

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 Any other details, including signatures, private telephone numbers and email addresses will not be published on the Council's website, but the original representations with personal details redacted will be available in full for inspection on request.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	Warwickshire Police (WP), West Mercia Police (WMP) and Hereford & Worcester Fire and Rescue Service (HWFRS)
Full name	Mr
Job title (if applicable)	Andrew Morgan
Organisation (if applicable)	Strategic Planning Manager
Address	Place Partnership Limited
Postcode	<div style="background-color: black; width: 100%; height: 100%;"></div>
Telephone number	<div style="background-color: black; width: 100%; height: 100%;"></div>
E-mail address	<div style="background-color: black; width: 100%; height: 100%;"></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

The Government announced in November 2015 that Liz Peace would lead and chair an independent group conducting a review of the Community Infrastructure Levy (CIL). The purpose of the review was declared as being to:

‘Assess the extent to which CIL does or can provide an effective mechanism for funding infrastructure, and to recommend changes that would improve its operation in support of the Government’s wider housing and growth objectives.’

At the National Planning Summit 2016 Liz Peace confirmed that the panel would be finalising its report in mid-May. Commenting on the current CIL system in her announcement, Liz Peace said the review team is:

“Not convinced that CIL has met the primary purpose for which it was set up.”

Liz Peace went on to say:

“We don’t actually think it’s providing a huge amount of funding for infrastructure, and it most certainly hasn’t provided a faster, simpler, more transparent system.”

Given these emphatic statements came from the Chair of the panel overseeing the review of CIL, we think it reasonable to conclude that the reforms recommended to Government will be significant, numerous and wide-ranging.

Our concern is therefore that whilst the South Worcestershire Councils have undertaken significant work to calculate viable CIL rates and set out proposals for how the system will operate, this has been done on the basis of the CIL system and associated regulations remaining as they are now, when in all likelihood they will be very different from 2017 onwards.

This means that the assumptions underpinning the proposed CIL system in South Worcestershire must be considered questionable at best, and at worst, create the risk of the proposed CIL being found unsound at the public examination scheduled for late 2016.

It may be argued by some that this matter will have limited impact upon the viability calculations that have been completed and how infrastructure is funded, but we consider this view is misguided.

Please see continuation sheet

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

The Regulation 123 List needs to clearly explain the following:

1. The types of emergency services infrastructure which can be supported by developer contributions. This should include the equipping and set-up of officers, fire hydrants, vehicles, Automatic Number Plate Recognition (ANPR) cameras and premises.
2. That the aforementioned infrastructure types can be funded by CIL or Section 106 as the material circumstances dictate for each planning application.
3. That the aforementioned infrastructure types are not 'projects' for the purposes of the CIL Regulations. The projects will need to be established in detail via the South Worcestershire Infrastructure Delivery Plan (SWIDP) and during negotiations concerning individual planning applications.
4. Which development sites will provide contributions through Section 106 and which through CIL? The Regulation 123 refers to 'qualifying sites' without giving any definition of what this means.
5. As most of the strategic sites will be zero rated for CIL contributions, it is essential that the Charging Schedule makes it clear that emergency services infrastructure for these sites will be funded through Section 106 contributions. There is clear support for this within the South Worcestershire Development Plan (adopted February 2016) (SWDP) and the SWIDP. It should be noted in this respect that most of these sites will have planning permission before the adoption of the Charging Schedule.

More generally there needs to be improved cross-references between the Regulation 123 list, the SWDP and the SWIDP in relation to emergency services contributions, in order to ensure they are provided by developers. The following policies of the SWDP impel the Councils to support WP, WMP and HWFRS in this respect:

SWDP 7: Infrastructure states that development will be required to provide or contribute towards the provision of infrastructure needed to support it. Furthermore, where new infrastructure is required to support new development, it will be provided no later than the appropriate phase of development for which it is needed. The reasoned justification to this policy states that the relevant site specific policy and the IDP should be referred to in determining infrastructure requirements.

SWDP 62: Implementation confirms that planning obligations through Section 106 agreements will continue to be sought to provide funding to mitigate negative impacts relating to specific developments. Paragraph 2 of the Reasoned Justification confirms that the emergency services comprise part of the infrastructures supporting new development and regeneration.

