

London Borough of Waltham Forest



Community Infrastructure Levy (CIL) Draft Charging Schedule

September 2013



INTERPRETING AND TRANSLATION ASSISTANCE

This document or its summary can be made available in other languages, large print, Braille, audio-tape format or a translation service provided on request. Should you require access to these services please contact us at the address stated below.

This document can also be made available on Audio Tape Braille Large Print

| | |
|--|--|
| <p>Dokumenti apo përmbledhja e tij mund të sigurohen në gjuhë tjera, shtyp të madh, Braille, audiokasetë apo i përkthyer sipas kërkesës. Nëse ju keni nevojë për këto shërbime, ju lusim na kontaktoni në adresën e dhënë më poshtë.</p> <p style="text-align: right;">Albanian <input type="checkbox"/></p> | <p>આ અહેવાલ કે એનું સંક્ષેપ બીજી ભાષાઓમાં, મોટા અક્ષરોમાં, બ્રેઈલમાં, ઓડિયો ટેપ પર અથવા ભાષાંતર સેવા દ્વારા ઉપલબ્ધ થઈ શકે છે. જો તમને આ સેવાની જરૂર લાગે, તો કૃપા કરીને અમને નીચેના સરનામે સંપર્ક કરો.</p> <p style="text-align: right;">Gujarati <input type="checkbox"/></p> |
| <p>يمكن توفير هذه الوثيقة أو ملخصها بلغات أخرى أو بالطبعة الكبيرة أو بلغة بريل أو على الشريط. ويمكن توفير خدمة ترجمة عند الطلب. وإذا احتجت منالاً من هذه الخدمات الرجاء الاتصال معنا على العنوان المذكور أدناه.</p> <p style="text-align: right;">Arabic <input type="checkbox"/></p> | <p>यह पर्चा या इसका संक्षेप अन्य भाषाओं में, बड़े अक्षरों में या सुनने वाली टेप पर माँग कर लिया जा सकता है, और अन्य भाषाओं में अनुवाद की सुविधा भी मिल सकती है। यदि आपको इन सुविधाओं की जरूरत है तो कृपया निम्नलिखित पते पर हमारे साथ संपर्क करें।</p> <p style="text-align: right;">Hindi <input type="checkbox"/></p> |
| <p>অনুরোধক্রমে এই ডকুমেন্ট অথবা এর সারসর্ম অন্যান্য ভাষায়, বড় ছাপার অক্ষরে, ব্রেইল বা অঙ্কলিপিতে, অডিও টেইপ বা বাজিয়ে শোনার কেসেটে অথবা অনুবাদ করে দেয়ার ব্যবস্থা করা যাবে। আপনার যদি এসব সেবাসমূহের প্রয়োজন হয়, তাহলে অনুগ্রহ করে আমাদের সাথে নীচের ঠিকানায় যোগাযোগ করুন।</p> <p style="text-align: right;">Bengali <input type="checkbox"/></p> | <p>ਇਹ ਪਰਚਾ ਜਾਂ ਇਹਦਾ ਖੁਲਾਸਾ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ, ਜਾਂ ਸੁਣਨ ਵਾਲੀ ਟੇਪ 'ਤੇ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ, ਅਤੇ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਤਰਜਮਾ ਕਰਨ ਦੀ ਸਹੂਲਤ ਵੀ ਮਿਲ ਸਕਦੀ ਹੈ। ਜੇ ਇਹਨਾਂ ਸਹੂਲਤਾਂ ਦੀ ਤੁਹਾਨੂੰ ਲੋੜ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਹੇਠ ਲਿਖੇ ਪਤੇ 'ਤੇ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।</p> <p style="text-align: right;">Punjabi <input type="checkbox"/></p> |
| <p>我們可以按照您的要求向您提供此文件或其摘要的母語譯本、大字印刷版本、盲文版本、錄音帶或者提供其他翻譯服務。如果您需要以上服務，請通過以下的地址與我們取得聯繫。</p> <p style="text-align: right;">Chinese <input type="checkbox"/></p> | <p>İstekte bulunursanız, bu broşürü ya da broşürün özetini Türkçesini size gönderebiliriz. Ayrıca broşürün iri harfli baskısı, görme engelliler için parmak ucuyla okunabilen Braille alfabesiyle yazılmış kabartma şekli ve ses kaseti de olup istek üzerine broşürün özetini sözlü olarak da size Türkçe okuyabiliriz. Bu hizmetlerden yararlanmak için aşağıda yazılı adresten bize ulaşabilirsiniz.</p> <p style="text-align: right;">Turkish <input type="checkbox"/></p> |
| <p>Ce document ainsi que son résumé sont disponibles dans d'autres langues, en gros caractères, en braille et sur support audio. Une version traduite peut également être obtenue sur demande. Pour obtenir l'un de ces services, veuillez nous contacter à l'adresse ci-dessous.</p> <p style="text-align: right;">French <input type="checkbox"/></p> | <p>یہ دستاویز یا اس کا خلاصہ دیگر زبانوں، بڑے حروف، یا آڈیو ٹیپ کی شکل میں دستیاب ہو سکتا ہے، یا درخواست کرنے پر ترجمے کی سروس دستیاب ہو سکتی ہے۔ اگر آپ ان سروسز تک رسائی حاصل کرنا چاہتے ہیں تو برائے مہربانی ہم سے نیچے دیئے گئے پتے پر رابطہ کیجئے۔</p> <p style="text-align: right;">Urdu <input type="checkbox"/></p> |
| <p>Name _____ Address _____ _____ _____ Telephone No _____</p> | <p>CONTACT: Planning Policy Team Environment and Regeneration London Borough of Waltham Forest Sycamore House, Waltham Forest Town Hall Forest Road, Walthamstow, London, E17 4JF</p> <p>Telephone 020 8496 3000 Email: planning.policy@walthamforest.gov.uk Web site: www.walthamforest.gov.uk</p> |

