



## **Community Infrastructure Levy**

### **Draft Charging Schedule**

### **Regulation 19(1) Statement**

**5<sup>th</sup> May 2015**

## **Background**

1. Rother District Council invited representations on its Community Infrastructure Levy (CIL) Draft Charging Schedule for a four-week period from 27<sup>th</sup> February 2015 to 27<sup>th</sup> March 2015 in accordance with CIL Regulations 16 and 17 of the CIL Regulations 2010 (as amended). The Council has not made any modifications to the Draft Charging Schedule.

## **Statement of Representations**

2. In accordance with Regulation 19(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended), this statement confirms that representations were made to Rother District Council in respect of the CIL Draft Charging Schedule. Nineteen respondents made comments to the Draft Charging Schedule equating to 52 representations and received in accordance with Regulation 17 of the Community Infrastructure Levy Regulations 2010 (as amended). Information relating to the respondents making representations is contained in Appendix A, and a summary of the main issues raised by the representations is contained in Appendix B.

## **Right to be heard**

3. Five respondents (see Appendix A) requested to be heard by the CIL Examiner. These requests were made in the four-week period during which representations were invited.

## **Note relating to Representation 11, 15 and 18**

4. Due to the size of the representations from Savills, JB Planning and Peacock and Smith, a link has been provided to access the submissions.

## Appendix A: Respondents

Draft CIL Charging Consultation									
27th February 2015 to 27th March 2015.									
Respondent Number	Name	Organisation	Representing	Date of Response	Right to be Heard	Right to be notified of Submission of Charging Schedule	Right to be notified of Inspector's Report	Notification of LPA Approval of Charging Schedule	
1	Dr Stephen Ladyman	Oak Retirement Ltd	-	2 <sup>nd</sup> March	-	✓	✓	✓	
2	Angela Gemmil	Marine Management Organisation	-	3 <sup>rd</sup> March	-	-	-	-	
3	Stephen Hardy	Robertsbridge Enterprise Group	-	16 <sup>th</sup> March	-	-	-	-	
4	Felicity Drewett	Highways England	-	17 <sup>th</sup> March	-	-	-	-	
5	Andy Beams	Battle Town Council	-	18 <sup>th</sup> March	-	-	-	-	
6	Matt Shillito	Tibbalds Planning	Sussex Police	19 <sup>th</sup> March	-	✓	✓	✓	
7	Jennifer Wilson	Environment Agency	-	19 <sup>th</sup> March	-	-	-	-	
8	Richard Farhall	Rye Town Council	-	23 <sup>rd</sup> March	-	-	-	-	
9	Penny Farmer	Northiam Parish Council	-	24 <sup>th</sup> March	-	-	-	-	
10	Alan Blackwell	SeaChange Sussex	-	26 <sup>th</sup> March	-	✓	✓	✓	
11	Ed Kemsley	Peacock and Smith	Wm Morrison Supermarkets Plc	26 <sup>th</sup> March	-	-	-	-	

12	Malcolm Honour	CgMs Consulting	Land Securities	26 <sup>th</sup> March	✓	✓	✓	✓
13	Sarah Martin	Exigo Project Solutions	-	26 <sup>th</sup> March	-	✓	✓	✓
14	Alan Byrne	Heritage England	-	26 <sup>th</sup> March	-	-	-	-
15	Lizzie Cullum	Savills	Persimmon Homes Plc	26 <sup>th</sup> March	✓	✓	✓	✓
16	John Lister	Natural England	-	26 <sup>th</sup> March	-	-	-	-
17	John Long	Bidwells	Bovis Homes Plc	26 <sup>th</sup> March	✓	✓	✓	✓
18	Jonathan Dixon	JB Planning	Permisson Plc	26 <sup>th</sup> March	✓	✓	✓	✓
19	Ziyad Thomas	The Planning Bureau Ltd	McCarthy and Stone Retirement Lifestyles Ltd	26 <sup>th</sup> March	✓	✓	✓	✓

