

COMMUNITY INFRASTRUCTURE LEVY

November 2017

Recap - what is CIL?

- ❖ A levy to contribute towards District infrastructure requirements
- ❖ Must be evidence based
- ❖ Must not make sites economically unviable
- ❖ Applies to all developments that are specified in the Council's charging schedule
- ❖ Council and applicants need to comply with 2010 CIL Regulations
- ❖ Process to support this must be in place on the date CIL takes effect

High level update on progress

- ❖ Independent Examination took place 6th July 2017
- ❖ CIL Inspector has agreed the Council's proposed charging schedule
- ❖ Report going to Council on 15th November
- ❖ CIL will take effect from late November / early December

Charging Schedule (1)

Type of Development: Residential Development (general) – see zoning map

Zones B and D (much of Leamington, Whitnash and high value rural)	Zone C (Kenilworth)	Zone A (Warwick, East of Leamington and lower value rural)
£195	£140	£70

**Type of Development: Residential (identified strategic Local Plan housing sites
over 300 dwellings)**

Local Plan Housing Site	Charge per square metre
H03 East of Whitnash (500 dwellings)	£0 (Nil)
H06 East of Kenilworth (Thickthorn) (760 dwellings)	£25
H40 East of Kenilworth (Crewe Lane, Southcrest Farm and Woodside Training Centre) (640 dwellings)	£25
H42 Westwood Heath (425 dwellings)	£55
H43 Kings Hill (up to 4000 dwellings)	£55

Charging schedule (2)

Type of Development: Retail

Retail Area	Charge per square metre
Retail – prime Leamington	£65
Convenience based supermarkets, superstores and retail parks - whole District	£105
Other retail	£0 (Nil)

