

South Worcestershire Councils CIL Draft Charging Schedule – Summary of consultation responses received between 1st April to 16th May 2016 and proposed modifications (see Statement of Modifications schedules 1 and 2)

Rep Reference Number	Name/Agent	Summary of Representation	Officer Response	Proposed Modification (PM)
001	Marine Management Organisation	No specific comments made in relation to CIL.	Comments noted.	No changes required.
002	Blue Cedar Homes	A nil rate across the authorities should be applied to specialist accommodation such as retirement housing. Reference to 'C3 Sheltered/Retirement Houses' should be explicitly added to the Charging Authority Proposed Levy Rate table (Table 1). Application of CIL rates to retirement developments will constrain the delivery of schemes.	Disagree: C3 - Sheltered/Retirement Houses is not a Use Class and is therefore not recognisable as a separate category. There is no proposed CIL charge on C2 uses.	No changes required.
003	Carmel Southend Ltd	<p>Question 1 - It is essential that the proposed rate of CIL for residential – main urban areas is not increased above the proposed £0 per m². An increase above the proposed zero rate would be contrary to paragraph 173 of the NPPF which states that development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.</p> <p>Question 2 - There is a concern that the Regulation 123 List does not clearly set out the separation between CIL and Developer Contributions and could give rise to 'double dipping'. The Regulation 123 list appears to use generic terms. For example, it is unclear how the open space / green infrastructure site specific requirements under the Developer Contributions would work alongside the strategic off site open space / green infrastructure requirements.</p> <p>Questions 3 and 4 - The evidence contained within SWC documents 'Justifying the Levy (Updated) April 2016' and the SWC 'CIL Viability Update' January 2016 both demonstrate that Malvern Hills is unable to bear an element of CIL on brownfield sites and therefore, to comply with the SWC principle to set the Levy at a cautious level, it is entirely appropriate to set the CIL level for residential in the Main Urban Areas at £0 per m². In addition, the proposed £0 per m² rate for 'all Other Uses' is also appropriate as this accords with the previous studies that found that it is not viable to charge CIL.</p> <p>Question 5 - The Instalments Policy should allow for</p>	<p>Question 1 - Comments noted.</p> <p>Question 2 Disagree. The Regulation 123 list in table 3 (and the Appendix 'A' accompaniment table) makes a clear distinction between the use of CIL and S106 using off site and on site matters as the primary basis for the split.</p> <p>Question 3 and 4 - Comments noted.</p> <p>Question 5 - This is a standard approach to dealing with CIL charges, and allows larger development sites (which are usually phased themselves) to pay for CIL in instalments. It is considered that there is nothing wrong with this approach and it helps development to remain viable, as developers do not have to pay all of the CIL requirement up front.</p>	No changes required.

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		instalments to be linked to the relevant phase of development for multi-phased schemes and not just based on a time period. It should also allow for bespoke instalment schedules to be agreed for individual schemes.		
004	Eckington Parish Council	Eckington Parish Council request more freedom on how the CIL revenue may be spent, provided any investments are shared with and supported by the community. The PC would like more of a presumption towards autonomy allowing Parish Councils who are after all elected, audited and accountable bodies, to invest the funds as they see fit.	<p>Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area.</p> <p>A neighbourhood plan forms part of the development plan and sits alongside the Local Plan prepared by the local planning authority.</p> <p>To help deliver their vision communities that take a proactive approach by drawing up a neighbourhood plan or Order and secure the consent of local people in a referendum, will benefit from 25 per cent of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area.</p> <p>The use of neighbourhood funds should match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.</p> <p>The identification of how CIL is targeted and spent at the local level is a matter for discussion and negotiation between the charging authority and the relevant parish or town council once CIL is adopted. A neighbourhood plan would provide the basis for that discussion and a framework for directing resources to the appropriate local infrastructure.</p>	No changes required.
005	Natural England	Welcomes the inclusion of the projects relating to the upgrade of open spaces including green corridors and natural and semi-natural green spaces. Also welcomes the inclusion of the listed Green Infrastructure projects which we note fall within the South Worcestershire Infrastructure Delivery Plan (SWIDP).	Comments noted.	No changes required.

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006	Worcestershire Wildlife Trust	We are pleased to endorse the inclusion of strategic Green Infrastructure on the Regulation 123 list in the manner proposed in Appendix 'A'. The use of CIL to help fund strategic (off-site) GI including local green networks, water quality improvements and biodiversity protection / enhancement will be invaluable in helping to build a more ecologically resilient county.	Comments noted.	No changes required.
007	Malvern Town Council	<p>Question 1: Malvern Town Council does not support the Draft Charging Schedule in its current form and believes it strikes an inappropriate balance with regard to the £0 charge for residential development in urban areas.</p> <p>Given the amount of development set to take place in Malvern Town Council's Neighbourhood Plan area and its immediate neighbouring Parish at Newland, is a £0 CIL levy appropriate considering the extra burden that will be placed on the local community services and infrastructure?</p> <p>Section 106 money may go some way to alleviating those burdens, however, the fact that it is site specific causes great concern, particularly when it may be the case that when new pitches and play areas are installed at NE Malvern, funded by S106 monies, the parish council has no form of income to maintain them.</p> <p>The Town Council finds it incredible that Malvern Hills District Council believes it is viable to not levy residential development in urban areas but instead to impose a £0 CIL levy and broker a deal with developers over Section 106 monies.</p> <p>The Localism Act was set up 2011, and included in it was the General Power of Competence which enabled parish councils to truly deliver community infrastructure on a very local level, to meet the needs of small and large communities, and to aid the funding of these projects with monies taken directly from projects that affect areas, even though they may not be in the immediate vicinity. The CIL levy was designed to aid with this funding, and to take pressure away from District and County authorities so that parishes could become decentralised and</p>	<p>Question 1 - The results of the viability study did not find sufficient justification for charging a CIL rate in the urban areas of Malvern Hills or Wychavon as the overall viability of such developments was found to be adversely affected in these areas such as to make the developments unviable.</p> <p>The site-specific infrastructure that is required as a result of development in non-CIL charging areas to make developments acceptable in planning terms will still be sought through S106/S278 agreements (subject to CIL compliance with Regulation 122 for S106 agreements).</p> <p align="center">Question 2: Regulation 123 List</p> <p>a) Education provision will be limited to state education facilities. Public schools are not eligible for state school funding and are financed by private fees. Agree to amend the Regulation 123 list to reflect this.</p> <p>b) The South Worcs. Infrastructure Delivery Plan has reviewed the status of sewerage infrastructure in South Worcestershire, where it reported: <i>"The 2012 Water Cycle Study (WCS) was published in May 2013 and this takes on board the proposed SWDP allocations. In this 2012 update, Severn Trent Water Limited (STWL) has confirmed that there is or will be sufficient "headroom" capacity at the sewage works. The 2014 WCS published in September 2014 assessed the impact of the proposed increase in housing supply on sewerage</i></p>	<p align="center">PM 1</p> <p>Responding to: Ref 007 Question 2 (a)</p> <p>Location in DCS: Table 3: Appendix 'A' - Regulation 123 List (page 23)</p> <p>Proposed Change: Amend the 'Education Facilities' row by deleting the word '<u>public</u>' to read '<u>...existing state education facilities</u>'.</p> <p>Reason for Change: To provide clarify in relation to the types of schools that are applicable for funding through S106/CIL.</p> <p align="center">PM 2</p> <p>Responding to: Ref 007 Question 2 (c)</p> <p>Location in DCS: Table 3: Appendix 'A' - Regulation 123 List (page 23)</p> <p>Proposed Change: Deletion of the words '<u>or operation</u>' then add the word '<u>or</u>' between 'improvement, replacement' for all rows of the Regulation 123 list.</p> <p>Reason for Change: The term 'operation' is not considered to be CIL compliant.</p>

