Tamworth Borough Council:
Community Infrastructure Levy
Statement of Compliance
## Contents

<table>
<thead>
<tr>
<th></th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction</td>
</tr>
<tr>
<td>2</td>
<td>Declaration under Section 212 (4) of the Planning Act 2008</td>
</tr>
<tr>
<td>3</td>
<td>Planning Act 2008- Section 211</td>
</tr>
<tr>
<td>4</td>
<td>Planning Act 2008- Section 212</td>
</tr>
<tr>
<td>5</td>
<td>CIL Regulations 2010 (as amended)</td>
</tr>
<tr>
<td></td>
<td>Regulation 12</td>
</tr>
<tr>
<td></td>
<td>Regulation 13</td>
</tr>
<tr>
<td></td>
<td>Regulation 14</td>
</tr>
<tr>
<td></td>
<td>Regulation 15</td>
</tr>
<tr>
<td></td>
<td>Regulation 16 &amp; 17</td>
</tr>
<tr>
<td></td>
<td>Regulation 19</td>
</tr>
<tr>
<td></td>
<td>Regulation 21</td>
</tr>
</tbody>
</table>

## Appendices

<table>
<thead>
<tr>
<th>Appendices</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix A</td>
<td>9-12</td>
</tr>
<tr>
<td>Report to Cabinet on Preliminary Draft Charging Schedule</td>
<td></td>
</tr>
<tr>
<td>Appendix B</td>
<td>13-18</td>
</tr>
<tr>
<td>Report to Cabinet – CIL Draft Charging Schedule amendments</td>
<td></td>
</tr>
<tr>
<td>Appendix C</td>
<td>19-20</td>
</tr>
<tr>
<td>Notification of Submission Letter to Planning Inspectorate</td>
<td></td>
</tr>
</tbody>
</table>
1. **Introduction**

1.1 This Statement of Compliance has been produced to demonstrate Tamworth Borough Council’s compliance with the requirements set out in the Planning Act 2008, the CIL Regulations 2010 (as amended) and DCLG guidance in relation to the submission of its Community Infrastructure Levy (CIL) Draft Charging Schedule for examination by an independent, suitably qualified person.

2. **Declaration required under Section 212(4) of the Planning Act 2008**

2.1 Section 212(4) of the Planning Act 2008 requires a Declaration:

(a) That the charging authority has complied with the requirements of Part 11 of the Planning Act 2008 and CIL regulations (including the requirements to have regard to the matters listed in Section 211(2) and (4))

(b) That the charging authority has used appropriate available evidence to inform the Draft Charging Schedule, and

(c) Dealing with any other matter prescribed by CIL regulations 2010 (as amended)

2.2 Tamworth Borough Council hereby declares that:

(a) As the charging authority, it has complied with the requirements of Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended)

(b) As the charging authority, it has used appropriate available evidence to inform the draft charging schedule; and

(c) That any other matters prescribed by CIL Regulations 2010 (as amended) have been dealt with.

3. **The Planning Act 2008- Section 211**

3.1 In setting the rates and preparing the CIL Draft Charging Schedule, Tamworth Borough Council had regard to:

- The actual and expected costs of infrastructure
- Other actual or expected sources of funding infrastructure
- The economic viability of development
- The actual or expected administrative expenses in connection with CIL; and
- The CIL regulations and Statutory Guidance

3.2 Tamworth Borough Council has consulted a range of stakeholders in preparing the CIL Draft Charging Schedule, and in line with Regulation 15 and 16 included the following formal consultations:
3.3 Modifications have been made to the Draft Charging Schedule after the Regulation 16 Consultation and these are detailed within the Regulation 19 (d) Statement of Modifications.

4. **Planning Act 2008- Section 212**

4.1 Tamworth Borough Council has submitted the CIL Draft Charging Schedule and accompanying evidence to the Planning Inspectorate (PINs) who will provide an independent examiner to scrutinise Tamworth’s Draft Charging Schedule. The appointed examiner will have suitable experience and expertise and will be independent of the Council.

