

Developer Contributions Guidance Note

Supporting the Crawley Borough Local Plan 2015-2030

Including Crawley Borough Council's approach to Planning Obligations (s106) and the Community Infrastructure Levy



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1. This Guidance Note describes Crawley Borough Council's approach to developer contributions, and the ways in which this has changed with the introduction of the Community Infrastructure Levy (CIL) in August 2016.
2. This document is intended to support the planning process by providing a link between the various legislative and policy documents relevant to developer contributions. As such it is intended to provide guidance following the introduction of the council's CIL Charging Schedule and supporting documents. Collectively these documents will supersede the guidance on s106 contributions contained in the council's 2008 Planning Obligations and S106 Agreements Supplementary Document (SPD).
3. This Guidance Note will be updated regularly to take into account changes to national legislation and policy regarding developer contributions, as well as changes to the council's approach to developer contributions.

What are developer contributions?

4. Developer contributions exist within the planning system so that developers whose proposals place significant demands upon infrastructure can themselves contribute to meeting that demand, thereby making the development acceptable in planning terms.
5. 'Infrastructure' can cover a wide variety of facilities, services and types of development. Some of the most common forms of infrastructure are identified in Section 216 of the Planning Act 2008, as follows:
 - Roads and other transport facilities
 - Schools and other educational facilities
 - Flood defences
 - Medical facilities
 - Open spaces
 - Sports and recreational facilities
 - Affordable housing
6. Crawley's anticipated local infrastructure requirements are based on the proposed development detailed in the Crawley Borough Local Plan 2015-30 (adopted by the council on 16 December 2015), which contains the local planning policies against which applications for planning permission are assessed.¹ The Local Plan makes provision to deliver a minimum of 5,100 homes over the next 15 years. With anticipated growth in employment

¹ *Crawley 2030: Crawley Borough Local Plan 2015-2030*, Crawley Borough Council: 2015, available at <http://www.crawley.gov.uk/pw/web/PUB271853>. The adopted Local Plan replaces the Core Strategy (2008) and the following Saved Policies from the Crawley Local Plan (2000): CH3, CH6, H2, H4, ENV1, ENV4, ENV5, IN1, IN3, IN4, IN5, IN6, GAT1.

numbers within the borough and at Gatwick Airport, this will place additional demands on infrastructure provision. The scale and range of the infrastructure requirement associated with the Local Plan is outlined in the council's Infrastructure Delivery Schedule, published in December 2015.²

7. Developers will be expected to contribute to meeting the need for additional infrastructure generated by their development and ensuring that cumulative effects are effectively mitigated.

What types of developer contribution are there?

8. The various types of developer contribution are detailed below.

Planning Conditions

9. Where limited measures are required to mitigate the impact of a development on infrastructure, these can often be secured by means of a condition attached to a grant of planning permission. Conditions do not have a monetary value, but are used by the council to ensure that certain aspects of a development proposal are carried out in a particular way to make it acceptable in planning terms. They need not necessarily relate to infrastructure, but can relate to a very wide variety of subjects. For example, a condition may require the development to use provide a certain number of car parking spaces to serve the development.
10. Planning conditions must meet six tests which are set out in paragraph 206 of the National Planning Policy Framework (NPPF).³ Further information is provided in the National Planning Practice Guidance (NPPG).⁴

'Section 278' or 's278' agreements

11. S278 agreements were enabled by Section 278 of the Highways Act 1980. They are legally binding agreements, usually between the Local Highways Authority (West Sussex County Council) and the developer. The agreements are specific to the highway network and are used to ensure that a developer either makes a contribution to, or carries out the required improvements to, the highway.
12. S278 agreements are the responsibility of the Local Highways Authority.⁵

² *Infrastructure Delivery Schedule December 2015*, Crawley Borough Council: 2015, available at <http://www.crawley.gov.uk/pw/web/PUB274686>.

³ *National Planning Policy Framework*, DCLG (Department of Communities and Local Government): 2012. Available at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>.

⁴ 'Planning Practice Guidance: Use of Planning Conditions', DCLG. Available at <http://planningguidance.communities.gov.uk/blog/guidance/use-of-planning-conditions/>.

⁵ For more information see the West Sussex County Council website (<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/road-agreements/>).

Planning Obligations

13. Planning obligations are used specifically when the planning permission is deemed to have significant impact on the local area which cannot be mitigated by conditions. The statutory framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990 (as amended by Section 12 (1) of the Planning and Compensation Act 1991). They are therefore widely referred to as 'Section 106' or 's106' agreements.
14. Planning obligations usually take the form of a legal agreement between the developer/landowner and the local planning authority, under which the former party is bound to undertake specific actions (including the payment of stated monetary sums) for the purpose of contributing to meeting the infrastructure demands arising from a development. They can also take the form of a 'Unilateral Undertaking' entered into by the landowner on their own initiative.
15. The NPPF provides guidance to local planning authorities on the use of planning obligations in paragraphs 203 to 206. These state that local planning authorities can only use obligations where a condition cannot adequately address any impacts which are deemed unacceptable. Obligations must also meet the following criteria:
 - 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
16. The NPPF further sets out that where obligations are being sought or revised authorities should be flexible to avoid development being stalled or delayed, taking into account market conditions and viability. It is also encouraged that planning authorities explore options for keeping the costs of any necessary mitigation or compensation to a minimum for developments.
17. The s106 regime has undergone a number of changes as a result of the introduction of the Community Infrastructure Levy (CIL). A greater emphasis on the role of planning obligations as a mechanism for site-specific mitigation rather than more general infrastructure has been introduced, along with an associated restriction on the pooling of contributions from different developments, as set out in paragraph 23 below.

Community Infrastructure Levy (CIL)

18. The Community Infrastructure Levy (CIL) is a tariff-based charge that local authorities can choose to charge on new developments in their area, after adopting a locally-set CIL Charging Schedule. The money collected can be used to support necessary infrastructure in the area that arises as a result of the cumulative impact of the developments taking place across that area.
19. The Planning Act 2008 provides the enabling powers for local authorities to apply Community Infrastructure Levy (CIL) to development. These enabling

powers came into force in April 2010 through the introduction of the CIL Regulations 2010 which provide the detail on the implementation of CIL.⁶

20. Whereas planning obligations are subject to negotiation on a case-by-case basis, CIL is pre-set and non-negotiable, and is therefore considered to be fairer, faster, more certain and transparent. There are, however, several statutory forms of exemption or relief available for which a development may qualify:

- Exemption for smaller developments involving no new dwellings and a new build gross internal area of under 100sqm
- Exemption for self-build residential annexes or extensions
- Exemption for self-build housing
- Charitable Relief
- Social housing relief

These are detailed more fully in paragraphs 37-44 below.

21. The money collected via CIL can be pooled into one 'pot' to be spent on infrastructure required to support the Local Plan, such as road improvements, education and open space. The CIL regulations also require 15% of levy receipts to be allocated for spending in agreement with the local community where the development is taking place.

What is the relationship between Planning Obligations and CIL?

22. Since planning obligations and CIL are both means of funding infrastructure, there is a need to separate the types of infrastructure being funded from one source from those being funded by the other, in order to avoid double charging. This in turn requires clarity about which types of infrastructure will be funded from which source.

23. In order to address this issue the CIL Regulations introduce new statutory restrictions upon the use of planning obligations (under s106 of the Town and Country Planning Act 1990) so that they work fairly and transparently alongside CIL. These restrictions include:

- **Placing into law the policy tests on the use of planning obligations set out in the NPPF para 204 (and historically in Circular 05/2005)**

CIL Regulation 122 sets out that, for a planning obligation to be a requirement for the granting of planning permission for development, or any part of a development, the obligation must be:

⁶ The CIL Regulations 2010 are available here: <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>. Amendments have been made to these in 2011, 2012, 2013, 2014 and 2015. See also the National Planning Practice Guidance at: <http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>.

