

Swindon Borough Council

# Community Infrastructure Levy Charging Schedule

*In accordance with Community Infrastructure Levy (England and Wales)  
Community Infrastructure Levy Regulations 2010 (as amended)*

**Date Charging Schedule Takes Effect: 6th April 2015**

Date Charging Schedule Approved: 26th March 2015

[www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil)



**Swindon Borough Council**

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## **The Charging Authority**

This Community Infrastructure Levy 'CIL' 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 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), following the meeting of the Council that took place on 26th March 2015.

In setting CIL Rates SBC in accordance with Section 7A of the Localism Act 2011 has used appropriate available evidence to inform the preparation of this 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 30<sup>th</sup> July 2012. In December 2012 the 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 The original justification has been superseded by the Swindon Borough Council Infrastructure Funding Gap Analysis (2013) that is informed by projects contained within the IDP 2012, and forms an evidence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. As the adoption of the Swindon Borough Local Plan 2026 progressed, updated versions of both it and the IDP supported the CIL Charging Schedule adoption process.

## Scope of CIL

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

- Development comprising 100m<sup>2</sup> or more of new build floorspace;
- Development of less than 100m<sup>2</sup> 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 circumstances 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(11) of the Community Infrastructure Levy Regulations 2010 (as amended).

### Development entitled to claim Mandatory Relief from CIL

- Development by Charitable Institutions where they are the owner/leaseholder<sup>1</sup> of the land and the development is to be occupied wholly or mainly for charitable 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)

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<sup>1</sup> In accordance with the definitions contained in Regulation 4

- 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, Social Housing or Exceptional Circumstances

For information on whether Discretionary Relief for Charities, Social Housing, or Exceptional Circumstances is available in the Charging Authority's administrative area please see the Council's website ([www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil)).

Any reference to the Scope of CIL, Mandatory Exemptions and Relief, or Discretionary Relief in 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 (23<sup>rd</sup> 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 ([www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil)).

## 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:

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

**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 use falling within Class A of the Town & Country Planning Use Classes Order 1987 (as amended) i.e. A1, A2, A3, A4, and A5, and including sui-generis uses i.e. Shops/ Premises 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, New Eastern Villages and Kingsdown as specified in the Local Plan

**Zoning Maps:** The Residential Zones 1 & 2 and Retail Zones 1 & 2 are shown on 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, as substituted by Regulation 6 of the Community Infrastructure Levy (Amendment) Regulations 2014 (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 or any other Price Index in accordance with the CIL Regulations (Regulation 40)

*Failure to comply with the CIL Regulations 2010 (as amended) in respect of payment may result in the total CIL charge becoming payable on commencement or with immediate effect and financial surcharges to be applied.*

### **Payment of CIL and Payment by 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 procedure under which an Instalment policy can be adopted.

An instalment policy can only reflect payments by instalment over time calculated from the commencement of development. Information on whether a CIL Instalment Policy is operational within Swindon Borough can be found on the Council's website Community Infrastructure Levy pages ([www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil))

*In the event an Instalment Policy is in effect, failure to comply with an adopted Instalment Policy or any of 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 and the potential for surcharges to be applied.*

## Supporting Information and Evidence

This Charging Schedule is informed by a comprehensive evidence base, the content of which is listed after the Charging Zone Maps at the back of this document.

### **Further Information**

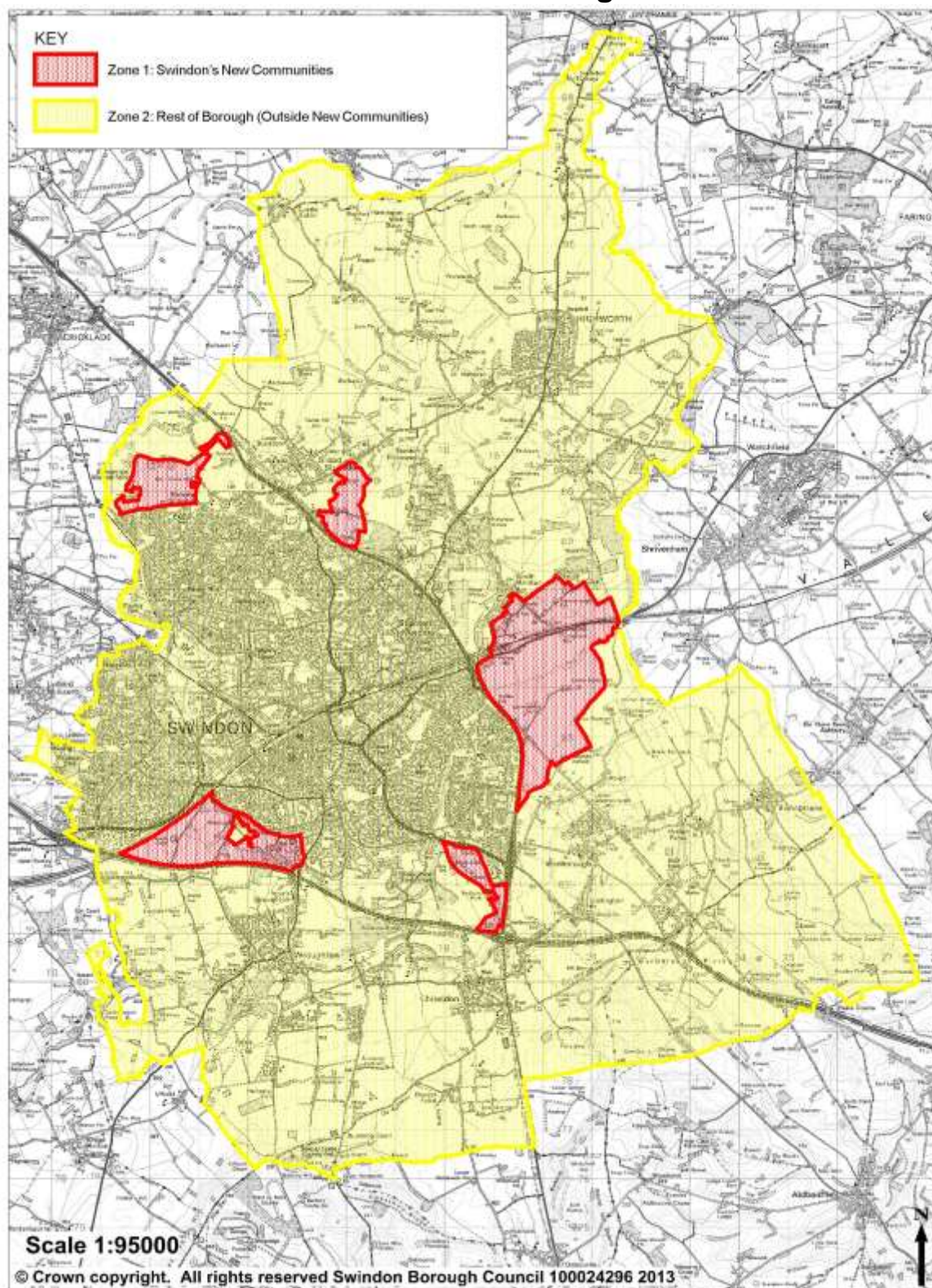
Further Community Infrastructure Levy related information is available on the Council's website [www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil) by email from [cil@swindon.gov.uk](mailto:cil@swindon.gov.uk) or by contacting the S106/CIL Project Management Team on 01793 466397/ 01793 466289 or Planning Business Support on 01793 466340.