4.2 All persons who have submitted representations to the consultation on the Draft Charging Schedule stating that they would like to be heard by the examiner, will be given this opportunity, on the direction of the independent examiner.

4.3 The following appropriate available evidence has informed the Draft Charging Schedule:

- Whole Plan Viability, Affordable Housing and CIL Study by Peter Brett Associates, April 2014
- Tamworth Infrastructure Delivery Plan for Community Infrastructure Levy Draft Charging Schedule, PBA, 2015
- Tamworth CIL Update Report, PBA, 2017
- Tamworth Section 106 Statement

4.4 This evidence is in addition to the background information on the Local Plan 2006-2031 as follows:

- Adoption Draft Local Plan (includes modifications)
- Adoption Draft Policies Map
- Adoption Draft Policies Map- Town Centre Inset
- Local Plan Schedule of Modifications

4.5 All of these documents are available on the Councils website.
5. **The CIL Regulations 2010 (as amended)**

5.1 **Regulation 12**

5.1.1 Tamworth Borough Council’s CIL Draft Charging Schedule contains the information by Regulation 12(2) namely;

(a) The name of the Charging Authority;

(b) The rates (in pounds by square metre) at which CIL is to be chargeable in the Authority’s area; and

(c) A map which identifies the location and boundaries of the charging zone on an Ordnance Survey Map which shows National Grid Lines and reference numbers, and includes a key providing an explanation of the charging zone area

(d) an explanation of how the chargeable amount will be calculated.

5.2 **Regulation 13**

5.2.1 In setting its differential rates, Tamworth Borough Council complied with Regulation 13 which enables charging authorities to set differential rates (including Nil rates) by reference to different intended uses of development. This is set out in Tamworth’s CIL Draft Charging Schedule with the relevant Charging Zone Map provided in Appendix A.

5.3 **Regulation 14**

5.3.1 In setting its levy rates, Tamworth Borough Council has complied with Regulation 14 (1), which requires that it;

“Must aim to strike what appears to the charging authority to be an appropriate balance between the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.”

5.3.2 This is set out in the following documents:

- Whole Plan Viability, Affordable Housing and CIL Study by Peter Brett Associates, April 2014
- Whole Plan Viability, Affordable Housing and Community Infrastructure Levy Study, Further Advice: Addendum Report, March 2015
- Tamworth PDCS Responses - PBA review and technical note, May 2016
- Tamworth CIL Update Report, PBA, 2017
- Tamworth Draft Charging Schedule Infrastructure Delivery Plan,
5.4 Regulation 15

5.4.1 A Preliminary Draft Charging Schedule was produced in October 2014. This was approved for public consultation by Cabinet on 23rd October 2014 and the consultation ran from 30th October 2014 to 11th December 2014.

5.4.2 Following consultation on the Preliminary Draft Charging Schedule, approval was sought from Council to prepare a Draft Charging Schedule for consultation. As part of this report a summary of the main representations received through the Preliminary Draft Charging Schedule were included. The report also addressed these representations and highlighted the Council’s response to address these issues. This report was approved by Cabinet on 2nd April 2015 and is included as Appendix A to this Statement of Compliance.

5.4.3 In addition, in response to these representations, further work was undertaken to address these concerns and identify if any changes to the Charging Schedule and accompanying document should be made. This work included the Whole Plan Viability, Affordable Housing & CIL Addendum, 2015 and The Tamworth Section 106 Statement.

5.4.4 These considerations are reflected in the amendments which appear in the Draft Charging Schedule. These amendments include;

- A review of the impact of Planning Minister Brandon Lewis’s written ministerial statement regarding the affordable housing threshold to which obligations should be sought
- Further detailed viability testing on specialist accommodation for the elderly resulting in amendments to the charging schedule
- The inclusion of policies on exemptions, discretionary relief, payment and payment in kind
- The preparation of a Section 106 Statement to clarify how Section 106 agreements and CIL will be used together to deliver planning obligations.

