

Conwy Local Development Plan 2007 – 2022



COMMUNITY INFRASTRUCTURE LEVY

Preliminary Draft Charging Schedule

October 2015

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1. Introduction

- 1.1 The purpose of this document is to set out Conwy County Borough Council's Preliminary Draft Charging Schedule for the Community Infrastructure Levy (CIL) in its area. The finance generated from the CIL will be used to secure infrastructure that is required to support development in accordance with the Conwy Local Development Plan.

2. Viability and CIL Rates

- 2.1 Conwy County Borough Council will be the charging authority for the purpose of charging the Community Infrastructure Levy. A viability assessment has been undertaken which demonstrates that the following rates (expressed as pounds per square metre) in respect of all developments in the following use classes within each of the relevant zones as shown in Tables 1 & 2 below, are acceptable in viability terms. (For further information, please see CIL Background paper 2 – CIL Viability Assessment).

Table 1: Residential Development CIL Rates

Zone	Sub-market /Zone Name*	CIL RATE PER SQM
1	Llandudno & Penrhyn Bay	£120
2	Conwy and Hinterland	£100
3	Vale of Conwy	£70
4	Colwyn Bay	£70
5	Western Coast	£70
6	Betws-y-Coed area and Rural South	£70
7	North East Rural	£70
8	Eastern Coast	£70

*See Appendix 1 for list of postcodes covered under each sub market / zone name.

Table 2: Commercial Development CIL Rates

Type	CIL Rate per sqm
A1 Retail (250sqm or above)	£100

- 2.2 CIL Background paper 2 – Viability Assessment Report tested a number of scenarios across commercial sector use classes. While it was found from the scenarios tested all A1 were viable, it is suggested that the situation is complex with a need at the testing stage to distinguish between primary and secondary retail locations or different scales of development. The conclusion is that a CIL can 'safely be applied to convenience stores, retail food stores, out of town

shopping centres and retail and convenience superstores. A threshold of 250 sqm and above has been set to reflect the levels that were used during the scenario testing.

3 Calculating the amount of CIL payable

3.1 The chargeable amount will be calculated at the time planning permission first permits the chargeable development in accordance with the formula set out in Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended) as follows:

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

R = the CIL Rate set out in the tables above
A = the deemed net area chargeable at rate R¹
I_p = the index² figure for the year in which planning permission was granted
I_c = the index figure for the year in which the charging schedule took effect

- 3.2 CIL will be charged for the net additional floorspace, that is, after the area of demolished buildings has been deducted. Where the chargeable amount is less than £50 it is deemed to be zero.
- 3.3 Where there is more than one use class on a development, the chargeable development in each use class is calculated separately and then added together to provide the total chargeable amount.
- 3.4 Where an outline planning permission permits development to be implemented in phases, each phase of the development is a separate chargeable development. In the case of outline planning applications where the floorspace of the development is not specified, the amount will be calculated at the submission of reserved matters and the liability notice will follow the approval of reserved matters.¹

¹ Regulation 40 (6) provides more information on how to calculate A
² The index is the All-in Tender Price Index published by the Building Cost Information Service of the RICS and the figure is for 1st November of the preceding year (Regulation 40 (7))

4 Exemptions from CIL

- 4.1 CIL chargeable development does not include works to buildings into which people do not normally go or which people only go intermittently to inspect or maintain plant or machinery.
- 4.2 CIL is not chargeable on minor developments where the gross internal area of the new building or extension will be less than 100 square metres unless the development will comprise one or more dwellings.
- 4.3 CIL is not chargeable on developments where the owner of the land is a charitable institution and the development will be used wholly or mainly for charitable purposes.
- 4.4 Social /Affordable Housing is eligible for relief from CIL Regulations 49-54 of the Community Infrastructure Levy Regulations 2010 (as amended) set out the conditions and procedures under which this exemption applies for Social / Affordable housing.
- 4.5 There is also discretionary relief for exceptional circumstances if there is a Section 106 planning obligation attached to a development, and the cost of that exceeds the CIL amount levied, whereby CIL would have an unacceptable impact on the economic viability of a development. In such exceptional circumstances, the onus will be placed on the Developer to demonstrate that this is the case. Any discretionary relief must not constitute State Aid.

5. How will the Levy be collected?

- 5.1 The levy's charges will become payable from the date that a chargeable development is commenced. The definition of commencement being the same as used in planning legislation, unless planning permission has been granted after commencement.
- 5.2 When planning permission is granted the Council will issue a liability notice setting out the amount that will be due for payment when the development is commenced, the payment procedure and the possible consequences of failure to comply with the requirements.
- 5.3 The responsibility to pay the levy runs with the ownership of the land to which the development relates and is transferred when ownership is transferred. The liable party must submit a commencement notice to the Council prior to commencement of development. The Council, as charging authority, will serve a demand notice on each person liable to pay CIL in respect of the chargeable development.

6. What will the Levy be spent on once it is adopted?

- 6.1 In accordance with the CIL Regulations, the Council must apply CIL receipts to funding infrastructure to support the development of its area. The Draft Infrastructure List, for the purposes of the Conwy County Borough Council is contained within CIL Background Paper 1 – Infrastructure Assessment and Draft Infrastructure List.

Appendix 1.

Table showing 'submarkets' or zones broken down into post cost areas.

Sub Market	Postcode	Urban Areas	Main Villages (Tier 1)
Llandudno & Penrhyn Bay	LL30 1	Llandudno South and East Craig y Don	<i>No Tier 1 Settlements</i>
	LL30 2	Llandudno and Great Orme	
	LL28 4	Penrhyn Bay and Rhos on Sea	
	LL30 3	Penrhynside	
Conwy and Hinterland	LL31 9	Conwy North East (Deganwy/Llandudno Junction)	
	LL32 8	Conwy South (Conwy)	
	LL28 5	Mochdre	Glan Conwy
Vale of Conwy	LL27 0		
	LL26 0	Llanrwst	
Colwyn Bay	LL29 8	Colwyn Bay (part)	<i>No Tier 1 Settlements</i>
	LL29 7	Colwyn Bay (part)	
	LL29 9	Old Colwyn	
	LL29 6	Colwyn Heights	
Western Coast	LL34 6	Penmaenmawr	Dwygyfylchi
	LL33 0	Llanfairfechan	
Betws y Coed and Rural South	LL24 0	<i>No Urban Settlements</i>	<i>No Tier 1 Settlements</i>
	LL25 0		
	LL21 9		
	LL21 0		
North East Rural	LL16 5	<i>No Urban Settlements</i>	
	LL22 8		Llanddulas

Conwy County Borough Council Housing Market Areas

