



Community Infrastructure Levy

Responses to the Preliminary Draft Charging Schedule



Prepared by Christchurch Borough Council and
East Dorset District Council

May 2014

The following schedule sets out responses received to the consultation on the Councils' Preliminary Draft Charging Schedules. Consultation on the Councils' Preliminary Draft Charging Schedules was undertaken from the 28th January to the 11th March 2013.

Person ID	Full Name	Organisation Details	Comment ID	Consultation Point	Comments on this question or part of the document
540139	Mr Malcolm Brown	Sibbett Gregory	CILPD1	1	<p>Due to other commitments I am not going to have time to study this document in detail or to respond. I have not been approached to do so and as in Poole I suspect lack of enthusiasm to engage will mean the planning authority and development industry will suffer the impacts at a later date.</p> <p>The levy is no more than a tax on developers to subsidise what has till now been funded by the community. The purchasers of development will eventually pick up the bill and pay twice (Once through council tax and business rates and once through the levy). It certainly will not unlock land for growth. It is a cost the developer will hopefully deduct from what he would have paid for the land but will the land owner be prepared to release the land for substantially less than what he would have received 5 years ago! It is pointless the Government insisting on a 5 year land supply if there is not sufficient profit to make it attractive to actually build. It will probably create some nice land banks but not deliver houses or factories. Since CIL is mandatory there will be little or no scope for negotiation, unlike the present situation. Good Luck but if you want to stimulate the economy this is the wrong way of going about it.</p> <p>Rant Over. It is not your fault. Our Governments (current and previous) are largely to blame, (This email was sent on receipt of Mr Brown receiving notification of the start of the consultation. He has requested these comments count as his response.)</p>
360626	Mr Frank Miller	Chair Person Sturminster Marshall Affordable Housing Self Build Homes Group	CILPD2	1	<p>On behalf of Sturminster Marshall Affordable Housing - Self-Build Homes Group</p> <p>1. A good idea in principle, but will hit the self-builder - who can ill-afford further costs, and negating the principle of self-building making homes affordable.</p> <p>2. In reality, the extra costs to the builder are passed on to the purchaser - not really a 'tax'. The only winners are the infrastructure providers - water, electricity and gas companies etc, who again reclaim the money spent by rises in rates.</p> <p>Proposal: By physical planning - the contractor provides a section of land for self-builders within the project, with services laid ready for use.</p> <p>Frank Miller F.B.Eng MICWCI</p>
734752	Mr		CILPD3	2.4	Bullet 4 makes no sense, there is either some punctuation or some words

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	David Parkinson				missing or both. Also it quotes a figure of 25% but doesn't say what it is 25% of.
361028	Ms Helen Patton		CILPD64	2.4	Paragraph 2.4 Bullet point 4 The following amendment is suggested to more accurately reflect the Government's proposal for CIL beneficiaries; "...This is defined as 25% where a neighbourhood plan is in place and 25% 15%, capped at £100 per existing dwelling where there is no neighbourhood plan in place."
745981	Ms Helen Tilton	Snr Planner Turley Associates	CILPD19	2.9	We note that Christchurch and East Dorset LPA's do not propose to make discretionary relief available for exceptional circumstances. We consider that any future review of the CIL is unlikely to be timely enough to address changing circumstances, and nor would it address individual circumstances. As such, we urge the LPA to consider non-mandatory exemptions at this stage.
743697	Ms Fiona Astin	Regional Development Director (Dorset & Somerset) Aster Homes	CILPD20	2.9	We note that discretionary relief from CIL is available, and that the charging authority can set out exceptional circumstances in which discretionary relief can be made available. Have East Dorset and Christchurch set out exceptional circumstances? If so, are these designed to ensure that affordable housing provision does not become a casualty of CIL? If not, can they, and when would the draft of these be available?
746077	Ms Rebecca Fenn-Tripp	Turley Associates	CILPD26	2.9	We object to the exclusion of a discretionary relief policy (CIL regulation 55) in the current consultation document. The omission of discretionary relief is too inflexible to be effective on a site by site basis over the plan period. As we indicate in our comments above and below, we do not consider the evidence on which this is based to be sufficiently robust to justify its omission. The absence of any triggers for a review of CIL in the consultation document adds weight to the need for such flexibility in our view.
523531	Mr Tim Hoskinson	Savills	CILPD50	2.9	Relief 6.10 The Community Infrastructure Levy Relief – Information Document (CLG, May 2011) outlines the Government's position on "exceptional circumstances" which could warrant exception from CIL . The first matter to note from the Regulations is that the offer of relief is discretionary on the charging authority . It is also noted that the authorities have remained silent on this issue in the

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					Preliminary Draft Charging Schedules. 6.11 The Consortium considers it imperative that the authorities make available relief from the date of the adoption of CIL, and that they clearly outline their approach to doing so (in conformity with the Regulations).
746532	Ms Rachel Robinson	WYG Planning & Design	CILPD70	2.9	The PDCS states that neither Council proposes to make discretionary relief from CIL available in exceptional circumstances and that this is consistent with the viability assessment. However, the viability assessment does not appear to make this recommendation and we therefore ask that further clarification is provided as to why discretionary relief would not be appropriate.
359261	Mr Doug Cramond	DC Planning Ltd	CILPD93	2.9	<ul style="list-style-type: none"> The Councils should certainly make discretionary relief available (Charging Schedule 2.9) to introduce flexibility and long-term robustness in the documentation and this would be at 'no harm' to the LPAs;
747992	Mr Matthew Sobic	Savills Manchester	CILPD95	2.9	it is not considered that the appropriate balance between the desirability of funding infrastructure from CIL and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development has been taken. In order to do so, it is essential that the charging authority retain the ability to reduce CIL liability on qualifying schemes. The economic background to development is still challenging and will remain so for the foreseeable future. Accordingly, it is considered that flexibility should be built into the Charging Schedule to permit negotiations on the CIL rate to be charged, where this can be supported by sound viability evidence. For example, where an otherwise acceptable economic generating development would become unviable as a consequence of a flat CIL rate, it is considered that scope should be made within the charging schedule to permit flexibility for that rate to be discounted.
745981	Ms Helen Tilton	Snr Planner Turley Associates	CILPD18	2.11	We request that the LPA clarifies on what basis additional s.106 contributions would be sought for retail development following the adoption of CIL.
523531	Mr Tim Hoskinson	Savills	CILPD48	2.11	<p>S106 Contributions</p> <p>4.13 It is imperative that throughout the preparation of CIL due regard is had to the Regulations that state that Section 106 planning obligations must be:</p> <ul style="list-style-type: none"> necessary to make the development acceptable in planning terms; directly related to the development; and

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					<p>• fairly and reasonably related in scale and kind to the development'</p> <p>The power to seek Section 106 contributions remains under CIL. Our clients are concerned about the scale of Section 106 contributions which will continue to be sought which, alongside the proposed CIL rates, will render the delivery of the allocated sites difficult.</p> <p>4.14 Greater clarity is needed regarding the items which the authorities consider will be funded through site specific S106 Agreements. At present, the uncertainty makes it difficult to assess the cumulative impact of CIL; therefore we would request that the authorities provide guidance on their intentions in this respect, as per the requirements of the CIL Guidance .</p> <p>4.15 There is also a requirement in the CIL Guidance for authorities to prepare, as part of their background evidence, information on the amounts raised in recent years through s.106 agreements and the extent to which affordable housing and other targets have been met. This information has not been provided as part of the evidence base to support the Preliminary Draft Charging Schedule and should therefore be produced in advance of the Draft Charging Schedule consultation.</p> <p>CIL Regulation 122 – Double Counting</p> <p>6.12 With regard to the relationship with Section 106 the CIL Charging Schedule should be clear that 'double counting' of Section 106 contributions and CIL is not permitted by law. The revised CIL Guidance has reinforced this point and states: "Where the regulation 123 list includes a generic item (such as education or transport), section 106 contributions should not normally be sought on any specific projects in that category." Further, the Guidance is clear that charging authorities should ensure they are clear about their infrastructure needs and what will be paid through each route (s.106 or CIL), "so that there is no actual or perceived 'double dipping'".</p> <p>6.13 The key tests of CIL Regulation 122 should be outlined within the supporting documentation. In practical terms, owing to the need to publish a Regulation 123 List, it is likely that only site specific or immediately adjacent measures will continue to be funded by Section 106 (i.e. site access or immediately adjacent open space). As outlined, the costs of this on-site infrastructure will increase for larger scale development.</p> <p>6.14 The Government's position on the role of Planning Obligations is clearly outlined in the Overview document, notably the statutory basis that they must be</p>

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					directly related to mitigating the impact of development, and that CIL payments and planning obligations do not overlap. This is also made clear in the NPPF .
650761	Mr Anthony Ferguson	Peacock and Smith Limited	CILPD53	2.11	The interrelationship of CIL and site specific S106 is critical to the commercial viability of larger development and regeneration projects such as food stores. In many cases the food store is linked to a wider development scheme or masterplan involving other uses and infrastructure such as roads. Therefore the preparation and inclusion of infrastructure elements to the Regulation 123 List needs to be clearly defined and understood to avoid double counting (known as 'double-dipping'). Typical 'site specific' S106/S278 costs that will be outwith the Regulation 123 List should be factored into the CIL Viability Modelling.
521508	Ms Lisa Jackson	Managing Director Jackson Planning Ltd	CILPD58	2.11	The draft charging schedule needs to be examined in the light of the proposed spending priorities in the Regulation 123 list, this list should be included in the consultation.
747385	Ms Hannah Machin	Tetlow King	CILPD77	2.11	To ensure consistency with the recent government CIL guidance we suggest the Councils publish a draft regulation 123 list of the projects the Councils intend to fund using CIL contributions
747430	Mr Thomas Rumble	Woolf Bond Planning	CILPD79	2.11	As the LPA are aware the development industry is presently suffering from the depressed economic conditions and it is vital that an appropriate balance is struck when determining CIL requirements. All of the above evidence, points towards the need for housing to get the economy moving, whilst this is yet more relevant in a Borough where a pressing affordable housing need exists. Despite this, the proposed charging schedule constitutes a rate where such delivery cannot be secured at the Roeshot Hill site. Accordingly there is a need for greater flexibility to be built into the proposed schedule to account for on-site infrastructure costs and the risks of double charging. Para 2.11 of the Council's Preliminary Draft Charging Schedule (January 2013) states: 'Authorities cannot charge for the same items through both planning obligations and CIL. It is therefore proposed to publish a list of infrastructure or types of infrastructure that it is intended will be or may be, wholly or partly funded by the levy. This list is required under Regulation 123. A list will be published for each

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					<p>authority’.</p> <p>In the absence of such detail at this stage it is not possible to draw a distinction between on-site provisions and CIL contributions. This detail and the associated flexibility necessary to account for any possibility of double charging is required so to enable a robust examination of the proposed CIL.</p> <p>In the absence of this list, these representations are forced to be predicated on a number of assumptions including the following statement contained at paragraph 3.5 of the draft schedule:</p> <p>‘The Infrastructure Delivery Plan (IDP) accompanies the Core Strategy, taking from it information on the level and types of infrastructure which are required to support the level of growth planned for in the Core Strategy. Consultation on the IDP took place at the same time as the Pre-Submission and Proposed Changes consultation on the Core Strategy. The IDP outlines the key infrastructure requirements necessary and, as is recognised by the Government, will be regularly updated to take into consideration changing needs and priorities over the plan period. The IDP is a joint document for both authorities, but includes separate tables of infrastructure for the Borough and District’.</p> <p>Upon reviewing the IDP, the document states that its purpose is to identify ‘funding gaps and will be used to provide information for the development of the Councils’ Community Infrastructure Levy’ (para 1.1). One infrastructure type listed within this document includes green infrastructure mitigation that ‘will take the form of the provision of Suitable Alternative Natural Greenspaces (SANG), i.e. the provision of open space which provides an alternative to heathlands for recreation use’. It was this type of infrastructure to which the viability consultants referred to as a strategic infrastructure priority in enabling development at the presentation held on 18th October 2012. It therefore follows that a significant proportion of CIL receipts would be used to contribute towards SANG provision within Christchurch and East Dorset to mitigate for developments that are not required by proposed Core Strategy Policy ME3 to provide SANG mitigation as part of the development. Clearly by providing sufficient SANG mitigation as part of the development, the Roeshot Hill development will mitigate against any impact on the Heathlands SPA in its own right, without the need for further contributions. Accordingly the objective contained at para 2.11 of the Schedule is not achieved and our client would effectively be charged to mitigate against such environmental impacts through both an on-site Section 106 obligation and</p>

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					liable for the proposed CIL. A similar objection in regard to Roeshot Hill relates to a number of other strategic infrastructure requirements sought within the IDP. As mentioned above, there is an apparent and clear threat of double charging on the Roeshot Hill site at the application stage. For these reasons we propose that the strategic site due to its onerous on-site infrastructural requirements and viability constraints is specifically excluded from the CIL charging schedule or subject tonil charge and that infrastructure requirements are negotiated under the usual Section 106 procedure, informed by the respective policies in the Core Strategy.
359261	Mr Doug Cramond	DC Planning Ltd	CILPD91	2.11	It is essential to recognise that CIL does not completely render section 106 obligations redundant and the impact of site specific obligations must be acknowledged and taken into account when considering viability. • What is absolutely essential is that clear statements are made on the prevention of 'double counting' generally and with the local issue of the provision and ongoing maintenance of SANGS in particular – this is where the Charging Schedule needs to have added commentary and commitment and the content has to be about both the cost of the provision of the land and the future maintenance costs;
743659	Mr P Tanner	Director Tanner & Tilley	CILPD8	2.13	Pennyfarthing support the Joint Local Authority adopting a CIL instalment plan. It is considered that this will greatly benefit the cost to the developer in delivering the development and would have the benefit of staging the instalments based on the percentage of occupation of residential units. It is suggested that the LPA should give consideration to instalment payments for residential development based on first occupation with a minimum amount of CIL of, say, £10,000 below which CIL may not be paid by instalment. We would suggest that instalments should be as follows, Payment of 25% of CIL on occupation of 25% of the approved dwelling; Payment of a further 25% of CIL on occupation of 50% of the development; and Payment of the balance of CIL on occupation of 90% of the development. The time frame in which instalments must be paid will be dependant on the percentage occupancy of the development.
746077	Ms Rebecca	Turley Associates	CILPD25	3.6	Paragraph 3.6 of the CIL Preliminary Charging Schedule consultation document acknowledges the Infrastructure Delivery Plan (IDP) is still incomplete, with

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	Fenn-Tripp				costs and other funding streams for many infrastructure projects still to be defined. Paragraph 12 of the CIL Guidance (DCLG, December 2012) is clear that these factors are fundamental to producing and justifying a charging schedule. Until this is complete, it is difficult to comment on the soundness of the proposed charges subject of this consultation. We therefore reserve the right to comment on this further once the IDP is more complete.
523531	Mr Tim Hoskinson	Savills	CILPD44	3.6	<p>3.1 In setting the rate of CIL, the Community Infrastructure Levy, England and Wales Regulations 2010 (as amended) (“the Regulations”) state that “an appropriate balance” needs to be struck between “a) the desirability of funding from CIL (in whole or in part)” against “b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development” . The term ‘taken as a whole’ implies that it may be acceptable for some schemes to be rendered unviable by the level of CIL charge; however, there is a clear requirement to ensure that most developments are able to proceed, not least due to the NPPF requirement for a deliverable five year housing land supply plus a buffer of 5% or 20% for Authorities which have persistently undelivered. The Government provides further guidance on the meaning of the appropriate balance from paragraph 8 of the Community Infrastructure Levy Guidance (December 2012).</p> <p>3.2 Likewise, the purpose of CIL must be to positively fund the infrastructure required to enable growth. This is clearly outlined in the Regulations which state “A charging authority must apply CIL to funding infrastructure to support the development of its area” . The Planning Act 2008 defines infrastructure as:</p> <ul style="list-style-type: none"> • “(a) roads and other transport facilities, • (b) flood defences, • (c) schools and other educational facilities, • (d) medical facilities, • (e) sporting and recreational facilities, and • (f) open space.” <p>3.3 There is a requirement within the CIL Regulations to provide a list of “relevant infrastructure” to be wholly or partly funded by CIL. It is also possible for CIL to be used to reimburse expenditure already incurred on infrastructure, a tool which could have useful implications.</p> <p>3.4 The Consortium therefore considers that it is imperative that the evidence supporting CIL:</p>

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					<ul style="list-style-type: none"> • clearly outlines the key infrastructure projects required to support development (this being the key test of the Regulations); and • outlines an up to date, consistent and well informed evidence base of economic viability in order to test various scenarios against CIL rates. <p>3.5 One of the key tests of the examination of a Charging Schedule is that “Evidence has been provided that shows the proposed rate (or rates) would not threaten delivery of the relevant Plan as a whole.” The assessment of viability against the pipeline of planned housing and other development within the joint Core Strategy is therefore an inherent test of the Examination.</p> <p>3.6 The Guidance also makes clear the evidently narrow focus of the CIL Examination process permitted by the Regulations: “The Independent Examiner should establish that:</p> <ul style="list-style-type: none"> • The charging authority has complied with the required procedures set out in Part 11 of the Planning Act 2008 and the CIL Regulations; • The charging authority’s draft charging schedule is supported by background documents containing appropriate available evidence; • The proposed rate or rates are informed by, and consistent with, the evidence on economic viability across the charging authority’s area; and • Evidence has been provided that shows the proposed rate (or rates) would not threaten delivery of the relevant Plan as a whole.” <p>3.7 Ascertaining the level of CIL is essentially a development viability exercise and owing to this it is critical that the level of CIL is based on robust and credible evidence. The CIL – An Overview document outlines that “Charging Authorities wishing to introduce the levy should propose a rate which does not put at serious risk the overall development of their area” . It will therefore be important that the rate is based on reality and the viable level of funding towards the planned provision of infrastructure needed to deliver the development Plan. Whilst the Draft Infrastructure Delivery Plan (IDP) published alongside the Pre-Submission Core Strategy does not clearly set out the funding gap, it is clear from the evidence available that CIL alone will not be able to fund the all the infrastructure that is said to be required until the end of the current Plan period. This makes it more important to set the level of CIL based on what can be afforded rather than what may theoretically be desired, to reduce the risk of the shortfall being even greater.</p> <p>Infrastructure Delivery Priorities</p>

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					<p>3.8 The CIL Guidance outlines that CIL should only be considered where an identified funding gap is demonstrated . The process of demonstrating this should also identify a CIL “infrastructure funding target” which should be based upon the selection of infrastructure projects or types that are identified as candidates to be funded by the levy in whole or in part. The Draft IDP provides an extensive schedule of projects, many of which identify developer contributions as a means of delivery. Costs and funding information is only provided for a small number of these projects, and where such information is available it is generally for projects where funding has already been secured through s106 agreements. The sum total amount required to fund the infrastructure required to support the delivery of the Plan has not been identified, nor has the ‘target’ been stated; the evidence supporting the declaration that there is a funding gap is therefore considered to be insufficient.</p> <p>3.9 The Preliminary Draft Charging Schedule recognises that revenue from CIL is not expected to bridge the funding gap entirely. The schedule of projects set out in the Draft IDP gives an indication of the relative importance of these projects, but draft Regulation 123 lists have not yet been published and there is no indication of which of the projects listed would be funded through CIL. Several of the projects listed relate to specific developments and the relationship between CIL and S106 is unclear. It is important that a list of projects to be funded though CIL is provided, and that these are prioritised to focus on mitigation required under European legislation and essential strategic infrastructure.</p> <p>3.10 The objective of CIL is fundamentally to assist with the delivery of developments, as CIL receipts are used toward the funding of new major infrastructure (as per Regulation 59(1)). The CIL Charging Schedule and supporting documentation must therefore outline the positive actions proposed from the Council to enable the actual delivery of major infrastructure, which may require additional ‘top up’ funding, or the Council using its powers under the Local Government Acts (2000 and 2003) and CIL Regulations to borrow money to ‘forward fund’ infrastructure delivery . The Consortium would be supportive of the necessary investment to ‘unlock’ and assist with development delivery.</p> <p>3.11 The CIL Guidance also states that, at Examination, authorities should ‘set out those known site-specific matters where section 106 contributions may continue to be sought’ . We would suggest it prudent for this to be considered</p>

