1. **Introduction**

1.1. At its meeting of Cabinet on 11 October 2016, Rushcliffe Borough Council agreed to start the process of introducing a Community Infrastructure Levy (CIL) within the Borough. This document sets out the Rushcliffe Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS) for consultation.

1.2. CIL was introduced by the Planning Act 2008, and is a levy that local authorities can choose to charge on new development, which is used to fund infrastructure needed to support development.

1.3. The requirements for setting and implementing a CIL are set out in the CIL regulations 2010 (as amended). Further guidance in setting up and implementing CIL is set out in the National Planning Practice Guidance [http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/](http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/)

1.4. Before a CIL Charging Schedule is adopted, the Borough Council is required to undertake two formal rounds of consultation, followed by an independent examination. The first formal stage of consultation is on the Preliminary Draft Charging Schedule (PDCS). The second stage will be on the Draft Charging Schedule (DCS). In producing the Charging Schedule, it must be supported by evidence in relation to infrastructure and viability. The document should be read alongside the following evidence based documents:

Responding to the consultation

1.5. The consultation will end at **5pm on Friday 31 March 2017**. If you would like to comment on the Preliminary Draft Charging Schedule this can be done:

- By e-mail to: localdevelopment@rushcliffe.gov.uk
- By post to: Planning Policy
  Rushcliffe Borough Council
  Rushcliffe Arena
  Rugby Road
  West Bridgford
  Nottingham
  NG2 7YG

A response form has been produced which can also be used to make representations and be posted or e-mailed to the Borough Council. The form can be downloaded from: [www.rushcliffe.gov.uk/planningpolicy](http://www.rushcliffe.gov.uk/planningpolicy)
2. Community Infrastructure Levy

What is the Community Infrastructure Levy?

2.1. CIL is a charge on new development that Local Planning Authorities can choose to introduce. It partly replaces the process of planning obligations commonly known as section 106 agreements.

What Development is Liable for the Community Infrastructure Levy?

2.2. The charge will be levied on developments of more than 100 square metres of new floorspace for non-residential uses. For residential uses, the charge would be levied on 1 or more dwellings irrespective of floorspace. CIL is not normally charged on conversions or change of use where they involve no net gain in floorspace, so long as they have been in a lawful use for a given period of time.

2.3. Certain types of development may be exempt from CIL, subject to applying and securing an exemption before development commences. These include affordable housing, developments undertaken by charities and self-build dwellings.

2.4. Based upon viability evidence, the Borough Council can decide which types of development are liable for CIL. Any charge can also vary depending upon the location of the development within the Borough, the use of the development and the size of the development.

What can CIL receipts be spent upon?

2.5. CIL receipts can be used to fund infrastructure that is needed as a result of new development in the Borough. These costs must be related to the additional demands arising from new development, and not deal with existing deficits in provision, unless those deficiencies will be made more severe by new development.

2.6. Under the CIL regulations, Parish and Town Council areas where CIL liable development takes place will receive a proportion of CIL receipts to spend on infrastructure that they want. This is 15% of the receipts received for development that takes place within their parish area, capped at £100 per existing council taxed dwelling. Where a Neighbourhood Plan is in place, the proportion is 25% and uncapped.
2.7. CIL receipts may not be the sole funding source available to fund infrastructure needs. It will be combined with other funding sources to deliver infrastructure requirements where these are available, such as from public sector bodies, infrastructure and service providers.
3. **Rate Setting**

3.1. In order to set a CIL charge, the authority is required to have:

- An up to date development plan.
- Evidence of an infrastructure funding gap (usually provided as a list of projects necessary to support the growth of the area, known as the 'Regulation 123 list').
- Evidence of viability.

3.2. Rushcliffe Borough Council adopted the Local Plan Part 1: Core Strategy in December 2014; therefore the plan has up to date strategic policies. Work has started on the production of Local Plan Part 2 (Land and Planning Policies). This document will contain non-strategic allocations in order to ensure the provision for enough sites for development of 13,150 dwellings between 2011 and 2028.

3.3. The Core Strategy contains the strategic policies for the Borough, together with major housing allocations at Melton Road, Edwalton, North of Bingham, Former RAF Newton, Former Cotgrave Colliery, South of Clifton, East of Gamston/North of Tollerton. The Core Strategy was accompanied by an Infrastructure Delivery Plan. This plan identified the necessary infrastructure at the time that was required to deliver the new development proposed within the Core Strategy at a strategic level, settlement level and site specific level.

