

**Appendix A: Community Infrastructure Draft
Charging Schedule**



Rushcliffe Community Infrastructure Levy

Draft Charging Schedule

xxx 2018

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1. Introduction

- 1.1. At its Cabinet meeting on 11 October 2016, Rushcliffe Borough Council agreed to start the process of introducing a Community Infrastructure Levy (CIL) within the Borough. This document sets out the Rushcliffe Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) for consultation.
- 1.2. CIL was introduced by the Planning Act 2008, and is a levy that local authorities can choose to charge on new development, which is used to fund infrastructure needed to support development.
- 1.3. The requirements for setting and implementing a CIL are set out in the CIL Regulations 2010 (as amended). Further guidance for the preparation and implementation of CIL is set out in the National Planning Practice Guidance <https://www.gov.uk/guidance/community-infrastructure-levy>
- 1.4. Before a CIL Charging Schedule is adopted, the Borough Council is required to undertake two formal rounds of consultation, followed by an independent examination. The Borough Council consulted upon a Preliminary Draft Charging Schedule (PDCS) during March and April 2017. Comments received to that consultation have been considered, and viability evidence updated in order to support the publication of this Draft Charging Schedule. The document should be read alongside the following evidence based documents:
 - Rushcliffe Local Plan Part 1: Core Strategy, December 2014.
http://www.rushcliffe.gov.uk/media/corestrategy/planningpolicypage/adoption/Adopted%20Core%20Strategy_final_low%20res.pdf
 - Greater Nottingham Infrastructure Delivery Plan, February 2014. Version 4, Rushcliffe update.
<http://www.rushcliffe.gov.uk/media/corestrategy/documents/examinationdocuments/EX35%20Infrastructure%20Delivery%20Plan.pdf>
 - Rushcliffe Local Plan Part 2: Land and Planning Polices Publication Version, May 2018
http://www.rushcliffe.gov.uk/media/1_rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/publication/RBC%20LP2%20Publication_draft_web%20version.pdf
 - Rushcliffe Local Plan Part 2 Infrastructure Delivery Plan, May 2018
http://www.rushcliffe.gov.uk/media/1_rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/publication/Local%20Plan%202%20IDP%20for%20publication.pdf

Responding to the consultation

1.5. The consultation will end at **xpm on xxxx 2018**. If you would like to comment on the Draft Charging Schedule this can be done:

- By e-mail to: localdevelopment@rushcliffe.gov.uk
- By post to: Planning Policy
Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG

A response form has been produced which can also be used to make representations and be posted or e-mailed to the Borough Council. The form can be downloaded from: www.rushcliffe.gov.uk/planningpolicy

2. Community Infrastructure Levy

What is the Community Infrastructure Levy?

- 2.1. CIL is a charge on new development that Local Planning Authorities can choose to introduce. It can replace in part the process of planning obligations commonly known as section 106 agreements.

What Development is Liable for the Community Infrastructure Levy?

- 2.2. The charge will be levied on developments of more than 100 square metres of new floorspace for non-residential uses. For residential uses, the charge would be levied on 1 or more dwellings irrespective of floorspace. CIL is not normally charged on conversions or change of use where they involve no net gain in floorspace, so long as the property or land involved have been in a lawful use for a given period of time.
- 2.3. Certain types of development may be exempt from CIL, subject to applying and securing an exemption before development commences. These include affordable housing, developments undertaken by charities and self-build dwellings.
- 2.4. Based upon viability evidence, the Borough Council can decide which types of development are liable for CIL. Any charge can also vary depending upon the location of the development within the Borough, the use of the development and the size of the development.

What can CIL receipts be spent upon?

- 2.5. CIL receipts can be used to fund infrastructure that is needed as a result of new development in the Borough. These costs must be related to the additional demands arising from new development, and not deal with existing deficits in provision, unless those deficiencies will be made more severe by new development.
- 2.6. Under the CIL regulations, Parish and Town Council areas where CIL liable development takes place will receive a proportion of CIL receipts to spend on infrastructure that they want. This is 15% of the receipts received for development that takes place within their parish area, capped at £100 per existing council taxed dwelling. Where a Neighbourhood Plan is in place, the proportion is 25% and uncapped.

- 2.7. CIL receipts may not be the sole funding source available to fund infrastructure needs. It will be combined with other funding sources to deliver infrastructure requirements where these are available, such as from public sector bodies, infrastructure and service providers.

3. Rate Setting

- 3.1. In order to set a CIL charge, the authority is required to have:
- An up to date development plan;
 - Evidence of an infrastructure funding gap (usually provided as a list of projects necessary to support the growth of the area, known as the 'Regulation 123 list'); and
 - Evidence of viability.
- 3.2. Rushcliffe Borough Council adopted the Local Plan Part 1: Core Strategy in December 2014; therefore the plan has up to date strategic policies. Work on the production of Local Plan Part 2 (Land and Planning Policies) is well advanced. The publication draft of the Local Plan Part 2 was consulted upon during May and June 2018 and it is anticipated that, following a public examination, it will soon be adopted.
- 3.3. The Core Strategy contains the strategic policies for the Borough, together with major housing allocations on land at Melton Road, Edwalton, to the north of Bingham, on the former RAF Newton, on the former Cotgrave Colliery, to the south of Clifton and to the east of Gamston/north of Tollerton. At present, all but the land east of Gamston/North of Tollerton have the benefit of a resolution to grant planning permission or planning permission and, therefore, only the land east of Gamston/north of Tollerton would potentially be liable for CIL should evidence prove that it would be viable.
- 3.4. Policy 19 of the Core Strategy makes a commitment to the introduction of CIL at some point during the plan period (to 2028) in order to mitigate against the effects of new development. In addition, Policy 19's supporting text lists the type of infrastructure that new development may need to make a contribution towards. The whole of the Core Strategy was supported by the Infrastructure Delivery Plan, February 2014¹.
- 3.5. In addition, the Borough Council has published its final draft of the Local Plan Part 2 prior to its examination, which is anticipated to commence during Autumn 2018. The publication draft of the Local Plan Part 2 is supported by its own Infrastructure Delivery Plan².

