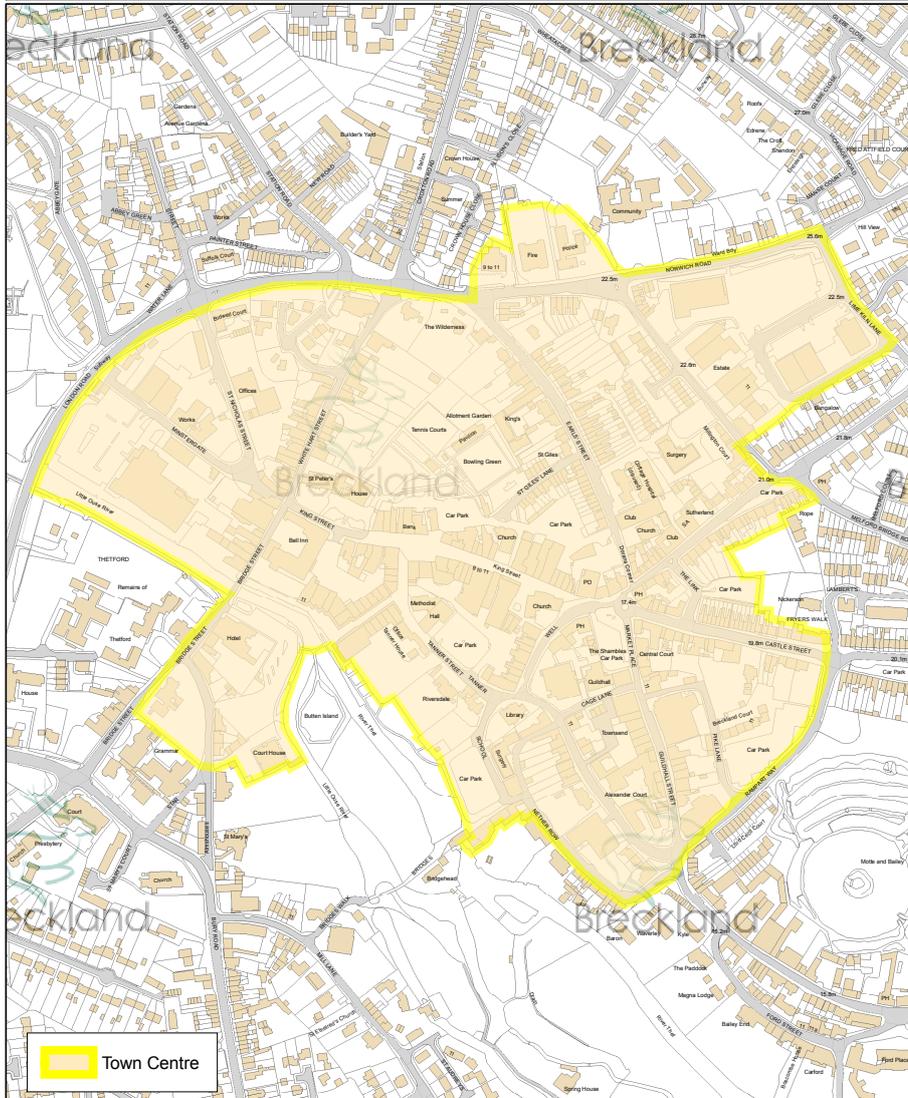
<p><b>Breckland Council</b></p> <p>Elizabeth House Walpole Loke Dereham NR19 1EE</p> <p><b>Breckland</b></p> <p>Tel. 01362 656870 - Fax. 01362 656297</p>	Title		Scale	
	Dereham Town Centre		Date	
	Project / Details		February 2013	
			Drawn by / Department	
		Drawing / Reference Number		

