

# COMMUNITY INFRASTRUCTURE LEVY

Including CIL Charging Map.

*Approval Date: 21 February 2019*

*Takes Effect on: 01 March 2019*

*FINAL CHARGING  
SCHEDULE*







<b>1</b>	<b>Introduction .....</b>	<b>2</b>
<b>2</b>	<b>Consultation and Examination .....</b>	<b>2</b>
<b>3</b>	<b>CIL Overview .....</b>	<b>2</b>
<b>4</b>	<b>The Context for CIL .....</b>	<b>5</b>
<b>5</b>	<b>Implementation of CIL .....</b>	<b>5</b>
<b>6</b>	<b>The Charging Schedule .....</b>	<b>6</b>
<b>7</b>	<b>Glossary .....</b>	<b>9</b>

## **Appendices**

<b>A</b>	<b>- Charging Zone Map .....</b>	<b>11</b>
<b>B</b>	<b>- Regulation 123 List .....</b>	<b>13</b>
<b>C</b>	<b>- CIL Policies .....</b>	<b>17</b>
<b>D</b>	<b>- Detailed CIL Charging Zone Inset Maps .....</b>	<b>25</b>



## 1 Introduction

**1.1** The Community Infrastructure Levy is a planning charge used as a tool for Local Authorities, in England and Wales, to help deliver infrastructure to support development in their area. It was introduced under the Planning Act 2008 (as amended by the Localism Act 2011) and came into force under the 2010 Community Infrastructure Levy Regulations ("CIL Regs") (and subsequent amendments).

**1.2** In line with the CIL regulations, the Council has prepared and approved the charging schedule contained in this document. The schedule is supported by the related items attached as appendices to this document which are intended to assist with the implementation of CIL in the Borough. These include the borough wide CIL charging zone map (Appendix A), the current list of infrastructure (known as the "Regulation 123 List") which the Council intends to wholly or partly fund through CIL receipts (Appendix B), the CIL policies (including discretionary relief) which the Council intends to apply (see Appendix C) and a series of more detailed inset charging zone maps to accompany the main CIL charging zone map (see Appendix D).

## 2 Consultation and Examination

**2.1** The charging schedule has been prepared following an extensive period of consultation, engagement and examination. The consultation on the Preliminary Draft Charging Schedule took place between the 27 February – 10 April 2017 and the Draft Charging Schedule was the subject of consultation between 25 September 2017 and 6 November 2017.

**2.2** The Examination of the Draft Charging Schedule took place in the Autumn of 2018 with hearing sessions on 12th and 13th September. The Examiner's Report was issued on 17th December 2018. This final charging schedule takes account of the findings of the Examiner's Report.

## 3 CIL Overview

### What is Community Infrastructure Levy ("CIL")?

**3.1** CIL is a planning charge on new development to help fund infrastructure. It is based on the size and type of development and once a CIL charging schedule is set in an area, is mandatory to pay and non-negotiable. The funds raised must be used to provide infrastructure which is required to support new development across the area.

### What development is liable for CIL

**3.2** The levy may be payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres. That limit does not apply to new houses or flats, and a charge can be levied on a single house or flat of any size, unless it is built by a self builder.

**3.3** The following forms of development do not pay CIL;

- Development of less than 100 square metres unless a whole house, in which case the levy is payable





- Houses, flats, residential annexes and residential extensions which are built by 'self builders'
- Social housing that meets relief criteria
- Charitable development that meets relief criteria
- Buildings into which people do not normally go
- Buildings into which people go intermittently for the purpose of inspecting or maintaining fixed plant or machinery
- Structures that are not buildings, such as pylons and wind turbines
- Specified types of development which local authorities have decided should be subject to a zero rate and specified as such in the charging schedule
- Vacant buildings brought back into the same use
- Where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no levy is due
- Mezzanine floors inserted into an existing building are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.

**3.4** Further guidance and definitions of the above are set out in the relevant sections of the Planning Practice Guidance and CIL regulations 2010 (and as subsequently amended). Advice is also provided on the planning pages of the [Council's website](#).

### **Who is liable to pay CIL**

**3.5** Landowners are liable to pay CIL. Developers may take liability to pay the CIL charge on behalf of the landowner.

### **What are the benefits of CIL**

**3.6** The benefits of CIL include:

- CIL provides a clearer mechanism for funding infrastructure in a given area, and provides clarity, certainty and transparency from the outset about how much money a scheme will be expected to contribute to infrastructure provision
- CIL collects contributions from a wider range of developments
- CIL provides local authorities with greater flexibility to set their own priorities and spending on infrastructure projects
- CIL is non-negotiable and therefore should save time by reducing the overall need for full negotiations on the levels of contributions certain schemes should pay

### **Neighbourhood portion of the Levy**

**3.7** Parishes where development takes places will receive their own portion of CIL to spend on infrastructure. In areas where there is no Neighbourhood Plan this will be 15%, capped at £100 per existing dwelling to be spent on local priorities. Where a Neighbourhood Plan is in place the portion increases to 25% uncapped as a government incentive to prepare a Neighbourhood Plan.



**3.8** There are currently a large number of Neighbourhood Development Plans in preparation across the Borough, with 19 'made' neighbourhood plans and a number reaching key stages in their development. The Council offers support packages for those groups preparing Neighbourhood Plans in the Borough. Further information on the Councils approach to neighbourhood planning can be found at [www.cheshireeast.gov.uk/localplan](http://www.cheshireeast.gov.uk/localplan)

**3.9** The neighbourhood portion of the levy can be spent on items that 'support the development of the area' (see regulation 59C of the Community Infrastructure Levy Regulations for details).

**3.10** Once the levy is in place, parish, and town councils are encouraged to work closely with their neighbouring councils and the charging authority to agree on infrastructure spending priorities. If the parish or town council shares the priorities of the charging authority, they may agree that the charging authority should retain the neighbourhood funding to spend on that infrastructure. It may be that this infrastructure (eg a school) is not in the parish or town council's administrative area, but will support the development of the area.

**3.11** If a parish or town council does not spend its levy share within 5 years of receipt, or does not spend it on initiatives that support the development of the area, the charging authority may require it to repay some or all of those funds to the charging authority (see regulation 59E(10) for details).

**3.12** For each year when they have received neighbourhood funds through the levy, parish and town councils must publish the information specified in regulation 62A. They should publish this information on their website or on the charging authority's website. If they haven't received any money they do not have to publish a report, but may want to publish some information to this effect in the interests of transparency.

### **Relationship to S106 / S278 agreements**

**3.13** The Council currently focuses financial contributions for infrastructure from new development through S106 agreements. The purpose of such agreements are to help secure infrastructure required to mitigate site-specific impacts arising from development. S.106 agreement(s) include three key tests in that it must be (a) necessary, (b) directly related, and (c) related in scale and kind to the proposed development.

**3.14** The existing Section 106 (S106) system in Cheshire East will remain in place and will continue to be used for affordable housing and for site specific measures such as open space, play areas and other infrastructure provided within the site, not identified to be collected via CIL to make a development acceptable in planning terms.

**3.15** A section 278 agreement (or S278) is a section of the Highways Act that allows developers to enter into a legal agreement with the council to make alterations or improvements to a public highway, as part of a planning application. Section 278 agreements will remain in place and will continue to be used by the Council. Conditions attached to a planning permission will also be used in order to ensure developments contribute to the infrastructure requirements of sites.



## Regulation 123 List

**3.16** CIL regulations require the Council to set out a list of the projects and types of infrastructure that are to be funded in whole or part by the CIL. On the adoption of the CIL Charging Schedule, this list forms the basis of the Council's 'Regulation 123 List' of projects wholly or partly funded by CIL receipts for which S.106 planning obligations cannot be sought. This requirement is specifically designed to prevent 'double charging' of developers.

**3.17** The Infrastructure Delivery Plan sets out what additional infrastructure is considered to be needed in the borough to support development and the funding sources based on appropriate available evidence.

## 4 The Context for CIL

**4.1** In order to set a CIL Charge, the authority, in line with the regulations, must have:

- An up to date development plan (in this case the Local Plan Strategy);
- Evidence of infrastructure funding gap (to justify a future CIL Charge and Regulation 123 list);
- Evidence on viability and the need to strike an appropriate balance between the desire to fund infrastructure and the effects on economic viability.

**4.2** The Examination process ensures that the Charging Schedule has been prepared in accordance with the regulations.

## 5 Implementation of CIL

### Collecting the Levy

**5.1** Cheshire East Council as the charging authority will be responsible for collecting CIL payments.

**5.2** The levy becomes payable once development has started and is the responsibility of the landowner in normal circumstances, although the developer may assume liability instead.

**5.3** The CIL regulations are clear on how CIL is calculated including approaches to indexation to take account of inflation. Part 8 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the legal framework for calculating and collecting the Levy.

**5.4** The Council will monitor the effectiveness of the CIL Charging Schedule, once adopted, and will review on the basis of changed economic conditions or when there is clear evidence of the balance of infrastructure delivery and viability are threatened. In addition, monitoring indicators contained in the Local Plan Strategy and the introduction of future development plan documents may provide triggers for future review of the CIL Charging Schedule as would changes to national guidance / regulations on such matters.



**5.5** The Council has separate policies on Discretionary Charitable Relief, Discretionary Social Housing Relief and Payment in Kind which are associated with the way it intends to operate CIL in Cheshire East. The current version of these policies is provided in Appendix C for information. Due to their discretionary nature, the Council can withdraw or amend such policies at any time.

**5.6** At this time, it is not considered appropriate to introduce an exceptional circumstances relief policy. Given that the CIL rates are set at such a level to strike an appropriate balance between the need to fund infrastructure and the potential implications for the economic viability of development in the borough. The Council will keep this situation under review and has the discretion to introduce this policy at any time if market conditions change.

## **6 The Charging Schedule**

### **The Charging Authority**

**6.1** The charging authority is Cheshire East Council

### **Date of Approval**

**6.2** The CIL Charging Schedule was approved on 21st February 2019

### **Date of Effect**

**6.3** The CIL Charging Schedule will take effect on 1st March 2019.

### **Statutory Compliance**

**6.4** The CIL charging schedule has been issued, approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (and as subsequently amended) and part 11 of the Planning Act 2008 (as amended by part 6 of the Localism Act 2011).

**6.5** The approved rates have therefore been shown to strike an appropriate balance between;

- The desirability of funding infrastructure in whole or in part the actual and 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 the Borough of Cheshire East.

### **Calculating the CIL Chargeable Amount**

**6.6** CIL charges will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

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



**6.8** In summary (and subject to any changes that have occurred or may occur as a result of future amendments to the Regulations) the amount of CIL chargeable will be calculated as follows: CIL Rate x Chargeable Floor Area x BCIS Tender Price Index (at Date of Planning Permission) / BCIS Tender Price Index (at Date of Charging Schedule)

**6.9** The Chargeable Floor Area makes allowance for previous development on the site. The net chargeable floor area amounts to the gross internal area of the chargeable development less the gross internal area of any existing buildings that qualify for exemption on the site.

**6.10** 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.

**6.11** 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.

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

**6.13** 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.

**6.14** **This summary does not take account of every aspect of the Regulations.**

## **CIL Rates**

**6.15** The Community Infrastructure Levy charging rates for development across Cheshire East Council area are as follows:



Table 6.1 Charging Schedule CIL Rates (per Sqm)

Development Type	Zone	Rate of CIL (per sqm)
Residential (Use Class C3)	<b>Zone 1</b> - Crewe, Macclesfield, Alsager, Congleton, Handforth, Middlewich, Nantwich, Sandbach, Audlem, Bunbury, Bollington, Chelford, Disley Goostrey, Haslington, Holmes Chapel, Shavington and Wrenbury	£0
Residential (Use Class C3)	<b>Zone 2</b> - Crewe Hinterland	£22
Residential (Use Class C3)	<b>Zone 3</b> - Knutsford, Alderley Edge, Mobberley, Prestbury, Poynton and Wilmslow	£57
Residential (Use Class C3)	<b>Zone 4</b> - rural areas to the south and central areas of Cheshire East	£71
Residential (Use Class C3)	<b>Zone 5</b> - rural areas to the north of the Borough	£71
Apartments (Use Class C3)	Whole Borough	£0
Hotels (Use Class C1)	Whole Borough	£0
Retail Uses	<b>Retail Zone 1</b> - Retail Parks at Grand Junction in Crewe and Handforth Dean in Handforth	£66
Retail Uses	Outside of Retail Zone 1	£0
Offices (Use Class B1)	Whole Borough	£0
General Industrial (Use Class B2)	Whole Borough	£0
Storage and Distribution (Use Class B8)	Whole Borough	£0
All Other Uses (Whole Borough)	Whole Borough	£0



## 7 Glossary

<b>Charging Authority</b>	A charging authority is the collecting authority for CIL charged in its area. The charging authority prepare relevant CIL proposals for their area including an assessment of the infrastructure needs for which the levy may be collected.
<b>Charging Schedule</b>	The charging schedule is a document that sets out community infrastructure levy rates of a charging area
<b>Community Infrastructure Levy (CIL)</b>	A levy on development allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.
<b>Development Plan</b>	This includes adopted Local Plans and Neighbourhood Plans and is defined in Section 38 of the Planning and Compulsory Purchase Act 2004.
<b>Draft Charging Schedule</b>	This is the document prepared for the second stage of statutory consultation required in the production of charging schedule. This document will be consulted upon before being examined by an independent examiner.
<b>Infrastructure</b>	Basic services necessary for development to take place, for example, roads, electricity, sewerage, water, education, sport/recreation and health facilities.
<b>Infrastructure Development Plan</b>	National planning policy formally requires Local Authorities to demonstrate sufficient infrastructure exists, or will be provided, to support their strategies for new development as set out in their Local Plan documents. The Infrastructure Development Plan is a supporting document to the Local Plan
<b>Local Plan</b>	The plan (which can comprise one or more documents) for the future development of the local area, drawn up by the Council in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. The term includes old policies which have been saved under the 2004 Act.
<b>Local Plan Strategy</b>	A development plan document and the first part of the Council's Local Plan. It sets out the overall planning framework for the area. It includes strategic policies and allocations to achieve sustainable development.
<b>Preliminary Draft Charging Schedule</b>	This is the document prepared for the first statutory consultation required in the production of the Charging Schedule.
<b>Planning obligation</b>	A legally enforceable obligation entered into to mitigate the impacts of a development proposal.



**Regulation 123 list**

The Regulation 123 List provides for charging authorities to set out a list of those projects or types of infrastructure that it intends to fund, or may fund, through the levy once CIL is adopted.

**Section 106 agreement**

Section 106 (S106) of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. The obligation is termed a Section 106 Agreement and is a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms.

**Section 278 agreement**

A Section 278 Agreement is a legally binding document between the Local Highway Authority

and the developer to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

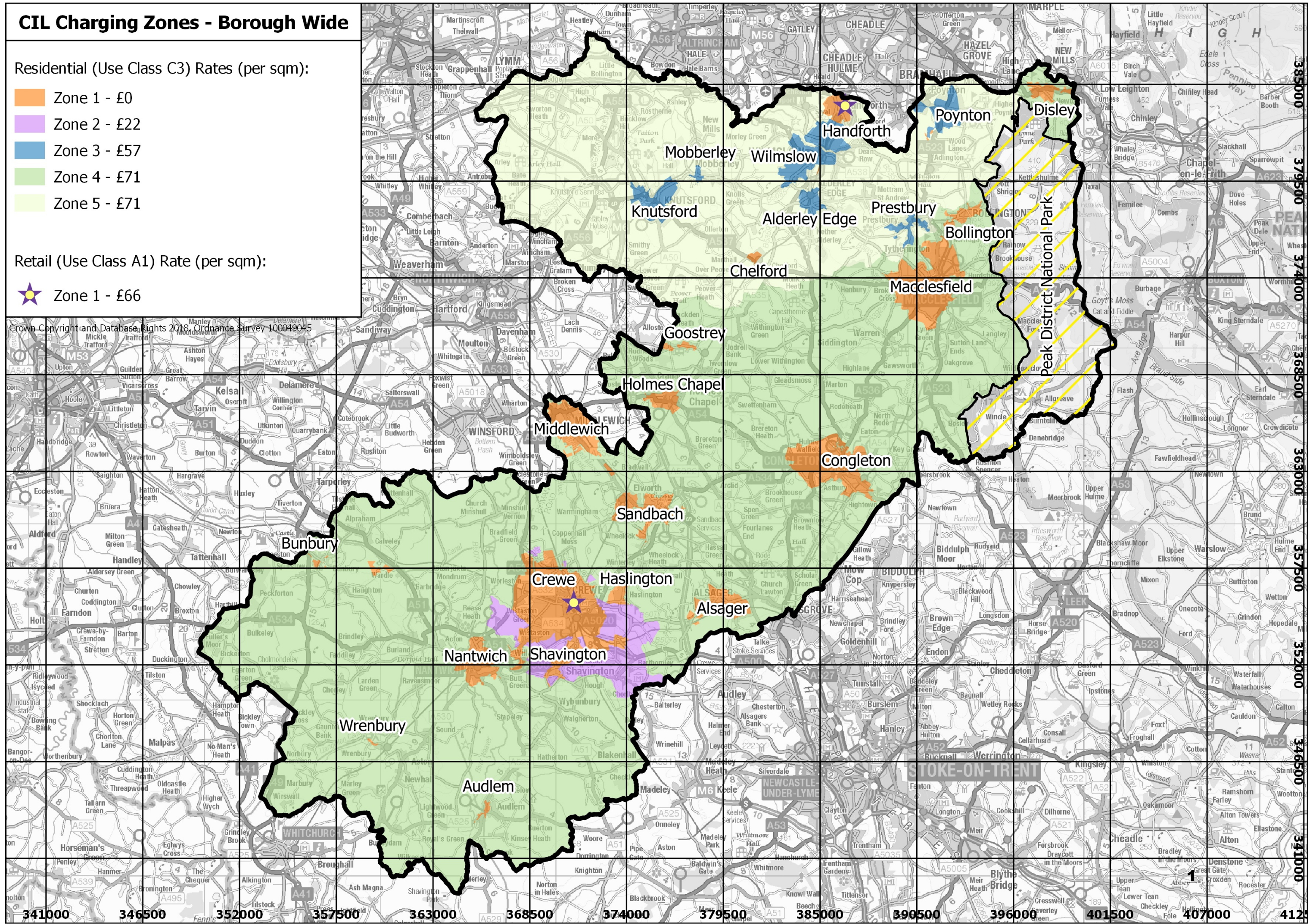


## Appendix A - Charging Zone Map





Figure A.1 Charging Zone Map N.B Inset Maps Included in Appendix D







## Appendix B - Regulation 123 List

**B.1** The following list sets out the type of infrastructure or projects, the Council may fund, wholly or in part, through Community Infrastructure Levy receipts. The inclusion of a type of infrastructure or project on the Regulation 123 list does not represent a commitment by the Council to fund that infrastructure through Community Infrastructure Levy receipts. The order does not imply a priority or preference for funding. The list will be reviewed periodically.

**B.2** The list is based upon the infrastructure projects or types set out in the Infrastructure Delivery Plan (July 2016 Update) to include items that will support growth identified in the adopted Local Plan Strategy for the period (2010-2030).

