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Submitted via email

Planning Policy,
East Dorset District Council,
Furzehill,
Wimborne,
Dorset,
BH21 4HN,

Dear Sir / Madam

**Sainsbury's Supermarkets Ltd
Christchurch and East Dorset Community Infrastructure Levy
Draft Charging Schedule for Christchurch and East Dorset Consultation**

We wish to make the following representations on behalf of our client, Sainsbury's Supermarkets Ltd, in connection with the above.

Viability Evidence

For the proposed schedule to accord with Regulation 13, the viability evidence needs to demonstrate a difference in viability which corresponds with a clearly definable difference in the intended use, zone or scale.

The Viability Study by Peter Brett Associates has 'tested' three hypothetical retail schemes. Based on just these three tests, the study has underpinned a charge of £110 per sq m for convenience retail, whilst proposing a charge of £0 for comparison retail. We do not consider that a sufficiently thorough range of schemes have been tested. For example, the assessment has not considered retail-led mixed use schemes on a location such as a brown field town centre site. It is conceivable that such a scheme would attract higher development costs and there is no evidence to suggest that such schemes could withstand the proposed CIL charge. Therefore, we suggest that the Council consider testing a wider range of scenarios to fully consider the implications of the CIL charge.

The Council will be aware of the Community Infrastructure Levy Guidance which suggests where the charging authority is proposing to set differential rates, they may want to undertake a more fine-grained sampling to identify a few data points to use in estimating the boundaries of particular zones, different categories of indented use and the size of the development (i.e. floorspace, units).

We consider that the Viability Study has failed to undertake thorough fine grained testing and therefore does not demonstrate true difference in viability. We therefore object to the proposed charge for convenience retail development on the grounds of insufficient testing.

Differential Rates

To support the proposed Draft Charging Schedule, 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. We contend that retail is retail and there should be no differential based upon the type of goods sold from within retail premises. The use of the premises is the same, regardless of goods sold.

The Examiner considering the Plymouth Draft Charging Schedule stated within his 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)

If the Council were able to demonstrate that convenience retail is a distinct use, it still has to demonstrate how it could apply such a difference through the planning system. The only true mechanism for identifying the intended use of the retail development can only be through the use of a restrictive floorspace condition. Whilst such conditions might be appropriate in planning terms in some circumstances, any condition that sought such controls simply to dictate an appropriate CIL charge would not meet the appropriate tests.

Discretionary Relief

The Council has indicated that they will not provide discretionary relief. Regulation 55 and Regulation 49a allows Charging Schedules to grant discretionary in exceptional, specified circumstances. Applying this discretionary relief is a useful tool for ensuring the delivery of development where a CIL charge would render a scheme unviable. Allowing for discretionary exceptions will not weaken the Council's overall position if it chooses not to allow such relief in any given circumstances.

Instalments

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 development viable.

We trust that these comments are of assistance. We would be grateful to be kept informed on the consultations.

Yours faithfully,

Giuseppe Cifaldi
Town Planner