Figure 6.4 Dereham Town Centre



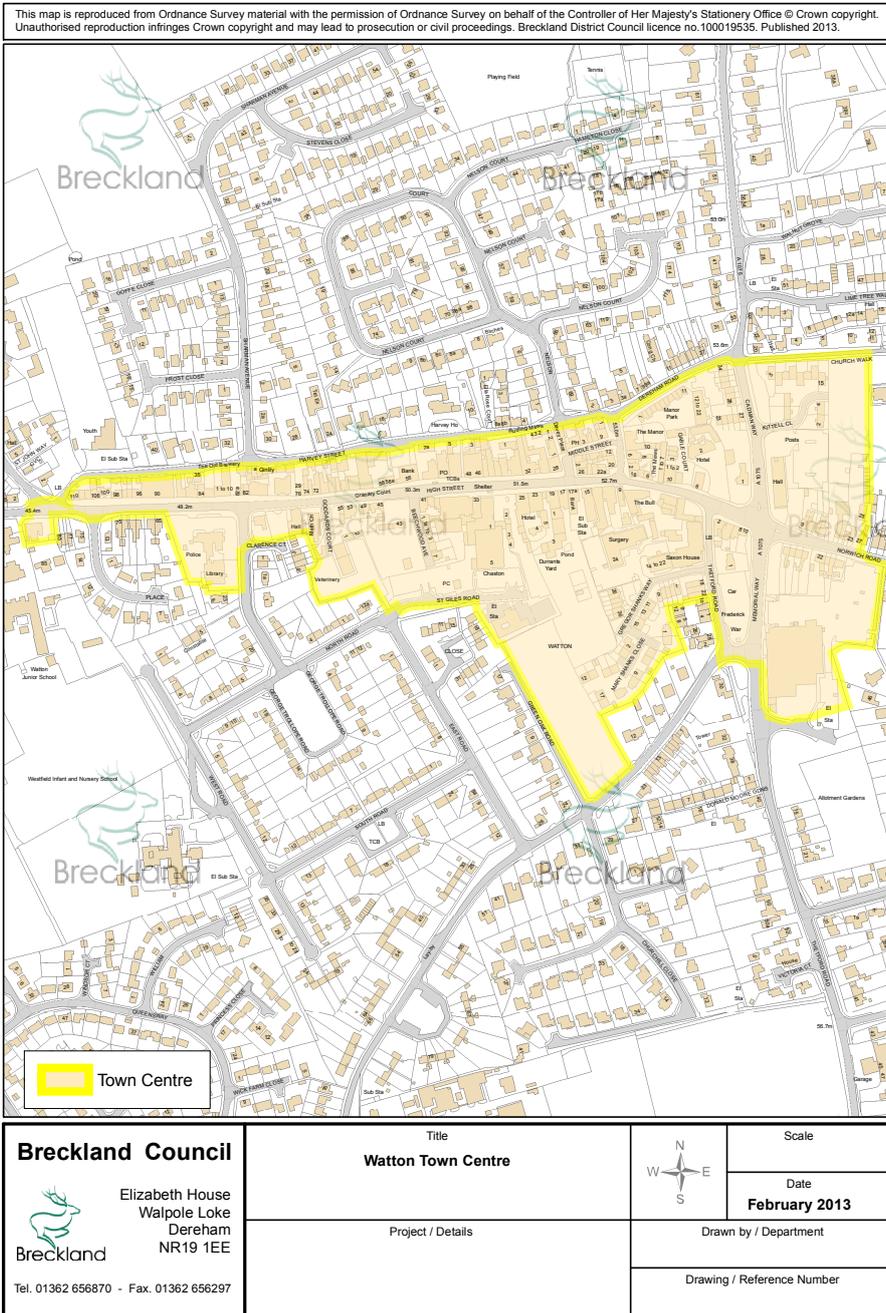
**Figure 6.5 Swaffham Town Centre**

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<b>Breckland Council</b>  Elizabeth House Walpole Loke Dereham NR19 1EE Tel. 01362 656870 - Fax. 01362 656297	Title <b>Thetford Town Centre</b>		Scale	
	Project / Details		Date <b>February 2013</b>	
	Drawing / Reference Number		Drawn by / Department	
	Drawing / Reference Number		Drawing / Reference Number	

**Figure 6.6 Thetford Town Centre**



**Figure 6.7 Watton Town Centre**

## 7 Calculating the chargeable amount

### Calculating the Chargeable Amount

**7.1** CIL is applied to the gross internal area of the net increase in development<sup>(7)</sup>. The amount of CIL to be charged for each development will be calculated in accordance with the formula contained in Regulation 40 of the the Regulations. For the purposes of calculating the formulae at paragraph 5 of Regulation 40 (see below), the relevant rate (R) is the differential rate relating to each specific use as set out in this Charging Schedule

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7 Regulation 14 of CIL regs 2010, as amended

## Calculation of chargeable amount

(1) The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with this regulation.

(2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.

(3) But where that amount is less than £50 the chargeable amount is deemed to be zero.

(4) The relevant rates are the rates at which CIL is chargeable in respect of the chargeable development taken from the charging schedules which are in effect -

(a) at the time planning permission first permits the chargeable development; and

(b) in the area in which the chargeable development will be situated.

(5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula -

$$\text{Cil Payment} = \frac{R \times A \times I_p}{I_c}$$

where—

where—

A = the deemed net area chargeable at rate R

$I_p$  = the index figure for the year in which planning permission was granted; and

$I_c$  = the index figure for the year in which the charging schedule containing rate R took effect.

(6) The value of A in paragraph (5) must be calculated by applying the following formula

where -

$$A = G_R - K_R - ((G_R \times E)/G)$$

where

G = the gross internal area of the chargeable development

$G_R$  = the gross internal area of the part of the development chargeable at rate R

E = an amount equal to the aggregate of the gross internal areas of all buildings which -

(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and

(b) are to be demolished before completion of the chargeable development.

