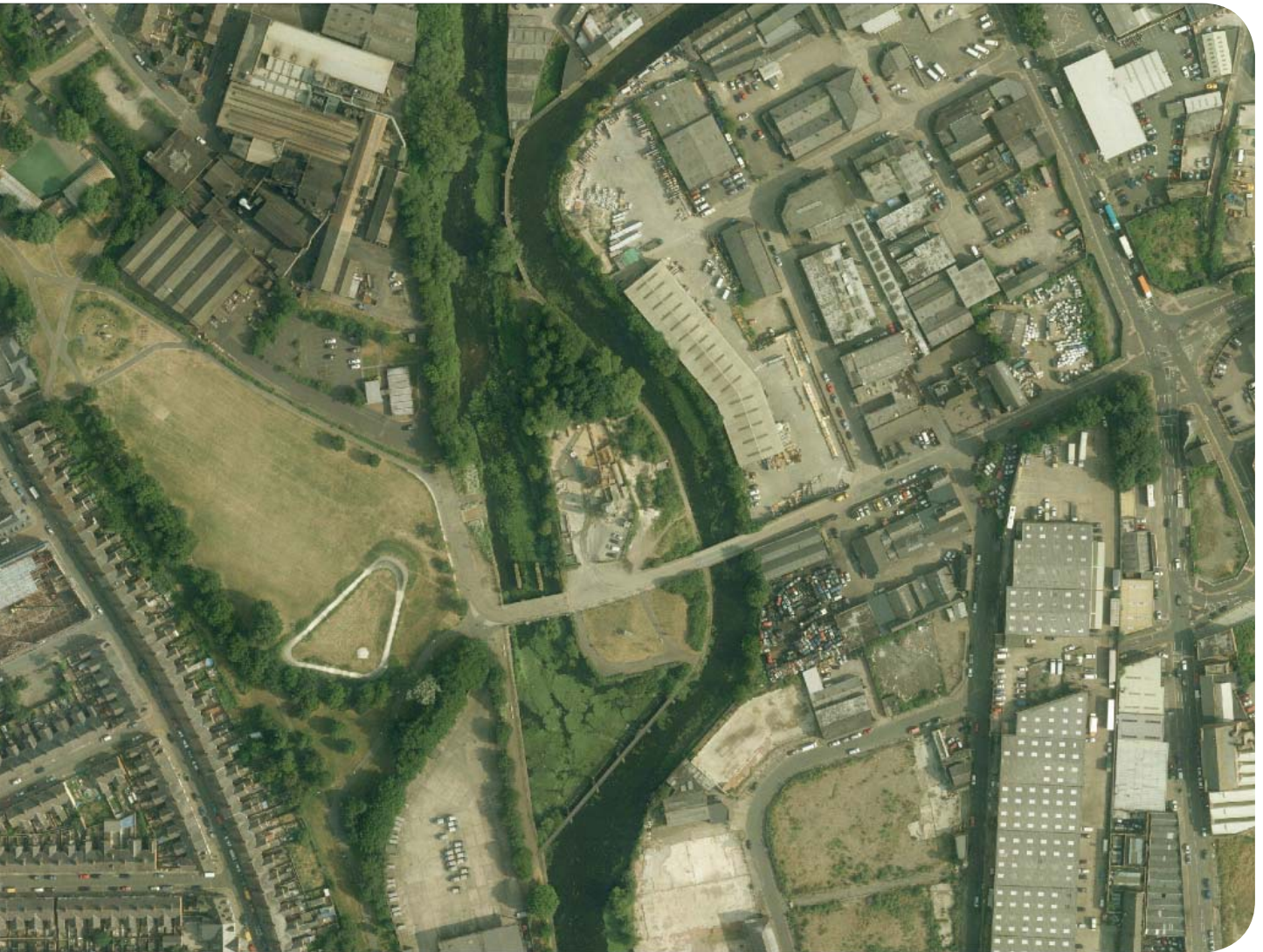


Community Infrastructure Levy Draft Charging Schedule and Supporting Information Document

Draft Schedule Consultation
February 2015



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Regulation 16 and 17 Statement of Representations Procedure

(Section 212 of the Planning Act 2008 (as amended by Section 114 of the Localism Act 2011) and the Community Infrastructure Levy Regulations 2010 (as amended))

Leicester City Council Community Infrastructure Levy Draft Charging Schedule Consultation Statement of Representations

Leicester City Council hereby gives notice that it intends to submit a Community Infrastructure Levy Draft Charging Schedule for public examination.

Leicester City Council is inviting representations on its Draft Charging Schedule and supporting evidence .

The following documents, and relevant supporting evidence are available for inspection:

- Leicester City Council Draft Charging Schedule Document and supporting information;
- Relevant evidence to support the CIL Draft Charging Schedule;
- Statement of consultation on the Leicester City Council CIL Preliminary Draft Charging Schedule.

Consultation Period

Monday 9th February 2015 – 5.00 pm Tuesday 10th March 2015.

In accordance with Regulation 17(2)(a), any representations must be made within this period.

Availability of Consultation Documents

The Draft Charging Schedule Consultation Documents and supporting documents are available for inspection:

- Online on the Leicester City Council CIL Consultation Portal 'Citizen Space':
<http://consultations.leicester.gov.uk/>
- At Leicester City Council's Customer Service Centres

Customer Services Centre 91 Granby Street
91 Granby Street
Leicester
LE1 6FB

New Parks Customer Services
321 Aikman Avenue
Leicester
LE3 9PW

Saffron Lane Customer Services
499 Saffron Lane
Leicester
LE2 6UQ

Charnwood Customer Services
Merlyn Vaz Health & Social Care Centre
1 Spinney Hill Road, Charnwood,
Leicester, LE5 3GH

- At all City Libraries.

Aylestone Library at Aylestone Leisure Centre, Aylestone Leisure Centre, 2 Knighton Lane East, Leicester LE2 6LU

Beaumont Leys Library, Beaumont Way, Leicester LE4 1DS

Belgrave Library, Cossington Street, Leicester LE4 6JD

Braunstone Library, The BRITE Centre, Braunstone Avenue, Braunstone, Leicester LE3 1LE

Evington Library, 200 Evington Lane, Leicester LE5 6DH

Fosse Library, Mantle Road, Leicester LE3 5HG

Hamilton Library & Learning Centre, Maidenwell Avenue, Hamilton, Leicester LE5 1BL

Highfields Library, 98 Melbourne Road, Leicester LE2 0DS

Knighton Library, Clarendon Park Road, Leicester LE2 3AJ

Leicester Central Library, Bishop Street (Town Hall Square), Leicester LE1 6AA

New Parks Centre Library, 321 Aikman Avenue, Leicester LE3 9PW

Rushey Mead Library, Lockerbie Walk, Leicester LE4 7ZX

St Barnabas Library, French Road, Leicester LE5 4AH

St Matthews Library, St Matthews Centre, 10 Malabar Road, Leicester LE1 2PD

Westcotes Library, Narborough Road, Leicester LE3 0BQ

Submission of Representations

Representations should be made using the Council's representation form which is available on:

- **The Council's online consultation system** : which can be accessed on:
<http://consultations.leicester.gov.uk/>
- **You can post the form to:** Planning Policy Team, Leicester City Council,
Planning, Transport, & Economic Development
City Hall (Halford Wing, 2nd Floor)
115 Charles Street
Leicester LE1 1FZ
- **Email to:** planning.policy@leicester.gov.uk

Please note that comments made on the documents, together with your name may be published by the Council.

Withdrawal of Representations

Any person making representations on the Draft Charging Schedule may withdraw those representations at any time by giving notice to Leicester City Council in writing to the address above.

CIL Examination: right to be heard

Any person making representations on the Draft Charging Schedule may request the right to be heard by the Examiner at the Community Infrastructure Levy public examination. Anyone who wishes to be heard must make a request to Leicester City Council in writing before the end of the consultation period (five pm on Tuesday 10th March 2015).

Notifications

Any person making representations may request that they 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 reasons for those recommendations; and,
- The approval of the charging schedule by Leicester City Council.

Further Information or Enquiries

For further information please contact Jeevan Dhesi at Leicester City Council on 0116 454 2983 or , email planning.policy@leicester.gov.uk

Community Infrastructure Levy

1. Introduction – Draft Charging Schedule Consultation

- 1.1 This document sets out the Draft Charging Schedule for Leicester City Council's Community Infrastructure Levy (CIL) which along with other supporting evidence the City Council is publishing for consultation.
- 1.2 Before a CIL Charging Schedule is adopted, it must go through two formal rounds of consultation. This is the second stage of the formal CIL consultation process.
- 1.3 Consultation on the first stage, the Preliminary Draft Charging Schedule (PDCS) took place from 28th May 2014 to 10th July 2014. The Council received comments from 21 respondents. A complete list of respondents, the consultation responses and an assessment of the responses can be found in the 'Statement of Consultation – Summary of Responses Received'. This is available on the CIL pages of the Council's website. These comments have provided the basis for the development of the Council's Draft Charging Schedule.
- 1.4 The Draft Charging Schedule is set out in chapter three. The rest of this document provides background to the Charging Schedule, drawing on supporting evidence, and deals with a number of issues related to the governance and implementation of the levy.
- 1.5 In order to respond to the comments on the Preliminary Draft Charging Schedule and to reflect updated evidence the Council is now publishing:
- Leicester City Council Draft CIL Charging Schedule and Supporting Information Document;
 - A Statement of Consultation;
 - Statement of Representations Procedure;
 - Revised Draft Instalments Policy;
 - Updated Viability Study;
- 1.6 At the Preliminary Draft Consultation stage, the City Council published a CIL Infrastructure Projects List and Regulation 123 List which set out the infrastructure that could be funded by CIL and a statement on how S106 contributions will be used after the adoption of CIL. These documents are carried forward to this draft consultation stage.

