Community Infrastructure Levy

LOCAL DEVELOPMENT FRAMEWORK
ROYAL BOROUGH OF KINGSTON UPON THAMES

Draft Charging Schedule

Consultation Draft | January 2014
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1 Introduction

1.1 The Draft Charging Schedule has been approved for publication by the Council’s November 2013 Place and Sustainability Committee. It is published in accordance with Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011), and the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011).

What is CIL?

1.2 The Planning Act 2008 (as amended) and CIL Regulations 2010 (as amended) allow local authorities in England and Wales to raise funding for infrastructure from new building projects in their area. The Government considers that almost all development has some impact on the need for infrastructure, services and amenities - or benefits from it – so development should pay a share of the cost.

1.3 The Government considers that this tariff-based approach provides the best framework to fund new infrastructure to unlock land for growth and will be fairer, faster and more transparent than the system of securing infrastructure contributions through planning obligations in Section 106 agreements.

1.4 CIL will provide developers with greater certainty about the infrastructure contributions they will be expected to contribute as a part of the development process. CIL will apply to a greater number of developments than are currently required to make infrastructure contributions and so will be an effective tool for addressing the cumulative impacts of development. It will fund the delivery of infrastructure and help to ensure that planned levels of development can be accommodated sustainably.

1.5 CIL does not apply to Affordable Housing. The delivery of Affordable Housing is addressed through the Council’s Core Strategy Policy DM15 ‘Affordable Housing’, and the Affordable Housing Supplementary Planning Document (SPD). The SPD explains how Core Strategy Policy DM15 will be implemented, in particular how developments of five or more units will be expected to deliver affordable housing, and also sets out guidance on the open book process that developers are expected to follow when justifying exceptions to the policy for the delivery of affordable housing.
2 Justification for introducing CIL

2.1 A charging authority is required to demonstrate there is a funding gap to be able to charge CIL. The funding gap calculations set out below relate to anticipated CIL receipts for the Core Strategy period 2012 to 2027. Table 1 identifies the total cost of the Council’s infrastructure requirements and Table 2 sets out the amount of funding available from other sources. Subtracting the available funding from the total infrastructure cost identifies an aggregate funding gap of £56 million (excluding any unknown funding gaps). The projected CIL income over this period is estimated to deliver circa £22 million (see Table 3).

2.2 The residual funding gap is calculated by subtracting the estimated CIL income from the aggregate funding gap, and is estimated to be £34 million.

\[
\text{Aggregate funding gap} - \text{Project CIL income/receipts} = \text{Residual funding gap}
\]

\[
£56\text{m} - £22\text{m} = £34\text{m}
\]

### Table 1 The total cost of the Council’s infrastructure requirements

<table>
<thead>
<tr>
<th>Infrastructure Category</th>
<th>Total Cost of Infrastructure</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Infrastructure</td>
<td>£118,345,000</td>
<td>70%</td>
</tr>
<tr>
<td>Social Infrastructure</td>
<td>£44,600,000</td>
<td>26%</td>
</tr>
<tr>
<td>Green Infrastructure</td>
<td>£6,474,000</td>
<td>4%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>£169,419,000</td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

### Table 2 Funding available from other sources

<table>
<thead>
<tr>
<th>Funding</th>
<th>Total</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Infrastructure</td>
<td>£100,070,000</td>
<td>88%</td>
</tr>
<tr>
<td>Social Infrastructure</td>
<td>£11,418,000</td>
<td>10%</td>
</tr>
<tr>
<td>Green Infrastructure</td>
<td>£2,422,000</td>
<td>2%</td>
</tr>
<tr>
<td><strong>Total funding</strong></td>
<td><strong>£113,910,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Table 3 Projected CIL income 2012-2027