5.5 Regulations 16 and 17

5.5.1 The CIL Draft Charging Schedule was approved for public consultation by Cabinet on 2 April 2015 and was published in accordance with Regulation 16 on 23rd October 2015 for public consultation until 4th December 2015.

5.5.2 In total, 18 representations were received in response to the CIL Draft Charging Schedule consultation. The details of these representations, the issues raised are set out in the Regulation 19 Statement of Consultation.

5.5.3 Further advice was sought following the receipt of representations in regard to accommodation for elderly persons and the retail
development element of the CIL and this advice is contained within Tamworth PDCS Responses - PBA review and technical note.

5.5.4 In addition the Council approved an approach at a Cabinet meeting on 29th September 2016, to seeking Section 106 contributions for affordable housing that aligned with the Ministerial Statement. Contributions towards affordable housing schemes for developments between 3 and 10 units would no longer be sought and as a consequence, the CIL rate was increased for these smaller schemes. Developments of 11 units and more were unaffected.

5.6 Regulation 19

5.6.1 In accordance with Regulation 19, the following documents have been submitted to the Examiner:
- Community Infrastructure Levy Draft Charging Schedule 2017 (Ref 06).
- Whole Plan Viability, Affordable Housing and CIL Study by Peter Brett Associates, April 2014 (Ref 07).
- Whole Plan Viability, Affordable Housing and Community Infrastructure Levy Study, Further Advice: Addendum Report, March 2015 (Ref 08).
- Tamworth PDCS Responses - PBA review and Technical Note (Ref 09).
- Tamworth CIL Update Report, PBA, 2017 (Ref 10).
- Tamworth Section 106 Statement, April 2015 (Ref 11).
- Adopted Local Plan (Ref 12).
- Adopted Policies Map (Ref 13).
- Adopted Policies Map- Town Centre Inset (Ref 14).

5.6.3 All persons who requested to be notified and those who submitted responses to the Draft CIL Charging Schedule were notified of the submission of Tamworth Borough Councils CIL Draft Charging Schedule (Appendix C), and are to be kept fully informed of the progress of the examination. A public notice was placed in the Tamworth Herald (local newspaper) informing the public of the Council’s submission of the CIL Draft Charging Schedule and where information on this was available to view. This information was also provided on the Councils website.

5.7 Regulation 21

5.7.1 The Borough Council received two requests to be heard by the examiner within the period of making representation on the CIL Draft Charging Schedule. The Council will publish the time and place of the CIL examination and the name of the examiner on its website and notified all persons who made representations in accordance with Regulation 17. An advert will be placed in the Tamworth Herald (local
newspaper) stating the time and place of the CIL examination and the name of the examiner.
CABINET THURSDAY, 2
APRIL 2015

REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION

COMMUNITY INFRASTRUCTURE LEVY

EXEMPT INFORMATION
None

PURPOSE
Following consultation on the Community Infrastructure Levy Preliminary Draft Charging Schedule, approval is sought to prepare the Draft Charging Schedule for consultation. This report also seeks to update Members on the recent changes to the national Planning Practice Guidance, an impending judicial review (not related to Tamworth) and the potential implications this may have on the CIL charging schedule.

The report also updates Members on progress made for Governance and levy collection arrangements for the CIL.

This report sets out the changes to the section 106 arrangements post 6 April 2015 and how S106 monies will be collected and how they will operate alongside CIL.

RECOMMENDATIONS
1) That the Draft Charging Schedule should be consulted upon post-Local Plan hearing sessions in June 2015.
2) Approve the Section 106 Statement set out in the attachments as the Councils position on developer contributions
3) That authority is delegated to the Director for Communities Planning and Partnership and the Head of Planning & Regeneration, in consultation with the Leader of the Council & Portfolio Holder for Economy and Education, to make amendments to the Section 106 Statement

EXECUTIVE SUMMARY
Preliminary Draft Charging Schedule Consultation and next steps

At its meeting on the 23rd October 2014, Cabinet approved the Preliminary Draft Charging Schedule (PDCS) for a 6 week public consultation in accordance with the Community Infrastructure Levy Regulations (as amended). The consultation took place between 30 October and 11 December 2014 and a total of 15 representations were received.

