

Local Plan for the Bradford District

**Community Infrastructure Levy:
Draft Charging Schedule**

Background Paper

2016

Contents

1. Introduction
2. What is CIL?
3. Legislative Requirements
4. Evidence for the Draft Charging Schedule
5. Proposed CIL DCS Rates
6. Draft Regulation 123 List
7. Draft Instalments and Exceptional Circumstances Relief Policy
8. Preparation of the CIL

1. Introduction

- 1.1 This document is the background report to the second stage in the process of introducing a Community Infrastructure Levy (CIL) which is known as the Draft Charging Schedule (DCS). The purpose of this document is to explain the general principles CIL, including the benefits of CIL for the Bradford District. It summarises the work undertaken and the evidence base used to justify introducing a CIL charge in the Bradford District and the DCS. The report also covers the relationship between existing funding from planning obligations and the proposed CIL charge and sets out the next stages of adopting a CIL charge.
- 1.2 The DCS details the proposed CIL rates for development and includes a CIL charging zone map for the District. The DCS has been worked up alongside the emerging Local Plan for the Bradford District. The Local Plan Core Strategy is at Examination stage and has not yet been formally adopted by the council. The Core Strategy is considered to be a relevant Local Plan for preparing CIL, as it is based on robust and up to date evidence and has been prepared in accordance with the National Planning Policy Framework (NPPF). The CIL DCS has been informed by infrastructure planning evidence (the Local Infrastructure Plan) that underpins the emerging Local Plan Core Strategy for the District in accordance with CIL National Planning Policy Guidance (Paragraph: 009 Reference ID: 25-009-20140612) . It is therefore considered appropriate to prepare the CIL in advance of the Core Strategy being formally adopted. The Core Strategy Examination pages and relevant evidence documents supporting the Core Strategy can be viewed using the following link:
http://www.bradford.gov.uk/bmdc/the_environment/planning_service/local_development_framework/core_strategy_dpd_examination
- 1.3 The final approved CIL Charging Schedule will sit alongside the Bradford District Local Plan, but will not form part of the statutory development plan.
- 1.4 Following consultation on the CIL Draft Charging Schedule (DCS) the council intend to submit the DCS for independent examination. The council will consider all representations received and if any further changes are required to the DCS prior to submission. Following the examination, the examiner's recommendations will be published and the Council will consider any recommendations before the Charging Schedule is formally approved by the Council.
- 1.5 The CIL DCS for the Bradford District has been prepared in accordance with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, 2014 and 2015) and associated guidance as set out in the National Planning Practice Guidance (NPPG) on CIL. A Statement of

Procedural and Legal Compliance will be included as part of the CIL DCS supporting documents submitted for examination.

2. What is CIL?

- 2.1 The CIL is a tool for local authorities to help deliver infrastructure to support the development of the area. The CIL is a discretionary tariff introduced by the 2008 Planning Act which local authorities can charge on each net additional square metre of development.
- 2.2 The CIL allows local authorities to raise funds from development to help pay for the infrastructure needs arising from the anticipated development of their areas.
- 2.3 It is a 'charge' or 'levy' on new buildings and extensions based on net additional development. The levy may be payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres. The limit does not apply to new houses or flats, and a charge can be levied on a single house or flat of any size, unless it is built by a 'self builder'.
- 2.4 The levy came into force in April 2010 and local authorities wishing to utilise CIL to raise funds for infrastructure are required to develop a charging schedule. CIL is not obligatory (i.e. Councils can decide not to implement CIL), but from April 2015 the use of Section 106 (S106) planning obligations are restricted for pooled contributions meaning that CIL will be the principal means of securing pooled developer contributions for infrastructure projects.
- 2.5 The CIL Regulations state that in developing the CIL charging schedule, the Council should strike an appropriate balance between the desirability of funding infrastructure and the viability of development and that CIL should not put at risk the development within their areas.

What are the benefits of the CIL for Bradford District?