**B.3** The Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations secured through S106 agreements for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy. This is to ensure there is no duplication between CIL and planning obligations in funding the same infrastructure projects. In addition, a development should not have to contribute twice towards the same piece of highways infrastructure through works carried out under Section 278 of the Highways Act 1980, and monies or land provided through CIL.

**B.4** The relationship between CIL and planning obligations are explained in the Planning Practice Guidance where it notes that it is possible that site specific mitigation may still be necessary subject to certain limits, namely:

- The application of the statutory test with respect to planning obligations (regulation 122) namely - necessary to make the development acceptable in planning terms, directly relevant to the development and fairly and reasonably related in scale and kind;
- Ensuring no overlap between CIL and Planning Obligations;
- Imposing a 5 limit pooled contribution from planning obligations towards infrastructure that may be funded by the levy (The Government has signaled that this restriction will be lifted during 2019)

**B.5** In accordance with the CIL Regulations, the Council will pass 15% of relevant CIL receipts to the Town/Parish Council for that area, capped at £100 per dwelling on existing dwellings. If the town/parish council adopts a neighbourhood plan, this percentage will be increased to 25% (uncapped).

**B.6** The list below sets out those infrastructure projects that Cheshire East Council currently intends may be wholly or partly funded by CIL, with clarification notes and S106 requirements.



Table B.1 Regulation 123 List

1) Infrastructure Type or Project that could potentially be funded through CIL	2) Any exclusions - to be secured potentially through section 106, section 278 or other means except those items specified in column 1.
<p><b>Transport (Roads and other transport facilities including public transport provision)</b></p> <p><b>Alsager</b></p> <ul style="list-style-type: none"> <li>B5077 Crewe Road/B5078 Sandbach Road North junction improvements</li> </ul> <p><b>Crewe</b></p> <ul style="list-style-type: none"> <li>Improvements to the A5020 Weston Gate Roundabout</li> <li>Crewe Bus Station Relocation</li> </ul> <p><b>Macclesfield</b></p> <ul style="list-style-type: none"> <li>Macclesfield Town Centre Movement Strategy</li> </ul> <p><b>Nantwich</b></p> <ul style="list-style-type: none"> <li>Burford junction improvements, to include complementary improvements on surrounding network</li> <li>Alvaston roundabout junction improvements</li> <li>Peacock roundabout junction improvements</li> </ul> <p><b>Wilmslow</b></p> <ul style="list-style-type: none"> <li>A34/A538 West junction improvements</li> <li>A34/ Alderley Road / Wilmslow Road</li> </ul> <p><b>General</b></p> <ul style="list-style-type: none"> <li>Canal towpath improvements</li> </ul>	<p>Transport assessments, Travel Plans and Travel Plan monitoring in line with Policy C04 (Travel Plans and Travel Assessments) of the Local Plan Strategy.</p> <p>Highway works to mitigate the direct impact of development including site access, junction improvements and enabling safe and convenient access by all modes of transport.</p> <p>Site related pedestrian, cycle or bus facilities / service provision.</p> <p>n.b Improvements may include works directly within or related to the development site, where the needs for such works are identified in a transport assessment.</p>



1) Infrastructure Type or Project that could potentially be funded through CIL	2) Any exclusions - to be secured potentially through section 106, section 278 or other means except those items specified in column 1.
<b>Energy (electricity and gas suppliers)</b> <ul style="list-style-type: none"> <li>No CIL Funding</li> </ul>	Overall requirement identified in the Infrastructure Delivery Plan as being dependent on demand from individual schemes, phased completion and short term supply, secured through s.106 agreement as required.
<b>Water (water supply and wastewater treatment, flood risk management)</b> <ul style="list-style-type: none"> <li>No CIL Funding</li> </ul>	Any site specific mitigation measures required to facilitate the alleviation of flood risk / water efficiency measures in relation to the site or in vicinity of the site to avoid /mitigate the impacts arising from the development of the site in line with policy SE13 Flood Risk and Water Management of the Local Plan Strategy.
<b>ICT / Digital (broadband / wireless)</b> <ul style="list-style-type: none"> <li>No CIL Funding</li> </ul>	Developers will be required to work with appropriate providers to delivery the necessary physical infrastructure to accommodate ICT related hard infrastructure and networks in line with Policy CO3 (Digital Connections) of the Local Plan Strategy
<b>Education (primary and secondary schools)</b> <p>Funding for Primary Education to deliver the Local Plan Strategy will be generated through S106 agreements apart from the following projects that may benefit from CIL funds:</p> <ul style="list-style-type: none"> <li>CS 8: South Macclesfield Development Area</li> <li>CS44: Back Lane / Radnor Park</li> <li>CS46: Giantswood Lane to Manchester Road, Congleton</li> </ul>	<ul style="list-style-type: none"> <li>Early Years Education</li> <li>Special Educational Needs</li> <li>Primary Education</li> <li>Secondary Education</li> <li>Employment and training initiatives</li> </ul>



1) Infrastructure Type or Project that could potentially be funded through CIL	2) Any exclusions - to be secured potentially through section 106, section 278 or other means except those items specified in column 1.
<b>Health</b> <ul style="list-style-type: none"> <li>No CIL Funding</li> </ul>	<p>The provision, improvement, replacement, operation or maintenance of new and existing primary health care facilities and services.</p> <p>Provision of secondary health care facilities on a site by site basis. Please also refer to policy SC3 (Health and Wellbeing) of the Local Plan Strategy.</p>
<b>Community Facilities</b> <ul style="list-style-type: none"> <li>No CIL Funding</li> </ul>	<p>On site or nearby provision of community facilities identified by site specific measures / requirements.</p>
<b>Recreation and Sporting Facilities (indoor sports facilities and sports pitches)</b> <ul style="list-style-type: none"> <li>The improvement of a leisure centre and athletics stadium at Macclesfield identified in the Infrastructure Delivery Plan.</li> </ul>	<p>Any site specific measures identified – reference should also be made to policy SC1 (Leisure and Recreation), SC 2 (Indoor and Outdoor Sports Facilities) and SE6 (Green Infrastructure) of the Local Plan Strategy.</p>
<b>Green Infrastructure (allotments, open space and amenity open space)</b> <ul style="list-style-type: none"> <li>No CIL Funding</li> </ul>	<p>On site or nearby provision of green infrastructure as a result of development sites. Please also refer to policy SE6 (Green Infrastructure) of the emerging Local Plan Strategy.</p>



## Appendix C - CIL Policies

**C.1** This appendix details the discretionary policies the Council have adopted for implementing a CIL charge in the borough in relation to the following matters:

- Instalments Policy
- Land and infrastructure in kind
- Relief for charitable investment / social housing activities
- Any other discretionary relief

**C.2** Please note that the Council, as CIL charging authority, can withdraw or amend such policies at any time.



## Cheshire East Council

### Community Infrastructure Levy Regulations 2010 (As Amended)

#### CIL Payments by Instalments Policy

**C.3** This instalment policy comes into effect on 1st March 2019

**C.4** Cheshire East Council as Charging Authority will permit the payment of Community Infrastructure Levy by instalments. These instalments must be in line with the below payment schedule as required by the Community Infrastructure Levy Regulations 2010 (as amended)

Table C.1 Instalments Policy

Chargeable Amount (for each phase of development if applicable)	Number of Instalments	Amount or proportion of CIL payable in any instalment / time at which payments are due
£50,000 up to £100,000	2	1st instalment of 50% payable within 90 days of commencement  2nd Instalment of 50% payable within 180 days of commencement
Over £100,000 up to £250,000	3	1st instalment of 25% payable within 90 days of commencement  2nd instalment of 25% payable within 180 days of commencement  3rd instalment of 50% payable within 365 days of commencement
Over £250,000 up to £500,000	3	1st instalment of 25% payable within 180 days of commencement  2nd instalment of 25% payable within 365 days of commencement





Chargeable Amount (for each phase of development if applicable)	Number of Instalments	Amount or proportion of CIL payable in any instalment / time at which payments are due
		3rd instalment of 50% payable within 730 days of commencement
Over £500,000	5	1st instalment of 10% payable within 180 days of commencement  2nd instalment of 15% payable within 365 days of commencement  3rd instalment of 25% payable within 545 days of commencement  4th instalment of 25% payable within 725 days of commencement  5th instalment of 25% payable within 905 days of commencement
Over £2,000,000	5	1st instalment of 10% payable within 365 days of commencement  2nd instalment of 15% payable within 730 days of commencement  3rd instalment of 25% payable within 1095 days of commencement  4th instalment of 25% payable within 1460 days of commencement  5th instalment of 25% payable within 1825 days of commencement



**C.5** The instalments relate to the amount payable (the chargeable amount) as indicated on the Demand Notice. The commencement date will be the Commencement Notice date as advised by the developer under CIL Regulation 67.

**C.6** Where outline planning permission permits development to be implemented in phases, or where phasing is clearly identified within the planning application each phase of the development, as agreed by Cheshire East Council, can be treated as a separate chargeable development. The instalment policy will, therefore, apply to each separate phase of the development and its associated separate chargeable amount.

#### **Circumstances where the Instalment Policy will not apply**

**C.7** In accordance with the CIL Regulations 2010 (as amended) this CIL instalment policy will **not apply** in the following circumstances:

- Where a Commencement Notice has **not** been submitted prior to commencement of the chargeable development,
- Where nobody has assumed liability to pay CIL for the chargeable development on the intended day of commencement;
- An instalment payment **has not been** made in full within 30 days of the due date for the instalment payment

**C.8** Where the instalment policy does not apply, the chargeable amount must be paid in full within 60 days of the notified or deemed commencement date of the chargeable development or the date of the disqualifying event, whichever is the earliest. Surcharges may also apply for failure to submit Assumption of Liability Forms or Commencement Notices.

**C.9** The day on which an instalment payment will be due will be calculated from the date of commencement of development on site. This date will be taken to be the date advised by the developer in the Commencement Notice as laid out in CIL regulation 67.



## Cheshire East Council

### Community Infrastructure Levy Regulations 2010 (As Amended)

#### Payment in Kind Policy - Land and Infrastructure

**C.10** In accordance with Regulation 73, 73A, 73B and 74 of the CIL Regulations (as amended), Cheshire East Council may accept one or more infrastructure / and or land payments in satisfaction of the whole or part of the CIL payment due in respect of a chargeable development.

**C.11** This policy will be effective from 1st March 2019 and subject to the following conditions:

1. It is at the Councils' discretion whether to accept the transfer of land or infrastructure in lieu of CIL.
2. The Regulation 123 list sets out the range of infrastructure to be funded in whole or in part by CIL. The Councils may consider accepting infrastructure projects and / or types of infrastructure from this list to discharge part or all of a levy liability.
3. The Council must be satisfied that the transfer of land and / or provision of infrastructure is appropriate to support the delivery of the Local Plan and development in the Borough.
4. A charging authority may not accept a land payment unless the chargeable amount payable is greater than £100,000.
5. The land is acquired by Cheshire East Council as the charging authority or a person nominated by the Council.
6. The chargeable development must not have commenced before a written agreement with the Councils to pay part or the entire CIL amount as land / and or infrastructure has been made. This written agreement must be prepared in accordance with the criteria set out in Regulation 73 and 73A of the CIL Regulations (as amended).
7. The person transferring the land and / or providing infrastructure to the charging authority as payment must have assumed liability to pay CIL and completed the relevant CIL forms.
8. Where CIL is paid by way of a land payment and / or infrastructure the amount of CIL paid is the amount equal to the value of the acquired land and / or infrastructure.
9. The land and / or infrastructure to be acquired must be valued by a suitably qualified and experienced independent person to be agreed with the Council, with any costs associated with the assessment paid for by the liable party. The valuation of land must represent the price that the land might reasonably be expected to obtain if sold on the open market on the day the valuation takes place and reflect the relevant purposes for which the land will be utilised. The valuation of infrastructure provided must reflect the cost of providing the infrastructure on the day the valuation takes place.
10. The land, subject to transfer, must be free from any interest in land and any encumbrance to the land, buildings or structures. (This may require the owner to demonstrate that the land is suitable through the submission of further information to the Council, including but not limited to topographical information, reports on contamination and archaeology and details of any underground services.)
11. The land, and or infrastructure subject to transfer must be fit for a relevant purpose being the land and or infrastructure appropriate to support the delivery of the Local Plan and development in the Borough.



12. The liable party will be required, at its expense, to undertake such searches as the Council requires on any land that is proposed to be transferred into the ownership of the Council and share the resultant information with the Council before the Council agree to accept any payment in kind. The liable party must also notify the Council of any restrictions on the use or disposal of the land that is proposed to be transferred into the ownership of the Council before the Council agree to accept any payment in kind
13. The Council may transfer the land, at nil cost to a third party for the provision of infrastructure (This will be limited to other infrastructure providers).
14. Where land or infrastructure passes into the ownership of the Council, it will be added to the Council's Asset Register.

**C.12** Before submission of an application the liable party is encouraged to discuss proposals with the Council's CIL Officer to establish if the principle of payment in kind would be appropriate in that instance.

**C.13** It should be noted that the agreement to pay in land and or infrastructure may not form part of a planning obligation entered into under Section 106 of the Town and Country Planning Act 1990.

**C.14** Any outstanding CIL liable to the chargeable development after the transfer of land and / or delivery of infrastructure should be paid in line with the payment dates set out in the demand notice.



## Cheshire East Council

### Community Infrastructure Levy Regulations 2010 (As Amended)

#### Statement of Discretionary Charitable Relief

**C.15** This policy will be effective from 1st March 2019.

**C.16** In accordance with Regulation 46 of the Community Infrastructure Regulations 2010 (as amended), this document gives notice that discretionary charitable relief for investment activities is available in the Cheshire East Borough Council area under Regulation 44.

**C.17** Subject to the requirements as set out in the CIL Regulations 2010 (as amended), the following are the circumstances in which discretionary charitable relief will be granted by Cheshire East Council:

- Where a charitable institution is otherwise liable for the CIL, and the whole or greater part of the development will be held by the charitable institution as an investment from which the profits will be applied for charitable purposes; and
- that portion of the chargeable development to be held as an investment will not be occupied by the claimant for ineligible trading activities: and
- the relief would not constitute notifiable State Aid.



## Cheshire East Council

### Community Infrastructure Levy Regulations 2010 (As Amended)

#### Statement of Discretionary Social Housing Relief

**C.18** This policy will be effective from 1st March 2019.

**C.19** Cheshire East Planning Policy for Affordable Housing is set out in SC5 Affordable Homes in the Local Plan Strategy.

**C.20** In accordance with Regulation 49B of the Community Infrastructure Levy Regulations 2010 (as amended) the following sets out the discretionary social housing relief available in Cheshire East.

**C.21** The Community Infrastructure Levy Regulations 2010 (as amended) allows for 100% relief for the development of social housing. The definition of Social Housing is set out in Regulation 49 (as amended) and it covers most types of affordable housing provided in Cheshire East Council including affordable rent and shared ownership tenures. However, it does not cover shared equity tenures or discounted homes for sale which are covered by the definition of affordable housing in the National Planning Policy Framework. To ensure that the viability of affordable housing schemes and mixed tenure schemes is maintained there is a need to ensure all forms of affordable housing qualify for relief from CIL.

**C.22** The Community Infrastructure Levy Regulations (Amendment) Regulations 2014 give Council's the power to allow relief for these tenures where they set a policy giving notice that the relief is allowed in their area. This is known as Discretionary Social Housing Relief.

**C.23** A dwelling can qualify for this relief if:

- The dwelling is sold for no more than 80% of its market value.
- the dwelling is sold in accordance with any policy published by the charging authority under regulation 49B(1)(a)(iii); and
- The liability to pay CIL in relation to the dwelling remains with the person granted the relief should a disqualifying event occur.

**C.24** If within seven years of completion a disqualifying event occurs, the relief granted would have to be paid back to the Council. A disqualifying event would be where the house is sold on the open market.

**C.25** To ensure that the viability of affordable housing schemes and mixed tenure schemes is maintained there is a need to ensure all forms of affordable housing qualify for relief from CIL. This document therefore gives notice that Discretionary Affordable Housing Relief is available in Cheshire East Council.

**C.26** For the purposes of regulation 49B(1)(a)(iii) of the CIL Regulations 2010, intending claimants for this relief should note the following. Where a proposed development includes housing of the type for which discretionary social housing relief is claimed, the Council will require the entry into a planning obligation in the form of a section 106 agreement in terms that are acceptable to the Council.









