

community infrastructure levy
february 2015

southend on sea borough council
local development framework



Introduction

Under the provisions of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), Southend Borough Council is able to modify the CIL Draft Charging Schedule following publication and consultation.

Where changes are proposed the Council is required to produce a statement of modifications, inform consultation bodies invited to make representations on the Draft Charging Schedule, and provide an opportunity to request a right to be heard by the Examiner in relation to the proposed changes.

Modifications to the published Draft Charging Schedule

This statement of modifications sets out the modifications which have been made to Southend Borough Council's CIL Draft Charging Schedule since it was published for consultation on 3rd November 2014 (Round 2 consultation) and subsequently re-published for consultation (Sections 3 and 6 only) on 7th January 2015 (Round 3 consultation). The Council received 61 representations from 6 respondents at Round 2, and 15 representations from 5 respondents at Round 3, to the CIL Draft Charging Schedule within the consultation period.

Publication

Southend Borough Council is submitting its Draft Charging Schedule for examination on **Tuesday 3rd March 2015**. This Statement of Modifications is being made available to all consultation bodies in line with the CIL Regulations 2010 (as amended), and a copy will be sent to each of the persons that were invited to make representations under Regulation 16.

This statement of modifications will be published on Southend Borough Council's website: <http://www.southend.gov.uk/cil> and will also be made available for inspection during normal opening hours at:

- Southend Borough Council Offices, Customer Service Centre, Civic Centre, Victoria Avenue, Southend-on-Sea SS2 6ZF
- Leigh Town Council Offices, 67 Elm Road, Leigh-on-Sea SS9 1SP 01702 716288
- All local libraries in Borough (details can be found on Southend Borough Council's website at: <http://www.southend.gov.uk/directory/2/libraries>)

Requests to be heard

Any person may request to be heard by the Examiner in relation to the modifications. This right to be heard applies only in relation to the modifications set out in this statement. Any request to be heard by the Examiner in relation to these modifications must be:

- a. submitted Southend Borough Council in writing within the period of four weeks, beginning on the day on which the Draft Charging Schedule is submitted to the Secretary of State and;
- b. include details of the modifications (by reference to this statement of modifications) on which the person wishes to be heard.

Persons requesting to be heard should indicate whether they support or oppose the modifications and explain why.

In accordance with the Regulations, a copy of each request to be heard in relation to these modifications will be forwarded to the Examiner. Requests to be heard may be withdrawn at any time before the opening of the Examination by giving notice in writing to Southend Borough Council.

A request to be heard by the Examiner to these modifications must be made in writing by post or email to:

Debee Skinner, Southend-on-Sea Borough Council Department for Place, PO Box 5557, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZF
ldf@southend.gov.uk

Table 1: List of modifications made to the Draft Charging Schedule after publication

This table sets out modifications to the Draft Charging Schedule after publication. Minor editorial changes, including section/paragraph/page renumbering, and minor errors and omissions, such as typos, have not been set out in this statement of modifications. Proposed text in blue, deleted text shown as red strikethrough.

Ref	Page	Section/ Paragraph/ Table/ Appendix	Modification	Reasons for modification
CILM01	4	2.3	Where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no levy is due (see Regulation 40).	Reference to relevant regulation added for clarity.
CILM02	5	2.8	<p>The CIL regulations offer mandatory exemptions from CIL for certain types of development:</p> <ul style="list-style-type: none"> ▪ Where the overall chargeable amount of a scheme is less than £50 (Regulation 40) ▪ Development of less than 100sqm provided that it does not result in the creation of a new dwelling (Regulation 42) – Minor Development Exemption ▪ The conversion of any building previously used as a dwelling house to two or more dwellings ▪ The conversion of, or works to, a building in lawful use that affects only the interior of the building ▪ Those parts of a development that are to be used as affordable housing (Regulation 49) – Social Housing Relief ▪ Development by registered charities for the delivery of their charitable purposes (Regulation 43) – Charitable Relief ▪ Structures or buildings that people do not normally go into, or go into only intermittently for maintenance (e.g. sports pitches, sub-stations or wind turbines) (Regulation 6) 	Paragraph amended to avoid duplication with paragraphs 2.2 and 2.3, and to ensure consistent with and in the same order as the CIL Regulations.

