



Torfaen County Borough Council

**Community Infrastructure Levy
Preliminary Draft Charging Schedule
and
Preliminary Draft Regulation 123
Infrastructure List**

October 2016

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Community Infrastructure Levy - Preliminary Draft Charging Schedule

1. Introduction

- 1.1 This document sets out the proposed Torfaen Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule, proposed CIL Instalment Policy and the Preliminary Draft Regulation 123 Infrastructure List for its area. CIL will be used to fund infrastructure to support delivery of the Torfaen Local Development Plan from new development in the area.
- 1.2 The Preliminary Draft Charging Schedule sets out the CIL Rates that the Council is proposing to charge and what types of new development will be expected to pay. The Charging Schedule has been prepared in accordance with the Planning Act 2008 (as amended by the Localism Act 2011); the CIL Regulations 2010 (as amended); the WG "Community Infrastructure Levy: Preparation of a Charging Schedule Guidance for Wales" (2011); the DCLG online Statutory CIL Guidance (February 2014); and the Harman Report on "Viability Testing Local Plans: Advice for planning practitioners" (June 2012).

2. Consultation

- 2.1 The Preliminary Draft Charging Schedule will be subject to a six week public consultation commencing **31st October 2016 - 12th December 2016**. The consultation documents and official Comments Forms (Welsh / English) are available to download free by using the following link:-

www.torfaen.gov.uk/CIL

Paper reference copies of the consultation documents can be inspected at the Council's Ty Blaen Torfaen Office (address below) on weekdays between 9.00am - 1.00pm and by appointment with the Forward Planning Team from 1.00pm - 5.00pm Monday to Thursday and 1.00pm - 4.30pm on a Friday. They can also be purchased from the same address at the following prices:-

- Preliminary Draft Charging Schedule Comments Forms (Welsh or English) - Free;
- £2.00 for the Preliminary Draft Charging Schedule (Welsh or English) (plus £1.00 P&P if posted);
- £3.00 for the Infrastructure Assessment Report (plus £2.00 P&P if posted); and
- £10.00 for the Torfaen Development Viability Assessment (plus £3.00 P&P if posted).

- 2.2 We would be grateful if you could make your comments on the Preliminary Draft Charging Schedule on the official Comments Form (Welsh or English) and email them to ldp@torfaen.gov.uk; or make them in writing, on a printed official Comments Form if possible, to the:-

Forward Planning Team, Ty Blaen Torfaen, Panteg Way, New Inn, Pontypool, Torfaen, NP4 0LS, by 11.59pm on Monday 12th December 2016.

- 2.3 We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and will not lead to delay. Your comments will be acknowledged and also be reported, in summary, to a future meeting of the Council prior to a further period of public consultation on the Draft CIL Charging Schedule as identified in the CIL Timetable in Section 9 of this document. Finally, If you require

any further information or have any questions please contact the Forward Planning Team on 01633 648039 / 648140 or email ldp@torfaen.gov.uk

- 2.4 **Data Protection Notice** - Please note that all comments received cannot be treated as confidential and will be available for public inspection; may be published on the Council's website (with your personal details redacted) and be removed once the CIL is adopted; and potentially be subject to a Freedom of Information Act 2000 request. We will also hold your contact details on our CIL consultation database for the duration of the CIL preparation process, unless your request in writing to formally withdraw your comments and/or be removed from the database and no longer receive correspondence from the Council on the CIL.

3. Community Infrastructure Levy Preliminary Draft CIL Rates

- 3.1 Torfaen CBC is the Charging Authority and collecting authority for the purposes of charging and collecting the Torfaen Community Infrastructure Levy. The CIL only applies to the administrative area of Torfaen County Borough Local Planning Authority, which excludes the area within the Brecon Beacons National Park. The responsibility for setting and collecting a CIL levy in that area will rest with the National Park Authority.
- 3.2 Torfaen has an Adopted LDP and the Torfaen Infrastructure Assessment Report (August 2016) has identified an aggregate infrastructure funding gap to justify a CIL Charge. The Torfaen Development Viability Assessment (August 2016) of all land uses found that only residential sites over 10 dwellings in the higher sale value areas of the County Borough; and larger supermarkets, superstores, factory outlet shops and retail warehouses outside of the designated town centres are able to pay a CIL charge. As such the Council intends to charge CIL at the Rates, expressed as pounds per square metre, as set out in Tables 1 - 3 below.

Residential Development CIL Rates

- 3.3 The CIL rate for residential development (Use Class C3 - Dwelling Houses) will be charged at different rates across the County Borough (excluding that part within the Brecon Beacons National Park) based upon viability evidence. The residential CIL rates proposed (expressed as pounds per square metre) are set out in **Table 1** below. Maps showing the location and boundaries of the relevant CIL Charging Zones are attached at **Appendix A (Maps 1 - 5)**.

Table 1: Residential Development (Use Class C3) CIL Rates

Map No.	Housing Sub Market Area (HSMA) Charging Zones (post code or LDP allocation area)	CIL Rate per m ²
1	North Torfaen HSMA (NP4 7 & NP4 9)	£0
2	Pontypool East HSMA (NP4 0)	£100
	Mamhilad Strategic Action Area (LDP Policy SAA4)	£50
3	Pontypool West HSMA (NP4 5, NP4 6 & NP4 8)	£0
4	Cwmbran North & West HSMA (NP44 1, NP44 4 & NP44 5)	£50
5	Cwmbran South East HSMA (NP18 1, NP44 2, NP44 3, NP44 6, NP44 7 & NP44 8)	£75
Class C3 Residential Developments of less than 10 dwellings, subject to the overall site being under 0.33ha (net developable site area) throughout Torfaen County Borough		£0

Retail Development CIL Rates

- 3.4 The CIL rates for A1 retail uses (within the A1 Use Class and named 'sui generis' use) will be varied across the County Borough (excluding that part within the Brecon Beacons National Park) by location and size of store as set out in **Table 2** below. Maps showing the location and boundaries of the relevant CIL Charging Zones are attached at **Appendix A (Maps 6 & 6A - 6C)**.

Table 2: Retail Development (Use Class A1 and named 'sui generis' use) CIL Rates

Map No.	Type of Development - Use Class and Location	CIL Rate per m ²
6	Class A1 Use Supermarkets / Superstores over 800m ² (net / trading floorspace) and A1 Retail Warehouses, Factory Outlet Shops and 'sui generis' Retail Warehouse Clubs over 400m ² (net / trading floorspace) - all outside of the Designated Blaenavon, Pontypool and Cwmbran Town Centres	£250
6A	Blaenavon Town Centre Boundary	£0
6B	Pontypool Town Centre Boundary	£0
6C	Cwmbran Town Centre Boundary	£0

All Other Land and 'Sui Generis' Uses CIL Rate

- 3.5 The CIL Rate for all other: A1 uses not listed in Table 2 above; Land Use Classes (A2-A3, B1-B8, C1-C2 & D1-D2); and 'Sui Generis' Uses throughout Torfaen County Borough (excluding that part within the Brecon Beacons National Park) is set out in Table 3 below.

