



T: [REDACTED]

Planning Policy
[REDACTED]

Date: 17 September 2015
[REDACTED]
[REDACTED]

By email only:
[REDACTED]

Dear Sir or Madam

RE: NORTH DORSET COMMUNITY INFRASTRUCTURE LEVY PRELIMINARY DRAFT CHARGING SCHEDULE

We represent the **South West HARP Planning Consortium** which includes all the leading Housing Association Registered Providers (HARPs) across the South West. Our clients' principal concern is to optimise the provision of affordable housing and to ensure the evolution and preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the region. As significant developers and investors in local people, HARPs are well placed to contribute to local plan objectives and act as long term partners in the community.

Overarching Comments

We welcome the opportunity to comment on the CIL Charging Schedule and underlying viability evidence. It is extremely important that the Council properly consider the overall impact of the Community Infrastructure Levy (CIL) on the delivery of affordable housing. We wish to ensure it is not squeezed by setting rates that are too high. This point was asserted by Greg Clark MP, the former Minister for Decentralisation and Cities, now Secretary of State for Communities and Local Government, in the following quotation taken from an article in Inside Housing on 20 April 2012:

"A key point of the viability test for CIL [rate setting] is that it doesn't make socially important development unviable, including social housing. I would expect that to be at the forefront of examiners' minds".

As highlighted in our comments on the main modifications to the North Dorset Local Plan dated August 2015 (reference: M5/0108-08), we do not believe the Plan has identified a Full Objectively Assessed Housing Need (FOAHN). The Local Plan's overall housing trajectory is significantly lower than the need for new housing across North Dorset, which would also represent a substantial shortfall in the delivery of affordable housing over the plan period.

The absence of a fully up-to-date (see M5/0108-08) FOAHN in the Local Plan is concerning as the Council does not have a fixed housing figure, fully approved by a Planning Inspector. Identifying new sites or altering the overall FOAHN may impact upon the viability of CIL and may affect the charging rates set by CIL.

Viability Assumptions

Testing Actual Sites

The Viability Report tests a variety of site typologies across a range of different locations across the North Dorset district. The testing of different site typologies is discussed in the "Viability and Plan Making" section of the Government's online Planning Practice Guidance (PPG). However, we are disappointed to see that the viability testing does not assess *actual* sites that are expected to come forward in the Local Plan. Although the Report acknowledges the CIL guidance from the PPG, it has not tested real sites. The CIL guidance in the PPG states:

“...a charging authority should directly sample an appropriate range of types of sites across its area, in order to supplement existing data. This will require support from local developers. The exercise should focus on strategic sites on which the relevant Plan (the Local Plan in England, Local Development Plan in Wales, and the London Plan in London) relies, and those sites where the impact of the levy on economic viability is likely to be most significant (such as brownfield sites).” (Our emphasis)

“The sampling should reflect a selection of the different types of sites included in the relevant Plan, and should be consistent with viability assessment undertaken as part of plan-making.” (Our emphasis)

“The focus should be in particular on strategic sites on which the relevant Plan relies and those sites (such as brownfield sites) where the impact of the levy is likely to be most significant.” (Our emphasis, Paragraph 019, Reference ID: 25-019-20140612)

As a result, we recommend the Council undertakes additional viability testing on actual sites on which the North Dorset Local Plan will rely upon.

Recent Planning Reform: Sustainable Urban Drainage Systems

Throughout the Preliminary Draft Charging Schedules and the Viability Assessments, it has not been made clear that the evidence base accounts for the appropriate provision of drainage in new residential schemes.

It is highly important that the Council properly consider the overall impact of CIL on the delivery of affordable housing, incorporating the latest changes to the planning system. One of the changes made during April 2015 included the provision of Sustainable Urban Drainage Systems within major development. In a written statement to Parliament (dated December 2014), former Communities Secretary Eric Pickles MP stated:

“To this effect, we expect local planning policies and decisions on planning applications relating to major development – developments of 10 dwellings or more; or equivalent non-residential or mixed development – to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate”.

