



Seaford Town Council

To Members of the Planning & Highways Committee

A meeting of the **Planning & Highways Committee** will be held at the **Council Chamber, 37 Church Street, Seaford**, on **Thursday 5th June 2014**, at **7.00pm**, which you are summoned to attend.

James Corrigan
Interim Town Clerk
30 May 2014

1. Apologies for Absence and Declaration of Substitute Members

2. Minutes

To approve the minutes of the meeting held on 15 May 2014.

3. Disclosure of Interests

To deal with any disclosure by Members of any discloseable pecuniary interests and interests other than pecuniary interests, as defined under the Seaford Town Council Code of Conduct and the Localism Act 2011, in relation to matters on the agenda.

4. Public Participation

In accordance with Standing Order 1 and Seaford Town Council Policy members of the public will be entitled to speak on general issues concerning this Committee on non-planning application matters at this point. People wishing to speak on planning applications may do so immediately before each planning application.

5. Planning Applications

To consider planning applications in respect of Seaford.

Planning Applications week ending 9th May 2014

Seaford
LW/14/0207

6 Sutton Park Road
Planning Application - Replacement shopfront and new single storey rear extension and new external staircase for Domino's Pizza UK & Ireland Ltd

Seaford
LW/14/0292

13 Belgrave Road
Planning Application - Ground floor extension to front for Seaford Homes Ltd

- Seaford** **14 Chyngton Way**
LW/14/0336 Planning Application - Proposed first floor side extension for Mr T Swadling
- Seaford** **Choisya Kingsmead Lane**
LW/14/0341 Planning Application - Single rear storey extension for Mr J Olley
- Seaford** **76 Sutton Road**
LW/14/0349 Planning Application - Creation of an in-out drive and new front boundary wall for Mr M Ogilvie
- Seaford** **29 Salisbury Road**
LW/14/0354 Planning Application - Erection of a two storey rear extension for Mrs D Franks
- Seaford** **Gable End Cottage Arundel Road**
LW/14/0351 Planning Application - Erection of two new dwellings to the side for Mr W Beaumont
- Seaford** **87 Upper Chyngton Gardens**
LW/14/0353 Planning Application - Erection of annexe in rear garden for Mr & Mrs Geering
- Seaford** **21 Kimberley Road**
LW/14/0352 Planning Application - Single storey rear extension with balcony over for Mr H Horton

Planning Applications week ending 16th May 2014

- Seaford** **3 Hawth Place**
LW/14/0355 Planning Application - Erection of a front porch for Mrs A Rayfield
- Seaford** **25 Maple Fields**
LW/14/0361 Planning Application - Loft conversion incorporating rooflight to front, dormer window to rear and insertion of windows to existing side elevation for Mrs R Terry
- Seaford** **80 Kingston Way**
LW/14/0364 Planning Application - Single storey rear extension and extension to existing west boundary fence for Mr G Floodgate

Planning Applications week ending 23rd May 2014

- Seaford** **22 Chyngton Road**
LW/14/0324 Planning Application - Proposed first floor extension at rear for Mr S Wilson

Seaford **34 Chyngton Road**
LW/14/0372 Planning Application - Demolition of existing conservatory and erection of extension to form a sunroom with balcony over for Mr & Mrs R Morland

Seaford **36 Kingston Way**
LW/14/0374 Planning Application - Infill porch at front to enlarge bedroom for Mr J Saunders

Tree Works Applications outside South Downs National Park

Seaford **Normansal Park Avenue**
TW/14/0045/T Low and Medium Risk Trees (W1 and W2 order)
PO STC Tree Works pt1 Schedule for works.

6. Road Closure Request, Stafford Road.

To consider report 38/14 concerning a request to close part of Stafford Road on 19th July 2014 for a street party (pages 5 to 7).

7. Lewes District Council Local Plan Part 1, Joint Core Strategy Proposed Submission Document – Focused Amendments.

To consider report 39/14 concerning the Consultation Period for LDC Local Plan Part 1: Joint Core Strategy Proposed Submission Document – Focused Amendments (pages 9 to 13).

8. Lewes District Council Community Infrastructure Levy (CIL) Draft Charging Schedule.

To consider report 40/14 concerning the CIL Draft Charging Schedule (pages 15 to 41).

Circulation:

Committee:

Councillor L Wallraven (Chairman)
Councillor R Allen (Vice Chairman)
Councillors; S Adeniji, G Cork, T Goodman, B Groves, A Latham, S McStravick, M Brown (Ex-officio), P Franklin (Ex-officio).

For information: Councillors, B Burfield, S Dunn, S Gauntlett, A Hayder, P Heseltine, L Lord, R Needham and B Warren, A White and I White.

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Seaford Town Council

Report 38/14

Agenda Item No: 6
Committee: Planning & Highways Committee.
Date: 05 June 2015
Title: Road Closure Request, Stafford Road.
By: Lucy Clark, Support Services Manager
Wards Affected: South
Purpose of Report: To inform the Committee of a request to close part of Stafford Road on 19 July 2014 for a street party.

Recommendations

You are recommended:

- 1. To consider any comments concerning the proposal to be made to Lewes DC.**
-

1. Information

- 1.1** A notice has been submitted to Lewes District Council by Ms Linda Parker, who is a resident in Stafford Road, requesting that part of this road be closed on Saturday 19 July 2014 from 2pm until 9pm for a Residents Street Party.
- 1.2** The request relates to Stafford Road from junction of Avondale Road to the junction of Gildredge Road as indicated on the attached map in Appendix A.
- 1.3** The application indicates that the proposal has been discussed with the Police.
- 1.4** Lewes DC have requested the Council pass on any general observations it might have upon the notice and to advise whether or not it considers an Order under Section 21 of the Town Police Clauses Act 1847 be made. They would like a response by 18 June 2014.
- 1.5** The Committee is required to consider any comments it may have to be conveyed to Lewes District Council.

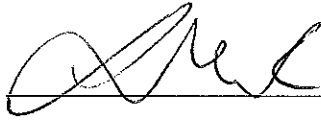
2. Financial Appraisal

There are no financial implications as a result of this report.

3. Contact Officer

The Contact Officer for this report is Lucy Clark, Support Services Manager.

Support Services Manager



Interim Town Clerk





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Seaford Town Council

Report 39/14

Agenda Item No:	7
Committee:	Planning & Highways Committee
Date:	5 June 2014
Title:	Lewes District Council Local Plan Part 1, Joint Core Strategy Proposed Submission Document – Focused Amendments.
By:	Lucy Clark, Support Services Manager
Purpose of Report:	To advise the Committee of the Consultation Period for LDC Local Plan Part 1: Joint Core Strategy Proposed Submission Document – Focused Amendments.

