

## Submission CIL Charging Schedule Statement of Modifications



This document is required by CIL Regulation 19(1)(d): *The charging authority must submit the following to the examiner (in addition to the declaration required under section 212(4) of PA 2008) — where the charging authority modified the draft charging schedule after it was published in accordance with regulation 16, a **statement of modifications**.*

No substantive changes have been made to the Draft Charging Schedule as advised by [National Practice Guidance](#). The modifications made to produce the Submission Charging Schedule relate only to clarifications, corrections and simplification of the main text of the Draft Charging Schedule. Text relating to the Draft Charging Schedule consultation (now closed) and next steps (now undertaken) has also been removed or amended.

The following table sets out the modifications made to the Draft Charging Schedule prior to Submission. A full tracked-changed version of the Draft Charging Schedule is appended to this document.

| # | Modification  | Reason / Comment   |
|---|---|--|
| 1 | All references to “Draft” replaced with “Submission”  | To update the Submission Version   |
| 2 | Paragraph 2 and 3 rearranged  | To simplify the text   |
| 3 | Paragraph 2 insertion: “and thereafter in accordance with a Regulation 123 list to prevent double-counting of contributions.”   | Clarify proposed S106 and CIL Use  |
| 4 | Section: “South Downs National Park CIL” delete: “All representations have been taken into account in the production of this Draft Charging Schedule.”  | To simplify the text   |
| 5 | All references to “rates” replaced with “charges”   | To provide consistency within the text   |
| 6 | Section: “South Downs National Park CIL”, various minor edits   | To update the Submission Version   |
| 7 | Section: “South Downs National Park CIL”, delete: “The CIL should contribute towards the implementation of the National Park Local Plan by funding the infrastructure necessary to support new development, residents, communities, businesses and visitors to the National Park. As required by the National Planning Policy Framework , CIL charges will therefore support and incentivise delivery of the spatial strategy set out in the Preferred Options Local Plan.<br><br>The rates proposed in this consultation document have been informed by evidence of infrastructure needs and development viability.” | To simplify the text. This level of detail is not considered necessary in an adopted Charging Schedule.        |
| 8 | Section: “Appropriate available evidence”: Various minor edits and insert “Adopted Joint Core Strategies”   | To update the Submission Version and clarify that the Adopted Joint Core Strategies currently form part of the |

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|    |  | statutory Development Plan, pending adoption of the National Park Local Plan  |
| 9  | Section Title: "Draft Charging Schedule rates" change to "Charging Schedule charges". Various minor text edits in this section.  | To update the Submission Version and reduce the level of detail   |
| 10 | Proposed Levy Table: Delete "Residential – Zone 2: 100". Change "Zone 3" to "Zone 2".  | CIL Viability Assessment (DSP, January 2014) pointed to a lower rate for Liss but had limited available data. Increasing values due to house price inflation and a strong local economy means development in Liss is more likely to support a higher charge in 2016. Liss (including West Liss and Liss Forest) is allocated for 150 new houses in the Local Plan: Preferred Options Policy SD23 representing only 3% of the total 4,596 development strategy. This weighs in favour of a simpler, more broad approach where Liss is included in Zone 1 (£150 per square metre) with the other large settlements. A balanced judgement informed by both the Viability Assessment Update and the potential impact on the development strategy of the Local Plan as well as support from the Liss Parish Council consultation response and a lack of contrary evidence has led to this amendment in the Submission CIL Charging Schedule. |
| 11 | Section: "Charging Schedule charges",<br>change: "Zone 1 covers Lewes, Midhurst, Petersfield and Petworth; Zone 2 covers Liss; Zone 3 covers all other areas."<br>To: "Zone 1 covers Lewes, Liss, Midhurst, Petersfield and Petworth and Zone 2 covers all other areas."   | To reflect the amended Proposed Levy Table.   |
| 12 | Section: "Charging Schedule charges", after "The boundaries of residential zones are shown on the Draft Charging Schedule Map (at the end of this document)" Insert: "and are derived from the relevant adopted or published development plan".  | To clarify the source of the boundaries used. These may be subject to review in future as the relevant development plan is updated.   |
| 13 | Section: "Charging Schedule charges", Insert: " 'Residential' also includes agricultural workers dwellings and holiday lets as these uses are considered to be normal homes for the purposes of calculating CIL and any restrictive occupancy conditions do not provide exemption from CIL liability. However, they may be exempt from CIL liability if they are self-built or converted from an existing building." | To clarify the CIL liability of agricultural workers dwellings and holiday lets as a use of development, as requested by consultation responses   |

