

Community Infrastructure Levy

Charging Schedule

May 2017

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| The Community Infrastructure Levy Charging Schedule is available…  on the Torbay Council Website:  [www.torbay.gov.uk/CIL](http://www.torbay.gov.uk/CIL)  and at Torbay Council’s Spatial Planning Office at:  2nd Floor, Electric House, Castle Circus, Torquay TQ1 3DR  **If you would like any further information about this document or any aspect of the Torbay Local Plan please use the contact details below:**  **telephone: (01803) 208804**  **email:** [**future.planning@torbay.gov.uk**](mailto:future.planning@torbay.gov.uk)  **Other links that will provide more detailed background information on the spatial planning system include:**  **National Planning Policy Framework** [**www.gov.uk**](http://www.gov.uk)  **The Planning Portal (**[**www.planningportal.gov.uk**](http://www.planningportal.gov.uk)**) is the Government's online service for planning which includes advice and information on the plan-led system** |

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### **Residential Charging Zones** Summary Map and Maps 1-39 showing Charging Zones 1-4. Note that the map boundaries/page numbers correspond to the Adopted Local Plan 2012-30. The maps are designed primarily to be viewed on a screen and may be zoomed into (separate document).

### **Commercial and Non-Residential Development Charging Zones** **Map**: Zone C1 Town Centres, St. Marychurch and Preston District Centres. Zone C2 out-of-town centre, including The Willows District Centre.

# INTRODUCTION

## Background

### This is Torbay’s Charging Schedule for the Community Infrastructure Levy (CIL). It was the subject of Independent Examination in Autumn 2016, with a Hearing on 9th November 2016. The Examiner’s Report was published on 5th December 2016, which recommended that CIL be adopted with modifications. The CIL was approved by full Council on 2nd February 2017.

### **Torbay Council, as Charging Authority, will levy CIL on developments granted permission on or after Thursday 1st June 2017.** This includes chargeable development carried out by “general consent”, as defined by Regulation 5 of the CIL Regulations 2010 (as amended), and covers matters such as permitted development or local development orders.

### CIL is a tax levied on development of more than 100 sq m of gross internal floorspace, or new dwellings (even if the dwelling is less than 100 sq m). It is intended to help fund the infrastructure needed to support growth in Torbay. It is regulated by the Community Infrastructure Levy Regulations 2010 (as amended).

### Torbay Council is intending to charge CIL on residential developments within three charging zones:

### Charging Zone 1: Areas of lower housing value (based on the built-up area within 20% most deprived area as indicated in the Indices of Deprivation 2015).

### Charging Zone 2: Elsewhere in the built-up area (excluding Watcombe Heights, Ilsham Valley, Torquay; and Bascombe Road, Churston).

### Charging Zone 3: Future Growth Areas and outside the built-up area; plus Watcombe Heights and Ilsham Valley, Torquay and Bascombe Road, Churston).

### The built-up area is defined by the area outside Policy C1 “Countryside and rural economy” or Policy C2 “Undeveloped coast” areas in the Adopted Torbay Local Plan 2012-30, although some high value urban areas are also included in Zone 3.

### The Charging Zones maps have been published on larger scale, OS based maps. These maps are designed primarily to be viewed electronically where they can be zoomed into.

### Residential schemes of 15 or more dwellings within Charging Zone 3 will not be charged CIL. The Council will continue to negotiate Section 106 Obligations (s106) to cover the infrastructure needed to support their development as well as affordable housing. It is considered that s106 and Section 278 (s278) Highways Agreements are more effective mechanisms for providing the infrastructure required by development in these areas.

### It is intended to seek CIL on larger out-of-town/district centre retail developments.

## Where to find out more

### The Council’s accompanying policies on CIL, including instalments and relationship to s106 Obligations are set out in a separate document. The Regulation 123 List of projects that the Council intends to spend CIL on is also published separately. These documents do not form part of the CIL Charging Schedule and may be amended without the need for a new examination. The accompanying policies and Regulation 123 List are available online at [www.torbay.gov.uk/CIL](http://www.torbay.gov.uk/CIL)

### More detailed advice on CIL and the relevant Regulations (with amendments) can be found on the Planning Advisory Service website: <http://www.pas.gov.uk/community-infrastructure-levy>

### The government’s online Planning Practice Guidance (PPG), Part 25 contains detailed advice on CIL and links to relevant Regulations: <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

### Other details about CIL can be found on the Planning Portal’s CIL page:

### <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

### CIL forms may be downloaded from the Planning Portal. Note that the “Planning Application- Additional Information Requirements Form” must be submitted with all planning applications. The forms may be downloaded from: <https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5>

### Details of viability evidence and infrastructure requirements are available online at: [www.torbay.gov.uk/CIL](http://www.torbay.gov.uk/CIL)

## Who pays CIL?

### CIL applies to developments that create more than 100 sq m gross internal floorspace of new development. Where developments are above the threshold for CIL, it is levied on the entire amount of additional floorspace (not just the floorspace above the threshold). New dwellings are also liable to CIL even if less than 100 sq m, unless built by a “self-builder” and an exemption is obtained before development commences. CIL is not collected if it would be less than £50.