## Appendix D - Detailed CIL Charging Zone Inset Maps

Table D.1 Detailed Charging Schedule Inset Maps


Map Reference (where relevant)	Area	Page Number
	Borough North	1
	Borough South	2
1	Crewe	3
2	Macclesfield	4
3	Alsager	5
4	Congleton	6
5	Handforth	7
6	Knutsford	8
7	Middlewich	9
8	Nantwich	10
9	Poynton	11
10	Sandbach	12
11	Wilmslow	13
12	Alderley Edge	14
13	Audlem	15
14	Bollington	16
15	Bunbury	17
16	Chelford	18
17	Disley	19
18	Goostrey	20
19	Haslington	21
20	Holmes Chapel	22



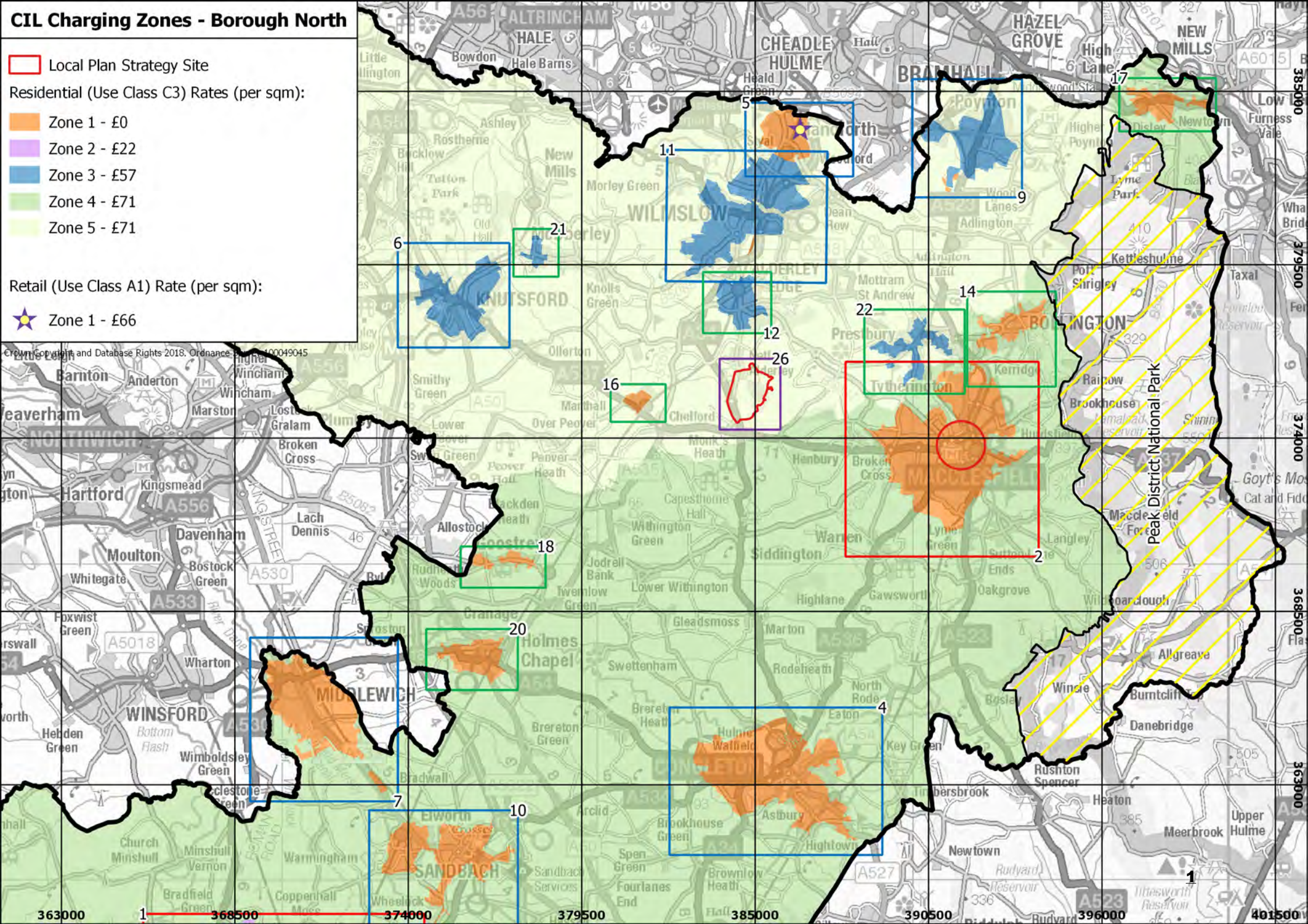
# CIL Charging Zones - Borough North

-  Local Plan Strategy Site
- Residential (Use Class C3) Rates (per sqm):
-  Zone 1 - £0
  -  Zone 2 - £22
  -  Zone 3 - £57
  -  Zone 4 - £71
  -  Zone 5 - £71

Retail (Use Class A1) Rate (per sqm):

-  Zone 1 - £66

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### CIL Charging Zones - Borough South

 Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

Zone 1 - £0

Zone 2 - £22

Zone 3 - £57

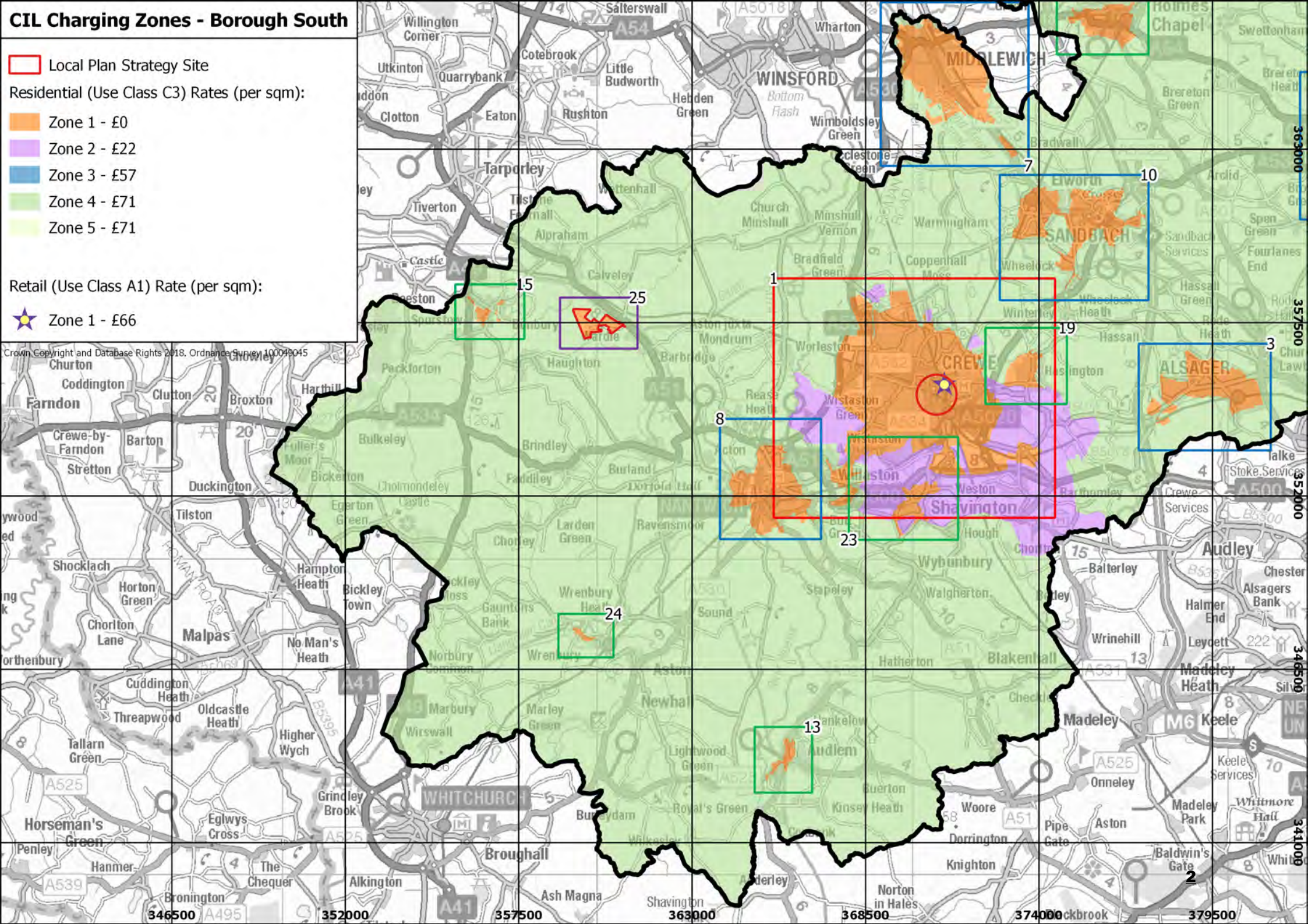
Zone 4 - £71

Zone 5 - £71

Retail (Use Class A1) Rate (per sqm):







★ Zone 1 - £66


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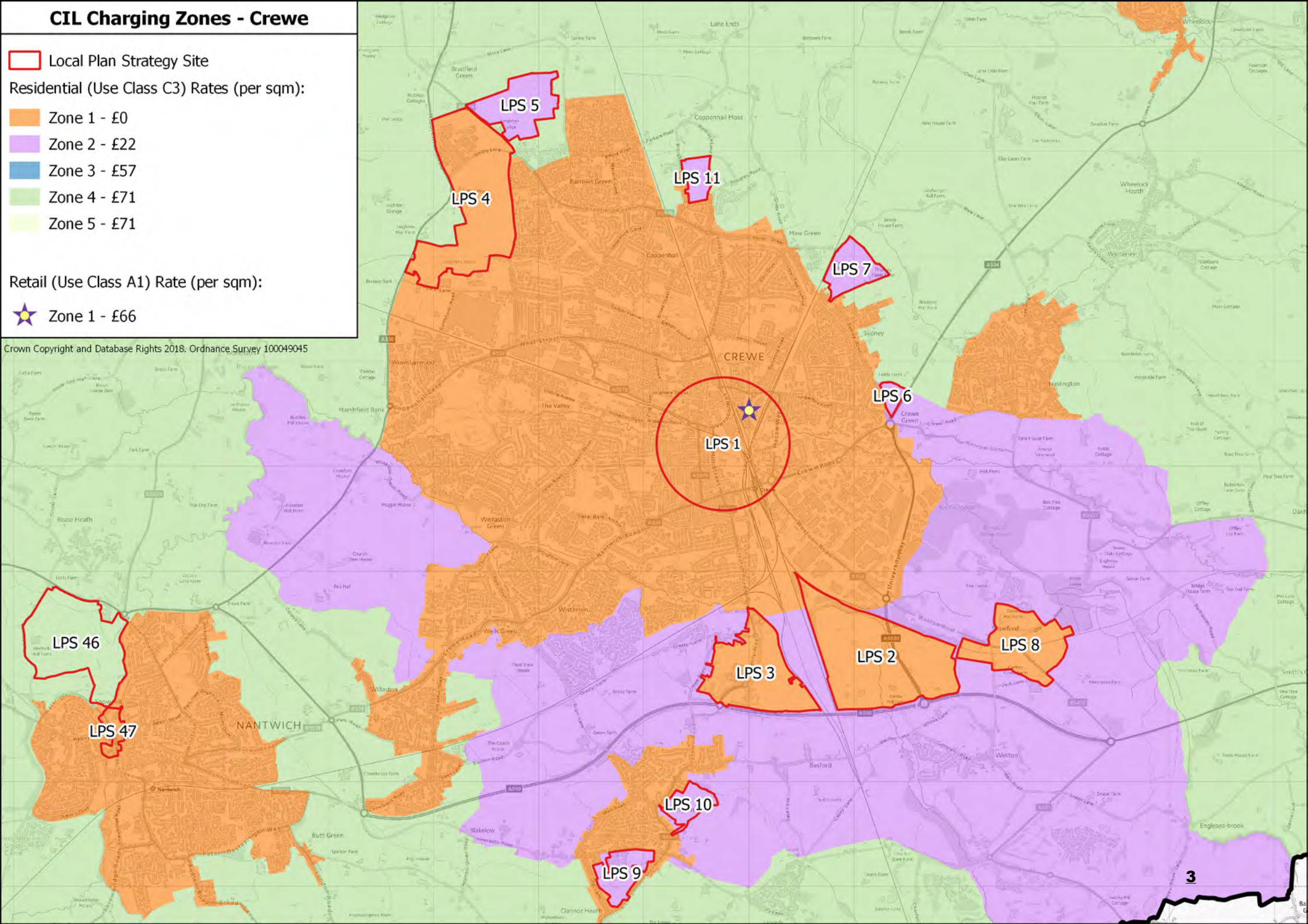


# CIL Charging Zones - Crewe

-  Local Plan Strategy Site
- Residential (Use Class C3) Rates (per sqm):
-  Zone 1 - £0
  -  Zone 2 - £22
  -  Zone 3 - £57
  -  Zone 4 - £71
  -  Zone 5 - £71


- Retail (Use Class A1) Rate (per sqm):
-  Zone 1 - £66

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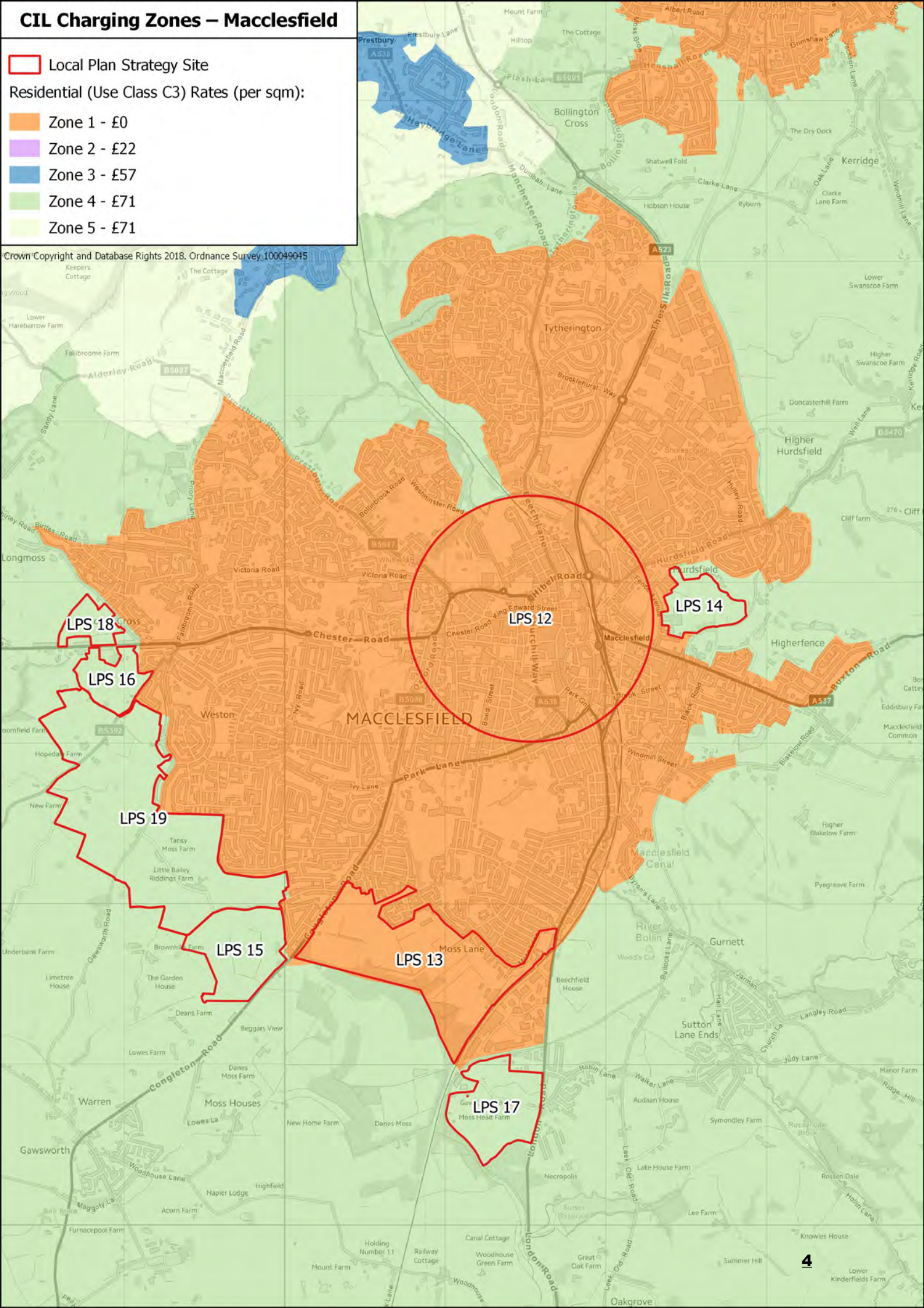
# CIL Charging Zones – Macclesfield

 Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

-  Zone 1 - £0
-  Zone 2 - £22
-  Zone 3 - £57
-  Zone 4 - £71
-  Zone 5 - £71

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# CIL Charging Zones - Alsager

 Local Plan Strategy Site


Residential (Use Class C3) Rates (per sqm):

 Zone 1 - £0

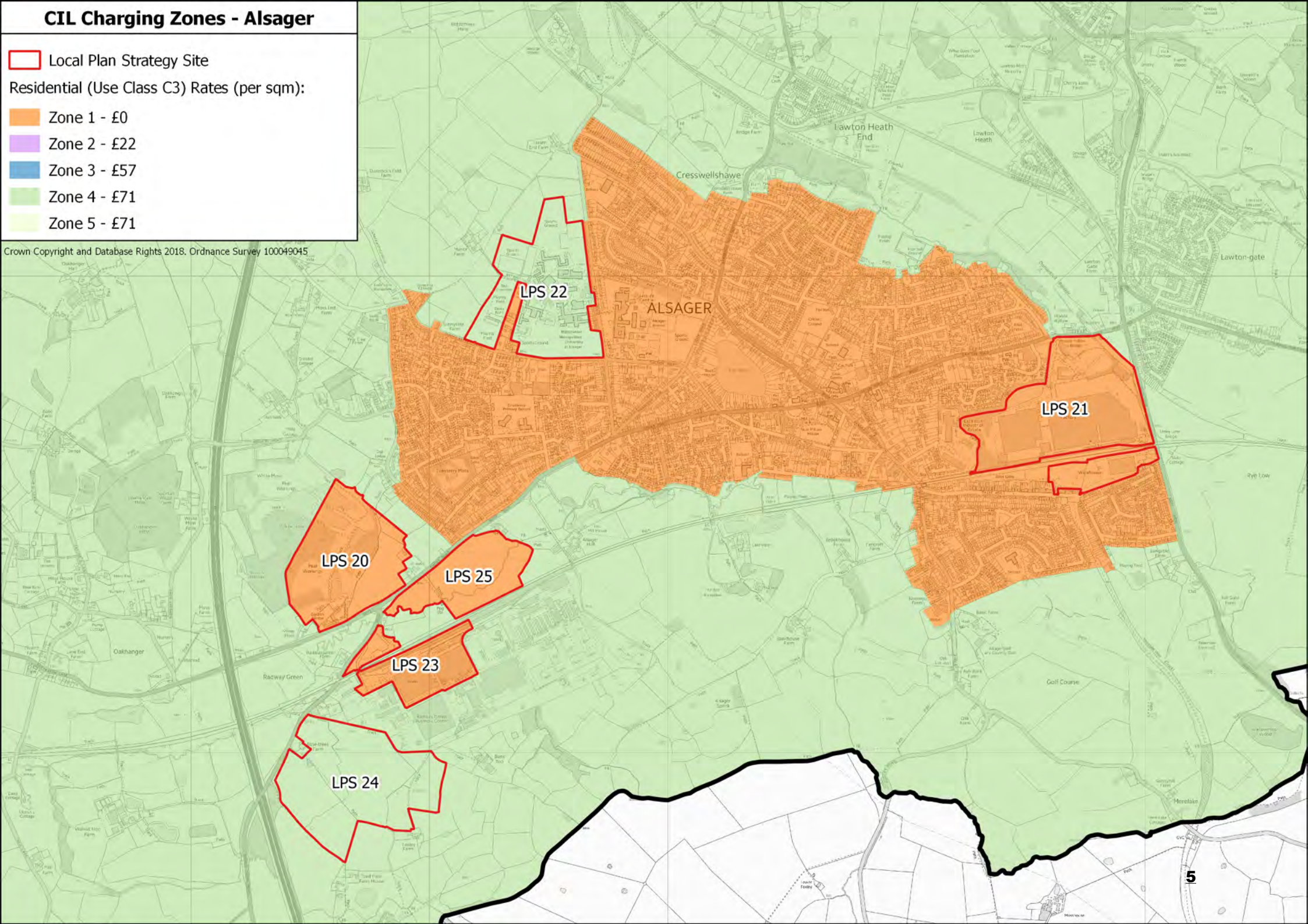
 Zone 2 - £22

 Zone 3 - £57

 Zone 4 - £71

 Zone 5 - £71

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
# CIL Charging Zones - Congleton

 Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

 Zone 1 - £0

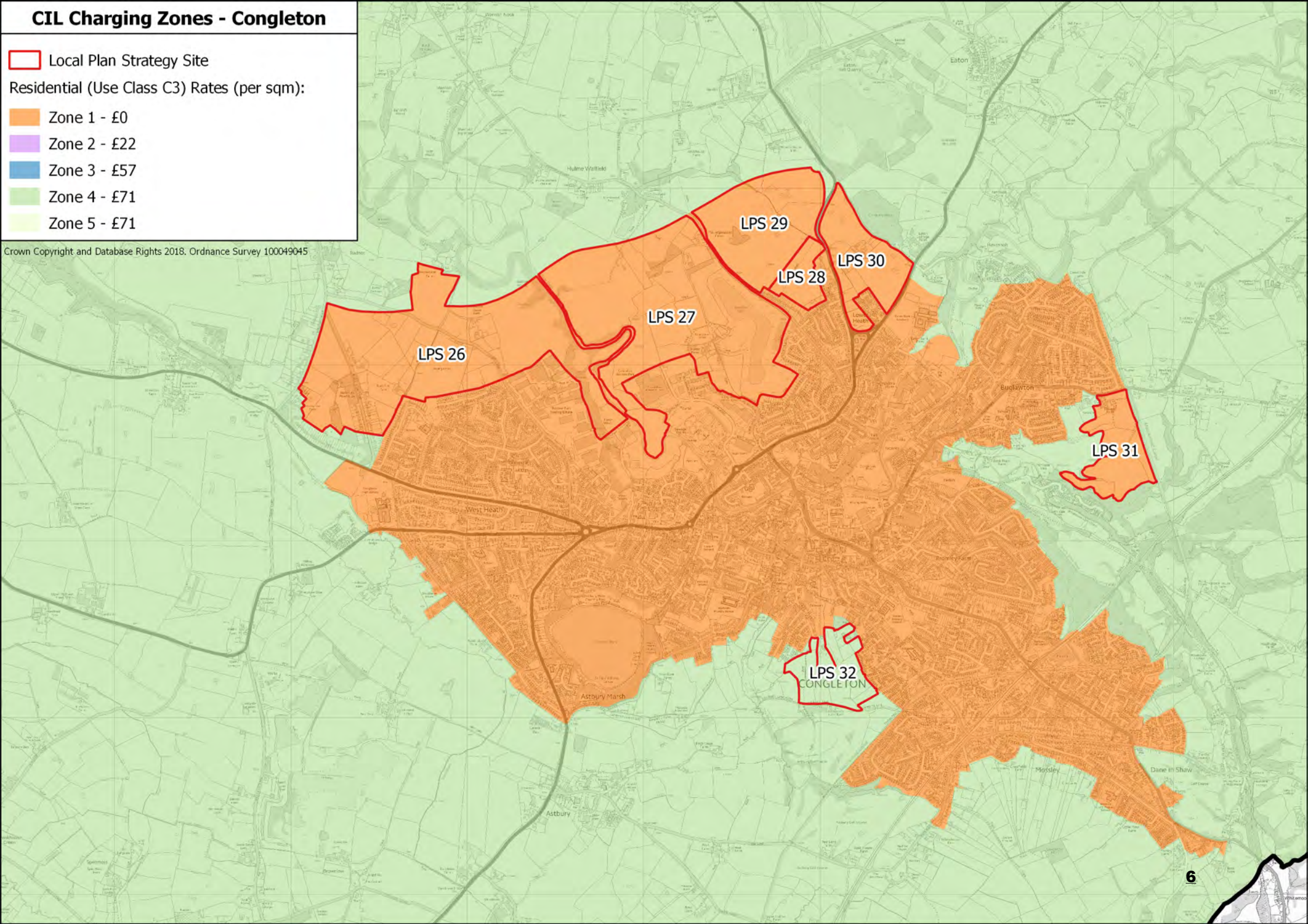
 Zone 2 - £22

 Zone 3 - £57

 Zone 4 - £71

 Zone 5 - £71

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# CIL Charging Zones - Handforth


 Local Plan Strategy Site


Residential (Use Class C3) Rates (per sqm):

 Zone 1 - £0

 Zone 2 - £22

 Zone 3 - £57

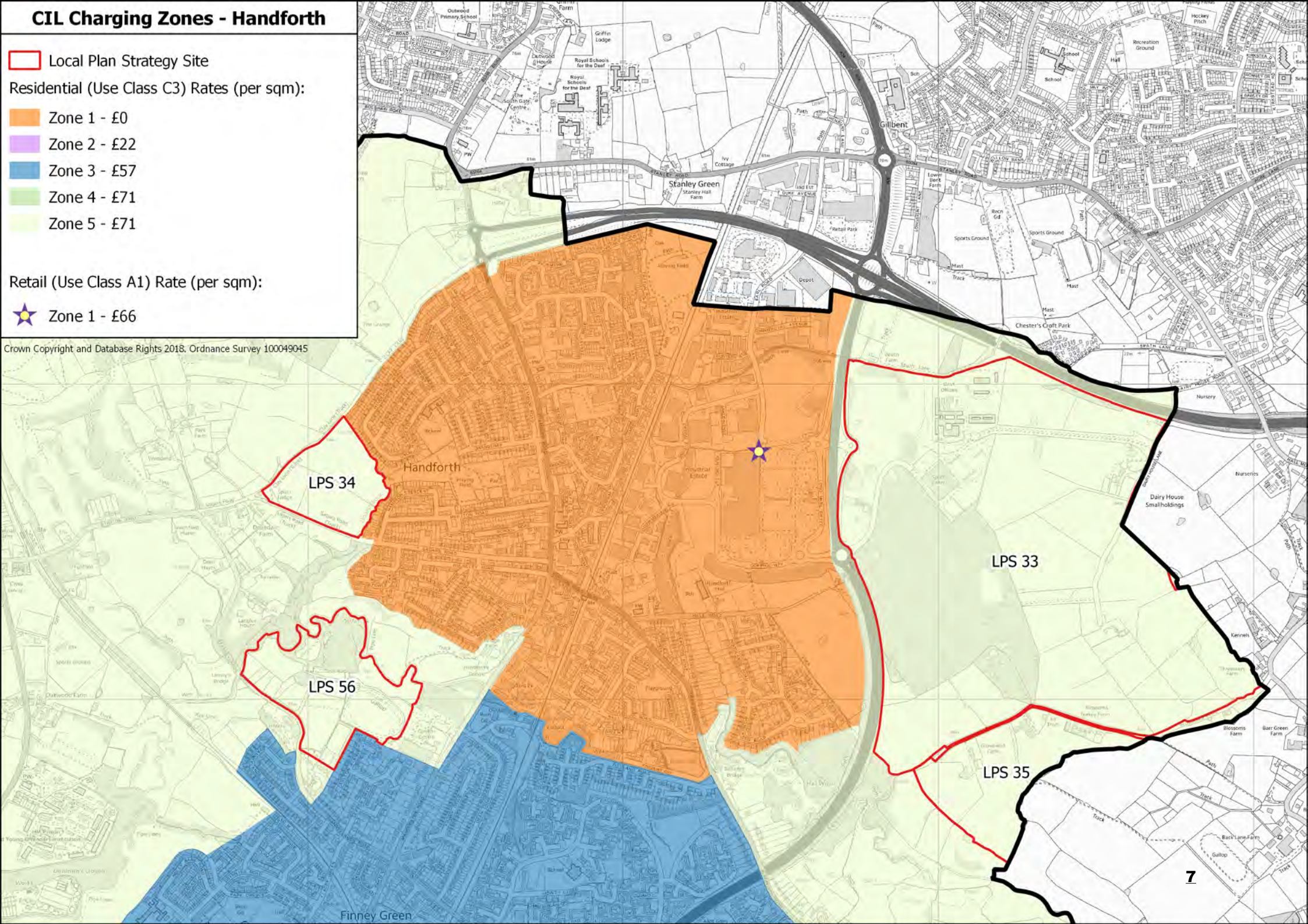
 Zone 4 - £71

 Zone 5 - £71

Retail (Use Class A1) Rate (per sqm):

 Zone 1 - £66

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## CIL Charging Zones – Knutsford


 Local Plan Strategy Site


Residential (Use Class C3) Rates (per sqm):

 Zone 1 - £0

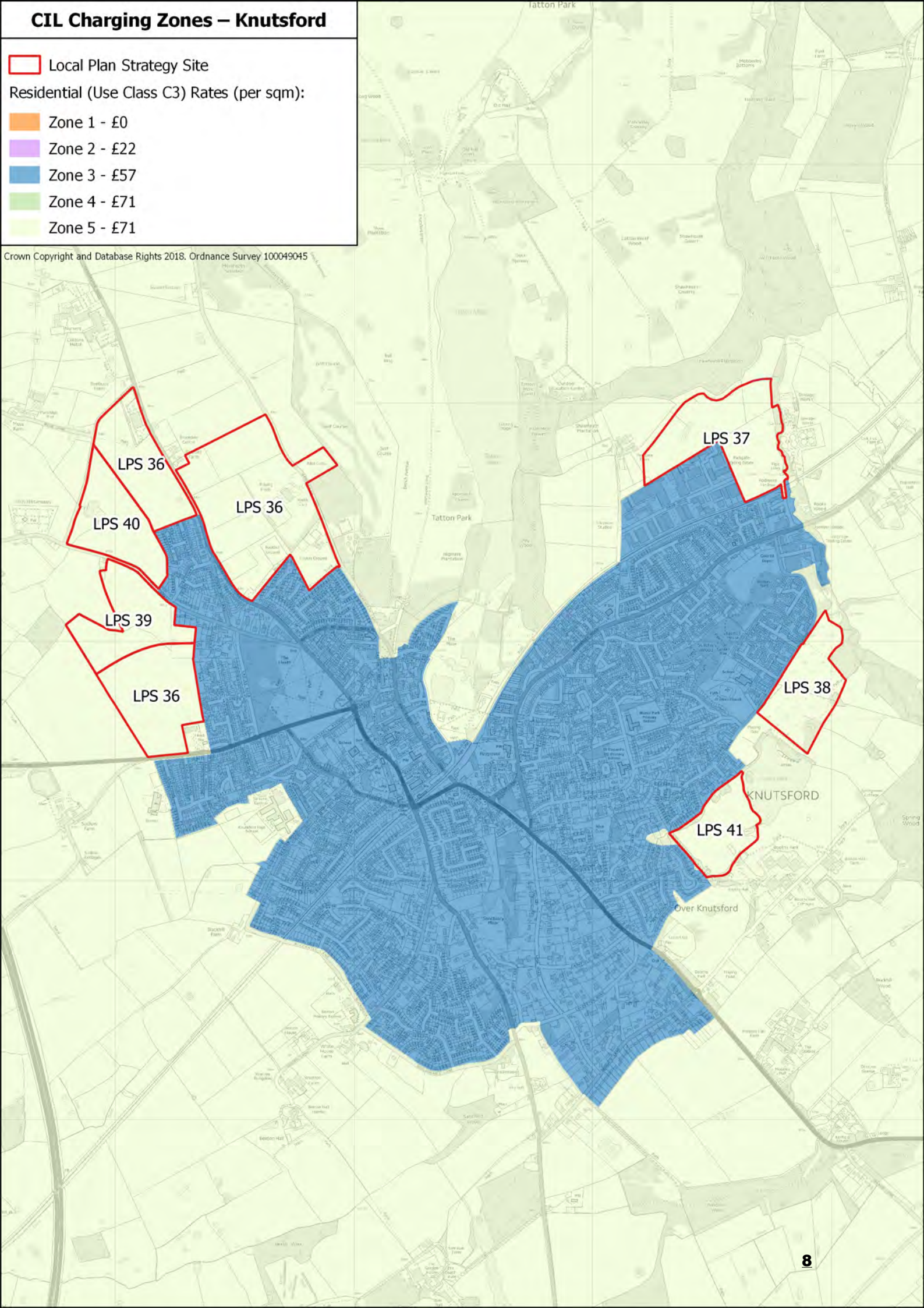
 Zone 2 - £22

 Zone 3 - £57

 Zone 4 - £71

 Zone 5 - £71

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# CIL Charging Zones – Middlewich


 Local Plan Strategy Site


Residential (Use Class C3) Rates (per sqm):

 Zone 1 - £0

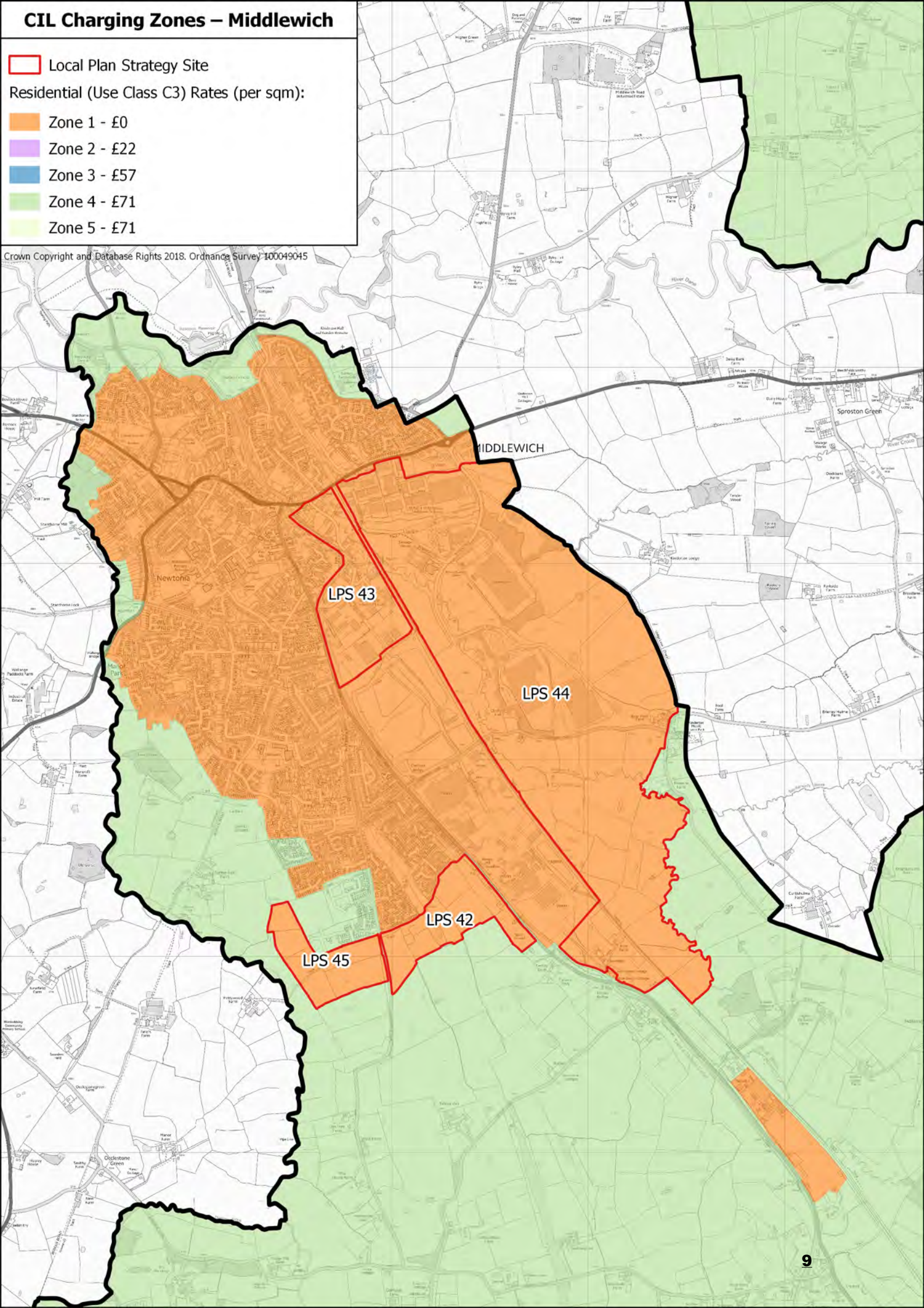
 Zone 2 - £22

 Zone 3 - £57

 Zone 4 - £71

 Zone 5 - £71

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CIL Charging Zones – Nantwich

Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

Zone 1 - £0

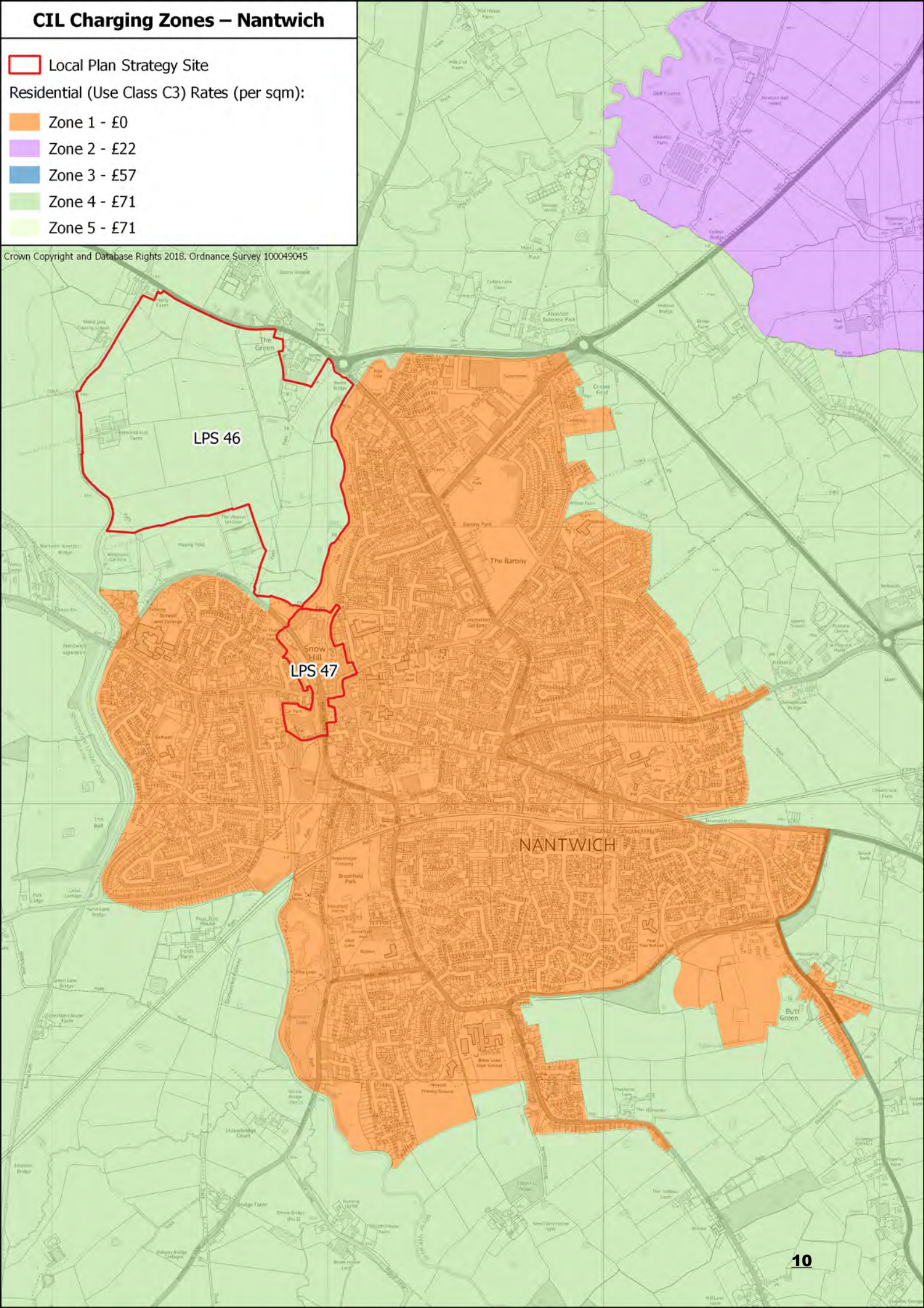
Zone 2 - £22

Zone 3 - £57

Zone 4 - £71

Zone 5 - £71

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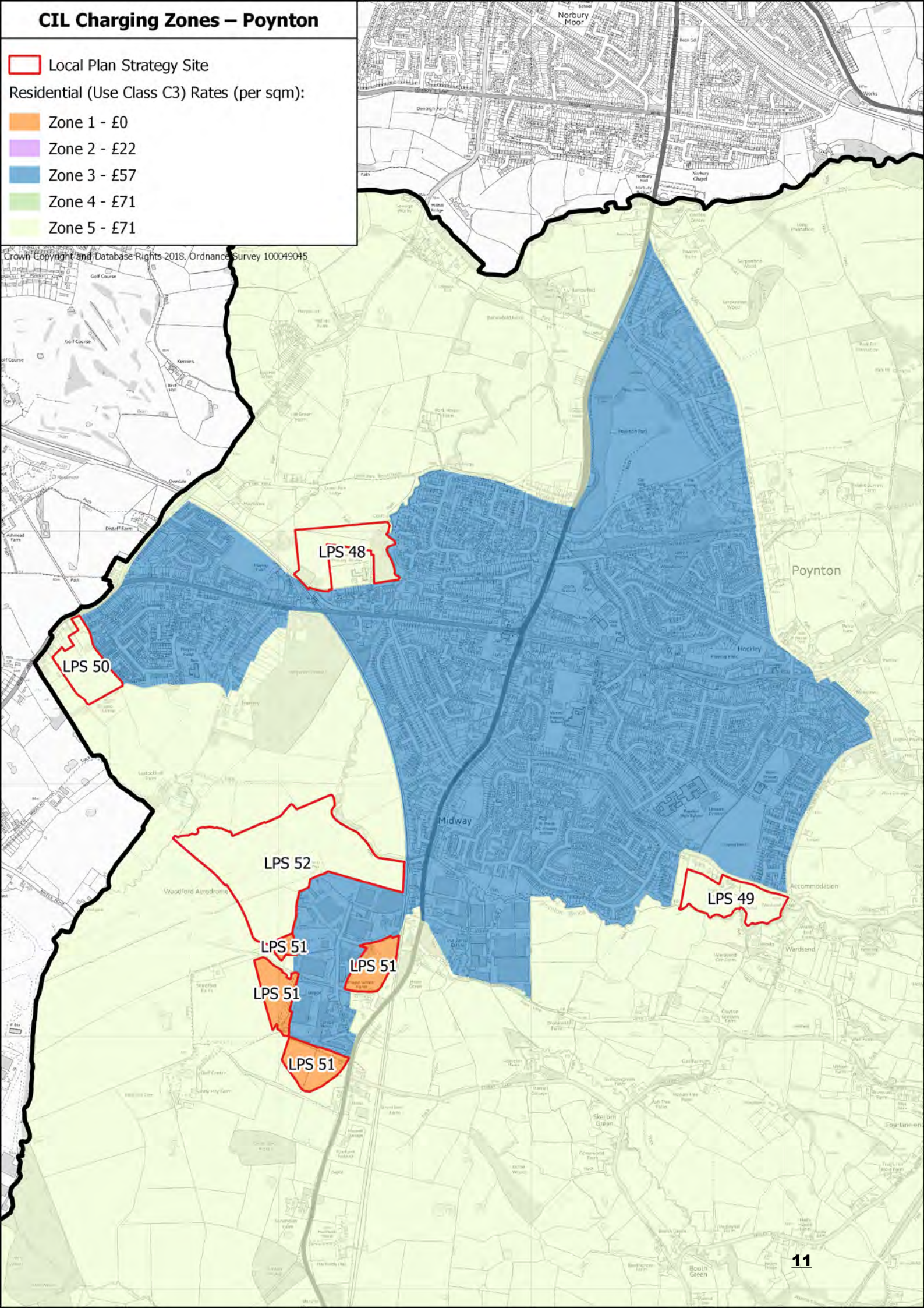
# CIL Charging Zones – Poynton

 Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

-  Zone 1 - £0
-  Zone 2 - £22
-  Zone 3 - £57
-  Zone 4 - £71
-  Zone 5 - £71

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CIL Charging Zones - Sandbach

Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

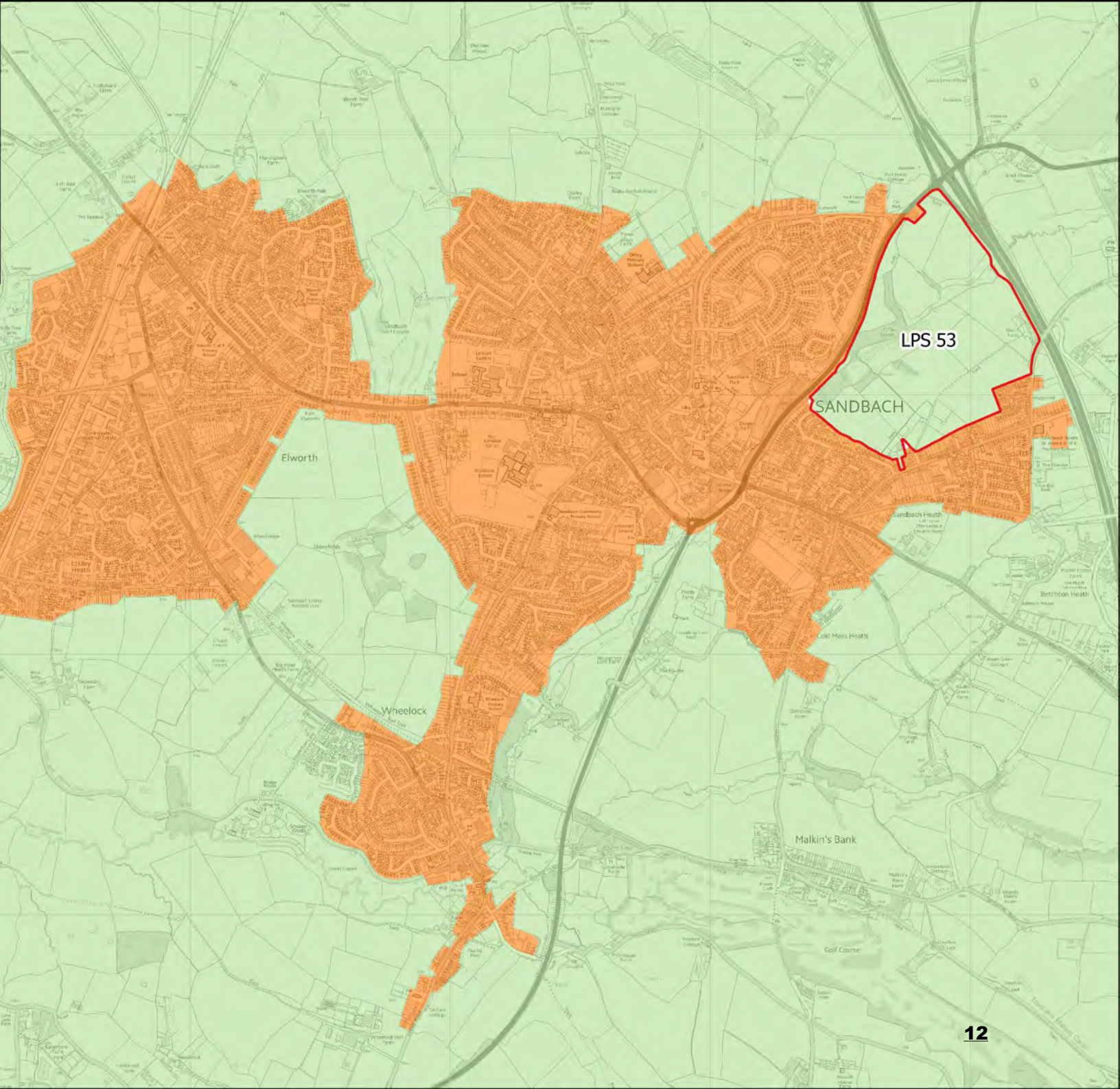
Zone 1 - £0

Zone 2 - £22

Zone 3 - £57

Zone 4 - £71

Zone 5 - £71



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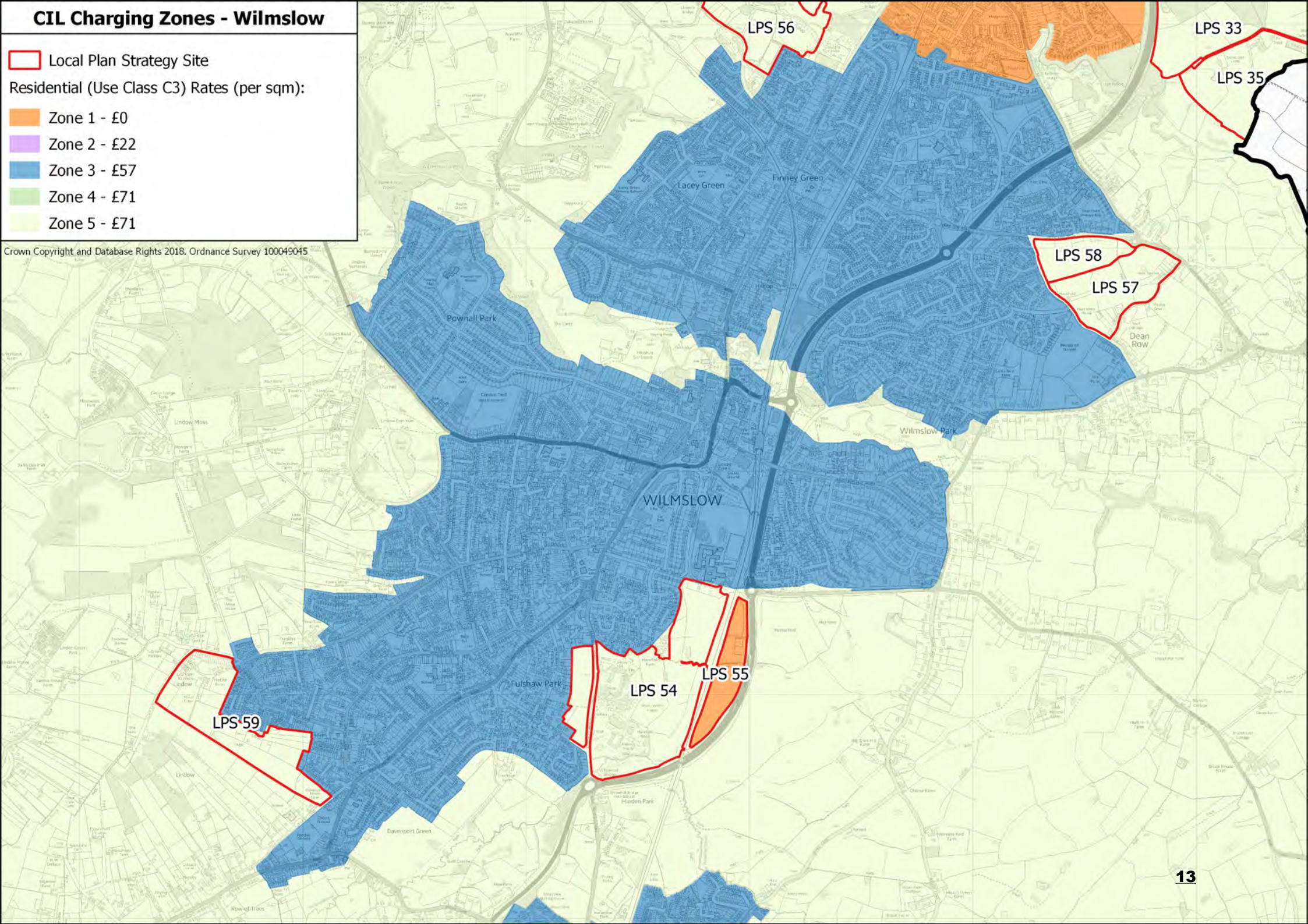
# CIL Charging Zones - Wilmslow

 Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

-  Zone 1 - £0
-  Zone 2 - £22
-  Zone 3 - £57
-  Zone 4 - £71
-  Zone 5 - £71

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CIL Charging Zones – Alderley Edge

Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

Zone 1 - £0

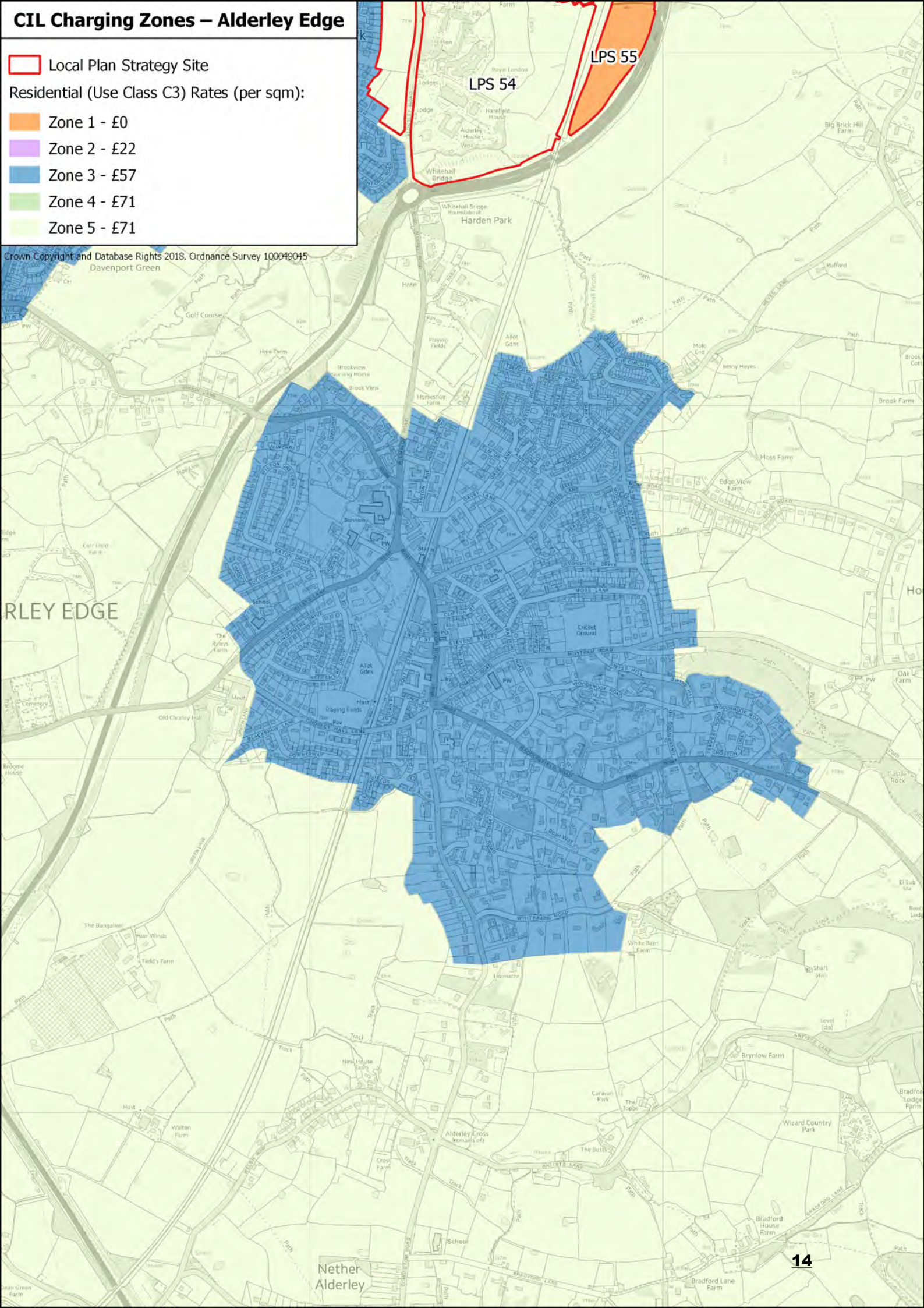
Zone 2 - £22

Zone 3 - £57

Zone 4 - £71

Zone 5 - £71

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Davenport Green



RDLEY EDGE

Nether  
Alderley

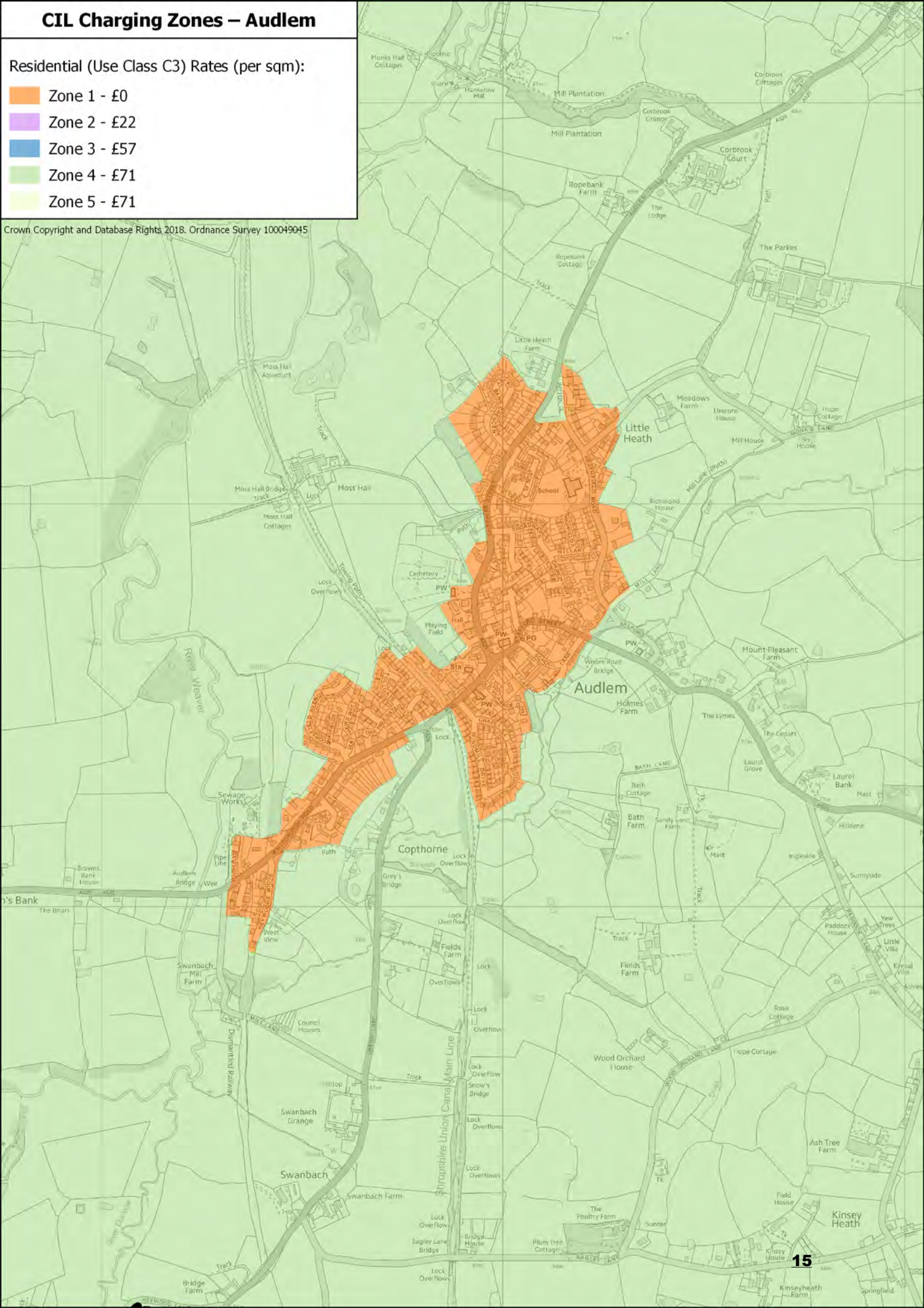


# CIL Charging Zones – Audlem

Residential (Use Class C3) Rates (per sqm):

