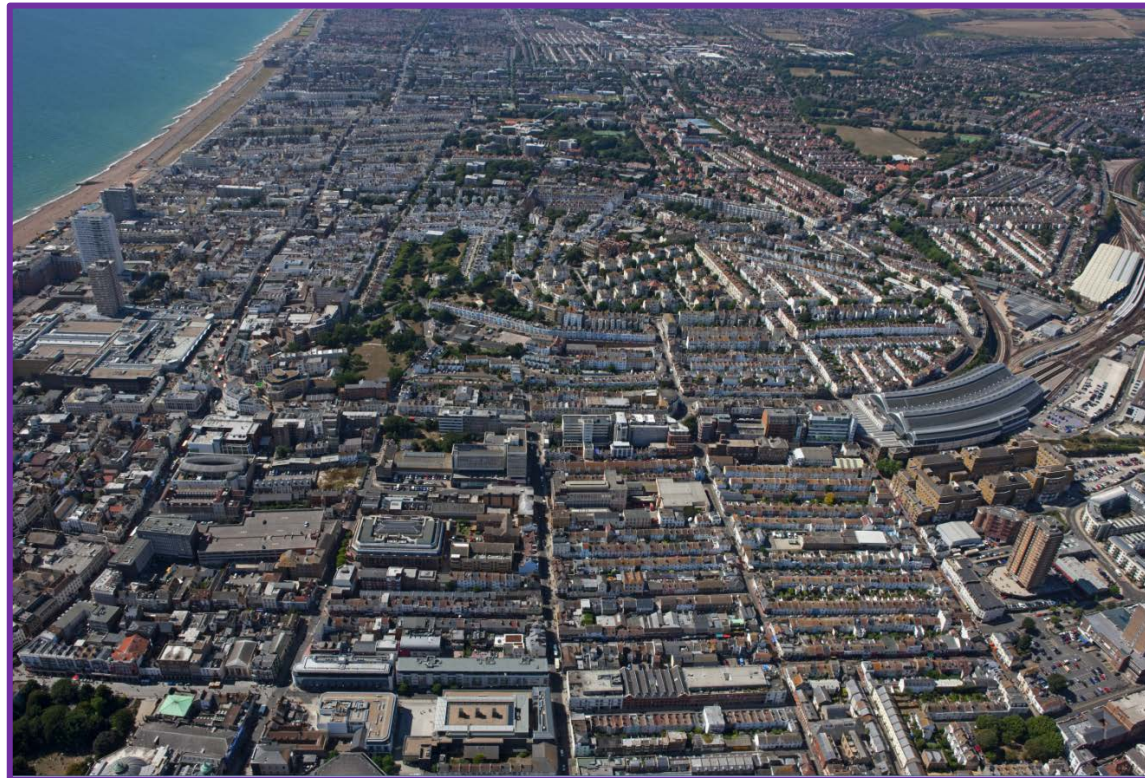


Appendix 1

CIL Draft Charging Schedule Statement of Modifications

November 2018



Views over the City of Brighton & Hove

The statutory requirements to submit a Draft Charging Schedule are set out in the CIL Regulations (as amended). These Regulations state that any request to be heard by the examiner in connection with those modifications contained in this Statement of Modifications may be made to the charging authority before the end of the period of four weeks beginning with the day on which the draft charging schedule is submitted to the examiner (the date will be provided on the website). Any person may request to be heard by the Examiner in relation **only** to the modifications as set out in this Statement of Modifications.

In relation to the above, requests to be heard must be submitted to the charging authority in writing and include details of the modifications on which the person wishes to be heard (reference # in the table below). The charging authority will pass all requests to the Examiner. Any person who has made a request to be heard may withdraw that request at any time before the opening of the examination by giving notice in writing to the charging authority.

In accordance with the CIL Regulations (as amended), before the authority can submit the Charging Schedule for examination it will send a copy of this Statement of Modifications made to the Draft Charging Schedule after it was published in accordance with regulation 16 (as amended) to each of the consultation bodies invited to make representations under regulation 15 (as amended), and publish the statement of modifications on the council's website.