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		<p>develop their own identity according to the local population.</p> <p>Therefore Malvern Town Council believes that MHDC has turned its back on both its residents and the spirit in which CIL was designed.</p> <p align="center">Question 2: Regulation 123 List</p> <p>a) The language is sometimes unclear. It is unfortunate that in a country which calls private schools 'public schools', the phrase 'public education' should be used. This phrase should be changed so as to encompass all types of education in a rapidly changing educational environment, including academies, free schools and faith schools as well as LEA schools. In Malvern particularly, which has been and remains an important centre for private education (i.e. public schools), there seems no reason to discriminate against this type of educational provision.</p> <p>b) There is no reference to drainage and sewerage which have been, and remain, significant issues. There is little evidence in the documentation of advice or comment from Severn Trent.</p> <p>c) Each category should clearly include the preservation of provision at present level (is this what "operation" means?). It seems ludicrous, given known and anticipated development in Malvern that (for example) the health authorities should be considering reducing the amount of bed provision at Malvern Community Hospital – a reduction in provision which may be mirrored in many other areas as public expenditure reductions take effect.</p> <p>d) Do "health facilities" or "community facilities" encompass private nursing homes and care homes? Malvern's demographic is such that any increased development can be expected both immediately and in the future.</p>	<p><i>infrastructure and water quality and has not identified any showstoppers in terms of the principle of the proposed SWDP allocations."</i></p> <p>c) The word 'Operation' is proposed for removal from the Regulation 123 list. Assessment of current infrastructure is included within the SWIDP. The Regulation 123 list seeks to fund infrastructure based on these assessments.</p> <p>d) No. Private nursing homes and care homes are expected to be delivered through market demand without the requirement to be funded (wholly or in part) by the levy or developer contributions. However, private nursing homes and care homes (depending on their use class and location) may themselves be required to provide payments to either the levy or developer contributions through resultant developments.</p>	

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008	Worcester Diocesan Board of Finance Ltd	<p>It is interesting to note that for many of the developments it is proposed that no CIL levy will be charged. It is evident that the possible infrastructure spend could be as much as fifty times more than the possible funds raised through the levy.</p> <p>We recognise that some of the funding for community buildings will be included in the Section 106 allocations but we consider there is a discrepancy between the ambitions of the SWDP for funding community buildings including churches whereas the SWIDP has little to say on the matter.</p> <p>We would urge the SWDP partners to ensure that provision of community buildings will be a priority of the CIL levy.</p>	<p>Community and cultural facilities (including places of worship as per SWDP 37) are included within the Regulation 123 list as infrastructure that could be funded either wholly or partly by CIL. The Appendix 'A' accompaniment to the Regulation 123 list (table 3) also sets out community and cultural provision through CIL, as well as site specific delivery, which would be via S106 planning obligations (subject to CIL compliance, i.e. Regulation 122). SWDP 37 lists the range of uses that comprise community facilities, which includes places of worship.</p>	No changes required.
009	Malvern Hills AONB Partnership	<p>The AONB Unit welcomes that the Regulation 123 List includes broad transport priorities for the provision, expansion, improvement, replacement and operation of new walking and existing cycling and open space/green infrastructure for all qualifying sites.</p> <p>Notwithstanding this, the AONB Unit would like the document to make specific reference to maintenance and management costs of recreational routes such as cycle routes, public rights of way, permitted paths and green infrastructure under CIL.</p> <p>The AONB Unit would be keen to work with the Councils to explore opportunities for CIL contributions to AONB projects and, where appropriate, identify works that can be incorporated into planning developments in the AONB and opportunities to identify specific projects for S106 contributions e.g. public access projects, interpretation and landscape enhancements.</p>	<p>Comments Noted – However, the Regulation 123 Appendix 'A' accompaniment includes references to policy SWDP23, allowing CIL funds to be directed to projects within the AONB.</p> <p>It should be noted that the levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.</p> <p>The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.</p>	No changes required.
010	JLL on behalf of Crown Packaging UK	<p>The South Worcestershire Councils have responded to our representations to the revised Preliminary Draft Charging Schedule. Further clarity has been provided on the interrelationship between Section 106 and the draft Regulation 123 list. We confirm that our client is content with the approach now proposed by the DCS.</p>	Comments noted.	No changes required.

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011	Worcestershire County Council	<p align="center">Question 2</p> <ul style="list-style-type: none"> Delete '1 X 1FE Primary School' from Malvern North East Urban Extension in Regulation 123 list Appendix 'A' accompaniment. Modify to read, '1FE Expansion'. Delete 'operation' from all infrastructure theme rows. Modify to read, 'The provision, expansion, improvement or replacement of'..... <p align="center">Other</p> <ul style="list-style-type: none"> Other minor modifications (see representation) Suggested Language and Grammar Changes (see representation) 	<p align="center">Question 2</p> <ul style="list-style-type: none"> Agree to delete '1 X 1FE Primary School' from Malvern North East Urban Extension (SWDP 56) in Regulation 123 list Appendix 'A' accompaniment. Will modify to read, '1FE Expansion'. Agree to delete 'operation' from all infrastructure theme rows. <p align="center">Other</p> <ul style="list-style-type: none"> Agree to most other minor modification proposals. Agree to most of the suggested language and grammar changes. 	<p align="center">PM 3</p> <p>Responding to: Ref 011 Question 2</p> <p>Location in DCS: Appendix 'A' - Regulation 123 List Accompaniment Table – Education Facilities 'Specific Requirements' Row (page 25)</p> <p>Proposed Change: Delete '<u>1 X 1FE Primary School</u>' from Malvern North East Urban Extension (SWDP 56). Also delete '<u>On site or</u>' from 'Infrastructure Location' Row to read '<u>Schools directly related to site.</u>'</p> <p>Reason for Change: The provision of a new school is no longer required. Demand can be catered for off site through expansion of existing facilities.</p> <p align="center">PM 2</p> <p>Responding to: Ref 011 Question 2</p> <p>Location in DCS: Table 3: Appendix 'A' - Regulation 123 List (page 23)</p> <p>Proposed Change: Deletion of the words '<u>or operation</u>' then add the word '<u>or</u>' between 'improvement, replacement' for all rows of the Regulation 123 list.</p> <p>Reason for Change: The term 'operation' is not considered to be CIL compliant.</p>
012	Sport England	<p>Sport England supports the approach to the delivery of playing fields and on-site sport facilities through Section 106 contributions.</p> <p>Sport England recommends that the CIL Charging Schedule clarifies that mitigation for the sporting facilities loss under Paragraph 74 of the National Planning Policy Framework falls outside of CIL.</p>	<p>Comments noted – No further action is required as the SWDP does not include any proposals to build on existing sports /recreation facilities.</p>	<p>No changes required.</p>

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013	Place Partnership Limited on behalf of Warwickshire Police (WP), West Mercia Police (WMP) and Hereford & Worcester Fire and Rescue Service (HWFRS)	<p>Question 1: The Government announced in November 2015 that Liz Peace would lead and chair an independent group conducting a review of the Community Infrastructure Levy (CIL). The purpose of the review was declared as being to:</p> <p>‘Assess the extent to which CIL does or can provide an effective mechanism for funding infrastructure, and to recommend changes that would improve its operation in support of the Government’s wider housing and growth objectives.’</p> <p>Commenting on the current CIL system, Liz Peace said the review team is:</p> <p>“Not convinced that CIL has met the primary purpose for which it was set up.”</p> <p>Liz Peace went on to say:</p> <p>“We don’t actually think it’s providing a huge amount of funding for infrastructure, and it most certainly hasn’t provided a faster, simpler, more transparent system.”</p> <p>Given these emphatic statements came from the Chair of the panel overseeing the review of CIL, we think it reasonable to conclude that the reforms recommended to Government will be significant, numerous and wide-ranging.</p> <p>Our concern is therefore that whilst the South Worcestershire Councils have undertaken significant work to calculate viable CIL rates and set out proposals for how the system will operate, this has been done on the basis of the CIL system and associated regulations remaining as they are now, when in all likelihood they will be very different from 2017 onwards.</p> <p>This means that the assumptions underpinning the proposed CIL system in South Worcestershire must be considered questionable at best, and at worst, create the risk of the proposed CIL being found unsound at the public examination scheduled for late 2016.</p> <p>It may be argued by some that this matter will have limited</p>	<p>Question 1 - The Government review of CIL is currently on-going. Once this has been reported, its conclusions published, and the regulations amended, the South Worcestershire authorities will amend their approach as required. The current CIL draft charging schedule has been prepared in-accordance with the current regulations.</p> <p>The uncertainty caused by constant reviews of national planning policy will not be resolved by delaying work at a local level. Uncertainty and change are ever present. The SWC will continue to progress DCS until such time as it is clear there is no prospect of successful adoption of the Community Infrastructure Levy.</p> <p>The site allocation policies in the SWDP make clear what emergency services infrastructure is required to mitigate the impact of these planned developments. The SWC will secure these Developer Contributions unless there is material planning reason why this is not possible. Developer Contributions for emergency services infrastructure from windfall development can only be considered on their merits at the time of determination of the application and no tariff style contributions for emergency service infrastructure can be sought as there is no SWDP policy that requires such planning obligations.</p> <p>Question 2 -</p> <p>a) The Regulation 123 list Appendix ‘A’ accompaniment table acknowledges the potential requirement for site specific emergency service infrastructure/equipment. More channelled discussions relating to these requirements can be held at the relevant planning application stage.</p>	<p align="center">PM 4</p> <p>Responding to: Ref 013 Question 2 (d)</p> <p>Location in DCS: Appendix ‘A’ - Regulation 123 List Accompaniment Table – Education Facilities ‘Development Site’ Row (page 26)</p> <p>Proposed Change: Deletion of the words ‘<i>all qualifying sites</i>’ from the education facilities ‘Development Site’ row relating to ‘Specific Requirements’ ‘Other cumulative impacts of development on nursery provision, school age provision and special education facilities.’</p> <p>Reason for Change: Correction of an error; ‘all qualifying sites’ only refers to infrastructure that is proposed to be delivered through S106 agreements.</p> <p align="center">PM 5</p> <p>Responding to: Ref 013 Question 6</p> <p>Location in DCS: Appendix ‘D’ - Glossary (page 36)</p> <p>Proposed Change: Include an example definition of ‘Emergency Services Infrastructure’ within Appendix ‘D’ - glossary.</p> <p align="center"><i>“Emergency Services Infrastructure</i></p> <p><i>The following list provides examples of emergency services Infrastructure:</i></p> <ul style="list-style-type: none"> • <i>Equipping and set-up costs for officers</i> • <i>Vehicles</i>

