



**Vale
of White Horse**
District Council



Help us Shape the Future

Community Infrastructure Levy (CIL) DRAFT CHARGING SCHEDULE

Your Vale - Your Future

December 2020

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1. Consultation

1.1 In 2010, Government introduced the Community Infrastructure Levy (CIL) as the preferred mechanism for securing developer contributions towards infrastructure to support growth in an area.

1.2 The Council has a CIL Charging Schedule which came into effect November 2017. The Council has decided to review its CIL Charging Schedule to reflect the adoption of the Vale of White Horse Local Plan 2031 Part 2 in October 2019 and the changes to the CIL Regulations in September 2019. This document provides a brief explanation of the process that is required to undertake the review and seeks views on the proposed rates of CIL as set out in this Draft Charging Schedule.

1.3 Consultation runs from xxx to xxx. Comments are invited from local residents, businesses, business organisations, voluntary bodies and anyone else interested in the proposals.

1.4 There are a number of ways in which you can make comments on the Draft Charging Schedule document.

- Using the response form online at www.consult.southandvale.gov.uk/vale
- by email to planning.policy@whitehorsedc.gov.uk
- by writing to us at:

VOWH – CIL Consultation
135 Eastern Avenue
Milton Park
Milton
Abingdon
OX14 4SB

1.5 Once we have considered all the representations received and made any amendments resulting from the consultation, we will formally submit the Draft Charging Schedule and associated evidence base documents, for independent examination.

1.6 The Draft Charging Schedule is supported by the following documents, which can be found here [\[add link\]](#)

- An Infrastructure Delivery Plan (IDP), which sets out infrastructure requirements to support the delivery of planned development within the VOWH Local Plan 2031;

- A CIL Viability Assessment, which has been undertaken by consultants on behalf of the Council and is a critical piece of evidence to assist in determining the most appropriate level of CIL going forward. The CIL Viability Assessment consists of three documents: Viability Assessment (April 2019); Viability Addendum (August 2020); and Viability Assessment Executive Summary (October 2020); and
- An Infrastructure Funding Gap Report, which compares the likely CIL income from anticipated new developments with the cost of infrastructure identified in the Infrastructure Delivery Plans.

1.7 Alongside this draft CIL Charging Schedule, the Council has updated its Developer Contributions Supplementary Planning Document (SPD), on which it is also seeking views.

2. Introduction

2.1 The Community Infrastructure Levy (CIL) came into force in April 2010 and is a levy that local authorities can choose to charge on new development in their area. The money raised can be used to fund a wide range of infrastructure such as transport schemes, schools, community facilities, health and social care facilities, parks, green spaces and leisure facilities.

2.2 Amendments to the Community Infrastructure Levy Regulations 2010 were introduced in September 2019. Significant changes included: removal of pooling restrictions for S106 obligations (i.e. the requirement that no more than five S106 obligations can fund a single infrastructure project); removal of the requirement for a Regulation 123 list (i.e. a list of infrastructure projects to be funded by CIL as opposed to S106); introduction of a new requirement to produce an annual Infrastructure Funding Statement.

2.3 Vale of White Horse District Council, as the local planning authority, is classed as a charging authority and may therefore charge CIL in respect of development that takes place in the District¹. The Council has been charging CIL since November 2017 and is now reviewing its CIL rates to take account of new policies and allocations set out within the VOWH Local Plan 2031 Part 2, as well as the Government's amended CIL regulations legislation.

2.4 CIL is not charged on affordable housing, buildings used for charitable purposes or self-build housing. CIL applies to all 'chargeable development' which is defined as:

¹ Under the terms of Part 11 of the Planning Act 2008.

- All new buildings, but excluding those into which people do not usually, or only occasionally, go (e.g. only to inspect machinery or structures such as electricity pylons or substations)
- Developments of 100m² or more of additional gross internal floorspace
- The creation of one additional dwelling, even if the gross internal floorspace is less than 100m²
- Some developments not requiring planning permission (permitted development) will also be liable for CIL if they do not meet the exemption criteria.