1. The CIL Charging Authority

- 1.1 The London Borough of Waltham Forest is a Charging Authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge the Community Infrastructure Levy (CIL) in respect of development in Waltham Forest.
- 1.2 It should be noted that additional appraisals were undertaken regarding retail and residential care homes regarding representations received via the CIL PDCS and DCS consultation. There is no change in the CIL DCS, however clarifications are made to the definitions of superstore/supermarket and retirement homes as set in paragraph 5.3 of this document.

2. Date of Approval

- 2.1 This Draft Charging Schedule and supporting documents were approved by Cabinet on 9th July 2013.

3. Date of Effect

- 3.1 This Charging Schedule will come into effect on (date to be inserted following the examination and Council approval).

4. Liability to Pay CIL

- 4.1 A chargeable development is one for which planning permission is granted and or which is liable to pay CIL in accordance with the CIL Regulations as currently drafted.
- 4.2 CIL will be chargeable on most new development, which: -
 - Involves a building¹ into which people usually go (but excluding buildings to which people do not usually, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery building(s); and
 - Involves floorspace that is not exempted under the Act, the Regulations or for a locally defined reason to be set out in the Appendix 2 of this document; and
 - Involves new build² of at least 100m² gross internal area (GIA) floorspace; or
 - Involves new build of less than 100m² GIA floorspace but the creation of one or more dwellings; or
 - Involves change of use to residential where floorspace has not been in use for 6 months of the previous 12 on the day planning permission first permits the development³; or
 - Includes development permitted by a 'general consent'⁴ (including permitted development) commenced on or after 6th April 2013; or

¹The definition of a 'building' is given by section 336(1) of TCPA 1990. Building 'includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.'

²The definition of 'new build' is given by Amended CIL Regulations 2011. "New build' means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings."

³"Planning permission first permits development" is defined in regulation 8 of the CIL regulations 2010 (as amended).