## Appendix B – Summary of Representations

Draft CIL Charging Consultation				
27th February 2015 to 27th March 2015.				
Respondent Number	Name	Organisation	Representing	Summary of Representations
1	Dr Stephen Ladyman	Oak Retirement Ltd	-	<ul style="list-style-type: none"> <li>• Support given to the principle of an Instalment policy.</li> <li>• Viability appraisals for Extra-care developments must account for communal spaces within the development.</li> <li>• On-site staffing costs must be considered as part of the cost consideration.</li> <li>• This type of property (extra care developments) cannot be phased in the way standard residential construction can be phased. The entire development must be completed before apartments can be sold. These additional costs add significantly to the overall cost of extra care housing and the viability assessment did not properly take these costs into account.</li> </ul>
2	Angela Gemmil	Marine Management Organisation	-	No Comment
3	Stephen Hardy	Robertsbridge Enterprise Group	-	<ul style="list-style-type: none"> <li>• The great differential between Zone 1 and Zone 2 rate at the boundary line seem very difficult to justify. By way of comparison, at the western boundary of Zone 1, Wealden are proposing charging £200, or £150 in the southern parts. That would appear to be a fairer differential, considering the relative few differences at the border between Zones 1 and Zone 2 as to the vibrancy and attractiveness of the respective communities.</li> </ul>
4	Felicity Drewett	Highways England	-	No Comment

5	Andy Beams	Battle Town Council	-	<ul style="list-style-type: none"> <li>• Battle has been placed in zone 1 along with the rural north and west of the district. The PBA report recommends a figure of £240 for domestic dwellings as the levy for Battle and Battle Town Council recommends adoption of this figure instead of the proposed £200, and that Battle is placed in a separate zone at this rate.</li> </ul>
6	Matt Shillito	Tibbalds Planning	Sussex Police	<ul style="list-style-type: none"> <li>• Sussex Police strongly support the introduction of the Community Infrastructure Levy within the charging area of Rother District.</li> <li>• Noted that an Instalment Policy is proposed for the charging of the levy and police infrastructure is integral to protecting building sites from crime.</li> <li>• Sussex Police notes the IDP and R123 and would work with the LPA to reflect policing infrastructure including the need for capital estate projects, capital costs associated with providing supporting infrastructure including additional fleet (in the form of marked and unmarked cars to enable police patrols or operation of our Road Policing Unit); additional IT/Communications and start-up costs associated with the additional staff.</li> </ul>
7	Jennifer Wilson	Environment Agency	-	<ul style="list-style-type: none"> <li>• The Regulation 123 List be amended that the "Leisure, sport, open space, environment and green infrastructure" section of the Reg. 123 List is amended to reference to improving water quality, and the requirements of the Water Framework Directive.</li> </ul>
8	Richard Farhall	Rye Town Council	-	<ul style="list-style-type: none"> <li>• Support is given to the findings of the Funding Gap Analysis.</li> <li>• Rye TC wishes to be consulted on the development of a discretionary and exceptional relief policy.</li> <li>• Rye TC notes the 25% of CIL receipts will go back to the local community to fund local infrastructure.</li> <li>• Rye TC notes an Instalment Policy will be introduced</li> <li>• Rye TC notes the Reg. 123 List and will expect to be consulted if further changes are made to the List.</li> </ul>