- 2.6 The Council are producing a new Local Plan for the Bradford District. The Bradford District Core Strategy is a key Development Plan Document (DPD) which sets out the broad aims and objectives for sustainable development within the Bradford District for the next 15-20 years. The Core Strategy sets out ambitious plans for transformational growth and a significant increase in the delivery of new homes and jobs across the District. The District's aspirations for growth will need to be supported with the provision of sufficient physical, social and environmental infrastructure.
- 2.7 The CIL is intended as a means of contributing to the funding of infrastructure required to deliver the policies and proposals in Local Plan, including the Core Strategy and other DPDs. The Government's

aim for CIL is to promote a fairer, faster and more transparent system for funding new infrastructure.

- 2.8 The Government has set out that the CIL:
- gives local authorities the freedom to set their own priorities for what the money should be spent on
 - gives local authorities a predictable funding stream that allows them to plan ahead more effectively
 - gives developers much more certainty about how much money they will be expected to contribute
 - makes the system more transparent for local people, as local authorities have to report what they have spent the CIL on each year
 - rewards communities receiving new development through the direct allocation of a proportion (15% or 25% depending on whether a Neighbourhood Plan is in place) of levy funds collected in their area
- 2.9 Most developments have an impact on the need for infrastructure, or benefit from existing infrastructure. It is considered that developments that benefit from planning permission should share some of that gain with the community, to help fund the infrastructure needed. The introduction of CIL seeks to spread this burden more evenly than current arrangements which rely upon the use of S106 Agreements.
- 2.10 Planning Obligations are recognised as an effective mechanism for addressing certain planning related matters and will be retained as a modified tool, alongside CIL. However, beyond the 6th April 2015 the use of S106 Agreements is restricted to cover only infrastructure required to mitigate the immediate impact of development in the locality where it is taking place and to deliver affordable housing.
- 2.11 The Government sees that together with New Home Bonus Scheme, CIL is a key financial incentive to both local authorities and communities to support sustainable development. To this end the CIL Regulations provide that a 'meaningful portion' of CIL will also have to be passed to neighbourhoods to contribute to the infrastructure needs identified within the area.
- 2.12 There is a statutory requirement for CIL to be spent on infrastructure. The Planning Act 2008 provides a wide definition of the infrastructure which can be funded by the levy, including transport, flood defences, schools, hospitals, and other health and social care facilities. This relatively wide definition allows the levy to be used to fund a very broad range of infrastructure and gives the Council and local communities' flexibility to choose what infrastructure is needed.
- 2.13 In summary, it is considered that the CIL is appropriate and will bring benefits to the Bradford District because:
- it will help fund and generate additional income for essential

infrastructure.

- it will provide greater certainty and transparency for developers and the community.
- development will fund new infrastructure in a more equitable way as CIL requires contributions from a broader range of developments.
- without a CIL, the opportunity for income for local and strategic infrastructure needs will be greatly reduced; the current system for collecting contributions via S106 agreements has been scaled back since April 2015.
- a meaningful proportion of CIL would be under direct local control over spending, with a percentage of CIL in the control of Parish and Town Councils and Neighbourhoods.
- other local authorities in West Yorkshire and the wider Leeds City Region have adopted or are close to adopting a CIL, including Leeds and Wakefield.

3. Legislative Requirements

3.1 Legislation relating to CIL is set out in Part 11 of the Planning Act 2008 as amended by the Localism Act 2011. Provisions for guidance from the Secretary of State are set out at Section 221 of the Act. The Act also makes provision for the production of CIL Regulations. The original regulations are the Community Infrastructure Levy Regulations 2010. However, there have been amendments to the Community Infrastructure Levy (Amendment) Regulations in 2011, 2012, 2013, 2014 and 2015.