3.4. Policy 19 of the Core Strategy makes a commitment to the introduction of CIL at some point during the plan period in order to mitigate against the effects of new development. In addition, policy 18 lists the type of infrastructure that new development may need to make a contribution to. The whole of the plan was supported by an Infrastructure Delivery Plan (February 2014, see [http://www.rushcliffe.gov.uk/media/corestrategy/documents/examinationdocuments/EX35%20Infrastructure%20Delivery%20Plan.pdf](http://www.rushcliffe.gov.uk/media/corestrategy/documents/examinationdocuments/EX35%20Infrastructure%20Delivery%20Plan.pdf))

3.5. In addition Rushcliffe Borough Council has commenced development of Local Plan Part 2. It will seek to allocate a number of sites in order to seek to help achieve the development of 13,150 dwellings across the Borough during the period 2011-2028.

3.6. The Council needs to identify a selection of indicative infrastructure projects or types of infrastructure that are likely to be funded by the levy. A preliminary draft regulation 123 list has been prepared in support of this
Preliminary Draft Charging Schedule. This includes a draft of infrastructure types to be funded through CIL and highlights specific projects. It also identifies exclusions that are to be funded by S106 and S278 agreements. The regulation 123 list has been based upon the Infrastructure Delivery Plan 2014, which provided evidence to show that there was a gap in the infrastructure required to support development and the funding secured. A regular review of the infrastructure list/S123 list is likely to be needed as priorities in the area change. CIL rates will also need to be revisited every few years, or if significant changes in the market occur.

3.7. Charging authorities need to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of charging the levy on new development in terms of economic viability. There is a defined process for preparing the charge with an independent examination at the end of the process to test the robustness of the evidence.

3.8. The Council engaged independent consultants to carry out a CIL viability study. This study examined the economic viability of levying a charge on new development based on assumptions of costs and revenues across different parts of the Borough. It is anticipated that this work will be updated as the CIL charging schedule approaches examination in order to have regard to comments received during consultation stages, and updated assumptions in relation to costs and revenues from new development.

3.9. To be considered capable of being implemented, the CIL rate must not have a detrimental effect on development (taken as a whole) across the Borough. Regulation 14 of the CIL regulations (as amended) that the setting of CIL may put some development at risk, therefore a charging authority is required to look at the effects of a charge taken as a whole on the viability of development across its area. Evidence may show that the proposed rates may make particular types of development unviable if CIL was to be levied. But unless development threatens to deliver the plan as a whole, the duty to strike an appropriate balance (as defined under regulation 14) is still likely to be met. The evidence supporting the proposed Charging Schedule will then be tested at examination.
4. CIL, S106 and infrastructure provision through other mechanisms

4.1. Developers will be asked to contribute towards different types of infrastructure in different ways, where relevant to the application and through the following mechanisms:

- Community Infrastructure Levy
- S106 agreements
- S278 highways agreements
- Planning conditions

4.2. Some developments will be subject to paying for or providing infrastructure through a combination of the above mechanisms. Appendix 4 clarifies the proposed approach once CIL is adopted. It is important to note, however that different types of developer contributions serve different purposes and that the CIL regulations prevent developers paying twice for the same item of infrastructure. In addition the CIL regulations have been tightened so that it places restrictions on the number of contributions secured through S106 agreements that can be 'pooled' towards a specific piece of infrastructure. Contributions secured through S106 agreements can no longer be pooled from five or more developments.

4.3. There is a significant amount of development within the Borough that occurs on sites that sit below thresholds where planning contributions are sought. The cumulative impact of many small developments is therefore not mitigated through the planning system. CIL has been viewed as a fairer way of obtaining contributions towards infrastructure from all relevant developments.
5. **Proposed CIL Charging Rates**

5.1. The proposed CIL charging rates within the Borough are variable for residential development depending on type and location within the Borough. There are also proposed rates for both small and large retail development. It is proposed that all other types of development will be zero-rated.

5.2. Based upon evidence of viability, the proposed CIL rates are as follows:

<table>
<thead>
<tr>
<th>Development type</th>
<th>Zone</th>
<th>CIL Rate per m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks)</td>
<td>Low Zone</td>
<td>£50</td>
</tr>
<tr>
<td>Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks)</td>
<td>Medium Zone</td>
<td>£75</td>
</tr>
<tr>
<td>Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks)</td>
<td>High Zone</td>
<td>£100</td>
</tr>
<tr>
<td>Apartments</td>
<td>Borough-wide</td>
<td>£0</td>
</tr>
<tr>
<td>General retail A1-A5 (excluding food supermarket)</td>
<td>Borough-wide</td>
<td>£80</td>
</tr>
<tr>
<td>Food supermarket A1</td>
<td>Borough-wide</td>
<td>£120</td>
</tr>
<tr>
<td>All other developments</td>
<td>Borough-wide</td>
<td>£0</td>
</tr>
</tbody>
</table>