The following table sets out modifications made to the published Draft Charging Schedule prior to submission to the examiner:

#	Modification	Reason / Comment
1	Modify contents page to reflect Statement of Modifications	To provide an up to date contents page
2	Remove explanatory paragraph 'Consultation Procedures' and references to amended consultation procedures.	Remove explanatory text previously included to provide information about the DCS consultation of March - June 2018
3	Modify and update paragraph 'Relevant Legislation Context' and rename as 'Introduction'	Updating the Draft Charging Schedule to reflect modifications and current submission stage. Clarify and change references to legislation so Charging Schedule can support approaches to Developer Contributions further to MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018. Remove links to web

		pages provided to support DCS consultation and which could become out of date during the CIL approval process
4	Remove explanatory paragraphs: CIL Overview; Advantages of CIL; Parish and Neighbourhood Fund;	Remove explanatory text previously included to provide information about CIL to support the consultation for the PDCS and/or the DCS. Parish and Neighbourhood funding from CIL is set out in the CIL Regulations.
5	Summarise and update paragraph 'The Evidence Base' and locate at the end of the document	Remove detailed explanatory text previously included to provide information about the DCS/PDCS consultations. Change references to legislation to allow flexibility for potential amendments to CIL Regulations further to MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018. Retain summarised version of information at the end of the document.
6	<p>Modify paragraph 'How the chargeable amount will be calculated' to more general reference to Part 5 of CIL Regulations. New text shown in italics, superseded text has been struck through:</p> <p>The Council will calculate the 'chargeable amount' of CIL using <i>Part 5 of the CIL Regulations 2010 (as amended)</i> and the formal calculation methodology <i>therein as set out in Regulation 40 of the CIL Regulations 2010 (as amended)</i>. The key themes of calculating a CIL charge is that CIL will be charged on the net additional internal floor area of development, once exempted development types and other eligibility considerations as set out in the CIL Regulations (as amended) have been taken into account.</p> <p>The Council will use the indexing figure as set out in Regulation 40 of the CIL Regulations 2010 (as amended).</p> <p>Currently At submission stage this regulations sets out an index linked to the 'All-In Tender Price Index' of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. and <i>Where relevant</i> the council will apply the most recent BCIS finalised figure</p>	Includes flexibility to allow for potential changes to CIL Regulations regarding indexing and methodologies further to MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018. Acknowledges how charge will be calculated while BCIS index is required.

	published before the previous 1 November, with the Royal Institution of Chartered Surveyors (RICS) Code of Measuring Practice 6th edition definition of Gross Internal Area used to calculate chargeable floor space.]	
7	Remove preamble text to 'Proposed Charging Schedule' and change heading to 'Charging Schedule'	Remove text previously included to provide information to support the consultations for the PDCS and the DCS, and to reflect the submission stage of the DCS.
8	Within Charging Schedule Residential category remove the reference to C2 use class alongside reference to C3.	Further considerations upon the potential impact of CIL informed by made representations to the published DCS have led to modifications in the treatment of C2 accommodation. Supported by the findings of the Council's Viability Assessment, this modification reflects a review of C2 charges and of those accommodation types which may warrant differential CIL treatment. See the approach set out in modification 9 below.
9	Include a separate category for residential development: <i>'Private care residential homes with a degree of self-containment including Extra Care and Assisted Living'</i> to be charged at a rate of £100/sq.m in Residential Zone 1 and Zone 2 areas as shown on Map in Appendix 1	As above, considerations of representations and further viability review have resulted in a modified approach to the treatment of some forms of accommodation for older people. The council will substitute an overall C2 charge with a charge for development described as <i>'Private care residential homes with a degree of self-containment including Extra Care and Assisted Living'</i> . Commensurate with this development viability, the proposed rate has been lowered to £100/sq.m within an overall charge for residential zones 1 and 2 only. This response is considered capable of contributing to an appropriate balance by the Council as supported by the Council's Viability Assessment.
10	Rename 'Strategic Sites rate' to <i>'Nil CIL charge zone'</i>	To more clearly describe the areas designated for a nil CIL charge rate within the Charging Schedule
11	Modify Draft Charging Schedule by widening nil CIL charge zone at Brighton Marina Inner Harbour to encompass the whole City Plan Part One Policy DA2	Modification responds to a review of representations made in relation to DA2 sites and