3 Infrastructure

3.1 The infrastructure requirements to support the growth set out in the adopted Vale of White Horse Local Plan 2031 are set out in the Infrastructure Delivery Plans, which provide the details of the infrastructure required to support growth in the District. The funding of this infrastructure comes from different sources (including Section 106 agreements, CIL, Government's Housing Infrastructure Fund and business rate retention). The CIL regulations require that, in order to justify charging CIL, the Council must demonstrate that there is a 'gap' between the infrastructure needs of the District and the funding that is available, including anticipated CIL income. An Infrastructure Funding Gap Report has been prepared to demonstrate this need.

4 CIL and S106 agreements

4.1 Section 106 agreements and Section 278 Highways Agreements will continue to be used to secure site-specific mitigation and affordable housing following the CIL review. As the amended CIL regulations no longer contain a restriction on the pooling of monies from more than five S106 obligations to fund a single infrastructure project, both CIL and S106 funding can now be secured towards the same piece of infrastructure.

4.2 The Council has an adopted Developer Contributions Supplementary Planning Document (SPD) which has been reviewed alongside the revised draft CIL Charging Schedule. The updated draft SPD identifies how the Council will ensure new development contributes towards the provision of infrastructure such as roads, schools, community facilities, leisure facilities and open space. The updated draft Developer Contributions SPD is also out for public consultation.

5 Viability and rate setting

5.1 In order to establish levy rates for development, a charging authority should carry out a broad test of viability across its district, together with specific viability testing for strategic sites.

5.2 The Council commissioned consultants Aspinall Verdi to carry out a review of viability across the District, examining the cumulative impact of the policies in the Local Plan 2031 and CIL. This review was undertaken to assess the effect that any revised CIL rates would have on development viability.

Residential Development

5.3 The viability assessment has shown that development across the District is viable and that maximum CIL rates in the region of £570psm have been found to be achievable without compromising development viability.

5.4 The viability assessment provides evidence to support different residential CIL rates based on differing land values across the District. The eastern parishes (i.e. Abingdon, Appleford, Blewbury, Chilton, Cumnor, Drayton, Harwell, Kennington, Milton, North Hinksey, Radley, Shippon, South Hinksey, Sunningwell, Sutton Courtenay, Upton, Woolton and Wytham) have higher land values and can therefore sustain a higher CIL rate, which is reflected in the charging schedule. As the majority of brownfield development is likely to come forward in the built up areas of Wantage, Grove and Faringdon, new development in these locations would not be able to sustain a higher CIL rate without prejudicing viability. Consequently, the draft Charging Schedule includes a separate charging zone covering these areas, which allows a higher CIL rate to be set for the rest of the District.

5.5 The strategic allocations within Part 2 of the Local Plan 2031 have also been tested against CIL. The sites which have been included within the Viability Study are:

- East of Kingston Bagpuize;
- Dalton Barracks; and
- North West Grove.

5.6 The infrastructure requirements to bring forward these sites are considerable and although some sites could bear a small CIL charge, our viability consultants have recommended that these sites do not pay CIL, but instead deliver their infrastructure requirements fully through S106/S278 agreements.

5.7 In addition, there are several strategic allocations which are currently exempt from paying CIL in the current Charging Schedule. The exemption on these sites will be carried forward into the revised Charging Schedule. These sites are:

- Crab Hill;
- Didcot Power Station;
- East of Coxwell Road;
- Grove Airfield;
- Land South of Park Road;
- Monks Farm;

- North of Shrivenham;
- South of Faringdon;
- Valley Park; and
- North-West Valley Park.

5.8 The viability assessment found that minor development (fewer than 10 dwellings) could support a higher CIL rate than major development, as it does not have to provide affordable housing.

Non-Residential Rates

5.9 The viability of non-residential development in the District has also been assessed. Business uses (including offices, industrial and distribution and retail) have been found unable to support a CIL charge. Although the assessment has shown that town centre retail uses cannot support a CIL charge, supermarkets and retail warehousing can continue to support the current CIL rate of £117² (rounded).

