
Report to Brighton and Hove City Council

by Jameson Bridgwater PGDipTP MRTPI

an Examiner appointed by the Council

Date: 7 February 2020

PLANNING ACT 2008 (AS AMENDED)

SECTION 212(2)

REPORT ON THE EXAMINATION OF THE DRAFT BRIGHTON AND HOVE COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Charging Schedule submitted for examination on 16 January 2019

Examination hearings held on 2 April 2019

File Ref: PINS/F0114/429/6

Non-Technical Summary

This report concludes that, subject to modifications, the Brighton and Hove Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

Modifications are needed to meet the statutory requirements. These can be summarised as follows:

- Amendments and additions to the Nil Charge Zone
- Clarifications with regard to CIL charging descriptions and definitions

The specified modifications recommended in this report are based on matters discussed during the public hearing sessions and do not significantly alter the basis of the Council's overall approach or the appropriate balance achieved.

Introduction

1. This report contains my assessment of the Brighton and Hove Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance. It takes account of the Community Infrastructure Levy (Amendment)(England)(No 2) Regulations 2019 and the associated revisions to the Planning Practice Guidance (PPG), which came into effect on 1 September 2019. The regulations apply retrospectively to schedules already submitted for examination.
2. To comply with the relevant legislation the local charging authority has to submit a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the district. The basis for the examination, on which hearings sessions were held on 2 April 2019 is the schedule of November 2018, which is effectively the same as the document published for public consultation in January 2019.
3. The submitted charging schedule from Brighton and Hove City Council [the Council] proposed the following CIL rates:

Residential – C3 Use Class

- Zone 1 - £175sqm
- Zone 2 - £150sqm

- Zone 3 £75sqm

Private care residential homes with a degree of self-containment including Extra Care and Assisted Living

- Zone 1 & Zone 2 - £100sqm

Nil CIL charge zone

- DA2 Brighton Marina, Gas Works and Black Rock Area and King Alfred Leisure Centre/RNR site and Brighton General Hospital site - £0sqm

Purpose Built Student Housing / Purpose Built Shared Living Accommodation

- City Wide - £175sqm

Retail - Larger Format – Retail warehousing/Supermarkets

- City Wide - £100sqm

Retail - Other Shopping Units development

- City Wide - £50sqm

All other development uses

- City Wide - £0sqm

Is the charging schedule supported by background documents containing appropriate available evidence?

Infrastructure planning evidence

4. The Brighton and Hove City Plan Part One (BHCP) was adopted in March 2016. This sets out the strategy for future growth and development in the city to 2030. It sets out key citywide strategic policies for issues such as housing delivery and employment provision; indicating where development should be directed and allocates a number of strategic sites. The plan seeks to ensure that the majority of new housing, employment and retail development will be located on brownfield (previously developed) sites within the city's built up area and directed to eight specific development areas that have sustainable transport links and access to facilities and services.
5. The Infrastructure Delivery Plan 2017 Update (IDP) outlines the new/improved infrastructure required to facilitate planned growth within the city to the end of the plan period (2030). The Council's submitted Draft Infrastructure List January 2019 indicates that CIL spending will be directed towards amongst other things air quality, education, energy and utilities, flood risk management, green space, health, open space, recreation, public and cultural realm, transport and highways projects, all of which will contribute towards implementing the objectives of the BHCP.
6. The Council submitted a Regulation 123 list identifying the relevant infrastructure which may be wholly or partly funded by CIL. Regulation 123

was removed from the CIL Regulations on 1 September 2019 allowing charging authorities to use S106 planning obligations and CIL to fund the same items of infrastructure. Regulation 123 lists will be replaced by annual infrastructure funding statements setting out how much money has been raised through developer contributions (both through CIL and section 106 obligations) and how it has been spent. Authorities must produce their first statement by 31 December 2020.