Table 3: All Other Land and 'Sui Generis' Uses CIL Rate

Use Class and Location	CIL Rate per m ²
All Other: A1 Uses, Land Use Classes (A2-A3, B1-B8, C1-C2 & D1-D2) and 'Sui Generis' Uses throughout Torfaen County Borough	£0

4. Calculating the CIL

- 4.1 The chargeable amount will be calculated at the time planning permission first permits the chargeable development in accordance with the formula set out in Regulation 40 of the CIL Regulations (as amended by the 2014 Regulations) as follows:

Table 4: CIL Calculation Formula

$\frac{R \times A \times I_p}{I_c}$
<p>R = The CIL Rate as set out in Table 1 and Table 2 above</p> <p>A = The deemed net area chargeable at rate R¹</p> <p>I_p = the index figure for the year in which planning permission was granted</p> <p>I_c = The index figure for the year in which the charging schedule took effect</p>

¹ CIL Regulation 40(6) provides further information on how to calculate A

- 4.2 CIL will be charged on the net additional gross internal floor space of a development. Where buildings are demolished, the total of the demolished floor space will be off set against the floor space of the new buildings, providing the buildings were in lawful use prior to demolition. Where a chargeable amount is less than £50 it is deemed to be zero.
- 4.3 Where there is more than one use class in a development, the chargeable development in each use class is calculated separately and then added together to establish the total sum.
- 4.4 Where an Outline Planning permission which permits development to be implemented in phases, each phase of the development is a separate chargeable development. In the case of Outline Planning Applications where the floorspace of the development is not specified, the amount will be calculated at the submission of reserved matters and the liability will follow the approval of reserved matters.

5. CIL Instalment Policy

- 5.1 The Council intends to introduce an instalments policy in recognition that it might not be viable for developers to pay the total CIL liability in one payment. The proposed CIL instalments policy is set out in Table 5 below:

Table 5: TCBC Proposed CIL Instalment Policy

Total CIL Charge	No. of Instalments	Payment Period
Any amount less than £10,000	1	100% within 90 days of the commencement date.
£10,000 - £40,000	2	40% within 90 days of the commencement date; 60% within 180 days of the commencement date.
£40,001 - £100,000	3	30% within 90 days of the commencement date; 30% within 180 days of the commencement date; 40% within 270 days of the commencement date.
£100,001 - £200,000	4	20% on the commencement date 25% within 180 days of the commencement date; 25% within 270 days of the commencement date; 30% within 360 days of the commencement date.
£200,001 - £1,000,000	4	20% on commencement date; 25% within 180 days of commencement date; 25% within 360 days of commencement date; 30% within 540 days of the commencement date.
£1000,001 - £2,000,000	5	15% on commencement date; 15% within 180 days of the commencement date; 20% within 360 days of the commencement date; 20% within 540 days of the commencement date; 30% within 720 days of the commencement date.
Instalments for CIL Charges in excess of £2,000,000 will be negotiated directly with the developer.		

- 5.2 The definition of development commencement is the same as used in planning legislation, unless planning permission has been granted after commencement.

- 5.3 On occasions where planning permission is granted retrospectively because the development has already been carried out, the commencement date for the purposes of CIL will be the day on which permission is granted.

6. CIL Exemptions

- 6.1 The CIL Regulations identify the following types of development are exempt from paying CIL:
- Minor developments where the gross internal area of the new building or extension will be less than 100 square metres unless the development will comprise one or more dwellings;
 - Development of buildings and structures into which people do not normally go or which people only go intermittently to inspect or maintain plant or machinery (i.e. pylons, wind turbines and electricity sub-stations);
 - Where the owner of the land is a charitable institution and the development will be used wholly or mainly for charitable purposes;
 - Social Housing (also known as Affordable Housing) is eligible for relief from CIL. Regulations 49-54 of the CIL Regulations (2010) (as amended) set out the conditions and procedures under which this exemption applies; and
 - Self-build housing where a dwelling is built by the person who would normally be liable for the charge (including where built following a commission by that person) and occupied by that person as their sole or main residence.

7. How will CIL be collected?

- 7.1 The levy will be payable from the date that a chargeable development is commenced. When permission is granted the Council will issue a liability notice setting out the amount that will be due for payment when the development is commenced. It will set out the payment procedure and the possible consequence of failure to comply with the payments.
- 7.2 The responsibility to pay CIL lies with the ownership of the land to which the development relates. If the land is sold, the CIL liability is transferred to the new owner.
- 7.3 The liable party must submit a commencement notice to the Council prior to commencement of development. The Council, as charging authority, will serve a demand notice on each person liable to pay CIL in respect of the chargeable development.

8. How will CIL be spent?

- 8.1 In accordance with the CIL Regulations, the Council is required to publish a list of infrastructure that CIL revenue can be used to fund. The Preliminary Draft Regulation 123 Infrastructure List of Infrastructure is set out in Appendix B.
- 8.2 As part of the Local Development Plan the Council considered the infrastructure requirements required to support delivery of the Local Development Plan. The infrastructure requirements are based on this but have been updated to reflect emerging priorities. The infrastructure requirements are set out in the TCBC Infrastructure Assessment Report (August 2016). The document sets out the infrastructure necessary to deliver the LDP alongside other strategic infrastructure

schemes that could be used to support the LDP. Information was provided in respect of cost of infrastructure, funding sources and responsibility for delivery where known. CIL is intended to fill the gaps between existing sources of funding (to the extent they are known) and the costs of providing infrastructure.

- 8.3 The Council's Preliminary Draft Regulation 123 Infrastructure List outlined in Appendix B, has been prepared to support the CIL Charging Schedule; and sets out the types of infrastructure that will be eligible to be funded through CIL. Items of infrastructure identified on this list cannot then be funded through S106 Planning Obligations.
- 8.4 The money raised through CIL will not raise sufficient funding to provide all of the infrastructure items the Council would wish to see delivered. Therefore, the inclusion of an item of infrastructure on the Regulation 123 Infrastructure List is not a commitment from the Council to fund that infrastructure through CIL. Decisions on the infrastructure to be delivered through CIL will depend on the priorities of the Council considering the levels of CIL funding available. The Council will publish an Annual CIL Monitoring Report indicating the money received and the projects funded. The Regulation 123 Infrastructure List will be reviewed annually to reflect emerging priorities as part of the monitoring of the levy and can therefore change over time.
- 8.5 In accordance with the CIL Regulations, 15% of any CIL funds received will be passed to the Town or Community Council where development takes place; and 5% will be retained by the Council to cover the administrative costs of setting up and running CIL.

