

## **Peterborough Community Infrastructure Levy**

### **Draft Charging Schedule**

### **Supporting Document**

**Recommended to Cabinet 30 June 2014**

**August 2014**

#### **Peterborough City Council**

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**Important Note:**

**This document has been produced to help assist the reader as to how CIL is intended to be introduced in Peterborough.**

**However, the legal mechanism for introducing CIL is set out in extensive government regulations and nothing in this document supersedes such regulations, Any unintended error in this document, compared with the latest regulations, will not be enforced or implemented instead the regulations will prevail.**

## Forward

Community Infrastructure Levy (CIL) is a mechanism introduced by government that allows local authorities to charge a levy on most new developments to fund infrastructure improvements in their area.

Peterborough City Council is preparing CIL and are consulting on the [Draft Charging Schedule \(DCS\)](#) which sets out what charge will be placed on different types of development. This document sets out supporting information for the DCS and the process for CIL and how this will work alongside S106 planning obligations.

A simple guide to [How CIL will Work in Peterborough](#) has been produced and is available on the council's website.

### How to Comment on the DCS

Once you have looked through the DCS, please send us your comments. Only comment on the DCS can be made. Please be aware that your comments will be published on the council's website together with your name and organisation name (where appropriate). You can send us your comments:

- By email at [planningpolicy@peterborough.gov.uk](mailto:planningpolicy@peterborough.gov.uk) preferably using the electronic response form on the Council's websites; or,
- Using a **response form** - If you do not have access to a computer, a paper form can be completed and sent to the Council. Copies of the response form are available from the Planning Policy team, the main libraries and at the city council's main office, Bayard Place Reception, Broadway, Peterborough.

Your views are important to us, and we recognise that the planning system is not always easy to understand and find your way around. We want to make sure that as many people as possible have an opportunity to have their say as the new CIL is prepared. You can contact us using one of the following methods:

- You can phone us on 01773 863872 (ask to speak to someone in the Planning Policy team); or,
- You can email us at [planningpolicy@peterborough.gov.uk](mailto:planningpolicy@peterborough.gov.uk)

Full details about CIL, all supporting documents and the consultation process can be viewed on the council's website at: [add web link]

Peterborough City Council has set a timetable to adopt CIL by April 2015. The table below outlines the key stages and timetable for adoption of CIL:

**Table 1: CIL Timetable**

Stage	Date
CIL Preliminary Draft Charging Schedule Consultation	1 November 2012 to 12 December 2013
Full Council approval to publish Draft Charging Schedule for consultation	23 July 2014
CIL Draft Charging Schedule Consultation	X August 2014 to X September 2014
Submission of Draft Charging Schedule to Planning Inspectorate for Examination in Public	October 2014
CIL Examination (estimate)	December 2014 / January 2015
Inspectors Report (estimate)	February 2015

Adoption (subject to Inspectors Report)	March 2015
Commencement of CIL	1 April 2015

## Other Documents

The following supporting documents have also been published alongside the CIL Draft Charging Schedule and can be viewed on the council's website.

- Peterborough Draft Charging Schedule
- CIL Viability Study April 2014
- Peterborough Infrastructure Delivery Schedule (IDS) June 2014
- Regulation 123 list
- Regulation 16 Statement of Representations
- Preliminary Draft Charging Schedule Statement of Consultation

The council is also consulting on a [Draft Developer Contributions Supplementary Planning Document \(SPD\)](#) that sets out when CIL or S106 planning obligations will be used.

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# 1. Introduction

## 1.1 Background

- 1.1.1. This document sets out Peterborough City Council's progress to date with the introduction of a Community Infrastructure Levy (CIL) and has been produced in support of the [Peterborough Draft Charging Schedule](#), which is out for consultation.
- 1.1.2. The CIL regulations 2010<sup>1</sup> (as amended) and related guidance<sup>2</sup>, provide direction for councils implementing the levy. Before a CIL charging schedule is adopted it must go through two formal rounds of consultation followed by an independent examination.
- 1.1.3. The first formal round of consultation, the Preliminary Draft Charging Schedule (PDCS), took place between 1<sup>st</sup> November 2012 and 12<sup>th</sup> December 2012. Representations were received from 24 respondents. A complete list of respondents, the full consultation responses and the council's response can be found in the background documents in the CIL pages of the council's website. These representations have provided the basis for the development of the council's CIL Draft Charging Schedule, which is now the subject of the second formal round of consultation.
- 1.1.4. The Draft Charging Schedule is set out in Chapter Four. The rest of this document provides background to the charging schedule, drawing on supporting evidence, and deals with a number of issues related to the governance and implementation of the levy.

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<sup>1</sup> The Community Infrastructure Regulations 2010, Statutory Instruments 2010 No. 948, <http://www.legislation.gov.uk/uksi/2010/948/contents/made>

<sup>2</sup> DCLG, CIL Guidance, February 2014 [http://www.planningportal.gov.uk/uploads/cil/cil\\_guidance\\_main.pdf](http://www.planningportal.gov.uk/uploads/cil/cil_guidance_main.pdf)

## 2. Context

### 2.1 What is CIL?

- 2.2.1 The Community Infrastructure Levy is a charge that local authorities can levy on most new development (see para 2.2) in their area to fund infrastructure improvements. It was first introduced in April 2010, and is the government's preferred mechanism for securing developer contributions to help fund the infrastructure to support growth. The statutory provisions provide for an end to tariff based approaches to planning obligations (Section 106 Agreements) by 6<sup>th</sup> April 2015. In Peterborough, the council currently operates such a tariff based scheme, known as the Peterborough Planning Obligations Scheme (POIS). The CIL Regulations have been amended four times, in 2011<sup>3</sup>, 2012<sup>4</sup>, 2013<sup>5</sup>, and 2014<sup>6</sup> since the 2010 regulations were made.
- 2.2.2 The CIL will be run in parallel with, and partly replace, the existing process of planning obligations known as 'Section 106' agreements. Although S106 planning obligations will continue to be used alongside CIL to provide on-site infrastructure requirements and affordable housing, following the adoption of the CIL, the majority of planning application proposals for CIL liable development will no longer use S106 obligations. CIL breaks the direct link between developer funding and the development site. CIL funds once collected will be spent on an approved list of infrastructure to support development in the area. The approved list of infrastructure is often referred to as the 'Reg 123 List'.
- 2.2.3 Funds raised through the CIL will be used to help pay for a wide range of infrastructure required to support the needs of sustainable development. The CIL receipts will not fund 100% of the costs of the infrastructure requirements and may only form one of a range of potential funding sources that need to be used to ensure that the infrastructure is effectively delivered.

### 2.2 What Development is Liable for CIL?

- 2.2.1 CIL is chargeable on new build floorspace only. Liability to pay CIL arises when, on completion of the development, the gross internal area of new build is 100 square metres or above. The development of a new house, even if it is less than 100 square metres, is liable to pay CIL, unless it is a 'self-build' dwelling, Community self-build or is social housing (for which social housing relief is made available). The levy is chargeable on the basis of a calculation related to pounds (£) per square metre (sq m) on net additional floorspace. Existing floorspace that has been in legal use within a period of six months prior to planning permission being granted is not liable for CIL.
- 2.2.2 CIL will not be charged on changes of use that involve new additional floorspace of less than 100m<sup>2</sup>; or on structures which people do not normally go into (or do so only intermittently for the purpose of inspecting or maintaining fixed plant or machinery). Affordable housing development and the majority of development by charities is exempt from the charge.

