

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

Response Form

Please return by **5:00pm on Monday 16th May 2016** to:

Post: South Worcestershire Development Plan Team
 Civic Centre
 Queen Elizabeth Drive
 Pershore
 Worcestershire
 WR10 1PT
Email: 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 Any other details, including signatures, private telephone numbers and email addresses will not be published on the Council's website, but the original representations with personal details redacted will be available in full for inspection on request.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
Full name	Paul Hill
Job title (if applicable)	Senior Director
Organisation (if applicable)	RPS
Address	<div style="background-color: black; width: 100%; height: 100%; min-height: 100px;"></div>
Postcode	<div style="background-color: black; width: 100%; height: 100%; min-height: 20px;"></div>
Telephone number	<div style="background-color: black; width: 100%; height: 100%; min-height: 20px;"></div>
E-mail address	<div style="background-color: black; width: 100%; height: 100%; min-height: 20px;"></div>

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?

Yes	
No	X

Comment:

Gleeson Developments Ltd/ Welbeck Strategic Land LLP welcome the opportunity to comment on this document and consider that there are a number of areas that the Councils have got right and others that will require modification before the Draft Schedule can proceed to examination.

The Councils need to be satisfied that the effects of the SWDP upon the current and future infrastructure requirements can be met through the Levy and equally, that unnecessary burdens are not being placed on developments that may prevent growth from coming forward.

Gleeson Developments Ltd/ Welbeck Strategic Land LLP are encouraged to see that the Councils have taken a pragmatic approach to setting a CIL rate on the now adopted allocations within the SWDP. Each of the strategic policies within the SWDP includes the infrastructure to make that development acceptable and attempting to apply more pressure to these sites may lead to wider deliverability issues in the SWDP area. This topic is discussed in more detail as part of Q4.

Whilst this move is positive, the Draft Schedule includes a range of potential infrastructure requirements as part of Appendix A which offer cause for concern. It is unclear where many of the items on the list have been sourced from and how/who will pay for them. The uncertainty surrounding this list gives Gleeson Developments Ltd / Welbeck Strategic Land LLP no confidence that the Draft Schedule can be enacted and in terms of the balance that the Councils seek, the proposals may tilt the sway of development towards serious concerns over viability.

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)?

Yes	
No	X

Comment:

The items below relate to the provision of infrastructure related to Land at North East Malvern (SWDP 56).

Education – New School provision

The planning application submitted to Malvern District Council includes land for a new primary school, as required by policy SWDP56. Discussions have since taken place with WCC, who has indicated that provision may be made off-site, instead depending on contributions from the development. The level of contributions sought as part of this proposal has yet to be defined and deviate from adopted policy. It would be expected that the Council would appraise the likely implications of this move and the potential viability impacts that may result.

Transport – Dualling of A4440

Many of the items on the list for land at North East Malvern have been given previous consideration as part of the SWDP. Within the list, the Council identifies the “A4440 Dualling of Temeside Way from Ketch Island to Powick Island” as a requirement for North East Malvern. RPS does not consider that this is in any way justified against the recently adopted allocation.

Appendix C of the Draft Schedule includes an illustration with this upgrade, which indicates that the estimated cost for this upgrade is circa £70m, which would be secured by a s106 agreement. No other funding sources are identified as part of this document, the SPD infers that it will be the responsibility for both of these urban extensions (SWDP56 and SWDP45/2) to meet this infrastructure requirement. RPS wholly disagrees with the Councils decision link SWDP56 to this infrastructure improvement which is not justified or reasonably related to the development, as required by Regulation 122 of the 2010 Community Infrastructure Levy Regulations.

With regards to the transport infrastructure requirements, the Councils have provided no details of how the infrastructure requirements listed are Regulation 122 compliant. The A4440 is already over capacity and suffering from congestion and it is considered unlikely that these £70m works will be Regulation compliant if funded solely from developments SWDP56 and SWDP45/2.

No information has been provided to indicate that other sources of funding are available which risks both non-delivery of the infrastructure upgrade and places unacceptable strain on the viability of the two housing allocations. It is proposed that the Council use the modifications process to remove this infrastructure type. Some

other comments on the specific requirements of Appendix A are offered below:

Transport- Bus Provision

The Appendix includes the specific requirement to bring forward a new bus service from North East Malvern to the Town Centre, however the policy is not clear who will contribute towards this infrastructure provision. As part of the planning application for the site, discussions have taken place with local bus operators concerning the feasibility and timing of a potential bus service to operate within the site. Whilst the detail of these discussions are not yet finalised, it is clear that this infrastructure type will be brought forward as part of wider discussions surrounding the scheme and costs should not be attributed to the developer to meet this requirement.