			<ul style="list-style-type: none"> ▪ Self-build (whole house, annexes and extensions) <p>The CIL regulations offer mandatory exemptions from CIL for certain types of development:</p> <ul style="list-style-type: none"> ▪ Development of less than 100sqm provided that it does not result in the creation of a new dwelling (Regulation 42) – Minor Development Exemption ▪ Exemption for residential annexes or extensions (Regulation 42A, 42B and 42C) ▪ Development by registered charities for the delivery of their charitable purposes (Regulation 43, 44, 47 and 48) – Charitable Relief ▪ Those parts of a development that are to be used as affordable housing (Regulation 49, 49C, 50, 51, 52, 53 and 54) – Social Housing Relief ▪ Exemption for self-build housing (Regulation 54A, 54B, 54C and 54D) 	
CILM03	7	3.5	<p>Extra care and retirement housing (see Table 1 for definition): Viability evidence has demonstrated that these types of development generate surpluses that can support a CIL charge to varying degrees dependant on the existing use of the site. On this basis, a rate of £20 per square metre across the entire Borough has been chosen.</p>	Unnecessary and unclear wording.
CILM04	6	Table 1	<p>Convenience based supermarkets/superstores and retail warehousing (280sqm and over)</p>	The words 'convenience based' have been deleted by this modification for clarity and to assist implementation.
CILM05	6	Table 1 footnotes	<p>² <i>Supermarkets/superstores are shopping destinations in their own rights where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.</i></p> <p>³ <i>Retail warehouses are large stores specialising in the sale of household goods</i></p>	Definitions in relation to supermarkets/superstores and

			<i>(such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers.</i>	retail warehouses added as footnotes 2 and 3 to Table 1 to clarify the uses that will fall within this development type.
CILM06	6	Table 1 footnotes	<p>¹ <i>Definition of 'extra care and retirement housing': Housing within Class C3 which is purpose built or converted for sale to elderly people with a package of estate management and care services as necessary and which consists of grouped, self-contained accommodation with communal facilities. These premises often have emergency alarm systems and/or wardens. These properties would not provide the same level of care as residential care homes (Class C2) where residents do not live in self-contained accommodation.</i></p> <p>⁴ <i>Definition of 'not for profit organisation': An organisation that does not earn profits for its owners but conducts business for the benefit of the general public; all the money earned by or donated to the organisation is used in pursuing the organisation's objectives.</i></p>	Existing definitions for extra care and retirement housing, and 'not for profit' organisations moved to footnotes to Table 1 – editorial modification only – no change to text.
CILM07	7	3.6	Convenience-based supermarkets and superstores and retail warehousing (net retailing space of over 280 square metres):	Words 'convenience based' removed from text at start of paragraph for clarity and to assist implementation, consistent with

				the modification referred to above.
CILM08	7	3.6	Because CIL is essentially a tax, Charging Authorities are not allowed to use 'policy' based reasons to determine the chosen rates.	Deletion as unnecessary wording.
CILM09	10	3.8	Appendix 1 provides some examples of how CIL liabilities will be calculated (N.B. All calculations will also be index-linked to take into account inflation).	Addition made for clarification purposes.
CILM10	10	3.9	These will be dealt with through Section 106 planning obligations, Section 278/38 highway agreements or conditions (see consultation document SPD2: Planning Obligations 2015 for further details).	Updated to reflect the fact that a revised version of SPD2 will be published concurrently with adoption of a Charging Schedule.
CILM11	13	5.2	The Council will therefore keep the viability situation for new development under review so that levels of CIL can be adjusted to reflect any future changes.	For clarity.
CILM12	13	5.3	The operation and implementation of CIL will be monitored and the Council will propose to commence a review of the charging schedule in 2018, or earlier should the market be perceived to have changed significantly.	To reflect the proposed commitment but allowing for unforeseen circumstances.