The representations are summarised as follows:

- More clarity should be given to the 210m² threshold and it should be divisible between 1 or 2 dwellings and should apply only to the net increase.
- It is important S106/S278 and CIL mechanisms dovetail and are managed effectively
- Viability evidence and PDCS do not include likely S106/s278 costs for retail
- Retail rates could discourage large retail developments distorting market, missing potential employment and undermining local and town centres
- Exceptional circumstances relief policy should be adopted
• Differential retail rates may present State Aid issues
• Economics of conversion schemes are different to new build and may not have been in 6 months continuous use in last 3 years
• Instalments policy should be adopted and linked to progress of development
• A flat rate levy for all development with an exemptions policy would prevent disincentives
• Infrastructure as payment in kind should be adopted
• PDCS does not differentiate specialist accommodation for the elderly
• Threshold of 10 dwellings for affordable housing S106 obligations will affect affordable housing delivery
• Testing of affordable housing does not reflect open tenure split in policy or market volatility
• Discretionary relief would be inconsistent

In response to the concerns raised during the consultation, further work has been undertaken to identify if any changes to the charging schedule and accompanying document should be made.

The retail viability assessment has been scrutinised and it is felt that the headroom which the assessment uses gives ample financial manoeuvrability to accommodate S106 or S278 costs. It is proposed not to alter the charge for retail.

Further detailed viability testing has been carried out on specialist accommodation for the elderly. This has been done to better understand how this particular model for delivering housing would be able to contribute to a CIL charge. The viability assessments carried out indicate that there could be a charge of £15 - £30 per sqm for retirement and extra care types of development. Specifically Care Homes would not be able to contribute to a CIL.

Following the feedback to questions regarding exemptions, discretionary relief, payment policies and payments in-kind it is proposed that accompanying the draft Charging Schedule policies will be created for these areas which can be applied once the CIL is adopted.

Work was carried out looking into issues of state aid raised in some responses and there does not appear to be any actual issues of state aid in the charging schedule.

In November 2014 Planning Minister Brandon Lewis announced via a written ministerial statement a threshold of developments of 10 homes or fewer beneath which affordable housing and tariff style contributions through S106 obligations should not be sought. The changes were introduced via a subsequent update to the national Planning Policy Guidance (PPG).

This change has primarily impacted on the Local Plan’s policy for affordable housing. Currently the submitted Local Plan affordable housing policy requires developers of between 2 and 9 units to make a financial contribution to off-site affordable housing via S106 agreements. The affordable housing target of 40 per annum is not reliant on these small sites delivering affordable housing, therefore this change from national government should not impact on Tamworth’s affordable housing targets. However, a secondary impact from this change is on the CIL. The Preliminary Draft Charging Schedule took into account the costs associated with policies in the Local Plan, one of which is affordable housing. As the ability to collect S106 on small sites has now been removed, further work was undertaken to see what the impact would be on CIL. It concluded that a specific higher CIL charge on smaller sites could be sought. The additional charging rate on sites of between 3 and 10 dwellings could be set at between £54 and £82 per sqm.

In January 2015 two Berkshire Council’s submitted a judicial review to the High Court of the changes made to the PPG by DCLG. Their concern is that this change will limit the use of Section 106 of the Town and Country Planning Act 1990. As this is a judicial review it is a challenge to way the decision has been made, not a request for a judge to consider if it is the
right decision or not. As yet this has not been heard by the High Court.

Given that this ruling could have significant impacts on the rate of CIL charged by the Council, it is considered that the Draft Charging Schedule should not be consulted on until after the Local Plan hearing sessions have finished; by this time either a decision by the High Court will have been made, or the Local Plan affordable housing policy will have been debated; either to remain as submitted, or to change following the Ministerial Statement.

