

COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)

# Draft Charging Schedule 2020

January 2020



## **The Charging Authority**

This is the Draft Charging Schedule for the Community Infrastructure Levy for consultation in the London Borough of Lambeth.

## **Date of Consultation**

The consultation is from 31 January until 13 March 2020.

## **Liability to Pay CIL**

A chargeable development is one for which planning permission is granted and which is liable to pay CIL in accordance with the Regulations.

CIL liability is calculated on the net chargeable gross internal area (GIA) floorspace of all new development, apart from those exempt under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy Regulations 2011, 2012, 2013, 2014, 2015, 2018 and 2019). Those exempt from the charge can be summarised as:

- Non-residential buildings, or extensions to buildings, less than 100 square metres
- Buildings into which people do not normally go, or enter only intermittently for the purpose of inspecting or maintaining fixed plant or machinery
- Affordable housing
- Buildings owned by charities used for a charitable purpose.

## **Calculating the Chargeable Amount**

CIL will be calculated on the basis set out in Schedule 1 of the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, 2014, 2015, 2018 and 2019).

## **Indexation**

The CIL charge will include indexation which will take account of price increases between the time when charging schedules setting out an authority's rates come into force, and the time at which planning permission is granted, in accordance with the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors All In Tender Price Index.

## **Charging Zones**

CIL charging zones A, B, C and D as proposed are defined in the Community Infrastructure Levy Charging Zones Map below.

## Rates

The rate (per square metre of Gross Internal Area) at which CIL is charged is proposed as follows:

Development Type	Zone A – Waterloo and Vauxhall	Zone B – Kennington, Oval and Clapham	Zone C – Tulse Hill, Brixton and Herne Hill	Zone D – Streatham, West Norwood, Streatham Hill
<b>Residential including co-living schemes or shared accommodation</b>	£500	£350	£250	£200
<b>Self-contained sheltered housing, self-contained extra care schemes and care homes</b>	£250	£175	£100	£100
<b>Hotel</b>	£200	£200	£200	£200
<b>Office</b>	£225	£225	Nil	Nil
<b>Large retail development*</b>	£225	£225	£225	£225
<b>Other retail</b>	Nil	Nil	Nil	Nil
<b>Student accommodation</b>	£400	£400	£400	£400
<b>All other uses not identified above</b>	Nil	Nil	Nil	Nil

\*Retail includes all uses that fall within Classes A1, A2, A3, A4 and A5 of the Town and Country Planning (Use Classes) Order 1987 as amended, or any other order altering, amending or varying that Order, as well as related D2 and sui generis commercial uses including cinemas, betting shops, car showrooms, launderette. Large retail development is defined as either one of the following:

- Superstores/supermarkets/shopping mall/shopping centre/shopping arcade which are shopping destinations in their own right, with over 280m<sup>2</sup> of retail space, with or without a dedicated car park; or
- Retail warehouses which are large stores over 1000m<sup>2</sup> specialising in the sale of household goods (such as carpets, furniture, and electrical goods), DIY items and other ranges of goods catering for mainly car-borne customers.

## Exemptions & Relief

The CIL Regulations exempt or provide scope for relief for the following types of development from liability for CIL:

- Those parts of a development which are to be used as social housing
- Development by registered charities for the delivery of their charitable purposes
- Self-build housing and self-build communal development
- The conversion of a dwellinghouse to two or more dwellinghouses

- Development of less than 100m<sup>2</sup> of new build floorspace, provided that it does not result in the creation of a new dwelling
- The conversion of, or works to a building in lawful use that affects only the interior of the building
- Development of buildings and structures into which people do not normally go (e.g., pylons, wind turbines, electricity sub stations)
- Any development granted for a limited time period.

The Council has made available Discretionary Social Housing Relief in accordance with CIL Regulations 49A and 49B in respect of any development with qualifying dwellings that are to be sold for no more than 80% of its open market value at the time of sale. The notification can be found [here](#).

The Council has made available Discretionary Charitable Relief for investment activities by charities under CIL Regulations 44 and 45. The notification can be found [here](#).

The Council has also made available Discretionary Relief for Exceptional Circumstances under CIL Regulation 55. The notification can be found [here](#). This is subject to the relief being sought where a planning obligation under a Section 106 Agreement has been entered into, and where:

- there is an unacceptable impact on the economic viability arising out of the requirement to pay CIL on the development; and,
- the granting of relief would not constitute state aid.

Based on available evidence the Council considers the proposed charge is viable. The level of charge will continue to be monitored to ensure it remains viable. Should market or other conditions change the viability of development, the Council will introduce a revised CIL charging schedule.

## **Instalments & Application of CIL**

The Council has adopted its own [CIL instalments policy](#) which will apply to all developments that commence on or after 1 June 2019 and will supersede the Mayor of London's CIL instalments policy. For developments that commence before 1 June 2019, the [Mayor of London's CIL instalment policy](#) will continue to apply.

The 2019 amendments to the CIL Regulations have removed the requirement for a Regulation 123 list that set out a list of infrastructure projects or types of infrastructure projects that will be, or may be, wholly or partly funded by CIL. Instead, the Council is now required to publish an Annual Infrastructure Funding Statement which will set out the infrastructure projects that the Council intends to fund wholly or partly by CIL or by planning obligations or both. Alongside charging for CIL, Section 106 agreements will continue to be negotiated to secure site-specific mitigation including affordable housing, employment contributions, carbon offset contributions and infrastructure that will be necessary to make development acceptable where otherwise this would be unacceptable.

The Localism Act 2011 requires that a percentage of CIL, known as Neighbourhood CIL (NCIL), will be invested in local projects. In 2014, Lambeth's Cabinet agreed to:

- Increase the percentage of Neighbourhood CIL (NCIL) for local projects from 15% to 25%
- Develop Co-operative Local Investment Plans (CLIPs) to give people a greater say in priorities and proposals for spending Neighbourhood CIL
- Establish CLIP areas across seven geographical areas in Lambeth, namely: Waterloo, North Lambeth, Stockwell, Clapham, Brixton, Streatham and Norwood

Further information on Neighbourhood CIL and CLIPs is available [here](#).

### **Further Information**

This Draft Charging Schedule has been published in accordance with the Community Infrastructure Levy Regulations 2010, as amended by subsequent Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013, 2014, 2015, 2018 and 2019 and Part 11 of the Planning Act 2008.

Further information on the Community Infrastructure Levy is available on the Council's website.

## Proposed CIL Charging Zones for DCS 2020

