

# **Community Infrastructure Levy**

## **Draft Charging Schedules for**

### **Malvern Hills District Council**

### **Worcester City Council**

### **Wychavon District Council**

**Consultation Document**

**April 2016**



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## **i) Consultation on the Community Infrastructure Levy**

The South Worcestershire Councils (SWC) have drafted a joint development plan, the South Worcestershire Development Plan (SWDP), and viability and infrastructure evidence underpinning the SWDP, which have also been produced on a joint basis. Notwithstanding this, each of the SWC are charging authorities in their own right and so are required to prepare separate charging schedules for the Community Infrastructure Levy (CIL or “the Levy”).

In September 2013, the SWC approved for consultation an initial Preliminary Draft Charging Schedule (PDCS). That consultation was successfully completed but it coincided with Stage 1 of the SWDP Examination. After Stage 1 of the SWDP examination, the Inspector concluded that the Objectively Assessed Housing Need for the SWC should be reassessed. The locally determined housing requirement was eventually established by the Inspector’s further interim conclusions to the Stage 1 Examination at reconvened hearings in March 2014.

In advance of Stage 2 of the Examination (which ran between February and June 2015), the SWC consulted on main modifications to the SWDP to accommodate the uplift in the housing requirement. In order to reflect the modifications to the SWDP, the SWC agreed to carry out a further consultation on a revised PDCS, which was undertaken between 16 February 2015 and 30 March 2015.

In progressing with the process for developing the Levy for the three South Worcestershire charging authorities, Draft Charging Schedules (DCS) have now been formulated. They contain the proposed Levy rates for the charging authorities. This is the second stage of consultation on the CIL, which has been produced slightly later than originally stated at the PDCS consultation stage (summer 2015), primarily as a result of continued work regarding the SWDP examination and the requirement for a further round of consultation on Main Modifications in autumn 2015. The updated timetable changes are reflective of the latest Local Development Scheme (LDS) timetable, which came into force on 1 October 2015 (**Appendix G**). As with the previous PDCS consultation, each charging authority will present their Charging Schedule as required by the Regulations, albeit on a synchronised basis.

This second consultation stage of the CIL process relating to the DCS represents updates

carried out following consideration of representations received from the PDCS consultation, and other necessary updates and amendments to reflect 2015 CIL regulations and SWDP progress. All CIL-related content for South Worcestershire is available on the [CIL page of the SWDP website](#).

After the second stage of consultation, the SWC can appoint an Inspector to undertake a Joint Public Examination into the Charging Schedules. National Planning Practice Guidance (NPPG) states in CIL Regulation 11(1) that the SWCs can make further amendments to their Charging Schedules if necessary following consultation, but this would require a schedule of modifications to be submitted as part of the examination material. Charging authorities should take any steps they consider necessary to inform people who were invited to make representations on the DCS that this statement has been published.

## **ii) Your Views**

The purpose of this consultation is to set out the SWC DCS. It should be read in conjunction with the SWDP, the South Worcestershire Infrastructure Delivery Plan (SWIDP) and the CIL 'Justifying the Levy' background document (Updated for the DCS 2016).

This document seeks to encourage representations by interested parties in order to ensure that the charging authorities have set their levies at a reasonable rate and is in conformity with the regulations and statutory guidance. Representations should be based on responding to the consultation form that accompanies this document (available on the CIL page of the SWDP website).

Representations received during the revised PDCS 2015 consultation have been considered and taken into account, with some of the proposed recommendations and changes included within this DCS update. To read a summary of the representations received during the revised 2015 PDCS consultation stage carried out between February and March 2015, please see **Appendix F**.

The DCS will be consulted on for a period of six weeks from **9:00 am Friday 1 April 2016**, ending at **5:00 pm on Monday 16 May 2016**. Any representations made beyond this will not be taken into account.

The consultation documents consist of:

- The CIL DCS

Other background documents include:

- CIL: Justifying the Levy (Updated for 2016)
- CIL: Viability Update (January 2016)

The CIL DCS, all supporting information and consultation response forms are available to download electronically from the [CIL page of the SWDP website](#).

Electronic (e-mail) responses should be sent to: [contact@swdevelopmentplan.org](mailto:contact@swdevelopmentplan.org)

Hard copies should be sent to: The SWDP Team c/o Policy Plans Team, Housing and Planning Services, Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore, Worcestershire, WR10 1PT.

Representations should be made by using the response form provided where possible.

Hard copies of the CIL DCS and the background evidence documents will be available (for reference only) at the Customer Service Centres (CSC) and/ or libraries listed below.

| Worcester                                                                                     | Wychavon                                                                                                       | Malvern                                                                                    |
|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>Customer Service Centre</b> , The Hive, Sawmill Walk, The Butts, Worcester, WR1 3PB        | <b>Pershore One Stop Shop</b><br>Civic Centre, Queen Elizabeth Drive, Pershore WR10 1PT                        | <b>Malvern Customer Service Centre</b> , Graham Road, Malvern, WR14 2HU                    |
| <b>St Johns Library</b> , Glebe Close, St Johns, Worcester, WR2 5AX                           | <b>Pershore Library</b><br>Church Street, Pershore, WR10 1DT                                                   | <b>Tenbury Wells Customer Service Centre</b> , 24 Teme Street, Tenbury Wells, WR15 8AA     |
| <b>Warndon Library</b> , The Fairfield Centre, Carnforth Drive, Worcester, WR4 9HG            | <b>Evesham Community Contact Centre</b> , Abbey Road, Evesham, WR11 4SB                                        | <b>Upton-upon-Severn Customer Service Centre</b> , School Lane, Upton upon Severn, WR8 0LE |
| <b>Worcestershire County Council</b><br>County Hall<br>Spetchley Road<br>Worcester<br>WR5 2NP | <b>Evesham Library</b> Oat St, Evesham, Worcestershire WR11 4PJ                                                |                                                                                            |
|                                                                                               | <b>Droitwich Spa Community Contact Centre</b> , Droitwich Spa Library, Victoria Square, Droitwich Spa, WR9 8DQ |                                                                                            |
|                                                                                               | <b>Broadway Library</b><br>Leamington Road, Broadway, Worcestershire WR12 7DZ                                  |                                                                                            |

# **1 Introduction**

1.1 This document is a consultation paper on the CIL DCS for the charging authorities of South Worcestershire (Malvern Hills District Council, Wychavon District Council and Worcester City Council). This is the second step in implementing the Levy. The DCS and the proposed rates are published for consultation under Regulation 16 of the CIL Regulations 2010 (as amended).

1.2 The document sets out the following information:

- what the Levy is;
- the benefits and reasons for implementing the Levy;
- relationship with Planning Obligations;
- setting the Levy;
- the South Worcestershire approach;
- implementing CIL and paying the Levy;
- exemptions and relief;
- the DCS; and
- next steps.

1.3 The CIL DCS follows on from the PDCS, which was published for consultation between February and March 2015.

1.4 Definitions for some of the more technical terms used in this report are available in **Appendix D**.

## **2 What the Levy is**

- 2.1 The Levy is a planning charge that came into force on 6 April 2010 through the CIL Regulations 2010 (as amended).
- 2.2 The Levy allows charging authorities to raise funds from developers and land owners undertaking new developments in their area. The money can be used to fund a wide range of additional infrastructure (separate to s.106 planning obligations – see section 4) that is needed to support development. For example, this can include roads and other transport-supporting facilities, flood defences, schools, medical facilities, sport and recreation facilities, open space and green infrastructure.
- 2.3 The Levy is the Government's preferred mechanism for securing developer contributions towards local and strategic infrastructure improvements. For South Worcestershire, these have been identified in the SWIDP (latest 'live' version of the document updated 2 October 2014), which underpins the development strategy set out in the SWDP, and is guided specifically by policy SWDP 7: Infrastructure.
- 2.4 The Levy is now considered to be the primary mechanism through which contributions towards infrastructure can be collected and pooled by the charging authorities. As such, the Levy will contribute economically to development across South Worcestershire by providing a valuable mechanism through which to fund infrastructure to support new development coming forward, as identified in the Development Plan. Additionally, contributions from the CIL can be pooled with and used to lever investment from other external funding sources, for example, through bids for devolved Regional Growth Funding for Worcestershire's Local Enterprise Partnership (LEP) to maximise the funding available for capital projects such as road improvements.
- 2.5 The Levy creates a system for development to contribute to the cost of necessary supporting infrastructure, with all but the smallest building projects potentially able to make a contribution towards infrastructure that is needed as a result of development, whilst allowing for mitigation of the cumulative impacts from development.
- 2.6 The SWC are proposing to adopt the Levy shortly after the SWDP, which was adopted on 25 February 2016.

### **3 The Benefits and Reasons for Implementing the Levy**

3.1 The following outlines the key benefits and reasons as to why the Levy is being implemented in South Worcestershire:

- The Levy will help to fund the infrastructure needed to deliver growth set out in the SWDP;
- The Levy will result in an increased number of developments contributing to infrastructure funds as it requires contributions from a broader range of developments, including small-scale schemes which currently do not pay much, if anything, by way of section 106 planning obligations (s.106 or s.106 agreements);
- The Levy is certain (non-negotiable) and transparent, so developers can factor it into a scheme from an early stage;
- The Levy offers greater flexibility on how and when funds are spent than s.106 agreements. It is also a reasonably predictable funding stream that allows local authorities and infrastructure providers to plan more effectively and deliver infrastructure that is required for the community; and
- The ability to pool s.106 agreements has been scaled back since April 2015, which makes collecting monies for certain types of infrastructure (for example school provision) more difficult, particularly as the pooling limitations are required to be back dated to April 2010 (the date CIL regulations came into force).

#### **Neighbourhood Planning**

3.2 Where CIL exists, 15% or 25% of levy receipts will be passed onto Parish and Town Councils, which will then have control over how it is spent (a 25% share is dependent on a neighbourhood plan being in place). In un-parished areas (applicable to some areas of Wychavon district and Worcester City), the 15% of the levy receipts will be held by the charging authority, who should then engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. For areas with no neighbourhood plan, the 15% share is capped at £100 per existing council tax dwelling per year. For areas with an adopted neighbourhood plan, the 25% share of levy receipts is uncapped.

The diagram below provides a summary of the differing levy receipt permutations:

| <b>Figure: relationship between the levy and neighbourhood plans in England</b>                     |                                                                                                                    |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Parish Council ✓<br>Neighbourhood Plan ✓<br>= 25% uncapped, paid to Parish                          | Parish Council ✓<br>Neighbourhood Plan ✗<br>= 15% capped at £100/dwelling, paid to Parish                          |
| Parish Council ✗<br>Neighbourhood Plan ✓<br>= 25% uncapped, local authority consults with community | Parish Council ✗<br>Neighbourhood Plan ✗<br>= 15% capped at £100/dwelling, local authority consults with community |

**Source:** NPPG

- 3.3 Whilst levy receipts are generally required to be spent on infrastructure-specific items, NPPG for CIL (paragraph 78 ‘Spending the Levy’) states that the neighbourhood portion of the levy (i.e. the 15% or 25%) can be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to ‘support the development of the area’ (Regulation 59C). The wider definition means that the neighbourhood portion can be spent on things other than infrastructure (as defined in the CIL regulations). While Parish, Town and Community Councils are not required to spend their neighbourhood funding portion in accordance with the charging authority’s priorities, Parish, Town and Community Councils should work closely with the charging authority to agree priorities for spending their neighbourhood funding element (paragraph 79 on the CIL page ‘Spending the Levy’).