- Zone 1 - £0
- Zone 2 - £22
- Zone 3 - £57
- Zone 4 - £71
- Zone 5 - £71

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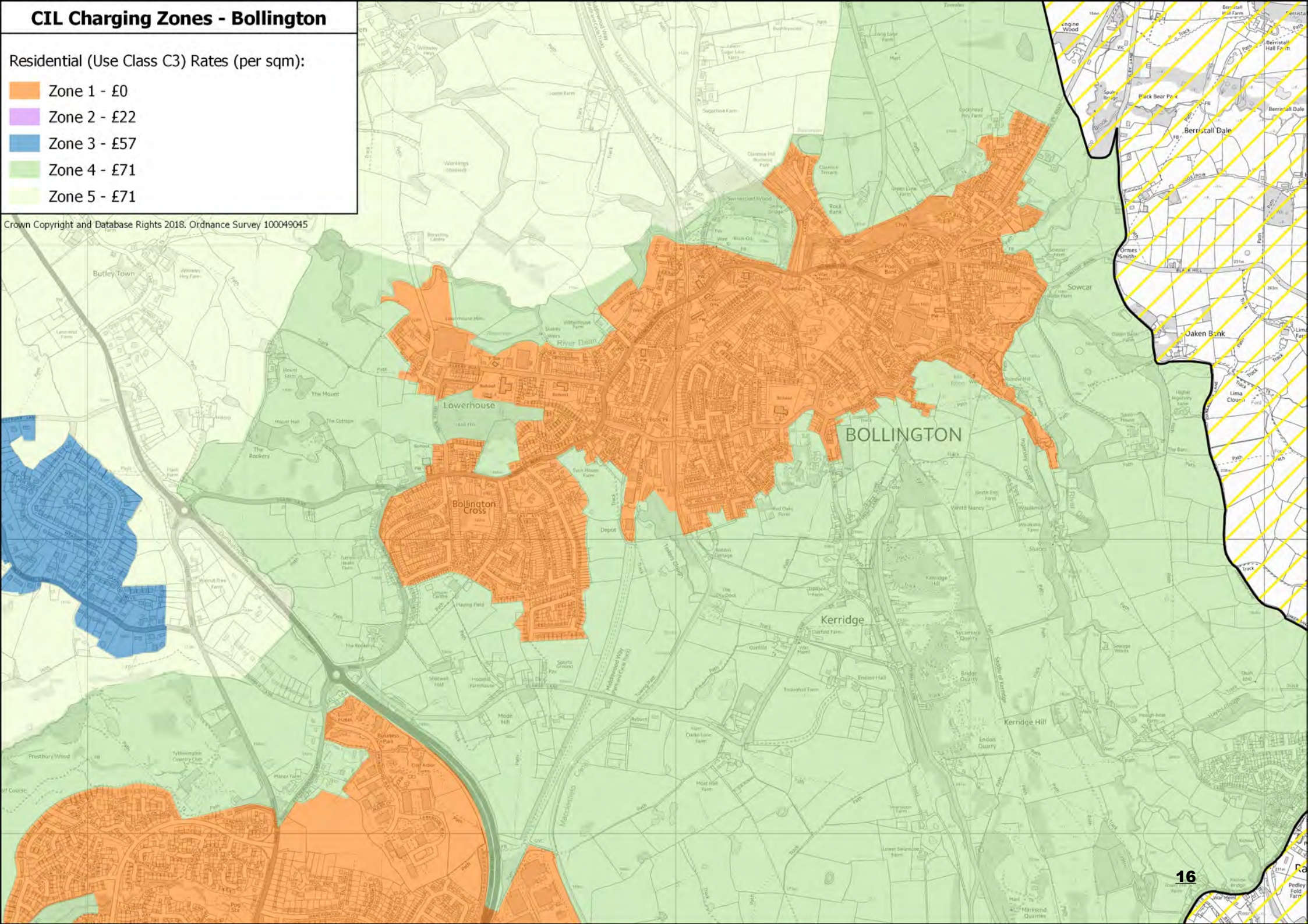


# CIL Charging Zones - Bollington

Residential (Use Class C3) Rates (per sqm):

- Zone 1 - £0
- Zone 2 - £22
- Zone 3 - £57
- Zone 4 - £71
- Zone 5 - £71

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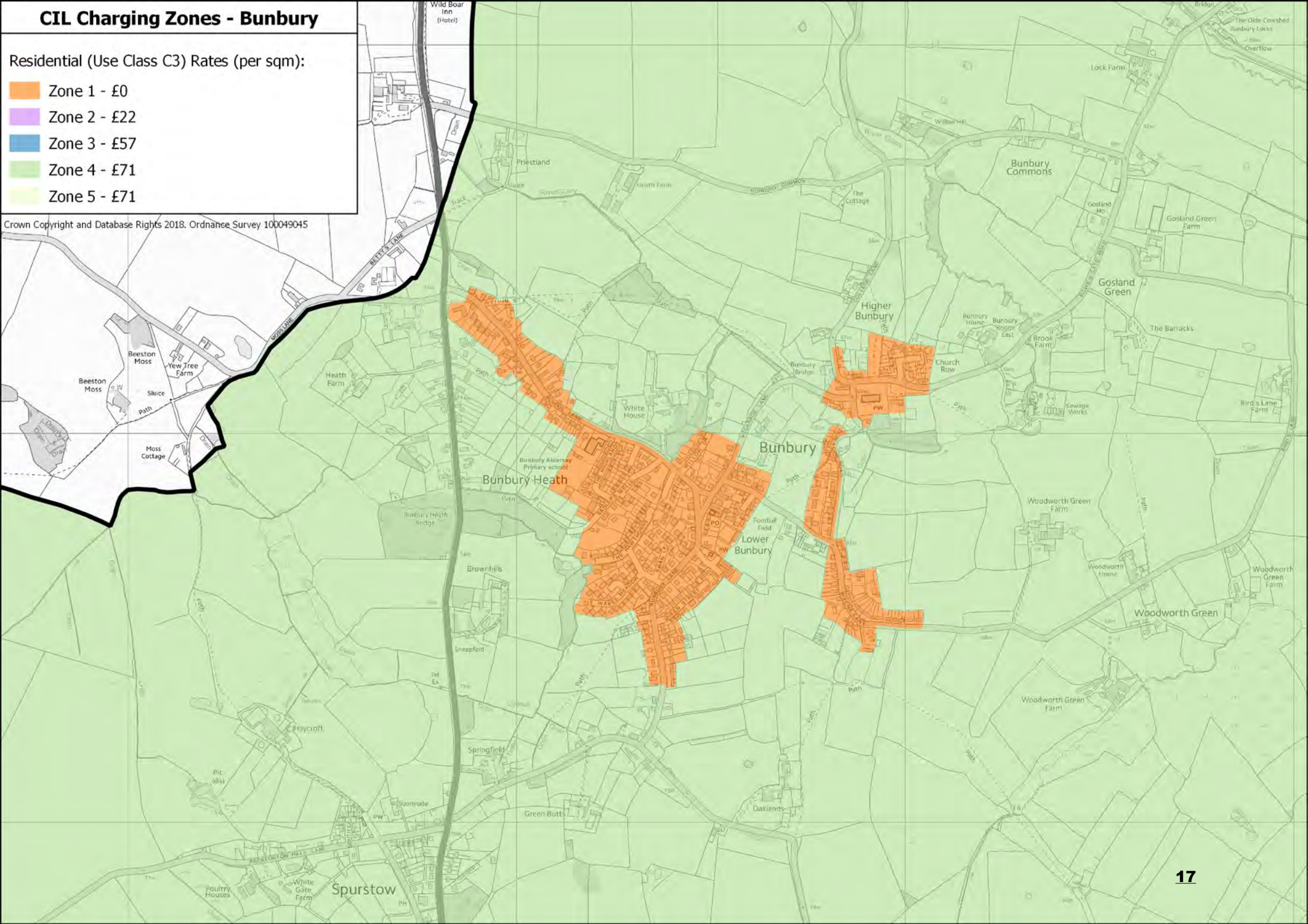


# CIL Charging Zones - Bunbury

Residential (Use Class C3) Rates (per sqm):

- Zone 1 - £0
- Zone 2 - £22
- Zone 3 - £57
- Zone 4 - £71
- Zone 5 - £71

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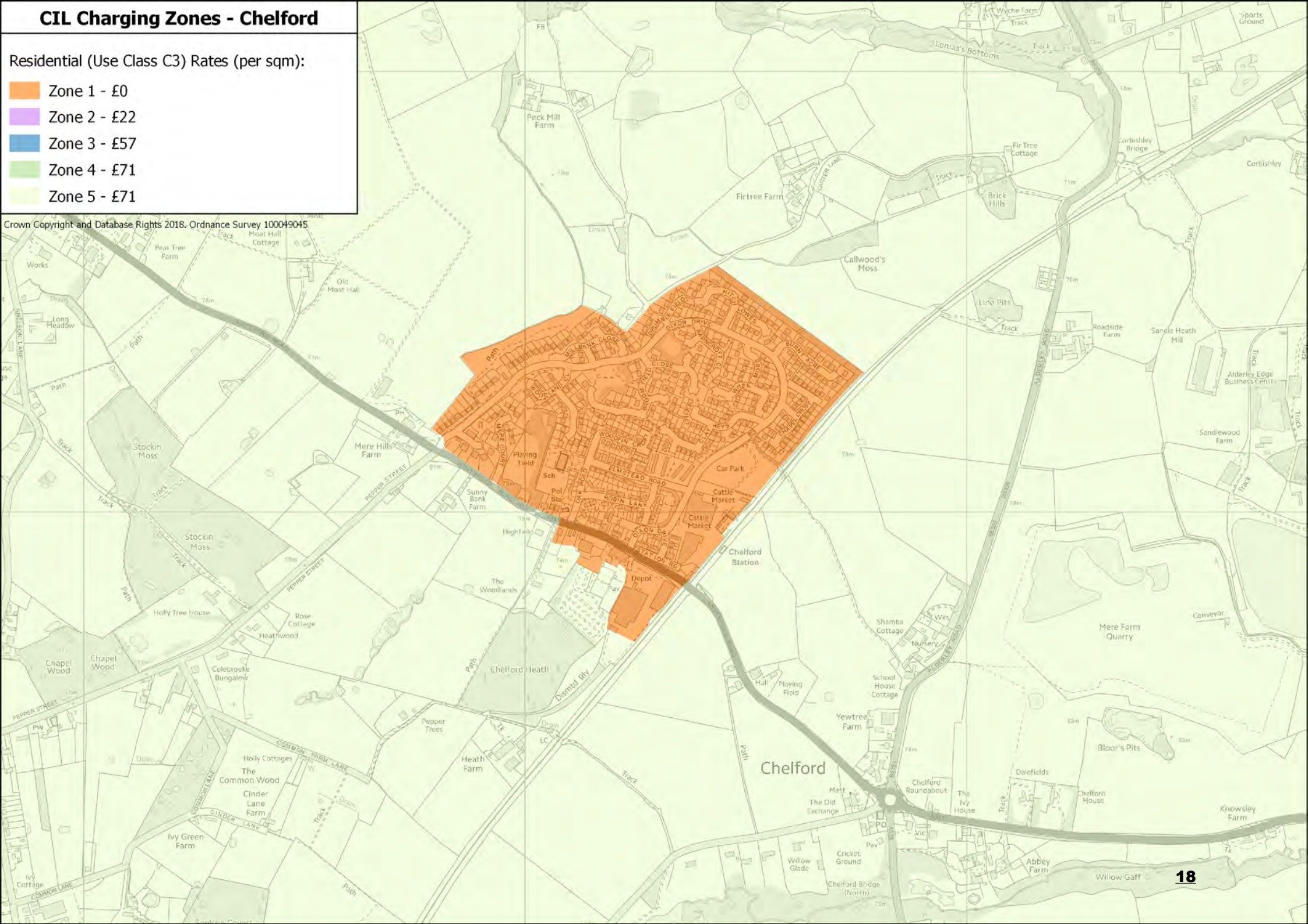


# CIL Charging Zones - Chelford

Residential (Use Class C3) Rates (per sqm):

- Zone 1 - £0
- Zone 2 - £22
- Zone 3 - £57
- Zone 4 - £71
- Zone 5 - £71

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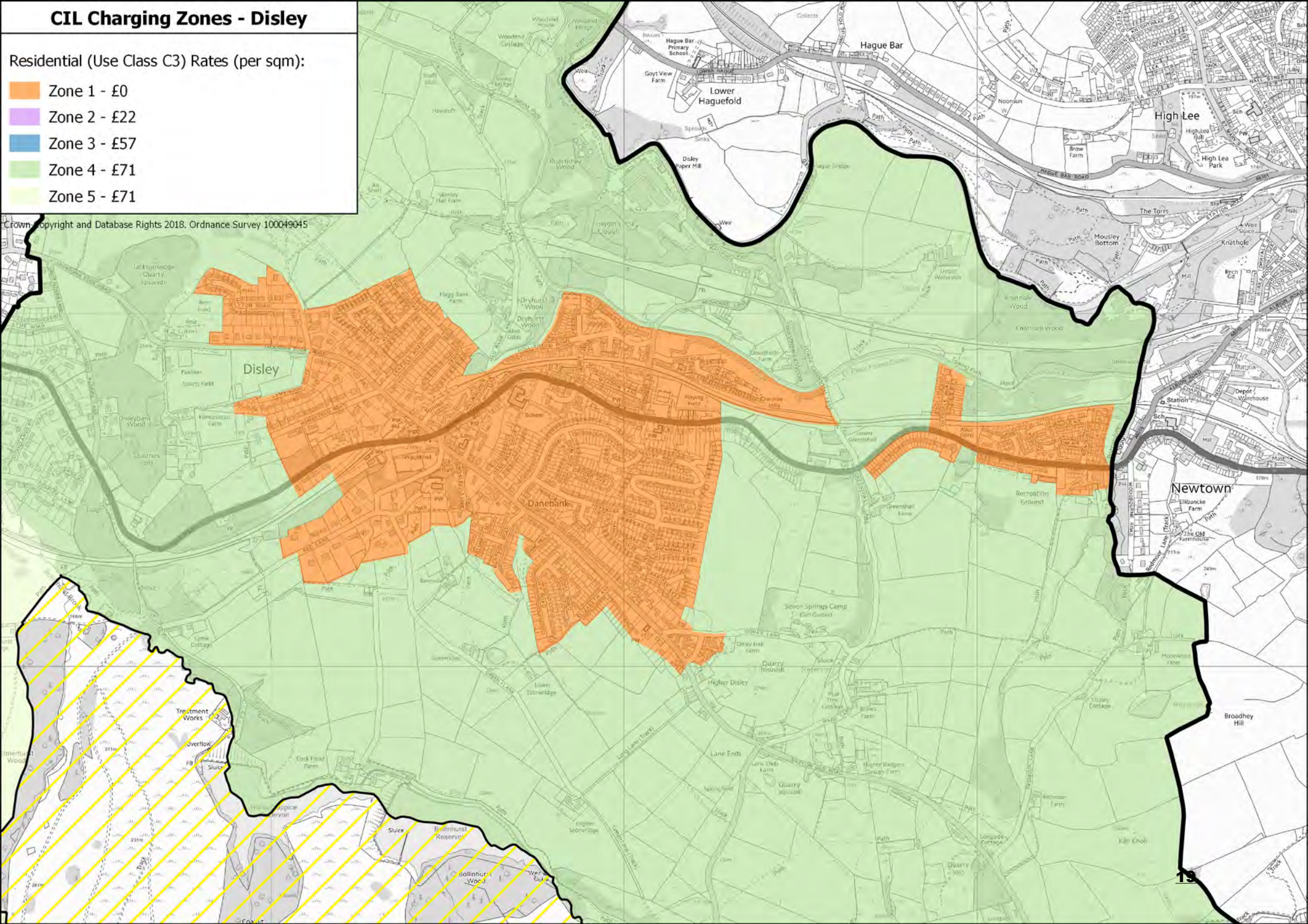


### CIL Charging Zones - Disley

Residential (Use Class C3) Rates (per sqm):

-  Zone 1 - £0
-  Zone 2 - £22
-  Zone 3 - £57
-  Zone 4 - £71
-  Zone 5 - £71

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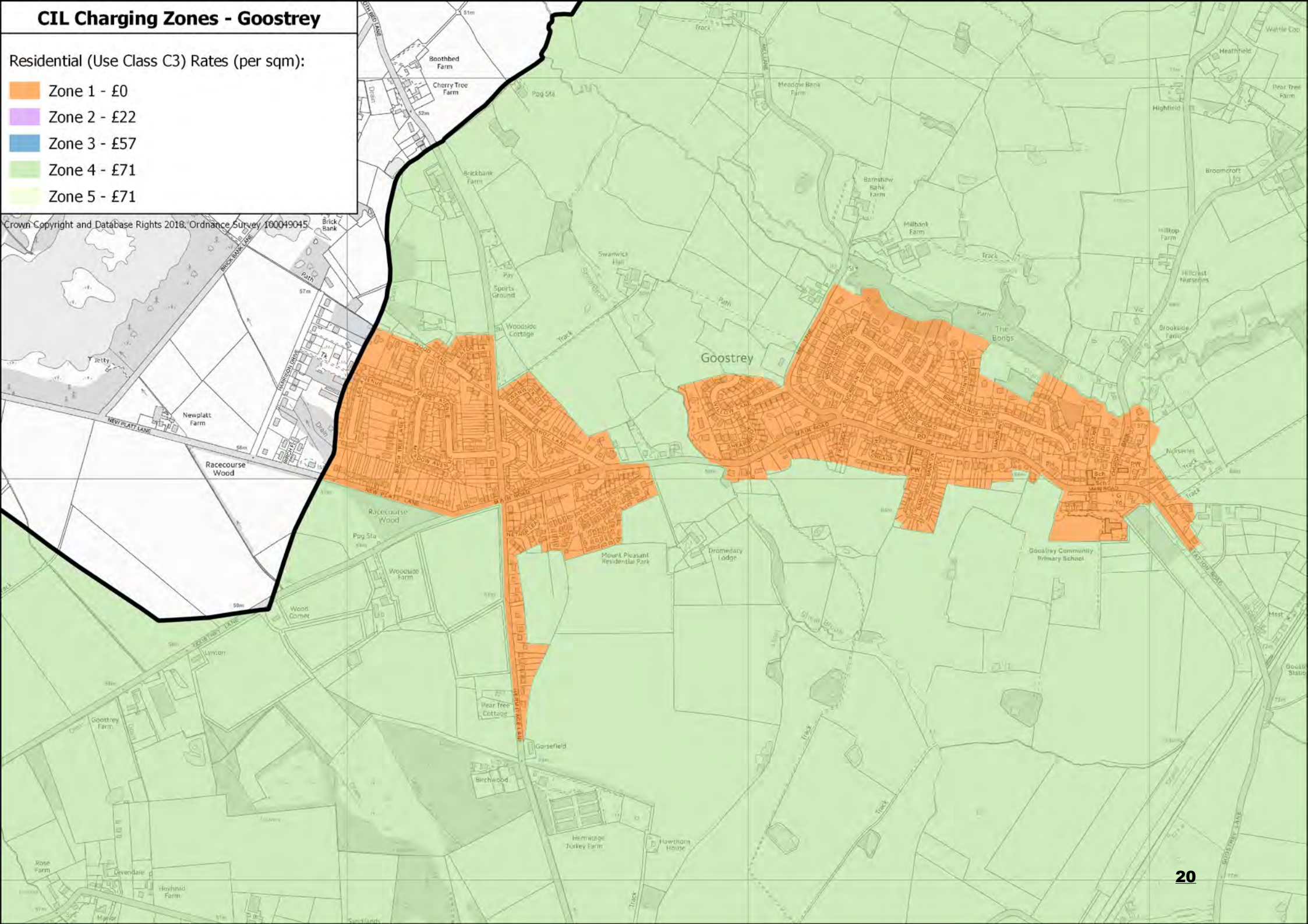


