

Summary of representations received for the revised Community Infrastructure Levy Preliminary Draft Charging Schedule consultation (16 February 2015 to March 2015)

Rep Number	Organisation/Agent	Client	Key Points Made	Summary of Representation
1.	Tyler Parkes	AXA Real Estate Investment Managers (REIM) and Stoford Developments Ltd	Supports the proposal to have a 'nil charge' for industrial and office development.	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.	Homes & Communities Agency	n/a	How and when will the levy rates on strategic sites be met? What further work (if any) is occurring with regard to the S106/CIL split? How will it be ensured major schemes do not stall and how will funding streams be identified?	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). Question 3 - Support the approach, particularly the protection to Policy Requirements around affordable housing, but subject to review. Questions 4 and 5 - 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. Question 10 - How will the prioritisation of infrastructure requirements work to ensure major schemes do not stall and how will funding streams be identified?
3.	Forest of Dean District Council	n/a	None.	No comments provided.
4.	Peacock and Smith	Wm Morrison Supermarkets Plc.	Objects to the proposed CIL rate of £100/Sq m for food retail (supermarkets) and concerns over viability analysis.	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.	Turley	Seven Capital	Welcomes the nil requirement for the Worcester South Urban Extension	Question 1 - 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. Question 3 - 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 dealt with through planning obligations where these are justified by an appropriate evidence base and take into account site specific constraints and viability. Question 7 - 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. Question 9 - 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.

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6.	Pioneer Property Services Ltd	Robert Hitchins Ltd.	A CIL Charging Schedule should not be introduced until the concerns set out in detail in Appendix 1 have been addressed (an unviable affordable housing policy burden, coupled with a CIL payment will reduce viability and threaten delivery).	<p>Question 1: 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>Question 2: 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>Question 3: 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>Questions 4 and 5: 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 the delivery of essential infrastructure through an element of CIL funding.</p> <p>Question 6: 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>Question 7: 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>Question 8: 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>Questions 9 and 10: 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>ALSO SEE APPENDIX 1 OF THEIR REPRESENTATION FOR ADDITIONAL COMMENTS</p>

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7.	Worcestershire Wildlife Trust	n/a	<p>It is 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.</p> <p>Planning obligations for GI on strategic sites should continue.</p>	<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>Question 4. 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	Bloor Homes Western Limited	<p>Support the nil CIL ate for the strategic urban extension to the west of Worcester (SWDP 45/2) as large S106 requirements are likely.</p>	<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	n/a	<p>Support a CIL charging schedule. The Regulation 123 list should be informed by the latest Playing Pitch Strategy and Built Facilities Strategies, once available.</p>	<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> <p>Question 4 & 5: 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	n/a	<p>A nil rate for main urban areas such as Malvern, removes some of the motivating factors when 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>Question 2: CIL requirements should not affect the amount of Levy payable to Town and Parish Councils.</p> <p>Question 7: 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>Question 9: 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 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</p>

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				<p>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>Question 10: 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	n/a	Support the inclusion of strategic emergency services provision within the CIL. The proposed CIL rates are too low.	<p>Question 2: 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 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Question 8: The only exemptions should be for community uses and those already exempted nationally.</p> <p>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</p>

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				<p>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.</p> <p>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 5 sites would be chosen.</p>
12.	David Lock Associates	Hallam Land Management Ltd	<p>Supports the funding through CIL of further enhancements to the A4440 SRR, to key transport corridors and sustainable transport infrastructure improvements.</p> <p>The CIL funded items in the regulation 123 list should be narrowed to focus on specific elements that are key to the delivery of the SWDP.</p> <p>Supports the £nil rate for residential development at the Main Urban Areas of Evesham and Malvern but has concerns over where the boundaries are drawn.</p> <p>Table 2 should be amended to set out a £nil rate for the Worcester South and West Urban Extensions (as opposed to 'N/A') in accordance with the viability evidence.</p>	<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>Q4: 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>Q5: 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>Q6: 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>Q7: It is imperative that an instalments policy should be introduced. Such a policy should distinguish between the scales of developments.</p> <p>Q9: 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>Q10: Hallam queries the "N/A" rate for Worcester South and Worcester West urban extensions. It is unclear whether this is set out as not 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>