Consultation Timetable:

Table 1 below outlines the key stages and timetable for adoption of CIL:

Table 1: CIL Timetable	Date
CIL Preliminary Draft Charging Schedule Consultation	28th May 2014 – 10th July 2014
Draft Schedule Consultation	February 9th 2015 – March 10th 2015
Submission of Draft Charging Schedule to Planning Inspectorate for Examination in Public	March/April 2015
CIL Examination	June/July 2015
CIL Adoption	October 2015

2. Responding to the consultation

2.1 The consultation period runs from Monday 9th February 2015 to Tuesday 10th March 2015.

All the documents are available on the Councils consultation portal:

<http://consultations.leicester.gov.uk/>

The Draft CIL Charging Schedule is published under Regulation 16 and 17 of the CIL Regulations 2010 (as amended) so that representations can be made prior to its submission to the Secretary of State.

All representations will be considered alongside the submitted documents, which will be examined by an independent inspector at a public examination.

After this consultation stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

2.2 Your views: how to comment

Once you have looked through the Draft Charging Schedule and supporting documents, please send us your comments. Please be aware that your comments will be published on the Council's website together with your name. Your comments should be made on the CIL Representation Forms.

Online:

The Council's online consultation system, which can be accessed on:

<http://consultations.leicester.gov.uk/>

You can post the form to:

Planning Policy Team, Leicester City Council,
Planning, Transport, & Economic Development
City Hall (Halford Wing, 2nd Floor)
115 Charles Street
Leicester LE1 1FZ

By email:

planning.policy@leicester.gov.uk

If you have any questions regarding this consultation please call Jeevan Dhesi on (0116) 454 2983.

Please note that your comments, together with your name may be published by the Council.

Copies of the Draft Charging Schedule documents are available at all City Council customer service centres and public libraries in the City as set out on pages 5 and 6.

3. What is the Community Infrastructure Levy?

- 3.1 The Community Infrastructure Levy (CIL) is a new levy that local authorities in England and Wales can choose to charge on new developments in their area. The money is intended to fund infrastructure that the Council, local community and neighbourhoods need. For example, this infrastructure could include new or improved road schemes, park improvements or a school. The CIL is designed to be simple. It applies to most new buildings and charges are based on the size and type of the new development.

To charge CIL the Council must produce and adopt a Charging Schedule. The Charging Schedule (CS) sets out the CIL rates that will be applicable to new development in Leicester.

3.2 Key features and benefits of the CIL

CIL has the following key features that will benefit the implementation of infrastructure necessary to meet the needs of the city over the planning period (2015 -2026).

- CIL will help fund the infrastructure needed to achieve the objectives of the City Council's adopted Core Strategy;
- CIL is justified because most development puts an additional strain on community infrastructure;
- CIL is intended to be affordable. It is a simple fixed charge and the process used to set and administer the charge is transparent and guided by Government regulations. This means that developers have certainty regarding what their CIL contributions will be from the start of the development process and the public understand how the development will contribute to their local community;
- CIL gives the council a degree of flexibility to set priorities for what the money should be spent on. It is a funding stream that allows the council (and infrastructure providers) to plan ahead more effectively to deliver the infrastructure that is required in the local community;
- Some of the CIL will also be passed directly to local neighbourhoods to address local needs arising as a consequence of development. Communities that draw up a neighbourhood plan are eligible to receive twenty five percent of levy revenues from development that takes place in their area. Where there are no neighbourhood plans the portion of the neighbourhood levy is fifteen percent.

3.3 Deciding the CIL rate

The CIL will be set at a rate that does not put at serious risk the overall development of the area by making development unviable. To achieve this an appropriate balance must be made between what CIL charge will best enable the necessary infrastructure for the local area and the potential effects the CIL charge will have on the viability of development.

3.4 Who will pay CIL?

The CIL rate will be expressed as a £per m² charge. It is chargeable on new build floor space only. CIL will be applied to:

- Most buildings that people normally use where more than 100 m² of floorspace (net) or a new dwelling is created (even if it is less than 100 m²); and
- Residential and non residential uses.

CIL will be payable on the commencement of development or for larger developments, over an agreed phased period. The tariff for each type of development will be set out in the CIL Charging Schedule (see Section 3 below).

The CIL regulations also make other exemptions which include the following:

- Developments of less than 100 sqm unless it is a new house or flat;
- Structures into which people do not go;
- Affordable housing;
- Redevelopments that do not result in a net increase in floorspace (subject to caveats); and
- Development exclusively for charitable purposes;
- Houses, flats, residential extensions or residential annexes which are built by self builders.

The Council can also choose to adopt a zero rate if viability testing shows that a particular use or area cannot withstand the charge.

3.5 How will CIL be collected?

In most cases, Leicester City Council will collect the levy as the 'Collecting Authority'. The levy's charges will become due from the date that a chargeable development is commenced in accordance with the terms of the relevant planning consent.

3.6 What will CIL be spent on?

With the consultation on the Preliminary Draft Charging Schedule, the Council published a proposed draft 'Regulation 123' list (see Appendix 5), which lists infrastructure projects or types of infrastructure that CIL will contribute to. S106 contributions can still be sought for infrastructure directly related to a development, provided that the infrastructure is not part of the Regulation 123 list.

The Regulation 123 List remains unchanged as part of the draft schedule consultation.

3.7 Neighbourhood funding

A proportion of CIL revenue – capped at 15% - will need to be spent on locally determined infrastructure in areas where development takes place. This will rise to 25% for those areas with an adopted neighbourhood plan or neighbourhood development order (including a Community Right to Build Order) in place. It is anticipated that the Council's Committees will provide a template for managing these Neighbourhood Funds.

The neighbourhood funding proportion can be spent on a wider range of things than general levy funds. It can be spent on supporting development in the area by funding:

- a. The provision, improvement, replacement, operation or maintenance of infrastructure; or
- b. Anything else that is concerned with addressing the demands that development places on an area.

The Council can retain up to 5% of revenue received to meet its costs in administering the levy.

The governance and prioritisation of CIL spending is the responsibility of Leicester City Council as the Charging Authority. The Council will consider further what governance arrangements need to be put in place to guide this process.

4. Leicester City Council Community Infrastructure Levy

Draft Charging Schedule

4.1 Statement of Statutory Compliance

1. Leicester City Council is a Charging Authority for the CIL and has produced a Draft Charging Schedule that has been approved and published in accordance with Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended). <http://consultations.leicester.gov.uk/>
2. The Charging Schedule was approved by Leicester City Council on [date to be inserted following Examination]
3. This Charging Schedule will come into effect on [date to be inserted following Examination and Full Council approval]

4.2 Community Infrastructure Levy Rates

The Council is proposing to charge the following rates of the Community Infrastructure Levy.

CIL Rates

Schedule of Proposed CIL Rates	
Use Type	Proposed CIL Rate (per m ²)
Residential*	£0 (within the Strategic Regeneration Area)
	£25 (everywhere else within the City)
Distribution **	£10
Retail – Supermarkets***	£150
Retail Warehouses****	£150
Student Accommodation	£100

* Residential relates to C3 use as per Use Classes Order. Excludes retirement/extra care/ sheltered housing/assisted living accommodation. The Charging Zone Map sets out the residential charging zones.

** Distribution relates to B8 uses as per Use Classes Order.

*** 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. For the avoidance of doubt, discount supermarkets are included in the definition of supermarkets.

**** 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.

Uses not included in the Schedule are not proposed for a CIL charge.

4.3 How will the chargeable amount be calculated?

CIL applies to the gross internal area of the net increase in development .CIL charges will be calculated in accordance with CIL Regulation 40 (as amended) of the Community Infrastructure Levy Regulations 2010 (As amended).

The chargeable amount will be index linked using the Royal Institution of Chartered Surveyors' All-in Tender Price Index figures for the year in which the planning permission is granted and the year in which this charging schedule took effect.

Calculation of chargeable amount

40. (1) The collecting authority must calculate the amount of CIL payable ("chargeable amount") in respect of a chargeable development in accordance with this regulation.
- (2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.
- (3) But where that amount is less than £50 the chargeable amount is deemed to be zero.
- (4) The relevant rates are the rates, taken from the relevant charging schedules, at which CIL is chargeable in respect of the chargeable development.
- (5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula -

$$\frac{R \times A \times I_p}{I_c}$$

where -

A = the deemed net area chargeable at rate R, calculated in accordance with paragraph (7);

I_p = the index figure for the year in which planning permission was granted; and

I_c = the index figure for the year in which the charging schedule containing rate R took effect.