- 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.
- **Ensuring the local use of CIL and planning obligations does not overlap**
Through CIL Regulation 123, it is anticipated that local planning authorities will publish a list of infrastructure which they intend to fund through the CIL, and for which planning obligations will not, therefore, be sought.
 - **Limiting the pooling of contributions from planning obligations towards a specific infrastructure project or type of infrastructure**
CIL Regulation 123 states that a planning obligation cannot be used where five or more other planning obligations have already been entered into since 6 April 2010 within a CIL Charging Authority area to provide for the funding or provision of the same project or type of infrastructure.

24. Broadly speaking, the intention is that CIL will be used to fund strategic infrastructure which will mitigate against the cumulative effects of the development taking place across an area. Meanwhile, s106 agreements may still be sought in relation to some larger schemes which still require site specific mitigation. Some developments will therefore be subject both to CIL and the s106 regime, albeit for different projects.

25. Crawley Borough Council's Regulation 123 List, detailing which types of projects the council proposes to fund from which source, is included as Appendix 1 to this note.

26. National Planning Practice Guidance (NPPG) states that the combined impact of conditions, obligations and CIL should not threaten viability. Where CIL is in place, the NPPG also encourages local planning authorities to be clear about what developers will be expected to pay and through which route to ensure that double charging is avoided.

How do developer contributions now work in Crawley?

27. Crawley Borough Council has approved its CIL Charging Schedule on 20 July 2016 and it is effective from 17 August 2016. The Charging Schedule is provided in Appendix 2. Whereas the council's approach to developer contributions has previously been in accordance with the Planning Obligations and Section 106 Agreements SPD (2008), contributions are now sought in accordance with the council's Charging Schedule and Regulation 123 List (provided in Appendix 1).

S106/S278 Agreements

28. Whereas CIL will now be used to fund strategic, borough wide infrastructure which will mitigate against the cumulative effects of the developments, some larger schemes will still require site specific mitigation which CIL will not cover, and in these circumstances s106 and or s278 agreements may still be sought. Such schemes will be identified on a case by case basis, and developers are encouraged to seek pre-application advice from relevant authorities in order to assess the likely extent of any requirements.
29. The council's Regulation 123 List, provided in Appendix 1, identifies the kinds of infrastructure provision for which such mitigation may be sought. Table 1 below provides further context for this information by linking it to specific Local Plan policies and supplementary guidance where appropriate and identifying which organisation(s) developers should contact for pre-application advice regarding potential requirements.
30. The council will charge a monitoring fee of £500 for each s106 agreement. This will cover the costs of monitoring contributions to ensure that all requirements are met and that monies are spent in accordance with the terms of the agreement.

Table 1 – Types of mitigation for which S106 contributions may still be sought

Type of provision	Local Plan Policy/ Guidance	Type of mitigation (from Regulation 123 List)	Pre-application advice from:
Transport & Sustainable Access	IN1, IN3	Transport and sustainable access measures including transport related public realm improvements necessary to make the development acceptable in planning terms, and any improvements which are required directly as a result of a development.	Highways Authority (WSCC); CBC
Education	CH1, IN1, IN5	Provision which is required as a result of a neighbourhood scale development.	Local Education Authority (WSCC)
Open Space, Sport and Recreation	ENV4, ENV5; Green Infrastructure SPD	In line with the council's Green Infrastructure Supplementary Planning Document and Open Space, Sport and Recreation Study, provision will be sought which is directly required as part of a development, to make it acceptable in planning terms. In line with Policy ENV4 and ENV5, a S106 Agreement will be sought to secure replacement/enhanced provision of any non-surplus open space lost as a result of development. This includes the development sites in Policy H2 of the Local Plan and any subsequent proposals on open space:- <ul style="list-style-type: none"> ▪ Henty Close ▪ Breezehurst Drive Playing Fields ▪ Tinsley Lane playing Fields 	CBC
Green Infrastructure	CH6; Green Infrastructure SPD	Provision, mitigation and management which is required as part of a development and any on or off site provision as necessary to make the development acceptable in planning terms. This includes the development site Land east of Street Hill in Policy H2 and any sites requiring off site provision, and/or replacement of trees under policy CH6 of the Local Plan 2030.	CBC
Health Care	CH1, IN1, IN5	Provision which is required as a result of a neighbourhood scale development.	Crawley Clinical Commissioning Group
Community and Library	CH1, IN1, IN5	Provision which is required as a result of a neighbourhood scale development.	WSCC (for Libraries) and CBC

			(for Community Buildings)
Emergency Services	CH3, IN1	The provision of CCTV and/or Fire Hydrants to make the development acceptable in planning terms.	Sussex Police (Crime Prevention Design Advisor); WSCC
Flood Risk Management and Flood Defence	ENV8; Crawley Strategic Flood Risk Assessment (SFRA)	Flood mitigation and environmental improvements that are required directly as a result of development and any provision necessary to make development acceptable in planning terms.	Environment Agency; Lead Local Flood Authority (WSCC); CBC
Public Realm Improvements – Town Centre and Manor Royal	CH3, EC3; Town Centre SPD and Manor Royal Design Guide SPD ⁷	Site specific improvements to the public realm on development sites within the Town Centre and Manor Royal, including contributions to public art and the street scene required as part of a development in line with Policies CH3 & EC3 of the Local Plan 2015-30.	CBC
Affordable Housing	H4; Affordable Housing SPD (upon adoption)	Provision of Affordable Housing necessary to make the development acceptable in planning terms in line with Policy H4 of the Local Plan.	CBC
Infrastructure supporting Gatwick Airport	GAT1	Infrastructure improvements required directly as a result of development within the airport boundary.	Gatwick Airport Limited; CBC; WSCC

⁷ Where Manor Royal public realm improvements are sought in accordance with the Regulation 123 List and these policies and guidance, they will not exceed the level of £2 per square metre of development. They will not normally be sought from developments with a net additional area of less than 50m².

Community Infrastructure Levy (CIL)

What kinds of development are liable, and what charges apply?

31. The charges on development by use, size and location, are set out in Crawley Borough Council's CIL Charging Schedule (Appendix 2), with further guidance on what development will be CIL liable.
32. The CIL charging area is the 'Boroughwide Zone', taking in all areas of Crawley borough outside of the defined Airport Zone. Currently it is considered that it is not appropriate to establish CIL rates for development within the Airport Zone, because the level of development and infrastructure needs at Gatwick are dependent on a government decision on future runway expansion, and the resulting infrastructure requirements are likely to be significant and site-specific. In these circumstances it is anticipated that infrastructure will be dealt with through the development of a new site specific s106 agreement. See Appendix 2 for the designated Airport Boundary.
33. The council will reconsider its position on CIL rates for the airport zone once there is more certainty with regard to a masterplan, the costs of any s106 agreements and the impact of infrastructure.

Charges

34. The Crawley CIL Charging Schedule is applicable to all development which either creates 100sqm or more of new build floor space or which creates new dwellings of any size. Development which does not fall into either category automatically benefits from the Minor Development Exemption set out in CIL Regulation 42. The charges (including a 'zero' charge for anything other than residential or retail development) are set out in Table 2.

Table 2 – Crawley 'Boroughwide Zone' CIL rates (£ per sqm)⁸

Development	Charge (£ per sqm) ⁹	Zone
Residential	£100	Boroughwide Zone
General Retail A1-A5* (excluding Food Supermarket)	£50	Boroughwide Zone
Food Supermarket A1* (less than 3000 sqm)	£100	Boroughwide Zone
Food Supermarket A1* (3000 sqm plus)	£150	Boroughwide Zone
All other uses	£0	Boroughwide Zone

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

⁸ Actual charges in future calendar years (i.e. from 1 January 2017) will be adjusted in accordance with the All-in Tender Price Index of construction costs published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors (RICS). CIL Regulation 40 requires that the index figure used for any given calendar year should be the index figure for 1 November of the preceding year.

