



**NEWARK &  
SHERWOOD**  
*DISTRICT COUNCIL*

**Newark and Sherwood  
District Council**

**Community Infrastructure Levy  
Draft Charging Schedule**

**March 2017**

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## **Section 1**

### **1.1 Introduction**

Newark and Sherwood District Council adopted a Community Infrastructure Levy (CIL) Charging Schedule in September 2011, which came into force in December 2011.

Consideration has been given to the recommendations in the Community Infrastructure Levy Review report to Government released on 07/02/2017, however due to the timeframe recommended for CIL to be replaced it is considered appropriate to continue with the CIL review and implementation of a revised Charging Schedule a timetable has been set to adopt a revised Charging Schedule by Summer 2017.

Until such time that CIL is replaced it will continue to be the primary means by which the District Council secures developer contributions towards specific highway improvements and secondary education provision to mitigate the impact of strategic growth on the District Councils infrastructure. The existing Newark and Sherwood Charging Schedule will remain in operation until a revised one is adopted by Council.

The purpose of this document is to seek representation on the Draft Charging Schedule (DCS) which is the second stage in preparing a revised Charging Schedule. It has been produced following the outcome of consultation on the Preliminary Draft Charging Schedule (PDCS) that took place in October 2016. This document further sets out how the current Charging Schedule will be revised and how much levy will be charged

The District Council's timetable for producing an adopted revised CIL Charging Schedule is:

Consultation on Draft Charging Schedule	March/April 2017
Submission of Draft Charging Schedule for Examination	April 2017
Examination of Draft Charging Schedule	May/June 2017
Adoption of Charging Schedule	July 2017

### **1.2 Statutory Compliance**

The District of Newark and Sherwood 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 the District of Newark and Sherwood. The Council is also the collecting authority for its administrative area.

The Draft Charging Schedule has been prepared in accordance with Part 11 of the Planning Act 2008 and by the CIL Regulations 2010, which came into force in May 2010 and have since been amended by the CIL Regulations 2011,2012,2013,2014 and 2015. The Charging Schedule has also been prepared having regard to the CIL Guidance, published within the National Planning Practice Guidance.

In accordance with Regulation 14, in revising its CIL rates the District Council has aimed to strike what it considers to be an appropriate balance between:

- The desirability of funding from CIL (in whole or part) the actual expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding;

And

- The potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

### **1.3 Supporting Evidence Base**

The rationale for revising the CIL Charging Schedule that has been in force since December 2011 was set out in the Council's Preliminary Draft Charging Schedule (PDCS) which was published for consultation in October 2016. The PDCS was supported by a number of evidence base documents that, where necessary, have been updated following consultation. In addition The Draft Infrastructure Delivery Plan has been updated post consultation.

A link to supporting documents is provided <http://www.newark-sherwooddc.gov.uk/cil/>

#### **1.3.1 Affordable Housing Viability Testing**

As a result of the changes to Affordable Housing Policy announced in the Government White Paper (February 2017) further testing has been completed to assess the viability of CIL against current affordable housing policy, contained within the Council's Core Strategy (Adopted in 2011). This is to ensure that if the Council decides not to take the approach that proposed in the Preferred Approach - Strategy document in July 2016, which reflected the requirements for 20% Starter Homes, then the CIL would continue to be viable. The additional testing shows that; subject to flexibility in the Low Zone in terms of split of affordable tenure mix that the Council's current policy continues to be viable. Therefore whichever policy route the Council choose as part of its' Plan Review should not be effected by the CIL Review.

#### **1.3.2 Payment of CIL**

The Regulations state that CIL becomes payable upon the commencement of development (defined by reference to section 56(4) of the TCPA 1990 and includes works of demolition and construction and preparatory works such as digging foundations and installing services. The Council have an adopted Instalment policy in place that was last updated on 1<sup>st</sup> May 2013. It is proposed that the existing instalment policy will remain in place and unchanged when the revised Charging Schedule comes into force (The Charging Schedule can be found at page 6 of the Draft Charging Schedule within Section 2 of this document).

### **1.3.3 Calculating the Charge**

Newark and Sherwood District Council will calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 as amended 2011,2012,2013,2014 and 2015.

Under Regulation 40, the CIL rate will be index linked with the Royal Institute of Chartered Surveyors “All in Tender Price Index”. The current “All in Tender Price Index” will be set at the time of adoption of the revised Charging Schedule.

### **1.3.4 Existing Floorspace on a Development Site**

Regulation 40 provides that the total floorspace of any existing building on a development site should be subtracted from the floorspace of the chargeable development where the existing buildings have been in a lawful use for at least 6 months within the period of 3 years ending on the date of planning permission.