Recommendations

1. To consider any representations on the Proposed Submission Document.
-

1. Information

- 1.1 As previously reported, Lewes District Council, in partnership with the South Downs National Park Authority, has been preparing a plan that will, when adopted, set out the strategic policies to guide new development and change in the district for the period up to 2030. This plan will form Part 1 of the LDC Local Plan and is known as the Joint Core Strategy.
- 1.2 Between 11 January and 22 March 2013, a Proposed Submission version of the Core Strategy was published and representations were invited and it was expected that the Core Strategy would be submitted shortly afterwards for Examination in Public
- 1.3 This Committee considered the draft document at its meeting held on 21 February 2013 and comments were submitted following the meeting of 14 March 2013.
- 1.4 However, subsequent changes to the planning system led the two planning authorities to undertake further evidence work, which has resulted in some changes being made to the Proposed Submission Core Strategy. These changes are set out in full as tracked changes in the **Joint Core Strategy – Proposed Submission Document: Focussed Amendments**. The amendments have also been highlighted in separate documents; Schedule of Focussed Amendments and a Schedule of

Minor Amendments. Due to all three documents being very long, a copy of each one has been made available to view in the Members' room. The documents are also available to view online at <http://www.lewes.gov.uk/corestrategy/index.asp>

- 1.5 Lewes District Council is now consulting on the Joint Core Strategy – Proposed Submission Document: Focussed Amendments between Friday 16 May and Friday 11 July. During this period, comments are only sought on the amendments.
- 1.6 Lewes District Council has stated that they would prefer responses via the Representation Form. A copy is attached in Appendix A for your information. Comments made during both the current representation period and the previous representation period will be submitted to and considered by a Government appointed Planning Inspector during the Examination of the Joint Core Strategy. There is no need to resubmit any previous representations made.
- 1.7 is recommended that this Committee view the related documents and return any comments suitable for completing the Representation Form at the next Planning & Highways Committee Meeting dated 26 June 2014.

2. Financial Appraisal

There are no financial implications as a result of this report.

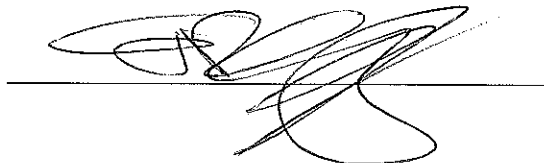
3. Contact Officer

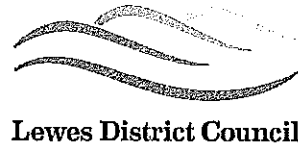
The Contact Officer for this report is Lucy Clark, Support Services Manager.

Support Services Manager



Interim Town Clerk





Ref: 9328.33.7.24
(For official use only)

**Lewes District Local Plan Part 1: Joint Core Strategy –
Proposed Submission Document: Focussed Amendments
Publication Stage Representation Form**

Lewes District Council and South Downs National Park Authority are preparing a Core Strategy, a strategic planning document that will guide development in the district for the period up until 2030. Representations are invited on the Focussed Amendments document, a document that details changes that have occurred to the Proposed Submission version of the Core Strategy, which was consulted on between January and March, 2013.

Representations are only sought on the changes contained in the Focussed Amendments document and changes made to the Sustainability Appraisal. The changes to the Joint Core Strategy are referenced in the Schedule of Focussed Amendments and Schedule of Minor Amendments. Such representations will be sent to and considered by a Government-appointed Planning Inspector who will determine whether the Core Strategy is sound at an examination. Previous comments on the original Proposed Submission Document will also be forwarded to the Planning Inspector to be considered at the Examination.

The document and the associated schedules are available to view on the council's website (www.lewes.gov.uk/corestrategy) and paper copies are available to view at the Council's offices (Southover Rd, Lewes), local libraries, or at the South Downs Centre in Midhurst. The background reports informing the Core Strategy can also be found on the website. A guidance note has been produced to assist in completing this form.

Please note - representations must be received by 16.00 Friday 11 July 2014.

Post: Lewes District Council
Planning Policy Team
Southover House
Southover Road
Lewes
BN7 1AB

E-mail: ldf@lewes.gov.uk

Part A

	1. Personal Details	2. Agent's Details (if applicable)
Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
Email Address	<input type="text"/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

3. Please identify which of the following matters your comment relates to:

- (1) The Council's *Joint Core Strategy Focussed Amendments Document* and the accompanying *Schedule of Focussed Amendments and Schedule of Minor Amendments*
- (2) The Sustainability Appraisal (Incorporating a Strategic Environmental Assessment) Focussed Amendments
- (3) Other

Please identify the reference/paragraph number of the proposed change¹:

4. Does your representation relate to a previous comment submitted for the Proposed Submission Core Strategy Consultation or previous consultation stages? If so has the Council satisfied your objection through the proposed changes?

Yes the Proposed Change meets a previous objection which I would now like to withdraw

No, the proposed change does not meet a previous objection

I did not submit any comments on the previous stage

5. With respect to the matters listed in Question 3, do you consider the consultation material you are commenting on is in accordance with/ is:

5.(1) The Duty to Cooperate Yes No

5.(2) Legal and procedural requirements Yes No

5.(3) Sound* Yes No

* For an explanation please refer to the accompanying Guidance Notes which can be found on the Lewes District Council website.

If you have entered 'No' to 5.(3), please continue to Q6. In all other circumstances, please go to Q7.

6. Do you consider the consultation material you are commenting on is unsound because it is not:

(1) Positively prepared

(2) Justified

¹ Amendment reference numbers are set out with each amendment in the *Schedule of Focussed Amendments and Schedule of Minor Amendments*.

Please note: your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

9. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

(Use separate sheet if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

Date:

Do you wish to be notified of any of the following?

- | | | | | |
|--|--------------------------|-----|--------------------------|----|
| (i) The submission of the Core Strategy for independent examination | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| (ii) The publication of the recommendations of the person appointed to carry out an examination of the Core Strategy | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| (iii) The adoption of the Core Strategy | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

Thank you for taking time to respond to this consultation

Please note that written representations not using this form will still be accepted, provided they are received by the specified date and time.

