



ADUR & WORTHING COUNCILS

Joint Strategic Committee
6 October 2020
Agenda Item 10

Key Decision [~~Yes~~/No]

Ward(s) Affected: Worthing ALL

Worthing CIL - revised draft Charging Schedule

Report by the Director for the Economy

Executive Summary

1. Purpose

- 1.1 Worthing Borough Council introduced a Community Infrastructure Levy (CIL) to allow funds to be raised from developers to pay for infrastructure that is needed to support growth. The Council adopted the Charging Schedule for CIL in February 2015 and implementation of the levy commenced in October 2015.
- 1.2 Given the time that has lapsed and the change in market conditions, a review of the CIL Charging Schedule was needed. Our consultants undertook a review of the current charging schedule and their recommendations form the revised CIL draft Charging Schedule. The draft Charging Schedule was consulted on for 8 weeks between June and August 2020.
- 1.3 This report provides an update on the revised CIL draft Charging Schedule (DCS) consultation and proposes that the document is now submitted for examination.

2. Recommendations

- 2.1 The Committee is recommended to:

- Note the progress made and the responses received from the public consultation on the revised CIL draft Charging Schedule;
- Note the modifications made to the draft Charging Schedule since the consultation;
- Agree to minor changes to the Schedule in consultation with the Cabinet Member for Regeneration, if required, prior to submission; and,
- Approve the submission of the formal revised draft CIL Charging Schedule for examination.

3. Context

- 3.1 The CIL Regulations 2010 (as amended), allow local planning authorities to set a CIL charge on some developments in order to contribute toward the cost of the infrastructure required to support the cumulative impact of growth and development in an area. Worthing Borough Council (WBC) adopted its CIL Charging Schedule in February 2015, with implementation of the levy commencing in October 2015.
- 3.2 The Charging Schedule must strike an appropriate balance between the desirability of funding infrastructure and the potential effects on the viability of development. It is generally considered that a review of a Charging Schedule should be considered within 5 years of implementation, to reflect changes to key government policy and guidance, as well as changing market conditions.
- 3.3 In view of the issues associated with the existing CIL Charging Schedule, your Officers commissioned consultants Dixon Searle Partnership (DSP) to undertake an initial review of the current CIL charging schedule in 2019. The final report was received in March 2020 outlining a number of recommendations for the Council to consider. The revised CIL draft Charging Schedule takes into account these recommendations. More information can be found in the Adur & Worthing Councils JSC - Worthing CIL - Infrastructure Investment Plan report; agenda item 12, 9 June 2020.
- 3.4 Approval was given by JSC in June 2020 to undertake a public consultation exercise on the revised CIL draft Charging Schedule (DCS). A wide range of bodies were consulted on including; persons who are resident or carrying on

business in Worthing, voluntary bodies, neighbouring authorities, and local developers.

- 3.5 It is worth noting that on 6th August 2020 (during the CIL consultation) the Government published its 'Planning for the future' White Paper, which includes plans to reform the developer contributions system by replacing both section 106 and the community infrastructure levy (CIL) with a new 'infrastructure levy'. However, there are no timelines yet as to when this new levy would be in place and there is still a requirement for the Council, as a CIL charging authority to keep the current system up-to-date. For this reason, although the potential changes are noted, there is no reason at this stage not to get a revised and up-to-date Charging Schedule in place.

4. Issues for consideration

- 4.1 The revised CIL draft Charging Schedule went out for consultation on Tuesday 30th June, and lasted for 8 weeks. The consultation lasted for 2 weeks longer than normal to give consultees a chance to respond, given the situation with COVID-19. Hard copies of the Charging Schedule were available in the principal office. The Statement of Consultation can be found in Appendix A.
- 4.2 A total of 7 representations were received during the consultation period, with a further 6 acknowledgements. A brief summary of the comments received are below. More information can be found in the Statement of Representations Reg 19(1)(b) in Appendix B. Whilst a number of the comments received were fairly minor the more significant representations are summarised in the following paragraphs.
- 4.3 Three representations related to the charge for flatted residential development of more than 10 units on PDL. The assessments undertaken by our Consultants (DSP) had concluded that the viability prospects for flatted development in the Borough to be generally challenging. However, our Consultants recommended a 'nominal charge' of £25/sqm for this type of development, which has been challenged by these respondents.
- 4.4 DSP and your Officers have considered these concerns but believe that it is important to get a level of CIL contribution from these forms of development. We agree there is a need to balance the impact on development viability with the need to raise funds for infrastructure which will make the development acceptable. A nominal charge (in isolation) such as this will enable some funding for infrastructure without causing developments to be unviable. This

position (a nominal charge) would be further strengthened should the Government proposed changes to the Affordable Housing threshold (from 10 dwellings to 40 or 50 dwellings) be enacted albeit a temporary measure as a response to the Covid crisis.