5.3. The map contained within Appendix 1 identifies the draft charging zones for residential development.

5.4. The Council will calculate the chargeable amount of CIL payable using the locally set rates multiplied by the gross internal area of new buildings and enlargements to existing buildings, taking demolished floorspace into account. The formal calculation methodology is provided in Part 5, regulation 40 of the CIL regulations 2010 (as amended) and further details are provided at Appendix 2.
6. **Exemptions and Payment Terms**

6.1. The charge will apply to all development containing over 100 square metres internal floorspace or new dwelling of any size. However it only relates to the net additional floorspace in order to avoid discouraging redevelopment opportunities within the Borough. Where buildings are demolished to enable redevelopment with new buildings, the charge will be based upon the eligible floorspace of new buildings less the eligible floorspace of the demolished buildings, provided the buildings were in lawful use prior to demolition.

6.2. Once CIL is implemented, it is fixed and non-negotiable. The CIL regulations however exempt the following types of development from paying CIL. The regulations referred to are the CIL regulations 2010 (as amended):

- Development of less than 100 square metres (see Regulation 42 on Minor Development Exemptions) - unless this is a whole house, in which case the levy is payable;
- Houses, flat, residential annexes and residential extensions which are built by 'self-builders' (see Regulations 42A, 42B, 54A and 54B, inserted by the 2014 Regulations); Social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2015 Regulations);
- Charitable development that meets the relief criteria set out in Regulations 43 to 48;
- Buildings into which people do not normally go (see Regulation 5(2));
- Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (see Regulation 5(2));
- Structures which are not buildings, such as pylons and wind turbines;
- Specified types of development which are 'zero' rated in the charging schedule;
- Vacant buildings brought back into the same use (see Regulation 40 as amended by the 2014 Regulations);
• Development proposals that already have planning permission when a CIL Charging Schedule comes into force are not liable for CIL. This includes any subsequent Reserved Matters applications following outline planning permission. However, if proposed developments with planning permission are not started within the time limit set out within the planning permission decision notice, any subsequent renewal or amendment applications will be liable to CIL if by that time a CIL Charging Schedule has been adopted.

6.3. The Borough Council has prepared its Preliminary Draft Charging Schedule taking into account economic viability considerations and the requirements of the legislation is to provide for an appropriate balance between the need to fund infrastructure and the potential implications of development within Rushcliffe. Having regard to viability evidence, and the list of developments that are exempt from paying CIL, it is considered that the circumstances which would justify exceptional circumstances would be extremely rare. As such the Council is not proposing to introduce an Exceptional Circumstances Relief policy. The Council will keep this situation under review and has the discretion to introduce this policy at any time.

6.4. There may be situations where it may be appropriate for the Council to receive items of infrastructure or land provided by the development instead of a CIL payment. The CIL regulations allow the Council to accept land transfers and/or construction of infrastructure as payment for the whole or part of the levy, subject to valuation procedures. This will be considered on a site by site basis in accordance with the regulations and details will be provided in a ‘Payments in kind Policy’, which will be developed in parallel with the production of the Draft Charging Schedule.
7. Collecting the Levy

7.1. The CIL charge becomes due on the commencement of development. Responsibility for payment rests with the owner(s) of the development site, but the developer may assume liability instead.

7.2. Rushcliffe Borough Council, as charging authority, is responsible for collecting payments.

7.3. The potential for phased payments for large scale, locally planned development, which is essential in increasing housing supply will be reviewed by the Council. However the principle of phased development must be apparent from the planning permission.

7.4. The CIL will be calculated in accordance with the regulations and will be indexed for inflation using a nationally recognised index. The CIL Charging Schedule will be reviewed to take account of changes in viability, when economic conditions or basic viability assumptions indicate.

7.5. The Council recognises the viability issues associated with the payment of financial contributions and considers that a policy on the potential deferment of payment of financial contributions through an ‘Instalment Policy’ is appropriate. The Council will operate an Instalment Policy made in line with Regulation 70 of the CIL regulations 2010 (as amended). To ensure that the Council’s approach is clear, a draft Instalment Policy will be made available alongside the Draft Charging Schedule and will detail the timing and level of payments and the rationale for the policy. The intention of such a policy will be to assist with the delivery of larger projects.