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		<p>impact upon the viability calculations that have been completed and how infrastructure is funded, but we consider this view is misguided.</p> <p>This is because the viability analysis was carried out in 2012, then updated in 2013 and then again in late 2015/early 2016. The issue with this is that the calculations concerning land pricing and how much sites could bear were based on how the CIL system operates now, not how it will do so the near future.</p> <p>It is also likely that the forthcoming reforms to CIL will significantly affect how the Section 106 system operates. As these changes are presently unknown, their likely impacts on the property market cannot be understood yet.</p> <p align="center">Question 2: Regulation 123 List</p> <p>The Regulation 123 List needs to clearly explain the following:</p> <p>a) The types of emergency services infrastructure which can be supported by developer contributions. This should include the equipping and set-up of officers, fire hydrants, vehicles, Automatic Number Plate Recognition (ANPR) cameras and premises.</p> <p>b) That the aforementioned infrastructure types can be funded by CIL or Section 106 as the material circumstances dictate for each planning application.</p> <p>c) That the aforementioned infrastructure types are not 'projects' for the purposes of the CIL Regulations. The projects will need to be established in detail via the South Worcestershire Infrastructure Delivery Plan (SWIDP) and during negotiations concerning individual planning applications.</p> <p>d) Which development sites will provide contributions through Section 106 and which through CIL? The Regulation 123 refers to 'qualifying sites' without giving any definition of what this means.</p> <p>e) As most of the strategic sites will be zero rated for CIL</p>	<p>b) The Regulation 123 list Appendix 'A' accompaniment table acknowledges the potential requirement for site specific emergency service infrastructure/equipment, as well as off-site strategic provision.</p> <p>c) Infrastructure requirements have been included in the Regulation 123 list (and the Appendix 'A' accompaniment) as outlined above. The requirements are consistent with those set out in the SWIDP. CIL Regulations use the term 'project' to refer to schemes or programmes which require funding. The use of the term therefore complies with the regulations.</p> <p>d) The term 'all qualifying developments' refers to those items that are proposed to be delivered through S106 planning obligations, subject to CIL compliance (Regulation 122). There is a minor error in Appendix 'A' of the Regulation 123 accompaniment table as the section '<i>Other cumulative impacts of development on nursery provision, school age provision and special education facilities</i>' under Educational Facilities should not refer to 'all qualifying developments' as infrastructure delivery here is proposed through CIL. Propose to remove the reference from this section.</p> <p>e) The emergency services infrastructure provision that has been specified in the SWDP (i.e. police posts at three of the urban extensions, SWDP 45/1, SWDP 45/2 and SWDP 56) has been included in the Regulation 123 list Appendix 'A' accompaniment table under S106 planning obligations. All other site specific emergency</p>	<ul style="list-style-type: none"> • <u>Premises</u> • <u>Automatic Number Plate Recognition (ANPR) Cameras</u> • <u>Fire and Rescue Infrastructure e.g. hydrants</u> • <u>Ambulance service infrastructure."</u> <p>Reason for Change: To provide additional information in relation to this infrastructure type.</p>

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		<p>contributions, it is essential that the Charging Schedule makes it clear that emergency services infrastructure for these sites will be funded through Section 106 contributions. There is clear support for this within the South Worcestershire Development Plan (adopted February 2016) (SWDP) and the SWIDP. It should be noted in this respect that most of these sites will have planning permission before the adoption of the Charging Schedule.</p> <p>More generally there needs to be improved cross-references between the Regulation 123 list, the SWDP and the SWIDP in relation to emergency services contributions, in order to ensure they are provided by developers.</p> <p>With the aforementioned five issues not presently addressed in the current draft of the Regulation 123 list, the emergency services remain concerned that the CIL charges proposed (notwithstanding our response to Question 1) would not raise enough funding to adequately cover the additional infrastructure required to serve the proposed development envisaged by the SWDP.</p> <p>Turning to the impact of the Section 106 pooling restrictions imposed by CIL Regulation 123, the police nationally have taken legal advice to ensure their approach to Section 106 requests is compliant. This view has been accepted during recent planning appeal public inquiries (see Appendix 1) by the Secretary of State and Planning Inspectorate.</p> <p>Overall WP, WMP and HWFRS are of the view that ensuring public safety in development growth is best served by continuing their well established and accepted approach in response to major housing applications through the Section 106 process. This is in light of the practice of local authorities, legal advice that supports the approach being taken and because of the large body of positive appeal decisions (see Appendix 1). We look to the CIL Regulation 123 list to provide continued support for this. This stance may change once the Government's reforms to the CIL and Section 106 system are</p>	<p>services infrastructure (where is it required) is also acknowledged under site specific S106 planning obligations. Strategic emergency service provision has been placed under provision through CIL.</p>	

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		<p>known and their implications properly understood.</p> <p align="center">Question 5: Instalments</p> <p>Emergency services investments in infrastructure to serve new developments will consist of purchasing capital items such as equipment, vehicles, hydrants, premises and cameras. In many cases contributions from more than one development will need to be pooled to make the contributions most effective. If the contributions were paid in instalments it would greatly complicate the process of purchasing this infrastructure. Therefore, it would be much more effective for a single payment to be made from each of the developments at an agreed trigger point in the development process for this type of infrastructure.</p> <p align="center">Question 6</p> <p>A definition of 'Emergency Services Infrastructure' should be included in the Glossary. This should indicate that the term includes the following:</p> <ul style="list-style-type: none"> · Equipping and set-up costs for officers · Vehicles · Premises · Automatic Number Plate Recognition (ANPR) Cameras · Fire and Rescue Infrastructure e.g. hydrants · Ambulance service infrastructure 	<p align="center">Question 5 - Noted.</p> <p>Question 6 – Agree to Include an example definition of 'Emergency Services Infrastructure' within Appendix D of the CIL DCS.</p>	
014	Planning Prospects on behalf of the University of Worcester	The University strongly argues that to impose the CIL on University student accommodation not only jeopardises the financial viability of future development but also risks undermining the ground breaking work undertaken to date, where the University has gone against convention to provide more space not only to improve access but to appeal to the	Regulations 44 to 48 of CIL Regulations 2010 (as amended) provides for discretionary charitable relief. This allows for the charging authority to offer discretionary relief for development proposals owned by charities, if they meet the qualifying criteria in the Regulations. The charging authority will publish their	No changes required.

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		<p>wider education conference market which brings many thousands of visitors to the City each year.</p> <p>The University of Worcester objects to the imposition of a CIL at the rates proposed as they will render accommodation schemes unviable particularly given the University’s aspiration to create exemplar facilities that are accessible to all.</p> <p>The University confirms it is an exempt Charity subject to the provisions of the Charities Act 2006. From 1 June 2010 the Higher Education Funding Council for England (HEFCE) became the principal regulator for all higher education institutions (HEIs) in England that are exempt charities; and are University of Worcester Response to the Draft CIL Schedule 16 May 2016 therefore not required to register with the Charity Commission and does not have, nor does it require a Company or Charity Number.</p> <p>It is the University’s opinion that it is exempt from the requirement to pay the proposed Community Infrastructure Levy under the provisions of Regulation 43 because it is a charitable institution and the chargeable development will be used wholly or mainly for charitable purposes, namely the provision of education.</p> <p>The Charging Schedule should therefore make it clear that any accommodation provided by, or on Behalf, of the University is exempt from Community Infrastructure Levy.</p>	<p>position relating to discretionary relief once CIL is adopted.</p> <p>Therefore, any future application by the University can be dealt with via the governance and implementation procedures post adoption of the CIL.</p>	
015	Canal and River Trust	<p>Question 6 (also covers question 2) - The Canal & River Trust (the Trust) note that the Regulation 123 list mentions several areas which could be used to describe the functions of the waterways and associated towpaths.</p> <p>Transport- The provision, expansion, improvement, replacement or operation of cycling and pedestrian and other transport facilities.</p> <p>Open space / Green infrastructure- The provision, expansion improvement or operation of new or existing strategic Green or blue infrastructure</p>	<p>Question 6 (also covers question 2) – Disagree. Waterways and towpaths are strategic matters, and are not generally related to individual developments. As such, it will be very difficult to secure Section 106 contributions in line with the three CIL Regulation 122 tests. Waterways and towpaths are therefore more likely to be funded by CIL.</p>	No changes required.

