

community infrastructure levy draft charging schedule

(dcs) consultation document
november 2014

local development framework
delivering regeneration and growth



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section one

Section 1 Introduction

- 1.1 This Schedule has been prepared, approved and published in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended).

Charging Authority	Southend Borough Council
Date of Approval	<i>To be confirmed</i>
Date of Effect	<i>To be confirmed</i>



section two

Section 2 Scope of CIL Charges

2.1 For the purposes of Part 11 of the Planning Act 2008, Southend Borough Council is a Charging Authority for the Community Infrastructure Levy (CIL) in respect of development within its administrative area.

What developments are liable for CIL?

- 2.2 The levy may be payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres (hence, CIL will not be payable on most householder extensions). This 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 is built by a 'self builder'. The following do not pay the levy:
- development of less than 100 square metres (see Regulation 42 on Minor Development Exemptions) - 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' (see Regulations 42A, 42B, 54A and 54B, inserted by the 2014 Regulations)
 - social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2014 Regulations)
 - charitable development that meets the relief criteria set out in Regulations 43 to 48
 - buildings into which people do not normally go (see Regulation 5(2))
 - buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (see Regulation 5(2))
 - structures which are not buildings, such as pylons and wind turbines
 - specified types of development which the Council has decided should be subject to a 'zero' rate based on local viability evidence, and specified as such in this charging schedule
 - vacant buildings brought back into the same use (see Regulation 40 as amended by the 2014 Regulations)
- 2.3 Where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no levy is due.
- 2.4 Mezzanine floors of less than 200 square metres, inserted into an existing building, are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.
- 2.5 The levy is charged on new development. Normally, this requires planning permission from the local planning authority, the Planning Inspectorate, or the Secretary of State on appeal. However, some developments not requiring planning permission (permitted development) will also be liable for CIL if they do not fall into the exemption criteria above (see related guidance on the General Permitted Development Order here: <http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/>).

- 2.6 Where a planning permission is phased, each phase of the development is treated as if it were a separate chargeable development for levy purposes (see Regulation 8(3A) as amended by 2014 Regulations).
- 2.7 The level of CIL payable will not be negotiable and is set by the charging schedule.

Mandatory exemptions from CIL

- 2.8 The CIL regulations offer mandatory exemptions from CIL for certain types of development:
- Where the overall chargeable amount of a scheme is less than £50 (Regulation 40)
 - Development of less than 100sqm provided that it does not result in the creation of a new dwelling (Regulation 42) – Minor Development Exemption
 - The conversion of any building previously used as a dwelling house to two or more dwellings
 - The conversion of, or works to, a building in lawful use that affects only the interior of the building
 - Those parts of a development that are to be used as affordable housing (Regulation 49) – Social Housing Relief
 - Development by registered charities for the delivery of their charitable purposes (Regulation 43) – Charitable Relief
 - Structures or buildings that people do not normally go into, or go into only intermittently for maintenance (e.g. sports pitches, sub-stations or wind turbines) (Regulation 6)
 - Self-build (whole house, annexes and extensions)
- 2.9 A claim for relief/exemption from paying CIL must be submitted and processed before commencement of the development (standard forms will be made available for completion).



section three

Section 3 CIL Rates

3.1 Southend Borough Council’s CIL rates are as follows:

Table 1: Proposed CIL rates

Development type	Proposed CIL rate
Residential (Class C3 and C4) – Zone 1 (Market areas 1-5)	£20
Residential (Class C3 and C4) – Zone 2 (Market area 6)	£30
Residential (Class C3 and C4) – Zone 3 (Market areas 7 and 8)	£60
Extra care and retirement housing (see below for definition)	£20
Convenience based supermarkets and superstores and retail warehousing (net retailing space of over 280 square metres)	£70
Development by a predominantly publicly funded or ‘not for profit’ organisation (see below for definition) including medical and health services, social care, education, emergency services, waste facilities, community facilities, sport and leisure facilities only	£0
All other uses not cited above	£10

Definition of ‘extra care and retirement housing’: Housing within Class C3 which is purpose built or converted for sale to elderly people with a package of estate management and care services as necessary and which consists of grouped, self-contained accommodation with communal facilities. These premises often have emergency alarm systems and/or wardens. These properties would not provide the same level of care as residential care homes (Class C2) where residents do not live in self-contained accommodation.

Definition of ‘not for profit organisation’: An organisation that does not earn profits for its owners but conducts business for the benefit of the general public; all the money earned by or donated to the organisation is used in pursuing the organisation’s objectives.