- (6) In this regulation the index figure for a given year is -
- (a) the figure for 1st November for the preceding year in the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors(6); or
- (b) if the All-in Tender Price Index ceases to be published, the figure for 1st November for the preceding year in the retail prices index.
- (7) The value of A must be calculated by applying the following formula -

$$G_R - K_R - \frac{(G_R \times E)}{G}$$

where -

G = the gross internal area of the chargeable development;

G_R = the gross internal area of the part of the chargeable development chargeable at rate R;

K_R = the aggregate of the gross internal areas of the following -

- (i) retained parts of in-use buildings, and
- (ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use

that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development;

E = the aggregate of the following -

- (i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and
- (ii) for the second and subsequent phases of a phased planning permission, the value E_x (as determined under paragraph (8)), unless E_x is negative,

provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.

- (8) The value E_x must be calculated by applying the following formula -

$$E_p - (G_p - K_{PR})$$

where -

E_p = the value of E for the previously commenced phase of the planning permission;

G_p = the value of G for the previously commenced phase of the planning permission; and

K_{PR} = the total of the values of K_R for the previously commenced phase of the planning permission.

- (9) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish that a relevant building is an in-use building, it may deem it not to be an in-use building.
- (10) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish -
- (a) whether part of a building falls within a description in the definitions of K_R and E in paragraph (7); or
 - (b) the gross internal area of any part of a building falling within such a description, it may deem the gross internal area of the part in question to be zero.

- (11) In this regulation -

“building” does not include -

- (i) a building into which people do not normally go,
- (ii) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery, or
- (iii) a building for which planning permission was granted for a limited period;

“in-use building” means a building which -

- (i) is a relevant building, and
- (ii) contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development;

“new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings;

“relevant building” means a building which is situated on the relevant land on the day planning permission first permits the chargeable development;

“relevant charging schedules” means the charging schedules which are in effect -

- (i) at the time planning permission first permits the chargeable development, and
- (ii) in the area in which the chargeable development will be situated;

“retained part” means part of a building which will be—

- (i) on the relevant land on completion of the chargeable development (excluding new build),
- (ii) part of the chargeable development on completion, and
- (iii) chargeable at rate R.”

4.4 Date of Approval

This charging schedule was approved on xx/xx/xxxx (to be inserted in final Charging Schedule)

4.5 Date of Effect

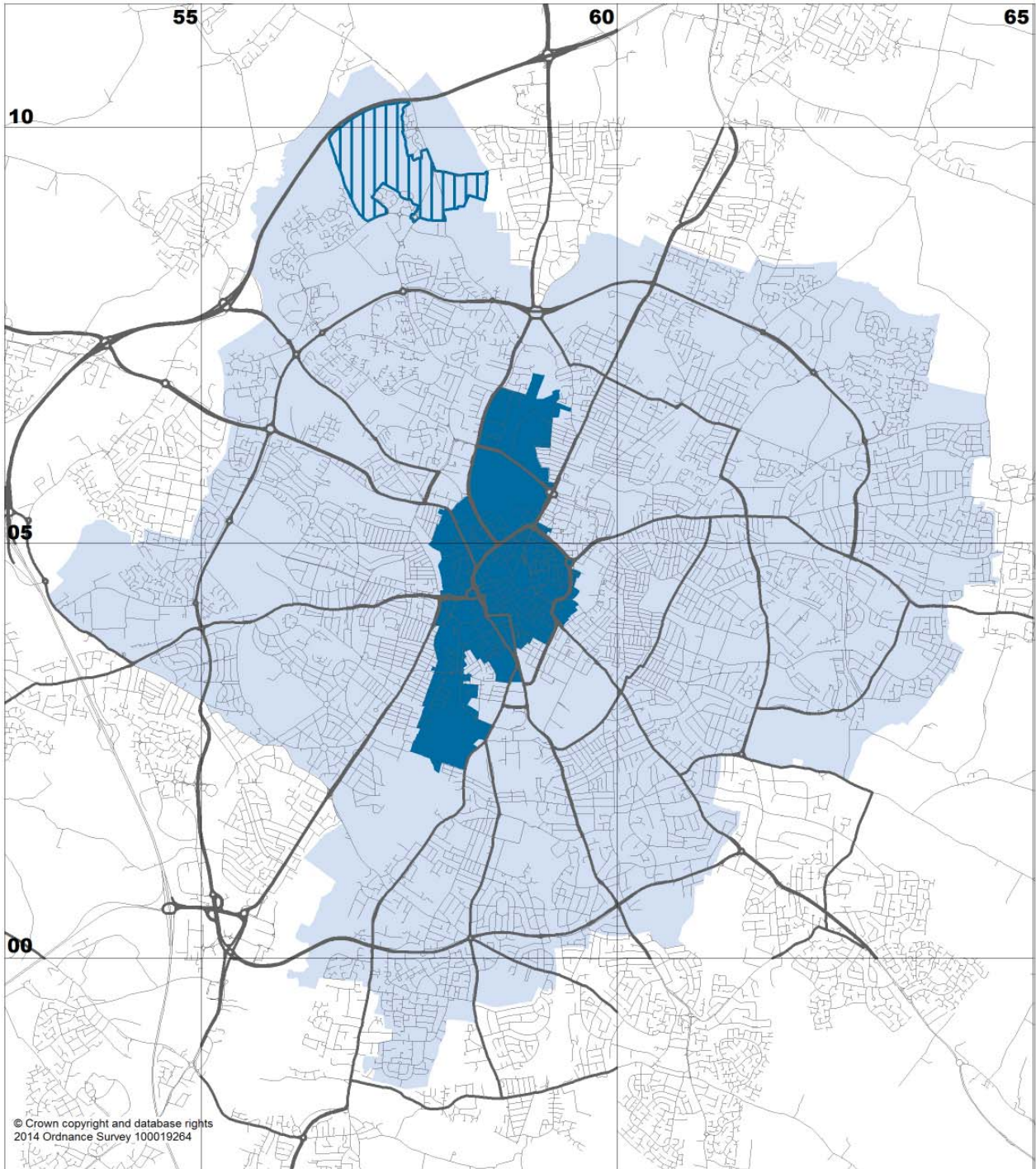
This Charging Schedule will take effect on xx/xx/xxxx (to be inserted in final Charging Schedule)

4.6 Charging zones for residential development




The boundary of the Strategic Regeneration Area can be viewed in detail on the mapping pages of the City Council website. Go to the link below and open the Interactive Proposals Map.

<http://www.leicester.gov.uk/your-council-services/ep/planning/plansandguidance/localplan/proposalsmap/>

Note: Ashton Green development will not be charged CIL as planning consent has already been granted. Schemes that have Planning consent prior to adoption of CIL are not subject to the levy.



Leicester CIL Residential Charge Zones

-  Strategic Regeneration Area
£0 sqm
-  Rest of City
£25 sqm
-  Ashton Green
Not CIL chargeable

5. The Evidence Base

5.1 Introduction

The City Council set out its evidence base for the preparation of CIL as part of the consultation on the Preliminary Draft Charging Schedule (PDCS). The evidence relating to the Core Strategy and CIL infrastructure remains relevant and appropriate and has not required to be updated after the PDCS consultation

The CIL Viability Study has been updated (see below).

5.2 Core Strategy

The Council completed and adopted a focused policy revision of the 2010 Core Strategy in July 2014 incorporating revisions to two policies – CS Policy 4 Strategic Regeneration Area, and CS Policy 10 Employment Opportunities. The changes provide new development opportunities for offices in the city centre and require employment and training opportunities to be provided when large scale development is proposed. This limited review of the Core Strategy is consistent with paragraph 153 of the NPPF which permits partial reviews of Local Plans to respond flexibly to changing circumstances. No other changes have been made. The evidence base remains unchanged from the 2010 Core Strategy, and is the evidence which has been used to prepare the CIL.

The Core Strategy (2014 and 2010 versions) can be found here:

<http://www.leicester.gov.uk/your-council-services/ep/planning/plansandguidance/ldf/>

Assessment of Leicester City Council's infrastructure needs – The CIL Infrastructure Projects List and Funding

The document can be accessed here:

<http://consultations.leicester.gov.uk/>

5.3 CIL infrastructure list and funding gap

The primary evidence and starting point to establish whether there is a funding gap that could be partly met by CIL is the CIL Infrastructure Projects List (CIPL) which is derived from the Leicester and Leicestershire Growth Infrastructure Assessment (2009), and the Leicester City Extract 2010 which formed the evidence base for the Core Strategy.

The document 'CIL Infrastructure Projects List and Funding Gap' provides further details of infrastructure projects and funding. The document has been carried forward from the Preliminary Draft Consultation and is set out in Appendix 4.

5.4 Funding gap

The primary evidence and starting point to establish whether there is a funding gap that could be partly met by CIL is through production of the CIPL referred to above. Account is then taken of whether there is likely to be sufficient funding to meet that need. Where a funding gap is established CIL can potentially be charged to help address the gap.

