



THE ROYAL BOROUGH OF
**WINDSOR AND
MAIDENHEAD**

Royal Borough of Windsor & Maidenhead

Community Infrastructure Levy

Draft Charging Schedule

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1. Introduction

- 1.1. This document is The Royal Borough of Windsor & Maidenhead Borough Council's Community Infrastructure Levy Draft Charging Schedule (DCS). The DCS sets out the proposed rates that will be applied to new development within the borough. The rates vary by the location of and type of development. The funds raised will be used to secure the provision of infrastructure.
- 1.2. The purpose of this document is to enable the Council to consult on the approach it has taken in establishing its proposed rates. This is a statutory step towards the adoption of a Community Infrastructure Levy (CIL) and is prepared in accordance with the CIL Regulations 2010 (as Amended).
- 1.3. The Council consulted on its Preliminary Draft Charging Schedule (PDCS) in June/July 2015. The Council received 30 representations. These comments were carefully considered for the preparation of the DCS. A separate document containing a schedule of consultation comments and the Council's response was prepared. The Council also prepared another document which shows how consultation comments about viability testing were used for further testing in preparation for the DCS.
- 1.4. This DCS is supported by the following documents:
 - The Infrastructure Delivery Plan (IDP)
 - The CIL Viability Study
 - CIL Viability Study Post PDCS Update
 - Draft Regulation 123 List
 - Draft Instalment Policy
- 1.5. These documents are available on the Council's website:

http://www3.rbwm.gov.uk/info/200209/planning_policy
- 1.6. The DCS consultation will run for four weeks from 9:00 am on 23 October 2015 to 5:00 pm on 23 November 2015.

Comments on the DCS can be submitted in writing or email. Comments can also be submitted online using the Council's consultation system.

To make a representation please send your comments:

By email to: Planning.Policy@rbwm.gov.uk

By post to: Planning Policy Unit – DCS Consultation
Royal Borough of Windsor and Maidenhead
Town Hall
St Ives Road
Maidenhead
SL6 1RF

To submit comments online, please go to the webpage outlined below and follow the instructions.

Consultation web page: <http://consult.rbwm.gov.uk/portal/cil/dcs/dcs>

2. What is CIL, who pays it, and how is the payment calculated?

- 2.1. CIL is a levy which will enable local authorities to apply a charge to new development. The money raised by the levy will be used to fund infrastructure such as transport schemes, schools, health and social care facilities, parks, green spaces and leisure facilities that are required to ensure that the Borough grows sustainably.
- 2.2. CIL is non-negotiable which means there is certainty about how much applicants are required to pay. As per the CIL Regulations 2010 (as Amended) it will be levied on net additional floor space of development that exceeds 100 square metres. It will also be levied on development that creates at least one residential dwelling even if that dwelling is less than 100 square metres. CIL is charged on a per square metre basis.
- 2.3. There are a range of statutory exemptions from CIL including but not limited to affordable Housing and development for charitable purposes. The CIL Regulations 2010 (as Amended) set out a full list of exemptions.
- 2.4. CIL is payable within 60 days of the commencement of development although the CIL Regulations 2010 (as Amended) allow for an instalments policy to be adopted alongside CIL. The Council has published its proposed instalments policy.
- 2.5. The responsibility to pay the levy lies with the owner of the land unless liability is assumed by another party as set out in the CIL Regulations.
- 2.6. CIL rates will be index linked using the national All-in Tender Price Index published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors.
- 2.7. The CIL rates for the Council's DCS vary by use (residential, retail, and offices) and location. In the case of residential development the Council is proposing three geographic zones. For retail and office development there is a Borough-wide zone. For offices, there are differential rates associated with the size of the development.
- 2.8. Some development types such as small offices (less than 2,000 square metres) and industrial will not be charged because the CIL Viability Study found that these uses did not have the financial capacity to pay a CIL.
- 2.9. CIL liabilities will be calculated in accordance with Regulation 40.

