

Community Infrastructure Levy

Draft Charging Schedule

for

Swindon

In accordance with Regulation 16 Community Infrastructure Levy
Regulations 2010 (as amended)

Examination Copy

Dated October 2014

(containing supporting text amendments)

based on

Submission Copy

Dated 10th July 2013

(Based on that published for consultation on 4th April 2013)

Date Charging Schedule Takes Effect: XXXXXX

(Date Charging Schedule Approved: XXXXX)

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Community Infrastructure Levy (CIL) Draft Charging Schedule dated 4th April 2013

—The Charging Authority

This CIL Draft Charging Schedule has been published by Swindon Borough Council 'SBC' or 'The Council'. The Council is both the CIL Charging Authority (CA) and Collecting Authority for its administrative area.

Statutory Compliance

This CIL Draft Charging Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011) and the Community Infrastructure Levy Regulations 2010 (as amended), and in accordance with Meeting Minute XXXXX of Full Council Meeting on XXXXXXXXXX.

In setting CIL Rates SBC in accordance with Section 7A of the Localism Act 2011 supported SBC has used appropriate available evidence to inform the preparation of this Draft Charging Schedule.

In addition, in accordance with Regulation 14 (1) of the Community Infrastructure Levy Regulations 2010 (as amended) SBC considers that it has aimed to strike an appropriate balance between

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

Justification for Introducing CIL

The initial justification for the introducing CIL was set out under the Council's Preliminary Draft Charging Schedule published for consultation on 30th July 2012. In December 2012 Council's Infrastructure Delivery Plan (IDP) (December 2012) was updated and published to accompany consultation on the Swindon Borough Local Plan 2026 Pre-Submission Document (Dec 2012). The original justification has been superseded by the Swindon Borough Council Infrastructure Funding Gap Analysis (2013) that is informed by projects contained within the IDP 2012, and forms an evidence base to the CIL Draft Charging Schedule.

Scope of CIL

The following development types ~~will~~ may be liable to pay CIL locally (subject to the adopted Charging Schedule):

- Development comprising 100m² or more of new build floorspace;
- Development of less than 100m² of new build floorspace that results in the creation of one or more dwellings;
- The conversion of a building that is no longer in lawful use.

Where planning permission is granted for development that involves the extension or demolition of a building in lawful use, the level of CIL payable will be calculated based on the net increase in floorspace only, provided that lawful use can be established at the time the CIL liability is to be calculated (this is not necessarily the date on which a decision notice is issued). Only in such circumstance would the existing floorspace be deducted from the total floorspace.

The type of floorspace chargeable and the rates set is directly informed by viability testing and adopted Charging Schedule rates.

Mandatory Exemptions and Relief from CIL

Part 6 of the CIL Regulations 2010 (as amended) makes provision for certain types of development to be exempt or eligible for relief from CIL, as set out below:

Development exempt from CIL

- Development of buildings and structures into which people do not normally go, or into which people go intermittently for the purposes of inspecting or maintaining fixed plant or machinery (e.g. electricity sub stations)
- Development of less than 100 sq.m of new build floorspace (gross internal area) including extensions, unless it results in the creation of one or more dwellings below this threshold
- The conversion of a building in lawful use*, or the creation of additional floorspace within the existing structure of a building in lawful use*
- A building for which planning permission was granted for a limited period

* The definition of lawful use is contained in Regulation 40(~~40~~11) of the Community Infrastructure Levy Regulations 2010 (as amended), ~~which states the following:~~

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

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Development entitled to claim Mandatory Relief from CIL

- Development by Charitable Institutions where they are the owner/leaseholder¹ of the land and the development is to be occupied wholly or mainly for charitable

¹ In accordance with the definitions contained in Regulation 4

purposes (subject to the restrictions set out in Regulation 43 of the Community Infrastructure Levy Regulations 2010 (as amended))

- Those parts of a development which are to be used as social housing, as defined by Regulation 49, 49A and 49C of the Community Infrastructure Levy Regulations 2010 (as amended)
- Development that falls within the definition of residential annexes or extensions, as set out in Regulation 42A of the Community Infrastructure Levy Regulations 2010 (as amended) if the correct procedure as set out in Regulation 42B is followed and no disqualifying event occurs in accordance with Regulation 42C.
- Development that falls within the definition of self-build housing as set out in Regulation 54A of the Community Infrastructure Levy Regulations 2010 (as amended) if the correct procedure as set out in Regulation 54B and 54C is followed and no disqualifying event occurs in accordance with Regulation 54D.