3.2 The council has prepared the CIL Draft Charging Schedule in accordance with the Planning Act 2008 (as amended), the Community Infrastructure Levy Regulations 2010 (as amended) and statutory guidance under Section 221 of the Planning Act 2008 (as amended). This is published as part of the government's National Planning Practice Guidance, which is an online resource on the government's website which can be accessed from the following link:
<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>

3.3 Table 1 in the Statement of Procedural and Legal Compliance supporting document details how the Council (which is the CIL charging authority) has complied with the requirements of the legislation, regulations and guidance. The CIL DCS and supporting documents can be viewed and downloaded on the council's website at www.bradford.gov.uk/planningpolicy

4. Evidence supporting the Draft Charging Schedule

4.1 In order to set appropriate CIL rates, in accordance with CIL Regulations, the Council has considered appropriate available

evidence on infrastructure requirements and viability of development across the District.

- 4.2 The key evidence base documents include:
- Bradford Community Infrastructure Levy Viability Evidence (June 2015 and December 2015 Addendum)
 - Local Infrastructure Plan (June 2015 Update, December 2015 Update)
- 4.3 This evidence has been used to strike an appropriate balance between the need for additional investment to support development and the potential effect on the viability of development across the District. The CIL rates proposed in the DCS are considered to be economically viable as demonstrated in the Bradford CIL Viability Evidence. The evidence base used to set the proposed CIL charge rates is available to view on the Council's website: www.bradford.gov.uk/planningpolicy

Infrastructure Evidence

- 4.4 In order to introduce the CIL, the council must demonstrate there is a shortfall in funding between the expected cost of infrastructure needed to support development over the plan period and the level of funding likely to be forthcoming from mainstream funding sources.
- 4.5 The key infrastructure requirements needed to support the level of planned growth (as set out in the Bradford District Core Strategy) have been identified through the Local infrastructure Plan (LIP). At the time of writing the Bradford District Core Strategy is still at Examination stage and has yet to be formally adopted by the council. However, as the emerging Core strategy has been prepared in accordance with the National Planning Policy framework (NPPF) and is based on robust and up to date evidence it is considered a relevant and up to date Local Plan.
- 4.6 The LIP provides an infrastructure capacity assessment for the District in support of the emerging Core Strategy. The LIP has involved working with infrastructure delivery partners to assess and update key infrastructure information (e.g. transport and education). The resulting Infrastructure Schedule sets out the list of infrastructure, anticipated costs and how it could be delivered. The Infrastructure Schedule has helped inform the Draft Regulation 123 List, which will set out a list of those projects or types of infrastructure that the Council intends to fund, or may fund, through the levy.
- 4.7 The LIP is based on information currently available and must be able to respond to changing needs and circumstances over the plan period. Consequently it is a 'live' document which will be updated taking account of changes as they come forward. The LIP has been updated (December 2015) since the consultation on the CIL Preliminary Draft Charging Schedule in July 2015, taking into account latest information

available from infrastructure providers, internal and external stakeholders and comments received on the Preliminary Draft Charging Schedule.

- 4.8 The LIP (December 2015 Update) confirms that there is an identified infrastructure funding gap in the District required to underpin the introduction of CIL. It should be noted that the NPPG recognises there will be uncertainties in pinpointing infrastructure funding sources and CIL charging authorities should focus on providing evidence of an aggregate funding gap that demonstrates the need to put in place the levy (paragraph 016 ID 25-016-20140612). Whilst such evidence can only ever represent a point in time, the council considers that the LIP satisfies the CIL guidance and regulations, in terms of demonstrating the aggregate funding gap and striking an appropriate balance. Overall it is considered that the LIP (December 2015 update) contains sufficient information to demonstrate that there remains a funding shortfall to deliver the infrastructure required to support the growth set out in the emerging Local Plan Core Strategy.
- 4.9 The current estimated shortfall identified in the LIP is £688.75 million¹. This provides the evidence required to justify charging CIL in the Bradford district.

