



# West Oxfordshire District Council Community Infrastructure Levy (CIL)

## **Revised Draft Charging Schedule (DCS)**

### Contents

1.	<b>Introduction .....</b>	<b>2</b>
2.	<b>About the Community Infrastructure Levy (CIL).....</b>	<b>3</b>
3.	<b>Justification for CIL in West Oxfordshire.....</b>	<b>7</b>
4.	<b>Proposed CIL Rates for West Oxfordshire .....</b>	<b>9</b>
	Residential Development .....	9
	Extent of Value Zones .....	11
	Non-Residential Development .....	13
5.	<b>Monitoring and Review of CIL .....</b>	<b>14</b>
6.	<b>Responding to the Consultation .....</b>	<b>14</b>
7.	<b>Next steps .....</b>	<b>14</b>

**February 2015 January 2017**

## 1. Introduction

- 1.1 The District Council is currently preparing a new Local Plan for West Oxfordshire to identify how much new development will come forward and where in the period to 2031. It is anticipated that the Local Plan will be adopted in autumn 2017. The intention is to publish the final pre-submission draft plan in March 2015.
- 1.2 An important consideration is the impact that this growth will have on the District's infrastructure such as local roads, schools, health facilities, libraries and open spaces.
- 1.3 It is essential that proper investment in infrastructure is made and this is reflected in Policy OS5 of the pre-submission draft Local Plan set out below (including proposed main modifications published in November 2016).

### Policy OS5 – Supporting Infrastructure

Where necessary and viable, new development will be required to deliver, or contribute towards the timely provision of appropriate supporting infrastructure either directly as part of the development, or through an appropriate financial contribution towards off-site provision.

This will include, where applicable the strategic infrastructure items identified within the Council's Infrastructure Delivery Plan (IDP) and CIL Regulation 123 list as well as non-strategic infrastructure requirements including those associated with individual development proposals.

Such provision will be secured through appropriate mechanisms including the use of planning conditions, planning obligations and ~~for~~ the Community Infrastructure Levy (CIL).

~~Favourable consideration will be given to development proposals that make appropriate provision for supporting infrastructure in a timely manner. Conversely, development proposals that fail to make adequate or timely provision for necessary supporting infrastructure will be resisted.~~

- 1.4 Traditionally, the planning system has delivered infrastructure through planning obligations secured under Section 106 of the Town and Country Planning Act 1990, whereby a developer or landowner enters into a formal agreement to deliver necessary improvements such as a new road or increased school capacity before obtaining planning permission.
- 1.5 However, the Government ~~is scaling~~ has scaled back the use of planning obligations to focus on affordable housing and site-specific infrastructure that is needed to enable a development to proceed.
- 1.6 CIL, which is a charge that local authorities can levy on most new developments ~~will~~ plays a complementary role, focusing on the type of 'tariff-style' contributions that have been traditionally been sought through Section 106 including for example school places, open space, library provision etc.
- 1.7 CIL came into force in April 2010 and is gradually being rolled out by most local authorities across England. West Oxfordshire District Council published a preliminary draft CIL charging schedule (PDCS) in late 2013 and a draft charging schedule (DCS) in March 2015.

The DCS was formally submitted in September 2015 and subject to independent examination in November 2015.

1.8 This revised draft charging schedule has been prepared in response to the CIL examiner's preliminary findings, previous consultation responses (including further consultations on proposed changes in September 2015 and November 2015) updated viability evidence and current national policy on the provision of affordable housing.

~~1.7.1.9 The revised DCS will be subject to a 6-week period of public consultation in January 2017 before being submitted for independent examination. In 2013 it was agreed by Cabinet that the Council should undertake the preparatory work needed to consider the introduction of CIL into West Oxfordshire. Following this, the CIL Preliminary Draft Charging Schedule (PDCS) was prepared and published for an 8-week period of public consultation in November 2013.~~

~~1.8 All comments received to the consultation have been considered in detail and the Council's viability evidence has been updated to take account of those comments as well as changes to national policy and guidance. The updated viability evidence has informed this Draft Charging Schedule (DCS). I~~

## **2. About the Community Infrastructure Levy (CIL)**

2.1 CIL came into force in April 2010 and is a levy that local authorities can choose to charge on certain types of new developments within their area. The money raised from CIL can then be used to help fund new infrastructure such as roads, healthcare, libraries, green spaces and schools. It is intended to complement other, existing sources of funding.

### **The Charging Authority**

2.2 For the purposes of CIL, the charging authorities in England are the District and Metropolitan District Councils, London Borough Councils, unitary authorities, national park authorities, the Broads Authority and the Mayor of London.

2.3 Once it has been adopted, West Oxfordshire District Council will be the charging authority for the purposes of operating CIL in West Oxfordshire.

### **How much is CIL?**

2.4 The charging authority must set out its CIL rate on a pound (£) per m<sup>2</sup> basis. However, there is no standard rate and the regulations allow charging authorities to set different rates depending on infrastructure needs and the viability of development in that particular location.

2.5 So for example in one area a charging authority may impose a CIL charge for residential development of £100 per m<sup>2</sup> whereas in another area, the rate may be £200 per m<sup>2</sup>.

2.6 In arriving at an agreed CIL rate, it is essential that the charging authority strikes an 'appropriate balance' between the desirability of funding new infrastructure through CIL and the need to ensure that new development remains viable and deliverable.

2.7 In other words, the CIL rate should not be set at such a high level that it would render development unviable and jeopardise future growth. Robust evidence of future

infrastructure requirements and the economic viability of development in the local area is therefore essential (see Section 3.0).