7.6. The draft Instalment Policy will set out:

- the date on which it takes effect, which must be no earlier than the day after the instalment policy is published on the website;
- the number of instalment payments;
- the amount or proportion of CIL payable in any instalment;
- the time (to be calculated from the date the development is commenced) that the first instalment payment is due, and the time that any subsequent instalment payments are due; and
- any minimum amount of CIL below which CIL may not be paid by instalment; and that where the instalment policy is not applicable, the chargeable amount must be made in full at the end of the period of 60
days beginning with the notified or deemed commencement date of the chargeable development.
8. **Next Steps**

8.1 This consultation is being carried out in accordance with Regulation 15 of the CIL regulations 2010 (as amended). Following the consultation period, the Council will consider the views expressed in the responses and amend the charging schedule accordingly. There will then be another period of consultation on the amended draft charging schedule before the draft charging schedule, together with representations received during this period of consultation are submitted for examination by an independent inspector.
Appendix 1: Preliminary Draft Charging Zones
Appendix 2 Key points of calculating the levy
The process for calculating the chargeable amount to be paid by a development is set out in Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

Key points in calculating the CIL charge are:

- CIL is charged on the net additional internal floor area of development.

- Where buildings are demolished to make way for new buildings, the charge will be based on the eligible floorspace of new buildings less the eligible floorspace of the demolished buildings, provided the buildings were in lawful use prior to demolition.

- A building is considered to be in lawful use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

- A building is considered to be in lawful use if the building 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.

- If the CIL amount calculated is less than £50 no charge will apply.

- The relevant rates are the rates as set out in the Charging Schedule which apply to type and location of the relevant development. They apply at the time planning permission first permits the chargeable development.
Appendix 3: Preliminary Draft Regulation 123 List
Preliminary Draft Regulation 123 List

Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy (CIL). Infrastructure types or projects that are listed below will not be secured through planning obligations. This is to ensure there is no duplication between CIL and planning obligations secured through Section 106 agreements in funding the same infrastructure projects.

The indicative list below sets out those infrastructure projects that Rushcliffe Borough Council may wholly or partly fund by the CIL. The inclusion of a project or type of infrastructure on this list does not signify a commitment from the Council to fund (either in whole or in part) the listed project or type of infrastructure through CIL. The ordering of the table does not imply any order of preference for expenditure and the Council will review this list on an annual basis, as part of its monitoring of CIL collection and expenditure.

It is anticipated that amount of CIL receipts will be limited in the first years after adoption, given that contributions are not payable until commencement of development.

The Council has chosen to publish this draft Regulation 123 list for comments alongside the Preliminary Draft Charging Schedule. Comments received would inform future revisions of the Regulation 123 List.

<table>
<thead>
<tr>
<th>Infrastructure across the borough that may wholly or partly funded by Community Infrastructure Levy funds.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of Park and Ride along the A52 corridor and associated bus priority measures in West Bridgford.</td>
</tr>
<tr>
<td>Provision of additional primary school places across the Borough through new provision or extension to existing provision.</td>
</tr>
<tr>
<td>Provision of additional secondary school places across the Borough through new provision or extension to existing provision.</td>
</tr>
<tr>
<td>Provision of health facilities across the Borough through new provision or extension to existing provision.</td>
</tr>
</tbody>
</table>
Appendix 4: Guidance upon the relationship between the Community Infrastructure Levy, Section 106 and Section 278.
The relationship between the Community Infrastructure Levy, Section 106 and Section 278

Introduction

Rushcliffe Borough Council has produced its Preliminary Draft Charging Schedule for consultation. Although the Community Infrastructure Levy (CIL) does not replace Section 106 (S106) planning obligations, it is anticipated that it will become the primary system for securing funds from new developments to deliver strategic infrastructure. Once CIL has been adopted all developments that commenced after the adoption date may be liable to pay the new levy, depending on their nature, scale and location.

This position statement sets out the Council’s approach to securing planning obligations and defines the interactions between CIL, S106 and Section 278 (S.278) planning obligations after CIL has been implemented. It demonstrates that there will be no ‘double dipping’ between CIL and planning obligations (developers paying twice for the same item of infrastructure). It also provides a transparent system for identifying what infrastructure should be funded through CIL and under which circumstances infrastructure would be provided as a planning obligation.

CIL Regulations and guidance

The statutory framework for planning obligations is defined in Section 106 of the Town and Country Planning Act (TCPA) 1990, as amended by the Planning and Compensation Act 1991. Under Section 106 the planning authority can enter into a legal agreement (S106 agreement) with developers in relation to planning applications to make an unacceptable development acceptable in planning terms.

Regulation 122 of the CIL Regulations 2010 (and various amendments to those regulations, up to March 2015) has limited the use of the planning obligations secured through the TCPA, to cases where three tests can be successfully applied:

“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.”

Regulation 122 ensures these tests are a statutory requirement. The intention was to provide greater clarity regarding the purpose of planning obligations since the introduction of the CIL regulations.
Regulation 123 states that the charging authority may not seek to secure planning obligations for: “infrastructure projects or types that it intends will be, or may be, wholly or partly funded by CIL”. The list of infrastructure projects or types to be funded via CIL (known as the Regulation 123 List) has been submitted for examination along with this document.

