

Basildon Borough Council

Community Infrastructure Levy:

Preliminary Draft Charging Schedule

October 2018

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1 Introduction

- 1.1 The purpose of this document is to set out Basildon Borough Council's Community Infrastructure Levy Preliminary Draft Charging Schedule. Regulation 15 of the Community Infrastructure Levy Regulations 2010 (as amended) requires the Council as the Charging Authority for the Basildon Borough to consult on the Preliminary Draft Charging Schedule before a Draft Charging Schedule is published for further public consultation and Examination.

1.2

The Charging Authority	Basildon Borough Council
Date of Approval	<i>To be confirmed after Examination</i>
Date of Effect	<i>To be confirmed after Examination</i>

- 1.3 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).

2 Scope of CIL Charges

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

- 2.2 As set out in the Community Infrastructure Levy Regulations 2010 (as amended), CIL is applicable on net additional gross internal floor space of all net additional development apart from that specifically exempted by the Regulations which are as follows:

- Development of less than 100 square metres – 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'
- 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
- Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery
- Structures which are not buildings, such as pylons and wind turbines
- Specified types of development which local authorities have decided should be subject to a 'zero' rate and specified as such in their charging schedules
- Vacant buildings brought back into the same use

- 2.3 Unlike S106 contributions, there is no minimum threshold for charging CIL. It is also payable on Permitted Development allowed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Development which is subject to a Lawful Development Certificate (LDC) confirming compliance with the Order may also be liable for the Levy in certain circumstances.

- 2.4 Where planning permission is phased, each phase is treated as a separate chargeable development.

- 2.5 Where an existing building is being redeveloped, the nature of the redevelopment may impact on the Levy charge.

- 2.6** The Borough Council had a Whole Local Plan and CIL Viability Update Study produced by Porter Planning Economies Ltd to inform the setting of its CIL rates. The viability evidence also supports the Revised Publication Local Plan, prepared alongside this document. This has ensured that an appropriate balance has been struck between policy requirements in the Local Plan and CIL rates in this document.
- 2.7** The CIL rates which apply across the whole of Basildon Borough Council's administrative area are specified in Section 3.

3 CIL Rates

Development Type	Location	CIL Charge
Retail (Use Class A1)	Out of Town Centres	£90
Retirement (Use Class C2 and C3)	Billericay only	£100
Residential (Use Class C3)	Basildon (excluding flatted development)	£50
	Basildon (flatted development)	£10
	Billericay	£350
	Wickford	£230
	All Areas, if funded predominantly by a public authority	£0
All other uses	All locations	£10

- 3.1** The following developments with known viability issues however, are to be excluded from CIL:
- Flatted development in Basildon
- 3.2** With regard to the charges for A Class Uses, the £90 charge will only apply outside town centre boundaries as identified on the Basildon Borough Local Plan Policies Map, with all other retail developments subject to a nominal £10/sqm charge.
- 3.3** A map showing the CIL Charging Zones for residential and retirement proposals falling within Use Class C2 and C3 is at Appendix B.
- 3.4** The CIL rates will be subject to index linking so they rise, or fall, in line with inflation. In accordance with the Regulations, the CIL Charging Schedule Rates will be linked to the BCIS All-In Tender Price Index. The Index value from the 1 November every year will be used for application on the following 1 January.

4 Calculation of CIL Chargeable Development

- 4.1 The precise amount charged for each development will be calculated in accordance with Regulation 40 of the CIL Regulations (2010) (as amended).
- 4.2 As stipulated in the Regulations, all charges are based on the gross internal floorspace area.

5 Payment in Kind

- 5.1 There may be circumstances where the Charging Authority and the person liable for the CIL will wish land and/or infrastructure to be provided, instead of money, to satisfy a charge arising from the Levy. This is permissible in principle, but needs mutual agreement.
- 5.2 Any payment in kind will be calculated in accordance with Regulation 73 of the CIL Regulations (2010) or as amended.