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		<p>Sport & recreation – the provision, expansion improvement or operation of new or existing sport and recreation facilities both formal and informal.</p> <p>The Canal & River Trust question whether the Councils would consider towpath or waterway facilities or improvements to be covered by the Regulation 123 list as there have been issues elsewhere in the country with variations in approach.</p> <p>We note that the Regulation 123 list at Appendix ‘A’ makes it clear that on or off site, site specific infrastructure will still be funded from S106. We would hope that this would include any local improvements required to part of a county wide or linear route such as canal or river. We note that the Environment Agency want flood defence mechanism etc. to be considered to be CIL but even where they may be a desire to create or improve long distance GI facilities such as a towpath or riverside path we would prefer that such matters are left to be dealt with under S106 rather than CIL.</p> <p>If the Councils can confirm that any future requests will be considered suitable for consideration as S106 then the Trust has no further comments to make. If however the Councils feel that such a request would fall within the CIL regime then we would wish to meet to discuss the issue further and may be obliged to object to the draft charging document.</p>		
016	Tetlow King Planning on behalf of West Midlands HARP Planning Consortium	<p align="center">Question 1</p> <p>In light of the viability evidence, welcomes the Council’s note within the supporting text of Appendix ‘D’ that C2 care will not be liable for a CIL charge however considers it would be appropriate to make this explicit within the Charging Schedule itself under Table 1 either through the introduction of its own row or through a footnote to the table. This will ensure that there is no confusion and certainty is given to developers of care provision that although falling within the residential Use</p>	<p>Question 1 - C2 use class, except for where identified as student accommodation, is exempt from CIL under “Education, Health, Community and all other Uses”. Appendix D – Glossary clarifies the term.</p>	<p align="center">PM 6</p> <p>Responding to: Ref 016 Question 1</p> <p>Location in DCS: Chapter 8, paragraph 8.2 Table 1 (page 20).</p> <p>Proposed Change: Re-word the ‘Use Type’ title of the final row to <i>“All Other Uses (including education, health and community uses)”</i>.</p>

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		<p>Class, C2 is not liable for CIL under the 'Residential' category in Table 1.</p> <p align="center">Discretionary Social Housing Relief</p> <p>It would be appropriate for the Council to offer discretionary social housing relief in light of the severe need for affordable housing that has been identified in the region; such relief could play an important part in ensuring the provision of affordable housing is maximised over the plan period.</p>	<p align="center">Discretionary Social Housing Relief</p> <p>Affordable housing is exempt from CIL charges as per the CIL Regulations.</p>	<p>Reason for Change: To provide clarity in terms of what is being charged CIL.</p>
017	Historic England	<p>Question 1 - Historic England can confirm it has no comment to make on the charge rates concluded in the draft charging schedule.</p> <p>Question 2 - It is noted that the Regulation 123 list does not include the 'Historic Environment' as an item for CIL contributions and that the SPD sets out that infrastructure works in relation to the historic environment and heritage assets would be dealt with under S106 planning obligation contributions, in addition to public realm works and some open space and green/blue infrastructure works.</p> <p>It is not clear from the IDP or the draft CIL SPD as to how this conclusion has been reached.</p> <p align="center">Discretionary Relief for Exceptional Circumstances</p> <p>Historic England would also recommend that clarity is provided in respect of discretionary relief. The regulations emphasise the need to strike an appropriate balance between the opportunities of funding infrastructure from the levy and the potential effects that may arise through increased pressure on the economic viability of development. For example, there could be circumstances where the viability of a scheme designed to secure the reuse and long term viability of a heritage asset is compromised by the requirement for CIL payments. Vacant or underused heritage assets not only fail to make a full contribution to the Districts economy but they can also give rise to negative perceptions about an area which, in turn, can detract from its attractiveness to inward investment.</p>	<p align="center">Question 1 – Comments noted.</p> <p>Question 2 – Disagree. Historic environment issues are more likely to be site specific matters. South Worcester Councils feel this is more appropriate for Section 106 contributions.</p> <p>Discretionary Relief for Exceptional Circumstances - All requirements relating to exemptions will be in conformity with the CIL regulations and will be in place upon adoption of CIL. Paragraph 6.6 of the CIL DCS will be amended to allow for exemptions.</p>	<p align="center">PM 7</p> <p>Responding to: Ref 017 Discretionary Relief</p> <p>Location in DCS: Chapter 6 paragraph 6.6 (page 17)</p> <p>Proposed Change: Delete paragraph 6.6 and replace with: <i>“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 delivery partners to provide evidence of exceptional circumstances as per NPPG paragraph 129. 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.”</i></p> <p>Reason for Change: To provide greater clarity in relation to exemptions.</p>

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		<p>Consequently, in setting thresholds there needs to be a clear understanding of the potential impact which CIL could have on investment in, and regeneration of, historic areas - particularly those which have been identified as being 'at risk'.</p> <p>Paragraph 126 of the NPPF requires that local authorities set out in their Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to CIL, this means ensuring that the conservation of its heritage assets is taken into account when considering the level of the CIL to be imposed so as to safeguard and encourage appropriate and viable uses for the historic environment.</p> <p>We refer to the CIL Relief Information Document, which recommends that the conditions and procedures for CIL relief are set out in a separate statement, defining exceptional circumstances and setting a clear rationale for their use and justification in terms of the public benefit. In this case an example could be where CIL relief would enable the restoration of heritage assets as identified on Historic England's 'Heritage at Risk Register'.</p> <p>Historic England would, therefore encourage, the SWDP Councils to assert their right to apply discretionary relief for exceptional circumstances; where development which affects heritage assets and their settings and/or their significance, may become unviable if it was subject to CIL.</p>		
018	Environment Agency	We welcome the updates to Appendix 'A' (CIL Regulation 123 List) as recommended in our previous response, including the inclusion of 'Flood Warning Service provision (maintenance, forecasting, warning and modelling)' and the amendments to the Open Space / Green Infrastructure section of the table.	Comments noted.	No changes required.
019	Cerde Planning on behalf of Bovis Homes	Questions 1 to 4 - The Council's cautious approach to the CIL Levy is endorsed and this will allow for rising construction costs and changing in economic circumstances. The clarity provided by the (Regulation 123 list) appendix on delivery mechanisms is	Comments noted.	No changes required.

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		<p align="center">endorsed.</p> <p>It is considered justified that the proposed CIL levels have taken account of the residual values per hectare and adjusted accordingly.</p> <p>Cerda considers that Section 106 planning obligations are the most appropriate way of funding infrastructure on strategic sites as well as off-site infrastructure where this is related principally to the site. Strategic sites have a heavier infrastructure burden that can affect deliverability. There should be flexibility for applications of this nature given the impact that infrastructure provision can have on viability. This funding mechanism would allow for contributions to be negotiated on a site specific basis to improve deliverability given the importance that strategic sites play in the role of the South Worcestershire Development Plan.</p> <p>Question 5 - Instalments policy approach is endorsed.</p>		
020	RPS on behalf of Barratt West	<p>Land at Mitton: Alert the South Worcestershire authorities to the likely future need for CIL monies to be passed to Gloucestershire County Council and Tewkesbury Borough Council to address the infrastructure needs arising from development of the 'Mitton' land.</p> <p>We believe it would be appropriate and prudent for the South Worcestershire CIL documentation to make explicit reference to the principle of CIL monies being passed to Gloucestershire County Council and Tewkesbury Borough Council when the 'Mitton' land comes forward; in the likely event that some of the necessary supporting community and physical infrastructure will need to be delivered in Tewkesbury Borough.</p> <p>Without such a principle in place, there would be a very real risk of actual or perceived 'double dipping', with the promoters of land at Mitton paying twice for the same items of infrastructure (for example, in relation to secondary education).</p>	<p>The CIL process makes provision for cross boundary spending on identified and specific infrastructure projects to support development arising from strategic growth requirements.</p> <p>It is noted that in the North Gloucestershire Joint Core Strategy inspector's interim report (May 2016) reference is made to the possibility of development at Mitton coming forward to meet part of Tewkesbury Borough Council's growth. In the event of the Mitton site being identified in the Core Strategy or subsequent allocations DPD, the provision of any CIL rate and other developer contributions can be discussed through cross boundary negotiation and agreement with the local planning authorities and respective highway authorities.</p> <p>This accords with the Duty to Cooperate requirements, and can be set out in future governance procedures, based on appropriate viability testing and preparation of Regulation 123 list.</p>	No changes required.