## **4 Relationship with Section 106 Planning Obligations**

- 4.1 Once the Levy is introduced, agreements under s.106 of the Town and Country Planning Act 1990 (as amended) will be scaled back to fund only those matters directly related to site-specific impacts. To encourage councils to adopt CIL, the Government have implemented restrictions on the use of s.106 agreements since April 2015 so that no more than five contributions can be pooled towards one project or type of infrastructure (back dated to April 2010, the date CIL regulations came into force). Further information relating to the approach being taken in South Worcestershire with regard to s.106 agreements can be found in the SWC Developer Contributions Supplementary Planning Document (SPD), which is being closely prepared alongside CIL.
- 4.2 Site-specific planning obligations should only be sought where they can be justified with reference to the underpinning evidence on infrastructure planning. Contributions must satisfy three tests (in accordance with Regulation 122); they must be:
1. Necessary to make the development acceptable in planning terms;
  2. Directly related to the development; and
  3. Fairly and reasonably related in scale and kind to the development.
- 4.3 CIL Regulations also prevent developers from being asked to fund infrastructure through both the Levy and s.106 agreements. This is achieved through the CIL Regulation 123 requirements which requires charging authorities to set out a list of those projects or types of infrastructure they intend to fund through the Levy. The CIL Regulation 123 list will therefore set out a list of infrastructure projects or types of infrastructure that SWC intend to be, or which may be, wholly or partly funded by CIL.
- 4.4 Where a generic category (such as 'education' or 'transport') is included on the Regulation 123 list, s.106 should not be used to fund projects in that category, unless where projects have been stated as being for specific on-site developments. This is to ensure there is no duplication between the two types of developer contributions for the same items of infrastructure.
- 4.5 To produce the Regulation 123 list, the charging authorities must identify the infrastructure requirements for their administrative area, and understand how they relate

to the pattern of development across the whole of South Worcestershire, based on the SWIDP. This infrastructure delivery work is contained within a 'live document' and has informed the current position on the relationship between the two collection methods, as set out in **Appendix A**. The charging authorities have worked with infrastructure providers and site promoters (where appropriate) to identify, for each site (or combination of sites), whether particular infrastructure (either specific or generic) should be funded by s.106 agreements or by CIL. As of January 2016, a number of the large strategic sites allocated within the SWDP either already have obtained planning permission or are current planning applications, meaning that the required infrastructure has already been, or is in the process of being identified, along with the funding mechanisms. Where a strategic SWDP site has yet to enter into the formal planning application process, discussions will be held with the applicant/promoter as to what infrastructure is required and the methods through which it can be realised (ideally at a pre-application stage), subject to viability evidence. The Regulation 123 list is a working document which will be reviewed annually.

## **5 Setting the Levy**

- 5.1 The Levy rates will be set on the basis of evidence, in consultation with local communities, the development industry and other interested parties, and will provide a greater level of certainty from the outset concerning how much infrastructure funding will be expected from new development.
- 5.2 The Levy is expected to have a positive economic effect on development across South Worcestershire. Levy rates should be set at a level that balances the requirement for infrastructure to support development against the potential economic impact of imposing the Levy. The need for this balance is set out in Regulation 14(1)<sup>1</sup> of the CIL Regulations (as amended), which states that the charging authority must "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 its area". Additionally, CIL Guidance states that councils should "show and explain how their proposed Levy rate (or rates) will contribute towards the implementation of their relevant Plan and support the development of their area."
- 5.3 The sections below provide a brief overview of the process the SWC have followed so far in setting the Levy rates in the Revised PDCS and now in this DCS (see Section 8 for the charging schedules). A full explanation of how the charging authorities have met the requirements of the Regulations and Guidance is set out in an updated 'Justifying the Levy' Background Document for 2016.

### **Economic Viability**

- 5.4 Charging authorities need to prepare evidence about the Levy's effect on economic viability in order to be able to demonstrate to an independent Inspector that their proposed rates strike an appropriate balance. The Levy charge must only be set on the basis of viability and should not be used as a policy tool.
- 5.5 Charging Schedules may include differential rates but only where they can be

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<sup>1</sup> Guidance on the Community Infrastructure Levy was added to the National Planning Practice Guidance (NPPG) website on 12 June 2014. This replaced the standalone guidance that was published in February 2014.

justified on the basis of either economic viability of different parts of the area, or by economic viability of different types of development. A zero rate can also be set if viability testing shows that it would be unviable for a particular use or area to pay the Levy.

- 5.6 In 2012, Worcestershire County Council (WCC) in liaison with the six district councils, commissioned HDH Planning and Development (HDH) to undertake an independent CIL viability analysis of the county to provide the evidence required to develop Charging Schedules across Worcestershire. This analysis used a recognised valuation methodology to identify the maximum amount of CIL that a range of modelled sites from the development plan could bear whilst still sustaining a sufficient land price to provide the landowner and the developer with a 'competitive return'. This was published in early 2013. In addition, HDH undertook a viability study for the SWC in November 2012. Further viability work was undertaken for the SWC in 2013 and this formed the evidence base for the CIL rates consulted upon in September 2013. Additional viability work was undertaken by HDH in September and December 2014 as a result of the outcome of the SWDP Stage 1 Examination. Following the PDCS consultation, further viability update work was carried out by HDH during late 2015/early 2016 and it is this update (January 2016) which has informed the proposed CIL rates and evidence base for the DCS. All of the viability reports are available on the [SWDP website](#).
- 5.7 An important part of the process has been engagement with the development industry and other key stakeholders. Events were held in 2012, as well as during the original first PDCS consultation in the autumn of 2013, at which local and national developers, land owners, agents, registered providers, etc. commented on the proposed approach to developing the Charging Schedules. An update of this engagement process, in the form of workshops for land agents/consultants and parish/town council members (including a viability update), was held in March 2015 as part of the revised PDCS consultation stage. Similar workshops are proposed during this round of consultation.

## **Funding Infrastructure**

5.8 The Planning Act 2008 includes a wide definition of infrastructure that can be funded from the Levy. Such infrastructure includes:

- Education Facilities and Schools;
- Open Spaces and Green Infrastructure;
- Roads and other sustainable transport facilities and schemes;
- Flood Defences; and
- Community and health facilities.

5.9 The Levy is intended to be spent on the provision of new infrastructure to support additional growth identified in the Development Plan, rather than to remedy existing infrastructure deficiencies, unless those deficiencies will be made more severe by new development.

5.10 In South Worcestershire, infrastructure requirements resulting from development in the SWDP have been assessed and are set out in the SWIDP, which is the accompaniment to policy SWDP 7: Infrastructure. The SWIDP (“live document”, latest update 2 October 2014) identifies an estimated £550m worth of total infrastructure required over the lifetime of the plan, with approximately half of which identified as the current funding gap. The updating of some of the main infrastructure typologies for this Draft Charging Schedule (following infrastructure workshops in autumn 2015, which in turn fed into the 2016 viability update) indicates that the overall funding gap may have increased further. A breakdown of the indicative funding gap of the ‘main’ infrastructure typologies (i.e. Transport, Education and Sport and Recreation) can be found in Table 1 of the accompanying ‘Justifying the Levy’ background document 2016. This increase is in part due to the unknown future value of s.106 receipts for Sport and Recreation infrastructure from s.106 and other funding sources. A full update of the SWIDP is currently proposed for 2016.

5.11 CIL will contribute towards implementation of the SWDP and support development across South Worcestershire as a whole. It will allow the charging authorities to collect pooled funding to mitigate the cumulative impacts of development and to fund the provision of infrastructure (such as increases in school provision and necessary transport schemes) to support the development in the SWDP.

- 5.12 It is fully recognised that the Levy will not deliver all of the infrastructure required, and the SWC, together with infrastructure providers (including Worcestershire County Council), are continually working to identify other funding streams needed to facilitate delivery. Please see the SWIDP for further details on this matter.
- 5.13 Despite working to identify such alternative funding, there is still a substantial funding gap, which demonstrates the need to introduce CIL.

## **6 The South Worcestershire Approach**

### **1. Set the Levy at a cautious level**

- 6.1 The performance of the national economy remains mixed and increases in house prices are not guaranteed. Build cost have risen significantly since 2012 and show no signs of decline. It can be concluded therefore that confidence has not fully returned to the market.
- 6.2 Setting the Levy close to the limits of viability could have an adverse impact on development coming forward. Setting the Levy at cautious levels will allow the SWC to (subject to site specific viability issues):
- Continue to deal with site-specific issues via s.106 agreements in a complementary manner;
  - Continue to deliver affordable housing requirements in line with SWDP policy (also see the SWC Affordable Housing SPD which is being created in parallel);
  - Meet policy aspirations on design and environmental standards; and
  - Establish the principle of the Levy within the development industry in South Worcestershire.

### **2. Consideration of different rates on strategic sites**

- 6.3 Charging authorities are permitted to treat major strategic sites as a separate geographical zone, where this can be supported by robust economic viability evidence.
- 6.4 The September 2013 PDCS and the revised 2015 PDCS both considered the idea of different Levy rates for strategic sites. Such sites result in substantial infrastructure requirements in their own right which are more likely to be delivered by the developers or via s.106 agreements. This affects the economic viability of their delivery in a different way to smaller sites. The exact rate will depend on whether it is most appropriate to deliver the infrastructure required as a result of the development via s.106 agreements or through CIL. Due to the revised CIL timetable and the current status of planning permissions/applications, it is apparent

that some of the strategic site allocations within the SWDP will not be charged the CIL. This is because their planning applications have either already been determined or are current submitted applications awaiting determination. Only applications submitted after the adoption of CIL can be required to pay the Levy.

- 6.5 Work has been undertaken by HDH to update the economic viability assessment of the strategic SWDP development site allocations across South Worcestershire. This work (January 2016) has identified that most of the strategic SWDP allocation sites without planning permission that were tested can not currently justify a separate CIL charging rate on economic viability grounds. The exceptions to this are Cheltenham Road, Evesham and Qinetiq, Malvern, where a CIL charge is proposed (see table 2, page 17). The updated viability work (January 2016) has also recommended a lower rate of £60m<sup>2</sup> for Food Retail (including both large and small Supermarkets) and Retail Warehouses (previously £100m<sup>2</sup> in the PDCS).
- 6.6 Where site-specific rates of CIL are recommended, where the standard district-wide rate is considered to be too high in terms of economic viability considerations, developers will need to work in collaboration with the SWC and infrastructure providers to provide updated evidence on the actual revised costs of delivering the infrastructure, in order to determine whether CIL is the most appropriate method for funding infrastructure delivery on a particular site. A clear delivery strategy must also be demonstrated to ensure any difference in rate is justified by reference to the economic viability of the development. Landowners and site promoters will be expected to provide sufficient, good quality information to allow the charging authority to make an informed judgement.

### **3. Look to revise the CIL at an appropriate time**

- 6.7 Over the coming years, values and costs of development could change significantly and the market could become more certain. It is difficult to predict how these may change and when. It will therefore be important to monitor the market and review the Levy at an appropriate time.

## 7 Implementing the CIL and Paying the Charge

7.1 The Levy rate will be expressed as a £ per m<sup>2</sup> charge (gross internal area) within South Worcestershire. The Levy will be applied to:

- most buildings that people normally use;
- where more than 100 m<sup>2</sup> of new floorspace (net) is planned;
- where a new dwelling is created (even if it is less than 100 m<sup>2</sup>);
- the conversion of a building that is no longer in lawful use which results in new dwellings (for definitions see **Appendix D**);
- in some cases, permitted development (development that does not require planning permission) may be large enough to be CIL liable.

### **Instalments Policy**

7.2 The Levy is non-negotiable and will be payable to the relevant charging authority on commencement of development or, for large developments, over an agreed phased period as set out in an instalments policy.

7.3 The charging authorities have chosen to put in place an instalments policy and a draft table is provided for comment in **Appendix E**. Under CIL Regulation 70 (as amended by the 2012 and 2013 Regulations) payment by instalment is provided for where an instalments policy is in place, provided this is published on the charging authorities' website (under Regulation 69B). An instalment policy can assist the viability and delivery of development by taking account of financial restrictions, for example in areas such as the development of homes within the buy-to-let sector. Few, if any, developments generate value until they are completed either in whole or in phases. The SWC may revise or withdraw the instalments policy if they consider this to be necessary.

