

Community Infrastructure Levy

Planning for
Cornwall's future

Draft Charging Schedule **CONSULTATION DOCUMENT**

June 2017

www.cornwall.gov.uk

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Summary

Consultation on the Draft Charging Schedule will run from Monday 12 June to 5pm on Monday 7 August 2017.

Comments are sought on the Draft Charging Schedule, and the following draft Community Infrastructure Levy (CIL) documents:

- Regulation 123 List
- Instalment Policy
- Discretionary Relief Policy

This consultation is not about the decision making process for what CIL income will be spent on. Work is still ongoing to determine this.

This Draft Charging Schedule proposes:

- CIL is charged at different rates across the five housing value zones in Cornwall.
- A higher rate of CIL is charged on smaller residential developments that are not required to provide affordable housing.
- Strategic sites, i.e., housing sites identified in the Allocations Development Plan Document (DPD), have a zero rated charge, with S106 agreements remaining the main focus for infrastructure funding from these sites. Neighbourhood Development Plan allocated sites will be charged at the CIL rate appropriate to the value zone which the development is in.
- Reduction in CIL level to the next lower value zone where Neighbourhood Development Plans adopt a Primary Residence Policy.
- CIL is charged on supermarkets and out-of-town non-food retail stores over 280sqm, and edge of town restaurant developments over 100sqm – all other non-residential development is zero rated.

1. Introduction

This Draft Charging Schedule is produced for public consultation, and is the second stage of development of a Community Infrastructure Levy (CIL) for Cornwall. In preparing this Draft Charging Schedule, Cornwall Council has complied with the requirements set out in Part 11 of the Planning Act 2008 (as amended) and Regulations 12 to 17 of the CIL Regulations 2010 (as amended).

Cornwall Council is a Charging Authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge the CIL in respect of development in its administrative area. The Council is both the CIL Charging Authority and Collecting Authority for its administrative area.

In setting the CIL rates the Council aims to strike an appropriate balance between:

- The desirability of funding, from CIL in whole or in part, the estimated 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.

This Draft Charging Schedule and the proposed charges within it have been informed by the following documents, which evidence that an appropriate balance has been struck:

- Cornwall Local Plan
- Infrastructure Needs Assessment Schedules for each of the nineteen Community Network Areas
- Development Viability Assessment report (December 2016) by Three Dragons

CIL was intended to provide funding to address the cumulative impact of development, whilst Section 106 (S106) agreements continue to address site specific issues required to make a development acceptable in planning terms. Therefore, CIL and S106 funding cannot be used to fund the same piece of infrastructure.

The Planning Act 2008 provides a wide definition of the infrastructure which can be funded by CIL, including transport, flood defences, schools, hospitals, and other health and social care facilities. This definition allows CIL to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, district heating schemes, police stations and other community safety facilities.



2. The Levy

2.1 CIL Rates

CIL will be charged in pounds per square metre on net additional increase in internal floor space for qualifying development, in accordance with the provisions of the CIL Regulations 2010 (as amended).

The CIL rates to be charged by Cornwall Council are set out in Tables 1 and 2. A list of parishes in each charging zone is given in Appendix 1. A map of the CIL charging zones for housing development in Cornwall can be found in Appendix 2.



Table 1 - rates of CIL to be charged on new residential development

Type of Development	Planning Use Class	Zone	Rate £sqm sites not required to provide Affordable Housing	Rate £sqm sites required to provide Affordable Housing
Housing	C3 & C4	1	£400	£200
		2	£200	£100
		3	£100	£60
		4	£100	£35
		5	£0	£0
Sheltered and Extra Care Housing	C3	All	£0	£0
Strategic sites	C3 & C4	All	£0	£0

Table 2 - rates of CIL to be charged on new non-residential development

Type of Development	Planning Use Class	Zone	Rate £sqm
Convenience Retail > 280sqm (Supermarkets - see 2.2 for definition)	A1	All	£100
Out of town, non-food retail > 280sqm	A1	All	£100
Restaurant, edge of town (A3/A5) >100sqm	A3/A5	All	£100
All other Retail	A1 – A5	All	£0
Office, Industrial & Distribution	B1, B2 & B8	All	£0
Hotels	C1	All	£0
Residential Institution (including care homes)	C2	All	£0
Community Use	D1	All	£0
Commercial Leisure	D2	All	£0
Others	Sui Generis	All	£0

2.2 Definitions

CIL will not be charged on affordable housing which meets the definition as set out in the 2012 National Planning Policy Framework.

