



Community Infrastructure Levy

Statement of Further Consultation on the Draft Charging Schedules for Christchurch and East Dorset



Prepared by Christchurch Borough Council and
East Dorset District Council

January 2015

Statement of Representations received: Regulation 19(1)(b)

The Regulations require that a Statement is produced outlining the community and stakeholder consultations undertaken during the preparation of the CIL documents. This is in accordance with the statutory procedures in the Planning Act 2008 and the CIL Regulations April 2010 (as amended).

Consultation

Draft Charging Schedules

The public consultation for this document ran for 6 weeks from 7 May 2014 until 18 June 2014.

All stakeholders on the Core Strategy database who were identified as developers, land owners, key stakeholders or neighbouring authorities were invited to comment on the Draft Charging Schedule, and received an email or letter to advise them of the consultation. Copies of the document were made available at local libraries and Town and Parish Council Offices, as well as the Offices of the two Councils.

The Councils received 21 duly made representations in accordance with CIL Regulation 17. There were no not duly made representations, and one 'no comment' response was received. A full list of respondents is contained in the Table 1 below. A summary of the comments raised by the representations, and an officer response to this, is contained in Appendix 2.

Statement of Modifications to the Draft Charging Schedules

A further period of public consultation coincided with the submission of the Draft Charging Schedules to the Secretary of State. The consultation ran from 5th December 2014 until 2nd January 2015.

As with the previous consultation, all stakeholders on the Core Strategy database who were identified as developers, land owners, key stakeholders or neighbouring authorities were advised of the submission and invited to comment on the Statement of Modifications, and received an email or letter to advise them of the submission / consultation. Copies of the document were made available at local libraries and Town and Parish Council Offices, as well as the Offices of the two Councils.

The Councils received representations from 7 organisations or individuals. A full list of respondents is contained in the Table 2 below. A summary of the comments raised by the representations, which have subsequently been sent to the Examiner, is contained in Appendix 3.

Right to be heard

Draft Charging Schedule

11 respondents requested to be heard by the CIL Examiner. Those respondents requesting a hearing are indicated in the Table 1 below.

Statement of Modifications to the Draft Charging Schedules

7 respondents requested to be heard by the CIL Examiner. Those respondents requesting a hearing are indicated in the Table 2 below.

Main Issues Raised in respect of the Draft Charging Schedule

1) General Comments:

Differential (area based) CIL rates should be charged to maximise CIL revenue

Relief should be offered in Exceptional Circumstances

Flat rate fee across the whole plan area for all developments would be more equitable

Responses from Supermarkets:

Impact of 2014 Regulations (The Council 'Must' Strike an appropriate balance)

Economic performance of supermarkets – Declined over last 12 months and rate should be reduced

S106/S278 and build cost assumptions not adequately assessed in viability work

Viability report out of date

Justification of different rates for convenience and comparison

State Aid issues

Viability report doesn't take account costs of redevelopment

Strategic Sites / Residential Sites:

Affordable housing should be tested at Core Strategy rates (40% & 50%)

Strategic site infrastructure costs not adequately assessed in viability work

S106/S278 and build cost assumptions not adequately assessed in viability work

Exceptional circumstances relief should be offered

Differential rates for strategic sites and wider plan area

Alternative viability appraisals submitted with representations for strategic sites

Double counting for Suitable Alternative Natural Greenspaces (SANG) where the development provides its own SANG

Detailed costs of heathland mitigation not identified

Care Homes:

Construction / redevelopment costs & costs of obtaining planning permission not accurately assessed in viability work

Care home tested in viability work too small

'Extra Care Housing' should be C2 not C3

A separate rate for C3 Sheltered Housing should be introduced

Regulation 123 List:

Separate Reg 123 lists should be published for each Authority

Cemeteries and strategic renewable energy infrastructure cannot be funded through CIL

Land and Infrastructure Payments in kind

Do the 2014 regulations preclude SANG being provided in lieu of CIL? (Regulation 73A(7b))

Instalments Policy:

General support for the Policy, but not for the rates proposed. General consideration that they should be lower.
Small schemes should be covered
Evidence for how draft policy prepared
CIL and S106 assessments should be phased
Viability work did not assess impact of paying CIL in advance

Table 1 – List of respondents and requests to be heard at the Examination

	ID and Consultation Ref no	Name	Representing Organisation	Wish to be heard at Examination
1	743790 CIL- DCS1	Mr Fred Andress (Planning Issues Ltd)	Churchill Retirement Living	N
2	746077 CIL- DCS4	Mr Ryan Johnston (Turley Associates)	Burry and Knight	Y
3	490823 CIL- DCS9	Mr Peter Hendra (Clerk)	Ferndown Town Council	N
4	746240 CIL- DCS12	Mr Tim Hoskinson (Savills)	Gleeson Strategic Land Ltd	Y
5	662201 CIL- DCS10	Ms Donna Palmer (Boyer Planning)	Linden Homes	Y
6	746457 CIL- DCS11	Ziyad Thomas (The Planning Bureau)	McCarthy and Stone Retirement Lifestyles Ltd	Y
7	360682 CIL- DCS13	Ms Lisa Jackson (Jackson Planning)	Meyrick Estate Management	Y
8	361028 CIL- DCS14	Ms Helen Patton	New Forest National Park Authority	N
9	746532 CIL- DCS19	Ms Rachel Robinson (White Young Green Planning)	Sainsbury's Supermarkets	N
10	507536 CIL- DCS17	Ms Hannah Machin (Tetlow King)	South West HARP Planning Consortium	N
11	523320 CIL- DCS21	Jeremy Woolf (Woolf Bond Planning)	Taylor Wimpey Strategic Land	Y
12	359295 CIL- DCS2	Mrs Maria Humby (Clerk)	Alderholt Parish Council	N
13	715512 CIL- DCS3	Savills Manchester (Mr Matthew Sobic)	Brookhouse (Christchurch Ltd)	Y

	ID and Consultation Ref no	Name	Representing Organisation	Wish to be heard at Examination
14	498391 CIL-DCS5	Mr Muhammad Hassan	Castleoak Limited	N
15	845394 CIL-DCS6	Katie Bewick (Thomas Eggar LLP)	Asda Stores Limited	N
16	779551 CIL-DCS7	Jonathan Kamm	Clemdell Limited/Etchtree Limited	Y
17	359437 CIL-DCS8	Mrs Gill Smith	Dorset County Council	Y
18	619967 CIL-DCS15	Mr Tim Hoskinson (Savills)	Home Builders Federation (South West)	Y
19	845072 CIL-DCS16	Ms Rebecca Booth (Leith Planning Ltd)	Stenham Property Ltd	N
20	844546 CIL-DCS20	Mr Matt Gilks (Dutton Gregory)	Talbot Village Trust	Y
21	359552 CIL-DCS22	Mrs Judi Weedon (Clerk)	West Moors Parish Council	N
22	359553 CIL-DCS23	Mrs Linda Leeding (Clerk)	West Parley Parish Council	N

Table 2 – List of Statement of Modifications respondents and requests to be heard at the Examination

	ID and Consultation Ref no	Name	Representing Organisation	Wish to be heard at Examination
1	662201	Mr Mike Newton (Boyer Planning)	Linden Homes	Y
2	360682	Ms Lisa Jackson (Jackson Planning)	Meyrick Estate Management	Y
3	523320	Jeremy Woolf (Woolf Bond Planning)	Taylor Wimpey Strategic Land	Y
4	779551	Jonathan Kamm	Clemdell Limited/Etchtree	Y

	ID and Consultation Ref no	Name	Representing Organisation	Wish to be heard at Examination
			Limited	
5	359437	Mrs Gill Smith	Dorset County Council	Y
6	359553	Mrs Linda Leeding (Clerk)	West Parley Parish Council	Y
7	360764	Cllr Mrs B Manuel	Parley Ward, East Dorset District Council	Y

Appendix 1 – Statement of Representations - Publicity

1. The statutory advert giving notice of the publication of the Draft Charging Schedule for Consultation in the Bournemouth Echo. The same advert was placed in the Salisbury Journal, Stour and Avon Magazine, Blackmore Vale Magazine, New Milton Advertiser and Times, and the Verwood Viewpoint magazine.

Christchurch and East Dorset Councils
delivering services together

Christchurch and East Dorset Councils Community Infrastructure Levy Draft Charging Schedules Consultation
7th May – 18th June 2014.

Prepared in accordance with the Planning Act and Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013 and 2014).

Following consultation on Preliminary Draft Charging Schedules, Christchurch and East Dorset Councils are now consulting on Community Infrastructure Levy Draft Charging Schedules. This consultation will run for a period of 6 weeks from the 7th May to the 18th June 2014.

Draft Charging Schedules and a viability study have been published and these are available to view online at <https://www.dorsetforyou.com/407160> or in hard copy from the following locations:

Christchurch Borough Council , Civic Offices, Bridge Street, Christchurch, BH23 1AZ	Mon – Thurs 8.45am-5.15pm and Fri 8.45am-4.45pm
Christchurch Information Centre , 49 High Street, Christchurch, BH23 1AS.	Mon – Fri 9.30am-5pm, Sat 9am-5pm
Steamer Point Information Centre , Off Penny Way, Steamer Point, Highcliffe	Mon – Sun 9am-5pm
East Dorset District Council , Council Offices, Furzehill, Wimborne, BH21 4HN	Mon – Thurs 8.45am-5.15pm and Fri 8.45am-4.45pm
Ferndown Town Council , King George V Pavilion, Peter Grant Way, Ferndown, BH22 9EN	Mon – Thurs 9am-4pm, Fri 9-3.30pm
Verwood Town Council , Council Offices, 28 Vicarage Road, Verwood, BH31 6DW	Mon – Fri 9am-1pm
Wimborne Town Council , The Town Hall, 37 West Borough, Wimborne, BH21 1LT	Mon – Fri 9.30am-1pm
West Moors Parish Council , 4 Park Way, West Moors, BH22 0HL	Mon, Tues, Thurs & Fri 10am-1pm
Corfe Mullen Parish Council , Council Office, Towers Way, Corfe Mullen, BH21 3UA	Mon – Fri 9am-2pm
East Dorset Heritage Trust , Allendale House, Hanham Road, Wimborne, BH21 1AS	Mon – Fri 9.30am-5pm

You can comment on the Draft Charging Schedules by;

- Using the online consultation portal <http://www.dorsetforyou.com/407160>
- By emailing your comments to planningpolicy@christchurchandeastdorset.gov.uk
- Or by posting your comments to: Planning Policy, East Dorset District Council, Furzehill, Wimborne, Dorset, BH21 4HN.



Any person who makes representations on the Draft Charging Schedule in accordance with the Statement of Representations procedure may request the 'right to be heard' at the examination. This request should be submitted in writing before the end of this consultation on the 18th June. Representations may also be accompanied by a request to be notified, at a specified address, of any of the following:

- That the Draft Charging Schedules have been submitted to the examiner in accordance with Section 212 of the Planning Act 2008;
- The publication of the recommendations of the examiner and the reasons for those recommendations;
- The approval of the CIL Charging Schedules by the Councils

2. The same advert seen in the on-line M4D journal website.

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Christchurch & East Dorset Councils' Public Notice

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East Dorset Heritage Trust , Allendale House, Hanham Road, Wimborne, BH21 1AS	Mon – Fri 9.30am-5pm

You can comment on the Draft Charging Schedules by;

- Using the online consultation portal <http://www.dorsetforyou.com/407160>

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- By emailing your comments to planningpolicy@christchurchandeastdorset.gov.uk
- Or by posting your comments to: **Planning Policy, East Dorset District Council, Furzehill, Wimborne, Dorset, BH21 4HN.**

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- The approval of the CIL Charging Schedules by the Councils

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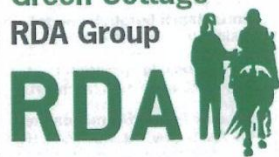
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3. Letter sent to all local libraries in respect of the consultation.



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Colehill Public Library
Middlehill Road
Colehill
Wimborne
Dorset
BH21 2HL

Date: 6 May 2014
Contact: Planning Policy
Our Ref:
Your Ref:
Phone: 01202 886201
Email: planningpolicy@christchurchandeastdorset.gov.uk
FAX: 01202

Dear Sir/Madam

Christchurch and East Dorset Councils Community Infrastructure Levy Draft Charging Schedules Consultation 7th May – 18th June 2014.

Prepared in accordance with the Planning Act and Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013 and 2014).

Please find enclosed the following documents in relation to the above consultation.

- Community Infrastructure Levy Draft Charging Schedules for Christchurch and East Dorset
- Response Forms
- Statement of Representation
- Community Infrastructure Viability Testing June 2013

I would be grateful if you could display these documents for public use during the period stated above. If you require additional copies please contact Liz Taylor Tel 01202 886201 Ext 2422 or etaylor@christchurchandeastdorset.gov.uk

More information can be found on our website www.dorsetforyou.com/348323

Yours faithfully,

James Hassett
Head of Growth and Economy
Christchurch and East Dorset Councils



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Appendix 2 - A summary of the Comments Raised by the Representations and Councils' Response

**Christchurch and East Dorset
CIL Draft Charging Schedule Consultation Responses – Split by question
November 2014**

Question 2: Do you agree or disagree with the proposed rates contained in the Draft Charging Schedule?

Contact Details	Comment ID	Question 1: Do you wish to be heard in support of your representations?	Question 2: Do you agree or disagree with the proposed rates?	Question 2	Additional Documents?	Officer Comment
ASDA c/o Carl Dyer – Thomas Eggar LLP	CIL- DCS6		Disagree	<p>We act for Asda Stores Limited (“Asda”) and are writing on behalf of Asda to make representations in respect of Christchurch and East Dorset Council’s Draft Charging Schedules. Under Regulation 14 of the Community Infrastructure Levy Regulations 2010 (“CIL Regulations”) the Council’s primary duty when setting the level of Community Infrastructure Levy (“CIL”) charge is to strike an appropriate balance between the desirability of funding the cost of infrastructure required to support development from CIL and its potential effects on the economic viability of development. In our view, the approach taken to assessing the Draft Charging Schedule does not achieve an appropriate balance between these two objectives. We wish to object to the approach taken to assessing the Preliminary Draft Charging Schedule on the following grounds:</p> <p>1. The fact that the consultation study is now out of date and fails to take account of major changes to the Community Infrastructure Levy Regulations 2010 by the Community</p>		<p>1. The fact that the consultation is now out of date and fails to take account of major changes to the Community Infrastructure Levy Regulations 2010 by the Community Infrastructure Levy (Amendment) Regulations 2014/385. PBA considers that the viability testing undertaken in the Viability Study ensures that the Council, in delivering its Development Plan, strikes an appropriate balance between the need for infrastructure and development viability. The viability appraisals have been informed by industry standard</p>

Contact Details	Comment ID	Question 1: Do you wish to be heard in support of your representations?	Question 2: Do you agree or disagree with the proposed rates?	Question 2	Additional Documents?	Officer Comment
				<p>Infrastructure Levy (Amendment) Regulations 2014/385;</p> <p>2. The impact on policies enhancing economic performance;</p> <p>3. The financial assumptions and viability assessments contained in the Council's Viability study;</p> <p>4. The proposal to split convenience and comparison retail development;</p> <p>5. Issues relating to State Aid; and</p> <p>6. Concerns about the Council's approach to setting CIL charges generally.</p> <p>1. Impact of Community Infrastructure Levy (Amendment) Regulations 2014/385. As the Council will be aware, the Community Infrastructure Levy (Amendment) Regulations 2014/385 came into effect in February. These regulations have made a number of wide-reaching changes to the CIL regime, the most important of which, for the purposes of this email, are summarised below:</p> <ul style="list-style-type: none"> • Regulation 14 has been amended so as to strengthen the obligations on the Council objectively to justify the adopted charging rates. Reg 14 now states that a Council "<i>must strike an appropriate balance</i>" as opposed to simply aiming to do so; • Examiners are now being asked to assess whether an appropriate balance has, in fact, been struck; 		<p>benchmarks (for example BCIS) and stakeholder consultation in order to best reflect development in Christchurch and East Dorset. Furthermore PBA has allowed for a significant viability gap in order that any additional unforeseen development costs can be taken into account and development is not made 'unviable'.</p> <p>2.The impact on polices enhancing economic performance. The Regulations require that the only criteria to be taken into account in setting CIL rates are the need to fund infrastructure to support the development of the area and the viability of development across the area. As a result, some development uses can be subject to a higher charge per square metre than others, irrespective of their individual infrastructure needs. As such it would not be lawful for Christchurch & East Dorset Council to take factors other</p>

Contact Details	Comment ID	Question 1: Do you wish to be heard in support of your representations?	Question 2: Do you agree or disagree with the proposed rates?	Question 2	Additional Documents?	Officer Comment
				<ul style="list-style-type: none"> • The Regulations governing payment in kind have been amended to allow local authorities to accept items of infrastructure as well as the transfer of land; • Draft Regulation 123 lists should now be made available much earlier in the rate-setting process and these will be capable of being examined at inquiry; and • There have been significant changes to the various CIL exemptions; which will significantly affect the Council's expected levels of receipts. <p>The Draft Charging Schedule and the viability report on which it is based, do not consider the impact of these amendments and contain a number of assertions which are now incorrect. In particular, the viability assessment was drafted to enable the Council to "aim" to strike an appropriate balance between the desirability of funding the cost of infrastructure required to support development from CIL and its potential effects on the economic viability of development; it is not sufficiently detailed or well evidenced to establish that this balance has, objectively, been struck. We would urge the Council to undertake a further, more detailed, viability appraisal based on the CIL regime as it now is, and to re-consult on the Draft Charging Schedule once the results of this second appraisal are available.</p> <p>2. Impact on policies enhancing economic performance. We will not repeat the Council's strategic objectives contained in its Local Plan in full here, but in order to achieve its Vision and Overall Objectives, it will be important for the Council to set an appropriate CIL charge to encourage new development to come</p>		<p>than viability into account when setting rates for different uses of development.</p> <p>We disagree that the proposed CIL rate would discourage larger convenience retail development. Viability evidence has shown that development of both small and large new build convenience stores is viable with the proposed CIL charge.</p> <p>3. The financial assumptions and viability assessments contained in the Council's Viability Study.</p> <p>ASDA's consultant has raised concerns on the level of S106, S278 and planning fees assumed in the appraisals.</p> <p>With regard to planning fees - these costs are incorporated within the 10% professional fee assumption within the appraisal. There is a 5% contingency and considerable 'buffer' to allow for any</p>

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				<p>forward. An appropriate CIL charge will encourage new development and promote redevelopment to create employment and ensure a range of shopping choices for consumers and enhance the vitality and viability in district and local centres. The proposed retail CIL rates would discourage larger retail developments and would not ensure that the relevant retail and employment aims of the Vision and Overall Objectives are met. This could have the effect of reducing the range, variety and choice of retail shopping and, if no redevelopment or regeneration schemes are put forward, then existing buildings are unlikely to be refurbished and re-used. It is our view that if the retail charges set out in the Draft Charging Schedule are adopted, there will be several consequences across the Borough that will put the Council's ability to achieve its key objectives at risk. For example: • All other forms of development will receive a significant subsidy at the expense of retail schemes; and • There will be a corresponding disincentive (and market distortion accordingly) to investment in this sector of the local economy. The Government is keen to encourage the creation of additional employment across the economy and the retail sector as a whole is one of the largest employers and the largest creator of new jobs at the present time as well as being one of the most dynamic and innovative sectors within the UK economy. Asda example 1 ASDA has a proven track record of investing in local communities and of creating jobs within these areas. For example, of the 123 colleagues recruited for the ASDA store in Tunbridge Wells, 76 colleagues (71%) were previously unemployed. The supporting papers do not acknowledge this trend nor do they fully assess the role of retail within the national economy. They simply assert that large scale retail is performing stronger in comparison to the other aspects of the retail sector and accordingly, it implies that large scale retail establishments have the capacity to pay potentially very large sums of CIL, whereas the Town Centre comparison and small convenience</p>		<p>increased costs. We have not been provided with any evidence of additional costs involved in obtaining planning permission for a development scheme.</p> <p>We do not consider that the Study assumes low allowances for residual section 106/278 agreements. Asda's consultant sets out that as well as CIL, developments could potentially need to contribute to additional planning obligation costs. However as set out in the Council's Draft Regulation 123 List a significant majority of planning obligation requirements will become CIL-able, rather than remain as s106 items.</p> <p>From the examples given, therefore, the proposed CIL would equate to a charge of £100 per sq m, with a further s106 allowance of £10,000 (so a total 'planning obligations' charge of £102.50 per sq m).</p>

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				<p>retail rates are much lower. Any CIL schedule that imposes a substantial CIL charge on superstores or supermarkets and a very low or nil rate on all other uses could effectively undermine the retail function of local and town centres, detracting from their viability and vitality as large scale retail developers would be discouraged by the imposition of CIL. Asda example 2 Asda stores regularly rejuvenate and regenerate existing centres, and the surrounding areas, and draw new shoppers to them, which benefits the existing retailers, and those who open stores in Asda-anchored centres in their wake. For example in 2006, Asda opened a store in Romford, transforming a derelict brownfield site through an extension of an existing retail mall and creating 347 jobs. This helped to propel Romford into the top 50 UK retailing cities. Indeed, due to the success of the store in attracting more footfall to that part of the town's Primary Shopping Area, the local authority redrew the town centre boundary to include the edge of centre Asda store into the heart of the Romford town centre.</p> <p>3. The financial assumptions and viability assessments contained in the Council's Viability Study. We also have a number of concerns about the study conducted by Peter Brett Associates in June 2013 ("The Viability Study").</p> <p>The assumptions on which the Viability Study is based are now out of date and the legal process that the study was expected to inform has significantly altered since the report was drafted (see section 1 above). As such, it requires significant updating in the light of these regulatory changes, if the Council is to be in a position to rely on its conclusions. In particular, since October 2013 a series of announcements have been made that call into question the assumptions made about the resilience of the</p>		<p>The examples given by Asda's consultant show that much higher amounts have been deemed viable through the s106 process – for example the 3,000 sq m food store in Ware equates to £290 per sq m and the 6,700 sq m foodstore in Sussex equates to £200 per sq m. We consider that this supports our argument that the proposed CIL charge has been set at an appropriate discount to allow for a viability buffer and that it will not impact on development viability.</p> <p>Changes in the legislation make clear that all future S106 costs are to be immediately related to development in question. As such, strategic infrastructure costs will be dealt with through CIL in future. Relatively modest amounts can therefore be allocated to S106/S278 costs.</p> <p>It is conceivable that larger S106/278 costs will be charged</p>

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				<p>convenience retail sector. For example:</p> <ul style="list-style-type: none"> • In January this year it was announced that Tesco's Christmas and New Year sales for 2013/2014 fell 2.4% in like-for-like sales compared with last year. Morrisons posted a 5.6% fall for the same period. • Both the Co-Op and Morrisons have announced plans to sell a significant number of their larger format stores; and • The sector is facing increased competition from online retailers <p>Given the risk that these assumptions are overly buoyant it is possible that Peter Brett have under estimated the impact that CIL will have on the viability of these types of development schemes. The Viability Study also contains retail development assumptions that in our view are inadequate as they do not make sufficient allowance for the costs involved in obtaining planning permission for a development scheme. By excluding the true cost of obtaining planning for a commercial development, the Council has underestimated the true cost of retail developments and artificially inflated the residual land values used for the financial viability models. This will, in turn, have inflated the amount of CIL proposed for these uses.</p> <p>The Viability Study assumes rather low allowances for residual section 106 and section 278 agreements, in addition to CIL, that may be borne by retail developers. For convenience supermarkets £10,000 is permitted. For the example of a 4,000 sqm convenience store, this is a low allowance.</p> <p>In reality, residual section 106 and section 278 contributions are likely to exceed these amounts for large scale retail</p>		<p>(or, equally, lower costs will be charged) than those used in the appraisals. If higher S106 /278 costs are charged, then there is a considerable 'buffer' built into the CIL setting process that can support these higher than expected costs. Furthermore, there is a 5% contingency built into the appraisal.</p> <p>4. The proposal to split convenience and comparison retail development. The Regulations allow charge distinctions between the intended 'use' of buildings according to the broad meaning of that word (subject to there also being viability differences). 2014 CIL Guidance confirms this is not restricted to 'use classes'. The deliberately broad definition in the legislation is clearly intended to give authorities wide discretion to identify intended uses of buildings in a range of ways. This can clearly include whether the building is</p>

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				<p>developments. Although the Council will not be able to pool section 106 contributions once CIL is adopted, the types of commonly pooled contributions tend not to make up a large proportion of the contributions sought from commercial schemes – which are usually focussed on site specific highways and access works, employment and training contributions, environmental mitigation works and other, site specific, requirements. This is demonstrated by the Council’s draft Regulation 123 list, which makes it clear that any site specific green infrastructure or network improvements, not listed, that are needed to mitigate the impact of the development and to make it acceptable in planning terms, may still be required to be funded through section 106 and section 278 agreements.</p> <p>Taking the example of a 4,000 sqm retail superstore used in the Viability Report, this sized superstore would be expected to bear a CIL payment of £440,000 (£110 per sqm), with total building costs of £3,200,000 and, in addition, potentially fund all of the following potential costs:</p> <ul style="list-style-type: none"> • demolition, remediation and on site highways works • the cost of any off-site highways works required to make the development acceptable in planning terms including junction improvements, road widening schemes, new access roads, diversion orders and other highways works; • the cost of extending the Council's CCTV or public transport network to include the scheme (including the costs of creating new bus stops, real time information and providing new bus services to serve the site); • monitoring costs of compliance with employment/apprenticeship schemes and travel plans; • environmental off-set contributions to mitigate the loss of habitat or greenery caused by the scheme; 		<p>intended to be used primarily for the sale of “convenience” goods or “comparison” goods.</p> <p>As set out in the evidence in the viability report, “convenience” and “comparison” are not just descriptors of types of goods. They are widely recognised and understood as categories of retail store use, employed for planning purposes and within and outside the retail industry - for example, by industry analysts such as the Local Data Company and Colliers.</p> <p>Setting a charge according to the intended use of the building for “wholly or mainly” convenience or comparison retail use does not depend on the imposition of conditions. However, where conditions are used, they provide a clear way to do so.</p> <p>5. Issues relating to State</p>

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				<ul style="list-style-type: none"> The cost of any remediation and decontamination works to be carried out by the council on the developer's behalf; payments for town centre improvements intended to mitigate the impact of the development on the town centre or neighbouring areas; and the costs incurred by the Council of maintaining any site specific infrastructure required by the development. <p>The Viability Appraisal allows 10% of build costs for external works (£320,000) and 5% for contingency payments (£160,000) giving a total budget of £480,000 for these costs.</p> <p>To put this in context:</p> <ul style="list-style-type: none"> the section 106 Contributions incurred in relation to a c.3,000 sqm food store in Ware, Hertfordshire amounted to £871,800. These sums related to bus service contributions; development of a community centre, nursery; education contributions; various highway safety improvements; youth service contribution; residents parking schemes and open space contribution. In addition to these Contributions, green travel plan contributions, monitoring fees and architectural lighting on pedestrian routes between the store and city centre were also incurred. the section 106 Contributions incurred in relation to a c.6,700 sqm food store in Newhaven, East Sussex amounted to £1,345,544. These sums related to contributions for improvements to and an extension of the local bus network; economic initiatives; contributions for relocating local habitats; improvement of recreational space; recycling contributions; residential and retail travel plan auditing; transportation and town centre contributions. 		<p>Aid.</p> <p>We do not believe that there are state aid implications for charging different retail uses at different rates, or for charging different rates in different zones, as long as the differences are based on viability evidence in line with the requirements of the CIL regulations. The Government has issued advice via the Planning Advisory Service that it took appropriate advice and paid careful attention to design CIL so that following the statutory framework would result in a 'state aid compliant' charging schedule. Accordingly, in line with the CIL guidance, the councils as the Charging Authorities have taken care to ensure that the draft charging schedules, including the differential rate distinctions, has been compiled in compliance with the requirements of the regulations and guidance.</p> <p>6. Concerns about the</p>

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				<p>With this in mind, we again, suggest that the Council has significantly underestimated the impact of CIL on the viability of such developments and request that the underlying viability evidence be revised accordingly.</p> <p>4 The proposal to split convenience and comparison retail development It is our view that the Council's proposal to apply differing CIL rates to 'comparison' and 'convenience' retail falls outside of the scope of the rate differentials permitted in the CIL regulations. Clause 13(1) of the CIL Regulations states that a charging authority may set different rates for different zone in which development would be situated; and/or by reference to different intended uses of development within those zones and/or by reference to the size of those schemes. While the CIL regulations do not expressly define 'use', they regularly adopt definitions from the planning system and other planning legislation (in particular the Town and Country Planning Act 1990 (as amended) and the Planning Act 2008). As the Use Classes Order is widely accepted to be the starting point for definitions of Use within the planning system, it is reasonable to expect that the CIL Regulations reflects those definitions. It should be noted that Poole, Mid-Devon and Elmbridge Councils have withdrawn their proposals to charge large supermarkets a higher CIL rate than other retail development, on the grounds that this approach is potentially unlawful. Similarly, New Forest District Council has also had its "large supermarket" rate struck out at Inquiry, as the Inspector held that the threshold at which it had been set had not been sufficiently justified by the viability evidence provided. In addition, the Council's proposal to distinguish 'comparison' and 'convenience' retail also poses</p>		<p>Council's approach to setting CIL charges generally and in relation to change of use and conversion projects. CIL guidance links to the NPPF and requires the focus of viability testing to be on development identified in the plan. As such the scenarios have been undertaken on this basis. With regard to demolition, the benchmark land value assumes a cleared site; such abnormal costs should be reflected in a reduced land value through market mechanisms.</p> <p>Additional Suggestions:</p> <ol style="list-style-type: none"> 1. ASDA's Suggestions Instalment Policy. Noted. 2. Exceptional Circumstances Relief. Noted. 3. Flat Rate Levy. This would not be appropriate. The

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				<p>practical problems for retail developers and the Council themselves in assessing the charge, as most supermarkets and superstores contain a mix of convenience and comparison floorspace. The Council's current proposals will potentially result in two different CIL rates being charged for floorspace within the same building or development. Such an approach adds undue complexity to the CIL calculations.</p> <p>5 State Aid We wish to bring it to your attention that there will be EU State Aid issues arising out of the setting of differential rates for different types of commercial entity within the same use class. Introducing such differential rates confers a selective economic advantage on certain retailers depending on the size of the shop they operate out of, or their type of business. For example, setting the levy for comparison retail schemes at a lower rate than an equivalent convenience retail scheme provides an economic advantage to comparison retailers. Alternatively, basing rate differentials on the size of a store favours smaller retailers over their larger competitors. As far as we are aware, the UK government has not applied for a block exemption for CIL. CIL charges do not form part of the UK's taxation system and there does not appear to be an exemption in place to cover any State Aid issues that may arise. With this in mind, we would be grateful if the Council adopted a flat levy rate for comparable sectors of the economy/use classes or, if it is not prepared to do so, providing an explanation as to why State Aid issues are not engaged by the setting of differential rates within use classes to the Inspector at the Inquiry. . Flat Rate Levy Accepting for the purpose of this argument the premise that CIL is necessary for the purpose of funding Borough-wide infrastructure, a much fairer solution would be to divide the Council's estimate of total infrastructure costs over the charging</p>		<p>proposed CIL charges have been based upon viability evidence. It has been shown that some forms of development can accommodate a higher level of CIL, whilst other development can only accommodate a lower or nil charge. Given the need to consider development viability, it would not be lawful to approach rate-setting in the manner suggested. In particular, the adoption or otherwise of a policy to accept claims for exceptional circumstances relief cannot be taken into account in setting the rates. This is because such policies may be changed by an authority from time to time and so do not form part of the charging schedule and its examination.</p>