1

<http://www.rushcliffe.gov.uk/media/corestrategy/documents/examinationdocuments/EX35%20Infrastructure%20Delivery%20Plan.pdf>

2

http://www.rushcliffe.gov.uk/media/1_rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/publication/Local%20Plan%202%20IDP%20for%20publication.pdf

- 3.6. The Council needs to identify a selection of indicative infrastructure projects or types of infrastructure that are likely to be funded by the levy. A draft Regulation 123 list has been prepared in support of this Draft Charging Schedule. This includes the infrastructure types that are likely at this stage to be funded through CIL and highlights specific projects.
- 3.7. Reviews of the infrastructure list/Regulation 123 list are likely to be needed as priorities in the area change. CIL rates will also need to be revisited every few years, or if significant changes in the market occur.
- 3.8. Charging authorities need to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of charging the levy on new development in terms of economic viability. There is a defined process for preparing the charge with an independent examination at the end of the process to test the robustness of the evidence.
- 3.9. The Council engaged independent consultants to carry out a CIL viability study in support of the PDCS. This study examined the economic viability of levying a charge on new development based on assumptions of costs and revenues across different parts of the Borough. The study has been updated in support of the DCS, having considered the comments received to the PDCS.
- 3.10. The scope of the study is threefold:
 - To test plan-wide viability for Local Plan Part 2, having regard to the introduction of CIL;
 - To undertake high level site-specific testing for proposed allocations contained within Local Plan Part 2; and
 - To undertake site-specific testing for the remaining strategic allocation contained within the Core Strategy without the benefit of planning permission (land at East of Gamston/North of Tollerton) in order to establish whether the site is viable for CIL charging given the higher level of infrastructure required to deliver the site.
- 3.11. To be considered capable of being implemented, the CIL rate must not have a detrimental effect on development (taken as a whole) across the Borough. Regulation 14 of the CIL Regulations (as amended) identifies that the setting of CIL may put some development at risk, therefore a charging authority is required to look at the effects of a charge taken as a whole on the viability of development across its area. Evidence may show that the proposed rates may make particular types of development

unviable if CIL was to be levied. However, unless CIL threatens the delivery of the plan as a whole, the duty to strike an appropriate balance (as defined under regulation 14) is still likely to be met. The evidence supporting the proposed Charging Schedule will then be tested at examination.

4. CIL, S106 and infrastructure provision through other mechanisms

4.1. Developers in making planning applications may be asked to contribute towards different types of infrastructure in different ways and through the following mechanisms:

- Community Infrastructure Levy;
- Section 106 agreements;
- S278 highways agreements; and
- Planning conditions

4.2. Some developments will be subject to paying for or providing infrastructure through a combination of the above mechanisms. Appendix 4 clarifies the proposed approach once CIL is adopted. It is important to note, however, that different types of developer contributions serve different purposes and that the CIL regulations prevent developers paying twice for the same item of infrastructure. In addition the CIL regulations have been tightened so that it places restrictions on the number of contributions secured through Section 106 agreements that can be 'pooled' towards a specific piece of infrastructure. Contributions secured through Section 106 agreements can no longer be pooled from more than five developments.

4.3. There is a significant amount of development within the Borough that occurs on sites that sit below thresholds where planning contributions are sought. The cumulative impact of many small developments is therefore not mitigated through the planning system. CIL has been viewed as a fairer way of obtaining contributions towards infrastructure from all relevant developments.

5. Proposed CIL Charging Rates

5.1. The proposed CIL charging rates within the Borough are variable for residential development depending on type and location within the Borough. There are also proposed rates for both small and large retail development. It is proposed that all other types of development will be zero-rated.

5.2. Based upon evidence of viability, the proposed CIL rates are as follows:

Development type	Zone	CIL Rate per m²
Strategic Allocation East of Gamston/North of Tollerton	Strategic Allocation	£0
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 1.	Zone 1	£50
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 2 Leake, Keyworth and Bingham.	Zone 2 Leake, Keyworth and Bingham	£75
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 2.	Zone 2	£40
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 3.	Zone 3	£100
Apartments	Borough-wide	£0
General retail A1-A5 (excluding food supermarket)	Borough-wide	£50
Food supermarket A1	Borough-wide	£100
All other developments	Borough-wide	£0

5.3. The map contained within Appendix 1 identifies the draft charging zones for residential development.

5.4. The Council will calculate the chargeable amount of CIL payable using the locally set rates multiplied by the gross internal area of new buildings and enlargements to existing buildings, taking demolished floorspace into account. The formal calculation methodology is provided in Part 5,

Regulation 40 of the CIL regulations 2010 (as amended) and further details are provided at Appendix 2.