CIL will not be charged on sheltered or extra care housing on the grounds of viability.

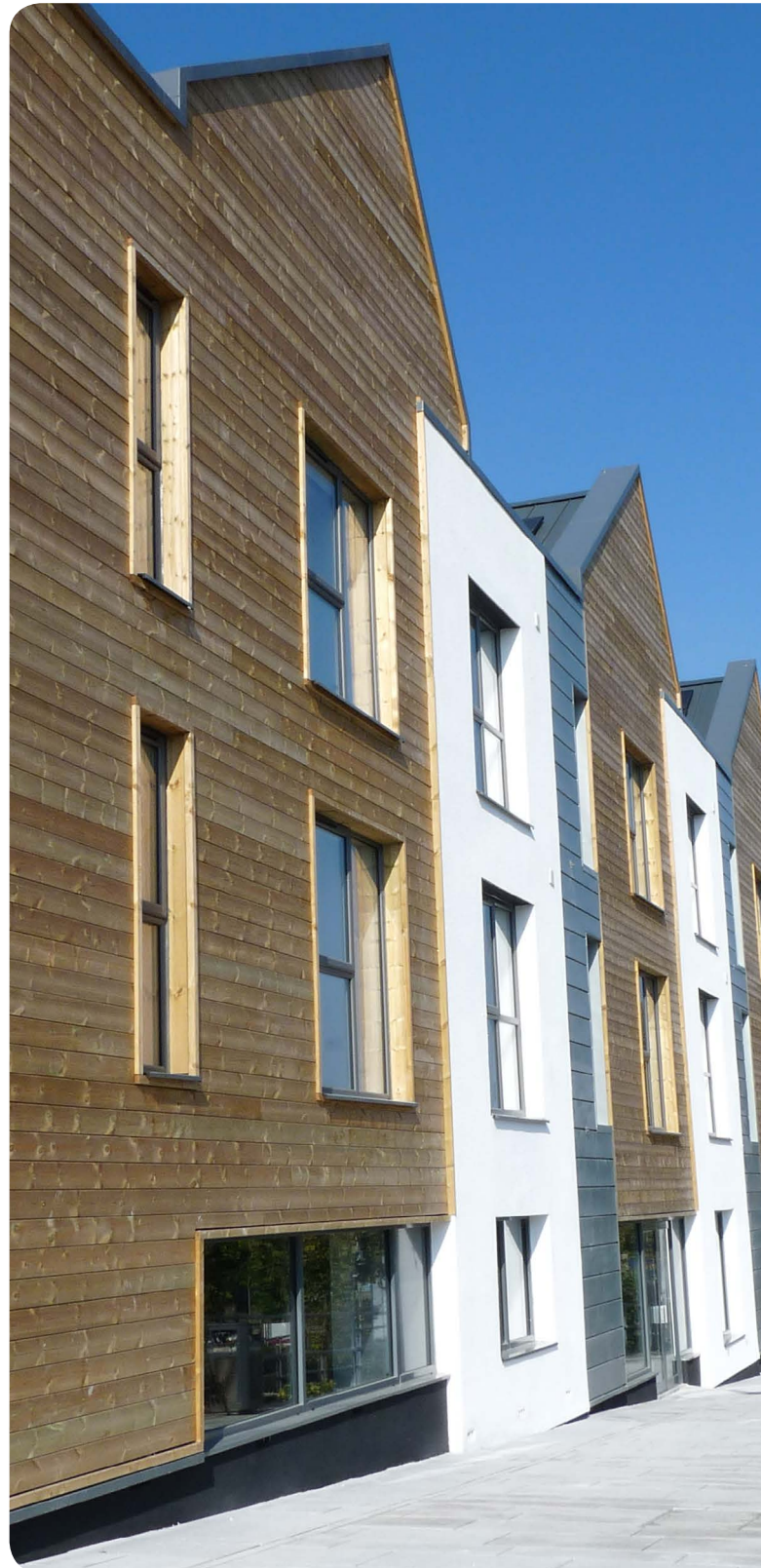
Strategic Sites are those identified in the Allocations DPD¹. Planning applications submitted on adopted (made) Neighbourhood Development Plan allocated sites will be charged at the appropriate rate for the charging zone in which the development resides, unless they are identified in the Allocations DPD, in which case they will be included under the definition of a Strategic Site for CIL purposes.