⁹ Measurements in square metres refer to gross internal area (GIA). This will be calculated in accordance with the RICS Code of Measuring Practice, 6th ed.: 2007, as set out in the Frequently Asked Questions below.

Calculation of CIL Charges

35. The procedure for measuring additional net floorspace for the purposes of calculating the 'chargeable amount' of CIL for a given development is set out in CIL Regulation 40. The following provisions should be borne in mind:

- Buildings 'into which people do not normally go', or 'into which people go only intermittently for the purpose of maintaining or inspecting machinery', or 'for which planning permission was granted for a limited period' do not count as buildings for the purposes of calculating the chargeable amount;
- The change of use of a single dwellinghouse to use as two or more separate dwelling houses does not constitute 'development' for CIL purposes, so no liability arises;
- Existing floorspace which is to be retained as part of a development with no change of use is not included for the purpose of calculating the chargeable amount;
- Floorspace which is retained (as distinct from new build) can also be excluded from the calculation of the chargeable amount where it forms part of an 'in-use' building, defined as a building on the proposal site which 'contains a part that has been in lawful use for a period of at least six months within the period of three years' prior to the point at which calculation of CIL liability is first triggered (i.e. usually the grant of planning permission);¹⁰
- Where development proposals exceeding the threshold for 'minor development' referred to in paragraph 34 include changes of use to existing buildings, the floorspace subject to change of use is liable to CIL unless some other form of relief or exemption is granted (see below) or unless it passes the 'in-use' test set out above;
- Floorspace within 'in-use' buildings which is to be demolished as part of the development can lead to a reduction in the chargeable amount. The benefit is spread evenly across the total floorspace of the development irrespective of which CIL rate (including the rate of zero) is applicable. This means that demolished 'in-use' floorspace will not always be directly deducted from the amount of floorspace which is CIL liable.

¹⁰ The CIL Regulations refer to this as 'the time at which planning permission first permits development', defined in CIL Regulation 8.

CIL Calculation Example 1: Chargeable Floorspace

A new development within the Boroughwide Zone comprises 800sqm of residential development; 400sqm of retail development (subject to the standard retail rate) and 400sqm of office development. In the first instance the chargeable area is as follows:

800sqm chargeable at £100 per sqm	= £80,000
400sqm chargeable at £50 per sqm	= £20,000
400sqm chargeable at £0 per sqm	= £0
Total	= £100,000

If we assume, however, that 200sqm of the residential development comprises a change of use of part of a building which satisfies the 'in-use' test, the residential floorspace liable would fall to 600sqm.

If we further assume that 200sqm of the retail floorspace will occupy an area of disused retail floorspace and therefore require no further planning permission, with only the remaining 200sqm being new build (or change of use of a building failing the 'in-use' test), the chargeable area of retail floorspace would fall to 200sqm. Thus:

600sqm chargeable at £100 per sqm	= £60,000
200sqm chargeable at £50 per sqm	= £10,000
400sqm chargeable at £0 per sqm	= £0
Total	= £70,000

If we assume in addition that an in-use building (of any use) of 600sqm is first to be demolished as part of the development, there would be a further reduction, spread evenly across the entire 1,600sqm of the development. Thus:

800sqm of residential development = $\frac{1}{2}$ of the total area of the development
So the reduction to the chargeable residential area = $600 \times 0.5 = 300\text{sqm}$

400sqm of retail and office development = $\frac{1}{4}$ each of the total area of the development
So the reduction to the chargeable residential area in each case = $600 \times 0.25 = 150\text{sqm}$

The resulting charges would be as follows:

300sqm chargeable at £100 per sqm	= £30,000
50sqm chargeable at £50 per sqm	= £2,500
250sqm chargeable at £0 per sqm	= £0
Total	= £32,500

36. Once the chargeable floorspace has been calculated and multiplied according to the appropriate CIL rate(s), Regulation 40 requires that the resulting figure is adjusted for inflation, as measured by the All-in Tender Price Index published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors (RICS). A new index figure is adopted annually at the beginning of each calendar year, beginning at the end of the year in which the Charging Schedule comes into effect.

CIL Calculation Example 2: CIL Indexation

The mixed-use development described in the previous example is chargeable as follows according to the Charging Schedule:

300sqm chargeable at £100 per sqm	= £30,000
50sqm chargeable at £50 per sqm	= £2,500
250sqm chargeable at £0 per sqm	= £0
Total	= £32,500

In order to allow for inflation this total is multiplied by the index level applicable to the year in which planning permission is granted, and then divided by the index level applicable to the year in which the charging schedule took effect.

So where the index in the year of planning permission is 101 and where the index in the year of implementation of the Charging Schedule was 100:

$$32,500 \times 101 = 3,282,500$$
$$3,282,500 / 100 = £32,825$$

Exemptions and reliefs

37. In Crawley, subject to circumstances, various forms of exemption or relief may be applicable. Forms for use when applying for these can be downloaded from the council's CIL web page at www.crawley.gov.uk/cil

- 38. Claimants to and beneficiaries of CIL reliefs or exemptions granted by the council are responsible for following the relevant procedures as set out in the CIL Regulations. In particular the following should be borne in mind:**

- Where a CIL exemption or relief has to be applied for and granted by the council, it can only be valid where the development in question has not yet commenced at the time when exemption or relief is granted by the council.
- A person will cease to be eligible for any CIL relief or exemption granted by the council if a Commencement Notice is not submitted to the council before the day on which the development concerned is commenced. The Commencement Notice form is available on the council's CIL web page at www.crawley.gov.uk/cil
- Any event occurring during the 'clawback period' for a CIL relief or exemption which causes the relief or exemption to be withdrawn is known as a 'disqualifying event'. When such an event occurs the person benefiting from the relief or exemption must notify the council of the event within 14 days, or a surcharge will become applicable.

39. **Exemption for Minor Development:** This applies to developments which do not involve the creation of one or more dwellings or more than 99sqm of gross new build floor space. As long as the development is described and shown in sufficient detail when applying for planning permission or other consent this exemption is applied automatically.
40. **Exemption for Self-built Residential Annexes or Extensions:** This is applicable to residential extensions and annexes built in the curtilage of a dwelling owned by the person claiming the exemption and occupied by them as their sole or main residence. These exemptions must be applied for using the Self Build Residential Annex Exemption Claim form and Self Build Residential Extension Exemption Claim form respectively. Where the Exemption for Residential Annexes is granted the amount of CIL concerned can be reclaimed within a three-year 'clawback period' if the main dwelling ceases to be used as a single dwelling; if the residential annex is let out, or if either house or annex is sold, unless both are sold to the same person at the same time.
41. **Exemption for Charities:** Charitable institutions with a material interest in land to be developed may qualify for exemption from CIL where the development concerned will be used wholly or mainly for charitable purposes; where the part of the development so used will be occupied or controlled by a charitable institution, and where there is no material interest in the relevant land belonging to a party who is not a charitable institution. The Exemption for Charities must be applied for using the Claiming Exemption or Relief form. Where this exemption is granted the amount of CIL concerned falls due if any person who is not a charitable institution acquires an interest in the relevant land during a seven year 'clawback period'.
42. **Social Housing Relief:** Social housing relief from CIL in Crawley takes two main forms. In both cases relief must be applied for using the Claiming Exemption or Relief form.
- **Mandatory Social Housing Relief** is available for portions of the chargeable development that will consist of social housing as defined by CIL Regulation 49, including most social rent, affordable rent, or intermediate rent provided by a local authority or Private Registered Provider, and shared ownership dwellings. It is also anticipated that the CIL Regulations will be amended during 2016 to ensure that Starter Homes qualify for mandatory Social Housing Relief. A proportionate part of any communal floorspace within a residential development may also be eligible for relief as 'qualifying communal development' under CIL Regulation 49C.
 - **Discretionary Social Housing Relief** is to be introduced by Crawley Borough Council under the terms of CIL Regulation 49A, which permits charging authorities to extend the scope of Social Housing Relief, within certain limits. The council's Discretionary Social Housing Relief policy (available at www.crawley.gov.uk/cil) extends CIL Relief to the following types of dwellings, where these are secured through a s106 planning obligation:
 - i) Dwellings which fall outside of the scope of CIL Regulation 49, but which otherwise fall within the definition of affordable

housing set out in Annex 2 of the National Planning Policy Framework (NPPF), including:

- Shared equity homes
 - Homes sold at a discounted market rate of 20% or more
- ii) Dwellings which are let at a discounted market rent not exceeding Local Housing Allowance rates

In order to qualify for Discretionary Social Housing Relief dwellings must also adhere to CIL Regulations 49A(2)(a) and 49A(2)(c), as follows:

- If sold, the dwelling must be sold for no more than 80% of its market value;
- The liability to pay CIL in relation to the dwelling must remain with the person granted Discretionary Social Housing Relief.