<table>
<thead>
<tr>
<th>Period</th>
<th>Total Income</th>
<th>Annual Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-2017</td>
<td>£12,955,339</td>
<td>£2,591,068</td>
</tr>
<tr>
<td>2018-2022</td>
<td>£6,314,533</td>
<td>£1,262,907</td>
</tr>
<tr>
<td>2023-2027</td>
<td>£2,512,411</td>
<td>£502,482</td>
</tr>
<tr>
<td>2012-2027 (Total)</td>
<td>£21,782,282</td>
<td>£1,452,152</td>
</tr>
</tbody>
</table>
3 Scope of CIL Charges

3.1 For the purposes of Part 11 of the Planning Act 2008, the Council is both a CIL Charging Authority and Collecting Authority for its administrative area. The Council is also a Collecting Authority for the Mayor of London’s CIL. As set out in the Community Infrastructure Levy Regulations, CIL is applicable on net additional gross internal floorspace of all new development. Therefore the following development types will be liable to pay CIL:

- Development comprising 100sqm or more of new build floorspace
- Development of less than 100sqm of new build floorspace that results in the creation of one or more dwellings
- The conversion of a building that is no longer in lawful use

3.2 Where planning permission is granted for development that involves the extension or demolition of a building in lawful use, the level of CIL payable will be calculated based on the net increase in floorspace, provided that lawful use can be established at the time the CIL liability is calculated (this is not necessarily the date on which a decision notice is issued). Only in such circumstances would the existing floorspace be deducted from the total floorspace.

Exemptions and Relief from CIL

3.3 Part 6 of the CIL Regulations 2010 (as amended) makes provision for certain types of development to be exempt or eligible for relief from CIL, as set out below:

- Development of buildings and structures into which people do not normally go, or into which people go intermittently for the purposes of inspecting or maintaining fixed plant or machinery (e.g. electricity sub stations).
- Development of less than 100sqm of new build floorspace (gross internal area) including extensions, unless it results in the creation of one or more dwellings below this threshold.
- The conversion of a building in lawful use, or the creation of additional floorspace within the existing structure of a building in lawful use.

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1 The definition of lawful use is contained in Regulation 40(10) of the Community Infrastructure Levy Regulations 2010, which states the following: “For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development” It is noted however that in CLG’s Response to the ‘Community Infrastructure Levy: Consultation on further Regulatory Reforms’ published on 25 October 2013 they identify at para 4.11 that they, ‘propose to extend the vacancy test to cover buildings that have been in use for a continuous period of six months in the last three years. This reflects the fact that the impact on infrastructure will be limited where there has only been a relatively short gap between occupiers and provides an incentive for bringing empty buildings back into use’. Further it is understand from this response that that the Government ‘intends to develop regulations and guidance as quickly as possible, with the objective of laying new regulations in Parliament before the end of the year, to come into effect - subject to the Parliamentary process - by the end of January 2014.’
3 Scope of CIL Charges

3.4 The CIL Regulations provide exemptions for paying CIL as follows:
- 100% relief from CIL on those parts of a chargeable development which are to be used as social housing.\(^{(2)}\)
- Charity landowners receive 100% relief from their portion of the liability where chargeable development will be used wholly, or mainly, for charitable purposes.

3.5 To ensure that relief from the levy is not used to avoid proper liability for the levy, the regulations require that any relief must be repaid, a process known as ‘clawback’, if the development no longer qualifies for the relief granted within a period of seven years from commencement of the chargeable development.

Exceptional Circumstances Relief

3.6 At present the Council is not minded to publish an Exceptional Circumstances Policy. However, it may consider exceptional circumstances relief in future where a scheme, essential to the delivery of the Council’s key planning document - the Core Strategy, is clearly shown not to be deliverable at the rates set, and where it can be demonstrated that the cost of complying with a S106 agreement are greater than the levy charge for the development.\(^{(3)}\)

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\(^{(2)}\) CIL does not apply to Affordable Housing. The delivery of Affordable Housing is addressed through the Council’s Core Strategy Policy DM15 ‘Affordable Housing’, and the Affordable Housing supplementary planning document (SPD).