9. Next Steps

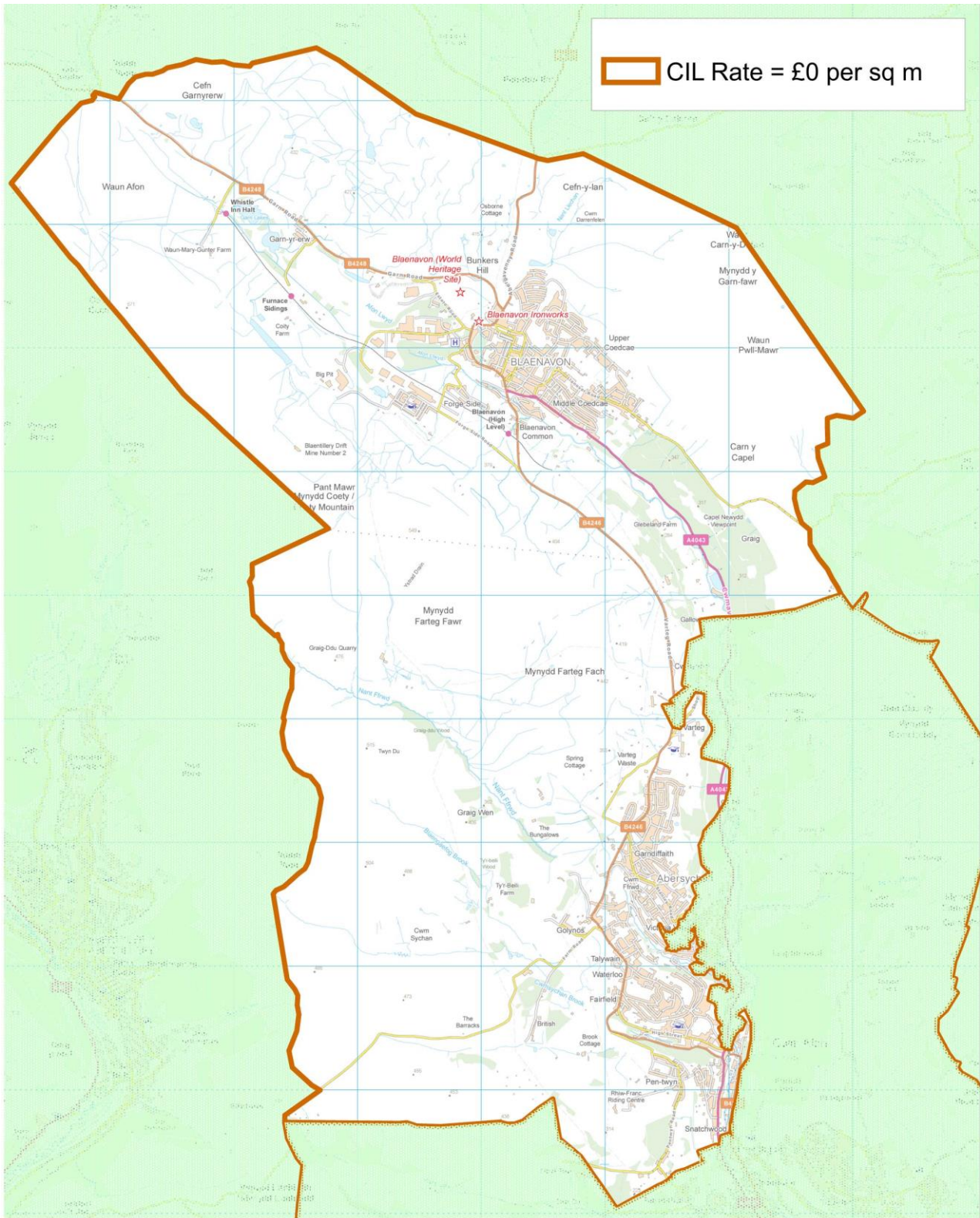
- 9.1 Following the close of this six week consultation period the remaining stages of the CIL preparation process and timescales is set out in the table below. It is estimated that implementation of the CIL Charge will commence in April 2018.


Stage in CIL Preparation	Timetable
Preliminary Draft Charging Schedule & Reg. 123 List Consultation	Oct - Dec 2016
Draft Charging Schedule and Infrastructure List Consultation	March - May 2017
Submission for Examination	October 2017
Examination	December 2017
Examiner's Report	February 2018
Approval and Publication of Charging Schedule	March 2018
Implementation of CIL Charge	April 2018
Annual Monitoring Report	April 2019



10. Monitoring

- 10.1 Following adoption of CIL the Council will publish a CIL Annual Monitoring Report for the financial year which will detail:
- How much CIL money has been received;
 - How the CIL money has been spent; and
 - The amount of CIL money retained for future expenditure.

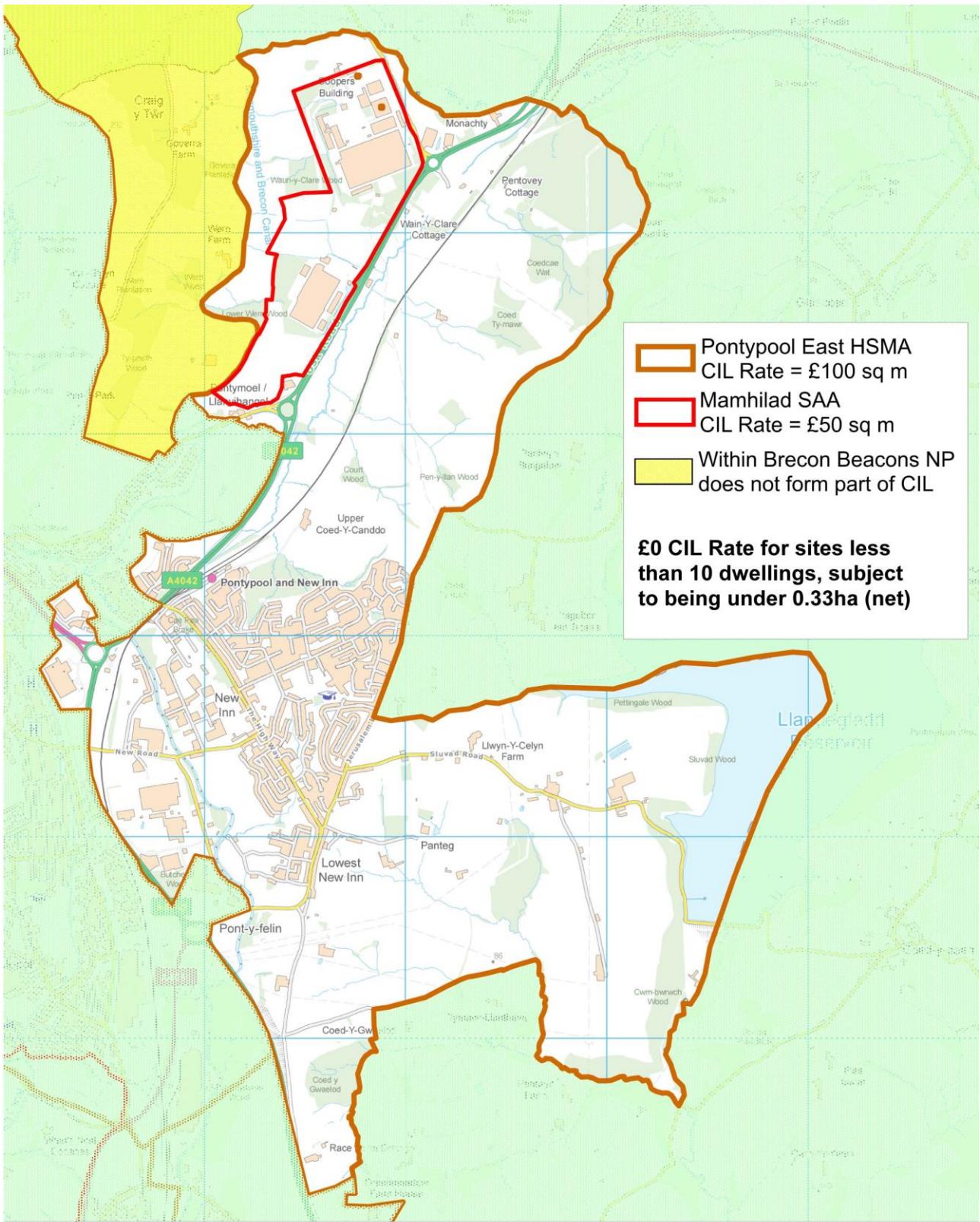
Appendix A - Torfaen CIL Charging Zone Maps