## **Charging Schedule Maps**

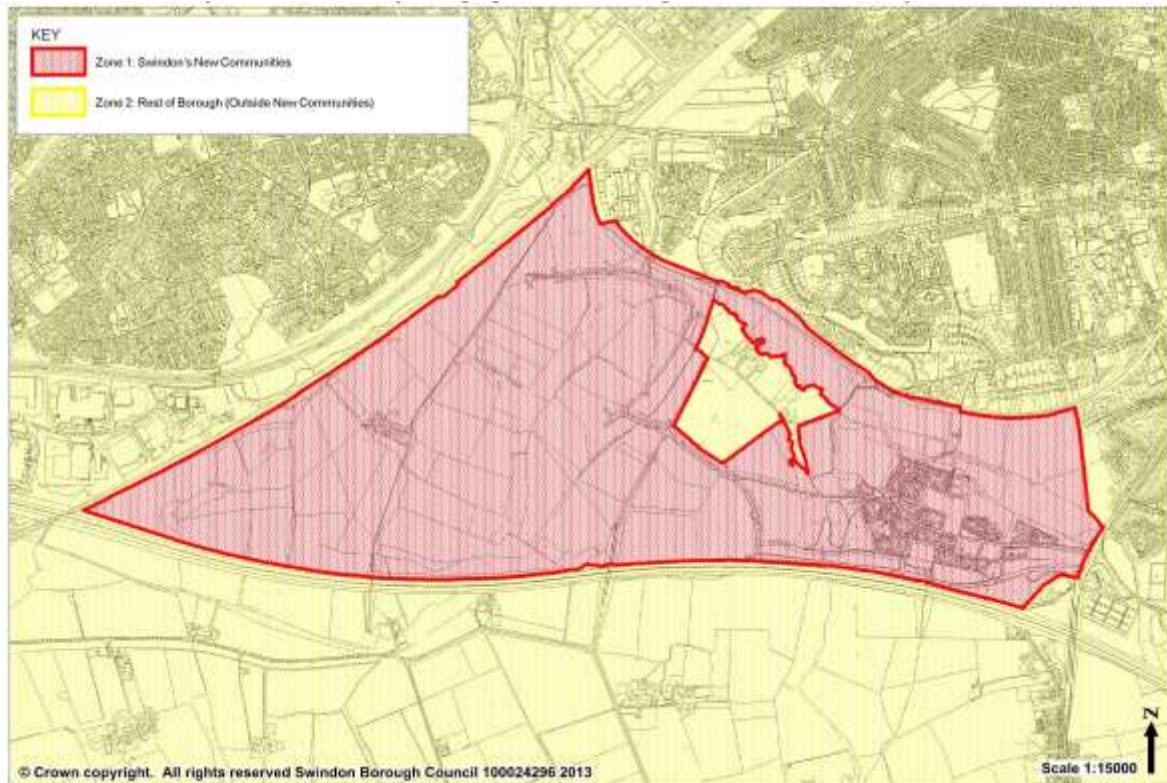
The Maps attached identify in detail the geographical boundary between Charging Zones within the relevant categories