7. Taking into account other likely funding sources, including direct from government, the Council currently estimates a shortfall of around £95m, based on total infrastructure where costed of approximately £366m. The IDP 2017 Update, demonstrates a clear funding gap between the provision of infrastructure required to support development required by BHCP, and funds available to provide this infrastructure. It is anticipated that the CIL charges, as proposed, would raise about £2m on an annual basis and around £20m in total up to 2030 towards infrastructure needs. In the light of this evidence, the proposed CIL charges would make a significant contribution towards meeting the likely funding gap. The figures demonstrate the need to levy CIL in Brighton and Hove.

Economic viability evidence

8. The Council commissioned a CIL Viability Assessment, dated August 2017. This was subsequently updated and refined by the Viability Study Addendum, dated February 2018, and the Viability Study Addendum 2, dated November 2018. Moreover, following detailed discussions at the Examination Hearings the Council commissioned the Examination Stage Supplementary Review, dated May 2019. The assessments use a residual valuation approach, using reasonable standard assumptions for a range of factors such as building costs, profit levels, fees and changes in relation to national policy.
9. The model was adapted by relevant local data on existing land values; including Land Registry data and some recent transactions, taking into account that there are variations in average land values across Brighton and Hove. In general, the benchmark land values used are sufficiently realistic for comparison purposes in a generic study of this type.
10. The charging schedule has been informed by discussions with stakeholders and consideration of the representations made on the series of consultations carried out by the Council. The Statement of Representations Procedure for the Draft Charging Schedule (March - June 2018), Statement of Representations made on the Draft Charging Schedule (Nov 2018), Statement of Modifications to the Charging Schedule (Feb 2019), consultation on the Schedule of Main Modifications to the Draft Charging Schedule (July 2019) and the Summary of Representations to Modifications Consultation (Oct 2019) demonstrate that an adequate and proportionate approach in relation to local stakeholder participation was taken by the Council. This was further reinforced by local developers being represented at the Examination Hearings.
11. The viability assessments seek to establish a residual value by subtracting all costs (except for land purchase) from the value of the completed development (the Gross Development Value). The price at which a typical willing landowner would be prepared to sell the land (the Benchmark Land Value) is then

subtracted from the residual value to arrive at the overage or 'theoretical maximum charge'. This is the sum from which the CIL charge can be taken provided that there is a sufficient viability buffer or margin.

12. The Guidance states that it would be appropriate to include a buffer or margin so that the levy rates are not set at the margins of viability and are able to support development when economic circumstances adjust. This can also provide some degree of safeguard in the event that gross development values have been over-estimated or costs under-estimated and to allow for variations in costs and values between sites. As discussed below, the Council have proposed CIL charges that provide a reasonable viability margin or buffer commensurate with the type of development being brought forward. On this basis, the evidence which has been used to inform the Charging Schedule is robust, proportionate and appropriate.

Conclusion

13. The draft Charging Schedule is supported by detailed evidence of community infrastructure needs. On this basis, the evidence which has been used to inform the Charging Schedule is robust, proportionate and appropriate.

Is the charging rate informed by and consistent with the evidence?

CIL rates for residential development

14. BHCP Policy CP1 - Housing Delivery sets out the strategy and projected requirement of 13,210 new homes in Brighton and Hove up to 2030. The Council's CIL Viability Assessment (August 2017), Viability Study Addendum (February 2018) and the Viability Study Addendum 2 (November 2018) examined a comprehensive range of residential typologies/scenarios, including amongst other things dwellings/flat schemes/student accommodation/care homes and assisted living. Analysis was also undertaken for typologies aligned to key strategic sites across Brighton and Hove. The testing considered a full range of values and costs data that are suitably reflective of the new residential projects likely to come forward across the city in the BHCP plan period.
15. The viability testing has factored in assumptions to reflect policy requirements in the BHCP. These include affordable housing requirements, water and energy efficiency standards, residential unit size mix considerations and internal space and accessibility standards along with a contingency for planning obligations (s106). Finally, the assessments apply a viability buffer of approximately 50% that produces a theoretical CIL charging range. As such, the viability testing has properly examined the most likely scenarios although clearly cannot address all possible eventualities surrounding new development projects.
16. Whilst overall there is an underlying strength and viability in the Brighton and Hove property market, the Council's analysis also demonstrates the difference in the ability of residential development in different parts of Brighton and Hove to viably support a CIL charge, therefore, justifying the use of a zonal approach to charging. On this basis the Council propose three charging zones for residential development in the city illustrated as Appendix 1 to the charging schedule. However, to ensure clarity it is necessary to amend the

text in the charging schedule to ensure a clear separation between use class C3 and other residential uses in relation to the application of the levy (**MM1**).

