

Your Ref 2961 & 3085
Our Ref NS/PCL/1504& 1505
Date 18th September 2015



PCL Planning Ltd



Planning Policy



Dear Sir/ Madam

NORTH DORSET PRELIMINARY DRAFT CIL CHARGING SCHEDULE CONSULTATION

We write in response to the Council's consultation on the CIL Preliminary Draft Charging Schedule (July/ August 2015). As per our representations to the Local Plan, the comments submitted are made on behalf of Shaftesbury LVA LLP (2961) and Sherborne School & Cancer Research UK (3085).

There is logic and good practice with advancing a proposed CIL policy in tandem with the North Dorset Local Plan Part 1 (LP1) and we therefore welcome the publication of the Draft Charging Schedule and Regulation 123 List.

CIL is meant to be a way of facilitating the timely delivery of necessary infrastructure. CIL will not work if it is set at a level which means that this is unlikely to happen. At the forthcoming CIL examination the Council needs to be able to demonstrate that the proposed CIL rates will not put overall development across the plan area at serious risk.

Whilst on the face of it the proposed rates appear to be reasonable, it is important that there is clarity about the other costs that development is expected to provide so that conclusions can be drawn about the cumulative impact of CIL. Planning practice guidance (ref. ID: 25-097-20140612) is clear that when a charging authority introduces the levy, s106 requirements should be:

"scaled back to those matters that are directly related to a specific site, and are not set out in a regulation 123 list. For transparency, charging authorities should have set out at examination how their section 106 policies will be varied and the extent to which they have met their section 106 targets".



The Viability Report does not provide an indication of likely ongoing s106 requirements (aside from at Gillingham SSA at para 5.3.34) but simply acknowledges the need to allow sufficient headroom in order for development to fund s106 requirements. In order that viability can be robustly assessed, further evidence in relation to the extent of the financial burden that developments will be expected to bear (in addition to affordable housing provision) is required.

There is a general policy imperative to ensure that the use of the levy and planning obligations do not overlap and that there should be no perceived or actual 'double dipping' (ref. ID: 25-093-20140612). Tests are placed on the use of planning obligations and limits have been imposed on the ability to pool more than five planning obligations towards infrastructure that may be funded by the levy.

The Draft 123 List does not provide sufficient clarity regarding items that are expected to be funded by CIL and those that will continue to be sought via section 106 obligations, to ensure that they act in a complementary way. There is no mention, either within the Draft 123 List or the Consultation Document, of the 'tests' of lawfulness for planning obligations, set out in paragraph 204 of the National Planning Policy Framework (the Framework).

The Draft 123 List also does not make clear the pooling restrictions that apply to planning obligations once the levy is introduced. Regulation 123 restricts money that may be collected in respect of a specific infrastructure project or type of infrastructure through s106 agreement, if five or more obligations for that infrastructure have already been entered into since the 6th April 2010, and it is a type of infrastructure that is capable of being funded by CIL.

No information has been provided in relation to the Council's proposals for an instalment policy, in accordance with regulation 69B of the CIL regulations. The ability to pay CIL is inextricably linked to the receipts from sales of new homes. We therefore recommend that the Council look to implement an installment policy which links completions of new homes as the measurement to trigger payment.

We trust the above comments will be taken into account in the consideration of the Council's CIL. Please keep us fully informed of all future stages of the process.



Yours sincerely



Nicole Stacey BSc (Hons) MSc MRTPI
For PCL Planning Ltd



For office use only

Batch number: _____ Received: _____
Representor ID # _____ Ack: _____
Representation # _____



North Dorset Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule Consultation 24 July to 18 September 2015

Response Form

A preliminary draft charging schedule has been developed by the Council. This sets out the proposed charging rates for North Dorset and comments are now invited on the preliminary draft charging schedule. The consultation period starts on 24 July 2015 and ends on 18 September 2015. The consultation document and all supporting documentation can be viewed on the Council's web page below:

<https://www.dorsetforyou.com/northdorsetcil>

Please return completed forms to:

Email: planningpolicy@north-dorset.gov.uk

Post: Planning Policy, North Dorset District Council, Nordon, Salisbury Road, Blandford Forum, Dorset DT11 7LL

Deadline: Midnight on 18 September 2015. Representations received after this time may not be accepted.

Part A – Personal details

This part of the form must be completed by all people making representations as **anonymous comments cannot be accepted**. By submitting this response form you consent to your information being disclosed to third parties for this purpose, personal details will not be visible on our web site, although they will be shown on paper copies that will be sent to the Inspector and available for inspection.

*If an agent is appointed, please complete only the Title, Name and Organisation boxes to the personal details but complete the full contact details of the agent. All correspondence will be sent to the agent.

Personal Details (if applicable)*	Agent's Details (if applicable)*
Title	Miss
First Name	Nicole
Last Name	Stacey
Job Title (where relevant)	Planning Consultant
Organisation (where relevant)	PCL Planning Ltd
Address	3 Silverdown office Park, Fair Oak Close, Clyst Honiton Exeter, Devon
Postcode	EX5 2UX
Tel. No.	01392 363812
Email Address	n.stacey@pclplanning.co.uk

Part B – Representation

1. Do you agree that the evidence provided by Peter Brett Associates in their viability report and other supporting evidence is correct?

Yes

No

See comments in relation to Question 4

2. Do you agree that the CIL rates proposed (per square metre) strike an appropriate balance between the desirability of funding infrastructure through CIL and associated economic viability?

Yes

No

See comments in relation to question 4

3. Do you believe that the Council should offer relief for any of the following discretionary matters?

Payment by installments (and what should these be?)

Relief for low cost market housing

Land and Infrastructure in-kind

Relief for exceptional circumstances

Relief for charitable investment activities

No further information provided to be able to comment

4. Do you have any views on the content of the Council's Preliminary Draft Regulation 123 list and the proposed balance between CIL and S106?

Yes


No

5. Your Comments.

Please provide alternative evidence or reasoning to support your view where necessary.

Please see enclosed letter

Continue on a separate sheet if necessary

Signature: 
If submitting the form electronically, no signature is required.

Date: 18/09/2015.

[Click to Submit](#)

This button should attach your form to a pre-addressed email, if it does not, please save the form and send it to planningpolicy@north-dorset.gov.uk