### CIL only applies to places where people usually go, so does not cover buildings such as electricity sub-stations or plant rooms.

### Social housing (as defined in the CIL Regulations) is exempt, as are charities so long as the development is used for charitable purposes. Exemption must be claimed before development commences.

### Note that CIL is payable on qualifying developments whether they require express planning permission or are permitted under the General Permitted Development Order (as amended) (GPDO), Prior Approval or Local Development Orders (LDOs). A legal definition is set out in Regulation 5 of the CIL Regulations.

### CIL will be used to help fund major infrastructure projects set out in the key infrastructure projects list (“Regulation 123” List). Should other infrastructure needs arise that require CIL funding, the Council will publish a revised Regulation 123 List.

### A “neighbourhood portion” of CIL must be spent in the neighbourhood in which CIL arises. When Neighbourhood Plans are in place, this will be 25%. The proportion will be 15% until Neighbourhood Plans are in place. “In place” is defined by CIL Regulation 59A(11)) as being “made” (adopted) and extant.

## Social housing and self-build housing exemptions

### Social housing as defined in Regulation 49 of the CIL Regulations (as amended) and self-build/custom-build housing have a mandatory exemption from CIL.

### Self-build/custom-build housing is defined in the CIL Regulations (as inserted in 2014).

### Part 6 of the CIL Regulations (Regs 41-58) sets out procedures that must be followed in order for exemptions to apply. **Exemption for CIL can only be claimed before development is commenced.**

# Torbay CIL Charging Schedule

## Residential Development

### The Charging Schedule sets out three residential Charging Zones:

### 1) **“Inner Urban” Built-up areas with lower development viability.** Residential development of more than 3 dwellings will be charged CIL at £30 per sq m. Conditions or s106 Obligations will be sought to address site deliverability matters, and to make development legal in terms of its impact on Habitats Regulations matters etc.

### 2) **Elsewhere in the built-up area.** Residential development of more than 3 dwellings will be charged CIL at £70 per sq m. Charging Zone 2 is defined as areas outside the Policy C1 “Countryside and rural economy” area or Policy C2 “Undeveloped coast area” in the Adopted Torbay Local Plan (2012-30), that are not within Zone 1 or a Future Growth Area. In addition areas at Watcombe Heights, and llsham Valley, Torquay; and Bascombe Road, Churston are not within Zone 2 (but are within Zone 3).

### 3) **Future Growth Areas as defined by the Local Plan, plus outside the built-up area, areas at Watcombe Heights and Ilsham Valley, Torquay; and Bascombe Road, Churston.** Sites of 15 or more dwellings will be zero-rated for CIL, but s106/s278 Agreements will be sought to provide infrastructure and affordable housing in these areas. CIL will be sought for developments of 1-14 dwellings at £70 per sq m.

### The Council’s residential charging zones for CIL are summarised in the following table and set out more fully in the following Figures 1 – 4 and Charging Zone Maps. Notes to the tables are set out on page 12. The Charging Zone map pages correspond to the Adopted Torbay Local Plan Policies Map booklet pages. These maps are intended primarily to be viewed electronically and may be zoomed. If an instance arises that a site falls within two charging zones, the zone that the site is substantially within will apply. If equally between two zones, the lower zone will apply.

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| **Summary of Residential Charging Zones** | | | |
| Zone | Number of dwellings and charge (£ per sq m) | | |
|  | 1-3 dwellings | 4-14 dwellings | 15+ dwellings |
| 1. Built up areas with lower development viability | Zero | £30 | £30 |
| 1. Elsewhere in the built up area | Zero | £70 | £70 |
| 1. Future Growth Areas, plus outside the built up area, plus Watcombe Heights, Ilsham Valley, Torquay, and Bascombe Road, Churston. | £70 | £70 | Zero - s106 Obligations will be used to secure infrastructure funding. |