- 4.5 One representation makes a number of points relating to the effect of COVID on the viability evidence used to set CIL and the impact that CIL may have on the viability of some developments types in the Borough. The effects of the pandemic will be felt in many potential areas of influence on viability or deliverability, short term in particular. However, there could be a range of influences and effects, not necessarily all negative in their impact on viability or other matters. At the point of carrying out the assessment the impacts of COVID were not apparent. While there are unknowns, and potentially significantly so, it is possible to work only with available information at the point at which the study was carried out (remembering that the reporting date follows weeks / months of research and modelling). The government has also made changes to the CIL Regulations, in response to the COVID-19 pandemic, to ease the burden for developers. In summary, COVID-19, whilst it is taken into account, is not a reason not to progress towards Examination and adoption of a revised CIL Charging Schedule.
- 4.6 All representations received have been taken into consideration prior to the Charging Schedule being submitted for independent Examination. Only minor changes have been made to the Draft Charging Schedule as a result of the representations received during the consultation. A copy of the modified draft charging schedule for submission can be found in Appendix C.
- 4.7 CIL examinations usually take about 4-5 months from receipt of the submission to the final report being sent out, although naturally this can take a little longer sometimes if there are complications or the examiner needs further evidence for example. Any hearing date is usually held about 8-10 weeks following submission. If, following Examination, the Charging Schedule is approved (found sound) it would need to be adopted by Full Council to establish the updated CIL charges for liable developments in the Borough.

5. Engagement and Communication

- 5.1 A CIL workshop was held on 12th February 2020 for all Members and our consultants gave a presentation setting out some of their emerging thoughts on the current CIL Charging Schedule and options for the Council to consider.

5.2 The CIL consultation period, which was extended to 8 weeks to allow consultees a chance to respond to the consultation, given the difficulties experienced in recent months. The consultation conformed with the requirements of the Council's Statement of Community Involvement (SCI).

6. Financial Implications

6.1 The CIL funding gives the Council the opportunity to invest in much needed infrastructure which would not otherwise be delivered. A revised CIL Charging Schedule better reflects the viability challenges of development in the Borough, therefore allowing the Council to collect money to fund infrastructure projects without significantly harming the likelihood of development.

6.2 The Council employs an Officer to administer the scheme. This post is funded from the 5% administration share of the CIL generated.

7. Legal Implications

7.1 Legislation governing the development, administration and governance of CIL is contained within the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended). The Ministry of Housing, Communities and Local Government (MHCLG) has also provided CIL guidance that needs to be followed.

Background Papers

- Appendix A - Statement of consultation
- Appendix B - Statement of Representations Reg 19(1)(b)
- Appendix C - Modified Draft Charging Schedule for submission
- Adur & Worthing Councils JSC - Worthing CIL - Infrastructure Investment Plan; agenda item 12, 9 June 2020
- Worthing CIL Charging Schedule 2015

Officer Contact Details:-

David Attmore

Community Infrastructure Officer

david.attmore@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

- The efficient collection and distribution of money collected through CIL will help to ensure that infrastructure is delivered alongside development to meet the identified needs of new and existing residents, communities and businesses.

2. Social

2.1 Social Value

- A CIL charging schedule that reflects the current market conditions will ensure that money is collected from development which can be spent on projects that provide the greatest benefit to the community.

2.2 Equality Issues

- Issues relating to race, disability, gender and equality have been considered and it is not felt that CIL will have an adverse impact on any social group. In reality, by making communities more sustainable, CIL will facilitate economic growth and help to deliver improved services. The infrastructure and services that CIL can provide (such as community facilities and transport networks) could enhance liveability for all sectors of society, and could help to deliver new infrastructure that serves different needs within the community.

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- Matter considered and no issues identified.

4. Governance

- The efficient charging, collection and distribution of money collected through CIL will help to ensure that infrastructure is delivered alongside development to meet the identified needs. This will help to contribute towards meeting many Council priorities.