$K_R$  = an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) on completion of the chargeable development which:

- (a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use;
- (b) will be part of the chargeable development upon completion; and
- (c) will be chargeable at rate R'

(7) The index referred to in paragraph (5) is the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors; and the figure for a given year is the figure for 1st November of the preceding year.

(8) But in the event that the All-in Tender Price Index ceases to be published, the index referred to in paragraph (5) is the retail prices index; and the figure for a given year is the figure for November of the preceding year.

(9) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish -

- (a) the gross internal area of a building situated on the relevant land; or
- (b) whether a building situated on the relevant land is in lawful use, the collecting authority may deem the gross internal area of the building to be zero.

(10) For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development

(11) In this regulation "building" does not include -

- (a) a building into which people do not normally go;
- (b) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or
- (c) a building for which planning permission was granted for a limited period.

(12) In this regulation "new build" means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.

## 8 Glossary

### **Adoption**

The point at which the final agreed version of a document comes fully into use.

### **Affordable Housing**

Housing available at a significant discount below market levels so as to be affordable to householders who cannot either rent or purchase property that meets their needs on the open market. It can include social-rented housing and intermediate housing. It is defined in Planning Policy Statement 3: 'Housing'.

### **Annual Monitoring Report (AMR)**

Document produced each year to report on progress in producing the Local Development Framework and implementing its policies.

### **Area Action Plan**

A type of Development Plan Document focused upon a specific location or an area subject to conservation of significant change.

### **Community Infrastructure**

Facilities available for use by the community that could provide for a range of social, economic and environmental infrastructure needs.

### **Core Strategy**

The main document in the Local Development Framework. It is a Development Plan Document containing the overall vision, objectives, strategy and key policies for managing development in Breckland.

### **Development Plan**

The documents which together provide the main point of reference when considering planning proposals as defined in legislation.

### **Development Plan Documents**

A document containing local planning policies or proposals which form part of the Development Plan, which has been subject to independent examination.

### **Examination**

Independent inquiry into the soundness of a draft document chaired by, in the case of a CIL Charging Schedule, an independent person appointed by the charging authority.

### **Infrastructure**

A collective term for services such as roads, electricity, sewerage, water, education and health facilities.

### **Local Development Framework (LDF)**

The collective term for the group of documents including Local Development Documents, the Local Development Scheme and Annual Monitoring Reports.

## **Mitigation measures**

These are measures requested/ carried out in order to limit the damage by a particular development/ activity.

## **Planning Obligation**

Obligation (either an agreement or unilateral undertaking) under Section 106 of the Town and Country Planning Act 1990 (as amended).

## **Regional Spatial Strategies (RSS)**

Plan covering the East of England as a whole, and setting out strategic policies and proposals for managing land-use change (NB. Likely to be abolished as part of emerging planning reforms).

## **Regulation 123**

**8.1** CIL Regulation 123 restricts the use of planning obligations for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy, to ensure no duplication between the two types of developer contributions. A CIL charging authority is expected to publish a list of infrastructure (Regulation 123 list of projects to be funded by CIL) that it intends will benefit from CIL on its website.

## **Spatial Planning**

Spatial planning goes beyond traditional land use planning. It brings together and integrates policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This will include policies which can impact on land use, for example, by influencing the demands on or needs for development, but which are not capable of being delivered solely or mainly through the granting of planning permission and may be delivered through other means.

## **Submission**

Point at which a draft document is submitted for examination.

## **Supplementary Planning Documents**

Provides additional guidance on the interpretation or application of policies and proposals in a Development Plan Document.

## **Sustainable Development**

In broad terms this means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Government has set out five guiding principles for sustainable development in its strategy "Securing the future - UK Government strategy for sustainable development". The five guiding principles, to be achieved simultaneously, are: Living within environmental limits; Ensuring a strong healthy and just society; Achieving a sustainable economy; Promoting good governance; and Using sound science responsibly.

## **Unilateral Undertaking**

Where a planning obligation is required to secure a financial contribution, instead of agreeing obligations through the standard process of negotiation and agreement between the Council and the developer, developers may provide a Unilateral Undertaking. This is a document that contains covenants given by the developer and enforceable by the Council, but with no reciprocal covenants given by the Council. The Council will only rely on such a Unilateral

Undertaking to secure a financial contribution if its provisions are acceptable to the Council. The provider of the undertaking will have to submit evidence of legal title to the application site with the undertaking and will be responsible for the Council's legal costs in checking the suitability and acceptability of the undertaking.

**Use Class Order**

Planning regulations outlining a schedule of uses to which a given premises or building can be put. Some changes of use require planning permission.

**Vitality and Viability**

In terms of retailing, vitality is the capacity of a centre to grow or to develop its level of commercial activity. Viability is the capacity of a centre to achieve the commercial success necessary to sustain the existence of the centre.

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