





# **Community Infrastructure Levy (CIL) Statement of Modifications**

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July 2015



## Wakefield Council

**COMMUNITY INFRASTRUCTURE LEVY – STATEMENT OF MODIFICATIONS****July 2015**

The Wakefield Community Infrastructure Levy (CIL) Draft Charging Schedule was published for public consultation for 6 weeks between 12 February and 25 March 2015, to comply with Regulation 16 of the Community Infrastructure Levy Regulation (as amended) 2010. Wakefield Council received 34 representations to the CIL Draft Charging Schedule within the consultation period.

In accordance with Regulation 11 and 19 of the Community Infrastructure Regulations 2010 (as amended), this Statement of Modifications sets out the modifications that Wakefield Council has made to its Draft Charging Schedule since it was published for consultation in February 2015, in accordance with Regulation 16.

The modifications are set out in the table below. Changes are as a result of the 2015 Amendment Regulations, to provide clarity on issues raised in the consultation, and to reflect a minor change in the approach to education contributions. Text to be removed is shown as ~~strikethrough~~; inserted text is shown as underlined. All of the amendments are considered to be minor changes.

<b>Modification Number</b>	<b>Draft Charging Schedule Reference</b>	<b>Modification</b>	<b>Reason for Modification</b>
1	Title Page and <i>How to get involved</i>	<p>WAKEFIELD COUNCIL COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE <u>SUBMISSION</u> (<u>INCORPORATING MODIFICATIONS</u>) <u>With tracked changes to show minor modifications to the Draft Charging Schedule (February 2015)</u></p> <p><del>The Community Infrastructure Levy Draft Charging Schedule is open for consultation from 12 February for six weeks until 5pm 25 March 2015. It includes a map of Residential Charging Zones and a draft Regulation 123 List. The Council is considering a draft Instalment and</del></p>	To reflect the current stage of consultation on the Modifications

	<p><del>draft <i>Exceptional Circumstances Relief</i> policy, the details of which are set out in a separate policy. A <i>Background Report</i> was prepared for the Preliminary stage by way of further explanation and this is still available online, along with the relevant supporting evidence documents.</del></p> <p><del>The consultation is focussed on the proposed charge rates. <b>You should also include in your representation whether you wish to be heard by the examiner at the examination (Regulation 21).</b> If you do not make this request within the time period then the Regulations do not permit you to speak at the examination.</del></p> <p><u>As part of the Submission for Examination, Wakefield Council is consulting on the Draft Charging Schedule Submission (Incorporating Modifications), from Thursday 9 July to Wednesday 5 August 2015.</u></p> <p><u>The Council has proposed minor modifications to the Draft Charging Schedule (February 2015) as a result of the Community Infrastructure Levy (Amendment Regulations 2015, revised CIL Guidance and representations received on the Draft Charging Schedule (February 2015). Details of the amendments are set out in a separate Statement of Modifications (July 2015).</u></p> <p><b><u>The Regulations only allow comments relating to the modifications, and comments should be made by reference to the Statement of Modifications. You should also include in your representation whether you wish to be heard by the examiner at the examination.</u></b></p> <p><del>Comments on the <i>Draft Charging Schedule</i> may be made in writing in the following ways:-</del></p> <p><del>Representations may request the right to be heard by the examiner and also to be notified at a specified address of the submission to the examiner, publication of the recommendations of the examiner and</del></p>	
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		<p>reasons for the recommendations and / or the approval of the charging schedule by the charging authority.</p> <p>Once the Council has considered all the representations received, the next stage is it to submit for Examination. This is intended for April 2015 with the independent examination taking place shortly after in July 2015.</p> <p><u>An independent examination of the Draft Charging Schedule will take place shortly after the end of the 4 week consultation period on the Statement of Modifications.</u> The examiner can approve or reject the schedule, or suggest modifications which the council must make to adopt the schedule. The CIL charging schedule has to be approved by resolution of full council (adoption). It is anticipated that the CIL charging rates will be implemented in April 2016.</p>	
2	Statement of Statutory Compliance	<i>Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, and 2014 and 2015)</i>	To reflect the 2015 Regulations
3	1.2	<p>Wakefield Council is a <b>charging authority</b> under the CIL Legislation and it is investigating the potential for adopting a CIL. The purpose of this document is to set out the general principles of CIL, detail recent work following the consultation on the Preliminary Draft Charging Schedule in June to August 2014 and to seek views on the next stage of CIL the '<b>Draft Charging Schedule</b>'.</p> <p><u>Wakefield Council is a <b>charging authority</b> for the purposes of Part 11 Section 206 of the Planning Act 2008 and may, therefore, charge the Community Infrastructure Levy in respect of development in the Wakefield District. This is the Draft Charging Schedule for the Wakefield Community Infrastructure Levy (CIL). The document sets out the proposed Charging Schedule, the general principles of CIL and its links to Section 106 planning obligations. It has been prepared in accordance with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 as amended by the Community</u></p>	To reflect the current stage of consultation on the Modifications