### **Exemptions and Relief**

7.4 Certain types of development may be exempt from paying the Levy. CIL regulations state that affordable housing and charitable developments (development by a registered charity for charitable purposes), as well as self-build residential properties, are exempt from CIL. Paragraph 3 of the NPPG CIL webpage provides further details of development which does not pay the levy. Affordable housing will continue to be secured via s.106 agreements (also see the SWC Affordable Housing SPD). In addition to mandatory exemptions, the CIL Regulations allow a charging authority to introduce a discretionary relief policy if exceptional circumstances are satisfied.

## 8 The Draft Charging Schedules

8.1 The level of the tariff proposed below by each charging authority is based on the viability evidence undertaken for development across South Worcestershire as a whole (latest update January 2016) and is further justified by the needs identified in the SWIDP.

8.2 With the exception of the strategic sites (see table 2 below) the rates are proposed as:

**Table 1 - Charging Authority Proposed Levy Rate (per m<sup>2</sup>)**

| Use Type                                        | Malvern Hills                                        | Worcester City | Wychavon                                |
|-------------------------------------------------|------------------------------------------------------|----------------|-----------------------------------------|
| Residential – Main Urban Areas                  | £0<br>(Malvern, Upton upon Severn and Tenbury Wells) | £0             | £0<br>(Droitwich, Evesham and Pershore) |
| Residential – All other Areas                   | £40                                                  | £0             | £40                                     |
| Student Accommodation                           | £100                                                 | £100           | £100                                    |
| Food Retail (Supermarkets)                      | £60                                                  | £60            | £60                                     |
| Retail Warehouses                               | £60                                                  | £60            | £60                                     |
| Shops                                           | £0                                                   | £0             | £0                                      |
| Hotels                                          | £0                                                   | £0             | £0                                      |
| Industrial and Office                           | £0                                                   | £0             | £0                                      |
| Education, Health, Community and all Other Uses | £0                                                   | £0             | £0                                      |

**Table 2 - SWDP Strategic Sites Assessed (Viability Update): Proposed Rates**

| Site                                       | Proposed CIL Rate (£/m <sup>2</sup> ) | Charging Authority                            | Comments                                                  |
|--------------------------------------------|---------------------------------------|-----------------------------------------------|-----------------------------------------------------------|
| SWDP 45/1 Worcester South Urban Extension  | £0m <sup>2</sup>                      | Malvern Hills/<br>Wychavon/<br>Worcester City | Current Planning Application                              |
| SWDP 45/2 Worcester West Urban Extension   | £0m <sup>2</sup>                      | Malvern Hills                                 | Current Planning Application                              |
| SWDP 45/4 Gwillam's Farm                   | £0m <sup>2</sup>                      | Wychavon                                      | Approved                                                  |
| WO135 & WO136 Crown Packaging, Worcester   | £0m <sup>2</sup>                      | Worcester City                                | As for Worcester City Residential Rate                    |
| SWDP 45/3 Kilbury Drive, Worcester         | £0m <sup>2</sup>                      | Wychavon                                      | Approved                                                  |
| SWDP 45/5 Swinesherd Way                   | £0m <sup>2</sup>                      | Wychavon                                      | Current Planning Application                              |
| SWDP 48/1 Vines Lane, Droitwich            | £0m <sup>2</sup>                      | Wychavon                                      | No Planning Application to Date                           |
| SWDP 51/1 Cheltenham Road, Evesham         | £40m <sup>2</sup>                     | Wychavon                                      | As for Wychavon 'Residential – All other Areas' Rate      |
| SWDP 47/1 Pershore Urban Extension         | £0m <sup>2</sup>                      | Wychavon                                      | Approved                                                  |
| SWDP 53 QinetiQ, Malvern                   | £40m <sup>2</sup>                     | Malvern Hills                                 | As for Malvern Hills 'Residential – All other Areas' Rate |
| SWDP 56 North East Malvern Urban Extension | £0m <sup>2</sup>                      | Malvern Hills                                 | Current Planning Application                              |

8.3 The boundaries for each CIL rate follow the administrative district boundaries (or an urban area or site delineation where specified) and can be viewed on the map at **Appendix B**.

8.4 **Appendix C** displays the planned improvement phases of the A4440 Southern Link Road, a key infrastructure requirement for south Worcestershire, as referred to in the Regulation 123 list.

## **9 Next Steps**

9.1 The timetable towards the adoption of CIL in South Worcestershire is set out below, as informed by the latest LDS timetable October 2015. This timetable will be subject to regular monitoring and review:

| Stage                                 | Date                     |
|---------------------------------------|--------------------------|
| Preliminary Draft Charging Schedule   | February 2015 (Achieved) |
| Draft Charging Schedule               | March 2016               |
| Submission of Draft Charging Schedule | July 2016                |
| Examination*                          | September 2016           |
| Adoption                              | December 2016            |
| CIL takes effect                      | January 2017             |

9.2 A full LDS timeline is available at **Appendix G**.

\*The exact dates for examination of CIL will be dependent upon availability of the Planning Inspectorate.

## Appendix A - South Worcestershire Council's Proposed CIL Regulation 123 List

**Table 3: Types of infrastructure that may be funded, in whole or in part, by CIL**

|                                          |                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Education Facilities</b>              | The provision, expansion, improvement, replacement or operation of new and existing public education facilities. This excludes those items of infrastructure stated as to be provided through Section 106 obligations.                                                                                                                |
| <b>Transport</b>                         | The provision, expansion, improvement, replacement or operation of roads, highways, traffic management, public transportation, cycling and pedestrian and other transport facilities. This excludes those items of infrastructure stated as to be provided through Section 106 obligations and/or Section 278 (Highways) obligations. |
| <b>Open Space / Green Infrastructure</b> | The provision, expansion, improvement, replacement or operation of new or existing strategic green and blue infrastructure and biodiversity measures. Excludes those items of green infrastructure stated as provided through section 106 obligations.                                                                                |
| <b>Sport and Recreation</b>              | The provision, expansion, improvement, replacement or operation of new and existing sports and recreation facilities both formal and informal. Excludes those items of infrastructure stated as provided through Section 106 obligations.                                                                                             |
| <b>Flood Mitigation Measures</b>         | The provision, expansion, improvement, replacement or operation of new and existing flood mitigation measures (including flood risk management infrastructure). Excludes those items of infrastructure stated as provided through Section 106 obligations.                                                                            |
| <b>Community and Cultural Facilities</b> | The provision, expansion, improvement, replacement or operation of new and existing community and cultural facilities. Excludes those items of infrastructure stated as provided through Section 106 obligations.                                                                                                                     |
| <b>Emergency Services</b>                | The provision, expansion, improvement, replacement or operation of new and existing emergency service facilities. Excludes those items of infrastructure stated as provided through Section 106 obligations.                                                                                                                          |
| <b>Health Facilities</b>                 | The provision, expansion, improvement, replacement or operation of new and existing health facilities. Excludes those items of infrastructure stated as provided through Section 106 obligations.                                                                                                                                     |

**Table 3** above sets out the types of infrastructure that the South Worcestershire Councils including Worcestershire County Council intends will be, or may be, wholly or partly funded by CIL. The inclusion of an infrastructure type on the list does not signify a commitment from any council to fund (either in whole or part) the listed project or type of infrastructure. The list order above does not imply any preference or priority.

The South Worcestershire Councils may seek planning obligations through section 106 agreements for infrastructure projects specifically related to a site. The planning obligation will be subject to the pooling limitations and the three legal tests outlined in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

**Appendix A** sets out in more detail how **Table 3** above will be applied. This has been informed by the detailed infrastructure requirements as set out in the SWIDP (2014) (which accompanies policy SWDP 7: Infrastructure) and the viability update report January 2016. Further updated information relating to infrastructure has also been gathered from current planning application negotiations during the production of the DCS.

## Appendix A – Regulation 123 List

How the South Worcestershire Councils will seek to apply the Regulation 123 List and Section 106 Planning Obligations in practice (the Regulation 123 list can be amended as changes to spending / infrastructure priorities arise).

| Infrastructure Type                                               | Specific Requirements                                                                                                                                             | Development Site                             | Infrastructure Location                       | SWDP Policy Reference | Delivery Mechanism |     |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------|-----------------------|--------------------|-----|
|                                                                   |                                                                                                                                                                   |                                              |                                               |                       | S106               | CIL |
| <b>Affordable Housing</b>                                         | <ul style="list-style-type: none"> <li>See Affordable Housing Supplementary Planning Document – Affordable Housing SPD (consultation draft) March 2016</li> </ul> |                                              |                                               | SWDP 15               | ✓                  | ✗   |
| <b>Education Facilities</b><br>(FE = Form of Entry <sup>2</sup> ) | <ul style="list-style-type: none"> <li>1 X 2FE Primary School</li> </ul>                                                                                          | South Worcester Urban Extension (SWDP 45/1)  | On site                                       | SWDP 7 <sup>3</sup>   | ✓                  | ✗   |
|                                                                   | <ul style="list-style-type: none"> <li>1 X 2FE Primary School</li> </ul>                                                                                          | West Worcester Urban Extension (SWDP 45/2)   | On site                                       | SWDP 7                | ✓                  | ✗   |
|                                                                   | <ul style="list-style-type: none"> <li>1 X 1FE Primary School or 1FE Expansion</li> </ul>                                                                         | Malvern North East Urban Extension (SWDP 56) | On site or school(s) directly related to site | SWDP 7                | ✓                  | ✗   |

<sup>2</sup> Form of Entry – normally equates to 1 class of 30 pupils

<sup>3</sup> No singular policy for education exists within the SWDP. Education is covered in part five of the generic infrastructure policy SWDP 7.

| Infrastructure Type | Specific Requirements                                                                                                                                                                                                                                               | Development Site                           | Infrastructure Location            | SWDP Policy Reference | Delivery Mechanism |     |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------|-----------------------|--------------------|-----|
|                     |                                                                                                                                                                                                                                                                     |                                            |                                    |                       | S106               | CIL |
|                     | <ul style="list-style-type: none"> <li>2 X 1FE Expansions Secondary Schools               <ul style="list-style-type: none"> <li>1 FE Expansion of Nunnery Wood High School</li> <li>1 FE Expansion of Tudor Grange Academy</li> </ul> </li> </ul>                  | South Worcester Urban Extension (SWDP45/1) | Schools directly related to site   | SWDP 7                | ✓                  | ✗   |
|                     | <ul style="list-style-type: none"> <li>2 X 1FE Expansions Secondary Schools               <ul style="list-style-type: none"> <li>1 FE Expansion of Christopher Whitehead Language College</li> <li>1 FE Expansion of The Chantry High School</li> </ul> </li> </ul> | West Worcester Urban Extension (SWDP 45/2) | Schools directly related to site   | SWDP 7                | ✓                  | ✗   |
|                     | <ul style="list-style-type: none"> <li>1 FE Expansion to a Primary School<br/>Whittington CE Primary School or Redhill CE Primary School</li> </ul>                                                                                                                 | Swinesherd Way (SWDP 45/5)                 | School(s) directly related to site | SWDP 7                | ✓                  | ✗   |
|                     | <ul style="list-style-type: none"> <li>Other cumulative impacts of development on nursery provision, school age provision and special education facilities.</li> </ul>                                                                                              | All qualifying sites                       |                                    | SWDP 7                | ✗                  | ✓   |