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					prior to the publication of the Draft Charging Schedule in order that it can be taken into account in setting the proposed CIL rates.
743786	Mr Fred Andress	Agent Planning Issues ltd	CILPD11	4.1	<p>The Council's CIL viability assessment was informed by a lower level of affordable housing provision (30%) than the council's emerging policy requires (35% target but 50% on some sites and 40% elsewhere). As a result the viability testing is flawed.</p> <p>At a recent CIL examination in Mid Devon, the council was criticised by a planning inspector for working out its CIL rate using an average affordable housing rate of 22.5% rather than its 35% target. The inspector said using a lower affordable housing figure will put the provision of affordable housing at serious risk and required the CIL charge to be reduced from £90.m2 to £40/m2.</p>
743786	Mr Fred Andress	Agent Planning Issues ltd	CILPD10	4.2	<p>Developer profit was assumed at 20% of development costs for the types of developments tested which is too low for most housing developments. The required level of developer profit (or return for risk) has been understated in the CIL viability testing, and should be not less than 25% of development cost or 20% of gross development revenue.</p> <p>The CIL viability assessment should consider the effect of the imposition of CIL on a retirement apartment (sheltered housing) scheme. This effect should be quantified using appraisal inputs specific to the sheltered housing product. It is not good enough to simply assume that a general needs apartment scheme or a care home is comparable to a sheltered apartment scheme. There are a number of key differences which will affect the land value that can be produced by each. Sheltered housing schemes for older people, although usually categorised as Class Use C3, are very different from general needs flatted developments and class use C2 rest homes/ nursing Homes. They should be tested as a separate development type by the CIL viability assessment and given a separate CIL charging rate.</p> <p>The consultants should be aware of this from the consultation work they are currently undertaking for neighbouring Bournemouth Council.</p> <p>My Client submitted a viability appraisal in connection with a planning application for a sheltered housing scheme on a site at 55 Bridge Road, Christchurch. The site had planning permission for a similar number of general needs apartments including an element of affordable housing, whereas viability of the proposed sheltered housing scheme was such that a requirement to</p>

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					contribute any affordable housing rendered the sheltered housing scheme unviable.
360967	Mr John Montgomery	Associate Partner Tanner & Tilley	CILPD4	4.4	<p>The Retirement Housing Group represents a range of providers of accommodation for older people both in the private and public sectors. The Group's remit is to promote awareness of this sector of the market and ensure planning policies are put in place so as to ensure the delivery of an adequate supply of accommodation specifically designed to meet the diverse needs of older people.</p> <p>There is an increasing awareness of the issues arising from our ageing population. There are now 8.76 million people aged 65 or over in the United Kingdom which represents 11% of the total population. This is projected to increase to 11.6 million or 33% by 2025. This presents significant challenges to the nation as a whole. In recognition of the issues the Government has now put forward specific planning policies in the National Planning Policy Framework. ("NPPF") Firstly older people are identified and defined as a specific group in society. Secondly paragraph 28 of the draft requires that Local Planning Authorities should have a clear understanding of the housing requirements in their area and should prepare Strategic Housing Market Assessments to address the need for all types of housing to meet the needs of different groups in the community including older people. In terms of delivery paragraph 111 states that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as the elderly.</p> <p>The imposition of CIL on specialist accommodation for older people will disproportionate impact on viability compared with general needs housing. This will in turn affect deliverability and the Government's stated intention as set out in the NPPF and in 'A National Strategy for Housing in an Ageing Society' of tackling the problem of an ageing population.</p> <p>Nearly all types of specialist housing for older people are impacted on financially by communal space and also a slower sales rate than other residential development. Typically such developments have between 25% and 35% of their internal floor areas devoted to necessary communal areas and facilities, such as residents lounges, laundries, guest suites, dining rooms and kitchens. It is these specific communal areas and facilities that differentiate older peoples' housing developments from other forms of accommodation for the wider population.</p>

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					<p>These communal areas are a necessary part of a retirement housing development that are non-saleable floor space which the developer has to build but does not receive any direct revenue from. Therefore, to apply a CIL rate based on 'pounds per square metre of gross internal floor space' would unreasonably penalise a retirement housing developer who would have a building of typically on average 70% net saleable area to acquire revenue from, compared to other forms of residential accommodation that would have 90-100% net saleable floor area to acquire revenue from. This would place those providers of retirement housing at a disadvantage in land acquisition as the ratio of CIL rate to net saleable area would be disproportionately high when compared to other forms of residential accommodation. A further distinguishing feature which flows from the above is the level of service charges needed to support the care and support provided. The annual service charge for an Extra Care apartment is between £4,730 and £5,200 and £1,400 to £1,820 for a conventional category II sheltered housing scheme. In addition to service charges it has been estimated that the additional build cost of say an Extra Care development over and above over market apartments based on a 50 unit scheme is in the region of £1.8million. Both Oxford and East Northamptonshire have recently produced viability appraisals which recognise the impact of these factors and the GLA Housing SPG makes specific reference to the importance of "bespoke viability assessments for specialist older persons housing" (para 3.1.43). This approach should be common practice for all local authorities when carrying out viability appraisals to inform CIL charging schedules.</p> <p>Given that viability of such schemes may therefore be marginal, application of a CIL may prevent many forms of retirement housing coming forward. Indeed the BNP Paribas Viability Study for East Northamptonshire concludes "It is therefore considered that the viability of Extra Care Housing is very different from standard C3 housing and care homes, and our calculations show that they would be unable to absorb a CIL tariff. Our appraisals of retirement housing (i.e. a McCarthy and Stone type development, where residents have their own flat or house and buy in additional services and support as required) indicate that such developments are unlikely to generate positive residual land values. Our appraisals assume a 70% gross to net ratio, accounting for additional common areas required in such developments. This factor, along with a slower sales rate, combine to adversely affect viability."</p>

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					<p>Whilst there is an understandable desire to keep the charging rates as simple as possible the broad inclusion of developments of accommodation for older people within a “general residential heading” fails to acknowledge the very specific viability issues associated with such housing.</p> <p>In conclusion given the extent of projected housing need for older persons accommodation including specialist forms of older persons housing and extra care accommodation identified in ‘A National Strategy for Housing in an Ageing Society’, and at the local level, it is paramount that CIL schedule recognises the shortcomings of an across the board approach to Class C2/C3 schemes and address this issue to ensure fairness and avoid distortions of competition, when applied to specialist forms of older persons accommodation.</p> <p>Finally it is noted that the CIL regulations, when considering exemptions to CIL payment, list a set of criteria which includes ‘relief from CIL should be fair and not create undue distortions of competition’. This criterion is equally valid when considering the application of CIL to differing forms of residential development. For the above reasons developments of accommodation for older people, whether falling within Classes C2 or C3 of the Use Classes Order should be differentiated for general needs housing scheme when CIL is applied.</p>
361028	Ms Helen Patton		CILPD66	4.4	<p>It is stated in this paragraph that “Other forms of development that in principle could pay a CIL charge are set at a £0 rate as they would otherwise be currently unviable.” It would be helpful to the reader if the “other forms of development” could be expanded upon here.</p> <p>Furthermore, it is noted in the supporting CIL Viability Testing document that the other forms of uses that were covered as part of the research included uses such as launderettes, nightclubs, taxi businesses and amusement centres, scrapyards, selling of motor vehicles and light industrial uses. It is unclear however, whether research on the viability of other uses such as cafes, restaurants, A5 hot food takeaways and drinking establishments has been undertaken and if so what conclusions were drawn.</p>
359261	Mr Doug Cramond	DC Planning Ltd	CILPD89	5.1	<p>The overall approach of a ‘flat rate’ across EDDC and CBC would seem logical for the reasons Bretts give.</p>
746077	Ms	Turley Associates	CILPD29	5.2	Retail

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	Rebecca Fenn-Tripp				<p>The CIL regulations allow differential rates ‘by reference to different intended uses of development’. The application of differential rates for different forms of retail, such as convenience and comparison shopping, can in our view only be justified where a distinct delineation can be made between different intended retail uses, and where the different uses thus identified have demonstrably different viability characteristics. For the CIL retail charge to accord with the CIL regulations, the evidence also needs to demonstrate a difference in viability, which mirrors a clearly identifiable difference in the intended use of retail development.</p> <p>Both comparison and convenience retail uses fall under the same use class definition (Use Class A1). PBA appear to have chosen a definition be based on Annex B of PPS4 (now superseded), but with minor amendments to refer to ‘unit’. The difficulty arises, in our view, not in PBA’s reference to an outdated national policy document, but rather in the fact that the definitions of ‘convenience’ and ‘comparison’ in PPS4 are goods-based and were not intended as definitions of a particular sales unit. The LPA will need to recognise and acknowledge the implications of the PBA definitions in determining whether a proposed differential CIL levy is appropriate.</p> <p>The proposed differential rate is likely to raise implementation difficulties in terms of establishing the type of floor space proposed, and thus the amount of CIL that is payable. This will have knock-on effects in terms of investor confidence. Difficulties are likely to arise where a retailer proposes new development for a range of goods that do not fall wholly within the LPA’s definition of ‘convenience’ or ‘comparison’, and/or where a mix of convenience and comparison floor space is proposed, particularly where there is no clear overriding amount of floor space, or range of goods, devoted to one or the other type of retailing.</p> <p>In defining what a development’s ‘main use’ might be, PBA reference the PPS4 definition of a ‘superstore’ as being helpful; yet this definition refers to characteristics including both convenience and comparison goods: ‘selling mainly food, or food and non-food goods’. Other characteristics define a superstore (e.g. a large store of over c 2,500 sq.m. net trading space) that are not relevant or helpful to enabling a distinction to be made between whether the main use of a specific proposed development is comparison or convenience. PBA appear (incorrectly in our view) to assume that PPS4 reference to ‘main’ in</p>

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					<p>the superstore definition provides adequate clarity for determining the basis for a differential CIL levy.</p> <p>We note that the viability evidence PBA use to justify their suggested charge relies on a limited range of hypothetical scenarios. PBA test only a 465 sq.m. in-town high street scheme (comparison); a larger out of town centre grocery store of 4,000 sq m gross (convenience); and an in-town Metro-style grocery store of 465 sq m scheme gross (convenience).</p> <p>In considering viability it is also important that factors such as investor sentiment are acknowledged, alongside the need to set a CIL charge below theoretical maximums. We can find no evidence of any sensitivity analysis to confirm whether £110/sq.m is an appropriate levy in the event that values drop (i.e. whether a lower levy would be appropriate to ensure that the future delivery of development is not threatened).</p> <p>Finally, we request that the LPA clarifies on what basis additional s.106 contributions would be sought for retail development following the adoption of CIL.</p>
361028	Ms Helen Patton		CILPD65	5.2	<p>It is noted that different rates are proposed for convenience retail and comparison retail. There are instances however, where retail units do not fall neatly into these categories. For example, large out of town supermarkets often sell both convenience and comparison goods. There is no mention in the documents of how CIL rates would be calculated/apportioned in these circumstances.</p>
746532	Ms Rachel Robinson	WYG Planning & Design	CILPD68	5.2	<p>Differential Rates</p> <p>The CIL Regulations only permit differential charges by reference to location or different intended use of development. To support the proposed Preliminary Draft Charging Schedule (PDSC) Christchurch and East Dorset Councils need to demonstrate that comparison retailing is a genuinely different intended use from convenience retailing and, in our view, this has not been done. Indeed, we doubt whether this would ever be possible.</p> <p>Consideration of CIL Charging Schedules elsewhere in the country demonstrates that to differentiate between types or sizes of retailing, it is necessary to clearly define different distinct uses and demonstrate through a fine grained analysis that there is clear evidence of different viability characteristics for the different uses. For example, the Examiner considering the</p>

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					<p>Plymouth draft Charging Schedule states in her report that if a differential CIL is to be charged, then: “there would need to be a clear and actual difference in the uses that can be unambiguously described,..” (Report to Plymouth City Council, 12 December 2012)</p> <p>This analysis has not been undertaken in the current case. Neither the PDSC nor the viability report have addressed the question of whether comparison and convenience goods sales result in different intended uses of development and if they do, set out a clear explanation of how they are clearly different.</p> <p>In our view, it is not possible to clearly show, without ambiguity, that comparison and convenience retail uses are different distinct uses. In practice, shops do not limit themselves to single types of goods. Supermarkets, for example, often have a strong element of comparison floorspace, the amount of which will vary depending on the operator, size of store and is likely to change (increasing and/or decreasing) over time. The PDSC states that the charge will be applied to the “main use” of a unit, however “main use” is not clearly defined in the document and even if it were, due to the dynamic nature of retailing, applying the charge on this basis would be problematic. It would also be difficult in practical terms to apply the CIL charge where smaller retail units are proposed, as the end users would often not be known.</p> <p>We enclose a copy of a report by Peter Brett Associates LLP (PBA) which addresses Retail Differentiation with CIL. The report sets out a detailed analysis of the issue. It sets out a higher standard than PBA has set themselves in the evidence in this case.</p>
747385	Ms Hannah Machin	Tetlow King	CILPD76	5.2	<p>Rural Exceptions</p> <p>We support the Councils’ decision to propose a single charge across the district as this will enable cross-subsidy rural exception schemes to continue to be brought forward in East Dorset.</p>
360967	Mr John Montgomery	Associate Partner Tanner & Tilley	CILPD5	Table 5.1	<p>For the reasons set out in respect of paragraph 4.4 above Class C2 developments and sheltered housing should be nil rated</p>
360967	Mr John	Associate Partner Tanner & Tilley	CILPD6	Table 5.2	<p>For the reasons set out in respect of paragraph 4.4 above Class C2 developments and sheltered housing should be nil rated</p>

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	Montgomery				
743786	Mr Fred Address	Agent Planning Issues Ltd	CILPD14	Question 1	The evidence is flawed as it was informed by a lower level of affordable housing provision (30%) than the council's emerging policy requires (35% target but 50% on some sites and 40% elsewhere).
743786	Mr Fred Address	Agent Planning Issues Ltd	CILPD13	Question 1	The CIL viability assessment should consider the effect of the imposition of CIL on a retirement apartment (sheltered housing) scheme. This effect should be quantified using appraisal inputs specific to the sheltered housing product. It is not good enough to simply assume that a general needs apartment scheme or a care home is comparable to a sheltered apartment scheme. There are a number of key differences which will affect the land value that can be produced by each. Sheltered housing schemes for older people, although usually categorised as Class Use C3, are very different from general needs flatted developments and class use C2 rest homes/ nursing Homes. They should be tested as a separate development type by the CIL viability assessment and given a separate CIL charging rate.
745981	Ms Helen Tilton	Snr Planner Turley Associates	CILPD15	Question 1	<p>ALDI has development interests within the area to which the joint PDCCS refers, for a modest scale discount foodstore (c.1,500 sq.m. gross) that would fulfil a neighbourhood shopping role as well as attracting customers from the surrounding area. Our representations therefore provide general comment on the LPAs' approach to CIL, and specific comment on the proposed retail charge. ALDI wishes to ensure that any retail CIL rate that the Charging Authorities in this case (East Dorset District Council and Christchurch Borough Council) seek to impose is based on a robust evidence base, and that the charge can be fully demonstrated to be both necessary in principle and appropriate in terms of ensuring that development is not stifled. We highlight below a number of key concerns regarding the amount and approach to the proposed retail CIL charge in this case.</p> <p>It is important that any Charging Schedule is underpinned by a recognition that the planning system should do everything it can to support sustainable economic growth (NPPF, para 19). This aim requires careful attention to viability and costs, and the scale of obligations and policy burdens should ensure that development viability is not threatened (NPPF para.173) - on the contrary, CIL should support and incentivise new development (NPPF para. 175).</p>

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					<p>The application of CIL and the evidence base underpinning the Charging Schedule should be in accordance with Government guidance and statutory provisions, including: the NPPF (March 2012); CIL Regulations 2010 (as amended April 2011, and November 2012); Community Infrastructure Levy: An Overview (May 2011). We trust that both Charging Authorities in this case have considered all relevant guidance in preparing their PDCCS.</p> <p>The introduction of a Charging Schedule represents a significant consideration for potential investors in the administrative areas of Christchurch and East Dorset, and will influence both existing and proposed developments, their location, nature and form. As a result, it is important that the Charging Schedule that is implemented provides robust, clear and concise guidance.</p>
746077	Ms Rebecca Fenn-Tripp	Turley Associates	CILPD27	Question 1	<p>In addition to the more fundamental concerns detailed above, we also have concerns with a number of the assumptions used to inform the current charging schedule. These include:</p> <ul style="list-style-type: none"> i. The costs associated with complying with emerging energy performance policies / building regulations appear to be understated or absent at present. Further analysis of the full provision cost per home over the life of the plan period is required in our view. ii. The PBA report assumes an average requirement of 30% affordable housing from qualifying sites. However, the emerging policy position is for 40% from urban sites and 50% from green field sites. The PBA report should adopt the policy being proposed for the plan period, not that which just reflects 'current markets' (table 5.1 of PBA Final Report, 2013). This is a significant omission in our view and may have significant implications for CIL charging levels. iii. The PBA report is based on the current level of development proposed in the submitted Core Strategy DPD. We have previously made representations expressing our concerns over the quantum and delivery of development proposed in the plan. We contend the housing provision figure is too low and the capacity of the urban area to absorb a significant proportion of this is overstated. To avoid repetition we refer to our representations dated 24 June 2012. This will need to be examined in parallel with the CIL Charging Schedule and appropriate revisions to the evidence base and schedule made.
490823	Mr Ian	Clerk Ferndown Town	CILPD31	Question 1	<p>The Council believe that some of the national figures used do not reflect the situation within East Dorset District Council area.</p>

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	Jones	Council			
746250	Ms Donna Palmer	Boyer Planning Ltd	CILPD40	Question 1	<p>2.1 A viability assessment has been undertaken by Peter Brett Associates (The PBA report) to inform the proposed CIL charges across the two authorities. In proposing the CIL charging rates the report concludes: “As recommended by guidance, these rates reflect viability at the present time. If viability improves, a new CIL charge could be set, or higher levels of affordable housing could be negotiated.” Consistency of CIL viability assessment with Core Strategy Policy</p> <p>2.2 Our primary concern with regard to the viability assessment which underpins the Draft Charging Schedules is with the level of affordable housing used in the calculation. The PBA report states: “We have viability tested housing assuming 30% affordable, given current markets.”</p> <p>2.3 This is not consistent with Policy LN3 of the proposed changes to the Pre-Submission Joint Core Strategy which states: “All greenfield residential development which results in a net increase of housing is to provide up to 50% of the residential units as affordable housing in accordance with the Policy Delivery Requirements and Affordable Housing Requirements unless otherwise stated in strategic allocation policies. All other residential development which results in a net increase of housing is to provide up to 40% of the residential units as affordable housing in accordance with the Policy Delivery Requirements and Affordable Housing Requirements.”</p> <p>2.4 The issue of inconsistency between the level of affordable housing assumed for CIL viability purposes and the level sought by policy was raised in the examination of The Mid Devon District Council CIL Charging Schedule in November 2012. The Council assessed the viability of their proposed CIL rate on the basis of 22.5% affordable housing whereas the policy requirement was for 35% affordable housing (a 36% reduction on its target). The Inspector concluded that: “The Council should have taken all its policy requirements, including affordable housing, into account when setting the CIL rate and on this basis it can be concluded that the viability evidence, on which the proposed charge of £90 per sqm is based, is not robust...” On the issue of affordable housing I conclude that the Council should have based its analysis on the foundation provided by the adopted DP and that the</p>