\(^{(3)}\) It is noted however that in CLG’s Response to the ‘Community Infrastructure Levy: Consultation on further Regulatory Reforms’ published on 25 October 2013 it is identified that the Government, propose to take forward the proposal.
4 CIL Rates

4.1 In setting its CIL rates in accordance with Regulation 14(1) of the Community Infrastructure Levy Regulations 2010, the Council has aimed to strike what appears to be an appropriate balance between:

- the desirability of funding from CIL (in whole or part) the estimated total cost of infrastructure required to support the development of Kingston, 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 Kingston.

4.2 A Borough-wide Viability Study, undertaken by BNP Paribas, informs the CIL rates proposed by the Council. CIL will be levied in £s per sqm on net additional increase in floorspace for qualifying development in accordance with the provisions of the Community Infrastructure Levy Regulations 2010 (as amended).

4.3 The proposed CIL charge rates are set out in the following table.

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Proposed CIL rate (£/sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Zone 1</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Care Homes &amp; Retirement housing</td>
<td></td>
</tr>
<tr>
<td>Extra Care housing</td>
<td></td>
</tr>
<tr>
<td>Student housing</td>
<td></td>
</tr>
<tr>
<td>Retail-Convenience based supermarkets and superstores</td>
<td></td>
</tr>
<tr>
<td>and retail warehousing (net retail space &gt;280sqm)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>£210</td>
</tr>
<tr>
<td>Kingston Town Centre - Primary Shopping Area</td>
<td></td>
</tr>
<tr>
<td>All other Retail (A1-5)</td>
<td></td>
</tr>
<tr>
<td>All other Uses (with the exception of those identified below)</td>
<td>£200</td>
</tr>
<tr>
<td>Public Services and Community Facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>£20</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>

4 Superstores/supermarkets are shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.

5 Retail warehouses are large stores 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.

6 Public Service and Community Facilities: Public service includes development by the emergency services for operational purposes; development used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education; and development used wholly or mainly for the provision of any medical or health services, community halls, community arts centres, theatres, museums and libraries where development is for the purposes of delivering a public service or community facility.
5 Calculation of the CIL charge

5.1 The Council will calculate the amount of CIL payable (the chargeable amount) by chargeable development in accordance with regulation 40, part 5 of the CIL Regulations 2010 and 2011 amendments. The chargeable amount relates to the total amount of CIL chargeable at each of the relevant rates. However, where that amount is less than £50 the chargeable amount is deemed to be £0.

The formula used is as follows:

\[
\frac{R \times A \times I_p}{I_c}
\]

Where:

- \( R \) = rate of CIL set by the Borough Council
- \( A \) = the deemed net area chargeable at rate \( R \)
- \( I_p \) = the index figure for the year in which planning permission was granted
- \( I_c \) = the index figure for the year in which the charging schedule containing rate \( R \) took effect

The value of \( A \) is calculated as follows:

\[
\frac{C_R \times (C - E)}{C}
\]

Where:

- \( C_R \) = the gross internal area of the part of the chargeable development chargeable at rate \( R \), less an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build)\(^7\) on completion of the chargeable development which:
  - On the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use
  - Will be part of the chargeable development upon completion
  - Will be chargeable at rate \( R \)

- \( C \) = the gross internal area of the chargeable development
- \( E \) = an amount equal to the aggregate of the gross internal areas of all buildings which

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\(^7\) New build means that part of the development which will comprise new buildings and enlargements to existing buildings (Regulation 40(12)).
i. On the day planning permission first permits the chargeable development are situated on the relevant land and in lawful use;\(^{(8)}\)and

ii. Are to be demolished before completion of the chargeable development

**The Mayoral CIL**

5.2 Development in Kingston is also required to pay the Mayor of London’s CIL to contribute towards the cost of Crossrail. Mayoral CIL is payable on all developments that receive planning consent after 1 April 2012. Kingston falls within Zone 2, where a CIL of £35/sqm will be levied on all eligible development. The Mayor’s CIL excludes development used for health or education purposes. The Mayor does not offer relief for exceptional circumstances, preferring viability issues to be addressed through S106 negotiation.