Map of residential charging areas

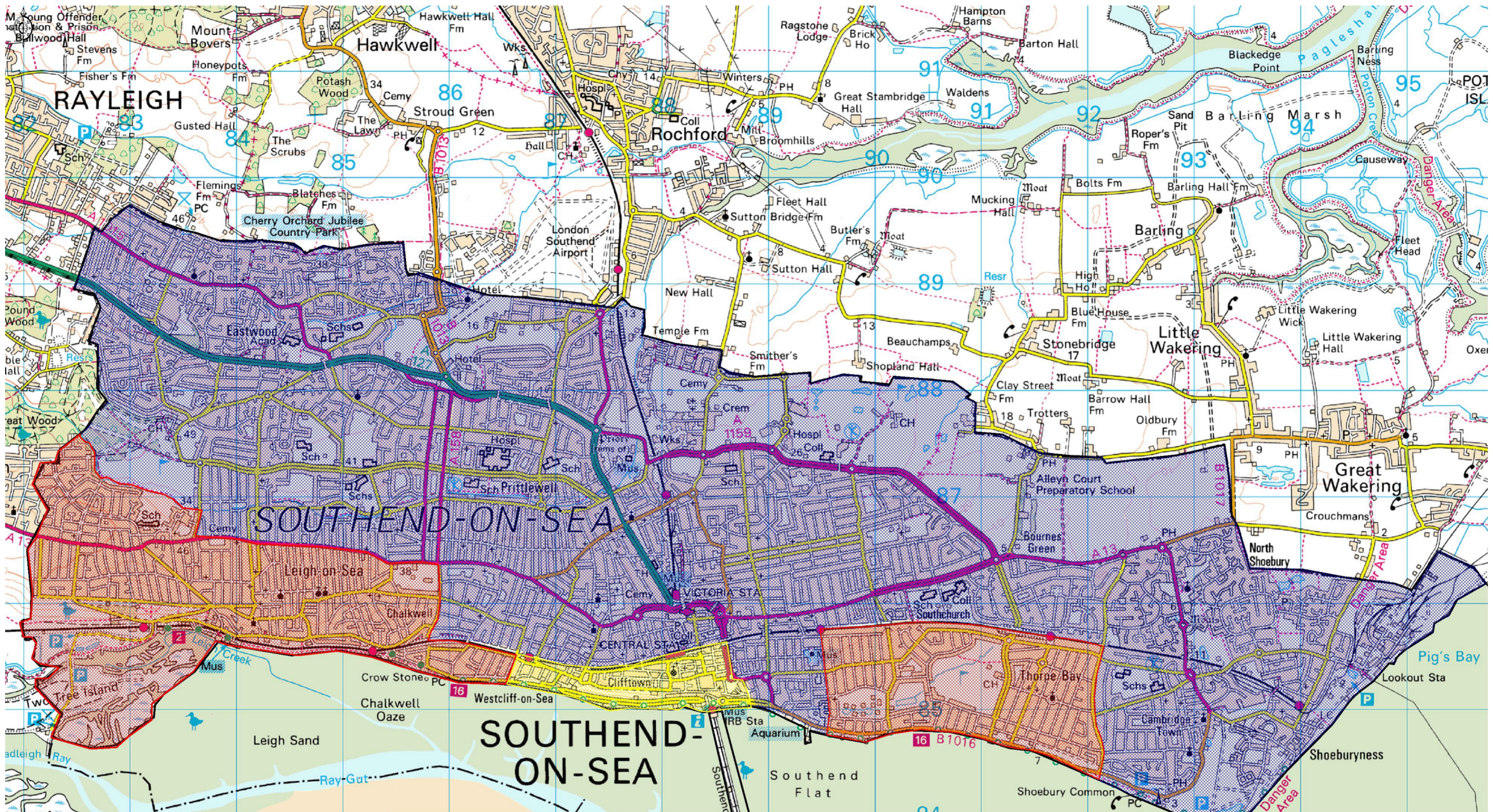
3.2 The residential charges have been based on zones that reflect the average sales values in the Borough. Figure 1 shows the three zones (separate pdf version of map available on the Councils website).

Explanation of rates by development type

3.3 Residential: In areas of the Borough where sales values have been found to be lower (including Market Areas 1-5). A nominal CIL rate of £20 per square metre has been chosen (shown as Zone 1 in Figure 1). In the slightly higher value Market Area 6, viability evidence shows that a rate of £30 per square metre can be accommodated (shown as Zone 2 in Figure 1). In the highest value areas of the

Borough (including Market Areas 7 and 8), viability evidence shows that a rate of £60 per square metre can be accommodated (shown as Zone 3 in Figure 1).