### How is CIL calculated?

- 2.8 Once the CIL rate (or rates) has been set, the total amount payable is calculated on the basis of the gross internal area (GIA) of any net additional liable development.
- 2.9 To provide a very simple illustration, if the CIL rate for residential development is £100 per m<sup>2</sup> and a developer proposes to build one new house with a GIA of 100m<sup>2</sup> the amount payable through CIL would be £10,000 (i.e. £100 x 100m<sup>2</sup>).
- 2.10 Similarly if a developer were proposing to build 10 new houses each with a GIA of 100m<sup>2</sup> the total amount payable through CIL would be £100,000 (i.e. £100 x 100m<sup>2</sup> x 10).

~~2.11~~ It should be noted that CIL is charged on the basis of any net additional liable floorspace. In other words if a new development of 10,000m<sup>2</sup> involves the demolition of 5,000m<sup>2</sup> of existing floorspace, CIL is only chargeable on the 5,000m<sup>2</sup> of additional floorspace over and above what existed previously (i.e. the net amount). Further detail on how CIL is calculated is set out at Appendix I.

2.11 Payment ~~for~~ of CIL can be made 'in-kind' by providing land and/or infrastructure instead of money, as well as by money. It is for the charging authority to choose whether to accept payment (in whole or in part) in this way, by land.

2.12 West Oxfordshire District Council proposes to accept payment of land and/or infrastructure 'in kind' in appropriate cases, for example where there may be time, cost and efficiency benefits in accepting land or completed infrastructure and/or where there would be increased certainty over delivery timescales.

~~2.12~~2.13 In accordance with the CIL regulations the Council will prepare a separate policy document setting out the conditions of any such payment in kind in detail.

~~2.13~~ Further detail on how CIL is calculated is set out at Appendix I.

### Liability and Exemptions

2.14 Development will generally be liable for CIL in the following circumstances:

- It is a building that people normally use;
- It is a development that creates 100m<sup>2</sup> or more of new build floorspace measured as Gross Internal Area (GIA);
- It is a development of less than 100m<sup>2</sup> new build GIA that results in the creation of one or more dwellings.

2.15 Development will not generally be liable for CIL in the following circumstances:

- Houses, flats, residential annexes and residential extensions which are built by self-builders (subject to an application for relief);
- It is a building that people do not normally go into or go into intermittently (e.g. for maintenance);

- Structures which are not buildings such as pylons and wind turbines;
- Buildings for which planning permission has been granted for a temporary period;
- Changes of use that involve no net increase in floorspace;
- Affordable housing subject to an application by a landowner for CIL relief;
- Development by charities for charitable purposes subject to an application by a charity landowner for CIL relief;
- Vacant buildings brought back into the same use.

**2.16** The Community Infrastructure Levy Regulations make a number of provisions for charging authorities to give relief from CIL. Some types of relief are mandatory<sup>1</sup> others are offered at the charging authority's discretion<sup>2</sup>. The District Council will offer mandatory relief in accordance with the CIL regulations (as amended) but does not currently intend to offer any form of discretionary relief from CIL.

~~2.16.17~~ The decision not to offer discretionary relief from CIL at the present time will be reviewed as part of an initial early review of CIL (within 2 years of the date of adoption).

### **When is CIL paid?**

**2.18** When planning permission is granted, the District Council will issue a liability notice setting out the amount payable through CIL, and the payment procedure. ~~The Council's current intention is to require any CIL payment to be made~~ Typically, CIL payments must be made within 60 days of the commencement of any chargeable development. However, recognising the importance of assisting the timely delivery and viability of new development, the District Council proposes to accept the payment of CIL by instalments and proposes to publish a separate instalments policy in accordance with Regulation 69B of the CIL Regulations (as amended).

~~2.17.19~~ The Council will also consider in appropriate circumstances the sub-division of larger development proposals into 'phases' for the purposes of CIL with each phase considered a separate chargeable development and therefore liable for payment in line with the Council's proposed instalment policy.

~~2.18~~ Further consideration will be given to the option of paying by instalments and if the Council considers that an instalment policy should be introduced, this will be made available including on the Council's website.

### **Who collects CIL?**

~~2.19.20~~ In most cases, responsibility for the collection of CIL rests with the charging authority. Whilst the regulations allow for the collection responsibilities to be passed to

<sup>1</sup> For example a charitable institution which owns a material interest in the land (a charity landowner) will get full relief from their share of the liability where the chargeable development will be used 'wholly, or mainly, for charitable purposes' and they meet the requirements of Regulation 43 of the CIL Regulations.

<sup>2</sup> For example discretionary social housing relief for affordable dwellings which meet the criteria set out in Regulation 49A of the CIL regulations.

other public authorities, it is our intention that West Oxfordshire District Council as charging authority is also the collection authority for CIL in West Oxfordshire.

~~2.202.21~~ The CIL (amendment) Regulations 2013 require the District Council to pass on 15% of any CIL revenues collected directly to those Parish and Town Councils where development has taken place. Up to £100 per existing Council tax dwelling can be passed on this way each year to be spent on local priorities. In areas where there is an adopted (made) Neighbourhood Development Plan (NDP) in place the amount passed on increases to 25% and is not subject to any annual limit. This higher amount will also apply when the levy is paid in relation to developments which have been granted permission by a neighbourhood development order (including a community right to build order).