 CIL Rate = £0 per sq m

 		Drawing Title North Torfaen CIL Residential Charging Zone			
Drawn O.S/DME	Date 28/09/2016	Scale Not to Scale	Map Ref MAP 1	Area:	
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Atgynhychwyd o Fapiau'r Ordnance Survey gyda chaniatid Rheolwr Llyfrfa Ei Mawrhydi (C) Hawlfraint y Goron. Y mae atgynhyrchu heb awdurdod yn torri Hawlfraint y Goron a gall arwain at erlyniad neu achosion sifil. RHIF Y TRWYDDED LA 100023426 2016					

Alison Ward LLB
Chief Executive



Drawing Title

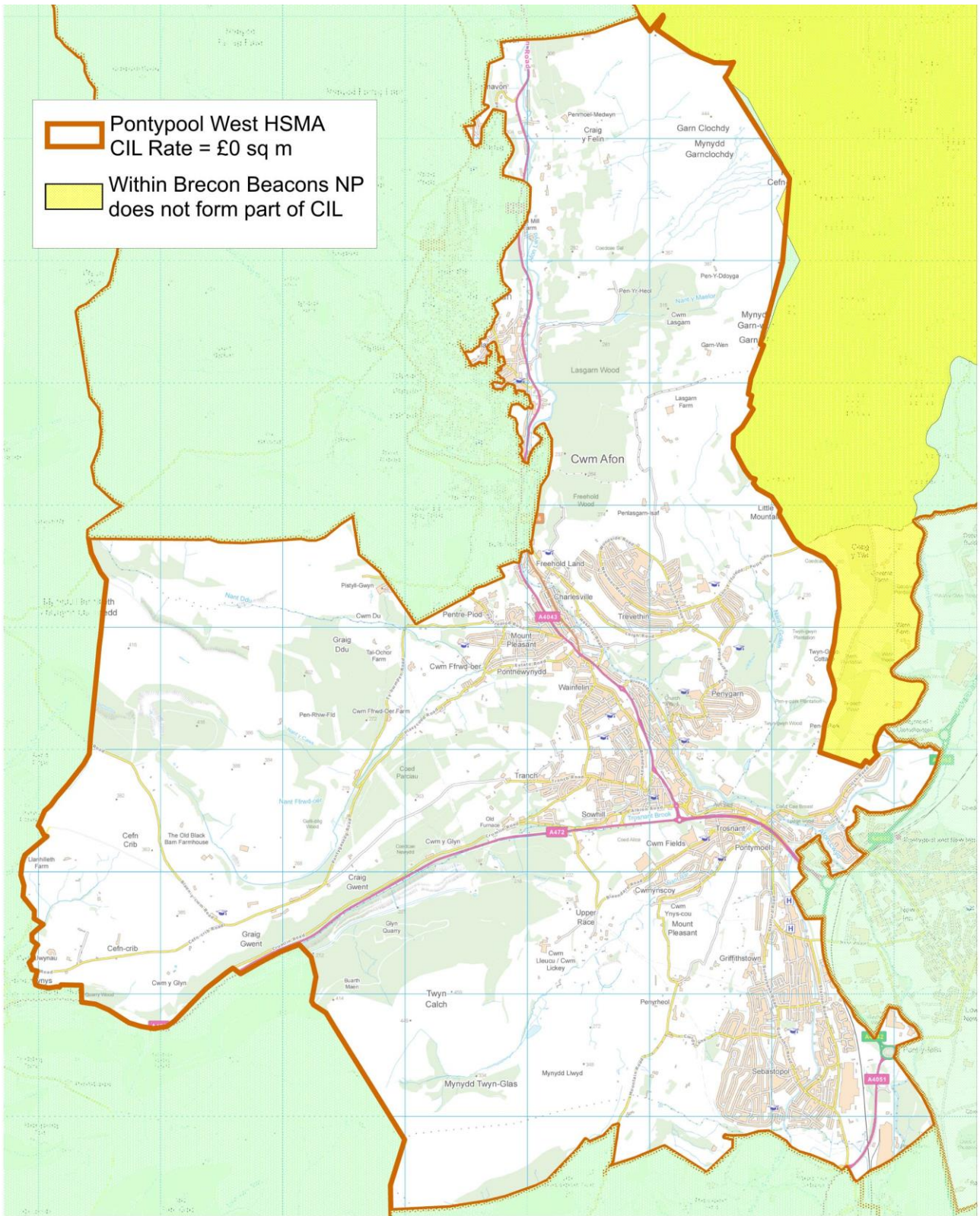
Pontypool East & Mamhilad CIL Residential Charging Zone