Following the results of the Local Plan hearing sessions a Draft Charging Schedule will be prepared and presented to Cabinet to approve a 6 week public consultation, followed by submission for independent examination.

It should be noted that the CIL can only be adopted once the Local Plan has been adopted by Council, therefore the progress of the Local Plan will drive the speed at which the CIL charging schedule can be adopted.

Section 106 Statement

This statement (see Appendix A) has been prepared to clarify how Section 106 (S106) Agreements and Community Infrastructure Levy (CIL) will be used together to deliver planning obligations after 6 April 2015, which is when new regulations governing S106 will come into force. The new regulations will prevent Local Authorities from pooling S106 contributions from more than five developments for one infrastructure item or project.

As the Tamworth CIL will not be in place by 6 April 2015 (the CIL can only be adopted after the Local Plan is adopted) there will be an interim period where S106 will be the only means to capture developer contributions and mitigate the impact of development. The statement sets out how the Council will use S106 in this interim period and how the Council intends to use both S106 and CIL once the CIL charging schedule is adopted.

OPTIONS CONSIDERED
The CIL viability assessment has taken into account the Local Plan and its requirements.

The charge per sqm has been considered alongside the requirements of the Local Plan policies and strikes a balance between raising CIL and the delivery of policies within the Local Plan, such as achieving a balanced mix of housing types and the delivery of affordable housing.

RESOURCE IMPLICATIONS
A retained fund of £24k exists for the preparation, consultation and adoption of the CIL and as part of a separate Cabinet report member approval is sought to carry the fund into 2015/2016

LEGAL/RISK IMPLICATIONS BACKGROUND
The state aid issue has been investigated and no further work is required.

SUSTAINABILITY IMPLICATIONS
The CIL R123 list has been drawn from the Infrastructure Delivery Plan which is part of the Local Plan. This list includes infrastructure which will make improvements for local communities across Tamworth.

BACKGROUND INFORMATION
REPORT AUTHOR
Alex Roberts – Development Plan Manager x279

LIST OF BACKGROUND PAPERS
Whole Plan Viability, Affordable Housing and CIL Study – Further Advice 2015

APPENDICES
A) Statement on Section 106
Appendix B Cabinet report 29th September 2016 – Community Infrastructure Levy

CABINET
THURSDAY 29TH SEPTEMBER 2016

REPORT OF THE PORTFOLIO HOLDER FOR REGENERATION
COMMUNITY INFRASTRUCTURE LEVY

EXEMPT INFORMATION
None

PURPOSE
Further to the Cabinet report of 2nd April 2015, a further update is provided for members on recent changes to national planning guidance.

Following consultation on the Community Infrastructure Levy Draft Charging Schedule, to seek approval to submit the Draft Charging Schedule to the Planning Inspectorate for examination.

RECOMMENDATIONS
1) That Community Infrastructure Levy rate within the Draft Charging Schedule be increased from £35 per sq m to £68 per sq m for residential development of between 3 and 10 units
2) That care homes, retirement and extra care schemes providing housing for older people are not required to contribute to a CIL
3) That the Draft Charging Schedule and associated documents are approved for submission to examination

EXECUTIVE SUMMARY
At its meeting on 2 April 2015, Cabinet approved the Draft Charging Schedule (DCS) for a six week public consultation to be conducted after the Local Plans hearing sessions in June 2015. The consultation took place between 23 October 2015 and 4 December 2015 and a total of 18 representations were received.