## CIL Charging Zones - Goostrey

Residential (Use Class C3) Rates (per sqm):

- Zone 1 - £0
- Zone 2 - £22
- Zone 3 - £57
- Zone 4 - £71
- Zone 5 - £71

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# CIL Charging Zones - Haslington


 Local Plan Strategy Site


Residential (Use Class C3) Rates (per sqm):

 Zone 1 - £0

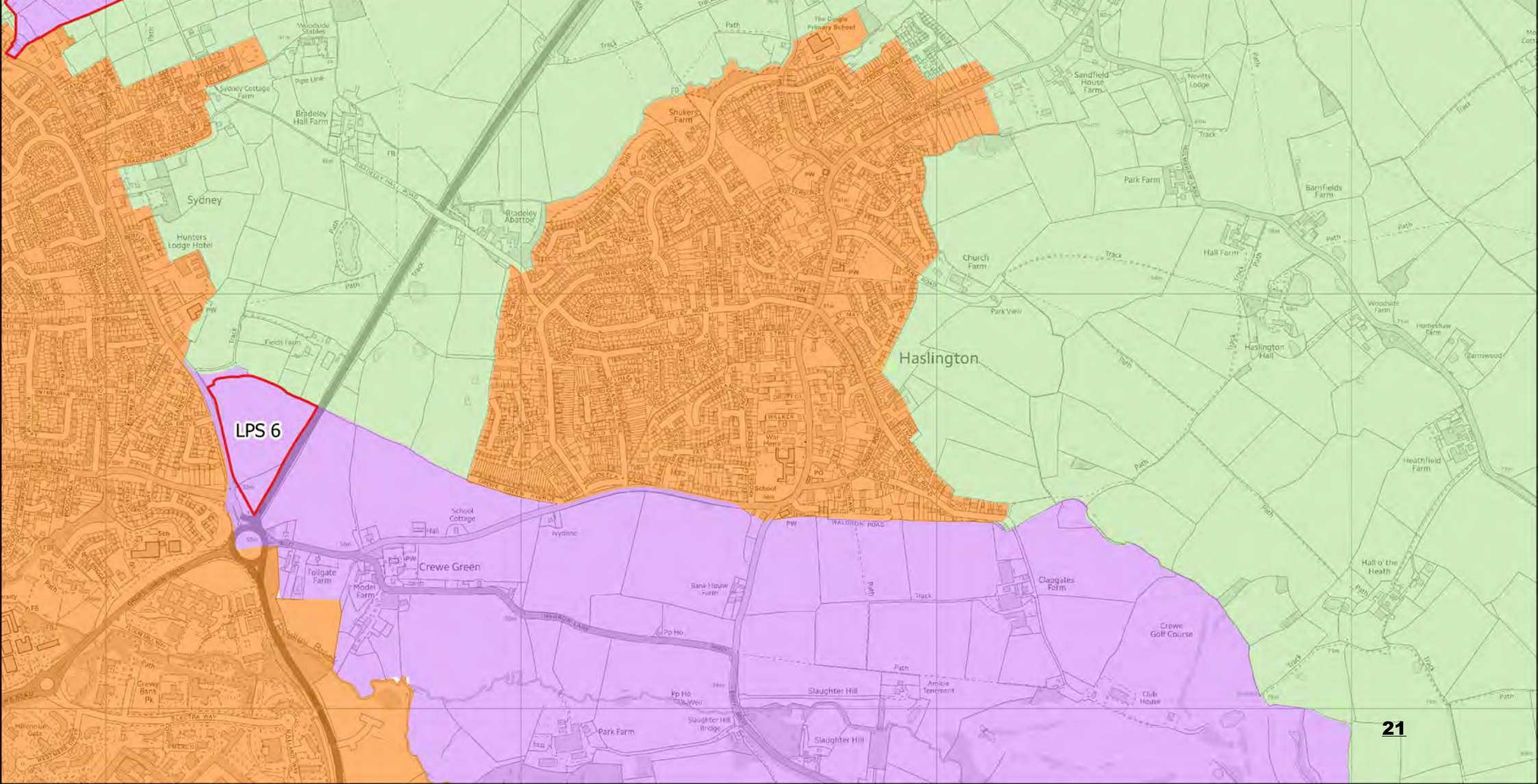
 Zone 2 - £22

 Zone 3 - £57

 Zone 4 - £71

 Zone 5 - £71

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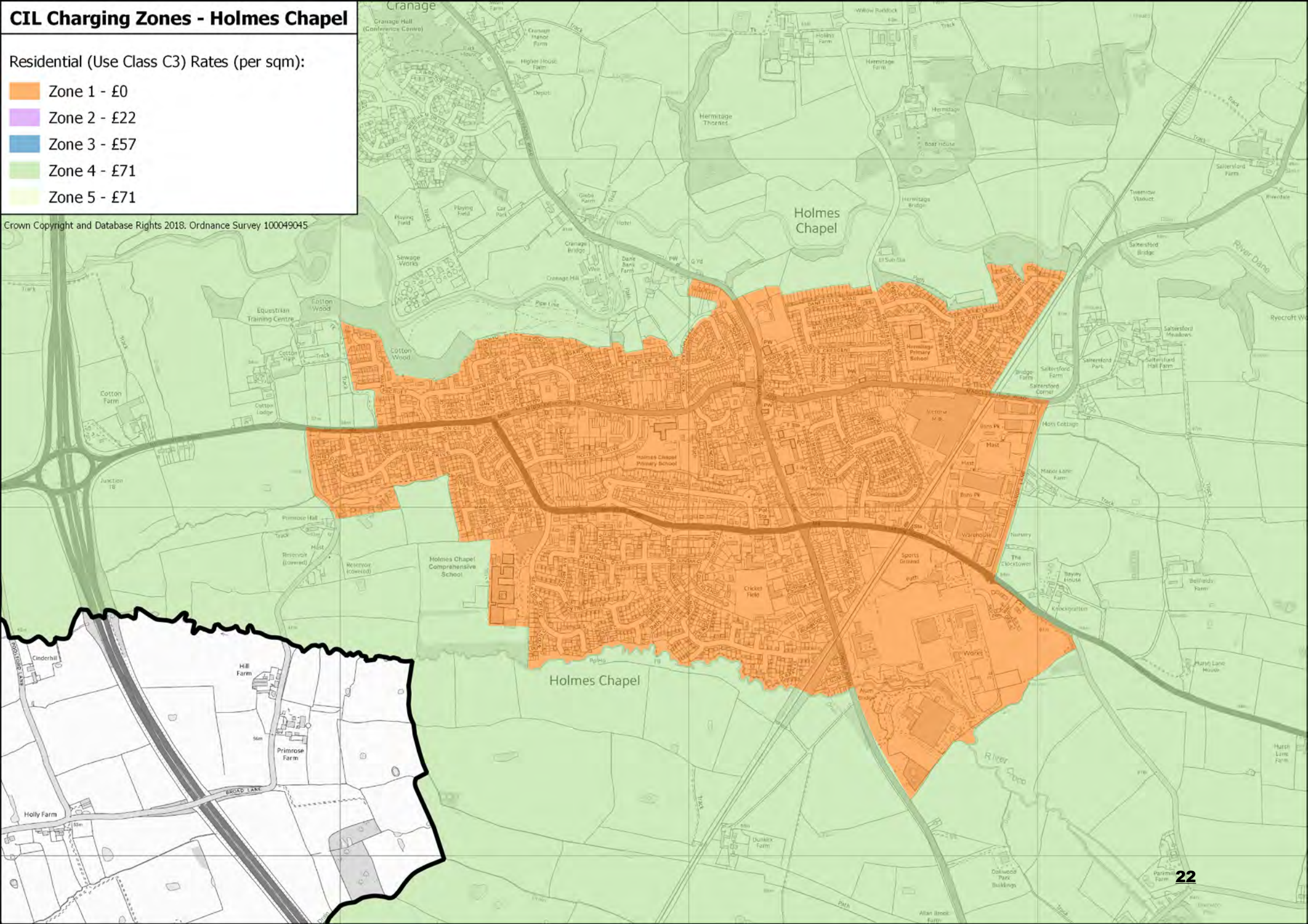


# CIL Charging Zones - Holmes Chapel

Residential (Use Class C3) Rates (per sqm):

- Zone 1 - £0
- Zone 2 - £22
- Zone 3 - £57
- Zone 4 - £71
- Zone 5 - £71

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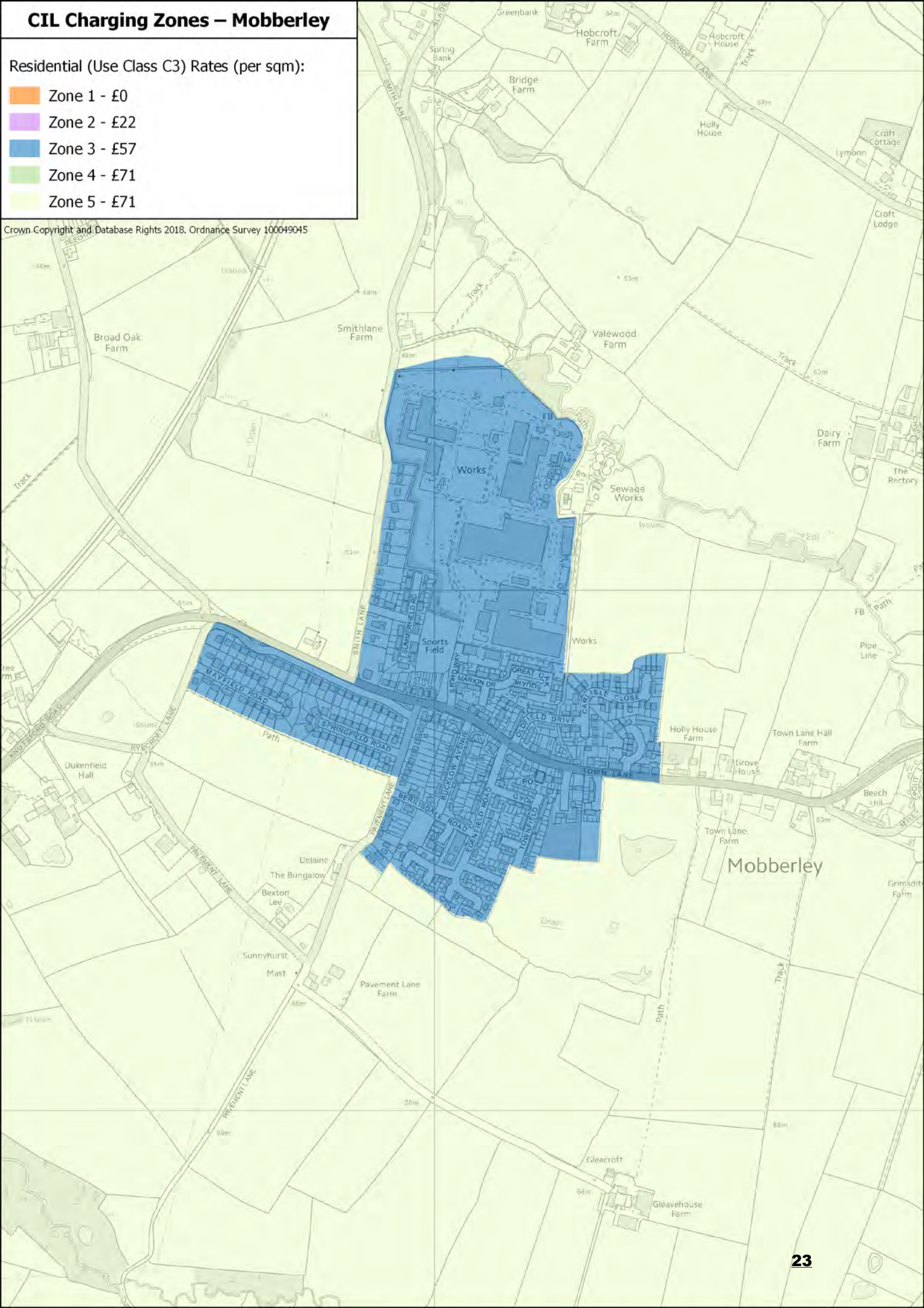


## CIL Charging Zones – Mobberley

Residential (Use Class C3) Rates (per sqm):

- Zone 1 - £0
- Zone 2 - £22
- Zone 3 - £57
- Zone 4 - £71
- Zone 5 - £71

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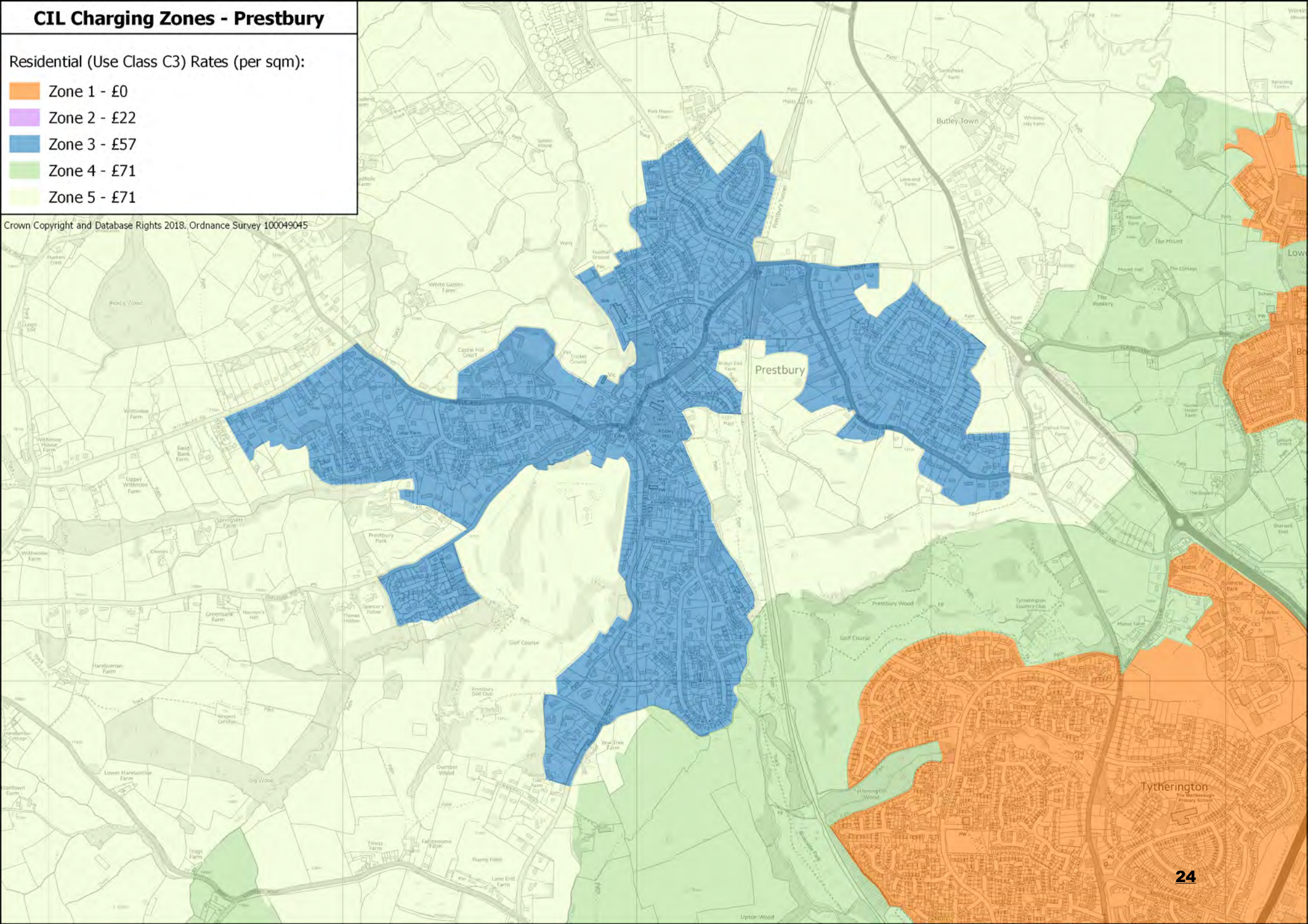


# CIL Charging Zones - Prestbury

Residential (Use Class C3) Rates (per sqm):