~~2.212.22~~ There is a cap on the maximum amount of CIL receipts that may be passed onto Parish and Town Councils (up to £100 per existing Council tax dwelling per year) although the regulations allow the charging authority to pass on more. In some instances, CIL revenue will also be passed onto another body (e.g. Oxfordshire County Council) to be spent as appropriate.

### **How is CIL spent?**

~~2.222.23~~ Charging authorities must spend their CIL receipts on infrastructure that has been identified as being necessary to support future growth.

~~2.232.24~~ Infrastructure to be funded by CIL must be clearly identified in a schedule known as the '123 list' (in reference to Regulation 123 of the CIL regulations). Importantly, if an item is identified on the 123 list, the charging authority cannot also seek ~~contributions towards it through a Section 106 a~~ planning obligation towards it, as to do so would constitute 'double-dipping' with the developer paying twice for the same item of infrastructure.

~~2.242.25~~ The Council has ~~prepared previously published~~ a draft Regulation 123 list and intends to produce a revised draft Regulation 123 list in early 2017. The intention is that the list is made much more 'project-specific' to provide additional clarity about what infrastructure projects the Council proposes to spend CIL revenue on. which will be made available as part of the proposed consultation on this Draft Charging Schedule.

~~2.252.26~~ A proportion of CIL revenue collected by the charging authority (up to 5% of total receipts) can be used to cover the costs of administering CIL (including initial set-up costs). In accordance with the regulations it is the Council's intention to use a proportion of its CIL receipts to cover the costs incurred to date and moving forward.

~~2.262.27~~ Town and Parish Councils that receive CIL payments from their local authority can spend them on the following:

- The provision, improvement, replacement, operation or maintenance of infrastructure; or
- Anything else that is concerned with addressing the demands that development places on an area (e.g. affordable housing).

~~2.272.28~~ In areas where there is an adopted (made) neighbourhood plan or neighbourhood development order in place, the District Council can choose to pass on more than 25% of CIL however any additional funds (over and above 25%) can only be spent on

~~infrastructure. Any additional funds passed to Town or Parish Councils over and above the limit defined at paragraph 2.21 above can only be spent on infrastructure.~~

### Accounting for how CIL money is spent

~~2.28~~2.29 Both the charging authority and any communities in receipt of CIL must report annually on how much money they have received through CIL and what it has been spent on. This is to ensure maximum transparency.

~~2.29~~2.30 In West Oxfordshire, it is our intention to report on CIL through our existing LDF monitoring report which is produced annually.

### Relationship of CIL to Section 106 legal agreements (planning obligations)

~~2.30~~2.31 CIL ~~is intended to~~ complements the existing system of Section 106 planning obligations which ~~is being has been~~ 'scaled back'. ~~The intention is that Section 106 planning obligations will continue to be used for the delivery of to focus on~~ affordable housing provision (not covered by CIL) and also 'site-specific' ~~matters-infrastructure requirements~~ such as access and drainage (provided such improvements are not identified as specific CIL funded items on the 123 list).

~~2.31~~2.32 ~~Any planning~~Planning obligations ~~can should~~ only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

~~2.32~~2.33 Historically, local authorities have 'pooled together' numerous planning obligations towards particular items of infrastructure (e.g. contributions from many individual developments towards the cost of a large project such as a new leisure centre). However, ~~since April 2015, it is the Government's intention to limit~~ the pooling of such agreements ~~has been limited~~ to no more than five. ~~from April 2015 onwards.~~

## 3. Justification for CIL in West Oxfordshire

3.1 In order to introduce CIL into West Oxfordshire, the District Council ~~will be is~~ required to demonstrate firstly that there is a need for it and secondly that the proposed charge it intends to implement is reasonable and strikes an 'appropriate balance' between the desirability of funding new infrastructure through CIL and the need to ensure that new development remains viable and deliverable.

3.2 Dealing with each of these issues in turn.

### The Need for CIL in West Oxfordshire

3.3 All new development has an impact on the capacity of existing infrastructure such as roads, schools and open spaces. New and improved infrastructure must therefore be provided in order to satisfactorily mitigate the impact of new development.

3.4 To provide a simple example, if a new development of housing is proposed in a particular area, and the local primary school was already at capacity, it would be entirely reasonable

for a financial contribution to be sought from the developer towards increasing the capacity of that school in order to cater for the new children that would move into the new housing.

- 3.5 In support of the pre-submission draft Local Plan, the Council has ~~also~~ produced an ~~updated~~ Infrastructure Delivery Plan (IDP). This seeks to identify the infrastructure that will be needed to support future growth in West Oxfordshire over the local plan period to 2031. A range of infrastructure items have been identified including improvements to transport, health, education, open space and so on.
- 3.6 Although there are uncertainties surrounding some of the costs, it is evident that there is insufficient funding available from existing sources to deliver the infrastructure needed to support future growth. An initial funding gap analysis was prepared in 2013 and subsequently updated in 2015. These analyses demonstrated that a significant infrastructure funding gap exists in West Oxfordshire whereby the anticipated cost of future infrastructure likely to be needed, far exceeds the amount of any existing funding available. The introduction of CIL in West Oxfordshire will therefore make an important contribution towards reducing this funding deficit.
- 3.7 ~~A separate~~ A further updated funding gap analysis 'Infrastructure Funding Gap Analysis' has been prepared and will be published as part of the consultation on this revised Draft Charging Schedule in January 2017. ~~The analysis confirms that there is a significant funding gap and therefore clear justification for the introduction of CIL into West Oxfordshire.~~