**CIL Instalment Policy**

5.3 The Council proposes to introduce a CIL Instalments Policy, which would be offered in all cases where the total CIL liability is greater than £100,000. The instalment policy is set out in Appendix 3.

**Neighbourhoods Funds**

5.4 As set out in Section 2 of the Localism Act (2011) Charging Authorities are required to pass a ‘meaningful proportion’ of the CIL receipts to local neighbourhoods where development has taken place. In accordance with the CIL (Amendment) Regulations 2013 a specific proportion of CIL receipts will be passed to Neighbourhood Funds. Therefore, in locations with an adopted Neighbourhood Development Plan, 25% of CIL receipts generated in the Forum area will be passed to the Neighbourhood Forum to help fund local infrastructure. Where Neighbourhood Forums are set up, but there is no adopted Plan, 15% of CIL receipts will be passed on subject to a total set by a £100/per existing dwelling annual ceiling.

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\(^{(8)}\) A building is in use if a part of that building has been in use for a continuous period of at least 6 months within the period of 12 months ending on the day planning permission first permits development (Regulation 40 (10)).
The purpose of CIL is to provide funding towards all or part of the infrastructure required to support the delivery of the growth envisaged by the Local Plan for an area. The government has specified that there may still be a requirement for obligations to address site specific impact mitigation requirements, without which a development should not be granted planning permission, and which it may be appropriate to address through a Section 106 (S106) agreement. However, from April 2015\(^9\) or when a charging authority introduces CIL, as identified by Regulation 122 of the CIL Regulations (as amended), S106 infrastructure requirements will be scaled back to those matters that are both directly related to the specific site and which will not be addressed by CIL. S106 agreements will also continue to be used for affordable housing and to address other policy requirements which cannot be dealt with through CIL.

Various restrictions relate to the use of planning obligations as set out in Regulation 122 of the CIL Regulations 2010 (as amended) as follows:

1. Planning obligations are required to be:
   (a) Necessary to make the development acceptable in planning terms;
   (b) Directly related to the development; and,
   (c) Fairly and reasonably related in scale and kind to the development

2. On the local adoption of the levy, the regulations restrict the local use of planning obligations to ensure that individual developments are not charged for the same items through both planning obligations and the levy. This means that if the charging authority proposes to fund an item of infrastructure via the levy then it cannot also seek a S106 planning obligation contribution towards the same item of infrastructure.

3. Once CIL has been adopted, pooled contributions may be sought from a maximum of five separate planning obligations for an item of infrastructure that is not intended to be funded by the levy. For uses that are not able to be funded by the levy, such as affordable housing, this restriction does not apply.

CIL Statutory Guidance states that charging authorities should be clear what they intend to fund in whole or in part through CIL and set out those known site-specific matters where S106 contribution may continue to be sought. Charging authorities are also expected to set out how their S106 policies will be varied with the adoption of a CIL Charging Schedule. The Council has prepared a draft Regulation 123 list and a draft Revised Planning Obligations Strategy document that form part of the consultation.

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\(^{9}\) In CLG’s Response to the ‘Community Infrastructure Levy: Consultation on further Regulatory Reforms’ published on 25 October 2013 the Government confirmed that they ‘proposed to move the date from which the pooling restrictions on Section 106 apply nationally to April 2015, to allow charging authorities sufficient time to reflect changes to operation of the levy arising through both this and earlier rounds of reform’.
7 Monitoring Arrangements

7.1 For CIL revenues to deliver the Council’s infrastructure requirements there will need to be regular reviews of both the Charging Schedule and the infrastructure proposed for delivery. The Council is conscious that CIL will be part of the long term financial planning for developments as well as infrastructure investment so reviews of the charging rates must provide a high degree of certainty and stability for all. Nevertheless, the CIL is coming forward at a time of economic uncertainty so the rates have been set at a level to reflect the circumstances and may need to be modified should the outlook improve. Consequently, the Council proposes an initial review in 2015/16 then reviews every three years.