Worthing Borough Council

COMMUNITY INFRASTRUCTURE LEVY (CIL)

REVISED DRAFT CHARGING SCHEDULE

STATEMENT OF CONSULTATION

Month 2020

Introduction



WORTHING BOROUGH
COUNCIL

This document provides a record of the consultation undertaken by Worthing Borough Council on the CIL revised Draft Charging Schedule.

This consultation statement documents which bodies and persons were invited to make representations and how those bodies and persons were invited to make such representations.

This document should be read in association with the following:

- Statement of Representations Procedure
- Statement of Representations (Regulation 19)
- Statement of Modifications

Consultation on the Draft Charging Schedule

Worthing Borough Council invited representations on its Community Infrastructure Levy revised Draft Charging Schedule for an eight week period between 30th June 2020 and 25th August 2020.

Consultation Process

The consultation undertaken on the revised Draft Charging Schedule (DCS) involved the following:

- The consultation documents and supporting evidence were made available to view on the Council's website. All website links went live at midnight on 30th June 2020. This included links from a number of pages including the Council's main consultations and engagement webpage. All documents were available here:
<https://www.adur-worthing.gov.uk/worthing-cil-review/>
- Hard copies of all relevant documents were available to view, on request, at the Council's Portland House Office
- An email (Appendix 2) was sent to all statutory Planning Policy consultees. In addition, the Council also contacted all those subscribers to the Planning Policy Newsletter circulation list and all other interested parties on the council's consultee database. This included a large number of developers, land-owners, local businesses and resident / interest groups. A list of all consultees contacted can be found in Appendix 4
- A reminder email (Appendix 3) was sent to all consultees who had not responded to consultation, on 11th August 2020, to remind consultees that there were two weeks left for responses

Representations

A total of 7 representations (and 6 additional acknowledgements) were received by the Council during the consultation. Full details of the responses received can be found within the Council's Regulation 19(1)(b) Statement.

Appendix 1: Draft Charging Schedule Deposit Points for Documents

Worthing Borough Council

Portland House,

44 Richmond Road,

Worthing,

West Sussex,

BN11 1HS

Appendix 2: DCS Covering Email

Figure 1: Covering email sent to consultees for DCS Consultation

David Attmore <david.attmore@adur-worthing.gov.uk>
to bcc: [redacted]
Tue, 30 Jun, 09:37

Dear Consultee,

Worthing Community Infrastructure Levy Draft Revised Charging Schedule Consultation

Worthing Borough Council has undertaken a review of its existing Community Infrastructure Levy (CIL) Charging Schedule, which was implemented in October 2015. The revised CIL draft Charging Schedule takes into account the findings of the recent CIL review, undertaken by our consultants, which uses up-to-date information and reflects changes to market conditions.

The revised CIL Charging Schedule and all available evidence has been published for consultation between Tuesday 30th June and Tuesday 25th August 2020.

Attached is a copy of the revised CIL draft charging schedule and the Statement of Representations Procedure. Copies of all the available information and evidence can be found on the Council's website: <https://www.adur-worthing.gov.uk/worthing-cil-review/>

If you have any questions relating to the consultation please do not hesitate to contact: david.attmore@adur-worthing.gov.uk or 01903 221493.

Please can any comments be returned to us by **5pm on Tuesday 25th August 2020**. We appreciate that we are working in difficult unprecedented circumstances; hence we have extended the consultation to last eight weeks.

Please note that you have received this email, either because you have previously commented on a policy document, or you are a statutory / general consultee that may have an interest in such information. However, if you would rather not receive these emails, or your contact details have changed, please let us know and we can update our records.

Kind regards,
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David Attmore
Community Infrastructure Officer, Worthing Borough Council
Phone: 01903 221493
Email: david.attmore@adur-worthing.gov.uk
Website: www.adur-worthing.gov.uk
Address: Planning & Development, Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS

Appendix 3: DCS Reminder Covering Email

Figure 2: Covering reminder email sent to consultees for DCS Consultation

David Attmore <david.attmore@adur-worthing.gov.uk> Tue, 11 Aug, 12:41 ☆ ↶ ⋮
to ...

Dear consultee,

Worthing Community Infrastructure Levy Draft Revised Charging Schedule Consultation

I hope you are well and keeping safe.

We would be very grateful if you are able to provide a response to the CIL draft revised charging schedule consultation by **5pm on Tuesday 25th August**.

Copies of all the available information and evidence can be found on the Council's website:
<https://www.adur-worthing.gov.uk/worthing-cil-review/>

If you have any questions relating to the consultation please do not hesitate to contact: david.attmore@adur-worthing.gov.uk or 01903 221493.