6. Exemptions and Payment Terms

- 6.1. The charge will apply to all development containing over 100 square metres internal floorspace or a new dwelling of any size. However it only relates to the net additional floorspace in order to avoid discouraging redevelopment opportunities within the Borough. Where buildings are demolished to enable redevelopment with new buildings, the charge will be based upon the eligible floorspace of new buildings less the eligible floorspace of the demolished buildings, provided the buildings were in lawful use prior to demolition.
- 6.2. Once CIL is implemented, it is fixed and non-negotiable. The CIL regulations however exempt the following types of development from paying CIL. The regulations referred to are the CIL Regulations 2010 (as amended):
- Development of less than 100 square metres (see Regulation 42 on Minor Development Exemptions) - unless this is a whole house, in which case the levy is payable;
 - Houses, flat, residential annexes and residential extensions which are built by 'self-builders' (see Regulations 42A, 42B, 54A and 54B, inserted by the 2014 CIL Regulations) and social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2015 CIL 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 5(2));
 - Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (see Regulation 5(2));
 - Structures which are not buildings, such as pylons and wind turbines;
 - Specified types of development which are 'zero' rated in the charging schedule;
 - Vacant buildings brought back into the same use (see Regulation 40 as amended by the 2014 Regulations); and

- Development proposals that already have planning permission when a CIL Charging Schedule comes into force are not liable for CIL. This includes any subsequent Reserved Matters applications following outline planning permission. However, if proposed developments with planning permission are not started within the time limit set out within the planning permission decision notice, any subsequent renewal or amendment applications will be liable to CIL if by that time a CIL Charging Schedule has been adopted

6.3. The Borough Council has prepared its Draft Charging Schedule taking into account economic viability considerations and the requirements of the legislation is to provide for an appropriate balance between the need to fund infrastructure and the potential implications of development within Rushcliffe. Having regard to viability evidence, and the list of developments that are exempt from paying CIL, it is considered that the circumstances which would justify exceptional circumstances would be extremely rare. As such the Council is not proposing to introduce an Exceptional Circumstances Relief policy. The Council will keep this situation under review and has the discretion to introduce this policy at any time.

6.4. There may be situations where it may be appropriate for the Council to receive items of infrastructure or land provided by the development instead of a CIL payment. The CIL regulations allow the Council to accept land transfers and/or construction of infrastructure as payment for the whole or part of the levy, subject to valuation procedures. This will be considered on a site by site basis in accordance with the regulations and details are provided in the draft 'Payments in kind Policy' (Appendix 6).