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					<p>calculations should have reflected the 35% affordable housing target. I therefore recommend that the Charging Schedule is modified accordingly by reducing the charge from £90 per sqm to £40 per sqm.”</p> <p>2.5 Although Mid Devon’s Core Strategy is an adopted part of the Development Plan and the Christchurch and East Dorset Joint Core Strategy is not yet an adopted document, it can be given increasing weight depending on the stage of preparation of the emerging plan, in accordance with paragraph 216 of the National Planning Policy Framework.</p> <p>2.6 There is therefore a clear inconsistency in that Christchurch and East Dorset Councils, through the viability assessment of Peter Brett Associates, have assessed the viability of their proposed CIL rate on the basis of 30% affordable housing whereas the policy requirement is for 40% affordable housing (and 50% on greenfield sites). The Councils are assuming a level of affordable housing for CIL purposes which is 25% lower than its policy target (40% for greenfield sites).</p> <p>2.7 As such we do not consider that the proposed CIL charging schedules are based on sound evidence of viability. The viability assessment (and proposed CIL rates) should be amended to reflect the emerging policies regarding affordable housing.</p> <p>Geographical Variations in Market Value</p> <p>2.8 There is an important question as to whether the CIL should be sensitive to geographical variations in market value across the Districts or seek to impose a single rate regardless of such variations. On that question, we would expect a consistent approach between the Council’s CIL viability assessment and the Council’s affordable housing viability assessment.</p> <p>2.9 The PBA Viability Assessment concludes that a single CIL band is appropriate and would help to reduce complexity. However, the Three Dragons “Affordable Housing Provision and Developer Contributions in Dorset report” - January 2010 (The Three Dragons Report) identified five broad bands of market value areas:</p> <ul style="list-style-type: none"> • High Value Rural • East Dorset Rural • Wimborne Minster and St Leonards • Southern Settlements; and • Low Value East Dorset. <p>In testing the residual values across these areas, the Three Dragons report</p>

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					<p>concluded that there was a “significant variance in residual values by market area, reflecting the different housing prices found in each of them.”</p> <p>2.10 The Three Dragons report concluded by providing three possible policy options regarding affordable housing provision, two of which varied the requirement according to the different market value areas it had identified.</p> <p>2.11 It is not clear why the PBA Viability Assessment has not adopted a similar approach and we note that the principle of adopting different CIL rates for different market areas has been adopted by other authorities.</p> <p>2.12 For the purposes of affordable housing policy, we are aware that the Council has not proposed different affordable housing requirements for different market areas (the Council is proposing a District-wide target of 40% which is increased to 50% on greenfield sites). However, our representations on the Submission Core Strategy object to this and call for a target of 35% affordable housing in line with the Three Dragons Report option for the Low Value East Dorset Market Value Area. Consistent with that representation, we consider that the Councils should also consider different CIL rates for different market areas.</p> <p>Conclusions</p> <p>2.13 The development of the strategic allocations is fundamental to the achievement of the Councils’ housing target and as such it is crucial that the viability assessment has fully taken account of the requirements placed on these sites. We have identified two points of inconsistency:</p> <ul style="list-style-type: none"> • An assumed level of affordable housing for the purposes of viability testing that is lower than the policy target in the Submission Core Strategy • A proposed across the board CIL rate for the authority area that does not take account of variations in market value that were recognised in the affordable housing viability assessment. <p>2.14 We therefore consider that the CIL viability assessment should be revisited to address these issues. We note that any inconsistency between the viability assessment for the Core Strategy affordable housing policy and the viability assessment for the CIL rate would be unsound in terms of the tests set out in paragraph 182 of the NPPF.</p>
650761	Mr Anthony Ferguson	Peacock and Smith Limited	CILPD54	Question 1	<p>We have reservations about the appraisal assumptions used to derived these rates (see q2 below) and we noted that PBA recommended the maximum CIL ceiling rates of £151 psm for larger out of centre stores (4,000 sqm) and £124 psm for in-town metro grocery stores (465 sqm) which does not leave much</p>

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					'headroom' for the appropriate balance (see q3 below).
521508	Ms Lisa Jackson	Managing Director Jackson Planning Ltd	CILPD59	Question 1	It is clear that the methodology to determine the proposed CIL rates by Peter Brett Associates have considered evidence of revenues, costs and profits and therefore this has informed viability. However there are flaws with the methodology that skew the results significantly within Christchurch. The viability testing will only be valid if the inputs are correct. The response to question 2 below explores this in more detail.
359555	Mr L Hewitt	Town Clerk Wimborne Minster Town Council	CILPD85	Question 1	Not Known
360967	Mr John Montgomery	Associate Partner Tanner & Tilley	CILPD7	Question 2	Viability evidence in respect of developments falling within Class C2 and sheltered housing to demonstrate that they cannot contribute towards CIL will be produced by Three Dragons on behalf of the Retirement Housing Group and will be presented to the Inspector in due course
743659	Mr P Tanner	Director Tanner & Tilley	CILPD9	Question 2	It appears that the consideration of economic viability and the setting of the Preliminary Draft Charging Schedule has had no regard for the CIL Charging Schedule that has been adopted by the neighbouring Borough of Poole or for the likely consequences that are likely to arise due to disparities in CIL Charging Schedules between neighbouring Authorities within South East Dorset. This could have the result that development will be drawn to those parts of the South East Dorset conurbation where the CIL Charging Schedule is less onerous on the cost of development. This could seriously impede the delivery of the strategic objectives of the Development Plan across parts of the Plan area or parts of neighbouring Authorities Plan areas. There also appears to be no consideration of delivery of cross-Local Authority boundary infrastructure and conservation mitigation that extends beyond the joint authorities of Christchurch Borough and East Dorset District. What account has been taken of these factors in the setting of the Preliminary Draft Charging Schedule and the CIL payments that may come from development in neighbouring Authorities that might be used to deliver strategic infrastructure and conservation mitigation. We consider the basis on which the economic viability has been considered to

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					<p>be flawed in respect of the assumed density of residential development that will be delivered. The viability assessment has taken proposed Core Strategy Policy LN2 which advocates a minimum density of 30 dwellings per hectare as a starting point and assumes that developers will be able to achieve an average density of 35 dwellings per hectare. However, proposed Policy LN2 aims to achieve a minimum density of 30dph "...unless this would conflict with local character and distinctiveness where a lower density is more appropriate". The appraisal also assumes that much of new housing development will come from previously developed sites and will generally provide less than 10 dwellings per site. The significant reliance on brownfield sites within established residential areas is likely to result in the density of new development being driven down below 30 dph. Furthermore, the extensive areas within East Dorset District that are designated as "Areas of Special Character" together with vocal opposition from existing residential communities to embrace higher densities within their localities is likely to result in housing delivery a below the policy target of 30dph. For these reasons we consider that the assumptions made in arriving at the Preliminary Draft Charging Schedule for residential development is unsound and that the Charge on residential development of £100 per sq metre has not been properly justified. We consider that it should be considerably less than this amount and, to avoid cross-authority disparities, should be set no higher than the minimum charge set in the neighbouring Borough of Poole, namely at £75 per sq metre.</p>
745981	Ms Helen Tilton	Snr Planner Turley Associates	CILPD16	Question 2	<p>We do not wish to comment in any detail in respect of the economic viability assessment (PBA, January 2013) underpinning the PDCCS, but make the following observations.</p> <p>The proposed retail CIL charge is as follows:</p> <ul style="list-style-type: none"> • Convenience retail - £110 per square metre • Comparison retail - £0 <p>ALDI has concerns regarding the intended convenience levy amount (proposed rate of £110 per sq.m.). National food operators do not all operate the same business models. 'Deep-discount' retailers such as ALDI operate business models designed to deliver discounted goods for a localised catchment. ALDI in particular operate a model based on high levels of efficiency and low overheads, which enables cost savings to be passed on to their customers. ALDI, therefore, provides accessible low-cost goods that assist those on lower incomes, and as</p>

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					<p>such ALDI is able to provide greater choice for customers in deprived areas. A high rate of CIL could impact upon the viability of the business and deter future investment, resulting in a loss of key discount retail provision and choice within the District and Borough.</p> <p>Differential Rates</p> <p>The LPA will need to be confident that it has adequate fine-grained evidence to justify the intended differential rate, which considers a split in respect of convenience and comparison shopping.</p> <p>PBA's definitions of convenience and comparison retailing are:</p> <ul style="list-style-type: none"> • "A convenience unit is a shop or store selling mainly everyday essential items, including food, drinks, newspapers/magazines and confectionery. • A comparison unit is a shop or store selling mainly goods which are not everyday essential items. Such items include clothing, footwear, household and recreational goods". <p>The CIL regulations allow differential rates 'by reference to different intended uses of development'. The application of differential rates for different forms of retail, such as convenience and comparison shopping, can in our view only be justified where a distinct delineation can be made between different intended retail uses, and where the different uses thus identified have demonstrably different viability characteristics. For the CIL retail charge to accord with the CIL regulations, the evidence also needs to demonstrate a difference in viability, which mirrors a clearly identifiable difference in the intended use of retail development.</p> <p>Both comparison and convenience retail uses fall under the same use class definition (Use Class A1). PBA appear to have chosen a definition based on Annex B of PPS4 (now superseded), but with minor amendments to refer to 'unit'.</p> <p>The difficulty arises, in our view, not in PBA's reference to an outdated national policy document, but rather in the fact that the definitions of 'convenience' and 'comparison' in PPS4 are goods-based and were not intended as definitions of a particular sales unit.</p> <p>The LPA will need to recognise and acknowledge the implications of the PBA definitions in determining whether a proposed differential CIL levy is appropriate. The proposed differential rate is likely to raise implementation difficulties in terms of establishing the type of floorspace proposed, and thus the amount of</p>

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					<p>CIL that is payable. This will have knock-on effects in terms of investor confidence. Difficulties are likely to arise where a retailer proposes new development for a range of goods that do not fall wholly within the LPA's definition of 'convenience' or 'comparison', and/or where a mix of convenience and comparison floorspace is proposed, particularly where there is no clear overriding amount of floorspace, or range of goods, devoted to one or the other type of retailing.</p> <p>In defining what a development's 'main use' might be, PBA reference the PPS4 definition of a 'superstore' as being helpful; yet this definition refers to characteristics including both convenience and comparison goods: 'selling mainly food, or food and non-food goods'. Other characteristics define a superstore (e.g. a large store of over c 2,500 sq.m. net trading space) that are not relevant or helpful to enabling a distinction to be made between whether the main use of a specific proposed development is comparison or convenience. PBA appear (incorrectly in our view) to assume that the PPS4 reference to 'main' in the superstore definition provides adequate clarity for determining the basis for a differential CIL levy.</p> <p>Policy/viability basis</p> <p>We note that the viability evidence relies on a limited range of hypothetical scenarios: PBA test only a 465 sq.m. in-town high street scheme (comparison); a larger out of town centre grocery store of 4,000 sq m gross (convenience); and an in-town Metro-style grocery store of 465 sq m scheme gross (convenience). In considering viability it is also important that factors such as investor sentiment are acknowledged, alongside the need to set a CIL charge below theoretical maximums. We can find no evidence of any sensitivity analysis to confirm whether £110/sq.m. is an appropriate levy in the event that values drop (i.e. whether a lower levy would be appropriate to ensure that the future delivery of development is not threatened).</p>
746077	Ms Rebecca Fenn-Tripp	Turley Associates	CILPD24	Question 2	<p>Given a large component of future housing land supply is to be secured through the delivery of urban extensions, we would have expected to see further analysis and benchmarking of such land values within the Peter Brett Associates LLP (PBA) 'Community Infrastructure Levy Viability Testing' Report (January 2013). Whilst this is touched upon in respect of the Christchurch UE, it is not clear how this or other infrastructure provided for by the proposed urban extensions has been accounted for in the Infrastructure Delivery Plan (IDP).</p>

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					<p>Given over 40% of the areas housing land supply is presently proposed from urban extensions, it is difficult to see how the PBA report justifies a blanket average site specific s106 cost of £1000 per home.</p> <p>Paragraphs 6.43-6.45 of the PBA Report set out the approach undertaken to residential scenario testing. It is noted that mixed schemes comprising flats and houses have not been tested, as one housing type may cross subsidise another. However, the proposed charging schedule proposes a blended average requirement of £100 per sqm. If no differentiation is to be given in the charging schedule between flatted and housing developments, then further analysis is required to assess the impact of mixed developments. Indeed, emerging Policy LN1 of the Core Strategy requires individual sites to meet a range of housing needs identified in the SHMA, subject to site specific circumstances and the character of the area. Further work is required in our view to assess the infrastructure requirements of delivering the emerging Local Plan housing policies over the plan period. An approach to assessing mixed residential housing scenarios is not uncommon and was undertaken by DTZ as part of their Viability Assessment for New Forest District Council. As such, we cannot understand why that has not been undertaken in this instance.</p> <p>We have looked at emerging residential charging rates in other LPAs across the south to see if there are comparisons. The Inspector examining the Mid Devon CIL Charging Schedule has recently recommended that the proposed level for residential should be reduced from £90 per sq m to £40 per sq m. Similarly, LPAs such as New Forest (£80 per sq m), Poole (from £75 per sq m), Southampton (£90 per sq m) and East Devon (from £56 per sq m) all have charging levels that are below those that are proposed to be levied here. Given the charging schedule proposed by East Dorset and Christchurch Councils has not as yet been finalised against an up to date IDP, we would recommend further work is undertaken to ensure local circumstances justify the higher rates proposed.</p>
490823	Mr Ian Jones	Clerk Ferndown Town Council	CILPD32	Question 2	<p>Members were of the view that the proposed charge for Care homes was insufficient at £40. Care Homes are commercial developments. The proposed figure should be increased as there is no evidence locally that there are vacant places in such homes. We believe that local figures do not reflect national trends. Members also believed that, if possible, there should be a lower figure for affordable housing say at 50% of the residential development rate.</p>

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					The Council are of the view that the decision to consider zero rated CIL appear reasonable in respect of Public Service and Community Facilities, however, they believe some charge should be made for offices and light industrial/ warehousing at a rate of £20. It could be argued that although these facilities produce employment and therefore should be exempt they do have an impact on the infrastructure of an area and therefore should pay something towards the levy even at a low sum. In order to encourage residential development members believed that this should be reduced to £80 taking into account the amount to be paid by offices etc. The figures being suggested seemed to be influenced by national trends rather than being specific to East Dorset. Members believed that more local figures should be used / researched. In any event these figures should be reviewed regularly i.e. bi annually.
475144	Mr Mark Jackson	Gleeson Strategic Land Ltd	CILPD36	Question 2	<p>We do not seek to go into too much detail in this submission. The key points will almost certainly be made through land agents and viability consultants. However, we consider that the following points should be made:</p> <p>Build Costs</p> <p>The tables at page 20 of the PBA Final Report (January 2013) suggests that build costs are on average £837sqm at Code Level 4. We would suggest that this figure is far too low and a figure closer to the £1100 sqm due to the associated costs of servicing development land is more realistic. However, it is acknowledged that this report makes assumptions for Code Level 3 and 4 homes, but a recognition that code 5 may also be applied to development across the plan period is also required. The CLG Cost Analysis of The Code for Sustainable Homes, Final Report (chapter 4, page 33:Table 4.1) identifies that for an average detached house an increase in the Code for Sustainable Homes (CSH) rating can increase the build costs by 13% at CSH4, or can increase the construction cost by 24% if CSH5 is required.</p> <p>In addition, the viability testing exercise undertaken by PBA for the joint councils should reflect emerging planning policies when calculating their assumptions; therefore as PBA have assumed a level of 30% affordable housing this does not reflect an emerging 40% affordable housing requirement within the Core Strategy.</p> <p>The inaccuracy applied by East Dorset and Christchurch is relevant to the Examiners consideration of this CIL charging schedule when considered against the recent Examiners report into the Mid Devon CIL charging schedule where</p>

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					<p>the background reporting into the tariff used 22% affordable housing whereas the policy was in fact 30%. As a result of this inaccuracy in Mid Devon, their Examiner reduced the proposed charging tariff from £90 per square metre to a recommended £40 per square metre to account for the inaccurate evidence base. We consider that the joint East Dorset and Christchurch CIL could be amended on the same basis as Mid Devon.</p> <p>Developer's profit</p> <p>We appreciate the recognition that has been made of the present environment within which we are bringing forward sites, however, in our view developer's profit, even in more buoyant market conditions, would expect to be at least 20% to 22.5%. Accordingly we consider that the reports assumption of 20% across all developments does not reflect a developer's expectation.</p> <p>However, since the early part of the economic downturn it has become routinely necessary for developers to reflect the higher than normal risk involved in buying land and proceeding with developments in current uncertain market conditions by setting higher rates of at least 25% and, in many cases, even higher.</p> <p>In addition increasing CSH levels will also erode the developers profit as the property sale price is not expected to increase proportionately to cover this additional development cost.</p>
746250	Ms Donna Palmer	Boyer Planning Ltd	CILPD41	Question 2	2.15 As discussed in relation to the previous question we raise concerns regarding the evidence on viability particularly in relation to affordable housing and the strategic allocations in low value areas.
523531	Mr Tim Hoskinson	Savills	CILPD47	Question 2	<p>4.1 The proposed CIL rates for the two LPAs have been supported by a viability report produced by Peter Brett Associates LLP (January 2013). Owing to the key test of Regulation 14(1) it is important that the viability appraisals prepared are fit for purpose. It is clear that at Examination the Charging Schedule will need to be supported by "relevant evidence" . For example, the review of the Local Plan is only at the 'emerging draft policies' stage and the precise nature and location of several areas/sites for strategic growth are yet to be determined. The progress of this review could alter the demand and/or priorities for infrastructure, or the quantum and/or timing of income likely to be generated through CIL. The finalisation of the housing numbers in the Local Plan may affect the basis of the CIL charge.</p> <p>4.2 Through assessing the viability appraisal provided by Peter Brett Associates</p>

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					<p>LLP (PBA) we have identified a number of discrepancies that need to be addressed. The Consortium thought it would be most appropriate in this instance to provide an independent viability assessment which we have undertaken on their behalf. We would be pleased to meet PBA to discuss the implications or inputs of our assessment should we need to.</p> <p>The Requirement for a Viability Study</p> <p>4.3 The requirement to justify the Charging Schedule with evidence of viability is outlined by CIL – An Overview , which notably also makes reference to setting differential rates. The CIL Guidance outlines “charging authorities should avoid setting a charge right up to the margin of economic viability across the vast majority of sites in their area” . It will therefore be an important consideration to ensure that the evidence of viability adequately tests scenarios that reflect the key sites required to deliver the planned growth.</p> <p>4.4 The fundamental premise is that to enable delivery, sites must achieve a credible land value and developers the required return on investment, otherwise development will be not come forward. This is recognised by the NPPF and is ‘in-built’ within the CIL Regulations. It is also the basis of the definition of viability with the Local Housing Delivery Group report, Viability Testing of Local Plans. The PBA Viability Study</p> <p>4.5 The viability assessments are based on a series of residual valuation scenarios that models the gross development value achievable from different uses in different areas, in the different authorities, and discounts development costs, interest costs and developer profit. In principle, our clients consider the overall methodology of seeking to determine viability on a residual valuation exercise as being appropriate. The specific comments relate to the inputs and assumptions made.</p> <p>Benchmark Land Values</p> <p>4.6 Savills and the Consortium have major concerns about the method of which the residential benchmark land value has been calculated. There is no factual evidence within the report and for this reason we request that the evidence relied upon is made publicly available. The Consultees referred to in Appendix 4 are local estate agents and typically would not sell land on a day to day basis. Paragraph 5.9 reinforces this point and reads “although Battens do not undertake land transactions they consider land values within East Dorset to be around £2,000,000 per hectare”. We request that the consultation exercise is</p>