We look forward to hearing from you.

Kind Regards,

—

David Attmore
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Phone: 01903 221493
Email: david.attmore@adur-worthing.gov.uk
Website: www.adur-worthing.gov.uk
Address: Planning & Development, Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS

Appendix 4: Consultee List for DCS Consultation

Below is a list of all consultees sent the covering email during the DCS consultation. Note – this list does not include individuals / residents (including those that subscribe to the Planning Policy Newsletter).

General and Statutory Consultees		
Active Sussex	Friends of Homefield Park	Planning Potential
Adams Hendry Consulting Ltd	Friends of South Downs -	Planware Ltd
ADCS Ltd	South Downs Society	QED Property
Adenstar Developments Limited	Fusion Online Ltd	Quoin Estates & Developments Ltd
Adur District Council	GL Hearn	Rabbit Group
AJ Salter and son	Gladman Developments	Rapleys LLP
Allen Planning Ltd	Gleeson Strategy Land	Regulator of Social Housing
Alliance Environment & Planning Ltd	Goring By Sea Methodist Church	Reside
Angmering Parish Council	Goring Residents Association	Roffey Homes
Architectus Ltd	Guild Care	Roger Green Sound & Vision
Arcus Consultancy Services Ltd	H G Scadgell Ltd	Sapphire Primary Care Developments
Ardington Hotel	Hargreaves Residential Developments Ltd	Saville Jones Architects
Arun District Council	Harman Building And Carpentry	Scotia Gas Network (SGN)
B & S Ventures (Worthing) Limited	Heene Community Association	Sight Support Worthing
B&W Group Ltd	Heene Residents Association	Sirius Planning
Barton Willmore	Henry Adams	Sompting Parish Council
Batcheller Monkhouse	Heron Homes	South Broadwater Residents Association
Becket Resident's Association	High Salvington Resident's Association	South Downs Leisure
Betham Associates	Highways England	South Downs National Park Authority
Bloomfields Ltd	Historic England	South East Coast Ambulance Service NHS Foundation Trust
BNP Paribas	Hobbs Parker Property Consultants	South East Water
Boots The Chemist	Home Builders Federation	Southern Gas Network
Boyer Planning	Homes England	Southern Housing Group
BRE (Building Research Establishment)	Homewise	Southern Water
Brighton & Hove City Council	Horizon Design Limited	Sport England
British Telecom	Horsham District Council	SSA Planning Limited
Broadwater (Worthing) Community Association	Hyde Housing	Stagecoach (South)
BT Plc	Ian Watkins Estate Agents	Steeles of Worthing
C G Spratt & Son	Indigo Planning	Stiles Harold Williams Partnership LLP
Cable & Wireless	Jeremy Silverthorne Fine Jewellery Co	Stratus Environmental
Campaign For Real Ale Ltd	JLA Limited	Strutt & Parker
Cantium Developments	JW Stratton	Sussex Building Surveyors Ltd
Carter Jonas	Kember Loudon Williams LLP	Sussex Police
Catesby Property Group	Kingston Parish Council	Tarring Residents Association
CBRE	Kirkwells	Taylor Wimpey
Chapman Lily Planning Ltd	Lancing Parish Council	Tetlow King Planning
Charmandean Residents Association	Land & Brand New Homes LLP	