3. CIL and Infrastructure Required for the Local Plan

- 3.1. The Council's Local Plan was originally adopted in 1999 with alterations adopted in 2003. Until it is replaced it remains the principal document of the Development Plan for the borough. In preparing its evidence base for the CIL the Council has considered the growth envisaged in the adopted Local Plan. It has also taken account of the National Planning Policy Framework.
- 3.2. The Council is preparing a new Local Plan. It is expected that the Local Plan will be adopted in 2017. The Council intends to adopt CIL in advance of the new Local Plan

as it must ensure there are funds available to support infrastructure provision and sustainable growth. Consequently the Council is focused on developing a robust evidence base for its CIL and, as far as is practical, aligning the CIL evidence with that of the emerging Local Plan.

- 3.3. The IDP is a critical part of the evidence base for the CIL and sets out the required infrastructure and associated costs which meet the growth envisaged in the existing Local Plan and that of the emerging Local Plan options.
- 3.4. As part of that planning process, and for purposes of transparency, the IDP provides costs and funding gaps for all the emerging Local Plan growth options. This analysis shows that the amount of funding currently available to meet the Council's infrastructure requirements (without a CIL) is insufficient. Therefore the Council considers a CIL Charging Schedule as a positive tool to support sustainable growth.
- 3.5. The DCS has been developed with consideration of a range of market conditions and in this regard it has been mindful of future growth scenarios. As part of good planning the Council intends to revisit the CIL Charging Schedule upon adoption of the emerging Local Plan to ensure it remains suitable.
- 3.6. The CIL Regulations require the Council to allocate a 'meaningful proportion' of CIL to the neighbourhood from which funds are raised. In 2013 the Government defined 'meaningful proportion' to be a minimum of 15% of CIL income arising in a parish or town council and 25% in areas with a Neighbourhood Plan.

4. CIL and S106

- 4.1. The Council collects financial contributions for infrastructure from new development through S106 agreements.
- 4.2. In 2010 CIL Regulation 123 introduced 'pooling restrictions' which limited the Council's ability to use S106 to fund infrastructure from 6 April 2015. Specifically the Regulation limited S106 obligations where five or more have been entered into after 6 April 2010 in respect of a specific infrastructure project or type. Prior to 6 April 2015 the Council was able to secure as many contributions as it could justify for an infrastructure project or type.
- 4.3. As a result of Regulation 123 the Council is now generally limited to using S106 obligations for the purpose of securing infrastructure that mitigates site-specific impacts arising from development such as access roads for example. In some limited cases the Council may use S106 to secure a strategic infrastructure project or type from several sites.
- 4.4. Regulation 122 was another limitation on the Council's ability to use S106 to fund infrastructure. It contains three tests which a S106 obligation is required to meet. The obligation must be (a) necessary, (b) directly related, and (c) related in scale and kind to the proposed development. These tests reduced the Council's ability to apply tariff-style S106 obligations which it had done according to its Planning Obligations and Developer Contributions Supplementary Planning Document (SPD).

- 4.5. As a result of the CIL Regulations, CIL is a more effective means for securing infrastructure funding than S106. It enables local authorities to pool as many developer contributions as it wishes for the purpose of funding infrastructure.
- 4.6. The Council has published a draft list of infrastructure it will fund through CIL. This is known as a draft Regulation 123 list and it accompanies the DCS. One purpose of the list is to ensure that councils do not double-charge applicants for infrastructure through both CIL and S106 agreement. Once CIL is adopted and the list is in use it will be updated periodically as infrastructure projects are completed and new needs arise.