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					<p>undertaken again with the agents who sell land in the area as the reliability of this comment is concerning.</p> <p>Typologies</p> <p>4.7 The typologies selected to be assessed for viability must “reflect a selection of the different types of sites included in the relevant Plan”, as per the CIL Guidance. There should also be an assessment of the proportion of the planned supply of housing that falls within each typology tested. This is in order that the impact of the proposed CIL rate on the viability of the planned housing supply is explicit. This is in conformity with the CIL Guidance which quotes the NPPF and states that authorities “should show that the proposed rate (or rates) would not threaten delivery of the relevant Plan as a whole”. It is therefore important that the typologies are tested against the housing trajectory in the Annual Monitoring Report (AMR). We also recommend that typologies are based upon the characteristics of other known sites that form potential supply and other types of site that have contributed in the past.</p> <p>4.8 PBA have failed to match their site typologies with the proposed allocations. The typologies used only test up to 100 units, however the Joint Core Strategy identifies site allocations ranging from 30 to 950 homes, including 8 strategic sites in excess of 100 units. We have therefore undertaken further viability assessments to better reflect the types of sites included in the plan.</p> <p>4.9 Strategic sites are subject to large up front costs including promotion and infrastructure costs. PBA have not included the cost of infrastructure within their assessment and have assumed all land is fully serviced. We outline the appropriate costs of providing infrastructure in the section below.</p> <p>Build Costs</p> <p>4.16 PBA have used a standardised build cost of £837 per sq m (£77 per sq ft) for housing and £992 per sq m (£92 per sq ft) for apartments. We have cross checked this with the RICS Build Cost Information Service (BCIS) and rebased the results to Q2 2012 (latest results that do not rely on forecasting) and Dorset as the location. The mean results of these inputs are as follows:</p> <ul style="list-style-type: none"> - Housing (generally) £852 per sq m (79 per sq ft) - Flats (generally) £1,003 per sq m (£93 per sq ft) - Sheltered Housing (generally) £1072 per sq m (£99 per sq ft) <p>Broadly these costs are the same as those outlined in the PBA report however we would comment that smaller more complicated sites are significantly more</p>

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					<p>expensive to build, especially for high end bespoke developers and specialist accommodation for the elderly, as they are not able to achieve economies of scale. The assumption that site typologies below 15 units (i.e. non national house builder sites) can be built to a cost of £852 per sq m is a concern.</p> <p>Promotion costs</p> <p>4.17 The cost of promoting a site through the planning process can be considerable, especially with the larger strategic urban extensions. The viability appraisals provided by PBA do not seem to recognise or allow for these costs and we would therefore ask that they are considered in setting the CIL rates prior to the Draft Charging Schedule consultation.</p> <p>Developers Profit</p> <p>4.18 The minimum profit margin that the lending institutions are currently prepared to accept, on residential development, is 20% on Gross Development Value. In recent months, the appeal decision relating to Land at The Manor, Shinfield, Reading has been made by the Planning Inspector. We are of the opinion that this is an important case in terms of viability in planning, and whilst it is not directly related to CIL, it does address many of the factors that are under consideration here. In particular developer's profit. The decision states: "The appellants supported their calculations by providing letters and emails from six national housebuilders who set out their net profit margin targets for residential developments. The figures ranged from a minimum of 17% to 28%, with the usual target being in the range 20-25%. Those that differentiated between market and affordable housing in their correspondence did not set different profit margins. Due to the level and nature of the supporting evidence, I give it great weight. I conclude that the national housebuilders' figures are to be preferred and that a figure of 20% of GDV, which is at the lower end of the range, is reasonable."</p> <p>4.19 PBA have adopted a profit of 20% on developer's costs and have failed to provide reasoning behind this figure. We would stress that the minimum acceptable profit margin for the Consortium is 20% on GDV. 20% on developer's costs is roughly equivalent to only 16.3% on GDV, which is significantly below the expectations of lenders. Through researching other Local Authority CIL viability assessments in the South it is evident that their consultants share this view. We have outlined below some of the neighbouring Local Authorities and their profit inputs:</p>

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					<p>Local Authority Profit Level Portsmouth 20% on GDV (adopted) Poole 25% on GDV (adopted) New Forest 20% on GDV Wiltshire 20% on GDV North Dorset/Weymouth and Portland 20% on GDV</p> <p>Developable Area</p> <p>4.20 The ratio of gross to net developable area is a key consideration, especially in respect to the typologies that test the larger residential sites.</p> <p>4.21 We have concerns that the gross:net ratios applied within the viability appraisals are inappropriate. For example, the typology for 100 units assumes a net to gross area of 100%. It is simply against policy to assume that a site of that size would have no requirement for on site Public Open Space, Sustainable Urban Drainage Systems, SANGs or other, on site infrastructure. A ratio of 70% would be more applicable. Furthermore, many forms of specialist accommodation for the elderly, such as retirement housing, provide communal areas for residents at an additional cost to developers. Typically an open market flatted residential development will provide 16% non-saleable floorspace, whereas this increases to 30% for sheltered accommodation and 35% for Extra Care accommodation. These forms of accommodation have mistakenly been included into the C3 residential category despite these differences.</p> <p>4.22 This is supported by the Local Housing Delivery Group's "Viability Testing Local Plans" document, which comments that "in all but the smallest redevelopment schemes, the net developable area is significantly smaller than the gross area that is required to support the development, given the need to provide open space, play areas, community facility sites, public realm, land for sustainable urban drainage schemes etc. The net developable area can account for less than 50%, and some times as little as 30% on strategic sites, of the total land to be acquired to facilitate the development (i.e. the size of the site with planning permission). Failure to take account of this difference can result in flawed assumptions and inaccurate viability studies".</p> <p>4.23 Assuming a 100% gross:net ratio artificially increases the viability of the proposed development, this point alone could result in the proposed CIL being unviable for all of the strategic sites within the Local Authorities.</p> <p>Professional Fees</p>

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					<p>4.24 As referred to previously in section 4.9, fees should take account of the cost associated with bringing forward and implementing proposed sites, including outline planning costs, reserve matters and discharge of planning conditions costs, undertaking public consultation and environmental impact assessment (EIA) compliance. Figures for fees relating to design, planning and other professional services can range from 8-10% of development costs for straightforward sites, up to 20% for the most complex multi-phased sites. Again putting this in to perspective, we believe that the professional fees figures used in the viability appraisals for the larger site typologies are too low.</p> <p>Viability Cushion</p> <p>4.25 In reality, site specific circumstances will mean that the economics of the development pipeline will vary from the typical levels identified via analysis of the theoretical typology. This is inevitable given the varied nature of housing land supply and costs associated with bringing forward development. Therefore, there must be a viability cushion incorporated either into the benchmark land value or elsewhere through the CIL assessment process which would ensure delivery of sufficient housing to meet strategic requirements.</p> <p>4.26 The Examiner’s Report for the Greater Norwich Development Partnership references the importance of not setting the CIL rates up to the margin of viability. In particular, it highlights greenfield sites: “The need for a substantial ‘cushion’ is particularly important on Greenfield sites where, as the Harman advice notes, prospective sellers are often making a once in a lifetime decision and are rarely distressed or forced sellers.” This statement notes that there must be allowance within the CIL rates to account for the variation in landowner aspiration, as well as the potential differences in costs and values of individual sites. The viability cushion should take account of the risks to delivery flowing from the potential for some sites to achieve a lower sales value than others. Indeed, PBA acknowledges this in the advice they have given the authorities within their viability study.</p> <p>Overall</p> <p>4.27 Our clients consider that the consultant’s report provided by PBA does not contain sufficient evidence to justify the conclusions. As a result the Consortium cannot agree to a number of points that have been raised by the report and feels that the rates set have not been set based on a robust evidence base, where it can be concluded that development will not be put at serious risk.</p>

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					<p>4.28 The approach advocated by our clients in this representation accords with the CIL Guidance and the advice within the NPPF.</p> <p>4.29 Our clients therefore request that the evidence be revised and made readily available, as summarised by the list below:</p> <ol style="list-style-type: none"> 1. The relationship between the typologies and the planned housing supply; 2. Allowance for the Affordable Housing requirements of the Local Authority in accordance with Policy; 3. Incorporation of a reasonable Developers Profit and professional fees; 4. Allowance for an appropriate gross to net developable land ratio; 5. Evidence of benchmark land values; 6. Detail of historic s.106 evidence and the likely s.106 requirements following the adoption of CIL; and 7. Evidence of an appropriate viability buffer. <p>5.0 Alternative Viability Appraisals – Savills 950 unit typology, 500 unit typology and 100 unit typology</p> <p>5.1 As mentioned in the previous section of this report, Savills on behalf of the Consortium considers that it is essential that the testing criteria takes into account the characteristics of the key housing sites as outlined by the pre-submission draft Core Strategy. The approach of the PBA report seems divorced from the reality of the planned development in terms of the development scenarios tested and consideration of land values and house prices in these areas.</p> <p>5.2 The emerging joint Core Strategy relies heavily on strategic sites in the form of new neighborhoods to deliver a significant proportion of the overall housing target; 3,400 (41%) of the proposed 8,200 new homes will be delivered through urban extensions. If the CIL rate is set too high it is possible that delivery of these key sites will be but at risk.</p> <p>5.3 In this regard Savills has carried out two viability appraisals to reflect the characteristics of the larger strategic sites and one based on 100 units to compare with the PBA appraisal. Savills provides commentary on these below with a summary of all of the inputs adopted. These inputs have been provided by the Consortium and by independent evidence collected by Savills. Copies have of these appraisals have not been included with this submission but are available upon request. We would be delighted to meet with the Councils and</p>

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					<p>their advisors to discuss matters further.</p> <p>Gross Development Value</p> <p>5.4 The PBA report has referred to a heat map (Figure 6.12) identifying the different value zones in the area however they have then not used this information effectively. The areas identified for growth are primarily within the three lowest value brackets. Within their appraisals they have adopted a single average rate approach of £2,800 per sq m (£260 per sq ft) for houses. In reality the values will vary depending on location. The heat map identifies average house prices on a like for like basis at £2,174 per sq m (£202 per sq ft) for the Grange area in Christchurch (identified to form part of the Christchurch Urban Extension) and £2,888 per sq m (£268 per sq ft) for the third lowest house price bracket (identified to form other important housing supply locations). We would question why, on average, such a high rate has been used when the majority of strategic sites sit in lower value areas.</p> <p>5.5 The North Wimborne strategic site is identified within the boundary of the highest value bracket (£404,000 – £438,000) however this is due to the higher value low density settlements to the north of Wimborne. This has artificially inflated the achievable prices for the North Wimborne Strategic site and we would expect them to be similar to the lower value (green) bracket immediately to the south. For the purpose of the appraisal of the 500 unit scheme we have adopted a rate of £2,800 per sq m (£260 per sq ft) to reflect the characteristics of a higher value strategic location.</p> <p>5.6 In setting the Gross Development Value for the two strategic site typologies, Savills has had regard to the average prices mentioned above for the key areas strategic development sites are located within. The 100 unit typology has been set at an average of £2,691 per sq m (£250 per sq ft). This small difference in average values has a large impact on the results of the appraisal scenarios.</p> <p>Construction Rate/ Sales Rate</p> <p>5.7 Savills has adopted the following construction rate for our two appraisals:</p> <p>950 unit typology:</p> <p>2014/2015 100 units 2015/2016 150 units 2016-2019 200 units per annum 2019/2020 100 units</p> <p>500 unit typology:</p>

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					<p>2015/2016 100 units 2016-2018 200 units per annum 5.8 We are of the opinion that the sales rate will roughly follow the same rate as the build rate. With this in mind we have assumed 3 sales a month for a single sales outlet with up to 3 sales outlets on any one site. Section 106 Contributions 5.9 Savills has adopted 35% on site affordable housing within our appraisal for the 950 unit typology and 40% for the 500 unit typology and the 100 unit typology, reflecting the likely affordable rates for locations with strategic development potential. In practice these units will be a mixture of social rented and shared ownership (likely to be around 70:30). For simplicity Savills has adopted an average capital value equating to 55% of the open market revenue for affordable housing. This level has recently been achieved by a number of housing schemes Savills has been involved with in the South. 5.10 PBA has included a £1,000 per dwelling Section 106 financial contribution and for Section 278 contributions. For a scheme of 950 dwellings this only amounts to £950,000, which is low if the Local Authority requires new schools or community facilities on site (which as we understand it will be secured via a S.106 agreement). Many of the new neighborhoods proposed in the emerging Core Strategy include significant infrastructure provision such as road improvements, new schools, sports pitches, and SANGs. The cost of a new primary school starts from approximately £5million, which on its own equates to over £5,263 per dwelling. 5.11 In addition, the Consortium would like clarity on whether the cost of SANG land or on site mitigation will be covered by Section 106 or by CIL. Should the cost need to be borne by Section 106, the cost per dwelling as outlined by the Dorset Heathlands Planning Framework 2012-2014 (September 2012) is £1,524 (house) and £952 (flat). Savills inputs Table 3: Savills inputs Heading Input 950 unit typology average open market sales price per sq m (per sq ft) £2,583 per sq m (£240 per sq ft) 500 unit typology average open market sales price per sq m (per sq ft) £2,799 per sq m (£260 per sq ft)</p>

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					<p>Remaining scenarios average open market sales price per sq m (per sq ft) £2,691 per sq m (£250 per sq ft) Average open market unit size 969 sq ft (90 sq m) 950 unit typology average affordable revenue per sq ft (per sq m) £1,420 per sq m (£132 per sq ft) 500 unit typology average affordable revenue per sq m (per sq ft) £1,539 per sq m (£143 per sq ft) Remaining scenarios average open market sales price per sq m (per sq ft) £1,480 per sq m (£137.50 per sq ft) Average affordable unit size 969 sq ft (90 sq m) Gross:Net 50:50 Affordable housing provision 35% - Christchurch UE 40% - Remaining scenarios Sales rate 3 per month based on up to 3 national house builders on site Construction rate c. 100 - 200 per annum (as above) Construction costs £79 per sq ft (£852 per sq m) Energy £3,000 per unit Contingency 5% of build costs Infrastructure cost per dwelling (500 unit typology) £20,000 Infrastructure cost per dwelling (950 unit typology) £15,000 Section 106 cost per dwelling £4,000 Professional fees 8% of build costs Acquisition costs 5.8% of land value Town planning costs £335 per dwelling plus planning consultants fees Marketing costs 1% of GDV Sales agent fee 1% of GDV Sales legal fee 0.25% of GDV Finance rate 7% including entry, exit, monitoring fees etc 5.12 Based on these assumptions, Savills has made an assessment of viability for a 950 unit typology, a 500 unit typology and the 100 unit typology. The following land values result (based on zero CIL): Scheme Residual Land value (per gross hectare) Threshold Land Value (per gross hectare) Surplus/ deficit before CIL (per gross hectare)</p>

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					<p>950 unit site typology £415,100 £308,000 £107,100 500 unit site typology £625,770 £308,000 £317,769 100 unit site typology £748,023 £308,000 £440,023</p> <p>5.13 The land values above would in theory support levels of CIL of: Scheme Theoretical CIL before viability buffer (per square metre) 950 unit typology £29 per sq m 500 unit typology £88 per sq m 100 unit site typology £122 per sq m</p> <p>5.14 This analysis demonstrates that the proposed levels of CIL presently sought are not achievable without putting the development of strategic Greenfield urban extension sites, such as the Christchurch UE and North Wimborne at serious risk.</p> <p>5.15 Savills considers CIL should be set at no higher than two thirds of the theoretically viable level as follows (i.e. allow a 33% buffer), noting that other authorities are seeking to apply rates of around 30% to 60% of the maximum potential rates indicated by their viability assessments.</p> <p>5.16 Savills are of the opinion that a 33% buffer should be applied to allow for an unforeseen costs and to avoid setting a rate at the limit of viability. A buffer lower than this is a risk to delivery. With the above in mind we have applied the buffer to the theoretical figures as below: Scheme CIL per square metre (net of viability buffer) 950 unit typology £20 per sq m 500 unit typology £58 per sq m 100 unit typology £80 per sq m</p> <p>5.17 This approach recognises realistic levels of value and also the significant costs associated with strategic urban extensions.</p> <p>5.18 It worth noting that we have run a sensitivity analysis to demonstrate the affect on viability if the 50% affordable housing policy was applied to our 3 scenarios, the results of this are below and include the 33% suggested buffer. Scheme CIL per square metre (net of viability buffer) 950 unit typology £0 per sq m 500 unit typology £33 per sq m 100 unit typology £54 per sq m</p>

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746457	Mr Ziyad Thomas	Policy Planning Officer The Planning Bureau Limited	CILPD51	Question 2	<p>As the market leader in the provision of retirement housing for sale to the elderly, McCarthy and Stone Retirement Lifestyles Ltd considers that with its extensive experience in providing development of this nature it is well placed to provide informed comments on the emerging Christchurch and East Dorset Community Infrastructure Levies (CIL), insofar as they affect or relate to housing for the elderly.</p> <p>Growing Elderly Population</p> <p>The National Planning Policy Framework stipulates that the planning system should be ‘supporting strong, vibrant and healthy communities’ and highlights the need to ‘deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community...such as...older people’ [emphasis added].</p> <p>The “What Housing Where Toolkit” developed by the Home Builders Federation uses statistical data and projections from the Office of National Statistics (ONS) and the Department for Communities and Local Government (DCLG) to provide useful data on current and future housing needs. The table below has been replicated from the toolkit and shows the projected changes to the demographic profiles of both Christchurch and East Dorset between 2008 and 2033. Left: Christchurch age profile projections. Right: East Dorset age profile projections</p> <p>In line with the rest of the country, this toolkit demonstrates that the demographic profiles of both Councils are projected to age. The proportion of the population aged 65 and over in Christchurch will increase from 29.45% to 37.86% between 2008 and 2033, with the same demographic projected to increase from 26.7% to 37.72% over the same timescale in East Dorset. The largest proportional increases in the older population is expected to be of the ‘frail’ elderly, those aged 75 and over, who are more likely to require specialist care and accommodation.</p> <p>The emerging Christchurch and East Dorset Core Strategy – Submission Version identifies that the demographic profile of the area is significantly older than the national average stating ‘The current proportion over retirement age (ONS 2008) is above the County and national average in Christchurch at 34% and in East Dorset at 32%, compared with 29% in Dorset as a whole and just</p>

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					<p>19% nationally'. This raises concerns over the future provision of adequate support and accommodation for the growing elderly population. This issue is specifically addressed in Policy LN7: Housing and Accommodation Proposals for Vulnerable People and its accompanying justification which provides guidance for the provision of specialist accommodation for the elderly. The justification to Policy LN7 stipulates that 'To achieve sustainable and inclusive communities, larger scale developments and new neighbourhoods should make provision for older and vulnerable people in both the market and affordable housing sectors. Including, but not limited to older and younger people and people with physical or learning disabilities'. It is therefore clear that the development of specialist accommodation for the elderly is a priority in both Christchurch and East Dorset.</p> <p>The CIL Guidance published in December 2012 stipulates that the proposed CIL rate should not threaten the delivery of the relevant Plan, in this case the emerging Core Strategy and specifically policy LN7: Housing and Accommodation Proposals for Vulnerable People. In light of this, we would consider that it is of vital importance that the emerging CIL does not prohibit the development of specialist accommodation for the elderly at a time when there is an existing and urgent need for this form of development.</p> <p>Viability Appraisal Assumptions</p> <p>The Preliminary Draft Charging Schedule provides a uniform CIL levy rate of £100 per m² for all forms of residential development throughout both Christchurch and East Dorset. Additionally a separate levy rate of £40 per m² for Care Homes is proposed for both Councils.</p> <p>Whilst there is an understandable desire to keep the charging rates as simple as possible the broad inclusion of some retirement housing within a "general residential heading" fails to acknowledge the very specific viability issues associated with such specialist accommodation for the elderly. The Viability Assessment did not include a development scenario for retirement housing, despite the significant differences between this form of accommodation and standard market housing. The justification for the consultant's stance on this matter simply being as follows:</p> <p>"We are carefully distinguishing this type of provision (C2: Care Home) from retirement flats and quasi-retirement accommodation sometimes known as assisted living apartments. The term assisted living or extra care housing is</p>