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				<p>period (and in this connection, it is important to remember that the Government's guidance as recorded in the National Planning Policy Framework is that only deliverable infrastructure should be included) by the total expected development floor space and apply a flat rate levy across the Borough and across all forms of development. That will have the least possible adverse effect upon the market for land and for development, and yet the greatest possible opportunity for the economy to prosper and thrive and for jobs to be created. The potential impact of a flat rate levy on the viability of those types of development which are not currently identified as viable could be balanced by the Council's implementation of Exceptional Circumstances Relief, as mentioned above. Consequently, reducing the levy proposed per square metre on retail and residential floor space would not result in a proportionate increase in the levy required on other forms of commercial or other development. However, applying the current proposed levy could run the risk of diminishing substantially the number of such retail stores built, with a consequential loss of employment opportunities and investment.</p> <p>CONCLUSION For these reasons, we would ask that the Council undertakes a rethink of its position and substantially alters its Charging Schedule in so far as it relates to retail development. Accordingly, we would request that the Council:</p> <ul style="list-style-type: none"> • Revisits its viability assessments for retail development, to address the concerns set out above; • Considers the allowing developers to pay their CIL Liability through the provision of infrastructure; and • Adopts a single flat rate levy across all development within its boundaries. 		
Mr Matthew Sobic, Savills Manchester (ID:	CIL-DCS3	Yes	Disagree	<p>We write on behalf of our client, Brookhouse (Christchurch) Limited, who is the owner of Meteor Retail Park, on Somerford Road in Christchurch. Brookhouse is a nationwide developer specialising in retail property</p>		We note comments made regarding build costs. Our build costs assumptions are based on BCIS build cost prices. This

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747992)				<p>development and in particular large format foodstore development. It has recently been granted planning permission on 11 March 2013 by Christchurch Borough Council to construct a foodstore at the Retail Park (Reference 8/12/0464).</p> <p>This letter provides our representations on the Preliminary Draft Charging Schedule for the Christchurch and East Dorset Community Infrastructure Levy (CIL). It comments on the proposed charging rates for retail development. A precursor comment to the representations set out below is that the backdrop to development remains challenging. It follows that the imposition of any CIL Charging Schedule must be flexible to offer scope for developments that are acceptable in land use terms to proceed without their viability being compromised. Should a development's viability be compromised, it may have the effect of resulting in an acceptable development not proceeding. That would be at odds with the planning system which seeks to ensure that acceptable development proceeds without delay.</p> <p>Comments on the Draft Charging Schedule</p> <p>The proposed CIL rates for retail development in Christchurch are:</p> <ul style="list-style-type: none"> - Convenience retail – £110/sq.m - Comparison retail – £0/sq.m <p>The rates proposed are based on the Peter Brett Associates (PBA) East Dorset District Council and Christchurch Borough Council Community Infrastructure Levy Viability Testing report, dated June 2013, with commentary on the retail appraisals at Chapter 11 and a viability appraisal included at Appendix 1.</p> <p>We support the Council's rate setting for comparison goods retailing, which reflects the difficulty in viability in delivering comparison goods floorspace and the shifts and</p>		<p>is in line with standard industry practice and assumptions and is the approach used for the vast majority of CIL viability studies.</p> <p>We are aware that cost inflation is increasing, however we believe that we have allowed for enough of a viability buffer in the proposed CIL rates to allow for increases in build costs until a CIL review is carried out.</p> <p>We would note that the Respondent has not provided us with evidence (a cost plan for example) which illustrates that build costs are c.25% higher than we have assumed.</p> <p>We note the comment from Brookhouse that residual land values for a large format foodstore scheme in Christchurch would be in the order of £2,500,000 per hectare as opposed to the £3,356,494</p>

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				<p>trends that have occurred in that retail goods category over the last decade – such as the increase in the amount of comparison goods retailing that now takes place away from physical stores.</p> <p>We consider that the rates proposed by the Local Planning Authority for convenience goods retailing are not reflective of the current convenience goods retail property market. There have been movements in this sector of the property market over the last twelve months, with all the big foodstore operators scaling back their store programmes as a consequence of declining sales. Retailers such as Asda and Morrisons have also announced that they will be making significant redundancies shortly.</p> <p>The viability appraisal that the charging rate is based on is included at Appendix 1 of the PBA report. Our comments are:</p> <ol style="list-style-type: none"> 1. PBA set a construction rate of £800/sq. m (75/sq. ft) for convenience goods retail floorspace, whereas we are advised by Brookhouse, who has been granted permission to construct a foodstore in Christchurch, that construction rates would be in the order of £1,075/sq. m (£100/sq. ft). This is approximately 25% above the level forecast by PBA. It is important to note that construction cost inflation is increasing significantly and is outstripping rental growth. Convenience goods retail rents themselves are on a downward trend and so are likely to be at a rate that is lower than that forecast by PBA in its report at Appendix 1. 2. We understand from Brookhouse that residual land values for a large format foodstore scheme in Christchurch would be in the order of £2,500,000 per hectare as opposed to the £3,356,494 used by PBA 		<p>assumed by PBA. We would note that the residual land value assumed by PBA is the product of undertaking development appraisals, the basis of the assumptions for which is set out in the Viability Report. We have been given no evidence of any appraisal work / comparable transactional evidence to justify or back up a residual land value of £2,500,000 per Hectare.</p> <p>As set out in the report it is our understanding that CIL will account for the majority of strategic infrastructure requirements, hence the level of S.106 assumed.</p>

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				<p>at Table 11.2.</p> <p>3. The appraisals do not accurately reflect the levy of s106 agreement that have been sought by the Local Planning Authority for foodstore proposals. A modest £10,000 is included by PBA in the viability appraisals. The Local Planning Authority has however sought contributions to Christchurch town centre that are greater than or equal to £500,000 for convenience goods retail development. Paragraph 5.29 of the PBA report confirms that a modest figure has been used on the basis that CIL will now pick up area wide strategic infrastructure requirements. As the LPA identifies in its Draft 123 Regulation List that offsite provision / enhancements of Public Realm Improvements will be sought by CIL, we consider that it appears to be the Local Planning Authority's intention that CIL would replace s106 contributions previously sought. If this is not the case, then an update of the PBA viability assessment is required to better reflect any s106 contributions sought by the Local Planning Authority.</p> <p>Paragraph 25 of the DCLG CIL Guidance states that: 'Charging authorities need to demonstrate that their proposed CIL rate or rates are informed by 'appropriate available' evidence and consistent with that evidence across their area as a whole.'</p> <p>We are unsure of where the PBA evidence comes from for its appraisals as it is not referenced. They may well have been up-to-date 12 – 18 months ago, but note that the figures we have provided above are appropriate available evidence from a live permission for convenience goods development in the Christchurch area.</p> <p>In the light of the above, we therefore consider that a review of the rates used by the Local Planning Authority should be required to better reflect current market circumstance. In addition, the Local Planning Authority should incorporate a level</p>		

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				<p>of flexibility into its CIL to enable developers to negotiate rates based on sound evidence relating to the viability of the development. Not undertaking this approach may result in acceptable developments becoming unviable.</p> <p>Conclusion In the light of the above, we consider that:</p> <ul style="list-style-type: none"> - A review of the rates used by PBA is required to better reflect current market circumstances. - Flexibility should therefore 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. 		
Mr Jeremy Woolf , Woolf Bond Planning (ID: 359291)	CIL-DCS21	Yes	Disagree	<p>i. The National Planning Policy Framework (NPPF) (CLG, 2012) 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 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'. 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). Further in regard to overall infrastructure planning, the NPPF states:</p>	<p>3048225_0_1.pdf 3048224_0_1.pdf 3048227_0_1.pdf</p>	<p>PBA has carried out further viability work which explores the impact on CIL charging, assuming an affordable housing provision at policy as set out in the Core Strategy. The findings of this work have been set out as an Affordable Housing Addendum to the main report. Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area.</p> <p>PBA has also undertaken revised testing of the Strategic Sites (including sites CN1 and CN2) in order to clearly set out the viability position with regard</p>

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				<p>'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 Statement: Housing and Growth (6th September 2012)</p> <p>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:</p> <p>'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).</p> <p>(Our underlining)</p> <p>The Christchurch Borough Council Annual Monitoring Report 2011/12 (published March 2013) states that over the six year period 2006 to 2012, a total 182 affordable dwellings have been delivered (an average of 30.3 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:</p> <p>'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>to SANGs and Heathland mitigation.</p> <p>Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p>

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				<p>It is evident from the above that the Borough has significantly under delivered against overall affordable housing needs over the past six recorded years and in the interim the overall affordability of housing within the Borough continues to decline. It is of note that in the last two recorded years (2010/11 and 2011/12) no affordable dwellings at all were delivered.</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 have been introduced. The Borough have now adopted their Core Strategy requirement for up to 35% of new dwellings to be affordable on the Roeshot Hill site (Policy CN1). It is therefore vital that the proposed CIL rate reflects this undeniable constraint to scheme viability.</p> <p>iii. Community Infrastructure Levy regulations</p> <p>As required by Regulation 14 of the Act it is essential that charging authorities in setting CIL rates strike 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. The spatial strategy in Christchurch Borough is now set and alternative development sites do 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> <p>We have previously submitted representations regarding the supporting viability assessment being predicated upon a 30% affordable housing provision. We note that an appendix assessing a 35% level has now been produced in the June 2013 report (as per the requirement in Policy CN1 of the adopted Core</p>		

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				Strategy). However this should form the main body of the Council's viability report. We also note that the appraisal does not model a scheme above 100 dwellings at this rate and this could be a further piece of work that is necessary. 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. We note that the Inspector will need to hear expert evidence concerning the proposed CIL rate and we wish to reserve the right to submit further evidence at the Examination in Public stage in this respect.		
Mr Ziyad Thomas , Policy Planning Officer The Planning Bureau Limited (ID: 746457)	CIL-DCS11	Yes	Disagree	This is a joint representation on behalf of McCarthy & Stone Retirement Lifestyles Ltd. and Churchill Retirement Living Ltd. the market leaders in the provision of retirement housing for sale to the elderly. It is estimated that of the specialist housing providers currently active in this specific market (not including the out of town "retirement village" model), the two companies deliver over 80% of the current supply between them. It is therefore considered that with the extensive experience in providing development of this nature, these companies are well placed to provide informed comments on the emerging Christchurch and East Dorset Council Community Infrastructure Levy (CIL), insofar as it affects or relates to housing for the elderly. McCarthy & Stone Retirement Lifestyles Ltd. provided commentary on the Preliminary Draft Charging Schedule in April 2012 in which we expressed our concern that the emerging CIL could 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. Notably we raised concerns as to how specialist accommodation for the elderly differs from general needs housing through key issues including, amongst		PBA is comfortable that private retirement living / sheltered accommodation can viably contribute to the lower revised CIL charge of £70 per sq m. PBA has advised the Councils that this type of residential use should be included within the revised residential CIL charge for C3 uses of £70 per sq m. PBA has recommended to the Council that extra care accommodation and housing for vulnerable persons should be subject to the lower 'care home' charge of £40 per sq m.

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				<p>other things, communal floorspace built to a higher specification, a slower sales rate and higher empty property costs. On this basis we respectfully requested that a specific development scenario for sheltered accommodation be carried out for this form of development. Notably we also raised a query as to the charging rate attributed to Extra Care accommodation in the Charging Schedule – whether it was amalgamated into the ‘residential rate’ or whether it was included in the ‘care home’ rate. We pointed out how the advice given by Peter Brett Associates describing Extra Care Accommodation as a C3 use. This contradicted our relatively recent planning negotiations 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. The response given by the Council in the Analysis of the Responses to the Preliminary Draft Charging Schedule: ‘In the report for the Greater Norwich Development Partnership the Inspector commented that he would not propose any change as a result of the McCarthy and Stone comments. He believed it to be unrealistic to expect charging schedules to be made flexible and varied enough to cater for a variety of considerations particular to types of residential accommodation providers.’ This was a stock response to all comments relating to specialist accommodation for the elderly, regardless of the variety of points put in our representation. There is no further work on the viability of specialist accommodation for the elderly in any of the updated viability work. The issue of whether Extra Care accommodation is a C2 or C3 Use and the contradiction between Peter Brett’s and the Council’s classification of these developments was avoided in its entirety in favor of a stock ‘cut and paste’ answer which was not appropriate. It is abundantly clear that Council has not seen fit not to address any of the issues raised within our representation. We would like to remind the Council that the National Planning Policy Framework stipulates that it is crucial</p>		<p>There is no one definition of the types of accommodation provided for older people. In a broadly escalating level of care, they can be defined as follows:</p> <p>Retirement flats or sheltered housing. The purpose of this form of housing is to cater to downsizing older households who no longer require as much private space and amenity to service their housing needs, and want to live in town centre or urban locations close to a good range of services and amenities. These are active elderly persons who are not in need of formalised care provision, but who do require occasional informal help, companionship and the security this form of communal housing provides. In the use class order, this type of housing would typically be seen as C3 dwelling house accommodation.</p> <p>Extra care housing. The term</p>

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				<p>that Local Plans should be based on co-operation with private sector organizations (Paragraph 157) and that the DCLG CIL Guidance states that 'Charging authorities should seek early engagement with local developers, others in the property industry and infrastructure providers when preparing their charging schedules.' (Paragraph 2.2.1.3) The Council's response is extremely disappointing to say the least and raises significant questions over the integrity of the consultation process and correspondingly the 'soundness' of the Charging Schedule.</p>		<p>assisted living or 'extra care housing' is sometimes used to describe developments that comprise self-contained homes with design features and support services available to enable self- care and independent living. Market leaders McCarthy and Stone offer some provision which complies with this "extra care" definition at "new Assisted Living developments" but we understand that this service level is not offered at all sites. Additional charges are made for this level of care. In the use class order, this type of housing would typically be seen as C3 dwelling house accommodation.</p> <p>Care homes are residential settings where a number of older people live, usually in single rooms, and have access to on-site care services. A home registered simply as a care home will provide personal care only - help with washing, dressing and giving medication. Some care homes are registered to meet a specific</p>

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						<p>care need, for example dementia or terminal illness. In the use class order, this would be seen as a C2 residential institution.</p> <p>Nursing homes (sometimes known as ‘care homes with nursing’) will provide the same personal care but also have a qualified nurse on duty twenty-four hours a day to carry out nursing tasks. These homes are for people who are physically or mentally frail or people who need regular attention from a nurse. Homes registered for nursing care may accept people who just have personal care needs but who may need nursing care in the future. In the use class order, this would be seen as a C2 residential institution.</p> <p>In addition to the above we would note that we consider that the Regulations no longer require Authorities to define their Charging Schedules based</p>

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						solely on Use Classes, and that as such use types can be used as an appropriate definition for different charging rates.
Ms Lisa Jackson , Managing Director Jackson Planning Ltd (ID: 521508)	CIL-DCS13	Yes	Disagree	MEM Ltd strongly disagrees with the proposed rates in the draft charging schedule. There are two aspects to this objection. 1. The CIL rate as currently at £100 psm proposed places a high probability that the Councils will not achieve the overall development strategy of the area as none of the strategic greenfield are likely to be able to deliver affordable housing at the levels set out in the plan. The viability basis for the current CIL residential rate was on the assumption of testing affordable housing at 30%, and not as set out for all of the strategic sites in the adopted plan. The CIL Planning Practice Guidance (PPG) 12.6.14 paragraph 019 confirms that “The sampling should reflect a selection of the different types of sites included in the relevant Plan, and should be consistent with viability assessment undertaken as part of plan-making.” The lack of consistency between the adopted plan and the proposed CIL testing is a serious risk. 2. Likewise the single CIL rate for residential use does not take account of the obligation costs of providing for heathland mitigation where this is provided directly by the developer. A single rate for CIL does not differentiate between those sites where SANG will be provided and those that will not. This will mean that where sites are providing SANG they will be paying twice for the same infrastructure. This ‘double dipping’ is not allowed in the guidance (PPG 12.6.14 paragraph 093). This represents over half of the delivery of all housing development in the plan over the plan period. A differentiated rate is required to reflect direct SANG provision. This approach has recently been approved in Surrey Heath Borough by the examiner reviewing		PBA has undertaken revised testing of the Strategic Sites (including sites CN1 and CN2) in order to clearly set out the viability position with regard to SANGs and Heathland mitigation. Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.

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				their proposed CIL rates.		
Mr Ian Jones , Clerk Ferndown Town Council (ID: 490823)	CIL-DCS9	No	Agree	Assuming the viability testing methodology is valid and the results are accurate, the rates would appear to be justified. However the zero rates for most categories and the low or negative “overage” for some, raises concerns that insufficient development may occur for these categories.		The CIL charging rates are based on viability. We do not consider that this means that insufficient development may occur for these categories.
Ms Gill Smith , Affordable Housing Officer Dorset County Council (ID: 359437)	CIL-DCS8	Yes	Disagree	Dorset County Council welcomes the fact that Christchurch and East Dorset Councils are embarking on the introduction of the Community Infrastructure Levy (CIL) as without this, the ability to capture essential contributions towards critical infrastructure would be impaired substantially. For this reason we support the principle of the work that has been undertaken by the two Councils. However, in view of the large funding gap that has been identified and which will particularly impact on the infrastructure that the County Council is expected to provide, Dorset County Council has concerns that the proposed single rate for Use Class C3 residential development (£100 per m2) across the whole of Christchurch and East Dorset fails to maximise the opportunity to draw in funds from CIL. The Draft Charging Schedule identifies a total funding gap of at least £319million, of which the gap for transport infrastructure is over £238million and for education infrastructure over £61 million. The evidence on viability indicates that the proposed charge for residential development is set well below the level that some forms of residential development in different parts of the area can afford to pay. The introduction of area based charges would enable the authorities to increase the charges in those areas which have a higher residual land value without affecting their viability. This would help in a modest way to address the large funding gap in respect of County Council infrastructure. Furthermore, the viability study assumes that all development of		The CIL methodology used is based on the CIL Regulations - which make clear that CIL Charging zones must be high level so as to avoid complicated CIL Charging schedule structures. PBA has, however, undertaken additional viability testing using current values and current costs. Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area. We would refer the Respondent to the Affordable Housing Addendum. We have also recommended that any CIL charge is reviewed at appropriate intervals in order to allow for changes in policy as

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				1 dwelling or more will be providing affordable housing in accordance with the policy in the Core Strategy. The government has recently published proposals to exempt sites of 10 or fewer dwellings from having to provide affordable housing. It is suggested that Christchurch and East Dorset Councils should consider reviewing the evidence on viability to re-assess the potential of smaller sites to contribute more via CIL so that, if the government's proposal to exempt smaller sites from providing affordable housing goes ahead, they will be able to address this in a revised version of the Charging Schedule.		well as market conditions. These affordable housing exemption proposals would therefore be taken into account in a future review should policy change, but the current recommendations must be based on current policy.
Mrs Maria Humby , Aldersholt Parish Council (ID: 359295)	CIL-DCS2	No	Disagree	Convenience Retail Charges are £ 110.00 per square metre. Aldersholt Parish Council believe this should be at a reduced rate in rural communities.		<p>We have produced indicative development appraisals of hypothetical schemes which are relevant to the Christchurch and East Dorset context. We have modelled the following scenarios.</p> <p>Convenience retailing:</p> <ul style="list-style-type: none"> • a larger out of town centre grocery store of 4,000 sq m gross; • an in-town Metro-style grocery store of 465 sq m scheme gross. <p>We are not aware of significant development proposed for convenience</p>

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						<p>retail in rural areas so do not consider that the proposed CIL rate for convenience retail would put the deliverability of the Development Plan at risk.</p> <p>We would note that we have not been provided with any additional viability evidence for convenience retail in rural areas.</p>
Mr Matt Gilks , Dutton Gregory Solicitors (ID: 844541)	CIL-DCS20	Yes	Disagree	<p>1. This Submission sets out the representations of Talbot Village Trust ('the Trust') on the Draft Charging Schedules for Christchurch and East Dorset (the DCS). The DCS is available for public consultation from 7 May until 18 June 2014 ('Consultation') pursuant to Regulation 17(1) of the Community Infrastructure Levy Regulations 2010, as amended most recently by S.I 2014/385 (the 2014 Amendment) . 2. This Submission provides an Introduction to the Trust and its current and proposed activities together with a response to Questions 1, 2, 3, 5, 6, 8 and 9 posed in paragraph 7.8 of the Consultation and summarised below. 2.1. Question 1 – wish to be heard at the Public Examination? 2.2. Question 2 – proposed rates? 2.3. Question 3 – strike an appropriate balance? 2.4. Question 5 – do you agree with the approach to discretionary relief? 2.5. Question 6 – comments on the draft Regulation 123 list? 2.6. Question 8 – do you agree with the draft payment in kind policy? 2.7. Question 9 – any other comments? 3. The Submission does not deal with Question 4 (evidence on viability) or Question 7 (instalments policy). Introduction to the Trust 4. The Trust is the legacy of two sisters, Miss Georgina and Miss Mary Anne</p>		<p>The CIL viability testing work sets out the ability of development to pay towards a levy which will pay for the infrastructure required in order to support the proposed development. Our testing has shown that residential development such as the one discussed by the respondent can viably contribute to a CIL charge.</p> <p>We would also note that the purpose of CIL is to provide for the infrastructure to support new development. If housing development such as the Trust discusses are made exempt,</p>

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				<p>Talbot. They founded Talbot Village in the mid 19th century as a reaction to the rural poverty they experienced in the area. The village provided housing, a school and a church as well as agricultural land to grow food. Thanks to the sisters' philanthropic approach, the Trust has been able to grow into one of the county's principal benefactors. As a result of a careful investment programme and the gradual sale of farmland for redevelopment, the Trustees are able to maintain and hopefully increase the value of the fund and thus continue to plough crucial financial support back into the local community. 5. The Trust is registered in the register of charities kept by the Charity Commissioners under section 29 of the Charities Act 2011. Consequently, the Trust is both a "charitable institution", and "charity" for the purposes of CIL. The Trust is a person eligible for charitable relief for the purposes of Part 6 of the 2010 Regulations: see Regulation 41(2). 6. When the Trust was first established, Talbot Village was in an isolated position, well clear of the nearest towns. Bournemouth was a small, but rapidly growing seaside town, and Poole a small but long established port. There was uninterrupted countryside between the village and each town. 7. Over the next hundred years or so, the conurbations of Bournemouth and Poole grew considerably, so that by the 1950's the village was, in effect, surrounded by suburbia. By then the farming units, which formed part of the original settlement, were not viable, and pressures on the Trustees' land, for housing and other uses, were considerable. 8. Since 1945 all but one of the six farms have closed, and by the early 1970's a significant part of the Trustees' land had been compulsorily purchased, principally for educational use and council housing schemes. 9. In the light of these developments, the Trustees decided, in the late 1960's, to take a proactive stance on planning matters, and to this end they promoted a Local Plan for their land to the south of Wallisdown Road, which was adopted by the planning authority, the Borough of Poole.</p>		<p>they would not contribute towards the infrastructure which will support them – effectively meaning that planning system and/or Local Authority would then have to subsidise this infrastructure – the cost of which would fall to the local populace.</p>

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				<p>10. Since then, the Trustees have sold part of that land for housing development, but they have also promoted major housing schemes to assist the elderly, disabled, and students.</p> <p>11. Profits from land sales are retained by the Trust and invested, the income from which is then ploughed back into the local community via the Trustees' charitable giving and support. In addition, the Trust takes a modern approach to charitable investment. The Trustees are always alert to the opportunity to make prudent partnership arrangements provided that the investments continue to benefit the community in accordance with the Trust's charitable objects.</p> <p>12. The Trust is actively considering or is invited to consider proposals for charitable investment across its Area of Benefit. The Trustees Area of Benefit is limited to the local authority districts of Poole, Bournemouth, Christchurch, Isle of Purbeck and East Dorset. Hence, the availability of discretionary relief pursuant to Regulation 44 is of considerable importance to the Trust in respect of the administrative areas which are the subject of the Consultation.</p> <p>13. The Trust may be able to help or assist a capital project in its Area of Benefit, which assists the young, elderly or disadvantaged. This Area of Benefit includes Christchurch and East Dorset District Councils.</p> <p>14. The Trustees are particularly interested in local projects which, otherwise, might not succeed without their help. As a matter of general policy, the Trustees do not contribute towards running costs or revenue items of expenditure. The Trustees have leased land to Bournemouth University for student accommodation. They have also leased land to Hanover Housing Association and Ability Housing for elderly, disabled and social housing. All three complexes have been built by the Trustees to a very high standard, and are let on terms which enable the Trustees to fulfil their charitable objectives. Within the University complex, the Trustees have also funded the Student services Centre which is let to Bournemouth University.</p> <p>15. The Trust is anxious to</p>		

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				<p>ensure it retains the flexibility to involve itself in a range of partnership arrangements held locally for investment purposes where discretionary relief may be appropriate to support the objects of the charity. Crucially, projects which are considered must be able to demonstrate a commitment to the Trust objects, as well as their sustainability and viability. The main focus of this Submission is on discretionary charitable investment relief. However, it is noted that no consideration has been given to an adjusted or zero rate in place of discretionary investment relief. The policy reasons why such a rate ought to be considered are set out elsewhere in this Submission.</p>		
Mr Giuseppe Cifaldi , WYG Planning & Design (ID: 746532)	CIL-DCS19	No	[blank]	<p>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.</p>		<p>The CIL regulations allow distinction between ‘use’ of buildings according to the broad meaning of that word. 2014 CIL Guidance confirms this is not restricted to ‘use classes’. As set out in the evidence in PBA’s viability report, “Convenience” and “comparison” are not just descriptors of types of goods. They are widely recognised and understood as categories of retail store use, employed for planning purposes, and within and outside the retail industry - for example, by industry analysts such as the Local Data Company and Colliers.</p> <p>The testing undertaken has</p>

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						shown that viability differs for both comparison and convenience retail, hence the CIL rates proposed. In support of this we would comment that comparison retail is highly sensitive to location; hence there is a greater range of rents across the District. Convenience retail is still location dependent; however, when compared to comparison retail it is less so.
Mr Chris Plenderleith , Managing Director Leith Planning Ltd (ID: 851696)	CIL-DCS16	No	Disagree	We disagree with the proposed imposition of a £40 per square metre rate for care home developments, particularly when we understand that a proportion of these developments will also need to cater for affordable housing needs. Provision of care homes or developments to meet the specific care needs of an ageing population or other specialist healthcare requirements are designed to address community and social needs and the viability and merit of such developments should not be undermined by the provision of additional financial burdens. In much the same way as the Council are supporting employment generating development and those serving the tourist industry, by removing these forms of development from the need to contribute to the CiL, we consider that the same approach should be applied to community based and health care related developments which are designed to meet specific community and social needs. In short, it is our contention that healthcare developments should not be subject of the CiL. Instructions: Leith Planning Ltd are instructed by Stenham		Charging authorities may also set differential rates for different intended uses of development. The viability exercise and evidence gathered by PBA supports a differential rate for care homes. The Council are comfortable that they are sufficiently viable to pay a CIL rate of £40 per square metre. We would also note that, taking the costs of the scheme build into account, the proposed CIL charge equates to less than 5% of development costs, and is therefore highly unlikely to be the key element which on its

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				<p>Property Limited who own 14 Wareham Road, Corfe Mullen; the site is delineated on the plan included at Appendix 2. Our clients are reviewing the options for a comprehensive redevelopment of the site for a variety of potential uses including a Class C2- Residential Institution. We are therefore instructed to obtain and review the Christchurch and East Dorset CIL Draft Charging Schedule Consultation document and to comment as necessary. Proposed Development: As detailed above our clients are reviewing development options for the site including a proposed re-development for accommodation for older persons with associated recreation facilities. It is noted that the Council recognise the issues of an ageing population within the adopted Core Strategy which states as follows: "2.20 The population in Christchurch is about 48,000 and East Dorset is 87,800 (ONS 2012). The current proportion over retirement age aged 65+ (ONS 2012) is above the County and national average in Christchurch at 31% and in East Dorset at 29%, compared with 26% in Dorset as a whole and just 17% nationally. Despite death rates exceeding birth rates in the area, the population continues to increase as a result of in-migration from other parts of the Country rather than from abroad. In 2004 – 2008 more residents moved abroad from Christchurch and East Dorset than moved from other countries into the area. (ONS Long term international migration tables 1991 – 2008). The age profile of people moving to the area from elsewhere within the UK is younger than that of the current population, so it should not be assumed that people only move to the area to retire. However this trend is not significant enough to change the age structure of the current population to one which is less heavily weighted towards the older age groups." Draft Charging Schedule Consultation Report: Having reviewed the consultation report in detail due regard is drawn to the following extracts: Types of Development Liable for CIL 2.4 The following development types are in principle liable for CIL: 1. Development which creates net</p>		<p>own means that any scheme becomes unviable.</p>

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				<p>additional floor space where the gross internal floor area exceeds 100sqm 2. Development of less than 100 sq.m of new build floorspace that results in the creation of one or more dwellings 3. The conversion of a building that is no longer in lawful use. An 'in use' building as defined in the CIL Amendment Regulations 2014 means a building which: 1. Is a 'relevant building' (a building which is situated on the relevant land on the day planning permission first permits the chargeable development); 2. Contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development 4. Liability to pay CIL for qualifying development applies whether planning permission is required or if development is allowed through permitted development orders (General Permitted Development Order, Local Development Orders, neighbourhood Development Orders, Enterprise Zones) (Regulations 5 and 9 of the Community Infrastructure Levy Regulations 2010 as amended in 2011, 2012, 2013 and 2014). Mandatory Relief from CIL 2.9 The CIL Regulations confirm that the following types of development are exempt from CIL: 1. Development by registered charities for the delivery of their charitable purposes. 2. Those parts of a development which are to be used as social housing and qualifying communal development. 3. The conversion of any building previously used as a dwelling to two or more dwellings providing there is no increase in floor area. 4. Buildings into which people do not normally go, buildings which people only enter intermittently for the purposes of inspection or maintenance and structures which are not buildings such as pylons. 5. Changes of use which do not involve an increase in floorspace. 6. The development is a residential annex or a residential extension. 7. The development comprises self-build housing or self-build communal development 2.10 In the case of new development which involves the extension or demolition of a building in lawful use,</p>		

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				<p>the level of CIL payable will be calculated on the net increase in floor area. 2.14 Discretionary relief is also available, in specific circumstances, for development which can demonstrate exceptional circumstances (as defined in CIL Regulation 55).</p> <p>2.15 Exceptional circumstances relief can only be given where the following eligibility criteria are fulfilled: 1. The charging authority (In this case the charging authorities are Christchurch Borough Council and East Dorset District Council) has made exceptional circumstances available in its area; 2. The claimant owns a material interest in the land; 3. A Section 106 Planning Obligation has been entered into in respect of the planning permission which permits the chargeable development; and 4. The charging authority considers that: Requiring payment of the charge would have an unacceptable impact on the economic viability of the chargeable development; and Granting relief would not constitute a notifiable state aid. 2.16 Christchurch and East Dorset Councils do not propose to make discretionary relief available for exceptional circumstances which is consistent with the conclusions of the viability assessment undertaken by Peter Brett Associates which has informed the CIL schedule. The Councils believe the charges set are viable and they will monitor the charge to ensure it remains viable. Should circumstances change, the Councils will seek to review and revise the levy.</p> <p>Payment of CIL 2.20 Payment for CIL is due upon commencement of the development. It must be paid in full within 60 days although for larger schemes CIL can be levied in phases. To address the approach to phased payments the Councils are publishing a draft Instalments Policy. The Councils are seeking views on a draft Instalment Policy which is set out in Appendix B. Viability Conclusions 4.12 The study for both authority areas shows that care homes, residential and convenience retail development is sufficiently viable to pay CIL at the rates set out in the Draft Charging Schedules below. The PBA viability work concludes that with an assumed rate of 35%</p>		