Discretionary Relief for Charities or Exceptional Circumstances

~~SBC as Charging Authority does not propose to offer Discretionary Relief for either Charities or Exceptional Circumstances in its area from the outset. For information on whether Discretionary Relief for Charities or Exceptional Circumstances is available in the Charging Authority's administrative area please see the Council's website (www.swindon.gov.uk/cil).~~

Any reference to the Scope of CIL, Mandatory Exemptions and Relief, or Discretionary Relief the overview contained in this section was in accordance with legislative requirements in place up to and including changes imposed by Statutory Instrument 2014/385 (23rd February 2014). In all instances this information should be read in the context of the main CIL Regulations document. For any subsequent changes to regulatory requirements enforced after adoption of the Charging Schedule the reader should refer directly to the CIL Regulations and any additional supporting local information located on the Council's website.

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CIL Rates

CIL will be levied in £s per sq.m on net additional increase in floor space for qualifying development in accordance with the provisions of the Community Infrastructure Levy Regulations 2010 (as amended).

The CIL rates charged by Swindon Borough Council are set out in the following table:

Development type	Proposed CIL rate per sq. m.
Residential Zone 1: Swindon's New Communities	£0
Residential Zone 2: Rest of Borough (excluding Swindon's New Communities)	£55
Retail Zone 1: Town Centre	£0
Retail Zone 2: Rest of Borough (excluding Town Centre)	£100
All other uses	£0

Residential: Is defined as any use falling within Class C3 of the Town & Country Planning Use Classes Order 1987 (as amended) including ancillary development e.g. garages.

Retail: Is defined as any retail use falling within Class A of the Town & Country Planning Use Classes Order 1987 (as amended) including sui-generis uses i.e. Shops selling and/or displaying motor vehicles, retail warehouse clubs, launderettes, taxi or vehicle hire businesses, amusement centres, petrol filling stations.

Swindon's New Communities: Are defined as the communities of Wichelstowe, Commonhead, Tadpole Farm, Eastern Villages and Kingsdown as specified in the Local Plan

Zoning Maps: The Residential Zones 1 & 2 and Retail Zones 1 & 2 are shown of the Ordnance Survey Map extracts contained within this Charging Schedule.

Calculation of the CIL Charge

CIL charges will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 as amended by Regulation 7 of the Community Infrastructure Levy (Amendment) Regulations 2011 and Regulation 6 of the Community Infrastructure Levy (Amendment) Regulations 2012 (or any subsequent amendments to these Regulations as may apply from time to time whilst this Charging Schedule is in effect).

All CIL Liability will be index linked to the Building Cost Information Service (BCIS) All-in Tender Price Index.

Failure to comply with the CIL Regulations 2010 (as amended) in respect of payment will result in the total CIL charge becoming payable on commencement.

Instalment Policy

CIL liability becomes payable in full on commencement of development unless an Instalment Policy is adopted in a Charging Authority's area. Section 69B of the Community Infrastructure Levy Amendment Regulations 2011 sets out the procedures by which an Instalment policy can be adopted. SBC has published a Draft Instalment Policy to accompany the Draft Charging Schedule.

An instalment policy can only reflect payments by instalment over time calculated from the commencement of development.

Failure to comply with an adopted Instalment Policy or the requirements of the CIL Regulations 2010 (as amended) in respect of such, at any stage will result in the total unpaid balance becoming payable immediately.