The total funding gap of infrastructure projects that are candidates to be funded by CIL is £94.4m. This takes into account anticipated existing funding before establishing the total infrastructure funding gap that CIL could at least partly help to meet. With projected CIL residential CIL income of £4.4 - £6.6m the overall funding gap is £87.8m - £90m up to 2026. This means that the Council is justified in progressing with and adopting CIL.

5.5 Viability Study (Updated December 2014)

The CIL Viability Study (January 2013) has been updated , and addresses issues raised by consultees and stakeholders. The update does not repeat the methodology and assumptions used in the first CIL Viability Study and should be read as an update to the earlier work.

The following main topics have been addressed:

- a. The NPPG and amendments to the CIL Regulations;
- b. Passage of time and increases in construction costs and changes in value;
- c. The viability test and assumptions around land value and competitive return;
- d. Older People's Housing, (Extra Care and Sheltered Housing);
- e. Retail rates for smaller/discount supermarkets;
- f. Hotels;
- g. Student Accommodation, (for clarity this term has been revised from 'Student Halls Accommodation' in the PDCS);
- h. Instalments policy.

As a result of this update the Council has revised where appropriate the recommended CIL rates with regard to viability.

The viability update has confirmed the CIL rates set out in the Preliminary Draft Charging Schedule . The only revision is the change to rate for Hotels. This is reduced to zero.

The updated Viability Study is available here:

<http://consultations.leicester.gov.uk/>

5.6 Draft Regulation 123 List

The Council consulted on the R123 List at the Preliminary draft stage. This document is unchanged and is set out in Appendix 5. It can also be accessed on:

<http://consultations.leicester.gov.uk/>

5.7 Preliminary Draft Schedule Consultation

A wide range of stakeholders were consulted throughout the evidence gathering process. The Statement of Consultation – Summary of Responses and Summary of Consultation Process sets out the Council’s response and consultation details.

Consultation has included:

- Consultation workshops held in July & December 2012 which 124 developers, estate agents, retail operators and other bodies with interest in land development were invited to.
- As part of the PDCS consultation letters and email sent to 351 specific consultees based on the list contained within the adopted Statement of Community Involvement along with additional bodies that would have a specific interest in CIL.
- A press release to the local press and hosted on www.leicester.gov.uk
- The CIL consultation was advertised on Leicester City Council’s Citizen Space consultation portal which also gave opportunity to comment using an easy to use form.
- A webpage listing all the evidence, as well as the proposed charging schedules.
- Opportunity for members of the public to access the consultations at the public libraries and other public buildings via either the internet or supplied hard copies of the document.
- Following the end of the consultation the City Council received 21 detailed representations. The results of these have been taken account in the preparation of the final draft charging schedule. The comments and summary of responses is can be found in the Preliminary Draft Schedule Consultation Statement of Consultation.

5.8 Statement of Representations Procedure

Regulation 16 of the CIL Regulations 2010 (as amended) requires that the Council publish a Statement of Representations Procedure alongside the Draft Charging Schedule. A Statement of Representations Procedure is set on page 5 of this document.

6. Implementing the Community Infrastructure Levy

6.1 How will it be collected?

It is anticipated that the Council will issue a notice of liability as soon as practicable on or after the day on which a planning permission first permits development, stating the chargeable amount in relation to the development. The responsibility to pay the levy runs with the ownership of land on which the liable development will be situated and is a local land charge. Payment of the levy is due from the date the chargeable development commences. A commencement notice must be submitted to the Council no later than the day before the day on which the chargeable development is to be commenced. It is the intention of the Council to prepare and make available appropriate documentation and templates on its website prior to implementing the CIL.

6.2 Payment in kind

The Regulations provide the potential for a charging authority to accept payments in kind for CIL, in the form of a transfer of land to be used for infrastructure provision (as set out in Regulations 73 and 74). The Council will consider this in line with the requirements set out in the Regulations.

Such transfer would be in lieu of CIL, and is in addition to any transfer of land which may be required via Section 106 Agreements. It is the City Council's prerogative to agree to a transfer.

6.3 Mandatory relief from CIL

The CIL regulations offer mandatory exemptions and discretionary relief from CIL for certain types of development.

The CIL Regulations offer mandatory relief for the following types of development:

- Where the overall chargeable amount of a scheme is less than £50 (Regulation 40);
- Development of less than 100sqm provided that it does not result in the creation of a new dwelling (Regulation 42);
- The conversion of any building previously used as a dwelling house to two or more dwellings;
- The conversion of, or works to, a building in lawful use that affects only the interior of the building;
- Those parts of a development that are to be used as affordable housing (Regulation 49);
- Development by registered charities for the delivery of their charitable purposes (Regulation 43); and
- Structures or buildings that people do not normally go into, or go into only intermittently for maintenance (e.g. sports pitches, sub-stations or wind turbines)(Regulation 6).

6.4 Discretionary relief from CIL

The regulations allow charging authorities to permit discretionary relief from CIL (e.g. where a reduced or nil payment may be accepted). These cases are likely to be rare but could include the following:

- Development by charities for investment activities (as defined by Regulation 44);
- Development by charities where relief would normally constitute State Aid (as defined in Regulation 45); and
- Where the City Council considers there are exceptional circumstances to justify relief (as defined in Regulation 55).

6.5 Discretionary Charitable Relief

It is not the intention of the Council to offer this type of relief at present. At this stage the need for a discretionary relief in addition to mandatory relief is not considered justifiable and moreover, would impose an additional level of complexity in the administration and management of the CIL charge. A policy of this kind could be introduced at any stage though and this is something the Council will keep under review as the CIL system beds in.

6.6 Exceptional Circumstances Relief

Regulation 55 of the CIL Regulations permits a charging authority to grant relief from liability to pay CIL in 'exceptional circumstances'. This may only happen if a planning obligation of greater value than the chargeable amount has been entered into in respect of the planning permission that permits the chargeable development and the charging authority considers that payment of the levy would have an unacceptable impact on the economic viability of development.

It is not the intention of the Council to offer this type of relief at present. The circumstances in which a policy of this nature would be likely to be used would be extremely rare given that the CIL rate is set based on viability evidence, moreover it would impose an additional level of complexity in the administration and management of the CIL charge. A policy to this kind could be introduced at any stage though and this position can be kept under review.

6.7 Monitoring

One of the issues that came up through the PDCS consultation was in relation to the need for a clear defined review mechanism. As required by Regulation 62, the City Council will publish an Annual CIL Report (for the financial year), which shows:

The amount of CIL collected;

- The amount of CIL that has been spent;
- Information on how CIL funds have been spent (i.e. which infrastructure projects, and how much has been used to cover administrative costs); and
- The amount of CIL retained at the end of the reporting year.

Appendix 1: Revised Draft Instalments Policy

Leicester City Council recognises the need for a suitable instalments policy and proposes the draft instalments policy below which allows CIL payments to be spread across the development process so that they are, where possible, synchronised with development progress and development cash flows.

Proposed Draft Policy

In accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended) Leicester City Council is proposing the payment of CIL by instalments as set out in the following table.

Proposed Draft Instalment Policy				
CIL in £	Number of Instalments	Total Timescale for Instalments	Payment Amounts	Payment Periods
Up to £2,500	2	270 days (9 months)	10%	60 days from commencement
			90%	270 days from commencement
£2,501 to £12,500	3	365 days (1 year)	10%	60 days from commencement
			45%	270 days from commencement
			45%	365 days from commencement
£12,501 to £62,500	3	548 days (18 months)	10%	60 days from commencement
			45%	365 days from commencement
			45%	548 days from commencement
£62,501 to £125,000	4	730 days (2 years)	10%	60 days from commencement
			30%	365 days from commencement
			30%	548 days from commencement
			30%	730 days from commencement
£125,001 to £250,000	5	1095 days (3 years)	10%	60 days from commencement.
			23%	365 days from commencement
			23%	548 days from commencement
			23%	730 days from commencement
			21%	1095 days from commencement
£250,001 to £500,000	6	1460 days (4 years)	10%	60 days from commencement
			18%	365 days from commencement
			18%	548 days from commencement
			18%	730 days from commencement
			18%	1095 days from commencement
			18%	1460 days from commencement

Proposed Draft Instalment Policy				
CIL in £	Number of Instalments	Total Timescale for Instalments	Payment Amounts	Payment Periods
£500,001 to £750,000	7	1825 days (5 years)	10%	60 days from commencement
			15%	365 days from commencement
			15%	548 days from commencement
			15%	730 days from commencement
			15%	1095 days from commencement
			15%	1460 days from commencement
			15%	1825 days from commencement
£750,001 and over	8	2190 days (6 years)	10%	60 days from commencement
			13%	365 days from commencement
			13%	548 days from commencement
			13%	730 days from commencement
			13%	1095 days from commencement
			13%	1460 days from commencement
			13%	1825 days from commencement
			12%	2190 days from commencement

The full balance is payable on practical completion of the development (or part of development) if this is earlier than the due instalment dates set out in the table

The CIL instalments policy calculates payment days from commencement of development on site. The commencement date is the date given on the commencement notice. The instalments permitted will be linked to the amount payable (the chargeable amount) as recorded on the Demand Notice.

A failure to notify the Council of a commencement date will result in removal of the privilege to utilise the Council's Instalment Policy.