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				affordable housing many development scenarios retain a significant 'buffer'. The analysis shows that, in theory, a CIL charge of £100 per sq m is payable by all developments. However in some instances this safety margin is narrow. Scenario modelling as part of the CIL viability research confirmed that many developments would still be viable whilst providing significantly more than 30% or 35% affordable housing and meeting proposed CIL requirements. It is therefore considered that the affordable housing target set out in Policy KS3 of the Submission Core Strategy is deliverable during the plan period. 4.13 Other forms of development that in principle could pay a CIL charge are set a £0 rate as they are currently unviable with CIL.		
Ms Helen Patton , Policy Officer New Forest National Park Authority (ID: 361028)	CIL-DCS14	No	[blank]			
Ms Rachel Lamb , Senior Planner Turley Associates (ID: 746077)	CIL-DCS4	Yes	Disagree	We do not agree with the CIL rates proposed, in particular the rate proposed for residential development, which seems high when viewed in the context of nearby authorities (please see our previous representations submitted on behalf of Burry and Knight). Furthermore, elements of the viability methodology are questionable, for example the June 2013 PBA report assumes an average requirement of 30% affordable housing from		PBA has undertaken further viability testing based on affordable housing provision as set out in the Adopted Core Strategy, the findings of which have been set out in a report Addendum (testing at 40%

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				<p>qualifying sites. However, the adopted policy position is 35% from urban sites and 50% from green field sites. The PBA report should assess the adopted policy position. This is a significant omission in our view and may have significant implications for CIL charging levels.</p>		<p>affordable housing) and a Statement of Modification (Strategic Sites). Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area. We would refer the Respondent to these documents.</p> <p>With regard to surrounding Authorities, we do not consider that Mid Devon is directly comparable with Christchurch and East Dorset (some 100 miles away). Although CIL rates in some of the surrounding areas are higher than proposed for Christchurch and East Dorset there are a number of factors which could affect this (affordable housing policy, S.106 assumptions, density / additional planning policy considerations such as sustainability requirements etc.) – making a direct comparison unwise. The proposed CIL rates set out by PBA in the viability report reflect detailed viability testing based on local market conditions as per accepted CIL</p>

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						methodology.
Mr Fred Andress , Agent Planning Issues Ltd (ID: 743786)	CIL-DCS1	No	Disagree	I repeat my response to the Preliminary Draft Charging Schedule consultation. The viability assessment did not satisfactorily test the viability of a specialist retirement (sheltered housing) scheme. This is evident by the fact that CIL charge of £40/m2 is proposed for Care Homes (class use C2) and sheltered housing schemes are included in the residential catch all class use C3 at £100/m2. A separate rate for C3 sheltered housing schemes should be included or the description for the care home charge be extended to include sheltered housing schemes. An economic viability appraisal was submitted with the planning application for a sheltered housing scheme on previously developed land in Christchurch and Wimborne. In each case the viability appraisal was independently verified for the Council. The viability appraisals demonstrated that the proposed sheltered housing developments could not make the full S106 contribution and remain viable, The imposition of a CIL charge at £100/m2 will have a serious adverse effect on the viability of such developments		<p>PBA is comfortable that private retirement living / sheltered accommodation can viably contribute to the lower revised CIL charge of £70 per sq m. PBA has advised the Councils that this type of residential use should be included within the revised residential CIL charge for C3 uses of £70 per sq m.</p> <p>PBA has recommended to the Council that extra care accommodation and housing for vulnerable persons should be subject to the lower 'care home' charge of £40 per sq m.</p> <p>There is no one definition of the types of accommodation provided for older people. In a broadly escalating level of care, they can be defined as follows:</p> <p>Retirement flats or sheltered housing. The purpose of this</p>

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						<p>form of housing is to cater to downsizing older households who no longer require as much private space and amenity to service their housing needs, and want to live in town centre or urban locations close to a good range of services and amenities. These are active elderly persons who are not in need of formalised care provision, but who do require occasional informal help, companionship and the security this form of communal housing provides. In the use class order, this type of housing would typically be seen as C3 dwelling house accommodation.</p> <p>Extra care housing. The term assisted living or 'extra care housing' is sometimes used to describe developments that comprise self-contained homes with design features and support services available to enable self-care and independent living. Market leaders McCarthy and Stone offer some provision which complies with this "extra care"</p>

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						<p>definition at “new Assisted Living developments” but we understand that this service level is not offered at all sites. Additional charges are made for this level of care. In the use class order, this type of housing would typically be seen as C3 dwelling house accommodation.</p> <p>Care homes are residential settings where a number of older people live, usually in single rooms, and have access to on-site care services. A home registered simply as a care home will provide personal care only - help with washing, dressing and giving medication. Some care homes are registered to meet a specific care need, for example dementia or terminal illness. In the use class order, this would be seen as a C2 residential institution.</p> <p>Nursing homes (sometimes known as ‘care homes with nursing’) will provide the same</p>

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						<p>personal care but also have a qualified nurse on duty twenty-four hours a day to carry out nursing tasks. These homes are for people who are physically or mentally frail or people who need regular attention from a nurse. Homes registered for nursing care may accept people who just have personal care needs but who may need nursing care in the future. In the use class order, this would be seen as a C2 residential institution.</p> <p>In addition to the above we would note that we consider that the Regulations no longer require Authorities to define their Charging Schedules based solely on Use Classes, and that as such use types can be used as an appropriate definition for different charging rates.</p>
Mr Jonathan Kamm , Town Planning Consultant (ID: 359272)	CIL-DCS7	Yes	Disagree	DCLG Guidance para 23 states: "Charging authorities should use an area-based approach". The area based approach has not been applied in the Draft Charging Schedule ("DCS") (see responses below) Further the DCS proposed by the Councils is too great a blunt instrument effectively to ensure that planning policy objectives are not impeded and that the CIL will not deter		The CIL methodology used is based on the CIL Regulations - which make clear that CIL Charging zones must be high level so as to avoid complicated CIL Charging schedule

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				the implementation of development i.e. the Councils have failed to strike an appropriate balance. So, in short, the charging schedule is wrong.		structures. PBA has, however, undertaken further viability testing based on affordable housing provision as set out in the Adopted Core Strategy, the findings of which have been set out in a report Addendum (testing at 40% affordable housing) and a Statement of Modification (Strategic Sites). Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area. We would refer the Respondent to these documents.
Mr Mike Newton , Boyer Planning Ltd (ID: 719231)	CIL-DCS10	Yes	Disagree	2.1 The Councils' proposed CIL Charging Schedules have been informed by the Peter Brett Associates Community Infrastructure Levy Viability Testing (June 2013). Given the concerns we have in relation to the Councils' evidence base, as outlined in response to question 4 below, we are unable at this stage to agree with the proposed rates contained in the Draft Charging Schedules.		Noted.
Ms Felicity Tozer , Tetlow King	CIL-	No	[blank]		3048222_0_1.	Noted.

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Planning (ID: 780633)	DCS17				pdf	
Ms J Weedon , Clerk West Moors Parish Council (ID: 359552)	CIL- DCS22	No	[blank]			Noted.

Question 3: Do you think that the proposed CIL rates strike an appropriate balance between the desirability of funding infrastructure through CIL and the potential effects of imposing a CIL on the Borough and District?

Contact Details	Comment ID	Question 1: Do you wish to be heard in support of your representations?	Question 3: Do you think that the proposed CIL rates strike an appropriate balance?	Additional Documents?	Officer Comment
Mr Matthew Sobic, Savills Manchester (ID: 747992)	CIL-DCS3	Yes			
Mr Ziyad Thomas , Policy Planning Officer The Planning Bureau Limited (ID: 746457)	CIL-DCS11	Yes			
Ms Lisa Jackson , Managing Director Jackson Planning Ltd (ID: 521508)	CIL-DCS13	Yes	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 of MEM Ltd's client, the landowner, is to directly provide SANG to the appropriate standard to mitigate the potential for urban effects on the European site, the SANG will be set out by the landowner and the land will remain in private control. The s.106 agreement associated with the grant of permission for new housing development will ensure performance measures on the SANG are legally binding to satisfy the requirements of the Habitats Directive.		PBA has undertaken revised testing of the Strategic Sites in order to clearly set out the viability position with regard to double charging, SANGs and Heathland mitigation Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and

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					the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.
Mr Ian Jones , Clerk Ferndown Town Council (ID: 490823)	CIL-DCS9	No	The charge will no doubt be added to the sale price of the property thereby inflating values.		CIL is based on viability evidence. It is not a tax in addition to residential property prices.
Ms Gill Smith , Affordable Housing Officer Dorset County Council (ID: 359437)	CIL-DCS8	Yes	The evidence provided indicates that some forms of residential development could support a higher CIL charge without affecting viability. It is suggested that to maximise the opportunity to fund essential infrastructure, further consideration should be given to applying higher charges for residential development in those parts of area that support higher residual land values.		The CIL methodology used is based on the CIL Regulations - which make clear that CIL Charging zones must be high level so as to avoid complicated CIL Charging schedule structures. PBA has, however, undertaken further viability testing based on affordable housing provision as set out in the Adopted Core Strategy, the findings of which have been set out in a report Addendum (testing at 40% affordable housing) and a Statement of

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					Modification (Strategic Sites). Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area. We would refer the Respondent to these documents.
Mr M Hassan , Planning Manager Castleoak Group (ID: 498391)	CIL-DCS5	No	No The viability appraisal produced by Peter Brett, which is used to underpin the rate set in the charging schedule, was produced in June 2013. This was before the amended DCLG Community Infrastructure Guidance was published in February 2014. One of the key changes in the latest regulations is the revised wording to Section 2.2 "How are Community Infrastructure Levy Rates Set?" The original regulations had stipulated that a council must "aim to" strike "what appears to the charging authority to be" an appropriate balance, however the amended regulations remove the words "aim to" and "what appears to the charging authority to be" from the previous guidelines. It now states that charging authorities "should use evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area". The Draft CIL charging schedule published in June 2013, was prior to the amendments, and as such it is now incumbent on the LPA to demonstrate and justify the evidence used to support the viability assessment for the proposed CIL charge on care homes, particularly given the issues detailed below.	3048223_0_1.pdf	PBA considers that the viability testing undertaken in the Viability Study ensures that the Council, in delivering its Development Plan, strikes an appropriate balance between the need for infrastructure and development viability. The viability appraisals have been informed by industry standard benchmarks (for example BCIS) and stakeholder consultation in order to best reflect development in Christchurch and East Dorset. Furthermore PBA has allowed for a significant viability gap in order that any additional unforeseen development costs can be taken into

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					<p>account and development is not made 'unviable'.</p> <p>Charging authorities may also set differential rates for different intended uses of development. The viability exercise and evidence gathered by PBA supports a differential rate for care homes. The Council are comfortable that they are sufficiently viable to pay a CIL rate of £40 per square metre, and that housing for the elderly which is sold on the open market can viably afford to pay the proposed residential CIL rate.</p>
Mrs Maria Humby , Alderholt Parish Council (ID: 359295)	CIL-DCS2	No	Yes		
Mr Matt Gilks , Dutton Gregory Solicitors (ID: 844541)	CIL-DCS20	Yes	It is submitted for the reasons given elsewhere in this Submission and in particular in the answer to Question 5 that without discretionary relief or a zero or adjusted rate the proposals will not strike an appropriate balance.		Noted <i>[please refer to previous response]</i>

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Mr Giuseppe Cifaldi , WYG Planning & Design (ID: 746532)	CIL-DCS19	No			
Mr Chris Plenderleith , Managing Director Leith Planning Ltd (ID: 851696)	CIL-DCS16	No	No, as the Draft Charging Schedule does not appear to pay due regard to the viability and wider community benefits to be achieved from developments meeting and addressing specific community needs such as care homes, nursing homes and other developments designed to meet the needs of an ageing population. If the Council impose CIL rates on these developments at the rate currently proposed, it could well deter care providers and investors from the local area, resulting in an exacerbation of the existing difficulties associated with meeting the needs of an ageing population. More consideration needs to be paid within the CIL for developments which meet identified local needs and provide social or community benefits which outweigh the desirability of funding local infrastructure.		<p>Charging authorities may also set differential rates for different intended uses of development. The viability exercise and evidence gathered by PBA supports a differential rate for care homes.</p> <p>The Council are comfortable that they are sufficiently viable to pay a CIL rate of £40 per square metre.</p> <p>We would also note that, taking the costs of the scheme build into account, the proposed CIL charge equates to less than 5% of development costs, and is therefore highly unlikely to be the key element which on its own means that any scheme becomes unviable.</p>

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					In addition the Council has revised the wording of Section 8 of the June 2013 report to include 'Housing for the Vulnerable' within the £40 per sq m charge in order to ensure this housing does not fall into the market housing or private residential charging band.
Ms Helen Patton , Policy Officer New Forest National Park Authority (ID: 361028)	CIL-DCS14	No			
Ms Rachel Lamb , Senior Planner Turley Associates (ID: 746077)	CIL-DCS4	Yes	In our view, the proposed CIL rates do not strike an appropriate balance between the desirability of funding infrastructure through CIL and the potential effects of imposing a CIL on the Borough and District – please see our comments in relation to question 2.		<i>[Please see response to Question 2.]</i>
Mr Fred Andress , Agent Planning Issues ltd (ID: 743786)	CIL-DCS1	No	Yes generally, but not specifically in relation to sheltered housing developments		Please see previous response at p.26.

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Mr Jonathan Kamm , Town Planning Consultant (ID: 359272)	CIL-DCS7	Yes	<p>Residential: The across-the-board rate of £100 per m2 in both districts fails to accommodate the differences in the scale, location, development costs and economic viability of sites. All are treated as though they have the same characteristics - the PBR CIL Viability Assessment confirms this to be the case. There is the opportunity for a more elegant solution under the regulations. Options include: lower rates for town centre development and proposals in rural areas by including a zoning dimension to the Schedules.</p> <p>CIL is a tax and should be progressive in order that it is both fair and creative, or at least neutral, in its effect. The proposed DCS approach is likely to discourage development on previously developed land and may discourage small local developments by small to medium local developers, contrary to national and local planning policies.</p>		<p>The CIL methodology used is based on the CIL Regulations - which make clear that CIL Charging zones must be high level so as to avoid complicated CIL Charging schedule structures.</p> <p>PBA has, however, undertaken further viability testing based on affordable housing provision as set out in the Adopted Core Strategy, the findings of which have been set out in a report Addendum (testing at 40% affordable housing) and a Statement of Modification (Strategic Sites). Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area. We would refer the Respondent to these documents.</p>
Mr Mike Newton , Boyer Planning Ltd (ID: 719231)	CIL-DCS10	Yes	2.2 Subject to the updating of the viability assessment in line with our comments in relation to question 4, 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.		Noted.

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Ms Felicity Tozer , Tetlow King Planning (ID: 780633)	CIL-DCS17	No		3048222_0_1.pdf	
Ms J Weedon , Clerk West Moors Parish Council (ID: 359552)	CIL-DCS22	No	No comments		

Question 4: Do you believe the evidence on viability is correct? If not, please set out alternative evidence to support your view?

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Mr Ziyad Thomas , Policy Planning Officer The Planning Bureau Limited (ID: 746457)	CIL-DCS11	Yes	The Case for Testing Older Person's Accommodation Extra Care Accommodation and Sheltered / Retirement Housing are distinct forms of development which differs considerably in its built form from general needs housing and flatted developments. They are characterised by higher build cost, the provision of communal facilities and a lower rate of sales, as stated in our previous representation, which make the viability of this form of accommodation much more finely balanced than general needs housing. The aforementioned viability characteristics of older person's accommodation housing have been acknowledged by both the public and private sector and in the various tiers of Government. In the recently published National Planning Practice Guidance the "How should different development types be treated in decision taking?" (sub-heading: ID 10-018-130729) the guidance states that "The viability of individual development types, both commercial and residential, should be considered. Relevant factors will vary from one land use type to another". The distinct viability characteristics of older persons housing are specifically acknowledged with the Guidance stating that "For older people's housing, the scheme format and projected sales rates may be a factor in assessing viability". The Council's standardised response to the comments in our representations is based on the Examiner's Report from Greater Norwich Charging Schedule which was published in December 2012. Since the publication of this Report the CIL Regulations have been amended by Government twice with increased emphasis on flexibility in setting differential levy rates for developments within the same Use Class. Moreover there have been numerous Local Authorities that have set differential rates for older person's accommodation based in their adopted CIL Charging Schedules including Winchester City Council and Purbeck District Council with numerous forthcoming Charging Schedules following suit (Kingston upon Thames, Sheffield and West Oxfordshire). For Local Planning Authorities with sizeable elderly populations, testing the viability		PBA has, however, undertaken further viability testing based on affordable housing provision as set out in the Adopted Core Strategy, the findings of which have been set out in a report Addendum (testing at 40% affordable housing) and a Statement of Modification (Strategic Sites). Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area. We would refer the Respondent to these documents. Developments such as McCarthy & Stone and Churchill Retirement Living developments would now under the proposed charging levels be required to pay £70 per sq m in East Dorset and £70 per sq m in Christchurch.

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			<p>of Sheltered / Retirement housing and Extra Care Accommodation is best practice, even if it is deemed a separate CIL rate for these forms of accommodation is ultimately required (e.g. East Devon and Teignbridge Councils). There is at least an evidence base to support that position. Finally we would note that Peter Brett Associates no longer provide the advice to amalgamate Extra Care and Sheltered / Retirement housing simply on basis Use Class, as per the Christchurch and East Dorset Viability Assessment. In more recent assessments for example that at Rother District Council they test both Extra Care and Sheltered / Retirement separately. There is an increasing consensus that specialist accommodation for the elderly should not be viewed as an oversight or 'casualty' of the CIL regime. There is now a considerable amount of guidance publically available for charging authorities and viability practitioners to address assess the viability of Sheltered / Retirement Housing. Need for Private Housing Supply. We have provided a report of housing need for specialist accommodation for the elderly in Christchurch using the Strategic Housing for Older People Analysis Tool (SHOP@) by the Housing Learning and Improvement Network's (Housing LIN). This is a well respected tool as is widely used within both the private and public sector. Please note that in the "Future Market Split" settings we have applied the recommended settings for an 'Affluent Authority'. Whilst we appreciate there will be pockets of deprivation in the Borough we feel it is broadly fair to classify the Authority as affluent in a national context. indeed in a national context there is merit in considering Christchurch in the 'Very Affluent' bracket which would increase the requirement for owner occupied older person's housing further. The Shop@ tool does however qualify that there is presently an undersupply of sheltered housing and Extra Care accommodation and that the requirement for these forms of accommodation will increase further by 2020. This reinforces the need argument put forward in our response to the Preliminary Draft Charging Schedule which 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 19% nationally'. The CIL Guidance published in December 2014 stipulates that the proposed CIL rate should not threaten the delivery of the relevant Plan, in this case the emerging Core Strategy and specifically</p>		<p>We have reviewed the appraisal provided by the Planning Bureau. We are in receipt of appraisals done by Churchill Retirement Living previously which set out reduced costs (for particular with regard to fees and certificates – which are half as much as suggested in the provided appraisal – meaning a residual land value which, in current day cost falls above the benchmark land value - which would result in the appraisal provided being allowed to provide for the reduced CIL rate of £70 sq m.</p>

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			<p>policy LN6: 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. Development Scenario for Extra Care Accommodation In light of the Council's omission of a developer scenario for Extra Care housing we have provided the Council with viability appraisal for a typical development of this type using the Homes and Communities Agency's HCEAT Tool. We completed two HCEAT appraisal is based on a typical flatted Extra Care scheme, 50 units in size, located on a previously developed site close to a town centre. The sales values and sales rate achieved at the latest McCarthy and Stone development in the Authority, Cherrett Court, Ferndown were used as well as a number of viability inputs specific to Extra Care Accommodation as detailed in the Retirement Housing Groups Briefing note on testing the viability of this form of accommodation. These are detailed in the table below: Extra Care Accommodation Scheme inputs as follows: Mix 30 x 1 bed apartments & 20 x 2 bed apartments GIFA 1 Bed (m2) 65 as per RHG Guidance (larger to accommodate wheelchair access) GIFA 2 Bed (m2) 80 as per RHG Guidance Site area (ha) 0.4ha Net to gross ratio (%) saleable/non saleable 65% saleable to 35% non-saleable/communal space Residential Values (Revenue) Sales revenue 1BF (£/m2) £3,385per m² Based o sales values at Cherrett Court, Ferndown. Does not account for 'incentives' which reduce achieved values further Sales revenue 2BF (£/m2 £3,500 per m² Sales Rate 1.4 unit per month. Based on the Sales Rate at Cherrett Court Ground rent per 1 bed/pa Ground rent per 2 bed/pa Yield - capitalised ground rent £ 425.00 £ 495.00 7.00% Building Costs Building costs New Build (£/m2 £1,091 m² – build cost for flats with 13% increase as per recommendations of the RHG paper Abnormal/Extra overs Site by site -assumed none here External works 10% of basic build cost as per PBA appraisal Contingencies (%) 5% Building cost fees (%) 10% Other Costs Empty property costs to cover Service Charge, Council tax, electricity £100,000 – This is a conservative estimate of the cost based on a faster sales rate S106 Costs £1,000 per unit as per PBA appraisal 10% on-site renewable £3,000 per unit SANGS None as per PBA appraisal Affordable Housing Assumption None – based on the understanding the development is a C2 use and historically the Council has not sought Affordable Housing contributions</p>		

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			<p>from Extra Care Accommodation Sales & Marketing Costs Legal fees (per open market unit sale) £500 Sales/marketing (% GDV) 6% Finance and acquisition costs Arrangement fee (loan) £40,000 Interest rate (%) 7% Agents fees (%) of land 1.50% Legal fees (%) of land 0.75% Stamp Duty (%) as per applicable rate Developer's return for risk Profit as % of sales revenue 16.3% GDV (20% GDCosts as per PBA appraisal) Site Benchmark land value £600,000 for East Dorset as per Benchmark Land Values detailed for residential in Peter Brett Appraisal Timings Month Planning permitted 0 Construction period 12 First sale 12 Last sale (legal completion) 48 (3 years) Selling rate 1.4 per month. Based on sales rate of Cherrett Court. This is higher than the average national sales rate of 1 unit per month and adds flexibility into our appraisal. Empty Property Cost Timing Commensurate with Sales It is worth pointing out that the sales rate used in the aforementioned DAT model is higher than that recommended by the RHG in their briefing note which is 1 unit per month. The sales rate of 1.4 units per month is based on that achieved in Cherrett Court which was a fast selling scheme. We would point out that 1 unit per month is the sales rate we are seeing nationally for our extra care developments. This builds flexibility into the DAT appraisal used, as do the lower Extra Care Costs of £100,000 which we would usually expect to be higher in an Extra Care development due to the additional care facilities and services provided. We would also note that we consider a developer profit of 16.3% (approximately 20% of Costs) to be low and insufficient to generate financial backing for an Extra Care Development which has greater risk than a general housing development – however 16.3% developer profit has been used for demonstrative purposes in this appraisal. As detailed in the HCEAT Summary Sheets attached an Extra Care development with a CIL rate of £40 per m² provides a surplus of £94,308. To reiterate however this requires sales rates that are higher than the national averages and highly conservative empty property costs and developer profit. An Extra Care development charged at £100 per m² shows a deficit of £335,230. Extra Care Accommodation should on the basis of this evidence be amalgamated into the £40 per m² for care homes. With more realistic viability inputs for developer profit (20%) Extra Care development cannot support CIL at all. We would strongly suggest that the Council carry out similar viability appraisals for Sheltered / Retirement housing to see if this form of development warrants being charged at £100 per m². We would reiterate the points made by Churchill</p>		

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			<p>in their representation in which they call for an appraisal of this form of development. As McCarthy and Stone do not have a recently completed scheme in the area we do not access to the necessary information to run a HCEAT model as we have done Extra Care accommodation. We strongly suggest the Council co-operate with Churchill on this matter. Summary The Council's previous response to our representation was deficient and raises concerns over the legitimacy of the consultation process. The evidence submitted shows that Extra Care accommodation can support a maximum of £40 per m² and as such should be incorporated into the Care Homes CIL Charging rate as a consequence. Should the above Modifications not be incorporated into the Draft Charging Schedule then we request that we be given the opportunity to present this issue at Examination. We suggest that the Council co-operate with Churchill in completing similar appraisals for Retirement Sheltered housing.</p>		
<p>Ms Lisa Jackson , Managing Director Jackson Planning Ltd (ID: 521508)</p>	<p>CIL-DCS13</p>	<p>Yes</p>	<p>The viability testing is intended as evidence to demonstrate that the proposed CIL rates would not threaten the delivery of the Local Plan as a whole. The Inspector Sue Turner, examining the Core Strategy, found that the CIL viability testing had been calculated incorrectly. Paragraph 87 of her report explains this. She states "It is not appropriate to undertake a balancing act between CIL and affordable housing as appears to have been the case in the Whiteleaf study, and the CIL should be assessed on the level of affordable housing in the local plan." The updated guidance (paragraph 020 PPG 12.6.14) changes the emphasis slightly: "Development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for strategic sites." It follows that using a lower affordable housing figure for viability testing will put the provision of affordable housing at the levels required in the adopted plan at risk. The viability testing has approached the whole premise the wrong way round. This method does not support delivery of the plan as a whole. Whilst the Council defend this as the average outcome for affordable housing in the plan as a whole, it must be the case that if only the average figure was tested and found viable, the upper limit of 50% affordable units is unlikely to be achieved. Given the Local Plan Inspector robustly upheld</p>		<p>PBA has undertaken revised testing of the Strategic Sites in order to clearly set out the viability position with regard to SANGs and Heathland mitigation.</p> <p>Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites.</p>

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			<p>the 50% affordable rate on greenfield sites something has to give to achieve the development proposed in the plan, and this can only be the CIL rate if the plan is to deliver the levels of affordable housing now set out in the adopted policy. Updated Viability modelling – Peter Brett Associates June 2013</p> <p>For Site CN1 the viability modeling update uses a blanket approach to residential sales revenues of £2800 sqm/£260 sqft. This is in excess of the £250 sqft used by Whiteleaf. It could of course be argued that sales revenues have increased over time although the Roeshot Hill site has a number of challenges as it adjoins a railway line and main road and is adjacent to a significant former council estate. To suggest average revenues might therefore be overly optimistic. The updated viability report only tests 100 dwellings and has no comparable approach for a complex 950 dwelling urban extension. It cannot therefore be considered reliable in this instance. The report does not allow for unknown infrastructure costs. Both of these will affect the viability of the project. The CIL Guidance (paragraph 020 PPG 12.6.14) is clear that Charging Authorities should take into account the costs and implications of other planning policies or obligations when setting the rate of CIL and confirms that a realistic understanding of costs is essential to the proper assessment of viability in an area. The evidence of costs and the implications with regard to the mitigation of urban populations on the heathland is not set out in any detail and this is a major weakness with the Councils' approach. This is explained below in relation to the recent Surrey Heath example. This council reduced the CIL rate for sites with SANG by £125 psm. This point was examined by the following question from the Examiner of the Surrey Heath CIL: "Does the viability evidence support a differentiated approach based on whether or not a development makes its own provision for SANG? Furthermore, if the SANG differentiation is supported, are the different CIL rates (with / without own SANG) informed by and consistent with the evidence?" The Examiner found that Surrey Heath Borough had provided the evidence to justify the differentiated rate. They calculated this on the basis of: "that simply reflects the assessed cost of SANG provision spread across the anticipated numbers of market housing." Whilst this approach is supported the position in relation to</p>		We would refer the respondent to this document.

