

Appendix D

Summary of responses from the first Preliminary Draft Charging Schedule Consultation (September 2013)

ID	Respondent Name	Summary of Response
1	Frank Lee D'ismay (resident)	Supports idea, but wants higher charges, particularly for Worcester's residential charge.
2	John Armstrong (resident)	Agrees with the proposed levels.
3	Andrew Hastie (resident/self build)	No mention of exemption of self builds for CIL in the SWDP. Self builds should be exempt from CIL
4	John Pugh (resident)	CIL should be used so that developers meet the cost or a large proportion of the cost of road infrastructure before development takes place. Otherwise, CIL taxes would get lost in the overall budget allocations and we would not see the benefits.
5	Roy Pendleton (Court Property Developers Ltd/Jupiter Rain Water Systems)	We feel the CIL should either exclude smaller developments OR there should be a lower rate for smaller developments.
6	Tony Hyde (Chairman, Thomas Vale Construction Group)	<ol style="list-style-type: none"> 1. Low cost affordable housing, social housing should be zero rated and not classed as housing. 2. Retirement should be in health and zero rated. 3. Consideration should be given in respect of reduced or zero rate for Live Work accommodation.
7	T Taylor (resident)	Funding for road infrastructure should be in place and road works completed before development occupation.
8	Tony Hyde (Chairman, Thomas Vale Construction Group)	<ol style="list-style-type: none"> 1) Housing Associations and Section 106 housing should be exempt. 2) 'One off' plots and in particular self build should be exempt. The current proposed structure doesn't strike a balance and 'one size fits all' should not be applied. Focus must be to ensure major developments which require infrastructure are making a proper investment proportionate to the level of development profits they are making.
9	Dr Thomas Bloch	<p>The levy is not earmarked to benefit directly the community affected by developments. Within a district there are bound to be differentials in terms of desirability and therefore profit to be made, which are not reflected in the Levy when charging by the square meter.</p> <p>If each locality, village or town had a differential rate of charge, this could be used as a tool to encourage development where the greatest public and community gain could be obtained, rather than where developers want to build because they can maximise their profit, instead of providing housing where it is actually needed. This whole CIL idea strikes me as flawed and ill thought out.</p>

10	Droitwich Spa Town Council	PDCS was considered by the Town Council's Planning committee on 14th October 2013. The email provides responses to the questions set out in the questionnaire, including a suggested change for the rates for Wychavon, including £60 rates for both student accommodation and hotels, and a new £60 rate for shops. It is also suggested that Planning Use Class categories should be utilised as part of the table also.
11	Simon Williamson	Concern that there is considerable opportunity for levies taken in respect of new housing development here in Broadway to be spent on infrastructure in other places, with no benefit to Broadway itself. It would be appropriate that if CILs are raised on development in Broadway, then those levies should be used to enhance the Broadway community, such as retaining the local fire station and not syphoned off elsewhere
12	Donna Commock (Lidl UK)	Lidl have a similar turnover to stores such as Tesco Express and Sainsbury's Local. However, Lidl stores are generally much larger by sqm than said Tescos and Sainsbury's stores and therefore will have to contribute more to CIL. It is argued that it is not considered viable for them to pay the same rate as supermarkets who generally have footprints of circa 2000 sqm plus and significantly higher turnovers. It is urged that this is taken into consideration when deciding upon the charging rates.
13	Natural England	It is advised the council gives careful consideration to how it intends to meet para 114 of the NPPF, and the role of the CIL in this. NE are therefore supportive of the inclusion of green infrastructure and open space provision in the Preliminary Draft Charging Schedule. They are also content with division of green infrastructure between Planning Obligation (106) for site specific schemes and CIL (Regulation 123 List) for strategic network improvements.
14	Graham Love FRICS	The use of S.106 payments are crucial to local communities directly affected by developments, and they should be properly and robustly negotiated by people experienced in development, and the benefits should flow predominantly to the village or town affected, as originally intended by the rules.
15	Andrew Morgan (WMP & HWFRS)	<p>In response to the questionnaire:</p> <ol style="list-style-type: none"> 1) Agree that S W authorities should introduce a CIL charging schedule 2) Welcome and support the inclusion of the Emergency Services within the draft Reg. 123 list. However, concerns are raised that the projects identified under Appendix A of the PDCS are purely capital infrastructure requirements. 3) CIL in S W should be charged at differential rates according to the following: <ul style="list-style-type: none"> • Use class of development concerned • District in which it is situated • Specific location in which it is situated. 4) WMP &HWFRS concur that the SW Councils should maintain the use of planning obligations as the principal way of funding infrastructure on strategic sites. 5) Question whether the necessary work can in fact be undertaken and a site specific rate implemented in the time envisaged