## **1.4 CIL Exemptions**

The following forms of development are exempt from paying CIL:

- Buildings into which people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery
- Development of under 100 square metres that do not result in the creation of 1 or more additional dwellings

### **1.4.1 CIL Relief**

The CIL Regulations provide for full relief from the CIL charge for any part of the development which is affordable housing (and includes social and affordable rent and shared ownership) Charity landowners with also benefit from relief provided that the development is to be used for charitable purposes. If a development is initially granted CIL relief then circumstances change, there is a clawback period of 7 years within which the development will become liable for CIL.

In addition to affordable housing and charitable relief, self-build exemption can be applied for householder extensions, annexes and new dwellings where the CIL self-build criteria are met. If a disqualifying event occurs the development will become liable for CIL.

All relief and exemptions must be applied for prior to any commencement of works as cannot be applied retrospectively.

The District Council does not have a Discretionary Relief Policy in place and does not propose to adopt one as part of the CIL review.

#### **1.4.2 Relationship between CIL and Section 106 Agreements**

Provision for Section 106 agreements will remain however under Regulation 123 that came into force in April 2014 the ability to pool contributions from developers via S106 to deliver larger items of infrastructure will be restricted to a maximum of 5 pooled contributions per specific infrastructure project.

A draft revised Regulation 123 List which updates and sets out the infrastructure that will be funded via CIL can be found at Appendix A. Infrastructure not specified on the list can continue to be funded through Section 106 Obligations if it is compliance with Regulation 123 and if it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in kind and scale to the development.

## Section 2

The Draft Charging Schedule is published under Regulation 16 of the CIL Regulations 2010 (as amended) so that representations can be made prior to its submission to the Secretary of State. A Regulation 16 Statement of Representations Procedures is attached at Appendix 1. All representations will be considered alongside the submitted document, which will be examined by an independent inspector.

### 2.1: 2017 Draft Charging Schedule (DCL)

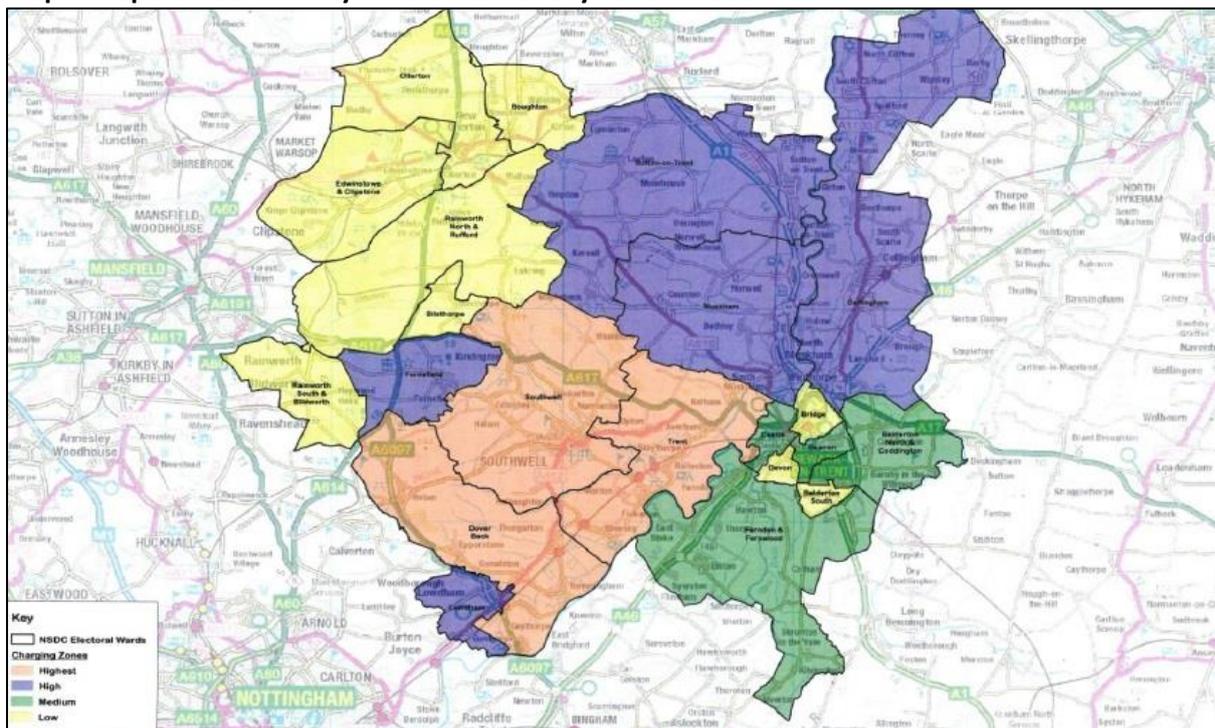
<b>Name of Charging Authority</b>	<b>Newark and Sherwood District Council</b>		
<b>Date Approved by Full Council</b>	<b>**/**/2017</b>	<b>Date Charging Schedule takes effect</b>	<b>**/**/2017</b>
<b>Rates (£m<sup>2</sup>) at which CIL is to be Chargeable</b>	CIL will be charged in Pounds Sterling (£) per square metre at differential rates according to the type of development and by location as set out in the Commercial and Residential Tables of this Schedule.		
<b>Charging Zones</b>	The Residential Charging Zones to which CIL will be applied are those as identified on Residential Map as set out within this Schedule. (Commercial will have one District Wide Zone)		
<b>How the Chargeable Amount will be Calculated</b>	<p>The District Council will calculate the amount of CIL chargeable to a qualifying development utilising the formula set out in Part 5 of the CIL Regulations.</p> <p>In summary the amount of CIL chargeable will be calculated as follows :</p> <p><u>CIL Rate x Chargeable Floor Area x BCIS Tender Price Index (at Date of Planning Permission)</u>  BCIS Tender Price Index (at Date of Charging Schedule)</p> <p>The Chargeable Floor Area makes allowance for previous development on the site. The net chargeable floor area amounts to the gross internal area of the chargeable development less the gross internal area of any existing buildings that qualify for exemption on the site.</p> <p>This summary does not take account of every aspect of the Regulations. The CIL Regulations are available to view at the District Council's website:  <a href="http://www.newark-sherwooddc.gov.uk/cil">www.newark-sherwooddc.gov.uk/cil</a> or at the Council Offices at Kelham Hall (open between 8:30am and 5:15pm Monday to Thursday and 8:30am to 4.45pm on Friday)</p>		
<b>BCIS Tender Price Index (at Date of Charging Schedule)</b>	<b>000</b>		
<b>Further Information</b>	<p>Further information concerning:</p> <ul style="list-style-type: none"> <li>• When CIL will be charged;</li> <li>• Who is Liable to pay CIL;</li> <li>• How CIL will be paid;</li> </ul>		