Where an adopted (made) Neighbourhood Development Plan contains or introduces a Primary Residence Policy, development in the related Parishes will be charged at the CIL rate in the next lower charging zone, in order to reflect the uncertainty of the market impact of the Policy – see Appendices 1 and 2 for a list of Parishes and corresponding charging zones.

Supermarkets are shops that are of a size, and offer a range of goods, that makes them shopping destinations in their own right, including a dedicated car park. Supermarkets sell a full range of convenience foods and usually also offer a choice of non-food items and some services such as banking.

Town boundaries are as defined in the Cornwall Local Plan and draft Allocations DPD.

¹ www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/development-plan-documents/cornwall-site-allocations-development-plan-document/



3. Liability to pay CIL

3.1 Chargeable Development

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 2010 (as amended). CIL will be chargeable on the net additional floor space of all new development, apart from those exempt under Part 2 and Part 6 of the CIL Regulations 2010 (as amended).

3.2 Exemptions

Those exempt from the charge can be summarised as:

- Affordable housing
- development of less than 100 square meters (see [Regulation 42 on minor development exemptions](#)) – 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’ (see [Regulations 42A, 42B, 54A and 54B, inserted by the 2014 Regulations](#))
- social housing that meets the relief criteria set out in [Regulation 49](#) and [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 ([see Regulation 6\(2\)](#))
- buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery ([see Regulation 6\(2\)](#))
- structures which are not buildings, such as pylons and wind turbines
- vacant buildings brought back into the same use (see [Regulation 40 as amended by the 2014 Regulations](#))
- Mezzanine floors, inserted into an existing building, are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.

Where the CIL liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no payment is due.



3.3 Discretionary Relief

Refer to Cornwall Council’s draft CIL Discretionary Relief Policy for more detail on additional exemptions.

All CIL exemptions and relief are subject to approval, by the Charging Authority, of a CIL Exemption Claim submitted by a relevant landowner, and the specific disqualifying events contained in Part 6 of the CIL Regulations 2010 (as amended).

If a development is initially granted CIL relief and then circumstances change so that the development no longer qualifies for relief, there is a claw-back period of three to seven years (depending on the type of relief given, as set out in the Discretionary Relief Policy) within which the development will become liable for CIL.

4. Calculating the chargeable amount

4.1 Calculation

The chargeable amount will be calculated in accordance with Regulation 40 of the CIL Regulations 2010 (as amended).

CIL is calculated by multiplying the net increase in gross internal floor area (sqm) by the relevant CIL rate (£ per sqm), plus any indexing for inflation/ deflation (between the year in which the charging schedule took effect and the year in which planning permission was granted). Residential garages are included in the CIL calculation because they are included within the RICS Code of Measuring definition of Gross Internal Area.

The basic formula for calculating CIL, as set out in Regulation 40, is as follows:

$$\frac{R \times A \times I_p}{I_c}$$

Where:

- R is the CIL rate in £per sqm
- A is the net increase in gross internal floor area
- Ip is the All-in Tender Price Index for the year in which planning permission was granted
- Ic is the All-in Tender Price Index for the year in which the charging schedule started operation



4.2 Section 73

Where an amendment to a previously approved planning permission is submitted via a Section 73 application, if the Section 73 permission does not change a developments CIL liability, only the original consent will be liable.

If the Section 73 permission does change the CIL liability, the most recently commenced scheme is liable for the CIL. In these circumstances, CIL payments made in relation to the previous planning permission are offset against the new liability, and a refund is payable if the previous payment was greater than the new liability.

If the original planning permission was granted before the CIL came into force, and a Section 73 permission is granted after the charge came into force, [CIL Regulation 128A \(as amended by the 2014 CIL Regulations\)](#) provides for the Section 73 consent to only trigger levy liability for any additional liability it introduces to the development.

5. Payment of CIL

5.1 Instalments

Payment by instalments may be permitted for some developments. See Cornwall Council's draft CIL Instalment Policy for more detail. If instalment terms are broken, full/outstanding payment will be required immediately.

Where no party assumes liability and/or no commencement notice is submitted before commencement, the developer does not get the benefit of payment by instalments, and payment of CIL is required immediately.

5.2 In-kind

Cornwall Council will not accept payment of CIL 'in kind'.