				<ul style="list-style-type: none"> <li>• Rye TC notes the rates for non-residential development and it should not discourage (retail) development from coming forward.</li> <li>• Rye Town Council notes the intention not to "double dip" in relation to the use of both CIL and S106.</li> <li>• Rye Town Council seeks clarification on enforcement and appeals</li> </ul>
9	Penny Farmer	Northiam Parish Council	-	<ul style="list-style-type: none"> <li>• Northiam Parish Council should receive AT LEAST 50% of CIL receipts generated by development in the locality instead of the 15% or 25% as prescribed by existing government guidance.</li> <li>• Northiam is in desperate need of new burial provision for the residents. Therefore the cost of providing a new Cemetery/extension should be a condition and paid for by the developer</li> </ul>
10	Alan Blackwell	SeaChange Sussex	-	<ul style="list-style-type: none"> <li>• Support the introduction of CIL within Rother.</li> <li>• Support is given to the findings of the PBA Viability Appraisal regarding commercial development and with charge set at nil (with the exception of retail development).</li> <li>• Sea Change Sussex welcomes the inclusion of the following project within the draft Reg. 123 list: Watermill Lane and A269 Ninfield Road known as the North Bexhill Access Road. Junction improvements at A269/ Watermill Lane.</li> <li>• Support is given to CIL receipts being used to provide important infrastructure to facilitate development coming forward at North Bexhill.</li> </ul>
11	Ed Kemsley	Peacock and Smith	Wm Morrison Supermarkets Plc	<ul style="list-style-type: none"> <li>• Wm Morrison objects to the proposed CIL rate of £100 or £120/sq. m. for Convenience Retail. The draft CIL charge will put undue additional risk on delivery and will be an unrealistic financial burden on new development.</li> <li>• Test for a large convenience store of circa 5,000 sqm.</li> <li>• Increased level of developers' profit to reflect risk.</li> <li>• Underestimated build costs assumptions.</li> <li>• Has sensitivity analysis been applied to accommodate costs and</li> </ul>

				<p>values.</p> <ul style="list-style-type: none"> <li>• The viability appraisals need to allow for marketing and letting/sales costs.</li> <li>• Clarification is required as to the finance rate that has been adopted.</li> <li>• Aspinall Verdi's comments can be viewed by clicking on the following link:</li> </ul> <p><a href="http://www.rother.gov.uk/CHttpHandler.ashx?id=23610">http://www.rother.gov.uk/CHttpHandler.ashx?id=23610</a></p>
12	Malcolm Honour	CgMs Consulting	Land Securities	<ul style="list-style-type: none"> <li>• The CIL rates proposed for out of centre retail floorspace are unrealistic, have not been properly substantiated by appropriate evidence, and are inconsistent with rates now being charged or promoted by other local authorities in the region.</li> <li>• The Regulations provide the Charging Authority with discretionary powers to grant relief in exceptional circumstances. We are concerned that the Council does not intend to implement any discretionary exemptions. By at least safeguarding the option for discretionary relief, the Council will be able to assess major development on a case by case basis.</li> <li>• The preparation and inclusion of infrastructure elements to the Regulation 123 List needs to be clearly defined and understood to avoid double counting (known as "double -dipping").</li> </ul>
13	Sarah Martin	Exigo Project Solutions	-	<ul style="list-style-type: none"> <li>• High cost associated with promotion of sites and this is not reflected in the viability assessment.</li> <li>• The CIL rate should be lowered for West Bexhill to facilitate and promote development at West Bexhill and should be put into lower CIL rate of £100 per sqm (Urban Extensions).</li> <li>• The CIL Regulations allow for the Council to provide further relief, at their discretion. However the Council has stated that this is not part of the charging schedule but may be published at a different time. A CIL relief policy should be introduced at the time of adoption to assist with housing delivery.</li> </ul>