Drawn	Date	Scale	Map Ref	Area:
O.S/DME	28/09/2016	Not to Scale	MAP 2	

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Chief Executive



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COUNTY
BOROUGH**



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TORFAEN**

Drawing Title

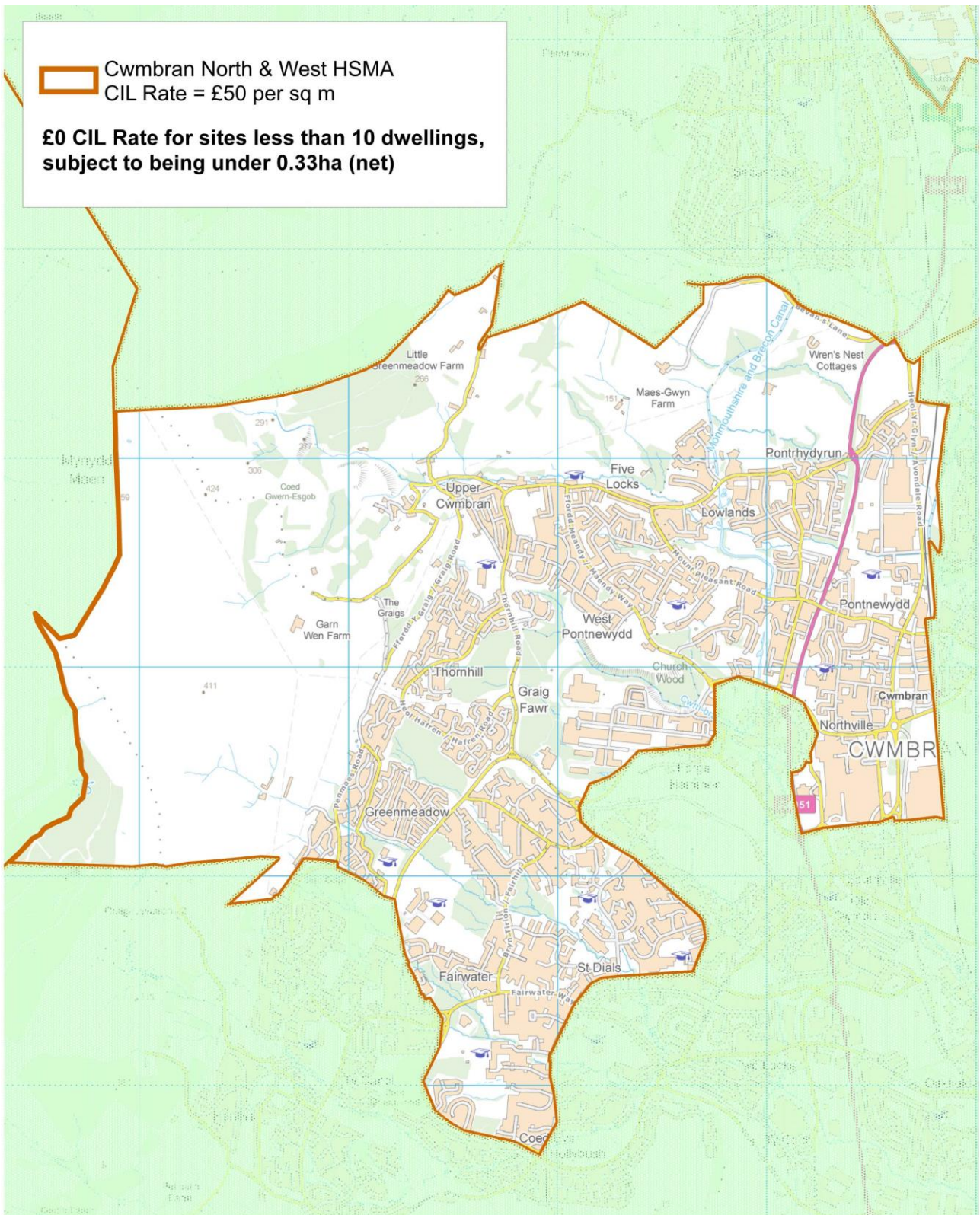
Pontypool West CIL Residential Charging Zone


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 Cwmbran North & West HSMA
 CIL Rate = £50 per sq m
**£0 CIL Rate for sites less than 10 dwellings,
 subject to being under 0.33ha (net)**

**TORFAEN
COUNTY
BOROUGH**



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SIROL
TORFAEN**

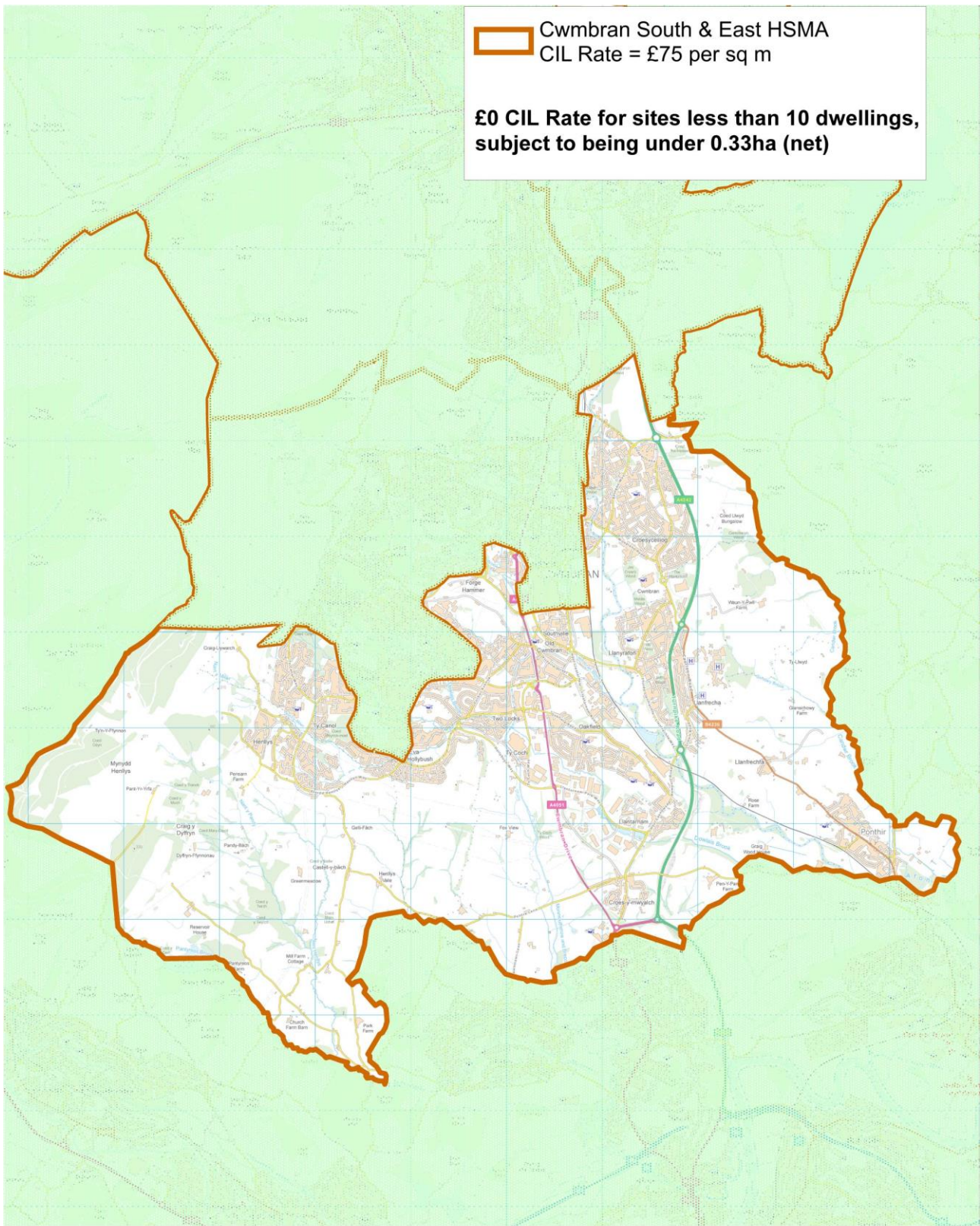
Drawing Title
Cwmbran North & West CIL Residential Charging Zone