		<p>6) No comment</p> <p>7) No comment</p> <p>8) Unclear as to whether this includes the emergency services? If not, then recommend that current exemptions for affordable housing and charitable developments are extended to the emergency services via a discretionary relief policy.</p> <p>(9) See response 3 above</p> <p>(10) See responses above</p>
16	Peacock and Smith (representing WM Morrison)	Strongly object to the proposed CIL rate of £100/sq m for food retail (supermarkets) development across the 3 authorities. Concerned that this will have an adverse impact on the overall viability of future (large) convenience retail development in SW. Rates disproportionately higher than other LPAs
17	Canal and River Trust	Need to be more specific on which projects relating to the canals are to be secured by s106 planning obligation and which by CIL to enable them to comment on this question (Q2 of questionnaire).
18	Warndon Parish Council	<ul style="list-style-type: none"> • Broadly support Councils' approach to setting the tariff. Exemption of affordable housing from the levy is strongly supported as this will assist in maintaining viability in residential developments. • It will be essential for the councils to apply CIL and s106 contributions in a manner which avoids duplication and increased development costs which would result in there being no incentive for landowners to release land to the market. • If CIL is set too high, it will put further pressure on already weakened property market and stifle future development. • What is the relevance of 10% price change in Q6? • To allow for accurate fund management, it may be beneficial to development industry to have more certainty over the payment timeframe. Therefore it may be appropriate for introduction of instalments policy • Agree with proposed CIL rates for each council area, although it is unclear whether residential extensions are exempt from CIL or fall within the charging schedule.
19	Eckington Parish Council	<ul style="list-style-type: none"> • CIL charging schedule needs to be run by elected representatives • Split between s106 and CIL seems reasonable but funding needs to remain available for smaller community projects as well. • Should set a date to review CIL and stick to that. • CIL should be set at a cautious level but there should be a transparent schedule for the review. • SW Councils should introduce a site specific rate for strategic sites, but assessment criteria must be clear and consistent • SW authorities should introduce an instalments policy, but only for large developments (definition required) • SW authorities should introduce a discretionary relief policy but only with prior definitions of exceptional circumstances
20	Longdon, Queenhill and Holdfast Parish Council	<ul style="list-style-type: none"> • The Levy penalises many smaller scale developments most suited to rural developments. • SWC should delay introduction of CIL charging schedule for as long as

		<p>practicable.</p> <ul style="list-style-type: none"> • CIL process too open to cost escalations and other funding shortfalls. May also prove vulnerable to manipulation by developer – need ‘bedding in’ period to demonstrate viability. • Site specific regime should allow the setting of an appropriate value to ensure the best outcome for the community, or a case by case basis. All the info related to the choice of levy must be made available to the general public. • Developer should be required to take out fully pre-paid insurance against late or non-payment of instalments, and this should be verified before agreement of instalment payment. • If conditions for the discretionary relief policy cease to be met during the fixed time, the levy will become payable. • Large shopping centres should be treated as for food and retail warehouses for CIL rate. • High rate proposed for student accommodation is tantamount to discrimination.
21	Cotswolds AONB	<p>Draws attention to West Berkshire District Council PDCS, which is proposing a higher level of CIL for residential properties in the North Wessex Downs AONB. A West Berkshire Council CIL study concluded that higher rate of CIL could be justified in AONB because of 'higher values' and limited levels of growth. Suggests SW could use a similar approach.</p>
22	Theatre Trust	<p>Support a nil rate at para.9.2 for Education, health, community and other uses. D1, D2 and some sui generis uses (e.g. theatres) often do not generate sufficient income streams to cover their costs. These facilities are very unlikely to be built by the private sector and consequently require some form of subsidy to operate.</p>
23	Worcestershire Wildlife Trust	<p>CIL should provide funding for Green Infrastructure. Strongly endorse the inclusion of GI on draft Reg 123 list. Final split between s106 & CIL, and the priorities for CIL-funded strategic GI should be informed by continuing work on GI strategy and individual site GI 'concept statements' for strategic sites. Advocate maintaining the existing planning obligations regime. There may however be instances where pooled contributions from CIL could be used to augment site-based (and therefore s106 funded) GI Infrastructure associated with strategic sites.</p>
24	Mr Michael Ruddell	<p>Does not agree with proposed CIL rate of zero for shops and for industrial and office developments. The 15% to 25% amount of the CIL levy passed to the local community by way of the Parish Councils is not a meaningful proportion, and should be much higher.</p>
25	West Midlands HARP Consortium (Tetlow King Planning)	<ul style="list-style-type: none"> • Unable to support CIL rates and seek further viability assessment to overcome clients concerns. • Councils' should consider rates they finally decide upon in the draft CS in the context of April 2013 statutory guidance for CIL, para. 29, stating that LAs should take account of policies in the development plan when setting their CS, in particular affordable housing targets • Also should think about consideration of independent examiner that Charging Schedule should not ‘threaten the delivery of relevant plan’