| Infrastructure Type | Specific Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Development Site                            | Infrastructure Location          | SWDP Policy Reference | Delivery Mechanism |     |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------|-----------------------|--------------------|-----|
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                             |                                  |                       | S106 / S278        | CIL |
| Transport           | <ul style="list-style-type: none"> <li>A4440 Dualling Broomhall Way - Norton Roundabout – Whittington Roundabout.</li> <li>Bath Rd / Sidbury / College St / City Walls Road Corridor (Junction, Highways Works and Bus Infrastructure).</li> <li>A44 London Road (Bus Infrastructure).</li> <li>Real Time Information Systems &amp; Variable Message Signs (for A38 Bath Rd &amp; A44 London Road).</li> <li>A4440 Eastern &amp; Northern Orbital Corridor (Junction Capacity Works)</li> <li>Parkway Railway Station.</li> </ul> | South Worcester Urban Extension (SWDP 45/1) | See Specific Requirements column | SWDP 4                | ✓                  | ✗   |
|                     | <ul style="list-style-type: none"> <li>A4440 Dualling of Temeside Way from Ketch Island to Powick Island-Ketch Island – Powick Island.</li> <li>Improvements to bus infrastructure to include new shelters and raised kerbs on A44.</li> <li>Real Time Information Systems and Variable Message Signs on A44 Bromyard Road.</li> </ul>                                                                                                                                                                                            | West Worcester Urban Extension (SWDP 45/2)  | See Specific Requirements column | SWDP 4                | ✓                  | ✗   |
|                     | <ul style="list-style-type: none"> <li>A4440 Dualling of Temeside Way from Ketch Island to – Powick Island.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                            | Malvern North East Urban                    | See Specific Requirements        | SWDP 4                | ✓                  | ✗   |

| Infrastructure Type | Specific Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Development Site           | Infrastructure Location          | SWDP Policy Reference | Delivery Mechanism |     |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------|-----------------------|--------------------|-----|
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                            |                                  |                       | S106 / S278        | CIL |
|                     | <ul style="list-style-type: none"> <li>A449 Improvements.</li> <li>Improvements to signalised junction at A449 Lower Howsell Road.</li> <li>Malvern Town Centre Bus Service.</li> <li>Malvern to Worcester Cycle Route.</li> </ul>                                                                                                                                                                                                                                                          | Extension (SWDP 56)        | column                           |                       |                    |     |
|                     | <ul style="list-style-type: none"> <li>Improvements to the A4440 corridor to include capacity enhancements at the A4440/A44 (Stratford Road Roundabout and A4440 to A44 London Road/Whittington Road Roundabout).</li> <li>Public Transport provision of bus shelter for new bus stop adjacent to Whittington Hall.</li> <li>New shelter, raised kerbs and pole/flag on outbound bus stop west of Whittington Roundabout.</li> <li>Contributions to upgrade the 550 bus service.</li> </ul> | Swinesherd Way (SWDP 45/5) | See Specific Requirements column | SWDP 4                | ✓                  | ✗   |
|                     | <ul style="list-style-type: none"> <li>Site specific projects and off site directly related transport projects designed to mitigate for specific transport infrastructure and services required to make development acceptable in planning terms (e.g. site specific highway works, including localised safety improvement, reinstatement of highways and site specific works to amenity land, access</li> </ul>                                                                            | All qualifying sites       |                                  | SWDP 4                | ✓                  | ✗   |

| Infrastructure Type | Specific Requirements                                                                                                                                            | Development Site     | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism |     |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|-----------------------|--------------------|-----|
|                     |                                                                                                                                                                  |                      |                         |                       | S106 / S278        | CIL |
|                     | roads for the specific development).                                                                                                                             |                      |                         |                       |                    |     |
|                     | <ul style="list-style-type: none"> <li>Site Specific Travel Plans.</li> </ul>                                                                                    | All qualifying sites |                         | SWDP 4                | ✓                  | ✗   |
|                     | <ul style="list-style-type: none"> <li>Strategic, county wide sustainable transport improvements for walking, cycling, public transport and highways.</li> </ul> |                      |                         | SWDP 4                | ✗                  | ✓   |

| Infrastructure Type                      | Specific Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                 | Development Site     | Infrastructure Location | SWDP Policy Reference           | Delivery Mechanism |     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|---------------------------------|--------------------|-----|
|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |                         |                                 | S106               | CIL |
| <b>Open Space / Green Infrastructure</b> | <ul style="list-style-type: none"> <li>Site specific projects and off site, directly related green infrastructure projects and small areas of open space or on-site play provision (e.g. parks, green areas, children's play space).</li> <li>Smaller sites may be asked to provide Local Equipped Areas of Play (LEAPs) within 400m</li> <li>Larger sites may be asked to provide Neighbourhood Equipped Areas of Play (NEAPs) within 1KM</li> </ul> | All qualifying sites |                         | SWDP 5, 22, 23, 25, 29, 38 & 39 | ✓                  | ✗   |

| Infrastructure Type         | Specific Requirements                                                                                                                                                                                                              | Development Site                             | Infrastructure Location | SWDP Policy Reference           | Delivery Mechanism |     |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------|---------------------------------|--------------------|-----|
|                             |                                                                                                                                                                                                                                    |                                              |                         |                                 | S106               | CIL |
|                             | <ul style="list-style-type: none"> <li>Site specific ecological impacts of development.</li> </ul>                                                                                                                                 |                                              |                         | SWDP 5, 22, 23, 25, 29, 38 & 39 | ✓                  | ✗   |
|                             | <ul style="list-style-type: none"> <li>Strategic (off site) open space / green infrastructure, including parks and open spaces, local green network, biodiversity protection / enhancements and water quality projects.</li> </ul> |                                              |                         | SWDP 5, 22, 23, 25, 29, 38 & 39 | ✗                  | ✓   |
| <b>Sport and Recreation</b> | <ul style="list-style-type: none"> <li>On or off site provision of playing fields and pavilion-style ancillary buildings to meet the sports and recreation needs of the development.</li> </ul>                                    | All qualifying sites                         |                         | SWDP 5, 38, SWDP 37 & 39        | ✓                  | ✗   |
|                             | <ul style="list-style-type: none"> <li>Four outdoor tennis courts</li> <li>Multi-Use Games Area</li> <li>Seven senior Football Pitches</li> <li>Cricket Pitch</li> <li>Four Court Indoor Sports Hall</li> </ul>                    | South Worcester Urban Extension (SWDP 45/1)  | On site                 | SWDP 5, 38, 37 & 39             | ✓                  | ✗   |
|                             | <ul style="list-style-type: none"> <li>Multi-Use Games Area</li> <li>Community Centre / Pavilion</li> <li>Six senior football pitches</li> </ul>                                                                                   | West Worcester Urban Extension (SWDP 45/2)   | On site                 | SWDP 5, 38, SWDP 37 & 39        | ✓                  | ✗   |
|                             | <ul style="list-style-type: none"> <li>Multi-Use Games Area</li> <li>Community Centre / Pavilion</li> <li>Football Pitches</li> <li>One New Cricket Pitch</li> </ul>                                                               | Malvern North East Urban Extension (SWDP 56) | On site                 | SWDP 5, 38, SWDP 37 & 39        | ✓                  | ✗   |

| Infrastructure Type                      | Specific Requirements                                                                                                                                                                            | Development Site                                                                  | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism |     |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------|-----------------------|--------------------|-----|
|                                          |                                                                                                                                                                                                  |                                                                                   |                         |                       | S106               | CIL |
|                                          | <ul style="list-style-type: none"> <li>Strategic provision of built leisure and other sports facilities.</li> </ul>                                                                              |                                                                                   |                         | SWDP 37 & 39          | x                  | ✓   |
| <b>Flood Mitigation Measures</b>         | <ul style="list-style-type: none"> <li>Specific on site flood defences / mitigation required as a result of a site specific FRA (e.g. SUDS, drainage systems, flood risk management).</li> </ul> | All qualifying sites                                                              | On site                 | SWDP 28, 29 & 30      | ✓                  | x   |
|                                          | <ul style="list-style-type: none"> <li>Strategic flood defences / mitigation required to support development across the area.</li> </ul>                                                         |                                                                                   |                         | SWDP 28, 29 & 30      | x                  | ✓   |
|                                          | <ul style="list-style-type: none"> <li>Flood Warning Service provision (maintenance, forecasting, warning, and modelling).</li> </ul>                                                            |                                                                                   |                         | SWDP 28, 29 & 30      | x                  | ✓   |
| <b>Community and Cultural Facilities</b> | <ul style="list-style-type: none"> <li>Site specific community and cultural requirements to be delivered on site.</li> </ul>                                                                     | All qualifying sites                                                              |                         | SWDP 37               | ✓                  | x   |
|                                          | <ul style="list-style-type: none"> <li>Strategic provision of community and cultural facilities such as leisure centres, libraries and cultural facilities.</li> </ul>                           |                                                                                   |                         | SWDP 37               | x                  | ✓   |
| <b>Emergency Services</b>                | <ul style="list-style-type: none"> <li>Site specific emergency service provision to ensure an acceptable level of cover commensurate with the growth proposed.</li> </ul>                        | All qualifying sites                                                              |                         | SWDP 37               | ✓                  | x   |
|                                          | <ul style="list-style-type: none"> <li>Police Posts</li> </ul>                                                                                                                                   | South Worcester Urban Extension (SWDP 45/1)<br><br>West Worcester Urban Extension | On site                 | SWDP 37               | ✓                  | x   |

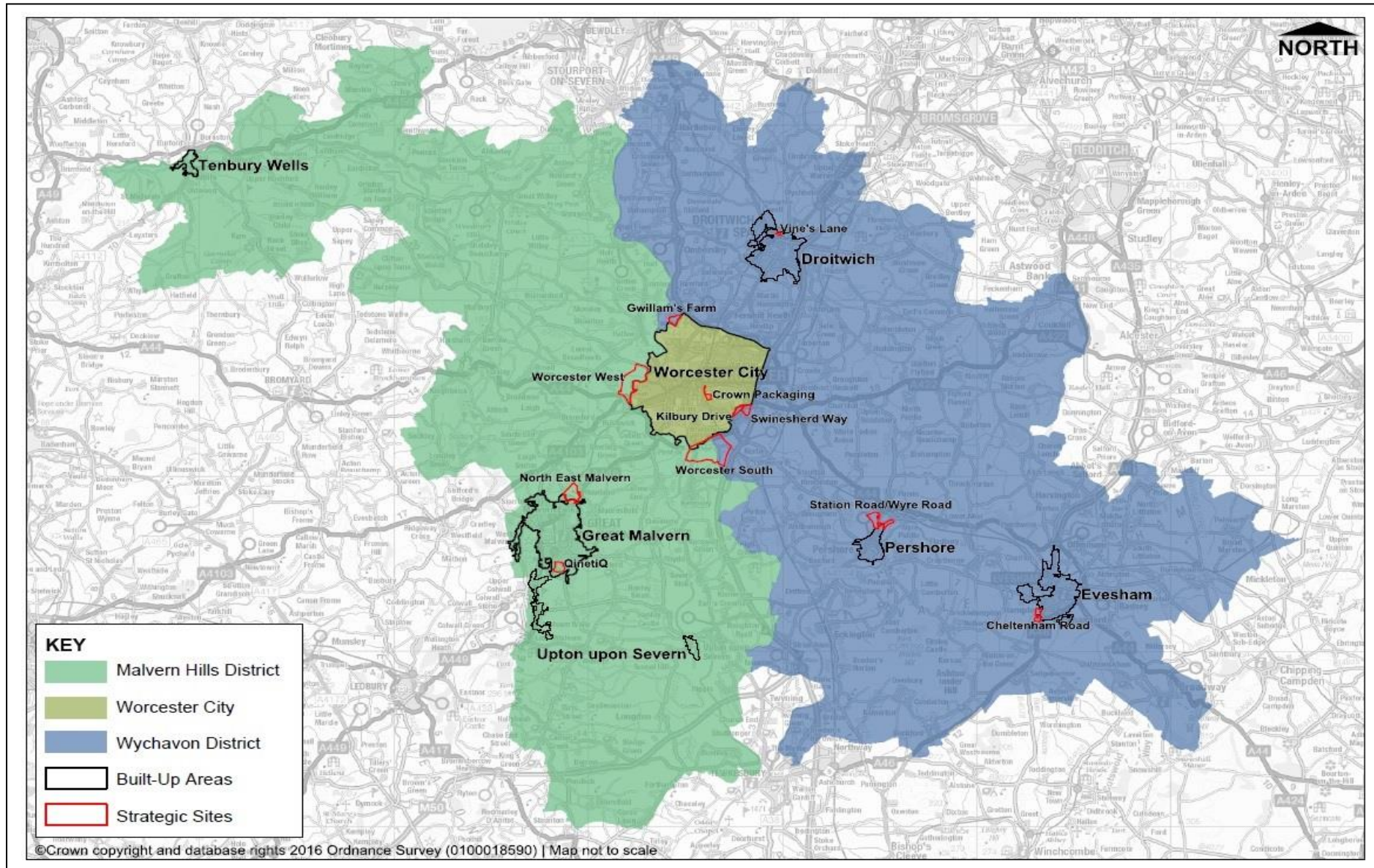
| Infrastructure Type      | Specific Requirements                                                                                                                                                                                                                                          | Development Site                                           | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism |     |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-------------------------|-----------------------|--------------------|-----|
|                          |                                                                                                                                                                                                                                                                |                                                            |                         |                       | S106               | CIL |
|                          |                                                                                                                                                                                                                                                                | (SWDP45/2)<br>Malvern North East Urban Extension (SWDP 56) |                         |                       |                    |     |
|                          | <ul style="list-style-type: none"> <li>Strategic provision of police service infrastructure to support development growth.</li> </ul>                                                                                                                          |                                                            |                         | SWDP 37               | x                  | ✓   |
|                          | <ul style="list-style-type: none"> <li>Strategic provision of fire and rescue infrastructure to support development growth.</li> </ul>                                                                                                                         |                                                            |                         | SWDP 37               | x                  | ✓   |
|                          | <ul style="list-style-type: none"> <li>Strategic provision of ambulance services and other emergency care infrastructure to support development growth, carried out in consultation with the Clinical Commissioning Group for south Worcestershire.</li> </ul> |                                                            |                         | SWDP 37               | x                  | ✓   |
| <b>Health Facilities</b> | <ul style="list-style-type: none"> <li>Strategic provision of health facilities and related infrastructure to support development growth, carried out in consultation with the Clinical Commissioning Group for South Worcestershire.</li> </ul>               |                                                            |                         | SWDP 37               | x                  | ✓   |
| <b>Public Realm</b>      | <ul style="list-style-type: none"> <li>Site specific public realm infrastructure and assets.</li> </ul>                                                                                                                                                        | All qualifying sites                                       |                         | SWDP 21               | ✓                  | x   |