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<sup>3</sup> The Community Infrastructure Levy (Amendment) Regulations 2011, SI 2011 No. 987, <http://www.legislation.gov.uk/ukxi/2011/987/contents/made>

<sup>4</sup> The Community Infrastructure Levy (Amendment) Regulations 2012, SI 2012 No.2975, <http://www.legislation.gov.uk/ukxi/2012/2975/contents/made>

<sup>5</sup> The Community Infrastructure Levy (Amendment) Regulations 2013, SI 2013 No.982, <http://www.legislation.gov.uk/ukxi/2013/982/contents/made>

<sup>6</sup> The Community Infrastructure Levy (Amendment) Regulations 2014, SI 2013 No.385 <http://www.legislation.gov.uk/ukxi/2014/385/contents/made>

2.2.3 The Draft Charging Schedule (Chapter Five) sets out the types of development on which it is proposed to introduce a levy, and the levy rate.

### **2.3 What are the Benefits of Setting A CIL?**

2.3.1 Most development has some form of impact on the infrastructure needs of an area and, as such, it is fair that the development contributes towards the cost of those needs. Those needs could be environmental, social and/or economic in nature. The proceeds of CIL will be spent on infrastructure required to support the development of the area. The key benefits of a CIL are:

- Local communities will benefit from improved services as the money raised can be spent on a wide range of infrastructure;
- Developers and landowners will be able to determine more transparently, and at an early stage, the level of contributions they are required to make towards infrastructure provision;
- CIL will reduce the need for protracted planning obligations negotiations; and,
- The CIL Regulations provide for an end to tariff based approaches to planning obligations by April 2015, such as that currently operated by the council known as POIS. If the council did not introduce CIL, it is likely that there would be a significant loss of funding for infrastructure, due to the fact that POIS will no longer operate post April 2015.

### **2.4 What can CIL be Spent on?**

2.4.1 CIL will pay for infrastructure to support new development. Infrastructure could be physical (e.g. roads); it could be green (e.g. open spaces) or it could be social (e.g. schools, community buildings). It can be used to pay for strategic infrastructure serving a wide area, such as improvements to the parkway system or electronic traffic management systems; or it can be local infrastructure such as a community building within a village. The Levy can be spent on 'the provision, improvement, replacement, operation or maintenance of infrastructure'.

2.4.2 In addition to new infrastructure, CIL receipts can also be used to expand and enhance existing infrastructure or for the on-going maintenance or operational costs of providing infrastructure. These costs must be directly related to the additional demands arising from new development. The up-front and continuing costs of preparing and implementing a CIL can also be drawn from CIL receipts subject to annual percentage ceilings.

2.4.3 In parished areas, 15% (capped at £100 per annum per registered council tax dwelling within the area) of the annual CIL revenue collected from development within the parish, will be passed to the parish council to be spent on locally determined infrastructure. This rises to 25% (uncapped) for those parishes with an adopted neighbourhood plan in place. For non-parished areas, the local planning authority will consult with communities to establish the local infrastructure priorities, towards which the equivalent 15% of annual CIL revenue for those areas may be spent. The precise mechanism for achieving this has yet to be agreed, though the current mechanism used for governing S106 and POIS funds provides a useful practical basis for doing this.

2.4.4 The 15% 'neighbourhood funding' can be spent on a wider range of things than general levy funds. It can be spent on supporting the development of the area by funding:

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



- 2.4.5 The Council can retain up to 5% of revenue received to meet its costs in administrating the levy.
- 2.4.6 The governance and prioritisation of future CIL spend (the remaining 75-85% part) is the responsibility of the Charging Authority (Peterborough City Council). However, in practice (and in line with statutory guidance) the prioritisation of projects will need to be undertaken in partnership with other infrastructure providers. During the CIL consultations and adoption process the council will consider further what governance arrangements need to be put in place to guide this process.

### **3. Consultation to Date**

#### **3.1.1 Informal Consultation and Engagement**

3.1.1 A range of stakeholders were consulted throughout the evidence gathering process. The Integrated Development Programme (IDP), Infrastructure Delivery Schedule (IDS), and the Peterborough CIL Study (May 2012) contain further details on the informal consultation that has taken place with key stakeholders.

#### **3.2 Preliminary Draft Charging Schedule (PDCS) Consultation**

3.2.1 Consultation on the Preliminary Draft Charging Schedule (PDCS) took place between 1 November and 12 December 2012. The consultation included the PDCS, a short explanatory Guide to CIL, and a copy of the Peterborough Infrastructure Delivery Schedule. A set of 14 questions targeted on the PDCS, provided the focus for comment, whilst the opportunity to freely express related comment was also provided.

3.2.2 A broad range of comments and issues were raised in the representations received on the PDCS. A summary of the representations and the council's response to the specific points raised are included in the [PDCS Consultation Statement](#).

3.2.3 In general the comments concentrated on specific themes including: spend, process, CIL rates, viability and the assumptions used in the viability study.

3.2.4 A CIL Workshop Meeting was held at the Cross Keys Homes offices, Peterborough which had input from the development industry, the City Council, and other local planning agents on 19<sup>th</sup> March 2013. The purpose of this consultation event was to provide key stakeholders (primarily with local residential development experience) with an opportunity to share, challenge and inform the CIL Study modelling variables in light of their local experience.

#### **3.3 Statement of Representations Procedure**

3.3.1 Regulation 16 of the CIL Regulations 2010 (as amended) requires that the council publish a Statement of Representations Procedure alongside the Draft Charging Schedule. A copy of the [Statement of Representations](#) is available.

## 4. Evidence Base

### 4.1 Justification for a Peterborough CIL

4.1.1 Local authorities need to ensure that the CIL rate does not put at serious risk the overall development of their area. The CIL Regulations are clear that in setting rates, the charging authority must strike an appropriate balance between:

- *The desirability of funding from CIL (in whole or part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and*
- *The potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.*

4.1.2 The Charging Schedule has to be informed by an appropriate evidence base. In order to adopt a sound Charging Schedule the council should :-

- Have an up to date Local Plan for the area
- Identify a local infrastructure funding gap
- Demonstrate the proposed CIL rates will not unduly affect the viability of planned development across the city
- Clarify how planning obligations policies will be varied after the introduction of CIL
- Produce a list of infrastructure types/projects (known as a Regulation 123 list) it intends to fund in whole or in part through CIL and review more generally the Council's wider existing policies for collecting developer contributions

### 4.2 An up to date Development Plan

4.2.1 Statutory guidance sets out that councils must have an up to date development strategy for the area in which they propose to charge.<sup>7</sup> As set out in the National Planning Policy Framework for England, where practical levy charges should be worked up and tested alongside the Local Plan.<sup>8</sup>

4.2.2 In Peterborough, the CIL Draft Charging Schedule has been tested against the background of recently adopted planning documents. [The Core Strategy DPD](#)<sup>9</sup> [Feb 2011] (itself supported by the Integrated Development Programme); the [Site Allocations DPD](#)<sup>10</sup> [April 2012]; the [Planning Policies DPD](#)<sup>11</sup> [Dec 2012] and [City Centre Plan DPD](#)<sup>12</sup> (submission version)[April 2014].