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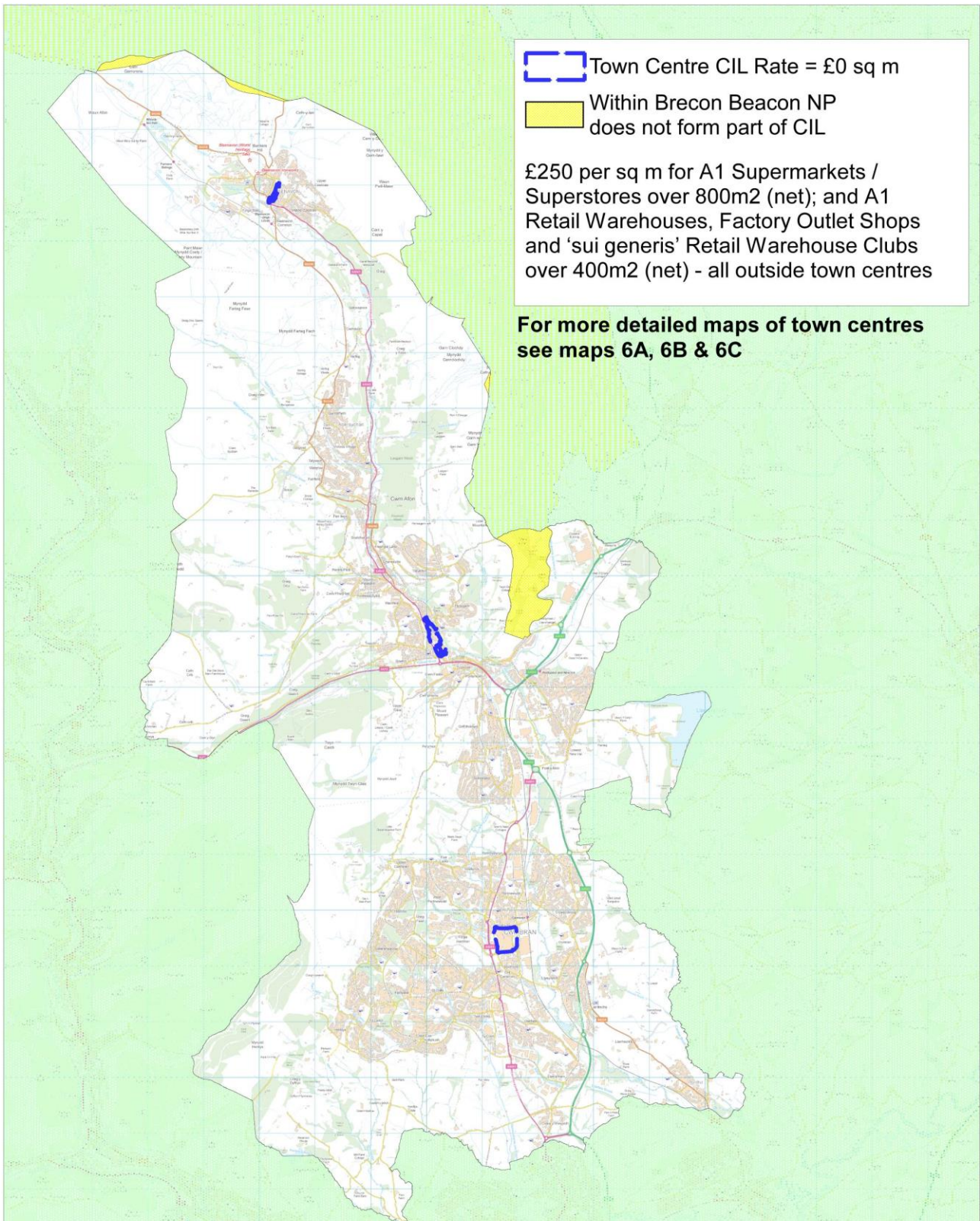
Drawing Title
Cwmbran South & East CIL Residential Charging Zone

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Alison Ward LLB
Chief Executive



 Town Centre CIL Rate = £0 sq m

 Within Brecon Beacon NP does not form part of CIL

£250 per sq m for A1 Supermarkets / Superstores over 800m2 (net); and A1 Retail Warehouses, Factory Outlet Shops and 'sui generis' Retail Warehouse Clubs over 400m2 (net) - all outside town centres