6. Indexation and inflation

The rates shown will be updated annually for inflation in accordance with the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors (RICS) "All In Tender Price Index".



7. Further Information

Further information on the Community Infrastructure Levy is available on the Council's website at:

www.cornwall.gov.uk/cil.

Alternatively, contact the Local Plans team on:

0300 1234 151 or email cil@cornwall.gov.uk.



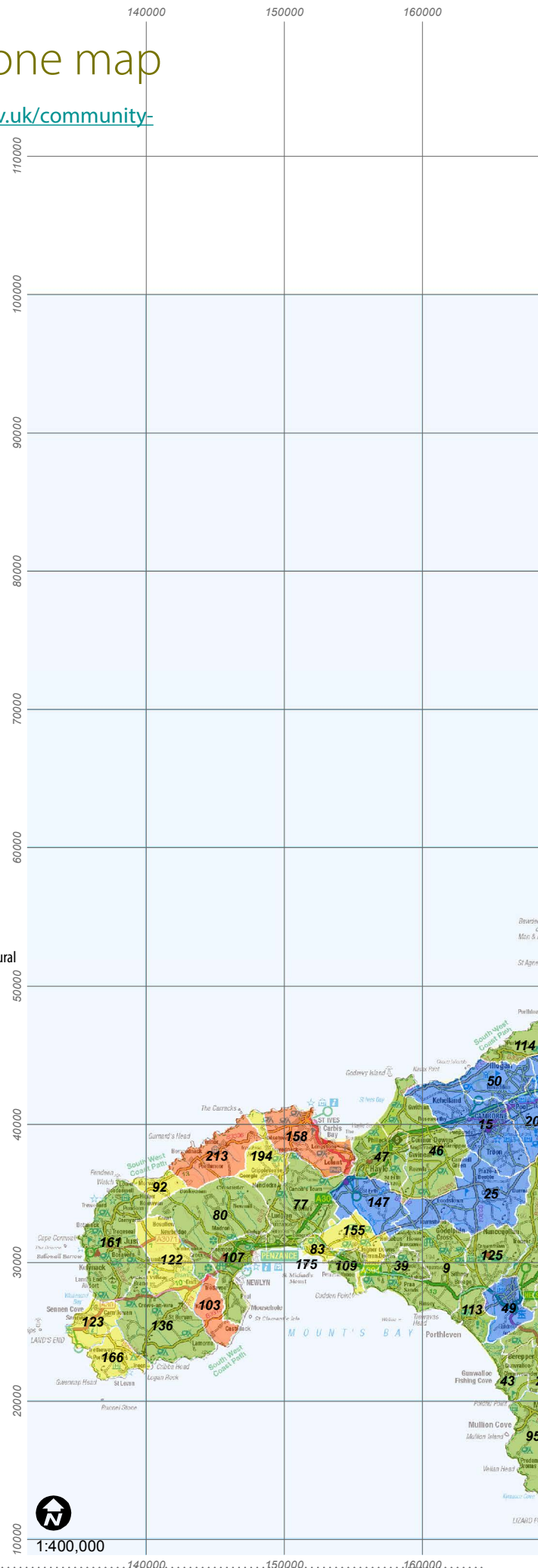
Appendix 1 – CIL Charging Zone Parish list