### 4.3 An Infrastructure Funding Gap

4.3.1 The Community Infrastructure Levy Regulations 2010 (as amended) require that any levy's rates should be based on evidence of the infrastructure needed. The charging authority must consider what additional infrastructure is needed in its area to support development and what other funding sources are available. The focus should be on providing evidence of an aggregate funding gap that demonstrates the need to levy the Community Infrastructure Levy.

4.3.2 Statutory CIL guidance also states that information relating to the infrastructure needs of a Charging Authority should, wherever possible, be drawn directly from the infrastructure

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<sup>7</sup> Para 4, Community Infrastructure Levy Guidance, December 2012

<sup>8</sup> Para 175, National Planning Policy Framework for England

<sup>9</sup> <http://consult.peterborough.gov.uk/file/2344268>

<sup>10</sup> <http://consult.peterborough.gov.uk/file/2344266>

<sup>11</sup> <http://www.peterborough.gov.uk/pdf/env-plan-ldf-ppdpd-adopted%20DPD.pdf>

<sup>12</sup> <http://consult.peterborough.gov.uk/file/2884570>

planning that underpins the Charging Authority's development plan. This is the case in Peterborough, the paragraphs below explain this.

### **Integrated Development Programme 2009**

- 4.3.3 The council in partnership with Opportunity Peterborough, developed the Integrated Development Programme (IDP, 2009) to support the Peterborough Core Strategy. The IDP provided a costed, phased and prioritised programme of infrastructure development. The IDP identified infrastructure requirements in the order of £1.25 to £2.5 billion over the plan period.

### **Infrastructure Delivery Schedule 2012**

- 4.3.4 The IDP was refreshed in 2012, with an updated picture reflecting 'on the ground delivery', planned development and with local community input from neighbourhood managers. This new version is referred to as the Infrastructure Delivery Schedule (IDS), a copy of which was made available as part of the Preliminary Draft Charging Schedule consultation stage and was used as background information for the Peterborough CIL Study. The IDS 2012 identifies infrastructure requirements in the order of £1.25 billion.

### **Infrastructure Eligible for CIL Funding**

- 4.3.5 The IDS includes a clear indication of whether the project or infrastructure type is eligible for CIL funding. In simple terms, infrastructure projects that have been identified as eligible for CIL funding will not be eligible for S106 funds in future. This distinction is an important one which raises much interest and requires Charging Authorities to be as clear as possible so as to prevent what is referred to as 'double-dipping'.
- 4.3.6 The infrastructure projects or types that are eligible for CIL funding appear in the Regulation 123 List. Infrastructure projects may appear as individual projects within the list, or they may be subsumed under a wider infrastructure type heading (as appropriate). The CIL eligible projects / types listed in the IDS provide evidence of the CIL infrastructure bill.
- 4.3.7 The CIL Study sets out the proposed CIL Draft Charging Schedule rates and the projected revenue over the plan period 2015- 2031, which takes account of known planning permissions and completions until 2015. The forecast CIL revenue over the period 2015-2031 is approximately £29 million. The potential value of S106 obligations over the same period was calculated at approximately £64 million. In total, the planning contributions from both S106 obligations and CIL over the period to 2031, are forecast to total around £93 million.
- 4.3.8 The IDS identified total infrastructure costs of £1.25 billion over the same period. This provides clear evidence of an infrastructure funding gap.

### **Infrastructure Delivery Schedule Update 2014**

- 4.3.9 Since the consultation on the Preliminary Draft Charging Schedule the IDS has been amended to reflect the latest known position, to inform the Draft Charging Schedule stage. The IDS contains a list of all known infrastructure projects that would support growth in different parts of the city. Some of the projects listed are expected to be delivered without CIL funding, as the funding is already known and agreed to be coming from a developer contribution and/or other public sector funds. Examples include schools to be provided by a developer of an urban extension, or the Highways Agency funding a road improvement scheme.
- 4.3.10 The IDS 2014 update identifies infrastructure costs of around XXXX This maintains the evidence of an infrastructure funding gap when compared to estimated CIL receipts.

### *Prioritisation*

- 4.3.10 In practice financial resources will rarely meet all the identified needs for infrastructure at any given time and there will inevitably be a requirement to phase and prioritise projects across an area. The Infrastructure Delivery Study and subsequent updates should be a key document in informing the prioritisation process.
- 4.3.11 The role of the IDS is not to provide absolute assurances as to how the council intends to spend CIL, but to illustrate that the intended CIL targets are justifiable given local infrastructure need and based on appropriate available evidence. It is not a formal investment programme and does not entail commitment by the council or other statutory providers.

### **Projected CIL Income and the Residual Infrastructure Funding Gap**

- 4.3.12 It is difficult to accurately forecast CIL receipts due to the complicated nature of levying the new charge and how often landowners will pursue CIL exemptions. Revenues will depend on the volume, rate of build and type of new development undertaken.
- 4.3.13 The largest generator of CIL is likely to be residential development. The housing trajectory associated with the Core Strategy and Site Allocations document has been used to estimate potential CIL revenue from residential development to 2031. The associated revenue projections 2015 to 2031 are set out in the Peterborough CIL Study (Table 2) is reproduced overleaf.

**Table 2 : CIL & S106 Revenue Projections 2015-2031**

CIL Revenue Projections		2015-2031									
Assumes Gt Haddon has planning permission by April 2015											
	CIL Charge per sq.m	No. units in plan period (note 1a)	Market units (note 1b)	Unit floorspace (note 2)	Gross floorspace (see note 3)	Estimated net additional proportion (see note 4)	Estimated net additional floorspace	Estimated CIL revenue in plan period	Estimated CIL revenue per annum	S106 Revenue See Notes to right	Estimated annual S106 revenue
<b>Residential</b>											
<b>&lt;15 Units</b>											
Houses Low	£100	20	20	100	2,000	95%	1,900	190,000	11,875	340	21.25
Houses Moderate	£120	238	238	110	26,180	95%	24,871	2,984,520	186,533	4,046	252.88
Houses High	£140	189	189	120	22,680	95%	21,546	3,016,440	188,528	3,213	200.81
Apartments Low	£15	47	47	45	2,115	95%	2,009	30,139	1,884	799	49.94
Apartments Moderate	£45	76	76	45	3,420	95%	3,249	146,205	9,138	1,292	80.75
Apartments High	£75	5	5	45	225	95%	214	16,031	1,002	85	5.31
<b>15+ Units</b>											
Low	£15	180	126	100	12,600	95%	11,970	179,550	11,222	630,000	39,375.00
Moderate	£45	2,143	1,500	110	165,003	95%	156,753	7,053,891	440,868	7,500,150	468,759.38
High	£75	1,703	1,192	120	143,035	95%	135,883	10,191,258	636,954	5,959,800	372,487.50
Apartments	£0	1,158	811	45	36,477	95%	34,653	-	-	4,053,000	253,312.50
<b>Strategic Sites</b>	£15	2,300	1,610	110	177,100	95%	168,245	2,523,675	157,730	39,100,000	2,443,750.00
<b>Non-residential</b>											
Retail - convenience	£150				11,500	95%	10,925	1,638,750	102,422	1,638,750	102,421.88
Retail warehouse	£70				15,000	95%	14,250	997,500	62,344	2,137,500	133,593.75
Retail - Neighbourhood Conv.	£15				6,250	95%	5,938	89,063	5,566	-	-
Retail - TC comparison	£0				4,000	50%	2,000	-	-	200,000	12,500.00
Industrial/warehousing	£0				150,000	95%	142,500	-	-	1,425,000	89,062.50
Office	£0				122,000	95%	115,900	-	-	1,098,000	68,625.00
<b>Total</b>								<b>29,057,022</b>	<b>1,816,064</b>	<b>63,751,975</b>	<b>3,984,498.44</b>
								<b>PDCS Comparison</b>	<b>67,068,560</b>	<b>3,945,209</b>	
Note:											
S106 Revenue is exclusive of a financial value for Affordable Homes delivery. This monetary value is not shown as it is assumed that they will all be delivered on-site.											
S106 Revenue (with the exception of Affordable Homes) has a costed financial value in the above table. In reality, a significant proportion of this value will not arrive in the Council coffers, it will be physically delivered on-site by the developer and partners as part of the development.											