- 3.4 Extra care and retirement housing (see Table 1 for definition): Viability evidence has demonstrated that these types of development generate surpluses that can support a CIL charge to varying degrees dependant on the existing use of the site. On this basis, a rate of £20 per square metre across the entire Borough has been chosen.
- 3.5 Convenience based supermarkets and superstores and retail warehousing (net retailing space of over 280 square metres): Viability evidence has demonstrated that these uses are likely to be viable across the Borough with a maximum CIL rate of £106 per square metre. The 280 square metre threshold is drawn from the Sunday trading laws and is the threshold being used by a number of Charging Authorities. Although the charging schedule includes a split for retail based on the size of unit it does not try to differentiate between in and out of town. Whilst in policy terms a town centre/out-of-town centre split may be desirable, the rules on setting different CIL rates are strict. Because CIL is essentially a tax, Charging Authorities are not allowed to use 'policy' based reasons to determine the chosen rates. Where larger schemes do occur in the town centres, they are likely to involve demolition or change of use of existing buildings. CIL is only charged on the net increase in floorspace, therefore many town centre schemes, even if the resultant unit is large, will only include a modest net increase in floorspace. After allowing for a buffer, which is considered to be appropriate to deal with site specific issues, a CIL rate of £70 per square metre has been chosen.
- 3.6 In respect of all other uses, the viability study looked at offices, industrial and warehousing, other forms of retail (A1-A5) and hotels. It was found that at current levels these uses are unlikely to generate sufficient surpluses to accommodate a significant CIL charge; hence a nominal rate has been chosen. In addition, consideration was given to D1, D2 and *sui generis* uses but, given the large number of uses that fall within these categories, individual viability testing of the range of possible uses that could come forward has not been undertaken as it would be too complex to test all these uses with any degree of reliability. Therefore, a nominal rate is proposed for all uses that are not mentioned in paragraph 3.3, 3.4 and 3.5 on the basis that such a rate is unlikely to be a significant factor in developers' decision making and could be absorbed without having a significant impact on viability across the Borough but will contribute to the infrastructure to support the growth. There are some proposed **exceptions** to the nominal rate applicable to 'All other uses' taking into consideration the uses that will be placing a demand on growth associated infrastructure and those that will be providing the infrastructure required to support growth that CIL could possibly be spent on (i.e. as identified in the IDP and Regulation 123 Infrastructure List). Therefore, a zero rate will apply to **any community facilities that are predominantly publicly funded or run on a 'not for profit' basis, including medical and health services, education, emergency services, community facilities, sport and leisure facilities.**



Key

	Borough boundary
	Zone 1 - £20 per sq m
	Zone 2 - £30 per sq m
	Zone 3 - £60 per sq m

How the chargeable amount will be calculated

- 3.7 The precise amount charged for each development will be calculated in accordance with Regulation 40 of the CIL Regulations 2010 (as amended). As stipulated in the Regulations, all charges are based on the gross internal floorspace area. Calculating the chargeable rate will take into account inflation in accordance with the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors 'All in Tender Price Index'. Hence, CIL liabilities will reflect the economic cycle to some extent until such time that the charging schedule is reviewed. Appendix 1 provides some examples of how CIL liabilities will be calculated.
- 3.8 In addition to the CIL liability, there may also be site specific contributions/provision requirements, including the provision of affordable housing. These will be dealt with through Section 106 planning obligations, Section 278/38 highway agreements or conditions (see consultation document SPD2 Planning Obligations for further details). The viability study that has been carried out in respect of CIL was not only concerned with CIL viability, but also considered the costs of affordable housing (so that delivery of affordable housing in the Borough is not adversely affected by CIL) and made assumptions about other contributions which might be required. Further details can be found in the CIL Overview Report, Viability Study and Addendum Note (available on the Council's CIL web pages). The rates are therefore considered reasonable, taking into account all financial burdens being placed on development.

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section four

Section 4 CIL collection and spending

How CIL will be collected and spent

- 4.1 The Council will issue a notice of liability as soon as practicable on or after the day on which a planning permission first permits development stating the chargeable amount in relation to the development. The responsibility to pay the levy runs with the ownership of land on which the liable development will be situated and is a local land charge. Payment of the levy is due from the date the chargeable development commences. A commencement notice must be submitted to the Council no later than the day before the day on which the chargeable development is to be commenced. See the Council's website for the appropriate further guidance and documentation.
- 4.2 Unlike contributions received via S.106, CIL funds will go into a central 'pot' on receipt and will be pooled to be spent on the projects identified in the Regulation 123 Infrastructure List (see Appendix 2 for draft).