The Draft Charging Schedule sought to address concerns raised through the preliminarily draft charging schedule consultation through appropriate amendments. The main issues raised through the Draft Charging Schedule representations are summarised below;

Main Issues
- Previous suggestions to help relieve traffic and encourage cycling and pedestrians has not been included
- Unreasonable to charge residents an extra charge
• Previous comments of impacts and improvements on the strategic road network not included on the R123 list
• Generic funding areas are not sufficiently specific
• Confirmation required that the IDP has been updated after the completion of the Tamworth Sports Strategy
• The R123 List should detail more specific projects devised in co-operation with the County Council
• The Evidence does not accurately reflect the viability of the Dunstall Farm scheme
• The Charging Schedule would result in double counting in relation to the Dunstall Farm scheme
• The Evidence utilises limited and/or incomplete figures on retail therefore the retail rate is flawed
• The retail levy is too onerous for developers resulting in harm to investment and job creation in Tamworth
• Communal Floorspace provision used to test the viability of sheltered/retirement housing has been underplayed
• Testing the viability of a 30 unit extra care scheme not in line with the RHG guidance and results in sales values in excess of what is to be expected for a non-premium extra care development
• The 25% premium of extra care accommodation over sheltered/retirement housing should not be limited to an uplift of sales value per m² but to the entire unit

What are they asking us to change?
• Document should acknowledge the role of infrastructure providers in reaching any decision on the appropriateness of the Payment in Kind policy in any given situation
• Include examples of what may be included in the Exceptional Circumstances policy in relation to the long term viability of heritage assets
• The R123 List should refer to the conservation and enhancement of Tamworth’s historic environment
• Provide clarification that planning obligations and S106 will continue to offer opportunities for funding improvements to mitigations of adverse impacts on the historic environment
• Include station enhancement in addition to any highways or Green Infrastructure works
• Clarification that CIL is not expected to address any compensatory provision
• Updated Viability Study to include Rent to Buy and Starter homes
• Include a policy requiring a CIL Review every 3 years or where there’s been a 10% change in house prices
• Drainage and flood alleviation projects to be included on the R123 List with the consideration of the relationship with the use of S106
• Include additional clarity that CIL payments will not be sought outside the Borough
• Dunstall Farm scheme should be added to the exempt CIL list
• Retail data should be reassessed with complete figures with more variety of retail units outside the Town Centre
• The non-food retail rate should be set at £70 per sq.m and the food retail rate should be set below £100 per sq.m in line with CIL rates for surrounding areas
• Set a cap of £100,000 on monies that can be contributed by out of centre retail developments
• Amend wording of the Discretionary Relief policy to provide certainty relief
A copy, in full, of each representation will be forward to the Planning Inspectorate in line with regulations. These representations have been considered in the Whole Plan Viability, Affordable Housing and CIL Addendum report, 2015. The next step in the establishment of CIL is the submission of the CIL Draft Charging Schedule to the Planning Inspectorate for examination. Two representations on the Draft Charging Schedule requested to be heard at examination. As such the examination is likely to comprise hearing sessions.

There is an amendment proposed for smaller residential schemes of between 3 and 10 units. The Draft Charging Schedule proposed a flat rate of £35 per sq. m. for residential schemes of 3 or more units in line with the Affordable Housing and CIL Study 2014. The requirement for Affordable Housing contributions will be removed from schemes between 3 and 10 units to accord with the NPPF. This change was modelled within the Affordable Housing and CIL study Addendum 2015 and it recommended an uplift to the CIL rate for smaller developments after consideration of different typologies. The CIL headroom rates were assessed against a 40%, 50% and 60% buffer to arrive at a CIL rate, consequently, the CIL rate will be altered to a level of between £54 and £82 per sq.m. for these smaller schemes. It is proposed that a rate of £68 per sq m is applied as it lies between the lower and higher rate. Further details on the proposed revised Affordable Housing policy are provided in a separate report also on this agenda.

The Addendum Report gave further consideration to the impact of CIL on specialist housing being care homes, retirement dwellings and extra care schemes. Additional testing was carried out of housing for older people to reflect anticipated stronger future markets for this type of housing and the business models behind the different types of schemes. It was concluded that retirement dwellings and extra care schemes could support a contribution to CIL whereas a care home would not be able to contribute. However, a further viability test was undertaken and the PBS Technical Note May 2016 advises that retirement and extra care developments should also not be required to contribute to CIL. Planning obligations for these schemes would be better secured through a Section 106 agreement.

