

## Community Infrastructure Levy - Draft Charging Schedule Consultation (1 April to 16 May 2016)

### Response Form

Please return by **5:00pm on Monday 16<sup>th</sup> May 2016** to:

**Post:** South Worcestershire Development Plan Team  
 Civic Centre  
 Queen Elizabeth Drive  
 Pershore  
 Worcestershire  
 WR10 1PT  
**Email:** [contact@swdevelopmentplan.org](mailto:contact@swdevelopmentplan.org)

**Ref:**

(For official use only)

#### How we will use your details

The personal information you provide on this form will be held and processed in accordance with the requirements of the Data Protection Act 1998.

Please note that your name, postal address and comments may be made publicly available when displaying and reporting the outcome of this consultation and cannot be treated as confidential. Any other details, including signatures, private telephone numbers and email addresses will not be published on the Council's website, but the original representations with personal details redacted will be available in full for inspection on request.

1. Personal details		2. Agent's details (if applicable)	
Title	Mr	Miss	
Full name	Ralph Uzel	Anna Holloway	
Job title (if applicable)		Senior Planning and Development Consultant	
Organisation (if applicable)	Carmel Southend Ltd	Optimis Consulting Ltd	
Address	C/O Agent		
Postcode			
Telephone number			
E-mail address			

In parallel with the South Worcestershire Development Plan (SWDP), the South Worcestershire Councils (Worcester City, Malvern Hills and Wychavon District Councils) are synchronising the process of preparing a Community Infrastructure Levy (CIL). Following consultation on the Preliminary Draft Charging Schedule (PDCS) in February/March 2015, work to update CIL has been carried out and each authority now intends to submit a **Draft Charging Schedule (DCS)** in 2016 for Examination. The updated timetable changes are reflective of the latest Local Development Scheme timetable, which came into force on 1 October 2015.

The South Worcestershire Councils are therefore now inviting representations on the DCS, prior to submission.

Please submit your representation by using this form and answering the questions below. If you need to continue on separate sheet, please remember to state which question you are responding to.

**Question 1: Do the South Worcestershire Council's Draft Charging Schedules strike an appropriate balance between the desirability of funding infrastructure from the Levy and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the area?**

<b>Yes</b>	X
<b>No</b>	

**Comment:** The 'CIL Viability Update January 2016' published by the SWC reviewed the proposed rates of CIL to test whether it would put the development plan at serious risk, or whether development is threatened, rather than to fundamentally revisit CIL (paragraph 8.35). The Viability Update found that residual values have fallen due to construction costs increasing more rapidly than house prices and therefore over the last year there has been a modest decline in viability. Table 6.1a Residual Value with full 'policy on' found brownfield, urban flats, town centre flats and older person's housing to be unviable in Malvern Hills with the imposition of CIL. Only greenfield and urban edge developments were found to be viable with the imposition of CIL. Therefore, it is essential that the proposed rate of CIL for residential – main urban areas is not increased above the proposed £0 per m<sup>2</sup>. An increase above the proposed zero rate would by contrary to paragraph 173 of the NPPF which states that development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

**Question 2: Does the Regulation 123 list clearly and effectively set out the types of infrastructure that the South Worcestershire Councils intends will be, or may be, wholly or partly funded by CIL (or S106 agreements)?**

<b>Yes</b>	
<b>No</b>	X

**Comment:** There is a concern that the Regulation 123 List does not clearly set out the separation between CIL and Developer Contributions and could give rise to 'double dipping'. The Regulation 123 list appears to use generic terms. For example, it is unclear how the open space / green infrastructure site specific requirements under the Developer Contributions would work alongside the strategic off site open space / green infrastructure requirements. The Open Space Contribution contained within the Draft Developer Contributions SPD 2016 includes requirements for the following: amenity and semi-natural greenspace, children and young people, cemeteries, churchyards, civic space and allotments. The Developer Contribution should be limited to the provision on-site, or a financial contribution, for children's play space when the development would generate a need for such play space and there is not already provision within the local area. The other requirements for amenity and semi-natural greenspace, cemeteries, civic space and allotments should fall within the definition of strategic open space / green infrastructure contained with the CIL and the SWC should not seek further contributions through s106.

**Question 3: Do you agree with the proposed CIL rates for each of the South Worcestershire Councils?**

<b>Yes</b>	X
<b>No</b>	

**Comment:** The evidence contained within SWC documents ‘Justifying the Levy (Updated) April 2016’ and the SWC ‘CIL Viability Update’ January 2016 both demonstrate that Malvern Hills is unable to bear an element of CIL on brownfield sites and therefore, to comply with the SWC principle to set the Levy at a cautious level, it is entirely appropriate to set the CIL level for residential in the Main Urban Areas at £0 per m<sup>2</sup>. In addition, the proposed £0 per m<sup>2</sup> rate for ‘all Other Uses’ is also appropriate as this accords with the previous studies that found that it is not viable to charge CIL. It is essential that the setting of the CIL rate does not fundamentally undermine the viability of development within South Worcestershire and therefore the proposed £0 rate for the Main Urban Areas is strongly supported. The viability studies undertaken on behalf of SWC clearly show that any increase above the £0 rate proposed could not be supported and would not comply with the principles of the SWC strategy.

**Question 4: Do you agree with the proposed CIL rates for the specific strategic site areas?**

<b>Yes</b>	N/A
<b>No</b>	N/A

**Comment:** No Comment.

**Question 5: Do you have any views on the proposed Instalments policy?**

**Comment:** The Instalments Policy should allow for instalments to be linked to the relevant phase of development for multi-phased schemes and not just based on a time period. It should also allow for bespoke instalment schedules to be agreed for individual schemes.

**Question 6: Do you have any further comments to make? If so, please make your comments below, as clearly and concisely as possible. If you are referring to any particular text in the CIL DCS, please state the relevant paragraph number.**

**Comment:** None

Comments received will be acknowledged and registered and will then be carefully considered in preparing the final documents to go forward for Examination, prior to eventual adoption and implementation by the South Worcestershire Councils.

**Signature**


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**Date**

09/05/2016
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Responses to this consultation should be sent to the e-mail contact address and/or postal address shown at the top of this form. Please ensure all responses are marked for the attention of the South Worcestershire Development Plan Team.

**Representations must be received by 5:00pm on 16 May 2016. Any representations made after that date and time will be considered "Not Duly Made" and will not be taken into account.**

Thank you for completing the form.