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			affordable housing and self-build housing also has to be considered. There is no such differentiation or any calculation to justify this approach in the CBC/EDDC Draft Charging Schedule. More evidence is required to inform a workable solution. This requires data from all the strategic sites where SANG is to be directly provided. To calculate the discount for a differentiated rate, this must include a discount £psm rate calculated from all the costs of all heathland mitigation for all dwellings that do not provide SANG directly including all affordable dwellings (and a contingency allowance for self-build) whose heathland mitigation would be met by CIL, divided by cumulative chargeable floorspace (sqm) of those dwellings. This discount calculation will need to make assumptions on floorspace and be on the basis of heathland project estimates. There will need to be annual monitoring of this data to ensure that the discount rate reflects actual delivery of both projects and dwellings. This has the added benefit of ensuring that heathland mitigation keeps pace with development.		
Mr Ian Jones , Clerk Ferndown Town Council (ID: 490823)	CIL-DCS9	No	It appears to be so. The proposed residential charge appears high when compared to the Heathland DPD levy. Eg an 80 m2house would attract a charge of £1524 under the Heathland DPD levy (2012 rates) compared to an £8000 charge under the proposed CIL rate. The final judgement should be left to officers.		Noted.
Ms Gill Smith , Affordable Housing Officer Dorset County Council (ID: 359437)	CIL-DCS8	Yes	No comment.		Noted.
Mr M Hassan , Planning Manager Castleoak Group (ID:	CIL-DCS5	No	No 4. The Assumptions used in the Peter Brett Viability Appraisal June 2013 The Community Infrastructure Guidance February 2014 states that "a charging authority must use 'appropriate available evidence' (as defined in the Planning Act 2008 section 211(7A)) to inform their draft charging schedule. The Government recognises that the available data is unlikely to be fully	3048223_0_1.pdf	PBA has undertaken its own testing of Care Home accommodation and both it and the Councils are satisfied that a CIL charge of £40 for 'Care

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498391)			<p>comprehensive. Charging authorities need to demonstrate that their proposed levy rate or rates are informed by 'appropriate available' evidence and consistent with that evidence across their area as a whole." It also emphasises that "A charging authority should draw on existing data wherever it is available." In respect of the proposed CIL charge for Christchurch and East Dorset, whilst the yields and rental values per bed are in line with those evident in the market, the Gross Internal Area (GIA) and construction cost assumptions used are not. These issues substantially and critically undermines the validity of the viability calculations and hence the implication of a CIL charge for care homes.. The specific issues are each set below. 4.1 Construction Costs The construction costs used in the appraisal is £1,250 per square metre and, with the benefit of our substantial experience; this is too low to provide care accommodation to the standards demanded by operators, residents and the market, as evidenced by reference to the Build Cost Information Service database. The Building Cost Information Service, known as BCIS, is a leading provider of cost and price information for the UK construction industry. It is a part of the Royal Institution of Chartered Surveyors. The table below summarises data from BCIS for the construction costs of a new build care home in Wimborne, East Dorset (£/m² GIA), including prelims. Crucially the BCIS database also allows the date for construction to be specified and is able to provide construction costs that allow for build cost with inflation. This is very important as build cost inflation is currently high, as demonstrated in Table 1 below.(see page 6 attached CIL reps) Table 1: BCIS Care Home Construction Cost June 2013 Q2 2013 June 2014 Q2 2014 April 2015 Q2 2015 (forecast) Q2 2016 (forecast) Mean £1,287 £1,456 £1,538 £1,608 Lowest £750 £763 £806 £843 Lower quartiles £922 £1,056 £1,116 £1,167 Median £1,312 £1,512 £1,597 £1,670 Upper quartiles £1,466 £1,596 £1,686 £1,763 Highest £2,103 £2,438 £2,576 £2,694 Sample size 19 15 15 15 The figures, (taken from the BCIS output that are reproduced in Appendix 1) demonstrate that the construction cost of £1,250 per square metre used in the CIL appraisal calculations, is too low and furthermore fails to acknowledge the increasing construction costs the industry is experiencing or otherwise to include any inflation measures in the calculations. Looking at the 'mean' figures above, it is forecast that from the date of the CIL valuation appraisal (June 2013) to the likely CIL adoption date, (April 2015) the construction costs will have increased from £1,250 to £1,538 per square metre,</p>		<p>Homes' and a revised rate of £70 per sq m for residential development can viably be supported.</p> <p>Please also see the response to the Planning Bureau with regard to Retirement Living / Sheltered Housing / Extra Care CIL charges.</p>

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			<p>a substantial increase of over 23%. With the current pressures on fees and increasing energy costs, the rental values and yields are highly unlikely to improve to counteract the increasing build costs. Consequently, construction costs for new care homes are significantly underestimated, as evidenced by the BCIS data. In conjunction with the proposed CIL charge, this will render schemes for the provision of new care home accommodation within East Dorset and Christchurch's area entirely unviable, undermining the markets' ability to address the increasing need for appropriate care accommodation for those requiring 24 hour care and supervision.</p> <p>4.2 Gross Internal Area (GIA) The viability appraisal is based upon a 60 bed care home with a GIA of 2,400 m². This equates to 40 m² per resident which is entirely too small to provide care accommodation that is capable of meeting the current and future registration and design requirement and the expectations of operators, residents and the market. Even designing down to the smallest bedrooms, en-suites and day spaces that would currently enable the home to be registered with the CQC to provide care accommodation, a GIA of 40 m²/resident would simply not be achievable. Indeed, in our experience from working with a variety of operators including, charities, local authorities and private operators, they require new developments to achieve in the region of at least 48 m² to 50 m² per resident. This size range, 48 -50 m²/resident GIA is recognised across the care sector as being necessary, both to ensure the comfort and well being of residents and to satisfy the keen desires of operators and funders to ensure new care homes are future proofed against change in space requirements, guaranteeing their viability for at least the duration of a standard 30 year lease. So a typical gross internal area of a 60 bed care home will be circa. 2,880 m² to 3,000 m². On page 50 of the East Dorset and Christchurch Viability Report, the care home summary refers to a 60 bed care home scheme with a GIA of 3,000 m² which aligns with end user and market expectations. However, on querying the contradiction between the GIA referenced in the report and the GIA used in the calculations, we were advised by the Planning Policy Team Leader that this was an error and it should be 2,400 m². In CIL Viability Reports produced by Peter Brett Associates for Teignbridge, Stratford upon Avon and Maidstone Authorities, they have based their appraisals for care homes on a 40 bedroom model with a GIA of 1,900 m², which equates to 47.5 m² per resident. The DCLG Community Infrastructure Guidance clearly advises that "A charging</p>		

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			<p>authority should draw on existing data wherever it is available.” Information regarding the proposed GIA’s of new care homes is readily accessible as the council has a record of all recent care home applications within its constituency, which necessarily state the floor area of the proposed developments. It is this information that should be used as it more accurately reflects the market requirements and aligns with the latest DCLG guidelines. The table attached at Appendix 2 lists all recent applications for new care homes within East Dorset and Christchurch listed on the ABI database. The Barbour ABI database is commonly used within the property industry as it tracks and monitors planning applications. The bedroom numbers and GIA have been obtained via the Local Authorities planning applications website. We have not been able to obtain bed numbers and GIA information for every application as some documents are not available on the local authority’s website or the relevant information isn’t included within the plans and documents that are available. However this information could readily be obtained by Peter Brett Associates from their colleagues in the East Dorset and Christchurch planning departments. The average GIA per resident for these schemes is 49 m² per resident. To assume a GIA of 40 m² per resident is therefore a gross underestimate which serves to artificially reduce the build costs and overstate the profitability and, in turn the viable CIL charge. The viability appraisal has calculated the gross development value by capitalising the rental value per bed by a yield of 7%. The rental values used reflect rents achieved for modern care homes which would be much greater than 40 m² per resident. The gross development value will not change as the same number of care beds is to be provided, however, if the total construction cost was accurately calculated to reflect a scheme substantially larger than 2,400 m², the viability and profit levels would decrease significantly. For a 60 bed care home designed to current market standards, (taking the average GIA figure of 49 m² per resident for recent applications) the build cost will be £3,75,000 using the base build cost figure of £1,250 m², using the more realistic figure of £1,538 m² the construction costs will be £4,521,720 which is over £1,500,000 over the £3,000,000 allowed in the CIL viability calculation. In addition to this critical underestimate of build costs, a GIA of 3,000 m² also increases the CIL payable from £96,000 to £120,000. 4.3 Additional Development Costs not taken into Account CIL guidance emphasises that “A charging authority should take development costs into account when setting its</p>		

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			<p>levy rate or rates, particularly those likely to be incurred on strategic sites or brownfield land. A realistic understanding of costs is essential to the proper assessment of viability in an area.” We are concerned by the study Peter Brett conducted in June 2013 as we do not believe that all realistic development costs have been taken into consideration. For example, the viability appraisal fails to acknowledge that in line with guidance to prioritise previously developed sites, the majority of sites will be on ‘brownfield’ town centre or edge of town locations such as petrol stations or employment uses where a sustainable use such as a care home would be suitable. Here abnormal costs are likely to include demolition, remediation of contamination, additional groundwork’s, drainage and additional professional fees. The valuation appraisal contains development assumptions that are inadequate as they do not make sufficient allowance for the costs involved in obtaining planning permission and delivering a development scheme. By underestimating the true cost of securing planning for development within the appraisal, the Council has underestimated the true cost of care developments and consequently the profit levels calculated in the financial viability model are artificially inflated. This will, in turn, have inflated the viable amount of CIL for care development. Taking the example of the 2,400 sqm Care Home in the Council’s Viability Study, this care home would be expected to bear a CIL payment of £96,000 and, in addition, bear all of costs listed below:</p> <ul style="list-style-type: none"> • the cost of any off-site highways works required to make the development acceptable in planning terms including junction improvements, road widening schemes, new access roads, diversion orders and other highways works; (from c. £50,000 for a standard crossover up to £250,000 plus for a full s278 with major works to the public highway) • any ecological mitigation, archaeology works or environmental contributions to mitigate the loss of habitat or greenery caused by the scheme; (costs will vary significantly with sites) • The cost of remediation and decontamination works, asbestos removal and disposal; (costs varies significantly but a typical brownfield site of c. 1.5 acres c £250,000) • Costs associated with BREEAM/Renewable policy requirements; (c. £30,000 - £50,000) • Planning Application fees (c. £150,000) and • Any Section 106 costs (can vary but anything up to £50,000). <p>With these costs ranging from £280,000 to £800,000 it is clear the allowance in the viability appraisal of £300,000 (10% of construction costs), will only cover the most straight forward of sites, with neither ecology archaeology or contamination.</p>		

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			<p>The Council has therefore significantly underestimated the impact of CIL on the viability of such developments and request that the underlying viability evidence should therefore be revised accordingly. 4.4 Occupancy Levels The viability study doesn't appear to acknowledge the occupancy rates for care home schemes, instead assuming that the homes will be 100% occupied at all times. In other viability appraisals produced by Peter Brett Associates occupancy levels are taken into account, for example in separate viability reports for Maidstone, Stratford upon Avon and Teignbridge. Occupancy levels are crucial in determining the income and therefore viability of care homes and thus these must be included in any viability assessment. The Knight Frank Care Homes Trading Performance Review 2013 highlights a small fall in national occupancy rates from "87.8% to 87.2% during 2012." Whilst the occupancy levels of new, modern care homes are most usually higher than the average, the nature of the homes dictates that there are most often a small number of vacant rooms with typical occupancy rates of 93-95%. A lack of consideration for occupancy levels undermines the validity of the CIL viability appraisal. 4.5 Communal Space/Floor Ratio Care homes, as specialist care accommodation, typically experience periods of 12 – 24 months to reach 'mature occupancy'. They are also impacted financially by the communal space and areas that are provided. Typically such developments have over 50% of their internal floor areas devoted to necessary communal areas and facilities, such as assisted bathrooms, nurse stations, drug stores, sluice rooms, kitchens and plant rooms, together with shared amenity spaces such as activity rooms, lounges and dining rooms. An external architect from Carless and Adams Partnership advised that "for a smaller home of, say, 2,760 m² the bedrooms and en-suites would account for about 50% of the floor area. The ancillary spaces (non resident) about 12% and the rest will be day space and circulation." These communal areas and facilities care homes from other forms of accommodation for the wider population. Communal areas are crucial for the comfort and wellbeing of residents in a modern care setting, facilitating social interaction and activity. However, in a purely financial sense, they constitute "non-saleable floor space" which does not directly generate revenue. Therefore, a CIL rate based on "pounds per square metre of gross internal floor space" would unreasonably penalise a retirement housing developer, compared to other forms of residential accommodation that would have a much higher net saleable floor area to</p>		

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			<p>acquire revenue from. This would place those providers of care homes 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. 5.0 Neighbouring local authorities The majority of the neighbouring authorities around East Dorset and Christchurch, where land prices, build cost and care home fees are comparable, have concluded that no CIL charge should be applied to care home development, as detailed in the table below, justification for this includes: • the level of communal space, • slower sales rate • increased build costs compared to traditional residential development Table 2: Neighbour Authorities CIL Rates (see Page 10 attached CIL reps) Charging Authority Stage C2 CIL Rate Consultant Consultant Comments West Dorset Draft Charging Schedule submitted nil BNP Paribas Real Estate Residential care schemes include a significantly higher level of communal space to accommodate social areas and other facilities. This has an adverse impact on viability. Our appraisal indicates that residential care homes are unlikely to be able to absorb CIL contributions unless higher values are achieved. We therefore recommend that the Council sets a nil rate for this type of development. North Dorset Preliminary Draft Charging Schedule yet to be produced TBC - - New Forest Adopted April 2014 nil DTZ Development of care homes is of marginal viability on the basis of standard assumptions and hence should be subject to a CIL charge of zero. Bournemouth Preliminary Draft Charging Schedule yet to be produced TBC Peter Brett Associates - Poole Adopted January 2013 nil BNP Paribas Real Estate Our testing did not specifically address the viability of care homes and their ability to contribute towards CIL. However, given the nature of such schemes, we would advise that the viability (and ability to contribute towards CIL) is likely to be worse than advised for general residential. This is due to the requirement in care homes for communal and support space (which results in a less efficient gross to net ratio) and a slower sales rate, due to the more limited market. Purbeck Approved March 2014 To be Adopted April 2015 £0-£100 Andrew Golland Associates & Corbens The Council's original CIL rates for Use Classes C2 and C3 were set at £180 psm for Swanage and the Coast, £100 psm for Wareham and Purbeck Rural Fringe and a nil rate for the remaining two zones. Following representations from developers specialising in C2 and C3 uses, the Council reduced its rates to £100 psm for Swanage and the Coast, £30 psm for</p>		

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			<p>Wareham and Purbeck Rural Fringe and maintained its nil rate for the remaining two zones. (From Examiners Report). Wiltshire Consultation on the Draft Charging Schedule February 2014 nil BNP Paribas Real Estate No reference to care homes or older person's accommodation within the viability report. 6.0 Peter Brett CIL recommendations for other Charging Authorities There doesn't appear to be any justification as to how or why a rate of £40 has been selected by Peter Brett Associates. For the 60 bed scheme used in the council's appraisal (2,400 m²) this would equate to a CIL charge of £96,000 and calculates at approximately 1.93% as a percentage of total costs and 9.64% as a percentage of total profit. For a 60 bed care home designed to current market standards, with a GIA of 3,000 m² this increases significantly to £120,000. The table below provides a summary of the valuation appraisals for the London Borough of Richmond and Epsom and Ewell Borough Council. These have been selected because they have also been produced by Peter Brett Associates and the valuation model used was the same as East Dorset & Christchurch and was based on a 60 bed care home scheme (GIA of 2,400) with similar assumptions on construction costs, professional fees and finance. Peter Brett Associates have produced viability reports for other Charging Authorities but these appear to be incorporating a different care home scenario (40 beds) or valuation model. The table illustrates that although the Total Profit is lower than those calculated at Epsom & Ewell and Richmond; the proposed CIL rate of £40 is significantly higher than the £20 and £25 rates recommended for the other charging authorities. The CIL as a percentage of the total profit and costs is again higher in East Dorset & Christchurch. 6.0 Peter Brett CIL recommendations for other Charging Authorities There doesn't appear to be any justification as to how or why a rate of £40 has been selected by Peter Brett Associates. For the 60 bed scheme used in the council's appraisal (2,400 m²) this would equate to a CIL charge of £96,000 and calculates at approximately 1.93% as a percentage of total costs and 9.64% as a percentage of total profit. For a 60 bed care home designed to current market standards, with a GIA of 3,000 m² this increases significantly to £120,000. The table below (page 12 of attached cil reps) provides a summary of the valuation appraisals for the London Borough of Richmond and Epsom and Ewell Borough Council. These have been selected because they have also been produced by Peter Brett Associates and the valuation model used was the same as East Dorset &</p>		

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			<p>Christchurch and was based on a 60 bed care home scheme (GIA of 2,400) with similar assumptions on construction costs, professional fees and finance. Peter Brett Associates have produced viability reports for other Charging Authorities but these appear to be incorporating a different care home scenario (40 beds) or valuation model. The table illustrates that although the Total Profit is lower than those calculated at Epsom & Ewell and Richmond; the proposed CIL rate of £40 is significantly higher than the £20 and £25 rates recommended for the other charging authorities. The CIL as a percentage of the total profit and costs is again higher in East Dorset & Christchurch. It is unclear why the consultants believe that within East Dorset and Christchurch, developers will be able to absorb a higher CIL rate. Table 3: Other Peter Brett Associates CIL Recommendations Charging Authority CIL Payable (Rate x m²) CIL Amount Total Profit Total Cost CIL as % of Profit CIL as % of Costs East Dorset & Christchurch £40 x 2,400 m² £96,000 £996,359 £4,981,784 9.64% 1.93% Richmond £25 x 2,400 m² £60,000 £1,152,002 £5,759,998 5.21% 1.04% Epsom & Ewell £20 x 2,400 m² £48,000 £1,211,786 £6,058,928 3.96% 0.79%</p> <p>The table below summaries the CIL rates in regards to the residual land values and benchmark values. Again it is evident that the £40 rate proposed in East Dorset & Christchurch is higher in terms of the CIL rate as a percentage of the calculated overage ceiling. Table 4: Other Peter Brett Associates CIL Recommendations Summary East Dorset & Christchurch London Borough of Richmond Epsom & Ewell Borough Council Number of Beds 60 60 60 Gross Internal Area (Sq m) 2,400 2,400 2,400 Residual Land Value (Per Hectare) £1,994,054 £6,155,827 £3,047,772 Residual Land Value (Per Sq metre) £266 £604 £2,622 Benchmark Land Value (Per Hectare) £1,400,000 £5,000,000 £3,000,000 Benchmark Land Value (Per Sq metre) £187 £313 £2,581 Overage CIL Ceiling (Per Hectare) £594,054 £1,155,827 £47,772 Overage CIL Ceiling (Per Sq metre) £79 £72 £41 CIL Rate Proposed £40 £25 £20 CIL Rate Proposed as % of Overage Ceiling (Per Sq m) 50.6% 34.7% 48.7% 7.0</p> <p>Conclusion 7.1 The National Planning Policy Framework states that Local Planning Authorities should plan for a mix of housing to meet the current and future demographics and support the needs of different groups, such as older people. The proportion of residents in Christchurch and East Dorset over the age of 65 is significantly higher than the average, both in Dorset and nationally. 7.2 The amendments to the Community Infrastructure Guidance published in</p>		

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			<p>February 2014 may mean that the viability appraisal produced is now out of date and doesn't comply with the latest, more stringent regulations as it doesn't provide clear evidence that a CIL charge on care home development will not affect the economic viability to deliver schemes across the East Dorset and Christchurch. 7.3 It is forecast that from the date of the valuation appraisal to the likely CIL adoption date, April 2015 the construction costs will have increased from £1,250 to £1,538 per square metre, an increase of approximately 23%. The rental values and yields are very unlikely to improve, therefore the development costs are significantly undervalued, in turn critically undermining the viability of new care home development with the proposed CIL rate of £40/m² in place. 7.4 The viability appraisal is based upon a 60 bed care home with a Gross Internal Area of 2,400 m², this equates to 40 m² per resident, which is considerably too small to provide new high quality care accommodation, capable of meeting current and likely future registration requirements. If the total construction cost was accurately calculated to reflect a scheme larger of 3,000 m², more in keeping with market and resident expectations the viability and profit levels would decrease significantly. 7.5 Taking account of the two major inaccuracies above – the floor area and construction costs, we have seen that contrary to the build costs of £3,000,000 used to substantiate the proposed CIL charge, actual build costs for a modern 60 bed care home at the date the charge is proposed to come into effect are in fact c. £4,500,000. This £1,500,000 underestimate undermines the validity of the proposed CIL charge. 7.6 The valuation appraisal contains development assumptions that are inadequate as they do not make sufficient allowance for the costs involved in obtaining planning permission for a development scheme. By excluding the true cost of securing planning for development within the appraisal, particularly for brownfield sites the Council has underestimated the true cost of care developments and consequently the profit levels calculated in the financial viability model are artificially inflated. This will, in turn, have inflated the viable amount of CIL for care development. 7.7 The viability study doesn't appear to acknowledge the occupancy rates expected of a care home. However, in other viability appraisals produced by Peter Brett Associates they appear to recognise that even new homes do not run at 100% occupancy levels, occupancy levels of 93%-95% are typical. 7.8 The imposition of a CIL charge for C2 care homes specifically, ie to exclude all other forms of C2</p>		

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			development, notably extra care, seems inequitable and illogical. The CIL charge is specifically to provide for infrastructure. Extra care is more suitable for residents with lower care needs, whilst those with greater care needs are most often more suited to a care home environment with 24 hour care and supervision. Consequently, the more active and mobile extra care residents would place greater demands on infrastructure, for example being more likely to own cars and would it would therefore, appear more logical to be suitable for a CIL charge. At any rate, with the lower overhead costs that result from the lower level of care provision, and greater proportion of 'saleable floorspace', extra care schemes should be able to accommodate a higher CIL charge than care homes. 7.9 It is notable that no viability appraisal was conducted for extra care, in spite of the authority's stated preference for this form of elderly accommodation. 7.10 There doesn't appear to be any justification or clear evidence as to how or why a rate of £40 has been recommended by Peter Brett Associates. The level of CIL specified will significantly affect the viability of these schemes and potentially preclude the future development of new care homes at a time where there is national recognition of the importance for us to act to address the growing demand for such accommodation. 7.11 We would suggest that the valuation appraisal is substantially revised to reflect the issues raised.		
Mrs Maria Humby , Alderholt Parish Council (ID: 359295)	CIL-DCS2	No	Yes		Noted.
Mr Matt Gilks , Dutton Gregory Solicitors (ID: 844541)	CIL-DCS20	Yes			

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Mr Giuseppe Cifaldi , WYG Planning & Design (ID: 746532)	CIL-DCS19	No	<p>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.</p> <p>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 intended 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.</p>		<p>The retail scenarios tested have been drawn up in consultation with the Council and are based on an understanding of the developments likely to come forward which will be liable for a CIL charge.</p> <p>We consider that the range and nature of retail schemes tested reflect the viability of the Development Plan.</p> <p>We would also note (and as set out in the viability report) we have not modelled mixed schemes separately because we are attempting to understand the viable CIL rates payable on individual components of a scheme. If we were to model mixed use schemes one use type might cross subsidise another and provide a misleading result about the level of CIL which could be viably afforded.</p>
Mr Chris Plenderleith , Managing	CIL-DCS16	No	No, as insufficient consideration has been paid to the importance of meeting the needs of an ageing population and the associated viability of these forms of developments. The evidence base, like the draft charging schedule, would		Charging authorities may also set differential rates for different intended uses of development.

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Director Leith Planning Ltd (ID: 851696)			appear to be taking a 'one size fits all' approach with insufficient consideration given to site specific and developments specific matters. The CIL simply needs to be more flexible in its application in order to secure the required infrastructure funding, but not in a way which may undermine the delivery of much needed community and social facilities.		<p>The viability exercise and evidence gathered by PBA supports a differential rate for care homes. The Council are comfortable that they are sufficiently viable to pay a CIL rate of £40 per square metre.</p> <p>We would also note that, taking the costs of the scheme build into account, the proposed CIL charge equates to less than 5% of development costs, and is therefore highly unlikely to be the key element which on its own means that any scheme becomes unviable.</p>
Ms Helen Patton , Policy Officer New Forest National Park Authority (ID: 361028)	CIL-DCS14	No			
Ms Rachel Lamb , Senior Planner Turley	CIL-DCS4	Yes	The evidence on viability should be amended and updated – please see our comments in relation to question 2.		[Please see response from Question 2].

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Associates (ID: 746077)					
Mr Fred Andress , Agent Planning Issues Ltd (ID: 743786)	CIL-DCS1	No	No In June 2013, alternative evidence was submitted to each council in a joint briefing paper by Churchill retirement Living Ltd and McCarthy & Stone entitled "Retirement Housing and the Community Infrastructure Levy". Additional copies can be provided on request.		<p>The viability exercise and evidence gathered by PBA supports a differential rate for care homes. The Council are comfortable that they are sufficiently viable to pay a CIL rate of £40 per square metre. (Please see additional response on p.26).</p> <p>We would also note that, taking the costs of the scheme build into account, the proposed CIL charge equates to less than 5% of development costs, and is therefore highly unlikely to be the key element which on its own means that any scheme becomes unviable.</p>
Mr Jonathan Kamm , Town Planning Consultant (ID: 359272)	CIL-DCS7	Yes	The Peter Brett Report ("PBR") evidence is inadequate in its analysis of possible outcomes at the small scale. It fails adequately to analyse the impact on small developments. Residential schemes are liable at any scale, Small schemes are particularly vulnerable because they make up a high proportion of brownfield schemes. Although retail development below 100 m2 are exempt those just above the threshold are premises most vulnerable to being made non-viable by the CIL rate. Again these are premises that are at the lower level operated by small businesses and charities and are relied upon by local communities. DCS para 2.17 states: "CIL is intended to provide infrastructure to		The retail and residential scenarios tested have been drawn up in consultation with the councils and are based on an understanding of the developments likely to come forward which will be liable for a CIL charge.

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			support the development of the area.” This is not adopted by the PBR where it appears that the level of CIL is to be driven by an assumed viability of development unrelated to the “need” for, or deliverability of, infrastructure in the IDP. Although many costs of infrastructure are marked TBC in the first iteration of the IDP, that draft and the PBR are able to set the levels of CIL which have not changed in line with the plan process, the revised IDP, and are repeated in the DCS. There does not appear to be a. any justification for the figures in the IDP & restated in the DCS b. there is no guide as to what % of project costs are to be funded by CIL & the % from other sources Absent basic information on these points there is no opportunity for the public to express an informed view on the correctness or otherwise of the figures in the DCS. The PBR appears to work on the simplistic view of stripping out any profit of a development above 20%. Yet the DCS states that it will not offer relief to social housing sold at 80% of Market Value (DCS paras 2.12 and 2.13) therefore expecting developments to come forward that promote the plan policies when upon PBR and LPA figures they are not viable. Viability for common scenarios affecting small, difficult, sites has not been tested and therefore it is not the case that “alternative” evidence is required as the charging authorities have yet to undertake the initial work.		We consider that the range and nature of development scenarios tested reflects the viability of the Development Plan.
Mr Mike Newton , Boyer Planning Ltd (ID: 719231)	CIL-DCS10	Yes	2.3 An updated viability assessment (June 2013) has been prepared by Peter Brett Associates (The June PBA report) to inform the proposed CIL charges across the two authorities which are the subject of the current consultation. The June PBA report forms an update to the report previously prepared by PBA dated January 2013. The June PBA report notes that the main changes to the report are as follows: • At Appendix 5, PBA have added work which explores the impact on CIL charging of assuming affordable housing provision at 35%. • On the residential appraisals, PBA have made improvements to the way interest is calculated, and then to the way that the available developer surplus is applied to chargeable floorspace. • PBA have clarified that they are calculating profit assumptions on residential development at 20%. 2.4 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 June PBA report has viability tested housing assuming 35% affordable housing.		PBA has undertaken revised testing of the Strategic Sites in order to clearly set out the viability position with regard to SANGs and Heathland mitigation. Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and

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			<p>Although the level of affordable housing used in the assessment has increased from the 30% used in the previous report, this continues to fall short of the level sought by the Joint Core Strategy. 2.5 Policy LN3 of the newly adopted Joint Core Strategy states that: "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." 2.6 <i>The viability assessment should therefore be undertaken on the basis of 40% affordable housing provision as a minimum.</i> Furthermore, given the importance of the delivery of the new neighbourhoods to meet the Councils housing requirements, there would be strong justification for the viability testing to be based on 50% affordable housing to ensure the plan is deliverable. 2.7 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 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." 2.8 As such, it is recommended that further viability testing be undertaken on the basis of both 40% and 50% affordable housing in order to provide a sound evidence base from which the Councils can propose an appropriate residential CIL tariff. 2.9 We note the Whiteleaf Viability work, summarised in the paragraphs 4.8 – 4.11 of the consultation document, concludes that four of the new neighbourhood sites could be viable at 40%</p>		<p>the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p> <p>PBA has also undertaken additional testing at 40% affordable housing as defined in the Adopted Core Strategy, the results of which are set out in the Affordable Housing Addendum. Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area.</p>

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			<p>affordable housing and CIL at £100 per square metre. However, it is important to note that this report did not assess all of the new neighbourhood sites (Verwood for example is excluded) and it cannot therefore be relied upon in making judgements about the viability of affordable housing percentage / CIL rates for all the new neighbourhood sites. 2.10 <i>The lack of assessment of all the new neighbourhood sites also raises the potential for abnormal costs which could affect the viability of these developments not having been factored in.</i> The abnormal costs in relation to the Christchurch urban extension have been included in the viability assessment and were a matter of consideration in the examination of the Joint Core Strategy. <i>It is considered that further assessment is required of the new neighbourhood sites to understand any abnormal costs and to ensure that the proposed CIL tariff does not make the Joint Core Strategy undeliverable.</i> This assessment must also take account of the impact of residual Section 106 costs required from these developments.</p>		
<p>Ms Felicity Tozer , Tetlow King Planning (ID: 780633)</p>	<p>CIL-DCS17</p>	<p>No</p>	<p>We represent the South West HARP Planning Consortium which includes all of the leading Housing Association Registered Providers in the South West. Our clients' principal concerns are to optimise the provision of social/affordable housing and to ensure the evolution and preparation of consistent policies throughout the region. It is not clear from the Viability Report (2013) what the implications of CIL will be to the delivery of the adopted Core Strategy. There is no assessment which allows the reader to gain a comprehensive understanding of the viability context; with no single consideration of the correct residual land value, s106 planning obligations, the landowner uplift, the surplus and the appropriate viability margin. Table 6.3 shows generic values based upon per ha calculations; in our view "rounding up" limits the degree of accuracy in assessing the viability of different dwelling number scenarios. Appendix 1 contains more detailed viability appraisals; however this does not include any s106 calculations or affordable housing contributions. Without this clearly illustrated, it is impossible to ascertain the robustness of the Councils' evidence base, or consider the balance which the Councils has struck in deciding upon the most appropriate CIL charge. Affordable Housing The CIL Regulations and Guidance clearly state that the "charging authority should take development costs into account when setting its levy rate..... development costs include</p>	<p>3048222_0_1.pdf</p>	<p>The viability testing carried out by PBA has been undertaken in accordance with DCLG's CIL guidance. This involved an assessment of market values throughout the districts as well as reviewing the development costs for different types and sizes of schemes. The data was gathered from a variety of sources to inform the viability model. We have also updated the viability testing to reflect current costs (source: BCIS) and current values (source: Land Registry/HPI) which has led to a more detailed approach to the proposed Charging Schedule. The findings of the</p>

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			<p>costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for strategic sites” (paragraph 2:2:2:5). This approach was reaffirmed by the Inspector’s Report to the Local Plan (March 2014), which stated that “in proposing a levy rate charging authorities should take into account other development cost, including taking account of planning obligations in the relevant Plan, in particular those for affordable housing. This makes it clear that it is not appropriate to undertake a balancing act between CIL and affordable housing, as appears to have taken place in the Whiteleaf Study, and that the CIL should be assessed on the basis of the level of affordable housing in the local plan” (paragraph 87). It is evident upon reading the Core Strategy that the affordable housing targets are 50% on greenfield and 40% elsewhere (unless a site-specific policy indicates otherwise), in accordance with LN3. Whilst 35% is identified as an aim for the total number of new homes to be delivered, it is evident from its reference in the Core Strategy, and the fact that it is not itself referenced in the Core Strategy’s affordable housing policy (LN3), that this does not demonstrate the affordable housing target. It would be perverse to not apply the targets identified in the Core Strategy policy. This is evident in the Inspector’s Report on the Local Plan. As such, the Viability Assessment’s “viability tested housing assuming 30% affordable, given current markets” (p22) is entirely inappropriate and contrary to the CIL guidance. It is vital that all local authorities make delivering the affordable housing target/targets in the development plan their starting point to developing CIL and they must ensure that the charges do not “threaten delivery of the relevant Plan”. As outlined by the Inspector in the examination of Mid-Devon District Council’s CIL in November 2012: “The Council should have taken all its policy requirements, including affordable housing, into account then setting the CIL rate and on this basis it can be concluded that the viability evidence, on which the proposed charge of £90per/m2, is not robust”. It is noted, that Exeter’s CIL Examination clearly reaffirms this position, stating that “CIL rates should be consistent with Policy CP7 (affordable housing policy) to accord with legal requirements, national planning policy and paragraph 28 of the 2010 statutory CIL guidance” (paragraph 34). Exeter’s CIL Examination also clearly demonstrates that the Councils’ approach of applying a lower affordable housing target than the adopted Local Plan affordable housing target, based</p>		<p>updated viability testing are set out in the Affordable Housing Addendum provided by PBA, which we would refer the Respondent to. Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area.</p> <p>The proposed charging rates are the result of this detailed assessment. Whilst we acknowledge that there is potential for variations within each area we have ensured that the bulk of development is not put at risk.</p> <p>We note that no evidence is offered by the respondent to counter the differentiations adopted in the Draft Charging Schedule. We would also always welcome the provision of additional comparables in order that we can ensure that our viability testing is as accurate as possible.</p>