The considerations in relation to the Core Strategy being 'Sound' are explained in the National Planning Policy Framework (NPPF) Paragraph 182. The NPPF can be found at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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Seaford Town Council

Report 40/14

Agenda Item No:	8
Committee:	Planning & Highways Committee
Date:	5 June 2014
Title:	Lewes District Council Community Infrastructure Levy (CIL) Draft Charging Schedule.
By:	Lucy Clark, Support Services Manager
Purpose of Report:	To advise the Committee of the Consultation period for the Lewes District Council Community Infrastructure Levy (CIL) Draft Charging Schedule.

Recommendations

- 1. To consider any representations on the CIL Draft Charging Schedule.**
-

1. Information

- 1.1** Lewes District Council Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) is the second step in setting the CIL and has been made available for a period of representation between May 16 and July 11 2014. The Draft Charging Schedule sets out the proposed rates of CIL for different types of The Draft Charging Schedule development, based on up to date evidence of infrastructure requirements and development viability.
- 1.2** A copy of the CIL Draft Charging Schedule is attached in Appendix A.
- 1.3** Lewes District Council has stated that they would prefer responses via the Representation Form. A copy is attached in Appendix B for your information.
- 1.4** It is recommended that this Committee view the related document and return any comments suitable for completing the Representation Form at the next Planning & Highways Committee Meeting dated 26 June 2014.

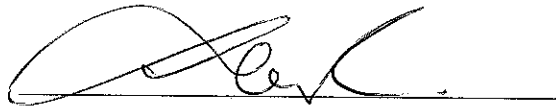
2. Financial Appraisal

There are no financial implications as a result of this report.

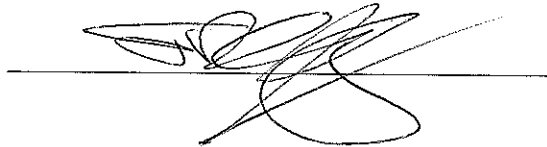
3. Contact Officer

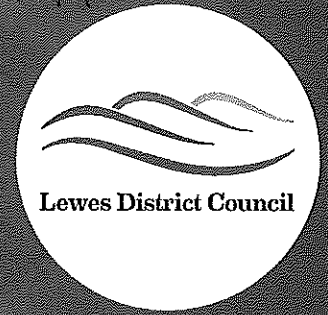
The Contact Officer for this report is Lucy Clark, Support Services Manager.

Support Services Manager

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Interim Town Clerk

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Lewes District Council Community Infrastructure Levy

Draft Charging Schedule

May 2014



Contents

1	Introduction	1
2	General principles of CIL	2
	a) Why introduce CIL?	
	b) Legislative background	
	c) Liable development	
	d) Payment and calculating the chargeable amount	
	e) Exemptions and relief from CIL	
	f) What is a Charging Schedule?	
3	Evidence	7
	a) General Requirements	
	b) Proposed Submission Local Plan Part 1 – Joint Core Strategy	
	c) Infrastructure Delivery Plan	
	d) CIL Viability Assessment	
4	Proposed CIL rate and charging area	13
	a) CIL Charging Schedule	
	b) CIL charging area map	
	c) CIL Instalments Policy	
5	Other Matters	17
	a) CIL Implementation	
	b) Ashdown Forest (7km protection zone)	
6	How to comment on the Draft Charging Schedule	18
7	Next steps	19
APPENDIX A	Calculating the chargeable amount	20

1 INTRODUCTION

- 1.1 This Draft Charging Schedule (DCS) is the second formal stage in setting a Community Infrastructure Levy (CIL) for Lewes District. It sets out the Council's proposals for an appropriate rate to introduce on new development. The Council welcomes views on the proposed CIL rates and the evidence that supports them.
- 1.2 **The DCS applies to areas of the district that lie outside the South Downs National Park boundary only**, as these are the areas for which Lewes District Council is the charging authority (and local planning authority) and thereby able to charge and collect CIL. The South Downs National Park Authority (SDNPA) is the charging authority (and local planning authority) for the whole of the area within the national park boundary.
- 1.3 This document sets out the principles of CIL, the background evidence and methodology for producing a CIL charging schedule and the proposed rates for comment. **Paragraph 6.3 sets out the details of how to respond to this consultation.**
- 1.4 CIL is a tariff based approach to funding infrastructure that allows local authorities to raise funds from developers undertaking new building projects. Its purpose is to help fund the provision of infrastructure needed to support development and help implement the growth identified in the Lewes District Local Plan Part 1 – The Core Strategy.

2 GENERAL PRICIPLES OF CIL

a) Why introduce CIL?

- 2.1 The Government intends CIL to be less complicated, fairer, faster and more transparent than using S106 planning obligations to fund infrastructure. It will place a charge per square metre on development of more than 100m² and on new-build dwellings of all sizes. By paying a development linked contribution the developer/landowner will help fund the infrastructure needed to make their development acceptable and sustainable.
- 2.2 CIL can be spent on any community infrastructure required to support growth, it is not tied to a particular project or type of infrastructure. It is intended that CIL is focused on the delivery of new infrastructure but can also be used to increase the capacity of existing infrastructure or to repair failing infrastructure where necessary to support development. CIL income can also be used to address cumulative impacts on infrastructure that may occur further away from the development.
- 2.3 Local authorities can choose to charge CIL but it is not mandatory. In order to be able to charge a CIL the charging authority (in this case Lewes District Council) must first have an up to date local development plan for its entire area and an adopted CIL Charging Schedule.
- 2.4 CIL has a number of significant advantages over the current system of Section 106 agreements including:
- Payment is non-negotiable, which helps speed up the planning process;
 - The CIL charge is transparent and predictable, meaning that applicants will know their CIL liability prior to submitting a planning application;
 - All liable developments will contribute to the cost of infrastructure provision, not just large scale development;
 - A proportion of CIL will be made available to allow local priorities to be delivered;
 - From April 2015, CIL will be the main mechanism for securing developer contributions for infrastructure to support growth. Section 106 planning agreements will be significantly scaled back after this date.
- 2.5 Although the use of Section 106 contributions is scheduled to be scaled back from April 2015, some non-strategic infrastructure elements that are site specific may still be secured through this route. This is likely to include matters such as certain green infrastructure, site specific transport improvements (cycling/footpaths) and environmental mitigation, although this list is not exhaustive. S106 obligations may be secured where appropriate and specific to the site development, irrespective of the development proposed and whether or not a CIL charge is also levied.