Sport and Recreation – Community Centre/Pavilion

The suggestion through this infrastructure type is that a combined building can be included which serves as both a community centre and pavilion, as otherwise the community centre would be erroneously placed. Policy SWDP 56 includes a requirements for neighbourhood shopping facilities and Gleeson Developments Ltd and Welbeck Strategic Land LLP propose that this can be met through a local centre which will include a community hall. The request for a pavilion on the other hand has not been subject to the same levels of scrutiny and rigor as the community hall and is not justified as part of the Draft Schedule. It is proposed that the Council use the modifications process to remove this infrastructure type.

Sport and Recreation – Cricket Pitch

The Appendix makes reference to the creation of a new cricket pitch as part of the development. The requirement for this infrastructure is untested and unjustified. The existing cricket pitch is included within the wider masterplan boundary and it is considered that this is appropriate for the scale and function of the site. It is proposed that the Council use the modifications process to remove references to a new cricket pith from the Regulation 123 list.

Sport and Recreation – Other

The final bullet point of this section includes the requirement for “*Strategic provision of built leisure and other sports facilities*”. There is no indication what this requirement might contain, however the Draft Schedule indicates that this is additional to the other requirements such as the Football Pitches. It is unreasonable for the Councils to include this ‘catch all’ requirement which invites uncertainty over what the Councils want to see on the site and moves further away from Policy SWDP 56 which includes specific and tested infrastructure items. It is proposed that the Council use the modifications process to remove this infrastructure type.

Summary

RPS supports the overall CIL rate for Land at North East Malvern. This is considered to be justified by evidence and an effective strategy for delivery. There are a number of items on the Councils Regulation 123 list that are not justified or effective and would likely place additional viability pressures on development at North East Malvern. Until Appendix A is modified to reflect the above changes, it is not considered that the Draft Schedule can proceed to examination.

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

Yes	X
No	

Comment:

See comments to question below.

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

Yes	X
No	

Comment:

The Councils have, with the exception of sites SWDP51/1 and SWDP53, set CIL contribution rates for strategic sites in the SWDP at £0m2. As outlined in paragraph 6.4 of the draft CIL Charging Schedule, this is reflective of significant infrastructure requirements that will need to be delivered on these sites, which affects development viability in a different way to smaller sites. Included within this list (Table 2) is the North East Malvern Urban Extension (SWDP56).

Gleeson Developments Ltd and Welbeck Strategic Land LLP welcomes the exemption of SWDP56 from any CIL contributions, recognising the scale of costs involved in bringing forward such proposals.

Land at North East Malvern is the largest development proposed for Malvern, and the adopted policy SWDP56 contains a number of requirements which have cost implications for the development:

- Community Infrastructure
 - Primary School
 - Community Hall
 - Cemetery
 - Police Post
- 40% affordable housing contribution
- 40% Green Infrastructure contribution
- Development of a local centre
- Public transport facilities

During the preparation of the SWDP, Gleeson Developments Ltd and Welbeck Strategic Land LLP have prepared a planning application for the site, which was validated by Malvern Council on 25 November 2015. A number of assessments were undertaken as part of the application in accordance with local standards and to ensure compliance with the (then) emerging policy.

The plans submitted to the Council indicate the construction of a new gyratory to serve the development, in accordance with policy SWDP 56 C (i). This upgrade to the local infrastructure will provide important capacity to the local highways network and is necessary to make the development acceptable. Such upgrades are, however, costly and will have an impact on the overall viability of the scheme.

Reflecting this, Land at North East Malvern (SWDP 56) is included at a rate of £0m2. Developments Ltd and Welbeck Strategic Land LLP agrees with the Council's assessment here, which has been informed by viability evidence used to underpin the SWDP and discussions with Gleeson Developments Ltd and Welbeck Strategic Land LLP. The inclusion of this infrastructure has been

debated as part of the SWDP examination sessions and found to be compliant with the overall approach for development on the site. The inclusion of CIL on top of these requirements would adversely affect the viability of the scheme and in this respect, the Councils are correct to suggest a CIL rate of 0m2.

As part of the CIL the Councils also need to be assured that the data that the Draft schedule is based on reflects current costs and the impact of infrastructure requirements is not being suppressed as part of the document.

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

Comment:

N/A

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:

N/A

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

████████████████████

Date

16 May 2016

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.