<p>Chichester District Council Chris Thomas Ltd Churches Together for Worthing Churchill Retirement Living Ltd CIC 2050 Group, Willmott Dixon City & Provincial Properties Plc Clapham Parish Council Clarion Housing Clifford Dann Coal Authority Coastal West Sussex Mind Community Works Compass Travel Country Land and Business Association CPRE Sussex Crawley Borough Council Crest Nicholson (South) Ltd David Wilson Homes South East DC Planning Limited Dean Lewis Estates Limited DHA Group DTZ UK East Sussex County Council East Worthing Community Association ECE Planning EDF Energy Education Department EE Environment Agency Federation of Small Businesses Ferring Conservation Group Ferring Parish Council Findon Parish Council Findon Valley Resident's Association First Plan Fonant Ltd</p>	<p>Leith Planning Ltd Lemo Lewis and Co Planning Mapeley Marine Management Organisation (MMO) Marks & Spencer Plc MB1 Property Solutions McLaren Clark Group Michael Cook Associates Ltd Michael Jones & Co LLP Mid Sussex District Council Mobile UK MONO Consultants Ltd Montagu Evans Mulberry Property Investment Management Ltd National Car Parks Ltd National Federation of Gypsy Liaison Groups National Grid National Gypsy Traveller federation Natural England Neighbourhood Planning .co.uk Network Rail NHS Coastal West Sussex Clinical Commissioning Group NHS England Property Services Northbrook College Oakley Residential Obsidian Strategic Offington Park Residents Association Osborne Overill Associates Patching Parish Council Paul and Company Persimmon Homes Plainview Planning Ltd</p>	<p>Thakeham Group Ltd The Guinness Trust The Police and Crime Commissioner for Sussex The Retirement Housing Consortium Three Town & Country Planning Solutions Transco Transition Town Worthing Travelodge Turley Associates UK Power Networks Vodafone and O2 W Sussex Hospitals NHS Foundation Trust WATG West Sussex County Council West Waddy ADP Wood E&I Solutions UK Ltd Worthing & Adur Chamber of Commerce Worthing Churches Worthing College Worthing Community Council Association Worthing Community Partnership Worthing Homes Worthing Islamic Cultural Centre Worthing MIND Worthing Society Worthing Town Centre Initiative Worthing United Football Club WYG Group Youth Council</p>
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Worthing Borough Council

COMMUNITY INFRASTRUCTURE LEVY (CIL)

REVISED DRAFT CHARGING SCHEDULE

REGULATION 19(1)(b) STATEMENT

Month 2020



WORTHING BOROUGH
C O U N C I L

Summary

In line with Regulation 19(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended) this statement sets out details of the representations that were made during consultation on the revised Draft Charging Schedule (June to August 2020) and a summary of the main issues raised by the representations.

Background

Worthing Borough Council invited representations on its Community Infrastructure Levy (CIL) Draft Charging Schedule for an eight-week period from 30th June 2020 to 25th August 2020. Further information on the consultation process is set out in the Council's Statement of Consultation.

Statement of Representations

This statement confirms that representations were made to Worthing Borough Council in respect of the CIL Draft Charging Schedule. A total of seven (7) representations were received during the formal consultation period and in accordance with Regulation 17 of the Community Infrastructure Levy Regulations 2010 (as amended).

In addition, six more organisations acknowledged and thanked the Council for providing the opportunity to respond but confirmed that they had no comment to make.

Information relating to the respondents making representations is contained in Appendix A and a summary of the main issues raised by the representations is contained in Appendix B.

A broad overview of the seven representations received (summarised in Appendix B) is as follows:

- Two representations simply refer to the content of the revised Draft Charging Schedule
- One representation supports the proposed 'greenfield' residential rate
- One representation supports the proposed flatted residential development of more than 10 units on PDL rate
- One representation relates to areas with heritage assets at risk
- One representations suggests a £0 charge for flatted residential development of more than 10 units on PDL
- One representation makes a number of points relating to the effect of COVID on the viability evidence used to set CIL and the impact that CIL may have on the viability of some developments types in the Borough

Right to be heard

As set out in Appendix A, three respondents requested the right to be heard by the CIL Examiner.

Modifications to the Draft Charging Schedule

The Council has made some minor modifications to the Draft Charging Schedule after it was published in accordance with Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended). The majority of these simply update the document to reflect the current stage but all amendments are outlined in the Modification Statement.

Appendix A

Details of respondents in relation to CIL Draft Charging Schedule Consultation

Ref	Respondent	Organisation	Representing	Date of Response	Request to be heard at Examination?
1	Jessica Riches	South Downs National Park		01/07/2020	No
2	Eleanor Millward	Goring Residents' Association		13/07/2020	No
3	Kevin Bown	Highways England		24/08/2020	No
4	Lucy Bird	St William Homes LLP		25/08/2020	Yes
5	Alan Byrne	Historic England		25/08/2020	No
6	Rebecca Hoad	ECE Planning	Roffey Homes	25/08/2020	Yes
7	George Burgess	WSP	St Clair Developments Ltd	25/08/2020	Yes

Responses received – acknowledgement but no comment

Ref	Respondent	Organisation	Date of Response
Ack 1.	Hannah Hyland	Environment Agency	11/08/2020
Ack 2.	Susan Belton	Worthing Society	13/08/2020
Ack 3.	Charlotte Mayall	Southern Water	18/08/2020
Ack 4.	Andrew Fleetwood	Lemo	24/08/2020
Ack 5.	Simon Harkins	SGN	25/08/2020
Ack 6.	Chay Took	Worthing and Adur Chamber of Commerce	25/08/2020