| Infrastructure Type         | Specific Requirements                                                                                           | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism |     |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------|------------------|-------------------------|-----------------------|--------------------|-----|
|                             |                                                                                                                 |                  |                         |                       | S106               | CIL |
| <b>Historic Environment</b> | <ul style="list-style-type: none"> <li>Site specific historic environment infrastructure and assets.</li> </ul> |                  |                         | SWDP 6 & 24           | ✓                  | ✗   |

Section 106 agreements should not normally be sought on any specific projects unless a specific project has been identified in this appendix. Such site-specific contributions should only be sought where this can be justified through compliance with Regulation 122 and the associated pooling limitations.

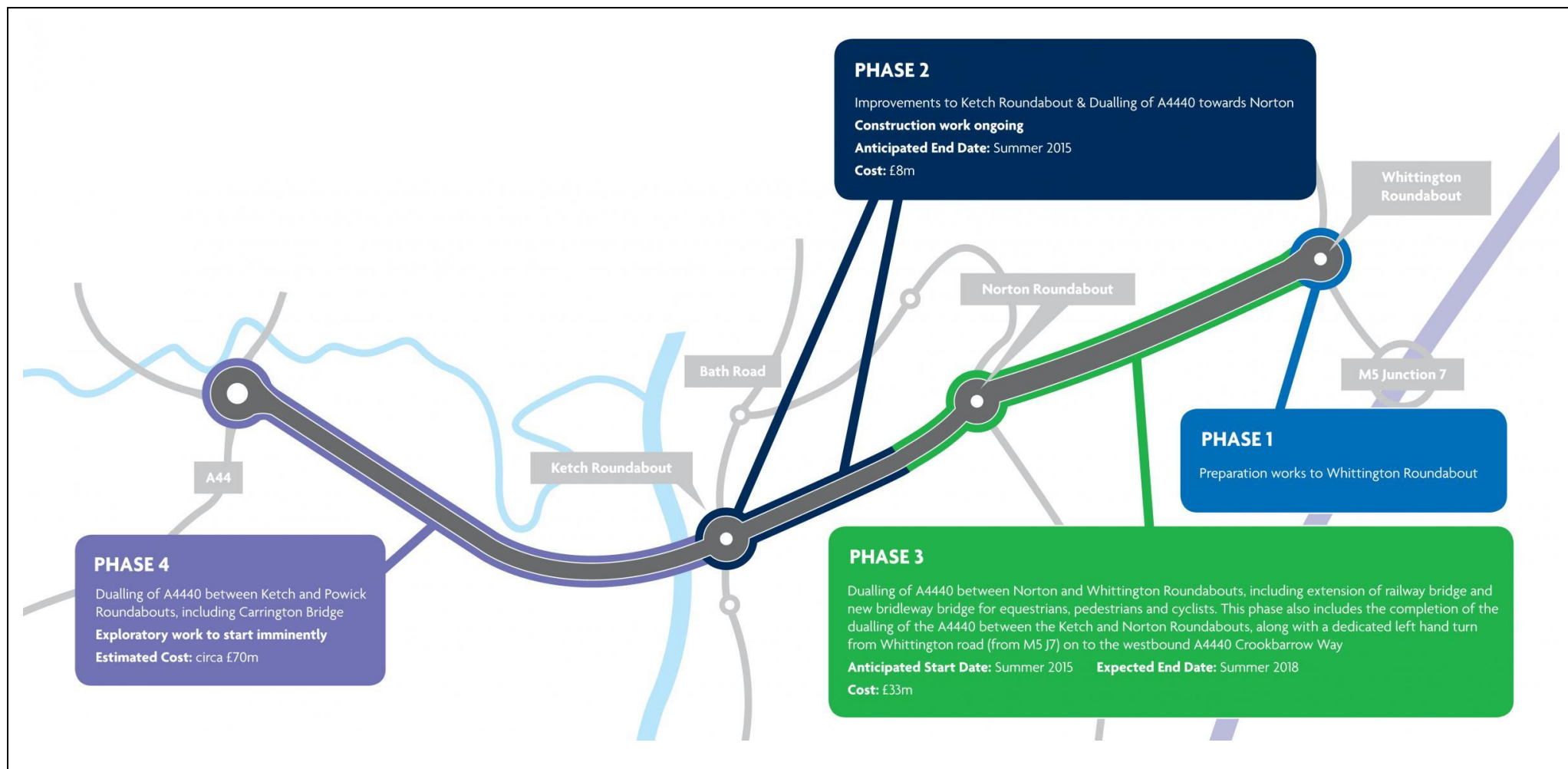
## Appendix B

Map showing district boundaries (administrative charging areas), the built up urban areas and those strategic sites that have undergone viability assessment



## Appendix C

### Diagram of the A4440 Southern Link Road Planned Improvement Phases (Phases 1 and 2 Completed)



**Source:** Worcestershire County Council

## Appendix D

### Glossary of Definitions

#### Residential

Includes buildings classed as 'dwellinghouses' within class C3 within the Town and Country Planning (Use Classes) Order 1987 (as amended).

#### Affordable Housing

Has the same meaning as defined in the National Planning Policy Framework:

*"Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

*Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*

*Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable). Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

*Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes."*

## **Appendix D**

### **Food Retail (Supermarkets)**

These buildings provide a wide range of convenience goods, often along with some element of comparison and non-food goods floor space as part of an overall mix of the unit. Most customers use supermarkets for their main weekly shop.

### **Retail Warehouses**

Retail warehousing includes all non-food retail units without restriction to size, specialising in the sale of household goods (for example: carpets, furniture, electrical goods), DIY items and other ranges of goods. Generally their construction shows a much greater visual similarity to warehousing than to that of standard shop units. Retail warehouses usually occupy a single floor, the majority of which is devoted to sales, with some ancillary storage and office use.

They may be sited singly or grouped together, most frequently in fringe or out of town locations and cater mainly for car borne customers.

### **Education, health, community and other uses**

This includes buildings that are often provided by the public sector, not for profit and charitable sectors and include the following classes within the Town and Country Planning (Use Classes) Order 1987 (as amended): residential institutions (C2, C2a), non-residential institutions (D1) and assembly and leisure uses (D2).

### **Gross internal floor space**

Includes everything within the external walls of the buildings, including lifts, stairwell and internal circulation areas, but not the thickness of the external walls themselves or any external balconies. The total sum will be calculated as the cumulative sum of the floor space of each floor (storey). Also sometimes referred to as 'useable area'.

### **Lawful Use**

The definition of lawful use is contained in Regulation 40(11) of The Community Infrastructure Levy (Amendment) Regulations 2014, which states the following: *"in-use building means a building which 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"*.

## Appendix E - Draft Instalments Policy

In accordance with Regulation 69B of the CIL Regulations 2010 (as amended) the charging authorities have produced a CIL Instalments Policy. This allows persons liable to pay CIL to do so by instalments provided they have complied with the relevant regulations. The time that the first instalment payment is due is calculated from the date the development is commenced.

This Instalments Policy will take effect on: *(implementation date to be confirmed)*

| Total Amount of CIL Liability                                                                                                                                                                       | Number of Instalments | Payment Periods and Proportion of CIL due                          |                                                            |                                                            |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------|
| Any amount less than £50,000                                                                                                                                                                        | None                  | Total amount payable within 60 days of commencement of development |                                                            |                                                            |                                                             |
|                                                                                                                                                                                                     |                       | 1 <sup>st</sup> instalment                                         | 2 <sup>nd</sup> instalment                                 | 3 <sup>rd</sup> instalment                                 | 4 <sup>th</sup> instalment                                  |
| Amounts from £50,000 to £249,999                                                                                                                                                                    | Two                   | 50% payable within 60 days of commencement of development          | 50% payable within 6 months of commencement of development |                                                            |                                                             |
| Amounts from £250,000 to £1,000,000                                                                                                                                                                 | Three                 | 30% payable within 60 days of commencement of development          | 30% payable within 6 months of commencement of development | 40% payable within 9 months of commencement of development |                                                             |
| Any amount greater than £1,000,000<br>In principle CIL can be paid in 4 instalments for any amount greater than £1,000,000. However instalments will be open to negotiation on an individual basis. | Four                  | 25% payable within 60 days of commencement of development          | 25% payable within 6 months of commencement of development | 25% payable within 9 months of commencement of development | 25% payable within 18 months of commencement of development |

Under Regulation 74(4) of the CIL Regulation 2010 (as amended) an instalment may be paid by way of a land payment, an infrastructure payment or in money, or a combination of the three; and more than one instalment may be paid by way of a given land or infrastructure payment. Days should be interpreted as calendar days, as opposed to working days.