Supporting Information and Evidence

This Draft Charging Schedule is informed by the following evidence:

- Swindon Borough Local Plan 2026 Pre-submission Document (December 2012)
- Swindon Borough Local Plan 2026: Infrastructure Delivery Plan Pre-Submission Document (December 2012)
- Preliminary Draft Charging Schedule Representations 'PDCS' 2012 Overview (March 2013)
- Preliminary Draft Charging Schedule 'PDCS' 2012 Representations Schedule (March 2013)
- Swindon Preliminary Draft Charging Schedule Representations from 2012 (labelled Rep 1 to Rep 37)

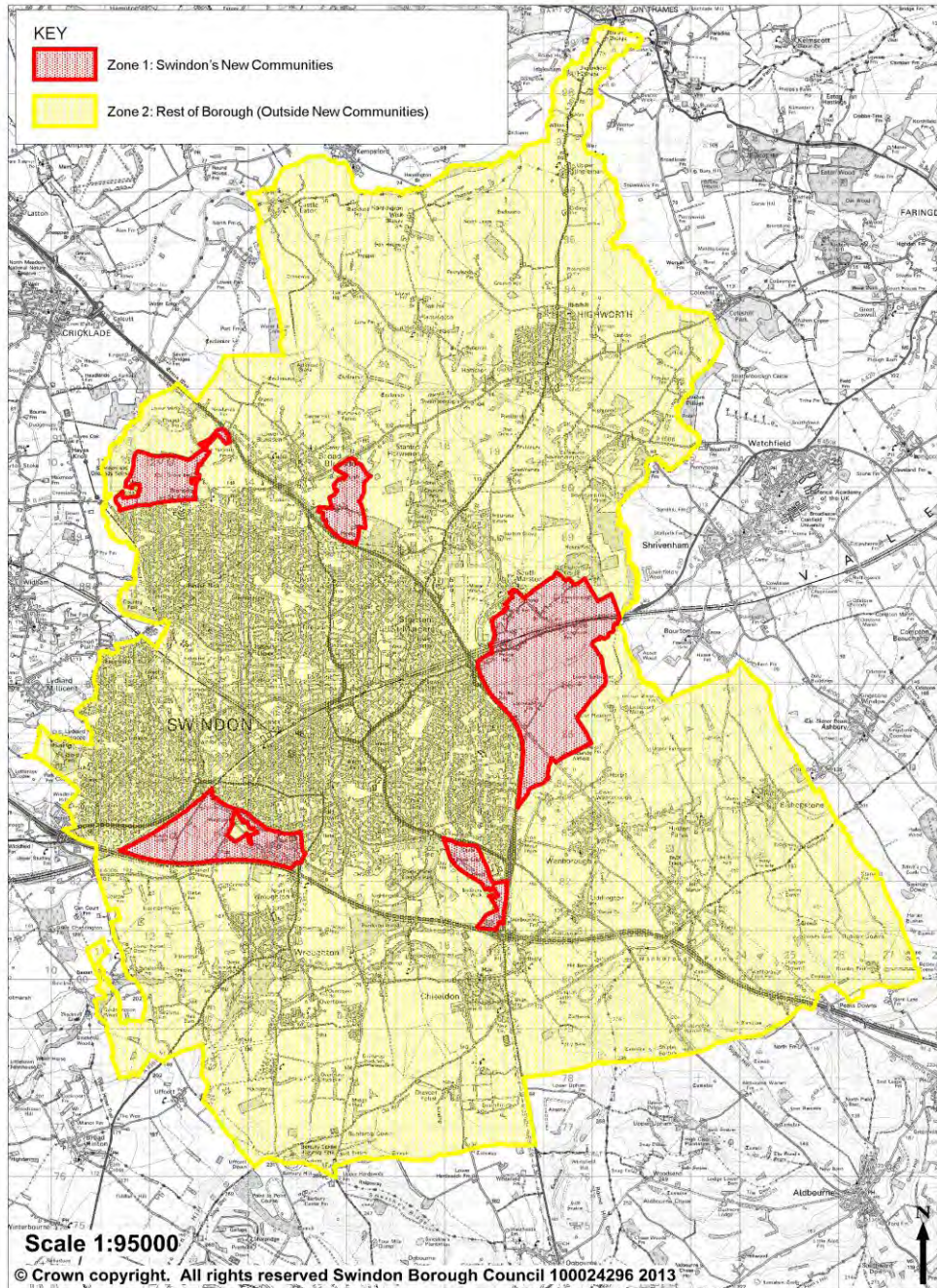
- SBC CIL Statement of Consultation (March 2013)
- Swindon Infrastructure Funding Gap Analysis (March 2013)
- Swindon CIL Draft Regulation 123 list (March 2013)
- Swindon Draft CIL Instalment Policy (March 2013)
- SBC S106 Package Review and Policy Requirements by SBC (March 2013)
- Swindon Retail Market and Policy Review by SBC (March 2013)
- Swindon CIL Development Viability Study by GVA (June 2012)
- Swindon CIL Development Viability Study: CIL Charging Zones by GVA (June 2012)
- Swindon CIL Development Viability Study: Additional Retail Report by GVA (March 2013)
- Swindon CIL Viability Study: Additional Residential Report by GVA (March 2013)
- Swindon Draft Charging Schedule Statement of Representations Procedure (March 2013)
- SBC Preliminary Draft Charging Schedule Consultation Paper (30th July 2012)
- SBC CIL Preliminary Draft Charging Schedule Public Consultation 30th July (2012)