⁴"General consent" is defined in the regulation 5 of the CIL regulations 2010 (as amended).

- Includes development that received a planning permission replacing extant and unimplemented permissions granted before 1st October 2010.

5. Rates of CIL

5.1 The Council intends to charge differential rates of CIL, which are to be determined by the land use of a proposed development (expressed as pounds per square metre) and by the area where a proposed development is situated, as set out in the Table 1 below.

5.2 Please note that the rates set out in the table below are exclusive of the London Mayoral CIL applicable to Waltham Forest, which is currently £20 per sq. m.

5.3 In establishing the rates, set out in the table below, a policy compliant affordable housing provision was assumed.

Table 1: Proposed Rates

| Type of development | Zone A (North of North Circular) | Zone B South of North Circular) |
|---|---|--|
| All residential development, including private care/retirement homes | £65 | £70 |
| Publicly funded care homes | Nil | Nil |
| Convenience based supermarkets/superstores ¹ and retail warehousing ² (net selling space of over 280 sqm) | £150 | |
| Hot food takeaways and restaurants | £80 | |
| Betting shops | £90 | |
| Hotels | £20 | |
| All other uses | Nil | |

¹**Superstores/supermarkets** are shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.

²**Retail warehousing** are large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY and other ranges of goods, catering for a significant proportion of car-borne customers.

6. Charging Zones

- 6.1 The charging zones referred to in the above table are demonstrated in the Charging Zones Map, attached at Appendix 1 of this document.
- 6.2 The areas indicated as constituting the London Legacy Development Corporation Area in the attached map do not form part of Waltham Forest' Charging Authority. This area will be subject to CIL rates as set out by the London Legacy Development Corporation (LLDC).

7. Calculating the Chargeable Amount

- 7.1 CIL will be calculated on the basis set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended).

8. Inflation and Indexation

- 8.1 The rates referred to in Table 1 above shall be subject to annual indexation in keeping with the "All-in Tender Price Index" published by the Building Cost Information Service (BCIS). The rates should be increased by an amount equivalent to the increase in the index from the date hereof until the date on which the sums are payable provided that in the event that the "All-in Tender Price Index" shall decrease, the sum not fall below the figures set out.

9. Regulation 123 List

- 9.1 The Regulation 123 List is a list of types of infrastructure a Charging Authority intends to spend its CIL receipts on.
- 9.2 Please see attached, at Appendix 3, Waltham Forest' Draft Regulation 123 List.

10. Further Information

- 10.1 This Draft Charging Schedule has been published in accordance with the Community Infrastructure Levy Regulations 2010 as amended by subsequent the Community Infrastructure Levy Regulations, and Part 11 of the Planning Act 2008.
- 10.2 Further information on the Community Infrastructure Levy is available on the Council's website www.walthamforest.gov.uk/CIL