7.2 The Council is committed to ensuring the use of CIL is open and transparent and will therefore closely align CIL with its Annual Monitoring Report. Reporting will link progress on development plan making and implementation. The report will set out how much money has been received and what infrastructure has been delivered using CIL.
8 Statement of Representations

8.1 Consultation on the Draft Charging Schedule runs for six weeks between 10 January and 21 February 2014. The consultation documents – the Draft Charging Schedule, the draft Regulation 123 list and the draft Revised Planning Obligations Strategy, and supporting documents on infrastructure and viability are available on the Council's website: www.kingston.gov.uk/info/200155/planning/283/community_infrastructure_levy_cil/3.

8.2 The documents are also available for inspection at Guildhall 2 Reception and in the Borough’s libraries. Copies in other formats and community languages can be made available upon request.

How to respond to the consultation

8.3 You can respond to the consultation in the following ways:

- Online: http://consult.kingston.gov.uk/portal
- By email to: DPR@rbk.kingston.gov.uk
- By post to: The Development Planning & Regeneration Team, Guildhall 2, Kingston upon Thames, KT1 1EU

8.4 Please note that your response will not be treated as confidential. If you have any queries please contact the Development Planning & Regeneration team by email to: DPR@rbk.kingston.gov.uk or telephone 020 8547 5002.

The Right to be heard at Examination

8.5 Any organisation or individual may request the right to be heard at the Examination. This request must be submitted in writing and received between 10 January and 21 February 2014, i.e. the consultation period on the Draft Charging Schedule.

8.6 Any organisation or individual who decides to make representations about the Draft Charging Schedule may withdraw those representations at any time by giving notice in writing to the Council sent to the specified address and/or email account detailed above. Representations may also be accompanied by a request to be notified, at a specified address, 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 reason for these recommendations,
- the approval of the Charging Schedule by the Council.
9 Next Steps

9.1 Following the six-week consultation and publication of the Draft Charging Schedule, the Council will submit its Charging Schedule, including any supporting documentation and any representations received, to the Examiner for independent Examination. The anticipated timetable following this consultation is:

- Submission for independent examination – spring 2014
- Independent Examination – autumn 2014
- Adoption – winter 2014/15
10 Supporting Information and Evidence Base

10.1 The documents listed below support this CIL Draft Charging Schedule. They are all available on the Council’s website, and can also be viewed at the Council’s Offices (at Guildhall 2) and the Borough Libraries.

- Community Infrastructure Levy: Viability Study prepared by BNP Paribas Real Estate (Oct 2013)

- Community Infrastructure Levy Funding Gap Assessment Report and Draft Regulation 123 List – updated Nov 2013. This report provides a list of indicative projects covering a variety of infrastructure types necessary to deliver the growth identified in the Council Core Strategy. It establishes the aggregate and residual funding gap to demonstrate the need to levy CIL. The draft Regulation 123 list of infrastructure projects that the Council intends to fund through CIL.

- Report to Place & Sustainability Committee (28 Nov 2013) - Approval for consultation on the CIL Draft Charging Schedule.

- Kingston Core Strategy (Adopted April 2012) - Policy IMP3 of the Core Strategy specifically sets out the Council’s intention to introduce CIL.

- Infrastructure Delivery Plan (2011) – The Infrastructure Delivery Plan (IDP) was produced to support the Core Strategy. It includes a schedule of infrastructure projects required to support the growth set out in the Core Strategy, and identifies known funding sources and the anticipated timescale for the delivery of the infrastructure.

- Community Infrastructure Levy - Preliminary Draft Charging Schedule - The Schedule was based on advice provided by consultants BNP Paribas Real Estate (Kingston Community Infrastructure Levy Viability Study (BNP Paribas Real Estate) – April 2013). Consultation on the Schedule took place from 2 April to 14 May 2013. The responses received resulted in some changes to the Council's proposed CIL charges.

- Statement of Consultation on the Preliminary Draft Charging Schedule
Appendix 1 Kingston Residential Charging Zones Map

Figure 1 Kingston’s Residential Charging Zones
Appendix 2 Primary Shopping Frontages

Figure 2 Primary Shopping Frontages
Appendix 3 Draft Instalments Policy

Kingston Council proposes to introduce a CIL Instalments Policy, which would be offered in all cases where the total CIL liability is greater than £100,000.

