

Community Infrastructure Levy

**Draft Charging Schedule:
Statement of Modifications**

May 2019



 **Kirklees**
COUNCIL

**Community Infrastructure Levy
Revised Draft Charging Schedule**

Statement of Modifications

(May 2019)

1. Introduction

- 1.1 This Statement of Modifications sets out the modifications which have been made to the Council's Revised Draft Charging Schedule since it was published for consultation between 7th November and 19th December 2016. It has been issued in accordance with Regulation 19(1)(d) of the Community Infrastructure Regulations 2010 (as amended).

2. Publication

- 2.1 As required under Regulation 19, a copy of this Statement has been sent to each of the persons that were invited to make representation under Regulation 15 of the Community Infrastructure Regulations on the Revised Draft Charging Schedule and has been published in the Council's website at: <http://kirklees.gov.uk/consultplanningpolicy>
- 2.2 The Statement of Modification will also be made available at:

Location	Opening times
Huddersfield Customer Service Centre, Civic Centre 3, Huddersfield HD1 2TG	Mon-Wed and Fri 9:00am to 5:00pm Thurs 10:00am to 5:00pm
Dewsbury Customer Service Centre, The Walsh Building, Town Hall Way, Dewsbury WF12 8EE	Mon-Thurs, 9:00am to 5:00pm Fri 10:00am to 5:00pm

3. Requests to be Heard

- 3.1 **Any organisation or individual may request the right to be heard at the Examination. This request must be submitted in writing** and received within the specified consultation period 9am on 20th May 2019 to 5pm on 17th June 2019.

4. Proposed Modifications

4.1 The table below sets out the modifications to the Revised Draft Charging Schedule and the reasons for these modifications. Changes highlighted with a ~~strike through~~ indicate deletions and *underlined in italics* indicate additions.

Modification Number	Document Reference	Modification	Reason for Modification
CIL-M1	Para 1.1	The Community Infrastructure Levy (CIL) Draft Charging Schedule has been approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, 2014 and , 2015 <u><i>and 2018</i></u>) and Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011).	Update to reflect current regulations
CIL-M2	Para 2.2	This document is the Draft Charging Schedule for the Kirklees Community Infrastructure Levy (CIL). It has been prepared in accordance with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013, 2014, 2015 <u><i>and 2018</i></u> .	Update to reflect current regulations
CIL-M3	Para 2.5	The process for setting and implementing the Charging Schedule is set out in the CIL Regulations 2010, together with subsequent Amendment Regulations in 2011, 2012, 2013, 2014, 2015 <u><i>and 2018</i></u> .	Update to reflect current regulations
CIL-M4	Para 2.7	The CIL Charging Schedule, when adopted, will establish which types of development are liable for a CIL charge as set out in Section 5. It will usually apply to those developments that create net additional floor space of 100 square metres or more, or create a new dwelling. Developments built under general consent are also liable to pay CIL. 'General consent' includes permitted development rights granted under the General Permitted Development Order 2015. Payment is due from the point of the commencement of development, and liability starts at the point in <u><i>at</i></u> which planning permission is granted. Further information about which types of development are exempt from CIL charges can be found in Section 7 <u><i>6</i></u> .	Clarification
CIL-M5	Para 3.4	A <u><i>Section</i></u> 278 agreement (of the Highways Act 1980) is:	Clarification

CIL-M6	Para 4.2	In addition, the local authority must demonstrate that, in its informed judgement, the proposed levy rates would not make development proposals unviable across the area as a whole. It is not necessary to show that all developments would be viable, but that the majority of planned developments would not be made unviable by the proposed CIL level <u>levy rate</u> .	Correction
CIL-M7	Para 4.3	https://www.kirklees.gov.uk/beta/planning-policy/community-infrastructure-levy.aspx http://kirklees.gov.uk/consultplanningpolicy	Updated web link
CIL-M8	Para 4.5	https://www.kirklees.gov.uk/beta/planning-policy/community-infrastructure-levy.aspx http://kirklees.gov.uk/consultplanningpolicy	Updated web link
CIL-M9	Para 4.7	The following additional documents were have been produced in support of the <u>2016</u> Draft Charging Schedule:	Clarification
CIL-M10	Para 4.8	<u>To support the 2019 amended Draft Charging Schedule, the following documents have been produced:</u> <ul style="list-style-type: none"> • <u>Kirklees Community Infrastructure Levy: Statement of Modification (May 2019)</u> • <u>Kirklees Community Infrastructure Levy Viability Update (Cushman and Wakefield, February 2019)</u> • <u>Kirklees Community Infrastructure Levy Draft Charging Schedule Background Report March 2019</u> • <u>Kirklees Community Infrastructure Levy Draft Charging Schedule April 2019</u> • <u>Kirklees Community Infrastructure Levy Draft Regulation 123 List April 2019</u> • 	New paragraph to list new and updated evidence documents that have been produced as part of the CIL revisions.
CIL-M11	Para 4.8	4.8 <u>4.9</u> The Infrastructure Delivery Plan (IDP) forms an essential part of evidence for the Local Plan by assessing current infrastructure provision and future needs linked to growth in the Plan. The IDP Addendum provides an update in areas where new information has become available as a result of the on-going infrastructure planning to support the Local Plan. This work further demonstrates that there is an infrastructure funding gap for the	Paragraph re-numbered to reflect the insertion of new paragraph 4.8.