Neighbourhood Allocation

- 4.3 As set out in Section 2 of the Localism Act (2011) Charging Authorities are required to pass a 'meaningful proportion' of CIL receipts to local neighbourhoods where development has taken place.
- 4.4 Local authorities must allocate at least 15% of levy receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. This can increase to a minimum of 25% in locations with an adopted Neighbourhood Development Plan ([see National Planning Practice Guidance for further details on the neighbourhood portion of the levy](#)).
- 4.5 On adoption of a CIL charging schedule the Council will publish a CIL Governance Framework setting out further detail in relation to the CIL spending and allocation arrangements.

Enforcement

- 4.6 Almost all parties liable to pay the levy are likely to pay their liabilities without problem or delay, guided by the information sent by the charging authority in the liability notice. However, where there are problems in collecting the levy, charging authorities are able to penalise late payment and discourage future non-compliance. The regulations provide for a range of proportionate enforcement measures ranging from surcharges on late payments to up to three months imprisonment in extreme cases.

Payment by instalments

- 4.7 In accordance with Regulation 69B of the amended CIL Regulations, CIL may be paid by instalments in accordance with the published Instalment Policy (draft included in Appendix 3).

Payment in kind

- 4.8 In accordance with Regulations 73, 73A, 73B and 74 and the Council's Payment in Kind & Infrastructure Payments Policy (draft included in Appendix 4), the Council may at its discretion accept a proportion of a CIL liability in the form of a transfer of land or infrastructure provision to the Council as payment.



section five

Section 5 Monitoring, Reporting and Review of CIL

Annual Monitoring

- 5.1 As required by Regulation 62, the Council will publish an Annual CIL Report (for the financial year), which shows:
- the amount of CIL collected;
 - the amount of CIL that has been spent;
 - information on how CIL funds have been spent (i.e. which infrastructure projects, and how much has been used to cover administrative costs);
 - the amount of CIL retained at the end of the reporting year.

Review

- 5.2 The results of the viability study have informed the proposed CIL rates, and these results are reflective of current market conditions, which are likely to improve over the medium term. The Council will therefore keep the viability situation under review so that levels of CIL can be adjusted to reflect any future changes.
- 5.3 The operation and implementation of CIL will be monitored and the Council will commence a review of the charging schedule in 2018, or earlier should the market be perceived to have changed significantly.



section six

Section 6 Comments, Response and Next Steps

Responding to this consultation

- 6.1 Please send us any comments you may have once you have looked through the Draft Charging Schedule and the associated documents including the following, which set out our approach for introducing CIL:
- CIL Overview Report (November 2014)
 - Equality Analysis (November 2014)
 - Infrastructure Delivery Plan (IDP) (September 2014)
 - Viability Study (May 2014) and Addendum Note (July 2014)
 - Supplementary Planning Document 2 (SPD2): Planning Obligations Consultation Document
 - SPD2 – Summary of Changes (September 2014)

Please be aware that your comments will be published on the Council's website together with your name.

The consultation period runs for a 6 week period from **Monday 3 November 2014**.

The deadline for receipt of comments is **5pm on Monday 15 December 2014**.

Our preferred method for comment is online at:

<http://southend.jdi-consult.net/ldf/index.php?>

Alternatively you can comment by e-mail at:

ldf@southend.gov.uk

or by post to:

Debee Skinner
Department for Place, Southend-on-Sea Borough Council,
PO Box 5557, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZF

- 6.2 The CIL Draft Charging Schedule and associated documents are also available at the Civic Centre, on the Council's website and in libraries in the Borough.
- 6.3 Your views are important to us, and we recognise that the planning system is not always easy to understand and find your way around. We want to make sure that as many people as possible have an opportunity to have their say as the new Community Infrastructure Levy is prepared. You can contact us using one of the following methods:
- You can phone us on 01702 215408 or,
 - You can email us at ldf@southend.gov.uk.