Rate Setting

5.10 In arriving at our CIL rates, we must strike an appropriate balance between the need to fund the infrastructure required to support development and the potential effects that imposing CIL rates may have on the economic viability of development across our area. It is therefore important not to set rates at the margin of viability and we have made a reasoned judgment, providing a significant buffer to protect against unforeseen circumstances, such as an increase in build costs. Overall, we have taken account of the viability evidence in setting proposed charging zones as set out below.

6 Proposed CIL rates

6.1 The CIL regulations allow us to set differential rates (including zero rates) for different geographical areas or for different land uses across our charging area. The CIL regulations also provide us with the ability to set differential rates in relation to scales of development.

6.2 The proposed CIL rates, shown below in Table 1, are based on the recommendations from the CIL Viability Study. Some of the strategic sites will be zero rated and not subject to CIL charges, as they will contribute towards infrastructure solely through S106 agreements. Figure 1 is a map of the proposed CIL charging zones for the District. It identifies the strategic allocations which are proposed to be CIL exempt.

² The current charge is £116.78 based on current indexation. When CIL was introduced the rate was £100.

Table 1: Proposed CIL Charges

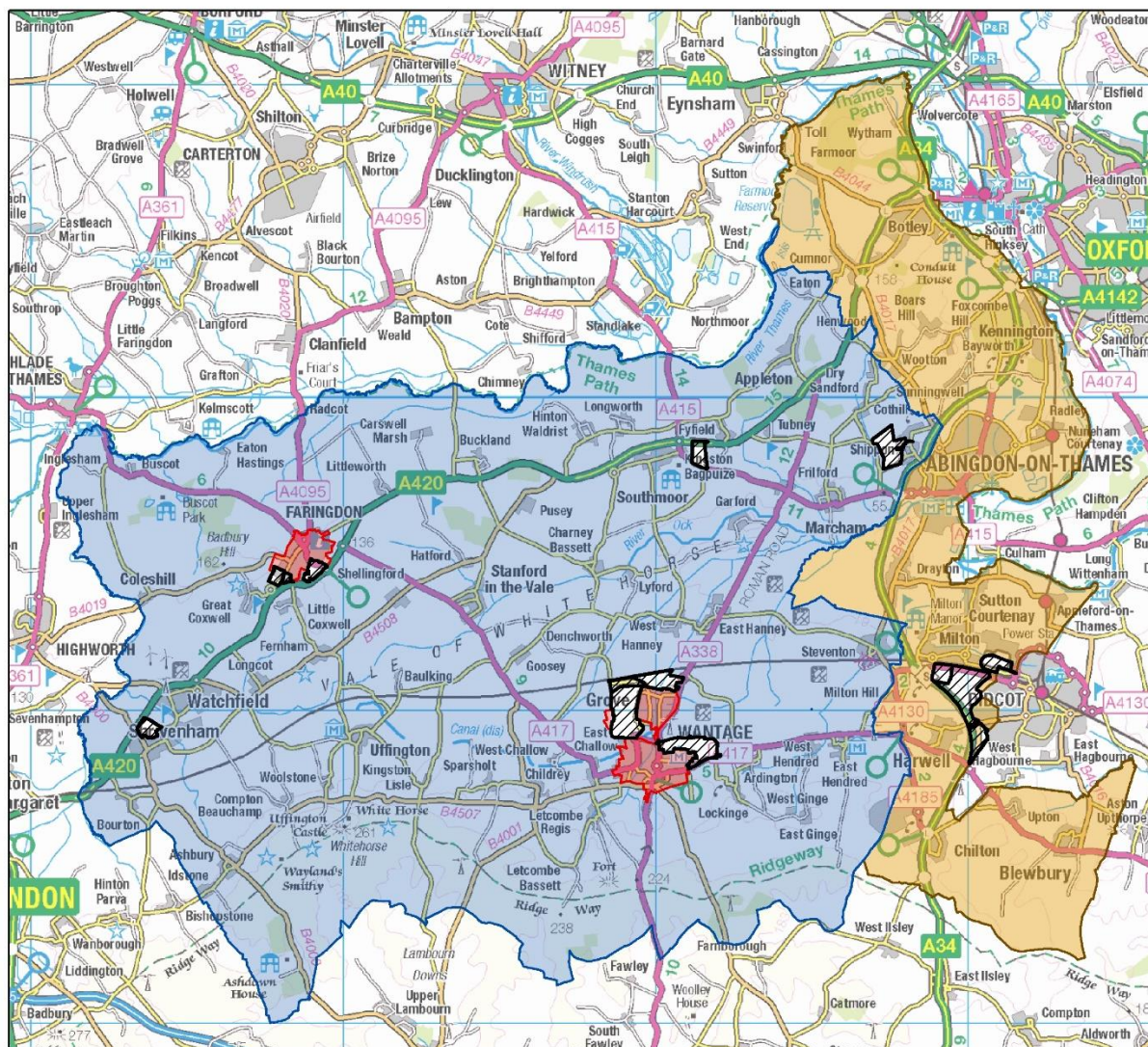
Development type	<u>Proposed CIL Rate</u>		
Residential Development (including student accommodation, HMOs, age restricted and sheltered housing)	Zone 1: Eastern Parishes ³	Zone 2: Built up areas: Wantage, Grove and Faringdon ⁴	Zone 3: Rest of District
Major Schemes (10 dwellings and more net)*	£280	£100	£200
Minor Schemes (9 dwellings and fewer net)**	£340	£160	£260
* Schemes of between 6 and 9 dwellings in the Area of Outstanding Natural Beauty are charged as major development			
**Other chargeable residential development (e.g. residential extensions over 100 sq m and annexes) will be charged at the relevant zone rate			
Development type			
Strategic Sites ⁵	£0		
Institutional accommodation: Extra-care, nursing and care homes	£0		
Supermarkets and Retail Warehousing	£117.00		
Residential rural exception site	£0		
All other development	£0		

