

DORSET COUNTY COUNCIL
Response to Examiner's Questions and Comments on PHD.02

Having now seen the North Dorset District Council (NDDC) response to the questions the following observations are offered by Dorset County Council (DCC) in respect to the questions and NDDC response rather than the original questions. There are only 2 substantive points:

1. PHD 02. Question 2 (iii) para 2.10 – 2.11.

DCC concur with the point on 'double dipping'. Reg123 lists should be drafted to make it clear that CIL and s106 contributions are not being used for the same project. However, as noted, government legislation and guidance on CIL allows specific infrastructure requirements, such as transport infrastructure and education facilities, as site specific prerequisites to be funded through planning obligations provided they meet the r122 tests.

This is irrespective of whether generic requirements relating to the provision of such types of infrastructure are included on a charging authority's Regulation 123 List..

It is perfectly feasible to demonstrate that no real (or perceived) 'double dipping' has occurred since at the point of project delivery any CIL or s106 payments would be readily identifiable.

This is of course the intent of the r123 schedule as drafted.

It is apparent that the practical complication on this relates to solely viability and CIL level charged.

If a development is required to pay CIL and s106 this is likely to have an adverse impact on the viability – dependent upon values involved. To minimise this, CIL can be set allowing an amount of headroom / buffer or as in the case of the Gillingham SSA zero rated as proposed.

This remains DCCs principle concern. (PHD 02 Question 2 (iv) refers.)

2. PHD 02. Question 2 (iv)

DCC's substantive representation was to the level of charge set within the range of developments. NDDC in response to questions has clarified the buffer used and that there is sufficient headroom to accommodate a higher rate of CIL.

As no other sites other than the Gillingham SSA are zero rated, and having regard to the 5 s106 pooling restrictions, it is entirely conceivable that many sites may not require s106 as well as CIL. This is notwithstanding the ability to seek s106 site specific prerequisites on developments which are not paying CIL anyway.

This being the case on many sites, the only development funding stream will be CIL. As such, it is essential that realistic CIL charges are set in order that, as the NPPF requires, *"there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion"*.

As submitted, DCC remains concerned that will not be the case and CIL should be set at a higher level within the viability range to provide a better balance between development and infrastructure.