Residential – C3 Use Class - Zone 1 - £175sqm

17. Based on extensive viability testing set out above, the Council have proposed a CIL charging rate of £175sqm in C3 Use Class - Zone 1. The proposed charging rate relates to the areas identified (Figure 6, 2017 Viability Assessment) as, Wish A, Westbourne A, Central Hove A, Brunswick & Adelaide A, Regency, St Peters & North Laine A, Preston Park A, Hove Park B, Queens Park A, East Brighton A, Rottingdean Coastal A. These are predominantly areas of the city that are located along the seafront and other areas that reflect the higher values of the Brighton and Hove housing market.
18. The viability testing demonstrated that the proposed CIL rate in the range of £175psm to £250psm would maintain a viability buffer of around 50%. This buffer would ensure that the vast majority of new housing development within Zone 1 could be delivered in accordance with the BHCP. I am therefore satisfied the proposed rate of £175psm for Residential C3 Use Class - Zone 1 is justified on viability grounds.

Residential – C3 Use Class - Zone 2 - £150sqm

19. Residential – C3 Use Class - Zone 2 includes the following areas, Withdean, Patcham, Hangleton C, Hove Park A, Hangleton A, Wish B, Westbourne B, Central Hove B, Goldsmid, Brunswick & Adelaide B, Preston Park B, Hollingdean & Stanmer, St Peter's & North Lane B, Hanover & Elmgrove, Queens Park B, East Brighton B, Rottingdean Coastal B. These areas are generally located to the north, east and west of Zone 1, with the exception of Rottingdean Coastal B which is at the eastern fringe of the seafront.
20. Viability testing as set out above demonstrated that a Residential – C3 Use Class CIL rate in the range of £150psm to £200psm would maintain a viability buffer of around 50% in Zone 2. Based on this evidence the Council have proposed to set a rate of CIL rate of £150sqm. This buffer would ensure that the vast majority of new housing development within Zone 2 could be delivered in accordance with the BHCP.
21. Notwithstanding this, representations were received both in writing and at the Hearing with regard to the effect of the proposed CIL charge on Toad's Hole Valley (THV), a strategic site allocation in the BHCP for a residential led development located in Hangleton. The concerns related to potential 'double counting' between Community Infrastructure Levy (CIL) payments and the s106 obligations. Moreover, it was also argued that because of s106 obligations, THV should either be nil rated for CIL or set at a lower CIL rate such as the adjacent Zone 3, to ensure its delivery. Following the discussions at the Hearing the representors were invited to submit further viability evidence. Information was provided to the Council's viability consultants on a confidential basis following the Hearing and was submitted with further representations made at the Proposed Modifications stage of consultation.
22. I have carefully considered the representations, including the additional viability evidence submitted in relation to THV. However, I do not consider

that there is a material risk of 'double counting'. This is because even if the CIL is implemented before planning permission is granted for THV, the s106 would need to be re-evaluated to take into account the implications of the CIL. Moreover, a s106 viability exercise would be highly likely to ensure that there would be no risk to the viability of the scheme and would in reality rule out the potential for 'double counting'. Having reached these conclusions it has not been demonstrated that the potential combination of CIL and s106 would justify the THV site being nil CIL rated or located within a lower CIL charge zone Residential – C3 Use Class - Zone 3.

23. Therefore, with no substantive detailed evidence presented to indicate otherwise, I am satisfied the proposed rate of £150psm for Residential C3 Use Class - Zone 2 is justified on viability grounds and will support the aims and objectives of the BHCP.