Further Information

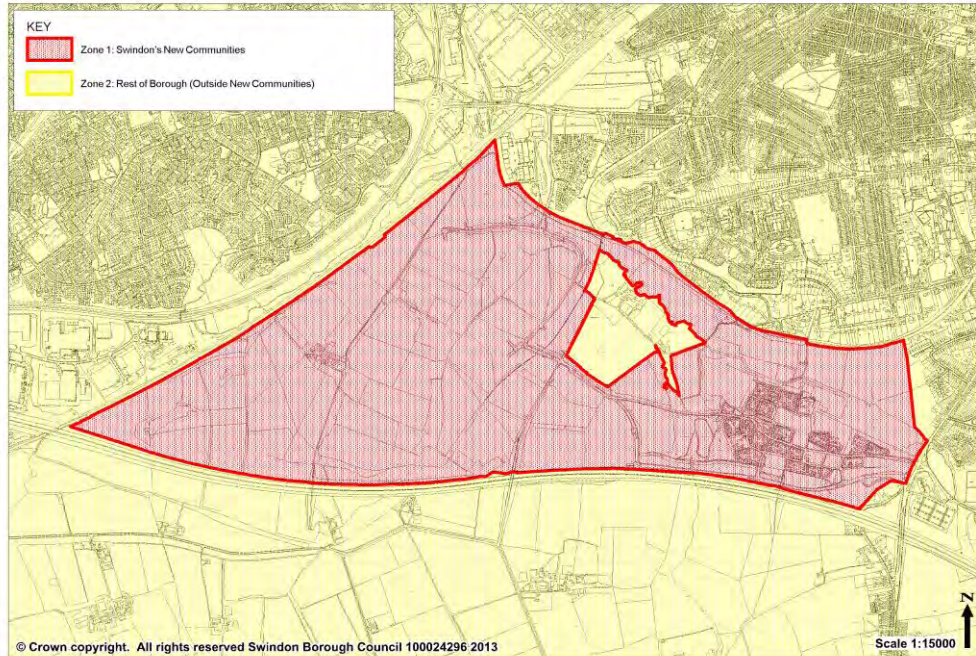
Further Community Infrastructure Levy related information is available on the Council's website www.swindon.gov.uk by email from cil@swindon.gov.uk or by contacting the S106 Project Management Team on 01793 466397.