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			<p>At present any speculative application at Mitton will be subject to the rural CIL rate. However, additional viability evidence would have to determine the appropriate rate at Mitton, if identified as a strategic growth location, which may lead to a differing rate for what could become a strategic allocation.</p> <p>Therefore it remains unclear whether or when an allocation at Mitton will come forward. Consequently there is no requirement at present to make a specific reference to Mitton in the South Worcestershire Councils CIL charging schedules.</p>	
021	Carter Jonas on behalf of Mactaggart and Mickel	<p>Land at Mitton: Alert the South Worcestershire authorities to the likely future need for CIL monies to be passed to Gloucestershire County Council and Tewkesbury Borough Council to address the infrastructure needs arising from development of the 'Mitton' land.</p> <p>We believe it would be appropriate and prudent for the South Worcestershire CIL documentation to make explicit reference to the principle of CIL monies being passed to Gloucestershire County Council and Tewkesbury Borough Council when the 'Mitton' land comes forward; in the likely event that some of the necessary supporting community and physical infrastructure will need to be delivered in Tewkesbury Borough.</p> <p>Without such a principle in place, there would be a very real risk of actual or perceived 'double dipping', with the promoters of land at Mitton paying twice for the same items of infrastructure (for example, in relation to secondary education).</p>	<p>The CIL process makes provision for cross boundary spending on identified and specific infrastructure projects to support development arising from strategic growth requirements.</p> <p>It is noted that in the North Gloucestershire Joint Core Strategy inspector's interim report (May 2016) reference is made to the possibility of development at Mitton coming forward to meet part of Tewkesbury Borough Council's growth. In the event of the Mitton site being identified in the Core Strategy or subsequent allocations DPD, the provision of any CIL rate and other developer contributions can be discussed through cross boundary negotiation and agreement with the local planning authorities and respective highway authorities.</p> <p>This accords with the Duty to Cooperate requirements, and can be set out in future governance procedures, based on appropriate viability testing and preparation of Regulation 123 list.</p> <p>At present any speculative application at Mitton will be subject to the rural CIL rate. However, additional viability evidence would have to determine the appropriate rate at Mitton, if identified as a strategic growth location, which may lead to a differing rate for what could become</p>	No changes required.

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			<p align="center">a strategic allocation.</p> <p>Therefore it remains unclear whether or when an allocation at Mitton will come forward. Consequently there is no requirement at present to make a specific reference to Mitton in the South Worcestershire Councils CIL charging schedules.</p>	
022	David Lock on behalf of Hallam Land Management	<p>Question 2 – a) The use of funding other than and in addition to section 106 funding does not appear to be a problem as the Charging schedule/ Regulation 123 list is presently drafted since, as Hallam understand it, the Draft Regulation 123 list would not preclude funding from sources other than or in addition to section 106 funding for specific items said to be matters for section 106 mechanisms. Nevertheless Hallam Land Management consider that explicit reference should be made that the specific requirements set out in Appendix ‘A’, to be delivered through section 106, may be delivered in part only through this mechanism and that other mechanisms and funding sources will also contribute towards delivery – for the avoidance of doubt.</p> <p>Question 2 – b) - It is apparent that the section 106 list needs to be founded on, or can only be finalised, on the basis of a better evidence base. It will need updating to reflect later versions of the IDP but in particular discussions in the application context. Specifically Hallam do not consider that there is a justified evidence base for a number of elements identified in Appendix ‘A’ as being specific requirements of the West Worcester Urban Extension - such as (but not limited to) the following:</p> <ul style="list-style-type: none"> • the need specifically for six senior football pitches at West Worcester (which appears to be a legacy of the earlier proposition for a much larger scheme) plus MUGA and Community Facility/Pavilion (reference to six should be deleted); • the provision anticipated for site specific emergency service and in particular police posts provision at West Worcester – not least given the commitment to fund 	<p>Question 2 – a) Comments Noted – However, the Regulation 123 list and the Appendix ‘A’ accompaniment have been designed to distinguish between developer funding streams only. Further details of other potential funding sources are contained within the SWIDP and the DCS documentation.</p> <p>Question 2 – b) Comments Noted – However, until development management discussions are concluded, current requirements in the Regulation 123 list and the Appendix ‘A’ accompaniment are based on the SWIDP.</p> <p>Question 3 – a) Comments Noted.</p> <p>Questions 3 – b) and c) The CIL zones/maps have been established on the basis of recommendations from the viability evidence. This recommendation consists of the delineation of the urban area boundaries drawn up tightly against all established built form so as to maximise opportunities for CIL outside of the main urban areas, where rates are more viable. The boundaries have been established through the ONS Census – built up areas (2011) material and do therefore not correspond with the SWDP development boundaries.</p> <p>Question 4 - Comments noted.</p> <p>Question 5 - This is a standard approach to dealing with CIL charges, and allows larger development sites (which are usually phased themselves) to pay for CIL in instalments. It is considered that there is nothing wrong with this approach and it helps development to remain viable, as developers do not have to pay all of the CIL up</p>	

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		<p>strategic provision of police service infrastructure to support development through CIL but also in the light of national guidance and decisions. Such infrastructure is not readily considered to be site specific and hence directly development related or proportionate.</p> <p>Question 3 – a) Hallam supports the £0 rate for residential development at the Main Urban Areas of Evesham and Malvern (among other urban areas).</p> <p>Question 3 – b) Hallam objects at how the boundaries of the urban areas and hence of the £0 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 the case at the moment.</p> <p>Hallam considers that site SWDP50/7 (Land off Abbey Road) should be drawn within the Evesham Urban Area and be subject to a £0 rate as per all the remainder of the existing town. There is simply not the viability evidence available to the Council to support the separate and exceptional requirement of £40 psm for the site. The Charging Schedule should be amended to redefine the boundary of the Evesham Urban Area to include the boundary of site SWDP50/7 as set out on the SWDP Proposals Map.</p> <p>Question 3 – c) 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>Question 4 - Hallam supports the £0 rate for residential development that is anticipated for the West of Worcester Urban Extension.</p> <p>Question 5 - It is imperative that an instalments policy should be introduced. Such a policy should distinguish between the scales of developments as is proposed. For large scale developments the policy should set out more generous terms in order to minimise the risk of delivery and to reflect the up front</p>	<p>front.</p>	

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		<p>opening up costs and to best enhance the prospects of delivery and to secure section 106 obligations.</p> <p>As presently set out in Appendix 'E', instalments are related to the commencement of development. In reality the ability to pay instalments is not closely related to the start of development but to the income received as a result of the sale of residential elements of the proposals.</p> <p>It is imperative therefore that the instalment triggers are adjusted from that proposed in Appendix 'E'. Specifically triggers should be based on the occupation of new homes constructed or at the very least to the commencement of construction of new homes.</p> <p>There could be a considerable delay in certain instances between the commencement of development on site and the commencement of the construction of new homes. This has to be acknowledged in the instalments policy.</p> <p>Secondly the triggers should not relate to 60 days and 6 months and 9 months of the commencement of development which for a larger scale of development may all be close to the start of development. Hallam would strongly prefer that the relevant triggers be within 60 days of the commencement of 30% of the new homes, 60% and 100% of the occupation or commencement of construction of the new homes. Only if this is not possible should other triggers be adopted and these should be much longer – 30% 60 days from commencement/occupation of the first houses, 30% within 18 months of commencement/occupation of the first houses and 40% within 30 months of the commencement/occupation of the first houses.</p>		
023	RPS on behalf of Gleeson Developments and Welbeck Strategic Land	<p>Question 1 - SWDP 56 Malvern North East: Gleeson Developments Ltd/Welbeck Strategic Land LLP are encouraged to see that the Councils have taken a pragmatic approach to setting a CIL rate on the now adopted allocations within the SWDP. However, the Draft Schedule includes a range of potential infrastructure requirements as part of Appendix 'A'</p>	<p>Question 1 – Comments Noted. However, the Regulation 123 list and the Appendix 'A' accompaniment have been designed to distinguish between developer funding streams only. Further details of other potential funding sources are contained within the SWDP and the DCS</p>	<p align="center">PM 3</p> <p align="center">Responding to: Ref 023 Question 2</p> <p align="center">Location in DCS: Appendix 'A' - Regulation 123 List Accompaniment Table – Education Facilities</p>