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					<p>used to describe developments that comprise self-contained homes with design features and support services available to enable self-care and independent living. These types of accommodation are included in the C3 category and are chargeable under the residential rate.”</p> <p>We consider this stance to be a gross oversimplification of a specialist sector of the housing market which, in demographic terms, is integral to meeting the future housing and care needs of both Christchurch and East Dorset. It is therefore important that a diverse range of accommodation for the elderly is able to come forward and that the defining characteristics of these forms accommodation are understood properly.</p> <p>The consultant’s definition of extra-care accommodation as ‘quasi-residential’ and within the C3 Use Class is of particular concern. Extra Care accommodation, such as the Assisted Living schemes provided by McCarthy and Stone, differs considerably from general needs housing in terms of both facilities and care provision – general needs housing does not contain restaurant facilities that provide at least one hot meal per day for residents for example nor care which is provided to all residents. In relatively recent planning negotiations with other Dorset authorities (Poole and West Dorset) and with East Dorset Council over the Assisted Living development in Ferndown, Cherrett Court, it was accepted by Council Officers that the development was a C2 Use Class. Regardless of the ambiguities of the Use Class system on this matter, it is clear that there are key differences between general needs housings and retirement flats and indeed between retirement flats and Extra Care accommodation. Central to this is the provision of additional communal facilities and, in the case of Extra Care accommodation, care facilities at an additional cost to the developer. Indeed it is an increasingly standard practice for the Viability Appraisals informing CIL rates to provide a separate appraisal for both Retirement Flats and Extra Care Accommodation – recent examples being Dacorum Borough Council and Bedford Borough Council.</p> <p>Given that the population profiles of both Christchurch and East Dorset are markedly older than the national average it is of extreme importance that the evidence base supporting the CIL rate for specialist accommodation for the elderly is robust and accurate.</p> <p>In light of this we obviously need to ensure that the supporting viability work for the CIL is actually representative of what is happening in the real market place</p>

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					<p>for all forms of housing. The remainder of this letter will detail key aspects of how the viability assumptions for specialist accommodation for the elderly differs from general needs housing.</p> <p>Communal Areas</p> <p>Many forms of specialist accommodation for the elderly, such as retirement housing, provide communal areas for residents at an additional cost to developers. Specialist housing providers also have additional financial requirements as opposed to other forms of development that will only pay on 100% saleable floorspace. This does not provide a level playing field for these types of specialist accommodation and a disproportionate charge in relation to saleable area and infrastructure need would be levied.</p> <p>In comparison to open market flats the communal areas in specialist accommodation for the elderly are considerably larger in size, fulfil a more important function and are accordingly built to a higher specification in order to meet the needs of the elderly than those provided by open market flatted developments. Typically an open market flatted residential development will provide 16% non-saleable floorspace, whereas this increases to 30% for sheltered accommodation and 40% for Extra Care accommodation. This places providers of specialist accommodation for the elderly at a disadvantage in land acquisition as the ratio of CIL rate to net saleable area would be disproportionately high when compared to other forms of residential accommodation</p> <p>Sales Rate</p> <p>In the case of retirement housing for example there is also a much longer sales period which reflects the niche market and sales pattern of a typical retirement housing development. This has a significant knock on effect upon the final return on investment. This is particularly important with empty property costs, borrowing and finance costs and sales and marketing which extend typically for a longer time period. Currently the typical sales rate for a development is approximately one unit per month, so a 45 unit retirement scheme (i.e. an average sized scheme) can take 3-4 years to sell out.</p> <p>As a result of this typical sales and marketing fees for specialist accommodation for the elderly are typically in excess of 6% of GDV assumed in the Viability Assessment.</p> <p>Empty Property Costs</p>

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					<p>Properties can only be sold upon completion of the development and the establishment of all the communal facilities and on-site house manager. These communal areas cost additional monies to construct and are effectively subsidised by the developer until a development has been completely sold out. In a McCarthy and Stone development the staff costs and extensive communal facilities are paid for by residents via a management / service charge. However, due to the nature of these developments the communal facilities have to be fully built and operational from the arrival of the first occupant. Therefore to keep the service charge at an affordable level for residents, service charge monies that would be provided from empty properties are subsidised by the Company (these are typically known as Empty Property Costs). This is a considerable financial responsibility as, as previously mentioned, it usually takes a number of years to fully sell a development. For a typical 45 unit McCarthy and Stone Later Living development the Empty Property Costs are on average £100,000.</p> <p>Build Costs</p> <p>Whist the Viability Assessment differentiates between the build costs between bungalows, houses and apartments, excluding abnormals, it does not consider the build costs of flatted sheltered housing.</p> <p>The Build Costs Information Services (BCIS) shows that the Mean Average Build Costs per m² for a region. This database consistently shows that build costs vary significantly between housing types with the cost of providing sheltered housing consistently higher than for general needs housing and apartments.</p> <p>The most recent BCIS figures for Dorset (Quarter 2, 2012) show that the mean cost of building one m² of estate housing is £864, while the equivalent cost for apartment developments is £1017 per m². Sheltered housing costs £1,072 per m² - 5.4% more expensive than the cost of building apartments and 24% more expensive than estate housing.</p> <p>While the BCIS figures are subject to fluctuation it is our experience that specialist accommodation for the elderly tends to remain in the region of 5% more expensive to construct than apartments and generally between 15 to 20 % more expensive than estate housing.</p> <p>Developer Profits</p> <p>In the foreseeable economic climate we would consider that the minimum anticipated developer profit required to achieve financial backing for a retirement</p>

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					<p>scheme to proceed would be 20% of Gross Development Value (GDV). The proposed Charging Schedule works on the basis of an assumed profit of 20% based on development costs. Developer returns assumed on this basis would not provide sufficient incentive for developers of specialist accommodation for the elderly to take on the risk of return.</p> <p>Basing developer profits on GDV over development costs is the usual accepted approach in this area because of the risks involved and the cost of capital in the current market and many of the neighbouring Local Authorities have based their CIL Viability Assessment Appraisals using this assumption including the recently adopted CIL charging schedules at Poole and Portsmouth.</p> <p>I would also like to draw the Council's attention to the recent Examiner's Report for the Greater Norwich Development Partnerships CIL which was published recently. The concluded that the Council has undertaken an over-simplistic approach to finance and cash flow considerations in which the use of build costs rather than GDV as a basis for calculating over heads and profit margins was specifically cited (paragraph 24.). As a result the Council's CIL rate for residential development was reduced by 35%.</p>
650761	Mr Anthony Ferguson	Peacock and Smith Limited	CILPD55	Question 2	<p>Viability Assessment Method We commend the adoption of the RICS guidance on Financial Viability in Planning and the use of the Market Value to determine the land value benchmark (or 'threshold').</p> <p>In other Local Authority areas we have seen Economic Viability Assessments which are based on an existing use value + a premium approach to land value. This may be appropriate for a site specific planning application where the existing use is known, but it is not appropriate for area wide viability assessment where you are appraising a series of hypothetical typologies.</p> <p>Benchmark Land Values We note at paragraph 5.16 the use of £2,600,000 per hectare (£1,052,205 per acre) for convenience retail land value benchmarks. This may be low as it does not take into account the fact that landowners will reflect the full development value in their aspirations. Landowners are likely to "hold out" until they have explored their potential returns fully, and may not sell the site if the proposed returns are below their expectations. In many cases landowners have not fully discounted the value of their land following the credit crunch and the land market correction is still taking place. This is particularly relevant for sites that have the potential for the delivery of convenience retail schemes. In the case of retail developments, landowners are likely to hold out</p>

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					<p>for the highest value and are unlike to accept a reduction in their land value for CIL. This is particularly the case given the substantial site-specific s106 contributions which are still likely to be required (see below).</p> <p>Site specific S106 We note (paragraph 5.27) that allowances have been made of £5,000 and £10,000 for site specific S106 contributions for smaller in-town convenience stores and larger out-of-town supermarkets respectively. These figures are unrealistically low. In the experience of our client, for a large foodstore such costs could be in the order of £0.5m for S106 and £0.5m for S278. We recommend that the appraisals are reworked to reflect these costs.</p> <p>Abnormal costs Abnormal costs also need to be considered, as frequently supermarkets are located on brownfield land. No allowance has been made and for a scheme of this scale this is unrealistic.</p> <p>Build Costs (Circle Appraisal) We note from Table 5.1 that BCIS has been used to obtain residential build cost benchmarks. We assume that this is the case for the non-residential development typologies, but it is not clear how the rate of £800 psm (£74.32 psf) has been arrived at for retail. We have consulted BCIS (at 18 February 2013) and the median figure for hypermarkets/supermarkets between 1,000 and 7,000 sqm is £1,075 psm and the mean £1,039 psm (adjusted for South West Region). These figures are significantly in excess of the level selected (£800 psm) and would have a significant impact on viability of convenience retail. The assessment needs to be reviewed to reflect build costs as evidenced by BCIS.</p> <p>Professional Fees (Circle Appraisal) We note that an allowance has been made of 8% for professional fees. We would suggest that this is not high enough given the complex and specialist services that are often required to deliver food supermarket projects e.g. transport assessments, retail impact, S106 / S278 negotiations, legal fees, a full suite of planning reports included water, flooding, ecology etc. We would recommend a fee budget of 12% is more appropriate.</p> <p>Finance (Circle Appraisal) It is not clear from the selective publication of the Argus appraisal Summary over what period the interest has been calculated. Given the complex nature of retail development there are likely to be substantial other site assembly costs and holding costs incurred over an extended period of time which will impact the cashflow and interest charge.</p>

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					<p>Developers profit (Circle Appraisal) Finally, profit is set at 20%. We would suggest that the developers profit level for the 4,000 sqm store is increased to 25% on cost based on:</p> <ul style="list-style-type: none"> • developer’s site assembly risk; • holding costs and timescales to secure returns can be very long; • funding costs and risks where even for prime supermarket developments bank finance is scarce and requires developers to contribute large amounts of equity; • planning costs and risks (some of which could be abortive).
521508	Ms Lisa Jackson	Managing Director Jackson Planning Ltd	CILPD60	Question 2	<p>This response relates specifically to the Roeshot (CN1), but the principles are also applicable to Burton (CN2). There are three problems with evidence assumptions in relation to revenue, costs and profit in the viability for Roeshot. The revenue expectations have been calculated based on a borough-wide average, however where a site is within a lower revenue area this will over estimate expected revenue from the site and impact significantly upon viability. The Roeshot site, as evidenced by the CIL report, falls within a lowest revenue area of the Borough as it is in the catchment for The Grange Secondary School, which negatively impacts on house prices. Furthermore, the revenue rates are significantly higher than conclusions reached in the Whiteleaf report. Using the Borough average is therefore not correct for this site, as it artificially inflates the revenue expectations. This is especially important given the scale of site CN1. With costs, although the Whiteleaf assessment has allowed for some development costs, and in particular abnormal costs, it has no allowance for unknown costs. A degree of contingency is required to cover unknowns such as drainage (SUDS), utilities, noise mitigation, archaeology and ground conditions . These elements have the potential to seriously affect the eventual scheme viability</p> <p>On the profits issue the Peter Brett study has envisaged a two-stage process at Roeshot to provide a serviced site. The first element relies on land sales derived from assumptions on viability based on unknown costs. The second stage element, where an infrastructure provider services the site, has insufficient profit incentive to make this scenario achievable bearing in mind unknown costs, costs of finance and attitude to risk. It is simply not possible to fix these assumptions at this stage with so much evidence yet to be finalised.</p> <p>MEM Ltd believe that given the importance of Roeshot, as the largest strategic site within Christchurch, that delivers a third of all housing needs in the plan</p>

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					period to 2028, it is critical that if CIL is applied at a single rate across the Borough must be viable for this site. In addition with the aspiration for affordable housing at 50% on site CN2 it is clear that the proposed CIL rate cannot deliver this level of affordable housing and the development as planned. The CIL rate as currently proposed places a serious risk of achieving the overall development of the area as none of the strategic greenfield sites within Christchurch can be delivered with the CIL rate as proposed and we believe on this basis the rate is likely to be rejected by the examiner.
746532	Ms Rachel Robinson	WYG Planning & Design	CILPD69	Question 2	In addition, in order to apply a differential rate to comparison and convenience retail development (assuming a distinct different intended use can be defined), the Councils need to provide evidence that comparison and convenience retail have demonstrably different viability outcomes. However, the viability assessment tested only 3 retail scenarios. This is palpably not a sufficiently fine grained approach as sought in the Guidance. The viability assessment did not include either a large convenience/grocery retail development in a town centre/edge of centre location or a retail warehouse scheme. A retail warehouse would be classed as comparison retail and may well be capable of supporting a CIL charge, whereas a town centre convenience retail development, may not. Therefore, there is insufficient fine grained evidence to show that the type of goods sold alone would result in different viability outcomes. As such, the proposed differential CIL charge is not supported by the available evidence in this case.
747385	Ms Hannah Machin	Tetlow King	CILPD73	Question 2	We are concerned that several development scenarios have not been tested by the viability assessment. Firstly, the assessment does not test the viability of charging CIL on one unit residential schemes. CIL is applicable on all new net residential floorspace gain and therefore it is important to test the effect on the smallest schemes, particularly in an authority like Christchurch where the supply of one unit schemes makes a very important contribution to housing supply. Secondly, the viability assessment does not test the effect of CIL on the large strategic residential schemes outlined in the Joint Core Strategy. DCLG's recent guidance clearly stipulates that: "A charging authority should sample directly an appropriate range of types of sites across its area in order to supplement existing data...The focus should be in particular on strategic sites on which the relevant Plan relies."

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					<p>Para 27, Pg 9, Community Infrastructure Levy Guidance, DCLG, December 2012</p> <p>In Christchurch and East Dorset several developments of over 200 homes are allocated, the effect of CIL on sites of this size should have been tested.</p> <p>Site Cost Assumptions</p> <p>We note that the Council have not included costs of SANGs within the developer contributions section of their residential viability appraisals, even on the largest sites of 100 homes. The recently published Dorset Heathlands DPD states: "For large sites of over 50 dwellings it will be expected that the provision of SANGs will form part of the infrastructure provision of that site particularly where urban extensions or greenfield sites are proposed" (para 8.23, pg20, Dorset Heathlands DPD, 2013)</p> <p>This policy clearly states that SANGs are a normal development cost for developers in Dorset. According to the recent CIL guidance SANG contributions should, therefore, be included in the Council's viability assessment.</p> <p>"They should take into account other development costs arising from existing regulatory requirements, including taking account of any policies on planning obligations in the relevant Plan" (para 29, pg 10, Community Infrastructure Levy Guidance, 2012)</p> <p>Whilst the Heathlands DPD has yet to be adopted, it does contain requirements for planning obligations which should have been included within the Councils' viability assessment. We consider that the Councils' should re-run their viability tests with the affordable housing target from the emerging Core Strategy and the contribution costs included in the Heathlands DPD. This would ensure that the Councils' CIL charges can be shown to be robust at examination as well as workable in the medium term.</p>
747385	Ms Hannah Machin	Tetlow King	CILPD74	Question 2	<p>CIL Charge for Older People's Housing</p> <p>We note that the Councils' viability assessment shows that a level of CIL is viable for C2 uses, however, the study does not consider alternative forms of specialist older people's which fall within the C3 Use Class. The most recent CIL guidance is clear that: "resulting charging schedules should not impact disproportionately on particular sectors or specialist forms of development"</p> <p>Para 37, pg 12, Community Infrastructure Levy Guidance, DCLG, December 2012.</p>

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					<p>Whilst older people's housing within the C3 class shares some characteristics with general market housing, as households have their own living space and front doors, there are some considerable difference which effect the viability of such schemes. Typically specialist older people's housing has a considerably higher percentage of non-saleable communal floorspace than general market housing. In addition, sales periods are much longer than general market properties as units cannot be sold off-plan. We consider that further viability work is required to ascertain the effect of CIL charges on older people's housing across both Use Classes C2 and C3 and suggest the Councils consider setting a separate charging rate for all types of older people's accommodation. A separate CIL charge for older people's accommodation would appear to be the most appropriate option. As the CIL guidance states, CIL charges can cut across Use Classes. Paragraph 35 of the recently published CIL guidance states:</p> <p>'The definition of "use" for this purpose is not tied to the classes of development in the Town and Country Planning Act (Use Classes) Order 1987, although that Order does provide a useful reference point.'</p> <p>Given the aims of the emerging Local Plan to provide housing for this age group and the considerable level of household growth from this sector over the plan period, we consider that setting a CIL charge for older people's accommodation will provide greater certainty for developers. The current approach of charging for charging the same level of CIL on all types of C3 development will frustrate the delivery of accommodation such as Extra Care Housing and threaten the plan's ability to deliver sufficient housing for the over 50s age group.</p>
747430	Mr Thomas Rumble	Woolf Bond Planning	CILPD78	Question 2	<p>We refer to the above consultation exercise and enclose representations submitted on behalf of our clients Messrs Taylor Wimpey UK Ltd. Our clients have the controlling interest as the proposed Christchurch urban extension comprising land north of Roeshot Hill and wish to ensure that the planning policy framework aimed at securing release of the land is satisfactory, sufficiently flexible and viable.</p> <p>Joint response to Questions 1-3</p> <p>i. The National Planning Policy Framework (NPPF) (CLG, 2012)</p> <p>The NPPF provides for a presumption in favour of sustainable development that is to become the basis for every plan and sets out the Government's requirements for the planning system. The NPPF at para 175 is clear that CIL</p>

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					<p>should provide a pro development focus in terms of its implementation: 'Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place'.</p> <p>In regard specifically to the issue of viability the NPPF states: 'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable' (para 173).</p> <p>Further in regard to overall infrastructure planning, the NPPF states: 'To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan' (para 177).</p> <p>ii. CLG Written Ministerial Statement (23rd March 2011)</p> <p>In regard to Section 106 matters, the Local Authority is reminded that Greg Clarke's Decentralisation Written Ministerial Statement dated 23 March 2011 set out a number of objectives from the 2011 Budget that are to inform the decisions Local Planning Authorities are taking now. This includes the following requirement: 'To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms'.</p> <p>The above is further supported by the Chief Planning Officers letter to Local Planning Authorities (dated 31st March 2011): 'Understanding the impact of planning obligations on the viability of development will be an important consideration when obligations are reviewed, particularly where they were reached in different economic circumstances. An appropriate review of obligations, which takes account of local planning priorities, could allow development to proceed on stalled schemes'. (Annex B)</p> <p>The above provides a clear indication that the Government is taking seriously</p>

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					<p>the Country's continued depressed economic state and the need to kick start the development industry by ensuring that unduly onerous section 106 or for that matter CIL requirements do not stifle prospective development.</p> <p>iii. CLG Written Statement: Housing and Growth (6th September 2012) The Secretary of State's Written Statement on 'Housing and Growth' (dated 6th September 2012) provides a further relevant update to the Government's latest position regarding viability. This statement sets out that the Government's main priority is to get the economy growing and that there is a need to get Britain building again, acknowledging the present need for housing set against supply constraints: 'The need for new homes is acute, and supply remains constrained. There are many large housing schemes in areas of high housing demand that could provide real benefit to local communities once delivered. But, large schemes are complicated and raise a wide range of complex issues that can be difficult to resolve' (page 2). (Our underlining)</p> <p>The Christchurch Borough Council Annual Monitoring Report 2010/11 (published March 2012) states that over the five year period 2006 to 2011, a total 182 affordable dwellings have been delivered (an average of 36.4 units per annum).</p> <p>Further in regard to the overall need for affordable housing in the Borough, the '2011 Strategic Housing Market Assessment Update: Summary report for Christchurch Borough Council' states as follows: 'Bringing together information from a range of sources about need and supply it is estimated that there is an annual need to provide 332 additional units of affordable housing per annum if all needs are to be met (in the five year period from 2011 to 2016)' (para 5.2).</p> <p>It is evident from the above that the Borough has significantly under delivered against overall affordable housing needs over the past five years and in the interim the overall affordability of housing within the Borough continues to decline. The Secretary of State's announcement goes on to acknowledge that a key constraint upon housing delivery is affordable housing provision: 'It is vital that the affordable housing element of Section 106 agreements negotiated during different economic conditions is not allowed to undermine the viability of sites and prevent any construction of new housing. This results in no</p>