CILM13	14	Section 6	<p>Section 6 — Comments, Response and Next Steps</p> <p>Responding to this consultation</p> <p>6.1 — Please send us any comments you may have once you have looked through the Draft Charging Schedule and the associated documents including the following, which set out our approach for introducing CIL:</p> <ul style="list-style-type: none"> • — CIL Overview Report (November 2014) • — Equality Analysis (November 2014) • — Infrastructure Delivery Plan (IDP) (September 2014) • — Viability Study (December 2014) and Addendum Note (July 2014) • — Supplementary Planning Document 2 (SPD2): Planning Obligations Consultation Document <p>Please be aware that your comments will be published on the Council's website together with your name.</p> <p>The consultation period runs for a 6 week period from Wednesday 7th January 2015.</p> <p>The deadline for receipt of comments is 5pm on Thursday 19th February 2015.</p> <p>Our preferred method for comment is online at: http://southend.jdi-consult.net/ldf/index.php?</p> <p>Alternatively you can comment by e-mail at: ldf@southend.gov.uk</p> <p>or by post to: Debee Skinner Department for Place, Southend-on-Sea Borough Council, PO Box 5557, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZF</p>	<p>This section previously related to the consultation and is therefore no longer relevant to the Draft Charging Schedule. Section 6 of the consultation version of the DCS has been removed from the Submission Version of the DCS and only the 'Relevant document links' text in Section 6 has been retained.</p>
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~~6.2 — The CIL Draft Charging Schedule and associated documents are also available at the Civic Centre, on the Council’s website and in libraries in the Borough.~~

~~6.3 — Your views are important to us, and we recognise that the planning system is not always easy to understand and find your way around. We want to make sure that as many people as possible have an opportunity to have their say as the new Community Infrastructure Levy is prepared. You can contact us using one of the following methods:~~

- ~~▪ You can phone us on 01702 205408 or,~~
- ~~▪ You can email us at ldf@southend.gov.uk.~~

~~Stages of consultation through to adoption~~

~~6.4 — The Council will carry out a number of steps before introducing the charging schedule to ensure that responses received are taken into account. This Draft Charging Schedule is the second stage in the consultation process. The further stages to get to adoption and preliminary dates are as follows:~~

	Preliminary Dates
Submission of Draft Charging Schedule to Secretary of State for examination	February/March 2015
Independent Public Examination	March/April 2015
Inspector’s Report	April/May 2015
Adoption of CIL Charging Schedule and publication of revised SPD2 by Southend Borough Council	June/July 2015

CILM14	14	Section 6	<p>CIL Draft Charging Schedule, Infrastructure Development Plan, Viability Study and other associated Southend Borough Council CIL documents http://www.southend.gov.uk/info/200160/local_planning_framework/483/commUnity_infrastructure_levy_cil Southend Borough Council CIL related documents http://www.southend.gov.uk/cil</p>			Text in table amended to refer to remove reference to consultation documents as this is no longer relevant to the Draft Charging Schedule.						
CILM15	24	Appendix 3	<table border="1"> <tr> <td>£25,000 - £74,999</td> <td>3</td> <td>10% of payment within 60 days of commencement 40% of payment within 180 days of commencement 50% of payment within 270 days of commencement, or remaining balance to be paid upon substantial completion first occupation of the development should this date fall within 270 days</td> </tr> <tr> <td>£75,000 or more</td> <td>3</td> <td>10% of payment within 60 days of commencement 40% of payment within 360 days of commencement 50% of payment within 540 days of commencement, or remaining balance to be paid upon substantial completion first occupation of the development should this date fall within 540 days</td> </tr> </table>			£25,000 - £74,999	3	10% of payment within 60 days of commencement 40% of payment within 180 days of commencement 50% of payment within 270 days of commencement, or remaining balance to be paid upon substantial completion first occupation of the development should this date fall within 270 days	£75,000 or more	3	10% of payment within 60 days of commencement 40% of payment within 360 days of commencement 50% of payment within 540 days of commencement, or remaining balance to be paid upon substantial completion first occupation of the development should this date fall within 540 days	Table in Instalment Policy amended to avoid uncertainty in respect of the date of payment ('substantial completion' is considered comparable to 'first occupation' as one facilitates the other but is clearer terminology).
£25,000 - £74,999	3	10% of payment within 60 days of commencement 40% of payment within 180 days of commencement 50% of payment within 270 days of commencement, or remaining balance to be paid upon substantial completion first occupation of the development should this date fall within 270 days										
£75,000 or more	3	10% of payment within 60 days of commencement 40% of payment within 360 days of commencement 50% of payment within 540 days of commencement, or remaining balance to be paid upon substantial completion first occupation of the development should this date fall within 540 days										
<p>NOTE: Upon adoption of a Charging Schedule it is likely that the Regulation 123 Infrastructure List, Payments in Kind & Infrastructure Payments Policy and Instalment Policy, which are currently appended to the DCS, will become separate adopted documents and upon their adoption, all references to 'draft' will be removed from the Charging Schedule and each of the documents.</p>												