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		<p>which offer cause for concern. It is unclear where many of the items on the list have been sourced from and how/who will pay for them.</p> <p>Question 2 - The items below relate to the provision of infrastructure related to Land at North East Malvern (SWDP 56).</p> <p align="center"><u>Education – New School provision</u></p> <p>The planning application submitted to Malvern District Council includes land for a new primary school, as required by policy SWDP56. Discussions have since taken place with WCC, who has indicated that provision may be made off-site, instead depending on contributions from the development.</p> <p align="center"><u>Transport – Dualling of A4440</u></p> <p>Many of the items on the list for land at North East Malvern have been given previous consideration as part of the SWDP. Within the list, the Council identifies the “A4440 Dualling of Temeside Way from Ketch Island to Powick Island” as a requirement for North East Malvern. RPS does not consider that this is in any way justified against the recently adopted allocation.</p> <p>Appendix C of the Draft Schedule includes an illustration with this upgrade, which indicates that the estimated cost for this upgrade is circa £70m, which would be secured by a s106 agreement. No other funding sources are identified as part of this document, the SPD infers that it will be the responsibility for both of these urban extensions (SWDP56 and SWDP45/2) to meet this infrastructure requirement. RPS wholly disagrees with the Councils decision link SWDP56 to this infrastructure improvement which is not justified or reasonably related to the development, as required by Regulation 122 of the 2010 Community Infrastructure Levy Regulations.</p> <p>No information has been provided to indicate that other sources of funding are available which risks both non-delivery of the infrastructure upgrade and places unacceptable strain on</p>	<p>documentation.</p> <p align="center">Question 2</p> <ul style="list-style-type: none"> • <u>Education – New School provision</u> <p>Agreed. Reference to new school to be removed as it is not required.</p> <ul style="list-style-type: none"> • <u>Transport – Dualling of A4440</u> <p>Comments Noted – It is acknowledged that land at North East Malvern will not be the only site contributing to this infrastructure requirement. However, until development management discussions are concluded, current requirements in the Regulation 123 list and the Appendix ‘A’ accompaniment are based on the SWIDP. The Regulation 123 list and the Appendix ‘A’ accompaniment have been designed to distinguish between developer funding streams only. Malvern North East is not the only site that is anticipated to contribute to this specific infrastructure requirement.</p> <ul style="list-style-type: none"> • <u>Transport- Bus Provision</u> <p>It is anticipated that the scheme will provide contributions relating to local infrastructure and sustainable transport provision. Until development management discussions are concluded, current requirements in the Regulation 123 list and the Appendix ‘A’ accompaniment are based on the SWIDP.</p> <ul style="list-style-type: none"> • <u>Sport and Recreation – Community Centre/Pavilion</u> <p>The sport and recreation requirements will reflect those items as identified in the Infrastructure Delivery Plan.</p> <ul style="list-style-type: none"> • <u>Sport and Recreation – Cricket Pitch</u> <p>The sport and recreation requirements will reflect those</p>	<p align="center">‘Specific Requirements’ Row (page 25)</p> <p>Proposed Change: Delete <u>‘1 X 1FE Primary School’</u> from Malvern North East Urban Extension (SWDP 56). Also delete <u>‘On site or’</u> from ‘Infrastructure Location’ Row to read <u>‘Schools directly related to site.’</u></p> <p>Reason for Change: The provision of a new school is no longer required. Demand can be catered for off site through expansion of existing facilities.</p>

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		<p>the viability of the two housing allocations.</p> <p align="center"><u>Transport- Bus Provision</u></p> <p>The Appendix includes the specific requirement to bring forward a new bus service from North East Malvern to the Town Centre, however the policy is not clear who will contribute towards this infrastructure provision. As part of the planning application for the site, discussions have taken place with local bus operators concerning the feasibility and timing of a potential bus service to operate within the site. Whilst the detail of these discussions are not yet finalised, it is clear that this infrastructure type will be brought forward as part of wider discussions surrounding the scheme and costs should not be attributed to the developer to meet this requirement.</p> <p align="center"><u>Sport and Recreation – Community Centre/Pavilion</u></p> <p>The suggestion through this infrastructure type is that a combined building can be included which serves as both a community centre and pavilion, as otherwise the community centre would be erroneously placed. Policy SWDP 56 includes a requirement for neighbourhood shopping facilities and Gleeson Developments Ltd and Welbeck Strategic Land LLP propose that this can be met through a local centre which will include a community hall. The request for a pavilion on the other hand has not been subject to the same levels of scrutiny and rigor as the community hall and is not justified as part of the Draft Schedule. It is proposed that the Council use the modifications process to remove this infrastructure type.</p> <p align="center"><u>Sport and Recreation – Cricket Pitch</u></p> <p>The Appendix makes reference to the creation of a new cricket pitch as part of the development. The requirement for this infrastructure is untested and unjustified. The existing cricket pitch is included within the wider masterplan boundary and it is considered that this is appropriate for the scale and function of the site. It is proposed that the Council use the modifications process to remove references to a new cricket pitch from the</p>	<p>items as identified in the Infrastructure Delivery Plan.</p> <ul style="list-style-type: none"> • <u>Sport and Recreation – Other</u> <p>This section of the Appendix 'A' accompaniment ("<i>Strategic provision of built leisure and other sports facilities</i>") is not related to SWDP 56 and is proposed for delivery through CIL.</p> <p>Question 4 – Comments noted.</p>	

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		<p align="center">Regulation 123 list.</p> <p align="center"><u>Sport and Recreation – Other</u></p> <p>The final bullet point of this section includes the requirement for “Strategic provision of built leisure and other sports facilities”. There is no indication what this requirement might contain, however the Draft Schedule indicates that this is additional to the other requirements such as the Football Pitches. It is unreasonable for the Councils to include this ‘catch all’ requirement which invites uncertainty over what the Councils want to see on the site and moves further away from Policy SWDP 56 which includes specific and tested infrastructure items. It is proposed that the Council use the modifications process to remove this infrastructure type.</p> <p>Question 4 - Gleeson Developments Ltd and Welbeck Strategic Land LLP welcomes the exemption of SWDP56 from any CIL contributions, recognising the scale of costs involved in bringing forward such proposals.</p>		
024	Savills on behalf of Barratt and Bloor Homes Western	<p align="center">Point of clarification</p> <p>Paragraph 6.4 of the Consultation Document states that “Only applications submitted after the adoption of CIL can be required to pay the Levy.” This is not the case. The CIL Regulations require that calculations are made on the date that planning permission first permits the chargeable development, there are no exemptions for applications submitted prior to the charging schedule being put in place.</p> <p>Question 1 - A testing of the viability assumptions has been made with the conclusion being that the proposed CIL rates would render many sites unviable (in particular the Cheltenham Road site, Evesham).</p> <p>Questions 3 and 4 - The assessment of typologies within Wychavon indicates that a rate of £0 should be applied. The concerns about the assumptions made during viability testing could apply to all authorities. There is particular concern over the proposed rate for the Cheltenham Road site, Evesham in</p>	<p>Point of clarification – Agree. Will update paragraph 6.4 of the DCS to reflect the CIL Regulations.</p> <p>Questions 1, 3 and 4- The proposed rate will not put the delivery of the plan at risk and strikes an appropriate balance between the funding of infrastructure and the imposition of CIL on economic viability across South Worcestershire.</p> <p>Question 5 - This is a standard approach to dealing with CIL charges, and allows larger development sites (which are usually phased themselves) to pay for CIL in instalments. It is considered that there is nothing wrong with this approach and it helps development to remain viable, as developers do not have to pay all of the CIL up front.</p>	<p align="center">PM 8</p> <p>Responding to: Ref 024 Point of clarification</p> <p>Location in DCS: Chapter 6 paragraph 6.4 (page 17)</p> <p>Proposed Change: Delete final sentence ‘<i>Only applications submitted after the adoption of CIL can be required to pay the levy.</i>’</p> <p>Reason for Change: To comply with CIL Regulations.</p>