Draft Charging Schedule Maps

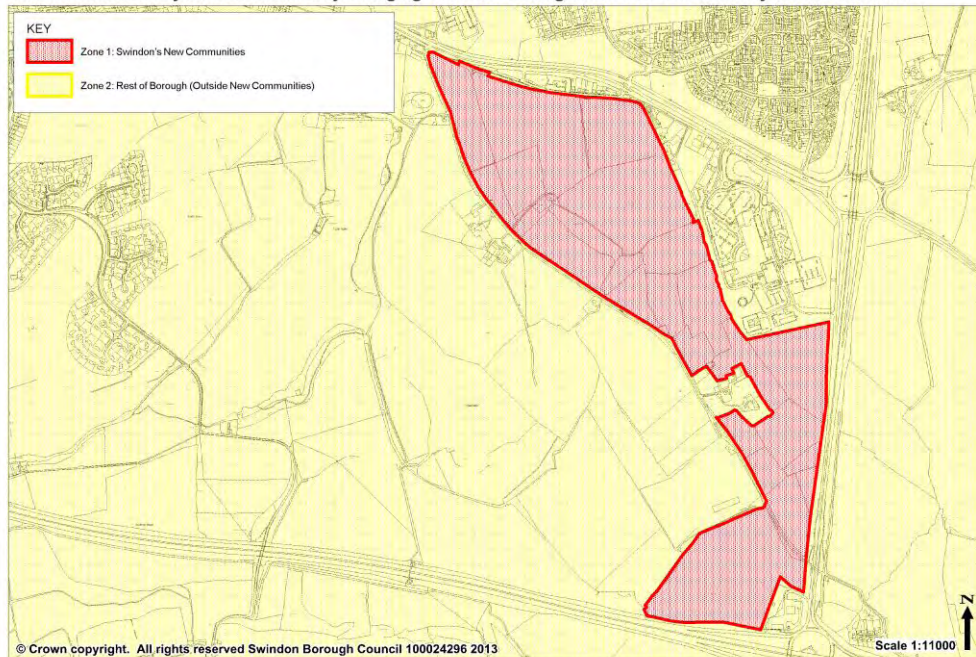
Swindon Community Infrastructure Levy Charging Schedule Residential Zoning



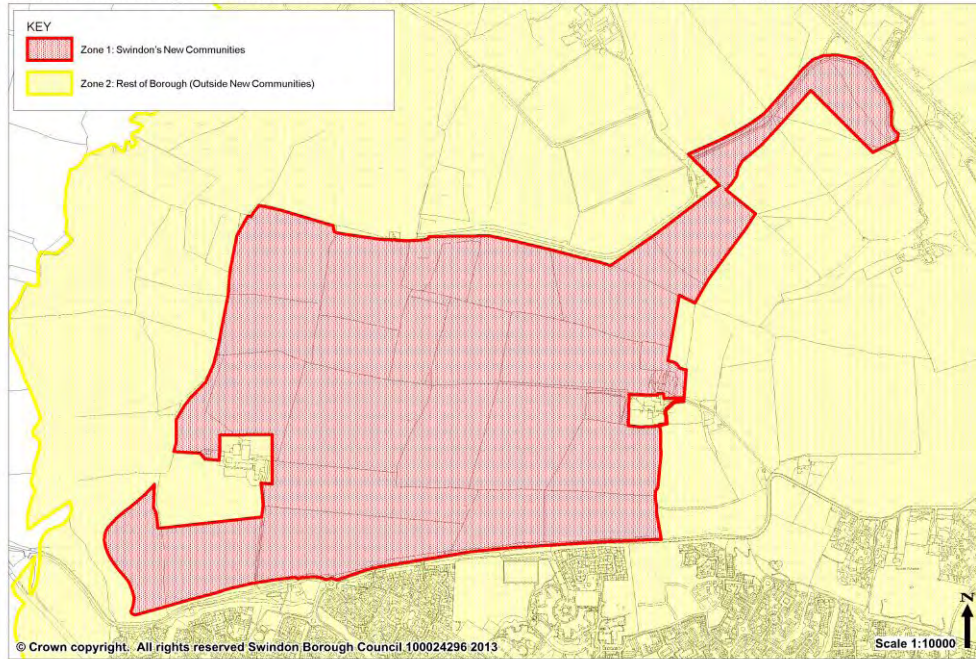
Swindon Community Infrastructure Levy Charging Schedule Zoning: Zone 1 New Community at Wichelstowe