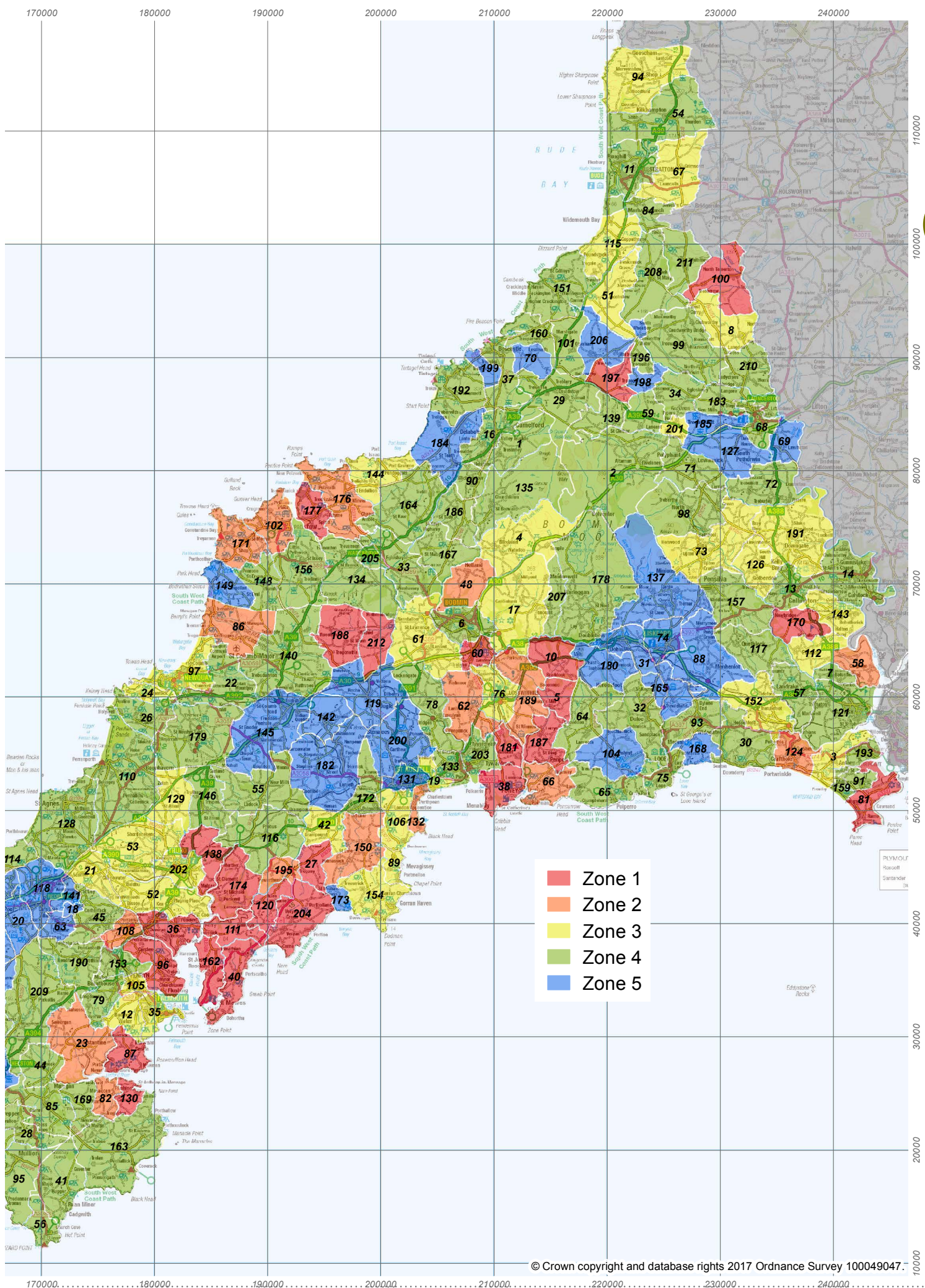
Value Zone	Towns	Other settlements	Parishes
1		Rock with Tredrizzick Gerrans/ Portscatho Fowey	Boconnoc CP; Broadoak CP; Cuby CP; Feock CP; Fowey CP; Gerrans CP; Lanhydrock CP; Maker-with- Rame CP; Mawnan CP; Mylor CP; North Tamerton CP; Philleigh CP; Ruanlanihorne CP; St. Anthony-in- Meneage CP; St. Clement CP; St. Just-in-Roseland CP; St. Mellion CP; St. Michael; Penkevil CP; St. Minver CP; Lowlands CP; St. Sampson CP; St. Veep CP; St. Wenn CP; Treneglos CP; Veryan CP; Withiel CP
2	St Ives	Padstow, St Merryn/ Shop, Constantine	Constantine CP; Helland CP; Landulph CP; Lanlivery CP; Lanteglos CP; Manaccan CP; Mawgan-in-Pydar CP Padstow CP; Paul CP; Perranarworthal CP; Sheviok CP; St. Austell Bay CP; St. Ewe CP; St. Ives CP; St. Merryn CP; St. Minver Highlands CP; St. Winnow CP; Tregoney CP; Zennor CP
3	Falmouth and Penryn Truro with Threemilestone Newquay	Lostwithiel Mevagissey Marazion	Antony CP; Blisland CP; Boyton CP; Budock CP; Cardinham CP; Carlyon CP; Chacewater CP; Crantock CP; Falmouth CP Grampound with Creed CP; Jacobstow CP; Kea CP; Kenwyn CP; Lanivet CP; Launcells CP; Linkinhorne CP; Lostwithiel CP; Marazion CP; Mevagissey CP; Morvah CP; Morwenstow CP; Newquay CP; Penryn CP; Pentewan Valley CP; Pillaton CP; Poundstock CP; Sancreed CP; Sennen CP; South Hill CP; St. Allen CP; St. Dominick CP; St. Endellion CP; St. Germans CP; St. Goran CP; St. Hilary CP; St. Levan CP; Stokeclimsland CP; Towednack CP; Trewen CP; Truro CP
4	Bodmin Bude with Stratton and Poughill Callington Camelford Hayle Launceston Penzance with Newlyn Heamoor, Gulval and Long Rock Saltash Wadebridge Torpoint	Boscastle Gunnislake Kilkhampston Looe Mullion Perranporth Porthleven St Agnes St Blazey/Par St. Columb Major St Just Tintagel	Advent CP; Altarnun CP; Bodmin CP; Botusfleming CP; Breage CP; Bude-Stratton CP; Callington CP; Calstock CP; Camelford