The combined scope of the mandatory and discretionary forms of Social Housing Relief is set out in Table 3. The granting of either form of relief is subject to a seven year 'clawback period' during which CIL falls due in relation to any dwelling or communal development which ceases to qualify for relief.

Table 3 – Status of affordable housing types in relation to CIL

Type of tenure	CIL exempt nationwide (mandatory CIL relief)	CIL exempt in Crawley (discretionary CIL relief)	Further definition/Policy basis for counting as 'affordable' housing
Social rented	✓		National Planning Policy Framework (NPPF) Annex 2
Affordable rented	✓		NPPF Annex 2
Shared equity		✓	NPPF Annex 2
Discounted homes for sale (not including Starter homes)		✓	NPPF Annex 2
Shared ownership	✓		NPPF Annex 2
Discounted market rents (not exceeding Local Housing Allowance rates) including rent to buy		✓	Local Plan Policy H4 & para 6.71
Starter homes	✓		Housing & Planning Act 2016; amendment to CIL Regulations anticipated late 2016

43. **Self-build Exemption for Housing:** this exemption is available to anyone building or commissioning a dwelling which they will occupy as their sole or main residence for a minimum of three years. Subject to criteria set out in CIL Regulation 54A some communal areas may also qualify. Application for this exemption must be made using the Self Build Exemption Claim form: Part 1. Any beneficiary of this exemption must also, within six months of the issue date of the Building Regulations compliance certificate for the dwelling, complete and submit a copy of the Self Build Exemption Claim form: Part 2, accompanied by the documents specified on the form, in order to confirm that the dwelling constitutes self-build housing. CIL for which this exemption is granted falls due if the Part 2 form and associated particulars are not submitted, or if the dwelling(s) concerned cease to qualify for relief or are otherwise let out or sold within a three year 'clawback period'.

44. CIL charging authorities have the power to introduce two further types of discretionary relief:

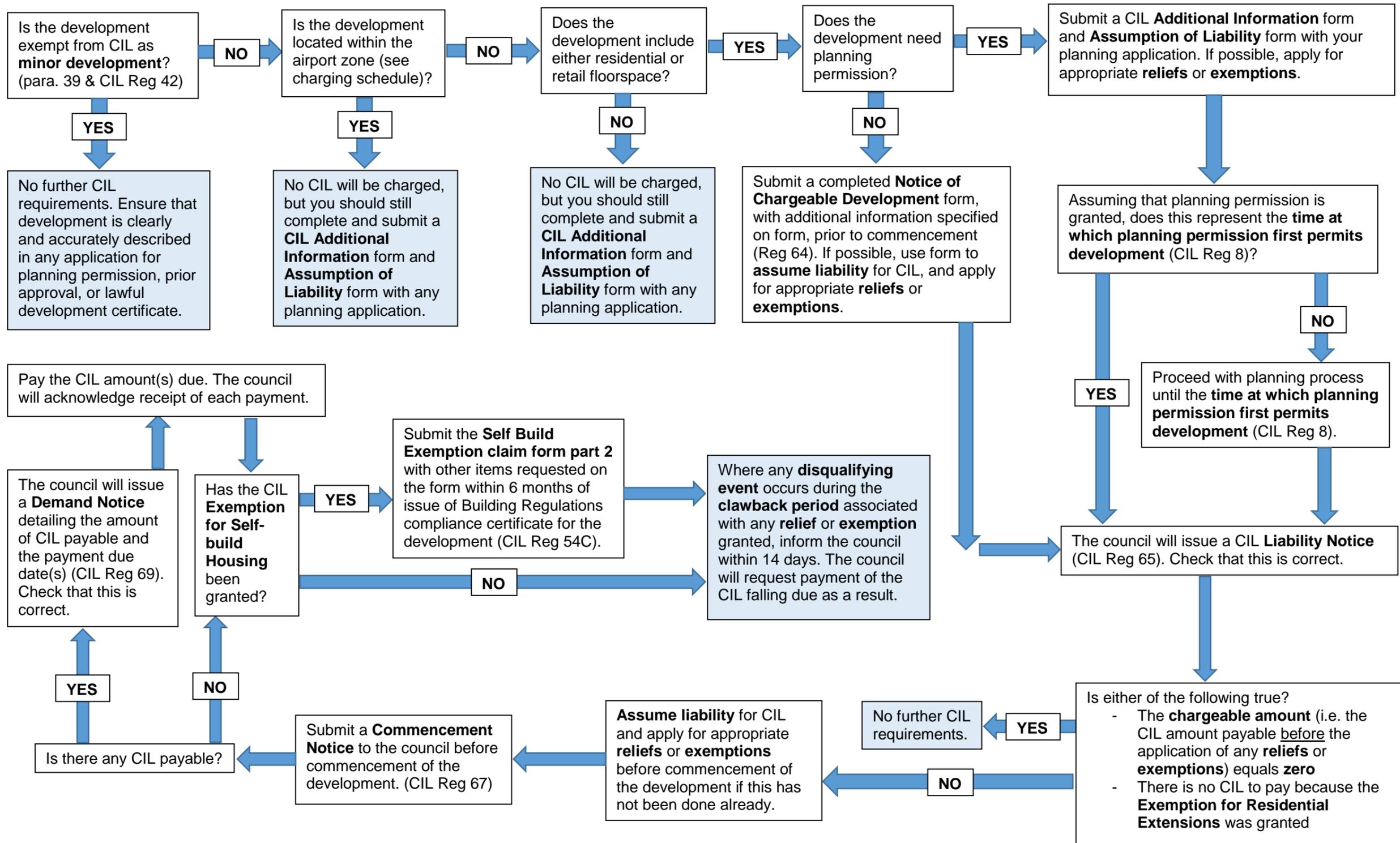
- Charitable Relief, covering certain developments held by charitable institutions as investments;
- Exceptional Circumstances Relief, covering certain limited circumstances in which CIL is judged to have an unacceptable impact on the economic viability of a development.

Crawley Borough Council does not currently intend to introduce either of these forms of CIL relief.

The CIL Charging Process

45. The process for charging and collecting CIL in relation to individual developments is set out in detail in the CIL Regulations. It is summarised in the flowchart provided in Figure 1 below.

Figure 1 – CIL Process Flowchart (see glossary and paragraphs 37-44 for explanation of items in bold)



45. If you are unsure whether your proposed development is CIL liable or entitled to any relief or exemption you should contact the council.
46. Developments liable to CIL will usually require planning permission. The council will therefore begin to consider whether developments are liable to CIL at the planning application stage. In order to assist with this, a completed CIL Additional Information form and Assumption of Liability form should be submitted with all applications which do not qualify for the CIL Exemption for Minor Development referred to in paragraph 34.
47. Where planning permission is sought for a development which is likely to qualify for relief or exemption from CIL, applicants are encouraged to include with their application any appropriate relief/exemption claim forms.