### **The 'Appropriate Balance'**

- 3.8 In arriving at its proposed CIL rates, it is essential that the Council strikes a balance between the desirability of funding new infrastructure through CIL and the need to ensure that new development remains viable and deliverable.
- 3.9 For example, it would be ineffective if the Council set a residential CIL rate of £1,000 per m<sup>2</sup> and in doing so, rendered most new housing schemes unviable due to the high costs incurred by the developer. This would obviously have a direct and harmful impact on the delivery of new housing in the District.
- 3.10 In meeting regulatory requirements, Charging authorities must-should therefore be able to show and explain how their proposed CIL rate (or rates) will contribute towards the implementation of their relevant plan and support development across their area.<sup>3</sup>
- 3.11 To provide the necessary evidence the Council has commissioned consultants AspinallVerdi to prepare an ~~update of their original~~ economic viability assessment (EVA). This has been updated several times most recently in December 2016, published alongside the preliminary draft charging schedule. The updated EVA takes account of the CIL examiners preliminary findings (December 2015) consultation responses received to date, national policy including starter homes as well as more recent data (e.g. updated sales values and build cost assumptions).

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<sup>3</sup> Community Infrastructure Levy Guidance (June 2014) – Department for Communities and Local Government NPPG – Community Infrastructure Levy - Paragraph: 009 Reference ID: 25-009-20140612

~~3.12 They have also taken into account relevant changes to national policy and guidance (including the exemption of certified self-build schemes from CIL and the introduction of a new national threshold of 11 or more dwellings for the on-site provision of affordable housing).~~

~~3.133.12~~ Their findings are reflected in the revised draft charging schedule set out in Section 4 below:

## 4. Proposed CIL Rates for West Oxfordshire

### Residential Development

4.1 The proposed residential CIL rates for West Oxfordshire are set out in Table 1 below.

Zone (see Figure 1)	Type/size of scheme	Recommended CIL rate (£ per m <sup>2</sup> )
District wide	Schemes of 5 units or less (except certified 'self-build' which is exempt)	£200 per m <sup>2</sup>
District wide (outside of the Cotswolds AONB)	6-10 units (inclusive)	£200 per m <sup>2</sup>
District wide (within the Cotswolds AONB)	6-10 units (inclusive)	£100 per m <sup>2</sup>
District wide	Schemes of 11 units or more <u>(except allocated Strategic Development Areas (SDAs) identified in the Local Plan 2031).</u>	<del>£100-200</del> per m <sup>2</sup>
<u>District Wide</u>	<u>Allocated Strategic Development Areas (SDAs) identified in the Local Plan 2031.</u>	<u>£100 per m<sup>2</sup></u>
<del>High and Medium Value Zone</del> <u>District wide</u>	Sheltered housing	£100 per m <sup>2</sup>
<del>Low Value Zone</del> <u>District wide</u>	<del>Sheltered housing</del> <u>Extra care housing</u>	<del>£0</del> <u>£100 per m<sup>2</sup></u>
<del>High Value Zone</del>	<del>Extra care housing</del>	<del>£100 per m<sup>2</sup></del>
<del>Medium and Low Value Zone</del>	<del>Extra care housing</del>	<del>£0</del>

**Table 1 - Recommended Residential CIL Rates**

### 5 or less units

4.2 For schemes of 5 or less units (except certified 'self-build' which is exempt) the CIL charge is £200 per m<sup>2</sup> which will apply on a District-wide basis. This is supported by the Council's viability evidence and is achievable because there is no requirement for small schemes of 1 – 5 units to provide or contribute towards the provision of affordable housing, a significant change from the Preliminary Draft Charging Schedule (PDGS) which proposed a zero CIL rate for schemes of 5 or less units. The reason for this is that since the PDGS was published, the Government has introduced new national policy to exempt residential schemes of 1-5 units from having to contribute towards the provision of affordable housing (either on-site or in the form of a commuted sum).

~~4.3 The updated EVA report takes this into account and concludes that in the absence of an affordable housing requirement, small residential schemes of less than 5 units should be financially able to make a CIL contribution of £200 per m<sup>2</sup>.~~

### 6 – 10 units

4.44.3 National policy allows the Council to seek an affordable housing commuted sum from schemes of 6 – 10 units within designated rural areas which includes the Cotswolds Area of Outstanding Natural Beauty (AONB). As such, having regard to the updated viability evidence, the Council proposes that for residential schemes of 6 – 10 units within the AONB, a CIL rate of £100 per m<sup>2</sup> will be sought, alongside an affordable housing commuted sum of £100 per m<sup>2</sup> (i.e. £200 per m<sup>2</sup> in total).

4.54.4 For schemes of 6 – 10 units outside of the Cotswolds AONB, where the Council is unable to seek an affordable housing commuted sum due to national policy, a CIL rate of £200 per m<sup>2</sup> will apply on a District-wide basis.

### 11 or more units

4.5 Larger residential schemes of 11 or more units (except allocated Strategic Development Areas – SDAs) will be required to pay a CIL charge of ~~£100-200~~ per m<sup>2</sup>. This is an increase in the rate originally proposed in the Council's draft charging schedule (£100 per m<sup>2</sup>) but is supported by the findings of the Councils' most recent viability evidence (December 2016) which suggests that due to increased sales values and the inclusion of starter homes as part of the affordable housing mix, these larger schemes are able to support a CIL payment of £200 per m<sup>2</sup> alongside a requirement to provide affordable housing on-site. Lower rate takes account of the fact that such schemes will trigger an on-site affordable housing requirement which will have a significant impact on the gross development value of the scheme.