The proposed amendments to the Preliminary Draft Charging Schedule (extracted from PBA - Whole Plan Viability, Affordable Housing and CIL Study Addendum 2015) as well as further recommendations provided in PBA Review and technical note dated 26th May 2016 are shown in Table 1 together with the proposed rates:

Table 1: Proposed CIL Contributions

<table>
<thead>
<tr>
<th>Land use Category</th>
<th>Criteria</th>
<th>Previous CIL rate per square metre</th>
<th>Recommended CIL rate per square metre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Applicable to one or two unit residential schemes.</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Residential</td>
<td>Applicable to all schemes with between 3 and 10 units except those which are exempt from CIL charge in the</td>
<td>£35</td>
<td>£54 to £82</td>
</tr>
</tbody>
</table>

will be provided in appropriate circumstances

- Amend wording of paragraph 5.2 to read “Council will offer a process”
- Amend wording of paragraph 5.3 to read “Council will offer to accept payment in kind”
- Viability Study should include a communal floorspace provision of 25%
<table>
<thead>
<tr>
<th>Scheme Type</th>
<th>Description</th>
<th>PDCS (Oct 2014)</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Applicable to all schemes with 11+ unit except those which are exempt from CIL charge in the PDCS (Oct 2014)</td>
<td>£35</td>
<td>£35</td>
</tr>
<tr>
<td>Specialist residential (Retirement dwellings, Care Homes and Extra care)</td>
<td></td>
<td>£35</td>
<td>£45*</td>
</tr>
<tr>
<td>Care homes</td>
<td></td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Out of Centre retail</td>
<td>Out of centre is defined as comparison and convenience retail development located outside of Tamworth Town Centre, local centres and neighbourhood centres as defined in the policies map and town centre inset map of the Tamworth Local Plan 2006-2031</td>
<td>£200</td>
<td>£200</td>
</tr>
<tr>
<td>All other development</td>
<td>None</td>
<td>£0</td>
<td>£0</td>
</tr>
</tbody>
</table>

*amendment proposed in 2015 Addendum, revised in 2016 Technical Note

**OPTIONS CONSIDERED**

The Whole Plan Viability, Affordable Housing and CIL Study by Peter Brett Associates, April 2014 and the Addendum 2015 have taken into account the Local Plan and its requirements.

Responses to the Draft Charging Schedule were considered by Peter Brett Associates in a Technical Note dated 26th May 2016. Having obtained further information in respect of viability for retirement and extra care units it was recommended that along with care homes, retirement and extra care developments should not be required to contribute to a CIL. This amendment would provide greater assurance to this sector and infrastructure contributions would be better gained through section 106 negotiations.

Retail warehousing in out of centre locations were similarly reassessed and the advice from PBA was that there was no viability reason to change the rate for retail warehousing (out of centre).

**RESOURCE IMPLICATIONS**

The submission of the CIL and supporting documents require no further resource implications above those currently identified within the service area. The examination in public entails a cost and staff resources which are identified within the service area.
LEGAL/RISK IMPLICATIONS BACKGROUND

Currently planning obligations are secured through Section 106 Agreements and should be directed to relevant projects and locations. The restrictions related to these agreements could in effect limit the amount of monies the Council can collect to mitigate the effects of development. Delays will be experienced should the CIL be rejected by the examiner as well as impacts on reputation. These have been mitigated by selecting experienced viability consultants who have set out their recommendations and proposed levels of tariffs. In addition, they have tested further scenarios to reflect comments received.

SUSTAINABILITY IMPLICATIONS

The CIL Regulation 123 list has been drawn from the Infrastructure Delivery Plan which is part of the Local Plan. This list includes infrastructure which will make improvements for local communities across Tamworth.

BACKGROUND INFORMATION

The Community Infrastructure Levy (CIL) enables Local Authorities in England and Wales to raise funds from developers undertaking new building projects in their area. CIL came into force in April 2010 and funding secured through CIL can be used to fund infrastructure provision or improvement required as a result of development. This includes new or safer roads schemes, flood defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres. The Regulations also restrict the use of Section 106 to collect developer contributions and importantly, Affordable Housing is excluded from CIL and will continue to be secured through Section 106’s.