5. CIL Viability Testing and Rate-Setting

- 5.1. In setting its proposed CIL rates the Council has had regard to a range of considerations but principally the following:
 - CIL Viability Study
 - CIL Viability Study Post PDCS Update
 - Representations provided during consultation on the PDCS
 - Input from stakeholders during consultation events
 - The Infrastructure Delivery Plan
 - Anticipated development as per the Council's baseline growth option being assessed for the Local Plan
- 5.2. The Council initially commissioned the CIL Viability Study to determine if CIL rates would be viable in the Borough and to provide recommendations for a proposed set of rates. This report was provided with the PDCS.
- 5.3. The CIL Viability Study analysed both residential and non-residential property development in the Borough. It applied financial appraisal models to a sample of different types of development schemes which are anticipated in the baseline growth option being considered for the Local Plan.
- 5.4. To ensure that the appraisal models realistically portrayed property development in the Borough, there were allowances for all the Council's policies (including affordable housing) which are consequential to the viability of property development. The models also reflected market assumptions related to the revenue and costs of development in the Borough. Two consultation events were held with developers to ensure that the assumptions in the CIL Viability Study were robust and reflective of market realities.
- 5.5. In light of the 30 representations submitted to the Council and comments made at the public consultation event for the PDCS, the Council revisited the assumptions that were used in the CIL Viability Study. Where appropriate, the Council adjusted its assumptions and re-ran the appraisals. The rationale for revisiting the assumptions in the CIL Viability Study and the methodology applied are contained in the CIL Viability Study Post PDCS Update report.
- 5.6. The Update report indicates that CIL charges remain viable for three development types: residential, retail and offices. For residential development the rates remain the same. However there have been changes to retail and offices. These changes are explained and justified in the Update report.

5.7. CIL Regulation 14 states that the Council (as Charging Authority) must strike what appears to be an appropriate balance between the desirability of funding infrastructure and the potential effects that CIL could have on development viability. In other words, the DCS is not strictly based on a mechanistic approach to rate-setting. Indeed, even though some of the results of the appraisals have changed, the Council believes that in some cases the original CIL rates remain appropriate and that the Council has established the appropriate balance.

6. Draft Charging Schedule

- 6.1. The table below contains the proposed CIL rates. The maps showing the corresponding residential CIL zones are included in Appendix A.

Development Type	CIL Charging Zone	Rate (per square metre)
Residential including retirement (C3) and extra care homes (including C2)	Maidenhead town centre (AAP area)	£0
	Maidenhead urban area	£100
	Rest of the borough	£240
Retail	Borough Wide Retail Warehouses ¹	£100
	Borough Wide Other Retail ¹	£0
Offices	Borough Wide ¹ - 2,000 m ² or larger	£150
	Borough Wide ¹ – less than 2,000 m ²	£0
All other uses		£0





- 6.2. The development types in the table above are self-explanatory with the exception of retail warehouses. Retail warehouses are large stores specialising in the sale of comparison goods, DIY items and other ranges of goods catering mainly for car borne customers.

7. Next Steps

- 7.1. The purpose of this document is to consult on the DCS. This stage of the process precedes submission to the independent examination.
- 7.2. All comments received for this consultation will be taken into account. In the event that modifications are required to the DCS Draft Charging Schedule or Regulation 123 list as a result of consultation, the Council will make the changes available in a Statement of Modifications. Those providing comments at this stage can ask to be heard by the examiner.
- 7.3. Alongside the process for adopting CIL, the Council will review its current Planning Obligations SPD with a view towards replacing it with a document which reflects how S106 will be used alongside CIL.

¹ Applicable within the Maidenhead town centre (AAP area), the Maidenhead urban area and the Rest of the borough charging zones.