## Appendix F

### Summary of responses received during the revised PDCS Consultation (March 2015)

| ID | Respondent Name                                                                                          | Summary of Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | <b>Tyler Parkes on behalf of AXA Real Estate Investment Managers (REIM) and Stoford Developments Ltd</b> | Supports the proposal to have a 'nil charge' for industrial and office development. It is important that South Worcestershire is able to compete effectively on a 'level playing field' with neighbouring local authority areas in attracting new employment opportunities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 2  | <b>Homes &amp; Communities Agency</b>                                                                    | <p>The HCA is currently considering proposals for Large Sites Infrastructure Funding (LSIF) to support the Worcester South Urban Extension. The HCA notes the viability work that has been carried out, particularly the use of the residual land value methodology, which HCA's own development appraisal tool uses. Encourages continued engagement with key deliver partners including the Worcestershire Housing Delivery Group (LA and HCA housing officer and registered providers).</p> <p><b>Question 3</b> - Support the approach, particularly the protection to Policy Requirements around affordable housing, but subject to review.</p> <p><b>Questions 4 and 5</b> - It is unclear how or when levy rates for strategic sites will be set or what evidence it will be based on. Clarification is required on what further work is on going (if any) with regard to the strategic sites and the S106/ CIL split.</p> <p><b>Question 10</b> - How will the prioritisation of infrastructure requirements work to ensure major schemes do not stall and how will funding streams be identified?</p> |
| 3  | <b>Forest of Dean District Council</b>                                                                   | No comments provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 4  | <b>Peacock and Smith on behalf of Wm Morrison Supermarkets Plc.</b>                                      | Strongly object to the proposed CIL rate of £100/Sq m for food retail (supermarkets). The proposed charge will have a significant adverse impact on the overall viability of future (large) convenience retail development in South Worcester. There are concerns that the viability analysis does not take into account all full likely costs associated with developing a new foodstore. The HDH assessment fails to fully acknowledge that development may incur significant S106 costs such as traffic mitigation, which will impact on viability. Furthermore, the proposed £100/sq m levy for retail development is disproportionately higher than those being proposed by other LPA's. Consider that the draft charge will put undue additional risk on the delivery of foodstore proposals and will be an 'unrealistic' financial burden.                                                                                                                                                                                                                                                              |
| 5  | <b>Turley on behalf of Seven Capital</b>                                                                 | <p><b>Question 1</b> - Seven Capital supports the introduction of a CIL Charging Schedule where the requirements are justified and evidence based, taking into account site specific constraints and viability.</p> <p><b>Question 3</b> - Seven Capital supports the setting of the Levy at a cautious level to avoid overburdening developments and preventing schemes coming forward on viability grounds. Site specific contributions should be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|   |                                                                               | <p>dealt with through planning obligations where these are justified by an appropriate evidence base and take into account site specific constraints and viability.</p> <p><b>Question 7</b> - Seven Capital supports the introduction of an instalments policy to ensure that CIL payments do not unduly restrict the viability of developments, in line with CIL Regulation 69B.</p> <p><b>Question 9</b> - Seven Capital welcomes the nil requirement for the Worcester South Urban Extension on the basis that the Council's evidence confirms that none of the SWDP strategic sites can justify a separate CIL charging rate on viability grounds.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 6 | <p><b>Pioneer Property Services Ltd on behalf of Robert Hitchins Ltd.</b></p> | <p><b>Question 1:</b> A CIL Charging Schedule should not be introduced until the concerns set out in detail in Appendix 1 have been addressed. In summary, on the basis of the latest December 2014 viability evidence and the application of realistic s106 and build cost assumptions if the SWDP is adopted with a 40% affordable housing target for large Greenfield / Strategic Sites it will require immediate review. Under the circumstances, adding to the already unviable policy burden imposed by the Policy SWDP15 affordable housing targets by introducing a CIL payment will further reduce viability and will threaten the delivery of the level of housing planned for within the emerging SWDP. The cumulative impact of the level of contributions sought (CIL and / or s106) upon economic viability should comply with national guidance and comply with CIL Regulation 14. Currently, the Council's PDCS is not considered to comply with national guidance or CIL Regulation 14.</p> <p><b>Question 2:</b> In summary, given the IDP acknowledgment that not all infrastructure costs have yet been determined and the absence of a clear distinction between items that will be CIL / s106 funded in accordance with CIL Regulations, and that the IDP / PDCS Background Paper does not review past rates of affordable housing delivery achieved without public subsidy and refers to 'provisional' s106 agreements to assess contributions apparently ahead of actual delivery, further work must be undertaken by the Council to inform how policy approaches and CIL charges will interact to ensure that the South Worcestershire Development Plan the revised draft PDCS and the draft Developer Contributions Supplementary Planning Document are justified, effective and consistent with national guidance, complement the delivery of planned development in the area and comply with CIL Regulation 14.</p> <p><b>Question 3:</b> Not only should the levy be set at a cautious level, the level at which it is set should comply with national guidance – i.e. it should not threaten the delivery of the Development Plan.</p> <p><b>Questions 4 and 5:</b> The level at which the levy should be set and / or the level of s106 planning obligations sought should comply with national guidance – i.e. these should not threaten the delivery of the Development Plan. This means that not only must these not compromise scheme viability, but funding must also be sufficient to enable essential infrastructure items central to Development Plan delivery to be provided. This may mean that other Policy burdens, such as affordable housing, will have to be reduced to ensure that viability is maintained whilst enabling</p> |

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|   |                                                         | <p>the delivery of essential infrastructure through an element of CIL funding.</p> <p><b>Question 6:</b> Yes it should. However, this proposed review timing will not be soon enough. On the basis of the latest December 2014 viability evidence and the application of realistic s106 and build cost assumptions if the SWDP is adopted with a 40% affordable housing target for large Greenfield / Strategic Sites it will require immediate review.</p> <p><b>Question 7:</b> If the CIL Charging Schedule is to be progressed it should be introduced in accordance with the underlying viability assessment assumption of an instalments policy being in place.</p> <p><b>Question 8:</b> This question is posed under the 'Exemptions and Relief' sub-heading in the PDCS. However, it appears to relate more closely to the proposed charges set out within the PDCS and fall within the remit of Question 9 given that it relates to 'types of development' as opposed to the types of non-mandatory exemptions that local authorities can opt to apply (as set out within the CIL section of the National Planning Policy Guidance).</p> <p><b>Questions 9 and 10:</b> A CIL Charging Schedule should not be introduced until the concerns set out in detail in Appendix 1 have been addressed. The proposed rates are not agreed.</p> <p><b>ALSO SEE APPENDIX 1 OF THEIR REPRESENTATION FOR ADDITIONAL COMMENTS</b></p> |
| 7 | Worcestershire Wildlife Trust                           | <p>We consider it imperative to provide funding for Green Infrastructure (GI) in line with the SWIDP and Sub-Regional GI Strategy produced by the Worcestershire GI Partnership and we believe that CIL should contribute to this. Accordingly we strongly endorse the inclusion of GI on the draft Regulation 123 list as proposed in Appendix A. The final split and the priorities for CIL-funded strategic GI should be informed by continuing work on the GI Strategy and individual site GI 'Concept Statements' for strategic sites.</p> <p><b>Question 4.</b> We consider that the existing planning obligations regime provides a reliable and well-tested delivery mechanism for Green Infrastructure on strategic sites and we would therefore advocate maintaining this option. Clearly the GI requirement will be considerable here and securing funds for its provision and long-term management will be fundamental in delivering high quality developments at this scale.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 8 | Boyer Planning on behalf of Bloor Homes Western Limited | <p>My client controls land which forms part of the Temple Laughern strategic urban extension to the west of Worcester, in Malvern Hills (SWDP45/2). We note that the Revised Preliminary Charging Schedule does not propose a rate for this urban extension. We agree that this is appropriate because of the scale of S 106 obligations that are likely to fall to such proposed development (question 10).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 9 | Sport England                                           | <p>Sport England support the introduction of a CIL Charging Schedule and the proposed spending of CIL on infrastructure including sports and recreation facilities. The annual revision of the Regulation 123 (in-line with the IDP) should be informed by the latest Playing Pitch Strategy and Built Facilities Strategies, once available.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|    |                                            | <p><b>Question 4 &amp; 5:</b> A combination of Sec 106 contributions and CIL revenue is likely to be appropriate from large housing schemes to provide contributions towards the additional demand generated for sporting facilities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10 | Malvern Town Council                       | <p><b>Question 2:</b> CIL requirements should not affect the amount of Levy payable to Town and Parish Councils.</p> <p><b>Question 7:</b> If instalments are able to be phased, payments need to be structured so that any essential infrastructure works can be undertaken either before or as close to commencement of the development of the project as necessary.</p> <p><b>Question 9:</b> The viability update shows that brownfield sites in the urban areas are not able to bear any elements of CIL, but how does this balance out with the increased need for improved infrastructure and services within these areas that these out of town residential developments will bring and that will need to be delivered by local councils? For residential developments in "All other Areas" i.e. villages, CIL is proposed to be charged at £40 per m2, yet in many cases those living in these developments will use the services and facilities of the local urban area who cannot claim CIL. These very services will need to be improved and upgraded as more housing on the surrounding greenfield sites are built. Charging CIL on greenfield sites outside of the main urban areas may encourage developers away from the greenfield sites, but even if this is the case, this will mean more developments may be pursued within town boundaries, and this will put further pressure on the town's infrastructure and services where no CIL will be chargeable.</p> <p>Malvern Town is in the process of establishing a Neighbourhood Plan and although the foremost purpose behind this is to guide the future development of the Town, an additional incentive (and one advocated by Central Government) has been the fact that areas with a</p> <p>Neighbourhood Plan will be able to claim 25% of CIL receipts rather than 15% for those areas without a Neighbourhood Plan. By setting the proposed levy at £0 for residential developments in the main urban areas this significantly penalises Town Councils and removes one of the motivations factors in creating a neighbourhood plan. The Levy rate should be set at the same amount for both Main Urban areas and All other areas.</p> <p><b>Question 10:</b> The Town Council does not have any objection to differing rates for the SWDP strategic sites providing that the appropriate infrastructure roads, sewerage and drainage systems, electricity supply, education etc. are put in place to support these large sites.</p> |
| 11 | Warwickshire Police and West Mercia Police | <p><b>Question 2:</b> WP/WMP/HWFRS support the inclusion of strategic emergency services provision within the CIL and consider that it is in accordance with National Planning Practice Guidance (NPPG). In particular we support the expansion of custody facilities. We support the inclusion of police contributions under s106 for major development sites. We are concerned, however that these S106 requirements have not been transferred across into the accompanying Developer Contributions SPD. It is unclear why only 4 sites are identified by name under the emergency services column. It needs to be made clear that these contributions would also apply to other strategic sites and smaller sites. It is unclear from this</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

consultation and the SPD consultations how the Councils would operate the pooling of s106 contributions. This needs to be made clear between the two documents and discussions should take place with the emergency services as to how contributions can be collected in practice.

**Question 3:** The purpose of the levy is to deliver infrastructure necessary to make a development acceptable in planning terms – no infrastructure, no development. If CIL only generates limited revenue it won't even partially cover costs. It is not for the Councils and infrastructure providers to compensate developers for bad land deals. CIL will be a known amount in any future land deals.

**Question 4:** The areas with the zero rate of CIL contribution are those where there is likely to be the greatest need for increased policing i.e. major residential developments. Funding would be very limited for strategic provision of policing under CIL as the contribution, particularly from residential development would be likely to be low. Pooling of s106 contributions will be scaled back in April 2015. It is unclear how contributions to police and other infrastructure covered by s106 will be taken forward once the pooling limit has been reached, and how it will operate alongside CIL.

**Question 5:** We have no objection in principle to the setting of site specific rates for SWDP strategic sites, but it is essential that any assessment of viability takes full account of the actual costs of delivering infrastructure. Landowners and site promoters must be required to provide sufficient good quality information and this must be fully evaluated by the Council.

**Question 6:** The timetable for review seems a reasonable one, particularly to assess how the CIL and the pooling restrictions are working in practice. We suggest regular reviews thereafter.

**Question 7:** Infrastructure cannot be delivered incrementally i.e. you can't build a bit of a road or a police station. Developers should be factoring this in as part of their calculations. With an instalment policy the risk is that the developers will get all of the benefits of infrastructure, but share only limited costs. Payments for police infrastructure such as police offices, officer training, vehicles and ANPR will need to be payable prior to occupation of the dwellings. As these would be capital costs it would not normally be feasible for these to be paid in instalments.