Updated in April 2015, the Government’s Planning Practice Guidance adds:

“Whether a sustainable drainage system should be considered will depend on the proposed development and its location, for example whether there are concerns about flooding. Sustainable drainage systems may not be practicable for some forms of development (for example, mineral extraction). New development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems. Additionally, and more widely, when considering major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.” (Paragraph 079, Reference ID: 7-079-20150415).

As a result, it is important that the integration of sustainable urban drainage systems within major development is accounted for within the viability testing of the Preliminary Draft Charging Schedules.

Instalments Policy

We would strongly encourage the Council implement a policy which enables developers to pay the Levy through instalments. This enables a developer to spread the cost of the charge over a longer period of time rather than in whole.

Discretionary Social Housing Relief

We also strongly recommend that the Preliminary Draft Charging Schedule incorporates a social housing relief. Whilst this type of housing would represent a small part of overall development across the Borough, it is a sector of affordable housing which is growing exponentially, as its ability to provide affordable housing with nil-grant and outside of the scope of s106 provision means that the model is being embraced and encouraged across the South West. It is also providing a model for development whereby 100% affordable schemes consisting of just low cost homes for sale can come forward, both through a Registered Provider but also through private sector or third sector developments.

The Council should be encouraging this delivery model, and as such allowing for discretionary relief. We encourage the Council to investigate the viability of this particular housing type, and the implications of CIL on its delivery across the Plan area.

Discretionary Exceptional Circumstances Relief

We recommend that the Preliminary Draft Charging Schedule includes a discretionary relief for exceptional circumstances. This does not necessitate the entire CIL charge being afforded relief, but rather that the amount necessary to make development viable is discounted.

Exceptional circumstances will be important on sites irrespective of their size. It is evident that in some instances a cross-subsidy mechanism would be required to bring forward land for development; the market housing required for this should be the minimum to make the development viable. However, if CIL is required to be paid on the market element of a scheme, this may significantly alter the number of market units required to bring the development forward. This results in the perverse situation of requiring additional market housing to pay CIL, on a scheme being brought forward principally for the delivery of affordable housing.

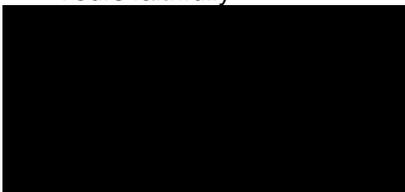
We urge the Council to consider including the discretionary social housing relief which can offer an alternative delivery method, whereby that tenure can be used to subsidise other affordable tenures.

CIL Review

We recommend the Council specifies when a review of the CIL will be undertaken, and this should be over consistent intervals of time. We suggest that this should either be every three years; or if there has been a 10% change in house prices; or in light of any significant change to national planning policy or guidance. This should include a caveat stating that the review will be done 'whichever is sooner'. This would provide clarity for local developers; land owners and others who have an interest in North Dorset's construction and property industries.

The above comments are intended to be constructive. We would like to be consulted on further stages of the above documents and other publications by North Dorset District Council, by email only. Please ensure that the **South West HARP Planning Consortium** is retained on the LDF database, with **Tetlow King Planning** listed as their agents.

Yours faithfully



SEAN LEWIS MPlan
ASSISTANT PLANNER
For and On Behalf Of
TETLOW KING PLANNING



Cc: 



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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			
First Name			
Last Name			
Job Title(<i>where relevant</i>)			
Organisation (<i>where relevant</i>)		[REDACTED]	
Address		[REDACTED]	
Postcode		[REDACTED]	
Tel. No.		[REDACTED]	
Email Address		[REDACTED]	

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

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

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

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.

Continue on a separate sheet if necessary

Signature: _____

Date: _____

If submitting the form electronically, no signature is required.

This button should attach your form to a pre-addressed email, if it does not, please save the form and send it to