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			<p>upon a current lower viable market, is entirely inappropriate. It is clear from the evidence base that the Councils' current evidence base is not sufficient to bring forward the Draft Charging Schedule. Affordable Housing Costs The Viability Report uses a blended rate "based on current policy". No detail is given in respect to this rate, aside from the comment that it is taken from HCA policy. We would question where this blended rate is from, what date this costing is based upon and confirmation of the assumptions used within the estimate. There are numerous affordable housing tenure types, and we find it questionable how a blended rate can take full account of the range of affordable housing tenures. Local Benchmark Values It has become well established that hypothetical development scenarios are not appropriate. It is now evident that the Council should assess a number of identified sites as local benchmarks to ensure the reliability of the analysis and assumptions. This principle was first established in the Purbeck CIL Examination, where the Inspector suspended the Examination: "the evidence base is primarily based upon notional data, i.e: modelling of typical development sites in the various zones throughout the District. I raised this concern regarding the need for locally worked examples in my initial questions, and again in my further questions. The DCLG CIL Guidance (April 2013) states (paragraph 27) that a charging authority should sample directly an appropriate range of types of sites across its area in order to supplement existing data. I am postponing the Examination until the information that I need is forthcoming" (Comments to the Council at the close of the Hearing, 11/10/2013). The more recent DCLG CIL Guidance (2014) affirms this approach at 2:2:2:4. The only local benchmark used is in relation to the proposed Christchurch Urban Extension within the Whiteleaf Study, delivering some 950 of the 8,490 units required; only 11% of the total housing requirement. It is further noted below that the hypothetical scenarios chosen do not in themselves reflect the development context of the plan area. Sites over 100 units Noting the above, the hypothetical scenarios do not consider sites above 100 units. The Christchurch Urban Extension of some 950 units is considered separately, however no other identified sites are. It is clear from the adopted Core Strategy that there are a number of larger sites; 220 (WMC5), 600 (WMC7), 350 (WMC8), 250 (CM1), 150 (FWP3), 320 (FWP6), 150 (FWP7) and 230 (VTSW4). The Viability Assessment states that the larger growth areas are "likely to be delivered in sub-schemes of roughly this (50-100 units) size"</p>		<p>Table 6.3 sets out the £ per ha residual land values to the nearest pound – we do not consider that it shows generic values.</p> <p>Affordable Housing</p> <p>PBA has carried out further viability work which explores the impact on CIL charging, assuming an affordable housing provision at policy as set out in the Core Strategy. This work is set out in the Affordable Housing Addendum which we would refer the respondent to. Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core Strategy area.</p> <p>Local Benchmark Values</p> <p>The development scenarios tested in the viability study were adopted based on consultation with the Council and an</p>

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			<p>(paragraph 6.44). However, it would seem probable that the Councils would be seeking to address site-wide infrastructure requirements, including on site provision of education and nursery facilities on the larger of these sites, in addition to recreation facilities, open space and highway infrastructure. We would presume in the interests of proactive and positive planning that the Council would be seeking development briefs (as required by the Councils' Core Strategy policies) and/or overriding outline consents. Whilst this would still result in the developments coming forward in phases, it is evident that these larger sites will be subject to additional onsite infrastructure requirements beyond the £1,000 per unit (plus affordable housing) assumed in the CIL study. We would also draw the Councils' attention to an application being progressed by a member of the consortium, which is seeking full permission for 205 units from the outset, thus dismissing the comment made in the Viability Assessment that schemes will be brought forward in phases, with phased CIL not possible when permission is secured in full at the outset. The failure to consider the impact of the proposed CIL levels on the development of these sites, totally some 2,270 units (26% of total housing requirement), entirely compromises the delivery of the development plan. Whiteleaf Viability Study The Councils rely on the Whiteleaf Viability Study as an appropriate assessment of the deliverability of the proposed urban extension to the North East of Christchurch (policy CN1). However, as clearly stated in the Inspector's Report to the Core Strategy Examination (March 2014), the assessment indicates that it is seeking to take a balance between CIL and affordable housing, which is not appropriate. The Whiteleaf Study is also not transparent, in that no breakdown of costs, including expected planning obligations, is given. The pba Viability Appraisal (June 2013) makes reference to this site, and indicates that Appendix 1 contains analysis of viability of the site. However, Appendix 1 references no sites above 100 units and therefore evidently does not pertain to this urban extension. Without a detailed understanding of what planning obligations were accounted for in the assessment of costs in the Whiteleaf study, it is impossible to ascertain which of these will still be required, in addition to CIL, and as such it is not possible to make an assessment of the viability of development post-CIL. S106 Costs It is noted that s106 costs are given at £1,000 per dwelling excluding affordable housing provision. We do not believe that this is accurate. The Council must provide historical s106 receipts in order to understand current and historical</p>		<p>understanding of the nature of sites likely to come forward during the development plan period. We note that the respondent has not put forward evidence of or suggestions for alternative testing scenarios.</p> <p>Sites over 100 units</p> <p>We are aware that there are sites in the Core Strategy which are over 100 units, however based on our experience of dealing with development sites of over 100 units (both on behalf of Local Authorities and Developers) we consider that, in terms of development appraisal viability, sites of these sizes will be developed in phases of circa 100 units. As such the 100 unit appraisal can be taken as a 'phase' of development with regard to viability (for example with respect to finance and return etc.).</p> <p>We would also note that we</p>

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			<p>levels of s106 contributions. SANGS Cost The Viability Report (June 2013) indicates that SANGs costs are expected to be met through CIL receipts, and as such no allowance has been made within the calculations for s106 contributions. This does not appear consistent with the adopted Core Strategy, which indicates that the “provision of SANGs will form part of the infrastructure provision of that site particularly where new neighbourhoods or greenfield sites are proposed” (paragraph 13.21), and as noted in Policy ME2 itself, SANGs will be secured by way of a legal agreement between the developer and the relevant Council. The policy notes that Heathland mitigation will be secured by CIL, however it is evident that this is not the same as SANGs. It is evident from consideration of a number of the site-specific designations, that provision of SANGs is expected to be accomplished through the development process. This is affirmed in the draft Regulation 123 list which indicates that existing schemes identified in the Heathlands Interim Planning Framework will be provided through planning obligations. Upon review, it is not clear that these schemes have all been secured, it is thus evident that there will be a number of schemes subject to SANGs provision through planning obligations. As such, their costs must form part of the CIL evidence base, to ensure a development’s viability will not be compromised. Looking beyond those identified in the Interim Planning Framework, should the Council indicate that the provision of schemes will be made through CIL receipts, with maintenance secured via planning obligations, it would seem that the Council, through CIL would be paying for the creation of the SANGs and that, additionally, should a developer own the land to which the SANGs would be provided, then they can claim the value of the land as an in-kind payment of total CIL receipts. We presume this is not the intention of the Council, and would request clarification. Old persons We support the Councils’ identification of C2 as a separate use class subject to alternate viability issues. We do however reiterate our concerns raised in our representation to the PDCS, that the study does not consider alternative forms of specialist older people’s which fall within the C3 Use Class. 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 differences which affect 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</p>		<p>have included a significant viability buffer in our CIL charge rates, which would allow for additional costs such as the potential for onsite infrastructure requirements beyond) £1,000 per unit.</p> <p>Strategic Sites</p> <p>PBA has undertaken further testing of strategic sites. Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p> <p>BCIS</p> <p>We have undertaken an update to the viability testing using</p>

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			<p>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. Given the aims of the adopted Core Strategy in providing 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. The need to account for this type of development has been recognised in the recently published NPPG, which highlights the requirement to consider the need and delivery mechanisms associated with the range of housing models required to meet an ageing population's needs. BCIS It is not clear from the assessment the date at which the BCIS data is taken from. As illustrated on the graph below, there was an unexpected drop in general build costs in 2012, which must be considered, should the Viability Assessment be based upon costs from this period. (see page 6 of attachment)</p>		<p>current values and current costs as set out by BCIS – the findings of which are set out in the Affordable Housing Addendum.</p> <p>C2/C3 Uses</p> <p>PBA is comfortable that private retirement living / sheltered accommodation can viably contribute to the lower revised CIL charge of £70 per sq m. PBA has advised the Councils that this type of residential use should be included within the revised residential CIL charge for C3 uses of £70 per sq m.</p> <p>PBA has recommended to the Council that extra care accommodation and housing for vulnerable persons should be subject to the lower 'care home' charge of £40 per sq m.</p> <p>There is no one definition of the types of accommodation</p>

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					<p>provided for older people. In a broadly escalating level of care, they can be defined as follows:</p> <p>Retirement flats or sheltered housing. The purpose of this form of housing is to cater to downsizing older households who no longer require as much private space and amenity to service their housing needs, and want to live in town centre or urban locations close to a good range of services and amenities. These are active elderly persons who are not in need of formalised care provision, but who do require occasional informal help, companionship and the security this form of communal housing provides. In the use class order, this type of housing would typically be seen as C3 dwelling house accommodation.</p> <p>Extra care housing. The term assisted living or 'extra care housing' is sometimes used to describe developments that comprise self-contained homes</p>

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					<p>with design features and support services available to enable self- care and independent living. Market leaders McCarthy and Stone offer some provision which complies with this “extra care” definition at “new Assisted Living developments” but we understand that this service level is not offered at all sites. Additional charges are made for this level of care. In the use class order, this type of housing would typically be seen as C3 dwelling house accommodation.</p> <p>Care homes are residential settings where a number of older people live, usually in single rooms, and have access to on-site care services. A home registered simply as a care home will provide personal care only - help with washing, dressing and giving medication. Some care homes are registered to meet a specific care need, for example dementia or terminal illness. In the use class order, this would be seen as a C2 residential</p>

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					<p>institution.</p> <p>Nursing homes (sometimes known as ‘care homes with nursing’) will provide the same personal care but also have a qualified nurse on duty twenty-four hours a day to carry out nursing tasks. These homes are for people who are physically or mentally frail or people who need regular attention from a nurse. Homes registered for nursing care may accept people who just have personal care needs but who may need nursing care in the future. In the use class order, this would be seen as a C2 residential institution.</p> <p>In addition to the above we would note that we consider that the Regulations no longer require Authorities to define their Charging Schedules based solely on Use Classes, and that as such use types can be used as an appropriate definition for different charging rates.</p>

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Ms J Weedon , Clerk West Moors Parish Council (ID: 359552)	CIL- DCS22	No	No comments		

Question 5: Do you agree or disagree with the Councils' approach to discretionary relief?

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Mr Matthew Sobic, Savills Manchester (ID: 747992)	CIL-DCS3	Yes	[blank]			
Mr Jeremy Woolf , Woolf Bond Planning (ID: 359291)	CIL-DCS21	Yes	Disagree	We disagree with the Council's approach when it should surely be the case that the Council should only consider the application of such relief as and when potentially qualifying proposals may come before them.	3048225_0_1.pdf 3048224_0_1.pdf 3048227_0_1.pdf	PBA and the Councils do not consider that there is enough viability evidence to mean that discretionary relief should be allowed for, given the added complexity that this entails (and considering the requirement of the CIL Regulations that any Charging Schedule is not unduly overcomplicated). We note that the Respondent does not provide any examples of where Discretionary Relief should be provided for.
Mr Ziyad Thomas , Policy Planning Officer The Planning Bureau Limited (ID: 746457)	CIL-DCS11	Yes	Agree			

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Ms Lisa Jackson , Managing Director Jackson Planning Ltd (ID: 521508)	CIL-DCS13	Yes	Disagree	There is no evidence from the Councils as to why discretionary relief is excluded at this point. The very basis is discretionary, and it would be practical to allow for this should the circumstances of a particular development justify it. Just because the circumstance may be 'rare' is no reason to exclude it entirely.		PBA and the Councils do not consider that there is enough viability evidence to mean that discretionary relief should be allowed for, given the added complexity that this entails (and considering the requirement of the CIL Regulations that any Charging Schedule is not unduly overcomplicated). We note that the Respondent does not provide any examples of where Discretionary Relief should be provided for.
Mr Carl Dyer , Thomas Eggar LLP (ID: 845374)	CIL-DCS6	No	Agree	We note that the Council intends to adopt an Exceptional Circumstances Relief policy. We also endorse the Council's decision to introduce an Exceptional Circumstances Relief policy. By adopting Exceptional Circumstances Relief, the Council will have the flexibility to allow strategic or desirable, but unprofitable, development schemes to come forward, by exempting them from the CIL charge or reducing it in certain circumstances.		Noted.
Mr Ian Jones , Clerk Ferndown Town Council (ID: 490823)	CIL-DCS9	No	Agree			
Ms Gill Smith , Affordable Housing Officer	CIL-DCS8	Yes	[blank]	No comment		

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Dorset County Council (ID: 359437)						
Mr M Hassan , Planning Manager Castleoak Group (ID: 498391)	CIL-DCS5	No	Agree	None	3048223_0_1.pdf	
Mrs Maria Humby , Alderholt Parish Council (ID: 359295)	CIL-DCS2	No	Agree			
Mr Matt Gilks , Dutton Gregory Solicitors (ID: 844541)	CIL-DCS20	Yes	Disagree	19. The Trust does not agree with the approach to discretionary charitable investment relief or the charging authorities' intention not to make it available under Regulation 44. 20. Regulation 44 provides eligibility for relief from liability to pay CIL in respect of a chargeable development in circumstances where the whole or greater part of the chargeable development will be held by a charitable institution or by charitable institutions as an investment from which the profits will be applied for charitable purposes (whether of the charitable institution or for the purposes of other charitable institutions). 21. The criticisms can be summarised as follows: 21.1. The justification for the approach to discretionary relief given by the charging authorities in the response to the PDCS is unhelpful and inappropriate. 21.2. That the charging authorities have failed to use appropriate available evidence to inform the preparation of		The CIL viability testing work sets out the ability of development to pay towards a levy which will pay for the infrastructure required in order to support the proposed development. Our testing has shown that residential development such as the one discussed by the respondent can viably contribute to a CIL charge. It should be noted that a nil charge has been proposed for the majority of uses.

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				<p>a charging schedule, and/or failed to present such evidence in the Consultation. There is evidence readily available to the charging authorities. 21.3. Consequently there is no evidential basis whatsoever to justify the conclusion in 2.11 of the Consultation. 21.4. That there are sound reasons why the Examiner must consider the weight to be given to the planning policy reasons set out in the Local Plan which indicate why relief ought to be considered. 21.5. Were evidence forthcoming from the charging authorities, then the Trust and other charities would bring forward evidence that the possibility of relief from CIL in connection with investment activities is likely to have an effect on relevant investment decisions. Approach to discretionary relief for charitable investments – preliminary consultation and response 22. In the Preliminary Draft Charging Schedule (PDCS) there was an indication that the consultation process included consideration of the scope for charitable investment relief: 2.7 Discretionary relief is available for charitable investment relief. To be considered for relief, the whole or greater part of the chargeable development must be held as an investment from which the profits will be applied for charitable purposes. 23. The PDCS then dealt with exceptional circumstances relief and concluded: 2.9 Christchurch and East Dorset Councils do not propose to make discretionary relief available for exceptional circumstances which is consistent with the conclusions of the viability assessment undertaken by Peter Brett Associates which has informed the CIL schedule. 24. The PDCS is a clear indication that the process undertaken and associated with the Community Infrastructure Levy is the occasion upon which the charging authorities are carrying out a consultation upon, and seeking representations upon, the question of whether it is appropriate to grant charitable investment relief. 25. There is no indication in the PDCS that (a) provision for charitable investment relief has been ruled out cf. exceptional circumstances relief. Consequently, the charging</p>		<p>Although the Halcrow Total Space Review does set out the importance of community partnerships its purpose is to identify opportunities for the best use of assets within the town centres by the Council, and it does not go so far as to submit viability evidence of the ability of developments such as the Trust's to contribute towards a CIL charge.</p> <p>Housing for the Vulnerable</p> <p>PBA has provided the Councils with advice that 'Housing for Vulnerable People' be included within the Care Home charge (proposed at £40 per sq m) rather than the Residential charge of £70 per sq m.</p> <p>Residential Development</p>

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				<p>authorities' Analysis of the Responses to the Preliminary Draft Charging Schedule May 2014 (Regulation 15(7) statement) does not deal with paragraph 2.7, since there were no responses on this point. Responses were made by others in relation to the policy of exceptional circumstances relief. 26. For discretionary relief, the whole or greater part of the chargeable development must be held as an investment from which the profits (if any) will be applied for charitable purposes. Fifty-one per cent or more of the monetary value will constitute the greater part. The chargeable development must be held by the claimant for relief or other charitable institutions and the profits applied must be those of the claimant. This is not a relief for trading activity (other than the sale of donated goods). Appropriate available evidence and evidence which is readily available 27. Paragraph 2.11 of the DCS is a statement of policy by the charging authorities that they do not intend to grant discretionary charitable investment relief. Applying general public law principles, a public authority may only exercise its discretion rationally and fairly. The formulation of a policy about the exercise of that discretion, as a matter of law, must be founded upon a bedrock of sufficient evidence. That requirement is separate to and in addition to any requirements imposed by the Planning Act 2008 and the 2010 Regulations. 28. In any event, section 211(1) makes it clear that the duties upon the charging authorities include the consideration of 'rates, or other criteria' by reference to which the amount of CIL is to be determined. The authorities 'must strike an appropriate balance' (an objective test and not discretionary) between desirability of funding infrastructure from CIL and other sources and the potential effects of the imposition of CIL on the economic viability of development across its area. 29. The lawful consideration of 'rates, or other criteria' required at examination must include, as a matter of common sense, the question of whether the availability of charitable investment</p>		<p>We would comment that the purpose of CIL is to provide for the infrastructure to support new development. If housing development such as the Trust discusses are made exempt, they would not contribute towards the infrastructure which will support them – effectively meaning that planning system and/or Local Authority would then have to subsidise this infrastructure – the cost of which would fall to the local populace.</p>

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				<p>relief will have an effect on the economic viability of development across its area. 30. This is acknowledged by the charging authorities' inclusion of paragraph 2.11 in the DCS. If the matter of charitable investment relief were immaterial to the relevant legal considerations, then any determination of the point would have been superfluous to the legal thresholds in the Planning Act 2008 and the 2010 Regulations. 31. It follows that the requirements of section 211(7A) of the Planning Act 2008 (use of appropriate available evidence) and Regulations 16(1)(b)(ii) and 19(1)(e) are in point. 32. The Trust submits there is appropriate available evidence available to the charging authorities. It offers two examples of how readily that evidence is available: 32.1. In 2010, East Dorset District Council commissioned Halcrow to develop Total Place Reviews for the town centres of Ferndown and Wimborne Minster. Many of its findings emphasised the importance of charities to community life and development of those centres. 32.2. The East Dorset News Spring 2014 reported the partnership funding of the sports hall at Emmanuel Middle School in Verwood. 33. The Trust submits that it is not possible for the charging authorities to refute the point that there is more than sufficient evidence readily available for the proper consideration of the negative impact that a decision to reject the avenue of charitable investment relief might have upon the economic viability of development across its area. This is a flaw in the Peter Brett Viability Assessment. No basis for paragraph 2.11 of the Consultation 34. The charging authorities' assertions and policy are rejected as matters of principle and in fact. 35. The key statement is that 'It is not proposed to make relief available for charitable investment as the circumstances in which such development would come forward in Christchurch and East Dorset are rare.' 36. As a matter of fact the most cursory survey of the charitable sector in Christchurch and East Dorset would indicate a contrary view: 36.1. Since 2000, Dorset Community</p>		

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				<p>Foundation have administered and distributed more than £10m in charitable grants and helped thousands of local charities, projects and good causes across Dorset. 36.2. Examples of cases where Talbot Village Trust have provided an investment element include: 36.2.1. During the past 25 years, the Trust has funded a number of projects at Bournemouth University including the Student Village and Student Services Centre totalling around £6.5 million. Ongoing support is also provided via non commercial rents and the financing of the important position of the shared university chaplain for both the University and Arts University College Bournemouth. 36.2.2. Hanover Housing Association is one of the leading providers and managers of high quality retirement housing. During the 1980's, the Trust funded the construction of Georgina Talbot House at Mickleham Close, Poole, which consists of 34 sheltered flats for the elderly. Following the initial investment of £4.2million, the Trust has provided ongoing support including the refurbishment of bathrooms. 37. The discretionary relief from business rates in East Dorset is available in a wide variety of circumstances. Discretionary rate relief is available for a range of organisations and can be awarded in addition to mandatory charitable relief. 38. The amount of relief ranges from 10% to 60%. Some organisations, such as Music Groups or Social Clubs may not enjoy charitable status but may receive investment by charities. The Trust suggest similar circumstances might arise in relation to new developments, where for commercial, delivery or financing considerations the legal owner may not be a charity. Such partnership arrangements are not uncommon. 39. In any event, It does not seem rational to exclude the possibility of granting a discretionary relief for charitable investment activities on the basis of that kind of investment being rare for two simple reasons 39.1. there is no accumulated evidential basis for the assertion in the Consultation or its associated documents; and 39.2. the likelihood of the occurrence of the event for which</p>		

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				<p>relief is claimed as opposed to cases whether a claim for discretionary relief would not arise is not a sensible basis to determine the merits whether relief is warranted as a matter of principle. The circumstances in which a relief may be available is a fortiori outside the ordinary range of circumstances in which development might come forward. 40. For all the reasons stated here, the Examiner is urged to reject the evidence, reasoning and policy expressed in paragraph 2.11 of the Consultation as falling below the legal threshold required by the Planning Act 2008. Local Plan Policy 41. Local Plan Policy sets out the charging authorities' development objectives. At a minimum, the following two Local Plan policies are in point: 41.1. Policy LN6: Housing and Accommodation Proposals for Vulnerable People; and 41.2. Policy LN7: Community Facilities and Services. 42. It is submitted that it is likely the objectives of these plan policies will be assisted by charitable investment. As respects Policy LN6, the Local Plan indicates (at Section 15.3): The opportunity to provide new homes is a chance to meet the housing needs of the local community. It is important that the right mix of housing is developed over the plan area over the forthcoming years. The housing must be appropriate to the needs of the community, providing a range of types, sizes and tenures to meet the needs of existing and future households including housing for the elderly and other specialist housing needs. 43. Homes for vulnerable people may incur a CIL charge if the development is classified as residential. If they are to be so classified then the charitable sector has an important role to play. 44. The commentary to Policy LN7 explains that the aim of the policy is for the local authority to work with partners and service providers to ensure the timely provision of high quality, convenient, local and accessible facilities and services for community and cultural use such as education, health, libraries, facilities for older people / children and young people and community buildings. 45. The policy of the Council is to ensure:</p>		

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				<p>priority will be given to any proposals to allow the multi-use of existing facilities, followed by the expansion of existing, well located facilities to allow for the co-location of facilities and services (emphasis added). 46. This policy approach is a clear signal that charities wishing to invest in capital projects for housing and community facilities may be required to find partners. The greater part of the chargeable development will be held as an investment . Such developments may be subject to a CIL charge. In these circumstances, it is submitted that the charging authorities' policy that there should be no possibility of relief from charitable investment is detrimental to the objectives of the Local Plan. Effect on investment decisions – Trust and the wider charitable sector 47. No evidence has been provided by the charging authorities as to the effect on investment decisions of charities if there is no relief for charitable investment. 48. The Trust is of the view that the policy will result in a negative effect. Charitable institutions are unable to explore partnering arrangements if they begin from the starting point that partnership arrangements with the private sector are not attractive because the charity's contribution will be treated as if it were a private investment. It is also relevant that the investment in development in the third sector is likely to provide a less attractive investment 'return' and hence in those circumstances investment assistance ought to be provided where possible. This indicates the opportunity to obtain relief ought to be granted. 49. At Examination the Clerk to the Trustees shall give evidence that 49.1. During the next 5 – 10 years, and arising from emerging development opportunities, the Trust is likely to be in a position to make major investments in the promotion of schemes for business incubation/start-up units, sheltered housing for the disabled and frail elderly, and student accommodation. 49.2. Additionally, the Trust's rolling five year plan provides for the possible acquisition of another village to be operated and developed in furtherance of the</p>		

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				Trust's charitable objectives. 49.3. Depending on the availability of grants/funding, these schemes may or may not be promoted with other charities and/or commercial operators. The absence of CIL relief could be a factor in determining where, within the Trustees' Area of Benefit, these facilities are to be located. 50. In conclusion, the charging authorities' approach to discretionary relief for charitable investment purposes is not agreed, on the grounds that it has no sound evidential or policy basis.		
Mr Giuseppe Cifaldi , WYG Planning & Design (ID: 746532)	CIL-DCS19	No	[blank]	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.		PBA and the Councils do not consider that there is enough viability evidence to mean that discretionary relief should be allowed for, given the added complexity that this entails (and considering the requirement of the CIL Regulations that any Charging Schedule is not unduly overcomplicated). We note that the Respondent does not provide any examples of where Discretionary Relief should be provided for.
Mr Tim Hoskinson , Savills (ID: 523531)	CIL-DCS15	Yes	Disagree	3.40 The CIL Regulations outline that the offer of relief is discretionary on the charging authority. It is noted that Christchurch and East Dorset Councils do not wish to offer discretionary relief. Our client considers it imperative that relief is available from the date of the adoption of CIL, and that the Council clearly outlines its approach to doing so (in conformity with the Regulations). This will ensure that the overall delivery of the Core Strategy, and in particular affordable housing	3048229_0_1.pdf	PBA and the Councils do not consider that there is enough viability evidence to mean that discretionary relief should be allowed for, given the added complexity that this entails (and considering the requirement of the CIL Regulations that any

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				provision, will not be compromised by CIL.		Charging Schedule is not unduly overcomplicated). We note that the Respondent does not provide any examples of where Discretionary Relief should be provided for.
Mr Chris Plenderleith , Managing Director Leith Planning Ltd (ID: 851696)	CIL-DCS16	No	Disagree	It is considered that the Council have failed to correctly judge the importance of exceptional relief for developments which can be demonstrated to be unviable when the CIL is added to the overall development cost. Whilst the viability assessment may demonstrate that developments can absorb the CIL and remain profitable, this is clearly a one size fits all response which is simply not reflective of the various forms of development which will come forward. There will be times when developments will be the subject of extraordinary development costs such as care homes and nursing home developments which will be meeting specific client needs and will have additional costs to bear in order to meet registration requirements etc. We would therefore ask that the Council reconsider their approach to exceptional relief and allow an 'open-book' accounting approach to development viability. The Council will retain control over the decision as to whether developments are unviable and therefore can maintain control over when the CIL will be paid.		Discretionary relief only applies to developments for charitable investment or social housing. Care homes and nursing homes fall outside of this use unless they are held as a charitable investment. It is envisaged that the number of proposals coming forward in Christchurch and East Dorset of this nature will be limited.
Ms Helen Patton , Policy Officer New Forest National Park Authority (ID: 361028)	CIL-DCS14	No	[blank]			

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Ms Rachel Lamb , Senior Planner Turley Associates (ID: 746077)	CIL-DCS4	Yes	Disagree	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. Please see our previous representations in this regard.		PBA and the Councils do not consider that there is enough viability evidence to mean that discretionary relief should be allowed for, given the added complexity that this entails (and considering the requirement of the CIL Regulations that any Charging Schedule is not unduly overcomplicated). We note that the Respondent does not provide any examples of where Discretionary Relief should be provided for.
Mr Fred Andress , Agent Planning Issues ltd (ID: 743786)	CIL-DCS1	No	Disagree	All forms of housing which comply with the NPPF's definition for affordable housing should qualify for discretionary relief. Para 2.12 (first bullet point) states that a dwelling which is sold for "no more" than 80% of it's market value does not qualify. Therefore a dwelling which is sold for 50% of market value would not qualify because 50% is no more than 80% which is surely not the intention. The wording should be changed to "The dwelling is sold for more than 80% of its market value...."		Paragraph 2.12 of the Draft Charging Schedule consultation document sets out the precise criteria for qualifying dwellings which is taken from the 2014 CIL Regulations.
Mr Jonathan Kamm , Town Planning Consultant (ID: 359272)	CIL-DCS7	Yes	Disagree	To decide not to make relief available because instances where it might occur are rare is illogical. If they are rare then such cases should be considered if and when they occur. The PBR appears to work on the simplistic view of stripping out any profit of a development above 20%. Yet the DCS states that it will not offer relief to social housing sold at 80% of Market Value (DCS paras 2.12 and 2.13) therefore expecting developments to		This type of intermediate housing has formed part of PBA's CIL viability testing in line with the Core Strategy policy requirement for affordable housing. This work found that there is not an issue of viability

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				come forward that promote the plan policies when upon its own figures they are not viable. The conclusion in para 2.13, that such development at 80% of MV are viable, is perverse.		which would prevent this type of development from paying CIL if the Core Strategy policy is followed.
Mr Mike Newton , Boyer Planning Ltd (ID: 719231)	CIL-DCS10	Yes	[blank]	2.11 We have no comments in relation to this matter.		Noted.
Mr Tim Hoskinson , Savills (ID: 523531)	CIL-DCS12	Yes	Disagree	3.40 The CIL Regulations outline that the offer of relief is discretionary on the charging authority. It is noted that Christchurch and East Dorset Councils do not wish to offer discretionary relief. Our client considers it imperative that relief is available from the date of the adoption of CIL, and that the Council clearly outlines its approach to doing so (in conformity with the Regulations). This will ensure that the overall delivery of the Core Strategy, and in particular affordable housing provision, will not be compromised by CIL.	3048228_0_1.pdf	PBA and the Councils do not consider that there is enough viability evidence to mean that discretionary relief should be allowed for, given the added complexity that this entails (and considering the requirement of the CIL Regulations that any Charging Schedule is not unduly overcomplicated). We note that the Respondent does not provide any examples of where Discretionary Relief should be provided for.
Ms Felicity Tozer , Tetlow King Planning (ID: 780633)	CIL-DCS17	No	Disagree	Discretionary Relief We are disappointed with the Councils' decision to not allow discretionary relief, in particular the discretionary social housing relief prescribed by Regulation 49A of the 2014 Amendments. Paragraph 2.13's justification for not offering this relief is not appropriate. Firstly, whilst this type of housing would represent a small part of overall development, it is a sector of affordable housing which is growing exponentially,	3048222_0_1.pdf	PBA and the Councils do not consider that there is enough viability evidence to mean that discretionary relief should be allowed for, given the added complexity that this entails (and considering the requirement of

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				<p>as its ability to provide affordable housing with nil-grant and outside of the scope of s106 provision means that the model is being embraced and encouraged across the South West. It is also providing a model for development whereby 100% affordable schemes consisting of just low cost homes for sale can come forward, both through a Registered Provider but also through private sector or third sector developments. The Council's should be encouraging this delivery model, and as such allowing for discretionary relief. The Councils make the second point that this type of intermediate housing has informed part of the CIL viability testing in line with the Core Strategy policy requirements. It is not clear from the Viability Study that this has occurred. The Study uses a 'blended' transfer value of £1,700/m² for flats and £1,550/m² for houses. It indicates that this is from HCA policy, and uses the 30% intermediate housing target (see page 21-22). It is evident therefore that the Councils' evidence base does not consider the potential for 100% affordable housing sites of this tenure. It is also noted that there are varying degrees of viability associated with the varying models of intermediate housing alone, for example with shared ownership and low cost homes for sale. As such, it is not clear that this affordable housing model would be viable, or an attractive option for potential developers. If the Councils are not seeking to apply the discretionary social housing relief, the reasoning and justification must be robust. As evident above, we believe that the Councils should be encouraging this affordable housing model as an additional delivery mechanism beyond s106 and grant-funding, and as such should initiate the discretionary relief. Exceptional Relief It is entirely inappropriate to not adopt the discretionary exceptional circumstances relief. Firstly, we have already noted above a considerable concern in relation to the testing of larger development sites. Without sufficient testing, and without the ability to apply exceptional relief, there</p>		<p>the CIL Regulations that any Charging Schedule is not unduly overcomplicated). We note that the Respondent does not provide any examples of where Discretionary Relief should be provided for.</p>

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				<p>is the potential that larger development sites across the plan area will stall, or fail to deliver expected planning obligations. As mentioned, particular concerns have been raised in respect to a consortium member's development within the plan area, for a 205 unit scheme. It is noted that without the application of exceptional relief to some or part of the proposed CIL charge, it is unlikely that the development will be viable in its current form, and would thus necessitate amendment to affordable housing, open space or other forms of contribution. More generally, with the use of an exceptional relief policy, the entire purpose of rural exception sites is compromised. It is evident that in some instances, a cross-subsidy mechanism would be required to bring forward land to build such developments upon. The market housing required should be the minimum required to make the development viable, however, if CIL is required to be paid on these market units, evidently this alters the number of units required to bring the development forward, with the perverse situation whereby additional market housing may be required on a rural exception site in order to pay CIL liability. This is emphasised by the Councils' decision to not apply the discretionary social housing relief, discussed above, which has offered in some instances an alternative delivery method, whereby this housing affordable housing tenure can be used to subsidise other affordable tenures.</p>		
Ms J Weedon , Clerk West Moors Parish Council (ID: 359552)	CIL-DCS22	No	[blank]	No comments		

Question 6: Do you have any comments on the draft Regulation 123 list which sets out the infrastructure to be funded by CIL and where the Councils will continue to seek S106/S278 contributions?