Stages of consultation through to adoption

6.4 The Council will carry out a number of steps before introducing the charging schedule to ensure that responses received are taken into account. This Draft Charging Schedule is the second stage in the consultation process. The further stages to get to adoption and preliminary dates are as follows:

	Preliminary Dates
Submission of Draft Charging Schedule to Secretary of State for examination	January 2015
Independent Public Examination	March 2015
Inspector’s Report	April 2015
Adoption of CIL Charging Schedule and publication of revised SPD2 by Southend Borough Council	June 2015

Relevant document links

CIL Draft Charging Schedule, Infrastructure Development Plan, Viability Study and other associated Southend Borough Council CIL documents http://www.southend.gov.uk/info/200160/local_planning_framework/483/community_infrastructure_levy_cil
Planning Portal – CIL information pages http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil http://www.planningportal.gov.uk/uploads/cil/cil_guidance_main.pdf
National Planning Practice Guidance – CIL http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/
Planning Advisory Service (PAS) - CIL information web page www.pas.gov.uk/3-community-infrastructure-levy-cil
The Community Infrastructure Levy Regulations 2010 www.legislation.gov.uk/uksi/2010/948/contents/made
The Community Infrastructure Levy (Amendment) Regulations 2011 www.legislation.gov.uk/uksi/2011/987/contents/made
The Community Infrastructure Levy (Amendment) Regulations 2012 www.legislation.gov.uk/uksi/2012/2975/contents/made
The Community Infrastructure Levy (Amendment) Regulations 2013 www.legislation.gov.uk/uksi/2013/982/contents/made
The Community Infrastructure Levy (Amendment) Regulations 2014 www.legislation.gov.uk/uksi/2014/385/contents/made



appendices

Examples of how CIL liabilities are calculated

For the avoidance of doubt, a planning application for the change of use of an existing building will not be liable to CIL unless it involves an extension which provides 100sqm or more of additional floorspace, or involves the creation of a new dwelling even when it is below 100sqm. The amount payable will depend whether or not the existing building has been in continuous lawful use for at least six months in the last 3 years prior to the development being permitted. Mezzanine floors of less than 200sqm are not liable for CIL unless they are to be installed as part of a planning permission which permits other works as well. See below for further details in relation to changes of use.

Scenario 1

The development of a new dwelling in the Zone 1, either detached or attached to an existing dwelling. The new dwelling is 90sqm.
Though the development is less than 100sqm, it results in the creation of a new dwelling and therefore CIL applies.

The CIL charge for residential development in the Zone 1 is £20/sqm.

The calculation is as follows:

$90\text{sqm} \times £20/\text{sqm} = \text{CIL liability of } £1,800$

Scenario 2

The development of an extension to an existing dwelling. The existing dwelling is 105sqm and the extension is 45sqm.

The size of the existing dwelling is irrelevant. The only matter of relevance is the size of the extension. As the extension is for less than 100sqm of development, and does not result in the creation of a new dwelling, CIL does not apply.

Scenario 3

The conversion of an existing dwelling to two flats. The existing dwelling is 105sqm and the conversion will not result in any new build floor space.

The size of the existing dwelling is irrelevant. As the conversion does not result in any new development (i.e. it all takes place within the existing dwelling), CIL does not apply.

Scenario 4

The conversion and extension of an existing dwelling in Zone 2 to form 2 flats. The existing dwelling is 105sqm and the extension is 45sqm.

The size of the existing dwelling is irrelevant here. What is relevant is the level of new build. Although it is only 45sqm, because it results in a new dwelling, CIL applies.

The CIL charge for residential development in Zone 2 is £30/sqm.

The calculation is as follows:

$45\text{sqm} \times £30/\text{sqm} = \text{CIL liability of } £1,350$

Scenario 5

The demolition of an existing dwelling that is considered to be “in-use” (in accordance with the definition in Regulation 40 (11)) in Zone 1 and the construction of a block of flats in its place. The existing dwelling is 120sqm and the block of flats is 1,000sqm.

The development of the block of flats results in the creation of a new dwelling therefore CIL applies. However, because the existing dwelling is “in-use”, its floor space is deducted when calculating the CIL liability.

The CIL charge for residential development in Zone 1 is £20/sqm.

The calculation is as follows:

Process 1 – deduct existing floor-space from new floor space

The chargeable area is 1,000sqm – 120sqm = 880sqm

Process 2 – calculate CIL liability based on the net increase in floor space

880sqm x £20/sqm = CIL liability of £17,600

Scenario 6

The demolition of an existing dwelling not considered to be “in-use” (in accordance with the definition in Regulation 40 (11)) in Zone 1 and the construction of a block of flats in its place. The existing dwelling is 120sqm and the block of flats is 1,000sqm.

The development of the block of flats results in the creation of a new dwelling therefore CIL applies. Because the existing dwelling is not in-use, its floor space is not deducted when calculating the CIL liability

The CIL charge for residential development in Zone 1 is £20/sqm.

The calculation is as follows:

1,000sqm x £20/sqm = CIL liability of £20,000

Scenario 7

The conversion of an office block of 5,000sqm, not considered to be “in-use” (in accordance with the definition in Regulation 40 (11)), to 4,000sqm of retirement housing and 1,000sqm of development for convenience based supermarket over 280sqm.

