



Community Infrastructure Levy (CIL) Modifications Consultation Summary

Community Infrastructure Levy (CIL)

March - April 2015

Consultation on Modifications to the West Dorset, Weymouth and Portland Community Infrastructure Levy (CIL) charging schedules

Produced by West Dorset District Council and Weymouth and Portland Borough Council

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The Community Infrastructure Levy (CIL) Modifications Consultation

Stakeholders across West Dorset, Weymouth and Portland were asked for their views on the Modifications to the Community Infrastructure Levy (CIL). The consultation document consolidated all of the changes to the Draft Charging Schedules since they were published in November 2012; modifications were made to the West Dorset tariff in May 2013; and changes were proposed as part of the CIL examination.

- The Modifications were presented in a [consultation document](#).

The four modifications to the Community Infrastructure Levy are:

Modification 1 – CIL Exemption on Strategic Development Sites

On the larger more complex strategic allocations, some forms of infrastructure will need to be provided as part of development. To avoid the potential for these large complex development proposals paying twice for the same piece of infrastructure, the infrastructure requirements for the strategic sites listed below are proposed to be excluded from a CIL charge allowing infrastructure to be secured through a planning obligation requiring the developer to enter into a section 106 agreement.

- Chickerell Urban Extension
- Land at Crossways
- Vearse Farm, Bridport
- Littlemoor Urban Extension
- Markham & Little Francis, Weymouth

Modification 2 – Updated Regulation 123 List

The Regulation 123 lists provide details of infrastructure to be funded wholly or partly through the Community Infrastructure Levy. Following a review of the Infrastructure Delivery Plan in November 2014, the Regulation 123 list was amended and submitted to the examination library as part of the councils CIL matter statement (MS/CIL1).

The revised Regulation 123 list includes reference to key infrastructure themes providing greater consistency with the Infrastructure Delivery Plan. Projects identified within the list are largely anticipated for delivery during 2014-2017. Schedules 1A and 2A of the Council's Infrastructure Delivery Plan (IDP) provide more details about these projects. The Regulation 123 lists also note the exemption of strategic sites from the CIL charge.

Modification 3 – Map Changes

The maps show how the different charging rates apply around the strategic sites which are exempt from a CIL charge. These individual maps were submitted to the examination library as part of the councils CIL matter statement (MS/CIL1).

Modification 4 – Changes to Definitions

Following the conclusion of the hearing sessions into the Local Plan, the Inspector asked for clarification about the definition of dwellings and holiday accommodation which accompany the tariffs. This change was addressed through correspondence between the councils and the Inspector which has been published on our website.

The definition of 'dwellings' in both charging schedules has been modified to include reference to second homes. The definition of 'dwellings restricted to holiday use' has also been modified to include holiday lets. This definition has also been modified to exclude hotels, guesthouses and some B&Bs.

The consultation period ran for a 6 weeks from 12 March to 23 April 2015.

How we consulted

Hard copies of the consultation material were sent to the district and borough council offices in Weymouth, Dorchester, Sherborne and Bridport, and to all town and parish councils/meetings within the plan area.

Letters or emails providing details of where to view the consultation material were sent to approximately 900 contacts and stakeholders including the following bodies:

- Dorset County Council
- All adjoining local planning authorities (in Dorset, Devon and Somerset)
- All adjoining parish councils / meetings
- National agencies listed as "specific consultation bodies" in the regulations (including English Heritage, the Environment Agency, the Highways Agency, the Homes and Communities Agency, the Marine Management Organisation, Natural England and Network Rail. The Coal Authority had previously notified the councils that they did not need to be consulted)
- Utility companies operating in the area (including National Grid, South West Water, Southern Electric, SSE Telecom and Wessex Water)
- Emergency service and healthcare providers operating in the area, including Dorset Police, Dorset Fire and Rescue and NHS Dorset.

The consultation was advertised in the Blackmore Vale, Dorset Echo and the View From newspaper in the week commencing 9th March 2015.