In order to adopt a CIL, the NPPF requires that an ‘up to date’ Local Plan has been adopted by the local authority. Tamworth Borough Council is classed as the ‘Charging Authority’ and is able to put in place a ‘Charging Schedule’ which sets out rates (in £’s per sq.m.) that the Levy is charged for different types of development. Tamworth Borough Council will also be the ‘Collecting Authority’ and will have responsibility for issuing liability, commencement and demand notices. The Council will also have Enforcement Powers used in instances where for example the required Levy has not been paid. The Council will also have to decide what infrastructure to fund and when. This will require a governance structure that will be developed and a report brought to Cabinet to authorise the arrangements for decision making and implementation. The Planning Advisory Service has offered free support to help draft the procedures and processes.

The CIL will allow greater scope and flexibility in receiving financial contributions and directing them to projects and locations that are identified at a strategic level. Section 106 Agreements will continue to be used to deal with site specific issues and assist in ensuring individual developments are acceptable to local planning authorities and communities.
REPORT AUTHOR

Sushil Birdi – Senior Planning Policy and Delivery Officer x279

LIST OF BACKGROUND PAPERS
Cabinet Report 2nd April 2015 – Community Infrastructure Levy
Whole Plan Viability, Affordable Housing & CIL Study 2014 and Addendum, 2015
Peter Brett Associates Technical Note 26th May 2016
CIL Draft Charging Schedule Statement of Consultation

APPENDICES

None
Appendix C Notification of Submission of CIL to Planning Inspectorate

Dear

Tamworth Community Infrastructure Levy Draft Charging Schedule
Notification of Submission

I write to inform you that the Council has submitted the Tamworth Community Infrastructure Levy Draft Charging Schedule to the Secretary of State for Communities and Local Government for independent examination. The document was submitted on 25th August 2017.

The Community Infrastructure Levy is a new charge that local authorities will be able to collect on new developments in their area. The funds gathered will be spent on infrastructure with Tamworth Borough Council.

The Community Infrastructure Levy Draft Charging Schedule and accompanying submission documents including Whole Plan Viability, Affordable Housing and Community Infrastructure Levy Study (and Addendum Report) Infrastructure Delivery Plan and Statement of Consultation have been published on the Council’s website: http://www.tamworth.gov.uk/cil

The submission documents are also available for inspection at the following locations and times:

<table>
<thead>
<tr>
<th>Location</th>
<th>Opening Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tamworth Borough Council Office</td>
<td>08:45 – 17:10</td>
</tr>
<tr>
<td>Marmion House Lichfield Street Tamworth B79 7BZ</td>
<td>08:45-17:05</td>
</tr>
<tr>
<td>Tamworth Library Corporation Street Tamworth B79 7DN</td>
<td>8:30-17:00</td>
</tr>
<tr>
<td>9:00-19:00</td>
<td>8:30-17:00</td>
</tr>
<tr>
<td>13:00-17:00</td>
<td>Closed</td>
</tr>
<tr>
<td>Glascote Library Caledonian Glascote B77 2ED</td>
<td>9:00-12:00</td>
</tr>
<tr>
<td>Wilncote Library Wilncote High School Tinkers Green Road Wilncote Tamworth B77 5LF</td>
<td>14:15-17:00</td>
</tr>
</tbody>
</table>

Alternatively these can be downloaded from the Council’s website as above. For further information please contact the development plans team by email on developmentplan@tamworth.gov.uk or by phone on 01827 709709.
The Borough Council has appointed a Programme Officer to oversee the CIL Examination. The details are as follows;

Carmel Edwards  
c/o Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
B79 7BZ  
07969 631930  
programmeofficer@carmeledwards.com

Any queries relating to the Examination of the Tamworth CIL Draft Charging Schedule should be directed to the above programme officer.

Yours sincerely,

Sushil Birdi (Mr) Senior Planning Policy and Delivery Officer