Appendix 1: CIL Charging Zone Map

London Borough of Waltham Forest
Community Infrastructure Levy
residential zones

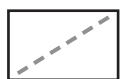
KEY



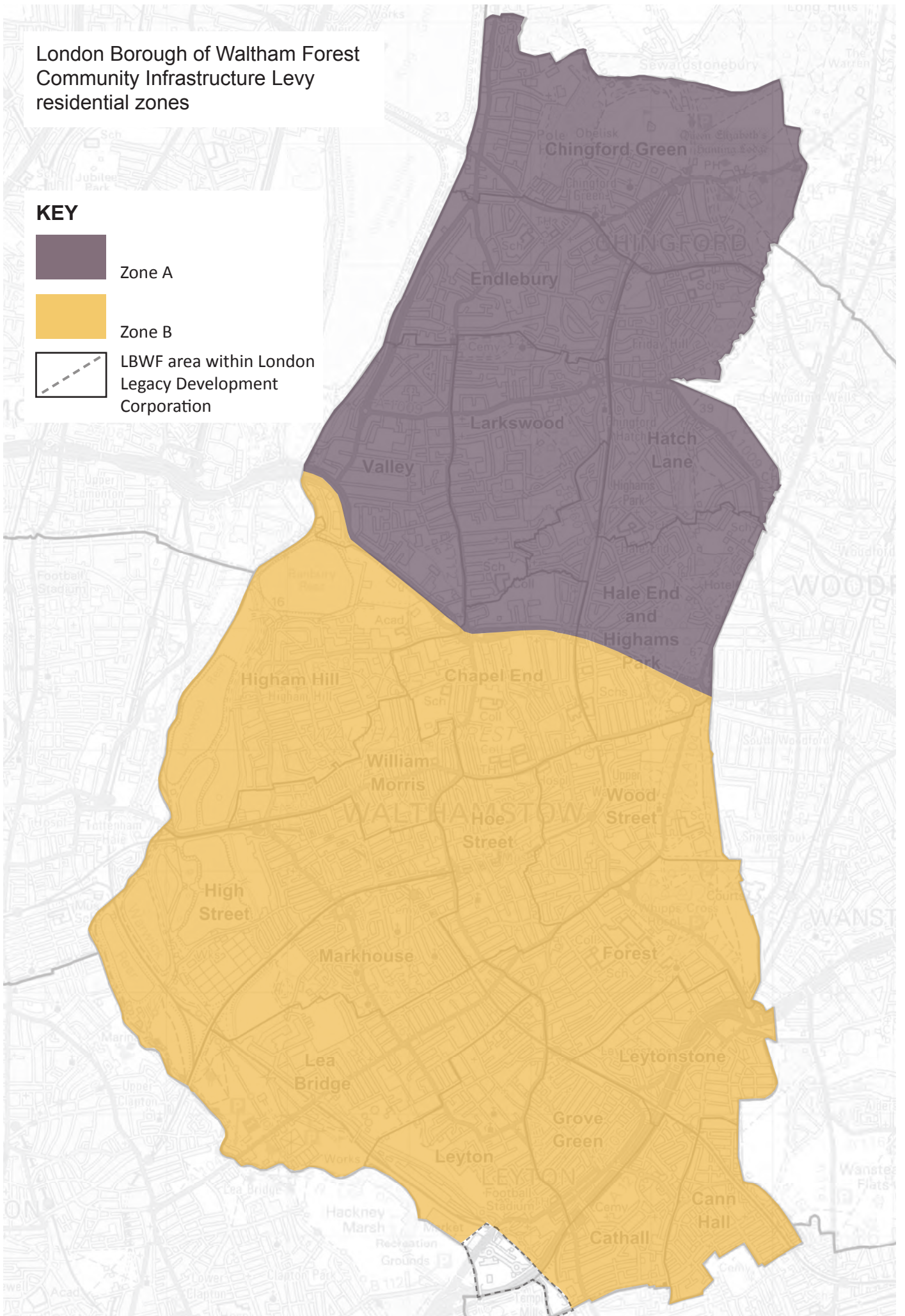
Zone A



Zone B



LBWF area within London
Legacy Development
Corporation



Appendix 2: Explanatory Notes to the Draft Charging Schedule

1. Exemptions and Relief

1.1 For the avoidance of doubt, the following types of development will usually be exempt from the payment of the London Borough of Waltham Forest CIL:

- A use which has a zero or nil charge (£0/m²) set out in the Waltham Forest' CIL Charging Schedules.
- A development, which does not fall within the definition of a "chargeable development" (regulation 9 of the CIL Regulations 2010 (as amended)).
- Dwellings let by registered providers of social housing for the purpose of being socially rented or occupied in accordance with shared ownership arrangements, subject to the specific provisions of Regulation 49 of the CIL Regulations (2010) (as amended).
- Charities where the development will be used wholly, or mainly, for charitable purposes (regulation 43 of the CIL Regulations 2010 (as amended)).