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|----|---|--|
| 14 | Section: “Land- and infrastructure-in-kind”: insert text: “...infrastructure to support the development”  | Amended following consultation response to clarify that infrastructure-in-kind should support the contributing development.  |
| 15 | Section: “Relief for low-cost market housing”: insert text: “Value levels will be set and adjusted over time in consultation with the District Valuer Service.”   | To clarify the operation of this discretionary policy  |
| 16 | Section title: “Consultation process (Statement of Representations Procedure)” replaced with “Examination process”  | To update the Submission Version   |
| 17 | Section: “Examination process”: insert text: “Submission of this document to the Planning Inspectorate for examination will occur following approval by the Authority in February 2016. Stakeholders, individuals and groups who made representations on the Draft Charging Schedule may make a request to the Authority to be heard by the Examiner, in accordance with Regulation 21. In addition, any person may request to be heard by the Examiner in relation only to the Statement of Modifications. All requests must be received within four weeks of submission using the following contact details:” | To update the Submission Version   |
| 18 | Replace: “Representations may be accompanied by a request to be notified at a specific address when the Draft Charging Schedule has been submitted for examination, the examiner’s recommendations are published and the charging schedule is approved”<br>With: “All previous consultees and respondents will be notified of the Examination details.”   | To simplify the text   |
| 19 | Section: “Next Steps”: various minor edits  | To update the Submission Version   |
| 20 | Charging Schedule Maps: Five ‘Inset Maps’ inserted to clearly show the boundaries of Zone I at Lewes, Liss, Midhurst, Petersfield and Petworth.   | To clarify the boundaries of the differential zones in the Submission Version. The boundaries are derived from the relevant adopted or published development plan. |

In accordance with CIL Regulation 19 (2010) as amended by CIL Amendment Regulation 5 (2011), before the Authority can submit the Charging Schedule for examination it will send a copy of this Statement of Modifications to each of the consultation bodies invited to make representations under previous consultations and publish it on the CIL webpage: [www.southdowns.gov.uk/CIL](http://www.southdowns.gov.uk/CIL) .

Any person may request to be heard by the Examiner in relation **only** to the modifications as set out in this Statement of Modifications. Requests to be heard must be received within 4 weeks of submission (the date will be provided on the website) and include details of the modifications on which the person wishes to be heard (reference # in the table above). The Authority will pass all requests to the Examiner.

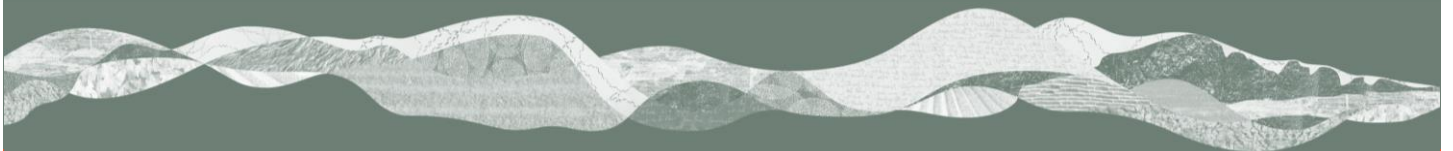
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# South Downs National Park – CIL Statement of Modifications Tracked Version



February 2016

1. The South Downs National Park Authority ('SDNPA') has published this Community Infrastructure Levy ('CIL') ~~Draft~~ Charging Schedule as the local planning authority and CIL charging authority for the entire area of the South Downs National Park, under powers provided by Section 206 of the Planning Act 2008.
2. CIL was introduced by Part 11 of the Planning Act 2008 and is governed by the CIL Regulations 2010 (as amended) and the Planning Practice Guidance<sup>i</sup> published by the Department for Communities and Local Government. ~~SDNPA intends to adopt and implement a CIL Charging Schedule by April 2016.~~ Planning obligations under Section 106 of the Planning Act will continue to be used until CIL is introduced and thereafter in accordance with a Regulation 123 list to prevent double-counting of contributions.