However, a developer cannot be 'double charged' via CIL and S106 for any one item.

b) Legislative background

- 2.6 The provisions for CIL are set out in the Planning Act 2008 and the Localism Act 2011 sets out the provisions for the approval of CIL charging schedules and the use of CIL. The CIL Regulations 2010 came into force on 6 April 2010. They have since been amended in April 2011, November 2012 and April 2013, further reforms are proposed and these were consulted upon between April and May 2013 and will form the CIL (Amendment) Regulations 2014. This Draft Charging Schedule has been prepared in accordance with the CIL (Amendment) Regulations 2014.
- 2.7 The Planning Act 2008 provides a wide definition of infrastructure which can be funded by CIL. Infrastructure projects on which CIL may be spent include (not exhaustively) new or safer road schemes, flood defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres. CIL is not to be used to remedy existing infrastructure deficiencies unless the new development makes the pre-existing problem more severe.
- 2.8 The Department for Communities and Local Government (DCLG) published new CIL Guidance in April 2013. This DCS has been prepared according to the above Legislation and the April 2013 Guidance; it has since been reviewed in light of the newly published February 2014 Guidance.

c) Liable development

- 2.9 Once a charging schedule is implemented CIL will apply to all new buildings and extensions to buildings which people normally use. CIL will be levied on the gross internal floorspace of the net additional liable development where that net additional floorspace is more than 100 m² (measured internally). All new dwellings are liable, even if they are less than 100m². Where floorspace is demolished as part of the development the demolished area may be off-set against the CIL liability attributed to the new development floorspace, subject to certain limitations.
- 2.10 CIL applies to liable permitted development as well as development for which a planning application is required.
- 2.11 CIL is not charged on changes of use or internal alterations where there is no increase in floorspace, provided the building has been in continuous use for at least 6 months of the 36 months preceding planning permission being granted.

d) Payment and calculating the chargeable amount (general overview)

- 2.12 CIL rates must be expressed in pounds sterling per square metre as this will relate to the net additional liable floorspace. CIL is not charged where the chargeable amount is £50 or less.
- 2.13 The relevant charge is due from the date of commencement of the liable development. The default position is that the whole amount must be paid within 60 days of commencement, unless the development falls under the criteria for the Council's instalments policy (p13) under which payment can be made in parts.
- 2.14 CIL operates on the exchange of formal notices:
- A **Liability Notice** is issued by the Council along with the planning permission decision notice or as soon as practicable afterwards. It states how much CIL is payable.
 - The person(s) who will pay CIL provide the Council with an **Assumption of Liability Notice**.
 - Before development starts the developer provides the Council with a **Commencement Notice** giving the start date.
 - The Council will then issue a **Demand Notice** (the bill).
- 2.15 A Liability Notice will be issued by the Council as soon as practicable after the day on which a planning permission is granted, providing details of the chargeable amount in relation to the development permitted. The responsibility to pay the levy lies with the land owner and is a local land charge.
- 2.16 For developments where the outline planning permission permits development to be implemented in phases, the notice of liability will be issued after the final approval of the last reserved matter associated with that phase of development. Where development is phased therefore, each phase will be considered as a separate development and CIL will be levied per the agreed phase rather than on the site in its entirety.
- 2.17 In order to calculate CIL payments due it is necessary for the following details to be supplied with the planning application:
- the gross internal area of all buildings and their uses on the site prior to development (if any);
 - the gross internal area of buildings to be demolished and their uses (if any); and
 - the proposed gross internal area of all buildings and their uses on the site once the development has been completed.
- 2.18 The Council will calculate the amount of CIL payable ('the chargeable amount') in respect of a chargeable development in accordance with the requirements and formulas in Regulation 40 of the Community Infrastructure Levy (Amendment) Regulations 2014. The amount of CIL chargeable at a given relevant rate must be calculated by applying the

prescribed formula as defined in the CIL Regulations and shown in Appendix A (page 20).

- 2.19 The chargeable amount is an amount equal to the sum of the amounts of CIL chargeable at each of the relevant rates for the development permitted. For example if a development includes residential and retail development the chargeable amount will be calculated taking the sum of the relevant charges for each of these uses.

e) Exemptions and relief from CIL

- 2.20 Full CIL relief is given to the elements of a liable development that are to be used as affordable housing (with the exception, currently, of circulation space within affordable housing).
- 2.21 Charitable relief is given to a charity landowner on the proportion of development to be wholly or mainly for charitable purposes.
- 2.22 CIL is not charged on self-build housing. The person who wishes to benefit from this exemption must occupy the dwelling as their sole or main residence for the duration of a three-year "clawback" period from certification of completion.
- 2.23 CIL is not charged on buildings that people do not normally go into or only enter under limited circumstances. For example an electricity sub-station or wind turbine would not normally be visited by people but may be accessed by limited personnel for purposes such as maintenance and upgrade.
- 2.24 Development for which planning permission has been granted prior to CIL charging schedule being implemented will not be liable for CIL. This includes reserved matters consent where the outline application was permitted prior to the CIL charging schedule. Any subsequent applications for renewal or amendments would be liable for CIL if the charging schedule has been implemented at the time they are determined.
- 2.25 The Council, as the charging authority, has determined not to grant further exceptional relief from liability to pay CIL on any chargeable development however this will be subject to a future review.
- 2.26 Some types of development, which are technically chargeable for CIL, will not be expected to pay CIL at this stage because the viability evidence demonstrates that those types of development generally cannot afford to pay CIL in this charging area. For example, in this area uses such as offices and industrial do not currently show sufficient viability to justify a CIL charge. As a result it is currently proposed that these uses will be zero rated. However, this would be kept under review through CIL monitoring and the charging schedule would be reviewed periodically as necessary.

f) What is a Charging Schedule?

- 2.27 A CIL Charging Schedule sets out the rates of CIL that the Council (as CIL charging authority) will charge on development within its charging area. It sets out the rates in £ per square metre of chargeable development. A charging schedule can set different rates for different types of development and different rates for different geographical areas, provided the reason for doing so is based on economic viability rather than policy influences.
- 2.28 Before coming into force, the Regulations require that a charging schedule must be subject to two rounds of public consultation, followed by an examination conducted by a qualified independent person. This Draft Charging Schedule is the second of the consultations required and sets out the Council's preferred position on CIL rates that it proposes to submit for examination.
- 2.29 In addition to publishing a charging schedule, the Council will in due course publish a protocol on how it intends to collect, spend and monitor CIL funds in the future, including any related policies on CIL relief and payment by instalments.