Appendix B

Summary of representations received on Worthing Borough Council's Draft Charging Schedule during consultation between the 30th June 2020 and the 25th August 2020

Ref	Respondent	Summary of Representations
1	Jessica Riches (South Downs National Park)	<ul style="list-style-type: none"> Clarification needed for 'net additional floorspace' in Charging Schedule – i.e. when the existing floorspace can meet the 'in-use' test
2	Eleanor Millward (Goring Residents' Association)	<ul style="list-style-type: none"> Support the proposed higher levy on Greenfield development - to the maximum amount you can charge
3	Kevin Bown (Highways England)	<ul style="list-style-type: none"> Charging Schedule should include an introduction to CIL explaining what it is and how it is set
4	Lucy Bird (St William Homes LLP)	<ul style="list-style-type: none"> Generally support the proposed CIL fee of £25 per sqm for flatted residential development, as it is a decrease from current rate However, they highlight the need to balance between CIL, planning benefits and other policy requirements to help minimise the impact upon development viability, so that a site can be bought forward They welcome further discussion with the Council
5	Alan Byrne (Historic England)	<ul style="list-style-type: none"> Believe that the rates proposed in areas where there are groups of heritage assets at risk are not set such as would be likely to discourage schemes being put forward for their re-use or associated heritage-led regeneration – in these areas there may be a case for lowering the rates charged Encourage the Council to introduce a CIL exceptional circumstances relief policy
6	Rebecca Hoad (ECE Planning – Roffey Homes)	<ul style="list-style-type: none"> Suggest a £0 charge for flatted developments on previously developed land (PDL) – believe that a CIL charge at any level would jeopardise the viability of flatted developments Suggest that the viability analysis shows that the inclusion of even a nominal CIL rate would negatively impact the viability of flatted development schemes and would result in negative viability negotiations Suggest that some key input assumptions within the 'base' viability analysis of flatted schemes do not reflect the realities of these schemes, these include: standard construction costs; site works (abnormal and infrastructure works costs); and net to gross adjustment. Adjusting the input assumptions to more realistic levels further worsens the viability

		<ul style="list-style-type: none"> • Note that no detailed appraisals and cash flows were made available, and summary appraisals were not provided for all typologies • Recommend that the Council should look to adopt a CIL exceptional circumstances relief policy
7	George Burgess (WSP – St Clair Developments Ltd)	<ul style="list-style-type: none"> • Concern that the CIL Viability Assessment (March 2020), has not tested the viability findings in a COVID-19 environment – believe it is essential that any increased CIL rates are properly scrutinised and take into account the impacts of COVID-19 • Support the proposed lower CIL rates for flatted developments of more than 10 dwellings on previously developed land (PDL) • However, in order to ensure sufficient housing is provided to meet local demand, suggest the Charging Schedule should go further and make the CIL charge zero • Believe the COVID-19 pandemic will have worsened the viability position for flatted developments of more than 10 dwellings and therefore the £25 per sqm rate could render major flatted residential developments completely unviable • Suggest that the financial burdens of development must be minimised as much as possible in the current economic climate to ensure that much needed housing is delivered • The currently adopted CIL rate within the town centre (Zone 1) for Class C3 developments is £100 per sqm and the proposed new rate (for developments of 10 dwellings (Class C3) or less in the ‘Built Up Area Boundary’) would therefore represent a 25% increase on this • The CIL Viability Assessment suggests a CIL rate of circa £100 to £125 per sqm • Suggest a significantly lower rate than £125 per sqm (or even nil) for developments of less than 10 dwellings in the ‘Built Up Area Boundary’ – to reflect the uncertainty in the development sector and financial stress that businesses are under • Suggest the introduction of a CIL exceptional circumstances relief policy, to enable key developments to come forward where they may otherwise be rendered unviable • Encourage amendments to CIL Instalment Policy to extend the times within which the CIL payment is required – given the current economic climate and major financial constraints of many developers • Suggest the revised Charging Schedule includes a provision to allow part or full CIL relief for mixed-use town centre developments which maintain retail uses at ground floor – as a way of attracting additional retail development within the town centre • Suggest that the revised Charging Schedule should not introduce any CIL charges for live/work developments, as no viability testing has been undertaken on such forms of development and a

		charge would kill the market for live work schemes and reduce further the provision of flexible space for start-up businesses
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Worthing Borough Council
Community Infrastructure Levy
Revised Draft Charging Schedule