The councils' joint website www.dorsetforyou.com was updated to include a copy of the Community Infrastructure Levy (CIL) Modifications consultation document. A comments form was placed online along with details of alternative ways to comment. A direct link to the page <https://www.dorsetforyou.com/communityinfrastructurelevy/west/weymouth> was promoted through the various methods of publicity.

Representations received

Approximately nine respondents made eleven valid representations during the consultation period. These respondents included developers, landowners, national agencies, town and parish councils and general members of the public.

Three invalid responses were also received. These were considered to be invalid on the basis that they did not relate to the modifications proposed. All consultation responses including the invalid representations have been sent to the Inspector for his consideration along with a copy of this summary. The Inspector will examine all the responses and consider whether additional modifications or further hearing sessions are required, before publishing his final report.

Summary of Main Issues Raised

The following section provides a summary of all the individual issues raised through the consultation on the Community Infrastructure Levy (CIL) Modifications. A table of all the respondents is shown in Appendix A.

Summary of Main Issues, Modification One – CIL Exemption on Strategic Development Sites

Name: Kate Allsop

Representing: Crossways Parish Council

CIL Modification: MOD1

Representation: Crossways Parish Council believes Modification 1 to be sensible and would support its implementation.

Name: Jonathan Orrell

Representing:

CIL Modification: MOD1

Representation: CIL exemption on strategic sites. The council is wrong to risk reduced contributions. Developers (land hoarders and speculators) stand to make a vast unearned profit for a few at the expense of future residents. They are selling at the peak of the housing cycle. They can afford 5% total for CIL. The 106 agreement must be at least 100% of CIL.

Name: John Stobart

Representing: Natural England

CIL Modification: MOD1

Representation: Para 3.2 - Over the duration of the Local Plan additional large urban extension sites may come forward which would most appropriately be dealt with in the manner outlined in this paragraph. A minor textual modification should be considered to give your authority greater flexibility.

Name: Simon Coles

Representing: C G Fry & Son Ltd

CIL Modification: MOD1

Representation: There is no justification for removing land at Putton Lane, Chickerell from the CIL exemption for strategic sites. Putton Lane is a strategic development site which is being built out in accordance with Policy CHIC1 and outline/reserved matters approvals. Any scheme amendments would be liable for CIL charging, meaning that contributions would be double-counted. It is requested that the Policy CHIC1 site remains CIL exempt as a strategic site.

Name: Kieron Gregson

Representing: Condor Ferries

CIL Modification: MOD1

Representation: Assessing the Council's CIL Modifications, the Site (Ferry Peninsula) is not allocated as being a Strategic Development Site for which the infrastructure requirements would be excluded from a CIL charge. This then allows infrastructure to be secured through a planning obligation requiring the developer to enter into a section 106 agreement. The strategic sites include: Chickerell Urban Extension, Land at Crossways, Vearse Farm, Littlemoor Urban Extension and Markham & Little Francis, Weymouth. There are also a number of key town centre sites which are not designated at Strategic Site Allocations and we suggest that Site 4 (Custom House Quay and Brewery Waterfront), Site 6 (Ferry Peninsula) and Site 7 (Westwey Road and North Quay area) should be added to the list of Strategic Sites. Although our client's landholding is not designated as a strategic site, it is requested that provision should be made for the Site to be given the same exemption as sites which have been designated and allocated as such. The justification for this is that the Site has potential to deliver a new ferry terminal, a significant number of residential units together with a wide range of uses including leisure, tourist-related and complementary town centre, such as retail, bars and restaurants. However, for any future development, there will be a significant cost attributed to the delivery of new infrastructure and it is therefore requested that, that area identified should be excluded from any CIL charge to avoid development proposals from paying twice for the same piece of infrastructure. These changes are suggested to ensure that the future development of the site can be viable, and consistent with the government's guidance that "an appropriate balance" be struck between the desirability of funding from CIL and the potential effects on economic viability of developments.