Permitted Development

48. A development can be liable to CIL even if it does not require express planning permission. The criteria for CIL liability apply equally to developments which benefit from a general consent, such as the Permitted Development Order. For example, a change of use from a non-residential use to residential dwellings permitted via the prior approval procedure would be potentially CIL liable on the basis that it includes the creation of new dwellings.
49. Where a proposed development is liable for CIL but does not require planning permission, a completed Notice of Chargeable Development and any relevant relief or exemption forms must be submitted to the council prior to commencement, so that the CIL Liability (if any) can be calculated.

Liability to pay CIL

50. The person(s) intending to pay the CIL due on a liable development should submit a completed Assumption of Liability form when applying for planning permission, and must in any event do so prior to the commencement of the development. Where a CIL liable development commences without anyone having assumed liability, a surcharge is applicable, and liability to pay CIL will normally fall by default on the owner(s) of the relevant land. Failure to assume liability will also remove the option of paying CIL in instalments and may prevent the granting of relief or exemption. Forms for use when assuming liability, withdrawing an assumption of liability, or transferring the liability to another person are available on the council's CIL web page at www.crawley.gov.uk/cil.

Transitional Provisions

51. There is no CIL liability for developments which were granted express planning permission (including outline planning permission) before the implementation of the Charging Schedule on 17 August 2016.
52. Where a development is permitted by a general consent and does not require express planning permission, there is no CIL liability if the development is commenced before the implementation of the Charging Schedule on 17 August 2016.

53. Where a planning permission granted before the implementation of a Charging Schedule is replaced, after the introduction of a Charging Schedule, by a new planning permission under section 73 of the Town and Country Planning Act 1990, CIL liability only arises in relation to any additional floorspace which is introduced into the development.

Methods of Payment

How can CIL be paid?

54. Most of the methods of payment available for paying planning fees can also be used for payment of CIL. Further details are available on the council's planning web pages:
http://www.crawley.gov.uk/pw/Planning_and_Development/Planning_Permission_Applications/Planning_Application_Forms/PUB239819
55. Since CIL only becomes payable at the commencement of a development and on receipt of a demand notice, CIL cannot be paid online through the planning portal.

Instalment Policy

56. Crawley Borough Council is introducing an instalments policy allowing payment to be made in stages where CIL liability exceeds certain thresholds:

- For a liability of between £150,000 and £300,000, one instalment of £150,000 can be paid within 60 days of commencement, with the remaining balance falling due within 120 days of commencement.
- For a liability of over £300,000, one instalment of £150,000 can be paid within 60 days of commencement, with the remaining balance falling due in two equal instalments within 120 and 180 days of commencement.

- 57. The instalments policy can only apply where the requirements of CIL Regulation 70 have been satisfied. These are set out in more detail within the Instalments Policy document, but include the following requirements:**

- Receipt by the council of a valid CIL Assumption of Liability form prior to the commencement of the chargeable development
- Receipt by the council of a valid CIL Commencement Notice prior to the commencement of the chargeable development

Enforcement

58. The CIL Regulations set out the means of enforcement which are available to the council. Where the correct procedure is not undertaken the following surcharges may apply:

- Failure to assume liability: £50 for each person liable
- Apportionment of liability (where the council has had to apportion liability between material interests): £500 for each material interest
- Failure to submit a notice of chargeable development: 20% of the chargeable amount up to a maximum of £2500

- Failure to submit a commencement notice: 20% of the chargeable amount up to a maximum of £2500
- Failure to inform the council of a disqualifying event: 20% of the chargeable amount up to a maximum of £2500
- Late payment surcharge: 5% of the amount due up to a maximum of £200
- Failure to comply with an information notice: 20% of the amount of CIL the person concerned is liable to pay up to a maximum of £1000
- Late payment interest: charged at an annual rate of 2.5 percentage points above the Bank of England base rate.

The details of the surcharges are set out in CIL Regulations 80-88.

59. Where an amount of CIL that is due remains unpaid the following penalties can occur, as detailed in CIL Regulations 89-111:

- CIL stop notice
- Asset seizure
- Committal to prison

For more information please see National Planning Practice Guidance on the question 'How is payment of the Community Infrastructure Levy enforced?'. This states that 'where there are problems in collecting the levy, it is important that collecting authorities are able to penalise late payment and discourage future non-compliance.'¹¹

Appeals

60. The CIL charge itself is non-negotiable, but the following actions are available to persons liable for payment of CIL in case of dispute, in accordance with CIL Regulations 112-121:

- Request review of chargeable amount
- Appeal against chargeable amount
- Appeal against apportionment of liability
- Appeal against decision in relation to granting of charitable relief
- Appeal against decision in relation to granting of exemption for residential annexes
- Appeal against decision in relation to granting of exemption for self-build housing
- Appeal against imposition of a surcharge
- Appeal against a deemed commencement date for a development determined by a collecting authority
- Appeal against the imposition of a CIL stop notice

Further information is provided in the National Planning Practice Guidance.

Spending CIL

61. CIL can be spent on a variety of infrastructure projects which mitigate against the cumulative impact of development within the borough. The expenditure

¹¹ Available at <http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/collecting-the-levy/>.

does not have to relate to a specific development. Regulation 123 of the CIL regulations does however place some restrictions on CIL expenditure in line with other planning obligations. With this in mind, a Regulation 123 list (Appendix 1) has been compiled which details infrastructure requirements and how they will be funded.

62. The CIL Regulations make special provision in relation to 15% of the CIL income (or 25% in an area covered by a Neighbourhood Plan) arising from each chargeable development. This is known as the 'neighbourhood portion' and can be spent on a wider range of things than the remaining 85% of CIL income, as long as such projects will 'support the development of the area'. Councils in unparished areas (such as Crawley) retain this income but are required to engage with the communities in the areas where development has taken place, in order to agree with them how best to spend it. Thus while this money could potentially be spent on larger strategic projects, this needs to be decided in consultation with the neighbourhoods.

Governance

63. Decisions over the expenditure of funds drawn from CIL, including both the 'Strategic' and 'Local' proportions, should be taken in a way that supports the effective delivery of appropriate infrastructure within a timely fashion, and in a way that facilitates the engagement of partners.
64. Arrangements for CIL governance and the allocation of CIL income are to be decided by the council, working in consultation with the community.

Contacts

For further information about the Crawley CIL documents and the application of the CIL Regulations in Crawley:

Forward Planning
Strategic Housing and Planning Services
Crawley Borough Council
Town Hall
The Boulevard
Crawley
West Sussex RH10 1UZ
01293 438644
forward.plans@crawley.gov.uk

For information about the implications of CIL for specific developments currently going through the planning process please contact your Development Management case officer.

For information about the implications of CIL for specific developments which already have, or do not need, planning permission:

Development Management Technical Team
Economic and Environmental Services
Crawley Borough Council
Town Hall
The Boulevard
Crawley

West Sussex RH10 1UZ
[Development.control@Crawley.gov.uk](mailto:Development.control@ Crawley.gov.uk)

Short CIL FAQs

What is CIL?

The Community Infrastructure Levy (CIL) is a charge levied on new development in order to contribute to the cost of infrastructure projects needed as a result of development, including road schemes, flood defences, educational and medical facilities. It takes the form as a tariff charged on the amount of net floor space created in new buildings and structures.

Why has CIL been introduced?

CIL has been introduced as a means of ensuring that new development makes a contribution to meeting the infrastructural demands which it generates, and that some of the financial benefit resulting from the granting of planning permission are shared with the community. The tariff-based approach has also been chosen in order to provide greater transparency and clarity as to what level of developer contributions will be required.

What will CIL pay for?

It is estimated that in Crawley, between 2016 and 2030 CIL could raise up to £9 million, which would be a significant contribution towards meeting an infrastructure funding gap of over £118 million. CIL income will be used in particular to fund infrastructure projects which serve multiple developments within Crawley, such as significant transport schemes, community facilities, and environmental improvements.

Who will decide how CIL income is spent?