With the aforementioned five issues not presently addressed in the current draft of the Regulation 123 list, the emergency services remain concerned that the CIL charges proposed (notwithstanding our response to Question 1) would not raise enough funding to adequately cover the additional infrastructure required to serve the proposed development envisaged by the SWDP.

Turning to the impact of the Section 106 pooling restrictions imposed by CIL Regulation 123, the police nationally have taken legal advice to ensure their approach to Section 106 requests is compliant. This view has been accepted during recent planning appeal public inquiries (see **Appendix 1**) by the Secretary of State and Planning Inspectorate.

Overall WP, WMP and HWFRS are of the view that ensuring public safety in development growth is best served by continuing their well established and accepted approach in response to major housing applications through the Section 106 process. This is in light of the practice of local authorities, legal advice that supports the approach being taken and because of the large body of positive appeal decisions (see **Appendix 1**). We look to the CIL Regulation 123 list to provide continued support for this. This stance may change once the Government's reforms to the CIL and Section 106 system are known and their implications properly understood.

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

Yes	
No	X

Whilst WP, WMP and HWFRS have no comments on the proposed CIL rates themselves (notwithstanding our response to Question 1), it should be made much clearer that where developments or sites will not be liable for CIL, they will be expected to make Section 106 contributions towards infrastructure provision.

This is a particular issue for the emergency services, as every development will place demands on them to a greater or lesser extent.

As stated above, additional information on what is meant by 'qualifying sites' should be provided.

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

Yes	X
No	

As the strategic sites will not be subject to a CIL charge, it should be made clear in the document that the strategic sites will be required to provide police and other emergency services contributions in full through the Section 106 process.

In any case, the majority of the strategic sites identified in the SWDP are likely to be decided before the CIL is adopted.

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

Emergency services investments in infrastructure to serve new developments will consist of purchasing capital items such as equipment, vehicles, hydrants, premises and cameras. In many cases contributions from more than one development will need to be pooled to make the contributions most effective. If the contributions were paid in instalments it would greatly complicate the process of purchasing this infrastructure. Therefore, it would be much more effective for a single payment to be made from each of the developments at an agreed trigger point in the development process for this type of infrastructure.

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.


WP, WMP and HWFRS support the inclusion of emergency services in the Regulation 123 List.

A definition of 'Emergency Services Infrastructure' should be included in the Glossary. This should indicate that the term includes the following:

- Equipping and set-up costs for officers
- Vehicles
- Premises
- Automatic Number Plate Recognition (ANPR) Cameras
- Fire and Rescue Infrastructure e.g. hydrants
- Ambulance service infrastructure

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

12 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.

Community Infrastructure Levy – Draft Charging Schedule Consultation - Response

Question 1

Place Partnership Limited on behalf of Warwickshire Police, West Mercia Police and Hereford & Worcester Fire and Rescue Service

Continuation Sheet

This is because the viability analysis was carried out in 2012, then updated in 2013 and then again in late 2015/early 2016. The issue with this is that the calculations concerning land pricing and how much sites could bear were based on how the CIL system operates now, not how it will do so the near future.

It is also likely that the forthcoming reforms to CIL will significantly affect how the Section 106 system operates. As these changes are presently unknown, their likely impacts on the property market cannot be understood yet. In due course, they will be a significant factor affecting land pricing and how much sites can bear in terms of contributions, whether by CIL or Section 106.

For the aforementioned reasons, it is the opinion of WP, WMP and HWFRS that it is not possible to reasonably judge at this time whether the Draft Charging Schedule achieves the balance sought.

Our recommendation is that the timetable for the South Worcestershire CIL should be extended. Doing so will allow for the period during which the Government's CIL Review Panel findings and subsequent reforms will become known, enable their implications to be understood and allow for the work of updating the South Worcestershire CIL and its evidence base. As part of this, a further public consultation should be held prior to the examination by an independent Planning Inspector. This will ensure that the most open form of public testing takes place of any changes made in response to the Government's reforms.