#### Strategic Development Areas (SDAs)

4.6 The draft Local Plan 2031 (including proposed main modifications) allocates five strategic development areas including East Witney, North Witney, East Chipping Norton (Tank Farm) West Eynsham and the West Oxfordshire Garden Village north of the A40 near Eynsham.

4.64.7 Having regard to the strategic importance of these sites in terms of housing delivery (both market and affordable housing) and the significant site-specific infrastructure cost burdens

that they carry it is considered appropriate to set these sites within a more significant 'viability cushion' and apply a lower CIL rate of £100 per m<sup>2</sup>. This will assist with viability and delivery and provides a good degree of contingency in terms of allowing for future site-specific infrastructure costs.

#### *Sheltered Housing*

4.74.8 In relation to sheltered housing, a CIL charge of £100 per m<sup>2</sup> will apply on a District-wide basis. This is a change from the Council's draft charging schedule which originally proposed a CIL charge of £100 per m<sup>2</sup> in the high and medium value zones only, in the high and medium value zones but not in the low value zone where a zero rate would apply. The change in approach is based on the evidence set out in the Council's most recent viability appraisal (December 2016) which has utilised higher development densities and increased sales values based on more up to date information.

#### *Extra-Care Housing*

4.84.9 In relation to extra-care housing, a CIL charge of £100 per m<sup>2</sup> will apply in the high value zone only, on a District-wide basis. This is a change from the Council's draft charging schedule which originally proposed a CIL charge of £100 per m<sup>2</sup> in the high value zone only. The change of approach is again based on the Council's most recent viability evidence (December 2016) and the higher development densities and sales values used therein.

#### **Extent of Value Zones**

4.94.10 The District has been sub-divided into three value zones for the purposes of CIL and affordable housing - high medium and lower value. zones referred to in the charging schedule. These are illustrated on the plan overleaf which also includes the boundary of the Cotswolds AONB.