CP; Colan CP; Cubert CP; Cury CP; Davidstow CP; Deviock CP; Duloe CP; Egloshayle CP; Egloskerry CP; Forrabury and Minster CP; Germoe CP; Grade-Ruan CP; Gunwalloe CP; Gweek CP; Gwennap CP; Gwinear-Gwithian CP; Hayle CP; Kilkhampston CP; Ladock CP; Landewednack CP; Landrake with St. Erney CP; Laneast CP; Lanreath CP; Lansallos CP; Launceston CP; Lewannick CP Lezant CP; Looe CP; Ludgvan CP; Luxulyan CP; Mabe CP; Madron CP; Marhamchurch CP; Mawgan-in-Meneage CP; Michaelstow CP; Millbrook CP; Morval CP; Mullion CP; North Hill CP; North Petherwin; Otterham CP; Penzance CP; Perranuthnoe CP; Perranzabuloe CP; Porthleven CP; Portreath CP; Probus CP; Quethiock CP; Saltash CP; Sithney CP; St. Agnes CP; St. Blaise CP; St. Breock CP; St. Breward CP; St. Buryan CP; St. Clether CP; St. Columb Major CP; St. Erme CP; St. Ervan CP; St. Gennys CP; St. Gluvias CP; St. Issey CP; St. Ive CP; St. John CP; St. Juliot CP; St. Just CP; St. Keverne CP; St. Kew CP; St. Mabyon CP; St. Martin-in-Meneage CP; St. Mewan CP; St. Neot CP; St. Newlyn East CP; St. Stephens By Launceston Rural CP; St. Tudy CP; Stithians CP; Tintagel CP; Torpoint CP; Tremaine CP; Tywardreath and Par CP; Wadebridge CP Warleggan CP; Week St. Mary CP; Wendron CP; Werrington CP; Whitstone CP
5	Camborne with Pool, Illogan and Redruth Helston Liskeard St Austell	Indian Queens with St Columb Rd & Fraddon Delabole	Camborne CP; Carharrack CP; Carn Brea CP; Crowan CP; Dobwalls and Trewidland CP; Helston CP; Illogan CP; Lanner CP; Lawhitton Rural CP; Lesnewth CP; Liskeard CP; Menheniot CP; Pelynt CP; Redruth CP; Roche CP; South Petherwin CP; St. Austell CP; St. Cleer CP; St. Day CP; St. Dennis CP; St. Enoder CP; St. Erth CP; St. Eval CP; St. Keyne CP; St. Martin-by-Looe CP; St. Michael Caerhays CP; St. Pinnock CP; St. Stephen-in-Brannel CP; St. Teath CP; St. Thomas the Apostle Rural CP; Tresmeer CP; Trevalga CP; Treverbyn CP; Warbstow CP