6 Neighbourhood Funds

- 6.1 As set out in Section 2 of the Localism Act (2011) Charging Authorities are required to pass a “meaningful proportion” of the revenues from the CIL Charge to the neighbourhood within which the CIL chargeable development took place. The Council will work closely with Town and Parish Councils, Community Groups and others to identify particular infrastructure that is needed.
- 6.2 In accordance with the Community Infrastructure Levy (Amendment) Regulations 2013 a specific proportion of CIL receipts must be passed into Neighbourhood Funds. Therefore, in locations with an adopted Neighbourhood Plan, 25% of CIL receipts will be passed to the relevant Local Council (town, village or parish) to help fund local infrastructure in the location of the chargeable development. In non-parished areas, including those covered by a Neighbourhood Forum, the Borough Council will engage with the relevant communities to determine how this % of CIL can be spent, with consultation at the ward level to generate Neighbourhood Funding Lists providing the starting point for establishing priorities for spending.
- 6.3 In locations without a Neighbourhood Plan, 15% of CIL receipts will be passed to Local Councils, subject to annual total limits set by Regulations. In non-parished areas, the Borough Council will engage with the relevant communities to determine how this % of CIL can be spent, with consultation at the ward level providing the starting point for establishing priorities.

7 Administrative Expenses

- 7.1 The Council may spend up to 5% of the proceeds of total CIL receipts on administering the CIL. This will still ensure that the majority of CIL receipts are spent on infrastructure, without fully burdening the Council with new service delivery costs such as viability evidence, public consultation, billing and payment systems, enforcement and legal costs and liability monitoring.

8 Monitoring and Review

- 8.1 The operation and implementation of CIL will be continually monitored. Unless economic or development delivery conditions change significantly in the intervening period, it is not considered necessary to consider a review of the Charging Schedule until at least 2023.

9 How to Make Comments

- 9.1** You can make representations through the Council's online consultation portal by visiting www.basildon.gov.uk/CIL.
- 9.2** Alternatively, the Council has produced a consultation response form which you can pick up from a Borough library or the Basildon Centre, or download off of the Council's website at www.basildon.gov.uk/CIL. Once completed the consultation response form must be returned to the Council by either:
- Email: planningpolicy@basildon.gov.uk, or
 - Post: Local Plan Consultation, Basildon Borough Council, The Basildon Centre, St Martin's Square, Basildon, Essex, SS14
- 9.3** The closing date for representations is 5pm on Monday 17 December 2018.
- 9.4** Further general information is available from:
- Planning Portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil
 - Ministry for Housing, Communities and Local Government:
www.gov.uk/government/organisations/department-for-communities-and-local-government
 - Planning Advisory Service: www.pas.gov.uk/3-community-infrastructure-levy-cil