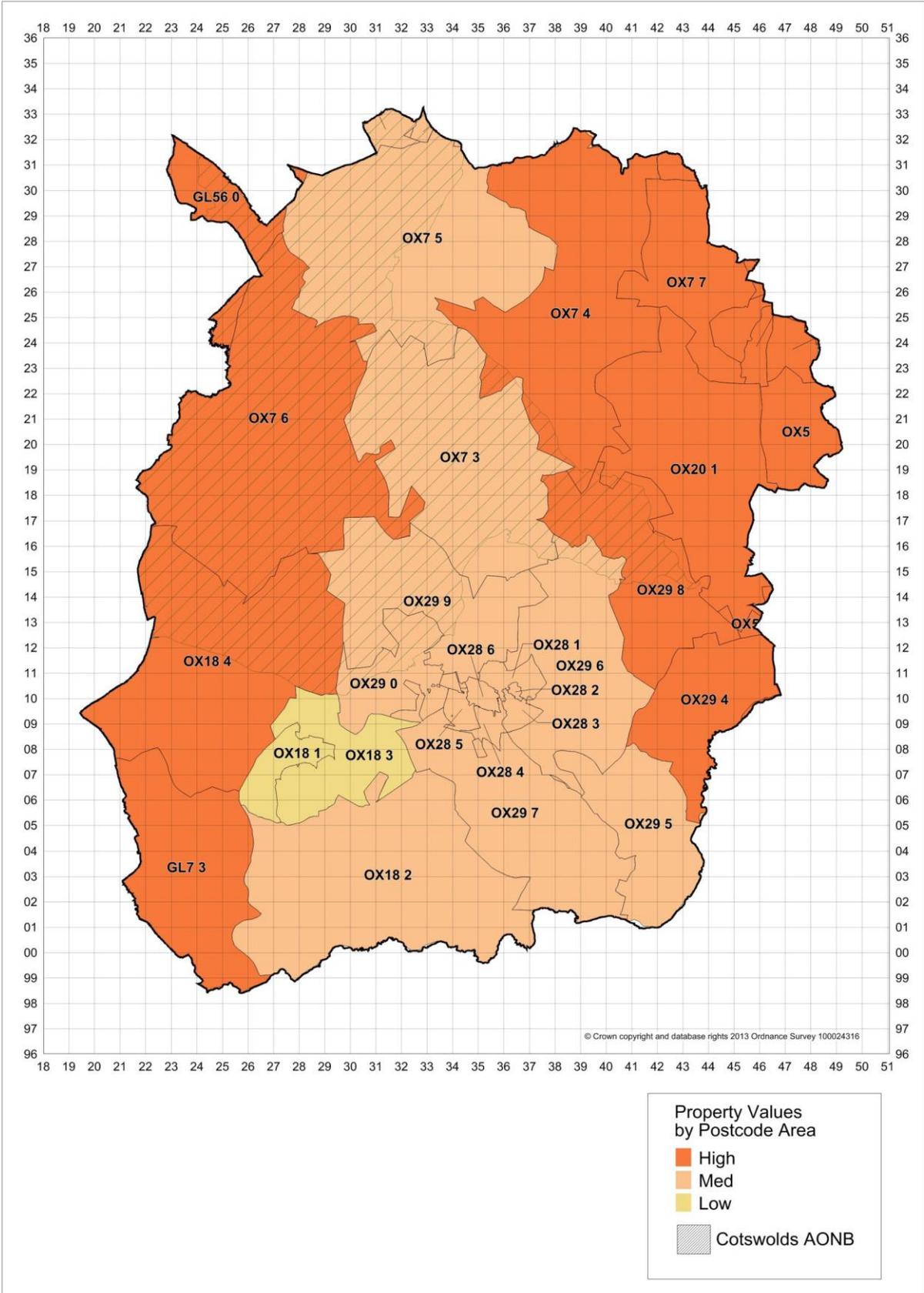


Figure I – Affordable Housing and CIL Value Zones

## Non-Residential Development<sup>4</sup>

Use	Location	Recommended CIL rate (£ per m <sup>2</sup> )
Offices	District wide	£0
Industrial	District wide	£0
<del>AI – A5 Uses (greenfield sites)</del>	<del>District wide</del>	<del>£175 per m<sup>2</sup></del>
<del>AI – A5 Uses (previously developed sites outside designated Town Centres)</del>	<del>District wide (except Town Centres)</del>	<del>£50 per m<sup>2</sup></del>
<del>AI – A5 Uses (previously developed sites in designated Town Centres)</del>	Designated Town Centres (as defined by the Local Plan)	<del>£30-50</del> per m <sup>2</sup>
<u>AI – A5 Uses</u>	<u>District-wide (outside designated Town Centres)</u>	<u>£175 per m<sup>2</sup></u>

Table 2 - Recommended Commercial and Retail CIL Rates

4.11 A zero charge will apply to office and industrial development due to current lack of viability although this will be kept under review.

~~4.104.12 In relation to AI – A5 commercial uses, a lower rate of £50 per m<sup>2</sup> will apply within designated Town Centres (see Appendix 3) reflecting the higher land values and likely development costs with a higher rate of £175 per m<sup>2</sup> to apply across the rest of the District. The proposed rates for a number of commercial uses are set out in Table 2 above. The extent of the Town Centre boundaries referred to are shown on the plans attached at Appendix 3. A zero charge will apply to office and industrial development due to current lack of viability although this will be kept under review.~~

### Other Uses

~~4.114.13~~ No charge will be levied on other uses including C1 uses (hotels), D1 uses (non-residential institutions), D2 uses (assembly and leisure), agricultural development and sui generis uses.

### Calculation of CIL

~~4.124.14~~ The Council will calculate the amount of CIL payable in accordance with ~~the~~ CIL Regulations Regulation 40 (as amended). The methodology is summarised at Appendix I.

<sup>4</sup> The rates set out in Table 2 exclude ancillary car parking provided as part of a development.

## **5. Monitoring and Review of CIL**

5.1 Once CIL has been formally introduced (expected autumn 2017) it will be monitored and kept under review. The Council is required to report annually on CIL and proposes to do this through the Local Plan monitoring report.

5.2 With regard to the potential review of CIL, the Council proposes an early review (within 2 years of the date of adoption of the charging schedule) plus an on-going review process at no more than 3 yearly intervals.

## **6. Responding to the Consultation**

6.1 The consultation on the revised DCS will last for a period of 6-weeks to allow the maximum opportunity for interested parties to respond. The revised DCS and supporting evidence will be made available online, at the District Council Offices, Town Centre Shops and Visitor Information Centres.

6.2 All those required to be notified by the CIL regulations will be notified and those parties held on the Council's LDF stakeholder database will also be invited to comment.

6.3 Written comments should be sent to the following address:

Planning Policy  
West Oxfordshire District Council  
Elmfield Office  
New Yatt Road  
Witney  
OX28 1PB

6.4 Electronic responses should be sent to the following email address:

[planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

6.5 The deadline for responding to the consultation is ~~8<sup>th</sup> May 2015~~ **10 March 2017**

## **7. Next steps**

7.1 Unless there are any materially significant issues raised during consultation on the revised Draft Charging Schedule, it is anticipated that ~~the DCS~~ it will be submitted to the CIL examiner in March 2017 together with copies of any representations received and supporting background evidence. A date for the recommencement of any CIL hearings will then be agreed. It is hoped that the Council will be in a position to bring CIL into force in West Oxfordshire in autumn 2017. ~~in early summer 2015 with a view to examination in autumn 2015 potentially following on from the examination into the pre-submission draft West Oxfordshire Local Plan.~~

~~6.1 If any materially significant issues are raised during the DCS consultation period, it may be necessary to consult further on those changes prior to submission to the examiner.~~

### Calculation of CIL

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

$$\frac{R \times A \times I_p}{I_c}$$

Where:

A = the deemed net area chargeable at rate R

I<sub>p</sub> = the index figure for the year in which planning permission was granted; and

I<sub>c</sub> = the index figure for the year in which the charging schedule containing rate R took effect.

The index figure for a given year is the figure for 1<sup>st</sup> November for the preceding year in 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<sup>5</sup>; or if the All-in Tender Price Index ceases to be published, the figure for the 1<sup>st</sup> November for the preceding year in the retail prices index.

The value of A (above) will be calculated by applying the following formula:

$$G_R - K_R - \left( \frac{G_R \times E}{G} \right)$$

Where:

G = the Gross Internal Area (GIA) of the chargeable development

G<sub>R</sub> = the Gross Internal Area (GIA) of the part of the chargeable development chargeable at rate R

K<sub>R</sub> = the aggregate of the gross internal areas of the following:

a) retained parts of in-use buildings, and

b) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development.

<sup>5</sup> Registered in England and Wales RC00487

E = the aggregate of following:

a) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and

b) for the second and subsequent phase of phased development planning permission, the value  $E_x$  (unless  $E_x$  is negative),

provided that no part of any building may be taken into account under parts a) or b) above.