For more detailed maps of town centres see maps 6A, 6B & 6C



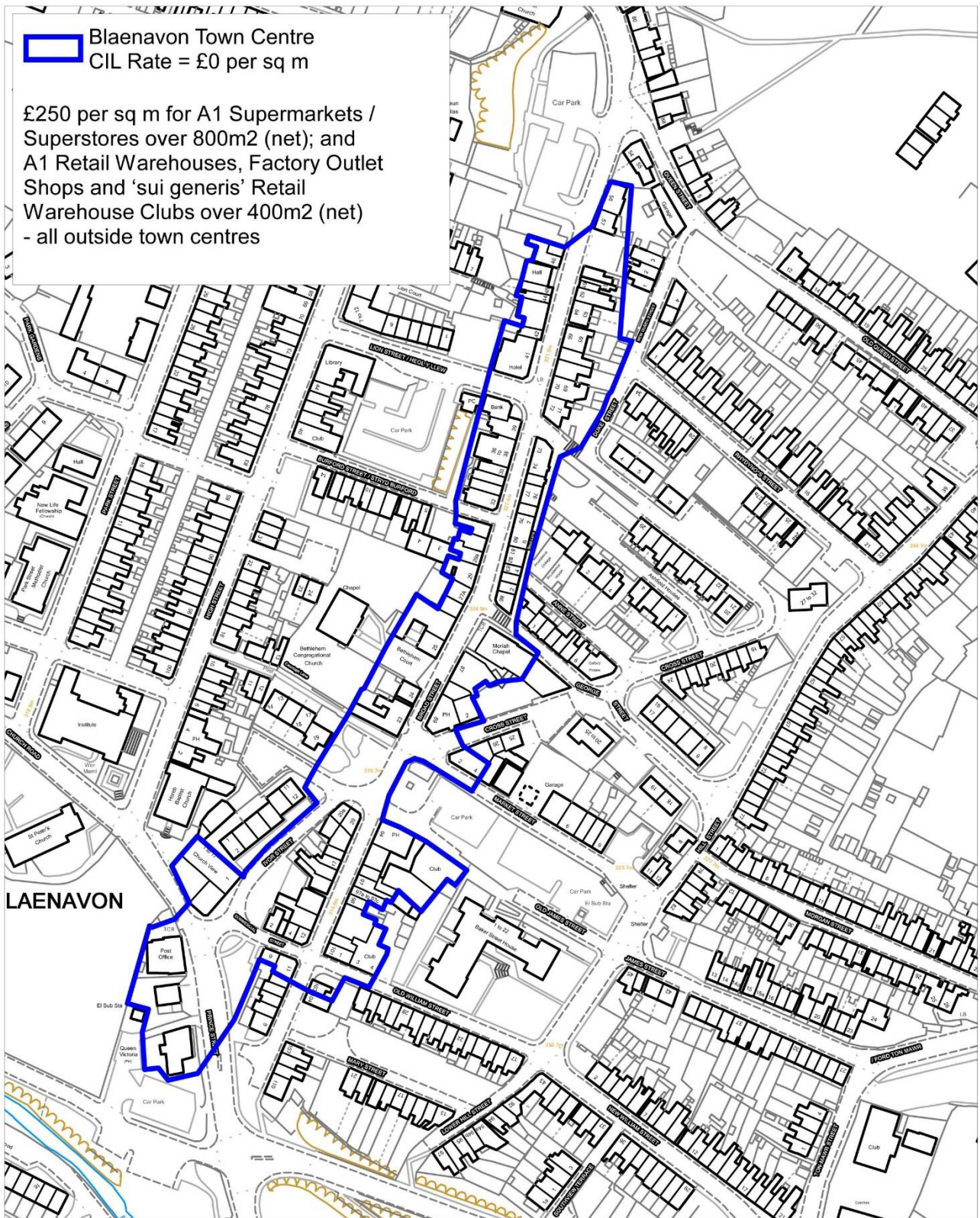
Torfaen CIL Retail Charging Zone

Drawn O.S/DME	Date 28/09/2016	Scale Not to Scale	Map Ref MAP 6	Area:
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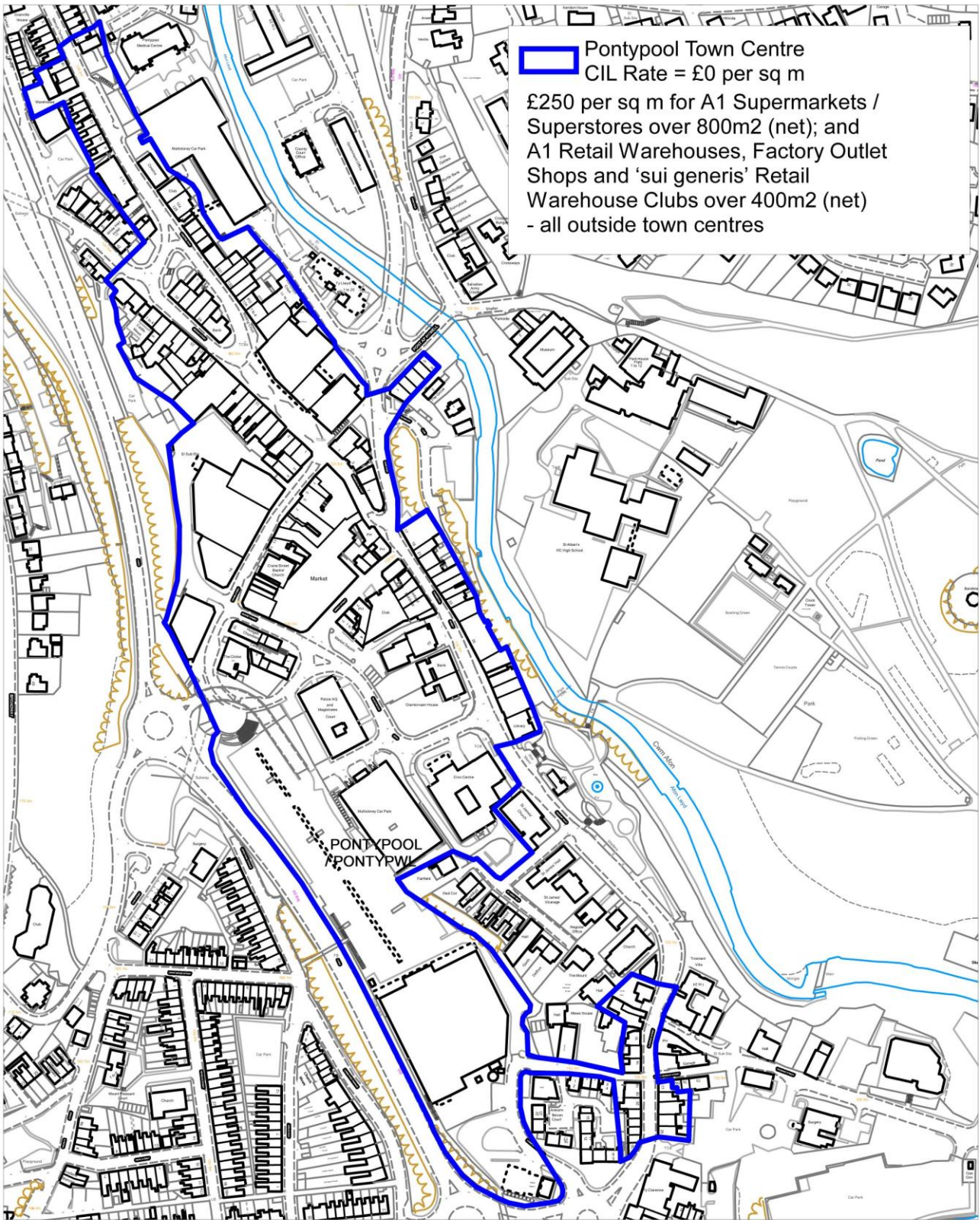
Blaenavon Town Centre CIL Retail Charging Zone