## Swindon Community Infrastructure Levy Charging Schedule: Residential Zoning

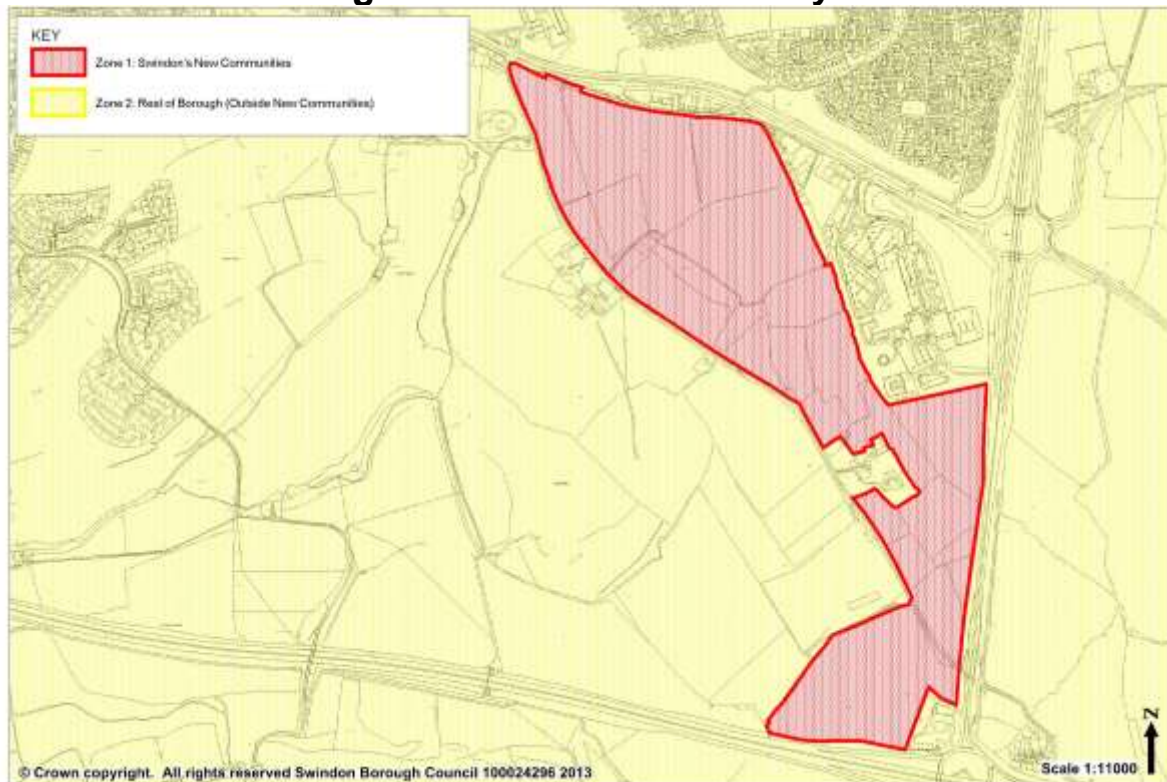




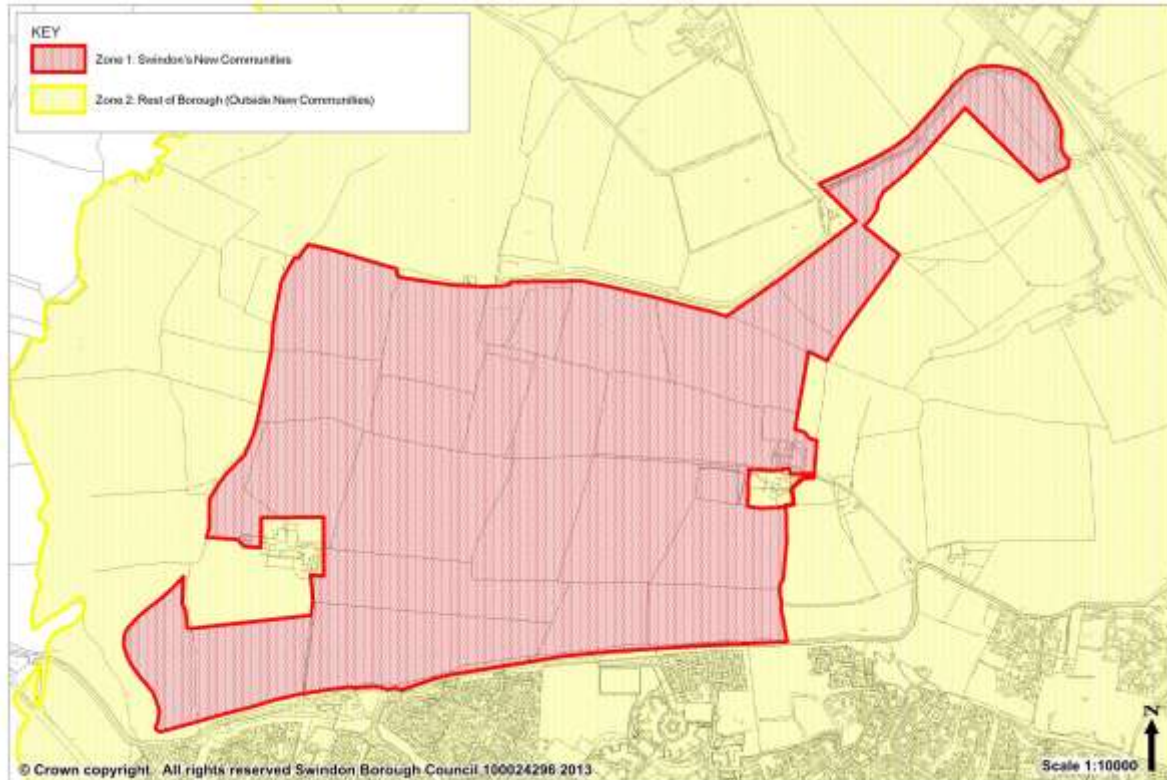
## Swindon Community Infrastructure Levy Charging Schedule Residential Zoning: Zone 1 New Community at Wichelstowe



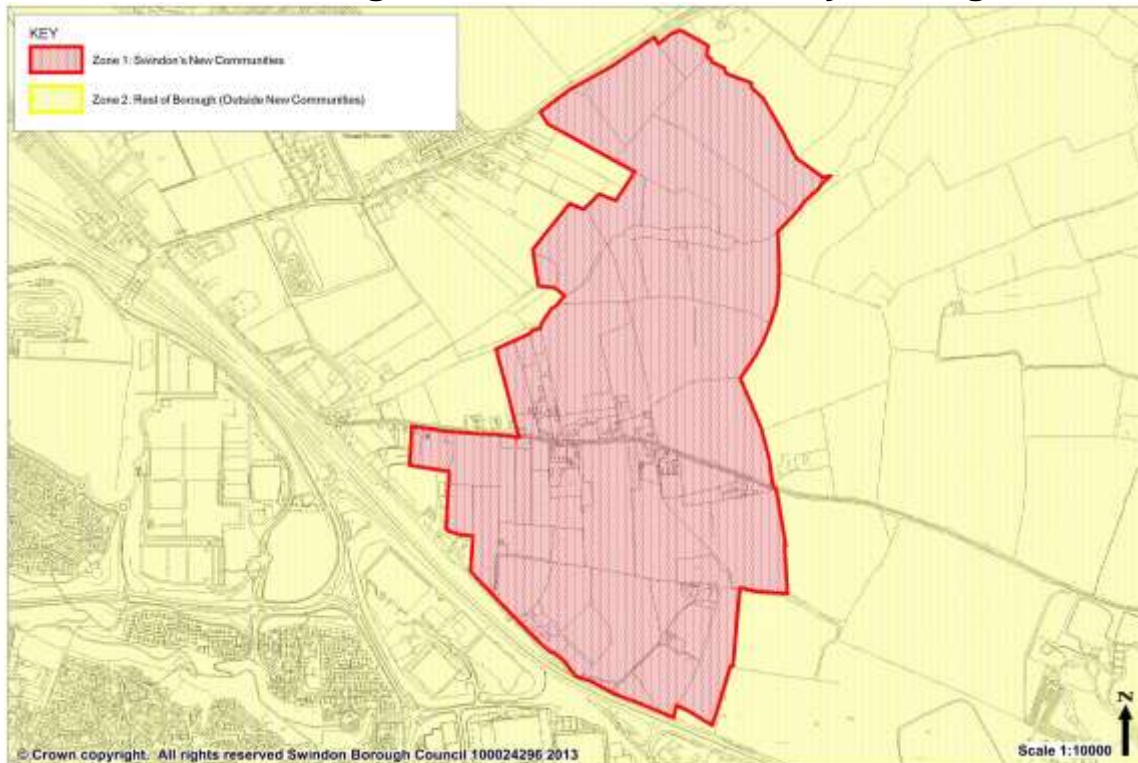
## Swindon Community Infrastructure Levy Charging Schedule Residential Zoning: Zone 1 New Community at Commonhead