## 4.4 Viability Evidence Base

4.4.1 The requirement to demonstrate that the proposed CIL rates will not unduly affect the viability of planned development across the city has been taken into account in the Peterborough CIL Viability Study (April 2014). The document is made available for reading alongside this consultation document.

### **Peterborough CIL Study - Viability Assessment**

4.4.2 To meet legal requirements and satisfy an independent examiner, a CIL Charging Schedule should strike an appropriate balance between the need to fund infrastructure and the impact of CIL and not put at serious risk the overall development of the area.

4.4.3 Consultants, Peter Brett Associates, in producing the Peterborough CIL Study (April 2014) undertook separate assessments of the viability of residential and non-residential development, using different models that take account of the key characteristics of each. Assessments of residential development have been done for development on sites where no affordable housing is required (current policy sets a threshold of 15 units for the provision of affordable housing); on sites of up to 500 units (a trigger point for several large, high cost on-site infrastructure items); and sites of 500 or more units where significant on-site infrastructure is likely to be required. Separate assessments have also been undertaken for apartment and house schemes.

4.4.4 In respect of non-residential development, a number of development types were assessed using a simple high-level model to reveal the surplus/residual profit or deficit after all development costs (including the developer's margin) have been taken into account. The assessments included city centre offices, business park offices, industrial, and retail – high street comparison, retail warehouse, supermarket and neighbourhood convenience; and some less common uses and forms of development.

4.4.5 In determining the CIL rate, thought was given to determining the maximum potential CIL charge i.e. the point beyond which development is no longer viable. For each of the identified development types, the Charging Authority selected a rate which was clearly below the theoretical rate. The rates were published in the Preliminary Draft Charging Schedule, and most recently lower rates have been published in Draft Charging Schedule.

4.4.6 The consultants used a residual developer's margin appraisal approach to assess the financial capacity of a range of residential and non-residential development scenarios. The methodology they used follows a standard development appraisal, using assumptions (worked up in consultation with the development industry, iterated following the CIL Workshop) on land values, build costs, sales values and planning policy considerations (for example, 30% affordable housing on schemes of 15 or more dwellings). The methodology has been through successful CIL examinations with other authorities. Further detail is provided in the viability assessment.

4.4.7 The CIL Regulations allow for different rates to apply for different geographical zones in which development would be situated or by reference to intended use of development.

4.4.8 The consultants found that it is viable at the current time to levy a CIL charge on new residential development, to distinguish between a) three different charging zones across Peterborough that reflect distinctly different sales values; b) houses and apartments, c) residential developments of less than 15 dwellings; d) residential development of 15 or more dwellings but less than 500 dwellings. Distinction between different types of retail development is also reflected in the Draft Charging Schedule..

- 4.4.9 **Residential development** - The headline finding is that suitable overall parameters for charging CIL in the city were found to be between £15/sq.m to £140/sq.m. Within those parameters the consultants have indicated that there is sufficient evidence to justify the following distinctions:-
- Three differential residential charging zones across Peterborough, within which charging rates will vary depending upon the scale of development proposed
  - Differential rates for residential development of less than 15 dwellings, varying from £100 - £140/m<sup>2</sup> on such developments.
  - Differential rates for residential development of between 15 to 499 dwellings, varying from £15 - £70/m<sup>2</sup> on such developments.
  - Differential rates for development consisting of apartments (less than 15 dwelling schemes), varying from £15 - £70/m<sup>2</sup> on such developments.
  - A differential rate for strategic residential sites of 500 or more dwellings of £15/m<sup>2</sup>.
- 4.4.10 The council's recommendation is to have a lower CIL charge rate for residential development on all strategic sites of 500 or more dwellings; and for sites of 15 to 499 dwellings if located within the lower charge rate zone. The recommended charge rate for such developments is £15/m<sup>2</sup>. The charge rate of £15/m<sup>2</sup> reflects the range of infrastructure to be provided by the developer directly on-site or via S106 planning obligations is significantly greater than for strategic residential development sites. For sites of 15 to 499 dwellings within the lower charge zone, the lower rate reflects the viability issues concerning delivery of affordable dwellings in those wards. The £15/m<sup>2</sup> charge rate is set at a level below the theoretical maximum charge rate for such developments.
- For developments of apartments, where 15 or more dwellings are proposed and affordable housing is a requirement, the council recommends a £NIL charge rate. This rate takes account of the differing viability economics of apartments schemes compared to houses.
- 4.4.11 **Retail** – The recommended charge rates for retail development varies with the type of retailing:-
- Supermarkets (500 sq.m or more) - recommended charge rate is £150/sq.m.
  - Retail Warehouses (500 sq.m or more) - recommended charge rate is £70/sq.m.
  - Neighbourhood Convenience Stores (less than 500sq.m) - recommended charge rate is £15/sq.m.
  - All Other Retail Development - recommended charge rate is £NIL/sq.m.
- 4.4.12 . Further detail is contained in the Viability Assessment.
- 4.4.13 **All Other Commercial Development:** The viability assessment concludes that in the current depressed market conditions many commercial uses would not be viable if a CIL charge was applied to them at this time. For this reason, all other commercial development is recommended to be charged at a £NIL/sq.m.
- 4.4.14 A number of detailed comments were made at the Preliminary Draft Charging Schedule consultation in relation to the viability testing and assumptions used, including the costs of professional fees; finance costs; build costs; S.106 and fees. Comments were also raised in relation to the proposed rates. A summary of these comments and detailed responses on behalf of the Council can be found in the Preliminary Draft Charging Schedule Statement of Consultation which should be read alongside this document.

## 4.5 The Relationship Between CIL and S.106



- 4.5.1 The introduction of CIL whilst promoted as something that will simplify the planning contributions process, has arguably made the process more complicated by creating an additional mechanism. Although CIL will become the main mechanism used to secure certain planning contribution types, S106 planning obligations will continue to be used to secure other contribution types. The principle is that all eligible developments must pay a CIL charge as well as any necessary S106 obligation sought to make a proposed development acceptable.
- 4.5.2 Appendix A and C have been published to clarify which mechanism, CIL or S106, will likely be used to secure planning contributions for different infrastructure types in Peterborough. See also the Draft developer Contributions SPD.
- 4.5.3 CIL Guidance advises that, for transparency charging authorities should have set out at CIL Examination how their S.106 policies have been varied<sup>13</sup>. It has therefore been necessary to commence a parallel review of the council's procedures for S.106 planning obligations and to consider the future of the existing Planning Obligations Implementation Scheme SPD (POIS).
- 4.5.4 The council has determined that the Peterborough POIS will have to be revoked at the same time as the Peterborough CIL is adopted. POIS will therefore be replaced by CIL.
- 4.5.5 However, S106 planning obligations will continued to be used. To support and clarify the process the council has published a Draft Developer Contributions SPD, which helpfully sets out the proposed relationship between CIL and S106, and the scale of planning contributions that will be sought on-site, or via a commuted sum if off-site contributions in lieu of provision is deemed appropriate. The preparation of the document has been a central input into the viability modelling for the CIL Study.
- 4.5.6 The Draft Developer Contributions SPD has been published alongside the CIL Charging Schedule at CIL Examination.