				<ul style="list-style-type: none"> <li>• Review takes place on a 6 monthly basis rather than in 3 year intervals. Regular reviews are key to ensure that CIL does not stifle development in the right locations.</li> </ul>
14	Alan Byrne	Heritage England	-	<ul style="list-style-type: none"> <li>• The Regulation 123 list should include the protection, conservation and enhancement of heritage assets. CIL monies should also be used to fund archaeological investigations, access and interpretation and the repair and reuse of buildings.</li> <li>• The relevant evidence base should also include 'heritage at risk' assets and there should be discretionary relief for historic assets.</li> </ul>
15	Lizzie Cullum	Savills	Persimmon Homes Plc	<ul style="list-style-type: none"> <li>• Unviable Rates - RDC's proposed CIL rate for SUEs in Bexhill have been found to be unviable for residential development.</li> <li>• Incorrect Assumptions - A number of the key viability inputs adopted by PBA are incorrect. This results in an over-estimation of the maximum CIL rates that can be supported.</li> <li>• Application of Buffer - It is fundamental that a minimum viability cushion of 30% should be adopted within the proposed CIL rates to minimise risk to the housing supply, particularly when RDC has such a significant history of under delivery of private and affordable housing.</li> <li>• Charging Zones - RDC have proposed differential CIL rates by 'zone' (or geography) and type of development (greenfield or brownfield). Whilst the principle of applying differential rates is not questioned, the proposed Charging Zone Map prepared by Peter Brett Associates ("PBA") is unclear and overly complicated.</li> <li>• To view Savills representation on behalf of Persimmon Homes Plc please click on the following link:</li> </ul> <p><a href="http://www.rother.gov.uk/CHttpHandler.ashx?id=23612">http://www.rother.gov.uk/CHttpHandler.ashx?id=23612</a></p>
16	John Lister	Natural England	-	No Comment

17	John Long	Bidwells	Bovis Homes Plc	<ul style="list-style-type: none"> <li>• Bovis Homes Ltd supports the proposal that strategic allocations have their own charging zone.</li> <li>• Support is given to the introduction of an Instalment Policy.</li> <li>• Support is given to Exemption and Exceptional Circumstances policy.</li> <li>• Bovis Homes Ltd does not agree with the Regulation 123 List's exclusion of a new primary school and nursery at the NE Bexhill Strategic Allocation from the items covered by CIL.</li> <li>• The PBA report does not confirm whether the NE Bexhill Strategic Allocation threshold land value of £700,000 is related to a net developable hectare or gross developable hectare of the strategic allocation. The NE Bexhill SPD masterplan has a relatively low net to gross development ratio because of SPD policy requirements (green infrastructure, sports pitches, community facilities)</li> </ul>
18	Jonathan Dixon	JB Planning	Persimmon Plc	<ul style="list-style-type: none"> <li>• A lack of compliance with national guidance, the DCS is not in accordance with CIL Regulation 14 for a variety of reasons relating to both the evidence base (IDP) and Draft R123 List. The Council is likely to encounter significant problems with the impact of R123 on the pooling of S106 contributions post April 2015 unless the lack of transparency within the Draft R123 List is resolved. See Pioneer Report.</li> <li>• The introduction of a policy to offer discretionary relief for Exceptional Circumstances (i.e. in response to economic viability on a case by case basis for eligible developments as set out in the National Planning Policy Guidance) would be welcomed.</li> </ul> <p>To view the report by Pioneer please click on the following link:</p> <p><a href="http://www.rother.gov.uk/CHttpHandler.ashx?id=23609">http://www.rother.gov.uk/CHttpHandler.ashx?id=23609</a></p>

19	Ziyad Thomas	The Planning Bureau Ltd	McCarthy and Stone Retirement Lifestyles Ltd	<ul style="list-style-type: none"> <li>• Assumptions over communal floorspace provision for retirement home accommodation has been significantly underplayed and therefore undermines the validity CIL rate for this type of development. The Retirement Housing Group's (RHG) guidance advises that communal non-saleable floor space for Sheltered / Retirement housing is between 20%-30%. The level of communal floorspace tested is the lowest of the margins set by the RHG.</li> </ul> <p>Both Companies have provided number of developments within Rother and nearby Local Authorities in the recent past. Whilst efficiencies of under 25% are possible they are few and far between, with the majority of sheltered / retirement schemes delivered comfortably providing over 25% communal floorspace provision.</p>
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