The CIL collecting authority (Crawley Borough Council) has the ability to spend its CIL income as it chooses. This can include sharing or pooling income with other stakeholders, as long as the money is used for strategic infrastructure projects which support development within the borough. 15% of the money raised by CIL (or 25% in areas with a Neighbourhood Plan) is to be allocated to the local neighbourhoods in which development takes place so that they can decide on which projects best support development. This neighbourhood proportion can involve local communities in deciding how to allocate the monies, and can also be used towards key strategic infrastructure.

What is the 'infrastructure gap'?

The 'infrastructure gap' represents the costs of the infrastructure estimated to be required to support development in Crawley by 2030 (in line with the Adopted Local Plan), minus funding which has already been allocated to Crawley's infrastructure need from other sources. A funding gap must exist before CIL can be adopted. This has been agreed by a Government Inspector and Crawley can now introduce CIL.

Is CIL replacing planning obligations/section 106 agreements?

Partly, but not entirely. The introduction of legal powers to charge CIL has been accompanied by greater restrictions on the use of planning obligations to provide

infrastructure. Income from planning obligations can no longer be 'pooled' across more than five individual developments, thereby limiting the potential for planning contributions to support large scale strategic infrastructure. Instead the intention is that planning obligations will be used mainly for site-specific mitigation of the impact of a specific development, including the provision of affordable housing, which is explicitly excluded from being funded by CIL.

In order to avoid the possibility that developments will be double charged for a particular project through both CIL and a planning obligation, councils adopting CIL are required to set out which projects or types of project will be funded through CIL. Planning obligations cannot be sought for these. Crawley Borough Council has set this out in a list called the Regulation 123 list. This is available on the website.

How do I know if my development needs to pay CIL?

In Crawley, CIL only applies to residential development or retail development. For residential development involving the creation of additional 100 sqm of floorspace (net), or one or more dwellings, even if the total floor space is less than 100 sqm. For retail developments A1-A5, a charge of £50 per sqm is required. For food supermarkets (A1) if less than 150sqm then a charge of £100 per sqm or for over 3000sqm a charge of £150 per sqm has been approved.

Exemptions and reliefs are available to some CIL liable development by charitable institutions, self-builders, residential annexes or extensions, and affordable housing, but these must be applied for and granted by the council.

Also, development in the 'Airport Zone' or airport boundary will not be subject to CIL. Elsewhere within the borough, developments which are not used for residential or retail purposes are 'zero rated', meaning that no CIL is chargeable.

How is floorspace measured for the purpose of charging CIL?

CIL is charged on Gross Internal Area. For the purposes of CIL in Crawley this will be calculated in accordance with the RICS Code of Measuring Practice, 6th edition. This defines GIA as the area of a building falling within the perimeter walls, with the following inclusions and exclusions:

Included in GIA:

- Areas occupied by internal walls and partitions
- Columns, piers, chimney breasts, stairwells, lift-wells, other internal projections, vertical ducts, and the like
- Atria and entrance halls, with clear height above, measured at base level only
- Internal open-sided balconies, walkways and the like
- Structural, raked or stepped floors – to be treated as a floor level measured horizontally
- Horizontal floors, with permanent access, below structural, raked or stepped floors
- Corridors of a permanent essential nature (e.g. fire corridors, smoke lobbies)
- Mezzanine floor areas with permanent access
- Lift rooms, plant rooms, fuel stores, tank rooms which are housed in a covered structure of a permanent nature, whether or not above the main roof level

- Service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms, and the like
- Projection rooms
- Voids over stairwells and lift shafts on upper floors
- Loading bays
- Areas with headroom of less than 1.5m
- Pavement vaults
- Garages
- Conservatories

Not included in GIA:

- Perimeter wall thicknesses and external projections
- External open-sided balconies, covered ways and fire escapes
- Canopies
- Voids over structural, raked or stepped floors
- Greenhouses, garden stores, fuel stores and the like in residential property

How have the charges been set?

The Crawley CIL charges have been set through following the procedure set out in the CIL regulations. The requirement for infrastructure funding has been demonstrated, and the charges have been arrived at through a process of viability testing, consultation, examination by a government inspector, and formal adoption by the council.

Can I appeal against my CIL charge?

A number of rights of appeal against CIL charges exist in relation to the way in which a charge is calculated, or if a relief or exemption is not applied. Once a charging schedule is adopted and in force, however, it is not possible to appeal against the rates themselves.

Where do I go if I want to find out more about CIL in Crawley?

The council website (www.crawley.gov.uk/cil) has further links to all of the background documents, charges and regulations, as well as the forms required to be completed. If you have specific queries, please contact the Forward Planning team:

Forward Planning
 Strategic Housing and Planning Services
 Crawley Borough Council
 Town Hall
 The Boulevard
 Crawley
 West Sussex RH10 1UZ
 01293 438644
forward.plans@crawley.gov.uk

Glossary of Key Terms and Acronyms

Additional CIL Information Form	Form which should be completed submitted with planning applications in areas where CIL is in force
All-in Tender Price Index	Index of inflation applied to CIL rates in order to calculate the amount of CIL chargeable in a given year (published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors)
Assumption of Liability	Formal acceptance of responsibility to pay CIL for a chargeable development. This requires submission of a valid notice to the collecting authority, in accordance with CIL Regulation 31
Chargeable amount	The amount of CIL payable in relation to a given development once the calculation set out in CIL Regulation 40 has been carried out, taking into account the CIL Charging Schedule for the area. The chargeable amount does not take into account any reductions due to reliefs or exemptions.
Chargeable Development	A development for which planning permission is granted. Where an outline planning permission permits a development to be completed in phases, each phase is a separate chargeable development.
Charging authority	The council or other body which sets the CIL charging schedule in an area subject to CIL. In Crawley this is Crawley Borough Council.
CIL – Community Infrastructure Levy	CIL is a locally rated, assessed and collected tariff-based charge raised on new development in order to fund infrastructure
CIL Charging Schedule	Document adopted by a charging authority which sets out CIL rates for the authority's area
Collecting authority	The body responsible for collecting CIL charges. In Crawley this is Crawley Borough Council.
Commencement Notice	A notice informing the collecting authority in advance of the commencement of work on a chargeable development.

GIA	Gross Internal Area. This is the measurement for assessing the floor space area of a chargeable development for the purposes of assessing CIL liability. For the purposes of CIL in Crawley this will be calculated in accordance with the RICS Code of Measuring Practice, 6 th edition, 2007
Infrastructure	For the purposes of CIL Infrastructure is defined by Section 216 of the Planning Act 2008, as modified by the CIL regulations. There is no exhaustive list, but the following are explicitly included: roads and other transport facilities; flood defences; schools and other educational facilities; medical facilities; sporting and recreational facilities; open spaces.
Liability Notice	Notice served by a collecting authority on a person who has assumed liability for CIL in relation to a chargeable development, detailing the charge due and details of the payment procedure.
Minor Development Exemption	CIL exemption applying to development which does not include one of the following: <ul style="list-style-type: none"> • 100sqm or more of new build floorspace • The creation of one or more dwellings (including through conversion)
Notice of Chargeable Development	A valid notice of chargeable development should be submitted to a collecting authority before any CIL-chargeable development authorised by a general consent, such as the General Permitted Development Order, is commenced.
Planning Condition	Condition attached to a grant of planning permission by being added to the decision notice. Use of conditions is subject to guidance in paras. 203 and 206 of the National Planning Policy Framework and accompanying Planning Practice Guidance.
Planning Obligation	Legal obligation entered into by a developer to perform stated actions in order to make a development acceptable in planning terms. Can take the form of agreements with a planning authority (Section 106 agreements) or a Unilateral Undertaking. Planning obligations are enabled by Section 106 of the Town & Country Planning Act 1990 (as amended) and regulated by paras. 203-205 of the National Planning Policy Framework, and the CIL regulations.
S278 Highways Agreement	An agreement made under Section 278 of the Highways Act 1980, whereby a developer agrees with the Highways Authority (West Sussex County Council in the case of Crawley) to carry out or contribute to the

cost of highways works required on account of a development.