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

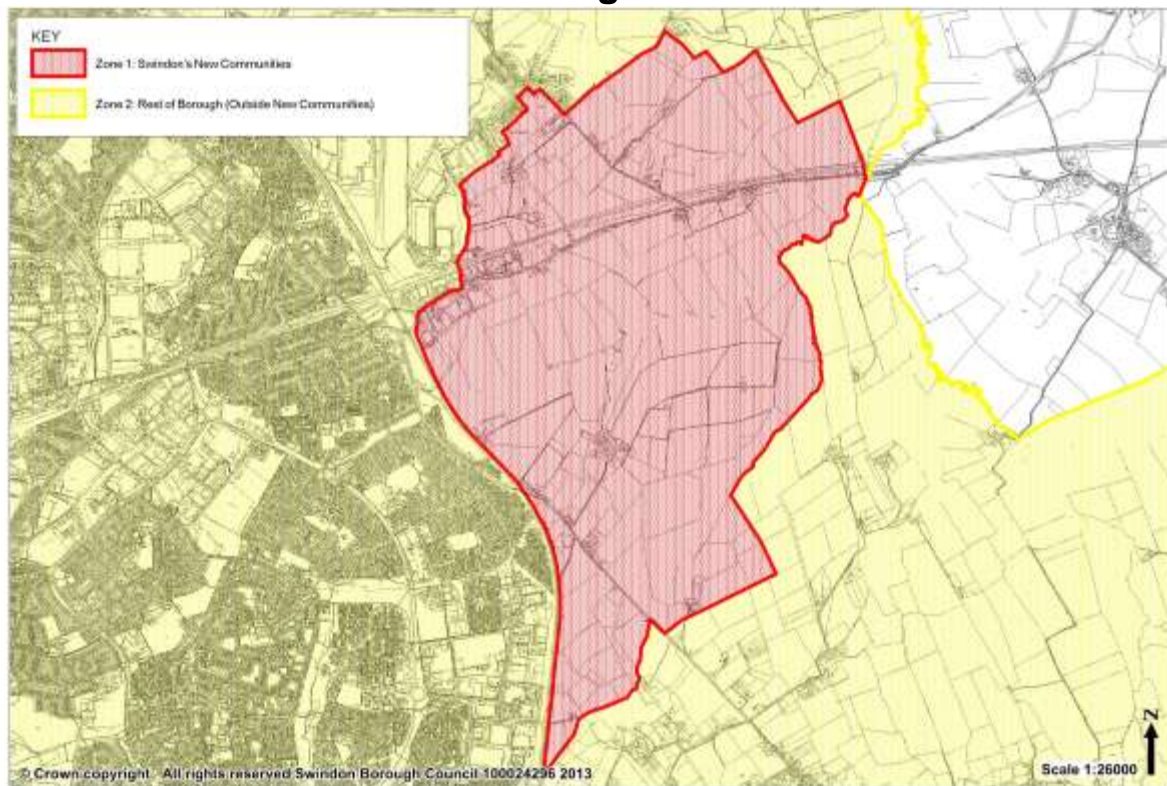


## Swindon Community Infrastructure Levy Charging Schedule Residential Zoning: Zone 1 New Community at Kingsdown



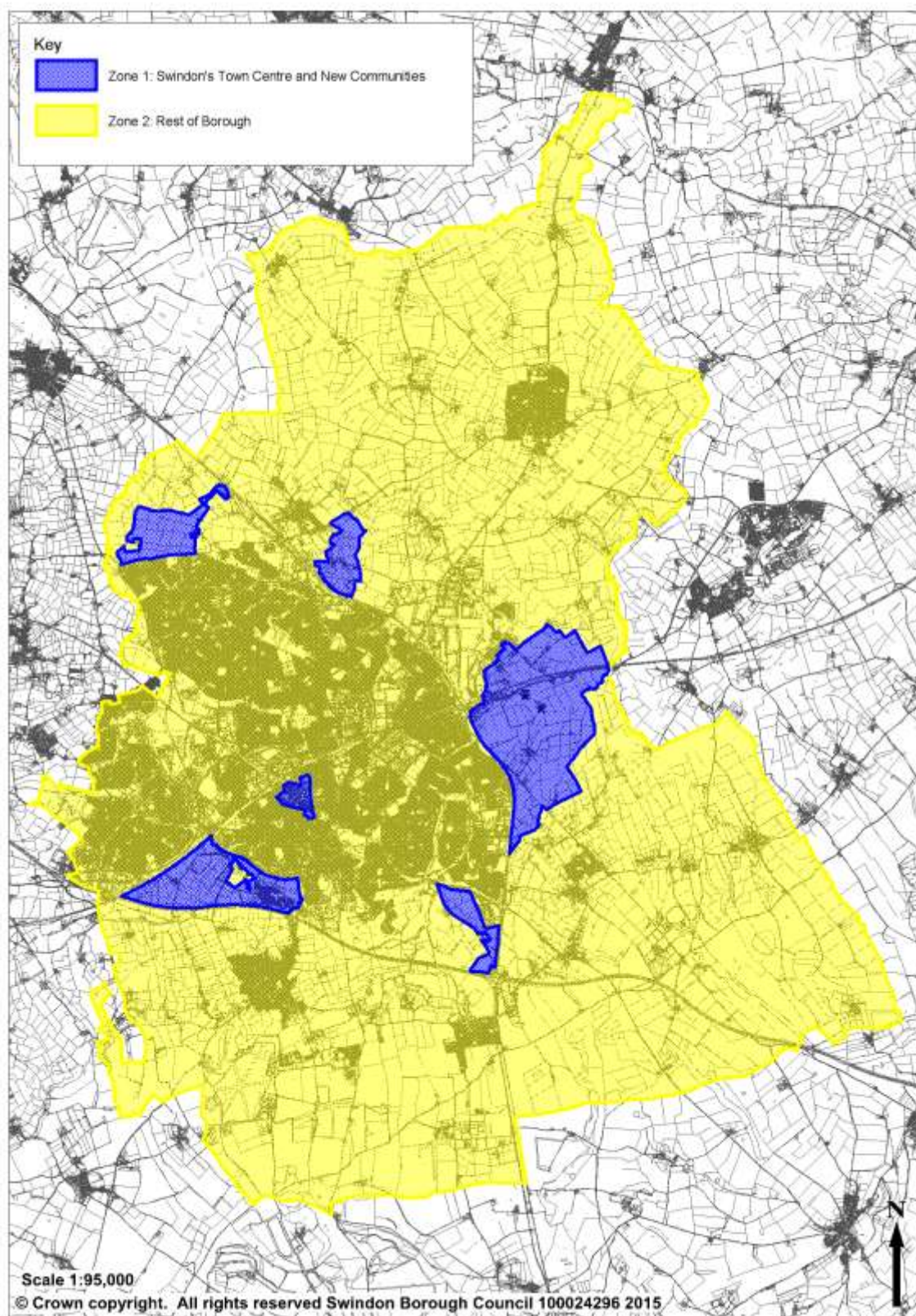


## Swindon Community Infrastructure Levy Charging Schedule Residential Zoning: Zone 1 New Community at New Eastern Villages



