

Community Infrastructure Levy: Gosport Draft Charging Schedule

Statement on Issues and Questions

Question 8: *Should the Draft Charging Schedule contain details of discretionary relief available for exceptional circumstances?*

Date: 23rd February 2015



GOSPORT
Borough Council

1. Introduction

- 1.1 The Council is publishing a suite of CIL documents which will consist of the following: The Draft Charging Schedule, the Regulation 123 list, the discretionary relief in exceptional circumstances protocol, the payment in kind protocol and the phasing protocol.

2. Gosport Borough Council Approach

- 2.1 The Council has published the Draft Charging Schedule and the Regulation 123 list. The remaining documents will be published following the adoption of the CIL. They will then be updated as conditions dictate.
- 2.2 The approach for the publication of CIL documents in the Borough was considered at the Council's Economic Development Board on the 17th of September 2014 (Document CIL 20) The Board agreed the approach set out in the draft charging schedule (Agenda item 6): *'Once the Charging Schedule is adopted the Council will produced a number of protocols outlining the various procedures involved in collecting CIL. These will include details of exemptions (social housing, self-build homes and charities), payment by instalments and payments in kind.'* (Draft Charging Schedule para 12.1) (Document CIL 1)
- 2.3 This approach is intended to ensure that each of the documents can be updated independently of the Charging Schedule allowing the Borough Council to respond quickly to changing conditions. This will help to ensure the Borough has in place the best and most up to date approach to charging CIL. The documents will receive Member approval prior to being adopted, and will be published in accordance with the CIL regulations.
- 2.4 The National Planning Practice Guidance (LP/B1/2) provides guidance on the power to offer relief in exceptional circumstances *'The powers to offer relief can be activated and deactivated at any point after the charging schedule is approved. If a charging authority wishes to offer exceptional circumstances relief, it must specify a date from when this will apply, and must follow the procedures for offering relief set out in Regulations 55 – 58 (as amended by the 2013 and 2014 Regulations).'*
- 2.5 Community Infrastructure Levy Regulation 56 sets out the requirements which a charging authority needs to meet in order to implement relief for exceptional circumstances, or to rescind that relief.
- 2.6 The Council is looking to publish the details of its discretionary relief protocol separately from the draft charging schedule in order to allow flexibility to change the protocol where circumstances dictate that it would be necessary.

- 2.7 The development characteristics in Gosport are largely dictated by its urban nature. A large proportion of the development in Gosport will be delivered on brownfield sites. Some of these brownfield sites may have specific constraints which could result in the need for a developer to apply for exceptional circumstances relief. The protocol will set out how the discretionary relief can be applied for in exceptional circumstances.
- 2.8 In the majority of cases viability concerns will continue to be able to be mitigated through negotiation between the Council and landowners on aspects of proposals such as the density and mix of uses. As the Council considers that a fair and viable CIL rate has been set it is envisaged that the exceptional circumstances relief will only need to be used very rarely. The Council will need to strike a balance in how it implements exceptional circumstances relief alongside other measures for negotiation of on-site viability which best ensure development takes place.

3. Conclusion

- 3.1 The Council intends to prepare a 'Discretionary Relief in Exceptional Circumstances' protocol. However in order to allow it to be updated as needed to take account of changing circumstances, it is intended to keep it separate from the Draft Charging Schedule.