3 EVIDENCE BASE

a) General Requirements

- 3.1 CIL Regulation 14 (as amended) requires that when setting CIL rates charging authorities must strike an appropriate balance between:
- the desirability of funding infrastructure (in whole or in part) from CIL; and
 - the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the charging authority's area.

This balance is a central consideration of the CIL rate setting process.

- 3.2 The Draft Charging Schedule (DCS) follows on from the Preliminary Draft Charging Schedule (PDCS), which was consulted upon in Spring 2013. A summary of the responses to the consultation can be found in the accompanying documents.
- 3.3 The DCS is informed by best available evidence, which includes an up to date viability study for the charging area (this study takes into account and responds to the representations made on the PDCS) and the Infrastructure Delivery Plan (IDP). These pieces of evidence assess the infrastructure requirements and potential levels of CIL that can be achieved across the district by type of development. Only development types that are shown to be generally viable will be charged CIL.
- 3.4 The IDP has been used to identify infrastructure for the Regulation 123 Infrastructure List, published alongside this DCS, which sets out the strategic priorities for monies collected through the CIL charging process. The estimated cost of infrastructure and the contribution of funding from other sources, such as capital programme budgets, have been identified in the IDP and this has shown a funding deficit for the infrastructure needed to be delivered in support of the growth identified in the Proposed Submission Lewes District Local Plan – Part 1 Core Strategy.
- 3.5 The DCS has been prepared in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) ('the CIL Regulations') and relevant guidance.

b) Proposed Submission Local Plan – Part 1 Core Strategy

- 3.6 The Joint Core Strategy will set out the planned levels of growth for the district to 2030. The Core Strategy (Focussed Amendments May 2014) identifies a planned level of housing growth of 5,600 net additional homes, between 2010 and 2030, for the whole plan area. This works out as an average of 280 dwellings per annum. A strategy for the distribution of this new housing is set out in the Joint Core Strategy, with certain strategic sites being identified and levels of planned growth being

assigned to various settlements. The Joint Core Strategy also sets out the level of planned employment growth, but identifies minimal need for retail growth over the plan period. Other uses, such as hotels and leisure facilities, may also be expected to come forward during the plan period, although no specific quantities are identified for these types of development.

- 3.7 It should be noted that only a proportion of the new homes delivered through the Core Strategy will pay CIL under the Charging Schedule prepared by Lewes District Council. This is because some of these houses will be within the Charging Area for the National Park Authority, a significant proportion of the new homes will be expected to be affordable housing and an amount of development will already have permission (paragraph 3.25 provides an indication of the amount of residential development that is expected to be CIL liable within the Lewes District Council Charging Area).
- 3.8 Work on the Site Allocations and Development Management Policies DPD, which will form Part 2 of the new Local Plan, has begun and the consultation on the Issues and Options Topic Papers took place in November 2013 to January 2014. Part 2 of the Local Plan will identify the specific sites that will be allocated for housing to deliver the levels of planned growth that the Core Strategy sets for various settlements.

c) Infrastructure Delivery Plan

- 3.9 The Council produced an IDP to support the Proposed Submission Core Strategy. The IDP has been recently updated although some infrastructure requirements and estimated delivery costs are still outstanding and work with infrastructure providers is ongoing to identify these. To inform the DCS there has been a need to disaggregate the infrastructure requirements of the National Park, which include Lewes Town, from those that fall within the charging area for this DCS.
- 3.10 Using the IDP and correspondence with infrastructure providers through the consultation process, it has been possible to estimate the total cost of infrastructure needed to support new development within the charging area. The total estimated cost is approximately £100 million. Taking into account other actual and expected sources of funding, there is an outstanding infrastructure funding requirement of £65 million. This funding gap demonstrates the need to charge CIL and justifies the Council's decision to implement a CIL charging schedule.

d) CIL Viability Study Autumn 2013

- 3.11 CIL rates cannot simply be set at a level that would close the identified funding gap for infrastructure. To do so would be likely to raise viability issues for many proposed developments in the charging area, to the detriment of delivery of the Local Plan. The District Council has therefore

been collecting evidence on development viability throughout the process of developing a CIL charge.

- 3.12 The Council appointed consultants Nationwide CIL Service (NCS) to prepare a CIL Viability Study in Autumn 2013 to build on the Affordable Housing and CIL Viability Study undertaken by consultants RS Drummond Hay in 2011. The purpose of this study was to bring up to date our understanding of the viability of development to bear a CIL charge in line with the latest guidance, best practice methods and assumptions, to provide a robust approach to setting a levy rate. The full study can be viewed at <http://www.lewes.gov.uk/planning/20838.asp>.
- 3.13 The 2013 Study assessed the economic viability of housing and commercial development across the charging area. The viability of development was assessed using a simple residual model illustrated by the diagram below, which summarises the 'development equation'.

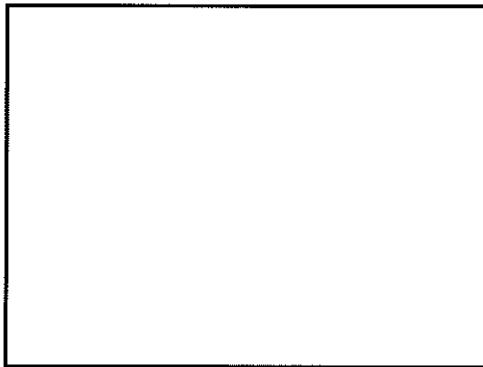


Figure 1 Residual Model Development Equation¹

- 3.14 On one side of the equation is the development value i.e. the sales value, which will be determined by the market at any particular time. On the other side of the equation, the development cost includes the 'fixed elements' i.e. construction, fees, finance and developers profit. Developers profit is usually fixed as a minimum % return on gross development value generally set by the lending institution at the time. The flexible elements are the cost of land and the amount of developer contributions (CIL and Planning Obligations) sought by the local authority.
- 3.15 For housing development the Study used the policy requirement (Core Policy 1) in the Proposed Submission Core Strategy of 40% affordable housing on development of 10 or more units and a graduated requirement for thresholds below 10.
- 3.16 It is important to ensure that the rates of CIL charged do not harm economic viability of development generally across the charging area. In addition it should support, and not deter, the delivery of the development

¹ Nationwide CIL Service Methodology Illustration – Lewes Viability Study 2013 page 9

plan (the Core Strategy). The NPPF² requires that the ability to develop the sites and deliver the scale of development identified in the Local Plan should not be threatened. It is therefore not advisable to set a CIL charge at or near the margins of assessed viability as this could have a serious detrimental impact on delivery.