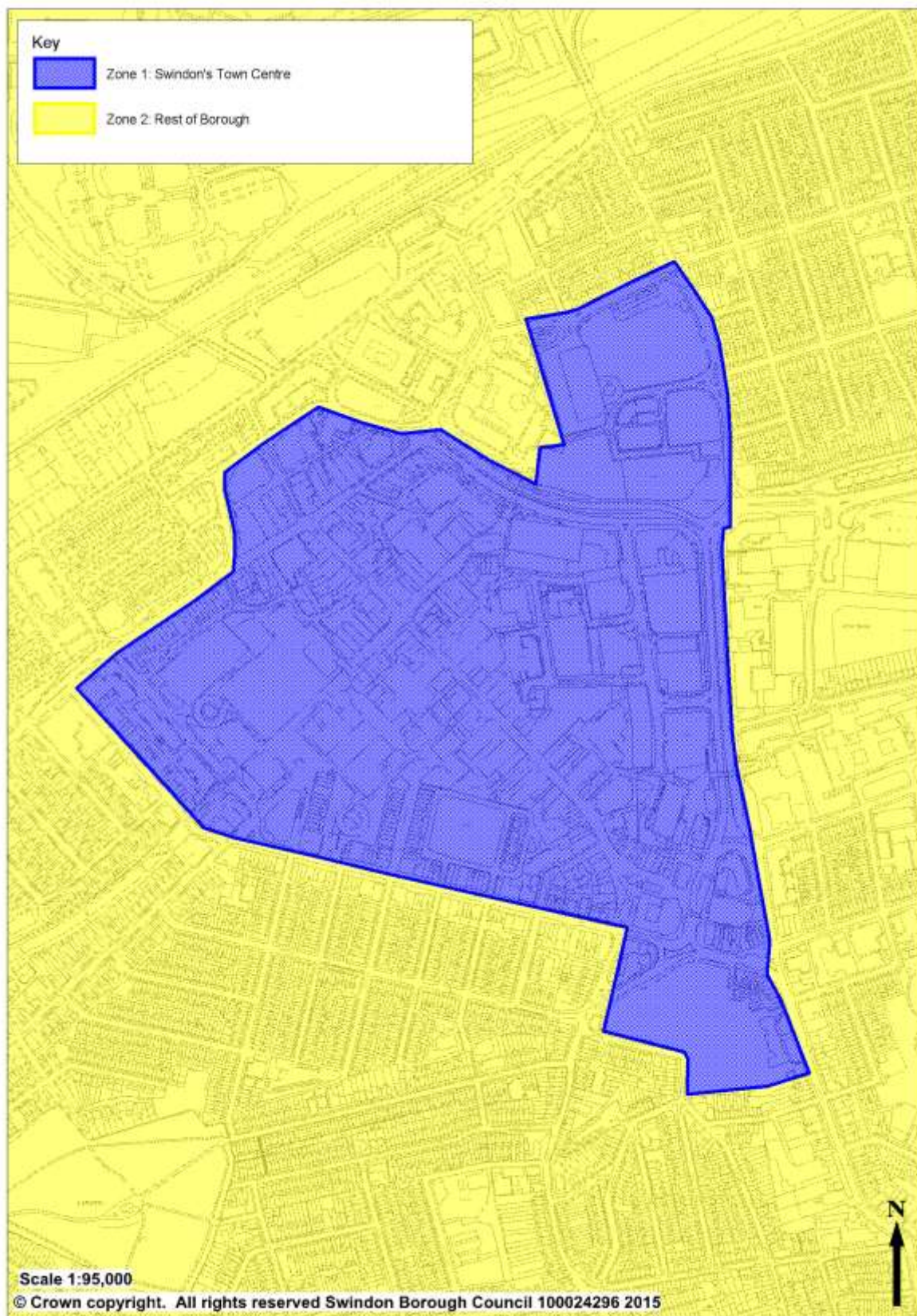


## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning



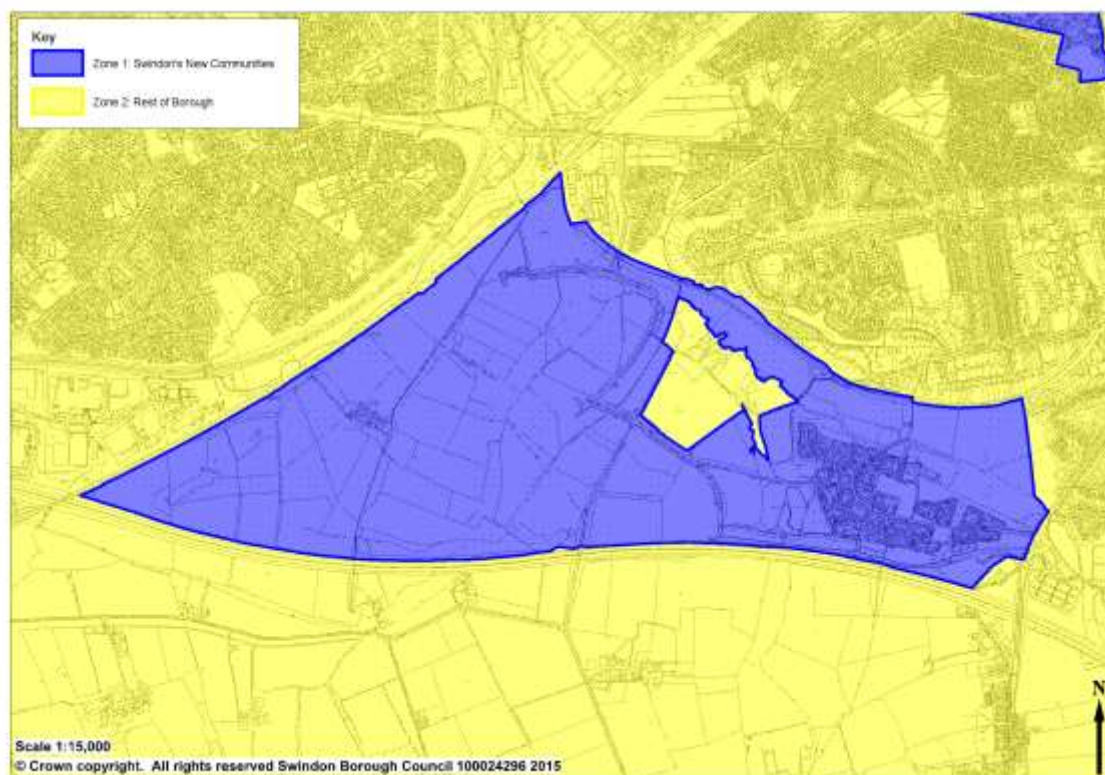


## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 Town Centre