As the site is not “in-use”, the conversion is considered as new development and the existing floor space is not deducted when calculating the CIL liability.

The CIL charge for retirement housing is £20/sqm

The CIL charge for convenience based supermarkets over 280sqm is £70/sqm

The calculation is as follows:

Process 1 – calculate the retirement housing liability

4,000sqm x £20/sqm = £80,000

Process 2 – calculate the supermarket liability

1,000sqm x £70/sqm = £70,000

Process 3 – calculate the total liability

Retirement housing (£80,000) + supermarket (£70,000) = CIL liability of £150,000

Scenario 8

The demolition of a building of 5,000sqm that is “in-use”, and its replacement with a building of 10,000sqm, comprising 1,000sqm of development for convenience based supermarket over 280sqm, 5,000sqm public funded school and 4,000sqm of hotel development.

The key issue here is that the existing building is “in-use”. Therefore the total amount of existing floor space can be deducted from the CIL liability. As the new building comprises a range of uses, the deduction of the existing floor space is applied on a pro rata basis across the new uses.

The CIL charge for convenience based supermarkets over 280sqm is £70/sqm

The CIL charge for a public funded school is £0/sqm

The CIL charge for hotel development is £10/sqm

The calculation is as follows:

Process 1 – calculate the deduction factor for the existing floor-space

$$5,000\text{sqm (existing floorspace)} / 10,000\text{sqm (new floor space)} = 0.5$$

Process 2 – calculate the supermarket liability

$$1,000\text{sqm} \times £70/\text{sqm} \times 0.5 = £35,000$$

Process 3 – calculate the school liability

$$5,000\text{sqm} \times £0/\text{sqm} \times 0.5 = £0$$

Process 4 – calculate the hotel liability

$$4,000\text{sqm} \times £10/\text{sqm} \times 0.5 = £20,000$$

Process 5 – calculate the total liability

$$\text{Supermarket (£35,000)} + \text{School (£0)} + \text{Hotel (£20,000)} = \text{CIL liability of £55,000}$$

Scenario 9

The demolition of a building of 5,000sqm which is not "in-use", and its replacement with a building of 10,000sqm, comprising 1,000sqm of development for convenience based supermarket over 280sqm, 5,000sqm public funded school and 4,000sqm of hotel development.

As the building is not "in-use", the existing floor space is not deducted when calculating the CIL liability.

The CIL charge for convenience based supermarkets over 280sqm is £70/sqm

The CIL charge for a public funded school is £0/sqm

The CIL charge for hotel development is £10/sqm

The calculation is as follows:

Process 1 – calculate the supermarket liability

$1,000\text{sqm} \times £70/\text{sqm} = £70,000$

Process 2 – calculate the school liability

$5,000\text{sqm} \times £0/\text{sqm} = £0$

Process 3 – calculate the hotel liability

$4,000\text{sqm} \times £10/\text{sqm} = £40,000$

Process 4 – calculate the total liability

Supermarket (£70,000) + School (£0) + Hotel (£40,000) = CIL liability of £110,000

Scenario 10

The conversion of an office block of 5,000sqm, 600sqm of which is "in-use", to 4,000sqm of retirement housing and 1,000sqm of development for convenience based supermarket over 280sqm.

The size of the existing building is irrelevant. As the conversion does not result in any new development (i.e. it all takes place within the existing building) and part of the building is "in-use", CIL does not apply.

When CIL is payable on a change of use to an existing building:

- Additional floorspace 100 square metres or more (or the creation of a new dwelling even when it is below 100 square metres) and existing building in continuous lawful use for at least six months in the last 3 years prior to the development being permitted - CIL payable on new floorspace only
- Additional floorspace 100 square metres or more (or the creation of a new dwelling even when it is below 100 square metres) but existing building not in continuous lawful use for at least six months in the last 3 years prior to the development being permitted - CIL payable on existing floorspace and new floorspace
- Additional floorspace less than 100 square metres (where no new dwellings created) but existing building in continuous lawful use for at least six months in the last 3 years prior to the development being permitted - No CIL payable

- Additional floorspace less 100 square metres (where no new dwellings created) and existing building not in continuous lawful use for at least six months in the last 3 years prior to the development being permitted - No CIL payable

N.B. A change of use which creates one or more dwellings will be CIL liable even if there is no extension, and will only avoid payment if the building has been in continuous lawful use for 6 months out of the last 3 years prior to the development being permitted.

However, there is a specific exemption in the 2011 amendment regulations that excludes conversion of a single dwelling house from the meaning of 'development' at Regulation 6.