Economic Viability Evidence

- 4.10 CIL Regulations require that the council must ensure that proposed levy rates are set at a level which would not threaten the ability to develop viably the sites and the scale of development identified in the Council's Local Plan. The Council must strike an appropriate 'balance' between the desirability of funding infrastructure from the levy and the potential impact on viability². A CIL Viability Evidence Report has been prepared to evaluate the viability of introducing a CIL tariff for the Bradford District.
- 4.11 In 2012 the council commissioned consultants DTZ to prepare CIL Viability Evidence to determine possible CIL rates for the District. A Stakeholder Workshop consultation event was held in July 2012 to engage with agents, developers and house builders on the approach and assumptions for the CIL Viability Evidence. Consultation was undertaken on the assumptions used to inform the area wide viability testing through a survey of developers, house-builders, retail operators and property and planning agents. The consultation was used to test and refine the approach and assumptions behind the viability modelling.
- 4.12 In early 2014, the Government introduced amended CIL Regulations (February 2014) and there has been recent case law with regard to CIL charging schedules introduced by local authorities across England. In

¹ CBMDC. Local Infrastructure Plan, December 2015 Update. Appendix C.

² The Community Infrastructure Levy Regulations 2010. Regulation 14 (1) (a) to (b)

May 2014, the Council re-appointed DTZ to undertake further CIL viability evidence work within the context of the amended CIL Regulations and recent case law. In September/October 2014 stakeholders were invited to engage in a further consultation survey which included updated development assumptions, in line with current market conditions.

- 4.13 A comprehensive District wide CIL Viability Evidence report has been undertaken to examine the capacity of different types of development to withstand a CIL tariff. The methodology used accords with the latest National Planning Practice Guidance (NPPG) as well as best practice as laid down by the Royal Institute of Chartered Surveyors (RICS) Financial Viability in Planning (2012). The approach has tested development viability at two levels:
1. Area wide viability testing – using hypothetical development typologies tested in different value area locations of the District
 2. Site specific viability testing – detailed analysis of a sample of strategic ‘real world’ development sites from the various locations.
- 4.14 Both levels of analysis use a standard residual development appraisal where the total costs of a development project are deducted from its sale value to determine a residual land value. The residual land value was then benchmarked against a threshold site value to determine the level of ‘headroom’ for CIL. The analysis factors-in the policies in the emerging Core Strategy policy requirements including affordable housing policies and also examines the sensitivities associated with abnormal development costs and future uplifts in build costs.
- 4.15 The ‘headroom’ figures have then been adjusted to allow a ‘viability buffer’ in accordance with NPPG. This provides additional insulation to safeguard the impact of CIL on development delivery and demonstrates that a reasonable ‘balance’ has been struck between the viability of development and the desirability of maximising funds to pay for infrastructure.
- 4.16 Following consultation on the CIL Preliminary Draft Charging Schedule in July 2015 an update to the economic viability evidence supporting the proposed CIL rates was produced by Cushman and Wakefield (formerly DTZ). This represents an addendum to the earlier economic viability report produced by DTZ (dated June 2015), providing a revised assessment of economic viability. The Viability Evidence Addendum takes into account changing market conditions since the earlier evidence base was collated and presents revised appraisals based on the most up to date new build sales evidence and build cost information. It also takes account of representations made to the consultation of the Preliminary Draft Charging Schedule relating to viability.

Residential Viability Results

- 4.17 In regards to residential rates the results of the Viability Evidence Addendum (December 2015) indicates a reduction in the level of headroom in Value Areas 1 and 2 from the earlier Viability Evidence (June 2015). However, there remained adequate headroom to allow for the proposed CIL rates of £100 psm and £50 psm in these locations incorporating a substantial buffer. The results indicate improved viability and a greater capacity for CIL in the mid and mid/low value areas (Value area 3 and Value area 4). The headroom in Value Area 3 increased from £50 psm in the original study to £61psm and Value Area 4 increases from zero to £29 psm. This is the result of the additional new build evidence showing improvements in sales values within these locations. Value Area 5 which is effectively the inner Bradford and Keighley areas remained unlikely to be viable for a CIL tariff. In terms of the implications for the CIL DCS, the viability Addendum (December 2015) indicates that the proposed rates for charge zones 1, 2 and 3 remain fully justified and consistent with the evidence as they allow for a viability buffer in accordance with the NPPG.
- 4.18 The Viability Evidence Addendum (December 2015) also indicates that there may be justification for a small increase in CIL charge in zone 3, extending the Charging Zone 3 to incorporate value area 4, or alternatively subdividing Charge Zone 4 into two zones to enable different rates to be set within this area. However, given the need to include a viability buffer so that the levy rate is able to support development when economic circumstances change and the need to avoid undue complexity it is considered that that the residential charging zones and proposed residential rates as set out in the PDCS are still reasonable and strike an appropriate balance.