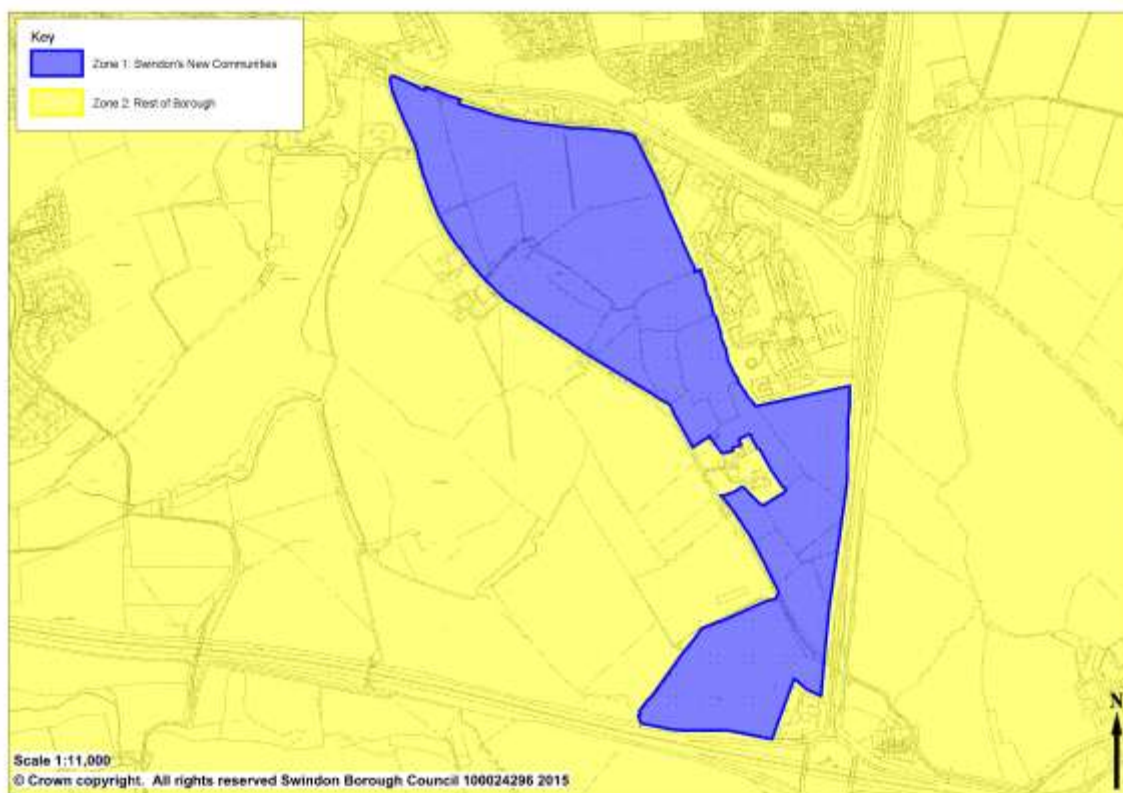




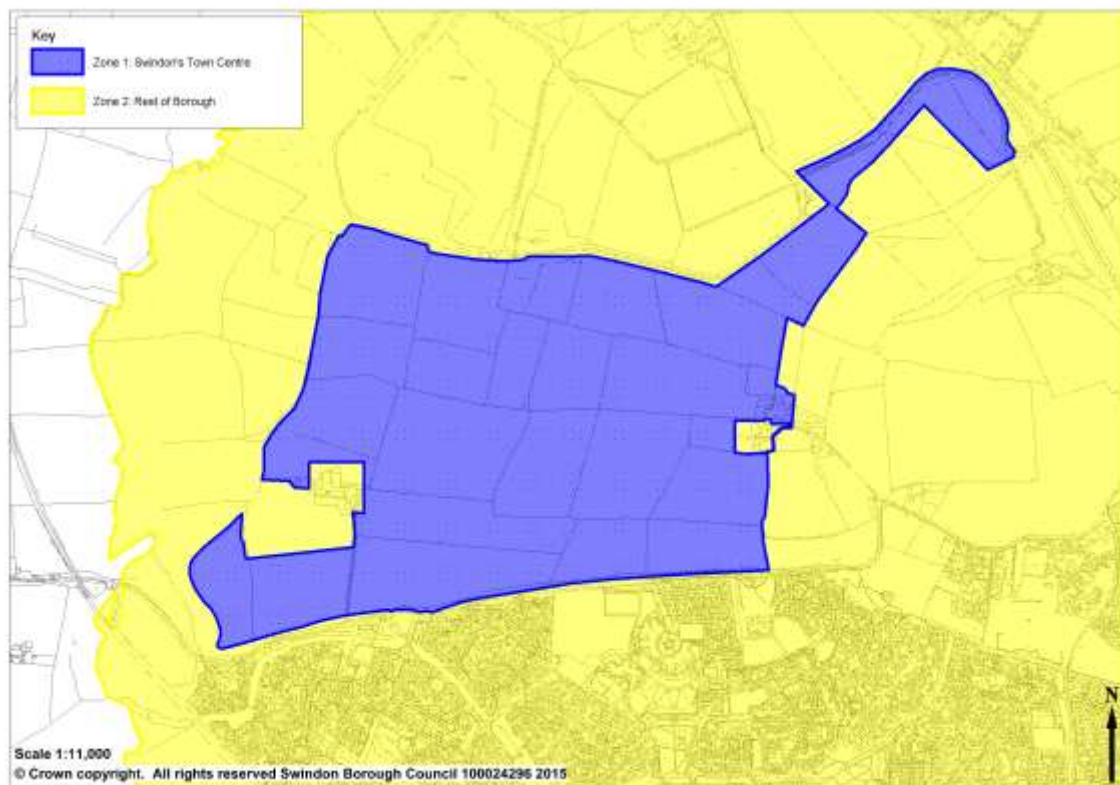
## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 New Community at Wichelstowe