Where an outline planning permission permits development to be implemented in phases, each phase of the development is a separate chargeable development which will be collected in accordance with this Instalments policy.

Nothing in this Instalments Policy prevents the person with the assumed liability to pay CIL, to pay the outstanding CIL (in whole or in part) in advance of the Instalment period set out in this policy.

The Instalments Policy only applies in cases where the person(s) liable for paying CIL have complied with all the relevant regulations and requirements. These requirements are set out in the CIL Instalments Notes below.

Instalments Guidance Notes

Regulation 70 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the requirements that must be complied with in order to benefit from the CIL Instalments Policy.

The CIL Instalments Policy will only apply in the following circumstances:

- 1) Where the Council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70 (1) (a)); and
- 2) Where the Council has received a CIL Commencement Notice prior to the commencement of the chargeable development (Regulation 70 (1) (b)).

If either of the above requirements are not complied with, the total CIL liability will become payable within 60 days of the commencement of the chargeable development. In addition, surcharges may apply due to the CIL Assumption of Liability Form and/or the CIL Commencement Notice not being submitted to the Council prior to the commencement of the chargeable development.

Once the development has commenced, all CIL payments must be made in accordance with the CIL Instalments Policy. Where a payment is not received in full on or before the day on which it is due, the total CIL liability becomes payable in full immediately (Regulation 70 (8) (a)).

This policy will not apply if any or more of the following applies:

- a) A commencement notice has not been submitted prior to the commencement of the chargeable development, as required by Regulation 67 of the Community Infrastructure Regulations 2010 (as amended);
- b) On the intended date of commencement:
 - i) Nobody has assumed liability to pay CIL in respect of the chargeable development;
 - ii) A commencement notice has been received by Leicester City Council in respect of the chargeable development; and
 - iii) Leicester City Council has not determined a deemed commencement date for the chargeable development, and therefore payment is required in full, as required by Regulation 71 of the Community Infrastructure Regulations 2010 (as amended);
- c) A person has failed to notify Leicester City Council of a disqualifying event before the end of 14 days beginning with the day on which the disqualifying event occurs, as per the Community Infrastructure Regulations 2010 (as amended);
- d) An instalments payment has not been made in full after the end of a period of 30 days beginning with the day on which the instalment payment was due, as per the Community Infrastructure Regulations 2010 (as amended).

Where the instalments policy is not applicable, the amount must be paid in full at the end of the period of 60 days beginning with the notified or deemed commencement date of the chargeable development or the date of the disqualifying event, whichever is the earliest, unless specified otherwise within the Community Infrastructure Levy Regulations 2010 (as amended).

Appendix 2: Evidence of past performance in securing S106 contributions

Table 1: Developer Contribution received April 2009 to March 2014 by year

Year	Amount	Last 5 year average	Last 2 year average
2009-10	£376,745.81	£489,483.54	-
2010-11	£451,581.96		
2011-12	£240,296.18		
2012-13	£549,575.68		£689,396.87
2013-14	£829,218.05		

Table 2: Developer Contribution received April 2009 to March 2014 by contribution type

Type of contribution	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	Average per year	Total collected
Education	0	0	0	£57,786.00	£491,340.00	£109,825.20	£549,126
Housing	0	0	0	0	0	£0	£0
Museums	0	0	0	0	0	£0	£0
Community & Health	0	0	£15,000	0	0	£3000	£15,000
Green Space/ Open space	£211,801.49	£203,029.00	£132,917.18	£328,373.68	£232,398.05	£221,703.88	£1,108,519.40
Riverside Improvements	0	£8,111	0	£2,666	£15,480.00	£5251.4	£26,257
Sports	0	£137,525	0	0	0	£27,505	£137,525.00
Transport	£164,944.32	£102,916.96	£92,379.00	£160,750.00	£20,000.00	£108,198.06	£540,990.28
Public Art	0	0	0	0	£70,000.00	£14,000	£70,000
						Total collected	£2,447,418

Table 3: The whole City

Years	Total Developer Contribution received for residential development	Amount of developer contribution per unit for all residential development
2009-2010	258,228.96	403
2010-2011	139,018.00	173
2011-2012	116,005.64	203
2012-2013	276,428.86	653
2013-2014	651,860.62	1341
Totals	1,441,542.08	
5yr Average	288,308.42	555
2yr Average	464,144.74	997

Looking at the City as a single housing area is misleading as viability across the city varies. Figures for the Strategic Regeneration Area and the rest of the City are illustrated below.

Table 4: Strategic Regeneration Area

Years	Amount of developer contribution received for residential development in the SRA	Amount of residential units completed	Amount of developer contributions per unit in (£) the SRA
2009-2010	116,697.73	148	788
2010-2011	98,474.60	209	471
2011-2012	6,039.60	216	28
2012-2013	28,027.00	209	134
2013-2014	57,782.35	194	298
Totals	307,021.28		
5yr Average	61,404.26	195	344
2yr Average	42,904.68	202	216

Table 5: The 'rest of the city' area

Years	Total Developer Contribution received for residential development	Amount of residential units completed	Amount of developer contribution per unit for all residential development
2009-2010	141,531.23	655	216
2010-2011	40,543.40	633	64
2011-2012	109,966.04	401	274
2012-2013	248,401.86	122	2036
2013-2014	594,078.27	340	1748
Totals	1,134,520.80		
5yr Average	226,868.16	430	868
2yr Average	421,240.36	231	1892

Appendix 3: Evidence of past performance in securing affordable housing

Table 6: Core Strategy affordable housing requirements

Area of the city	Proportion of units
Strategic Regeneration Area	15%
South East of the City and Ashton Green	30%
Rest of the City	20%

Table 7: Amount of affordable housing agreed in the Strategic Regeneration Area 2008 - 2014

Schemes agreed 2008-2014		Details of planning application								Units built / funding secured at 01.04.14			Public funding	
Location	Planning Application No.	Planning Approved	Overall No. of Units	Total No. of Affordable Housing Units	Total No. of Affordable Housing as %	On-Site Low Cost Home Ownership	On-Site Rented Units	Commuted Sums for Off-Site Rented Units (£k) / No. of units to be provided	On-Site Low Cost Home Ownership	On-Site Rented Units	Commuted Sums for Off-Site Rented Units / No. of units to be provided	Public Funding Input: (£k)	Public Funding Source:	
Bath Lane (Former Friars Mill) EXPIRED	20072365	02/04/2008	280	0	0%	0	0	£0	0	0	£0	£0		
Bath Lane (Merlin Works) N/S	20080307	13/05/2008	388	0	0%	0	0	£0	0	0	£0	£0		
21 Southampton Street EXPIRED	20072085	09/06/2008	31	5	16%	1	2	£158 / 2	0	0	£0	£0		
Ross Walk, BUSM Site C	20091358	27/08/2008	1190	119	10%	32	87	£0	32	87	£0	£0		
Upperton Road, Bede Island South N/S	20072348	28/10/2008	172	0	0%	0	0	£0	0	0	£0	£0		
80 Wharf Street EXPIRED	20072342	05/02/2009	72	0	0%	0	0	£0	0	0	£0	£0		
Abbey Park Street, Abbey Mills & Wolsey Building C	20090045	17/03/2009	134	20	15%	5	15	£0	5	15	£0	£0		
Upperton Road, Bede Island South, Phase 4 C	20090904	03/09/2009	61	14	23%	4	10	£0	4	10	£0	£0		
Abbey Lane, Science Park, Phase 2: U/C	20091373	23/03/2010	86	0	0%	0	0	£0	0	0	£0	£0		
39 Abbey Park Road U/C	20091343	14/01/2010	81	0	0%	0	0	£0	0	0	£0	£0		
4 Wheat Street: EXTENDED CONSENT - previous application 20101296 N/S	20131556	29/11/2013	34	3	9%	0	1	£158 / 2	0	0	£0	£0		

Schemes agreed 2008-2014		Details of planning application										Units built / funding secured at 01.04.14			Public funding	
Location	Planning Application No.	Planning Approved	Overall No. of Units	Total No. of Affordable Housing Units	Total No. of Affordable Housing as %	On-Site Low Cost Home Ownership	On-Site Rented Units	Commuted Sums for Off-Site Rented Units (£k) / No. of units to be provided	On-Site Low Cost Home Ownership	On-Site Rented Units	Commuted Sums for Off-Site Rented Units / No. of units to be provided	On-Site Low Cost Home Ownership	On-Site Rented Units	Commuted Sums for Off-Site Rented Units / No. of units to be provided	Public Funding Input: (£k)	Public Funding Source:
Abbey Park Road, Bus Depot Site: EXPIRED	20101057	30/09/2010	727	291	40%	146	145	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
100-102 Havelock Street: EXTENDED CONSENT N/S	20101582	17/01/2011	21	0	0%	0	0	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
20 Frog Island, Frog Island Mills N/S	20100251	11/03/2011	43	0	0%	0	0	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
Lee Street N/S: EXTENDED CONSENT N/S	20100792	21/03/2011	72	12	17%	0	12	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
114-116 Western Road: EXTENDED CONSENT N/S	20110406	27/05/2011	59	0	0%	0	0	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
Lower Lee Street, Car Park: EXTENDED CONSENT N/S	20110691	22/06/2011	51	0	0%	0	0	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
28 - 34 St George Street: EXTENDED CONSENT N/S	20110560	27/05/2011	118	0	0%	0	0	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
135 Charles Street, Charlesworth House N/S	20111623	12/01/2012	35	0	0%	0	0	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
Watkin Road/Darnall Road, Freemans Meadow Ph 5 U/C	20111755	01/08/2012	59	8	14%	2	6	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
9 - 38 Erskine Street/5 Clyde Street U/C	20120802	12/10/2012	125	0	0%	0	0	£0	0	0	£0	0	0	£0	£0	Public Funding Source:
Erskine Street U/C	20121212	22/02/2013	23	23	100%	0	23	£0	0	0	£0	0	0	£0	£747	HCA+