Community Infrastructure Levy Charging Zones

-  A Maidenhead town centre
-  B Maidenhead urban
-  C Rest of the borough
-  RBWM boundary

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The Royal Borough

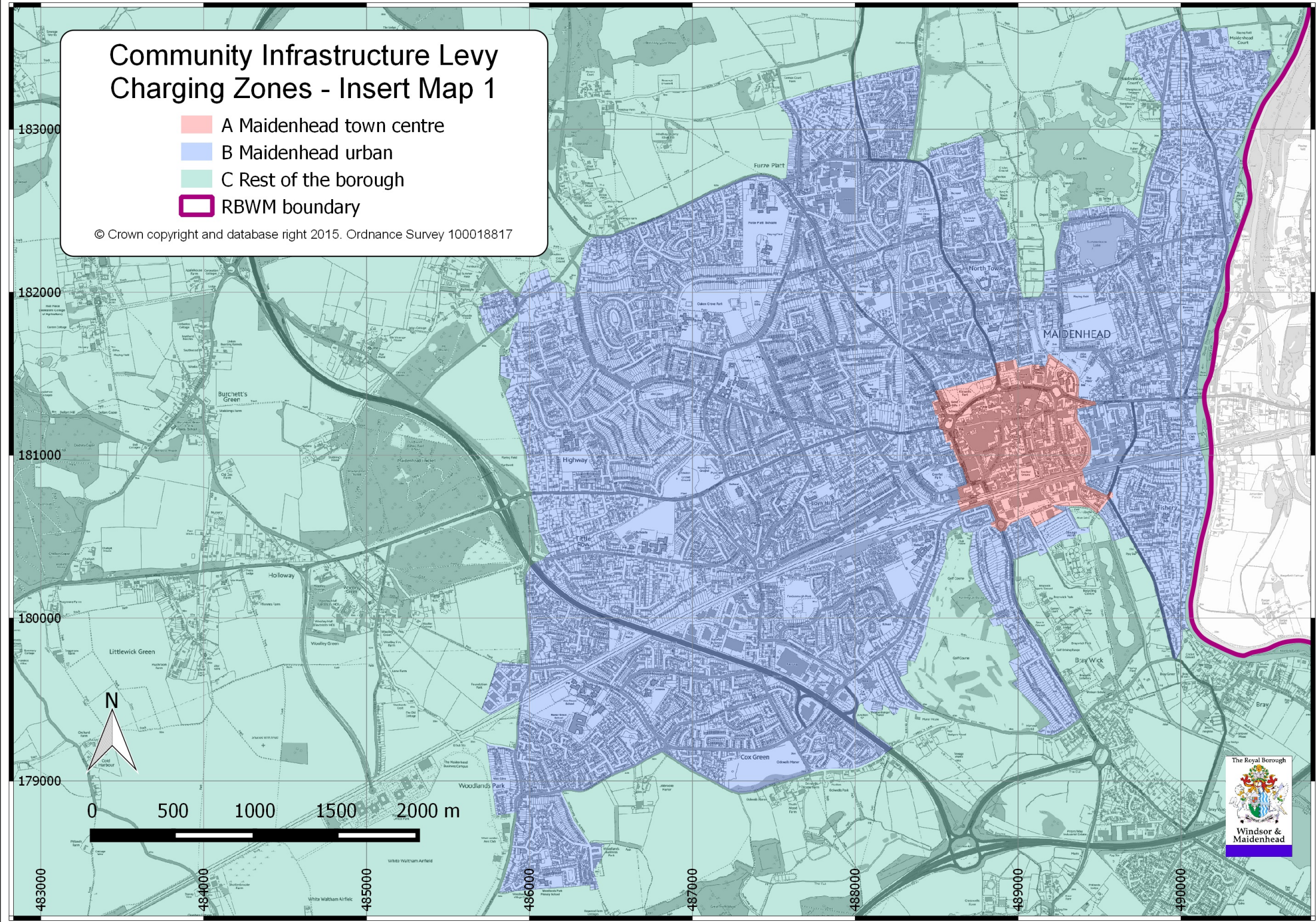


Windsor & Maidenhead

Community Infrastructure Levy Charging Zones - Insert Map 1

-  A Maidenhead town centre
-  B Maidenhead urban
-  C Rest of the borough
-  RBWM boundary

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Community Infrastructure Levy Charging Zones - Insert Map 2

- A Maidenhead town centre
- B Maidenhead urban
- C Rest of the borough
- RBWM boundary

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