		infrastructure requirements to support growth, which justifies a CIL charge as required by the CIL Regulations.	
CIL-M12	Para 4.9	4.9 <u>4.10</u> The 2016 IDP and IDP Addendum identify <i>identified</i> infrastructure schemes, costs, delivery bodies, funding sources and gaps. It provides <i>provided</i> the best available information at the present <i>that</i> time about the infrastructure funding gap. The IDP evidence is intended to be a living document which will be updated as necessary.	Clarification
CIL-M13	Para 4.10	4.10 <u>4.11</u> The Council commissioned Cushman & Wakefield to undertake <u>an updated the Kirklees Local Plan and CIL Viability Study (April 2019 October 2015)</u> . This evidence has been updated by their further work on the Kirklees Local Plan and CIL Viability Addendum. These <u><i>This studies study</i></u> tests a selection of hypothetical development schemes across the district confirming that certain types of development could be charged CIL and remain viable. Site specific testing was also undertaken as part of these studies. The testing takes account of all relevant development costs, including national <u><i>changes to the NPPF and NPPG guidance</i></u> and Publication Draft adopted Local Plan policy requirements.	Updated evidence and changes to national guidance
CIL-M14	Para 4.11	4.11 The October 2015 Study identified a variable rate for residential development across 5 zones, with a district wide rate for retail warehouses. This work was retested in response to representations made at the PDCS stage and updated development market data. This resulted in: <ul style="list-style-type: none"> • A reduction of residential charging zones from 5 to 4 merging charging zones 1 and 2; • An amendment to the value assumptions based on these revised charging zones which resulted in charging zone 2 setting a charge of £20 per square metre for developments of more than ten units. <p><u>4.12 The updated April 2019 Viability Study has resulted in:</u></p> <ul style="list-style-type: none"> <u>• A reduction of residential charging zones from 4 to 3 merging charging zones 2 and 3;</u> <u>• An amendment to the value assumptions based on these revised charging zones;</u> <u>• Removal of charge difference between sites of 10 units and under and over 10 units;</u> <u>and</u> <u>• Zero rate charge for retail warehousing.</u> 	New paragraph to clarify 2019 charging rates