1.2 Under sections 55 to 58 of the CIL Regulations 2010 (as amended), the Council has the option to provide discretionary relief in 'exceptional circumstances'. The Council intends to consider exceptional relief applications on a case by case basis.

2. Instalment Policy

2.1 Regulation 70 of the CIL Regulations 2010 (as amended) provides options for a Charging Authority to adopt an instalment policy, which will allow developers/liable parties to pay for the levy by instalments.

2.2 At present, the Mayor of London has proposed an instalment policy, which will allow two instalments for developments with a CIL liability equal to or more than £500,000. Therefore, the Council is proposing not to develop its own instalment policy but to implement the London Mayor's approach. See Appendix 4 of this document.

3. The CIL's Relationship with S106

3.1 By 6th April 2014, or the date when Waltham Forest' Charging Schedule takes effect, the use of Section 106 will be largely scaled back. The Council is developing a new Planning Obligations Supplementary Planning Document which will define where S106 will be sought and where CIL will be sought in relation to the delivery of infrastructure. This is to ensure that a developer is not charged twice for the provision of the same infrastructure.

4. Reporting and Review

- 4.1 Regulation 62 of the CIL Regulations 2010 (as amended) requires the Charging Authority to publish annual reports for each financial year.
- 4.2 The Council will keep the operation of the CIL and the position regarding the funding and economic viability evidence under continual review and, where necessary, will seek to renew the Charging Schedule in accordance with the latest Government guidance and legislation.

5. Monitoring and Administration

- 5.1 The London Borough of Waltham Forest will seek to collect between 4% and 5% of CIL charges relating to Mayoral CIL and Waltham Forest' own CIL respectively. This will be used for monitoring and administrative purposes in accordance with the CIL Regulations 2010.

Appendix 3: Draft Regulation 123 list of infrastructure to be funded by CIL

Date of Effect – this Charging Schedule will come into effect on (date to be inserted following the examination and Council approval).

Types of infrastructure to be funded by CIL

- The provision, improvement, replacement, operation or maintenance of new and existing public education facilities;
- The provision, improvement, replacement, operation or maintenance of new and existing leisure facilities such as sports facilities, libraries;
- The provision, improvement, replacement, operation or maintenance of new and existing open space and green infrastructure;
- The provision, improvement, replacement, operation or maintenance of new and existing roads and other transport facilities;
- The provision, improvement, replacement, operation or maintenance of new and existing health facilities;
- The provision, improvement, replacement, operation or maintenance of air quality monitoring infrastructure;
- The provision, improvement, replacement, operation or maintenance of new and existing employment and training facilities;
- The provision, improvement, replacement, operation or maintenance of new and existing community facilities and faith buildings;
- The provision, improvement, replacement, operation or maintenance of new and existing energy and sustainability infrastructure to help meet climate change, sustainability objectives;
- The provision, improvement, replacement, operation or maintenance of new and existing flood defences and Sustainable Drainage Systems;
- The provision, improvement, replacement, operation or maintenance of new and existing electricity supplies to all Council managed markets;
- The provision, improvement, replacement, operation or maintenance of new and existing infrastructure dedicated to public safety (e.g. wider CCTV coverage);

- The provision, improvement, replacement, operation or maintenance of new and existing infrastructure dedicated to public art;
- Unless the need for specific infrastructure contributions are identified in the the Revised Planning Obligations Supplementary Planning Document or arises directly from five or fewer developments, where section 106 arrangements may continue to apply if the infrastructure is required to make the development acceptable in planning terms.

Appendix 4: Community Infrastructure Levy (CIL) Instalments

| Amount of CIL Liability | Number of instalment payments | Amount of proportion of CIL payable in any instalment/time at which payments are due |
|-------------------------|-------------------------------|---|
| £500,000 or less | No instalments | Total amount payable within 60 days of commencement of development |
| £500,001 or more | Two | <ul style="list-style-type: none"> • The greater of £500,000 or half the value of the total amount payable within 60 days of commencement of development • The remainder within 240 days of commencement of development |