Regulation 123 Infrastructure List (Draft)

Community Infrastructure Levy
Draft Regulation 123 Infrastructure List
Local Development Framework 2001-2021

Southend Borough Council, as CIL Charging Authority, is expected to publish a list of infrastructure that it intends could be funded, wholly or partly by the Community Infrastructure Levy. The Regulation 123 Infrastructure List sets out the projects that may be funded through CIL and includes infrastructure required for the delivery of the Council's adopted Development Plan Documents. However, the inclusion of a project or type of infrastructure on this list does not signify a commitment from the Borough Council to fund (either in whole or in part) the listed project or type of infrastructure through CIL; nor does the order of infrastructure items within the list imply or signify any order of preference or priority for CIL funding.

This list can be amended at any time but will be reviewed annually and any changes that the Council proposes to make to this list will be subject to public consultation in accordance with the regulations and government guidance.

If infrastructure is required to make a development acceptable in planning terms (see the Planning Obligations Supplementary Planning Document for further details in relation to site specific infrastructure contributions) or arises directly from five or fewer developments, Section 106 (Planning Act) or Section 278 (Highways Act) arrangements may continue to apply in addition to CIL.

Planning obligations and highway agreements will still be required in accordance with Regulation 122 and 123 (Community Infrastructure Levy Regulations 2010 (as amended)) for obligations relating to infrastructure not listed below.

Project or Infrastructure Type	Location	Exclusions and Notes
Education		
Provision, improvement, replacement, operation or maintenance of Primary and Pre-School education facilities	Borough-wide	

Health and Social Wellbeing		
Provision, improvement, replacement, operation or maintenance of Primary Healthcare facilities	Borough-wide	
Infrastructure to enable people to remain living independently	Borough-wide	
Refurbishment or redevelopment of Delaware and Priory House	Delaware House and Priory House	

Highways and Transport		
A127 east-west strategic transport and freight corridor improvements (including Kent Elms, The Bell, Progress Road, Sutton Road, East/West Street, JAAP, etc.)	A127/A1159 Strategic Corridor	
Local public transport measures	Borough-wide	
Local walking and cycling measures to upgrade network	Borough-wide	
Local traffic management	Borough-wide	Excluding any instances where traffic management measures are required as a direct consequence of a development within the vicinity – these will continue to be secured through Section 106 planning obligations or Section 278 highway agreements

Project or Infrastructure Type	Location	Exclusions and Notes
Coastal Flood Protection		
Chalkwell Sea Wall flood defence works	Chalkwell & Eastern Esplanades	
Coast protection works	East Beach Shoeburyness	
Flood Defence Works	Old Leigh	
Lynton Road to Thorpe Bay YC Flood Defence Improvements	Eastern & Thorpe Esplanades	

Social and Community		
Provision, improvement, replacement, operation or maintenance of libraries	Borough-wide	
Southend New Museum	Western Esplanade	
New allotment space	Borough-wide	Excluding replacement allotments required as a result of new development (i.e. to offset a loss that would otherwise result from the development), which will be secured through Section 106 planning obligations
New community centres	Borough-wide	Excluding replacement community centres required as a result of new development (i.e. to offset a loss that would otherwise result from the development), which will be secured through Section 106 planning obligations

Leisure and Recreation		
Children's Play Areas	Sidmouth Avenue Play Area, Priory Park, Warrior Square Gardens	If there is a planning requirement to provide a new play area on a site as a result of the need generated directly and solely by a development then this provision will be secured through a Section 106 planning obligation or planning condition.
Youth facilities including Multi-Use Games Areas, parkour and wheeled sports	Priory Park, Southchurch area (Southchurch Park or Southchurch Park East)	

Project or Infrastructure Type	Location	Exclusions and Notes
Public Realm and Environment		
Litter Bins (as outlined in the Southend-on-Sea Litter Bin Strategy, July 2011)	Borough-wide	Excluding any litter bin provision required on a site as part of a development – this will be secured through Section 106 planning obligation or planning condition.
Waste Transfer Station (WTS) – ‘Waste Solution’	Proposed WTS location – Central Cleansing Depot, Eastern Avenue,	
Three Rivers Trail	Borough-wide	
City beach Phase Two	Eastern Esplanade	
Victoria Gateway Phase Two	London Road	

CIL Instalment Policy (Draft)

Southend Borough Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended).

This Instalment Policy will take effect from the date the Southend-on-Sea Borough Council Charging Schedule comes into effect.