CIL-M15	Para 4.12	<p>4.12 <u>4.13</u> In reaching the appropriate balance when setting the rates, it was important for the Council to consider the aims of gaining sufficient funding towards the infrastructure needed to support the delivery of growth set out in the Local Plan, without setting the rates at a level that could threaten the viability of development across the district.</p>	Re-numbering of paragraph																																		
CIL-M16	Para 5.1 CIL Draft Charging Rates Table	<table border="1" data-bbox="602 437 1677 1002"> <thead> <tr> <th colspan="3" data-bbox="602 437 1677 501">Kirklees CIL Draft Charging Rates (per sq.m)</th> </tr> <tr> <th data-bbox="602 501 1057 592">Residential Development (C3)*</th> <th data-bbox="1057 501 1359 592">More than 10 Units</th> <th data-bbox="1359 501 1677 592">10 Units or Less</th> </tr> </thead> <tbody> <tr> <td data-bbox="602 592 1057 655">Zone 1</td> <td data-bbox="1057 592 1359 655">£80</td> <td data-bbox="1359 592 1677 655">£100</td> </tr> <tr> <td data-bbox="602 655 1057 719">Zone 2</td> <td data-bbox="1057 655 1359 719">£20</td> <td data-bbox="1359 655 1677 719">£80</td> </tr> <tr> <td data-bbox="602 719 1057 783">Zone 3</td> <td data-bbox="1057 719 1359 783">£5</td> <td data-bbox="1359 719 1677 783">£40</td> </tr> <tr> <td data-bbox="602 783 1057 879">Zone 4 Zone 3</td> <td data-bbox="1057 783 1359 879">£5</td> <td data-bbox="1359 783 1677 879">£5</td> </tr> <tr> <td data-bbox="602 879 1057 943">Retail Warehousing (A1)**</td> <td colspan="2" data-bbox="1057 879 1677 943">£100 district wide</td> </tr> <tr> <td data-bbox="602 943 1057 1002">All other uses</td> <td colspan="2" data-bbox="1057 943 1677 1002">£0</td> </tr> </tbody> </table> <table border="1" data-bbox="602 1038 1529 1355"> <thead> <tr> <th colspan="2" data-bbox="602 1038 1529 1102"><u>Kirklees CIL Draft Charging Rates (per sq.m.)</u></th> </tr> <tr> <th data-bbox="602 1102 1057 1166"><u>Residential Development (C3)*</u></th> <th data-bbox="1057 1102 1529 1166"><u>Charge</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="602 1166 1057 1230"><u>Zone 1</u></td> <td data-bbox="1057 1166 1529 1230"><u>£80</u></td> </tr> <tr> <td data-bbox="602 1230 1057 1294"><u>Zone 2</u></td> <td data-bbox="1057 1230 1529 1294"><u>£20</u></td> </tr> <tr> <td data-bbox="602 1294 1057 1355"><u>Zone 3</u></td> <td data-bbox="1057 1294 1529 1355"><u>£5</u></td> </tr> </tbody> </table>	Kirklees CIL Draft Charging Rates (per sq.m)			Residential Development (C3)*	More than 10 Units	10 Units or Less	Zone 1	£80	£100	Zone 2	£20	£80	Zone 3	£5	£40	Zone 4 Zone 3	£5	£5	Retail Warehousing (A1)**	£100 district wide		All other uses	£0		<u>Kirklees CIL Draft Charging Rates (per sq.m.)</u>		<u>Residential Development (C3)*</u>	<u>Charge</u>	<u>Zone 1</u>	<u>£80</u>	<u>Zone 2</u>	<u>£20</u>	<u>Zone 3</u>	<u>£5</u>	Updated to reflect 2019 charging rates
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CIL-M17	Para 5.2 & para 5.3	5.2 5.3		Paragraph numbers removed as text is footnote
CIL-M18	Para 5.4	5.4 <u>5.2</u> The residential charging zones are shown on the Charging Zone <u>Rates</u> Map in Appendix A. The map can also be viewed on the Council's website at:		Clarification
CIL-M19	Section 6 The Regulation 123 List Para 6.1 – 6.9	<p>6 The Regulation 123 List</p> <p>6.1 The Council is required to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL. The list does not identify priorities for spending within it, or any apportionment of the CIL funds across the district, and does not signify a commitment from the Council to fund the projects listed through the CIL.</p> <p>6.2 The list is based on the infrastructure requirements for the Local Plan as set out in the Council's infrastructure planning evidence (IDP & IDP Addendum). The list has been revised from the CIL Preliminary Draft Charging Schedule stage, taking into consideration the representations made and updates on infrastructure projects.</p> <p>6.3 A 'meaningful proportion' of CIL raised in an area (the neighbourhood proportion) must be spent on local infrastructure priorities. The Council will work with local communities and Town and Parish Councils to agree their local spending priorities. The neighbourhood proportion can be spent on items on the Regulation 123 list, but it does not have to be, as long as it addresses the demands that development places on an area.</p> <p>6.4 Once the neighbourhood proportion of the CIL income has been allocated to the relevant neighbourhood in which the development has taken place, the remaining money will be pooled and spent on strategic infrastructure priorities to support growth and economic development in the district. The infrastructure spending priorities will be informed by the Regulation 123 List. The predicted CIL income will not meet the estimated infrastructure funding gap. Therefore, CIL money will be spent on infrastructure priorities in conjunction</p>		Regulation 123 list now available as a separate document