Residential – C3 Use Class - Zone 3 - £75sqm

24. Zone 3 includes the areas of North Portslade, South Portslade, Hangleton B, Moulsecomb & Bevendean, Woodingdean, East Brighton C. These are generally located in the north-east and north-west of the city. The Council's viability assessments demonstrate that a Residential – C3 Use Class CIL rate in the range of £75psm to £125psm would maintain a viability buffer of around 50% in Zone 3. Based on this outcome, a rate of £75sqm for C3 Use Class - Zone 3 is proposed. The Council's decision to set the rate at the lower end of the range is prudent and reflects the residential market and values in Zone 3. This approach is likely to ensure that the majority of C3 Use Class development will come forward in accordance with the BHCP.
25. Having reached the conclusions above, the proposed CIL rate of £75sqm Residential – C3 Use Class - Zone 3 is justified by the available evidence and would leave a comfortable viability buffer in the majority of all modelled scenarios in the zone.

Private care residential homes with a degree of self-containment including Extra Care and Assisted Living - Zone 1 & Zone 2 - £100sqm

26. Initially, the Council aligned all types of C2 (residential institution) uses to the charge proposed for C3 residential development (Draft Charging Schedule, March 2018). This position was generally consistent with the findings of the 2017 Viability Assessment. In response to representations on the draft charging schedule and further viability review (Viability Addendum 2, November 2018), the Council proposed an amended approach to remove C2 uses aligned to C3 and to include a separate CIL category for Private care residential homes with a degree of self-containment including Extra Care and Assisted Living (November 2019 and January 2019 Charging Schedule).
27. When considering private care residential homes with a degree of self-containment including extra care and assisted living; the Council's CIL Viability Assessments took into account, construction costs and the implications of non-saleable proportions of overall floor area (communal space). However, this is balanced against amongst other things premium sales values, higher densities and reduced external works. Further viability assessment following the Hearing (Examination Stage Supplementary Review, May 2019) provided

additional evidence to justify a CIL rate of £100psm for this type of development within Zone 1 and Zone 2 whilst allowing for a viability buffer of around 50%.

28. Notwithstanding this, in written representations and at the Hearing developers raised concerns with regard to the CIL charging schedule category description and the definition applied to what could be broadly described as extra care/assisted living. Following detailed discussions at the Hearing and through further work (BHCC Post Hearing Statement June 2019), the Council in consultation with objectors have produced an alternative description and definition that is broadly based upon the Housing Learning and Improvement Network definition (Housing Learning and Improvement Network, Factsheet 1, Extra Care Housing, 2015), whilst taking into account the characteristics of Brighton and Hove. Therefore, to ensure clarity and certainty it is necessary to provide the amended description and additional explanatory text within the charging schedule to clearly define the types of development that would be subject to the application of this CIL charge (**MM2, MM8**).
29. On this basis, I am satisfied the proposed rate of £100psm for the amended description C2 – Extra Care / Assisted Living in Zone 1 and Zone 2 is justified on viability grounds and should not discourage this type of development in the current market conditions.

Nil CIL charge zone - £0psm

30. The Council have proposed a Nil CIL charge zone - £0psm for one of the development areas (Policy DA2) and two other sites identified within the BHCP (the King Alfred/RNR site) and the emerging Brighton and Hove City Plan Part Two (the Brighton General Hospital site). It is expected that these sites will deliver a significant amount of the new housing required for the city within the plan period and the council's evidence demonstrates that there are clear viability considerations affecting these sites.
31. The Council's CIL Viability Assessments have tested a number of development typologies and scenarios consistent with the development areas and sites identified within the BHCP. The testing included a range of 1–100 residential units together with a larger scale 700 residential unit mixed comprehensive scheme. As a response to representations the Council commissioned the Viability Study Addendum 2 (November 2018) that tested additional development typologies at 200 and 500 residential units.
32. Following detailed discussions at the Hearing, a further review of the viability evidence was carried out (Examination Stage Supplementary Review (May 2019)) specifically for the 500-unit residential typology aligned to the Sackville Trading Estate/Coal Yard Site proposed to be allocated in the BHCP Part Two Plan. This further review recommended the Council set a Nil charging rate for the site.
33. Cumulatively, the viability testing has demonstrated that with regard to the sites referred to above, the imposition of a CIL charge could theoretically put delivery of these schemes at risk. Therefore, it is necessary to ensure an appropriate balance is struck to modify the Nil CIL charge zone to include the whole of the area identified with BHCP Policy DA2 – Brighton Marina, Gas