## South Downs National Park CIL

3. A 'Preliminary Draft Charging Schedule' was published for consultation in March 2014 in accordance with Regulation 15. ~~All representations have been taken into account in the production of this Draft Charging Schedule.~~
4. ~~The~~ A Draft Charging Schedule ~~is~~ was published for consultation in September 2015 in accordance with Regulation 16 of the CIL Regulations 2010. All consultation responses and up to date evidence have been taken into account by SDNPA to produce this final Charging Schedule for submission to the Planning Inspectorate alongside will submit a Summary of Representations, in accordance with Regulation 19 made on this document alongside the final Draft Charging Schedule for examination.
5. In setting the CIL ~~rates~~ charges, SDNPA ~~has~~ must ~~strike~~ struck an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.<sup>ii</sup>

~~The CIL should contribute towards the implementation of the National Park Local Plan by funding the infrastructure necessary to support new development, residents, communities, businesses and visitors to the National Park. As required by the National Planning Policy Framework<sup>iii</sup>, CIL charges will therefore support and incentivise delivery of the spatial strategy set out in the Preferred Options Local Plan.~~

~~The rates proposed in this consultation document have been informed by evidence of infrastructure needs and development viability.~~

## Appropriate available evidence

6. The South Downs National Park CIL ~~rates~~ charges must have been be-informed by appropriate available evidence of economic viability and infrastructure needs.<sup>iv</sup>
7. The evidence underpinning the CIL ~~rates~~ charges is:
  - National Park Local Plan: Preferred Options
  - Adopted Joint Core Strategies
  - National Park Partnership Management Plan
  - Infrastructure Delivery Plan, and
  - Community Infrastructure Levy and Affordable Housing Viability Assessment (2014 and Update 2015).
8. This evidence can be found at our website: [www.southdowns.gov.uk/CIL](http://www.southdowns.gov.uk/CIL).

<sup>i</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

<sup>ii</sup> CIL Regulation 14 as amended by Regulation 5(3)(2014).

<sup>iii</sup> ~~NPPF 2012, paras 173–177.~~

<sup>iv</sup> Planning Act 2008 s.211 (7A) as amended by Localism Act 2011 s.114(2) and CIL Amendment Regulation 5 (2014).

## Draft Charging Schedule rates charges

The proposed rates set out below are supported by evidence of development viability across the South Downs National Park area. Following independent examination and adoption, the following charges rates set out in the final Charging Schedule will come into force and will be non-negotiable.

| Use of Development                | Proposed Levy (£/m <sup>2</sup> ) |
|-----------------------------------|-----------------------------------|
| Residential – Zone 1              | 150                               |
| <del>Residential – Zone 2</del>   | <del>100</del>                    |
| Residential – Zone <del>3</del> 2 | 200                               |
| Large format retail <sup>v</sup>  | 120                               |
| All other development             | 0                                 |

9. Different rates charges are proposed for different intended uses of development, in accordance with Regulation 13. For residential uses, different rates charges are also proposed for two geographical zones with reference to local viability evidence. The boundaries of residential zones are shown on the Draft Charging Schedule Map (at the end of this document) and are derived from the relevant adopted or published development plan. Zone 1 covers Lewes, Liss, Midhurst, Petersfield and Petworth; ~~Zone 2 covers Liss; and~~ Zone ~~3~~ 2 covers all other areas.
10. 'Residential' includes all development within Use Class C3 of the relevant Order. 'Residential' also includes agricultural workers dwellings and holiday lets as these uses are considered to be normal homes for the purposes of calculating CIL and any restrictive occupancy conditions do not provide exemption from CIL liability. However, they may be exempt from CIL liability if they are self-built or converted from an existing building.

<sup>v</sup> 'Large format retail' means convenience-based supermarkets and superstores and retail warehouses with a net retail selling space of over 280m<sup>2</sup> providing shopping destinations in their own right where weekly food shopping needs are met and can include non-food floorspace as part of the overall mix. Also retail outlets

11. The chargeable amount of CIL for any new development is calculated in accordance with Part 5 of the CIL Regulations (2010, as amended). The locally set rates charges above are multiplied by the gross internal area<sup>vi</sup> of new buildings and enlargements to existing buildings, taking demolished floorspace into account and subject to the exemptions listed in Part 6 of the Regulations.
12. Part 6 of the CIL Regulations 2010 (as amended) exempts the following types of development from the CIL charges:
- Social (affordable) housing
  - Domestic residential extensions
  - Self-build development
  - Development by charitable institutions
  - Changes of use that do not increase floorspace
  - Buildings into which people do not normally go or go only intermittently for the purpose of maintaining or inspecting machinery, and
  - Buildings with temporary planning permission.
13. The CIL rates charges will increase with market inflation over time to ensure their effectiveness at funding infrastructure. They are linked to the All-in Tender Price Index published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors.