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Mr Matthew Sobic, Savills Manchester (ID: 747992)	CIL-DCS3	Yes			
Mr Jeremy Woolf , Woolf Bond Planning (ID: 359291)	CIL-DCS21	Yes	<p>The draft Regulation 123 list sets out a list of those projects or types of infrastructure that are intended to be funded through the levy. This includes heathland mitigation schemes including Suitable Alternative Natural Greenspaces (SANG), which provide an alternative to heathlands for recreation use. It was this form of infrastructure that 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 mitigate for developments that are not required by proposed Core Strategy Policy ME2 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 our client would effectively be charged to mitigate against such environmental impacts through both an on-site Section 106 obligation and still be liable for the proposed CIL. As acknowledged at the 18th October 2012 session, heathland mitigation is set to comprise a significant proportion of CIL receipts. A similar objection in regard to Roeshot Hill relates to a number of other strategic infrastructure requirements sought within the Regulation 123 list. There is an apparent and clear threat of double charging on the Roeshot Hill site at the application stage. This is relevant to all larger schemes where on-site provision would be expected by Natural England as is considered best practice. <i>We therefore propose that a tiered approach is applied in Christchurch similar to that submitted by Surrey</i></p>	<p>3048225_0_1.pdf 3048224_0_1.pdf 3048227_0_1.pdf</p>	<p>PBA has carried out further viability work on the Strategic Sites which is set out in the Statement of Modification. We would refer the Respondent to this Statement.</p> <p>Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p>

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			<p>Heath Borough Council (SHBC), where the cost of Heathland mitigation is removed from developments that provide their own on-site SANG and consequently the tariff for such schemes is reduced. The SHBC submission charging schedule is provided in Annex A and illustrated in the figure below. As of March 2014, SHBC's approach has been found sound (the full Inspector's Report is attached as Annex C), with the Inspector concluding as follows: 'The Council's CIL proposal to apply two different rates dependent upon whether a development makes provision for SANG is well evidenced and, in my view, eminently sensible. The difference between the two rates is £125 psm in each zone and that simply reflects the assessed cost of SANG provision spread across the anticipated numbers of market housing. The approach ensures that all housing developments contribute fairly to SANG infrastructure provision. In practice, and in line with the Council's policy approach, only larger developments (100+ units) will provide on-site SANG' (paragraph 30).see page 4 and 5 attached reps for table) For these reasons we propose that the charging schedule is re-assessed to account for the above considerations. The second option is to follow an approach akin to that used by SHBC at Princes Royal Barracks whereby due to its onerous on-site infrastructural requirements and viability constraints the site was specifically excluded from the CIL charging schedule and subject to nil charge. Infrastructure requirements were then negotiated via the usual Section 106 procedure, informed by the respective policies in the development plan. We consider one of these two approaches are necessary if the CIL is to be found sound and affordable housing provision remain unaffected.</p>		
Mr Ziyad Thomas , Policy Planning Officer The Planning Bureau Limited (ID: 746457)	CIL-DCS11	Yes			
Ms Lisa Jackson , Managing	CIL-DCS13	Yes	The publication of the draft regulation 123 list is welcome, however, it does not go far enough in identifying specific projects that are CIL funded and those that can		PBA has carried out further viability work on the Strategic

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Director Jackson Planning Ltd (ID: 521508)			continue to be s.106 funded. The issue of heathland mitigation remains the main concern. MEM Ltd believes that strategic maintenance and access management of the heathland mitigation projects can be included in CIL funding. The legislation allows for the improvement, maintenance, replacement and operation of infrastructure (s.216 of the Planning Act 2008 regulation 59(1), both as amended in 2012). The Inspector Sue Turner supported this position at paragraph 121 of her report where she suggests management and maintenance can be funded from CIL. It is therefore incorrect to place this element in the s.106 column in the draft regulation 123 list. There are also items included that should not be funded by CIL included on the regulation 123 list; this includes strategic renewable energy infrastructure (although it is not specified what this is) and the provision of cemeteries. These are no longer provided under local government monopoly and are commercial business enterprises. They are not infrastructure for the purposes of CIL. (See in particular s.216(2) of the Planning Act 2008).		Sites which is set out in the Statement of Modification. We would refer the Respondent to this Statement. Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.
Mr Carl Dyer , Thomas Eggar LLP (ID: 845374)	CIL-DCS6	No			
Mr Ian Jones , Clerk Ferndown Town Council (ID: 490823)	CIL-DCS9	No	No		
Ms Gill Smith , Affordable Housing Officer	CIL-DCS8	Yes	Dorset County Council welcomes the Draft Regulation 123 list which has been drawn up in consultation with County Council officers. We look forward to continued close cooperation on the mechanics of the charging system to ensure		

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Dorset County Council (ID: 359437)			mutual benefit for each Council.		
Mr M Hassan , Planning Manager Castleoak Group (ID: 498391)	CIL-DCS5	No	None	3048223_0_1.pdf	
Mrs Maria Humby , Aldersholt Parish Council (ID: 359295)	CIL-DCS2	No	No Comment		
Mr Matt Gilks , Dutton Gregory Solicitors (ID: 844541)	CIL-DCS20	Yes	51. It is not irrelevant that the funding gap for education, health facilities and community buildings (which are often supported by charities) amounts to no less than £63,427,796. It is difficult to understand how excluding any possibility of charitable investment relief as a matter of principle (at the present time in relation to chargeable development for residential, care homes and convenience retail development) can be reconciled with encouraging charitable investment in those sectors.		The proposed CIL Charging rates are supported by viability testing of proposed development uses. The viability testing undertaken by PBA shows that development can support a CIL charge as set out in the Draft Charging Schedule. This approach has been undertaken in line with the CIL Regulations.
Mr Giuseppe Cifaldi , WYG Planning & Design (ID:	CIL-DCS19	No			

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746532)					
Mr Tim Hoskinson , Savills (ID: 523531)	CIL-DCS15	Yes	<p>3.13 A draft Regulation 123 List has been produced which includes a number of infrastructure categories and outlines what infrastructure will be funded by CIL and by S106 obligations and S278 agreements. However, it is not clear as to how local authorities will raise funding for the Strategic Sites (New Neighbourhoods). The 123 Regulation List does contain an Infrastructure Category labelled "New Neighbourhoods", however only site specific measures have been indicated, these being funded by S106/ S278 provisions. 3.14 Policy WMC8 of the adopted Core Strategy plans for significant infrastructure for the Land to the South of Leigh Road, Wimborne allocation. This includes a new school, country park, sports village, local centre and SANG. There are similar requirements for the other strategic sites. 3.15 The Regulation 123 List must be explicit and clear as to how the infrastructure, both site specific and that of a strategic nature, is to be funded for those New Neighbourhoods allocated within adopted Planning Policy. Paragraph 20 of the CIL Guidance contained within the PPG states that development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for strategic sites. The costs and funding streams of this strategic infrastructure must be understood before a CIL rate is set. 3.16 Furthermore, the New Neighbourhoods are to be located on Greenfield sites where the cost of providing infrastructure on otherwise un-serviced locations is higher than on locations within settlement boundaries. This will evidently mean the costs of providing and delivering this infrastructure will likely be proportionally higher per residential unit than that for non-allocated sites and brownfield developments. Our client is concerned that the viability assessments which support the draft schedule do not reflect these extra costs in providing infrastructure for the delivery of the New Neighbourhoods on Greenfield sites. There is a concern that the proposed rates would therefore hamper the delivery of the housing strategy set out within the adopted Core Strategy. 3.17 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 context of the planned supply of housing within Christchurch</p>	3048229_0_1.pdf	<p>PBA has undertaken revised testing of the Strategic Sites in order to clearly set out the viability position with regard to SANGs and Heathland mitigation.</p> <p>Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p>

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			<p>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. 3.18 The Infrastructure Delivery Plan (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, as identified in the IDP table as a priority. The IDP schedule of projects includes a number of 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 adopted Core Strategy is also seeking on-site provision of SANGs provision by developers for settlement extension sites of more than 50 dwellings. The Draft Regulations 123 List identifies Heathland mitigations schemes, including SANGs, to be funded wholly or in part by CIL, with S106 payments to be put in place for the management of SANGs in perpetuity. The requirement for CIL contributions towards Heathland mitigation in combination with on-site SANGs provision results in a 'double dipping' approach to the provision of infrastructure which the CIL Guidance makes clear is to be avoided. 3.19 The issue of Heathland mitigation is critical to the delivery of new housing in the district. 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. Payments in Kind/ Draft Regulation 123 List 3.20 It is noted that Christchurch and East Dorset Council have made provision for Payment in Kind (PiK) within the DCS. Payments in kind may not lawfully be made or accepted for infrastructure which is necessary to make the development acceptable in planning terms (typically "site specific" infrastructure). This is contrary to what had been widely expected throughout 2013 in the drafting of the Regulations. In practice, payments in kind will therefore only be permissible where there is overprovision, i.e. more infrastructure is provided than is strictly necessary for the development. The process set out in the 2014 Regulations is not fit-for-purpose in the view of our client and also the HBF. PiK will not therefore be available to reduce any future CIL liability on the basis of 'scheme mitigation'</p>		

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			<p>infrastructure. 3.21 Our preferred approach would act to support and incentivise new development (in accordance with NPPF paragraph 175) and hence the Local Plan implementation, would be to accept that certain items of infrastructure must be led by developers, which should be phased as appropriate. This may be undertaken through a Section 106 Agreement for a defined infrastructure ‘project’ rather than ‘type’. Where restrictions on the use of Section 106 are reached (five or more obligations toward a defined infrastructure type or project) or in other certain cases, then other mechanisms may be used, such as approved plans, conditions or agreements made under other statutory powers (e.g. Localism Act, Local Government Act and/or Highways Act). This representation has been prepared by Savills on behalf of Gleeson Strategic Land and the Home Builders Federations (HBF). It is made in respect of the Christchurch and East Dorset Community Infrastructure Levy Draft Charging Schedule. The representation is focused on the proposed residential rate of £100 sqm proposed across both Christchurch and East Dorset local authority areas. 5.2 Four principal objectives are served by the representation: • To influence the evidence of viability, in order to ensure that ‘scheme mitigation’ and the effect on net developable land value is appropriately factored in the viability evidence. • To therefore seek a differential rate for the Strategic Sites, as identified in the emerging Local Plan, this rate will likely be the most appropriate supported by the available evidence. • To explore the best delivery mechanisms for infrastructure and obtain a positive commitment from Christchurch and East Dorset Councils on the delivery of key strategic infrastructure. • To seek assurances that prohibitive Grampian planning conditions are not imposed on planning approvals, thus threatening the delivery of housing and hence CIL receipts. 5.3 The viability appraisal prepared by Peter Brett Associates (PBA) is flawed. Far greater recognition of ‘scheme mitigation’ is required and typologies should be tested which best reflect the planned housing. This approach is firmly advocated by the CIL Statutory Guidance, notably paragraphs 2:2:2:4 and 2:2:2:5 with respect of the need to have a “realistic understanding of development costs for strategic sites” and 2:2:2:6 with respect to achieving a more “fine grained” viability analysis where differential rates are set. 5.4 Gleeson Strategic Land has concerns in respect of: • Viability: Concerns with the PBA Appraisals are outlined in Section 4.0, notably a number of inputs, for example sales values, and the approach to gross:net land take, with</p>		

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			<p>alternative evidence provided. • Delivery: The regulation 123 list is not clear on how funding will be raised for the Strategic Sites (New Neighbourhoods). For example, the Regulation List does contain an Infrastructure Category labelled “New Neighbourhoods”, however only site specific measures have been indicated, these being funded by S106/ S278 provisions. Furthermore, clarification on the requirement to contribute towards Heathland mitigation where on site SANGs are provided is required. • Legality: Paragraph 175 of the NPPF states that ‘where practical, charging schedules should be worked up and tested alongside the Local Plan’. This advice is reiterated in paragraph 11 of the CIL Guidance. It is important that CIL is seen in 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. 5.5 The following range of CIL rates is provided by the Savills evidence submitted: Typology Assumed Net Developable Area On-site Affordable Provision Surplus/ Deficit (per gross Ha) Maximum CIL Payable (CIL Ceiling) Proposed Buffer Proposed Rate of CIL (per sq m) Typology 1 (100 dwellings) 90% at 35 dph 30% £466,876 £1.83 psm 33% £1.21 Typology 1 (100 dwellings) 90% at 35 dph 50% (£29,893) Nil N/A Nil Typology 2 (200 dwellings) 80% at 35 dph 30% £289,606 £1.13 psm 33% £0.75 Typology 2 (200 dwellings) 80% at 35 dph 50% (£139,428) Nil N/A Nil Typology 3 (400 dwellings) 60% at 35 dph 30% (£52,807) Nil N/A Nil Typology 3 (400 dwellings) 60% at 35 dph 50% (£400,169) Nil N/A Nil 5.6 The representation reflects the difficulties with the application of CIL to strategic development sites. There is however the opportunity to ensure that the sites are planned to accommodate a reasonable and effective rate of CIL in order to ensure the effective delivery of the recently adopted Core Strategy. The representation is therefore not intended as a direct criticism of the Councils. It merely explains why developer-led delivery is the only realistic and viable approach to ensure timely delivery of the key Strategic Sites. It is plainly unreasonable and unrealistic to assume that the District Council may be able to deliver all (or most) of the infrastructure. 5.7 There remain notable deficiencies in the operation of CIL, caused primarily by the CIL regulations (“the Regulations”), which places both the District Council and the development industry in a difficult position. The scope to reduce the CIL liability via utilisation of payment in kind (PiK) is restricted to those</p>		

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			<p>items of infrastructure which are not required to mitigate the impact of a development, which for strategic sites would exclude most (if not all) site-specific and 'scheme mitigation' infrastructure. PiK is therefore not a credible option for Gleeson Strategic Land, which further emphasises the need to get the CIL £rate right. It is the view of Gleeson Strategic Land that there is a strong justification for a £ zero rate for Strategic Sites, an approach that has been taken by a number of other local authorities. 5.8 This representation also seeks positive engagement on clarifying how funding will be raised for the delivery of Strategic Sites. As previously set out, the Regulation 123 List is not clear on this matter and as such further clarification is sought. 5.9 The representation presents Gleeson Strategic Land's position on the basis of achieving the necessary "scheme mitigation" infrastructure secured via Section 106/278/Condition/approved plans. This is also demonstrated on the basis of a viability appraisal typology of 100, 200 or 400 dwellings, more appropriate for the planned strategic sites. This developer-led delivery is the relevant evidence for consideration in the assessment of viability. 5.10 The objective of the representation is not to oppose CIL; it merely seeks to ensure a reasonable rate, and effective operation, based on the evidence and a collective interest to deliver well planned, viable and feasible development. The approach advocated of £lower (or zero) CIL rates for strategic sites has been adopted by other Local Authorities (e.g. Winchester City Council). 5.11 We request a meeting with Christchurch and East Dorset Councils and their advisors to discuss amendments to the approach taken. 5.12 Furthermore, Savills, on behalf of Gleeson Strategic Land wishes to be heard in support of these representations at the Public Examination of the Draft Charging Schedule.</p>		
<p>Mr Chris Plenderleith , Managing Director Leith Planning Ltd (ID: 851696)</p>	<p>CIL-DCS16</p>	<p>No</p>	<p>It is of concern given the accepted importance of the issue of an ageing population within the local area that none of the CiL funding will be going towards services or infrastructure for older persons. The Council acknowledge that meeting with the needs of an ageing population is one of their greatest challenges, and yet they are not proposing to fund any additional services or facilities for this group through the CiL; albeit developments which assist in meeting the care needs of this section of the community will be expected to pay towards it. We request that the Council reconsider this omission from the</p>		<p>The Draft Charging Schedule does not undertake a prioritisation exercise for how CIL will be spent. The Draft Regulation 123 list includes community and public buildings as eligible for CIL.</p>

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			Regulation List and secure the delivery of some community facilities and services for the over 65's through the CiL.		
Ms Helen Patton , Policy Officer New Forest National Park Authority (ID: 361028)	CIL-DCS14	No			
Ms Rachel Lamb , Senior Planner Turley Associates (ID: 746077)	CIL-DCS4	Yes			
Mr Fred Andress , Agent Planning Issues ltd (ID: 743786)	CIL-DCS1	No			
Mr Jonathan Kamm , Town Planning Consultant (ID: 359272)	CIL-DCS7	Yes	1.1 The DCS, at para 2.5. confirms that Christchurch and East Dorset will each be a separate charging authority and that a Charging Schedule (co-incidentally the same for each LPA) has been prepared for each charging authority. But there is not a separate Regulation 123 list. There should be such a list. It is clear from the combined 123 list that it contains items that are specifically Christchurch or specifically East Dorset, as well as items that are regional in purpose. 1.2 For example when looking in further detail at the upgrading of the A31(T) the IDP states it is "A31 Trunk Road dualling Ameysford to Merley". That clearly is in East Dorset and not Christchurch and that item, which is in the 123 list as "strategic network upgrading of the A31(T)", includes a regional function. 2.1 The majority of items (in money terms) in the Regulation 123 list are to be delivered by an agency		We consider that it is appropriate for there to be one Regulation 123 List for the Plan Area, and that this approach fits within the Regulations.

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			<p>outside the control of the charging authorities. The DCS does not give any guidance as to the relative percentages to be provided from the agencies promoting and delivering the infrastructure, from other areas benefitting by the infrastructure, and from CIL. Without that basic information it is not possible to identify a funding gap or properly comment on the Regulation 123 list. 2.2 An example of this lack of clarity is the “strategic network upgrading of the A31(T)” which at £140M is 41% of the total cost of infrastructure sought in the DCS. It appears to be the case that the Highways Agency, the agency responsible for delivering the scheme, have a nil funding commitment to it; nor is there any cross reference to the amounts to be contributed by other LPA’s (Poole has this scheme in its adopted Regulation 123 list). 2.3 When looking in further detail at what this particular scheme involves the IDP states it is “A31 Trunk Road dualling Ameysford to Merley”. That clearly is in East Dorset and not Christchurch and is not “area based”. 3.1 The majority of items (in money terms) in the Regulation 123 list are to be delivered by an agency outside the control of the charging authorities. The amended IDP states without evidence that “If the scheme cannot be delivered as originally intended, it will most likely be due to a lack of funding.” 3.2 If the agency promoting and delivering the scheme considers the scheme no longer relevant, or to be provided beyond the plan period, that is outside the control of the charging authorities. The generic statement in the amended IDP that “Therefore, either the scheme will be redesigned or scaled back in order to deliver a reduced, more cost effective scheme, or another alternative will have to be sought” is flawed. All schemes the LPA’s promoted through the Core Strategy should be cost-effective in any event. But where these LPA’s are not the delivering agency the IDP statement is otiose. 3.3 An example from the amended IDP is the “A31 Trunk Road dualling Ameysford to Merley” referred to in the Regulation 123 list as “strategic network upgrading of the A31(T)” which the IDP states is a “Contingency: The Councils in south east Dorset are already collecting for transport from planning applications, thus showing commitment to this proposal”. The LPA’s commitment is immaterial they have no locus to carry out works on the Trunk Road Network, there is no delivery date for this scheme, and no apparent commitment by the Highway Agency that the scheme is a priority. 4.1 There is no explanation in the DCS of the disparity in the costings in that document to identify the Funding Gap, and the costings in the IDP for the same</p>		

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			scheme. For example the IDP (as amended December 2013) identifies some £20M of Education Costs (of which £19M is in East Dorset) whilst the Charging Schedule states the IDP figure as c.£63M		
Mr Mike Newton , Boyer Planning Ltd (ID: 719231)	CIL-DCS10	Yes	<p>2.12 The Draft Regulation 123 List is included at Appendix A of the consultation document. It is noted that heathland mitigation is included under both infrastructure to be funded wholly or in part by CIL and infrastructure and other items to be funded through S106 Obligations, S278 of the Highways Act, other legislation or through planning condition. The elements of heathland mitigation are subdivided between the two categories as follows: Infrastructure Category Infrastructure to be funded wholly or in part by CIL Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition Heathland Mitigation Heathland mitigation schemes including SANGs Strategic / Cross border projects e.g. Stour Valley Existing schemes identified in the Heathlands Interim Planning Framework S106 Agreements for management of SANGs in perpetuity Strategic access management which include site wardening, education and measures to control harmful activities on the heathland 2.13 It is a key requirement within the CIL Regulations (and accompanying statutory guidance) for local authorities to ensure that developers are not charged twice for the same item of infrastructure. The above table therefore provides helpful clarity as to the distinction between those elements which will be encompassed by CIL and those which will not. 2.14 With regards to the new neighbourhoods however the Core Strategy policies require the on-site provision of SANG. Therefore, this could lead to the situation where a strategic site would have to provide on-site SANG as well as pay CIL, which would then be used to provide SANG elsewhere in accordance with the Regulation 123 List. This would lead to double charging contrary to the CIL Regulations. 2.15 Appendix C of the consultation document does however provide for a CIL Payment in Kind Policy. The Policy allows the Councils to accept one or more infrastructure / and or land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development. It is therefore assumed that the Councils anticipate that the transfer of onsite SANG will be used to fulfil at least part of the CIL obligations of these developments.</p>		<p>PBA has undertaken revised testing of the Strategic Sites in order to clearly set out the viability position with regard to SANGs and Heathland mitigation. Further to this testing PBA has provided the Council with a Statement of Modification which sets out the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites.</p> <p>Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p>

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			This is further supported by the inclusion of SANG in the viability assessment as an area to be funded in its entirety by CIL. 2.16 It is considered that if such a transfer were to be allowed under the Payment in Kind Policy this would ensure that there was no double charging in relation to heathland mitigation measures and would ensure the Charging Schedules were in accordance with the CIL Regulations. This principle shall be made clear in the Appendix C statement of the payment in kind policy.		
Ms Felicity Tozer , Tetlow King Planning (ID: 780633)	CIL-DCS17	No	The Regulation 123 list and the accompanying guide to s106 obligations are not clear. Firstly, it is not evident that all the items identified on the Councils' s106 obligations column meet the 'tests' contained within the CIL 2010 Regulations; necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Notably, the element of strategic access management, support for administration, the setting up of local community groups and general maintenance. The Council must ensure that future planning obligations meet the tests. The draft Regulation 123 list is also not sufficiently detailed to ensure clarity and prevent misunderstanding in respect to 'double-dipping'.		<p>S.106 Costs</p> <p>We have allowed for £1,000 per unit in additional S.106 costs over and above potential CIL costs in line with our discussions with the Councils and the anticipation of what will be funded by CIL / the contents of the 123 list.</p> <p>We have also allowed for a significant viability buffer should particular onsite S.106 costs prove to be higher than those assumed in an exceptional circumstance.</p> <p>SAMM is not infrastructure and cannot be charged through CIL. It is required to make developments acceptable in planning terms to satisfy the Habitats Regulations</p>

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					<p>in respect of heathland mitigation.</p> <p>The Council considers that for certain sites and where related to the development support for the administration and setting up of local community groups to serve a new community related to a specific new development is appropriate for S106.</p> <p>Maintenance of infrastructure related to the development such as SANGs is necessary to make developments acceptable in planning terms and to meet the requirements of the habitats regulations.</p> <p>PBA notes the comments on 'double dipping' and have provided the Council with a Statement of Modification in relation to this which we refer the respondent to.</p>
Ms J Weedon , Clerk West	CIL-DCS22	No	No comments		

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Moors Parish Council (ID: 359552)					

Question 7: Do you agree or disagree with the draft CIL instalments policy?

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Mr Matthew Sobic, Savills Manchester (ID: 747992)	CIL-DCS3	Yes	[blank]			
Mr Jeremy Woolf , Woolf Bond Planning (ID: 359291)	CIL-DCS21	Yes	[blank]	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. We object to the assumptions of the draft CIL instalments policy in so far as it is inherently simplistic and bear no relationship with the wider and potentially significant onerous additional infrastructure and abnormal costs that a scheme such as Roeshot Hill will be required to address.	3048225_0_1.pdf 3048224_0_1.pdf 3048227_0_1.pdf	<p>Regulation 69B of the 2010 Community Infrastructure Regulations (as amended)</p> <p>allows each phase in an outline permission to be treated as a separate chargeable development to assist in phasing payments. The liability notice for each phase is triggered separately at the point where the planning permission 'first permits' development of that phase. Liability to pay is then triggered by commencement of the phase.</p> <p>CIL payments can then be delayed for up to 365 days from commencement to further assist</p>

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						cashflow. Taking the responses into account and PBA has advised the Council on a revised Instalments Policy which we would refer the Respondents to.
Mr Ziyad Thomas , Policy Planning Officer The Planning Bureau Limited (ID: 746457)	CIL-DCS11	Yes	Agree			
Ms Lisa Jackson , Managing Director Jackson Planning Ltd (ID: 521508)	CIL-DCS13	Yes	Disagree	Both CIL rates and s.106 costs must be phased to allow the cash flow for the development to work and need to reflect receipts from sales. Payment triggers can be built into the s.106 agreement. The proposed instalment policy would mean the developer would be required to forward fund considerable CIL costs ahead of development as the policy is not geared to the scale of development proposed for site CN1. This would have a negative effect on the cash flow of the project. This in turn would affect the viability of the scheme. CIL payments for a site of this size and infrastructure complexity should be in line with the actual development. Neither Whiteleaf consulting, nor Peter Brett Associates allowed for the effect of 'in advance' payments of CIL in their viability testing. A bespoke CIL payment mechanism to reflect a commercially sensible and realistic payment profile is required to		PBA has carried out further viability work (set out in the Strategic Sites Statement of Modification) which explores the viability of the strategic sites, including site CN1.

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				support the viability of site CN1. There needs to be certainty that the heathland mitigation is in place prior to occupation in order to satisfy the Habitats Regulations. That is also required by Core Strategy Policy ME2. The alternative suggested solution for monitoring of the SANG discounted rate should ensure that habitat mitigation projects keep pace with occupation of dwellings. The danger comes however, if on a large development there is a significant amount of affordable housing delivered at the outset where no CIL is forthcoming.		
Mr Carl Dyer , Thomas Eggar LLP (ID: 845374)	CIL-DCS6	No	[blank]			
Mr Ian Jones , Clerk Ferndown Town Council (ID: 490823)	CIL-DCS9	No	Agree			
Ms Gill Smith , Affordable Housing Officer Dorset County Council (ID: 359437)	CIL-DCS8	Yes	[blank]	No Comment		
Mr M Hassan , Planning Manager Castleoak Group (ID:	CIL-DCS5	No	Disagree	Would recommend that the total amount payable (for amounts less than £25,000) are payable within 180 days of completion of the development. A 60 bed care home will typically take 12 months to construct so it would be sensible to request payment following	3048223_0_1.pdf	Regulation 69B of the 2010 Community Infrastructure Regulations (as amended) allows each phase in an outline

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498391)				completion and once residents have moved in.		<p>permission to be treated as a separate chargeable development to assist in phasing payments. The liability notice for each phase is triggered separately at the point where the planning permission 'first permits' development of that phase. Liability to pay is then triggered by commencement of the phase.</p> <p>CIL payments can then be delayed for up to 365 days from commencement to further assist cashflow.</p> <p>Taking the responses into account and PBA has advised the Council on a revised Instalments Policy which we would refer the Respondents to.</p>
Mrs Maria Humby , Alderholt Parish Council (ID:	CIL-DCS2	No	Agree			

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359295)						
Mr Matt Gilks , Dutton Gregory Solicitors (ID: 844541)	CIL- DCS20	Yes	[blank]			
Mr Giuseppe Cifaldi , WYG Planning & Design (ID: 746532)	CIL- DCS19	No	[blank]	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.		<p>Regulation 69B of the 2010 Community Infrastructure Regulations (as amended)</p> <p>allows each phase in an outline permission to be treated</p> <p>as a separate chargeable development to assist in phasing payments. The liability notice for each phase is triggered separately at the point where the planning permission 'first permits' development</p> <p>of that phase. Liability to pay is then triggered by commencement of the phase.</p> <p>CIL payments can then be delayed for up to 365 days from commencement to further assist cashflow.</p>

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						Taking the responses into account and PBA has advised the Council on a revised Instalments Policy which we would refer the Respondents to.
Mr Tim Hoskinson , Savills (ID: 523531)	CIL-DCS15	Yes	[blank]	Neither Agree nor Disagree	3048229_0_1.pdf	
Mr Chris Plenderleith , Managing Director Leith Planning Ltd (ID: 851696)	CIL-DCS16	No	Disagree	No, in circumstances where it is considered that the ability to pay in instalments should be made available for all developments and not just on contributions of £250,000 and over. In an economic climate which remains challenging, particularly for access to development finance, the ability for all developments to pay the full Cil contribution in instalments, where justified, will assist applicants in meeting the councils required contributions and secure financial viability and development funding. This could be a reasonable compromise which secures payment of the Cil but also secures the delivery of much need growth, investment and development in the local area.		The introduction of an Instalment Policy is discretionary. The Council recognises that the benefits of delivery outweigh the delay in receiving receipts. The viability exercise has shown that certain uses can afford to pay a larger contribution to CIL. However, to assist development cashflow the Council is willing to phase the payment of these in instances where contributions are in excess of a certain amount. As such PBA has advised the Council on a revised

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						Instalments Policy which we would refer the Respondents to.
Ms Helen Patton , Policy Officer New Forest National Park Authority (ID: 361028)	CIL-DCS14	No	[blank]			
Ms Rachel Lamb , Senior Planner Turley Associates (ID: 746077)	CIL-DCS4	Yes	Disagree	The inclusion of a draft CIL instalments policy is welcomed however we would suggest some amendments to the proposed policy based on our experience nationally: Level of CIL charge Number and Amount of Instalments Timing of instalments Less than £50,000 1 Full Payment Full payment within 60 days of commencement £50,000-£250,000 3 Equal Instalments 1st payment within 60 days of commencement 2nd payment within 6 months of commencement 3rd payment within 9 months of commencement £250,000 or more 3 Equal Instalments 1st payment within 60 days of commencement 2nd payment within 6 months of commencement 3rd payment within 9 months of commencement 4TH payment within 18 months of commencement		Taking the responses into account and PBA has advised the Council on a revised Instalments Policy which we would refer the Respondents to.
Mr Fred Andress , Agent Planning Issues Ltd (ID: 743786)	CIL-DCS1	No	Agree			
Mr Jonathan Kamm , Town Planning Consultant (ID:	CIL-DCS7	Yes	Disagree	Payment in instalments where a development is identified as phased is no longer limited to outline planning permissions (DCLG Guide para 2.3.10). That Guide at 2.3.9 also emphasises that "Few if any developments generate value until they are complete either		Taking the responses into account and PBA has advised the Council on a revised Instalments Policy which we

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359272)				in whole or in phases. Willingness to allow an instalments policy can be a material consideration in assessing the viability of proposed levy rates.” (my emphasis) An instalments policy should be designed to help those most in need of it, with the objective of ensuring development is not either delayed or obstructed because of the financial impact of making a substantial 'up-front' payment. The proposed system, with its very high threshold, will assist only large developments at the expense of smaller local schemes by small builders on small sites. In order that this unintended consequence is mitigated to some degree instalments should be able to start at a lower level and targeted at smaller schemes..		would refer the Respondents to.
Mr Mike Newton , Boyer Planning Ltd (ID: 719231)	CIL-DCS10	Yes	Agree	2.17 We support the inclusion of a CIL instalments policy. House builders do not generally have sufficient cash reserves to finance development projects without obtaining additional finance and the introduction of an instalments policy seeks 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. Due to the large scale nature of the strategic allocations the instalments policy will be of particular importance in ensuring their delivery. 2.19 Although the principle of the inclusion of a CIL instalments policy is supported, it is considered that further evidence is required in order to assess the suitability of the proposed payment periods and amounts. As set out above the instalments policy will be key in ensuring that the proposed new neighbourhoods, and the Joint Core Strategy as a whole, are delivered. It is therefore important to ensure it is based on a sound evidence base.		Taking the responses into account and PBA has advised the Council on a revised Instalments Policy which we would refer the Respondents to.
Mr Tim Hoskinson , Savills (ID:	CIL-DCS12	Yes	[blank]	Neither Agree nor Disagree	3048228_0_1.pdf	

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523531)						
Ms Felicity Tozer , Tetlow King Planning (ID: 780633)	CIL-DCS17	No	Agree	We support the Councils' introduction of an instalment policy. We would however, query whether it would be more appropriate to decrease the threshold for qualification. £250,000 is a significant payment to be made in a single sum. We would encourage the Councils to decrease this threshold.	3048222_0_1.pdf	Taking the responses into account and PBA has advised the Council on a revised Instalments Policy which we would refer the Respondents to.
Ms J Weedon , Clerk West Moors Parish Council (ID: 359552)	CIL-DCS22	No	[blank]	No comments		

Question 8: Do you agree or disagree with the draft 'payment in kind' policy?