³ The Eastern Parishes are: Cumnor, Wytham, North Hinksey, South Hinksey, Kennington, Wootton, Sunningwell, Radley, Abingdon, Drayton, Sutton Courtenay, Appleford On Thames, Milton, Harwell, Chilton, Upton, and Blewbury

⁴ This includes Grove Technology Park in East Challow

⁵ Strategic allocated sites: LPP1: Crab Hill, Didcot Power Station, East of Coxwell Road, Faringdon, Grove Airfield, Land South of Park Road Faringdon, Monks Farm, North of Shrivenham, South of Faringdon, Valley Park, North West Valley Park, LPP2: Dalton Barracks, East of Kingston Bagpuize, North West Grove.

Figure 1: Proposed CIL Charging Map



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CIL Charging Zones in the Vale of White Horse District

- Zone 1: Eastern Parishes
- Zone 2: The built up area of Wantage, Grove and Faringdon
- Zone 3: Rest of District
- Zero rate strategic site allocations

Zone 1: Eastern Parishes

- Abingdon
- Appleford
- Blewbury
- Chilton
- Cumnor
- Drayton
- Harwell
- Kennington
- Milton
- North Hinksey
- Radley
- Shippon
- South Hinksey
- Sunningwell
- Sutton Courtenay
- Upton
- Wootton
- Wytham

November 2020

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7 Neighbourhood funds

7.1 The Regulations require the Council to pass on a proportion of the revenues from CIL receipts to the towns and parishes within which the chargeable development took place. Parishes with a Neighbourhood Plan will receive 25 per cent of the CIL revenue from new development within their neighbourhood plan area. Parishes without a Neighbourhood Plan will receive 15 per cent of the levy revenue, subject to a cap of £100 per existing council tax dwelling per year.

7.2 CIL must be spent on infrastructure. To ensure transparency, both the Council and the town or parish council must report annually on how CIL receipts have been spent. By 31 December each year, the Council must produce an Infrastructure Funding Statement and the town or parish council must submit a financial report to the Council. Both are then published on the Council's website.