		<p>with other sources of funding.</p> <p>6.5 It is intended that the Council will review the Regulation 123 List periodically where appropriate. This will be informed by the most up to date infrastructure planning evidence and the monitoring of CIL collection and spending. Any changes to the list will be justified, clear and subject to appropriate local consultation, in line with the CIL Regulations.</p> <p>6.6 CIL Regulation 123 restricts the use of Section 106 obligations to ensure that individual developments are not charged for the same infrastructure through the duplication of developer contributions. A Section 106 contribution cannot be made towards infrastructure projects on the Regulation 123 List.</p> <p>6.7 From 6 April 2015 the use of Section 106 obligations has been scaled back. Section 106 obligations will still be used to provide affordable housing contributions and matters required to make a development acceptable in planning terms. Section 106 obligations will need to meet the tests in Regulation 122 and 123. From 6 April 2015 no more than five separate obligations can be pooled for an infrastructure project or type of infrastructure, back dated to 6 April 2010.</p> <p>6.8 The Regulation 123 list can be found in Appendix B. The list includes details about what Section 106 obligations will continue to be used for. For large scale developments there will still be the requirement to provide obligations for matters necessary to make a development acceptable in planning terms, such as open space. For the following sites in the Publication Draft Local Plan, school infrastructure will be required using planning obligations as follows:</p> <ul style="list-style-type: none"> ● Primary provision for Bradley Strategic Site (H1747 & H351) ● Primary and secondary provision for Chidswell Strategic Site (MX1905) ● Primary and Secondary Provision for Dewsbury Riverside Strategic Site (H2089) 	
CIL-M20	Section 7	<p>7 6 CIL Exemption and Payment Terms</p> <p>7.1 <u>6.1</u></p> <p>7.2 <u>6.2</u></p> <p>7.3 <u>6.3</u></p>	Updated paragraph numbering following the removal of former section 6

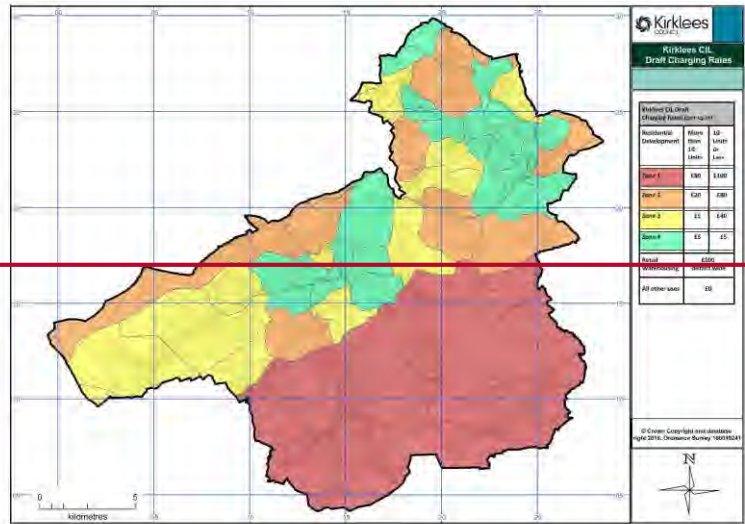
		<p>7.4 <u>6.4</u></p> <p>7.5 <u>6.5</u></p> <p>7.6 <u>6.6</u></p> <p>7.7 <u>6.7</u></p>	
CIL-M21	Para 7.1	<p>7.1 <u>6.1</u> As set out in the CIL Regulations the following do not pay the levy:</p> <ul style="list-style-type: none"> • development of less than 100 square metres (see Regulation 42 on Minor Development Exemptions) – unless this is a whole house, in which case the levy is payable • houses, flats, residential annexes and residential extensions which are built by ‘self builders’ (see Regulations 42A, 42B, 54A and 54B, inserted by the 2014 Regulations) <i>where an exemption has been applied for and obtained, and in regard to a self build home or residential annex, a Commencement (of development) Notice served prior to the commencement of development. See Regulation 7, and section 56(4) of the Town and Country Planning Act 1990, for definition of commencement (see Regulations 42A, 42B, 54A, 54B and 67(1A) inserted by the 2014 Regulations)</i> • social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2014 Regulations) <i>and where an exemption has been obtained and a Commencement (of development) Notice served, prior to the commencement of development</i> • charitable development that meets the relief criteria set out in Regulations 43 to 48 <i>and where an exemption has been obtained, and a Commencement (of development) Notice served prior to commencement of development</i> • buildings into which people do not normally go (see Regulation 6(2)) • buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (see Regulation 6(2)) • structures which are not buildings, such as pylons and wind turbines • specified types of development which local authorities have decided should be subject to a ‘zero’ rate and specified as such in their charging schedules • vacant buildings brought back into the same use (see Regulation 40 as amended by the 2014 Regulations) 	Updated to reflect current regulations

		<ul style="list-style-type: none"> • where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no levy is due. • 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. 	
CIL-M22	Para 7.5	7.5 <u>6.5</u> The Council has chosen to offer an Instalment Policy which allows developers to pay their CIL charge in instalments to provide flexibility in the CIL charging regime. The details are set out in Appendix C <u>B</u> . The policy will be made available on the Council's website on adoption of the CIL. The policy is not subject to an examination and can be revised or withdrawn as appropriate, in-line with the CIL Regulations.	Change to reflect removal of former Appendix B
CIL-M23	Section 8	<u>7</u> Review of the Charging Schedule 8.1 <u>7.1</u> 8.2 <u>7.2</u>	Updated paragraph numbering following the removal of former section 6