Table 1 of this report sets out the type of infrastructure that will be funded through CIL, S106 and S278 (highway agreement) contributions.

**Scope of planning obligations**

Projects on the Regulation 123 list are strategic in nature and aim to deliver infrastructure improvements and additions that will assist with the delivery of development throughout the whole borough. On the other hand, S106 and or S278 contributions are for site-specific mitigation of a new development and these planning obligations cannot be used to contribute towards CIL-funded projects / infrastructure.

Developments may require new specific local infrastructure that is not included on the Regulation 123 list, such as highway or open space improvements necessary to make the development acceptable in planning terms. In such a case the Council would require this matter to be dealt with through the planning application process and would generally expect the delivery of the infrastructure to be secured through S106 planning obligations and or S278 highway agreements.

Certain developments could be liable to pay both CIL and S106/278. However, as mentioned above, the contributions gathered from the levy and planning obligations, despite originating from the same development, must be spent accordingly: CIL for borough-wide infrastructure listed in 123 list and S106/278 contributions for site-specific mitigation of the development.

Previously there was no cap on the number of S106 agreements that could be used to fund a project. However, from April 2015 five or more S106 planning obligations cannot be pooled to contribute to the same type infrastructure or project. These limits include all S106 agreements entered into since 6 April 2010.

There are no limits to the number of S278 agreements that can be pooled for the same infrastructure project.

As mentioned previously, S106 will be still be used to secure the delivery of affordable housing infrastructure specific to that development even once CIL is adopted in Rushcliffe Borough.

The summary in Table 1 below concisely defines how the council will use contributions from CIL and planning obligations once the levy has been adopted.
<table>
<thead>
<tr>
<th>Type of infrastructure</th>
<th>S.106 infrastructure/mitigation</th>
<th>S.278 mitigation</th>
<th>CIL funded infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing</td>
<td>Provision of units on-site or contribution towards off-site provision in exceptional circumstances to overcome impacts directly related to developments.</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Education</td>
<td>Direct on-site provision where no available site for expansion. CIL payment in kind policy may apply in such cases.</td>
<td>Not applicable</td>
<td>Off-site provision of education places through expansion to existing facilities.</td>
</tr>
<tr>
<td>Transport and highways</td>
<td>Local site-related transport requirements to overcome impacts directly related to developments.</td>
<td>Site-related highway works, such as localised safety improvements, reinstatement of highways or access to roads. Where appropriate, contributions towards strategic road network improvements in line with the Memorandum of Understanding for A52/A606 improvements.</td>
<td>Provision of Park and Ride along the A52 corridor and associated bus priority measures in West Bridgford</td>
</tr>
<tr>
<td>Health</td>
<td>Direct on-site provision where no available site for expansion. CIL payment in kind policy may apply in such cases.</td>
<td>Not applicable</td>
<td>Off-site provision of health facilities through expansion to existing facilities.</td>
</tr>
<tr>
<td>Type of infrastructure</td>
<td>S.106 infrastructure/mitigation</td>
<td>S.278 mitigation</td>
<td>CIL funded infrastructure</td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------------------</td>
<td>-----------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Community facilities</td>
<td>Development of specific community facilities</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Sports Facilities</td>
<td>On site provision where required</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Green Infrastructure</td>
<td>Site related tree planting and landscaping. Provision of on-site related informal open space, land, play facilities and recreational equipment on large housing sites.</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Flood defence</td>
<td>Site-related defence infrastructure, such as the installation of SUDS (Sustainable Urban Drainage Systems).</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
Appendix 5: Infrastructure Evidence Base Report
Introduction

This report has been prepared to support the development of a Community Infrastructure Levy (CIL) Charging Schedule for the borough. The purpose of this document is to demonstrate whether there is a significant funding gap between the cost of the infrastructure required to assist delivery of the development strategy set out in the Local Plan (Part One) and the funding currently available from alternative sources.

It does not encompass all of the Council’s infrastructure requirements to deliver economic growth as the schemes included are those that clearly fall within the definition of ‘infrastructure’ in Section 216 of the Planning Act (2008), as amended by Regulation 63 of the CIL Regulations 2010 (as amended) and that are proposed to be delivered through CIL (at least in part).

Local Plan Part 1, Rushcliffe Core Strategy (adopted December 2014) clearly sets out the scale and general location of growth within the borough between 2011-2018. Policy 3 of the Core Strategy delivers at least:

- 13,150 new dwellings
- Land for employment development to meet a range of types and sizes of site.