8 Calculating the chargeable amount

8.1 The amount of CIL charge a development is liable to pay is calculated according to Schedule 1 of the CIL (Amendment) (England) (No. 2) Regulations 2019. The method involves multiplying the relevant CIL rate for the type/location of the development by the net additional floorspace – and factoring in an inflation measure to allow for changes in building costs over time. A summary of the method is set out below:

$$\text{CIL rate} \times \text{Net additional new build floorspace} \times \text{Inflation measure}$$

8.2 The inflation measure used will be the national 'All-in Tender Price Index' published by the Building Cost Information Service (BCIS) or the Royal Institution of Chartered Surveyors (RICS). The inflation measure involves dividing the Index costs from the year planning permission is granted, by the Index costs from the year the Charging Schedule is adopted. Full details of the method are set out in the Regulations.

8.3 The CIL Regulations specify that where the overall chargeable amount on a scheme is less than £50, it is deemed to be zero.

8.4 In certain circumstances, where a development includes the demolition of an existing building, the existing Gross Internal Area (GIA) can be deducted from the proposed floorspace. These deductions in respect of demolition or change of use will only apply where the existing building has been in continuous lawful use for at least six months in the 3 years prior to the development being permitted and is still in situ on the day planning permission is granted.

9 Exemptions

9.1 Most development that involves the creation of buildings that people normally use will be liable to pay CIL⁶. However, the regulations provide for several exemptions to CIL⁷ against which the levy will not be charged, including:

- New buildings or extensions under 100 sqm of gross internal floor space which do not involve the creation of a new dwelling;
- Dwellings built by 'self builders'
- The change of use, conversion or subdivision of a building that does not involve an increase in floorspace;
- The creation of a mezzanine floor within a building;
- Temporary development permitted for a limited period;
- Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery
- Vacant buildings brought back into the same use;
- Structures which are not buildings, such as pylons or wind turbines;
- Affordable housing (defined as social rented and intermediate housing) provided through a local housing authority, registered provider or charitable body; and
- Development by charities for charitable purposes.

9.2 CIL is charged on the gross internal floorspace⁸ of new development. Where planning permission is granted for a development that involves the extension or demolition and then rebuild of a building in lawful use⁹, the level of CIL payable will be calculated based on the net increase in floorspace. This means that the existing floorspace contained in the building to be extended or demolished will be deducted from the total floorspace of the new development when calculating the CIL liability.

9.3 The Council can claw back any CIL relief where a development no longer qualifies for that relief within a period of seven years from the commencement of the development. For example, should a charity develop a building for charitable purposes and subsequently sell the building to the open market within seven years, then the Council will be able to claw back the CIL that would

⁶ This includes development permitted by a general consent (including permitted development)

⁷ Under Part 6 of the CIL Regulations 2010 (as amended)

⁸ The gross internal floorspace is the internal area of the building, and should include rooms, circulation and service space such as lifts and floorspace devoted to corridors, toilets, storage, ancillary floorspace (e.g. underground parking) etc.

⁹ The definition of lawful use is contained in Schedule 1 Part 1 of the CIL (Amendment) (England) (No. 2) 2019 states that "....contains a part that has been in 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."