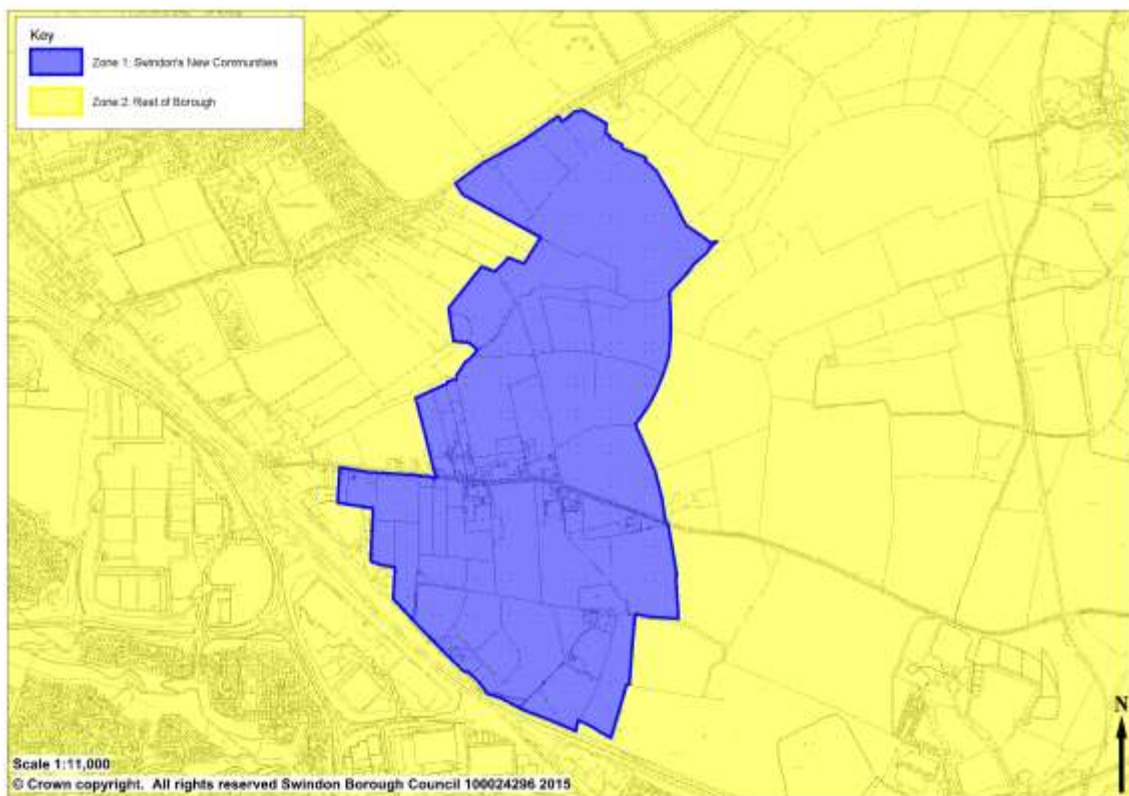
## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 New Community at Commonhead



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

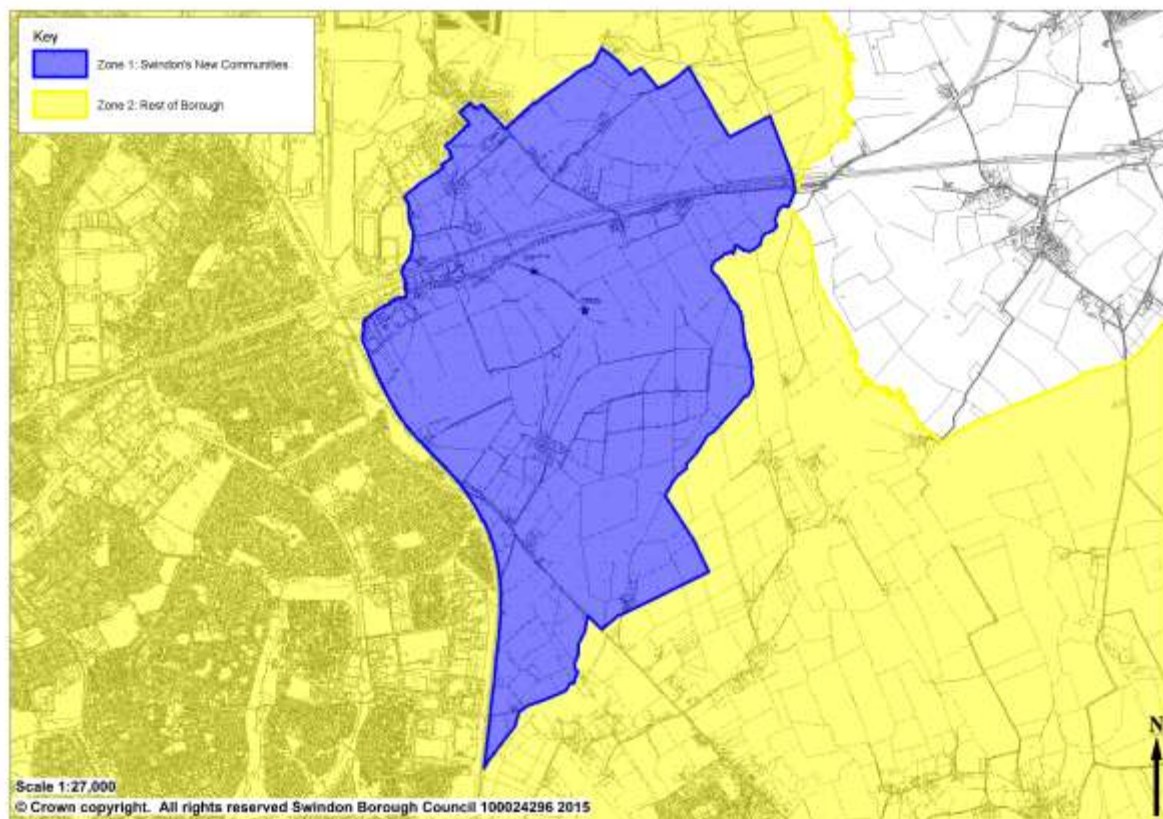


## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 New Community at Kingsdown