Appendix A: Draft Instalments Policy

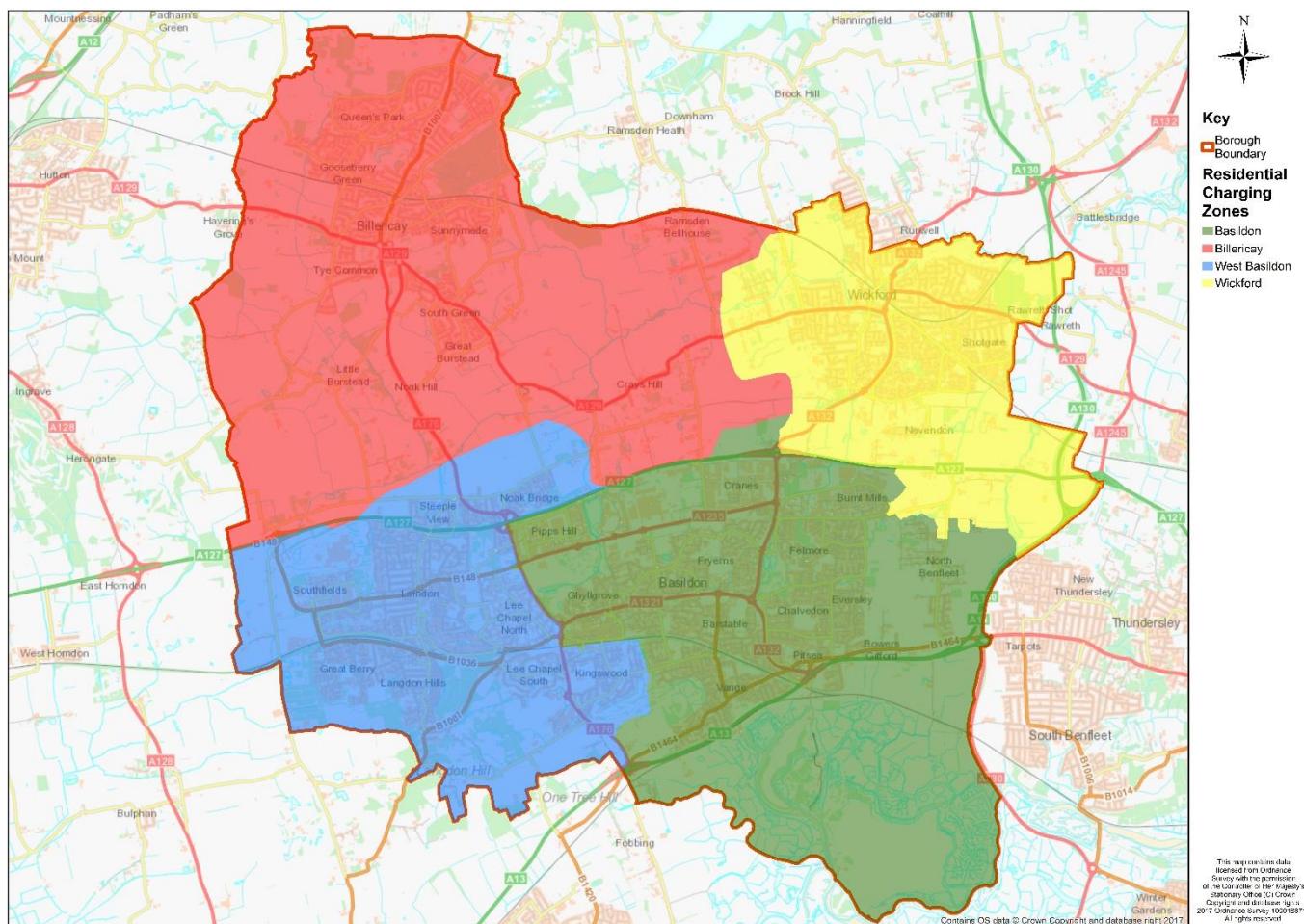
- A.1** Set out below is a Draft Instalments Policy for information and comment as part of the consultation. It should be noted that the Draft Instalments Policy is **not a formal part of the Draft Charging Schedule, which is subject to Independent Examination.**
- A.2** The CIL Regulations set a default requirement of full payment of the Levy within 60 days of the commencement of the chargeable development. However, under Regulation 69b of the Community Infrastructure Levy (Amendment) Regulations 2011 it is permissible for a Charging Authority to establish an Instalments Policy, thus offering developers more flexible payment arrangements.
- A.3** In accordance with Regulation 69b, Basildon Borough Council are considering applying the following Instalments Policy in respect of all development which is CIL liable.

Table A.1

Amount of CIL Liability	Number of Instalments	Payment Periods and Amounts
Any amount less than £10,000	1	100% of the chargeable amount within 90 days of the commencement date
Amounts equal to or greater than £10,000.01 and less than £40,000	2	50% of the chargeable amount within 90 days of the commencement date, the remaining 50% of the chargeable amount within 180 days of the commencement date.
Amounts equal to or greater than £40,000.01 and less than £100,0000	3	25% of the chargeable amount within 90 days of the commencement date, the remaining 50% of the chargeable amount within 180 days of the commencement date.
Amounts equal to or greater than £100,000.01	4	25% of the chargeable amount within 90 days of the commencement date, a further 25% of the chargeable amount within 360 days of the commencement date, a further 25% of the chargeable amount within 540 days of the commencement date, and the remaining 25% within 720 days of the commencement date.

- A.4** The chargeable amount is the amount set out in the Liability Notice.
- A.5** The commencement date is the Commencement Notice Date as advised by the developer under CIL Regulation 67.

Appendix B Residential Charging Zones



Monday to Friday
10am to 5pm



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