	<ul style="list-style-type: none"> <li>• Relief/Exemptions from paying the CIL; and</li> <li>• Monitoring.</li> </ul> <p>Is available on the Council’s website which can be viewed at: <a href="http://www.newark-sherwooddc.gov.uk/cil">www.newark-sherwooddc.gov.uk/cil</a></p> <p>Alternatively please telephone us on 01636 655855 Or E-mail: <a href="mailto:planningpolicy@nsdc.info">planningpolicy@nsdc.info</a></p>
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**Table 1 Proposed Commercial Community Infrastructure Levy Rates**

<b>Non-Residential CIL</b>	
<b>Districtwide</b>	
<b>All Non-residential uses (excepting Retail)</b>	<b>£0sqm</b>
<b>Districtwide</b>	
<b>Retail A1-A5</b>	<b>£100sqm</b>

**Map 1 Proposed Community Infrastructure Levy Zones –Residential**



**Table 2 Proposed Residential Community Infrastructure Levy Rates**

<b>Residential CIL</b>	
<b>Apartments (All Zones)</b>	<b>£0sqm</b>
<b>Housing Low Zone 1</b>	<b>£0sqm</b>
<b>Housing Medium Zone 2</b>	<b>£45sqm</b>
<b>Housing High Zone 3</b>	<b>£70sqm</b>
<b>Housing Very High Zone 4</b>	<b>£100sqm</b>

## **Amended Newark and Sherwood Community Infrastructure Levy Instalment Policy – 1<sup>st</sup> May 2013**

### **1. Introduction**

Regulation 70 (7) of the Community Infrastructure Levy (Amendment) Regulations 2011 sets a default of full payment of the Levy within 60 days of the commencement of development. The Amendment Regulations also enable a Charging Authority to set an Instalment Policy that allows payments to be spread over longer periods. Within Newark and Sherwood it is considered reasonable that payment instalments are scheduled in proportion to the scale of development that is proposed.

The District Council have undertaken a review of its instalment policy. To provide greater flexibility and to give developers longer to pay CIL the policy has been amended by increasing each of the instalment periods.

For further information about the Newark & Sherwood Community Infrastructure Levy please visit <http://www.newark-sherwooddc.gov.uk/cil/>, e-mail [planning@nsdc.info](mailto:planning@nsdc.info) or telephone 01636 650000.

### **2. Instalment Policy**

In accordance with Regulation 69b of The CIL Amendment Regulations, Newark and Sherwood District Council (The Charging Authority) will apply the following Instalment Policy to all development on which CIL is liable.

The Amended Instalment Policy came into effect on **1<sup>st</sup> May 2013** and the existing one ceased to have effect on the **30<sup>th</sup> April 2013**.