Appendix 2 – CIL Charging Zone map

More detailed mapping can be accessed at www.cornwall.gov.uk/community-and-living/mapping/ once the CIL is adopted.

No. Name	No. Name	No. Name
1 Advent	72 Lezant	143 St. Dominic
2 Altarnun	73 Linkinhorne	144 St. Endellion
3 Antony	74 Liskeard	145 St. Enoder
4 Blisland	75 Looe	146 St. Erme
5 Boconnoc	76 Lostwithiel	147 St. Erth
6 Bodmin	77 Ludgvan	148 St. Ervan
7 Botusfleming	78 Luxulyan	149 St. Eval
8 Boyton	79 Mabe	150 St. Ewe
9 Breage	80 Madron	151 St. Gennys
10 Broadoak	81 Maker-with-Rame	152 St. Germans
11 Bude-Stratton	82 Manaccan	153 St. Gluvias
12 Budock	83 Marazion	154 St. Goran
13 Callington	84 Marhamchurch	155 St. Hilary
14 Calstock	85 Mawgan-in-Meneage	156 St. Issey
15 Camborne	86 Mawgan-in-Pydar	157 St. Ive
16 Camelford	87 Mawnan	158 St. Ives
17 Cardinham	88 Menheniot	159 St. John
18 Carharrack	89 Mevagissey	160 St. Juliot
19 Carlyon	90 Michaelstow	161 St. Just
20 Carn Brea	91 Millbrook	162 St. Just-in-Roseland
21 Chacewater	92 Morvah	163 St. Keverne
22 Colan	93 Morval	164 St. Kew
23 Constantine	94 Morwenstow	165 St. Keyne
24 Crantock	95 Mullion	166 St. Levan
25 Crowan	96 Mylor	167 St. Mabyn
26 Cubert	97 Newquay	168 St. Martin-by-Looe
27 Cuby	98 North Hill	169 St. Martin-in-Meneage
28 Cury	99 North Petherwin	170 St. Mellion
29 Davidstow	100 North Tamerton	171 St. Merryn
30 Deviock	101 Otterham	172 St. Mewan
31 Dobwalls and Trewidland	102 Padstow	173 St. Michael Caerhays
32 Duloe	103 Paul	174 St. Michael Penkevil
33 Egloshayle	104 Pelynt	175 St. Michael's Mount
34 Egloskerry	105 Penryn	176 St. Minver Highlands
35 Falmouth	106 Pentewan Valley	177 St. Minver Lowlands
36 Feock	107 Penzance	178 St. Neot
37 Forrabury and Minster	108 Perranarworthal	179 St. Newlyn East
38 Fowey	109 Perranuthnoe	180 St. Pinnock
39 Germoe	110 Perranzabuloe	181 St. Sampson
40 Gerrans	111 Philleigh	182 St. Stephen-in-Brannel
41 Grade-Ruan	112 Pillaton	183 St. Stephens By Launceston Rural
42 Grampound with Creed	113 Porthleven	184 St. Teath
43 Gunwalloe	114 Portreath	185 St. Thomas the Apostle Rural
44 Gweek	115 Poundstock	186 St. Tudy
45 Gwennap	116 Probus	187 St. Veep
46 Gwinear-Gwithian	117 Quethiock	188 St. Wenn
47 Hayle	118 Redruth	189 St. Winnow
48 Helland	119 Roche	190 Stithians
49 Helston	120 Ruanlanihorne	191 Stokeclimsland
50 Illogan	121 Saltash	192 Tintagel
51 Jacobstow	122 Sancreed	193 Torpoint
52 Kea	123 Sennen	194 Towednack
53 Kenwyn	124 Sheviock	195 Tregony
54 Kilhampton	125 Sithney	196 Tremaine
55 Ladock	126 South Hill	197 Treneglos
56 Landewednack	127 South Petherwin	198 Tresmeer
57 Landrake with St. Erney	128 St. Agnes	199 Trevalga
58 Landulph	129 St. Allen	200 Treverbyn
59 Laneast	130 St. Anthony-in-Meneage	201 Trewen
60 Lanhydrock	131 St. Austell	202 Truro
61 Lanivet	132 St. Austell Bay	203 Tywardreath and Par
62 Lanlivery	133 St. Blaise	204 Verran
63 Lanner	134 St. Breock	205 Wadebridge
64 Lanreath	135 St. Breward	206 Warbstow
65 Lansallos	136 St. Buryan	207 Warleggan
66 Lanteglos	137 St. Cleer	208 Week St. Mary
67 Launcells	138 St. Clement	209 Wendron
68 Launceston	139 St. Clether	210 Werrington
69 Lawhitton Rural	140 St. Columb Major	211 Whitstone
70 Lesnewth	141 St. Day	212 Withiel
71 Lewannick	142 St. Dennis	213 Zennor





More information

The Community Infrastructure Levy Draft Charging Schedule can be viewed on the Council's website

www.cornwall.gov.uk/cil

If you would like this information in another format or language please contact:

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