Schemes agreed 2008-2014		Details of planning application								Units built / funding secured at 01.04.14			Public funding	
Location	Planning Application No.	Planning Approved	Overall No. of Units	Total No. of Affordable Housing Units	Total No. of Affordable Housing as %	On-Site Low Cost Home Ownership	On-Site Rented Units	Commuted Sums for Off-Site Rented Units (£k) / No. of units to be provided	On-Site Low Cost Home Ownership	On-Site Rented Units	Commuted Sums for Off-Site Rented Units / No. of units to be provided	Public Funding Input: (£k)	Public Funding Source:	
114 - 116 Western Road N/S	20121863	24/01/2014	15	0	0%	0	0	£0	0	0	£0	£0		
Abbey Meadows, Wolsey Island, Bestway Holdings N/S	20080333	11/04/2013	159	5	3%	2	3	£0	0	0	£0	£0		
32 - 48 Chatham Street/37 - 41 York Street: EXTENSION N/S	20130295	10/05/2013	95	0	0%	0	0	£0	0	0	£0	£0		
Queen Street, CL Scaffolding, Spa Buildings N/S	20130177	17/05/2013	24	0	0%	0	0	£0	0	0	£0	£0		
Clyde Street, rear of 2 N/S	20130819	09/08/2013	30	0	0%	0	0	£0	0	0	£0	£0		
Lower Hill Street, Floors 8, 9 & 10, Epic House N/S	20120866	21/08/2013	18	0	0%	0	0	£0	0	0	£0	£0		
Filbert Street, Lineker Road N/S	20130040	29/08/2013	43	0	0%	0	0	£0	0	0	£0	£0		
136 - 140 London Road N/S	20131273	29/08/2013	18	0	0%	0	0	£0	0	0	£0	£0		
Total agreed 2008-2014 (excluding highlighted schemes, i.e. those with HCA funding or RSL led)			3514	186	5%									
Total agreed 2008-2014 (all schemes)			4264	500	12%									

PLEASE NOTE: Sites highlighted are those sites that are either Registered Social Provider (RSL) led (meaning that the RSL have decided through their own choice to provide affordable housing at a level above our planning policy requirement), or sites that have been developed with the aid of HCA funding.

Table 8: Amount of affordable housing agreed outside the Strategic Regeneration Area 2008-2014

Schemes agreed 2008-2014	Details of planning application								Units built / funding secured at 01.04.14			Public funding		
	Location	Planning Application No.	Planning Approved	Overall No. of Units	Total No. of Affordable Housing Units	Total No. of Affordable Housing as %	On-Site Low Cost Home Ownership	On-Site Rented Units	Committed Sums for Off-Site Rented Units (£k) / No. of units to be provided	On-Site Low Cost Home Ownership	On-Site Rented Units	Committed Sums for Off-Site Rented Units / No. of units to be provided	Public Funding Input: (£k)	Public Funding Source:
119 - 121 Glenfield Road/Sandhurst Road C	20080742	30/07/2008	58	0	0%	0	0	0	£0	0	0	£0	£0	
Aylestone Road, former EON Sports Ground C	20071792	05/09/2008	189	43	23%	6	37	£0		6	37	£0	£0	
71 - 173 Whycombe Road (land to rear) C	20081535	09/12/2008	77	57	74%	12	45	£0		12	45	£0	£0	
211-213 Humberstone Lane C	20081814	28/08/2009	74	24	32%	2	22	£0		2	22	£0	£1,200	HCA
Godstow Walk/Littlemore Close C	20091301	09/12/2009	35	35	100%	0	35	£0		0	35	£0	£1,624	HCA
Whycombe Road, Site of former college C	20091280	05/03/2010	147	49	33%	0	49	£0		0	49	£0	£2,407	HCA
Laburnum Road C	20091442	10/03/2010	90	30	33%	0	30	£0		0	30	£0	£1,434	HCA
Thurmaston Lane, Manor Farm C	20100488	20/06/2010	121	42	35%	10	32	£0		10	33	£0	£1,908	
Granby Road/Disraeli Street C	20090846	09/07/2010	69	0	0%	0	0	£0		0	0	£0	£0	
Bendbow Rise, Braunstone C	20100489 + 20100491	23/07/2010	68	21	31%	2	19	£0		2	20	£0	£1,075	HCA
Meynell Road U/C	20100252	21/07/2010	32	0	0%	0	0	£0		0	0	£0	£0	

Schemes agreed 2008-2014		Details of planning application								Units built / funding secured at 01.04.14			Public funding	
Location	Planning Application No.	Planning Approved	Overall No. of Units	Total No. of Affordable Housing Units	Total No. of Affordable Housing as %	On-Site Low Cost Home Ownership	On-Site Rented Units	Committed Sums for Off-Site Rented Units (£k) / No. of units to be provided	On-Site Low Cost Home Ownership	On-Site Rented Units	Committed Sums for Off-Site Rented Units / No. of units to be provided	Public Funding Input: (£k)	Public Funding Source:	
241 Loughborough Road (Bestway site): EXTENDED CONSENT N/S	20100952	25/08/2010	161	29	18%	3	26	£0	0	0	£0	£0	Public Funding Source:	
211- 213 Humberstone Lane (Phase 2 - apartm'ts) C	20100862	27/09/2010	64	0	0%	0	0	£0	0	0	£0	£0		
Knighton Fields Road East, Wheatsheaf Works U/C	20101551	20/04/2011	172	0	0%	0	0	£0	0	0	£0	£1,908	HCA	
Barkbythorpe Road U/C	20111431	22/02/2012	150	45	30%	11	34	£0	0	24	£0	£0		
55 Coleman Road, St Chads Self Serve N/S	20111882	20/03/2012	17	3	18%	0	3	£0	0	0	£0	£0		
580-594 Gipsy Lane, The Beeches U/C	20120392	24/09/2012	21	21	100%	0	21	£0	0	0	£0	£609	HCA	
Sandhills Avenue, Hamilton U/C	20112049	28/12/2012	18	18	100%	0	18	£0	0	0	£0	£1,051	RCGF / LCC	
East Hamilton, North of Keyham Lane U/C	20120779	15/01/2013	416	83	20%	20	63	£0	0	0	£0	£0		
Crawford Close, former allotments C	20120170	21/03/2013	28	28	100%	0	28	£0	0	0	£0	£660	HCA+	
Saffron Lane velodrome site U/C	20121180	22/03/2013	98	45	46%	0	45	£0	0	0	£0	£1,080	HCA	
Gipsy Lane, Towers Hospital Site N/S	20121051	04/04/2013	127	25	20%	0	25	£0	0	0	£0	£0		

Schemes agreed 2008-2014		Details of planning application								Units built / funding secured at 01.04.14			Public funding	
Location	Planning Application No.	Planning Approved	Overall No. of Units	Total No. of Affordable Housing Units	Total No. of Affordable Housing as %	On-Site Low Cost Home Ownership	On-Site Rented Units	Off-Site Rented Units (£k) / No. of units to be provided	On-Site Low Cost Home Ownership	On-Site Rented Units	Computed Sums for Off-Site Rented Units / No. of units to be provided	Public Funding Input: (£k)	Public Funding Source:	
Lady Hay Road N/S	20120650	11/04/2013	29	6	21%	1	5	£0	0	0	£0	£0		
101 Knighton Fields Road West N/S	20110699	15/01/2013	19	0	0%	0	0	£0	0	0	£0	£0		
Gipsy Lane, former Oakham House N/S	20131470	31/01/2014	28	28	100%	0	28	£0	0	0	£0	£896	HCA/ LCC	
Total agreed 2008-2014 (excluding highlighted schemes, i.e. those with HCA funding or RSL led)			1331	234	18%									
Total agreed 2008-2014 (all schemes)			2308	632	27%									

PLEASE NOTE: Sites highlighted are those sites that are either Registered Social Provider (RSL) led (meaning that the RSL have decided through their own choice to provide affordable housing at a level above our planning policy requirement), or sites that have been developed with the aid of HCA funding.