Works and Black Rock Area (**MM4**), Brighton General Hospital site and Sackville Trading Estate/Coal Yard Site (**MM5**). Moreover, in the interests of clarity it is necessary amend the text in the charging schedule to more accurately describe the areas as a Nil Charge Zone rather than strategic sites (**MM3**, **MM9**). These findings were subsequently consulted upon and were in turn generally supported by developers. Therefore, based on the evidence submitted, subject to the above modifications I am satisfied that setting a rate of £0psm for the Nil CIL charge zone is justified by the available evidence and appropriate.

Purpose Built Student Housing/Purpose Built Shared Living Accommodation - City Wide - £175sqm

34. There is significant demand for purpose-built student housing/purpose built shared living accommodation within the city, underpinned by a strong investment market for this type of development. As such, the Council have proposed a city wide CIL rate of £175psm for this type of development. The CIL Viability Assessment (August 2017) tested a 150-unit cluster type purpose-built student accommodation typology. The Viability Study Addendum (February 2018) expanded the testing to include a 400-unit cluster typology and 150-unit studio typology (Purpose Built Student Accommodation) consistent with local market evidence.
35. The viability models are based on a 5.5% yield with a 39-week occupancy with the residual (approximately 13 weeks) at 60% occupancy reflective of the student market. The testing also took into account that this specific type of residential development is unlikely to attract the same level of planning obligations, in particular with regard to affordable housing contributions, on-site open space contributions that would normally be associated with residential development within the C3 Use Class. I consider that the approach taken by Brighton and Hove is balanced in taking into account market conditions and this is reflected in the 50% viability buffer which would provide some degree of safeguard to allow for variations in costs and values between sites. In the interests of clarity it is also necessary amend the text in the charging schedule and explanatory notes to make specific reference to Purpose Built Shared Living Accommodation to ensure this commensurate model of development is addressed within the schedule and attracts the correct application of the CIL charge (**MM6**, **MM11**).
36. Therefore, the proposed rate of £175psm for purpose-built student housing/purpose built shared living accommodation within the city is justified on viability grounds and would strike an appropriate balance between helping to fund new infrastructure supporting the aims and objectives of the BHCP whilst ensuring viability.

Retail

37. Policy CP4 of the BHCP sets out the strategy and projected requirement for future retail provision in Brighton and Hove. The plan establishes a projected net requirement of 58313sqm of comparison floorspace and 2967sqm of convenience floorspace within the plan period (until 2030).
38. The CIL Viability Assessment (August 2017) and the Viability Study Addendum

(February 2018) considered a sufficient range and number of size and type of retail development schemes to be suitably reflective of retail projects likely to come forward in Brighton and Hove and to provide the necessary information against which to assess viability. The assessments make clear that that viability in the retail market is sensitive to specific location/setting, type and investment models. Taking this into account the Council have proposed differential rates for retail development, proposing a charge of £100psm for larger format retail warehousing/supermarkets and a £50psm charge for other shopping unit development.

Larger Format – Retail warehousing/Supermarkets - £100psm

39. The appraisals in the CIL Viability Assessment (August 2017) suggest that that a theoretical maximum CIL of up to £200sqm would be viable on the majority of larger format retail warehousing/supermarkets proposals within Brighton and Hove. The viability assessment tested a variety of scenarios across low, medium and high residual land values and applied a range of rental yield tests of between 5.0% and 6.0%, which are representative of larger format retail developments.
40. Taking into account of the degree of sensitivity in the retail market a CIL rate of £100sqm for retail warehousing/supermarkets would allow a reasonable viability buffer of around 50% and this represents a balanced and prudent approach that would ensure that the vast majority of larger format retail development could be delivered in accordance with the BHCP. A modification to ensure clarity in the application of the CIL charge, it is necessary to update the explanatory notes within the schedule to limit the CIL charge to use classes A1 to A5 (**MM10**). Therefore, given that no substantive viability evidence has been presented to indicate otherwise, I am satisfied the proposed rate of £100sqm for larger format retail warehousing/supermarkets development is justified on viability grounds.