Commercial Viability Rates

- 4.19 In respect of retail warehousing rates, further evidence in the viability Addendum (December 2015) was collated following representations made to the Preliminary Draft Charging Schedule consultation. As a result of the clear difference of viability performance between the City of Bradford and the rest of the District in this property classification the Viability Addendum recommended that the retail warehousing rate be amended and limited geographically to Bradford City itself. A reduction in this rate to £85 psm was also recommended. In respect of the supermarket rates, the difficulties of the large supermarket sector has meant there has been limited if no growth in rental performance against a backdrop of rising build costs which has significantly eroded the headroom potential for CIL. The results in the Viability Addendum suggest that viability of the proposed rate of £50 per sq m is sensitive to the level of site abnormal costs incurred. However, it is noted that there is degree of tolerance for abnormal site costs in the premium land value benchmark applied and as such there is considered to be

adequate insulation to cater for the effects of increased development costs within the base appraisal.

Other Uses

- 4.20 The results of the viability testing demonstrate that in current market conditions it is feasible to introduce CIL in Bradford District; however viability is restricted to certain development types and locations. The viability evidence tested a range of uses and types of development across the District. This included retail office, industrial, other commercial uses. The viability evidence indicates that apart from residential, retail warehousing and larger scale supermarkets CIL is not variable on all other uses tested. These uses have therefore been set at a zero CIL rate as the evidence indicates development will be unable to withstand a CIL charge.

5. Proposed CIL DCS Rates

- 5.1 Taking all the above into consideration the proposed CIL rates in the DCS are considered justified and strike an appropriate balance between funding infrastructure required to support development of the area, and the effects on the economic viability of development across the District taking into account all the appropriate available evidence. The council is proposing variable CIL rates to reflect the different value areas of the District, in accordance with the CIL Regulations and CIL NPPG based on the recommendations in the CIL viability evidence.
- 5.2 CIL Regulations require the council to strike an appropriate balance between the desirability of funding infrastructure through CIL and impact on viability. With the exception of Zone 4 the proposed CIL rates in the DCS reflect the recommended rates as set out in the viability evidence and are not set to a maximum to allow for a viability buffer in accordance with the Government's CIL NPPG (paragraph 20). In regards to Zone 4 the CIL Viability Assessment 2015 (paragraph 7.4) states small variations may be capable of justification particularly where they support the principle of achieving a 'balance' between the infrastructure funding need and viability. In view of the very small proportion of development costs (as evidenced in the CIL Viability Evidence July 2015) and the large infrastructure funding gap and critical infrastructure issues identified within in the main urban areas identified in the LIP, the council considers that on balance a nominal CIL charge of £5 for residential development is justified in Zone 4. A levy of £5psm is considered a nominal charge, which will not realistically put delivery risk. It is therefore considered by the council that there is justification for setting a nominal charge for residential uses for Zone 4 where the viability evidence indicates a zero charge. This would not only bring in more CIL revenue overall to help meet infrastructure needs, but would mean that all housing development would contribute to meeting infrastructure requirements and provide local benefits through providing a meaningful proportion to all local

communities. The council therefore considers that on balance a nominal CIL charge of £5 for residential development is justified in Zone 4.