		<p>including affordable housing.</p> <ul style="list-style-type: none"> • Response also discusses; setting the levy at a cautious level, instalments policy, exemptions and CIL relief, older people's housing, affordable housing tenure split, additional profit, previous affordable housing completions and CIL testing range.
26	Worcester Regulatory Services	<p>Air Quality & Contaminated Land considerations are perhaps best addressed through conditions applied to applications or where site-specific contributions are more appropriate through s106 agreements. Most Air Quality mitigation are upgrades to existing infrastructure, rather than new infrastructure. Would be interested in exploring the issue of CIL being used on new infrastructure rather than upgrades. It would be useful if you could advise of any supporting government guidance produced in this regard. No consideration where improvements in air quality may be the key criteria for a transportation or GI such as effects on Air Quality Management Areas or areas likely to be declared as such as a result of combined development. Agrees with Q 4 and 6 of the questionnaire.</p>
27	Sport England	<p>Welcome a nil rate for leisure related development in relation to sports facilities. Specific section on sports and recreation facilities within the IDP and references to recreation facilities within Appendix A of the PDCS are welcomed. Would welcome the opportunity to work with the councils to ensure that Sport and Recreation is appropriately and robustly represented throughout the development of the charging schedule and also in the eventual collation and spend of CIL monies</p>
28	English Heritage	<p>EH urge the Council to consider how the CIL can be used to support the conservation and enhancement of the historic environment as part of a positive heritage strategy, and also reserve the right to offer CIL relief for particular cases which affect heritage assets in order to avoid unintended harm to the historic environment through the application of CIL.</p> <p>English Heritage would strongly advise that your conservation staff are involved throughout the preparation and implementation of the Charging Schedule as they are often best placed to advise on local historic environment issues.</p>
29	Worcestershire County Council	<p>We support the CIL as it currently stands, and look forward to continued working with South Worcestershire Councils as the CIL progresses to adoption. In particular, we look forward to the development of a mechanism through contributions can be shared between the district and the county councils. It is worth noting, once again, that comments in this response are officer-only.</p>
30	Hallam Land Management (David Lock)	<ul style="list-style-type: none"> • Indicative split between s106 and CIL needs further development • List of potentially CIL funded infrastructure should be narrowed • S106 list needs to be founded on a better evidence base • CIL rates need to be kept under review, however 10% increase in house prices in not an appropriate trigger • Imperative that instalments policy should be put in place • An appropriate CIL rate is put in place. It is unclear to Hallam whether

		the viability work supports the proposed rates at this stage.
31	Gleeson Strategic Land (RPS)	<ul style="list-style-type: none"> • Ability of authorities to actually deliver the infrastructure needed • Evidence base has not been developed sufficiently to give clarity on relationship between CIL and s106 • Reg 123 and s106 – further assessment and clarification needed on transport, education, community facilities, sport and recreation • Strongly advocates a cautious level for CIL. Draft rate is not , however, cautious as currently proposed • Need separate assessment through s106 for the strategic sites to make them viable given the additional burden of the current proposed CIL rates • Affordable Housing - WVS indicates that if affordable housing requirement is 40%, then CIL rate should only be £9 - this would indicate that either the affordable housing requirement is too high, or the CIL rate is. Or both. • RPS will support a suitable approach to an instalments policy • Commends a CIL approach which will facilitate development and avoids setting CIL rate too high to require discretionary relief • Considers proposed rates for housing are too high.
32	The Brockhill Estate (Bidwells)	<p>Response covers:</p> <ul style="list-style-type: none"> • Viability study makes assumptions that are not properly justified and fails to provide background evidence. The estimations of affordable housing contributions would improve the accuracy of the viability study. • Relationship with S106 agreements - it is not clear whether the figure of £1000/m² accurately reflects the funding that will be provided through section 106 agreements. • Agrees that charging schedule should be revised (where the housing market changes by more than 10% or every three years.) • Agree with the introduction of instalments policy • Important that discretionary relief is used by the charging authority
33	Highways Agency	<p>Welcome clarification in section 4 that SWDC need to first identify infrastructure requirements of the area and understand how this relates to the pattern of development envisaged. To do this, close working with infrastructure providers is necessary to understand whether each site should be subject to CIL/s106. Note that improvements to highways junctions and to key transport corridors may be included in future Reg 123 list. Welcome recognition in section 5 that levy will not deliver all infrastructure required. There may be a need for a bespoke approach to setting the rate for strategic sites. CIL rates need to be kept under review, once adopted. The Highways Agency is keen to ensure that it is fully involved in further discussions as the CIL charging scheme develops.</p>
34	Newland Parish Council	<p>Completed response form Q2. SWDP allows CIL payments by instalments phased over the development. Concerned that payments will therefore be made after essential infrastructure and not before. Would like assurances written in joint CIL proposal that no work may start on development schemes until essential infrastructure has actually been</p>

