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# Shepway District Council Community Infrastructure Levy Charging Schedule Examination

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Written Statement

# Written Statement to Shepway CIL Examination

Savills on behalf of Ellandi LLP

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## 1. Introduction

- 1.1. This Written Statement is submitted by Savills (UK) Limited in respect of the Shepway District Council ('SDC') Community Infrastructure Levy ('CIL') Examination, on behalf of Ellandi LLP (herein referred to as 'Ellandi').
- 1.2. Ellandi has previously submitted representations to the Shepway Preliminary Draft Charging Schedule (PDCS) in October 2014 and Draft Charging Schedule (DCS) in March 2015.
- 1.3. The purpose of this statement is to set out our responses to the specific questions raised in the Inspector's Matters, Issues and Questions Examination programme document issued (PD003-1). It is intended to supplement the comments previously submitted to SDC and does not reiterate those representations previously submitted.

## 2. Matters, Issues & Questions

2.1. This statement focuses specifically on Matter B: Retail, Strategic and Non-residential Developments. The responses are set out under the relevant issue / question.

### Issue 1: Retail Developments

*ii) With regard to the Council's submitted evidence, is there any justification for a different retail zone or zones that that proposed?*

2.2. Ellandi are of the view that the proposed levy rate for new retail floorspace within the Folkestone Town Centre Area is justified by up to date appropriate available evidence.

2.3. The principle of charging differential CIL rates across a range of uses is set out within the 2010 CIL Regulations as amended and the supporting guidance outlined in the National Planning Policy Guidance (NPPG), which states Charging Authorities are able to introduce differential CIL rates:

*"The regulations allow charging authorities to apply differential rates in a flexible way, to help ensure the viability of development is not put at risk. Differences in rates need to be justified by reference to the economic viability of development. Differential rates should not be used as a means to deliver policy objectives.*

*Differential rates may be appropriate in relation to -*

- *geographical zones within the charging authority's boundary*
- *types of development; and/or*
- *scales of development.*"<sup>[1]</sup>

2.4. The above therefore confirms that Charging Authorities are able to introduce differential CIL rates where they are based on one or more of the three criteria above and they are supported by viability evidence. The fundamental premise of viability is that, to enable delivery, sites must achieve a competitive land value for the landowner and provide developers the required return on investment, otherwise development will be stifled.

2.5. The evidence prepared by Shepway Council in support of differentiated rates complies with the requirements outlined.

2.6. The Adopted Core Strategy sets out that the majority of Shepway's commercial floorspace and the majority of the Urban Area's housing development will take place in Folkestone, to enhance its role as a sub-regional centre. The emerging Local Plan also gives encouragement to boosting the town centre retail offer. The submitted evidence demonstrates that the viability of development of this type within the town centre would be significantly impacted upon if a CIL charge were to apply within the town centre.

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<sup>[1]</sup> NPPG, paragraph 21, reference ID 25-021-20140612, accessed 8<sup>th</sup> October 2015

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*ii) With regard to the Council's submitted evidence, is there any justification for a different classification of retail and related development types than that proposed?*

- 2.7. We support the classification set out within the CIL Charging Schedule which defines retail development as comprising A1, A2, A3, A4 and A5 use classes.
- 2.8. Folkestone Town Centre is currently under represented in its food, drink and leisure offer. As the main town centre within the District it should be the focus for development of these uses to increase footfall and dwell time. The inclusion of use classes associated with this offer within the retail classification is justified within the Council's submitted evidence and is therefore supported.