Other Retail Units development - £50psm

41. The CIL Viability Assessment (August 2017) tested A1 to A5 City Centre comparison retail (general/non-shopping centre) and A1 to A5 smaller format retail (local convenience and local shops). The viability assessments tested a variety of scenarios across low, medium and high residual land values and applied a range of rental yield tests of between 5.0% and 7.5%, which are representative of other shopping unit development in the city. The Viability Study Addendum (February 2018) further tests viability with regard to the development of a comprehensive shopping centre development (20,000 sqm net) broadly aligned to the BHCP development area DA1 Brighton Centre and Churchill Square Area. The Viability Assessment's demonstrate that viable CIL charge for other shopping units in Brighton and Hove would fall within the range of £50sqm - £75sqm. The proposed rate of £50sqm would allow a minimum viability buffer of approximately 50% which would ensure that the vast majority of other shopping unit development within the city could be delivered in accordance with the BHCP.
42. At the Hearing it was argued that the £50sqm CIL rate was not reflective of retail market conditions at major sporting venues in the city. It was stated that the proposed CIL would discourage retail development from coming

forward at the Falmer Stadium (football) and the County Cricket Ground Hove. However, whilst I accept that there can be seasonal variations in the trading models for sporting venues, there was no substantive or technical evidence that demonstrated that a CIL rate of £50psm would adversely affect viability and place retail development at major sporting venues at risk. However, to ensure certainty in the application of the CIL charge it is necessary to modify the text to replace the word 'shopping' with retail and update the explanatory notes within the schedule to limit the CIL charge to Use Classes A1 to A5, defined shopping centres and major sporting venues (**MM7, MM10**).

43. I therefore conclude that the viability of other retail units is unlikely to be threatened by the proposed CIL rate of £50sqm, which is evidence based and appropriate.

All other development uses

44. The Council's decision not to charge a levy on Industrial (B1, B2, B8), Office (B1a), Hotel (C1), Community (D1) and Leisure (D2) is consistent with the evidence in the CIL Viability Assessment. This demonstrates that current market rents for these uses are too low to absorb any level of CIL. I am satisfied that for the reasons given in the Community Infrastructure Levy (CIL) Viability Study, dated August 2017 setting a rate of £0sqm for these uses is evidence based and appropriate.

Does the evidence demonstrate that the proposed charge rate would not put the overall development of the area at serious risk?

45. The Council's decision to set rates for the following development (subject to the proposed modifications as indicated above):
- Residential – C3 Use Class - Zones 1, 2 and 3
 - Private care residential homes with a degree of self-containment including Extra Care and Assisted Living
 - Nil CIL charge zone (strategic sites)
 - Purpose Built Student Housing/Purpose Built Shared Living Accommodation
 - Retail - Larger Format – Retail warehousing/Supermarkets
 - Retail - Other Shopping Units development

is based on reasonable assumptions about development values and likely costs. The evidence suggests that, subject to the above-mentioned modifications, residential and commercial development will remain viable across most of the area if the charge is applied. Only if development sales values are at the lowest end of the predicted spectrum would development in some parts of the City be at risk, however, I consider this situation to be unlikely.

Conclusion

46. In setting the CIL charging rate the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in Brighton and Hove. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged

gap in infrastructure funding, while ensuring that a range of development remains viable across the authority area.

LEGAL REQUIREMENTS	
National Policy/Guidance	The Charging Schedule complies with national policy/guidance.
2008 Planning Act and 2010 Regulations (as amended)	The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the adopted Brighton and Hove City Plan Part One and Infrastructure Delivery Plan and is supported by an adequate financial appraisal. I have taken account of the CIL (Amendment) Regulations which came into force on 1 September 2019 and am satisfied that the Charging Schedule remains legally compliant.

47. I conclude that subject to the modifications set out in Appendix A the Brighton and Hove Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that the Charging Schedule be approved.

Jameson Bridgwater

Examiner

[This report is accompanied by:

Appendix A (attached) – Modifications that the examiner specifies so that the Charging Schedule may be approved.]