		<p>paid for and physically provided. The 'commercial viability' test and the blanket average charging mechanism provides for too high profit margin on proposed developments in some parts of the area. Concerned that existing and previously agreed s106 obligations are not being enforced at present in some cases by SWDP authorities.</p> <p>Q3. CIL payment should not be site specific. There should not be an instalment option. Payment should be made in full at the commencement of the development as required by CIL charging legislation. Upfront payment in full to cover the works deemed necessary by Worcester LTP3 and SWDP should be levied and collected from landowners.</p>
35	Malvern Hills AONB Partnership	<ul style="list-style-type: none"> • Q2 raises issues regarding transport, (keen to see further walking and cycling encouraged, as well as seeing local transport designed for leisure and tourism purposes) Green Infrastructure (including reference to WGIS) and flood mitigation (include a commitment to the creation of SUDS and their maintenance either under S106 or CIL) in the CIL preliminary draft charging schedule and the Reg 123 list. • Q4 – would be happy for s106 to be retained for funding GI in relation to strategic sites. If developments are to be located within the AONB boundary, then they would expect specific provision to be made within the s106 agreement to mitigate any landscape or visual impacts or to provide compensation for any losses.
36	St Modwen Developments (Planning Prospects)	<ul style="list-style-type: none"> • Not convinced that it is appropriate, sound or supported by appropriate evidence • Concerns about the levy rate (it is essential that the Levy rate is set at an appropriate level such to ensure the desirability of funding infrastructure from the levy does not threaten the economic viability of development, particularly for strategic sites. It is also essential that sufficient flexibility is provided in the way that CIL is partnered with traditional S106 requirements to ensure the specific circumstances of each site can be addressed.) • Concerns about the evidence of economic viability (the HDH CIL Viability analysis does not fully justify the Levy rates and is inconsistent which the approach required in the CIL guidance) • Setting differential charging rates (there is significantly greater scope for defining more differential charging rates by geographical area than set out within the draft Charging Schedule to date.)
37	Savills	<p>Response covers the following issues:</p> <ul style="list-style-type: none"> • Setting the levy at a cautious level • Consider different rate on strategic sites • Looking to revise in 3 years - suggests that where CIL is failing to deliver the necessary infrastructure funds or sites are deemed not to be coming forward because the CIL rate has been set too high, then a review earlier than 2019 may be necessary. • HDH Viability Study - the response analyses the issues tested within this document, including benchmark land values, affordable housing, housing typologies, densities, development coverage, unit mix/property sizes, residential build costs, abnormal costs.