Stop Notice In cases of persistent non-compliance with CIL requirements a collecting authority may issue a CIL Stop Notice, prohibiting development from continuing until payment is made and the notice is withdrawn.

Surcharge Surcharges may be added to CIL charges by a collecting authority in the case of late payment, failure to assume or apportion liability, failure to submit a notice of chargeable development, a commencement notice, or notice of a disqualifying event, and failure to comply with any requirement of an information notice. Interest must also be paid on late payments.

Time at which planning permission first permits development This is a concept specific to CIL which is meant to identify the point at which a CIL charge can be calculated. This will be:

- Where full planning permission is granted, the date of the grant of full planning permission
- Where outline planning permission is granted, the date of the grant of approval of with the last reserved matter
- Where a phased planning permission is granted in outline, planning permission first permits development of each phase when the last reserved matter for that phase is granted permission OR (if earlier and if the LPA agrees in writing) when final approval is given under any pre-commencement condition associated with that phase

Where any other phased planning permission is granted, planning permission first permits development on the day final approval is given under any pre-commencement condition associated with that phase; or (if there are no pre-commencement conditions) on the day planning permission is granted.

Appendix 1 – Regulation 123 List

Crawley Community Infrastructure Levy:

Regulation 123 List

July 2016



Crawley Regulation 123 List

Regulation 123 of the CIL Regulations requires the council to publish a list of infrastructure that it intends to fund wholly or partly through CIL money. The purpose of the list is to distinguish between those types of infrastructure that the council intends to fund through CIL and those areas where a Section 106 Planning Agreement or S278 Highways Agreement will be sought. This will ensure that a developer/landowner is not charged twice for the same piece of infrastructure.

Once introduced, CIL will become the main mechanism for collecting infrastructure contributions from a development. S106 agreements will continue to be used for affordable housing as well as site specific mitigation from a development that may be required in order for a development to come forward (e.g. a new road junction).

The council's Regulation 123 List is set out in the table below. The first column provides those types of infrastructure that the council intends to fund through CIL. The council will use CIL money to mitigate the cumulative impact of development taking place across the borough.

The second column shows the types of infrastructure which will be provided or funded by a developer through a planning obligation (s106 agreement) and relate to site specific infrastructure requirements. In accordance with Regulation 122, the use of planning obligations will only be used when they meet the following tests:-

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

In partnership with infrastructure providers the council will be developing a list of identified projects and improvements, taking into account the potential location of developments.

This list will be updated and evolve over time and will aid discussions with developers at a pre-application stage. To reflect this list and changing circumstances, the Regulation 123 List will be reviewed annually and can be amended at any time as deemed appropriate by the council, subject to appropriate local consultation.

A s106 and CIL guidance note is also being prepared to support the Regulation 123 List. This will explain in more detail how CIL and s106 will work together to ensure there is no double charging for the developer.

Infrastructure Provision	CIL	S106/s278 Agreements
<p>Transport & Sustainable Access</p> <ul style="list-style-type: none"> • Strategic Road Network • Local Road Network • Public Transport • Pedestrian & Cycle Facilities • Smarter Choices/behavioural change measures • Transport Related Public Realm Improvements 	<p>To mitigate the cumulative impacts of development taking place across the borough.</p> <p>Schemes to be identified in liaison with WSCC.</p>	<p>Transport and sustainable access measures including transport related public realm improvements necessary to make the development acceptable in planning terms, and any improvements which are required directly as a result of a development.</p>
<p>Education</p> <ul style="list-style-type: none"> • Pre-school • Primary • Secondary • Sixth form • Special Education Needs, • Tertiary and Adult Education 	<p>To mitigate the cumulative impacts of development taking place-across the borough.</p> <p>Schemes to be identified in liaison with WSCC in line with their annual Planning for School Places document, this includes:-</p> <ul style="list-style-type: none"> • Expansion of existing Primary School Places at Desmond Anderson Primary, Maidenbower Infant & Junior, Northgate Primary, Our Lady Queen of Heaven Primary, Waterfield Primary & Three Bridges Primary. 	<p>Provision which is required as a result of a neighbourhood scale development.</p>

Infrastructure Provision	CIL	S106/s278 Agreements
	<ul style="list-style-type: none"> Expansion of existing Secondary School Places in Crawley from 44FE to 54FE. 	
<p>Open Space, Sport and Recreation</p> <ul style="list-style-type: none"> Play Areas Amenity Green Space Outdoor sport Parks & Recreation Grounds Natural Green Space Allotments 	<p>To mitigate the cumulative impacts of development taking place across the borough.</p> <p>Schemes to be identified in liaison with the council's Community Services team, this includes those in the council's Open Space Sport and Recreation Study and/or Playing Pitch Strategy:-</p> <ul style="list-style-type: none"> Improvements to drainage on playing fields and sports pitches at Bewbush the Green, Bewbush West, Rathlin Rd, Ashburnhan Rd & Rusper Rd. Improvements to ancillary facilities at Loppets Rd and Rusper Rd Playing Fields Provision of a 3G senior Pitch 	<p>In line with the council's Green Infrastructure Supplementary Planning Document and Open Space, Sport and Recreation Study, provision will be sought which is directly required as part of a development, to make it acceptable in planning terms.</p> <p>In line with Policy ENV4 and ENV5, a S106 Agreement will be sought to secure replacement/enhanced provision of any non-surplus open space lost as a result of development. This includes the following development sites in Policy H2 of the Local Plan and any subsequent proposals on open space:-</p> <ul style="list-style-type: none"> Henty Close Breezehurst Drive Playing Fields Tinsley Lane Playing Fields

Infrastructure Provision	CIL	S106/s278 Agreements
<p>Green Infrastructure</p> <ul style="list-style-type: none"> • Bio-diversity and habitat protection • Public Rights of Way • Trees • Rivers and Waterways 	<p>To mitigate the cumulative impacts of development taking place across the borough. Schemes to be identified in liaison with the Environment Agency and River Mole Catchment Partnership.</p>	<p>Provision, mitigation and management which is required as part of a development and any on or off site provision necessary to make the development acceptable in planning terms.</p> <p>This includes the development site Land east of Street Hill in Policy H2 and any sites requiring off site provision, and/or replacement of trees under Policy CH6 of the Local Plan 2030.</p>
<p>Health Care</p> <ul style="list-style-type: none"> • Primary Care • Secondary Care • Acute care • Healthy Living & well being • Mental Health services 	<p>To mitigate the cumulative impacts of development taking place across the borough.</p> <p>Schemes to be identified in liaison with the CCCG.</p>	<p>Provision which is required as a result of a neighbourhood scale development.</p>
<p>Community and Library</p> <ul style="list-style-type: none"> • Community Buildings • Libraries 	<p>To mitigate the cumulative impacts of development taking place across the borough.</p> <p>Schemes to be identified by WSCC and the council's Community Services team.</p>	<p>Provision which is required as a result of a neighbourhood scale development.</p>

Infrastructure Provision	CIL	S106/s278 Agreements
Emergency Services <ul style="list-style-type: none"> • Policing • Fire & rescue • Ambulance 	<p>To mitigate the cumulative impacts of development taking place across the borough.</p> <p>Schemes to be identified in liaison with WSCC, Sussex Police and SECAMB.</p>	<p>The provision of CCTV and/or Fire Hydrants to make the development acceptable in planning terms.</p>
Flood Risk Management and Flood Defence	<p>To mitigate the cumulative impacts of development taking place across the borough.</p> <p>Strategic Flood Risk Management and Strategic Flood Risk Infrastructure</p> <p>Schemes to be identified in liaison with the Environment Agency and West Sussex County Council as Lead Local Flood Authority.</p>	<p>Flood mitigation and environmental improvements which are required directly as a result of development and any provision necessary to make the development acceptable in planning terms.</p>
Public Realm Improvements- Town Centre and Manor Royal <ul style="list-style-type: none"> • Signage • Street scene • Public Art 		<p>Site specific improvements to the public realm on development sites within the Town Centre and Manor Royal, including contributions to public art and the street scene required as part of a development in line with Policies CH3 & EC3 of the Local Plan 2015-30.</p>

Infrastructure Provision	CIL	S106/s278 Agreements
District Energy Networks	To mitigate the cumulative impacts of development taking place across the borough. <ul style="list-style-type: none"> - K2 Leisure Centre Heat Network - Town Centre Heat Network - Manor Royal Heat Network 	

Other:	CIL	S106 /S278 Agreement
Affordable Housing		Provision of Affordable Housing necessary to make the development acceptable in planning terms in line with Policy H4 of the Local Plan.
Infrastructure supporting Gatwick Airport		Infrastructure improvements required directly as a result of development within the airport boundary.