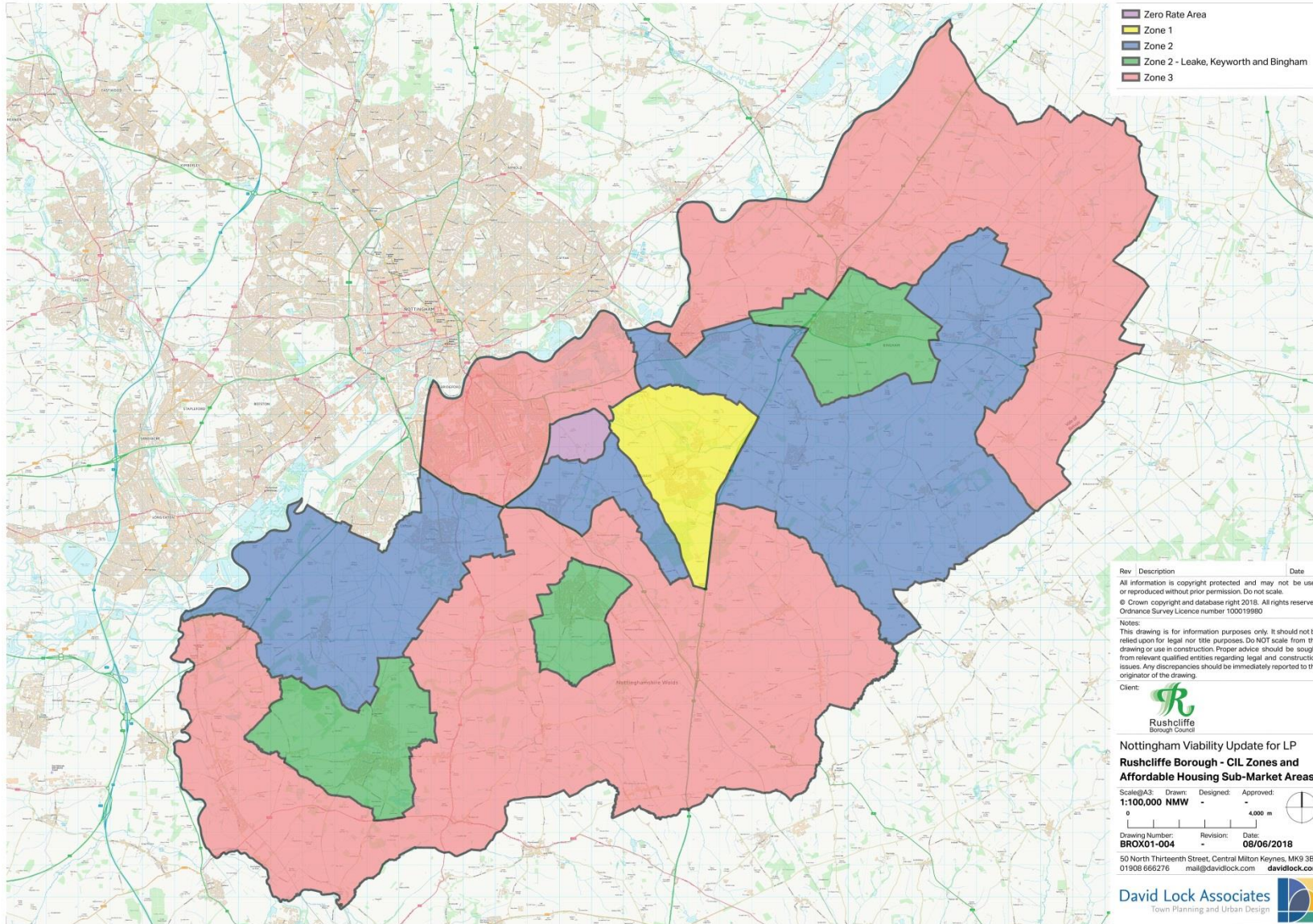
7. Collecting the Levy

- 7.1. The CIL charge becomes due on the commencement of development. Responsibility for payment rests with the owner(s) of the development site, but the developer may assume liability instead.
- 7.2. Rushcliffe Borough Council, as charging authority, is responsible for collecting payments.
- 7.3. The potential for phased payments for large scale, locally planned development, which is essential in increasing housing supply will be reviewed by the Council. However the principle of phased development must be apparent from the planning permission.
- 7.4. The CIL will be calculated in accordance with the regulations and will be indexed for inflation using a nationally recognised index. The CIL Charging Schedule will be reviewed to take account of changes in viability, when economic conditions or basic viability assumptions indicate.
- 7.5. The Council recognises the viability issues associated with the payment of financial contributions and considers that a policy on the potential deferment of payment of financial contributions through an 'Instalment Policy' is appropriate. The Council will operate an Instalment Policy made in line with Regulation 70 of the CIL Regulations 2010 (as amended). To ensure that the Council's approach is clear, a draft Instalment Policy is contained within Appendix 7. The intention of such a policy will be to assist with the delivery of larger projects.

8. Next Steps

- 8.1 This consultation is being carried out in accordance with Regulation 16 of the CIL Regulations 2010 (as amended). Following the consultation period, the Council will submit the draft charging schedule, together with representations received during this period of consultation are submitted for examination by an independent inspector.

Appendix 1: Draft Charging Zones



- Zero Rate Area
- Zone 1
- Zone 2
- Zone 2 - Leake, Keyworth and Bingham
- Zone 3

Rev	Description	Date
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 This drawing is for information purposes only. It should not be relied upon for legal or title purposes. Do NOT scale from this drawing or use in construction. Proper advice should be sought from relevant qualified entities regarding legal and construction issues. Any discrepancies should be immediately reported to the originator of the drawing.

Client:

 Rushcliffe Borough Council

**Nottingham Viability Update for LP
 Rushcliffe Borough - CIL Zones and
 Affordable Housing Sub-Market Areas**

Scale: 1:100,000 NW
 Drawing Number: BROX01-004
 Design: -
 Approved: -
 Date: 08/06/2018

50 North Thirteenth Street, Central Milton Keynes, MK9 3BP
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David Lock Associates
 Town Planning and Urban Design



Appendix 2 Key points of calculating the levy

The process for calculating the chargeable amount to be paid by a development is set out in Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

Key points in calculating the CIL charge are:

- CIL is charged on the net additional internal floor area of development.
- Where buildings are demolished to make way for new buildings, the charge will be based on the eligible floorspace of new buildings less the eligible floorspace of the demolished buildings, provided the buildings were in lawful use prior to demolition.
- A building is considered to be in lawful use if the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.
- If the CIL amount calculated is less than £50 no charge will apply.
- The relevant rates are the rates as set out in the Charging Schedule which apply to type and location of the relevant development. They apply at the time planning permission first permits the chargeable development.

Appendix 3: Draft Regulation 123 List

Draft Regulation 123 List

Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy (CIL).

Infrastructure types or projects that are listed below will not be secured through planning obligations. This is to ensure there is no duplication between CIL and planning obligations secured through Section 106 agreements in funding the same infrastructure projects.

The indicative list below sets out those infrastructure projects that Rushcliffe Borough Council may wholly or partly fund by the CIL. The inclusion of a project or type of infrastructure on this list does not signify a commitment from the Council to fund (either in whole or in part) the listed project or type of infrastructure through CIL. The ordering of the table does not imply any order of preference for expenditure and the Council will review this list on an annual basis, as part of its monitoring of CIL collection and expenditure.

It is anticipated that amount of CIL receipts will be limited in the first years after adoption, given that contributions are not payable until commencement of development.

The Council has chosen to publish this draft Regulation 123 list for comments alongside the Preliminary Draft Charging Schedule. Comments received would inform future revisions of the Regulation 123 List.

Infrastructure across the borough that may wholly or partly funded by Community Infrastructure Levy funds.
Provision of Park and Ride along the A52 corridor and bus priority measures in West Bridgford.
Provision of or improvements to playing pitches and ancillary facilities.
Provision of or improvements to indoor leisure provision.
Provision of additional secondary school places across the Borough through new provision or extension to existing provision.
Provision of health facilities across the Borough through new provision or extension to existing provision.