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Mr Matthew Sobic, Savills Manchester (ID: 747992)	CIL-DCS3	Yes	[blank]			
Mr Jeremy Woolf, Woolf Bond Planning (ID: 359291)	CIL-DCS21	Yes	Disagree	<p>We acknowledge that one possible way of accounting for the issues raised in our response to question 6 is for the LPA to accept the provision of SANG land associated with the Roeshot Hill scheme 'in kind' and therefore reduce or remove the applicant's CIL liability accordingly. However this possibility is subject to a number of conditions including this agreement being at the Council's discretion and that the land is acquired by the Council. This matter was discussed at the Core Strategy EIP session held on 24th September 2013 where developers mentioned that there was an inconsistency between a section 106 that would provide the land for SANG and CIL that would implement the SANG. At this session Nick Squirrell from Natural England confirmed that NE simply had to be satisfied that appropriate SANG can be delivered and secured in perpetuity when assessing an application's SANG offer. Nick Squirrell confirmed this was the ultimate regulation test. It is not therefore essential that the land is transferred to the Council at the same time. The above point is further evidenced in the approach taken regarding a hybrid planning application for major residential-led development totalling 1,200 new dwellings at Princess Royal Barracks, Deepcut in Surrey Heath Borough. The officer's report is attached as Annex B to these representations and confirms this does not need to be the case: 'All of the land which would form the SANGs is within the ownership of the</p>	<p>3048225_0_1.pdf 3048224_0_1.pdf 3048227_0_1.pdf</p>	<p>The Council's Regulation 123 list sets out the range of infrastructure to be funded in whole or in part by CIL. The Council may consider accepting infrastructure projects</p> <p>and / or types of infrastructure from this list to discharge part or all of a levy liability. The conditions set out in Appendix C allow the land or infrastructure to be transferred to the Council or a person nominated by the Council.</p>

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				applicant and it is expected that this land would be set up as SANGs by the developer and transferred to the Council for its management and maintenance in perpetuity. The developer would also need to provide a financial contribution of £5,085,622 to cover the Councils costs in the undertaking function. The applicant has confirmed that they have no objection to this provision in the Legal Agreement but have also requested an option that would enable the developer to set up a private land trust or body to manage and maintain the SANGs. While this is a less preferable option it is considered that the Local Planning Authority cannot reasonably object to this option provided that it can be demonstrated that the SANGs could be managed and maintained in acceptable fashion in perpetuity and it is noted that the Thames Basin Heaths SPA SPD makes provision for privately owned SANGs'. (Paragraph 9.10.7) We therefore object to the proposed conditions as drafted. These represent an inflexible approach to the delivery of SPA mitigation and threaten to stifle much needed strategic sized development even where a robust SPA mitigation solution exists and is agreed with Natural England. We therefore consider the solution set out in our response to question 6 is progressed.		
Mr Ziyad Thomas , Policy Planning Officer The Planning Bureau Limited (ID: 746457)	CIL-DCS11	Yes	Agree			
Ms Lisa Jackson , Managing Director Jackson Planning Ltd (ID:	CIL-DCS13	Yes	Disagree	This facility of meeting CIL liability is welcomed, however, the regulations governing payment in kind will reduce the scope of this as a potential solution to overcome double counting as suggested in discussion with the Councils' officers. There are errors in the 'benefit in kind' policy as currently drafted in that it does not fully reflect the CIL		PBA has undertaken revised testing of the Strategic Sites in order to clearly set out the viability position with regard to

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521508)				<p>Regulations. a. Infrastructure is not valued at cost (as the Payment in Kind Policy suggests at para. 8), it is rather its value: Regulation 73A(3). b. The policy fails to note the two restrictions in reg 73(7)(b) and 73A (7)(b)(ii). (See below) c. The restriction on meaning of land at para 9: the definition is badly expressed because it should state that the land should be not be encumbered in a way that prevents the land being used for a relevant purpose – see reg. 73(5)) It should be recognised and made clear that the definition of land under Regulation 73(4) includes “existing buildings and other structure, land covered with water, and any estate, interest, easement, servitude or right in or over land”. As noted in point b. above any infrastructure provision required as necessary to make the planning application acceptable cannot be provided as a benefit in kind as this is restricted by Regulations 73(7)(b) and 73A (7)(b)(ii). This is a sensible precaution in the Regulations, introduced through amendments, to prevent developers reducing their CIL liability by discounting it with infrastructure they need to provide anyway. This has a particular effect on SANG and heathland mitigation. This means that any site providing SANG cannot transfer the land or infrastructure payments by way of a planning obligation to the charging authority as a benefit in kind as it is specifically precluded by CIL Regulation 2010 reg73(7)(b) and CIL Amendment 2014 reg 73A (7)(b)(ii). This restriction in the Regulations provides further support for the differentiated SANG rate solution suggested in response to question 4 above, because by having a discounted rate for on-site SANG schemes, where they wish to, developers could provide the benefit of SANG to the charging authority with no fear that this was precluded by the CIL Regulations because they would not need to seek a 'benefit in kind' reduction as it has already been applied through the differentiated CIL rate, and neither are they precluded from entering into a s106 agreement for the SANG.</p>		<p>SANGs and Heathland mitigation.</p> <p>Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p>

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Mr Carl Dyer , Thomas Eggar LLP (ID: 845374)	CIL-DCS6	No	[blank]	As stated above, the latest set of amendments to the CIL Regulations have now made it lawful for authorities CIL contributions to be paid by the provision of infrastructure in certain circumstances. Given that the provision of infrastructure is often key to unlocking unimplemented planning permissions and enabling developments, we would urge the Council seriously to consider adopting a policy to allow payment in kind in this manner. CONCLUSION For these reasons, we would ask that the Council undertakes a rethink of its position and substantially alters its Charging Schedule in so far as it relates to retail development. Accordingly, we would request that the Council: <ul style="list-style-type: none"> • Revisits its viability assessments for retail development, to address the concerns set out above; • Considers the allowing developers to pay their CIL Liability through the provision of infrastructure; and • Adopts a single flat rate levy across all development within its boundaries. 		The Council's Regulation 123 list sets out the range of infrastructure to be funded in whole or in part by CIL. The Council may consider accepting infrastructure projects and / or types of infrastructure from this list to discharge part or all of a levy liability. The conditions set out in Appendix C allow the land or infrastructure to be transferred to the Council or a person nominated by the Council.
Mr Ian Jones , Clerk Ferndown Town Council (ID: 490823)	CIL-DCS9	No	Agree			
Ms Gill Smith , Affordable Housing Officer Dorset County Council (ID: 359437)	CIL-DCS8	Yes	[blank]	No Comment		
Mr M Hassan ,	CIL-DCS5	No	Agree	None	3048223_0_1.pdf	

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Planning Manager Castleoak Group (ID: 498391)						
Mrs Maria Humby , Alderholt Parish Council (ID: 359295)	CIL-DCS2	No	Agree			
Mr Matt Gilks , Dutton Gregory Solicitors (ID: 844541)	CIL-DCS20	Yes	Disagree	52. The payment in kind policy only arises as a land or infrastructure payment in lieu of CIL. Circumstances might arise in which the value of capital investment contribution by a charity provided in partnership with a developer would be set off against CIL. While this could meet a CIL liability, the fact that CIL was payable at all would reduce the value of the capital contribution, and hence the amount available for charitable reinvestment.		CIL is required in order to provide the infrastructure to support development. As such it should not be dismissed for reasons of reinvestment, and must be based on development viability.
Mr Giuseppe Cifaldi , WYG Planning & Design (ID: 746532)	CIL-DCS19	No	[blank]			
Mr Tim Hoskinson , Savills (ID: 523531)	CIL-DCS15	Yes	Disagree	3.20 It is noted that Christchurch and East Dorset Council have made provision for Payment in Kind (PiK) within the DCS. Payments in kind may not lawfully be made or accepted for infrastructure which is necessary to make the development acceptable in planning terms (typically "site specific" infrastructure). This is contrary to what had	3048229_0_1.pdf	PBA has undertaken revised testing of the Strategic Sites in order to clearly set out the viability position with regard to

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				<p>been widely expected throughout 2013 in the drafting of the Regulations. In practice, payments in kind will therefore only be permissible where there is overprovision, i.e. more infrastructure is provided than is strictly necessary for the development. The process set out in the 2014 Regulations is not fit-for-purpose in the view of our client and also the HBF. PiK will not therefore be available to reduce any future CIL liability on the basis of 'scheme mitigation' infrastructure. 3.21 Our preferred approach would act to support and incentivise new development (in accordance with NPPF paragraph 175) and hence the Local Plan implementation, would be to accept that certain items of infrastructure must be led by developers, which should be phased as appropriate. This may be undertaken through a Section 106 Agreement for a defined infrastructure 'project' rather than 'type'. Where restrictions on the use of Section 106 are reached (five or more obligations toward a defined infrastructure type or project) or in other certain cases, then other mechanisms may be used, such as approved plans, conditions or agreements made under other statutory powers (e.g. Localism Act, Local Government Act and/or Highways Act).</p>		<p>SANGs and Heathland mitigation.</p> <p>Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p>
Mr Chris Plenderleith , Managing Director Leith Planning Ltd (ID: 851696)	CIL-DCS16	No	Agree	The principle of payment in kind would appear sound and sensible as long as the Council are duly flexible in its approach and delivery.		Noted.
Ms Helen Patton , Policy Officer New Forest	CIL-DCS14	No	[blank]			

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National Park Authority (ID: 361028)						
Ms Rachel Lamb , Senior Planner Turley Associates (ID: 746077)	CIL-DCS4	Yes	Agree	The provision of a 'payment in kind' policy is welcomed.		Noted.
Mr Fred Andress , Agent Planning Issues Ltd (ID: 743786)	CIL-DCS1	No	Agree			
Mr Jonathan Kamm , Town Planning Consultant (ID: 359272)	CIL-DCS7	Yes	Agree			
Mr Mike Newton , Boyer Planning Ltd (ID: 719231)	CIL-DCS10	Yes	Agree	2.20 Our comments in relation to the draft Payment in Kind Policy have been discussed in response to question 6 and as such are not repeated here.		
Ms Felicity Tozer , Tetlow King Planning (ID: 780633)	CIL-DCS17	No	[blank]		3048222_0_1.pdf	

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Ms J Weedon , Clerk West Moors Parish Council (ID: 359552)	CIL-DCS22	No	[blank]			

Question 9: Any other comments

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Mr Matthew Sobic, Savills Manchester (ID: 747992)	CIL-DCS3	Yes			
Mr Jeremy Woolf , Woolf Bond Planning (ID: 359291)	CIL-DCS21	Yes	<p>For the above reasons we do not consider that the proposed rates meet the legal requirements of Regulation 14 discussed above and threaten to accentuate present under delivery against set housing requirements. This approach is supported by para 177 of the NPPF and is necessary in order to ensure that the costs of infrastructure are appropriately accounted for throughout the Borough and do not stifle development. Further there is a clear risk of double charging on the Roeshot Hill site. It is therefore recommended that the rate for the Roeshot Hill site is set at a nil rate or amended to discount for its on-site SANG provision. We trust the enclosures are of assistance in the preparation of the final CIL Charging Schedule. We look forward to confirmation of receipt of the comments in due course. No doubt you will contact us in the event that you wish to discuss any matter(s) arising.</p>	<p>3048225_0_1.pdf 3048224_0_1.pdf 3048227_0_1.pdf</p>	<p>PBA has undertaken revised testing of the Strategic Sites in order to clearly set out the viability position with regard to SANGs and Heathland mitigation.</p> <p>Further to this testing PBA has provided the Council with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p>

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Mr Ziyad Thomas , Policy Planning Officer The Planning Bureau Limited (ID: 746457)	CIL-DCS11	Yes			
Ms Lisa Jackson , Managing Director Jackson Planning Ltd (ID: 521508)	CIL-DCS13	Yes	<p>CIL and Heathland Mitigation In addition to the response to the structured questions above, the response below sets out a series of more fundamental problems with the operation of CIL as set out in the Draft Charging Schedule in relation to the mitigation of the urban effects on the Dorset Heaths, and <i>the potential for double charging with any site where mitigation is provided privately</i>. This expands upon the answer to question 2 and 4 above. These objections reiterate concerns raised at the preliminary draft charging schedule consultation and in relation to the examination of the Core Strategy with regard to policy ME2. This point was highlighted in the Inspector's (Sue Turner's) report at paragraph 121, where she states: "These changes recommended do not in themselves resolve the situation where developers who provide on site mitigation in the form of SANG will also have to pay CIL which will also fund mitigation projects." This fundamental issue has not been addressed and this raises serious concerns in relation to the compliance of the delivery of development with the Habitats Directive and therefore the ability to deliver the planned development in the adopted Core Strategy. A solution must be found to this through an appropriate CIL charging regime to ensure the plan is delivered. The Core Strategy Inspector recorded (at para. 120 of her Report) that the Councils stated that Heathland mitigation would be the first priority on the CIL Regulation 123 list. This reflects the importance that should be given to ensuring compliance with the Habitats Regulations but also ensuring that the necessary development is delivered by the CIL supporting and incentivising that. However, MEM Ltd firmly believes there is a serious danger that the required mitigation for urban effects on the Dorset heaths cannot be secured for certain developments through CIL as currently envisaged and evidenced by the draft charging schedule. There are three development scenarios where the proposed CIL regime does not appear to work. The three scenarios are: 1.</p>		<p>PBA has undertaken revised testing of the Strategic Sites in order to clearly set out the viability position with regard to SANGs and Heathland mitigation.</p> <p>Further to this testing PBA has provided the councils with a Statement of Modification which sets out in detail the assumptions adopted for the testing of Strategic Sites and the revised proposed CIL levies for the New Neighbourhoods / Strategic Sites. This document recommends a £0 per sq m CIL charge for the strategic sites. We would refer the respondent to this document.</p>

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			<p>Sites that provide an on-site / near-site SANG 2. Affordable Housing 3. Self-build housing 1. Developments with on-site / near-site SANG On sites where SANG is provided as part of the development package on site or near-site there will be potential for charging twice for heathland mitigation. This is precluded in the CIL guidance as planning authorities should not charge for the same items through s106 and CIL (Planning Practice Guidance 12.6.14 paragraph 093). 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." The same conclusion must apply to three development scenarios set out above. 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. (Poole Borough has no SANG associated with development schemes so this problem does not arise in Poole). 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 smaller developments, therefore, if SANG is provided physically as on-site SANG and secured through a s.106 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 CIL guidance. 2. Affordable Housing and CIL for Heathland Mitigation Affordable housing does not pay the CIL tariff, so therefore cannot mitigate harmful urban effects on the heath, unless provided directly. From the Poole CIL Examination report (para. 29) 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 mitigation." As the Council have now identified that all heathland mitigation will be funded by CIL in the regulation 123 list it is clear that units of affordable housing are not CIL rated and</p>		

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			<p>there will be no direct link between their impact and mitigation. Previously affordable housing developments paid the Interim Planning Framework tariff, which directly contributed to heathland mitigation. Given that a third of the dwellings coming forward in the local plan are anticipated as affordable houses in the two Councils over the plan period, this must be addressed in the CIL charging regime with costs anticipated for mitigation of the affordable housing being covered by the differentiated CIL rates. To fail to do so would mean that there is a serious risk that the Habitats Regulations would not be complied with. 3. Self Build Housing As with affordable housing, self-build housing is no longer liable for CIL. This type of development will not directly mitigate for heathland impact unless a specific regime is put in place to ensure that other forms of development will fund a sufficient area-wide mitigation package. This is a recent change to the CIL regulations and the implications have not been considered in relation to the Habitat Regulations. Other Heathland Mitigation Issues Neighbourhood Top Slice CIL amendment Regulations issued in February 2014 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> <p>Securing Mitigation in Proportion to dwelling occupation MEM Ltd believes that in order to satisfy the Habitat Regulations it is necessary to set out in detail costed evidence of heathland mitigation projects and their capacity to mitigate development because it is necessary to ensure that CIL receipts and mitigation, provided by those receipts, keeps pace with occupation of new dwellings. If mitigation capacity is not available, development should not be occupied until it is in place. This is the case in Surrey Heath Borough. This is the only way to ensure development is compliant with the Habitats Directive. A Suggested Solution Solutions found elsewhere in Councils affected by SPA issues can provide a model for CIL in CBC and EDDC. In the Surrey Heath Borough CIL examination the Inspector found (at paras. 6 and 30 of his Report): "The special qualities and statutory protection of habitats on the Heathlands that cover a significant part of the borough have major implications for development plan strategy..... and this is reflected in the Councils' CIL proposals. The CIL</p>		

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			<p>charges are differentiated not only geographically (Eastern/western zones) but also by applying different CIL rates dependent on whether or not developments provide on-site avoidance mitigation through the provision of suitable accessible natural greenspace (SANG). In the western charging zone the CIL charge would be £180 psm with developments not providing SANG on site, and £55 psm for the development providing SANG on site. In the eastern charging zone, respective charges would be £220 psm and £95 psm.The difference between the two rates is £125 psm in each zone and that simply reflects the assessed cost of SANG provision spread across the anticipated numbers of market housing. The approach ensures that all housing developments contribute fairly to SANG infrastructure provision. In practice, and in line with the Council's policy approach, only larger developments (100+ units) will provide on-site SANG." The threshold for on-site SANG provision in EDDC and CBC is lower than in Surrey Heath at around 50 units. It is quite possible to differentiate between those sites that will provide SANG and those that will not by reference to the threshold. However, there may be some sites under the threshold, for example CN2, where SANG will be provided as part of the scheme. The more difficult problem is calculating the discount rate as there is no evidence on the cost of mitigation. This approach may not be entirely appropriate to the South East Dorset mitigation method as it does have differences to the Thames Basin Heath approach to protected heathland mitigation, but it serves to demonstrate that the problem of double charging is recognised and can be dealt with positively in relation to heathland mitigation. Conclusion MEM Ltd remains very concerned that significant issues around heathland mitigation have not been resolved, despite this issue being raised at the stakeholder workshop, at the preliminary draft charging consultation and at the Core Strategy consultation and examination as well as in discussions with Natural England. We know that the Councils considered a discounted rate for on-site SANG developments; it was discussed at the Core Strategy Examination under Matter 10, and the Inspector asked for examples from other Councils. MEM Ltd suggested that it may be appropriate to resolve the issues raised in the earlier response, through a meeting with your consultants but this offer was not acted upon by the Council. In this respect the Councils appear to have failed in their duty to achieve the support from local developers, with the exercise focusing on the strategic sites. However, MEM Ltd remain of the view that it would be better to</p>		

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			resolve these issues through dialogue, if at all possible, rather than these issues being left for the examination, and therefore request a meeting to discuss the issues raised by this consultation response. MEM Ltd suggests that the authorities should make modifications to the Draft Charging Schedule and regulation 123 list as allowed for in the planning practice guidance on CIL in paragraph 032. Given the changes required to make the CIL workable and viable for the strategic sites in Christchurch are substantial an additional formal consultation period may be necessary before submission to the Examiner.		
Mr Carl Dyer , Thomas Eggar LLP (ID: 845374)	CIL-DCS6	No			
Mr Ian Jones , Clerk Ferndown Town Council (ID: 490823)	CIL-DCS9	No	There is a minor error in the Draft Charging Schedule at Para 1.6. The date for Adoption of CIL - should read January 2015 not January 2014		Noted.
Ms Gill Smith , Affordable Housing Officer Dorset County Council (ID: 359437)	CIL-DCS8	Yes	Dorset County Council questions the accuracy of the figures in Appendix E “Amounts raised through S 106 Agreements” and would welcome further discussion with Borough/District Council officers to ensure that all monies received have been accounted for.		Noted.
Mr M Hassan , Planning Manager Castleoak Group (ID: 498391)	CIL-DCS5	No		3048223_0_1.pdf	

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Mrs Maria Humby , Alderholt Parish Council (ID: 359295)	CIL-DCS2	No	No Further Comments		
Mr Matt Gilks , Dutton Gregory Solicitors (ID: 844541)	CIL-DCS20	Yes	<p>53. Further comments are confined to: 53.1. Consultation documents: description of the legal requirements of the Planning Act 2008 and the 2010 Regulations; and 53.2. Equality Impact Assessment. Consultation documents: description of the legal requirements of the Planning Act 2008 and the 2010 Regulations 54. The viability assessment by Peter Brett Associates is set out on the basis of the legal requirements upon the charging authorities prior to the 2014 Amendment. Charging authorities now face a more exacting test at examination to prove that they have struck an appropriate balance between the desirability of funding infrastructure through CIL and affecting development viability. It is no longer the law that the charging authority can simply 'aim to' strike 'what appears to the charging authority to be' an appropriate balance. 55. The 2014 Amendment enables charging authorities to set different rates for different schemes, such as types of residential development. In such cases housing for vulnerable persons might be considered at a nil or reduced rate. The charging authorities' evidence does not 'scope' this possibility. 56. An objective test calls for more rigorous evidence is required in terms of examining the impact of the DCS on development types. One example is residential in the form of assisted living development. 57. In our submission these are material errors within the Consultation and associated documents which are likely to mean those responding to this public consultation will not have been made aware of the correct legal tests imposed upon the charging authorities. 58. These circumstances are likely to result in responses that are not properly informed and may prejudice the information available to the Consultation and examination in public. This has adverse implications for the legality of this statutory consultation. Members of the public ought to be provided with accurate information: see R (on the application of Madden and others) v Bury Metropolitan Borough Council[2002] EWHC (Admin) 1882 per Richards J. at [62] to [64]. Equality Impact Assessment (EqIA) 59. The charging authorities have not provided evidence of an EqIA in the Consultation. Parliament</p>		<p>Both PBA and the Councils consider that the Draft Charging Schedule and the Viability testing plus Addendums / Statement of Modification are in line with the 2014 Amendment to the Regulations.</p> <p>Please also see additional response to the respondent regarding the revision of Section 8.2 of the June 2013 Report to allow for housing for 'Vulnerable People' to be subject to the same charge as Care Homes.</p>

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			<p>has enacted legislation in section 149 of the Equality Act 2010 to ensure that the charging authorities must: 59.1. take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and 59.2. encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. 60. It is submitted that evidence ought to be brought forward to demonstrate that the charging authorities have discharged the section 149 duty. It is submitted that the introduction of discretionary charitable relief would be a step towards meeting the needs of persons with protected characteristics. Meeting the legal threshold 61. Charging authorities should set a rate which does not threaten the viability and ability to develop the sites and scale of development identified in the Local Plan. That includes development for vulnerable persons. 62. Two of the Local Plan relevant policies are identified in this submission. There is no evidence of whether the decision not to enable charitable investment relief will threaten important policy objectives in the Local Plan. It is submitted that the absence of relief will have such an effect, taking into account the Trustees historic development activity. 63. The Trustees are extremely active and are considering a number of important opportunities over the life of the Local Plan. Hence the importance of making the case for charitable investment relief. Examiner's duty 64. Among other things the Examiner is respectfully asked to consider whether the legal tests have been met taking into account: 64.1. the draft charging schedule is not supported by background documents containing appropriate available evidence in relation to the impact of the rates, if charitable investment relief is not available; 64.2. the proposed rate or rates are not informed by and consistent with any evidence on economic viability across the charging authority's area, when one takes into account the historic role of charitable investment within Dorset as a whole; 64.3. insufficient evidence has been provided to show the proposed rate or rates would not threaten delivery of the relevant Local Plan as a whole, as respects those Local Plan policies identified in this Submission; 64.4. it is not clear that the Consultation document is legally sound. We submit it is not, because it does not properly explain or only partly explains the changes brought about by the 2014 Amendments; and 64.5. that there is no evidence of consideration of the introduction of CIL or the DCS taking into account the duty imposed by section 149 of the Equality Act 2010 or the impact on those</p>		

Contact Details	Comment ID	Question 1: Do you wish to be heard in support of your representations?	Question 9: Any other comments	Additional Documents?	Officer Comments
			<p>persons with protected characteristics being those that are more in need of a benefit from charitable investment activities than the remainder of the population of Dorset. Conclusions The Examiner 65. For these reasons we respectfully submit that the Examiner, in exercise of the powers set out in section 212 and 212A of the Planning Act 2008: 65.1. Rejects the DCS on the basis that: 65.1.1. the availability or otherwise of discretionary charitable relief ought to have been considered with appropriate available evidence (not simply based on an assertion of rarity). 65.1.2. the absence of evidence means the DCS is not the result of a legally sound balancing exercise required by Regulation 14 and the Planning Act 2008. 65.2. Calls for the charging authorities to bring forward properly researched evidence at examination, of their estimate of the extent of charitable investment activity in the Local Plan area. 65.3. Considers suggesting the charging authorities withdraw and resubmit the Consultation with accurate information about the legal requirements imposed by the Planning Act 2008, and the 2014 Amendment. 65.4. Recommends that the charging authorities undertake an assessment of the impact of the DCS prior to adoption of the DCS to ensure legal compliance with equality legislation. 65.5. Makes appropriate recommendations including that the charging authorities should bring forward a policy for charitable investment relief in accordance with Regulation 46. The Charging Authorities 65.6. We call on the Christchurch and East Dorset District Councils to: 65.7. Recognise the contribution of charities in the Local Plan area and the importance of creating the most attractive and viable investment environment for charities, including the Trust. 65.8. Gather available evidence to demonstrate how charitable investment might impact on the delivery of development in the Local Plan. 65.9. Distinguish between general residential development and the special viability challenges of development for assisted and supported living, or a range of other development types, in which charitable investment might be absolutely crucial. 65.10. Reverse the policy stated in paragraph 2.11 of the Consultation not to make charitable investment relief available in its area, simply upon the basis of an unsupported assertion that such activity will be 'rare'. 65.11. Consider the real risks to the delivery of development identified in the Local Plan as required if charitable investment relief is not forthcoming. 65.12. Consider the legal requirement to discharge equality duties in reformulating the CIL policy, the Consultation, the DCS and its general policy on discretionary charitable investment relief. 65.13.</p>		

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			Acknowledge the commitment and activity of the Trustees will continue and that the greatest encouragement to a range of viable investment in Christchurch and East Dorset will require: 65.13.1. the possibility of discretionary charitable investment relief; and 65.13.2. partnership to deliver development together with other charities, developers and public sector providers throughout the Local Plan period. 66. In addition to these representations, and for the avoidance of doubt the Trust requests: 66.1. To be heard by the examiner at the examination of the DCS. 66.2. The right to be notified of the following events: 66.2.1. Submission of the draft charging schedule to the examiner in accordance with section 212 of the Planning Act 2008. 66.2.2. Publication of the recommendations of the examiner and the reasons for those recommendations. 66.2.3. Approval of the charging schedule by the charging authority. 67. The notifications required should be made to Mr Gary Cox, Clerk to Talbot Village Trustees, 5 Parkstone Road, Poole, BH15 2NL.		
Mr Giuseppe Cifaldi , WYG Planning & Design (ID: 746532)	CIL-DCS19	No			
Mr Tim Hoskinson , Savills (ID: 523531)	CIL-DCS15	Yes	Regular monitoring is required to ensure that any detrimental impact of the CIL on delivery is noticed promptly and remedied. A review period of between 2-3 years from adoption is appropriate; sooner if there is a substantive change in market conditions or Central Government policy should be publicly committed to by the Councils.	3048229_0_1.pdf	Noted.
Mr Chris Plenderleith , Managing Director Leith Planning Ltd (ID: 851696)	CIL-DCS16	No	Please ensure we are retained on the Council's consultation database and advised when further progress is made on the CIL document and other emerging policy documents.		