Summary of Main Issues, Modification Two – Updated Regulation 123 List

Name: Helen Cudmore

Representing: Broadwindsor Group Parish Council

CIL Modification: MOD2

Representation: The Updated Regulation 123 lists shown in Appendix C (not B as stated) provide details of infrastructure to be funded wholly or partly through the Community Infrastructure Levy. Woefully, there is no mention of the huge rural area in West Dorset. The list must include smaller scale development, whether through known sites or unanticipated 'windfall' developments which are important to housing delivery. Infrastructure needs from these sites will be met through the use of the Community Infrastructure Levy and in some cases Section 106 agreement. We are concerned that the equally important rural area that we represent, not even mentioned in the CIL document, will, as usual, be forgotten by the West Dorset planners. Evidence of this can be found in the Council's Infrastructure Delivery Plan. Broadwindsor Group Parish Council have a stated policy to 'Play an active role in deciding the use of S106 money and to ensure Parish Council control over developers contributions when the Community Infrastructure Levy (CIL) is introduced and that these funds should be pooled to support local projects.' CIL contributions are essential in our support for: Parks, Gardens, Recreational Grounds (including cemeteries), Allotments, Community Halls/Venues, Voluntary Groups, Charitable Trusts and Young Peoples' Play Areas.

Name: John Stobart

Representing: Natural England

CIL Modification: MOD2

Representation: Natural England draws the authorities attention to the approach being taken by the SE Dorset authorities in the draft Dorset Heathlands Planning Framework SPD 2015. The authorities have noted advice from Natural England concerning the provision of Strategic Access Management and Monitoring (SAMM). They have therefore removed this element from their CIL Schedule 123 list which allows this to be secured through S106 contributions. This has a benefit of securing contributions from developments which require mitigation, but are exempted through CIL. Such developments would necessitate a further demand on the CIL resource. Infrastructure such as SANG continues to be funded through the CIL mechanism in all the SE Dorset authorities. In addition it is not clear to Natural England that the authority has fully stated the requirement to secure European/international site protection measures as a priority within the CIL resources. This is stated clearly within the CIL documentation produced by the Borough of Poole ref: Delivering Poole's Infrastructure, Development Plan Document July 2011, paragraphs 2.18 - 2.20 Establishing an Infrastructure Hierarchy. Page 13 - The provision of infrastructure for mitigation on the Dorset heaths and Poole Harbour is welcomed, we advise that the authority insert the other relevant designations in accordance with Government policy. For Poole Harbour you should include the SPA and Ramsar designations and for the Dorset Heathlands SPA, Ramsar and Dorset Heaths SAC.

Summary of Main Issues, Modification Three – Map Changes

Name: Simon Coles

Representing: C G Fry & Son Ltd

CIL Modification: MOD3

Representation: The maps at Modification 3 should be amended to reflect this suggested change (MOD1 Representation). We request that the CIL examination is re-opened to enable these matters to be debated.

Summary of Main Issues, Modification Four – Changes to Definitions

Name: Margaret Baddeley

Representing: Bourne Leisure Ltd.

CIL Modification: MOD4

Representation: Bourne Leisure supports the inclusion of a definition within the CIL Draft Charging Schedule for dwellings with restricted holiday use, but considers that for absolute clarity the definition should be expanded to specifically state in the second sentence that this excludes all tourist accommodation, such as chalets and caravans, which is sited in holiday villages and purpose-built resorts. The second sentence should therefore state: The definition excludes second homes, hotels, guesthouses and some B&Bs and more temporary all tourist accommodation (such as chalets and caravans) that is and tents sited in holiday villages and purpose-built resorts.

Summary of Main Issues – General

Name: Graham Paisley

Representing:

CIL Modification: General

Representation: There are no comments that I wish to make.

Name: Gaynor Gallacher

Representing: Highways England

CIL Modification: General

Representation: Having reviewed the changes, we can confirm that we support the proposed modifications and have no specific comments to offer.

Appendix A: List of respondents by name/organisation

Crossways Parish Council

J. Orrell

Natural England

C G Fry & Son Ltd

Carter Jones LLP

Broadwindsor Group Parish Council

Bourne Leisure Ltd.

G. Paisley

Highways England