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					<p>development, no regeneration and no community benefits at all when agreements are no longer economically viable.</p> <p>The Government estimates that up to 75,000 new homes are currently stalled due to site viability. S106 is an important tool to provide affordable housing and we welcome the flexible approach that many councils have already taken to renegotiating these agreements where necessary.</p> <p>...</p> <p>The Government will now introduce legislation, to be effective in early 2013, which will allow any developer of sites which are unviable because of the number of affordable homes, to appeal with immediate effect. The Planning Inspectorate will be instructed to assess how many affordable homes would need to be removed from the Section 106 agreement for the site to be viable in current economic conditions. The Planning Inspectorate would then, as necessary, set aside the existing Section 106 agreement for a three year period, in favour of a new agreement with fewer affordable homes. We would encourage councils to take the opportunity before legislation comes into effect to seek negotiated solutions where possible.</p> <p>Alongside this, the Government is also consulting on legislation that would allow developers to renegotiate non-viable Section 106 agreements entered into prior to April 2010' (page 3).</p> <p>(Our underlining)</p> <p>The above is clear in setting out that affordable housing provision provides a substantive constraint to housing delivery and in turn measures such as the right to appeal defined requirements with immediate effect are being introduced. The Borough of course are presently going through the Examination in Public process including a proposed Core Strategy requirement for up to 35% of new dwellings to be affordable on the Roeshot Hill site (proposed Policy CN1 as per the Proposed Changes to the Core Strategy Pre-Submission document). It is therefore vital that the proposed CIL rate reflects this undeniable constraint to scheme viability.</p> <p>iv. Community Infrastructure Levy Guidance (CLG, 2010)</p> <p>This CLG document provides an overview of the Community Infrastructure Levy (CIL); a new planning charge that came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (now amended by the Community Infrastructure Levy (Amendment) Regulations 2011). As required by</p>

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					<p>Regulation 14 of the Act it is essential that charging authorities in setting CIL rates strike what appears to the charging authority to be an appropriate balance between the desirability of funding infrastructure from CIL and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area. Accordingly the guidance notes that in the event that the above is not achieved the examiner will 'modify or reject the draft charging schedule if it puts at serious risk the overall development of the area. In considering whether the overall development of the area has been put at serious risk, the examiner will want to consider the implications for the priorities that the authority has identified in its Development Plan (for example planned targets for housing supply and affordable housing), or in the case of the Mayor's CIL, the implications for the London Plan' (para 10).</p> <p>The guidance goes onto state that this balance will depend upon the characteristics within individual Local Planning Authorities: 'For example, some charging authorities may place a high premium on funding infrastructure if they see this as important to future economic growth in their area, or if they consider that they have flexibility to identify alternative development sites, or that some sites can be redesigned to make them viable. These charging authorities may be comfortable in putting a higher percentage of potential development at risk, as they anticipate an overall benefit' (para 7). (Our underlining)</p> <p>It is our strong view that such flexibility to deliver alternative development sites does not exist within the Borough. This is evident from the Borough's respective constraints (including Green Belt, areas subject to flood risk and Special Protection Area designations) and the pressing need for affordable housing. Accordingly and with the Governments objectives in mind, the delivery of housing and associated economic growth benefits is the paramount consideration in determining a suitable CIL charging schedule.</p>
747456	Mr Richard Healslip	West Parley Parish Council	CILPD82	Question 2	<p>The CIL guidance, published in 2012, says " the charging authorities should sample directly an appropriate range and types of sites across its area in order to supplement existing data" East Dorset District Council do not appear to have tested their large strategic sites, either in West Parley or any of the other areas where housing is proposed. They have also not included the cost of SANGs in working out the site costs associated with each development.</p>

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359555	Mr L Hewitt	Town Clerk Wimborne Minster Town Council	CILPD86	Question 2	Not Known
359261	Mr Doug Cramond	DC Planning Ltd	CILPD92	Question 2	<ul style="list-style-type: none"> • Notwithstanding Brett's para 2.17 we consider that the question of strategic sites being dealt with separately should at least be explored further and the pros and cons drawn out particularly when considering site specific obligations which are likely to be considerable • The £1k per unit allowance for S106 at Brett's 5.24 is unrealistic particularly for the urban extensions and given the Council's proposed requirements for these areas ; • The £1700 m2 revenue for affordable housing at 5.28 seems too high; • The build costs of £837 m2 at 5.28 are too low particularly for a District which, rightly, has such high levels of design demands through its Policies, Briefs and development control practices; • The 30% affordable homes assumption (5.28) needs clarity and if this is a policy change then other documents and assumptions need to reflect this; • In view of the reluctance of financial institutions to lend to the development sector following the recession, most valuers in carrying out appraisals are looking for profits at 25% on Gross Development Value rather than 20% on cost as used in the appraisals • We are not convinced by the case for not testing scenarios over 100 units (Brett's 6.45) – whilst the phasing case is argued for not doing this, the immediate infrastructure mitigation measures and costs carried by the development are not always able to be phased;
743697	Ms Fiona Astin	Regional Development Director (Dorset & Somerset) Aster Homes	CILPD21	Question 3	<p>The blanket rate of £100 on residential development represents (in very broad brush terms) around 10% of construction costs. Therefore it adds approximately 10% to development build costs. The charge is additional to affordable housing requirements. We are concerned that the combination of CIL and affordable housing requirement will have a direct impact on affordable housing delivery through the viability assessment process.</p> <p>As CIL is compulsory, and affordable housing provision negotiated through S.106, if a developer is making a viability case, the affordable housing requirement is the only available item available for the planning team to negotiate downwards to achieve a viable scheme.</p>

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					<p>The current and ongoing economic climate means that developer profit margins are already ‘squeezed’. East Dorset and Christchurch Core Strategy includes some ambitious affordable housing percentage targets, especially on new large scale sites. We believe that the proposed CIL introduces a high risk that these targets will not be able to be met.</p> <p>In connection with my recent CIL Charging Schedule consultation response, I thought it may be of interest to share Mid-Devon District Council’s experience with you. This is of great relevance to my own concerns in relation to East Dorset and Christchurch’s proposed approach.</p> <p>Attached is the Inspector’s report from the Mid-Devon Community Infrastructure Levy (CIL). We are part of a consortium of housing associations which retain Tetlow King across the South West of England to provide planning policy advice. Jamie Sullivan of Tetlow King appeared at the examination on behalf of the South West HARP Planning Consortium to argue for a reduction in the level of CIL as the Council had not taken their full affordable housing target of 35% into account (see text from the Inspector’s report below):</p> <p>“I consider that it is reasonable to conclude that the use of the 22.5% figure by the Council will be seen as a reason not to seek the achievement of the full target and consequently it will put the provision of affordable housing at serious risk. If the Council wishes to reduce the percentage of affordable housing to be provided (assuming such an approach could be justified, bearing in mind the advice in the NPPF that in principle the full objectively assessed needs for market and affordable housing should be met)[1] then this should be achieved through a review of the adopted policies. The Council should have taken all its policy requirements, including affordable housing, into account when setting the CIL rate and on this basis it can be concluded that the viability evidence, on which the proposed charge of £90 per sqm is based, is not robust.”</p> <p>The Inspector has recommended that the Council reduce the level of CIL by 56% from £90/sqm to £40/sqm based on the effect the proposed level of CIL would have had on the delivery of affordable housing. This is the first case in which an Inspector has prioritised the delivery of affordable housing over CIL receipts and is a double success as not only will the affordable housing target remain in place in Mid Devon, CIL payments will be reduced for any general market housing developed in the area – making cross-subsidy rural exception schemes more viable.</p>

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					<p>Report to Mid Devon District Council by David Hogger BA MSc MRTPI MCIHT an Examiner appointed by the Council Date: 20 February 2013 PLANNING ACT 2008 (AS AMENDED) SECTION 212(2) REPORT ON THE EXAMINATION OF THE DRAFT MID DEVON DISTRICT COUNCIL COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE Charging Schedule submitted for examination on 5 September 2012 Examination hearing held on 21 November 2012 File Ref: PINS/Y1138/429/11 Non Technical Summary This report concludes that the Mid Devon District Council Community Infrastructure Levy Charging Schedule as submitted does not provide an appropriate basis for the collection of the levy in the District. The rate proposed for residential development does not reflect the Council’s target for the provision of affordable housing (as set out in the Development Plan) and because the rate is set too high, there is a serious risk to affordable housing provision and thus the overall development of the area. One modification is needed to overcome this deficiency and ensure that the statutory requirements are met. This can be summarised as follows: • Replace the £90 per sqm charge for dwelling houses by a charge of £40 per sqm. The modification recommended in this report is based on matters discussed during the public hearing session and in the written representations received.</p> <p>Introduction 1. This report contains my assessment of the Mid Devon District Council 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 (Charge Setting and Charging Schedule Procedures – DCLG – March 2010). To comply with the relevant legislation the local charging authority has to submit what it considers to be a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of</p>

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					<p>development across the District.</p> <p>2. The basis for the examination, which included one hearing session, is the Draft Charging Schedule dated July 2012 (submitted on 5 September 2012), the written representations and other material submitted prior to and at the hearing, and the submissions made in response to matters raised at, and following, the hearing.</p> <p>3. The Council proposes a single charge of £90 per square metre (sqm) only in relation to dwelling houses (C3). Preliminary Matter</p> <p>4. Following the hearing session a legal opinion was submitted which sought to argue firstly that a CIL Charging Schedule is capable of being subject to the Strategic Environmental Assessment Directive and secondly that the Mid Devon CIL should have been subject to a sustainability appraisal (SA) because it seeks to re-order priorities set out in the Development Plan which may give rise to significant environmental effects.</p> <p>5. CIL is a levy set out in a Schedule, not a plan or a programme to which the Directive applies and there is no requirement in the Regulations or in the Localism Act for the Schedule to be accompanied by an SA. Indeed paragraph 19 of the Charge Setting and Charging Schedule Procedures (CSCSP) specifically advises that charging schedules will not require an SA. Is the charging schedule supported by background documents containing appropriate available evidence? Infrastructure planning evidence</p> <p>6. The Mid Devon Core Strategy (CS) was adopted in July 2007 and the Allocations and Infrastructure Development Plan Document (AIDPD) in October 2010. These set out the main elements of growth in the District that will need to be supported by further infrastructure. The Council provided an up-dated list of infrastructure requirements and costs (pending publication of the Regulation 123 list) and these include improvements relating to transport, air quality and community facilities. The role of the evidence is not to provide assurances as to precisely how the levy would be spent and bearing in mind local authorities may spend their CIL revenues on different projects from those identified and that any list is only indicative in nature, I am satisfied that the provisional list provides a sound basis on which to assess the aggregate funding gap.</p> <p>7. It is estimated that total infrastructure costs would be about £117 million and</p>

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					<p>under the Council's currently proposed charge there would be a funding gap of at least £60 million, of which it is estimated that about £32 million could be raised from CIL. In light of the information provided, the proposed charge would therefore make a reasonable contribution towards filling the likely funding gap of £60 million. The figures demonstrate the need to levy CIL.</p> <p>8. A number of comments were made regarding the relationship between the CIL charge and S106 planning obligations. The Council produced a supplementary paper on this matter setting out its position, which also refers to the forthcoming Regulation 123 list of infrastructure projects. Such clarification is to be welcome but it is not a matter for the current Examination to pursue.</p> <p>Residential Viability Evidence</p> <p>9. The Council relies primarily on the CIL Viability Supplementary Evidence Report, dated May 2012. This assessment uses a residual valuation approach, which is based on assumptions for a range of factors such as building costs (including Code for Sustainable Homes requirements), profit levels and fees. Five generic sites were appraised and although there was criticism about the small number of options assessed I am satisfied that they are representative. The CSCSP refers to assessing a few sites and the Council's approach is proportionate and reasonable. A number of concerns were raised by respondents, regarding various elements of the evidence, which I shall address later in the Report but of particular concern was the Council's approach to affordable housing.</p> <p>Evidence Relating to Affordable Housing</p> <p>10. The CS sets an overall target for affordable housing provision of 30% and it confirms that the delivery of affordable homes is a key issue for the District. For what are described as urban sites, however, the target in the AIDPD is 35% (Bampton, Crediton, Cullompton and Tiverton). The Council has not used the 35% figure but has utilised a figure of 22.5% in its calculations (a 36% reduction on its target) because it states that this represents the average percentage of affordable housing currently being achieved. However, reference is made to a current planning application at Farleigh Meadows in Tiverton, where the full 35% provision has been offered by the developers, although I acknowledge that sites in other locations have achieved much lower provision.</p> <p>11. The policies in the Development Plan (DP) reflect the Council's objective which is to achieve at least 35% affordable housing on 'urban sites'. This</p>

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					<p>approach accords with the advice in the National Planning Policy Framework (NPPF) which advises that requirements for affordable housing should be set out . The NPPF also advises that CIL charges should be worked up and tested alongside the local plan .</p> <p>12. There was discussion regarding the terminology used and it is correct that policy AL/DE/3 refers to a target of 35% affordable housing provision. However, it is clear that there is a very significant need for affordable housing in the District and policy AL/DE/2 states that 2,000 or more affordable dwellings should be provided between 2006 and 2026.</p> <p>13. The DP policies – including where appropriate the affordable housing targets - will remain the starting point in the consideration of any planning application. The key test is therefore whether or not the assumptions upon which the proposed level of CIL are based would undermine the delivery of the DP targets, particularly with regard to affordable housing provision. The CSCSP advises that consideration should be given to the implications of the charge for the priorities that the Council has identified in its DP and the specific example of affordable housing targets is given.</p> <p>14. I consider that it is reasonable to conclude that the use of the 22.5% figure by the Council will be seen as a reason not to seek the achievement of the full target and consequently it will put the provision of affordable housing at serious risk. If the Council wishes to reduce the percentage of affordable housing to be provided (assuming such an approach could be justified, bearing in mind the advice in the NPPF that in principle the full objectively assessed needs for market and affordable housing should be met) then this should be achieved through a review of the adopted policies. The Council should have taken all its policy requirements, including affordable housing, into account when setting the CIL rate and on this basis it can be concluded that the viability evidence, on which the proposed charge of £90 per sqm is based, is not robust.</p> <p>15. Following the identification of affordable housing provision as an issue of significant concern, the Council did submit evidence to show that if the calculations were based on 35% affordable housing provision, then a lower CIL charge of £40 per sqm would be viable. The five viability appraisals were re-assessed. The urban extension models at Cullompton and Tiverton and the urban infill model at Bampton were found to be viable with the lower charge. The situation with regard to the urban infill site models at Crediton and in a village</p>

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					<p>location are described as marginal but bearing in mind there are likely to be considerable variables between such sites, there is no reason to conclude that the lower charge would put at serious risk overall development in the area.</p> <p>16. Reference was made by the Council to the Redbridge CIL charge which is based on a 30% affordable housing provision, rather than on 50% which is the requirement in the Redbridge Core Strategy. I have not seen the evidence from which the Examiner drew his conclusions and can therefore only give little weight to this matter.</p> <p>17. On the issue of affordable housing I conclude that the Council should have based its analysis on the foundation provided by the adopted DP and that the calculations should have reflected the 35% affordable housing target. I therefore recommend that the Charging Schedule is modified accordingly by reducing the charge from £90 per sqm to £40 per sqm, as set out in EM1 in Appendix A.</p> <p>Evidence Relating to Previously Developed Land</p> <p>18. Concern was expressed by representors that the Council's target of achieving at least 30% of new dwellings on previously developed land would be placed at risk because of the scale of the proposed charge. However, with the recommended reduction of the rate to £40 per sqm the level of risk diminishes significantly and there is no evidence that would lead to the conclusion that the achievement of the Council's target of 30% would be at serious risk.</p> <p>Other Evidence</p> <p>19. The viability appraisals relate to sites that are identified in the DP and they are based on a number of assumptions which in turn are based on appropriate available information. The build costs, which are benchmarked against the Building Cost Information Service (BCIS) published figures, are derived from a number of sources and include sustainable design and construction requirements and an allowance is made for some on-site infrastructure. A separate figure is given for abnormal development costs.</p> <p>20. The figures for sale prices are based on a review of the current situation in the residential market of Mid Devon and following the hearing the Council provided up-dated sales figures which were criticised by respondents as being selective, inaccurate and misleading. It is inevitable that as markets change there will be implications for the evidence base, however, the CSCSP makes it clear that the charging authority should use data that is available and that it is unlikely to be fully comprehensive or exhaustive. A pragmatic approach must be</p>

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					<p>adopted and the level of precision and detail which has been requested by respondents would be contrary to the advice in the CSCSP which suggests that a broad test of viability should be used and that the evidence should inform the Schedule and that there is no requirement for the proposed rate to exactly mirror the evidence. The rate should appear reasonable given the available evidence and bearing in mind the recommended reduction in the charge from £90 to £40 per sqm and the Council's commitment to review the levy in two years time, I am satisfied that the evidence used regarding sales prices was reasonable and that the use of the Council's figures would not contribute to putting at serious risk the overall development of the area.</p> <p>21. In terms of residential land values the Council has used land values for green field sites that reflect values that have been achieved in recent transactions and for brown field sites the value has been primarily based on the uplift in the value of the land in its existing (or potential) use. The assumed dwelling mix reflects the character of the site and location and the build costs were based on appropriate average figures.</p> <p>22. It is inevitable that much will depend on the characteristics of a particular site and it would not have been appropriate for the Council to factor in every potential variation. A reasonable balance has been achieved, using appropriate available evidence and there was insufficient substantive evidence to enable me to conclude that the Council's figures were inappropriate, including in relation to fees and profit levels. Paragraph 173 of the National Planning Policy Framework advises that to ensure viability competitive returns should be provided to a willing landowner and developer in order to ensure that development is deliverable. The evidence demonstrates that the Council has taken this objective into account and that with the lower charge it will be achieved.</p> <p>Is the charging rate informed by and consistent with the evidence? CIL rates for residential development</p> <p>23. As set out above the Council's viability appraisals have been based on an inappropriate reduction in affordable housing provision. The evidence is therefore flawed in this one respect and consequently the proposed charging rate of £90 per sqm cannot be justified. However, the Council has re-calculated the viability of CIL based on the assumptions previously used but with provision being made for 35% affordable housing. This results in a viable charging rate of £40 per sqm and I am satisfied that this is informed and consistent with the</p>