This policy has been prepared in accordance with Regulation 69b of the Community Infrastructure Levy (Amendment) Regulations 2011.

The Council will allow payment of CIL by instalments according to the total amount of liability as follows:

<table>
<thead>
<tr>
<th>Amount of CIL Liability</th>
<th>Number of instalments</th>
<th>Payment Periods and Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any amount less than £100,000</td>
<td>No instalments</td>
<td>• Total amount payable within 60 days of commencement of development</td>
</tr>
<tr>
<td>Amounts equal to or more than £100,000</td>
<td>Two instalments</td>
<td>• £100,000 payable within 60 days of commencement of development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Balance payable within 120 days of commencement of development</td>
</tr>
<tr>
<td>Amounts equal to or more than £250,000</td>
<td>Three instalments</td>
<td>• £100,000 payable within 60 days of commencement of development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Balance payable in a further two instalments of equal amount within 120 and 180 days of commencement of development</td>
</tr>
<tr>
<td>Amounts equal to or more than £500,000</td>
<td>Four instalments</td>
<td>• £250,000 payable within 60 days of commencement of development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Balance payable in a further three instalments of equal amount within 120, 180 and 240 days of commencement of development</td>
</tr>
</tbody>
</table>

Failure to comply with the Instalment Policy at any stage will result in the total unpaid balance becoming payable immediately.

CIL charges will be index linked to the Building Cost Information Service (BCIS) All-in Tender Price Index.
### Appendix 4 Full Equalities Impact Assessment

**FULL EQUALITIES IMPACT ASSESSMENT FORM B**

<table>
<thead>
<tr>
<th>Function being assessed?</th>
<th>Community Infrastructure Levy (CIL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this a new function or a review of an existing function?</td>
<td>Part replacement of an existing function (Section 106)</td>
</tr>
<tr>
<td>What are the aims/purpose of the function?</td>
<td>CIL is a local levy introduced under the Planning Act 2008 and the Localism Act 2011 which will raise funds to deliver infrastructure that is required to enable growth. CIL will provide a more consistent and transparent mechanism to raise financial contributions currently sought under Section 106 of the Town and Country Planning Act 1990 (S106). CIL is locally administered. While the level of charges proposed must undergo independent examination, the spending of CIL receipts is for the Council to determine. It is important to note that CIL Regulations provide CIL relief for Affordable Housing and for development by charitable organisations. In terms of charging the levy: CIL regulations require that the levy must not make development proposals unviable, and that any variations to the charge, or relief from paying the charge, are solely based on the grounds of economic viability. The Council has taken great care to ensure that this is the case. Government has undertaken an Equality Impact Assessment on the introduction of the CIL. This identified no adverse impact.</td>
</tr>
<tr>
<td>Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, service, and department including any external partners?</td>
<td>The gathering of evidence and progression of the CIL charges is undertaken by the Development, Planning and Regeneration Team. Collection of the CIL charge from developers will be undertaken by the Development, Planning and Regeneration Team who administer Section 106. The Council’s Legal and Finance departments will also be involved.</td>
</tr>
<tr>
<td>Who will be affected by this proposal? For example who</td>
<td>Developers will be affected by the CIL. The proposed levy will be charged on the following development types:</td>
</tr>
</tbody>
</table>
are the external/internal customers, communities, partners, stakeholders, the workforce etc.