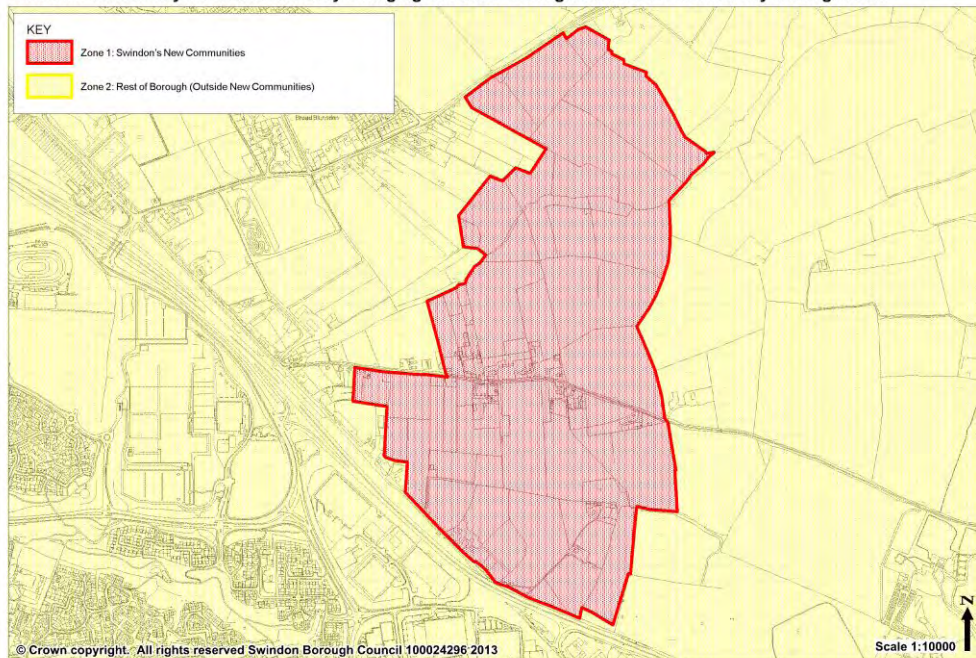
Swindon Community Infrastructure Levy Charging Schedule Zoning: Zone 1 New Community at Commonhead



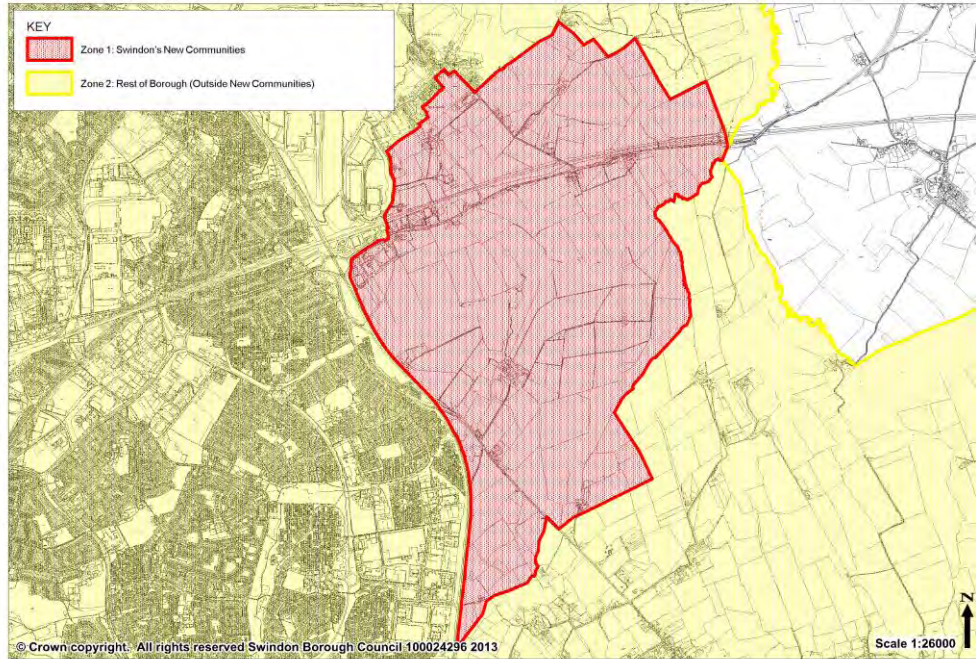
Swindon Community Infrastructure Levy Charging Schedule Zoning: Zone 1 New Community at Tadpole Farm