The majority of new development will be located within or on the edge of the Nottingham Principal Urban Area (within Rushcliffe) and key settlements within the borough.

In determining the size of its funding gap, the charging authority should consider infrastructure costs and all other sources of possible funding available to meet those costs. This process will identify a CIL infrastructure funding target. This target should be informed by a selection of infrastructure projects or types that are identified as candidates to be funded by the levy.

The Planning Practice Guidance identifies that information on the charging authority area’s infrastructure needs should be drawn from the Infrastructure Delivery Plan (IDP). In determining the size of its infrastructure funding gap, the charging authority should consider known and expected infrastructure costs and other possible sources of funding. National guidance recognises that there will be uncertainty in pinpointing other infrastructure funding sources, particularly beyond the short term. Instead, charging authorities should focus on providing evidence of an aggregate funding gap that demonstrates the need to put in place the levy. It also states that the CIL examination should not re-open infrastructure planning issues that have already been found sound following the examination of the Local Plan.
Planning Practice Guidance states that the role of the Regulation 123 list is to help provide evidence on the potential funding gap – it is not the purpose of the examination to challenge the list. It also states that infrastructure planning work, which was submitted in support of a sound relevant Plan, should not be re-appraised.

This infrastructure evidence base report has been based on the information provided within the Greater Nottingham Infrastructure Delivery Plan http://www.rushcliffe.gov.uk/media/corestrategy/documents/examinationdocuments/EX35%20Infrastructure%20Delivery%20Plan.pdf.

The Regulation 123 list includes projects partly or wholly to be funded through CIL. It is not the purpose or role of this document to prioritise infrastructure projects.

This report identifies the funding gap and demonstrates that it is significantly greater than the anticipated level of CIL receipts over the plan period.

Infrastructure requirements

The Greater Nottingham Infrastructure Delivery Plan final report was published in 2014 to support preparation and Examination of the Local Plan Part 1: Rushcliffe Core Strategy. The Local Plan Part 1 was adopted in December 2014. The Core Strategy provides the most relevant, up to date policies and the IDP provides relevant and appropriate evidence.

The Council is currently preparing the Local Plan Part 2: Land and Planning Policies, following on from the strategic framework set out in the Core Strategy. When adopted, both documents will form the statutory development plan for Rushcliffe Borough. The Council has completed consultation on Local Plan Part 2 Issues and Options and is working towards progression of the plan to subsequent consultation stages.

The IDP assessed infrastructure requirements, costs and known funding relating to growth and identified barriers or phasing issues that might affect the proposed growth. It also provided advice on the future delivery of infrastructure needed to support future planned growth.

Table 1 lists the infrastructure projects that were identified within the IDP and explains the decision on whether to include projects on the Regulation 123 list. Table 1 also includes additional infrastructure projects that were not identified within the IDP and explains why they were added to the Regulation 123 list. A separate report has been prepared which sets out the relationship between CIL, Section 106 and Section 278. This provides a clear, transparent system for identifying what infrastructure will be funded through CIL and what infrastructure will still be required through planning obligations.

Site specific mitigation measures will still be required to address the impact of development. Therefore, to make a development acceptable in planning terms as per the tests set out in the CIL regulations, any S278 or remaining Section 106 planning
obligations will still be required to be entered into and delivered. Section 106 planning obligations may include site specific requirements to mitigate the impact of new development.