	area and replace text 'Brighton Marina Inner Harbour' with new text ' <i>DA2 Brighton Marina, Gas Works and Black Rock Area</i> '	draws upon the Council's knowledge of the development area as a whole. The entire DA2 area is considered as being of strategic importance in terms of the CIL and due to the combination of abnormal costs, site-specific mitigation, Policy DA2 Area aspirations and the quantum of housing still to be delivered through the development plan including extant permissions which may require further planning consents, the current nil CIL charge zone boundary for Brighton Marina Inner Harbour will be expanded; an approach considered to be consistent with the Council's Viability Assessment.
12	Modify Map in Appendix 1 to increase the Strategic Site boundary at Brighton Marina Inner Harbour to include Brighton Marina, Gas Works and Black Rock Area.	Reflecting modification 11 using DA2 site boundary as set out in the Adopted Brighton & Hove City Plan Part 1 Policies Map - East 2016
13	Modify Draft Charging Schedule to include ' <i>Brighton General Hospital site</i> ' within the Nil CIL charge zone	Modification responds to representations and submitted viability evidence made in relation to this site regarding planned site requirements, including the delivery of Healthcare campus and community facilities and draws upon the council's knowledge of this site including the presence of significant heritage assets; consistent with CIL principles and the significance of this single site with the development plan.
14	Modify Map in Appendix 1 to include Brighton General Hospital site boundary	Reflecting modification 13 using Brighton General Hospital site boundary as set out in the Adopted Brighton & Hove City Plan Policies
15	Modify Draft Charging Schedule 'Purpose Built Student Housing' category to include ' <i>Purpose Built Shared Living Accommodation</i> '	Clarification that the PBSA typology is commensurate with and applies to purpose built shared living accommodation as set out in the modification to the accompanying notes where this living accommodation falls outside of the C3 residential use classes
16	Modify Draft Charging Schedule to include the text (shown here in italics): <i>Retail</i>	For clarification

	– Other shopping units development	
17	Modify Draft Charging Schedule Notes to include text (shown here in italics): <i>Nil CIL charge zone boundaries as set out in the Adopted Brighton and Hove City Plan Policies</i>	Make clear the origin of the Nil CIL charge zone boundaries
18	Modify Draft Charging Schedule Notes to include text (shown here in italics): <i>‘Purpose Built Student Housing category – includes Purpose Built Shared Living accommodation set around cluster type accommodation and/or studio units commensurate with PBSA standards’.</i>	Clarification that the proposed sui generis PBSA typology rate will also apply to sui generis large scale purpose built shared living accommodation commensurate to PBSA where this living accommodation falls outside of the C3 residential use class
19	Remove paragraph ‘Section 106 Planning Obligations’	Paragraph was previously included for ease of reference to inform the DCS consultation. This information will now be included with the Draft Infrastructure/ Draft Regulation 123 List supporting the submission DCS and Statement of Modifications. This information is not required by the CIL regulations to form part of the Charging Schedule and this approach assists the Charging Schedule to support future approaches to Developer Contributions further to MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018
20	Remove explanatory paragraphs: ‘Next Steps, Indicative Timetable for development & adoption of a CIL Charging Schedule’	Remove explanatory text previously included to provide information about CIL to support the consultation for the DCS. Current indicative timetable will be updated on the council website
21	Remove paragraphs ‘Instalment policy and when CIL is Payable’ and ‘Payment in Kind Policy’ and replace with ‘CIL Policies’ paragraph.	CIL policies do not form part of the charging schedule and can be changed independently of it. Text has been amalgamated into one paragraph indicating the council's intentions regarding introduction of such policies
22	Remove paragraph ‘CIL Income Estimates and Use’	Paragraph was previously included for ease of reference to support the DCS consultation. This is included in the relevant information supporting the

		submission DCS and Statement of Modifications
23	Remove second paragraph in 'CIL and Existing Planning Permissions'	Modified to provide flexibility to allow for potential changes in CIL legislation
24	<p>Modify paragraph 'Reporting, Monitoring and Review' to amend the text in the first paragraph to read:</p> <p>So as to ensure an appropriate CIL rate that allows for changing market and other influences on development viability and deliverability, the Council will put in place an appropriate reporting, monitoring and review framework. This may be in the form of an Infrastructure Funding Statement or reporting within the Council's Authority Monitoring Report (AMR) – subject to Government review at time of drafting.</p>	Includes flexibility to allow for potential changes in legislation as a result of MHCLG Developer Contributions consultation carried out between April and May 2018 and Government Response at Autumn Statement 2018.