#### **4.6 Draft Regulation 123 List**

- 4.6.1 CIL regulations<sup>14</sup> indicate that the council's draft infrastructure list, also known as the Draft Regulation 123 List, should 'set out at Examination a draft list of the projects and types of infrastructure that are to be funded in whole or part by the levy'.
- 4.6.2 The need, in the eyes of the development industry, to consult on a Draft Regulation 123 List as soon as possible to ensure the view of landowners and developers are taken on board, was a matter raised during the PDCS consultation.
- 4.6.3 A Draft Regulation 123 List is published alongside the Draft Charging Schedule.
- 4.6.4 Following CIL adoption, the draft list will form the basis of the council's 'Regulation 123 List' of CIL funded projects for which S.106 planning obligations should not normally be sought. This list has to be published and any subsequent revisions to it would need to be subject to appropriate consultation. This requirement to publish a Regulation 123 List is specifically designed to prevent the 'double charging' of developers.
- 4.6.5 The Peterborough Draft Regulation 123 is not a comprehensive detailed list of specific infrastructure projects. Indeed experience nationally is showing that in general, Reg.123 Lists are not being designed in such a way. Instead, a common approach is one whereby the Reg.123 list identifies both broad areas of infrastructure (and as such, anything which

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<sup>13</sup> Para 2:6:2:2, CIL Guidance, February 2014, DCLG

<sup>14</sup> The Community Infrastructure Levy (Amendment) Regulations 2014, SI 2013 No.385  
<http://www.legislation.gov.uk/ukxi/2014/385/contents/made>

falls under a broad infrastructure 'type' heading, would be able to be funded by CIL, but not by S.106) and some selected specific infrastructure items (such as a named specific highway improvement or specific named new school, which again would mean that developer contributions for these specific items could not be sought from S.106 Planning Obligations).

- 4.6.6 The starting point for the prioritisation of projects, or broad areas of infrastructure, to go on the Draft Reg.123 list is the IDS. The subsequent decision as to which infrastructure projects receive CIL funding from the finalised Reg.123 List will ultimately lie with the parish councils (the 15-25% meaningful proportion) and the city council for the remainder. However, input from other key stakeholders will be essential on all these matters. As such, sound governance arrangements around maintaining the Reg.123 list, the prioritisation of CIL spend and the policy mechanism around developer contributions in general are essential. The council is committed to working with key stakeholders to ensure appropriate governance arrangements are in place for the administration of CIL once it is adopted.

## 5. Community Infrastructure Levy Draft Charging Schedule



### Peterborough City Council Community Infrastructure Levy Draft Charging Schedule

Peterborough City Council, as the local Planning Authority, is the Charging Authority and will also be the Collecting Authority. This Charging Schedule comes into force in XXXX [To be inserted in final Charging Schedule, estimated to be April 2015]

#### Liability to Pay CIL

A chargeable development is one for which planning permission is granted and which is liable to pay CIL in accordance with the Regulations.

#### Schedule of Rates

Peterborough City Council is proposing to charge CIL in respect of development at the following rates:

Development Type	Charging Zone		
	High	Medium	Low
Market Housing on sites of less than 15 units	£140	£120	£100
Market Housing on sites of 15 or more units	£70	£45	£15
Apartments on sites of less than 15 units	£70	£45	£15
Strategic Sites (500 dwellings or more)	£15	£15	£15
Supermarkets (500sq m or more)	£150		
Retail Warehouses (500 sq m or more)	£70		
Neighbourhood Convenience Stores (less than 500 sq m)	£15		
All other development	£0		

All charges are £ per sq m

#### How will the Chargeable Amount be Calculated?

CIL charges will be calculated in accordance with CIL Regulation 40 (as amended). The chargeable amount will be equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates as set out in this charging schedule.