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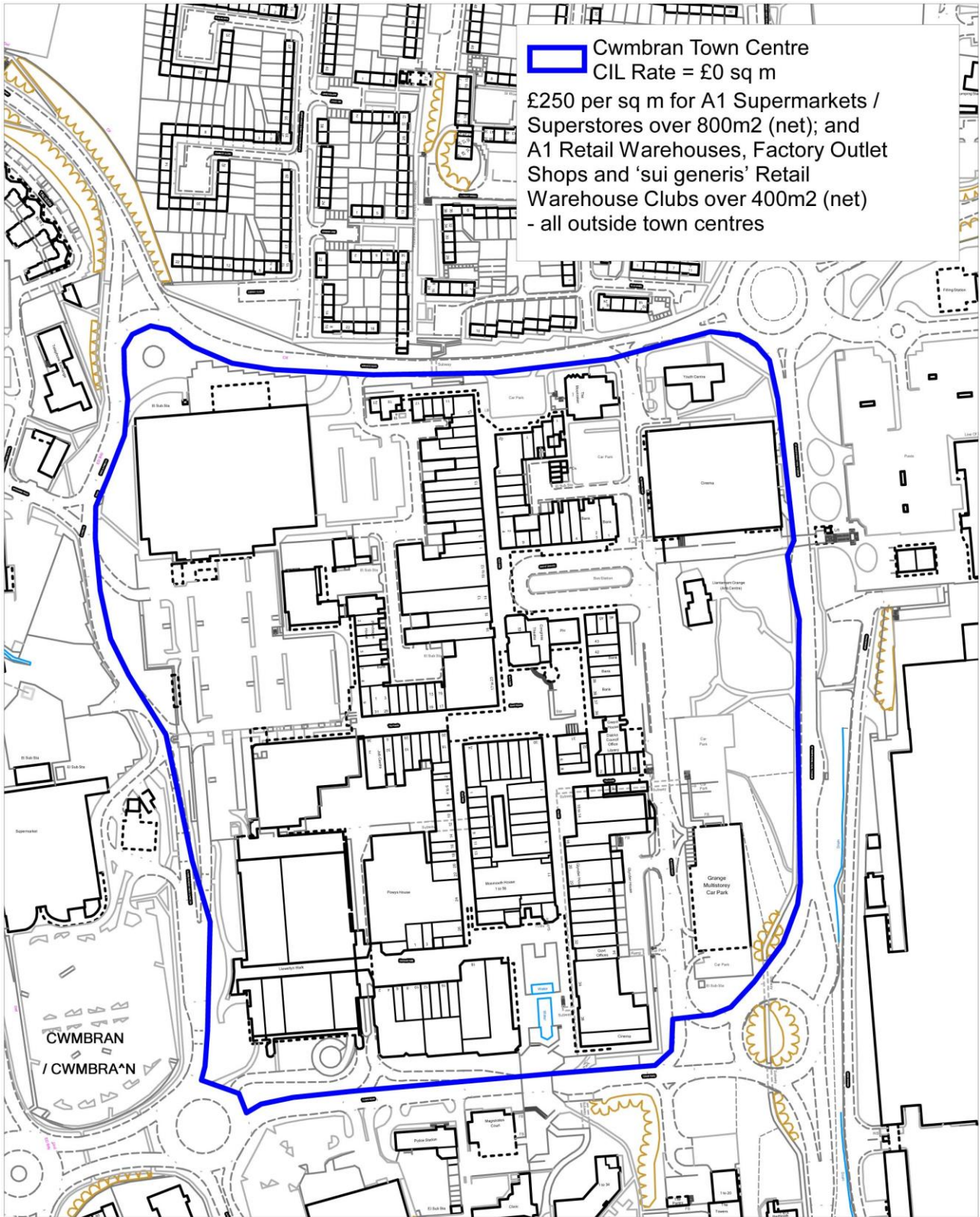
Drawing Title
Pontypool Town Centre CIL Retail Charging Zone

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O.S/DME	28/09/2016	Not to Scale	MAP 6B	

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Drawing Title

Cwmbran Town Centre CIL Retail Charging Zone

Drawn	Date	Scale	Map Ref	Area:
O.S./DME	28/09/2016	Not to Scale	MAP 6C	

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Chief Executive

Appendix B - Preliminary Draft Regulation 123 Infrastructure List

The categories or types of infrastructure listed below will be eligible to be funded wholly, or in part through CIL.

Torfaen CIL: Preliminary Draft Regulation 123 Infrastructure List (October 2016)	
Physical Infrastructure	
<ul style="list-style-type: none"> ▪ North Torfaen Highways Improvements (A4043 and B4246 corridors) * ▪ Pontypool Park and Ride Facility (excluding Mamhilad SAA4) ▪ Cwmbran Town Centre Highway Improvements * ▪ Off-site restoration of the Monmouthshire & Brecon Canal (excluding Canalside SAA2) ** ▪ Servicing off-site allocated Employment Sites 	
Social Infrastructure	
<ul style="list-style-type: none"> ▪ Secondary and Post 16 Education Provision ▪ Off-site Community Facilities ▪ Community Renewable Energy Projects 	
Green Infrastructure	
<ul style="list-style-type: none"> ▪ Off-site Strategic Green Infrastructure Projects *** 	

Notes:

* excluding highway works identified in a 'Traffic Impact Assessment' necessary to make a site acceptable.

** excluding works to the Canal to prevent potential flooding necessary to make a site acceptable.

*** excluding off-site biodiversity mitigation necessary to make a site acceptable.

- Mamhilad SAA4 has been excluded from the 'Pontypool Park and Ride Facility'; as the LDP expects the site to provide a sizeable S106 contribution to this project to help make it acceptable in sustainability terms.
- Canalside SAA2 has been excluded from the 'Restoration of the Monmouthshire & Brecon Canal' Project; as that is the LDP justification for the allocation and other S106 are to be reduced to allow S106 funds to be put into the project at that location.

Exclusions from the Preliminary Draft Regulation 123 Infrastructure List

In addition to the above exclusions, the following types of infrastructure are excluded from the Preliminary Draft Regulation 123 Infrastructure List and will be funded through S106 Planning Obligations where they meet the statutory tests set out in CIL Regulation 122:-

- Affordable Housing;
- On-site Biodiversity Mitigation;
- On-site / off-site Open Space, Children's Play & Adult Recreation provision;
- On-site Allotments;
- On-site Community Facilities;
- On-site Canal works;
- On-site / off-site Primary Schools; and
- Site specific infrastructure requirements directly related to the site and necessary to mitigate the impact of development and make it acceptable in planning terms.

Appendix C - Torfaen CIL Evidence Base

The following list of documents support the Preliminary Draft Charging Schedule and the Preliminary Draft Regulation 123 Infrastructure List. The documents are available to view on the Councils website at and at Neighbourhoods, Planning and Public Protection reception at Ty Blaen Torfaen, Panteg Way, New Inn, NP4 0LS:-

www.torfaen.gov.uk/CIL

Torfaen CBC: Adopted Torfaen Local Development Plan 2006 - 2021, December 2013

- This is the adopted development plan for Torfaen (excluding the part of the County within the Brecon Beacons National Park) which sets out the development framework for the County until 2021.

Torfaen CBC: Infrastructure Assessment Report, August 2016 - This sets out the LDP infrastructure requirements, phasing and costs and funding gaps of infrastructure necessary to support the delivery of the LDP and other infrastructure requirements that support development of the area. It sets out the list of infrastructure that could be funded wholly or partly through CIL.

Andrew Golland Associates & Hutchings and Thomas: Torfaen Community Infrastructure Levy Development Viability Assessment, August 2016 - This is the development viability assessment undertaken which provides the evidence to inform the rates identified in the CIL Charging Schedule.

'Strategic Sites' Excel Tables - showing summary details of 'strategic sites' allocated in the Torfaen LDP (dwelling tenure, sizes & sales values; and abnormal / S106 costs).

'High Level Sites' Excel Tables - showing summary details of 'high level' 1ha sites tested at different housing densities (dwelling tenure, sizes & sales values; and sprinkler costs).