There may be further infrastructure requirements that arise which will be funded through CIL as opposed to S106, especially where the mitigation measure is to alleviate the cumulative impact of development. As such, the draft S123 infrastructure list is under development as more information is received from infrastructure providers when developing preferred options for non-strategic housing sites. In addition, there is currently work being undertaken in relation to outdoor and indoor sports provision. Similarly items of infrastructure that are required to support growth may also form part of the S123 infrastructure list.
<table>
<thead>
<tr>
<th>Infrastructure project or type</th>
<th>Identified in the Infrastructure Delivery Plan?</th>
<th>Included in Regulation 123 list?</th>
<th>Reasons included or not included in Regulation 123 list.</th>
</tr>
</thead>
<tbody>
<tr>
<td>NET line 2</td>
<td>Yes</td>
<td>No</td>
<td>Completed</td>
</tr>
<tr>
<td>Nottingham Hub</td>
<td>Yes</td>
<td>No</td>
<td>Completed</td>
</tr>
<tr>
<td>Implementation of A453 improvement scheme</td>
<td>Yes</td>
<td>No</td>
<td>Completed</td>
</tr>
<tr>
<td>Access arrangements onto A453 from South of Clifton Strategic Allocation.</td>
<td>Yes</td>
<td>No</td>
<td>Site specific requirement to be secured through S278 agreement. A453 is part of the strategic trunk road network therefore CIL regulations preclude contributions for such matters.</td>
</tr>
<tr>
<td>Access arrangements for East of Gamston/North of Tollerton onto Lings Bar road</td>
<td>Yes</td>
<td>No</td>
<td>Site specific requirement to be secured through S278 agreement. Lings Bar Road is part of the trunk road network and CIL regulations preclude contributions towards such infrastructure.</td>
</tr>
<tr>
<td>Melton Road, Edwalton</td>
<td>Yes</td>
<td>No</td>
<td>Main access to the site now in place. Alternative access provision for Taylor</td>
</tr>
<tr>
<td>Infrastructure project or type</td>
<td>Identified in the Infrastructure Delivery Plan?</td>
<td>Included in Regulation 123 list?</td>
<td>Reasons included or not included in Regulation 123 list.</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>------------------------------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Package of improvements for A52 between A6005 and A46.</td>
<td>Yes</td>
<td>No</td>
<td>Wimpey phase approved and will be secured through S278 agreement.</td>
</tr>
<tr>
<td>Nottingham Ring Road Scheme</td>
<td>Yes</td>
<td>No</td>
<td>Completed.</td>
</tr>
<tr>
<td>Provision of Park and Ride along the A52 corridor and associated bus priority measures in West Bridgford (£3.5m)</td>
<td>In part</td>
<td>Yes</td>
<td>IDP specific about P+R being located at Gamston. Other options may be more suitable therefore description less specific.</td>
</tr>
<tr>
<td>Primary school places contribution</td>
<td>Yes</td>
<td>Yes</td>
<td>Primary provision at capacity across the borough and CIL would enable pooling to expand existing primary provision. The County Council has indicated that some schools are not expandable. Where this is the case and provision can be made within a</td>
</tr>
<tr>
<td>Infrastructure project or type</td>
<td>Identified in the Infrastructure Delivery Plan?</td>
<td>Included in Regulation 123 list?</td>
<td>Reasons included or not included in Regulation 123 list.</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-----------------------------------------------</td>
<td>--------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>Secondary school places contribution</td>
<td>Yes</td>
<td>Yes</td>
<td>Secondary school places largely at capacity across the Borough. Some are not expandable. Option for provision East of Gamston/North of Tollerton.</td>
</tr>
<tr>
<td>Health provision.</td>
<td>Yes</td>
<td>Yes</td>
<td>With the exception of Keyworth, all facilities at capacity and other facilities would have to be expanded to serve new development. Cost of expansion £950 per dwelling which would lead to pooling issues. Where existing facilities cannot be expanded and provision can be made within a development, payment in kind arrangements may be used instead.</td>
</tr>
</tbody>
</table>