**Question 8:** The only exemptions should be for community uses and those already exempted nationally.

**Question 9:** The main urban areas are the areas that are most in need of additional police infrastructure. Setting a zero rate for CIL in the main urban areas will require all contributions to be collected through S106 contributions. Due to the strategic role of the police across South Worcestershire and the wider region, the S106 pooling threshold would soon be reached. The proposed CIL rates are too low. The only exemptions should be for community uses. The key question to be answered is, what is the CIL for if very limited payments are to be received.

**Question 10:** This suggests that it is not expected that CIL contributions will be received from any of the strategic sites. It is unclear though what would happen after 5 sites' contributions have been pooled and how the

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|    |                                                               | 5 sites would be chosen.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 12 | David Lock Associates on behalf of Hallam Land Management Ltd | <p>Hallam supports the funding through CIL of further enhancements to the A4440 SRR, to key transport corridors and sustainable transport infrastructure improvements.</p> <p>Hallam understands that site specific transport contributions will be required to be delivered through section 106 contributions. Hallam is however concerned that Appendix A wrongly spells out an expectation each development will be expected to contribute proportionately towards wider transport infrastructure considered necessary to mitigate the cumulative impacts of the plan. It is not appropriate to contribute towards infrastructure required as a result of the plan's policies as a whole, irrespective of a direct relationship with the development. On the overall shape of the indicative Regulation 123 list, it is Hallam Land's view that, given the limitations on the funding generated by CIL, the list of potentially CIL funded infrastructure should be narrowed to focus on specific elements that are key to the delivery of the South Worcestershire Development Plan.</p> <p><b>Q4:</b> Certainty of infrastructure delivery is a key issue in relation to the strategic sites and is best delivered by bespoke and certain delivery mechanisms and based upon site specific viability discussions.</p> <p><b>Q5:</b> Site specific rates (specifically a nil rate for the West Worcester and South Worcester Urban Extensions) are critical to the delivery of strategic sites and to securing the most effective means of infrastructure delivery.</p> <p><b>Q6:</b> The SWC should review CIL in 2019 but this should not preclude an earlier review of CIL where there is evidence that the introduction or rates imposed for CIL are having an impact on the delivery of development. Equally there is no explicit need to commit to a review in three years where no review may be necessary.</p> <p><b>Q7:</b> It is imperative that an instalments policy should be introduced. Such a policy should distinguish between the scales of developments.</p> <p><b>Q9:</b> Hallam does not comment in detail on all of rates across the districts at this time but highlights two particular matters relating to the rates for the Main Urban Areas. Hallam supports the £nil rate for residential development at the Main Urban Areas of Evesham and Malvern. Hallam is however very concerned at how the boundaries of the urban areas and hence of the £nil rate are drawn. Specifically Hallam considers that site SWDP50/7 Land off Abbey Road, Evesham should be defined within the Main Urban Area of Evesham. It appears that it is not at the moment. Hallam considers that site SWDP50/7 should be drawn within the Evesham Urban Area and be subject to a £nil rate as per all the remainder of the existing town. Were this not the case then Hallam would remain concerned that the present rate of £40 psm may not be supportable for the site. In relation to Malvern, should additional sites be identified through the Local Plan process on the edge of Malvern these will need to be included within the urban area boundary also.</p> <p><b>Q10:</b> Hallam queries the "N/A" rate for Worcester South and Worcester West urban extensions. It is unclear whether this is set out as not</p> |

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|    |                                                                                      | <p>applicable on the basis that the two urban extensions are likely to have permissions prior to the implementation of CIL OR if the matter is yet to be resolved. Table 2 should be amended to set out a £nil rate for the Worcester South and West Urban Extensions in accordance with the viability evidence.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 13 | <p><b>RPS on behalf of Gleeson Strategic Land and Welbeck Strategic Land LLP</b></p> | <p>RPS is of the view many of the issues associated with the S106 for the Land North East of Malvern are not justified under Regulation 122. There appears a considerable amount of inconsistency between the R123 list and the supporting evidence base. R123 needs to be much more specific and consistent with the SWDP and its supporting evidence.</p> <p><b>Transport</b> - Ex612 indicates the local highway network improvement schemes at Malvern (p 175-6). The main aspect of highway infrastructure at Malvern is a new roundabout at the Townsend Way/A449 Junction (listed under both Highway Schemes and Inter Urban Schemes). A new junction is required, as current modelling indicates that this junction will reach its design capacity during the plan period. It is therefore required to address existing issues of the highway network in addition to providing access to SWDP 56. Consideration should be given to including this crucial piece of infrastructure in the CIL 123 List as the delivery of this junction is required not just to access the SWDP 56 allocation but for wider needs of the SWDP. This should not however hinder the bringing forward the development.</p> <p><b>Education</b> - PDCS Appendix A indicates expansion or a new build for Primary School to be delivered through the NE Malvern Site and a cost of £2m. Clarity is needed through the R123 List whether a new build school is required or expansion of an existing school. In addition EX 612 indicates a cost of £1.69m for primary school costs, whereas the R123 list indicates a cost of £2m. Clarity is required over this. There is no reference to secondary provision as the EX612 indicates a contribution of £1.8m towards secondary education.</p> <p><b>Community Facilities</b> - The R123 list does not indicate the specific requirements from the SWDP Policies particularly in relation to SDWP 56. This includes a community building and land for a new cemetery to be delivered via S106. There also appears to be a difference in definition from the R123 list and EX 612 in relation to Sport and Recreation. The latter indicates a community centre which should be listed as a community facility consistent with EX612.</p> <p><b>Sport and Recreation</b> - There is no justification for the words 'Pavilion' as this is not in the policy for SWDP 56 and is not required from the SWDP for the site. Also the R123 list states 1 cricket pitch and a MUGA. This is incorrect and is not reflective of either the SWDP 56 requirements or SWDP 39 and should be amended.</p> <p><b>Emergency Infrastructure</b> - Policy SWDP 56 requires a new police post to be delivered on the site. There is no SWDP policy requirement for: recruitment and equipping of officers and staff; police vehicles; and automatic number plate recognition cameras. These aspects do not meet R122 requirements and are not specific to the development and should be deleted from the list.</p> |