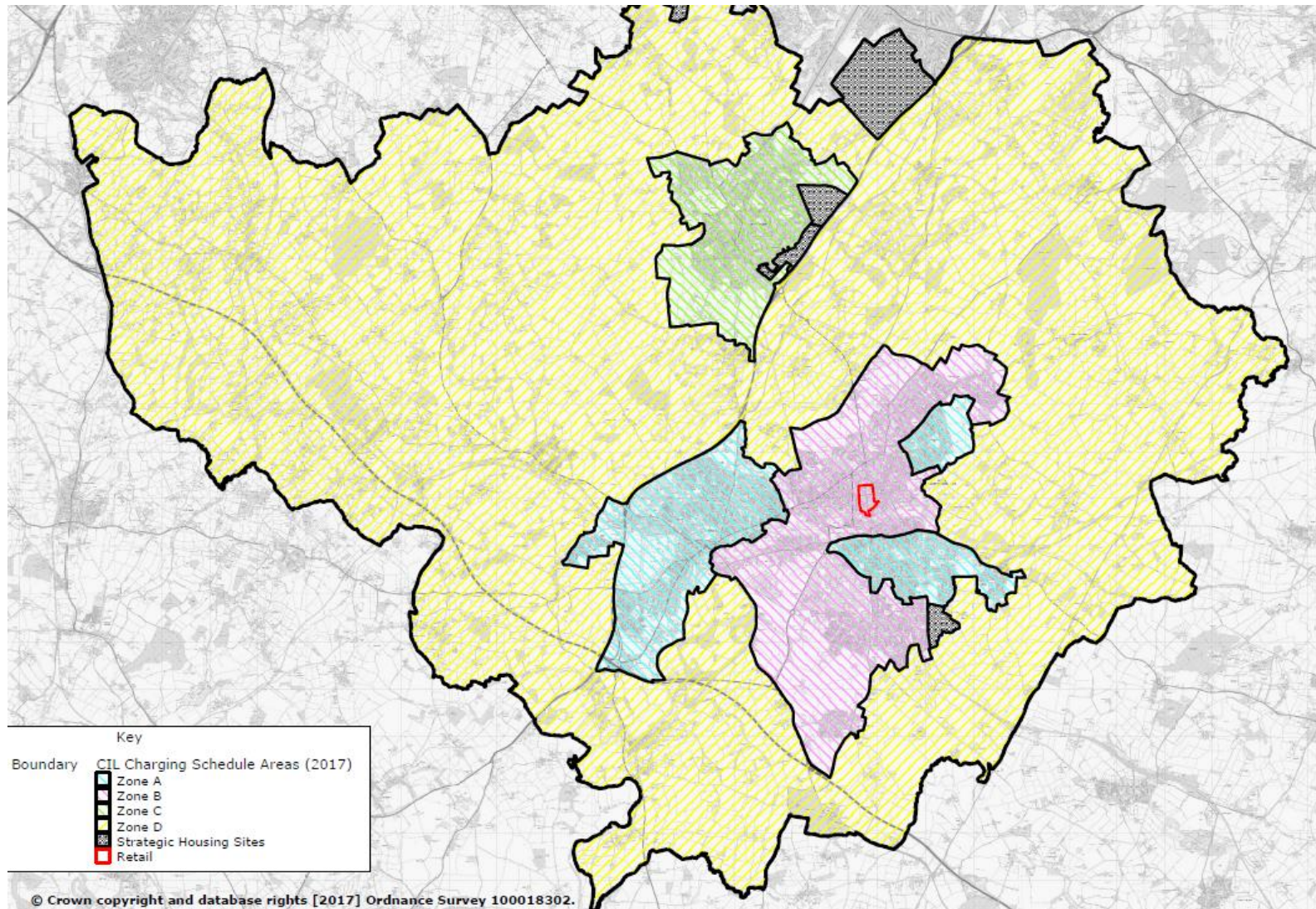
Type of Development: Student Housing

Whole District	Charge per square metre
Student Housing	£100

Type of Development: Other Development

Whole District	Charge per square metre
Hotels	£0 (Nil)
Offices	£0 (Nil)
Industrial and warehousing	£0 (Nil)
All other uses	£0 (Nil)

Charging Zones



What will CIL be used for? (1)

- ❖ WDC Infrastructure projects must be set out in Reg 123 list
- ❖ CIL cannot be spent on anything else...
 - ... although Reg 123 list can be amended
- ❖ Currently working with WCC and others to establish priorities for 2018/19
- ❖ Report for Executive in March 2018
- ❖ Temporary Reg 123 list in place – SEN Education; KPSC

CIL and Section 106? (1)

- ❖ Contributions from s106 cannot be asked for infrastructure on Reg 123...no double dipping!
- ❖ S106 still important for infrastructure that is:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- ❖ But pooling restrictions apply (infrastructure projects funded by five or more separate planning obligations)
- ❖ WCC considering ways to break down infrastructure requirements in to separate projects

CIL and Section 106? (2)

- ❖ CIL viability studies assume £13k per dwellings for strategic sites and £1.5k per dwelling for other sites
 - But this is only an assumption ...not a target
- ❖ CIL best suited to infrastructure where multiple sources of funding are needed
- ❖ Total income from CIL during plan period in region of £40m
- ❖ Income from CIL for 2018/19 in region of £300k
- ❖ All this feeds in to prioritisation decisions

Exemptions and Reliefs

- ❖ Residential annexes and extensions
- ❖ Charities
- ❖ Social housing
- ❖ Self build housing
- ❖ Exceptional circumstances (discretionary)

Which applications does CIL apply to?

- ❖ Based on additional floorspace so...
...reserved matters and detailed applications
- ❖ Applies on the date applications determined
- ❖ Theoretically applies to applications that already have outline permission with S106 agreements but...
...these are likely to be exempted through exceptional circumstances
- ❖ CIL cannot be calculated accurately for outline permissions, but an estimate can be made
- ❖ Applies to proposals for 1 or more dwellings

Distributing CIL (1)

Two Parts

- ❖ Distributing Money to Infrastructure Providers (education, transport, health, sports, etc)
- ❖ Distributing money to Town and Parish Councils

Infrastructure Providers

- ❖ Each February - report taken to Executive, setting out the Reg. 123 list for the year ahead.
- ❖ The report to include:
 - ❖ An of how much money we anticipate collecting from CIL during the year
 - ❖ List of items on which CIL could be spent
 - ❖ Costs for each item
 - ❖ Delivery timescales for each item
 - ❖ Responsible organisation
 - ❖ Specific spending priorities for the year ahead

Distributing CIL (2)

Town and Parish Councils

- ❖ 15% or 25%(but not exceeding £100 per dwelling in the area)
- ❖ So if you have 500 dwelling in the parish, the max you can receive in any year is £50,000
- ❖ Reg 59c
- ❖ Must use CIL receipts to
 - “support the development of the local council’s area or any part of that area, by funding –*
 - A) the provision, improvement, replacement, operation or maintenance of infrastructure, or*
 - B) Anything else that is concerned with addressing the demands that development places on an area”*

Distributing CIL (3)?

- ❖ Engagement on priorities September to January
- ❖ Predictions of potential annual CIL income
- ❖ Alignment with WDC's Reg 123 list
- ❖ Process:
 - WDC will calculate the amount due to each parish on an ongoing basis
 - Report prepared each October and April
 - Invoice request (order) sent to each Clerk at that point
 - On receipt of invoice Money distributed
- ❖ Option not to claim money, but WDC still has to have regard to local needs.
- ❖ Money must be spent within 5 years

How much money can you expect to receive?

- ❖ Will vary widely
- ❖ Example 100sqm new dwelling in rural area = £19,500
- ❖ WDC will attempt to predict each Autumn to help with planning
- ❖ However significant uncertainty, especially in smaller parishes
- ❖ 2018/19 expecting around £300,000 in total
- ❖ 15% of this would mean a total £45,000 for town and parish councils
- ❖ Expect significant increases in CIL income in following years

Reporting Requirements

- ❖ Requirement for T&PCs to prepare annual report on CIL receipts and expenditure
- ❖ Must be published by 31st December
 - Total CIL receipts for the year
 - Total CIL expenditure
 - Summary of CIL expenditure – itemised
 - Total CIL receipts retained at the end of the year
 - Total CIL receipts retained from previous years
- ❖ Must publish report on website and on WDC's website
- ❖ WDC can help