**Table 9: Total amount of affordable housing agreed city-wide
2008 - 2014**

	Overall No. of Units	Total No. of Affordable Housing Units	Total No. of Affordable Housing as %
Total agreed 2008-2014 (excluding highlighted schemes, i.e. those with HCA funding or RSL led)	4845	420	9%
Total 2008-2014 (all schemes)	6572	1132	17%

Appendix 4: CIL Infrastructure Projects List and Funding Gap

1.0 Introduction

- 1.1 This document has been produced as part of the appropriate evidence base which will support the setting of a Community Infrastructure Levy (CIL) charging schedule for Leicester City Council.
- 1.2 The purpose of Leicester's CIL is to help address the gap in funding that is available for infrastructure. In order to set a CIL charging schedule the regulations require that the Council must have an appropriate infrastructure evidence base to support the proposed Levy.
- 1.3 CIL Guidance (June 2014) states that "Information on the charging authority area's infrastructure needs should be drawn from the infrastructure assessment that was undertaken as part of preparing the relevant Plan."

2.0 Leicester City Core Strategy Infrastructure Evidence Base

- 2.1 The City Council in partnership with Leicestershire County Council prepared a detailed 'Leicester and Leicestershire Growth Infrastructure Assessment in 2009 covering the Leicester and Leicestershire Housing Market Area. Leicester's Core Strategy was adopted in November 2010.*
- 2.2 A Leicester City supplement (LGIA) was prepared in January 2010 and formed the infrastructure evidence base supporting the Core Strategy. The CIL Infrastructure Projects List in this document has been derived from the LGIA.
- 2.3 The Growth Infrastructure Assessment is a comprehensive and robust assessment in terms of its methodology, modelling and analysis of the infrastructure required to support the new growth proposed in the Core Strategy.

* The Council completed and adopted a focused policy revision of the 2010 Core Strategy in July 2014 incorporating revisions to two policies – CS Policy 4 Strategic Regeneration Area, and CS Policy 10 Employment Opportunities. The changes provide new development opportunities for offices in the city centre and require employment and training opportunities to be provided when large scale development is proposed. This limited review of the Core Strategy is consistent with paragraph 153 of the NPPF which permits partial reviews of Local Plans to respond flexibly to changing circumstances. No other changes have been made. The evidence base remains unchanged from the 2010 Core Strategy, and is the evidence which has been used to prepare the CIL.

3.0 Methodology and Preparation of the CIL Infrastructure Projects List

- 3.1 CIL Guidance makes it clear that the Community Infrastructure Levy examination should not re-open infrastructure planning issues that have already been considered in putting in place a sound relevant Plan.
- 3.2 Infrastructure projects identified at the time in the GIA are set out in Appendix 7 of the Core Strategy 2010 which includes a list of essential infrastructure to support the new growth up to 2026.
- 3.3 Infrastructure projects from the Leicester and Leicestershire Growth Infrastructure Assessment - Leicester Extract - Appendix 8 (See <http://consultations.leicester.gov.uk/> and the Core Strategy have been reviewed and updated to provide the CIL Infrastructure Project List . The City Council will continue to deliver other infrastructure projects from other sources of funding.
- 3.4 The starting point for preparing a CIL Charging Schedule is to demonstrate that there is a funding gap in the provision of infrastructure required to support new development.
- 3.5 The Infrastructure Projects List is a selection of infrastructure projects or types which could be funded wholly or in part by CIL. The Infrastructure List is therefore not a full list of all infrastructure necessary to support development in the City. The Guidance notes that the role of the list is to provide evidence on the potential funding gap.
- 3.6 The inclusion of a project or type of infrastructure on the List does not constitute a commitment on behalf of the City Council to fund, either in whole or in part, the listed project or type of infrastructure through CIL. The List does not identify priorities for spending. Projects on the list will be reviewed and selected for funding in the light of CIL receipts and priorities, and will be set out in the Regulation 123 List.

4.0 Funding Gap

- 4.1 Infrastructure planning is an on-going process, especially in the recent past with changes in the economy and the availability of central government and other funding regimes. The Project List shows funding from sources other than CIL where they are available/known for that specific project. It shows the remaining funding gap that CIL will contribute to. Other infrastructure projects which may be required in the City but are funded through other sources are not included.
- 4.2 The Government recognises that there will be uncertainty in pinpointing other infrastructure funding sources particularly beyond the short term. Whilst the list shows the cost of infrastructure and demonstrates that there is presently a funding gap, it is recognised that other funding streams will be available over time to contribute towards infrastructure.

- 4.3 The List shows potential CIL infrastructure costs of £124.75m with £30.3m funding potentially available. With projected residential CIL income of £4.4m - £6.6m the funding gap is £87.8m - £90m

The evidence demonstrates that the overall cost of infrastructure identified in the CIL Infrastructure Projects List exceeds the level of funding CIL is expected to deliver and therefore the Council is able to charge CIL

Community Infrastructure Levy Infrastructure Project List

This table shows an infrastructure project list, lead development agency, estimated project cost, funding potentially available and funding gap that CIL will contribute to within an indicative time scale. This does not commit to delivery of these projects.

Infrastructure Project	Lead Delivery Agency	Estimated Cost	Project Summary	Funding Gap that CIL will contribute towards	Phasing
TRANSPORT					
Growth Corridors – Transport Improvements					
Transport Corridor Improvement works	Leicester City Council/ Leicestershire County Council	£40m	The Growth Infrastructure Assessment underpinning the Core Strategy identified the need for corridor improvements as a key issue to tackle congestion. Improvements will be needed to improve public transport capacity on the network to accommodate growth and also to ensure that there is an attractive option to encourage a modal shift away from the private car as well as securing improvements for pedestrians and cyclists.	£24m	
Committed in principle A50 Corridor A6 Corridor			£16m has been secured in principle from the Leicester & Leicestershire Transport Board funding towards the A50 & A6 Corridors		2015 - 2019
Others, potentially including A5199 Welford Road B5366 Saffron Lane A5460 Narborough Road A47 Uppingham Road A607 Melton Road/Belgrave Road/Belgrave Gate			Further funding will be sought for works to the other transport corridors. This includes bids to central government, and from the annual transport capital block funding.		2016 - 2026

Infrastructure Project	Lead Delivery Agency	Estimated Cost	Project Summary	Funding Gap that CIL will contribute towards	Phasing
<p>City Centre Sustainable Transport Linkages and Improvements</p> <p>Linkages within Leicester city centre and with adjacent areas to support residential/employment growth and improve connectivity to transport hubs.</p> <ul style="list-style-type: none"> • Church Gate /Haymarket • Charles St • Belgrave Gate • Gravel Street/Mansfield Street /Abbey Street • Abbey Park Links • Rutland Street • Belvoir Street • New Walk Extension / Pocklingtons Walk • Bishop Street/Bowling Green St • Horsefair Street • King Street • Town Hall Square • Cultural Quarter 	<p>Leicester City Council</p>	<p>£18m</p>	<p>A large proportion of the new residential development as set out in Leicester's adopted Core Strategy is close to the city centre. To ensure successful delivery of the strategy, the need to co-ordinate improved access, especially pedestrian and cycling, to the city centre will be critically important.</p> <p>The programme of improvements will include creating and strengthening existing walking and cycling connections from major transport hubs in the City Centre including Haymarket Bus Station, St. Margaret's Bus Station and the railway station to key City Centre destinations such as business quarters, shopping & leisure areas, heritage sites and other significant land uses such as De Montfort University.</p> <p>The highway improvements will help to make the inner ring road easier to cross and provide links to important City Centre destinations and adjacent communities.</p> <p>Further funding will be sought for works including bids to central government, and from the annual transport capital block funding.</p>	<p>£18m</p>	<p>2016 - 2026</p>

Infrastructure Project	Lead Delivery Agency	Estimated Cost	Project Summary	Funding Gap that CIL will contribute towards	Phasing
Strategic Regeneration Area Vehicular/Pedestrian/ Cycleway access to Waterside Area	Leicester City Council	£10m	Due to the constrained nature of the Waterside area limited opportunities exist for improving access via the road network. There is a need to improve accessibility to unlock housing and other development.	£10m	2016 -2026
Grand Union Canal Footbridge /Cycleway access at Abbey Meadows	Leicester City Council	£750k	Cycling and walking links across the River Soar and the Grand Union Canal will provide important links between the Belgrave Road and Abbey Lane areas and deliver significant journey time savings for users which will compare favourably with journeys made by car and public transport.	£750k	2016 -2021
Cycling Strategic & Local Cycling infrastructure including provision of dedicated cycle and shared access routes	Leicester City Council	£15m	Delivery of new cycleway infrastructure will bring a transformational change to the way people choose to get around the city and will help remove barriers to everyday cycling and walking. High capacity, segregated cycle tracks are proposed, particularly along main road routes linking the city centre to nearby residential neighbourhoods and shopping streets. Infrastructure will also be provided to remove gaps in the strategic cycleway network.	£15m	2016 -2026