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		<p>Wychavon DC (SWDP 51/1). Our conclusions are that at £0 rate is justified.</p> <p align="center">Alternative Viability Modelling</p> <p>Given the concerns set out Savills have created a base appraisal to mirror the inputs made by HDH for Cheltenham Road, Evesham (Strategic Site 5 - 500 dwellings) and the 200 dwelling typology in Wychavon (Greenfield 2).</p> <p>We highlight that our base appraisals have been created for the purposes of general testing only. We have adopted the same methodology as HDH and have deducted the development costs from the development value. The Residual Land Value is then compared with the Benchmark Land Value. The remaining margin is theoretically the maximum levy of CIL chargeable, without a viability buffer.</p> <p align="center"><u>Conclusion - 200 Dwelling Typology - Wychavon</u></p> <p>When all of the alternative assumptions are combined, the cumulative impact is significant and illustrates a deficit afforded to CIL on the 200 dwelling typology in Wychavon. It is therefore of great concern that a rate of £40 per sq. m is proposed. A levy at this rate will render such sites unviable and will stall the delivery of larger sites within the Charging Area of Wychavon.</p> <p>Based on our analysis above, we strongly recommend that a rate of £0 per sq. m is applied to typologies in excess of 200 dwellings in Wychavon. The inappropriate assumptions made by HDH carry through to other typology sizes within Wychavon. Therefore, we would urge that the sales values and baseline construction costs across all typologies in Wychavon are revisited by HDH.</p> <p align="center"><u>Conclusion - Cheltenham Road, Evesham</u></p> <p>Given the size and scale of Cheltenham Road, Evesham, any variation to inputs will have a significant impact to the land value and the surplus afforded to CIL. Assuming a 30% viability buffer is allowed to ensure that the levy is not set at the</p>		

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		<p>margins of viability, the assessment demonstrates that the proposed levy at £40 per sq. m would render the Cheltenham Road site unviable.</p> <p>When all of the alternative assumptions are combined the cumulative impact is significant and illustrates a deficit afforded to CIL. It is therefore of great concern that a rate of £40 per sq. m is proposed. Based on our analysis above, we strongly recommend that a rate of £0 per sq. m is applied to Cheltenham Road, Evesham.</p> <p align="center"><u>Discrepancies</u></p> <p>Gross to Net Land Take Assumptions – Cheltenham Road Evesham - Discrepancies have been noted within HDH's calculation of the BLV's for Cheltenham Road Evesham. These discrepancies will have a fundamental impact on surplus afforded to CIL.</p> <p>Dwelling Sizes - We have noted a discrepancy between the GIA adopted within the viability model for Cheltenham Road, Evesham and the floor areas that are stated to be adopted. Clarification is required.</p> <p>Question 5 - please see section 6 (table 6.1) of the attached report which proposes a more flexible policy.</p>		
025	JLL on behalf of St. Modwen Developments	<p>Question 3 - Our client's particular concern is with the proposed charge for retail floor space throughout the three South Worcestershire (SW) authorities. Whilst our client welcomes the reduction from £100 per sq. m which was proposed at the revised Preliminary Draft Charging Schedule (PDCS) stage to £60 per sq. m, our client is concerned with a number of issues relating to the proposed retail charges and how they would apply throughout the SWDP Charging Area.</p> <p><u>No thresholds have been tested to inform retail charging</u></p> <p>The DCS does not propose a threshold for which charging on retail uses will be triggered. Accordingly, all retail floor space including food retail and retail warehouses will be CIL</p>	<p>Question 3 - The proposed rate will not put the delivery of the plan at risk and strikes an appropriate balance between the funding of infrastructure and the imposition of CIL on economic viability across South Worcestershire.</p> <p>The SWDP does not require out of centre retail development and in the centre redevelopments will all involve the redevelopment of existing floor space so the actual rate of Community Infrastructure Levy on brownfield sites will be a fraction of the proposed rate.</p> <p>Question 5 - This is a standard approach to dealing with CIL charges, and allows larger development sites (which are usually phased themselves) to pay for CIL in</p>	<p align="center"><u>PM 7</u></p> <p align="center">Responding to: Ref 025 Question 6</p> <p>Location in DCS: Chapter 6 paragraph 6.6 (page 17)</p> <p>Proposed Change: Delete paragraph 6.6 and replace with: <i>'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 delivery partners to provide evidence of exceptional circumstances as per NPPG</i></p>

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		<p>chargeable, regardless of the scale of development that is proposed. Thresholds for charging retail are common and have been proposed and adopted in a number of neighbouring authorities, who have sought not to charge CIL levies on smaller formats of retail development (acknowledging that small scale schemes are rarely viable to contribute to CIL).</p> <p>For example, the SW Authorities’ current approach to CIL charging would mean that all types of supermarkets are subject to a significant CIL levy, regardless of their scale and size.</p> <p>The SW authorities’ viability consultant has not considered the threshold for retail charging (either for food or non-food retail uses at all).</p> <p align="center"><u>Retail testing for Greenfield and Brownfield locations</u></p> <p>It is clear from Paragraph 8.33 (of the viability study Jan 2016) that HDH have arrived at their recommended CIL rates on the assumption that retail development will be brought forward on greenfield sites.</p> <p>Appendix 7 of HDH’s report sets out the results their viability testing of retail uses (utilising revised assumptions when compared to the revised PDCS stage). Appendix 7 confirms that, regardless of the typology of retail development tested (i.e. large supermarkets, smaller supermarkets and retail warehouses), retail charging on brownfield sites is not viable throughout the Charging Area.</p> <p>Therefore HDH’s own evidence suggests that all typologies of retail development which are proposed to be delivered in brownfield locations are unviable for CIL. The SW authorities’ approach to propose that a CIL levy is charged on all development regardless of whether it is on greenfield or brownfield sites is not appropriate and is not in line with the evidence base, as it would have a significant impact on the ability of retail schemes being brought forward in the CIL Charging Area.</p> <p>Accordingly, our client is concerned that the authorities’</p>	<p>instalments. It is considered that there is nothing wrong with this approach and it helps development to remain viable, as developers do not have to pay all of the CIL up front.</p> <p>Question 6 – All requirements relating to exemptions will be in conformity with the CIL regulations and will be in place upon adoption of CIL. Paragraph 6.6 of the CIL DCS will be amended to allow for exemptions.</p>	<p><i>paragraph 129. 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.’</i></p> <p>Reason for Change: To provide greater clarity in relation to exemptions.</p>

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		<p>approach to disregard HDH Planning and Development’s findings regarding the viability of retail uses in brownfield locations, and progress with a blanket CIL charge of £60 per sq. m regardless of the location of development. This approach is not consistent with the viability evidence that has been produced by HDH and hence is contrary to the CIL Regulations.</p> <p align="center"><u>Capital values applied to retail uses in HDH’s Viability Assessment</u></p> <p>First, we are uncertain why HDH have applied capital values to arrive at their assessment of value in the development viability appraisals, rather than the more typical approach to undertake an investment valuation (which applies a yield to capitalise the rental income).</p> <p>Second, we have ‘sense checked’ the capital values applied, based upon our knowledge of average rents and yields across the retail sector. This suggests that HDH have not taken into account other issues which would apply if the investment method of valuation had been undertaken, such as allowances for rent free periods, incentives, and void periods.</p> <p>Question 5 - Our client is concerned by the proposed schedule for instalments, particularly for CIL amounts of £250,000 and over. The proposed payment profile would hardly enable larger developments to contribute to CIL on a ‘staged’ basis, given how quickly subsequent payments would be required by the Instalments Policy as currently drafted. It would therefore be much more prudent for the proposed tranches to be paid and triggered over the delivery (or occupation) of the development, and not by reference to timescales from the date of commencement.</p> <p align="center">Question 6 - Exceptions Policy</p> <p>We note that the DCS at Paragraph 7.4 states that:</p> <p><i>‘In addition to mandatory exemptions, the CIL Regulations allow the Charging Authority to introduce a discretionary relief policy</i></p>		