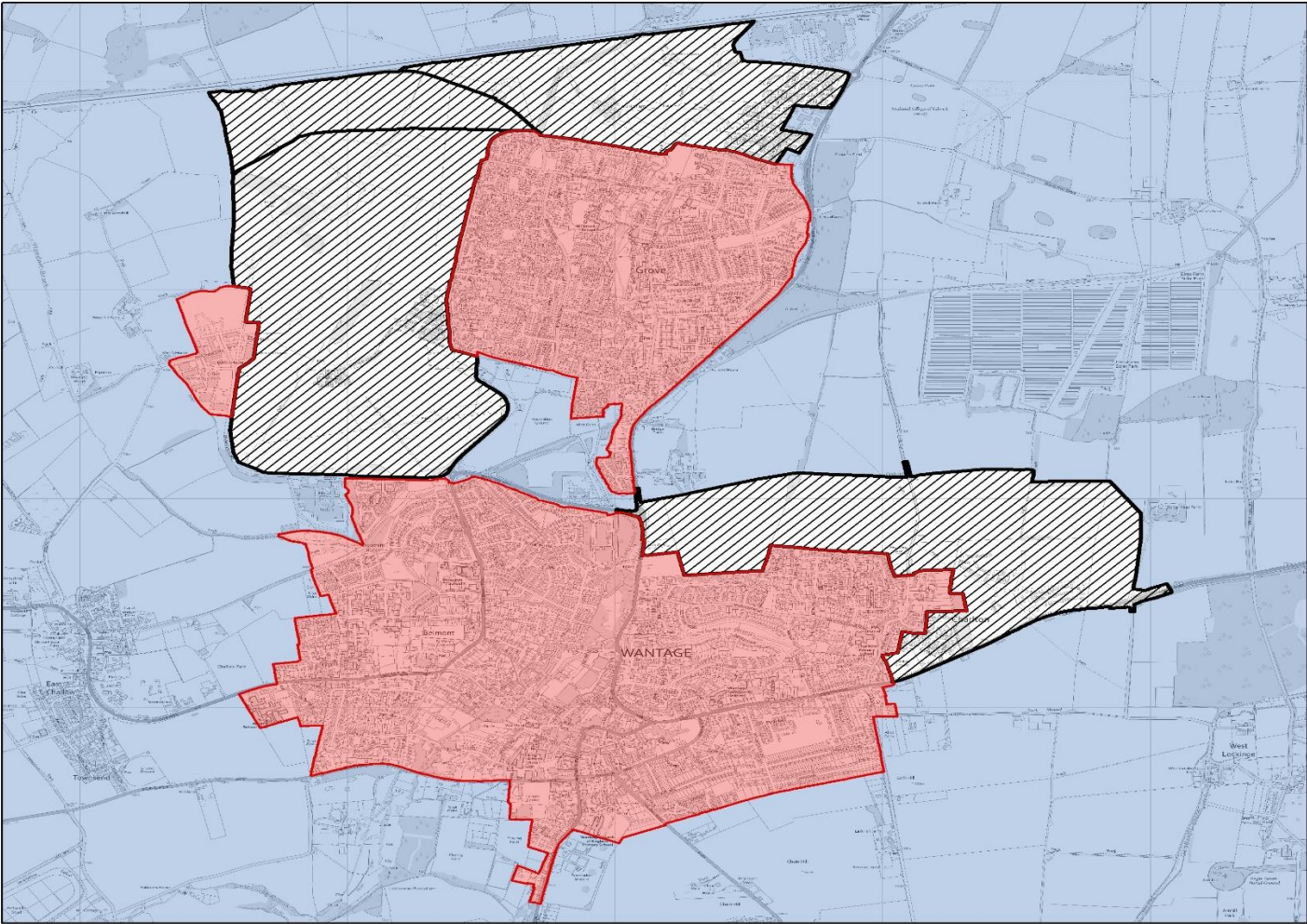
have been charged on the building had it been originally used for private use. Should a self-builder find that they must sell or rent the new dwelling within 3 years of the commencement of the development then the Council will then seek to clawback any CIL relief provided.

- 9.4 Under CIL Regulation 55, a council can choose to offer exceptional circumstances relief, if charging CIL would have an unacceptable impact on the economic viability of a particular development. Exemptions can also be made for charitable institutions, where this would constitute State Aid (under CIL Regulation 45). However, in the Vale of White Horse District, neither discretionary charity relief nor exceptional circumstances relief are currently available and the Council does not propose to revise its exemptions policy.




10 Spending CIL and Reporting

- 10.1 CIL revenue will be spent on the infrastructure needed to support development in the Vale. How CIL is spent is currently set out within our CIL Spending Strategy. In addition, the Council will produce an Infrastructure Funding Statement which will be published annually by 31 December. The Infrastructure Funding Statement reports on all funds secured, received and spent in the previous financial year for CIL and S106.
- 10.2 Vale of White Horse District Council will use 5% of the CIL revenue to fund the administration costs of the Levy.