- Zone 1 - £0
- Zone 2 - £22
- Zone 3 - £57
- Zone 4 - £71
- Zone 5 - £71

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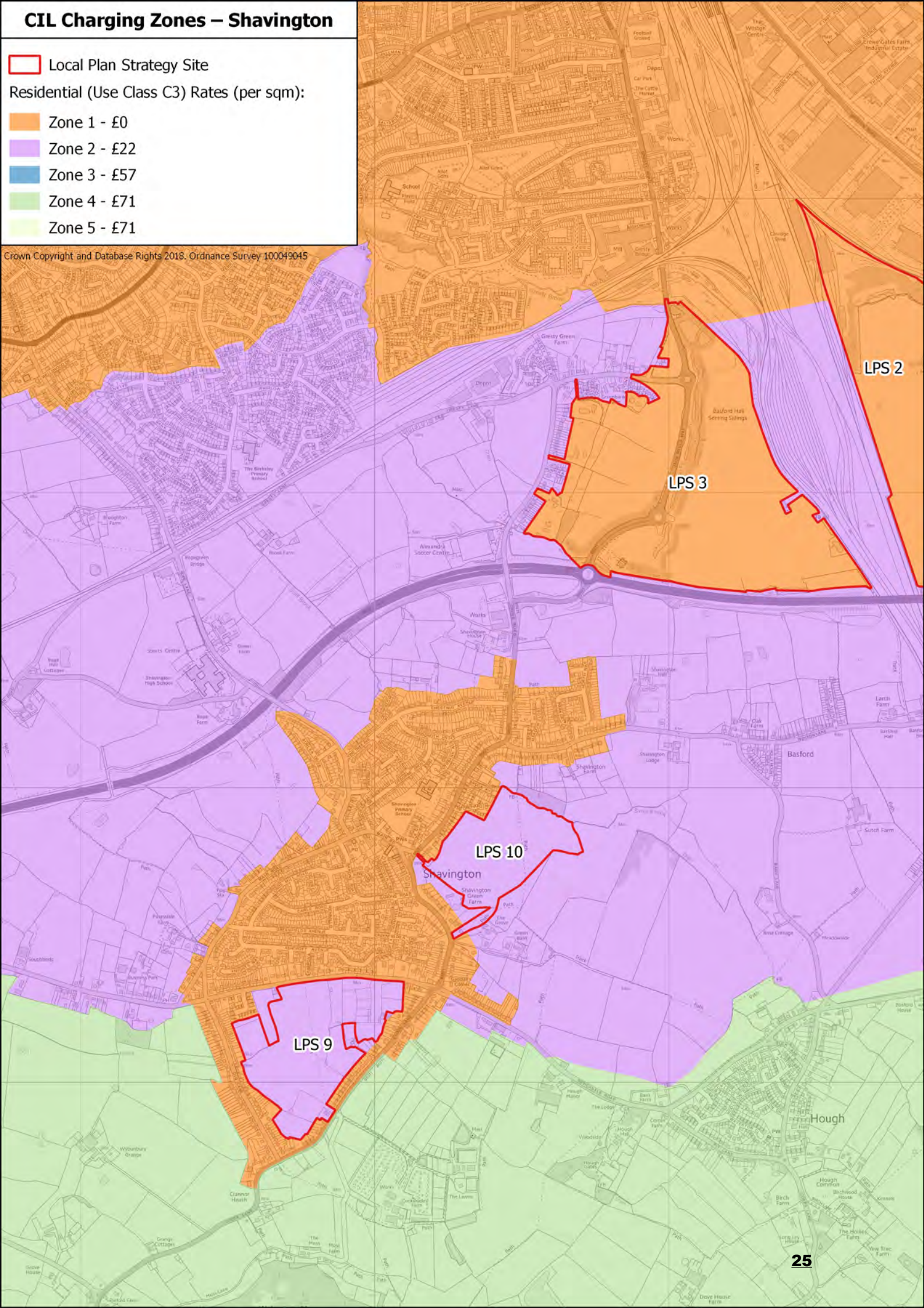
# CIL Charging Zones – Shavington

 Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

-  Zone 1 - £0
-  Zone 2 - £22
-  Zone 3 - £57
-  Zone 4 - £71
-  Zone 5 - £71

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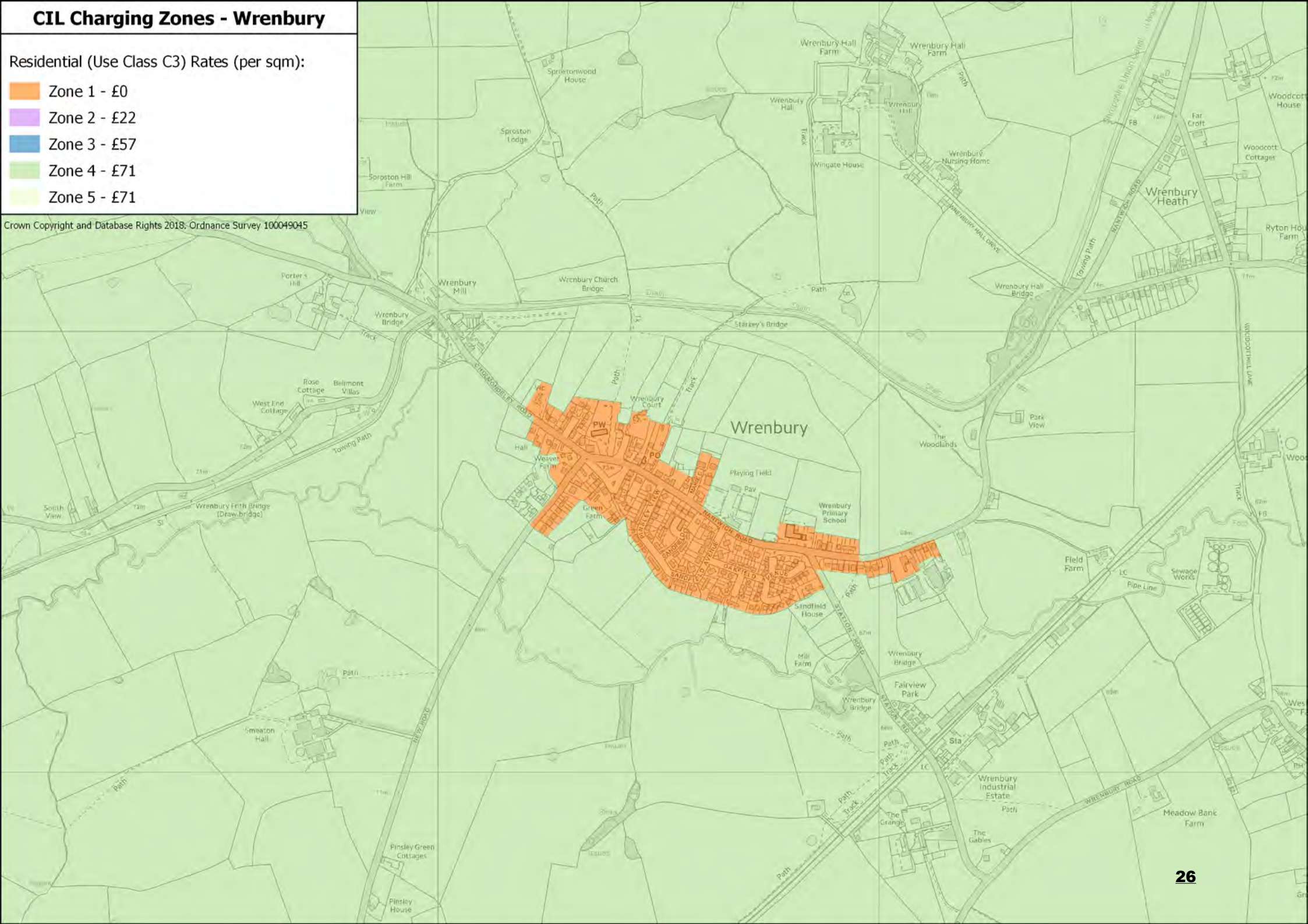


## CIL Charging Zones - Wrenbury

Residential (Use Class C3) Rates (per sqm):

- Zone 1 - £0
- Zone 2 - £22
- Zone 3 - £57
- Zone 4 - £71
- Zone 5 - £71

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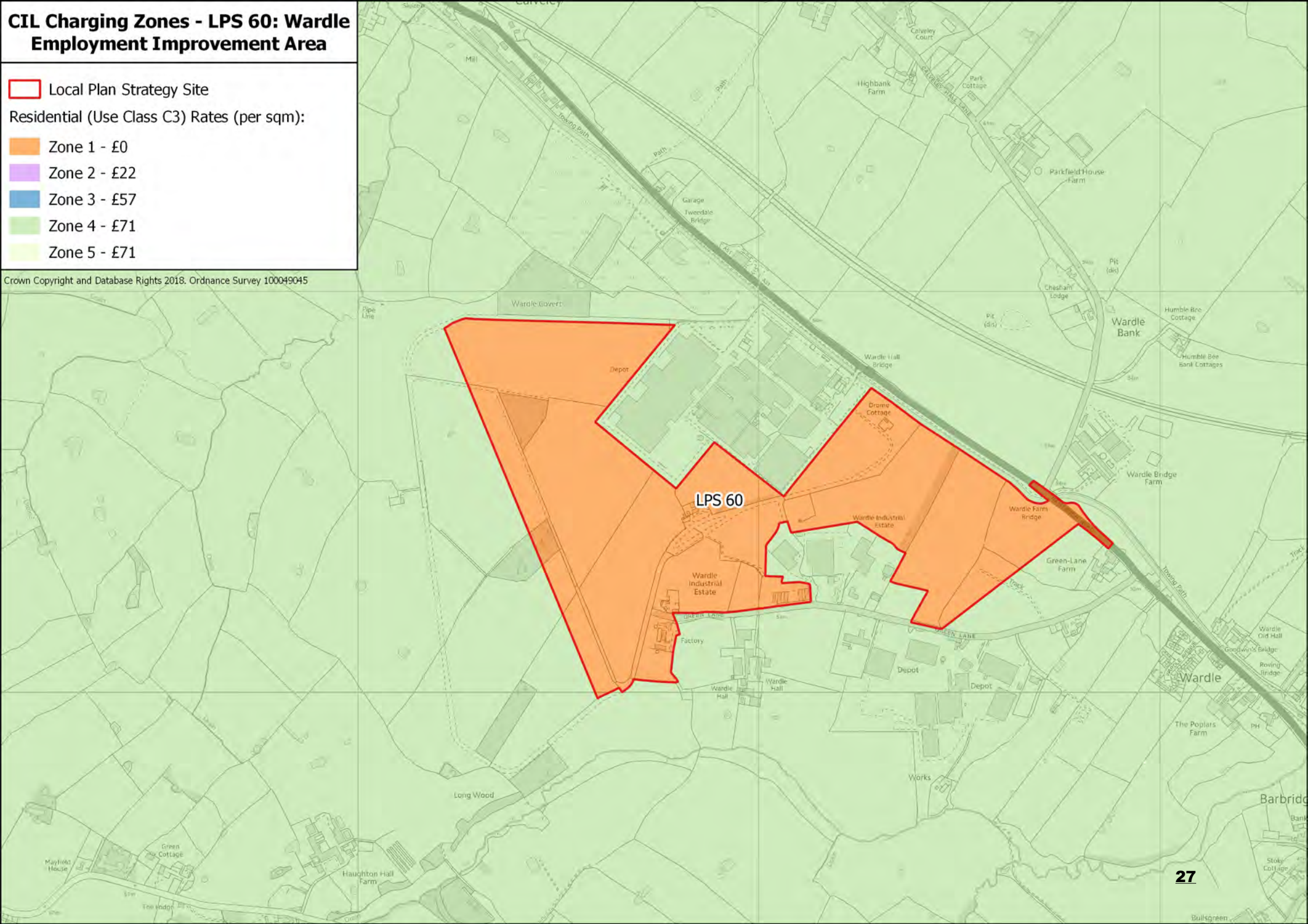
# CIL Charging Zones - LPS 60: Wardle Employment Improvement Area

 Local Plan Strategy Site

Residential (Use Class C3) Rates (per sqm):

-  Zone 1 - £0
-  Zone 2 - £22
-  Zone 3 - £57
-  Zone 4 - £71
-  Zone 5 - £71

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# CIL Charging Zones – LPS 61: Alderley Park Opportunity Site


 Local Plan Strategy Site


Residential (Use Class C3) Rates (per sqm):

 Zone 1 - £0

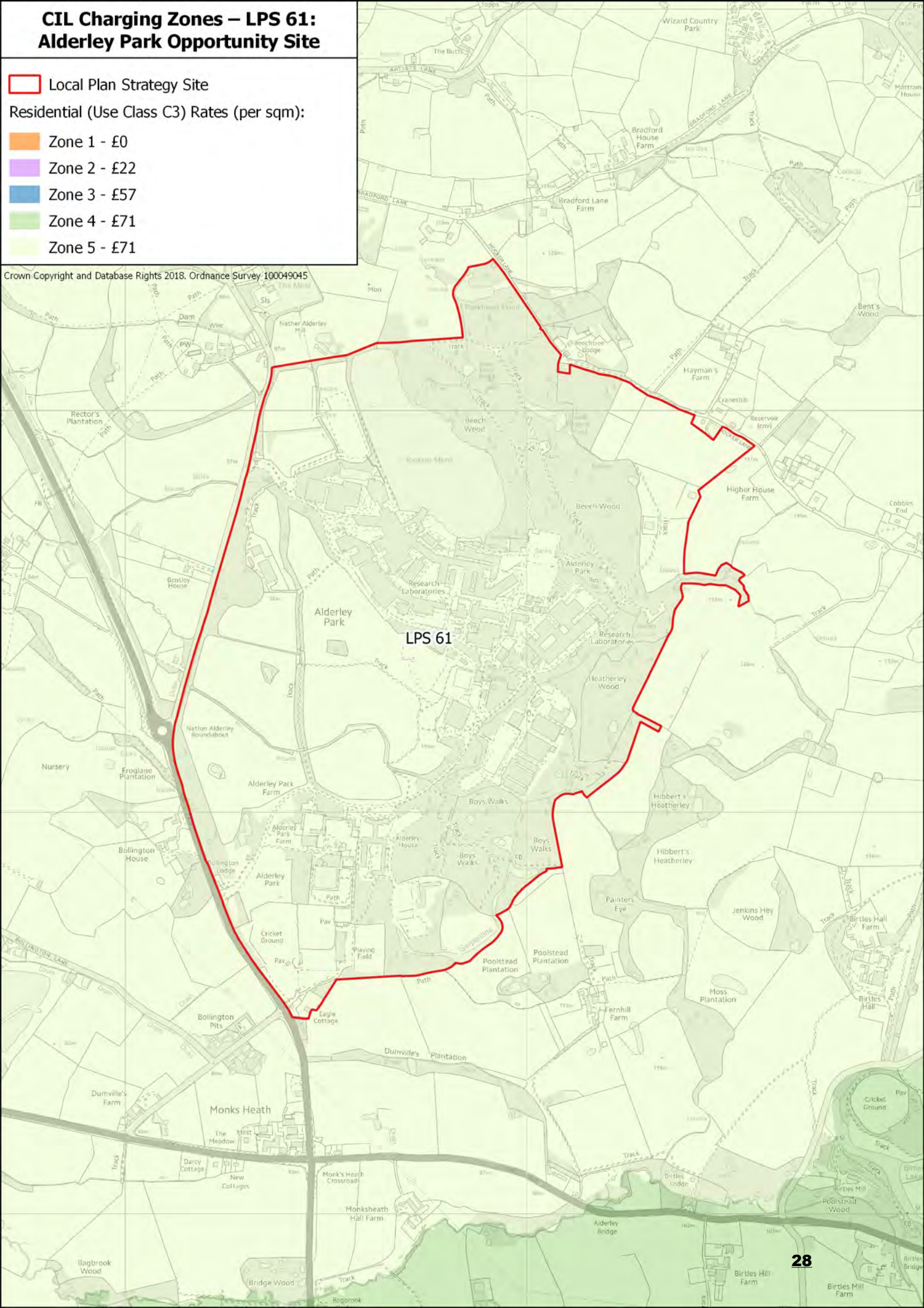
 Zone 2 - £22

 Zone 3 - £57

 Zone 4 - £71

 Zone 5 - £71

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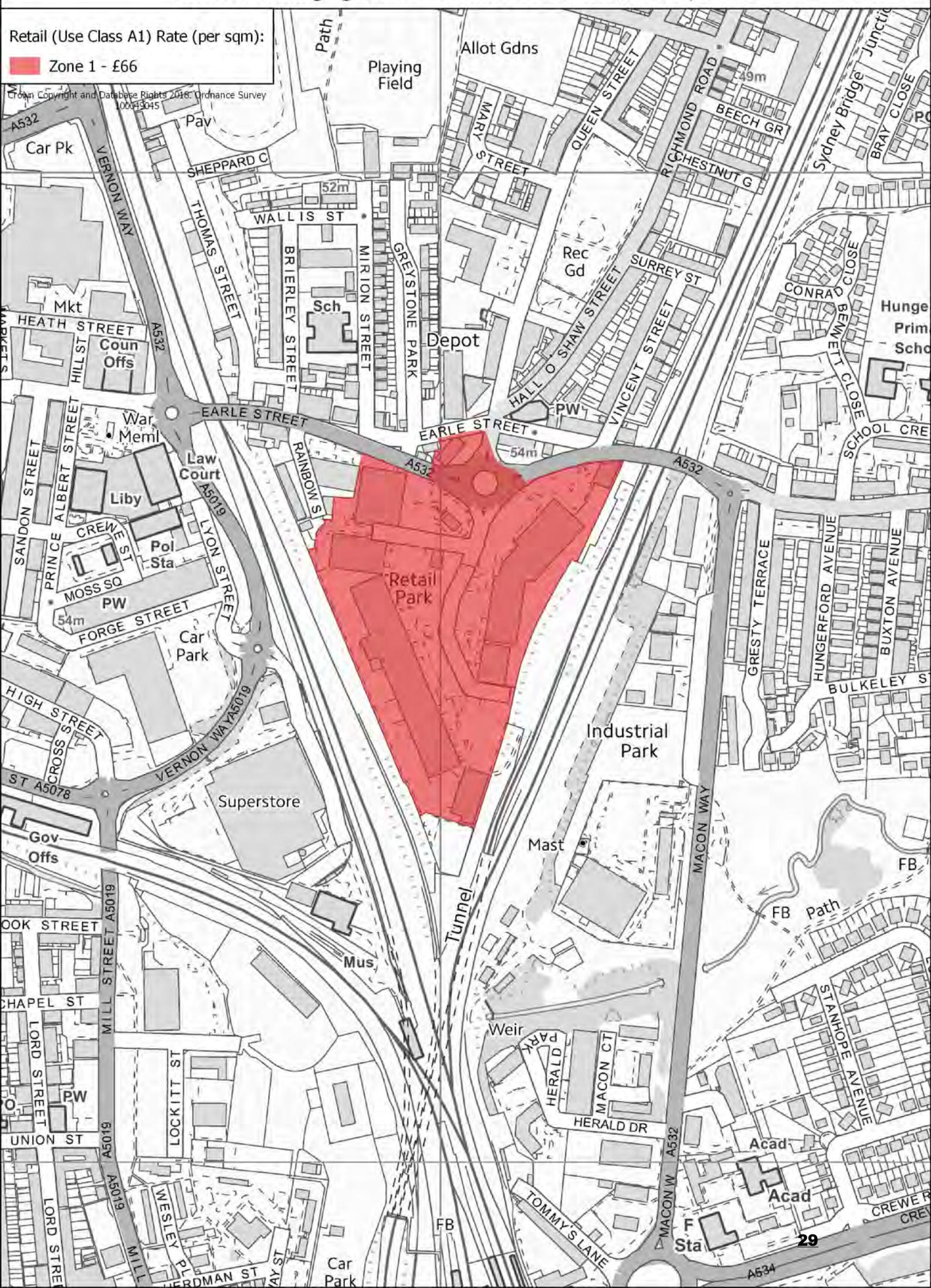


## CIL Retail Charging Zone 1 - Grand Junction Retail Park, Crewe

Retail (Use Class A1) Rate (per sqm):

Zone 1 - £66

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# CIL Retail Charging Zone 1 - Handforth Dean, Handforth

Retail (Use Class A1) Rate (per sqm):

Zone 1 - £66