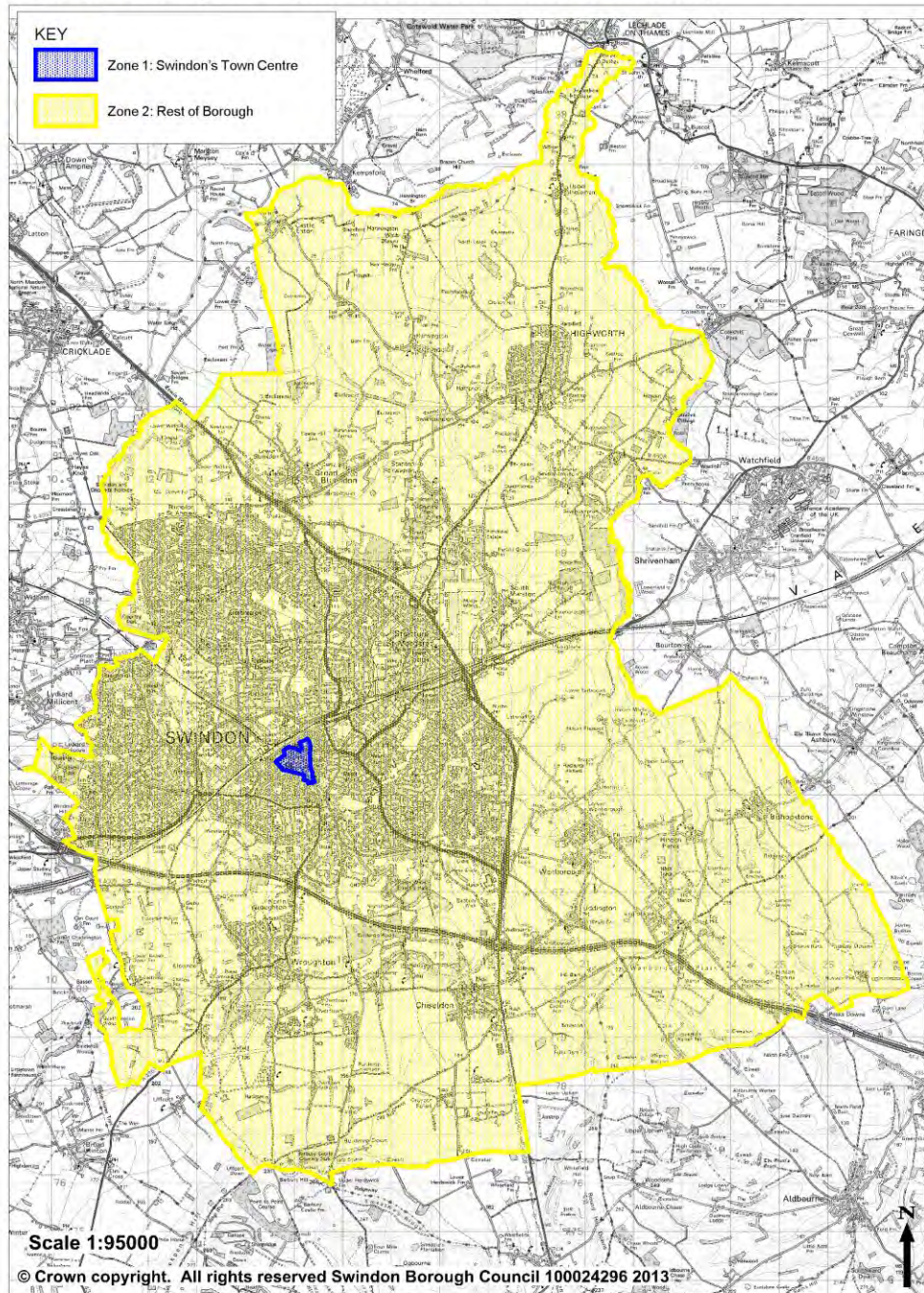
Swindon Community Infrastructure Levy Charging Schedule Zoning: Zone 1 New Community at Kingsdown



Swindon Community Infrastructure Levy Charging Schedule Zoning: Zone 1 New Community at Eastern Villages



Swindon Community Infrastructure Levy Charging Schedule Retail Zoning



Swindon Community Infrastructure Levy Charging Schedule Retail Zone 1