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		<p><i>if exceptional circumstances are satisfied.'</i></p> <p>However, no such Exceptions Policy appears to be proposed. Our client strongly recommends that an Exceptions Policy is introduced. Such a policy should seek to exempt development from CIL where development is unviable, in order to achieve a viable development.</p>		
026	Pegasus on behalf of Westleigh Partnerships Ltd	<p>Question 6 - The Draft Charging Schedule (DCS) at Paragraph 7.4 makes reference to the 'Exemptions and Relief' provided under the CIL Regulations and directs the reader to guidance set out within Paragraph 3 of the NPPG. For completeness and certainty however it is suggested that the Council append a list of the types of development that would be exempt from paying the Levy, including a detailed breakdown of the types of 'affordable housing' that would be exempt.</p> <p>At Paragraph 7.4 of the DCS it has been acknowledged that the CIL Regulations allow a charging authority to introduce a discretionary relief policy if exceptional circumstances are satisfied. Again, for completeness and clarity it is requested that further information is provided on the Council's discretionary relief policy, clearly setting out examples of the types of exceptional circumstances where the Council may offer discretionary relief for new housing and other developments.</p>	<p>Question 6: Agreed – Paragraph 6.6 of the CIL DCS will be replaced to allow for exemptions. This will take account of viability as long as appropriate evidence is available.</p>	<p align="center">PM 7</p> <p>Responding to: Ref 026 Question 6</p> <p>Location in DCS: Chapter 6 paragraph 6.6 (page 17)</p> <p>Proposed Change: Delete paragraph 6.6 and replace with: <i>'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 delivery partners to provide evidence of exceptional circumstances as per NPPG paragraph 129. 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.'</i></p> <p>Reason for Change: To provide greater clarity in relation to exemptions.</p>
027	Bilfinger GVA on behalf of Qinetiq	<p>Question 1 – There is a fundamental error in the viability appraisal for this site as an incorrect gross land area has been recorded which has resulted in an incorrect residual land value (upon which CIL viability has been assessed). The evidence base is therefore unsound and the CIL charge is unjustified.</p> <p>Question 2 - The (Regulation 123) List provides clear evidence that the CIL is being applied on an inconsistent basis for MTC as</p>	<p>Question 1 - Agree that there is an error in the viability appraisal calculation and the site area data used. Site rate to be changed to £0m² (previously £40m²).</p> <p>Question 2 – Agree that the CIL charge should not apply to the proposed employment land area.</p>	<p align="center">PM 9</p> <p>Responding to: Ref 027 Question 1 and Question 4 (b) and Ref 027 Question 2 and Question 4 (a)</p> <p>Location in DCS: Chapter 8 paragraph 8.2 Table 1 (page 20)</p> <p>Proposed Change: Accept that there have been</p>

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		<p>the only strategic brownfield site in the sub-region and the only site within Great Malvern, which would be liable for CIL.</p> <p>The Draft Charging Schedule would also apply to new employment floorspace at MTC which we assume must be an error/oversight given that it has previously been assessed as unviable and when considering that other industrial/office development is not proposed to be charged.</p> <p align="center">Question 4</p> <p>a) The charge will be levied upon employment development at MTC and this is unjustified</p> <p>The Draft Charging Schedule applies a blanket charge to the whole of the MTC as identified under Policy SWDP53. This includes QinetiQ's retained site as well as the proposed "Disposal Area". The Draft Schedule does not distinguish between residential and employment (B1(b)) floorspace and the "CIL Residential – Main Urban Area" Plan clearly identifies the whole of the MTC as a strategic site. Therefore, new employment development at the site will be liable for CIL if the Schedule is adopted in its current form.</p> <p>b) The charge levied upon residential development at MTC has arisen from a flawed appraisal – including a fundamental error – and is unjustified</p> <p>We assume that this proposed charge is intended to be limited to the new residential development allocated under SWDP53 (and not the employment development) but, nevertheless, the residential charge is also totally unjustified for the following reasons:</p> <ul style="list-style-type: none"> Table 2 of the Justifying the Levy Background Document indicates that large brownfield redevelopment sites in Malvern are unviable with a £40/sq. m CIL charge (- £471k/ha) and it is difficult to understand why MTC is an exception to this. There is a fundamental error in the appraisal for MTC – 	<p align="center">Question 4 –</p> <p>a) Agree that the CIL charge should not apply to the proposed employment land area.</p> <p>b) Agree that there is an error in the viability appraisal calculation and the site area data used.</p> <p>c) The input assumptions will not put the delivery of the plan at risk and help to strike an appropriate balance between the funding of infrastructure and the imposition of CIL on economic viability across South Worcestershire.</p> <p>Question 5 – This is a standard approach to dealing with CIL charges, and allows larger development sites (which are usually phased themselves) to pay for CIL in instalments. It is considered that there is nothing wrong with this approach and it helps development to remain viable, as developers do not have to pay all of the CIL up front.</p> <p>Question 6 – Agree to include this definition within Appendix 'D' of the DCS glossary.</p>	<p>inconsistencies in terms of the extent of the land take up assessed in the viability assessments with regard to SWDP 53 – Qinetiq.</p> <p>Change the proposed CIL rate on SWDP 53 Qinetiq back to <u>£0m²</u>, as per the findings of the Preliminary Draft Charging Schedule viability assessment (2014).</p> <p>Reason for Change: To acknowledge the assessment errors and inconsistencies in the 2016 viability study.</p> <p align="center">PM 10</p> <p align="center">Responding to: Ref 027 Question 6</p> <p>Location in DCS: Appendix 'D' – Glossary (page 37)</p> <p>Proposed Change: Include a definition of "Industrial and Office" uses, including the relevant Use Classes, within the DCS glossary.</p> <p align="center"><u>"Industrial and Office</u></p> <p align="center"><i>Development defined as B1, B2 and B8 uses as per the Town and Country Planning (Use Classes) Order 1987 (as amended)."</i></p> <p>Reason for Change: To provide clarity regarding this type of use and the relationship with the CIL charging schedule.</p>

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		<p>Our review of HDH’s appraisal for MTC has revealed a fundamental error; the appraisal assumes a gross site area of 3.1ha, against a net site area of 8.6ha. Clearly, the gross site area must be greater than the net site area.</p> <ul style="list-style-type: none"> • The 2014 Viability Update indicated a residual value for MTC of £390,270 per gross ha (Tables 10.7 and 10.8) so alarm bells should have been ringing when the 2016 Update revealed a new figure of £1.4m. <p>On this basis, the 2016 Viability Update is flawed in appraising the residential land at MTC in isolation. The whole development must be appraised together. This was the approach adopted in the 2014 Viability Update, which revealed that the development as a whole had a total residual value of £240,700 and which recognised that the employment development “...is a cost to the project” (para. 12.29).</p> <p>c) The site-specific assumptions for MTC are flawed</p> <ul style="list-style-type: none"> • HDH assume 30% affordable housing when SWDP53 seeks up to 40% provision. • HDH assume c.£710k for transport costs. It is unclear where this figure has been sourced but in our view it is conservative. • HDH assume £1.25m for site clearance and land remediation (£1m less than the 2014 Viability Update). Again, the justification for this reduced assumption is unclear but is very conservative in our opinion bearing in mind that the Disposal Area amounts to 15.4ha of brownfield land formerly used for MoD activities. • The floorspace sales rates assumed for MTC are considerably higher than the rates applied to the modelled brownfield sites in Malvern Hills; £2,540 per sq. m for market housing at MTC but only £2,140 per sq. m for “brownfield industrial large”. MTC has been 		

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		<p>applied the same sales rates as for NE Malvern (a greenfield site in a more accessible location) and as for the modelled greenfield sites in Malvern. There is no explanation for why the higher rates have been applied to MTC and we have a concern that they are artificially increasing the residual land value for MTC.</p> <p>Question 5 – The view is taken that any Instalments Policy should not be overly “front-loaded”, particularly for brownfield and strategic sites. The Draft Instalments Policy would require all, or most (75%) of, the CIL charge to be paid within 9 months of the commencement of development, even though larger sites may not have generated any revenue within 9 months (or even beyond) due to site clearance and preparation work. This could threaten the viability of both greenfield and brownfield sites, especially where there are considerable up-front abnormal infrastructure costs.</p> <p>Question 6 - The Draft Charging Schedule should include a definition for “Industrial and Office” use including relevant Use Classes to avoid any ambiguity and future confusion. For example, this should include B1, B2 and B8 Use Classes.</p>		
028	Greenlight Developments in-conjunction with Brighthouse Property Consultants Ltd	<p>It is essential that a landowner or developer understands the level of contribution being sought from the S106 Planning Obligations (notably the recreation contribution which appears to be split between S106 and CIL) to be collected alongside the CIL Charging Schedule, in order to understand the viability of the overall Planning Obligations package being sought from developments, which in turn will inform the decision as to whether land can be brought forward for development.</p> <p>This will influence the deliverability of sites, particularly in the rural areas of the Districts; without seeing the whole picture (both the envisaged S106 Planning Obligations and the CIL Charging Schedule) to understand whether developments going forward can sustain these levels of financial contribution (alongside a 40% affordable housing contribution).</p>	Disagree – Open space contributions are explained in detail in the Developer Contributions SPD (and clearly sets out how S106 contributions for open space will be calculated) with CIL charges being explained in the Draft Charging Schedule. The South Worcestershire Councils have been as transparent as possible on charges until such time a detailed application has been placed and viability assessed.	No changes required.