**Appendix 4: Guidance upon the relationship
between the Community Infrastructure
Levy, Section 106 and Section 278.**

The relationship between the Community Infrastructure Levy, Section 106 and Section 278

Introduction

Rushcliffe Borough Council has produced its Draft Charging Schedule for consultation. Although the Community Infrastructure Levy (CIL) does not replace Section 106 (S106) planning obligations completely, it is anticipated that it will be an important means of securing funds from new developments to deliver strategic infrastructure. Once CIL has been adopted all developments that commenced after the adoption date may be liable to pay the new levy, depending on their nature, scale and location.

This position statement sets out the Council's approach to securing planning obligations and defines the interactions between CIL, S106 planning obligations and Section 278 (S278) highway agreements after CIL has been implemented. It demonstrates that there will be no 'double dipping' between CIL and planning obligations (developers paying twice for the same item of infrastructure). It also provides a transparent system for identifying what infrastructure should be funded through CIL and under which circumstances infrastructure would be provided as a planning obligation.

CIL Regulations and guidance

The statutory framework for planning obligations is defined in Section 106 of the Town and Country Planning Act (TCPA) 1990, as amended by the Planning and Compensation Act 1991. Under Section 106 the planning authority can enter into a legal agreement (S106 agreement) with developers in relation to planning applications to make an unacceptable development acceptable in planning terms.

Regulation 122 of the CIL Regulations 2010 (and various amendments to those regulations, up to March 2015) has limited the use of the planning obligations secured through the TCPA, to cases where three tests can be successfully applied:

"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a. Necessary to make the development acceptable in planning terms;*
- b. Directly related to the development; and*
- c. Fairly and reasonably related in scale and kind to the development."*

Regulation 122 ensures these tests are a statutory requirement. The intention was to provide greater clarity regarding the purpose of planning obligations since the introduction of the CIL regulations.

Regulation 123 states that the charging authority may not seek to secure planning obligations for: “infrastructure projects or types that it intends will be, or may be, wholly or partly funded by CIL”. The list of infrastructure projects or types to be funded via CIL (known as the Regulation 123 List) has been submitted for examination along with this document.

Table 1 of this report sets out the type of infrastructure that will be funded through CIL, S106 and S278 (highway agreement) contributions.

Scope of planning obligations

Projects on the Regulation 123 list are strategic in nature and aim to deliver infrastructure improvements and additions that will assist with the delivery of development throughout the whole Borough. On the other hand, S106 and or S278 contributions are for site-specific mitigation of a new development and these planning obligations cannot be used to contribute towards CIL funded projects / infrastructure.

Developments may require new specific local infrastructure that is not included on the Regulation 123 list, such as highway or open space improvements necessary to make the development acceptable in planning terms. In such a case the Council would require this matter to be dealt with through the planning application process and would generally expect the delivery of the infrastructure to be secured through S106 planning obligations and or S278 highway agreements.

Certain developments could be liable to pay both CIL and under into S106/278 agreements. However, as mentioned above, the contributions gathered from the levy and planning obligations, despite originating from the same development, must be spent accordingly: CIL for borough-wide infrastructure listed in 123 list and S106/278 contributions for site- specific mitigation of the development.

Previously there was no cap on the number of S106 agreements that could be used to fund a project. However, from April 2015 more than five S106 planning obligations cannot be pooled to contribute to the same type infrastructure or project. These limits include all S106 agreements entered into since 6 April 2010.

There are no limits to the number of S278 agreements that can be pooled for the same infrastructure project.

As mentioned previously, S106 will be still be used to secure the delivery of affordable housing infrastructure specific to that development even once CIL is adopted in Rushcliffe Borough.

The summary in Table 1 below concisely defines how the Council will use contributions from CIL and planning obligations once the levy has been adopted.

Table 1: Relationship between S106, S278 and CIL

Type of infrastructure	S.106 infrastructure/mitigation	S.278 mitigation	CIL funded infrastructure
Affordable Housing	Provision of units on-site or contribution towards off-site provision in exceptional circumstances to overcome impacts directly related to developments.	Not applicable	Not applicable
Primary Education	Direct provision or improvements to existing provision in order to accommodate additional pupil places.	Not applicable	Not applicable
Secondary Education	Direct on-site provision where no available site for expansion. Contributions towards secondary school places or direct provision for Land East of Gamston/North of Tollerton. CIL payment in kind policy may apply in such cases.	Not applicable	Off-site provision of education places through expansion to existing facilities.
Transport and highways	<p>Local site-related transport requirements to overcome impacts directly related to developments.</p> <p>Site-related highway works, such as localised safety improvements, reinstatement of highways or access to roads.</p>	Site-related highway works, such as localised safety improvements, reinstatement of highways or access to roads. Where appropriate, contributions towards strategic road network improvements in line with the Memorandum	Provision of Park and Ride along the A52 corridor and bus priority measures in West Bridgford

Type of infrastructure	S.106 infrastructure/mitigation	S.278 mitigation	CIL funded infrastructure
		of Understanding for A52/A606 improvements.	
Health	Direct on-site provision where no available site for expansion. CIL payment in kind policy may apply in such cases. Contributions towards expansion of health facilities or direct provision for Land East of Gamston/North of Tollerton.	Not applicable	Off-site provision of health facilities through provision of new facilities or expansion to existing facilities.
Community facilities	Development of specific community facilities	Not applicable	Not applicable
Playing pitches and ancillary facilities	Direct on-site provision on very large scale developments also recommended (over 600 dwellings. CIL payment in kind policy may apply in such cases.	Not applicable	Provision of or improvements to playing pitches and ancillary facilities in order to support new development.
Provision of or improvements to indoor leisure provision.	Not applicable outside of strategic allocations. CIL payment in kind policy may apply in such cases.	Not applicable	Provision of or improvements to indoor leisure provision and ancillary facilities.
Green Infrastructure	Site related tree planting and landscaping. Provision of on-site related informal open space, land, play facilities and recreational	Not applicable	Not applicable