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|    |                                                      | <p><b>Q4 &amp; 5</b> expressly relate to strategic sites. RPS does consider that S106 planning obligations should be the principal way of funding infrastructure on strategic sites and also off-site infrastructure where this is related principally to the site. The WVS at paragraph 13.52 strongly supports the setting of site specific rates for strategic sites. Additionally paragraph 6.4 of the schedule recognises that strategic sites have a heavier infrastructure burden to bear. There should be flexibility for the applications relating to the strategic sites to be accompanied by sufficient viability information to adjust the S106 R123 list requirement where it is demonstrated to impact a scheme's viability.</p> <p><b>Q7</b> relates to an instalments policy, which the 2013 CIL regulations allow for. RPS will support a suitable approach to an instalment policy which reduces the burden of CIL payments on the cash flow of developments. A phasing policy for outline applications should also be agreed which facilitates a separate chargeable event for each phase, again to assist cash flow for development which will make more schemes viable.</p> <p><b>Q8</b> RPS commends a CIL approach which will facilitate development and avoids setting the CIL rate too high to require applicants to seek discretionary relief from CIL.</p> <p><b>Q10</b> - £0 rate for Malvern North East strongly supported. Clarification is required on Table 2 why certain sites indicate a Proposed Rate of £N/A (South and West Worcester) and others (North East Malvern) indicate a £0 rate. There needs to be consistency and use of the term £NA would seem applicable for all strategic sites indicated in Appendix B.</p> |
| 14 | Tetlow King Planning on behalf of West Midlands HARP | <p>Our overriding concern is that the revised Preliminary Draft Charging Schedule has done little to rectify many of our concerns over the previous Viability Study. Critically, the Study has failed to:</p> <ul style="list-style-type: none"> <li>• show testing for any alternative CIL charges to that proposed</li> <li>• show cost assumptions</li> <li>• demonstrate how current values have been assessed</li> <li>• demonstrate a suitable buffer, taking into consideration potential increases or decreases in house prices or build costs</li> <li>• work out viability costs for C2 care homes and C3 extra care developments</li> <li>• use the correct affordable housing target</li> <li>• prove that the CIL Charge is robust.</li> </ul> <p><b>Question 3:</b> Generally support a cautious approach but the Viability Study does not offer comfort that a proper assessment has been made of the ability of developments to contribute to new infrastructure via CIL.</p> <p><b>Question 4:</b> We support the use of planning obligations as the principal way of funding strategic sites.</p> <p><b>Question 6:</b> This should be accompanied by a caveat to review the CIL</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|    |                                     | <p>Charge if house prices change by more than 10% if that occurs sooner.</p> <p><b>Question 7:</b> We consider that a good approach is one which stipulates payments in thirds; with the final third to be paid upon occupation of the development. We have included Havant Council's Phasing Policy as an exemplar.</p> <p><b>Question 8a:</b> We consider that, in the short and medium term, allowing exemptions would assist in the delivery of affordable housing in South Worcestershire and would encourage the councils to include it in their Charging Schedules.</p> <p><b>Question 9:</b> Note the important update to the PPG which will have ramifications for the affordable housing policy (affordable housing thresholds). Policy SWDP15 sets a varied threshold, though this will now have to be changed to reflect the new threshold of 10 dwellings and under not being required to provide a contribution to affordable housing. The only exception to this is in defined rural areas, where a threshold of 5 dwellings and under may be applied, at the discretion of the local planning authority. The changes at national level will affect the number of affordable units that will be delivered across South Worcestershire over the whole plan period and therefore the level at which CIL is set will become even more important to the delivery of affordable housing.</p> <p><b>Question 10:</b> We are pleased to see that testing has now been done on strategic sites. However, due to our concerns over the Viability Study we are not in a position to agree with this proposed Charge.</p> <p>In view of the above we are unable to support the proposed CIL rates. As with the previous CIL Preliminary Charging Schedule the Council has provided us with insufficient evidence on which to assess the Charge accurately. We seek further viability assessment to overcome our clients' concerns.</p> |
| 15 | JLL on behalf of Crown Packaging UK | <p>Whilst our client welcomes the South Worcestershire Councils' (SWCs) revised approach to CIL charging across the Charging Area, our client is concerned with the proposed relationship between CIL and other developer contributions proposed throughout the Charging Area.</p> <p>The draft Regulation 123 list (and corresponding column outlining the proposed approach/relationship to Section 106 agreements) is not sufficiently clear to ascertain whether there is double dipping on a number of items (e.g. Transport, Education, Community Facilities, Emergency Services, Sport and Recreation). Further, in a number of respects, the contributions are widely defined both in the draft Regulation 123 List and the Section 106 contributions. Careful consideration will be required by the SWCs to ensure that Section 106 contributions are not being 'pooled' as prohibited by the CIL Regulations.</p> <p><b>Questions 4 and 5:</b> Our client is content with the approach proposed by the SWCs at this stage, subject to the issues of clarification raised throughout these representations being considered and addressed.</p> <p><b>Question 7:</b> The default policy set by Regulation 70 of the CIL Regulations could have a significant impact on development viability across the Charging Area, as it will require CIL payments up front. An Instalments</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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|    |                                             | <p>Policy will enable CIL payments to be made on a 'staged' basis. This will be particularly important to assist the delivery of larger sites (particularly for residential uses), where CIL payments will be significant.</p> <p><b>Question 8:</b> Paragraph 7.3 of the RPDCS does not appear to propose an Exceptions Policy over and above that set out in the CIL Regulations or referred to in the NPPG. An Exceptions Policy should be developed by the SWCs, as such a policy may be needed to assist the delivery of development where sites are unviable.</p> <p><b>Question 9 and 10:</b> Agree with the rates proposed (subject to the comments set out in the representations).</p> <p><b>Plus additional comments on SWC's Local Plan Viability Update HDH Planning and Development Report (September 2014) - Benchmark site values, Abnormal Costs, the approach to testing the relationship between Section 106 and CIL, discrepancies between the appraisal of Strategic Sites '4' and '6', etc.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 16 | Worcestershire Acute Hospitals NHS Trust    | <p>The projected population growth across the County, particularly that in South Worcestershire, will inevitably lead to increased demand for healthcare including acute hospital services. Whilst more intensive use of facilities can absorb some increased demand this is inevitably principally at the margins and, as with the education sector, the healthcare sector may have to look to CIL (in addition to potentially planning obligations for specific large scale developments) to support the provision of additional health provision whenever major housing developments are undertaken.</p> <p>With regard to the Appendix A of the draft CIL Charging Schedule the only health reference under area wide community facilities is to health centres rather than hospitals and the latter i.e. secondary healthcare, should also be included as per the similar statement in appendix A in relation to education as follows: Education: Contributions for upgrades to existing schools (except from those sites listed under s.106 column) to address shortfalls in capacity.</p> <p>I can also advise that services provided by the Acute Trust are funded via our commissioners and the payment by results mechanism. Therefore any projected increased health demand as a result of development growth will need to be discussed with the local Clinical Commissioning Groups who would be required to fund such services and the associated capital and health infrastructure requirements.</p> |
| 17 | Savills on behalf of Welbeck Strategic Land | <p><b>Question 1:</b> The draft Regulation 123 list is generic. Projects should be identified and drawn from the IDP to provide clarification and certainty for developers and the public as to where and how the levy is to be spent and to enable appropriate scrutiny. As drafted, it would appear that there remains potential for “double dipping” to occur despite the Councils assurances.</p> <p>Welbeck Strategic Land (WSL) notes the statements in the Viability Update (Dec 2014) at paragraph 4.33 and in Chapter 5 that the SWUE will not be able to bear CIL in addition to identified infrastructure costs and that as a result it should be zero rated for CIL. WSL supports this position. This is</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|    |                            | <p>not, however, reflected in the PDCS Table 5 which states N/A. This has also been used for Worcester West whilst other, smaller, extensions are identified as £0. WCL objects to Table 7 not identifying SWUE as attracting a proposed CIL rate of £0. The use of N/A is unacceptably ambiguous.</p> <p><b>Other Comments:</b> The relationship between the ability to secure contributions through s106 planning obligations and separately through CIL needs further clarification throughout the document. Further restrictions on the use of s106 obligations are about to come into force. Section 4 of the PDCS is not clear how the Councils' ability to secure s106 funding prior to the adoption of CIL is potentially likely to be affected as no evidence is available regarding the contents of previous s106. WSL considers that that this information needs to be provided for each of the Councils.</p> <p>In WSL's view the draft 123 list is expressed too generically and potentially gives rise to the perception of double dipping despite this not being the intention of the Councils. This appears particularly apparent with the Transport section. The Regulation 123 list should be amended to identify the specific projects from the Infrastructure Delivery Plan that the CIL monies will be used for.</p> <p>Appendix A also identifies various requests under the s106 contributions column and relates them to specific sites. Not all of these requests have been confirmed or agreed as meeting the tests of the CIL Regulations and thereby being CIL compliant e.g. some of the emergency services requests. Inclusion of these figures within the document suggests that the levels of contributions have been agreed. This is not the case.</p> <p>Section 7 of the PDCS explains how CIL will be implemented and paid. However, the thresholds of qualifying development and type of qualifying development needs to be amended. For example, the floorspace threshold for food retail should be included to give developers certainty as to when a development might attract CIL.</p> <p>WSL makes no particular comment on the proposal to introduce an instalments policy subject to the SWUE being identified as £0 rated and notes the proposal to introduce an instalments policy as identified in Table 4.3 the Viability Report Update (Dec 2014). WSL considers that such a policy needs to clearly state that it would apply equally to a single phased development as to individual phases of a larger strategic development site.</p> |
| 18 | DTZ on behalf of St Modwen | <p><b>Summary:</b> Our client supports the findings of £0 (per sq m) charge rate but does not agree with the proposal to introduce a CIL tariff of £40 per sq m on residential development sites (all other Areas) for the Malvern Hills and Wychavon locations; £100 per sq ft on Food Retail and Retail warehouses. DTZ considers the proposed charging level to be unreliable due to there being an unrealistic site value thresholds. Also object to the benchmark values and propose increased threshold land values (evidence provided).</p> <p><b>Question 2:</b> Concerns are raised in respect of both the Regulation 123 list, the split between the 123 list and s106 and the contributions sought from the Urban Extension sites, particularly of interest to St Modwen who control a proportion of the land identified as part of the South Worcester</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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|    |                    | <p>Urban Extension. In respect of Transport we are concerned that the approach includes duplication of funding within s106 which should be included within CIL, particularly in respect of matters of cumulative impacts and those of a strategic nature. We expect that CIL supersedes the former Worcester Transport Contribution approach which will not be CIL compliant.</p> <p>Applications have been submitted to the respective Council's concerning the development proposals for the South Worcester UE. The applications have been supported by detailed viability assessments. Discussions have also taken place in respect of likely infrastructure requirements for the development, however the viability balance for the development has yet to be adjudged and the deliverable scale of infrastructure has not yet been ascertained. Nothing in the CIL consultation supports, explains or justifies the UE specific infrastructure for the South Worcester UE, nor is there any evidence which calculates that the development is viable with this scale of infrastructure sought. In the absence of this evidence Appendix A cannot be supported.</p> <p>In respect of sport and recreation, it is not transparent how certain developments appear to have City wide value beyond the site specific development requirement under s106 and therefore are included within CIL but others which will clearly have wider City benefit are only included in the s106 site specific list. We note for example the All Weather pitch provision at West Worcester is funded under CIL, whilst all provision at South Worcester is under s106 notwithstanding the scale, nature and wider benefit of the proposals.</p> <p><b>Conclusion:</b> In reviewing the evidence, it is considered that there are a number of limitations in the viability analysis that have led to the proposal to introduce a tariff as a general rate. We consider that correcting these assumptions should lead to the conclusion that if South Worcestershire Councils are to introduce CIL, the appropriate general tariff would be substantially reduced given the scale of other costs that sites will typically incur in delivery.</p> |
| 19 | Environment Agency | <p><b>Question 2:</b> We note the consultation states that comments made on the previous CIL preliminary draft charging schedule in September 2013 have been incorporated into this new document. We previously advised that contributions to the Flood Warning service should be included in the CIL 123 list as the gauges need to operate the service are items of physical infrastructure within the administrative area. However we note the 'flood mitigation' section of the CIL 123 list in Appendix A has not been altered. We are keen to ensure that the term 'flood mitigation' is taken to have a wider meaning of 'flood risk management infrastructure' so as to include not just 'hard' defences, but also things like maintenance, forecasting, warning and modelling etc. – i.e. all those things that are required to make the hard defences and general management of flood risk happen. We feel the wording in the CIL 123 List may need some alteration to reflect this.</p> <p>With regard to Green Infrastructure (GI), we again welcome its inclusion on the CIL 123 List. We consider the inclusion of Water Framework Directive (WFD) waterbody improvements would be appropriate here. Under the WFD there are requirements to enhance waterbodies through development, and ensure that development does not lead to deterioration</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|    |                               | <p>in waterbodies. As such we consider it is appropriate to ensure these WFD elements of GI are included within the CIL 123 List.</p> <p>We have no particular comments at this stage relating to split between CIL and S106, although we note that in the flood mitigation section the S106 column mentions 'site specific SFRA' and this may need to change to 'site specific FRA', assuming this is what is meant. (the 'S' stands for strategic, and for individual planning applications it is normally a site specific Flood Risk Assessment that details the flood risk associated with the site/development.)</p> <p><b>Question 3:</b> Given the lifetime of the development plan into the 2030s, it is important that flexibility is incorporated wherever possible as the economic situation cannot be known for this period of time.</p> <p><b>Questions 4 and 5:</b> We have no definitive advice on this matter, but would assume that whichever option is chosen must be informed by matters of viability). We consider there is likely to be merit in retaining a S106 approach to some strategic sites as often particular infrastructure is directly related to the development proposed and mitigating the effects of the development, as opposed to being an opportunity to deliver infrastructure in other locations across the administrative area.</p> <p><b>Question 6:</b> We consider this is appropriate and would address our comments above relating to flexibility in approach.</p> <p><b>Question 7:</b> An instalments policy may be more 'user-friendly' for small and large scale developers alike.</p> <p><b>Question 8:</b> SWC may wish to consider whether a policy needs to be developed to protect against the submission of piecemeal development to avoid CIL (i.e. a series of planning applications under 10 dwellings over a period of time for what is essentially the same site/plot).</p> <p><b>Question 9:</b> No specific comments but assume the rates will have been set according to up to date viability considerations.</p> <p><b>Question 10 (Strategic Sites):</b> We find table 2, page 17 a little unclear. Does N/A imply the development will be exempt from CIL but S106 will apply to that site? Why have certain sites been given a CIL rate as per the district, and others given a zero CIL rate? Is the zero rate as these sites are in part/fully non-residential schemes?</p> |
| 20 | Stratford Rail Group          | <p>Appendix A fails to include reference to the Stratford- Honeybourne – Oxford/Worcester/Broadway railway reinstatement, including the costs of reinstating platforms 3 and 4 of Honeybourne station, the Oxford facing chord line at Honeybourne Junction and upgrading the existing single line railway from Long Marston-Honeybourne from freight to passenger standards. The scheme is also supported in the Worcestershire Local Transport Plan, 2011-26, Policy SW21.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 21 | Worcestershire County Council | <p>WCC recognise the Regulation 123 list will need to evolve still further prior to the Draft Charging Schedule proposed for the summer 2016. WCC also recognises the funding gap information within the justification will require further revision and detail for the Draft Charging Schedule. WCC would like to propose preparation of a CIL governance document is completed</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

alongside the Draft Charging Schedule to help ensure funds will be directed to the appropriate infrastructure projects identified within the Regulation 123 list.

## Appendix G

### SWC Proposed Timeline for CIL as per LDS (2015-2018)

| 2013 |    |    |   |   |    |    | 2014 |   |   |   |   |   |   |   |   |    |    |    |    |   | 2015 |   |   |   |   |   |   |   |    |   |   |   | 2016 |   |  |  |
|------|----|----|---|---|----|----|------|---|---|---|---|---|---|---|---|----|----|----|----|---|------|---|---|---|---|---|---|---|----|---|---|---|------|---|--|--|
| J    | J  | A  | S | O | N  | D  | J    | F | M | A | M | J | J | A | S | O  | N  | D  | J  | F | M    | A | M | J | J | A | S | O | N  | D | J | F | M    | A |  |  |
| C1   | C2 | C3 |   |   | C4 | C1 |      |   |   |   |   |   |   |   |   | C2 | C3 | C4 | C5 |   |      |   |   |   |   |   |   |   | C6 |   |   |   |      |   |  |  |

| 2016 |   |    |    |   |   |     | 2017 |     |
|------|---|----|----|---|---|-----|------|-----|
| M    | J | J  | A  | S | O | N   | D    | J   |
| C7   |   | C8 | C9 |   |   | C10 | C11  | C12 |

#### Key

- C1.** Preparatory work including compiling evidence base
- C2.** Preparation of Preliminary Draft Charging Schedule and draft Regulation 123 List
- C3.** Public Consultation on PDCS and draft Regulation 123 List (Regulation 15) – *\*Please note two PDCS consultations have been undertaken.*
- C4.** Consideration of representations
- C5.** Preparation of Draft Charging Schedule and final Regulation 123 List
- C6.** Consultation on DCS and Regulation 123 List (Regulation 16)
- C7.** Consideration of representations
- C8.** Submission of DCS (Regulation 19)
- C9.** CIL Examination
- C10.** Receipt of CIL Examiner's recommendations (Regulation 23)
- C11.** Approval and publication (Regulation 25)
- C12.** Final preparatory work prior to the Charging Schedule taking effect 01/01/17 (Regulation 28)

***Regulation references relate to The Community Infrastructure Levy Regulations 2010 (as amended)***