- 3.17 The 2013 Viability Study firstly concluded that the variations in the values of residential development were significant enough to warrant differential assumptions being applied to different geographical locations in the study area and that two distinct sub-market areas existed to the north and south of the National Park. Similarly the results of the viability testing indicated that a differential rate approach to CIL would be appropriate.
- 3.18 Based on the Council's proposed affordable housing target of 40% the Study illustrated that all forms of residential development are viable and capable of yielding significant levels of CIL. Potential rates for mainstream housing in the lower value zone, to the south of the National Park, ranged from £215 - £243 per sqm for greenfield development and £112 - £157 per sqm for brownfield development. In the higher value zone, north of the National Park, maximum rates ranged from £539 - £775 per sqm for greenfield development and £433 - £707 per sqm for brownfield development.
- 3.19 In order to address the McCarthy and Stone consultation response to the Preliminary Draft Charging Schedule, the Viability Study appraised sheltered housing development viability separately. This appraisal used enhanced build-cost assumptions to reflect the additional specification requirements and additional communal and non-revenue earning space of sheltered schemes; enhanced marketing costs and a 12 month rather than 6 month sales void. The results, £143 for brownfield and £406 for greenfield, demonstrate that sheltered housing can yield similar levels of CIL to standard residential development and does not warrant specific differential treatment.
- 3.20 The valuation study concluded that any variations in the value of commercial locations are not significant enough to warrant a differential charging zone approach to commercial CIL rates. The viability appraisals illustrated that most categories of developer-led commercial development in the charging area are not viable based on current market circumstances. The viability results do not mean that commercial and employment development cannot be delivered in the district. Many forms of commercial development may be undertaken direct by occupiers and where the development return can be reduced from a developers profit to a margin that reflects occupiers operational or opportunity costs then development could be viable.
- 3.21 Food supermarket retail and general retail were assessed to be viable and capable of accommodating CIL in both greenfield and brownfield

² National Planning Policy Framework

development scenarios. Food supermarket retail indicated potential rates of £460 - £542 per sqm and general retail £143 - £183 per sqm for greenfield and brownfield scenarios.

- 3.22 It is important that the Development Strategy (Local Plan Part 1 Core Strategy) is considered in setting the CIL rates based on an economic viability assessment. The Local Plan envisages that a reasonable proportion of new development over the Plan period will emerge from brownfield sites. It is estimated that approximately 40% of residential development will be on previously developed land. As such the Study recommends that the brownfield results act as the primary guide to rate setting.³
- 3.23 The results illustrate the maximum potential CIL rates that could be applied without threatening the economic viability of development. The appraisals are necessarily generic tests, which do not make allowance for site-specific abnormal costs. As such the Study recommends that CIL rates are set within the identified viability margins to take account of these unknown factors.
- 3.24 The Viability Study therefore recommends that the variations in residential viability are sufficiently significant to justify a differential charging zone approach to setting residential CIL rates. Based upon an affordable housing target of 40% (with a tenure mix of 25% intermediate and 75% affordable rent), and taking account of the substantial level of greenfield delivery, the generic nature of the tests, a reasonable buffer to allow for additional site-specific abnormal costs the Study recommends the following residential CIL rates:
- Low Zone: £90 per sqm
 - High Zone: £150 per sqm
- 3.25 A single zone approach is recommended to setting commercial CIL rates:
- Retail A1-A5: £100 per sqm
 - All other non-residential uses: £0 per sqm
- 3.26 The Study concludes by outlining the CIL revenue projections based on the recommended CIL rates and the estimated CIL liable dwellings over the Plan period. An average dwelling size of 90 sqm is used and 1,658 dwellings, which discounts from the Plan total for affordable housing exemptions and all commitments and permissions. The figure was calculated for the Study pre the increase in the housing target published in the Core Strategy focussed Amendments May 2014; therefore the actual CIL revenue is expected to be slightly higher than the table shows.

³ Differential rates for brownfield and greenfield development are not specifically supported by the Regulations and no examples of such an approach have been successfully tested through the examination process.

Table 1 Anticipated CIL Revenue

Charging Zone	CIL Rate	Eligible Floorspace	CIL Revenue
Low Zone	£90	108720 sqm	£9,784,800
High Zone	£150	40500 sqm	£6,075,000
		Total	£15,859,800

- 3.27 No provision is made in the plan for retail floorspace so there are no revenue projections for this category. At this stage, additional retail development is likely to consist of small-scale, unplanned (i.e. not allocated in a development plan) retail units (i.e. convenience stores) that will form part of a larger mixed-use, but residential led development, as well as extensions to existing retail units.

4 DRAFT CIL CHARGING SCHEDULE AND CHARGING AREA

a) CIL Draft Charging Schedule – proposed rates

4.1 The proposed CIL rates for Lewes District (all areas outside the South Downs National Park) are shown in the table below.

Table 2 CIL Charging Rates for Lewes District Council charging area

Development Type		CIL charge (£/m ²)
Residential	Low Zone (South of SDNP, i.e. the coastal towns)	£90
	High Zone (North of SDNP)	£150
Residential Institution		£0
Industrial		£0
Office		£0
Retail		£100
Hotel		£0
Standard Charge ⁴		£0

b) CIL charging area map

4.2 The CIL charging area will be all areas of Lewes District that lie outside the South Downs National Park boundary as shown in Map 1 (page 16). It is worth noting that the small area at Falmer and the area of Glynde Parish that lie outside the National Park are within the High Zone for the CIL charge.

c) CIL Draft Instalments Policy

4.3 The CIL instalments policy will only apply where conditions of Regulation 70 (CIL 2010) are met:

- Council received Assumption of Liability prior to commencement
- Council received CIL Commencement Notice prior to commencement

4.4 The Community Infrastructure Levy for residential development will be payable by instalments as follows:

- Where the chargeable amount is less than £50,000 (up to 6 dwellings approximately)

⁴ The Standard Charge applies to all other types of chargeable development not otherwise specified in Table 1. These types of development may be liable for on-site improvements through S106 or S278 off-site highway improvements, even though the Standard Charge for CIL is proposed to be zero.