MONTH 2020

DRAFT FOR SUBMISSION

MONTH 2020



WORTHING BOROUGH
C O U N C I L

Executive Summary Table

Name of charging authority	Worthing Borough Council
Rates at which CIL is to be chargeable	CIL will be charged in pounds sterling (£) per square metre, of net additional floorspace ¹ (gross internal area) <u>that meets the 'lawful in-use test'</u> , at differential rates according to the Table(s) of this schedule.
Charging Zones	The charging area to which CIL will be applied covers all areas of the Borough apart from land that is designated as being within the South Downs National Park – as identified in Appendix 1 of this Schedule.
How will the charge be calculated?	<p>The Borough Council will calculate the amount of CIL chargeable to a qualifying development utilising the formula set out in Schedule 1 of the CIL Regulations (as amended). The Council will calculate the 'chargeable amount' using the rates set out below multiplied by the gross internal area (GIA) of the new building(s), taking demolished floorspace into account. The GIA will be measured in accordance with the Royal Institute of Chartered Surveyors (RICS) Code of Measuring Practice and the rates will be indexed linked to the 'All-in Tender Price Index' published by RICS.</p> <p>More information can be found in the 'Worthing CIL - Process Guide' on the Council's website.</p>
BCIS Tender Price Index (at Date of Charging Schedule)	?
Date charging schedule was approved	?
Date on which the charging schedule took effect	?
<u>Consultation Stages</u>	<u>The Council's Draft Charging Schedule was published for consultation between 30th June and 25th August 2020. Comments received are summarised in the Statement of Representations. Consultation was undertaken in accordance with CIL Regulation 16.</u>
Further Information	<p>Further information and copies of the evidence base and Hearing documents are available to view, by appointment, at Portland House and on the Council's website: https://www.adur-worthing.gov.uk/worthing-cil-review/</p> <p>Contact:</p>

¹ 'The total gross internal area proposed (including change of use, basements and ancillary buildings) in square metres minus the gross internal area to be lost by change of use or demolition in square metres'

Introduction

The Draft Charging Schedule has been prepared in accordance with the CIL Regulations 2010 (as amended).

What is CIL?

CIL is a tariff which will allow funds to be raised from new building projects in Worthing. The money raised must be used to help fund a wide range of infrastructure to support development across the Council's area. CIL is intended to supplement rather than replace other funding streams. The levy is a fixed, non-negotiable charge relative to the size and type of the chargeable development (although there are some exemptions available). CIL is payable on 'development which creates new or additional floor space where the gross internal area is 100sq. m. or more, or where an additional dwelling is created'. The majority of development providing an addition of less than 100sq. m. will not pay. Exemptions and relief for certain developments may be available.

CIL is charged in £ per square metre and is levied on the gross internal area (GIA) of the liable development. The CIL charge depends on the size, type and location of the development proposed. Where buildings are demolished to make way for new buildings, the charge will be based on the floorspace of the new buildings less the floorspace of the demolished buildings. However, the applicant must demonstrate that the existing floorspace has been in continuous lawful use for at least six months in the last three years (prior to development being permitted), with evidence supplied to support the claim.

The Charging Authority must keep the rates up-to-date to reflect market conditions and any other criteria in a Charging Schedule. Hence, this revised Charging Schedule seeks to amend the rates which were set back in 2015. When setting the rates, the Council must show that there is an appropriate an appropriate balance between the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, and the potential effects of the CIL rates on the economic viability of development across its area.

CIL is now the principle mechanism for collecting infrastructure contributions from new development in the Borough. Despite this, there is still be a role to play for Planning Obligations (S106 agreements / unilateral undertakings) for affordable housing and for the provision of site specific infrastructure necessary for the development to take place.

The Council's Developer Contributions Supplementary Planning Document (SPD) sets out further information on CIL and provides a clear understanding of how the Council proposes to manage infrastructure contributions in the future (including the relationship between CIL and Planning Obligations). The Council has also published a 'CIL Process Guide' to clarify how and when CIL will be calculated, collected and spent.