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

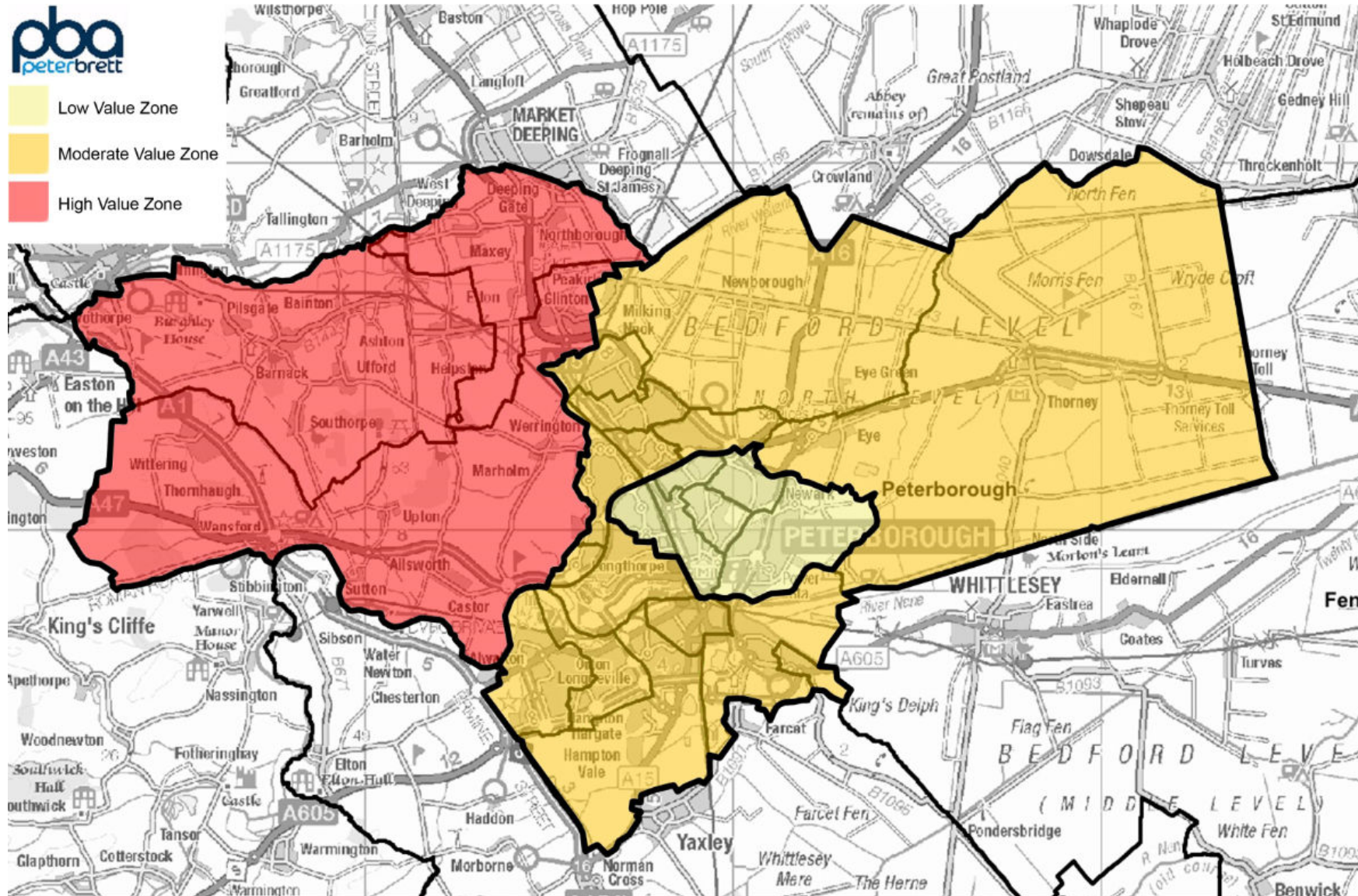
#### Date of Approval

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

#### Date of Effect

This charging schedule will take effect on xx/xx/xxxx [to be inserted in final charging schedule]

## 5.2 Draft Charging Zones



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## **6. Implementing the Community Infrastructure Levy**

### **6.1 How will CIL be Collected?**

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

### **6.2 Payment by Instalment**

6.2.1 Regulation 70(7) of the Community Infrastructure Levy Regulations (as amended) sets a default of full payment of the Levy within 60 days of commencement of development. The CIL Regulations also enable a Charging Authority to set an Instalment Policy that allows payments to be spread over longer periods. The council has concluded that it is reasonable to spread payment instalments according to the scale of development that is proposed.

6.2.2 The council can change its Instalment Policy at any time, as long as the previous Instalment Policy has been in effect for more than 28 days.

6.2.3 Regulation 69B states that an instalment policy must contain:

- the date on which it takes effect;
- 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,
- the minimum amount of CIL, below which CIL may not be paid by instalment
- Self-build housing (Regulation 54A)
- Residential Annexes or extensions (Regulation 42A)

6.2.4 A Draft CIL Instalment Policy has been set at Appendix D to enable interested parties to consider its implication on development finance and delivery. Whilst comments are invited alongside the Draft Charging Schedule, it should be noted that the Draft Instalment Policy will not itself be subject to Public Examination. The council will consider responses when finalising the Peterborough CIL Instalments Policy.

### **6.3 Payment in Kind**

6.3.1 The Regulations provide the potential for a charging authority to accept payments in kind for CIL, in the form of a transfer of land to be used for infrastructure provision (as set out in Regulations 73 and 74). The value of the land needs to be equal to the amount of the CIL that would have been paid – with the land value being assessed by an independent valuer. It is in lieu of CIL, and is in addition to any transfer of land which may be required via Section 106 Agreements. It is the city council's prerogative to agree to a transfer.

### **6.4 Infrastructure Payments**

- 6.4.1 The Regulations also provide the potential for a charging authority to make 'infrastructure payments' available in its area (Regulation 73A/B). The council intends to give notice that it is willing to accept infrastructure payments in its area. It will do this in accordance with the regulations, by publishing a notice on its website, and making it available for inspection at Bayard Place Reception and Peterborough Central Library.
- 6.4.2 An infrastructure payment is the provision of one or more items of infrastructure by the person liable to pay CIL in respect of a chargeable development on commencement of that development.
- 6.4.3 Where CIL is paid by way of an infrastructure payment the amount of CIL paid is an amount equal to the value of the infrastructure provided. The charging authority must aim to ensure that the infrastructure provided through an infrastructure payment will be used to support the development of its area.
- 6.4.4 Acceptance of infrastructure payments by a charging authority is subject to the regulatory provisions in Regulation 73A/B being met.
- 6.4.5 More general information relating to the payment of CIL in the form land and infrastructure payments is set out in the [DCLG CIL Guidance \(February 2014\)](#).

## **6.5 Mandatory Exemptions From CIL**

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

## **6.6 Discretionary Relief From CIL**

- 6.6.1 The regulations allow Charging Authority's to permit discretionary relief from CIL (e.g. where a reduced or nil payment may be accepted). These cases are likely to be rare but could include the following:
- Development by charities for investment activities (as defined by Regulation 44)
  - Development by charities where relief would normally constitute State Aid (as defined in Regulation 45)
  - Where the city council considers there are exceptional circumstances to justify relief (as defined in Regulation 55).

### **Discretionary Charitable Relief**

- 6.6.2 It is not the intention of the Council to offer this type of relief at present. At this stage the need for a discretionary charitable relief in addition to mandatory charitable relief is not considered justifiable and moreover, would impose an additional level of complexity in the

administration and management of the CIL charge. A policy of this kind could be introduced at any stage though and this position can be kept under review.

- 6.6.3 Only one respondent out of a total of twenty four indicated a preference for the introduction of further charitable relief at the Preliminary Draft Charging Schedule stage, indicating that the matter locally is not a particularly sensitive one.

## **6.7 Exceptional Circumstances Relief**

- 6.7.1 Regulation 55 of the CIL Regulations permits a charging authority to grant relief from liability to pay CIL in 'exceptional circumstances'. This may only happen if a planning obligation of greater value than the chargeable amount has been entered into in respect of the planning permission that permits the chargeable development and the charging authority considers that payment of the levy would have an unacceptable impact on the economic viability of development. In such cases a developer would be expected to demonstrate this (as set out in Regulation 57) via an 'open book' approach with an agreed independent valuer (paid for by the developer). Relief can also only be granted if it does not constitute 'notifiable state aid' (as defined in European Law).
- 6.7.2 It is the intention of the council to offer exceptional circumstances relief. The circumstances in which a policy of this nature is likely to be used is likely to be extremely rare given that the CIL rate is set based on viability evidence. A statement confirming that the council will consider exceptional circumstances relief will be issued once the Charging Schedule has been adopted, in compliance with Regulation 56. The procedure will be in accordance with the steps set out in Regulation 57.

## **6.8 Monitoring**

- 6.8.1 One of the issues that came up through the Preliminary Draft Charging Schedule consultation related to the need for a clearly defined review mechanism. The CIL Viability Study Report (2014), Chapter 9, identifies a set of criteria and values which if triggered, would warrant a review of the CIL Charging Schedule. If none of the criteria values are triggered, the council's proposes to regularly conduct a review of the CIL Charging Schedule no later than 36 months after the adoption or previous review, as appropriate.
- 6.8.2 As required by Regulation 62, the city council will publish an Annual CIL Report (for the financial year), which shows:
- The amount of CIL collected
  - The amount of CIL that has been spent
  - Information on how CIL funds have been spent (i.e. which infrastructure projects, and how much has been used to cover administrative costs)
  - The amount of CIL retained at the end of the reporting year.