		<u>Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013, 2014 and 2015.</u>	
4	2.1	CIL is a discretionary, tariff-based development land tax, which the Council can chose to adopt to support the provision of local infrastructure required as a result of new growth. Once adopted, CIL is fixed, non-negotiable and enforceable. CIL will be charged on new development. It is charged per square metre on net additional gross internal floor-space of development. CIL is not charged on <u>affordable housing social housing, self-build homes</u> and buildings used for charitable purposes.	To reflect the 2015 Regulations
5	2.3	The process for setting and implementing the Charging Schedule is set out in the CIL Regulations 2010, together with subsequent amended regulations in 2011, 2012, 2013, <u>and 2014 and 2015</u> . Under the CIL Regulations new restrictions <del>will come</del> <u>came</u> into force for existing planning obligations (Section 106 agreements) from April 2015. <del>This will</del> <u>which</u> significantly restrict <del>current</del> infrastructure funding practices and pooling of obligations dated back to 6 April 2010, whether the council has adopted a CIL charge or not.	To reflect the 2015 Regulations
6	4.1	The following types of development will be liable for CIL, <u>subject to the exemptions set out in part 6 of the CIL Regulations as amended:</u>	To reflect the 2015 Regulations
7	6.1	<ul style="list-style-type: none"> <li>Wakefield CIL - Infrastructure Delivery Plan Evidence Update (WMDC, October 2014) <u>(as amended July 2015)</u>.</li> <li>Draft Regulation 123 List (WMDC, <del>October 2014</del> <u>July 2015</u>).</li> <li>Council responses to representations on the Preliminary Draft Charging Schedule (WMDC, 2014).</li> <li><u>Council response to representations on the Draft Charging Schedule (WMDC, 2015)</u></li> </ul>	To reflect the current stage of consultation on the Modifications
8	6.3	The identified funding gap of £97 million has grown to <del>£165</del> <u>£178</u> million based on the recent update.	To reflect the updated Infrastructure Delivery Plan Evidence following

			representations made during the Draft Charging Schedule consultation.
9	6.5	This should be considered suitable to achieve the required appropriate balance. <u>Further amendments to the proposed rates or assumptions have not been made as a result of consultation on the Draft Charging Schedule for reasons set out in the Council's response to that consultation.</u>	To reflect the current stage of consultation on the Modifications
10	7.1	<u>*Retail Warehouse definition: large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), clothes, DIY items and other ranges of goods, catering mainly for car-borne customers</u>	To provide clarify following representations made during the Draft Charging Schedule consultation.
11	8.2	The Regulation 123 List <del>is</del> <u>was</u> available for comment as part of the Draft Charging Schedule consultation.	To reflect the current stage of consultation on the Modifications
12	8.8	<u>The Council will ensure that these obligations meet the statutory tests, and that such onsite requirements will not be funded in conjunction with CIL receipts. Rather the CIL receipts will be used to fund infrastructure projects needed to support the development of the district. Details of how the CIL has been spent will be set out in an annual report so it is clear that CIL and section 106 receipts have not been spent on the same piece of infrastructure. The Council does not have any tariff based policies or other policies relating to planning obligations in the Local Plan that would require amending following the introduction of CIL.</u>	To provide clarify following representations made during the Draft Charging Schedule consultation.
13	8.9	<del>For education provision, where a scheme itself justifies on-site provision, or as a result of a number of developments close by, this would be addressed via the S106 mechanism.</del> <u>Section 106 agreements will continue to be used to contribute to the funding of primary education provision on the Wakefield East urban extension Special Policy Area 2, which is identified as being required as part of the allocation to make it sustainable, and as such will meet the statutory tests. The Council will ensure that these schools this</u>	To address the consultant's (DTZ) recommendations representations made during the Draft Charging Schedule consultation.