CIL Draft Charging Schedule Rates

Type of Development	Draft Charging Schedule
	Proposed CIL Charging Rates (per sq. m)
Residential- Zone 1 (C3)	£100
Residential - Zone 2 (C3)	£50
Residential - Zone 3 (C3)	£20
Residential - Zone 4 (C3)	£5
Retail warehousing* - Central Bradford	£85
Large Supermarket (>2000 sq m)	£50
All other uses not cited above	£0
<p>*Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.</p>	

CIL Charging Zones

- 5.3 Based on the viability evidence the council proposes setting differential rates for different zones in the District. In accordance with the CIL Regulations a map showing the charging zones for CIL is included in the DCS and on the council's website. In accordance with the CIL Regulation 12 (2) the charging zone map:
- identifies the location and boundaries of the zones,
 - is based on an Ordnance Survey map,
 - shows National Grid lines and reference numbers, and
 - includes an explanation of any symbol or notation which it uses.
- 5.4 The NPPG advises that differences in rates need to be justified by reference to the economic viability of development, and may be appropriate in relation to geographical zones and types of development. In addition, NPPG advises that a charging authority that plans to set

differential rates should seek to avoid undue complexity³. This has been the Council's approach as set out below.

- 5.5 Overall the results of the CIL viability evidence shows that there is a marked difference in the ability of residential development in different parts of the Bradford District to viably support a CIL charge, justifying the use of a zonal approach to setting rates for this use.
- 5.5 Residential charging zones in the CIL Viability Evidence (June 2015) were defined according to average house prices within each post code enumeration area. Average house prices were derived from the Land Registry data and five value bands were defined⁴. These were then simplified into four value areas (zone 1, zone 2, zone 3 and zone 4), which involved merging the two lowest value areas into a single zone (zone 4)⁵. The reason for this was that based on the results of in the CIL Viability Evidence (June 2015), there was no difference between the strength of the two lowest value geographical areas in regards to CIL viability for residential uses.
- 5.6 The boundaries of the CIL residential charging zones in the DCS Draft Charging Zone Map have been informed by the four zones identified in the CIL viability evidence. Whilst it is recognised that values may vary within each zone, overall it is considered that the charging zone boundaries proposed in the DCS are appropriate and consistent with the available viability evidence and avoid undue complexity.
- 5.7 The residential charging zone boundaries in the DCS have been aligned to ordnance survey data that the Council uses. The O/S data follows more physical features. Some postcode anomalies have been removed and some alterations have been made to zones on the boundary of the District to align with the District boundary.
- 5.8 The DCS Charging Zone Map includes a charging zone for retail warehousing rates in the City of Bradford. This is in response to the Viability Evidence Addendum (December 2015) which recommends that the CIL Charging Schedule is amended so that a CIL charge on retail warehousing only applies to the City of Bradford⁶.

6. Draft Regulation 123 List

- 6.1 Regulation 123 of the Community Infrastructure Levy Regulations (as amended by the 2011, 2013 and 2014 Regulations) provides for charging authorities to set out a list of those projects or types of infrastructure that it intends to fund, or may fund, through the levy.

³ National Planning Practice Guidance, paragraph: 021, Reference ID: 25-021- 20140612

⁴ CIL Viability Evidence, June 2015. Figure 4.1, p.23.

⁵ CIL Viability Evidence, June 2015. Figure 7.1, p.52.

⁶ CIL Viability Evidence Addendum, December 2015, p.12.

- 6.2 A Draft Regulation 123 List forms part of the consultation on the CIL Draft Charging Schedule. A statement clarifying the continued use of S106 is also included alongside the Regulation 123 List.
- 6.3 The Draft 123 List has been informed by the infrastructure evidence as set out in the latest Local Infrastructure Plan (LIP). The LIP provides an infrastructure capacity assessment for the District in support of the emerging Local Plan Core Strategy. The LIP has involved working with infrastructure delivery partners to assess and update key infrastructure information (e.g. transport and education). The resulting Infrastructure Schedule in the LIP sets out the list of infrastructure, anticipated costs and how it could be delivered. The Infrastructure Schedule has helped inform the Draft Regulation 123 List, which sets out a list of those projects or types of infrastructure that the Council intends to fund, or may fund, through the levy.
- 6.4 In accordance with CIL Regulations, following adoption of the CIL Charging Schedule by the Council, planning obligations in the form of Section 106 (S106) requirements will be scaled back to those matters that are directly related to a specific site, and are not set out in a Regulation 123 list.
- 6.5 The Draft Regulation 123 was updated following consultation on the CIL PDCS in response to the comments received and updated LIP evidence, This included the addition of community safety and health projects including emergency services (police, fire, ambulance), habitat mitigation including Suitable Alternative Natural Greenspace and further definition of sustainable transport schemes and education.