- Full payment will be required within 60 days of the commencement date
- Where the chargeable amount is £50,000 - £250,000 (6-31 dwellings approximately)
 - First instalment representing 25% of the chargeable amount will be required within 60 days of commencement date; and
 - Second instalment representing 25% of chargeable amount will be required on completion of 50% of the dwellings; and
 - Third and final instalment representing 50% of the chargeable amount will be required on completion of 75% of the dwellings.
- Where the chargeable amount is over £250,000 (more than 31 units approximately)
 - First instalment representing 25% of the chargeable amount will be required within 60 days of commencement date; and
 - Second instalment representing 25% of the chargeable amount will be required on completion of 25% of the dwellings; and
 - Third instalment representing 25% of the chargeable amount will be required on completion of 50% of the dwellings; and
 - Fourth instalment representing 25% of the chargeable amount will be required on completion of 75% of the total number of dwellings

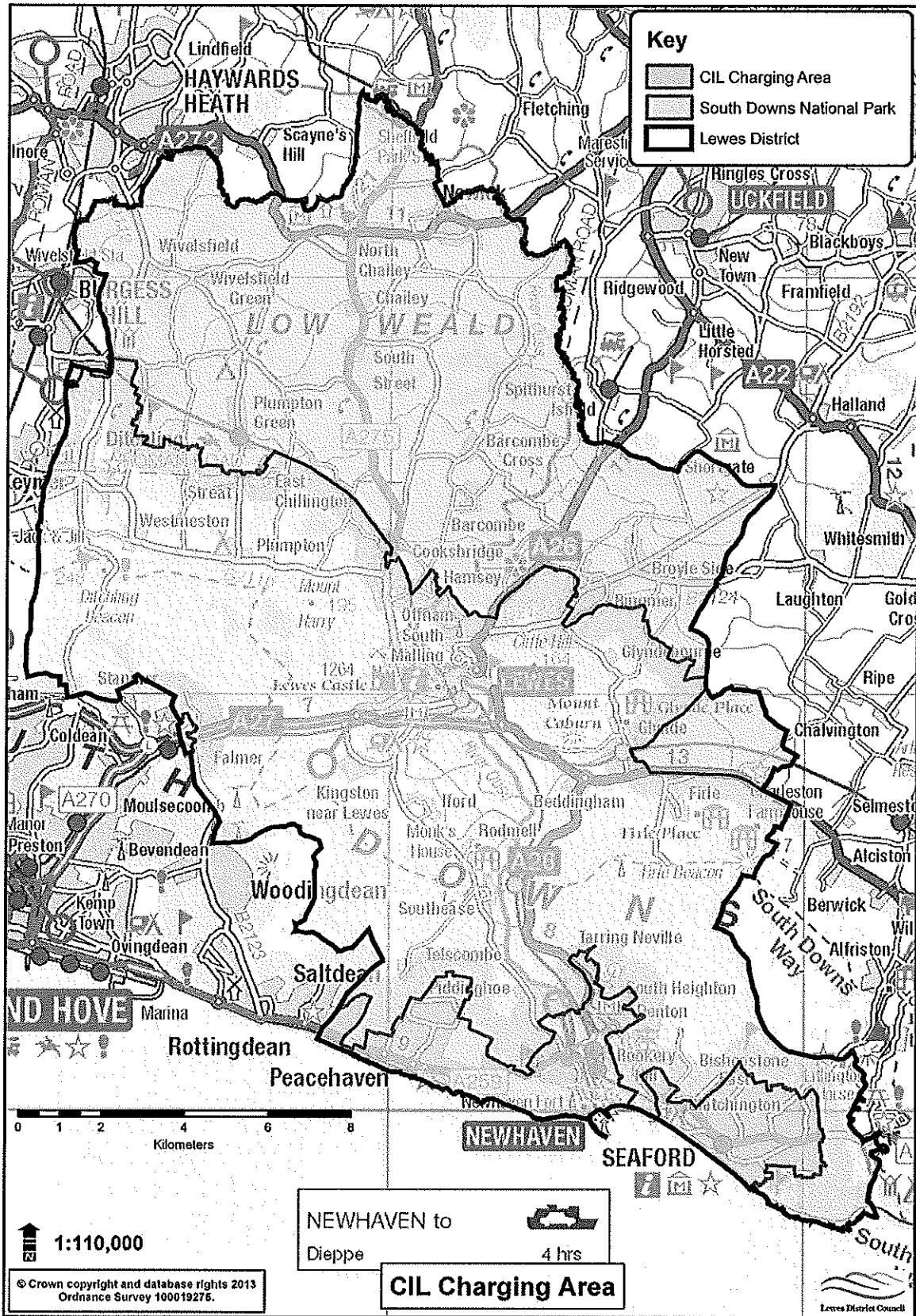
Note: the percentage of dwellings will be rounded up where exact dwelling numbers are not possible

4.5 Commercial developments by their nature do not lend themselves to the same approach used for residential development. Therefore it is proposed that phasing will be based on timescales and still related to the size of the development. The charge will be payable by instalments as follows.

- Where the chargeable amount is less than £50,000;
 - Full payment will be required within 60 days of the commencement date
- Where the chargeable amount is £50,000 - £250,000;
 - First instalment representing 50% of the chargeable amount will be required within 60 days of the commencement date; and
 - Second instalment representing 50% of the chargeable amount will be required upon issue of completion certificate and prior to the opening of any part of the development
- Where the chargeable amount is over £250,000;
 - First instalment representing 25% of the chargeable amount will be required within 60 days of the commencement date; and
 - Second instalment representing 25% of the chargeable amount will be required within 120 days of the commencement date; and
 - Third and final instalment representing 50% of the chargeable amount will be required within 360 days of the commencement date or upon issue of completion certificate and prior to the opening of any part of the development, whichever is sooner.

- 4.6 In calculating individual charges for the levy, the Council will be required by the Regulations to apply an annually updated index of inflation to keep the levy responsive to market conditions. The index will be the national All-In Tender Price Index of construction costs published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors.