Appendix 2 – CIL Charging Schedule

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 Regulations¹²:-

- 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;

¹² 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.

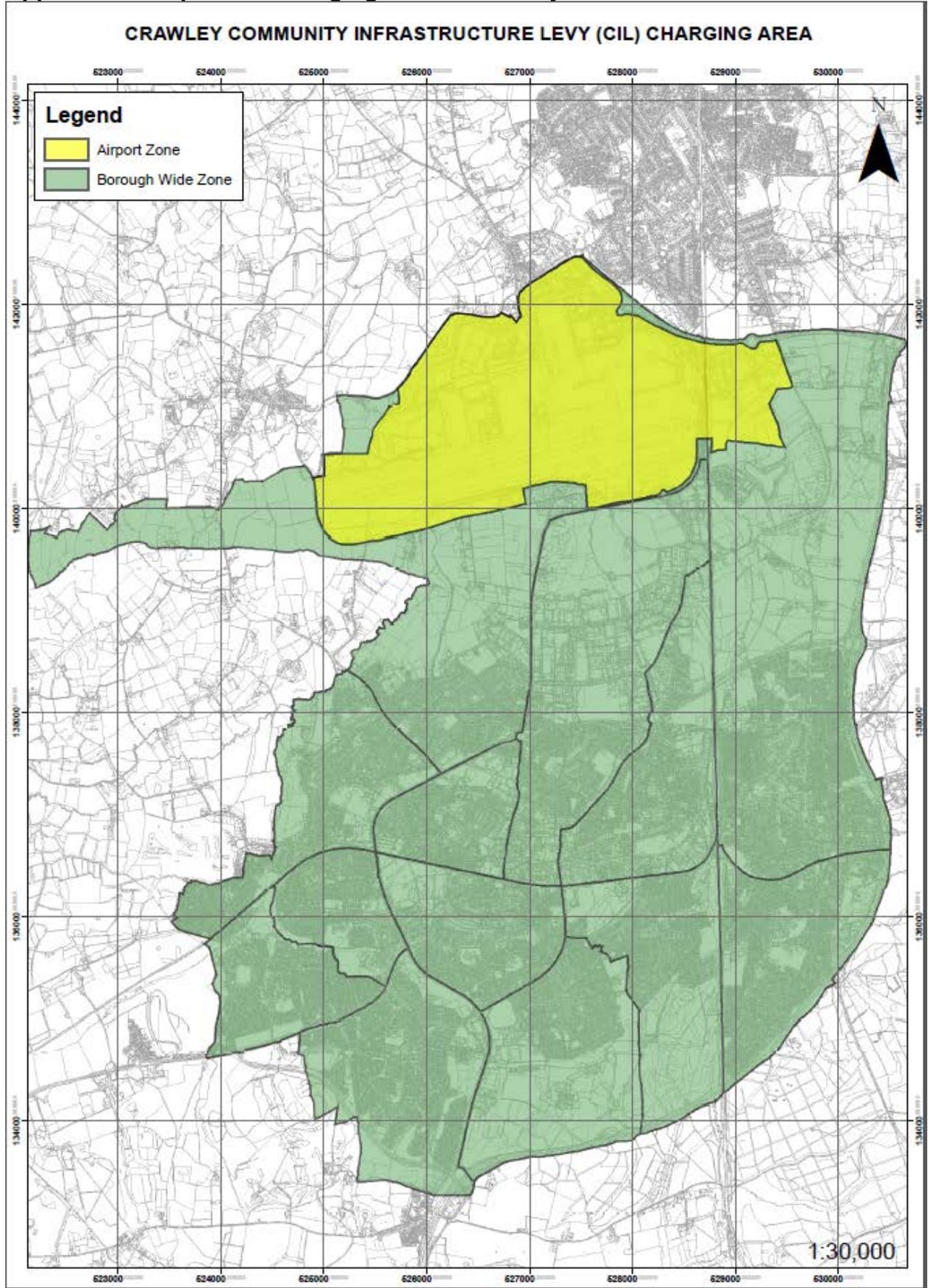
What will CIL be spent on?

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



Appendix 3 – Local Plan Map

Crawley 2030 Local Plan Map



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| <ul style="list-style-type: none"> □ Administrative Boundaries ■ Structural Landscaping (Policy CH7) ★ Long Distance Viewpoint (Policy CH8) ▭ Long Distance View Splay (Policy CH8) ➤ Linear Contained Views (Policy CH8) ⋯ Built-Up Area Boundary (Policy CH9 & EC9) ○ Bewbush Rural Fringe (Policy CH9) ○ North East Crawley Rural Fringe (Policy CH9) ○ South of Broadfield Rural Fringe (Policy CH9) ○ Tilgate/Worth Forest Rural Fringe (Policy CH9) ○ Upper Mole Farmlands Rural Fringe (Policy CH9) ○ West of Ifield Rural Fringe (Policy CH9) ■ High Weald Area of Outstanding Natural Beauty (Policy CH10) | <ul style="list-style-type: none"> ★ Archaeologically Sensitive Areas (Policy CH12) ★ Scheduled Ancient Monuments (Policy CH12) ⊕ Listed Buildings (Policy CH12 & CH15) + Locally Listed Buildings (Policy CH12 & CH16) ■ Conservation Areas (Policy CH12 & CH13) ■ Areas of Special Local Character (Policy CH12 & CH14) ■ Historic Parks & Gardens (Policy CH12 & CH17) ■ Main Employment Area (Policy EC2) ■ Manor Royal Buffer Zones (Policy EC4) ■ Manor Royal (Policy EC2 & EC3) ■ Neighbourhood Centre (Policy EC8) ■ Town Centre Boundary (Policy EC2, EC5, EC6, EC7, & H2) | <ul style="list-style-type: none"> ■ Primary Shopping Area (Policy EC5) ■ Primary Shopping Frontage (Policy EC5) ■ Secondary Shopping Frontage (Policy EC5) ● Broad Housing Locations (Policy H2) ■ Key Housing Sites (Policy H2) ■ Housing and Open Space (Policy H2) ■ Indicative Key Housing Site (Policy H2) ■ Biodiversity and Heritage Enhancements (Policy H2) ■ Housing for Older People (Policy H2) ■ Development Sites within the Town Centre Boundary (Policy EC6) ■ Key Opportunity Sites within the Town Centre Boundary (Policy EC6 & H2) ■ Gypsy, Traveller & Travelling Showpeople Site (Policy H5) ■ Kilnwood Vale (Joint Area Action Plan) | <ul style="list-style-type: none"> ■ Biodiversity Opportunity Areas (Policy ENV1 & ENV2) ■ Local Nature Reserve (Policy ENV2) ■ Site of Nature Conservation Importance (Policy ENV2) ■ Ancient Woodland (Policy ENV2) ■ Site of Special Scientific Interest (Policy ENV2) ■ Local Green Space (Policy ENV3) ■ Priority Areas for District Energy Networks (Policy ENV7) ■ Gatwick Airport Boundary (Policy EC2, GAT1, GAT3, & GAT4) ■ Gatwick Safeguarded Land (Policy GAT2) ■ Safeguarded Railheads (WSCC Minerals Local Plan 2003) |
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