7. Draft Instalments and Exceptional Circumstances Relief Policy

- 7.1 CIL Regulation 69B allows for the council to set out to set its own levy payment deadlines and/or offer the option of paying by instalments. In doing so the council must publish an instalments policy on its website and make it available for inspection at its principal offices. The council set out a draft instalments policy in a separate document to the CIL charging schedule at the DCS stage. The inclusion of an instalments policy will further improve the cash flow for development sites and therefore is likely to improve the effects on the economic viability of development across the District, in particular on larger scale development sites.
- 7.2 The council revised its Draft Instalments Policy in light of written representations on the CIL PDCS and updated evidence. The council intends to adopt the instalments policy at the time the CIL is implemented.
- 7.3 The Council may also offer relief from the CIL in exceptional circumstances where a specific scheme cannot afford to pay the levy under CIL Regulation 55. In doing do the council must first publish a

notice of its intention to do so. The council can then consider claims for relief on chargeable developments from landowners on a case by case basis. This will help ensure that the CIL would not threaten the ability to develop viably the sites and the scale of development identified in the Council's Local Plan.

- 7.4 A Draft Exceptional Circumstances Relief Policy has been drafted. The council intend to apply the exceptional circumstances relief policy from the date the CIL is adopted.

8. Preparation of the CIL

Preliminary Draft Charging Schedule (July to September, 2015)

- 8.1 In accordance with the CIL Regulations the council consulted on the CIL PDCS in accordance with CIL Regulation 15 for 6 weeks from July to September 2015 and have considered and taken into account the representations made. A CIL DCS was prepared by the Council, in light of representations received on the PDCS and updated viability and infrastructure evidence where applicable.
- 8.2 Full details of the consultation including a summary of representations, main issues raised and council response to comment is set out in the Statement of Pre-Submission Consultation and Summary of Representations (October 2015).
- 8.3 The key changes from the CIL PDCS to CIL DCS included the following:
- Retail warehousing- rate lowered from £100/sqm to £85/sqm and geographically defined to central Bradford in response to comments received and further viability testing
 - More detailed charging zone map produced on O/S base, residential charging zone boundaries have been aligned to O/S features and the District boundary
 - Draft Regulation 123 List amended in response to comments received including; redefining sustainable transport schemes, education and community safety and health projects and the inclusion of habitat mitigation on the 123 list.
 - The Draft Regulation 123 is now provided in a separate document to the DCS and statement on continued use of S106 has been included
 - A Draft Instalments Policy is included as separate document to DCS
 - A Draft Exceptional Circumstances policy is included as separate document to the DCS

Draft Charging Schedule (December 2015 to February 2016)

- 8.3 In accordance with CIL Regulation 17, the Council specified a period of 8 weeks to receive representations from 14 December 2015 to 8

February 2016. The Council made available and republished the Draft Charging Schedule alongside a Local Advertisement Notice in accordance with CIL Regulation 16 1(d) for a further 4 weeks from Friday 25th March to Friday 22nd April 2016.

- 8.4 Full details of the consultation including a summary of representations, main issues raised and council response are set out in the CIL: Draft Charging Schedule Statement of Consultation and Summary of Representations (2016).
- 8.5 Following consultation on the CIL Draft Charging Schedule (DCS) the Council intend to submit the DCS for independent examination. The council has considered all representations received and do not intend to make any further changes to the CIL DCS prior to submission.