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					<p>evidence, as amended.</p> <p>24. Support for the reduced charge of £40 per sqm was voiced by a number of participants at the Hearing session but there was a call for there to be no CIL charge at all and that the Council should rely on Section 106 legal agreements to secure financial contributions towards infrastructure, although it was conceded that this may place infrastructure provision at risk. I consider that there is insufficient justification for the Council to take what could be considered to be a retrograde step. The Council has decided to levy CIL and has provided appropriate available evidence on economic viability and infrastructure planning to justify the £40 charge.</p> <p>25. Consideration was given to applying different rates in different parts of the District but there is comparatively little variation in development values across the area. There is therefore insufficient justification for applying different rates, particularly as it may unnecessarily complicate the administration of the charge and make it less easy to understand.</p> <p>Does the evidence demonstrate that the proposed charge rate would not put the overall development of the area at serious risk?</p> <p>26. The proposed charge of £90 per sqm would put at risk the overall development of the area because it would not reflect the need to provide a significant number of affordable homes and the Council's decision to set this rate is not based on an appropriate approach to affordable housing provision. However, the assessment based on a rate of £40 per sqm is based on appropriate development values and likely costs. The evidence suggests that residential development will remain viable across most of the area if the lower charge is applied. Paragraph 7 of the CSCSP makes it clear that it is for the Council to decide on what balance to strike between infrastructure provision and the potential consequences of imposing CIL and because I am satisfied that the overall development of the area will not be at serious risk I am unable to question that balance.</p> <p>27. It was suggested by the Council that the reduction in the CIL rate may have consequences for the provision of some infrastructure (e.g. that required to enable development to commence) and that this in turn may put development in the area at risk. However, the purpose of CIL is not necessarily to provide full funding for all infrastructure but to contribute towards bridging the gap between available funding and infrastructure costs. The latter will still be achieved with</p>

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					<p>the lower rate proposed and no substantive evidence was submitted to demonstrate that the consequences of the lower charge would put the overall development of the area at serious risk.</p> <p>Other Matters and Conclusion</p> <p>28. Concern was expressed that other land uses, such as retail, business and leisure would not be subject to a charge. A non-residential Viability Study was undertaken (August 2011) which concluded that it would not currently be viable to impose a charge on such uses, based on the ratio of development costs against sales values. The Council consequently decided that no CIL charge would be levied on non-residential development and it is not within my power to recommend the introduction of a 'new' charge.</p> <p>29. 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 Mid Devon. 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 District. The only significant shortcoming is the divergence from the Council's adopted policies in terms of affordable housing provision. This divergence would put at serious risk the overall development of the area and therefore the modification of the proposed CIL rate is necessary and justified.</p> <p>30. It is recognised that the overall housing market is currently relatively depressed and that accurate predictions regarding economic recovery cannot be made with certainty. Consequently it is important that the situation continues to be monitored and the Council's intention to reconsider the CIL charging schedule in two years time and review its Core Strategy (in 2013) are to be welcomed. These two events provide the Council with the opportunity to ensure that there will be compatibility between the Development Plan and the CIL charge, thus reflecting the advice in the CSCSP.</p> <p>LEGAL REQUIREMENTS</p> <p>National Policy/Guidance The Charging Schedule (as modified) complies with national policy/guidance.</p> <p>2008 Planning Act and 2010 Regulations (as amended 2011) The Charging Schedule (as modified) complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the</p>

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					<p>adopted Core Strategy and Infrastructure Delivery Plan and is supported by an adequate financial appraisal.</p> <p>31. I conclude that subject to the modification set out in Appendix A the Mid Devon District Council 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 2011). I therefore recommend that the Charging Schedule, as modified, be approved.</p> <p>David Hogger Examiner</p> <p>This Report is accompanied by: Appendix A – Modification that the Examiner specifies so that the Charging Schedule may be approved. Appendix A Modification that the Examiner recommends so that the Charging Schedule may be approved Modification Number Submitted CIL Rate Modification EM1 £90 for dwelling houses (C3) £40 for dwelling houses (C3)</p>
746250	Ms Donna Palmer	Boyer Planning Ltd	CILPD42	Question 3	<p>2.16 Subject to the updating of the viability assessment in line with our comments above, overall we consider that the approach taken by the Councils strikes an appropriate balance between the desirability of funding infrastructure through CIL and the potential effects of imposing a CIL. Once the updated viability assessment has been completed we consider that the Council should revisit their decision to proceed with a single tariff given the concerns highlighted above regarding the interrelationship of CIL with the affordable housing target.</p>
523531	Mr Tim Hoskinson	Savills	CILPD45	Question 3	<p>3.12 Christchurch Borough Council and East Dorset District Council are in the process of preparing a new joint Core Strategy. A Pre-submission Draft Core Strategy was published for consultation in April 2012, and a Schedule of Proposed Changes to the Pre-submission Document was published for consultation in November 2012. EDDC and CBC have recently resolved to submit the Core Strategy to the Secretary of State and an Examination is anticipated this summer. The plan provides for about 8,200 new homes in the plan area between 2013 and 2028, of which 4,800 will be provided in the urban areas and a further 3,400 as new neighbourhoods at Christchurch, Burton, Corfe Mullen, Wimborne/Colehill, Ferndown/West Parley, and Verwood.</p>

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					<p>3.13 The CIL Guidance refers to the NPPF and states that, “where practical, levy charges should be worked up and tested alongside the Local Plan.” It is important that CIL is seen in the context of the planned supply of housing within Christchurch and East Dorset and the authorities should make it clear within their supporting evidence how it is shown that the proposed rates do not threaten delivery of the relevant Plan as a whole.</p> <p>Heathland mitigation</p> <p>3.14 Heathland mitigation is an essential component of the development plan for Christchurch and East Dorset, however the extent to which it will be covered by the proposed CIL is currently unclear. The Draft Infrastructure Delivery Plan (IDP) recognises the importance of providing infrastructure to mitigate the impact of development on the Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation. The Dorset Heathlands Planning Framework SPD 2012-2014 currently provides a mechanism for securing developer contributions towards a range of mitigation measures in the period 2012 to 2014, and the Dorset Heathlands Development Plan Document is being prepared to take forward the long term strategy for avoidance or mitigation of impacts on the Dorset Heathlands to 2026. Consultation on the Preferred Options for The Dorset Heathlands Development Plan Document is currently underway; the proposed approach represents a combination of protection, avoidance, management and mitigation measures which include the provision of Suitable Alternative Natural Greenspace (SANGs) as a means of diverting recreational pressure from the Dorset Heathlands.</p> <p>3.15 The Draft IDP states that to ensure that development can proceed in the area, the Councils will ensure that the appropriate proportion of CIL monies collected from development will be directed towards delivering the Dorset Heathlands mitigation projects identified in the IDP table as a priority. The IDP Schedule of Projects includes a number specific projects for delivery between 2012 and 2014, as well as general heathland mitigation measures for delivery throughout the plan period to be identified through the Heathland SPD/DPD. However the emerging Core Strategy is also seeking on-site SANGs provision by developers for settlement extension sites of more than 50 dwellings. The relationship between CIL payments and the provision of SANGs associated with strategic sites is currently unclear, but a requirement for CIL contributions towards heathland mitigation in combination with on-site SANGs provision risks</p>

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					<p>overburdening strategic sites. It also presents the risk of ‘double-dipping’, which the CIL Guidance makes clear is to be avoided.</p> <p>3.16 The issue of heathland mitigation is critical to the delivery of new housing in the district, clarity of approach is essential and the charging schedule should be based on a clear understanding of the necessary mitigation costs along with associated prioritisation of projects and funding. Measures to take account of on-site SANGs provision through the CIL Charging Schedule should be considered, this could be in the form of a differential CIL rate for strategic sites where SANGs are provided on-site, or measures to allow land provided for SANGs to be off-set against CIL liability through a payment-in-kind policy.</p> <p>Affordable Housing Assumptions</p> <p>4.10 We are concerned that the Viability Assessment does not appear to have tested the appropriate policy-compliant level of affordable housing. Table 5.1 in the Viability Assessment sets out the assumptions in respect of affordable housing. The table clearly states that the Councils have policy requirements for affordable housing within their Draft Joint Core Strategy at 35%, 40% and 50%, depending upon site specific factors. However, the table also states that the appraisals have only been conducted assuming a contribution of 30% affordable housing.</p> <p>4.11 The CIL Guidance is clear that Charging Authorities should include the costs and implications of other planning policies when setting the rate of CIL . In addition, the Examiner’s report for Mid Devon, published on 20 February 2013 , recommended a reduction in the Council’s proposed CIL rate on the basis that they had failed to test a policy-compliant level of affordable housing. The Examiner’s report for the Greater Norwich Development Partnership published in December 2012 also makes reference to the need to test policy-compliant levels of affordable housing . Given that the principles within the CIL Guidance have now been established as precedents within Examiners’ reports, we would recommend that the Councils review their viability assessment and undertake further testing of the proposed CIL rate at the appropriate level of affordable housing, in accordance with policy.</p> <p>4.12 The Councils have decided to set a single rate of CIL for residential across the authority areas which will restrict the ability to reflect the varying levels of affordable housing required in different areas. If the authorities do not intend to introduce differential rates by reference to geographic area, the highest level of</p>

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					affordable housing should be the base assumption in order that it can be demonstrated that the delivery of development across the plan area would not be put at risk.
650761	Mr Anthony Ferguson	Peacock and Smith Limited	CILPD56	Question 3	We note the comments in respect of 'Finding the balance' at section 2 - Legal Requirements - of the Peter Brett report and particularly paragraph 2.7 about the balance to be struck between too high CIL rates and stymieing development and too low rates with lack of infrastructure [funding] to support development. We note also the comments at paragraphs 4.10-4.12 about the use of 'market judgement' by PBA in arriving at a sensible charge. In this respect it is not clear what is the basis for reducing the ceiling CIL rates (£151 psm and £124 psm – see above) to a flat £110 psm. We do not consider this to be a sufficient discount on the 'downside' to reflect the appropriate balance. For example, in Central Bedfordshire they have applied a 50% discount to reflect the appropriate balance
521508	Ms Lisa Jackson	Managing Director Jackson Planning Ltd	CILPD61	Question 3	MEM Ltd do not support the imposition of CIL charging through a single flat rate for the Christchurch urban extension site policy CN1 and land south of Burton policy CN2. The imposition of the flat rate will lead to inevitable double charging (see below) for heathland mitigation measures on both the above sites. The intention is to directly provide SANG to the appropriate standard to mitigate the potential for urban effects on the European site in each case. MEM Ltd believe the only way to overcome potential double charging is to introduce CIL free zones for the new neighbourhoods where SANG provision is met, and secure contributions through s106 agreements. It is not possible to have a variable rate to exclude heathland mitigation as this is based on a policy variation and is not allowed for within the regulations.
747385	Ms Hannah Machin	Tetlow King	CILPD72	Question 3	We welcome the opportunity to comment on the CIL Charging Schedule and the underlying viability evidence. Our main concern is to ensure that the delivery of affordable housing is not squeezed by CIL charges that are set too high. We consider that protecting the delivery of affordable housing should be a fundamental consideration for local authorities when setting the rate of CIL. The starting point should be delivering affordable housing development plan targets. We consider it extremely important that the Council properly considers the overall impact of CIL on the delivery of affordable housing. Greg Clark MP,

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					<p>Minister for Decentralisation and Cities stated on 20 April 2012 in an article in Inside Housing that: “A key point of the viability test for CIL [charge 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.” The Councils will need to consider the rates they finally decide upon in Draft Charging Schedule in the context of the recently published guidance for CIL. Paragraph 29 of the December 2012 CIL guidance states that local authorities should take account of policies within the development plan when setting their charging schedule particularly their affordable housing targets. Furthermore, one of the four key considerations for the independent examiner to assess at examination is whether the Charging Schedule would “threaten delivery of the relevant Plan” (paragraph 9, CIL Guidance, 2012). The affordable housing target is a key driver of housing targets in Local Plans and the CIL Charging Schedule needs to be set at a level that will not frustrate delivery of this target. Our main concerns with the Councils’ Community Infrastructure Levy are set out below: Affordable Housing Provision We note that the viability summary assumed 30% affordable provision despite the fact that the proposed changes to the submission draft identifies an affordable housing target of 35%. We do not support the use of a lower percentage of affordable housing in the viability evidence for the charging schedule. We would like to draw the Councils’ attention to the recently published Inspector’s report for the examination of Mid-Devon’s Community Infrastructure Levy Charging Schedule. “I consider that it is reasonable to conclude that the use of the 22.5% figure by the Council will be seen as a reason not to seek the achievement of the full target and consequently it will put the provision of affordable housing at serious risk. If the Council wishes to reduce the percentage of affordable housing to be provided (assuming such an approach could be justified, bearing in mind the advice in the NPPF that in principle the full objectively assessed needs for market and affordable housing should be met) then this should be achieved through a review of the adopted policies. The Council should have taken all its policy requirements, including affordable housing, into account when setting the CIL rate and on this basis it can be concluded that the viability evidence, on</p>

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					<p>which the proposed charge of £90 per sqm is based, is not robust.”</p> <p>The Inspector at Mid-Devon is very clear that using a lower affordable housing target than set out in policy produces evidence which is not robust. We strongly suggest that the Councils re-run their viability tests to include the 35% affordable housing target to ensure that there is robust evidence base for the proposed charging schedule.</p> <p>Paragraph 174 of the NPPF is clear that the cumulative impact of policy burdens should be assessed at the same time to ensure the delivery of the plan is not put at risk. As the council is bringing forward CIL and its Local Plan and the same time as recommend by paragraph 175 of the NPPF, we do not consider that there is any justification for proposing a CIL charge based on a lower affordable housing target than in the emerging Local Plan. For clarity we have reproduced paragraph 174 of the NPPF below.</p> <p>‘Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle.’</p>
747430	Mr Thomas Rumble	Woolf Bond Planning	CILPD80	Question 3	<p>The Council’s supporting ‘Community Infrastructure Levy Viability Testing’ report confirms at Table 5.1 that the proposed CIL rate is predicated on the following assumption:</p> <p>‘We have viability tested housing assuming 30% affordable, given current markets. Developments of 1 to 4 units are assumed to make an offsite contribution’.</p> <p>Despite the above, the Council have produced a Core Strategy that seeks ‘up to 35%’ affordable housing at Roeshot Hill (as per Policy CN1) and ‘up to 40% or 50%’ elsewhere (as per Policy LN3). Accordingly there is a clear discrepancy between the affordable housing provision assumption contained within the viability report underpinning the CIL charging schedule and the expectation contained within the proposed Core Strategy. Such circumstances also arose at the recent Mid Devon CIL examination in public. In this case the Inspector found as follows:</p>

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					<p>‘The CS sets an overall target for affordable housing provision of 30% and it confirms that the delivery of affordable homes is a key issue for the District. For what are described as urban sites, however, the target in the AIDPD is 35% (Bampton, Crediton, Cullompton and Tiverton). The Council has not used the 35% figure but has utilised a figure of 22.5% in its calculations (a 36% reduction on its target) because it states that this represents the average percentage of affordable housing currently being achieved.’ (para 10).</p> <p>With the above assumption in mind, the Inspector concluded: ‘On the issue of affordable housing I conclude that the Council should have based its analysis on the foundation provided by the adopted DP and that the calculations should have reflected the 35% affordable housing target. I therefore recommend that the Charging Schedule is modified accordingly by reducing the charge from £90 per sqm to £40 per sqm, as set out in EM1 in Appendix A’. (para 17) (Our underlining)</p> <p>It therefore follows that in order to be found sound and in accordance with the requirements of para 175 of the NPPF, the proposed CIL charges should be worked up and directly tested against the proposed Core Strategy affordable housing requirements.</p> <p>Notwithstanding that, it is clear that there is presently insufficient information or evidence to support the Viability Assessment Assumptions in Paragraph 5 generally .</p> <p>Further detailed analysis is necessary but essentially it appears that :-</p> <ul style="list-style-type: none"> i) Residential value assumptions are significantly too high and do not reflect the new build residential marketplace and achievable revenues. The assumptions that have been made and particularly any “evidence base” that supports them, must be subjected to thorough scrutiny ii) Identified Construction Costs assumptions are significantly too low and in any event do not adequately reflect extra over costs to meet CSH Level 4 or indeed CSH Level 3 <p>The Government’s consultation on the Building Regulations Part L (January 2012), section 197 states, “there is no Government policy promoting any specific Code levels, let alone Code Level 6 (aside from Homes and Communities Agency funded schemes to be built at Code Level 3).”</p> <p>It is also noted in the Building Regulation consultation “In setting additional</p>

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					<p>carbon policy aspirations relating to new housing, authorities need to take care to avoid confusing the Code and zero carbon policy.”</p> <p>The assumptions that have been made and particularly any “evidence base” that supports them, must be subjected to thorough scrutiny</p> <p>iii) Allowances for roads/site works/external works appear too low and in any event a further allowance should be made for both site specific S106 costs and S278 costs</p> <p>iv) Contingency allowances are too low to reflect high risk infrastructure investments and procurement.</p> <p>v) Developers profit should be applied upon total GDV and be properly benchmarked at a minimum of 20%; and then reflect further project risks as may apply.</p>
747456	Mr Richard Healslip	West Parley Parish Council	CILPD83	Question 3	The viability assessment has assumed that only 30% of the housing will be affordable, whereas the Core Strategy now proposes 35%, and more on some sites. This shows that the Council is not taking into account the full costs of providing community infrastructure.
359555	Mr L Hewitt	Town Clerk Wimborne Minster Town Council	CILPD87	Question 3	Yes
359261	Mr Doug Cramond	DC Planning Ltd	CILPD90	Question 3	As noted in Brett’s report it is imperative that ‘an appropriate balance’ is achieved or the Council’s other policies may suffer for example, the level of affordable housing.
743786	Mr Fred Andress	Agent Planning Issues ltd	CILPD12	Question 4	<p>Yes.</p> <p>We would welcome flexibility in the timing of CIL payments. Payment at commencement introduces an additional financial burden on the development prior to the receipt of any revenue from the development and will adversely affect the development’s viability, such that it may impinge on the development’s ability to contribute affordable housing.</p> <p>This is a particular issue to specialist type developments such as sheltered housing for the elderly. The whole cost of the development must be expended before any revenue is received. Payment during the occupation phase would be fairer.</p>

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746077	Ms Rebecca Fenn-Tripp	Turley Associates	CILPD30	Question 4	Implementing CIL We note that the Councils are considering introducing an instalment policy to assist in the payment of CIL. We would welcome such an approach, which instils greater flexibility to deliver development over the plan period. Consideration should also be given to payments in kind (e.g. land for full or part payment in cases where this is perhaps more appropriate and beneficial than a financial payment). We reserve the right to comment further on this once the Council has finalised its approach.
490823	Mr Ian Jones	Clerk Ferndown Town Council	CILPD33	Question 4	Members agreed that an instalment policy should be introduced. For the larger schemes it was thought that 100% of CIL should be paid when 66% of the development had been completed. That 66% should be paid in stages with an upfront payment say of 33% within 60 days
475144	Mr Mark Jackson	Gleeson Strategic Land Ltd	CILPD37	Question 4	We believe that recognition needs to be made to the simple fact that until such time as units are starting to be sold, the developer has yet to receive any revenue from a particular site; in fact they will often be forward funding the installation of substantial groundwork systems and infrastructure. It therefore needs to be the case that any installment regime the council decides to apply to the payment system can factor in site specific costs and infrastructure that allows sufficient time for units to be constructed and sold. Therefore, in conclusion, it is considered that some of the assumptions made in the report are incorrect, thus impacting on the realism of the recommended CIL level.
746250	Ms Donna Palmer	Boyer Planning Ltd	CILPD43	Question 4	2.17 We consider that an instalments policy should be introduced so as to take account of the additional costs incurred by potential developers in raising development finance and cash flow. House builders do not generally have sufficient cash reserves to finance development projects without obtaining additional finance and the introduction of an instalments policy will seek to address this. 2.18 This is of particular importance due to the critical role which strategic allocations play in the overall strategy for the authorities. In the Core Strategy Proposed Changes document (November 2012), policies KS3 and KS4 have been combined to produce a single housing target of 8,200 homes across the two authorities, with 3,400 of these coming from new neighbourhoods. Due to