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13.	RPS	Gleeson Strategic Land and Welbeck Strategic Land LLP	<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.</p> <p>£0 rate for Malvern North East strongly supported.</p> <p>Queries use of 'N/A' in strategic sites table.</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>Transport - 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>Education - 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>Community Facilities - 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>Sport and Recreation - 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>Emergency Infrastructure - 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> <p>Q4 & 5 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>Q7 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>Q8 RPS commends a CIL approach which will facilitate development and avoids setting the CIL rate too high to require applicants to seek</p>

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				<p>discretionary relief from CIL.</p> <p>Q10 - £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	West Midlands HARP	Concerns over the viability study (see bullet points in summary).	<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"> • show testing for any alternative CIL charges to that proposed • show cost assumptions • demonstrate how current values have been assessed • demonstrate a suitable buffer, taking into consideration potential increases or decreases in house prices or build costs • work out viability costs for C2 care homes and C3 extra care developments • use the correct affordable housing target • prove that the CIL Charge is robust. <p>Question 3: 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>Question 4: We support the use of planning obligations as the principal way of funding strategic sites.</p> <p>Question 6: This should be accompanied by a caveat to review the CIL Charge if house prices change by more than 10% if that occurs sooner.</p> <p>Question 7: 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>Question 8a: 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>Question 9: 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>Question 10: We are pleased to see that testing has now been done on strategic sites. However, due to our concerns over the Viability</p>

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				<p>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	Crown Packaging UK	<p>Concerned with the proposed relationship between CIL and other developer contributions proposed throughout the Charging Area (e.g. 'double dipping' of items on CIL/S106 list). In a number of respects, the contributions are widely defined both in the draft Regulation 123 List and the Section 106 contributions.</p> <p>Plus additional comments on SWC's Local Plan Viability Update.</p>	<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>Questions 4 and 5: 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>Question 7: 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 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>Question 8: 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>Question 9 and 10: Agree with the rates proposed (subject to the comments set out in the representations).</p> <p>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.</p>
16.	Worcestershire Acute Hospitals NHS Trust	n/a	<p>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.</p> <p>Any projected increased health demand as a result of development growth will need to be discussed with the local</p>	<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>

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			Clinical Commissioning Groups who would be required to fund such services.	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.
17.	Savills	Welbeck Strategic Land	<p>The draft Regulation 123 list is generic. Projects should be drawn from the IDP to provide certainty for developers and the public as to where and how the levy is to be spent. There also appears the potential for 'double dipping'.</p> <p>The relationship between the ability to secure contributions through s106 planning obligations and separately through CIL needs further clarification throughout the document.</p>	<p>Question 1: 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 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. WSL 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>Other Comments: 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 figure 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	St Modwen	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	Summary: 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).

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			<p>sites (all other Areas) for the Malvern Hills and Wychavon locations; £100 per sq ft on Food Retail and Retail warehouses.</p> <p>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>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. CIL would be substantially reduced if viability assumptions are corrected.</p>	<p>Question 2: 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 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>Conclusion: 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	n/a	<p>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.</p> <p>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,</p>	<p>Question 2: 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 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>Question 3: Given the lifetime of the development plan into the 2030s, it is important that flexibility is incorporated wherever possible as</p>

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			<p>warning and modelling etc. – i.e. all those things that are required to make the hard defences and general management of flood risk happen.</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.</p>	<p>the economic situation cannot be known for this period of time.</p> <p>Questions 4 and 5: 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>Question 6: We consider this is appropriate and would address our comments above relating to flexibility in approach.</p> <p>Question 7: An instalments policy may be more ‘user-friendly’ for small and large scale developers alike.</p> <p>Question 8: 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>Question 9: No specific comments but assume the rates will have been set according to up to date viability considerations.</p> <p>Question 10 (Strategic Sites): 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	n/a	Appendix A fails to include reference to the Stratford-Honeybourne – Oxford/Worcester/Broadway railway reinstatement	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.
21.	Worcestershire County Council	n/a	Funding gap will need to be updated for the draft charging schedule and governance documentation will need to be prepared.	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 alongside the Draft Charging Schedule to help ensure funds will be directed to the appropriate infrastructure projects identified within the Regulation 123 list.