Type of infrastructure	S.106 infrastructure/mitigation	S.278 mitigation	CIL funded infrastructure
	equipment on large housing sites.		
Flood defence	Site-related defence infrastructure, such as the installation of SUDS (Sustainable Drainage Systems).	Not applicable	Not applicable

Appendix 5: Infrastructure Evidence Base Report

Infrastructure Evidence Base Report

Introduction

This report has been prepared to support the development of a Community Infrastructure Levy (CIL) Charging Schedule for the Borough. The purpose of this document is to demonstrate whether there is a significant funding gap between the cost of the infrastructure required to assist delivery of the development strategy set out in the Local Plan (Part 1: Core Strategy) and the funding currently available from alternative sources.

It does not encompass all of the Council's infrastructure requirements to deliver economic growth as the schemes included are those that clearly fall within the definition of 'infrastructure' in Section 216 of the Planning Act (2008), as amended by Regulation 63 of the CIL Regulations 2010 (as amended) and that are proposed to be delivered through CIL (at least in part).

The Rushcliffe Local Plan Part 1: Core Strategy (adopted December 2014) clearly sets out the scale and general location of growth within the Borough between 2011 and 2018. Policy 3 of the Core Strategy provides for the delivery of at least:

- 13,150 new dwellings
- Land for employment development to meet a range of types and sizes of site.

The majority of new development will be located within or on the edge of the Nottingham Main Urban Area (within Rushcliffe) and key settlements within the Borough. The draft Rushcliffe Local Plan Part 2 provides for a limited proportion of development to also be directed to other villages within the Borough. These are largely made up of a windfall allowance for infill development, and through proposing small scale allocations at Cropwell Bishop, East Bridgford, Gotham and Sutton Bonington, and the regeneration sites at the former Bunny Brickworks and at the former Islamic Institute, Flintham.

In determining the size of its funding gap, the charging authority should consider infrastructure costs and all other sources of possible funding available to meet those costs. This process will identify a CIL infrastructure funding target. This target should be informed by a selection of infrastructure projects or types that are identified as candidates to be funded by the levy.

National Planning Practice Guidance identifies that information on the charging authority area's infrastructure needs should be drawn from the Infrastructure Delivery Plan (IDP). In determining the size of its infrastructure funding gap, the charging authority should consider known and expected infrastructure costs and other possible sources of funding. National guidance recognises that there will be uncertainty in pinpointing other infrastructure funding sources, particularly beyond the short term. Instead, charging authorities should focus on providing evidence of

an aggregate funding gap that demonstrates the need to put in place through the levy. It also states that the CIL examination should not re-open infrastructure planning issues that have already been found sound following the examination of the Local Plan.

Planning Practice Guidance states that the role of the Regulation 123 list is to help provide evidence on the potential funding gap – it is not the purpose of the examination to challenge the list. It also states that infrastructure planning work, which was submitted in support of a sound relevant Plan, should not be re-appraised.

This infrastructure evidence base report has been based on the information provided within the Greater Nottingham Infrastructure Delivery Plan <http://www.rushcliffe.gov.uk/media/corestrategy/documents/examinationdocuments/EX35%20Infrastructure%20Delivery%20Plan.pdf> , and information contained within the Infrastructure Delivery Plan that supports Local Plan Part 2 Publication draft http://www.rushcliffe.gov.uk/media/1_rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/publication/Local%20Plan%202%20IDP%20for%20publication.pdf

The draft Regulation 123 list includes projects partly or wholly to be funded through CIL. It is not the purpose or role of this document to prioritise infrastructure projects.

This report identifies the funding gap and demonstrates that it is significantly greater than the anticipated level of CIL receipts over the plan period.

Infrastructure requirements

The Greater Nottingham Infrastructure Delivery Plan final report was published in 2014 to support preparation and Examination of the Rushcliffe Local Plan Part 1: Core Strategy. The Local Plan Part 1 was adopted in December 2014. In addition an Infrastructure Delivery Plan has been produced in support of emerging Local Plan Part 2. These IDPs provide the latest evidence of infrastructure requirements for the Borough.

The IDPs assess infrastructure requirements, costs and known funding relating to growth and identified barriers or phasing issues that might affect the proposed growth. They also provide advice on the future delivery of infrastructure needed to support future planned growth.

Table 1 lists the infrastructure projects that were identified within the IDPs and explains the decision on whether to include projects on the Regulation 123 list. Table 1 also includes additional infrastructure projects that were not identified within the IDP and explains why they were added to the Regulation 123 list. This appendix, together with appendix 4 provides a clear, transparent system for identifying what infrastructure will be funded through CIL and what infrastructure will still be required through planning obligations.

There may be further infrastructure requirements that arise which will be funded through CIL as opposed to S106, especially where the mitigation measure is to alleviate the cumulative impact of development. As such, the draft S123 infrastructure list is under development as more information is received from infrastructure providers.