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| **Figure 1:  Residential Charging Zone 1 Inner Urban Built-up areas based on the 20% most deprived LSOAs (excluding Future Growth Areas).**  CIL Charging Schedule and relationship to s106 Obligations: Residential Development (Use Classes C3, C4 and sui generis hostel. See Note 1) | | |
|  | **s106 (for information)** | **CIL** |
| **Developments of 1-3 net new dwellings** | Zero, except for direct site deliverability matters. (Including access, direct highway works, flooding and biodiversity, matters to make development acceptable in terms of Habitats Regulations and other legal matters).  Note that affordable housing is sought on greenfield sites of 3 or more dwellings (see Note 2). | **Zero** |
| **Developments of 4 -14 net new dwellings.** | Zero, except for direct site deliverability matters (see above).  Note that affordable housing is sought on greenfield sites of 3 or more dwellings (see Note 2). | **£30 per sq m** of chargeable floorspace. |
| **Developments of 15+ net new dwellings.** | Zero, except for direct site deliverability matters (see above).  Note that affordable housing is sought on sites of 15+ dwellings (see Note 2) | **£30 per sq m** of chargeable floorspace |

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| **Figure 2: Residential Charging Zone 2:  Elsewhere in the built up area, excluding Charging Zone 1, and Watcombe Heights and Ilsham Valley, Torquay, and Bascombe Road, Churston.**  CIL Charging Schedule and relationship to s106 Obligations: Residential Development (Use Classes C3, C4 and sui generis hostel) (See note 1). | | |
|  | **s106 for information** | **CIL** |
| **Developments of 1-3 net new dwellings** | Zero, except for direct site deliverability matters. (Including access, direct highway works, flooding and biodiversity, matters to make development acceptable in terms of Habitats Regulations and other legal matters).  Note that affordable housing is sought on greenfield sites of 3 or more dwellings (see Note 2). | **Zero** |
| **Developments of 4-14 net new dwellings.** | Zero, except for direct site deliverability matters (see above).  Note that affordable housing is sought on greenfield sites of 3 or more dwellings (see Note 2). | **£70 per sq m** of chargeable floor space. |
| **Developments of 15+ net new dwellings** | Zero, except for direct site deliverability matters (see above).  Affordable housing is sought on sites of 15+dwellings. (See Note 2). | **£70 per sq m** of chargeable floor space. |

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| **Figure 3: Residential Charging Zone 3:  Within Future Growth Areas, or Outside the Built Up Area (i.e. within the Countryside Area or Undeveloped Coast), plus Watcombe Heights and Ilsham Valley, Torquay and Bascombe Road, Churston.**  CIL Charging Schedule and relationship to s106 Obligations: Residential Development (Use Classes C3, C4 and sui generis hostel (see note 1). | | |
|  | **s106 for information** | **CIL** |
| **Developments of 1-3 net new dwellings** | Zero, except for direct site deliverability matters. (Including access, direct highway works, flooding and biodiversity, matters to make development acceptable in terms of Habitats Regulations and other legal matters).  Affordable housing is sought on greenfield sites of 3+ dwellings (see note 2). | **£70 per sq m** of chargeable floor space. |
| **Developments of 4-14 net new dwellings** | Zero, except for direct site deliverability matters (see above).  Affordable housing is sought on greenfield sites, of 3+ dwellings. | **£70 per sq m** of chargeable floor space. |
| **Developments of 15+ net new dwellings** | s106 Contributions to cover infrastructure needed to make development sustainable:   * Direct site deliverability matters. * Affordable Housing (see Note 2). * Sustainable development contributions necessary to make the development acceptable in planning terms. | **Zero** |

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| **Notes to Residential Charging Schedule tables**  **Note 1:** Residential includes dwellings within Use Classes C3 and C4 and sui generis Houses in Multiple Occupation (HMOs). It includes sheltered housing, where extra care is **not** provided.  Extra care housing and student halls of residence will be zero rated for CIL, so long as secured for such use through condition or legal agreement.  Regard will be had to how much development a site could reasonably be expected to accommodate, and attempts to under-develop sites in order to avoid CIL liability will be resisted.  **Extra Care Housing will be taken to mean:**  Housing designed with the needs of frailer older people in mind and with varying levels of care and support available on site. People who live in Extra Care Housing have their own self contained homes, their own front doors and a legal right to occupy the property. Extra Care Housing is also known as very sheltered housing, assisted living, or simply as 'housing with care'.  It comes in many built forms, including blocks of flats, bungalow estates and retirement villages. It can provide an alternative to a care home. In addition to the communal facilities often found in sheltered housing (residents' lounge, guest suite, laundry),  Extra Care includes additional flexible care packages that must be purchased as a condition of occupancy,  and additional facilities such as restaurant or dining room, health & fitness facilities, hobby rooms and computer rooms. Domestic support and personal care are available, usually provided by on-site staff. Properties can be rented, owned or part owned/part rented.  Occupation is governed by eligibility criteria which prospective residents have to meet”.  Sheltered or retirement dwellings which are not extra care units as per the above definition, will be considered to be residential units that are liable to CIL.  CIL is not sought on extensions to dwelling houses, unless these result in the original house being substantially demolished and replaced.  **Social Housing**, as defined by Regulation 49-50 of the CIL Regulations, is exempt from CIL where the requirements of the CIL Regulations have been met.  Self-build and custom-build housing are exempt from CIL so long as an exemption is claimed before the commencement of development. (See PPG paragraph 25-141-20140612).  Charitable institutions, e.g. churches are exempt from CIL, so long as the development is used primarily for charitable purposes. (See Regulations 43-44 of the CIL Regulations). |
| **Note 2:** Affordable housing requirements are set out in Policy H2 of the Adopted Torbay Local Plan 2012-30. The Council has regard to material considerations governing site size thresholds: namely the Written Ministerial Statement of 28/11/2014. However, full Council resolved on 2nd February 2017 to retain the threshold set out in the Adopted Torbay Local Plan.  An element of affordable housing is sought on greenfield sites of 3+ dwellings and brownfield sites of 15 or more dwellings. However, this may be reduced to zero in areas of deprivation, where this would encourage investment. Liability for CIL will also be a material consideration. |
| **Note 3:** Outside the built up area is defined as areas within the Countryside area (Policy C1) or Undeveloped coast (Policy C2) in the Adopted Torbay Local Plan 2012-30. The built up area is defined as areasnot so designated. For the purpose of CIL, Watcombe Heights and Ilsham Valley, Torquay and land at Bascombe Road, Churston are within Zone 3**.**  **Note 4:** Future Growth Areas are designated in the Adopted Torbay Local Plan 2012-30. |