## 7. Further Information

- The Peterborough CIL Study (Peter Brett Assoc's) April 2014
- The Peterborough CIL Study (Roger Tym & Partners) May 2012  
<http://consult.peterborough.gov.uk/file/2341222>
- Peterborough Integrated Development Programme (IDP) 2009
- <http://consult.peterborough.gov.uk/file/1143424>
- Peterborough Infrastructure Delivery Schedule (IDS) 2012  
<http://consult.peterborough.gov.uk/file/2341328>
- Peterborough Infrastructure Delivery Schedule (IDS) 2014
  
- Peterborough Regulation 123 List
- Peterborough Regulation 16 Statement of Representations
- Peterborough Draft Developer Contributions Supplementary Planning Document
  
  
- Peterborough Core Strategy DPD (adopted 2011)  
<http://consult.peterborough.gov.uk/file/2344268>
- Peterborough Site Allocations DPD (adopted 2012)  
<http://consult.peterborough.gov.uk/file/2344266>
- Peterborough Planning Policies DPD (adopted 2012)  
<http://www.peterborough.gov.uk/pdf/env-plan-ldf-ppdpd-adopted%20DPD.pdf>
- Peterborough Planning Obligations Implementation Scheme [POIS] (adopted 2010)  
<http://www.peterborough.gov.uk/pdf/Planning-policy-Planning%20Obligation%20Implementation%20Scheme%20SPD1.pdf>
  
- Community Infrastructure Levy Relief – An Overview , May 2011, DCLG  
<https://www.gov.uk/government/publications/community-infrastructure-levy-relief-guidance>
- Community Infrastructure Levy Guidance, February 2014, DCLG  
[http://www.planningportal.gov.uk/uploads/cil/cil\\_guidance\\_main.pdf](http://www.planningportal.gov.uk/uploads/cil/cil_guidance_main.pdf)
- CIL frequently asked questions, February 2014, Planning Advisory Service  
[http://www.pas.gov.uk/web/pas-test-site/3-community-infrastructure-levy-cil/-/journal\\_content/56/332612/3842797/ARTICLE](http://www.pas.gov.uk/web/pas-test-site/3-community-infrastructure-levy-cil/-/journal_content/56/332612/3842797/ARTICLE)
  
  
- The Community Infrastructure Levy Regulations 2010,  
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- The Community Infrastructure Levy (Amendment) Regulations 2011,  
<http://www.legislation.gov.uk/uksi/2011/987/contents/made>
- The Community Infrastructure Levy (Amendment) Regulations 2012,  
<http://www.legislation.gov.uk/ukdsi/2012/9780111529270>
- The Community Infrastructure Levy (Amendment) Regulations 2013  
<http://www.legislation.gov.uk/uksi/2013/982/contents/made>
- The Community Infrastructure Levy (Amendment) Regulations 2014  
<http://www.legislation.gov.uk/uksi/2014/385/contents/made>



## APPENDIX A

### The Interaction between S.106 and CIL following the adoption of a CIL charging schedule

Upon the adoption of a CIL, or by 6th April 2015, whichever is the sooner, the use of planning obligations will be scaled back. Once the CIL is in place the pooling of Section 106 obligation contributions will be limited to five such contributions only, for a single piece or type of infrastructure. The same restriction will not apply to CIL receipted funds, thus allowing the pooling of CIL receipts to help fund, in whole or part, infrastructure needed to support or mitigate the impact of new development over an area, whereas Section 106 planning obligations will remain, mainly for on-site mitigation, including the provision of affordable housing.

Statutory CIL guidance<sup>15</sup>, issued by the Department for Communities and Local Government in February 2014, states (paragraph 2:6:2:2):

“When a charging authority introduces the Community Infrastructure Levy, section 106 requirements should be scaled back to those matters that are directly related to a specific site, and are not set out in a regulation 123 list. For transparency, charging authorities should have set out at examination how their section 106 policies will be varied, and the extent to which they have met their S.106 targets.”

Exactly what infrastructure will receive CIL funding will be dependent on an agreed CIL related Regulation 123 list. The council is required to publish its intentions for how revenue raised from CIL will be spent through the publication of this list. However, just because an item or type of infrastructure goes on the infrastructure list it does not mean it will definitely happen or benefit from CIL funds. It does mean that the said project will not receive any funds from a S.106.

The Reg. 123 list does not have to be a comprehensive detailed list of specific infrastructure projects. Indeed experience nationally is showing that they are not. Instead, a common approach is one whereby the Reg. 123 list identifies both broad areas of infrastructure (and as such, anything which falls under that broad area would be able to be funded by CIL, but not by S.106) and some selected specific infrastructure items (such as a named specific highway improvement or specific named new school, which again would mean that developer contributions for these specific items could not be sought from S.106 Planning Obligations).

There is a tricky balance to play as to what goes on the Reg. 123 list. First, it needs to be comprehensive enough so that it is demonstrable that there is sufficient infrastructure needed with a ‘funding gap’ to justify the imposition of a CIL. Second, it needs to be not so comprehensive (or broad) as to list (or cover) every single piece of infrastructure that is needed, because in such circumstances this would mean the Council would not be able to negotiate any S.106 funding even when it would otherwise be perfectly sensible or reasonable to do so. As a reminder, S.106 Planning Obligations will still be used for site-specific infrastructure or mitigation required to make development acceptable in planning terms. The principle is that all eligible developments must pay a CIL as well as any site-specific requirement to be secured through Section 106 Agreements.

Upon the adoption of a CIL, it will be necessary for the council to revoke its Planning Obligation Implementation Scheme SPD (POIS), as that document and the mechanism it promotes will no longer be valid. The council intends to replace the POIS SPD with a new Developer Contributions

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<sup>15</sup> Community Infrastructure Levy Guidance, DCLG, February 2014  
[http://www.planningportal.gov.uk/uploads/cil/cil\\_guidance\\_main.pdf](http://www.planningportal.gov.uk/uploads/cil/cil_guidance_main.pdf)

SPD, a draft version is available for consultation alongside the CIL Draft Charging Schedule consultation. The Developer Contributions SPD will make clear, for developers as well as the public, how CIL and S.106 will interact with each other once CIL is adopted.

It is important to make it clear at the Draft Charging Schedule consultation stage in how CIL will work alongside S.106 once CIL has been introduced. This relationship is considered confusing to many, making communication of the concept a challenge. Added to this, there have been concerns raised about the potential 'double charging' of developers, i.e. being charged CIL and S106 for the same infrastructure projects or types. This matter was raised in the feedback to the Preliminary Draft Charging Schedule consultation. The DCLG CIL Guidance sets out the requirement to demonstrate at CIL examination, how S.106 policies will be varied.

## Appendix B

### Received developer contributions secured through S.106 and POIS, 2010 – 2013

Table B1

S.106 Planning Obligations	2010/11	2011/12	2012/13
<b>Developer contributions received through S106 obligations</b>	<b>£2,398,433</b>	<b>£4,404,321</b>	<b>£5,988,678</b>
<b>Developer contributions received through the Planning Obligations Implementation Scheme (POIS)</b>	<b>£436,146</b>	<b>£2,236,212</b>	<b>£226,436</b>
<b>Expenditure of S106 monies</b>	<b>£1,461,048</b>	<b>£2,467,890</b>	<b>£4,341,279</b>
<b>Expenditure of POIS monies</b>	<b>£0</b>	<b>£447,550</b>	<b>£272,798</b>

Table B2 provides further breakdown of the figures above by infrastructure type. The information has been taken from the council's S.106 monitoring database. It should also be stated that the council has delivered 30% affordable housing on sites over 15 dwellings alongside S.106 requirements outlined above- this is also referenced in the table below.