Table 1: Infrastructure projects identified within the Infrastructure Delivery Plan

Infrastructure project or type	Identified in the Infrastructure Delivery Plan?	Included in Regulation 123 list?	Reasons included or not included in Regulation 123 list.
NET line 2	Yes	No	Completed
Nottingham Hub	Yes	No	Completed
Implementation of A453 improvement scheme	Yes	No	Completed
Access arrangements onto A453 from South of Clifton Strategic Allocation.	Yes	No	Site specific requirement to be secured through S278 agreement. A453 is part of the strategic trunk road network therefore CIL regulations preclude contributions for such matters.
Access arrangements for East of Gamston/North of Tollerton onto Lings Bar road	Yes	No	Site specific requirement to be secured through S278 agreement. Lings Bar Road is part of the trunk road network and CIL regulations preclude contributions towards such infrastructure.
Melton Road, Edwalton highway improvements	Yes	No	Main access to the site now in place. Other improvements to footways and

Infrastructure project or type	Identified in the Infrastructure Delivery Plan?	Included in Regulation 123 list?	Reasons included or not included in Regulation 123 list.
			cycle lanes along Melton Road complete. Alternative access provision for Taylor Wimpey phase in the process of being constructed.
Package of improvements for A52 between A6005 and A46.	Yes	No	Covered by A52 Memorandum of Understanding and will be secured through S278 agreements. First junctions have been completed at Radcliffe on Trent. Second phase due to commence 2019-2020. A52 is a trunk road and CIL regulations preclude contributions towards such infrastructure.
Nottingham Ring Road Scheme	Yes	No	Completed.
Provision of Park and Ride along the A52 corridor and bus priority measures in West Bridgford (£3.5m)	In part	Yes	IDP is specific about Park and Ride being located at Gamston. However, other options may be more suitable and therefore description is now less specific.
Provision of or improvement	Not at a strategic level. However item contained within	Yes	The sports halls and swimming pool assessments identifies a need for

Infrastructure project or type	Identified in the Infrastructure Delivery Plan?	Included in Regulation 123 list?	Reasons included or not included in Regulation 123 list.
to indoor sports provision	Core Strategy Policy 19 and in strategic site assessments in the Core Strategy IDP site specific assessments.		improved facilities in order to support new development. Sport England facilities model identifies a cost per development. Pooling limits likely to be met therefore CIL could be used to enable compliance.
Provision of or improvement to playing pitches and ancillary facilities	Not at a strategic level. However item contained within Core Strategy policy 19 and in strategic site assessments in the Core Strategy IDP site specific assessments.	Yes	The playing pitch strategy identifies that improvements to the quality of off-site sports pitch provision in order to allow for the frequency of matches to be increased should be a priority in order to address demand from new development. Pooling limits likely to be met therefore CIL could be used to enable compliance.
Secondary school places contribution	Yes	Yes	Secondary school are largely at capacity across the Borough. Some are not expandable. Option for provision on the East of Gamston/North of Tollerton strategic allocation.
Health provision	Yes	Yes	With the exception of Keyworth, all facilities at capacity and other

Infrastructure project or type	Identified in the Infrastructure Delivery Plan?	Included in Regulation 123 list?	Reasons included or not included in Regulation 123 list.
			facilities would have to be expanded to serve new development. Cost of expansion £950 per dwelling which would lead to pooling issues for a number of practices given the planning obligations which have already been secured. Where existing facilities cannot be expanded and provision can be made within a development, payment in kind arrangements may be used instead.

Table 2 identifies the infrastructure projects and types that are listed on the Regulation 123 list and explains how they will contribute to the implementation of the Local Plan and provides details of costs and funding sources. The costs included and funding sources mentioned are based on the best information available as at May 2018. It is likely that these will change as schemes are refined and progress through their planning and design stages.

Table 2: Infrastructure projects and types listed on the Regulation 123 list

Infrastructure project / type	Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development	Anticipated cost	Sources of funding and likely amount available from other sources	Anticipated funding gap	Timescales for delivery	Evidence of need for the development or work to prepare for delivery – relevant studies / plans
Transport						
Provision of Park and Ride along the A52 corridor and associated bus priority measures in West Bridgford.	Will assist in the improvement of bus access from the developments to the east of the Borough to the city.	£3.5m	None	£3.5m	2018-2028 in line with Local Plan	Local Transport Plan scheme identified to support growth.
Education						
Secondary school provision across the Borough	Will assist in the provision of Secondary school places across the Borough.	Local Plan Part 2 Infrastructure Delivery Plan identifies that the cumulative secondary school contributions for sites without planning permission totals £7.7m	None	£7.67m	2018-2028 in line with the Local Plan.	There is a duty to provide for school places under section 14 of the Education Act 1996. Additional development puts pressure on existing schools where there is no capacity. See planning obligations strategy http://www.nottinghamshire.gov.uk/media/2394/final-

Infrastructure project / type	Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development	Anticipated cost	Sources of funding and likely amount available from other sources	Anticipated funding gap	Timescales for delivery	Evidence of need for the development or work to prepare for delivery – relevant studies / plans
						revised-planning-obligations-strategy-april-2014-d.pdf and draft planning obligations strategy. http://www.nottinghamshire.gov.uk/media/128758/planning-obligations-strategy-consultation-draft-update-november-2017.pdf
Health						
Provision of health facilities across the Borough	Will assist in the provision or expansion of health facilities across the Borough	Cumulative impact of development to address health contributions is £2.5m	None	£2.5m	2018-2028 in line with the Local Plan.	See comments contained within Infrastructure delivery plan.
Provision of or improvement to indoor sports provision	Will assist in the provision or expansion of recreation facilities across the Borough	£2.8m		£2.8m		