## Commercial Development

### CIL is liable on out-of-town centre retail and food and drink development of more than 300 sq m, at £120 per sq m).

### The Council’s viability evidence indicates that town centre retail would not be viable with CIL. This viability position also applies to St Marychurch and Preston District Centres; but not The Willows District Centre, which operates as an out-of-town retail park.

### The viability evidence indicates that other commercial/employment uses would not be viable with a CIL.

### Figure 5 sets out the CIL for commercial development. The Charging Zones Map included at Appendix 1.

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| **Figure 4: CIL Charging Schedule: Commercial and Non-Residential Development** | | |
| Type of Development | Development Charging Zone | |
|  | **1) Town Centres, St. Marychurch and Preston District Centres** | **2) Everywhere else (including The Willows District Centre).** |
| Class A1 retail less than 300 sq m. | Zero | Zero |
| Class A1 retail over 300 sq m. (see Note 2). | Zero | £120 per sq m |
| Food and drink (Class A3, A4, A5) (see note 3). | Zero | £120 per sq m |
| Class A2 Financial and Professional services. | Zero | Zero |
| Class B employment uses. | Zero | Zero |
| Class D1 Non-residential institutions. (see Note 3). | Zero | Zero |
| Class D2 Assembly and leisure/non residential institutions (see Note 3). | Zero | Zero |
| Class C1 Hotels and commercially rated holiday accommodation. (See note 4). | Zero | Zero |
| Class C2 and C2A Residential Institutions (see Note 5). | Zero | Zero |
| **Notes to Commercial and non-Residential Charging Zones** | | |
| **Note 1:** Charitable institutions, e.g. churches are exempt from CIL, so long as the development is used primarily for charitable purposes. (See Regulations 43-44 of the CIL Regulations). | | |
| **Note 2:** Applies to all A1 retail uses includingbulky retail and sui generis retail uses. | | |
| **Note 3:**  s106 contributions may be sought where a development has an effect on non-CIL chargeable matters, such as the night time economy; or where site specific mitigation measures are required such as for access. | | |
| **Note 4.** Holiday accommodation (chalets, apartments etc) will be zero rated for CIL so long as they are subject to a condition and planning obligation restricting their occupation for tourism purposes, and are rated for business rates. If permission is subsequently sought for either a change of use or release of condition in order to permit permanent residential accommodation, the Council will seek contributions towards the additional infrastructure impact of permanent residential use. | | |
| **Note 5:** Care Homes are taken to be non-self contained accommodation for persons who, by reason or age or infirmity, are in need of care.  Sheltered or retirement dwellings which are not extra care units as per the above definition, will be considered to be residential units that are liable to CIL. | | |

## Charging Zone Maps

2.3.1. Charging Zone maps are set out in Appendix 1.These are:

* **Residential Charging Zones Summary Map**
* **Residential Charging Zones Maps 1-39** showing Charging Zones 1-3. Note that the map boundaries/page numbers correspond to the Adopted Local Plan 2012-30. The maps are designed primarily to be viewed on a screen and may be zoomed into (separate document).
* **Map 2 Commercial Development Charging Zones:**

**Zone C1** Town Centres, St. Marychurch and Preston District Centres.

**Zone C2** Out-of-town centre and The Willows District Centre.