Infrastructure Project	Lead Delivery Agency	Estimated Cost	Project Summary	Funding Gap that CIL will contribute towards	Phasing
Traffic signals Expansion of the Split Cycle Offset Optimisation Technique (Scoot) system. SCOOT automatically adjusts the traffic signal delays to adapt to traffic conditions, using data from traffic sensors.	Leicester City Council	£480k	With an increase in traffic levels to 2026 it is estimated that there will be an increase of 20% in travel. Journey times locally can be reduced by 5% by refining existing SCOOT and 10% by providing new SCOOTs as defined in the Local Transport Plan version 3. Current network hotspots have already been addressed and any future changes to SCOOT would be to accommodate new growth. £315k Local Transport Plan funding is allocated.	£165k	2015 - 2021
Total Transport Infrastructure Cost and Funding Gap		£84.23m		£67.92m	
EDUCATION					
Provision of additional school spaces from 2016 to 2026 –additional classrooms and extensions to existing schools	Leicester City Council	£18m	The Council's School Organisation Strategy identifies future requirements for capital investment to ensure sufficient and suitable provision of primary school places. There is sufficient funding to deliver 4700 primary school places without a shortfall up to 2015/16. The £18m cost identified is for primary /secondary/ special needs provision from 2016 -2026 based on the development of 3000 CIL liable dwellings over this period. For the period 2015/16 and 2016/17 the Council will additionally receive Basic Needs Funding of £6.6m and £6.9m respectively towards this provision. Beyond 2016 the Council will seek to meet the funding gap through further Basic Needs Allocation and other additional government funding.	£4.5m	2016 -2026

Infrastructure Project	Lead Delivery Agency	Estimated Cost	Project Summary	Funding Gap that CIL will contribute towards	Phasing
Abbey Meadows and Waterside Areas Primary Schools	Leicester City Council	£12m	The GIA sets out the growth requirements relating to education needs, especially in the regeneration areas. The education requirements at Abbey Meadows and Waterside have been revised to take account of the slower development rates in the Strategic Regeneration Area. The council will also seek further Basic Needs Allocation and other additional government funding towards this provision.	£12m	2016 -2026
Total Education Infrastructure Cost and Funding Gap		£30m		£16.5m	
STRATEGIC GREEN INFRASTRUCTURE					
Improvements to River Soar Corridor	Leicester City Council	£2m	The river corridor is of strategic importance within the city providing an attractive water corridor for wildlife, public amenity and recreation. Funding of £0.5m is likely to come from the Environment Agency Accelerated Funding pot which is part of a £15 million flood alleviation scheme centred in Leicester. The first phase is due to commence in late 2014 between Abbey Meadows and Watermead Park.	£1.5m	2015 -2021
Improvements to tributaries of River Soar	Leicester City Council	£1.5m	There is likely to be more funding available in future from the Environment Agency to meet Water Framework Directive requirements to improve biodiversity, public amenity, flood defence etc. Additional funding will be sought from the 3rd round of the Catchment Restoration Fund.	£1.5m	
Improvements to Green Infrastructure related to regeneration areas	Leicester City Council	£750k	Provision of natural green space within the inner city regeneration areas will provide an attractive and low maintenance opportunity for enhanced amenity and biodiversity. The visual amenity of these areas will provide opportunities for economic development and investment to secure long-term use of sites.	£750k	

Infrastructure Project	Lead Delivery Agency	Estimated Cost	Project Summary	Funding Gap that CIL will contribute towards	Phasing
Total Strategic Green Infrastructure Cost and Funding Gap		£4.25m		£3.75m	
PARKS AND OPEN SPACE					
Provision of and Improvements to City wide (non site specific)	Leicester City Council	£5.8m	The Growth Infrastructure Assessment underpinning the Core Strategy set out the overall costs for provision of parks and open space to accommodate development and growth up to 2026. The current costs reflect the estimated requirements from 2015 to 2026.	£5.8m	2015 -2026
<ul style="list-style-type: none"> • Parks • Neighbourhood Equipped Areas of Play • Outdoor sports space • Allotments • Informal and natural green space 					
Total Cost Parks and Open Space		£5.8m		£5.8m	
POLICE INFRASTRUCTURE					
Growth in the Strategic Regeneration Area – Expansion of Mansfield House	Leicestershire Constabulary	£475k	Proposals to expand Mansfield House were identified by Leicester constabulary and were set out in the Growth Infrastructure Assessment	£475k	2016 -2026
Total Cost Police Infrastructure		£475k		£475k	

Total Costs and Funding Gap Summary

Infrastructure	Estimated Cost	Funding Currently Available	Funding Gap
Transport*	£84.23m	£16.315m	£67.915m
Education**	£30m	£13.5m (2015 -2017)	£16.5m
Strategic Green Infrastructure	£4.25m	£0.5m	£3.75m
Parks and Open Space	£5.8m	£0	£5.8m
Police Infrastructure	£0.475m	£0	£0.475m
Total	£124.75m	£30.32m	£94.44m***

* Transport Capital Block Funding currently £4.3m per annum, can be used towards transport projects to reduce the funding gap.

** Basic Needs Funding for Education provision will also contribute towards education provision.

*** With projected CIL income of £4.4m - £6.6m the overall funding gap stands at £87.8m - £90m.

Appendix 5: Draft Regulation 123 List

- Regulation 123 of the Community Infrastructure Levy (CIL) provides for the Council to publish a list of infrastructure that will be, or may be, wholly or partly funded by CIL.
- The Draft Regulation 123 List (R123) has been prepared in support of the Council's Draft Charging Schedule that will be subject to public consultation and examination before it is finalised. The contents of the list may change.
- CIL Regulation 123 restricts the use of S106 Planning Obligations for infrastructure that will be funded in whole or in part by CIL. This is to ensure that there is no duplication or double charging towards the same infrastructure project. In order to ensure that individual developments are not charged for the same infrastructure items through both S106 Agreements and CIL, a S106 contribution cannot then be made towards an infrastructure item that is on the list.
- The inclusion of a project or type of infrastructure on the Regulation 123 List does not constitute a commitment on behalf of the City Council to fund either in whole or in part, the listed project or type of infrastructure through CIL. The R123 List does not identify priorities for spending within it. Projects on the R123 will be reviewed and selected for funding in the light of CIL receipts.
- In accordance with the CIL Regulations, the Council will work with local communities on the 'neighbourhood portion' of CIL receipts. This is currently set at 15% of CIL receipts within the relevant area where a neighbourhood plan is not in place. Where a neighbourhood plan has been made the neighbourhood portion is 25% of levy revenues arising from development in that area.
- The Council will seek to review the list regularly as part of the monitoring of CIL spending, and in line with Government guidance will undertake appropriate local consultation when reviewing the list.

	Infrastructure that could be funded, or part funded, through CIL
<p>Transportation</p>	<p>Transport Corridor Improvement works</p> <ul style="list-style-type: none"> • A50 Groby Road. • A6 Loughborough Road. • A 5199 Welford Road. • B5366 Saffron Lane. • A5460 Narborough Road. • A47 Uppingham Road. • A 607 Melton Road /Belgrave Road/Belgrave Gate (Public realm improvements only). <p>City Centre Sustainable Transport Linkages and Improvements</p> <p>Linkages within Leicester city centre and with adjacent areas to support residential/employment growth and improve connectivity to transport hubs.</p> <ul style="list-style-type: none"> • Church Gate/Haymarket. • Charles Street. • Belgrave Gate. • Gravel Street/Mansfield Street/Abbey Street. • Abbey Park Links. • Rutland Street. • Belvoir Street. • New Walk Extension/ Pocklingtons Walk. • Horsefair Street. • King Street. • Town Hall Square. • Bishop Street/Bowling Green Street. • Cultural Quarter. <p>Strategic Regeneration Area</p> <ul style="list-style-type: none"> • Vehicular/Pedestrian/Cycleway access to Waterside Area. • Grand Union Canal Footbridge/Cycleway Access at Abbey Meadows. <p>Cycling</p> <ul style="list-style-type: none"> • Strategic & Local Cycling infrastructure including provision of dedicated cycle and shared access routes. <p>Traffic signals</p> <ul style="list-style-type: none"> • Expansion of the Split Cycle Offset Optimisation System (Scoot) system.
<p>Education</p>	<ul style="list-style-type: none"> • Provision of additional school spaces from 2016 - 2026 –additional classrooms and extensions to existing schools. • Abbey Meadows and Waterside Areas primary schools.

	Infrastructure that could be funded, or part funded, through CIL
Green infrastructure	<p>Strategic Green Infrastructure</p> <ul style="list-style-type: none"> • Improvements to River Soar Corridor. • Improvements to tributaries of River Soar. • Improvements to Green Infrastructure related to regeneration areas.
Parks and Open Space (non site specific)	<ul style="list-style-type: none"> • Parks. • Neighbourhood Equipped Areas of Play. • Outdoor Sports Space. • Allotments. • Informal and Natural Green Space.
Police Infrastructure	<ul style="list-style-type: none"> • Growth in the Strategic Regeneration Area – Expansion at Mansfield House.

Continuing Role of S106 Agreements

Planning obligations will still be required in accordance with Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) stipulates the following:

“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- 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”.

The Council will continue to secure development specific infrastructure where it meets the tests set out at Regulation 122 and does not appear on the Council’s Regulation 123 List.

After April 2015 the restrictions on the pooling of planning obligations will come into force. Despite these restrictions, there will be an important role for planning obligations in mitigating the site specific impacts of development to make the development acceptable in planning terms and in providing affordable housing.

In general site specific mitigation measures such as for example highways works providing a safe and acceptable means of access to a public highway, sustainable energy and flooding requirements, on site public realm and open space, roads providing access to a development, will be secured through S106 obligations or planning conditions.