Map 1 Lewes District Council CIL Charging Area



5 OTHER MATTERS

a) CIL Implementation

- 5.1 It is proposed to use a proportion of CIL funds to cover CIL administration expenses, in accordance with the Regulations. Further details will be established once the CIL administration procedures are developed.
- 5.2 The Council will keep under review and consideration the implementation of the following discretionary CIL administration policies. Such policies do not require formal consultation or examination and may be introduced and revoked at any time (subject to meeting relevant requirements on publication periods prior to commencement).
- Exceptional circumstances relief⁵
 - Discretionary charitable relief⁶

b) Ashdown Forest

- 5.3 The Ashdown Forest, located in neighbouring Wealden District, is covered by Special Protection Area (SPA) and Special Area of Conservation (SAC) European designation. A 7km protection zone has been established around the Forest within which new residential development requires mitigation so that the pressures of usage experienced by the Forest are not worsened as a result of the development. The 7km protection zone partly extends into Lewes District covering much of Newick parish, including the village itself. Mitigation required for residential development in this area is in the form of financial contributions to the Strategic Access Management and Monitoring Strategy (SAMMS) and the delivery and ongoing management of Suitable Accessible Natural Green Space (SANGS).
- 5.4 It is proposed that financial or other contributions required for the mitigation of residential development will be collected using planning obligations and CIL monies will not be used towards this mitigation.

⁵ Regulations 55-58 allows for discretionary relief in exceptional circumstances. The Guidance advises that this is to allow the charging authority to avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise. Cases would need to be truly exceptional and the charging authority would need to be satisfied that the costs relating to S106 are greater than those related to CIL. There is also a need to ensure the relief would not constitute notifiable State Aid.

⁶ This is in addition to the mandatory charitable relief where the chargeable development is to be used wholly or mainly for charitable purposes.

6 HOW TO COMMENT ON THE DRAFT CHARGING SCHEDULE

6.1 Lewes District Council is seeking comments from any interested individuals or organisations on this Draft Charging Schedule. There is a Consultation Response Form available on the CIL webpage <http://www.lewes.gov.uk/planning/20838.asp>. The consultation period will run for 8 weeks from May 16th – July 11th 2014.

6.2 Please note representations made on this consultation cannot be treated in confidence. Copies of all representations received may be made available to the public. The Council may also provide details or a summary of representations on its website. We will not, however, publish personal information such as telephone numbers, email or private addresses. By submitting a representation on this Draft Charging Schedule you confirm that you agree to this and accept responsibility for your comments. Anyone submitting comments on the draft Charging Schedule will have the right to be heard at the examination.

6.3 Comments are invited by email or post to:

Email:

ldf@lewes.gov.uk

Post:

CIL Consultation
Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

6.4 Supporting documents are available to view on the Council's website at <http://www.lewes.gov.uk/planning/20838.asp> or in hardcopy by visiting the customer reception at Southover House.

7 NEXT STEPS

- 7.1 The Draft Charging Schedule together with the relevant evidence, all representations received and a statement summarising the main issues raised by the representations or that no such representations were made will be passed onto the appointed examiner in submission for examination.
- 7.2 Following the examination, the examiner will publish their report and recommendations. If the examiner approves the Charging Schedule the Council will then be able to approve it, setting a date for CIL to commence. It is anticipated that Charging Schedule will be brought into effect during or as soon as practicable after April 2015.
- 7.3 In addition to publishing a charging schedule the Council will publish its policies on how it intends to collect, spend and monitor CIL.
- 7.4 The proposed timetable for the remaining stages of implementing the Community Infrastructure Levy is set out below.

Table 2 Indicative timetable for introducing the Charging Schedule

Stages in preparing the CIL Charging Schedule	
Cabinet approval to publish CIL Draft Charging Schedule	20 March 2014
CIL Draft Charging Schedule (Reg 16/17) formal public consultation	16 May – 11 July 2014
Formal Submission of CIL Draft Charging Schedule to Examiner (Reg 19)	Summer 2014
Examination (Reg 21)	Autumn 2014*
Adoption by Full Council (Reg 25)	Early 2015
Implementation of CIL (Reg 28)	April 2015

* Examination of the CIL Draft Charging Schedule will follow on from the Examination of the Core Strategy and so this timeline is dependent upon the outcomes of the Core Strategy Examination.

APPENDIX A

Calculating the chargeable amount

- i) CIL charges will be calculated in accordance with CIL Regulation 40 (as amended). The chargeable amount will be an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates as set out in the charging schedule.
- ii) The chargeable amount will be index linked using the Royal Institution of Chartered Surveyors' All-in Tender Price Index figures for the year in which the planning permission was granted and the year in which the charging schedule took effect.
- iii) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula:

$$\frac{R \times A \times I_p}{I_c}$$

Where:

- A = the deemed net area chargeable at rate R;
- I_p = the index figure for the year in which planning permission was granted; and
- I_c = the index figure for the year in which the charging schedule containing rate R took effect.

The value of A must be calculated by applying the following formula:

$$G_R - K_R - \left(\frac{G_R \times E}{G} \right)$$

Where:

- G = the gross internal area of the chargeable development;
- G_R = the gross internal area of the part of the development chargeable at rate R;
- E = the aggregate of the following -
 - (i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and
 - (ii) for the second and subsequent phases of a phased planning permission, the value E_x, unless E_x is negative, provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.
- K_R = the aggregate of the gross internal areas of the following -
 - (i) retained parts of in-use buildings, and
 - (ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development.

The value E_x must be calculated by applying the following formula -
$$E_p - (G_p - K_{PR})$$

Where:

- E_p = the value of E for the previously commenced phase of the planning permission;
- G_p = the value of G for the previously commenced phase of the planning permission; and
- K_{PR} = the total of the values of K_R for the previously commenced phase of the planning permission.



Lewes District Council

Lewes District Council Community Infrastructure Levy Draft Charging Schedule Consultation Response Form

Lewes District Council intends to submit a Draft Charging Schedule for public examination, under Section 212 of the Planning Act 2008.

In accordance with Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended), Lewes District Council is inviting representations on its Charging Schedule.

Please submit your comments using this form.

Please return this form by email or post to:

Email: ldf@lewes.gov.uk

Post: CIL Consultation
Planning Policy Team
Lewes District Council
Planning Policy Team
Southover House
Southover Road
Lewes
BN7 1AB

Comments must be received by 1600 on Friday 11th July 2014.

Part A

1. Personal Details

2. Agent's Details (if applicable)

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>

Address Line 1	<input type="text"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text"/>

Part B

1. Do you have any comments on the CIL draft Charging Schedule and its supporting evidence?

Yes (please give details below. Continue on a separate sheet if necessary)

No

2. Please indicate below if you wish to attend the Public Examination

Yes, I wish to attend

No, I do not wish to attend

3. Please indicate if you wish to be notified of any of the following:

That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008

The publication of the recommendations of the examiner and the reasons for those recommendations

The approval of the Charging Schedule by Lewes District Council

Thank you for taking time to respond to this consultation

Please note that written representations not using this form will still be accepted, provided they are received by the specified date and time.