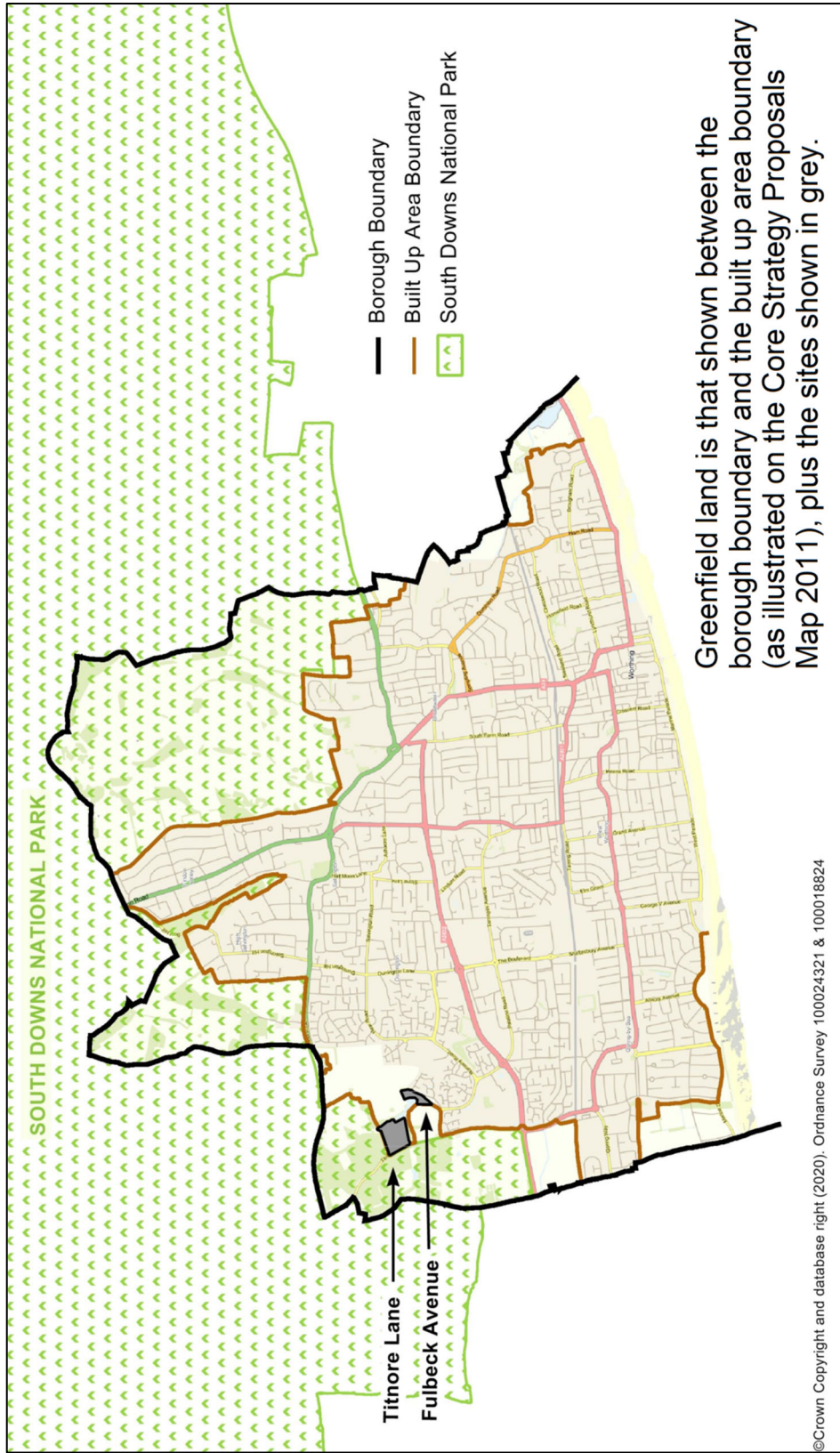
Table 1: CIL charge rates

Use	Development Type	Levy (£/m ²)
Residential Including retirement/sheltered housing	10 dwellings or less (all dwelling types)	£125
	More than 10 dwellings (excluding Flatted development)	£125
	Flatted development of more than 10 dwellings	£25
	Extra Care Housing	£0
	Greenfield housing development (greenfield land shown on map in Appendix 1)	£200
Retail	Foodstore/Supermarket/Retail Warehousing development (greater than 280 sq.m.)	£150
	Other forms of retail	£0
All other development		£0

Note: For mixed use schemes on PDL, of more than 10 dwellings, the flatted part of the development would be charged at £25/sq.m. and the housing part of the development would be charged at £125/sq.m.

The rates above will be index linked to the CIL Index published by RICS, in accordance with Schedule 1 of the CIL Regulations.

Appendix 1



Note; An online version of the map can be found here;
<https://www.adur-worthing.gov.uk/maps/worthing-cil-map/>