<table>
<thead>
<tr>
<th>Development type</th>
<th>Proposed CIL rate (£/sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Zone 1</td>
<td>£210</td>
</tr>
<tr>
<td>Zone 2</td>
<td>£130</td>
</tr>
<tr>
<td>Zone 3</td>
<td>£85</td>
</tr>
<tr>
<td>Zone 4</td>
<td>£50</td>
</tr>
<tr>
<td>Care Homes &amp; Retirement housing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>£50</td>
</tr>
<tr>
<td>Extra Care housing</td>
<td>£20</td>
</tr>
<tr>
<td>Student housing</td>
<td>£50</td>
</tr>
<tr>
<td>Retail - Convenience based supermarkets and superstores and retail warehousing (net retail space &gt; 280sm)</td>
<td>£200</td>
</tr>
<tr>
<td>Kingston Town Centre - Primary Shopping area</td>
<td></td>
</tr>
<tr>
<td>Rest of Borough</td>
<td></td>
</tr>
<tr>
<td>All other forms of Retail (A1-5)</td>
<td>£200</td>
</tr>
<tr>
<td>All other Uses (with the exception of those identified below)</td>
<td>£20</td>
</tr>
<tr>
<td>Public Services and Community Facilities</td>
<td>nil</td>
</tr>
</tbody>
</table>

Is the function designed to meet specific needs such as the needs of minority ethnic groups, older people, disabled people etc?

It is likely that the CIL will have a positive impact on people of all ages, race, disability, religion or belief, sex and sexual orientation, transgender, marriage or civil partnership and pregnancy or maternity as CIL will provide additional funding for community infrastructure (such as schools, green spaces, roads, rail facilities, flood defences and healthcare facilities), which is used by all types of people.

Local communities will benefit from the CIL, as the CIL will enable the necessary infrastructure to support new development.

A meaningful proportion of each contribution (25% with neighbourhood plan / 15% without) will also be given to the Communities to fund their own more localised infrastructure needs.

What information has been gathered on this function? (Indicate the type of information gathered e.g.)

The CIL charges will be set based on up-to-date evidence of development viability in different parts of Kingston and for different types of development.
The proposed CIL charges will be the subject of public consultations and an independent examination by the Secretary of State.

For the forthcoming consultation on the Draft Charging Schedule of the CIL, the Council will contact:

- The consultation bodies as per CIL regulations;
- Those on the Local Development Framework consultation database (which includes contacts of equalities groups); and,
- Those who express interest in CIL (Developers, landowners etc).

The Council will give notice of the consultation in the local press, place documents at its libraries and customer contact reception, and make the documents available online in the Council’s consultation portal, and Planning Policy web pages.

Officers have not identified local circumstances which would result in an adverse impact on equalities groups in the Borough through the introduction of CIL charges.

The CIL regulations require that the levy must not make development proposals unviable and that the CIL rates are dependent on development viability in an area. In areas where viability is high and for development types that are highly viable, the rate will be higher than for areas or types of development with low viability. In areas and development types that are marginal in terms of viability a nominal rate of CIL charge will be set.

The CIL is charged per square metre of net additional floor space on development, and therefore relative to the size of the development.

Affordable housing development and charities are exempt from the CIL.

CIL will apply to developments creating one or more new dwelling / or providing 100sqm+ of new floorspace, which is a much lower threshold compared to S106, and thus many more developers will need to contribute CIL compared to S106.
<table>
<thead>
<tr>
<th>What plans do you have in place, or are developing, that will mitigate the likely identified negative impacts? For example what plans, if any, will be put in place to reduce the impact.</th>
<th>No adverse impact has been identified. The Council cannot control adverse impacts that are the result of the regulations (and the regulations were subject to a national EIA which did not identify any adverse impact). However, the Council will keep under review development viability which underpins the CIL rates. Triggers are identified that require a new viability assessment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you have plans in place to monitor the impact of the proposals once they have been implemented? The full impact of the decision may only be known after the proposals have been implemented?</td>
<td>Regulations require that the CIL be monitored. Mechanisms will be put in place to monitor the income, spending and impact of the CIL and to report this in the Annual Monitoring Report. Development viability, which underpins the CIL rates will be regularly monitored. The impact of the imposition of the CIL will also be monitored by way of monitoring change in development activity.</td>
</tr>
<tr>
<td>Assessment completed by: NAME SERVICE DATE</td>
<td>Danalee Edmund Development, Planning and Regeneration Team (DPR) 13 December 2013</td>
</tr>
</tbody>
</table>
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