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Ms Helen Patton , Policy Officer New Forest National Park Authority (ID: 361028)	CIL-DCS14	No	Thank you for consulting the New Forest National Park Authority on the above document. The Authority is pleased to note that the majority of our comments made on the Preliminary Draft Charging Schedule have been taken on board. The Authority would like to make the following comment on the current consultation document which I trust you will find helpful. Heathland Mitigation Appendix D page 35 The Authority is pleased to note that in line with our previous comment reference is made here to the fact that heathland mitigation schemes, including SANGs and strategic cross border mitigation projects will be eligible for CIL (my emphasis). It is noted however, that although reference has been made in the second paragraph to the fact that the Councils are working closely with the South East Dorset Local Authorities to update the Dorset Heathlands Planning Framework SPD, there is no reference to the fact that a similar way of working may be required for the mitigation of impacts on the Natural 2000 habitats within the National Park, supported by appropriate CIL funds.		The Councils welcome the opportunity to further discuss joint working with NFDC and NFNPA Regarding cross border heathland mitigation.
Ms Rachel Lamb , Senior Planner Turley Associates (ID: 746077)	CIL-DCS4	Yes			
Mr Fred Andress , Agent Planning Issues Ltd (ID: 743786)	CIL-DCS1	No			
Mr Jonathan Kamm , Town Planning Consultant (ID: 359272)	CIL-DCS7	Yes	1.1 There is a lack of transparency to the figures put forward in the DCS to establish a "funding gap". Indeed the DCS figures appear unrelated to those in the IDP (for example for Transport and Education). Absent any appendix providing that basic analysis and reconciliation there is no opportunity for informed responses or examination on the Funding Gap or the level of CIL. 2.1 CIL Regulations (Regulation 13) allows the charging authority to introduce charge variations by geographical zone in its area, by use of buildings, or both. And on 12 June 2014 the PPG updated the		In the absence of providing any detail there are concerns that the Council and viability testing is inflexible in its approach. The viability testing carried out by

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			<p>advice on variability: "The regulations allow charging authorities to apply differential rates in a flexible way, to help ensure the viability of development is not put at risk."</p> <p>2.2 This opportunity should be grasped and the proposals modified to ensure that the most vulnerable developments are not jeopardised through the inelegance of the across-the-board application of a fixed levy. A schedule of rates that includes a zoned approach using the Core Strategy area designations (Town and District centres, rural settlements with local facilities etc.) could be effective whilst being simple to administer. Such an approach has been approved for other (including neighbouring) charging authorities. The PBR dismisses the examination of this approved approach and therefore is flawed ab initio. 3 DCS para 2.10 requiring CIL on an extension would appear to be incorrect as to residential extensions. 4 The DCS does not contain an identified amount (or percentage) for each charging authority that the LPA considers necessary to raise from CIL funding to bring forward the infrastructure included in the IDP for each area. Nor does it show how this compares to the projection given in the DCS Table "Projected CIL Income". For example, is the projected income twice as much as is necessary to deliver the infrastructure based upon likely other sources of income?. It is not at all clear or transparent.</p>		<p>PBA has been undertaken in accordance with DCLG's CIL guidance. This involved an assessment of market values throughout Christchurch and East Dorset as well as reviewing the development costs for different types and sizes of schemes. The data was gathered from a variety of sources to inform the viability model.</p> <p>The proposed charging rates are the result of this detailed assessment.</p> <p>We would note that PBA has undertaken further viability testing based on affordable housing provision as set out in the Adopted Core Strategy, the findings of which have been set out in a report Addendum (testing at 40% affordable housing) and a Statement of Modification (Strategic Sites). Based on this further work PBA is now recommending a CIL charge of £70 per sq m across the Core</p>

Contact Details	Comment ID	Question 1: Do you wish to be heard in support of your representations?	Question 9: Any other comments	Additional Documents?	Officer Comments
					Strategy area. We would refer the Respondent to these documents.
Mr Mike Newton , Boyer Planning Ltd (ID: 719231)	CIL-DCS10	Yes	3.1 The Draft CIL Charging Schedules as currently drafted are not based on a robust evidence base. The accompanying viability assessment needs to take account of the affordable housing requirements of the adopted Joint Core Strategy so as to accurately assess the viability of developments. 3.2 We support the proposed instalments policy and the payment in kind policy.		Please see Affordable Housing Addendum.
Mr Tim Hoskinson , Savills (ID: 523531)	CIL-DCS12	Yes	Regular monitoring is required to ensure that any detrimental impact of the CIL on delivery is noticed promptly and remedied. A review period of between 2-3 years from adoption is appropriate; sooner if there is a substantive change in market conditions or Central Government policy should be publicly committed to by the Councils.	3048228_0_1.pdf	Comments noted.
Ms Felicity Tozer , Tetlow King Planning (ID: 780633)	CIL-DCS17	No	We support the Councils' identification of specific indicators for the future review of CIL. However, we would posit an additional indicator. Whilst the Councils have identified overall housing delivery as an indicator of the effectiveness of CIL, it would also be necessary to monitor the delivery of affordable housing separately. Evidently, CIL is a fixed charge, and should the development context change, then this could lead to planning obligations, notably affordable housing, being squeezed. It is necessary for the Councils to monitor affordable housing delivery against the adopted targets, to ensure CIL is set at a realistic level which does not compromise delivery.	3048222_0_1.pdf	Comments noted.
Ms J Weedon , Clerk West Moors Parish Council	CIL-DCS22	No	The lower end of the housing market (affordable housing) should be exempt from CIL in line with the current stamp duty system, as there is a need for affordable housing in the district in order to keep a young workforce in the area.		The Draft Charging Schedule, Viability Report and Affordable Housing Addendum are based on the viability of development

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(ID: 359552)					assuming the affordable housing requirements put forward in the Adopted Core Strategy. Affordable Housing as defined within the documents is exempt from CIL.

Appendix 3 - A summary of the Comments Raised by the Representations on the Statement of Modifications to the Draft Charging Schedules for Christchurch and East Dorset

Contact Person ID	Contact Full Name	Contact Company / Organisation	ID	Modification Number	Details of representation	Do you wish to be heard at the Public Examination?	Additional Documents
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS1	SM03	<p>MEM Ltd position on modification/ lack of modification: SUPPORT and welcome change to instalment policy</p> <p>Evidence to support position: In line with consultation request to consider cash flow issues</p> <p>Requested Action by the Examiner: CONFIRM modification</p>	Yes	360382 submission by MEM Ltd submitted WEB.pdf
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS2	Other	<p>Page / paragraph reference: Page 5-6 / 2.11-2.16</p> <p>MEM Ltd position on modification/ lack of modification: OBJECT to lack of modification on this point.</p> <p>Evidence to support position: There is no substantive evidence from the Councils as to why discretionary relief is excluded at this point. The very basis is discretionary, and it would be practical to allow for this should the circumstances of a particular development justify it. Just because the circumstance may be 'rare' is no reason to exclude it entirely.</p> <p>Requested Action by the Examiner: MODIFY to allow discretionary relief</p>	Yes	360382 submission by MEM Ltd submitted WEB.pdf
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS3	SM05	<p>MEM Ltd position on modification/ lack of modification: SUPPORT the updated viability, however, there are still assumptions made in the revised PBA report that are not supported by evidence RESERVE the right to comment further on the updated viability report at examination</p> <p>Evidence to support position: Under preparation</p> <p>Requested Action by the Examiner: TBC</p>	Yes	360382 submission by MEM Ltd submitted WEB.pdf

Contact Person ID	Contact Full Name	Contact Company / Organisation	ID	Modification Number	Details of representation	Do you wish to be heard at the Public Examination?	Additional Documents
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS4	Other	<p>CIL and Heathland Mitigation</p> <p>In addition to the response to the modifications above, the response below sets out a series of more fundamental problems with the operation of CIL as set out in the Draft Charging Schedule in relation to the mitigation of the urban effects on the Dorset Heaths.</p> <p>These objections reiterate concerns raised at the preliminary draft charging schedule consultation and in relation to the examination of the Core Strategy with regard to policy ME2 and again in response to draft CIL charging consultation</p> <p>Whilst the double charging issue has been addressed there are related issues that raise serious concerns in relation to the compliance of the delivery of development with the Habitats Directive and therefore the ability to deliver the planned development in the adopted Core Strategy. A solution must be found to this through an appropriate CIL charging regime to ensure the plan is delivered.</p> <p>The Core Strategy Inspector recorded (at para. 120 of her Report) that the Councils stated that Heathland mitigation would be the first priority on the CIL Regulation 123 list. This reflects the importance that should be given to ensuring compliance with the Habitats Regulations but also ensuring that the necessary development is delivered by the CIL supporting and incentivising that. However, MEM Ltd firmly believes there is a serious danger that the required mitigation for urban effects on the Dorset heaths cannot be secured for certain developments through CIL as currently envisaged and evidenced by the draft charging schedule and modifications. There are three development scenarios where the proposed CIL regime does not appear to work.</p> <ol style="list-style-type: none"> 1. Affordable Housing 2. Self-build housing 	Yes	360382 submission by MEM Ltd submitted WEB.pdf

Contact Person ID	Contact Full Name	Contact Company / Organisation	ID	Modification Number	Details of representation	Do you wish to be heard at the Public Examination?	Additional Documents
					<p>3. Conversions of existing floorspace</p> <p>1. 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 (para. 29) 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 mitigation."</p> <p>As the Council have now identified that all new heathland mitigation under the Heathland SPD 2015 will be funded by CIL in the regulation 123 list it is clear that units of affordable housing are not CIL rated and there will be no direct link between their impact and mitigation. Previously affordable housing developments paid the Interim Planning Framework tariff, which directly contributed to heathland mitigation. Given that a third of the dwellings coming forward in the local plan are anticipated as affordable houses in the two Councils over the plan period, this must be addressed in the CIL charging regime with costs anticipated for mitigation of the affordable housing being covered by CIL rates. To fail to do so would mean that there is a serious risk that the Habitats Regulations would not be complied with.</p> <p>2. Self Build Housing</p> <p>As with affordable housing, self-build housing is no longer liable for CIL. This type of development will not directly mitigate for heathland impact unless a specific regime is put in place to ensure that other forms of development will fund a sufficient area-wide mitigation package. This is a recent change to the CIL regulations and the implications have not been considered in relation to the</p>		

Contact Person ID	Contact Full Name	Contact Company / Organisation	ID	Modification Number	Details of representation	Do you wish to be heard at the Public Examination?	Additional Documents
					<p>Habitat Regulations.</p> <p>3. Conversions of existing floorspace</p> <p>Where an existing use is converted to residential use the proposal will avoid CIL but will potentially generate harmful urban effects on the heaths.</p> <p>Other Heathland Mitigation Issues</p> <p>Neighbourhood Top Slice</p> <p>CIL amendment Regulations issued in February 2014 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> <p>Securing Mitigation in Proportion to Dwelling Occupation</p> <p>MEM Ltd believes that in order to satisfy the Habitat Regulations it is necessary to set out in detail costed evidence of heathland mitigation projects and their capacity to mitigate development because it is necessary to ensure that CIL receipts and mitigation, provided by those receipts, keeps pace with occupation of new dwellings. If mitigation capacity is not available, development should not be occupied until it is in place. This is the case in the Thames Basin Heaths. This is the only way to ensure development is compliant with the Habitats Directive. This is a particular concern given the significantly reduced overall anticipated CIL receipt, the lack of contribution from affordable housing, self-build, and conversions of existing floorspace.</p>		

Contact Person ID	Contact Full Name	Contact Company / Organisation	ID	Modification Number	Details of representation	Do you wish to be heard at the Public Examination?	Additional Documents			
					<p>Conclusion</p> <p>MEM Ltd remains very concerned that significant issues around heathland mitigation have not been resolved, despite this issue being raised at the stakeholder workshop, at the preliminary draft charging consultation and at the Core Strategy examination and consultation and in response to the draft charging schedule, as well as in discussions with Natural England.</p> <p>MEM Ltd remain of the view that further modifications to the CIL charging schedule and CIL implementation policy can be made by the Examiner to achieve a regulation compliant and satisfactory outcome for the participants who have made substantive responses to this process.</p>					
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS5	SM08	<table border="1"> <tr> <td>SUPPORT the reduced rate of £70sqm for residential and £0 sqm for strategic sites</td> <td>Refer to June 2014 consultation response by MEM. This serves to differentiate sites where SANG is provided and to avoid double charging under CIL.</td> <td>CONFIRM modification</td> </tr> </table>	SUPPORT the reduced rate of £70sqm for residential and £0 sqm for strategic sites	Refer to June 2014 consultation response by MEM. This serves to differentiate sites where SANG is provided and to avoid double charging under CIL.	CONFIRM modification	Yes	360382 submission by MEM Ltd submitted WEB.pdf
SUPPORT the reduced rate of £70sqm for residential and £0 sqm for strategic sites	Refer to June 2014 consultation response by MEM. This serves to differentiate sites where SANG is provided and to avoid double charging under CIL.	CONFIRM modification								
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS6	SM10	<table border="1"> <tr> <td>SUPPORT the reduced rate of £70sqm for residential and £0sqm for strategic sites</td> <td>Refer to June 2014 consultation response by MEM. This serves to differentiate sites where SANG is provided and to avoid double charging under CIL.</td> <td>CONFIRM modification</td> </tr> </table>	SUPPORT the reduced rate of £70sqm for residential and £0sqm for strategic sites	Refer to June 2014 consultation response by MEM. This serves to differentiate sites where SANG is provided and to avoid double charging under CIL.	CONFIRM modification	Yes	360382 submission by MEM Ltd submitted WEB.pdf
SUPPORT the reduced rate of £70sqm for residential and £0sqm for strategic sites	Refer to June 2014 consultation response by MEM. This serves to differentiate sites where SANG is provided and to avoid double charging under CIL.	CONFIRM modification								
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS7	AM01	<table border="1"> <tr> <td>SUPPORT Strategic SANGs to be secured through s106</td> <td>Refer to June 2014 consultation response by MEM. This serves to differentiate sites where SANG is provided and to avoid double</td> <td>CONFIRM modification</td> </tr> </table>	SUPPORT Strategic SANGs to be secured through s106	Refer to June 2014 consultation response by MEM. This serves to differentiate sites where SANG is provided and to avoid double	CONFIRM modification	Yes	360382 submission by MEM Ltd submitted
SUPPORT Strategic SANGs to be secured through s106	Refer to June 2014 consultation response by MEM. This serves to differentiate sites where SANG is provided and to avoid double	CONFIRM modification								

Contact Person ID	Contact Full Name	Contact Company / Organisation	ID	Modification Number	Details of representation			Do you wish to be heard at the Public Examination?	Additional Documents		
					charging under CIL				WEB.pdf		
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS8	AM02	SUPPORT replacement allotment provision secured through s106	The replacement of Roeshot allotments is a direct consequence of the proposed redevelopment, so that it is the correct approach to replacement is secured through s106 agreement.	CONFIRM modification	Yes	360382 submission by MEM Ltd submitted WEB.pdf		
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS9	AM03	OBJECT to entirety of A35 junction improvements being identified in s106 list	The A35 is a strategic route with significant on-going junction capacity issues. The development of site CN1 and CN2 cannot sustain all A35 junction improvements as they will not be all be reasonably and fairly related to the development. This division also suggests that no CIL receipts will be spent on the A35 junction improvements, which is an unsatisfactory solution as many smaller developments within Christchurch will have a cumulative impact on A35 junctions.	AMEND modification to identify A35 junction improvements will be funded by a mixture of CIL receipts and s106 contributions fairly and reasonably related to impacts from sites CN1 and CN2	Yes	360382 submission by MEM Ltd submitted WEB.pdf		
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS10	Other	Page 23 - 24	Changes to Regulation 123 list not	OBJECT to lack of modification on this point.	Items have been included that should not be funded by CIL as	REMOVE the provision of strategic	Yes	360382 submission by MEM Ltd

Contact Person ID	Contact Full Name	Contact Company / Organisation	ID	Modification Number	Details of representation			Do you wish to be heard at the Public Examination?	Additional Documents
					Appendix A	made as requested	indicated on regulation 123 list; this includes strategic renewable energy infrastructure (although it is not specified what this is) and the provision of cemeteries. These latter items are no longer provided under local government monopoly and are commercial business enterprises. They are not infrastructure for the purposes of CIL. (See in particular s.216(2) of the Planning Act 2008).	renewable energy infrastructure and provision of cemeteries.	submitted WEB.pdf
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS11	AM05	SUPPORT and welcome change to instalment policy	In line with consultation request to consider cash flow issues	CONFIRM modification	Yes	360382 submission by MEM Ltd submitted WEB.pdf
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS12	AM12	OBJECT to Dorset Heathland Planning Framework SPD 2015 SAAM payments being excluded from CIL on Regulation 123 list	MEM Ltd believes that strategic maintenance and access management of the heathland mitigation projects can be included in CIL funding. The legislation allows for the improvement, maintenance, replacement and	MODIFY the securing of SAMM through	Yes	360382 submission by MEM Ltd submitted WEB.pdf

Contact Person ID	Contact Full Name	Contact Company / Organisation	ID	Modification Number	Details of representation			Do you wish to be heard at the Public Examination?	Additional Documents	
					<p>operation of infrastructure (s.216 of the Planning Act 2008 regulation 59(1), both as amended in 2012).</p> <p>The Core Strategy Inspector Sue Turner supported this position at paragraph 121 of her report where she suggests management and maintenance can be funded from CIL. It is therefore incorrect to place this element in the s.106 column in the draft regulation 123 list.</p>			CIL not s106. Not appropriate to pool more than five projects under SAMM.		
521508	Ms Lisa Jackson	Jackson Planning Ltd	CIL-MDCS13	Other	Appendix C Page 26 Changes to Benefit in Kind policy not made as requested	OBJECT to Benefit in Kind policy as it does not reflect the CIL regulations. There are errors in the 'benefit in kind' policy as currently drafted in that it does not fully reflect the CIL Regulations. 1. Infrastructure is not valued at cost (as the Payment in Kind	As noted in point b. above any infrastructure provision required as necessary to make the planning application acceptable cannot be provided as a benefit in kind as this is restricted by Regulations 73(7)(b) and 73A(7)(b)(ii). This is a sensible precaution in the Regulations, introduced through	MODIFY to clarify the limitations of the benefit in kind policy.	Yes	360382 submission by MEM Ltd submitted WEB.pdf

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							<p>Policy suggests at para. 8), it is rather its value: Regulation 73A(3). 2. The policy fails to note the two restrictions in reg 73(7)(b) and 73A (7)(b)(ii). (See below) 3. The restriction on meaning of land at para 9: the definition is badly expressed because it should state that the land should be not be encumbered in a way that prevents the land being used for a relevant purpose – see reg. 73(5)) It should be recognised and made clear that the definition of land under Regulation 73(4) includes “existing buildings and other structure, land covered with water, and any estate, interest,</p> <p>amendments, to prevent developers reducing their CIL liability by discounting it with infrastructure they need to provide anyway. This has a particular effect on SANG and heathland mitigation. This means that any site providing SANG cannot transfer the land or infrastructure payments by way of a planning obligation to the charging authority as it is specifically precluded by CIL Regulation 2010 reg73(7)(b) and CIL Amendment 2014 reg 73A (7)(b)(ii).</p>		

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					<table border="1"> <tr> <td></td> <td></td> <td>easement, servitude or right in or over land".</td> <td></td> <td></td> </tr> </table>			easement, servitude or right in or over land".				
		easement, servitude or right in or over land".										
359291	Mr Jeremy Woolf	Woolf Bond Planning	CIL-MDCS14	SM10	We note that Modification SM10 now proposes that residential development on the Roeshot Hill//Christchurch Urban Extension (CN1) is to have a CIL rate of £0 per square metre. This responds to our representations made in summer 2104 and we support this modification.	Yes						
359291	Mr Jeremy Woolf	Woolf Bond Planning	CIL-MDCS15	AM03	<p>We refer to modification AM3 that mentions A35 junction improvements will be necessary through S106 contributions. We request that the following additional wording is added under the heading 'Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through planning condition' in respect of A35 improvements.</p> <p>'to such extent as may directly relate to identified traffic impacts from a respective site'.</p> <p>These words should equally apply in respect of the commentary within PBA Statement of Modification : Strategic Sites Rev AA Nov 2014 at paragraph 2.11, relating to identified transport requirements; where evidently these measures have not yet been objectively tested.</p> <p>Subject to the above minor amendments being made, we have no further comments on the CIL Schedule. We would appreciate confirmation that these amendments can be made and once this is received can confirm we would not wish to appear at the Examination. Until this is received we reserve the right to appear.</p>	Yes						
359291	Mr Jeremy Woolf	Woolf Bond Planning	CIL-MDCS16	AM02	We also refer to modification AM2 that refers to the need for 'replacement allotment provision' in relation to the development of defined sites, including Roeshot Hill. We acknowledge that the allotments may need to be replaced as part of the Roeshot Hill development scheme but only in the event that the	Yes						

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					<p>scheme for the site includes provision for their redevelopment. This is subject to discussions between the owners and developers, For example their replacement could instead be dealt with by way of 'on-site' provision elsewhere on the development site. We therefore propose the wording 'replacement' is amended to say 'retain or replace' in respect of the wording under the Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through planning condition' heading.</p> <p>Subject to the above minor amendments being made, we have no further comments on the CIL Schedule. We would appreciate confirmation that these amendments can be made and once this is received can confirm we would not wish to appear at the Examination. Until this is received we reserve the right to appear.</p>		
359291	Mr Jeremy Woolf	Woolf Bond Planning	CIL-MDCS17	Other	<p>We wish to comment more generally upon the PBA CIL Levy Modifications and Addendum. We are concerned that the opportunity in time terms for a full review of the relevant financial data is so limited, albeit we welcome and concur with the conclusion in the PBA report at para 2.1.7 that a zero CIL charge is all that can be justified.</p> <p>It is quite clear from brief analysis, that the infrastructure costs assumptions on the Roeshot scheme (that the report identifies at £20,000 per dwelling) are already very high notwithstanding that the base research material, including the Whiteleaf work, is now some years out of date; and our concern is that the infrastructure requirements for the scheme could well be even greater.</p> <p>This position, coupled with what we would consider to be unrealistically low gross land value threshold assumptions; and an as yet uninformed assumption upon net:gross ratios; an apparent failing in properly factor in the related and significant holding interest (that will apply to a ultimate day one land value at the time of a planning consent such to see this major scheme through an inevitably extended development period in the order of 10 years at typical and realistic build rates); together with evidently unjustified assumptions as regards the costs of securing enabling (SANG) land; all leads inevitably to continued concerns in</p>	Yes	

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					<p>respect of overall viability at a zero rate CIL, even with reduced affordable requirements..</p> <p>In short our clients welcome the opportunity for a 'clean sheet' non CIL based discussion about S106 and/or S278 costs associated with the scheme, but presently remain very concerned about unrealistic expectations in terms of the potential financial yield for the site.</p>		
359437	Ms Gill Smith	Dorset County Council	CIL-MDCS18	SM07	<p>Dorset County Council does not support modification SM7 in so far as the updated viability work fails to take into account the national change to the site size threshold below which affordable housing may be sought that has now come into effect. (Ref National Planning Policy Guidance on Planning ObligationsPara12).</p> <p>It is considered that the change in the NPPG could have significant implications for the viability of small sites inChristchurch andEast Dorset and may enable such sites to make higher CIL contributions. In view of the large funding gap identified in the Draft Charging Schedule, the County Council considers that every opportunity to increase funding through CIL should be explored and that the implications of this change should therefore be tested to see if the charge rate for residential development could be increased within viability thresholds.</p> <p>Dorset County Council considers that, as currently proposed to be modified, the Charging Schedule is unsound. As the viability testing has failed to examine the opportunity to increase the charge rate that the reduction in threshold for affordable housing may afford, it is thus not effective.</p> <p>Proposed Further Change</p> <p>We understand the urgent need to adopt a Charging Schedule in order to be able to seek contributions from development after April 2015. We would suggest that in order to progress the scheme as quickly as possible, further targeted</p>	Yes	

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					viability testing to assess the contribution of sites of 10 dwellings or less that will be exempt from affordable housing contributions could be undertaken immediately so that the evidence can be considered at the Examination hearings.		
359437	Ms Gill Smith	Dorset County Council	CIL-MDCS19	SM08	<p>Whilst recognising the need to ensure that developers are not charged twice for infrastructure, Dorset County Council notes the proposed change to exempt strategic sites from paying CIL and allow them to pay through Section 106 agreement only. Whilst in principle we recognise this mechanism should still enable obligations to be secured towards necessary infrastructure, we are concerned about how development will be monitored and the funds collected will be managed. With the limit on pooled contributions from Section 106 funding from 5 sites only, there may be opportunity for developers to avoid making contributions. If the infrastructure cannot be funded within the timescale of the S106 agreement, payments may have to be returned to developers.</p> <p>We are also opposed to the proposed reduction in the charge rate for residential (C3 use) from £100 to £70 per sq m.</p> <p>We are concerned that such a large proposed reduction in the amount of CIL collected will impact on the delivery of the essential infrastructure that is required to support development. This is a significant loss of funding which will inevitably result in less being made available to help deliver transport and other infrastructure provided by the County Council.</p> <p>Dorset County Council, as a key provider of critical infrastructure, has an interest in how the expenditure of CIL will be prioritised. For example, when development is proposed the public and local members are often concerned that traffic arising from that development will lead to worse congestion. If funds are not made available to improve junctions and widen travel choice then these fears will be realised and traffic congestion will indeed worsen. We seek your assurance that the County Council will be included in any working group or other mechanism established to draw up priorities.</p>	Yes	

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					<p>Proposed Further Change</p> <p>We understand the urgent need to adopt a Charging Schedule in order to be able to seek contributions from development after April 2015. We would suggest that in order to progress the scheme as quickly as possible, further viability testing to assess the contribution of sites of 10 dwellings or less that will be exempt from affordable housing contributions should be undertaken immediately so that it can be considered at the Examination hearings. We would also suggest that, subject to the results of the testing indicating that a higher contribution may be sought from residential development, the charge proposed in the Draft Schedule (£100 per sq m) should be retained since this has already been subject to consultation and this may therefore help expedite the adoption of the Charging Schedule.</p>		
359437	Ms Gill Smith	Dorset County Council	CIL-MDCS20	SM10	Dorset County Council objects to this proposed modification for the reasons set out in the response to SM7 and SM8 above.	Yes	
359437	Ms Gill Smith	Dorset County Council	CIL-MDCS22	SM11	Dorset County Council objects to this proposed modification for the reasons set out in the response to SM7 and SM8 above.	Yes	
719231	Mr Mike Newton	Boyer Planning Ltd	CIL-MDCS23	Other	I act for Linden Homes strategic land in connection with their interests at Verwood (site allocated under Policy VTSW5). We request to be heard at the examination but will keep the situation under review and will withdraw if our interests and concerns are addressed prior to the examination.	Yes	
359553	Mrs Linda Leeding	West Parley Parish Council	CIL-MDCS24	SM08	It looks like the Council has taken excessive account of developer comments to reduce the level of CIL to be claimed. This proposed reduction will place a further burden on other funding sources and will reduce the opportunity for negotiation when draft plans are submitted.		

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					<p>The amendments propose a reduction of residential CIL from £100 to £70 and reduction of the residential charge for New Neighbourhoods with a SANG provision from £100 to £0. Would have it not been better to leave the original figures in place and insert a section to give Planners flexibility to make amendments as required when specific housing proposals are submitted, perhaps even stating that the CIL rate is between £100 and £0 depending on site specifics.</p> <p>These changes assume that all schemes are deliverable yet the analysis is based on historic desk top exercises to create a potential scheme that could be revised significantly following later detailed site investigation. This could mean that some sites are not deliverable as originally planned. This is a reality and should be the preferred route rather than amend the figures so that all schemes are deliverable.</p>		
359553	Mrs Linda Leeding	West Parley Parish Council	CIL-MDCS25	SM11	<p>It looks like the Council has taken excessive account of developer comments to reduce the level of CIL to be claimed. This proposed reduction will place a further burden on other funding sources and will reduce the opportunity for negotiation when draft plans are submitted.</p> <p>The amendments propose a reduction of residential CIL from £100 to £70 and reduction of the residential charge for New Neighbourhoods with a SANG provision from £100 to £0. Would have it not been better to leave the original figures in place and insert a section to give Planners flexibility to make amendments as required when specific housing proposals are submitted, perhaps even stating that the CIL rate is between £100 and £0 depending on site specifics.</p> <p>These changes assume that all schemes are deliverable yet the analysis is based on historic desk top exercises to create a potential scheme that could be revised significantly following later detailed site investigation. This could mean that some sites are not deliverable as originally planned. This is a reality and should be the preferred route rather than amend the figures so that all schemes are deliverable.</p>		

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359553	Mrs Linda Leeding	West Parley Parish Council	CIL-MDCS26	AM05	<p>The developers will negotiate the best deal for themselves and to offer an extension of CIL payment by the developer from 365 days to 720 days to ease developer's cash flow seems generous. Development sites are not individually funded and will be funded from reserves and external funding sources. The role of the developer is to ensure their own business cash flow is robust and this responsibility should not be shared with the Council.</p> <p>Recently public housebuilding companies are clearly showing improved levels of profitability so most are now in a better financial position to fund large developments without further incentives.</p>		
359553	Mrs Linda Leeding	West Parley Parish Council	CIL-MDCS27	Other	<p>New rules have been issued by the Government in the last few months that have an impact on the current proposals.</p> <p>It is assumed that these proposals have the support of East Dorset and Christchurch Council Councillors before being released for public consultation.</p> <p>From the comments made by DCC on the draft document, they have made clear that they have major concerns about the potential funding gap for the schemes that the current proposed amendments will make even worse.</p>		
359272	Mr Jonathan Kamm		CIL-MDCS28	SM08	<p>CIL payable by all developers. National Planning Practice Guidance states no 'tariff' payments or affordable housing contributions should be charged on residential sites up to 10 units. This is not reflected in the Modifications. S106 infrastructure is included in the s.123 list with a disproportionately large effect upon small sites. This negates Government Guidance.</p>	Yes	779551 Clemdell WEB - 18 06 14.pdf
359272	Mr Jonathan Kamm		CIL-MDCS29	SM10	<p>Christchurch and East Dorset CIL Rates. The proposed rates put forward are still too high and are discriminatory. They continue to penalise the vitality of Town Centres, small sites (against Government advice) and target those developments aimed at providing specialist accommodation for vulnerable people. It is unreasonable that hotel developments pay nothing whilst Care Homes are targeted. Contrary to other Dorset local authorities, the proposed CIL</p>	Yes	779551 Clemdell WEB - 18 06 14.pdf

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					does nothing to support the viability of Town Centres.		
359272	Mr Jonathan Kamm		CIL-MDCS30	SM11	CIL payable by all developers. National Planning Practice Guidance states no 'tariff' payments or affordable housing contributions should be charged on residential sites up to 10 units. This is not reflected in the Modifications. S106 infrastructure is included in the s.123 list with a disproportionately large effect upon small sites. This negates Government Guidance.	Yes	779551 Clemdell WEB - 18 06 14.pdf
359272	Mr Jonathan Kamm		CIL-MDCS31	AM01	Infrastructure to be funded wholly or partly by CIL. Residential development sites that are not listed as being specifically excluded will be liable for the full CIL payment whether or not such sites are either liable due to their location or deliver their own SANG. This will lead to both double counting and contributions that would be unlawful under the s.106 system.	Yes	779551 Clemdell WEB - 18 06 14.pdf
359272	Mr Jonathan Kamm		CIL-MDCS32	Other	For the avoidance of doubt, Clemdell's objections contained in it's Response Form (attached hereto) are not repeated but remain outstanding.	Yes	779551 Clemdell WEB - 18 06 14.pdf
360764	Cllr. Mrs B. T. Manuel	East Dorset District Council	CIL-MDCS33	SM08	<p>I understand that the proposed changes to the Community Infrastructure Levy have been brought about as a result of developers response to the first round of consultation on the draft charging schedule. It was inevitable that developers would claim that these charges would bring the viability of sites into question but it is not for the local authorities to forfeit vital infrastructure to assist developers profits.</p> <p>The area I represent as Ward Councillor has been zones as a New Neighbourhood which includes two large housing developments areas and ancillary services. It also requires substantial infrastructure on the form of two</p>		

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					<p>new link roads. If the reduced Community Infrastructure Levy is applied, I fear that these essential requirements will not be delivered.</p> <p>Residents of West Parley strongly opposed the proposals in the Core Strategy for development on Green Belt land and apart from the loss of the green belt their main concern was the impact of increased traffic at one of the most congested junctions in the conurbation. While residents would welcome the provision of SANGs etc, they should not take priority over essential infrastructure.</p> <p>I fully support the submission on these modifications made by West Parley Parish Council and support the comments made by Dorset County Council.</p>		
360764	Cllr. Mrs B. T. Manuel	East Dorset District Council	CIL-MDCS34	SM11	<p>I understand that the proposed changes to the Community Infrastructure Levy have been brought about as a result of developers response to the first round of consultation on the draft charging schedule. It was inevitable that developers would claim that these charges would bring the viability of sites into question but it is not for the local authorities to forfeit vital infrastructure to assist developers profits.</p> <p>The area I represent as Ward Councillor has been zones as a New Neighbourhood which includes two large housing developments areas and ancillary services. It also requires substantial infrastructure on the form of two new link roads. If the reduced Community Infrastructure Levy is applied, I fear that these essential requirements will not be delivered.</p> <p>Residents of West Parley strongly opposed the proposals in the Core Strategy for development on Green Belt land and apart from the loss of the green belt their main concern was the impact of increased traffic at one of the most congested junctions in the conurbation. While residents would welcome the provision of SANGs etc, they should not take priority over essential infrastructure.</p> <p>I fully support the submission on these modifications made by West Parley</p>		

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					Parish Council and support the comments made by Dorset County Council.		