Infrastructure project / type	Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development	Anticipated cost	Sources of funding and likely amount available from other sources	Anticipated funding gap	Timescales for delivery	Evidence of need for the development or work to prepare for delivery – relevant studies / plans
Provision of or improvement to playing pitches and ancillary facilities	Will assist in the provision or expansion of recreation facilities across the Borough	£1.3m		£1.3m		
Total Funding Gap	£17.8m					
Total anticipated income from CIL during remainder of the plan period,	£18.8m					
Total anticipated income for R123 list projects (30% discount to allow for admin and local projects element)	£13.2m					
Anticipated funding gap after CIL implementation	£4.6m					

The infrastructure types and projects on the Regulation 123 list and those set out in the table above will all help to support growth and deliver the development set out in the Local Plan, as explained in the table.

Appendix 6: Draft Payment in Kind Policy



Rushcliffe Community Infrastructure Levy

Draft Payment in Kind Policy

xxx 2018

1. Introduction

- 1.1. In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Rushcliffe Borough Council as the charging authority for the area will allow the payment of CIL by land payments or infrastructure payments.
- 1.2. The Rushcliffe CIL Charging Schedule came into effect on **XXth XXX 20XX** and the payment of CIL via a Land Payment has been available from this date.
- 1.3. The policy to allow the provision of payment in the form of an infrastructure provision will be effective from **XXth XX 20XX**.
- 1.4. The CIL Regulations 2010 (as amended) allow the Council to accept full or part payment of a CIL liability by way of the transfer of land to the Council. The Council may also enter into agreements to receive infrastructure as payment. Such an approach has a number of benefits. For example, where the Council has already planned to invest levy receipts in a project there may be time, cost and efficiency benefits in accepting completed infrastructure from the party liable for payment of the levy. Payment in kind can also enable developers, users and authorities to have more certainty about the timescale over which certain infrastructure items will be delivered.

2. Payment of CIL by Infrastructure Provision

- 2.1. Rushcliffe Borough Council may enter into agreements to receive infrastructure as payment in kind. The infrastructure provided must be related to the provision of infrastructure types or projects contained on the Council's CIL Regulation 123 List in lieu of part or all of a CIL payment which may be due.
- 2.2. Where the payment of CIL by infrastructure provision is considered acceptable the Council will enter into an infrastructure agreement prior to the development commencing. This agreement will include the information specified in Regulation 73A.
- 2.3. Before entering into an infrastructure agreement to allow such provision, the Council will need to be satisfied that the criteria in Regulation 73A (inserted by the CIL 2014 Regulations) are met. It should be noted that the value of any infrastructure offered in this way will have to be determined by a suitably qualified independent person, with any costs associated with this

assessment paid for by the liable party.

- 2.4. An application for payment in kind will only be considered acceptable where it demonstrates compliance with the national criteria within the CIL Regulations (2010) as amended, any local criteria and subject to all necessary searches on the land being to the satisfaction of the Council.
- 2.5. The Council is not obliged to accept any offer of payment in kind by land or infrastructure. Development on the site must not have commenced before a written agreement with the Council has been made. The agreement must state the value of the land and /or infrastructure to be transferred.
- 2.6. In the event a liable party commences development having failed to submit a Commencement Notice to the Council, any agreement regarding payment in kind for that liable development will be void and the land and / or infrastructure will not be accepted as payment in kind. Instead the full value of the CIL liability will be due immediately in money.
- 2.7. Where a land payment is not received in full on or before the day on which it is due, the unpaid balance of the CIL payment becomes payable in full immediately in money.
- 2.8. Any outstanding CIL amounts left in the form of money after the transfer of land will be paid in line with the payment due dates laid out in the Demand Notice. In accordance with Regulation 75(2)(b) the Council is not required to repay overpayment where it is a result of a land payment.
- 2.9. Before submission of an application the liable party is encouraged to discuss proposals with the Borough Council as early as possible to establish if the principle of payment in kind would be appropriate in that instance.
- 2.10. Please see the Community Infrastructure Levy Regulations 2010 (as amended), for further details relating to payments in kind.

3. Further Information

- 3.1. For further information about the Rushcliffe Community Infrastructure Levy please visit <http://www.rushcliffe.gov.uk/planningpolicy/cil/>.
- 3.2. Planning Policy can be contacted by e-mail at: localdevelopment@rushcliffe.gov.uk or telephone **0115 981 9911**.

Appendix 7: Draft Installment Policy



Rushcliffe Community Infrastructure Levy

Draft Instalment Policy

xxx 2018

1. Introduction

- 1.1. 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 Rushcliffe it is considered reasonable that payment instalments are scheduled in proportion to the scale of development that is proposed.
- 1.2. The Borough 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.
- 1.3. For further information about the Rushcliffe Community Infrastructure Levy please visit www.rushcliffe.gov.uk/planningpolicy/cil/.
- 1.4. Planning Policy can be contacted by e-mail at: localdevelopment@rushcliffe.gov.uk or telephone **0115 981 9911**.

2. Instalment Policy

- 2.1. In accordance with Regulation 69b of the CIL Amendment Regulations, Rushcliffe Borough Council (The Charging Authority) will apply the following Instalment Policy to all development on which CIL is liable.
- 2.2. The Instalment Policy will come into effect at the same time as the implementation of CIL.

3. Number, Proportion and Timing of Instalments

- 3.1. 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 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;

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 whichever is the soonest.