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





## **Evidence to support the Charging Schedule**

This Charging Schedule and its Examination was informed by the following documents:

### **Hearing Documents:**

- Examiners Extra Question Letter
- Examiner Additional Questions
- SBC Examiner's Additional Questions Response
- GVA District Centre Testing Letter
- Hallam Land Management Letter
  
- Hearing Statement Issue 1
- Hearing Statement Issue 2
- Hearing Statement Issue 3
  
- Written Statement English Heritage
- Hearing Statement Wroughton Parish Council
- Hearing Statement WYG
- Hearing Statement DLA by Rock Associates

### **National Law, Planning Policy and Guidance**

- ED 1-01 - CIL Regulations 2010
- ED 1-02 - CIL Amendment Regulations 2011
- ED 1-03 - CIL Amendment Regulations 2012
- ED 1-04 - CIL Amendment Regulations 2013
- ED 1-05 - CIL - An Overview May 2011
- ED 1-06 - CIL Guidance Charge Setting and Charging Schedule Procedures 2010
- ED 1-07 - CIL Guidance Dec 2012
- ED 1-08 - CIL Guidance Apr 2013
- ED 1-09 - Planning Act 2008 - Chapter 29 - Part 11
- ED 1-10 - Localism Act Chapter 20 - Part 6 - Chapter 2
- ED 1-11 - CIL Amendment Regulations 2014
- ED 1-12 - CIL Guidance June 2014

### **CIL Submission Documents**

- ED 2-01a - Draft Charging Schedule (submission copy 10 July 2013)
- ED 2-01b - Draft Charging Schedule (consultation copy 4 April 2013)
- ED 2-01c - Draft Charging Schedule (Examination copy 16 October 2014)
- SBC Letter 16 October 2014 - DCS and Reg. 123 List updates
- ED 2-02 - Local Plan Pre-Submission Document Dec 2012
- ED 2-03 - IDP Pre-Submission Draft Dec 2012
- ED 2-04 - Regulation 19(b) Statement (July 2013)
- ED 2-05 - Swindon Borough Council Clarification Statement July 2013
- ED 2-06 - GVA Clarification Statement (5th July 2013)

- ED 2-07 - CIL Statement of Consultation Addendum (July 2013)
- ED 2-08 - Draft Regulation 123 List (March 2013)
- ED 2-08a - Draft Regulation 123 List (October 2104 - track changed)
- ED 2-09 - Draft Instalment Policy
- ED 2-10 - CIL Statement of Consultation
- ED 2-11 - SBC DCS Representations Overview (July 2013)
- ED 2-12 - DCS Representations (1-23)
- ED 2-13 - Swindon CIL Development Viability Study June 2012 GVA
- ED 2-14 - CIL Charging Zones Schedule Potential for Additional Charging Zones June 2012 GVA
- ED 2-15 - PDCS Schedule 2012
- ED 2-16 - PDCS Public Consultation Document July 2012
- ED 2-17 - PDCS Representations Schedule
- ED 2-18 - PDCS Representations Overview March 2013
- ED 2-19 - PDCS Representations (01-37)
- ED 2-20 - Residential Development SBC S106 Package Review and Policy Requirements Feb 2013
- ED 2-21 - Additional Residential Testing and Analysis April 2013 GVA
- ED 2-22 - Additional Retail Testing and Analysis March 2013 GVA
- ED 2-23 - Swindon Borough Council Local Retail Market Review and Policy Overview March 2013
- ED 2-24 - Swindon Infrastructure Funding Gap Analysis March 2013
- ED 2-25 - SBC Cabinet Report extract 11th July 2012
- ED 2-26 - SBC Cabinet Minutes 11 July 2012
- ED 2-27 - SBC Cabinet Report extract 6th Feb 2013
- ED 2-28 - SBC Cabinet Minutes 6th Feb 2013
- ED 2-29a - SBC Reg 22 letter to PINS 18th April 2013
- ED 2-29b - PINs Reg 22 Response 18th April 2013
- ED 2-30 - DCS Statement of Representations Procedure
- ED 2-31 - Examination Public Notice

## **Supporting Documents**

- ED 3-01 - Swindon Borough Local Plan Submission Document (June 2013)
- ED3-01a Swindon Borough Local Plan Post Submission Document Incorporating Proposed Modifications (September 2014)
- ED3-01b Schedule of Proposed Modifications Consultation Document Schedule A (Inspector Modifications)
- ED3-01c Schedule of Proposed Modifications Consultation Document Schedule B (Minor Modifications)
- ED3-01d Swindon Borough Local Plan 2026 Proposed Modifications Appendix 1 Inset Maps
- ED3-01e Swindon Borough Local Plan 2026 Proposed Modifications Appendix 2 Map Modifications
- ED 3-02 - Infrastructure Delivery Plan Submission Document (June 2013)
- ED3-02a – Infrastructure Delivery Plan (March 2014) (CD4.7)
- ED 3-03 - Local Plan Core Documents Library
- ED 3-03a – Local Plan Core Documents Library August 2014
- ED 3-04 - Swindon Central Area Action Plan Feb 2009

- ED 3-05 - Development Control Developer Contributions Guidance Note 2010 update
- ED 3-06 - Planning Swindon Together - A Masterplan for Swindon (March 2013)
- ED 3-07a - Cabinet Extract 10 September 2014 Agenda Item 9 (with Appendix 1 and 2)
- ED 3-07b - Housing Strategy 2015-2026 (Appendix 3)
- ED 3-07c - Cabinet Extract 10 September 2014 Printed Minutes
- ED 3-08 - Housing Standards Review Technical Consultation
- CD 8.36 Swindon Water Cycle Study January 2014
- CD 8.42 Thames Water Resources Management Plan 2015-2040
- CD 11.17 Cost of Building Code for Sustainable Homes (September 2013)
- CD 25.67 SBC Response to MF7
- Local Plan Examination Statement by SBC Theme 1
- Local Plan Examination Statement of Common Ground SBC and Thames Water

Copies of this document can be obtained from;

Planning  
Swindon Borough Council  
5th Floor, Wat Tyler West  
Beckhampton Street  
Swindon SN1 2JH  
Telephone: 01793 466513  
[www.swindon.gov.uk](http://www.swindon.gov.uk)

Whilst every effort has been made to ensure the accuracy of the data, neither the Borough Council nor its officers can be held responsible for errors contained in the report. Nevertheless, any comments concerning errors or omissions will be welcome.

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