### **3. Number, Proportion and Timing of Instalments**

The Community Infrastructure Levy will be payable by instalments as follows:-

- a) Where the chargeable amount is less than £50,000**
  - Full payment will be required within 90 days of the commencement date<sup>1</sup> or on substantial completion of the liable development whichever is soonest;
- b) Where the chargeable amount is £50,000 - £250,000**
  - First instalment representing 25% of the chargeable amount will be required within 120 days of the commencement date or on substantial completion of the liable development whichever is soonest; and
  - The second instalment representing 75% of the chargeable amount will be required within 300 days of the commencement date or on substantial completion of the liable development whichever is soonest.
- c) Where the chargeable amount is over £250,000**
  - First instalment representing 25% of the chargeable amount will be required within 120 days of the commencement date or on substantial completion of the liable development whichever is soonest;

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

- Second instalment representing 25% of the chargeable amount will be required within 210 days of the commencement date or on substantial completion of the liable development whichever is soonest;
- Third instalment representing 25% of the chargeable amount will be required within 390 days of the commencement date or on substantial completion of the liable development whichever is soonest; and

The fourth and final instalment representing 25% of the chargeable amount will be required within 570 days of the commencement date or on substantial completion of the liable development

## Appendix A

### 1. Newark and Sherwood District Council Community Infrastructure Levy (CIL)

#### Draft Amended Regulation 123 List of Projects to be funded by CIL March 2017

<b>Highway Projects</b>			
<b>Location</b>	<b>Estimated Cost</b>	<b>CIL /Other Public Contribution</b>	<b>Notes</b>
A1 Overbridge widening, Fernwood, Newark	£5,200,000	£5,200,000	
London Road, Portland Street Junction, Newark	£60,000	£60,000	
Barnby Gate, Sherwood Avenue Junction, Newark	£60,000	£60,000	
Lincoln Road, Brunel Drive Junction, Newark	£300,000	£300,000	
Lincoln Road, Northern Road Junction, Newark	£240,000	£240,000	
Castle Gate, Lombard Street Junction, Newark	£300,000	£300,000	
Beacon Hill Road, Northern Road Junction, Newark	£144,000	£144,000	
Sleaford Road / Friary Road Junction, Newark	£300,000	£300,000	
Northern Road / Brunel Drive Junction	£500,000	£500,000	
Queens Road / North Gate	£240,000		
Kelham Bypass	£15,000,000	£5,000,000	33% CIL, 33% NCC, 33% D2N2 Funding Assumed
A6097 / A612 Lowdham Junction	£1,500,000	£1,500,000	
A614 Mickledale Lane Junction	£300,000	£300,000	
A614, C1 Junction White Post Roundabout	£600,000	£600,000	
A614, C13 Eakring Road Junction	£120,000	£120,000	
A614/A6097 Oxtun Bypass	£1,500,000	£1,500,000	
<b>Education Projects</b>			
Secondary Education Provision within the District	£11,339,820	£11,339,820	

## 2. Statement of Representations Procedure

Newark and Sherwood District Council intends to submit a revised Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) for examination, under Section 212 of the Planning Act (as amended by Section 114 of the Localism of the Localism Act 2011).

This Statement of Representations Procedure has been produced in accordance with Regulation 16 of the Community Infrastructure Levy Regulations (2010) As Amended

Under Regulations 16 and 17, Newark and Sherwood District Council is inviting representations on its revised Draft Charging Schedule for a six week period that will end at 5.15pm on Thursday 13th April 2017.

In accordance with the regulations, Newark and Sherwood District Council has published the following documents on its website <http://www.newark-sherwooddc.gov.uk/cil/>

- Community Infrastructure Levy: 2017 Amended Draft Charging Schedule
- Evidence to support the Community Infrastructure Levy Amended Draft Charging Schedule
- This Statement of Representations Procedure

Representation forms are available from Kelham Hall reception and all District libraries or can be printed from the District Council's website <http://www.newark-sherwooddc.gov.uk/cil/>

Representations on Newark and Sherwood's CIL Amended Draft Charging Schedule should be returned by email to [planningpolicy@nsdc.info](mailto:planningpolicy@nsdc.info) or by post to Infrastructure/S106 Officer Newark and Sherwood District Council, Development Management, Kelham Hall, Newark, NG23 5QX

Your representation should arrive no later than 5.15pm on Thursday 13th April 2017. Please also note your representation will be made available as public information.

Organisations and individuals making representations may request the right to be heard at the examination. Such a request must be made in writing and received and received within the specified period for making representations.

Representations may also be accompanied by a request to be notified, at a specified address, of any of the following:

- That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008
- The publication of the recommendations of the examiner and the reasons for those recommendations
- The approval of the Charging Schedule by the Council