Appendix A

Proposed text is shown underlined and bold. Deleted text is shown struck through and bold. Where additional modifications have been made to text already in bold (such as to policy wording) the text appears as struck through or underlined.

Reference	Page	Policy/Section	Main Modification		
MM1	9	Charging Schedule Table 1	Use	Location	Levy (£/sq. m)
			Residential – applies to C3 and C2 use classes	Zone 1	175
			Zone areas are shown on Map in Appendix 1		
				Zone 2	150
				Zone 3	75
MM2	9	Charging Schedule Table 1	Use	Location	Levy (£/sq. m)
			Private care residential homes with a degree of self-containment including Extra Care and Assisted Living <u>C2 – Extra Care / Assisted Living (see notes below)</u>	<u>Zone 1 & Zone 2</u>	<u>100</u>
MM3	9	Charging Schedule Table 1	Use Strategic Sites Nil CIL charge zone rate <u>Nil CIL charge zone boundaries are shown on Map in Appendix 1</u>		
MM4	9	Charging Schedule Table 1	Location Brighton Marina Inner Harbour; <u>DA2 Brighton Marina, Gas Works and</u>		

			<div><u>Black Rock Area</u></div> <p>Nb: 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 as consequence of modification</p>						
MM5	9	Charging Schedule Table 1	<div><div>Location</div><div><u>Brighton General Hospital site</u> <u>Sackville Trading Estate/Coal Yard site</u></div></div> <p>Nb: Modify Maps in Appendix 1 to include Brighton General Hospital site boundary and the Sackville Trading Estate and Coal Yard site boundary as nil CIL charge zones as consequence of modification.</p>						
MM6	9	Charging Schedule Table 1	<table><tr><th>Use</th><th>Location</th><th>Levy (£/sq. m)</th></tr><tr><td>Purpose Built Student Housing/<u>Purpose Built Shared Living Accommodation</u></td><td>City Wide</td><td>175</td></tr></table>	Use	Location	Levy (£/sq. m)	Purpose Built Student Housing/ <u>Purpose Built Shared Living Accommodation</u>	City Wide	175
Use	Location	Levy (£/sq. m)							
Purpose Built Student Housing/ <u>Purpose Built Shared Living Accommodation</u>	City Wide	175							
MM7	10	Charging Schedule Table 1	<table><tr><th>Use</th><th>Location</th><th>Levy (£/sq. m)</th></tr><tr><td><u>Retail – Other shopping retail units development</u></td><td>City Wide</td><td>50</td></tr></table>	Use	Location	Levy (£/sq. m)	<u>Retail – Other shopping retail units development</u>	City Wide	50
Use	Location	Levy (£/sq. m)							
<u>Retail – Other shopping retail units development</u>	City Wide	50							
MM8	10	Charging Schedule: Notes	<p>Notes: <u>C2 Extra Care / Assisted Living – housing with care (primarily for older people):</u></p>						

			<ul style="list-style-type: none"> • <u>Where purpose built self-contained homes are designed and built to facilitate independent living and the care and support needs of occupants</u> • <u>Where occupants have agreements to cover the provision of onsite care, support, domestic and other services;</u> • <u>Which may also include communal spaces and facilities (some may be open to local community) and;</u> • <u>Onsite access to care and support services is available 24 hours a day.</u>
MM9	10	Charging Schedule: Notes	<u>Nil CIL charge zone boundaries as set out in the Adopted Brighton and Hove City Plan Policies</u>
MM10	10	Charging Schedule: Notes	<p><u>Retail (A1 – A5) – Larger format:</u> Retail warehouses are large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers.</p> <p><u>Superstores/supermarkets are shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.</u></p> <p><u>Retail (A1 – A5) - Other retail shopping units developments: to includes city centre comparison retail development in defined shopping centres and at Major Sporting Venues.</u></p>
MM11	10	Charging Schedule: Notes	<u>Purpose Built Student Housing category – includes Purpose Built Shared Living accommodation set around cluster type accommodation and/or studio units commensurate with PBSA standards.</u>