Appendix A- Zone 2 inset maps

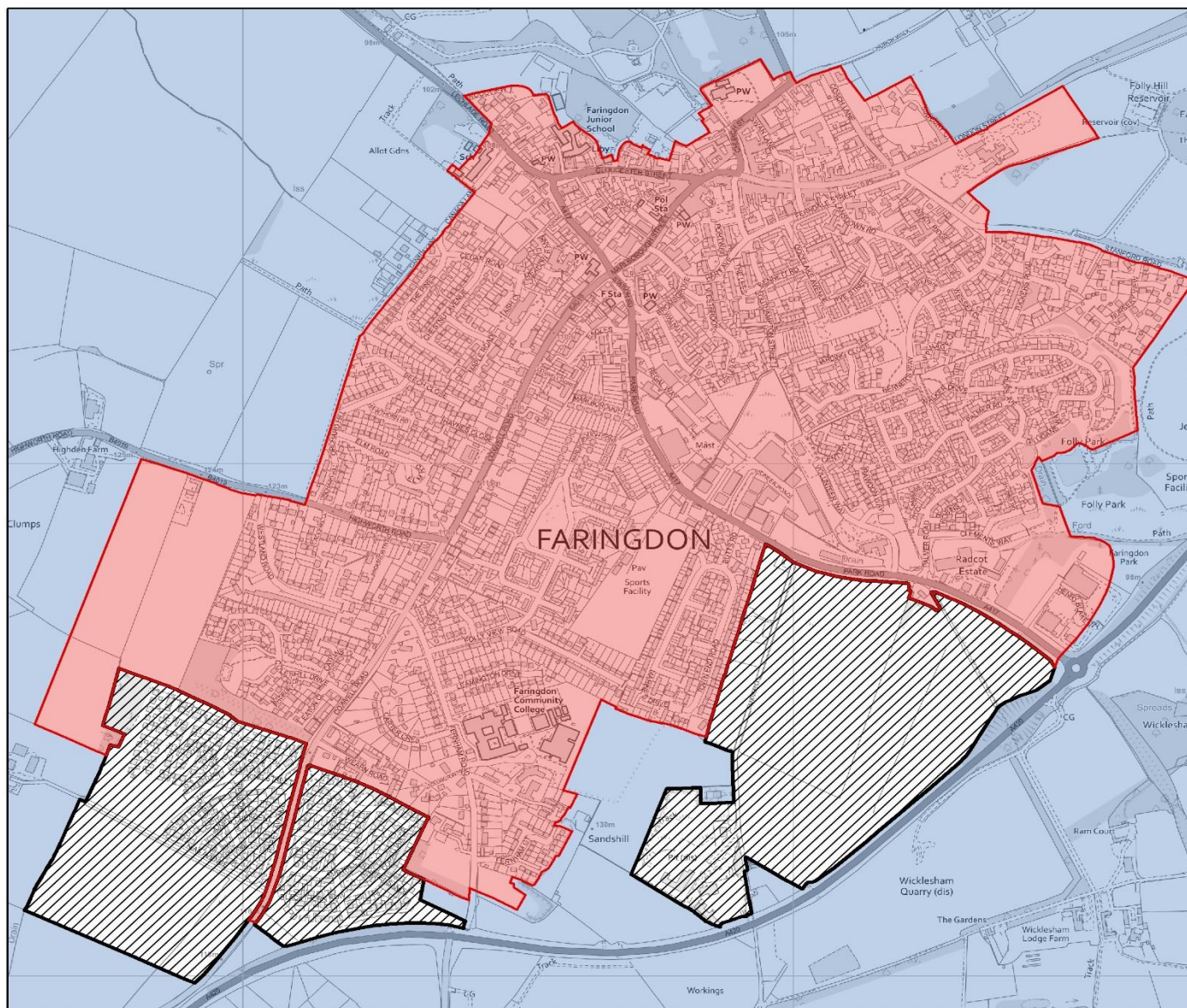


CIL Charging Zones Wantage and Grove Built Up Area

-  Zone 2: The built up area of Wantage, Grove and Faringdon
-  Zone 3: Rest of District
-  Zero rate strategic site allocations

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CIL Charging Zones Faringdon Built Up Area

- Zone 2: The built up area of Wantage, Grove and Faringdon
- Zone 3: Rest of District
- Zero rate strategic site allocations

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