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					<p>the larger scale nature of these sites the instalments policy will be of particular importance in ensuring their delivery. It is considered that the failure to introduce an instalments policy would be unreasonable due to the requirement to pay the CIL contribution in full upon commencement of development which will impact on the viability of projects not just in terms of overall profitability but more importantly in terms of cash flow. Under the Section 106 system, on larger projects payment of contributions could have been negotiated so that payments are paid at different phases; which helps in terms of cash flow as it allows for sales in earlier phases to contribute towards development costs in later phases of development.</p> <p>2.19 As such we consider that an instalments policy should be introduced.</p>
746457	Mr Ziyad Thomas	Policy Planning Officer The Planning Bureau Limited	CILPD52	Question 4	<p>Consideration should also be given to the timing of CIL payments and an allowance for payment by instalments. Whilst we appreciate that, in line with 69B of the CIL Regulations 2011, an instalment policy does not form part of the charging schedule and would not be subject to examination, we would welcome flexibility in the timing of CIL payments as on commencement would introduce an additional financial cost on the development prior to the receipt of any revenue from the proposed development. This would place an additional burden on the developer and would affect the viability of the development, and possibly in the case of residential development impinge upon the developer's ability to provide for affordable housing.</p> <p>This issue is compounded in the case of specialist accommodation for the elderly, as developments need to be completed in their entirety before a single unit of accommodation can be sold. It is considered that at the earliest, part payment on first occupation would be fairer and would reduce unnecessary financial costs to the developer. This should then be phased depending upon occupation levels. For the foreseeable economic climate, such as currently being experienced, there is considerable merit in staged payments reflecting occupation levels throughout the sale of the development.</p>
650761	Mr Anthony Ferguson	Peacock and Smith Limited	CILPD57	Question 4	<p>Yes – the more the Local Authorities can do to spread the cost of CIL for developers, the more chance the Local Authorities have of not stymieing development and therefore the CIL being ultimately captured.</p> <p>By way of example, the proposed instalments policy from Leeds City Council is set out below:</p>

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					<p>< £ 9,999 Due in full 60 days of commencement</p> <p>> £ 10,000 - £ 59,999 Due in 3 equal instalments within: 60 days of commencement 120 days of commencement 180 days of commencement</p> <p>> £ 60,000 - £ 99,000 Due in 4 equal instalments within: 60 days of commencement 120 days of commencement 180 days of commencement 240 days of commencement</p> <p>> £ 100,000 Due in 4 equal instalments within: 90 days of commencement 180 days of commencement 360 days of commencement 720 days of commencement</p>
521508	Ms Lisa Jackson	Managing Director Jackson Planning Ltd	CILPD62	Question 4	Both CIL rates and section 106 costs must be phased to allow the cash-flow for the development to work and need to be phased to reflect receipts from sales. Payment triggers can be built into the s106 agreement.
746532	Ms Rachel Robinson	WYG Planning & Design	CILPD71	Question 4	We support proposals to introduce an instalments policy for the payment of CIL charges as this could bring about desirable development more readily and could even make otherwise unviable developments viable.
747385	Ms Hannah Machin	Tetlow King	CILPD75	Question 4	We would support the introduction of an instalments policy within the charging schedule as this would increase development viability. We consider that this would enable greater delivery of affordable housing.
747430	Mr Thomas Rumble	Woolf Bond Planning	CILPD81	Question 4	It is essential that any CIL charge that may become applicable is properly phased throughout any proposed development. It is a simple matter of effective cashflow control, that any charges are made to reflect the pace of build and occupation, notwithstanding that collected funds should be seen to be aligned to the actual investment into the infrastructure assets for which they are designed. A policy that requires pre-commencement or unrealistically early collections, will dramatically burden the holding cost of a development; with associated interest costs that would have to be factored in to the land valuation and associated

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					viability of the project at the outset, which can only be unhelpful and unnecessary.
359555	Mr L Hewitt	Town Clerk Wimborne Minster Town Council	CILPD88	Question 4	YES, IT WILL MITIGATE THE EFFECT OF AN UP-FRONT PAYMENT, BUT MUST BE RIGOUROUSLY APPLIED TO AVOID DEFAULT.
359261	Mr Doug Cramond	DC Planning Ltd	CILPD94	Question 4	<ul style="list-style-type: none"> An instalment policy (Schedule 2.13) is absolutely essential to assist with cash flow and viability – perhaps at phases of 30 units (not to be applied on schemes below that size) with the CIL pro rata paid as proposed 60 days post commencement of first and every 31st unit. Alternatively consideration should be given to having a mechanism for payment to be made on completion of the sales of units or prior to occupation of those units. We are aware that some Councils use an approach of timing (e.g. payment every, say, six months) rather than commencements but clearly this neither directly relates to the need for mitigation nor allows for externally caused ebbs and flows in construction rates.
747992	Mr Matthew Sobic	Savills Manchester	CILPD96	Question 4	Paragrahp 2.12 sets out the ability for CIL payments to be levied in phases. The ability to stagger CIL payments is supported. The timing of CIL payments in the context of a development project cashflow is often as important as the total amount payable. The CIL liability for larger projects could have a significant detrimental effect on viability, especially if it is all levied at the outset of a development project. Planning obligations are routinely phased to corrspond with phases on larger developments and similar mechanisms can be adopted in relation to CIL payments. It is therefore considered that this element of the Charging Schedule is supported.
745981	Ms Helen Tilton	Snr Planner Turley Associates	CILPD17	Question 5	<p>Monitoring / Early Review Trigger points whereby a review of the CIL is required are not stated in the PDCCS, and we can find no evidence to demonstrate that the LPA has considered this issue. This would be helpful in order to provide greater certainty to investors.</p> <p>Administration It would be helpful of the LPA could outline within the PDCCS the intended administration costs and processes.</p>
743697	Ms	Regional	CILPD22	Question 5	Further, there is a mixed picture in neighbouring local authorities' progress on

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	Fiona Astin	Development Director (Dorset & Somerset) Aster Homes			CIL charging schedule process. We would urge a regional or housing market area based approach to CIL charging. Without such a 'joined up' approach, there is a risk that a neighbouring or near-neighbouring authority may set lower CIL rates and be able to attract developers with scarce resources to choose to deliver schemes there rather than in East Dorset and Christchurch. Finally, we note that the Dorset Heathlands Preferred Options Consultation document is also out for consultation at present. This document and the aspirations within it will incur a CIL charge. It is unclear as to whether the proposed CIL charging schedule includes the relevant heathland charges already. The Heathlands consultation document is on a different, later finishing, consultation schedule to East Dorset and Christchurch CIL, and sets out a variety of possible options for the Dorset Heathlands which would incur correspondingly different levels of CIL charge. It is therefore difficult to understand how the EDDC & CBC proposed CIL rate can accurately reflect the Heathland element already.
490823	Mr Ian Jones	Clerk Ferndown Town Council	CILPD34	Question 5	It may be helpful for all developers to know what their contribution to the Levy will be used for. Details should be published as part of the charging information package.
475144	Mr Mark Jackson	Gleeson Strategic Land Ltd	CILPD35	Question 5	Section 106 from existing commitments Firstly, Section 106 monies from existing commitments. There are a large number of existing housing commitments in the Districts. Assuming that these are all delivered before CIL would result in a significant level of funding, however many of these existing schemes will be contributing towards infrastructure that may be subject to CIL contributions. If, however, these are not delivered before CIL, then they will add to the overall CIL funding system. New Homes Bonus Secondly, contributions from the New Homes Bonus should be considered. The New Homes Bonus has the ability to provide significant monies to be generated towards the costs of local services and infrastructure. It is understood that only a proportion of the funding source is likely to go towards infrastructure but nevertheless it should be considered and it appears that no account has been made of this income stream at all. In addition local communities should benefit directly from accepting new development therefore this must be taken into account when considering

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					<p>funding streams for District wide services and infrastructure and local level development.</p> <p>Other sources of grant funding have also been overlooked e.g. for example, Sport England and Heritage Funding.</p> <p>Income from CIL</p> <p>The Viability Evidence identifies that charges for residential development will be £100sqm and that this was tested with 30% affordable housing.</p> <p>The CIL payment figures only relates to residential development, and I believe that other forms of development; notably Large Scale Retail, Hotels and Leisure developments should also be expected to make contributions, however it is noted that the PBA viability document that these developments are presently unviable.</p> <p>Overall, it is considered that:</p> <p>(a) Other funding sources are not considered, including existing S106 and NHB</p> <p>(b) The estimated income from CIL alone could significantly exceed the figure required in the CS.</p> <p>We have applied this to a high level assumption of future housing distribution, and we are concerned that the assessment undertaken by PBA does not represent an accurate assessment of the funding available against the requirements for development to address.</p> <p>Therefore, it is considered that the identified funding gap is exaggerated and the CIL charge is excessive.</p> <p>Our concern is that if the appraisal developed to inform the CIL tariff for future development is inappropriately informed by using build costs that are too low and inadequate developer's profit to artificially increase viability then a higher level of CIL could be justified by the Council. However, when the charging schedule is applied to the delivery of real schemes across the joint Districts, an over inflated CIL contribution could render developments unviable. The implications of CIL making development unviable would be contrary to the prevailing objectives of Government economic policy and the NPPF.</p> <p>We trust that the joint authorities will take these representations into account when preparing the next draft of this document. This is a critical document for the joint Councils to get right to ensure that the joint District's future housing growth aspirations are achieved and remain deliverable and viable.</p>
746240	Ms	Hampshire County	CILPD38	Question 5	Thank you for consulting Hampshire County Council on the Preliminary Draft

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	Laura McCulloch	Council			<p>Charging Schedule.</p> <p>Hampshire County Council has no comment to make in relation to the proposed CIL rates. As a neighbouring authority however the County Council is keen to work in partnership with Christchurch and East Dorset, as well as Dorset County Council, to take account of any key infrastructure requirements where there may potentially be cross-boundary funding implications under the CIL regime- notably for schools and transport infrastructure projects as the use and pooling of section 106 planning obligations contributions will be restricted.</p> <p>Looking ahead, paragraph 86 of the Community Infrastructure Levy Guidance (DCLG, 2012) states that the Regulation 123 list should be based on the draft list that the charging authority prepared for the examination of their draft charging schedule. Where there may be cross-boundary projects, the County Council is therefore keen to collaborate on these matters and assist you as far as possible. Examples may include highways works in Ringwood (A31), transport schemes in Fordingbridge, and school places and library provision in the Ringwood and Fordingbridge areas.</p>
523531	Mr Tim Hoskinson	Savills	CILPD49	Question 5	<p>1.0 Effective Operation of CIL</p> <p>1.1 Despite the narrow Regulatory requirements of the Examination, our clients urge the EDDC and CBC to make clear at the earliest opportunity the supporting documentation needed to operate CIL and to make it available for input/comment. Practically, this needs to be done prior to the Examination so that participants and stakeholders are able to comment on the effective operation of CIL. Whilst this supporting information is not tested at Examination, this information is critical to allow for the successful implementation of CIL and to demonstrate that the CIL has been prepared positively and supports sustainable development</p> <p>1.2 The documentation should include:</p> <ul style="list-style-type: none"> • Guidance on how to calculate the relevant 'chargeable development'/level of CIL (cross referral to CLG guidance/Planning Portal – location of the Notice of Chargeable Development Form – further with regard to the RICS published guidance on Gross Internal Area – and what should be included). • Guidance on liability to pay CIL/Appeals process. • Policy for payments by instalments. • Approach to payments in kind – notably valuation process for ascertaining land value and also the potential to accept land for infrastructure as a payment in

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					<p>kind.</p> <ul style="list-style-type: none"> Guidance on relief from CIL and a policy on exceptional circumstances for relief from CIL. <p>1.3 We provide further comment on some of these points below Payments in Kind</p> <p>1.4 The Regulations permit the payment of land in lieu of CIL. This is an interesting tool which could be proactively interpreted where the land in question is provided for infrastructure, for example 'strategic' highways or open space.</p> <p>1.5 The mechanism of payments in kind must result in credible land values being agreed and offset against the levels of potential CIL receipts incurred through the chargeable development. If operated effectively the mechanism could considerably assist with development delivery. Historically, some such negotiations have proved lengthy and costly; a 'fall-back' provision should be made for timely resolution of such cases through arbitration.</p> <p>1.6 We would recommend that the authorities take advantage of this facility and allow for the payment of land in lieu of CIL. In particular, this should be explored as a mechanism to avoid 'double dipping' where SANGs are provided by developers on strategic sites, as noted at 3.15 of this report.</p> <p>Reviewing CIL</p> <p>6.15 The CIL Guidance outlines that the Government 'strongly encourages' reviews to ensure that CIL is fulfilling its aim and responds to market conditions. If the CIL is set at too high a rate, the delivery of housing will be put at risk. Regular monitoring is required to ensure that any detrimental impact of the CIL on delivery is noticed promptly and remedied. It should be borne in mind that, in reviewing the CIL rates, the same charge setting process and procedures are required to be followed and therefore there will be an inevitable delay until any deficit in delivery can be remedied.</p> <p>6.16 Our clients consider that the authorities should have a clearly defined review mechanism and suggest that monitoring takes place on a 6-monthly basis. Monitoring data and reviews should be regularly published, for example on the Councils' website. Regular monitoring is key to ensure that CIL does not stifle development in the right locations.</p>
521508	Ms Lisa Jackson	Managing Director Jackson Planning Ltd	CILPD63	Question 5	<p>CIL and Heathland Mitigation</p> <p>MEM Ltd firmly believes there is a serious danger that the required mitigation for urban effects on the Dorset heaths cannot be secured through CIL. There are</p>

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					<p>four technical issues within the CIL regulations that impact upon the draft charging schedule. The four issues are:</p> <ol style="list-style-type: none"> 1. Double Charging 2. Securing heathland mitigation in perpetuity 3. Affordable Housing not liable for CIL 4. Neighbourhood Top Slice <p>Double Charging</p> <p>In new neighbourhoods where SANG is provided as part of the development package there will be potential for double charging for heathland mitigation, this is precluded in the CIL regulations as planning authorities cannot charge for the same items through s106 and CIL.</p> <p>The Council has not yet produced the Regulation 123 list of projects that CIL would fund. In Poole Borough, where heathland mitigation issues also affect development, they specify the priority projects in their regulation 123 list that they will fund wholly or partly through CIL receipts. For heathland mitigation they specify two items: Upton Farm SANG and Other SPA mitigation not linked to a specific site.</p> <p>It was noted at the Poole Examination report into the CIL charging schedule: "At present each development contributes directly to Habitats Regulations (HR) mitigation through a Section 106 agreement. When CIL is adopted this direct link will be severed. The DPIDPD proposes that HR mitigation will be funded through CIL, but its inclusion on the CIL Regulation 123 list will mean that it can no longer be funded through Section 106 agreements."</p> <p>The Inspector examining the Poole CIL tariff concluded that it was not for her to deal with this issue. MEM Ltd disagree with this stance as exemptions do cut across this issue, if a nil rate was introduced when SANG is provided this would potentially allow for sites to avoid double charging with the site still to be subject to s106 payments directly related to the development.</p> <p>As it currently stands, if a site within Poole Borough had its own SANG and was also charged CIL it would be paying for further heathland mitigation in the Borough, where it is not provided on site specific basis. SANG by its very nature cannot be open only to the residents of specific new dwellings, so new SANGs will potentially benefit the whole Borough and beyond. This is its intention as an area-wide solution to an area-wide problem, so it must follow that a SANG has the same effects for mitigation as non-site specific projects that create SANG for</p>

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					<p>smaller developments, for example the SANG at Upton Farm. Therefore, if SANG is provided physically through a s106 agreement as part of a development to mitigate potential harm to heathland, this is also part of the area-wide solution, which you are proposing is also charged through CIL. This would therefore be charging twice and not be in compliance with the regulations.</p> <p>Securing Mitigation in Perpetuity</p> <p>In considering the approach to CIL and Heathland mitigation in the Thames Basin Heaths it should be noted that Natural England raised concerns regarding the compliance of your proposed approach with the Habitats Regulations, in a similar example in Surrey Heath Borough. The lack of legal obligation on the local authority to deliver sufficient SANG in perpetuity is a major concern. Natural England believe that without a mechanism in place which ensures adequate funds are spent on SANG, doubt could remain as to the long term funding of SANG. This is further complicated by the recent draft regulations with regard to top slicing of CIL receipts for local communities (see below). Elsewhere in the Thames Basin Heath Authorities Natural England have asked to see evidence within the CIL charging schedule that Councils will still be able to collect the relevant amount of funding to maintain the SANGs to the required size and quality and in perpetuity and to mitigate the impacts of the housing development. They have suggested that where there is no evidence of any future CIL schedule or plan with the range of mitigation set out this could lead to a likely significant effect on the SPA, and therefore that a full Habitats Regulations Assessment must be carried out. As the draft Heathlands DPD has removed the project list it is difficult to know if the proposed combined mitigation will meet the Habitats regulations.</p> <p>MEM Ltd believes that in order to satisfy the HR it is necessary to set out in detail costed evidence of heathland mitigation projects in a development plan document.</p> <p>Affordable Housing and CIL for Heathland Mitigation</p> <p>Affordable housing does not pay the CIL tariff, so therefore cannot mitigate harmful urban effects on the heath, unless provided directly.</p> <p>From the Poole CIL Examination report it was concluded: "Affordable housing is not liable for CIL and some conversions from houses to flats may not need to pay CIL if there is no net increase in floorspace. Thus, as soon as CIL is in operation these types of development will not contribute directly to HR</p>

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					<p>mitigation.”</p> <p>In Surrey Heath Borough in their draft CIL charging schedule, which is an area affected by the HR mitigation for the Thames Basin Heaths, they have addressed the issue of affordable housing not paying CIL and therefore not providing heathland mitigation funds by adjusting the rate to deal with this. At present there appears to be no mechanism in your draft CIL schedule to deal with affordable housing providing heathland mitigation.</p> <p>Neighbourhood Top Slice</p> <p>Draft CIL amendment Regulations issued in February 2013 have identified the proportions of CIL receipts that will be available to the community; where neighbourhood plans are in place it is 25%, otherwise 15%. It is not clear with the community top slice how the Local Authority will continue to secure heathland mitigation? How can there be certainty that heathland mitigation will be provided if local communities do not wish to spend their CIL share on such projects? This issue needs to be addressed as part of the overall solution to heathland mitigation.</p>
361028	Ms Helen Patton		CILPD67	Question 5	<p>It is noted, that the document makes no reference to Charging Authorities collaborating and pooling their CIL revenue towards “sub-regional infrastructure” in accordance with Government guidelines as set out in paragraph 16 of the ‘Community Infrastructure Levy: An Overview’ (a document produced by DCLG in May 2011)</p> <p>The Authority is of the view, that a clearer outline should be given in the Charging Schedule of where the use of CIL funds may be appropriate outside the Councils’ administrative area. This should for example include the mitigation of impacts on the Natura 2000 habitats within the National Park and could also include the provision of recreational opportunities which would benefit residents. It is noted however, that the Infrastructure Delivery Plan (paragraph 3.5) “will be regularly updated to take into consideration, changing needs and priorities over the plan period” and the Authority would welcome the opportunity to be involved in delivering a suite of avoidance and mitigation measures for the protected sites, supported by appropriate CIL funds, once further details of these projects emerge.</p>
359555	Mr L	Town Clerk Wimborne Minster	CILPD84	Question 5	<p>The imposition of another levy at a time when we are trying to revive house-building seems to be counterproductive, except that quite clearly any building</p>

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	Hewitt	Town Council			<p>project does have a need for infrastructure or impacts on the existing one. Someone has to pay for the infrastructure – but who?</p> <p>House building is already subject to numerous levies – heathland mitigation and affordable housing contribution included. The overall cost of development is increased and all parts of the chain tend to share the load. The cost to the home buyer is largely determined by the market; nevertheless there is pressure to increase prices. The developer is squeezed but still wants what he regards as a reasonable margin, without which he will not want to build. The landowner becomes reluctant to put land on the market if he cannot get a “fair” price. And so what starts out as an enabling levy does in fact become an inhibitor.</p> <p>But we return to the inevitable statement that someone has to pay. Removing the onus from Section 106 Agreements is beneficial. They have come to be regarded as a payment for being granted planning permission. They are not understood by the public, and this is clearly not a good thing. A scale of charges is better.</p>