## Implementation choices

14. The CIL Regulations allow SDNPA to make certain choices about how to implement the CIL. These choices can be amended or reversed if they are no longer suitable by giving notice on our website.
15. Representations made during the previous CIL consultations informed the choices proposed below.

specialising in household goods (such as carpets, furniture and electrical), DIY items and other ranges of goods, catering for mainly car-borne customers.

<sup>vi</sup> The Authority will use the HMRC Valuation Office Agency's definition of gross internal area.

## Payment by instalments<sup>vii</sup>

16. Payment of a CIL charge is due from the date a chargeable development commences. SDNPA will accept, at its discretion, the payment of CIL by instalments to provide flexibility and support for more complicated developments. For larger developments, CIL payments can be linked to phased planning permissions over time.
17. An 'instalment policy' stating the number and amount of instalments, timing and qualifying criteria will be published alongside the adopted Charging Schedule.

## Land- and infrastructure-in-kind<sup>viii</sup>

18. SDNPA will accept, at its discretion, the CIL charge to be offset in whole or in part by the value of ~~any~~ infrastructure provided or constructed by the applicant to support the development. The CIL charge may also be offset in whole or in part by the value of any land transferred to SDNPA, where it would support the provision of necessary infrastructure.
19. This choice will enable developers to directly provide the infrastructure needed to support new development, rather than paying for it indirectly through CIL charges. The value of land- and infrastructure-in-kind will be determined by the District Valuer.

## Relief for low-cost market housing<sup>ix</sup>

20. SDNPA can allow, at its discretion, relief from liability to pay a CIL charge to new market houses that are to be sold at no more than 80 per cent of their market value. ~~We welcome your comments on this type of relief~~Value levels will be set and adjusted over time in consultation with the District Valuer Service.

## ~~Consultation Examination~~ process (~~Statement of Representations~~ ~~Procedure~~)

21. ~~Consultation Submission of~~ ~~on~~ this document to the Planning Inspectorate for examination will ~~run~~

~~from 2<sup>nd</sup> September to 28<sup>th</sup> October 2015 occur following approval by the Authority in February 2016. Comments and representations are invited from all s~~Stakeholders, individuals and groups who made representations on the Draft Charging Schedule may make a request to the Authority to be heard by the Examiner, in accordance with Regulation 21. In addition, any person may request to be heard by the Examiner in relation only to the Statement of Modifications. All requests must be received within four weeks of submission and should be submitted using the following contact details:

### Website:

[www.southdowns.gov.uk/CIL](http://www.southdowns.gov.uk/CIL)

### Email:

[CIL@southdowns.gov.uk](mailto:CIL@southdowns.gov.uk)

### Postal:

CIL Consultation  
South Downs Centre  
North Street  
Midhurst  
West Sussex  
GU29 9DH

### Phone:

01730 814810

22. ~~Representations may be accompanied by a request to be notified at a specific address when the Draft Charging Schedule has been submitted for examination, the examiner's recommendations are published and the charging schedule is approved~~All previous consultees and respondents will be notified of the Examination details.

## Accessibility

23. All documents ~~related to this consultation~~ can be viewed on our website ([www.southdowns.gov.uk/cil](http://www.southdowns.gov.uk/cil)) or at the South Downs Centre in Midhurst (address above). Printed copies, a large-print version and other formats can be requested using the contact details above.

<sup>vii</sup> CIL Regulation 69B.

<sup>viii</sup> CIL Regulations 59, 73 and 73A.

<sup>ix</sup> CIL Regulation 49A.

## Next steps

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- ~~24. SDNPA will take into account any representations made on this document before submitting the draft charging schedule for examination. Any €Changes made to the draft charging schedule prior to this submission version are identified in following this consultation will be published in a Statement of Modifications.~~
25. The Draft Submission Charging Schedule, Statement of Modifications and a Summary of Representations and supporting evidence will then be submitted for examination.
- ~~26. Requests to be heard by the examiner may be submitted to SDNPA within four weeks of submitting the Draft Charging Schedule for examination.~~

26. An independent examiner must approve the Draft Submission Charging Schedule (subject to amendment if necessary) before SDNPA can adopt the final Charging Schedule. The Charging Schedule will be applied to all liable planning permissions from the date of adoption. The Charging Schedule will be reviewed periodically thereafter.

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