The value of  $E_x$  will be calculated by applying the following formula:

$$E_p - (G_p - K_{PR})$$

Where:

$E_p$  = the value of E for the previously commenced phase of the planning permission;

$G_p$  = the value of G for the previously commenced phase of the planning permission; and

$K_{PR}$  = the total of the values of  $K_R$  for the previously commenced phase of the planning permission.

Where a collecting authority does not have sufficient information, or information of sufficient quality to enable it to establish that a relevant building is an in-use building, it may deem it not to be an in-use building.

Where a collecting authority does not have sufficient information, or information of sufficient quality to enable it to establish whether part of the building falls within a description in the definitions of  $K_R$  and E; or the gross internal area of any part of a building falling within such a description, it may deem the gross internal area of the part in question to be zero.

“Building” does not include a building into which people do not normally go, a building into which people go only intermittently for the purpose of maintaining or inspecting machinery, or a building for which planning permission was granted for a limited period.

“In-use building” means a building which is a relevant building and contains a part that has been lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

“New build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.

“Relevant building” means a building which is situated on the relevant land on the day planning permission first permits the chargeable development.

“Relevant charging schedules” means the charging schedules which are in effect at the time planning permission first permits the chargeable development, and in the area in which the chargeable development will be situated.

“Retained part” means part of a building which will be on the relevant land on completion of the chargeable development (excluding new build), part of the chargeable development on completion and chargeable at rate R.

The amount of CIL chargeable will be calculated by applying the following formula:

$$\frac{R \times A \times I_p}{I_c}$$

Where:

A = the deemed net area chargeable at rate R (see Tables 1 and 2 above)

I<sub>p</sub> = the index figure for the year in which planning permission was granted; and

I<sub>c</sub> = the index figure for the year in which the charging schedule containing rate R took effect.

The value of A (above) will be calculated by applying the following formula

$$G_R - K_R \left( \frac{G_R \times E}{G} \right)$$

Where:

G = the Gross Internal Area (GIA) of the chargeable development

G<sub>R</sub> = the Gross Internal Area (GIA) 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; and

K<sub>R</sub> = 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.

## Sources of Further Information

### **Background Papers:**

West Oxfordshire CIL Preliminary Draft Charging Schedule (December 2013)

[West Oxfordshire CIL Draft Charging Schedule \(March 2015\)](#)

AspinallVerdi Local Plan and CIL Viability Study (September 2013)

AspinallVerdi Local Plan and CIL ~~Update~~-Viability Study Update (February 2015)

[AspinallVerdi Local Plan and CIL Viability Study Second Update \(December 2016\)](#)

### **Legislation**

CIL Regulations 2010

<http://www.legislation.gov.uk/uksi/2010/948/contents/made>

CIL (Amendment) Regulations 2011

<http://www.legislation.gov.uk/uksi/2011/987/contents/made>

The Local Authorities (Contracting Out of Community Infrastructure Levy Functions) Order 2011

<http://www.legislation.gov.uk/uksi/2011/2918/contents/made>

CIL (Amendment) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/2975/contents/made>

CIL (Amendment) Regulations 2013

<http://www.legislation.gov.uk/uksi/2013/982/contents/made>

[CIL \(Amendment\) Regulations 2014](#)

<http://www.legislation.gov.uk/ukdsi/2014/978011106761/contents>

[CIL \(Amendment\) Regulations 2015](#)

<http://www.legislation.gov.uk/ukdsi/2015/978011128374>

~~Consultation on CIL further reforms~~

~~[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/190882/Consultation\\_on\\_Community\\_Infrastructure\\_Levy\\_further\\_reforms.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190882/Consultation_on_Community_Infrastructure_Levy_further_reforms.pdf)~~

~~CIL (Amendment) Regulations 2014 — (Updated Planning Practice Guidance replaced this standalone guidance in June 2014)~~

~~<http://www.legislation.gov.uk/uksi/2014/385/contents/made>~~

## **Guidance**

<http://planningguidance.planningportal.gov.uk/>

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>

## **General Information**

*Planning Advisory Service (PAS)*

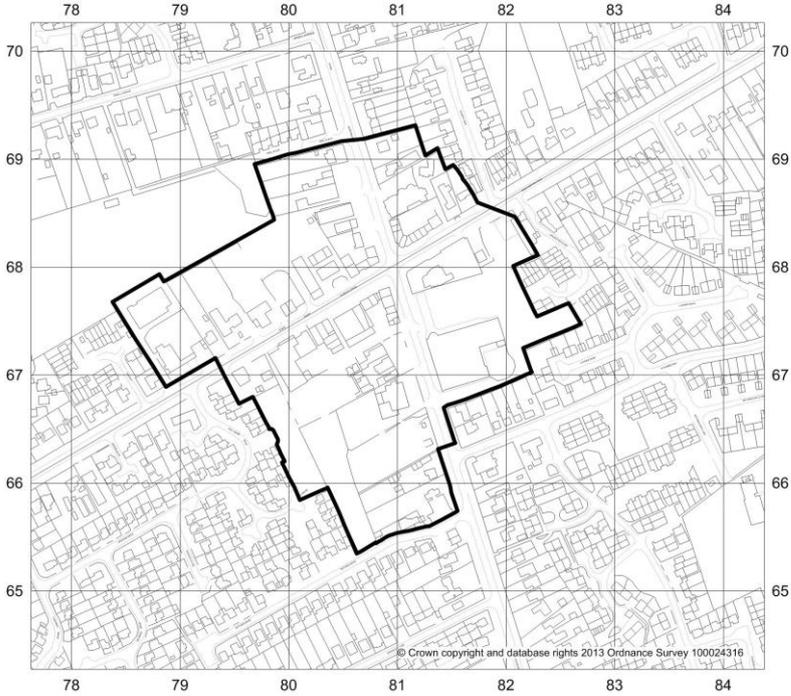
<http://www.pas.gov.uk/3-community-infrastructure-levy-cil>