		<p><u>provision will not be funded through CIL receipts, that the obligations meet the statutory tests and that no more than five separate planning obligations will be secured for the same school education project. CIL receipts at the site could then contribute to the other education needs generated by the site such as childcare, secondary and post 16. The total cost of this approach to planning obligations for education on the allocation has been shown to be less per unit than the cost of the education contribution in the existing section 106 agreement, which was signed prior to the implementation of CIL. The CIL would contribute to education provision across the district through the requirement of new school places / facilities arising from development generally. This has been reflected in the regulation 123 list, and the Council's existing Children and Young People's Section 106 Policy, which currently deals with developer contributions for childcare, primary, secondary and post 16 places, will be amended to reflect this when CIL is implemented.</u></p>	
14	8.10	<p><u>An area wide viability appraisal has been used to set the charge rates based on the CIL regulations and guidance. As such, overleaf the charging schedule details the provisions in the CIL Regulations (2010, as amended) available to address unforeseen site specific viability issues of large strategic sites and the provision of impact of higher S106 costs to provide on-site infrastructure. The recommendation of the additional economic viability work (December 2014) is was to consider these options to provide greater flexibility in the CIL charging regime.</u></p>	To address the consultant's (DTZ) recommendations representations made during the Draft Charging Schedule consultation.
15	9.1	<p>The CIL Regulations (<u>as amended 2011, 2012, 2013, 2014 and 2015</u>) and specifically Part 2 and Part 6 exempt the following from paying the CIL:</p> <ul style="list-style-type: none"> <li>• <u>Mezzanine floors of less than 200 square metres, inserted into an existing building, are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.</u></li> </ul>	To reflect the 2015 Regulations and to provide clarity following representations made during the Draft Charging Schedule consultation.
16	9.2	<p>The Council have prepared such a policy <del>for comment</del> and this can be</p>	To reflect the current stage of

		viewed in a separate document.	consultation on the Modifications.
17	9.4	<del>The draft policy is available for comment as part of the consultation on the DCS.</del>	Related to Draft Charging Schedule consultation held in February / March 2015.
18	9.7	<u>This is because matters necessary to make the development acceptable in planning terms will continue to be addressed through the use of Section 106 planning obligations in accordance with Regulation 73A (7) (b) (ii) and Regulation 122.</u>	To provide clarify following representations made during the Draft Charging Schedule consultation.

### **Submission**

As required under Regulation 19 of the Regulations, a copy of this Statement of Modifications has been sent to the relevant consultation bodies invited to make representations under Regulation 15 (Preliminary Draft Charging Schedule), and published on Wakefield Council's website. The Statement of Modifications has also been made available by the Council for inspection at:

- Wakefield One, Customer Access Point, Burton Street, Wakefield, WF1 2EB (Monday – Friday 8.30 to 5pm)
- All libraries across the Wakefield District during normal opening hours.

All the documents are published on the Council's website: [www.wakefield.gov.uk/cil](http://www.wakefield.gov.uk/cil)

### **Requests to be heard**

Any person may request to be heard by the Examiner in relation to the modifications as set out in this Statement of Modifications. Requests to be heard by the Examiner in relation to these modifications must be made in writing **within 4 weeks of the submission date of Thursday 9 July 2015, i.e. by 5pm Wednesday 5 August 2015**, in the following ways:-

On the Council's consultation website: <http://consult.wakefield.gov.uk/portal>

Comment forms are available at Council Offices and main libraries, or can be downloaded from the Council's website and returned to us by **email** at [ldf@wakefield.gov.uk](mailto:ldf@wakefield.gov.uk) or by **post** at: Spatial Policy Team, Wakefield One, PO BOX 700, Burton Street, Wakefield, WF1 2EB.

The general spatial policy contact number for any CIL enquiries is 01924 306417.

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 Wakefield Council. **Please note that it is no longer possible to comment on all other aspects of the Draft Charging Schedule. All requests must be directly related to the changes made in this Statement of Modification.**