**Table B2 – Received developer contributions by Infrastructure Type.**

	Totals 2010 - 11	Totals 2011 - 12	Totals 2012 - 13
<b>S106 Financial Receipt by Infrastructure</b>			
Communications (including Transport)	£163,156.29	£48,577.88	£198,517.87
POIS	£436,146.15	£2,236,212.68	£226,436.05
Environment	£313,210.01	£506,711.11	£20,000.00
Health	£28,616.64	£2,607.29	£96,371.32
Police/fire etc	£14,372.26	£1,355.31	£0.00
Housing (exc on-site provision)	£194,424.99	£869,637.57	£0.00
Children's Services	£605,987.81	£100,430.76	£5,164,858.47
Community	£628,789.63	£578,661.42	£267,847.30
Monitoring Fees	£13,730.18	£60,127.20	£14,647.82
<b>Total financial receipt received (Inc Monitoring fees)</b>	<b>£2,398,433.96</b>	<b>£4,404,321.22</b>	<b>£5,988,678.83</b>
<b>POIS - Financial Receipts by Neighbourhood Investment Area</b>			
Peterborough Central and East	£57,800.00	£1,135,201.49	£81,213.56
Peterborough North and West	£36,404.00	£819,493.94	£59,786.40
Peterborough South	£341,942.15	£281,517.25	£85,436.09
<b>Total POIS received</b>	<b>£436,146.15</b>	<b>£2,236,212.68</b>	<b>£226,436.05</b>
<b>Number of Affordable Housing Units delivered</b>	<b>267</b>	<b>98</b>	<b>100</b>

POIS receipts are not infrastructure type or project specific. The receipted income is pooled and distributed by infrastructure theme in accordance with a Cabinet agreed formula as indicated below.

**Table B3 – POIS Funding split by Infrastructure Theme.**

Transport	30%	Utilities Services	5%
Education & Skills	40%	Emergency Services / Health & Well Being	5%
Community Infrastructure	10%	Environmental Sustainability	10%

## Appendix C

### Summary of Likely Relationship between S106 and CIL

	Residential development on <b>non-strategic sites</b> (1- 499 dwellings)		Residential development on <b>strategic sites</b> (500+ dwellings)	
	<b>CIL</b> <b>£15 - £140/m<sup>2</sup></b>	<b>S106</b> <b>Obligation</b>	<b>CIL</b> <b>£15/m<sup>2</sup></b>	<b>S106 Obligation</b>
<b>Infrastructure Type</b>	Contribution can be used for	Contribution can be used for	Contribution can be used for	Contribution can be used for
Transport	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Education	✓ (Off-site provision)	✗ (No Site Specific Prov'n if <500 dwellings )	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Affordable Housing	✗	✓ (Site Specific Prov'n if >14 dwellings)	✗	✓ (Site Specific Prov'n)
Lifetime Homes	✗	✓ (Site Specific Prov'n if >14 dwellings)	✗	✓ (Site Specific Prov'n)
Wheelchair Homes	✗	✓ (Site Specific Prov'n if >50 dwellings)	✗	✓ (Site Specific Prov'n)
Emergency Services	✓	✗	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Primary Health Care	✓	✗	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Crematorium/Burial grounds	✓	✗	✓	✗
Non-Strategic Outdoor Open Space	✓(Off-site provision)	✓ (Site Specific Prov'n if >14 dwellings)	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Strategic Outdoor Open Space	✓	✗	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Strategic Green Infrastructure	✓	✗	✓ (City-wide. Projects Only)	✗
Indoor Sports Facilities	✓	✗	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Community Buildings	✓(Off-site provision)	✗ (No Site Specific Prov'n if <500 dwellings )	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Libraries, Museum and Life Long Learning	✓	✗	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Public Realm	✓	✗	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)

Environment Capital	✖	Condition	✖	Condition / ✓ (Site Specific Prov'n)
Site Drainage	✖	Condition	✖	Condition
Flood Risk Management & Protection	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Waste Management	✓ (City-wide. Projects Only)	Condition	✓ (City-wide. Projects Only)	✓ (Site Specific Prov'n)
Other Infrastructure	Refer to CIL R.123 List	Case by Case	Refer to CIL R.123 List	Case by Case
<b>Key</b>				
✓	Only CIL may be used for this infrastructure type/project			
✖	CIL or S106 planning obligation will not be sought for this infrastructure type/project (as appropriate column)			
Condition	Site specific matters relating to this infrastructure type most likely to be covered by condition i.e. use of planning obligation unlikely.			
✓ (City-wide. Projects Only)	CIL will be charged, but may only be used on city-wide projects or strategic projects.			
✓ (Off-site provision)	CIL will be charged, but may only be spent for off-site provision where on-site provision is not feasible. This may include off-site local or neighbourhood level projects (as opposed to solely city-wide or strategic projects).			
✓ (Site Specific Prov'n)	Infrastructure secured through a S106 planning obligation that is required to be delivered on-site, but can include off-site works within the immediate vicinity, that are required to mitigate unacceptable consequences of the proposal, such a new road junction/improvement.			
✓ (Site Specific Prov'n if >X dwellings )	S106 planning obligation will only be sought on developments involving more than the specified numbers dwellings for site specific provision infrastructure of the type listed.			

## APPENDIX D

### Draft Instalment Policy Peterborough City Council Community Infrastructure Levy (CIL) Instalment Policy (Draft)

**This Instalment Policy will take effect on xx/xx/xxxx**

Peterborough City Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended).

<b>Level of CIL Payable</b>	<b>Number of Instalments</b>	<b>Potential Instalment Policy</b>
Chargeable Amount less than £70,000	Payable in one instalment	100% payable within 270 days of the commencement date
Chargeable Amount between £70,000 and £200,000	Payable in two instalments	1st instalment of 50% payable within 270 days of commencement date 2nd instalment of 50% payable within 450 days of commencement date
Chargeable Amount above £200,000 but less than £320,000	Payable in two instalments	1st instalment of 50% payable within 270 days of commencement date 2nd instalment of 50% payable within 540 days of commencement date
Chargeable Amount between £320,000 and £1,000,000	Payable in three instalments	1st instalment of 25% payable within 270 days of commencement date 2nd instalment of 50% payable within 540 days of commencement date 3rd instalment of 25% payable within 720 days of commencement date
Chargeable Amount over £1,000,000	An instalment arrangement will be negotiated and agreed on a 1:1 basis for sites of this scale	
*NB: If 50% or more of the chargeable development is occupied, at any time before the chargeable amount has been paid in full, then the outstanding amount will be due in full within the instalment time given or 60 days whichever is the lesser unless otherwise agreed in writing with Peterborough City Council BEFORE commencement of development.		

As permitted under Regulation 9(4) of the Community Infrastructure Levy Regulations 2010 (as amended), where outline permission has been granted which permits development to be implemented in phases, each phase of the development as permitted by Peterborough City Council is a separate chargeable development, and the Instalment Policy will therefore apply to each chargeable development and the associated separate chargeable amount.

#### **CIL Instalment Policy Advice**

The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy.

This Instalment Policy only applies where:

1. The council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70(1)(a)), and
2. The council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1)(b)) and the council does not challenge the date of commencement specified.

If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all the payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.

The Instalment Policy will come into effect on the date of the approval of the Peterborough Community Infrastructure Levy: Charging Schedule.