*Planning Portal*

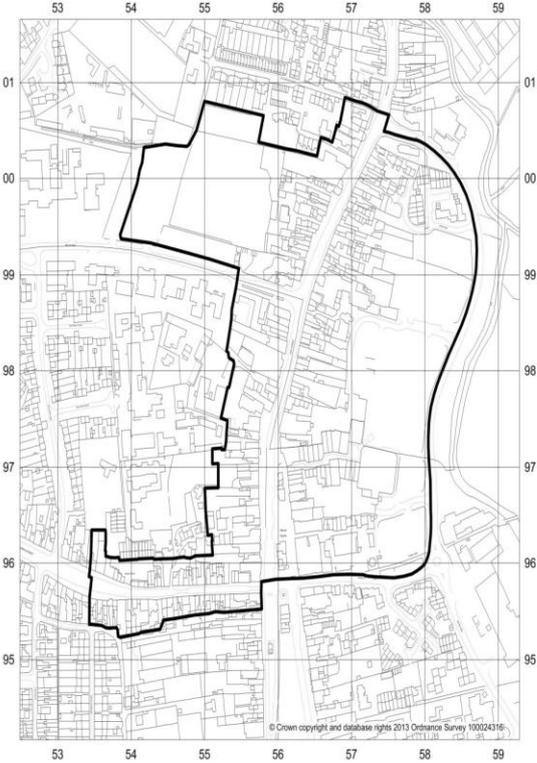
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Designated Town Centre Boundaries – West Oxfordshire

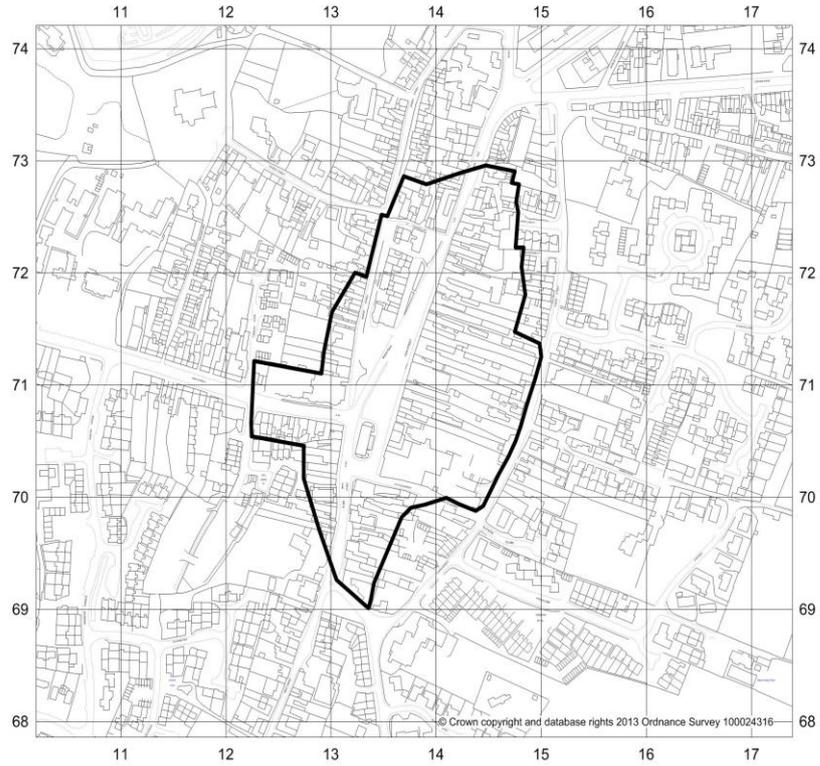
Carterton Town Centre



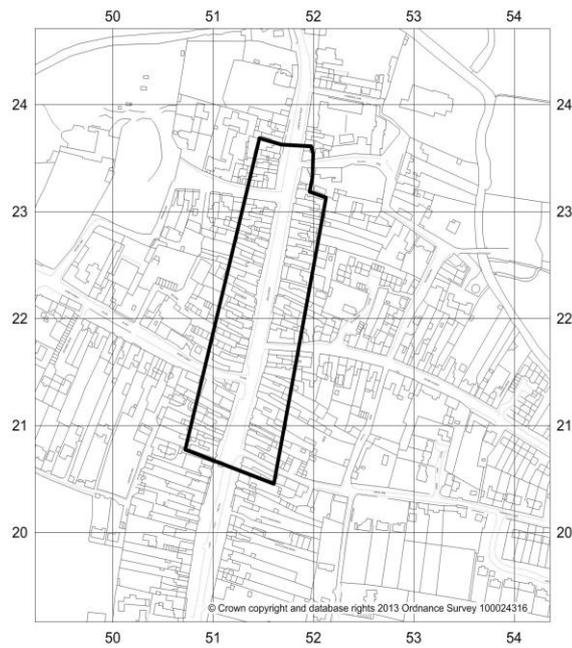
Witney Town Centre



Chipping Norton Centre



Burford Town Centre



Woodstock Town Centre