Level of CIL payable	Number of instalments	Proposed instalment policy
Less than £25,000	No instalments	Full payment within 60 days of commencement ¹ of development
£25,000 - £74,999	3	10% of payment within 60 days of commencement 40% of payment within 180 days of commencement 50% of payment within 270 days of commencement, or remaining balance to be paid upon substantial completion should this date fall within 270 days
£75,000 or more	3	10% of payment within 60 days of commencement 40% of payment within 360 days of commencement 50% of payment within 540 days of commencement, or remaining balance to be paid upon substantial completion should this date fall within 540 days

Notes:

1. As permitted under Regulation 9(4) of the Community Infrastructure Levy Regulations 2010 (as amended), where outline permission has been granted which permits development to be implemented in phases, each phase of the development as permitted by Southend Borough Council is a separate chargeable development, and the Instalment Policy will therefore apply to each chargeable development and the associated separate chargeable amount.
2. Nothing in this Instalment Policy prevents the person with assumed liability to pay CIL, to pay the outstanding CIL (in whole or in part) in advance of the instalment period set out in this policy.

¹ The commencement date is defined in CIL Regulation 7 and will as advised by the developer in their Regulation 67 Commencement Notice

The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with the published Instalment Policy. The Instalment Policy will only apply where:

1. The Council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70(1)(a)), and
2. The Council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1)(b)) and the Council does not challenge the date of commencement specified.

If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

Where the above requirements have been met, instalment payments must be made in accordance with the published Instalment Policy. Where an instalment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all the payments must be made in accordance with the published CIL Instalment Policy and Regulatory requirements.



Community Infrastructure Levy (CIL)

Draft Payment in Kind and Infrastructure Payments Policy

This policy is effective from the date the Southend Borough Council Charging Schedule comes into effect.

In accordance with Regulations 73, 73A, 73B and 74 the Community Infrastructure Levy Regulations 2010 (as amended), Southend Borough Council may accept up to 80% ²of a CIL liability by way of the transfer of land or infrastructure to the Council as payment. This will be subject to the following conditions:

- 1) The Council will only accept land or infrastructure as payment of a CIL liability if the offer relates to infrastructure projects or types of infrastructure included in the Council's published Regulation 123 Infrastructure List.
- 2) Any agreement relating to such a payment must be made with the Council before the chargeable development commences. This agreement must state the value of the land or infrastructure to be transferred.
- 3) The land or infrastructure to be transferred must be valued by a suitably qualified and experienced independent person as agreed with the Council. The valuation of land must represent a fair open market price for the land on the day that it is valued and reflect the relevant purposes for which the land will be utilised. In the case of infrastructure the value will should reflect the cost (including related design costs) to the provider. Any costs associated with the valuation will be payable by the person seeking to transfer the land or infrastructure.
- 4) The Council must be satisfied that any land to be transferred would be appropriate and fit for the purpose of providing necessary infrastructure to support the growth of the Borough³.

² 20% of the CIL liability will remain payable in cash including 5% for administrative costs and 15% as the Neighbourhood Allocation N.B. The Neighbourhood Allocation may increase in accordance with the CIL Regulations should a Neighbourhood Plan be adopted by Leigh Town Council, in which case the proportion of the CIL liability that will be accepted 'in kind' will be reduced to 70%.

³ This may require the owner to demonstrate that the land is suitable through the submission of further information to the Council, including but not limited to, topographical information, reports on contamination and archaeology and details of any underground services.

- 5) The person transferring the land or infrastructure to the charging authority as payment must have assumed liability to pay CIL and completed the relevant CIL forms.
- 6) The land or infrastructure, subject to the transfer, must be free from any interest in land and any encumbrance to the land, buildings or structures.
- 7) The Council may transfer land, at nil cost, to a third party⁴ for the provision of infrastructure.
- 8) The Council would encourage the transfer of land allocated or safeguarded in a Development Plan Document or Supplementary Planning Document for infrastructure.
- 9) Payments in kind must be provided to the same timescales as CIL cash payments, or otherwise on an agreed basis, subject to the provisions in the regulations and any other state aid considerations.

It should be noted that the agreement to pay in land may not form part of a planning obligation entered into under Section 106 of the Town and Country Planning Act 1990 (as amended).

It is entirely at the Council's discretion as to whether to accept a land transfer or infrastructure payment in lieu of CIL. The Council is not obliged to accept any offer of payment in kind by land or infrastructure.

If you are interested in paying CIL in this way and have not commenced development of the site in question you should discuss this with the Council's Section 106 and CIL Officer.

⁴ This would be limited to other infrastructure providers such as Essex Police, Essex County Council or Environment Agency.

