

Crawley Community Infrastructure Levy:

Charging Schedule

July 2016



The Charging Authority:

The Charging Authority is Crawley Borough Council

Date of Approval:

20 July 2016

Date of Effect:

17 August 2016

Statutory Compliance:

The Charging Schedule and supporting evidence have been prepared and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and part 11 of the Planning Act 2008.

What is CIL?

CIL was introduced by the Planning Act 2008 as a tool which local authorities can choose to charge on new development within its area, when it is viable to do so. The money raised by the levy will help to provide funds to assist in the delivery of a wide range of infrastructure to support development in Crawley.

The purpose of CIL is to gain financial contributions from certain viable types of development to help fund new or improved infrastructure to support the level of growth identified in the Crawley Borough Local Plan 2015-30. Although CIL will make a contribution to bridging the infrastructure funding gap, other funding sources will still be necessary.

The CIL charge is based on a calculation related to £'s per m² of net additional floorspace and is payable on 'buildings that people normally go into'. The charge will apply to development of 100m² or more, or the creation of a single dwelling, even if under 100m². There are a number of exemptions to this; including affordable housing, self-build housing and Starter Homes.

The Charges

The CIL rates at which CIL is charged in Crawley are set out in Table 1 below:-

Table 1- CIL rates (£ per sq m)

Development	Proposed Charge (£ per sqm)	Zone
Residential	£100	Boroughwide Zone**
General Retail A1-A5* (excluding Food Supermarket)	£50	Boroughwide Zone**
Food Supermarket A1* (less than 3000sqm)	£100	Boroughwide Zone**
Food Supermarket A1* (3000sqm plus)	£150	Boroughwide Zone**
All other uses	£0	Boroughwide Zone**

*ancillary commercial car parking structures will not be subject to CIL charges.

**Boroughwide Zone excludes land within the defined Airport Zone which is exempt from CIL.

Charging Area

The CIL charging area will be all areas of Crawley borough outside of the defined Airport Zone which will be exempt from CIL as shown by the Map in Appendix 1.

The chargeable amount

The council will need to calculate the chargeable amount of CIL payable using the locally set rates above, multiplied by the gross internal area of new buildings and enlargements to existing buildings, taking demolished floorspace into account. The formal calculation methodology is provided in Regulation 40 of the CIL Regulations 2010 (as amended).

Who will pay CIL?

Subject to viability considerations CIL can be levied on most types of new development which creates net additional floorspace, where the gross internal area of new build exceeds 100sqm. That limit does not apply to new houses or flats and a charge can be levied on a single house or flat of any size, unless it qualifies for exemption or relief.

Who will not pay CIL?

The CIL Regulations make provision for the exemption or relief of the following from CIL charges, subject to requirements detailed in the Regulations¹:-

- Minor development of less than 100 sqm net additional gross internal floorspace, unless this is a whole house, in which case the levy is payable.
- houses, flats, residential annexes and residential extensions which are built by 'self-builders'.
- Starter Homes.
- Social (affordable) housing that meets the relief criteria set out in regulation 49A, or meets the council's discretionary social housing relief policy.
- Changes of use that do not increase floorspace
- Development by charitable institutions which meets the relief criteria set out in regulations 43-48.
- Buildings into which people do not normally go
- Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery
- Structures which are not buildings, such as pylons and wind turbines
- Specified types of development which local authorities have decided should be subject to a zero rate and specified as such in their charging schedules.
- Vacant buildings brought back into their previous use

Existing buildings which are to be demolished or retained as part of a development proposal can in some circumstances be off-set against the new overall floorspace liability. The relevant requirements are detailed in the CIL Regulations.

It should be noted that for eligible sites CIL is non-negotiable. However, under the terms of the Regulations and statutory guidance the council could offer discretionary relief from liability for exceptional circumstances. This would provide the council with some flexibility to deal with individual sites where development is desirable but not considered viable. At this stage the council has not adopted an exceptional circumstances policy, but this can be activated or deactivated at any time as long as notice is given by the council.

When is CIL Payable?

Payment of CIL is due from the date of commencement of the liable development. The default position is that the whole amount must be paid within 60 days of commencement, unless the council adopts an instalments policy which is under consideration.

CIL operates on the exchange of formal notices:-

- The person(s) who pay CIL provide the council with an Assumption of Liability Notice
- A Liability Notice is issued by the council along with the planning permission decision, stating how much CIL is payable. The responsibility to pay the levy lies with the local landowner;

¹ Community Infrastructure Regulations (England) (2010) as amended: Part 6 Exemptions and Relief

- Before the development starts the developer provides the council with a Commencement Notice, providing the start date;
- The council will then issue a Demand Notice to ensure that payment is received within 60 days of commencement.

What will CIL be spent on?

CIL has the potential to generate approximately £9,000,000 to be spent on infrastructure requirements across the borough to mitigate the cumulative impacts of development and will contribute towards bridging the funding gap between the total cost of infrastructure required to support development and the amount of funding available from other sources.

The Infrastructure Delivery Schedule (2015) identifies a range of infrastructure requirements that are considered necessary to deliver the Crawley Local Plan 2015-30. This has been developed into a Regulation 123 List which identifies a list of infrastructure that will be wholly or partly funded by CIL money. The purpose of this list is to distinguish between those types of infrastructure that the council intends to fund through CIL and those areas where a S106 agreement will be sought (for site specific mitigation). This will ensure there is no double charging for developers.

The CIL regulations require that 15% of the levy receipts will be allocated for spending in agreement with the local community in the area where development is taking place. The council can also use up to 5% of the levy receipts received to cover the costs of implementing the Charging Schedule.

Appendix 1: Map of CIL Charging Area in Crawley