CIL-M24

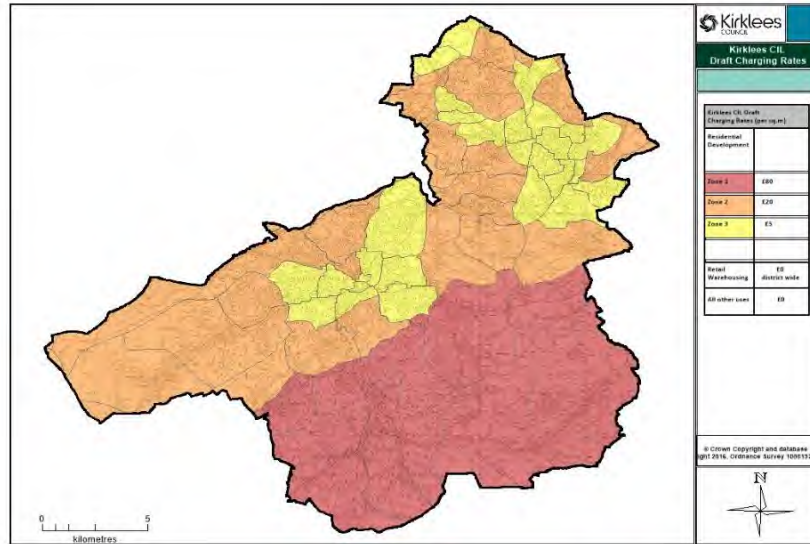
Appendix
A

Appendix A: Kirklees CIL Draft Charging Rates Map



Amalgamation of
charging zones to reflect
the 2019 Charging
Schedule

Appendix A: 2019 Draft Charging Schedule Charging Rates and Map



CIL-M25

Appendix B

Appendix B: Kirklees CIL Draft Regulation 123 List

(Required by Regulation 123 of Community Infrastructure Levy (CIL) Regulations)

Infrastructure Projects it is intended to fund through CIL*

Regulation 123 List CIL Infrastructure
Strategic transport infrastructure Kirklees wide
Strategic education infrastructure Kirklees wide
Strategic open space infrastructure Kirklees wide
Strategic flood alleviation schemes Kirklees wide
Strategic community and cultural infrastructure Kirklees wide
Strategic sports, leisure and recreation infrastructure Kirklees wide

Table 2

*Extracted from the Local Plan Infrastructure Delivery Plan and Infrastructure Delivery Plan Addendum — see for further information on strategic infrastructure projects.

Now available as a separate document

Infrastructure Projects it is intended to fund through S106 & S278 Agreements:

S106 & S278 Planning Obligations

Transport infrastructure directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind.

Strategic development site school provision which makes a development acceptable in planning terms and is fairly reasonably related in scale and kind:

- primary provision for Bradley Strategic Site (H1747 & H351)
- primary and secondary provision for Chidswell Strategic Site (MX1905)
- primary and secondary provision for Dewsbury Riverside Strategic Site (H2089)

On-site open space / green space provision as required by Local Plan Policies (which includes requirements for a financial contribution in lieu of on-site provision in certain circumstances) directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind

On-site flooding and drainage mitigation directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind

On-site community and cultural infrastructure directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind

On-site sports, leisure and recreation infrastructure directly related to a specific site which makes a development acceptable in planning terms and is fairly and reasonably related in scale and kind

Affordable housing

Table 3

CIL-M26

Appendix
C

Appendix C B Kirklees CIL Draft Instalments Policy

In accordance with CIL regulations 69B and 70, the Council can introduce an instalments policy to spread the cost of CIL payments for developers. When no instalments policy is in place the CIL payment is required in full after 60 days from development commencing.

Kirklees CIL Draft Instalments Policy		
CIL Charge £0 to £24,999		
Full amount to be paid within 60 days of commencement		
CIL Charge £25,000 to £149,000 £149,999		
Instalment	Amount due	Due Date Weeks after Commencement
1	35%	12
2	35%	26
3	30%	52
CIL Charge £150,000 and above		
Instalment	Amount due	Due Date Weeks after Commencement
1	25%	26
2	25%	52
3	25%	78
4	25%	104

Change to reflect removal of former Appendix B and error corrections