Table 2 identifies the infrastructure projects and types that are listed on the Regulation 123 list and explains how they will contribute to the implementation of the Local Plan and provides details of costs and funding sources. The costs included and funding sources mentioned are based on the best information available as at January 2017. It is likely that these will change as schemes are refined and progress through their planning and design stages.
| Infrastructure project / type | Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development | Anticipated cost | Sources of funding and likely amount available from other sources | Anticipated funding gap | Timescales for delivery | Evidence of need for the development or work to prepare for delivery – relevant studies / plans |
|------------------------------|-------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------|------------------------|------------------------|-----------------------------------------------------------------
<p>| <strong>Transport</strong>                |                                                                                                 |                 |                                                              |                        |                        |                                                                  |
| Provision of Park and Ride along the A52 corridor and associated bus priority measures in West Bridgford. | Will assist in the improvement of bus access from the developments to the east of the Borough to the city. | £3.5m           | None                                                         | £3.5m                  | 1-15 years in line with Local Plan                              | Local Transport Plan scheme identified to support growth. |
| <strong>Education</strong>                |                                                                                                 |                 |                                                              |                        |                        |                                                                  |
| Primary School Provision throughout the Borough | Will assist in the provision of primary school places across the Borough. | On the assumption that there will be 3,225 dwellings liable for CIL 2018-2028, there is a | None | £7.76m | 2018-2028 in line with the Local Plan. | There is a duty to provide for school places under section 14 of the Education Act 1996. Additional development |</p>
<table>
<thead>
<tr>
<th><strong>Infrastructure project / type</strong></th>
<th><strong>Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development</strong></th>
<th><strong>Anticipated cost</strong></th>
<th><strong>Sources of funding and likely amount available from other sources</strong></th>
<th><strong>Anticipated funding gap</strong></th>
<th><strong>Timescales for delivery</strong></th>
<th><strong>Evidence of need for the development or work to prepare for delivery – relevant studies / plans</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Secondary school provision across the Borough</strong></td>
<td>Will assist in the provision of Secondary school places across the Borough.</td>
<td>On the assumption that there will be 3,225 dwellings liable for CIL</td>
<td>None</td>
<td>£8.91 million</td>
<td>2018-2028 in line with the Local Plan.</td>
<td>There is a duty to provide for school places under section 14 of the Education Act 1996.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>requirement for 21 primary school places per 100 pupils equating to 516 new places. At £11,455 per place, the cost of provision is £7.76 million</td>
<td></td>
<td></td>
<td></td>
<td>puts pressure on existing schools where there is no capacity. Planning contributions strategy <a href="http://www.nottinghamshire.gov.uk/media/2394/final-revised-planning-obligations-strategy-april-2014-d.pdf">http://www.nottinghamshire.gov.uk/media/2394/final-revised-planning-obligations-strategy-april-2014-d.pdf</a></td>
</tr>
<tr>
<td>Infrastructure project / type</td>
<td>Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development</td>
<td>Anticipated cost</td>
<td>Sources of funding and likely amount available from other sources</td>
<td>Anticipated funding gap</td>
<td>Timescales for delivery</td>
<td>Evidence of need for the development or work to prepare for delivery – relevant studies / plans</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>---------------------------------------------------------------</td>
<td>------------------------</td>
<td>------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>2018-2028, there is a requirement for 16 Secondary school places per 100 pupils equating to 516 new places. At £17,260 per place, the cost of provision is £8.91million</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Additional development puts pressure on existing schools where there is no capacity. Planning contributions strategy <a href="http://www.notttinghamshire.gov.uk/media/2394/financial-revised-planning-obligations-strategy-april-2014-d.pdf">http://www.notttinghamshire.gov.uk/media/2394/financial-revised-planning-obligations-strategy-april-2014-d.pdf</a></td>
</tr>
<tr>
<td>Health</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provision of health facilities</td>
<td>Will assist in the provision or expansion of health facilities</td>
<td>£950 per dwelling. On</td>
<td>None</td>
<td>£3.06million</td>
<td>2018-2028</td>
<td>See comments contained within</td>
</tr>
<tr>
<td>Infrastructure project / type</td>
<td>Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development</td>
<td>Anticipated cost</td>
<td>Sources of funding and likely amount available from other sources</td>
<td>Anticipated funding gap</td>
<td>Timescales for delivery</td>
<td>Evidence of need for the development or work to prepare for delivery – relevant studies / plans</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>---------------------------------------------------------------</td>
<td>-------------------------</td>
<td>------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>across the Borough</td>
<td>across the Borough</td>
<td>the assumption that there will be 3,225 dwellings liable for CIL 2018-2028</td>
<td></td>
<td></td>
<td>in line with the Local Plan.</td>
<td>Infrastructure delivery plan.</td>
</tr>
<tr>
<td>Total Funding Gap</td>
<td></td>
<td></td>
<td></td>
<td>£23.23 million</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The infrastructure types and projects on the Regulation 123 list and those set out in the table above will all help to support growth and deliver the development set out in the Local Plan, as explained in the table.

Projected CIL income

The charging rates used for residential development are £50m² in the West of Bingham and Cotgrave, £75m² for and £100m² for the rest of the Borough. Ultimately the projected income will be determined by the final configuration of sites within Local Plan Part 2 and if there is a requirement for additional sites to make up the shortfall and where these sites are located. In order to provide for a broad estimate of income, the following assumptions have been made:

The outstanding balance of residential development that does not have planning permission following CIL adoption in 2018:

| Total housing target plan period (2011-28) | 13,150 |
| Anticipated completions planning permissions at April 2018 | 9,625 |
| Anticipated number of dwellings that will be CIL liable | 3,525 |

The following assumptions have been made in relation to income from residential development.

a. Residential developments on average will be 90m²
b. Assumption that developments will average out at £90m² income as most planned development will occur within medium and high charging zones.
c. Discount of 15% for Parish Council receipts.
d. Further discount of 40% to take into account no CIL contributions from apartments, affordable housing, administration costs and self-build homes.

Furthermore, it is assumed that there will be no income from retail development as there are no planned retail developments within the Borough.

Total infrastructure costs=£23.23m
Total projected CIL income before assumptions (c) and (d) are applied and if all housing development (3,525 homes) is liable for levy: 3,525 homes x 90m² x £90 = £28.55m
Total projected CIL income after all assumptions ((a) to (d) above) are applied = £12.85m

Total anticipated aggregate funding gap with CIL in place (total Infrastructure costs (£23.23m) minus total projected CIL income (£12.85m)) = £10.38m