38	CLA Midlands	<ul style="list-style-type: none"> • Clarification required on how agricultural, forestry and horticultural development will be treated under the Draft Charging Schedule. CLA's view that CIL should not be applied to these industries. • Concerns about CIL charges for food retail in context of farm shops. • Want clarification on farm diversification falling under leisure and therefore exempt from a CIL charge. • Concerns about charge on rural market housing • SWC must consider accumulation of all charges levied on developments. • Disagrees with charging rate of 60m² for residential. Unfair for rural area development to compensate for large scale green field urban extension. • Concerns about review date of CIL Charging Schedule (Given the concerns on the impact on rural development, the CLA would recommend that there is a facility to review this charge within a year.) • Council should be more flexible in their approach for payment of CIL • Concerns about no allowance for housing needs for rural businesses such as agriculture, forestry and other essential rural workers.
39	Worcestershire LEP	<ul style="list-style-type: none"> • The relationship between CIL and s106 in current financial climate • That all LPAs should establish charging consistency to avoid high charges acting as a deterrent, and instead positively attract investment from elsewhere • The need to achieve a careful balance between imposing CIL and maintaining the signs of growth • The question of will there be mechanisms for ring fencing funds allocated for specific projects • The issue of implementation of education and highways infrastructure, when the levy is collected by LAs but the control of infrastructure cost is with County • The relationship between CIL and brownfield sites. • Seeks clarity regarding what will and will not be covered by CIL. • WLEP welcome the fact that proposals do not intend to levy a charge on employment development land apart from retail.
40	Barratt Homes and North Tewkesbury Land Consortium (RPS)	<ul style="list-style-type: none"> • Q2 – CIL rate must be reduced significantly to avoid double charging for infrastructure (relationship with s106) • Q3 – strongly advocates a cautious level, but the draft rate is not cautious as currently proposed (affordable housing). • Relationship between s106 and CIL for strategic sites • Issue of Affordable housing (the CIL rate has not factored in all the policy requirements of the SWDP, with a specific reference being to affordable housing.) • Recommend a phasing policy • Proposed rates for housing are too high
41	Sainsbury's Supermarkets (Turley Associates)	<p>Unclear in PDCS as to different distinct uses between types of retail categories. Accordingly, the proposed CIL charging schedule regime is currently not properly justified and falls outside the scope of the regulations.</p>

42	Specthley Estate	Consider that the proposed CIL rates are too high and will act as a deterrent to private sector investment in S Worcestershire. Would be appropriate to reconsider the proposed levies so there is a more even spread across the different land uses. The PDCS places a greater level of burden on commercial land uses. Request charging rates are reduced and rebalanced to ensure they accord with the requirements of NPPF and overall Economic Strategy.
43	Richard Hathway (CIL Augmentics)	Clarification on how and when the 'transport' fees chargeable via s106 will be charged would be helpful. CIL rates and s106 rates for self-builds should be clarified. Perhaps the use of differential rates could be considered in the SWDP area. Aiming for the 'maximum bearable' CIL rate does not sound very friendly or fair, so a 'cautious' rate should be preferred. Current small developments are currently S106 free ... will CIL adversely impact smaller developments and thus give advantage to the big developers?
44	Festival Housing, Worcester Community Housing, Rooftop Housing Group and The Community Housing Group. (RCA Regeneration)	<ul style="list-style-type: none"> • Viability work which underlies the proposed charging schedule is flawed given what are some fundamentally incorrect assumptions. • Appraisals provided demonstrate that whatever charging schedule is derived it will impact negatively upon the level of affordable housing proposed within the SWDP • Relationship between the charging schedule, reg. 123 list and the local s106 requirements is unclear and presents a serious risk to both development and the level of affordable housing proposed to be delivered through the SWDP.
45	Gladman Developments (GL Hearn)	<p>Response covers:</p> <ul style="list-style-type: none"> • Benchmark land values • Affordable housing • Residential land values • Other development costs assumptions • Case study appraisal assumptions, density and mix <p>Conclusion - would recommend that the residential appraisal summaries are revisited to take into account the issues raised above and made available as soon as possible so that all interested parties can fully consider the revised methodology that has been applied. At present we must conclude that the proposed CIL levy is set too high. The consequence of too high a CIL levy would be to adversely affect housing delivery rates throughout the South Worcestershire Council areas. Response also claims that the Councils have failed procedurally in the consultation process, having initially omitted to include access to some of the relevant supporting documents previously produced by HDH Planning and Development on the CIL section of the SWDP web site.</p>
46	Environment Agency	<ul style="list-style-type: none"> • Given the interrelation between the two documents (SWIDP and CIL charging schedule), and the fact the SWIDP requires some updates we cannot confirm our views on the proposed charges at this stage. • Welcome GI and flood risk infrastructure have been included • Note that contributions on Flood Warning Service have not been specifically mentioned and feel this is an omission. • Consultation seeks views on a number of areas that EA would not have

		<p>a role to comment on.</p> <ul style="list-style-type: none">• Advise that the approach of setting CIL at a cautious level seems appropriate given the changing economic situation.• There may be merit in setting different levels of CIL for strategic allocations where evidence supports this. The updated SWIDP needs to inform this process.
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